

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, March 25, 2024
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present:

Gerry Vachon, Chairman
Penny Morin, Vice Chairman
Ann Titus
Doug Staples

Others Present:

Ken Dickie, Town Administrator
Kyle Pimental, Planning Director
Ed Brannan, Highway Dept. Supervisor
Bob Gay, Keith Williams, DPW employees
Scott Orlando, Police Chief

1). Call to Order:

Chairman Vachon called the meeting to order at 5 p.m.

2). Non-Public Session A:

Motion: (Vachon, second Morin) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Vachon, Morin, King, Staples, Titus-aye) at 5:01 p.m.

Motion: (Vachon, second King) to come out of non-public session passed 5-0 at 5:48 p.m.

3). Non-Public Session B:

Motion: (Vachon, second Staples) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Vachon, Morin, Titus, Staples, King-aye) at 5:48 p.m.

Motion: (Morin, second Titus) to come out of non-public session passed 5-0 at 6:01 p.m.

4). Reconvene Public Session:

Chairman Vachon reconvened the public session at 6:04 p.m.

5). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

6). Public Input: None

7). Review of Minutes:

March 13, 2024- Public Session Minutes-No errors or omission

Motion: (Titus, second Morin) to accept the minutes as written passed 5-0.

March 18, 2024- Non-Public Sessions A, B, C, D and E- No errors or omissions

Motion: (Titus, second Morin) to accept the minutes as written passed 5-0.

8). Old Business:

4 Ten-Hour Days Work Week- Mr. Vachon said as they have to do, they are requesting to go to 4 ten-hour days a week for the summer. He asked Mr. Brannan if that works for him when they go to 4-10's.

Mr. Brannan said he was okay with it and one thing that he did make very clear was they are going to be renting equipment this summer- a shoulder machine, a rubber tire excavator and if they end up getting behind on hours because of the weather they have to make it up. He said one way or the other they are going to get the hours on them if means working overtime on Fridays that's what they're going to have to do. He said they also have road work to do those are 3 of the bigger projects they have to make sure they get done and if it takes overtime to do them then they have to do it. I made it very, very clear to all of them there are no excuses and other than that I'm good with it he said.

Mr. Vachon asked if it was overtime per weather.

Mr. Brannan clarified it was per weather and if they're just not doing their job, it will be 5 days and they all got the point.

Mr. Gay said that's why everybody signed it (the request to the board to change the hours of operation to 6 a.m. to 4 p.m. Mon.-Thurs. from 04/22/24 to 11/14/24) because Ed already had this discussion with all of them so everybody knows that's how it is.

Mr. King said he remembered when they finished up last year and they have Nov. 14 and that seems a little deep into the season and asked if they should be stopping a little bit sooner than that based on getting ready for winter plus the daylight savings time. He said when they finished it up last it seemed like they probably should have gone back to 5 days a little bit sooner than the middle of Nov.

Mr. Gay said he did that date because that's the same date they did last year and they were still fine with the daylight.

Mr. Staples said it was dark when they started.

Mr. Brannan said it wasn't the same date it was the same week, the week of Veteran's Day.

Mrs. Morin said she would like to see it shorter than that and she knows they have a couple of bridges going in and they have a lot of work coming this summer but it makes her a little nervous with having 4 day weeks.

Mr. King said he would like to pull it back a few weeks at a minimum because right now they are looking to start in April, so you have Jan., Feb. and March that's 3 months that they're starting it and if you look at the end of the year we're 6 weeks from it so April 22 is 14 weeks into the year and we're going to stop 6 weeks to the end of the year. I think we could be a little more balanced with it because I think we ran a little bit late there but it's up to the board he said.

Mrs. Titus said she didn't have a problem with April but she thought that by Sept. it should be changed. She said she didn't think they should be doing 4-10's after Sept.

Mr. Vachon looked up sunrise times on his computer and said the sunrise time for Nov. 3, which is daylight savings time sunrise is at 6:22 a.m.

Mr. King asked if they start at 6 a.m. or 7 a.m.

Mr. Brannan said if they go to a 4-day work week they would start at 6 a.m.

Mr. King asked what it is on Oct. 31.

Mr. Vachon said sunrise would not be until 7:20 a.m. He said if they were looking for sunrise

anywhere near 6:30 a.m. they would be looking at mid-Sept.

Mrs. Morin asked if they could from April to the first week in August and then revisit it to see if they're on schedule to getting our stuff done and if they are on schedule they can extend it.

Mr. Staples said that's right in the middle of summer when they...

Mrs. Morin said she said to revisit it in Aug. so they could extend it longer or shorten it back to 5 days if it's not working out.

Mr. Staples said they can end it whenever they want they just have to give them a 2 week notice.

