

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, October 2, 2017

Board Members Present:

Paula Proulx, Chairman
Neil Johnson, Vice Chairman
Charlie King
Ann Titus

Board Members Absent:

Jim Horgan, excused

Others Present:

Town Administrator Arthur Capello
Police Chief Jay Drury
Fire Chief James Reinert
DPW Director Jason Gagnon
Town Planner Dan DeSantis
Rec. Dept. Director Rick Conway
Debra Vangelder, Town Players
Mary Barron, Town Players

1). Call to Order:

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

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Public Input: None

4). Review of Minutes:

September 25, 2017 – Public Session, Agenda item #7- Amend the title “Players Club” to “Town Players”

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

September 25, 2017- Non-Public Sessions A-F:

Motion: (Titus, second King) to approve Non-Public Sessions B through F as written passed 4-0.

Consensus of the board was to table Non-Public Session A for discussion in non-public session at the end of the public meeting.

Motion: (Johnson, second Titus) to unseal Non-Public Sessions B, D, E and F passed 4-0.

Motion: (King, second Johnson) to unseal Non-Public Session C passed 4-0.

5). Town Players:

Ms. Vangelder came forward and asked the Chairman’s permission to make a statement before they revisit the discussion from the last board meeting. She said she became aware of an article printed in the Puddledock Press seeking public support for the Town Players. The article was not written with the group’s support or approval. The writer does not speak for the group and the opinions written in the article are the author’s and the author’s alone. She said the group appreciates the openness of the previous board meeting and the board’s efforts to help them find solutions to the issues affecting the Town Players.

Mr. Capello said he had several discussions with Primex and legal counsel and both recommended the Players obtain their own insurance coverage as Primex won't cover them even if they are sponsored by the Town or approved by the board. He said legal counsel did not recommend the group become part of the Town due to the number of hoops the group would have jump through and they would essentially have to become Town employees.

Chairman Proulx asked Mr. Capello what he would recommend going forward for the group.

Mr. Capello said he would recommend that the Players get their own insurance and said he was approached by a local insurance agent who said it may be possible for them to obtain liability coverage for \$500 a year.

Ms. Vangelder said she was also approached by the agent and the group is currently looking into getting insurance coverage.

Mr. Capello said if the group becomes a non-profit organization they could come to the board and request a waiver of the building rental fee. He said he would not recommend that the board waive the staffing fee and volunteered to provide some staff coverage for the group when his schedule permits.

Mr. Johnson asked why the policy requiring staff coverage and the related fee was put in place.

Mr. Capello said it was due to some users leaving the place in a mess, damage to Town property and not locking up when leaving the building. He added there are currently no criteria in place for who can or can't get a key to the building if the board decides to waive the staffing fee.

Mr. King stated he has an issue with this policy and was the dissenting vote when it came before the board. He said it is wrong not to decide who can get a key on a case by case basis and noted that the Players have never had a problem with what they have been asked to do. He said he could agree with the need for staff coverage on a show night as there are a lot more people coming and going during an event.

Mary Barron said the group would not be opposed to paying for staff coverage on the night of a show but it becomes a financial issue for the group with more than 30 rehearsals during the year.

Mr. Johnson asked who would get a key to the Town Hall building for the group's use.

Ms. Vangelder said the key holder would be whomever the board chose as the right person.

Ms. Barron asked if the waiver were granted if it would only be valid with the present Board of Selectmen.

Mr. King said it would be valid for 1 year from the date of issuance.

Mr. Capello advised if the board was considering waiving the staffing requirement not to make a motion regarding any waivers until it is decided who will hold the key and to restrict its use to scheduled rehearsals only.

Consensus of the board was to recommend that a representative of group write a letter to Mr. Capello requesting a waiver for the staff fee for the show rehearsals.

Mr. Capello then clarified that the waiver does include waiving the requirement for insurance coverage.

Ms. Vangelder said they are awaiting price quotes for a \$1 million insurance policy and they will discuss it when the information is received.

