

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, July 17, 2017

Board Members Present:

Paula Proulx, Chairman
Neil Johnson, Vice Chairman (6:30 p.m.)
Charlie King
Ann Titus

Board Members Absent:

Jim Horgan, excused

Others Present:

Town Administrator Arthur Capello

1). Call to Order:

Chairman Proulx called the meeting to order at 6:10 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Public Input: None.

4). Review of Minutes:

June 19, 2017- Public meeting minutes- No errors or omissions

Motion: (Titus, second King) to accept the minutes as written passed 3-0.

June 19, 2017- Non-Public Session A – No errors or omissions

Motion: (Titus, second King) to approve the minutes as written passed 3-0.

June 26, 2017- Public meeting minutes- No errors or omissions

Motion: (King, second Titus) to approve the minutes as written passed 3-0.

June 26, 2017- Non-Public Sessions A-G – No errors or omissions

Motion: (King, second Titus) to approve the minutes as written passed 3-0.

July 10, 2017- Public meeting minutes- No errors or omissions

Motion: (King, second Titus) to approve the minutes as written passed 3-0.

July 10, 2017- Non-Public Sessions A- D- No errors or omissions

Motion: (King, second Titus) to approve the minutes as written passed 3-0.

5). Board Appointment:

Mr. Capello told the board that an application was received from Joanne Shomphe requesting to be appointed as a regular member of the Zoning Board of Adjustment for 1 year. He said she would need to be appointed as an alternate member as there are some members who have not shown up for meetings but have not officially resigned their positions on the board.

Motion: (King, second Titus) to appoint Joanne Shomphe as an alternate member of the ZBA for a one year term.

Discussion: Chairman Proulx asked if they dealing with the issue of the members who are not showing up for meetings.

Mr. Capello said he will check with the ZBA Chairman at the next meeting to find out.

Vote: The motion passed 3-0.

6). Review of Policies:

A). Public Safety Building General Order Policy-

Purpose- To assist dept. personnel with maintaining the new building including traffic flow, postal service, the Emergency Operations Center(EOC), maintenance of the EOC and outside maintenance.

Mr. Capello said they realized the need for a policy to handle certain situations at the building because the Town has never had one building of this size that housed all of the emergency responders in one building. He said the Police and Fire Chiefs both contributed to the policy that not only addresses some maintenance issues but also ensures good traffic flow and easy access for people entering/exiting the building.

Selectmen made the following recommendations/revisions:

Traffic Flow – Add the RSA number to the end of the last line.

Mark the driveway asphalt with a 10 M.P.H. speed limit.

Designate public parking areas in front of the building.

Install Do Not Enter signs at the emergency vehicles exit.

Instruct the staff to park behind the building during training/public events.

Emergency Operations Center – Change the word “billed” to “built” in the third sentence.

Add the Police Dept. Secretary to the last line.

Mr. Capello will obtain more information on how the calendar works and suggested the calendar be made available for public viewing but to restrict scheduling access to those persons with administrative rights to the site. He said there is no charge for use of the room.

Fire Chief James Reinert sent a text message informing the board that use of the Google calendar is by invitation only.

Maintenance of the EOC- Mr. King said the use of a request form for outside groups to use the room seems a little formal and questioned if it would actually be used.

Mr. Capello said this is the same procedure currently in use for requests to use Town buildings.

Outside Maintenance- Strike “Highway Department” and add “or designee” after “Town of Farmington” in the first sentence.

Mr. Capello suggested it be changed as the Highway Dept. is not currently performing the maintenance and there may be future occasions where the work may be done by someone else.

Mr. King said he agreed with the plan to have employees maintain the shoveling in front of the bay doors, front and side entrances and walkways as the snow must be pushed out away from the building so the plow trucks can clear it away.

Ms. Proulx suggested they also be tasked with checking for ice build-up in front of the gutters and the bays.

Mr. Capello said he would consult with the Chiefs about the recommended changes and return the revised policy to the board for additional review.

B). Complaint Procedure-

Purpose- To provide a procedure to file complaints that is simple to use, deals with issues as quickly as possible and ensures complaints are followed up.

Mr. King asked if the draft policy is currently being followed.

Mr. Capello said the staff is following the old policy already in place. He noted the new policy is not very different from the old policy.