Mr. King said he didn't have a problem with that idea but he would give it until the end of Sept. depending on what they have for work and he didn't know at the end of Sept. what time the sun comes up and they're starting at 6 a.m.

Mr. Vachon said for a 6:30 a.m. sunrise it would be Sept. 21 and after that it starts getting later.

Mr. King said so it should be some time in Sept. because if they are going to put somebody in a piece of equipment in a ditch it has to be light.

Mr. Staples said Sept. 26 would be the last Thurs. of the month.

Mr. King said he was okay with making it Sept. 1 to reevaluate it with Mr. Brannan and Mr. Gay.

Motion: (Titus, second Morin) to allow 4-day work weeks until Sept. 1;

Amendment: by Mrs. Titus: that their first 5 day work week will start the week of Sept. 2

Seconded by Mrs. Morin.

Mr. Brannan added the work week begins on Sunday and he would suggest to write it to end on the 31st. That would be the last full week he said.

Mr. King said if they get called in, they still get paid whether it's on a 4-day week or a 5-day week.

Vote: the motion passed 5-0.

Mr. Vachon said the Tues. after Labor Day it's back to Mon. thru Fri.

Former Fire Station Phase II Environmental Study- Mr. Dickie said he spoke with Kyle Pimental on Friday and he told him that he spoke with Mr. King at a Planning Board meeting where Mr. King questioned what the fix is and right now it's the monitoring. He said Mr. Pimental said they are trying to establish the boundary which means they are looking to put wells further out to see if the PFAS or any other contaminants have spread.

He said they got the proposal from Novis Engineering and that Mr. Pimental wrote an e-mail which he gave to the board to review. He suggested that the board review it and possibly come back next week with a vote on what they want to do or if they wanted to move tonight.

Mr. King said Mr. Pimental is here and he would like to hear his thoughts on it and that he had some questions for him.

Mr. Pimental said in the Google folder there is the proposed scope from Novis, a map detailing the locations of the 7 additional wells and the soil sampling collection area outside the fire station as well as a memo he wrote to summarize what he thinks are the most appropriate next steps. He said the proposal that Tim Andrews from Novis put together for them was as a result

of the Jan. 22 meeting where the board voted to move forward with the proposed scope but they needed to see it before moving forward.

He said the scope has gone back and forth a few times and he had some questions about the original and he has talked with Mr. Dickie and a few others about it in trying to get a little more than just the testing so they added Task #4 to move the Town closer to getting that long term monitoring plan which is going to be needed on the site regardless.

Mr. King said he saw that and asked what the minimum is. He said they are going to recommend something but he wants their recommendation to be the bare minimum not it would be nice to go out there and test them every week. He asked what the state minimum is because this property is going up for sale and they don't want to encumber the future buyer with any more than the minimum the state is going to require because this testing requirement will go with the property.

Mr. Pimental said they can't move forward with that long term monitoring plan until they establish the ground water management zone and he has been asked about the need is for the additional 7 wells when there are already 7 wells on the site. He said it was explained to him that the well network on the site does not establish the ground water management zone because they feel the contamination goes beyond the area where those wells are. He said they can't move forward with the monitoring plan whether it's the minimum or whatever, they can't even get to that stage until that management zone is established so that is what they are trying to get to with the additional well network. That part of it along with the receptor survey are both required by the state administrative codes he said.

Mr. King said 3 of those locations-MW8, MW13 and MW14 are on parcels the Town doesn't own. He said MW8 is within feet of the property line and it should be moved onto the Town's property, MW14 needs to be put in the right-of-way and so doesn't MW13 because he is not going to vote to put a well on somebody else's property that requires monitoring because they may not get that permission. He asked why they would go forward with a plan that requires the landowner to give us access and permission and for periodic testing forever. He said they need to stay on property that can be sold or on property the Town can give them access to forever.

Mr. Pimental said he wanted to clarify that these 3 are not necessarily what would go into the long-term monitoring plan.

Mr. Staples said unless they found something.

Mr. King said they're going to put a well on somebody else's property, we don't have permission and there are potential long term ramifications they spoke about that he was not going to discuss in public that there's reasons why he doesn't think it's a good idea. We have enough road frontage there, you have access behind the building, let's put it on land that we have rights to and not asking others to trespass for here and forever onto their property to go for a water sample because the NH Dept. of Environmental Services or the US Environmental Protection Agency didn't say put them here this is his recommendation he said.

He said they should go forth with what they can provide, if they come back and give us a

justification to go on these other parcels of land then they may need to ask them. He said if the EPA says they have to test over here then knock on their door and ask them for access to the property because he is opposed to it.

Mr. Staples said to make it very clear that it's voluntary access and they don't have to allow them.