Mr. DeSantis said as a 501c3 the group could accept donations that would be tax deductible to the donor.

Mr. King said the group would need to apply for non-profit status at the state and federal levels and if approved they could receive donations from all over the country. Businesses could use their donations as a tax write-off he said.

Mr. Capello suggested the Players could talk to the Farmington Improvements Committee about the process of becoming a non-profit organization.

Ms. Barron said she viewed the Rec. Dept. revolving account and noted the spreadsheet with tabs containing information about each program, balances and expenses and asked how to add the Town Players as a tab on the spreadsheet.

Mr. Johnson said they would have to become part of the Rec. Dept. under the direction of the Director and would have to undergo background checks, etc. as if they were Town employees.

Mr. King said as an independent group with its own insurance coverage it would open up more avenues for partnering with other theater groups for joint productions or to conduct fundraising activities out of town if they chose to do so.

Mr. Capello said that the next steps for the group would include writing a letter requesting a waiver of the staffing fee, provide the name of the proposed key holder, fill out the waiver request form for the building fee for the rehearsals with the “quid pro quo” in exchange for the fee waiver, move the checking account and to work on obtaining insurance coverage.

Ms. Vangelder said she would be the contact person for the group going forward.

Mr. Capello suggested the group could try to schedule their meetings at the Municipal Office Building on a night when there is a committee meeting and use his office to meet.

6). Planning Update/Master Plan Feedback:

Master Plan- Mr. DeSantis told the board he went through the 2005 Master Plan and compiled a list of recommended actions from the plan. He said he compiled the list to show the board the types of actions that were approved and recommended by the board and to show that a traditional Master Plan with a lot of actions thrown into it, forces the plan to be put on the shelf.

He said he viewed Master Planning differently from traditional Master Plans and suggested the updated plan should include a chapter that shows action plans that can be implemented over a 10 year period. This will force some kind of shared accountability, make the plan more realistic and bring forth the kinds of steps needed to implement the plan he said.

Mr. DeSantis said some of the actions on the list have been implemented but some of the recommendations are so vague they are mostly rhetoric. He said that the updated plan should look forward but be implementable too.

Chairman Proulx asked if Mr. DeSantis will have suggestions on how to make the plan more implementable.

Mr. DeSantis said he will provide a chapter that will include the how, where, when and who for implementation of the recommendations.

Ms. Proulx said that the Planning Board has been tasked to start the implementation of the plan.

Mr. DeSantis said he planned to speak to the Planning Board about the Master Plan update at

their next meeting. He added that since Selectmen approved the plan it is a Town document.

Grant Application- Mr. DeSantis then said the Town has applied for the NH Municipal Technical Assistance Grant in the amount of \$20,000 and the application was submitted the previous Friday. He said a consultant was required to prepare the application and to conduct the grant if it is awarded to the Town. An individual has come forward to contribute \$4,500 toward the 20% match that must be provided by the Town and the Town will only have to pay \$1,500 he said.

Mr. DeSantis said the grant will be used to fund a study where the former Fire Station property will be used as a test case for using Form Based Codes as a basis for potential development of the property. He said the study will be prepared to the point where it could be taken to developers to show them what the town wants.

He said he also planned to discuss language for a potential Town Ordinance regarding first floor residential units downtown and Permitted Uses in the commercial corridor on Route 11 with the Planning Board at their next meeting. He then asked if the board had any questions or concerns. Mr. King said there were some lofty goals contained in the Master Plan when it was accepted 12 years ago such as the “view sheds” and protections which have the potential to be overly restrictive. He suggested they should be careful not to go in a direction the community doesn’t want to go in regarding lot sizes in rural areas and density when implementing the plan. He said many residents want to protect the quality of life and some want to keep it pretty much as it is without a lot of quick changes.

Mr. DeSantis said he hoped the updated Master Plan would be developed through consensus of the community.

Ms. Proulx said the 2005 Master Plan had a large outreach program to the community conducted over several years.