Ms. Proulx said the Town has previously used a form for complaints but it did not have a written guide or instructions attached to the form.

Mr. Capello said the procedure was changed so that the Selectmen's Secretary forwards all complaint forms to the Town Administrator for review and they are then forwarded to the related dept. head instead of the Secretary giving the complaint form directly to the dept. head.

Selectmen said the change in procedure would allow the Town Administrator to become aware of the issue and to follow up to see that it was addressed.

Ms. Proulx expressed concern about the RSA that mandates a time limit for issues to be addressed.

Mr. Capello said the RSA 231:91 only pertains to road issues. It states the Town must be notified in writing of an issue and that within 48 hours of the written notification the Town must take some action to address the issue, but not necessarily to fix the matter, such as placing a cone before a pot hole he said. He added that posted complaints made on the Community Forum Facebook page are not considered complaints made in writing to the Town.

Mr. King asked about e-mail complaints received by Selectmen.

Mr. Capello said if the e-mail is forwarded to the Selectmen's Secretary it would be considered a written complaint.

Mr. King then asked about e-mail complaints that Selectmen don't forward to the Town because they are on vacation or due to some technical problem.

Mr. Capello said if the complaint was sent only to one board member that member alone is just a resident and can't do anything about it other than to pass it along to the Town. But if the complaint was sent to all of the members he could not imagine a scenario where all of them are on vacation or are unable to forward the e-mail at the same time he said.

Ms. Proulx said the board has reviewed and discussed this policy multiple times.

Mr. Capello asked if the board was ready to approve and sign the policy.

Motion: (Titus, second King) to accept the Complaint Procedure as written.

Discussion: Mr. King asked if Mr. Johnson and Mr. Horgan had given any feedback to the proposed policy.

Ms. Proulx said they have had several discussions where they have expressed their views on the issue.

Mr. King then suggested if either member has any real concerns with the policy it could be revised at a future date.

Vote: The motion passed 3-0. The board members then signed the policy.

Vice Chairman Johnson arrived and joined the board at 6:30 p.m.

C). Town of Farmington Official Facebook Page Policy-

Purpose- To set policy guidelines related to the Town of Farmington Official Facebook Page.

Top of the Page – Strike “Town Sponsored Facebook Page Policy” as it is redundant to the title.
Section 2.0 Policy- Mr. King asked for an explanation of the last sentence which states the board will be notified of any denial of material for the page.

Mr. Capello said it means if he denied something for publication the board would be notified and noted that the sentence was added by request of the board.

Discussion then included examples of the types of material that would be denied publication such as political or religious opinions, if the policy should address types of postings to be denied, if organizations’ meeting/event information should be posted and all postings are subject to final approval of the Town Administrator.

Consensus of the board was to restrict the Town Facebook Page to Town information only as there will be a place for community events/information on the new Town website.

Mrs. Titus suggested that the policy state this is just one of the ways the town provides information to the public so people can’t say “Well, it wasn’t on Face Book”.

Ms. Proulx suggested when the page is set up that a note could be put at the top of the page with a disclaimer stating that the page is not the only source for Town information.

Mr. King suggested that a link to the other sources of information be included on the Face Book page.

Mr. Capello said he probably would not get the Face Book page up until after the new Town website is up and working as everything links to each other.

Section 3.0 Procedures, Line 3.4 - Mr. Johnson asked if individuals will not be allowed to comment on the Town page why there would be a need to deny access to the page as stated in this line of the policy.

Mr. King said he took that line to mean Town employees and suggested the words “or employee” be added after the word “individual”.

Line 3.5 - Mr. Capello said this section, which states that dept. heads, employees and officials may request the Town Administrator to post content on the Town Page but the Town Administrator will have the final say as to what is being posted is the reason the last line of Section 2.0 (Selectmen will be notified of any denial of material) was added to the policy.

Line 3.6 – This line requires staff to use social media in such a way so as not to violate the spirit and intent of RSA 91-A known as the Right to Know law.

Mr. King asked how the law would be violated by posting public information and asked if meeting minutes would be posted on the Town page.

Mr. Capello said the page is intended for informational purposes and would contain meeting dates but would not contain the content of any meetings. Meeting minutes will continue to be posted on the Town website he said.

Consensus of the board was to remove Line 3.6 from the policy.