Mr. King said if they go forward with this plan and they don't get access then it delays the process and then they have to go back so let's not propose that let's propose things we have immediate access to for testing wells. He said he thought that was reasonable and if it's not let the officials tell us. He said Novis is a contract engineer working for us so they can't guarantee those locations but these other locations if they move it they can.

Mr. Staples asked if wells #7 and #6 were where they detected it (PFAS) coming in from the bottom part of the fire station.

Mr. Pimental said it was found over by a bunch of them so it was wells #1, #2, #3, #4, #6 and #7 and the only one not was the well up front well #5. He said well #5 was only for VOC's and arsenic but no PFAS.

Mr. Staples said they put well #13 where it is to see how far down the water table it has traveled.

Mr. King said they should put it on the next street if they want to see it.

Mr. Staples asked if they should move #11 because it's very close to well #13 and if they put #11 on Rt. 75 and put #13 on Garfield St. that will tell us how far down it's traveled.

Mr. Vachon said then you have to deal with the state because that's a state road.

Mr. King said let's just move it on Garfield St. in the r-o-w where we have rights to do it and send that proposal to the EPA or DES and if they take issue with it they'll deal with that then.

Mr. Pimental said they were saying that well #8 should be moved to Town property and wells #13 and #14 should be moved to within the r-o-w on Garfield St. He asked if the state and/or EPA say they want them on those properties it's their responsibility to work with the private landowners not the Town's.

Mr. King said he didn't know if they need to say that but they need to propose this. He said if they say they want it on private property there needs to be a discussion about how logistically does this happen.

Mr. Pimental asked if they want that to come from the state or federal agency as opposed to Novis for the private properties.

Mr. King said Novis doesn't have the legal right to knock on their doors and say I'm putting a test well in. He said if the EPA has the power to say this is what we're going to do and you need to abide he didn't know but he wasn't asking because he feels they don't need to. If they feel we need to, the staff needs to have a discussion on how do you do this procedure and who is responsible to do what he said.

He said his other question was regarding the report and it had something to do with the area with soil testing and asked if that was MW4.

Mr. Pimental said the soil sample collection area is the green box on the map which is right outside the fire station.

Mr. King asked if they are going to drill down and take samples at 2, 4 and 6 ft.

Mr. Pimental said they would drill down 10 ft. and the 3 samples would be taken at each boring location which is 0 to 2', 2' to 4' and 4' to 6'.

Mr. King asked if they are only sampling down to 6' why are they drilling down 10'.

Mr. Pimental said he didn't know why they were going down to 10' and he would ask.

Mr. King said if they make these amendments to what they feel the scope should be if this was going to the governing bodies to approve and then they're going to proceed on it or if they were going to proceed and then go to the governing bodies.

Mr. Pimental said the way this would work moving forward if the board chooses to do so and it's important to recognize that this initial work was being funded by the EPA within their Brownfields Assessment Grant Program they had a contract directly with Novis. He said it just so happens that the Stafford Regional Planning Commission also has a Brownfields Grant and when they went through their own RFQ process they also selected Novis so they have them as well. He said as they finished up their first round of work, the EPA came back to Novis and said they were ending their contract with them and transferring them to the SRPC because the SRPC has their own funding. He said if the Town decides to move forward there is some administrative paperwork they have to do to transfer this scope from the EPA's bucket to the SRPC's and then they would proceed forward.

He said the benefits to it, obviously he is with SRPC so there is a line of communication if they need it so they don't have to the EPA. He said for whatever future needs we may have it may be a little cleaner because SRPC is a local resource. He said because they already have a contract with them if they approve this, they can ask to make these changes that they have suggested. He said he didn't know about the 10 ft. and they may have a reason why they drill down to 10 ft. but he will get an answer. Then it will be just moving forward with switching this over he said. Mr. Pimental then advised that whenever you're dealing with a federal agency there's a time lapse there and he didn't know exactly how long that would take.

Mr. King asked if they were going to look at it and say yeah that looks good before Novis does the testing.

Mr. Pimental said yes.

Mr. King said if they take issue with moving those locations onto land, we have access to then the federal agency says you have to do this or we want this and asked what is the mechanism in place to do that because he thinks it is unreasonable. Especially in the case of PFAS there's no remediation so they can go test all these wells and the only one we have to worry about soil contamination is MW4 that is in the center of the property. Some of the early testing shows it's not a huge area so really the only thing these wells are going to be testing for is PFAS he said.

Mr. Pimental said that and some of the VOC's.

Mr. King said based upon what they have for testing it doesn't seem like there's going to be any

remediation required for PFAS so there's another reason they shouldn't locate wells on private property and they can put wells everywhere but if there's not going to be any remediation then what are they testing it for. They want to know where the plume is and I get it he said.