Mr. Capello said a warrant article is planned seeking voter approval to update the Master Plan over a two year time frame.

Mr. DeSantis said he felt that 6 pages of recommended actions was “too much” to implement.

Mr. King said some of the recommendations from the plan are redundant and that some of the things on the list have been done.

Mr. Johnson asked for an update on the economic development programs offered by the UNH Cooperative Extension.

Mr. DeSantis said his plan was to make one of the Cooperative Extension programs part of the grant if awarded to the town.

Mr. Johnson said the board was looking for feedback about which program would benefit the town at this time.

Mr. DeSantis said he recommended the town participate in the Community Engagement Program as he felt the team’s strength lies in community involvement and obtaining information from the community.

Mr. Capello said the town will only have to come up with \$1,500 from this year’s budget to

cover the UNH program and the town's portion of the grant thanks to the generous donation from the individual that wrote the grant application.

7). Wage Study:

Mr. Capello provided the board with copies of the proposed questionnaire to be sent to chosen communities for the wage classification study to be performed by the board. He asked Selectmen to review the questions and make additions, deletions or corrections if needed.

Mr. King suggested they also request job descriptions from the participating towns as the job titles or duties for the same position may differ from town to town.

Mr. Johnson suggested that question #5, Pension/Retirement, should include whether the municipality does or does not participate in a retirement program and what percentage is paid to the employee's plan by the town.

He also suggested that question #12, Comp. Time Off and Amount Allowed to Carry, the category should say "Carry Over" and should also ask for the time period allowed for carry-over of time off.

Mr. Capello said he will make the requested changes and send out the questionnaire to the communities chosen by the board at the previous meeting.

8). Town Administrator's Business:

Closing December 22 at Noon- Mr. Capello requested the board approve closing of the Town Offices at noon on Friday, Dec. 22 for the employee Christmas luncheon.

Consensus of the board was to approve the early closure for that day.

Town Christmas Tree- The board reviewed a memo from Rec. Director Rick Conway requesting to utilize the tree at the Municipal Offices as the Town Christmas Tree this year instead of putting a tree at the intersection of Central and Main Streets. Mr. Conway wrote that the Police, Fire and Public Works Depts. have also expressed concerns regarding the traditional location of the tree and that the living tree at the Town Offices was donated by the Conservation Commission with the intent of being the Town's official Christmas Tree.

Mr. Conway came forward and said the dept. is getting ready to plan the annual tree lighting and festivities for Dec. 1, 2017 in coordination with the Police, Fire and DPW depts. He said the dept. heads have expressed concerns with the Central Street location and recalled that in past years before the tree started to die, the big tree at the former Fire Station was used and worked out well as it was in an area where it wasn't getting hit by trucks and people could safely walk around it to view it. Then last year the tree was relocated to the traditional location because the tree at the Fire Station had died he said.

Mr. Capello asked the board if the tree outside the Municipal Office Building could be used as the official Town Christmas Tree as it has now grown to a decent size. He said the Town always gets complaints about the size of tree and that the tree gets hit by large trucks in the Central Street location.

Ms. Proulx said there is a faction in town that likes to keep the old traditions.

Mr. Capello said before the last 2 years the traditional location has not been used for many years

and we wouldn't be using it now if the tree at the old Fire Station hadn't died.

Mr. Johnson said there were a number of people who told the board they wanted the tree back in downtown and the death of the tree at the Fire Station helped their cause.

Consensus of the board was to keep the official Town Christmas Tree at the Central Street location.

Mrs. Titus and Mr. King said they did not have a problem with multiple trees and the Rec. Dept. could also decorate the tree donated by the Conservation Commission if they wished to do so.

Mr. Conway said he has donated lights for the downtown tree to replace the ones broken when the tree gets "taken out" by a vehicle but said he will not be able to keep doing that.

Selectmen said they would figure out a way to get more lights if needed.