Mr. Capello will make the requested revisions and return the policy to the board for further review.

D). Procedure for Responding to a Request for Information Pursuant to RSA 91-A-

Mr. Capello requested the board postpone review of this policy to allow time for the Town

Attorney to complete her review of the draft policy.

Consensus of the board was to postpone review of the policy.

E). Rules and Regulations for the Conduct of Raffles/Tagging (RSA 287-A) -

Mr. King asked if the policy mirrors state law or if it is making it more complicated than it needs to be.

Mr. Capello said the new policy mirrors state law and is intended to bring the Town into compliance with the provisions of RSA 287-A.

Rule 1 – Change the word “signal” to “single” in the second sentence.

Mrs. Titus asked if the town would be charging kids for tagging events.

Mr. Capello said there is no fee for a raffle/tag permit.

Ms. Proulx said there was a question during the previous discussion about the ability to issue a permit for one year and that the RSA states the town can issue a permit for up to one year. She asked if an organization is given a “blanket” permit if they are allowed to hold a raffle/tagging any time anywhere as long as they are following the rules.

Mr. Capello said they would need the property owner’s permission each time but it would be very inconvenient to ask an organization that holds multiple events each year such as the 500 Boys and Girls Club or the Woman’s Club to come in for a permit for each event.

Ms. Proulx said this is not an attempt to control the raffles and where they are held.

Mr. Capello said it more to show that the raffle is legitimate. He recalled an issue last year where individuals conducting tagging were implying they were part of a certain organization but weren’t.

Mr. Johnson asked where it says the permit would be valid for 1 year and asked if it would be valid for a calendar year. He suggested it may be easier to maintain permits valid for the calendar year than to have each organization with a floating permit expiration date.

Ms. Proulx said the one year period is found in the RSA 287-A: 7 and that it states the permit may be extended to one year from the date of issuance. She said the law says the board “may” extend the permit for one year but does not say they “may” extend it for whatever date they want.

Mr. Capello said the law doesn’t say you have to extend it so he interpreted that to mean the board could decide what date they want. He suggested he could add a line to rules and regulations that permits may be valid for up to one calendar year.

Ms. Proulx said she agreed that the law says the board may extend it up to one year but it is a matter of interpretation as to whether it means one calendar year or one year from the date of issuance of the permit.

Mr. Johnson suggested they just need to clarify the length of validity in the town rules.

Ms. Proulx said Mr. Capello could ask the Town Attorney about the matter the next time he is talking to her.

F). Memorandum of Understanding (MOU) for Special Events between the Town of Farmington and the Farmington School District-

Purpose- To provide understanding between the Town of Farmington and the Farmington School

District of who is responsible to ensure payment to the Town or the School District for expenses dealing with the required resources for special events.

Mr. Capello said the policy was drafted following Donald Trump's visit to town last year.

Ms. Proulx asked if anything has been rectified or if there is an understanding between the Town and School District regarding the reimbursement of expenses for use of town or school facilities.

Mr. Capello said the matter has not been resolved.

Mr. King said that last year when he was Selectmen Chairman he spoke with School Board Chairman Joel Chagnon and told him Selectmen were going to include the MOU on their work list and that Mr. Chagnon was receptive to looking at it when it was drafted.

Ms. Proulx suggested it could be forwarded to the School Board to review and then provide their thoughts to Selectmen. The 2 boards could then discuss it together so "one hand knows what the other hand is doing" she said. She added that it was the first time that type of event was held in Farmington and unfortunately the Town was not prepared for it.

Background- Change "ad" to the School and Town "are" reimbursed...

Purpose- Mr. Johnson said he didn't like the phrase "non-school functions" used in this section.

Mr. Capello suggested changing it to "Town or School".

Reporting- Strike the letter "d" from "provided", change "inot" to "into" and add the word "a" after "If" in the last sentence.

Funding- Ms. Proulx said the funding place holder should be stricken from the MOU as its purpose is to ensure there is contact between the Town and the School District so expenses can be captured and paid for by whoever is renting the facilities.

Selectmen asked Mr. Capello to make the corrections and remove the red lines from the draft and send it to the School Board for their review.

Mr. Johnson then briefly revisited the Complaint Policy and questioned if "complainant" is the correct word and asked if it should be amended to "complaintant".