Mr. Pimental said they need to establish that groundwater contamination zone and without that the Town is not going to be able to move forward with the long-term monitoring plan. He said he would ask about moving these locations, if it still meets their ultimate goals, if the EPA has any issue with moving those what is the authority or power they have and what procedures they have to enforce moving it to private property if they see that's the only mechanism.

Mr. King said it's going to add a burden on the abutters and it's going to add time to the project and it's potentially unnecessarily because what they're testing for there is no remediation. They want to find the extent well let's find the extent by testing in areas we have rights to he said.

Mr. Pimental said the other 2 things he put in his memo for the board to consider voting on tonight was to authorize the staff to revise and re-release the Request For Proposals and if they want them to seek a legal opinion from the Town's attorney on installing wells on private property and it sounds if they're moving in this direction it may not be needed but it is something he didn't have a clear handle on.

Mr. King and Mr. Vachon said they didn't think the legal opinion was needed at this time.

Mr. King asked if the board agreed with relocating the wells on land they have access to.

Mr. Vachon said they requested at the meeting (a previous meeting when Mr. King was absent) that additional wells be kept off private property and be on Town property.

Mr. Staples said they talked about that before and the DES said they could drill on the roads, sidewalks, stuff like that.

Mrs. Morin said the last thing he was looking for was for the board to authorize the staff to re-release the RFP.

Mr. Pimental said instead of moving ahead with auction efforts to re-release the RFP and if there are no responses on this, this would be the last time that this is released.

Mr. King said he was okay with that because they are still dealing with this testing scenario and they need to get to an end result. He said they had a conversation last week and he was glad that he spurred Novis into getting this before the board because the sooner they did the more likely they would be in favor of it. We're not looking to burn down the clock we're looking to move along in this process he said.

Motion: (King, second Morin) to amend the test well locations to be on Town owned or accessible property by the Town which is a right-of-way in this parcel and also allow it to go out to re-RFP one additional time passed 5-0.

Potential Town Property Auction Review- Mr. Vachon said the board requested the list of properties and asked if everyone had a chance to look it over.

Mr. Dickie said he put together the list of the 20 properties and sent them to the board.

Mr. King asked if these are all of the properties.

Mr. Dickie said those are all the properties that the Town owns with the exception of the 4

properties on Bay Road. He said they went through what was highlighted by the auctioneers and the first property Town Clerk Becky Dickie had they had to re-start the 90-day process and he needs to know from her when that's done because they are proposing a June or July auction date and it may be completed by then and if it is then they can include this in there.

Mr. King said at the last meeting he asked if they looked at the deed to see if there's a r-o-w to the parcel that shows it's landlocked but his discussion was it may be out to that private r-o-w and they need to get the deed so they can inform the buyers there may be access off Jackson Drive. He said they have to look at that deed from wherever they took it so they can inform the buyer and that's going to take another 90 days.

Mr. Dickie said the next property is on Tall Pine Road and there were no issues with that one. He said it was part of the special meeting but no special requirements were put on that property. He said Elm St. is the one they talked about that was at a special meeting and voted on for business or commercial use only. He said he has a call into Att. Keriann Roman to make sure that the Zoning Board can grant a variance to make it residential.

Mr. King said one question they had for the auctioneer was can they put a reserve price on that parcel at the auction because of its size and potential value. He asked because it is 25 acres with a ¼ mile frontage if they can put a reserve on it that they feel is reasonable.

Mr. Dickie said the next property is on Meaderboro Road, it's 1 acre and the 90 day clears on 05/20/24.

Mr. King said Mr. Staples mentioned that parcel and he looked at it today and asked if there is a r-o-w.

Mr. Staples said that's the one with a graveyard on it there's a r-o-w that goes up thru the old Girl Scout Camp. He said the r-o-w is granted to the owner of the property right now so and asked if the r-o-w transfers over or not.

Mr. King said it goes with the land.

Mr. Staples said then there is a r-o-w and there is an access road to it that needs a lot of work.

Mr. Dickie said the next one is on Scruton Road it's a tax deeded property and it's been 10 years. He said Mrs. Dickie couldn't find the 90-day notice and if it was done correctly so she reached out to Att. Roman to make sure since it's been 10 years already and with that if they are still good to go. Once I hear that I will let you know he said.

Mr. King said he was okay with selling it, he knows where the parcel is, he has been by it a couple times. He said it's out there but if somebody wants to buy it there are 4 or 5 other parcels and some people use that for recreation and somebody may buy it just for the hunting.