Fire Chief James Reinert said the Fire Dept. helps to decorate the tree and does not mind helping but this is a dangerous situation with a \$500,000 ladder truck parked in the middle of the intersection and speculated that the truck could get hit someday and someone could get hurt. He said the dept. has had to return to the site several times when the tree has been hit and the guide wires have been ripped out or damaged light strings have had to be replaced. He said he is all about tradition too but that this is a safety issue.

Mrs. Titus suggested that a Police cruiser be stationed to block the intersection while the tree is being decorated.

DPW Director Jason Gagnon said he was a "newbie" to this situation and said he was told that most of the issues have been with the guide wires securing the past trees. He said Jersey barriers could be used to protect the tree from passing vehicles at the Central Street location but that would also reduce the width of the passageway. He said there is also some "gray area" as to what is maintained by the Town and what is maintained by the state in the area of the Central and Main Streets intersection and offered to look into the matter. He said at one time the trees were secured by a guide wire from the top of the tree to a nearby building but did not know if that is still a possibility.

Discussion included using a sturdier tree stand without guide wires, using the bucket truck instead of the ladder truck to decorate the tree, installing an oversized sleeve into the ground for a tree stand and using the new telephone poles for the guide wires if needed.

Police Chief Jay Drury came forward and the board asked about the plans to decorate the Public Safety Building for the holidays.

Chief Drury said the plans haven't been finalized and he did not know if it would include a decorated tree but would probably consist of lights in the windows and a wreath for the door.

EOC Room- Chief Drury then told the board that the Emergency Operations Center room at the Public Safety Building will be the site of a 13 agency training seminar and the Police Dept. will get a free seat at the training session as the host of the session. He said the facility has been attracting a lot of interest from other agencies looking for training sites.

Levee Study - Mr. Gagnon came forward to discuss the results of hydraulic modeling of the Cocheco River for the levee study. He said the Army Corps of Engineers is requiring repair of the levee and maintenance of the geometry of area back to the original design developed in the

1950's. The design requires that a certain amount of water be able to pass through the channel without overtopping the river and flooding the area he said.

Mr. Gagnon said the Main Street Bridge is no longer a choke point as an abutment was removed during the replacement of the bridge and the water level/design flows will now meet the original design specifications. He said a meeting is planned with the Army Corps and NH Dept. of Environmental Services to review the results of the study and determine the next steps to complete the work.

Town Wells- Mr. Gagnon then told the board that Town Well #5 was down for cleaning and that the pitless adaptor that seals the pipe connected to the distribution system keeps losing its seal and pumping water back into itself and needs to be replaced.

The board discussed work done to the well previous to the cleaning, the need for water sampling and testing before the well can be put back online, improving water quality of the wells, backup plans in case a well goes down and some promising sites for replacement wells have been found.

Motion: (Johnson, second Titus) to authorize payment of \$5,203 for the replacement of the Pitless Adaptor on Town Well #5 and authorize the Town Administrator to sign the contract;

Mr. King asked about the labor and materials needed for the replacement project.

Mr. Gagnon explained the Town would provide the excavation needed and gave a description of the materials and labor to be provided by the installer.

Vote: The motion passed 4-0.

Mr. Capello then asked the board to vote to allow him to sign and submit the application for the loan to identify and inventory the Town's clean water and storm water management assets.

Motion: (Johnson, second Titus) to authorize the Town Administrator as the Town's representative for the purpose of submitting the SRF application and furnishing such information, data and documents pertaining to the loan with respect to the Clean Water and Storm Water Asset Management Project passed 4-0.

Blue Road Marks- Mr. Gagnon told the viewing audience that the blue marks in front of some residences are to identify the location of valves so they may be entered into the GPS system for the Assets Management Plan. They do not signify any plans to conduct any digging he said.

Social Media Policy- Selectmen reviewed the proposed revisions of the policy recommended by the Town Attorney and the Primex insurance attorney.