Mr. Johnson said he would look up the correct spelling before he would sign the policy.

G). Fireworks Policy-

Mr. Capello asked the board if they wished to review the Fireworks Policy drafted by Fire Chief James Reinert.

Consensus of the board was request the new policy proposal be put in their meeting packets for the next meeting to give the board time to review it before discussing it.

7). Town Administrator's Business:

Request for copy of Appraisal- Mr. Capello said an abutter to the old Fire Station lots has requested a copy of the appraisal done on the property and that the abutter may interested in purchasing one of the 3 lots. He said the board has not yet released the appraisal and sought direction from the board.

Motion: (King, second Titus) to make the appraisal public upon request.

Discussion: Mr. Johnson asked if there was any information in the appraisal that should not be made public at this time.

Mr. King noted that the taxpayers paid for the appraisal.

Ms. Proulx added that it is only an appraisal not an asking price and that the board was trying to get an idea of the potential value/use of the property.

Vote: The motion passed 4-0.

8). Additional Board Business:

A).Joint EDC/Planning Board Meeting- Mrs. Titus asked the dates for the joint meeting on economic development with Selectmen.

Mr. Capello said the Economic Development Committee has narrowed down the dates to July 24th or July 31st and that he planned to attend the Planning Board meeting the next day to discuss when they are available to meet.

B). Streetlights- Ms. Proulx asked if there has been any progress with the non-functioning street lights in Town.

Mr. Capello said they have been entered into Eversource's notification system but it is unknown as to when they will be repaired.

Ms. Proulx said she would like to know how many lights are not working and their locations and asked Mr. Capello to provide the board with a copy of the list compiled by the Police Dept. for the next meeting. She added the town is spending a lot of money for lights and there are dark areas in town that don't need to be.

Mr. King said the Town should be reimbursed for the time that the lights are not on and that there must be a mechanism for the reimbursement. He suggested that when Eversource stops getting paid for the lights maybe they will get the lights back on.

Ms. Proulx said there must be a way to push them into action and that the board should find out what the mechanism is to make them do so.

C). TDS PEG Channels- Mr. Johnson said the Public-Education-Government channels went down Tuesday and that he opened a trouble ticket with the company on Thursday and they are still down today. He said the screen displays an error message with the MetroCast PEG channel number (Channel 26) and the TDS Channel is 28 so he is interpreting that to mean that MetroCast is sending TDS a signal but it may not be the right signal. TDS subscribers are not receiving Town meetings and getting an error message instead. TDS needs to track it down and determine the problem he said.

Mr. King reported that a resident informed him that MetroCast was just bought out by another company and asked if it would have any effect on the agreement with the Town.

Mr. Johnson said it will have no effect as the Town has signed contracts with both companies.

Recess: Motion: (King, second Johnson) to take a 5 minute recess passed 4-0 at 7:10 p.m. The meeting reconvened at 7:15 p.m.

9). Non-Public Session A:

Motion: (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (a, c) Compensation, Reputation passed 4-0 by a roll call vote (Proulx, Johnson, King, Titus-yes) at 7:15 p.m.

Motion: (King, second Titus) to come out of non-public session passed 4-0 at 7:45 p.m.

Motion: (Johnson, second Titus) to seal the minutes passed 4-0.

10. Non-Public Session B:

Motion: (King, second Johnson) to enter non-public session under RSA 91-A: 3 II (a, c) Compensation, Reputation passed 4-0 by a roll call vote (Proulx, Johnson, King, Titus- yes) at 7:45 p.m.

Motion: (King, second Johnson) to come out of non-public session passed 4-0 at 8:45 p.m.

Motion: (King, second Johnson) to seal the minutes until the process is complete passed 4-0.

11. Non-Public Session C:

Motion: (King, second Johnson) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 4-0 by a roll call vote (Proulx, Johnson, King, Titus- yes) at 8:45 p.m.

Motion: (Johnson, second Titus) to come out of non-public session passed 4-0 sat 9:30 p.m.

Motion: (Johnson, second King) to seal the minutes passed 4-0.

12. Next Meeting: Monday, July 24, 2017

13. Adjournment:

Motion: (King, second Johnson) to adjourn the meeting passed 4-0 at 9:30 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Charlie King

Ann Titus