Mr. Dickie said the Trotting Park Road parcel as they discussed last week is lot 6 and Al Cameron deeded it over to his son Jack but he left this small parcel out, he came back in the following year but he inadvertently re-deeded the same lot he already gave Jack. He said he will reach out to the owner and see if they would be willing to take it on.

Mr. King said he was agreeable to that but they need to cover whatever costs that the Town incurred. He said there might have been a cost for taking it and giving it back and the legal fees

and other costs involved to transfer it back and the Town should be made whole on that.

Mr. Staples asked what the reason behind that would be and why they were just going to offer it to an abutter and not stick it in the auction and let them bid on it.

Mr. King said it becomes landlocked on that parcel.

Mr. Dickie said it is right in the middle of that lot.

Mr. Staples asked if there was no road frontage and he thought when they talked about it last week it was a buildable lot. He said there's road frontage so that lot is more than buildable and if they are going to offer one to an abutter they need to offer them all.

Mr. King said he may be right and when he looked at he thought it didn't have road frontage.

Mr. Vachon said it's right on Trotting Park Road and it's 60' x 110' but he didn't think it was big enough to be buildable.

Mr. Staples said you could put a house on that and meet the setbacks.

After reviewing the lot on the computer Mr. King said he was mistaken and that it does have road frontage. He then asked if it has water and sewer there.

Mr. Dickie said it is available.

Mr. Vachon said water is available but there is no sewer out that far.

Mr. Dickie then said that's correct.

Mr. King said it's potentially buildable based upon a septic system. So I guess I will withdraw my comments he said.

Mr. Dickie asked if he was okay with selling it.

Mr. King said yes.

Mr. Dickie said the Silver St. one they talked about last week to have Milton square up their side of it and change the deed because they sold their parcel of that.

Mr. Staples said he thought they were going to combine it with that other lot.

Mr. King said he had a note that says wait until the 68-1 is resolved, to wait until the petition to them by Mr. Pimental is resolved and based upon what happens they can sell them individually or together.

Mr. Vachon asked if they wanted to hold off on #7 and #8 until they figure out what Milton is doing.

Consensus of the board was yes.

Mr. Dickie said #7 and #8 they would combine together once this is cleared up.

Mr. King said potentially.

Mr. Vachon said they would have to talk about it again once it's cleared up.

Mr. Dickie said for the Hancock St. parcel there was a suggestion to combine that with U 110-1 for road access.

Consensus of the board was they were okay with that.

Mr. Dickie said lot #11, Loring Ave. was good to go.

Mr. King said that's a pretty wet lot and asked if it has access to water and sewer there.

Mr. Dickie said he believes there is.

Mr. King said it's like one little corner and it's a valid lot but they want to make sure-well it's pretty wet.

Mr. Dickie said #12 is the green house on Spring St. He said the former owner made a note when he gave it to the Town that it possibly needs to be torn down but the Building Inspector said it looked like it was okay.

Mr. Staples said it has been condemned. He said the old practice was when they took them back then they just condemned them and nobody was allowed in them. He asked if the board wanted to have the Bldg. Insp. look at it to see if it's safe because when the auctioneer posts this and puts the signs out front people are going to inspect that building and go in and out of it.

Mr. Dickie said he was pretty he has been in it but he will check with him.

Mr. Vachon asked if it has been condemned shouldn't there be something in the file on it.

Mr. Dickie said there was just a note that the Clerk had in her office.

Mr. Vachon asked if the owner condemned it or someone from codes.

Mr. Dickie said the owner recommended it when he turned it over to the Town.

Mr. Staples said there are pictures of that house with signs that it was condemned and it was condemned in 2013.

Mrs. Morin said she remembered the yellow signs on it.

Mr. Vachon said if somebody condemned and put signs on it there should be something in the file from Codes as Codes would have had to have condemned it. Codes should have a file on it as condemned and the reason he said.

Mr. Dickie said he would have Mr. LeMere look into it and he knows he has been in the building. He didn't seem to think it was that bad but I'll have him re-look at it he said.

Mrs. Morin asked about the next lot.

Mr. Dickie said that's where Ricky's Garage used to be (on Spring St.) and that has stuff below the ground similar to the (old) fire station.

Mr. Staples asked if its contaminated and if they were going to sell it.

Mr. Vachon said he didn't know what they are doing with that one.

Mr. Staples asked if they know for sure that it's contaminated.

Mr. King said no and to sell it.

Mr. Vachon said he didn't know of anything that says it is.

Mr. Staples said there is water and sewer access there and it is almost an acre so they should be able to build it.

Mr. Dickie asked if they were good on this one.

Consensus of the board was yes.

Mr. Dickie said #14 is on Lone Star Ave. where Bill Vachon's fence goes down to where he has his garden in that area. He said looking at the deed it doesn't look like there is the right amount from where it starts over and it looks like there may be a little bit of a conflict but he didn't know.