Mr. Johnson said there a few places where there are spaces missing between words and suggested that in Section D, Procedure 1a to strike "his or her" to read "...the appropriate Department head or designee" and on Page 2, Section E, Personal Use and Personal Social Media Sites, Item #2 to strike the second number 2.

Motion: (Johnson, second Titus) to accept the Social Media Policy as amended passed 4-0.

Policy Signatures- Mr. Capello asked the board to sign some policies previously approved by the board but they had neglected to sign.

TA Time Off- Mr. Capello reminded the board he would be out of the office on Friday, October 6.

Eagle Scout Project Request-Selectmen reviewed a letter from Kyle Forslund who is member of

Boy Scout Troop 188 regarding his Eagle Scout project to remove and install a new boiler at the American Legion Post. He requested the board waive the \$50 mechanical permit fee for the project.

Mr. King asked if this is the type of installation that needs to be performed by a licensed professional.

Mr. Capello said a licensed professional will conduct the installation and Mr. Forslund will coordinate the fundraising for the project.

Motion: (Johnson, second King) to waive the inspection and permit fees for Kyle Forslund's Eagle project passed 4-0.

Assessment of Rochester Properties- Mr. Capello said the Assessing Clerk was contacted by the City of Rochester's Chief Assessor in regards to the value assessments of the watershed properties in Farmington owned by Rochester. The Chief Assessor requested a meeting with Selectmen and Mr. Capello to discuss the property assessments and a proposal to set up a PILOT (Payment In Lieu Of Taxes) arrangement with the Town.

Mr. Capello said he would like the Town's Assessor to meet with Selectmen before scheduling a meeting with Rochester officials.

Mr. King asked about the status of property that surrounds the reservoir.

Mr. Capello said the property was in Current Use but it is legal for it to be placed in that category.

Mr. King asked for the assessed value of the properties.

Mr. Capello said he thought the total value of the property is about \$1 million.

He said the City agrees that the land should not be in Current Use based on the fact that they have requested to negotiate a PILOT payment plan but are contesting the assessed value of the land.

Mr. King asked if a precedent has ever been set about setting up a PILOT plan in this type of situation that the Town Assessor could bring to the meeting.

Mr. Capello said he did not know if there is a precedent for this situation and will ask the Assessor.

Mr. King said that if the Town and City end up disagreeing about the land value or PILOT payments he would not want to end up in litigation without knowing if there is a precedent for this type of PILOT plan. He added this may or may not be the first time that a town or city has owned a reservoir in another town.

9). Additional Board Business:

First Night Meeting- Mrs. Titus said there will be a First Night meeting on Wed. Oct. 4 at 6 p.m. at the Friends of Farmington Building. She said Sharon Turner is the group chairman and asked everyone to attend the meeting, bring their ideas and plan a wonderful night of New Year's Eve activities. Children's activities are planned from 7-9 p.m. and adult activities are scheduled for 9 p.m. to 12:30 a.m. she said.

Mr. King suggested they encourage the downtown businesses to be open that night and

community residents to participate in the events.
Mr. Capello said he planned to represent the Town at the meeting.

10. Non-Public Session A:

Motion: (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (b, c) Hiring, Reputation passed 4-0 by a roll call vote (Proulx, Johnson, King, Titus-yes) at 7:40 p.m.

Motion: (Johnson, second Titus) to come out of non-public session passed 4-0 at 8:50 p.m.

11. Non-Public Session B:

Motion: (Johnson, second Titus) 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 8:50 p.m.

Motion: (Johnson, second Titus) to come out of non-public session passed 4-0 at 8:55 p.m.

Motion: (Johnson, second King) to accept the minutes of Non-Public Session A of Sept. 27, 2017 as amended passed 4-0.

12. Resignation:

Motion: (Titus, second King) to accept the resignation of Lisa Capone from the Economic Development Committee and the Planning Board passed 4-0.

Adjournment:

Motion: (Johnson, second Titus) to adjourn the meeting passed 4-0 at 8:55 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Charlie King

Ann Titus