Mrs. Titus said he has been taking care of the Town property for years, he's cleaned it out, he

mows it and if a tree falls down, he takes it away. She said she didn't know how many years exactly he's been taking care of it.

Mr. King said the note says boundary issues and asked if there is a boundary issue.

Mr. Dickie said they would have to have re-surveyed. He said the way his fence comes over it and ends it doesn't look like there the footage is there-200 ft. or something like that.

Mrs. Titus said he bought some extra property at one time and then he takes care of the rest of it and he has been doing that for years. She said she didn't know what the law is if you take care of something then it goes to you.

Mr. Dickie said he didn't know what the agreement was back then.

Mr. Vachon said he was staying out of any conversation on this parcel because his Uncle Bill's house is the one in question so he has nothing to say on this parcel.

Mrs. Titus asked if anyone knew what the law is if you take care of a piece of property for so long if it goes into their hands.

Mr. King asked if she was asking about adverse possession.

Mrs. Titus said yes.

Mr. King said he is a little familiar with that but it is not their case to make for either one. He said they took it from a tax deed and if there is a boundary issue the new person can resolve it with the abutters. He said but to say we don't want to sell because of boundary concerns, he didn't want to pay \$10,000 to survey this property just to say where it is. We can make the statement there may be a boundary discrepancy over here at the auction and person could buy it as is.

Mr. Staples said you don't make any statement and it's up to the buyer to look into the property. It's being sold as is, as seen, where it is he said.

Mrs. Titus asked if the previous Town Administrator made any commit with him that they don't know about.

Mrs. Morin said it's always a possibility.

Mr. King said he didn't recall it ever being before the Town in his time. He said that doesn't mean that it wasn't or that there wasn't some agreement somewhere but that would be a burden on the landowner to prove. If it's not a matter of record in the meeting minutes or on a piece of paper somewhere then it would be hearsay he said.

Mr. Dickie said he knows him and he can go see him.

Mr. King said to tell him this parcel is going up for sale potentially and ask him what he knows about this area.

Mr. Vachon said he may call him tomorrow as he believes he is at home watching his TV.

Mrs. Titus said she hoped so and that she thought it should be fair.

Mr. Dickie said the fire station lot itself is out for RFP which he just heard from Mr. Pimental one more time and the parking lots he thought they had taken them off last week.

Mr. King said he is talking about the U6, lots 23, 24 and 25 and those need to stay together and go out to RFP together.

He #18 says 961 Maple St. is landlocked and asked if there is a r-o-w. He said when he looked at the property record today it doesn't show where it references the book and page at the Registry and it wasn't available as a guest so he couldn't determine what book and page to look at to see if it had a r-o-w. He said it affects the value if it has a r-o-w and it would be more valuable.

Mr. Dickie said #19 is Mount Vernon St.

Mr. King said at one time that had a mobile home on it and that was removed. Now it's just a vacant lot and I'm okay with selling that he said.

Mr. Dickie said the last one is 29 Bunker St. which they had sold at one point but they had to take it back and do a quick deed or something like that. He said they turned it back to the Town and didn't want to get involved with it and now it's cleared up and ready to go.

Mr. King asked if that is the one that had heirs in Germany.

Mr. Dickie said no that was on Gray Ave.

Mr. King said if we took that, he asked somebody and they said between 2008 and 2010 they thought and asked will the proceeds go back to the last owner.

Mr. Dickie said he believed so.

Mr. Staples said when that law went into effect last year it doesn't matter if the Town has owned it for 20 years.

Mr. King said the person gave him the name that it used to be owned by Tammy Trand and asked if any extra proceeds would go back to that last owner of record.

Mr. Dickie said yes.

Mr. Staples said looking at the back sewer, the back water and the back taxes there is no way they could sell that house for even close to what's owed on it.

Mr. King said he was saying it's more than \$184,000.

Mr. Staples said if he remembers right, it's well more than that. He said they originally sold it for \$80,000 and they were going to keep it all.

Mr. Dickie said he would look into the r-o-w's, the reserve price.

Mr. Vachon said they are holding off on #7 and #8 until Milton clears theirs up, #9 would be combined with #10 to make that 1 lot.

Mr. King said they would have to do a voluntary merger and go thru the Planning Board process to officially do that or else they could buy them as 2 lots and develop them as 2 lots.

Mr. Vachon asked if they would like to let someone buy them...

Motion: (King, second Vachon)) to voluntary merge lot U110 and U110-01 passed 5-0.

Mr. staples said that will leave them with 13 properties and then they are going to sell the 4 on Bay Road. He asked if they should cut a few off and have a fall auction and a spring auction once they get the rest of this stuff cleared up.

Mr. King said some are going to fall in couple different time zones anyway because they have to wait 90 days for that other stuff to clear. He said he has an understanding of what makes sense for us to sell them off for the most money and if they have to have multiple dates that's what they should do.

Mr. Staples said he'll put them all on the same one and he has been to a lot of his auctions and he's never seen that many properties on.

Mr. King said they can split them up.

Mr. Staples said his concern is they would have low balls because they're just going to grab the next one. Or we can get them off the books and it is what it is he said.

Mr. King said with some of them they're going to have to wait a certain period so it's not going to be 13 and that it would be 7 or 8 properties.

Mr. Vachon asked if they weren't doing anything with yet with #15 thru #17 and #18, #19 and #20 they were okay with.

Mr. King said yes.

Mr. Staples said Mrs. Dickie has to redo the first one, they're going to hear back on whether he'll let them put a reserve bid on #3 so that one might not go so they will probably have about 10 properties so he could see what he was talking about.

Mr. Vachon said by the time they pull out all the ones they want to hold or merge that's going to be a process. He said it's looking like 10 or 12 properties. He asked if they want to do #18 or look to see if there's a r-o-w. He then asked if they want to hold #18 and have them do some research on it and go the next round with it or try and rush the research on it.

Mr. King asked how long the research would and then said it should only take a couple of hours.

Mr. Staples asked if they want to do the research or let the buyer because that is what he is going to do.

Mr. King said they need to pull the deed and look at it. He said usually in assessing there's a deed of record with the book and page but he couldn't access it so he couldn't read it. He said if they want to pull out the ones that they need to do some deed research on and say give us some time to do that he was okay with that. We should be able to get it done in a timely manner because that research could lead us to another question and that question could be a legal question he said.

Mr. Dickie said he was going to reach out to Att. Roman she handles combining lots and she was going to reorganize the Bradsheer property for us anyway.

Mr. King said combining the lots can be done through staff and Mr. Pimental can handle that for the Planning Board saying they're going to merge these 2 lots they're not changing any lot lines they're just merging them on Hancock St.

Mr. Staples said with the new law he didn't know if that would be legal because they're putting 2 tax deeded lots together and one was owned by one person and the other was owned by another person.

Mr. King said we (the Town) own them.

Mr. Staples said we own them currently but if they sell for more than what they were taken for in taxes one would have to be reimbursed and asked how they would do that if they're both added together.

Mr. King said they would have to ask Att. Roman if they merge the 2 lots if they can do a 50/50

split.

Mr. Vachon said it's easy enough to pull those deeds too and see who the previous owners were and the way those lots were set up it might be the same owner. If it's the same owner we can easily merge them and sell them both together he said.

Culvert Replacement Timelines for Permitting- Mr. Dickie said he got a response back from Sarah Wheatly saying they believe they can complete the field work for the wetlands' delineation over the summer/early fall, complete the design in the fall, permit submitted early winter/Dec./Jan. which would put them in a position to bid the work when contractors are hungry. He said that's from Dubois & King.

He said he got one from Hoyle Tanner for the wetland field delineation work they need to wait until there is some vegetation growth which should be in mid-to-late April and after they complete the wetland delineation, they need about 3 weeks to complete the hydrologic and hydraulic analysis and another 3-4 weeks after that to complete the wetland permit applications. He recommended that they use Hoyle Tanner because they're cheaper and their lead time is shorter.

Motion: (King, second Titus) to go with Hoyle Tanner regarding the permitting for the culverts on Cross Street, Bunker Street and Dick Dame Lane passed 5-0.

Mr. Vachon asked the board to take a step back to the properties and asked for a motion for Mr. Dickie to sell the properties as the list was adjusted.

Motion: (Morin, second King) that Ken post those for sale the amended list that they came up with which was R14-20, NH Rt. 11; R17-26, Tall Pine Road; R34-17, Elm Street; R39-5, Meaderboro Road; R42-5, Scruton Road; R49-12, Trotting Park Road; U110 and U110-01, Hancock Street; U2-69, Loring Ave.; U4-1, 46 Spring Street; U4-3, 86 Spring Street; U5-27, Lone Star Avenue; U9-42, 961 Maple Street; U10-23, Mount Vernon Street; U10-48, 29 Bunker Street passed 4-0-1 (Vachon abstained).

Well Update- Mr. Dickie said he sent in the last meeting minutes that they held at the beginning of March and they identified 2 possible well sites-one near wells #4 and #5 and the other one is down by well #6 just before you go over the culverts there's a test well there. He said they've got the 8-inch test bore at well #6 and they're doing the 8-inch test bore for wells in the area of wells #4 and #5 currently. He said once that's in they want to do a 24-hour draw down to make sure that the one near either well is not affecting well #6 or well #5. He said once that's done, they will test the water quality after the 24-hour draw down to make sure there's no depletion in the water quality and that is where Emmery & Garrett is at.

He said Underwood Engineering has completed the survey and they will see the markings on Central Street for the water. He said the engineers are starting to lay out what we need for piping and get that engineered and started going up through.

He said he stressed that from the interest of the board of putting a well down by well #6 they have to make sure they can provide water by the tank up by Davidson Rubber and the tank on top of Main Hill. He said he believes that was a major concern of the board and having eggs in

both baskets down by well #6.

Mr. King said reading through the minutes you get the impression this is what they're going to decide and it's not their decision it's our decision. He said they could say they're going to put it down here but first of all they work for us and if we decide it's going to go over here and it's going to cost a little bit more, then we can make that decision. They need to make a case to go somewhere else than where we ask them to go he said.

He said he saw in the minutes where he stressed what the board's desire was but their meeting with DES was like saying this is what they want to do and this is what they're going to do- no it has to be approved here.

Mr. Vachon asked if they ever did water quality tests on Spring St. and Old Bay Rd.

Mr. Dickie said yes and they were no good.

Mr. Vachon said they are saying they're no good and asked if he can get them the results of the tests.

Mr. Dickie said yes. He said at the next meeting they would be before the board and he would have them bring that to them. He said he would have them bring the results of all the water test samples they did throughout the areas and how they settled with wells #4, #5 and #6 and have that all presented to them.

Mr. King asked if they could have that in their folders before the meeting.

Mr. Dickie said yes.

Mr. Vachon said he didn't like either one of the locations they are talking about but they will see what they have for information. He said they already know there's a problem with well #4 and they can tell us it's not going to migrate for 20 years but it is going to migrate and it's going to be in that brand new well. He said if they put it down by well #6 now we have all of our eggs at well #6 and if something happens with that water down there now we have no wells. I don't want it to go on that side of town. There has to be a location somewhere else that we own to put a well that's not there he said.

He said he would like to see that information from Spring St. and Bay Rd. as to why they're no good.

Mr. Dickie said he was told it was high iron and high manganese but he would have them give the board those results.

Mr. Vachon then asked how the funding is looking and they always say there is plenty there but is there plenty there.

Mr. Dickie said they're at 18% with the ARPA funds and they're doing good.

Mr. Vachon asked how the total fund is looking as they have a lot of pipe work and that well is not going to cost \$200. He asked if overall they're still looking alright.

Mr. Dickie said overall yes.

Mr. King asked if it's 18% that they've spent.

Mr. Dickie said yes out of the \$1.44 million in ARPA funds.

Mr. King said so they've spent \$250,000 on engineering and testing so far.

Potholes- Mrs. Titus said there are a bunch of potholes on Civic St., Grove St. and some of the other side roads and asked when they were going to be taken care of or not.

Mr. Vachon said he believes they were out last week potholing and we just got all that rain and freezing temps so he was sure stuff got blown out again and he was sure they would be back around again with some cold patch in the next week or so.

Mr. Brannan said if they wait until the first of the month then they can use hot top.

Mr. Vachon said if the potholes are not going to cause damage to private property now that they know there are potholes on Civic St. and Grove St.

Mrs. Titus said there are a lot of tractor trailers going down Civic St. and they make the potholes bigger.

Mr. Vachon asked Mr. Brannan if possible if they could get some of the larger ones filled that could cause damage to private vehicles.

Mr. Brannan said they could use the cold patch.

Crosswalk Signs-Mrs. Titus asked about the signage for the cross walks.

Mr. Dickie said he reached out to Mr. Pimental to see if there are any grants for blinking crosswalk lights and he is looking into it and he has to wait for him to respond back to him.

Mr. Vachon said they got an e-mail from Mr. Pimental on March 5 about some possibilities for RFB's for flashing lights like they are describing and different opportunities for funding for those. He said just for a reference the last time they put in a set it was \$20,000 for the set installed.

Mrs. Titus asked if they could put this information on the Town website or cable TV channel 26 so the public knows they are working on it.

Mr. Dickie said as soon as he gets an e-mail from Mr. Pimental he can update the public with it. He added he didn't want to put anything out to the public until he has the board's support to move with it.

Un-Posting Roads-Mr. Vachon asked Mr. Brannan how it went today with un-posting the roads.

Mr. Brannan said he didn't pull them with all the snow we got he didn't really feel comfortable. He said we're still getting cold temperatures and we're going to get rain for the rest of the week.

Mrs. Morin asked what the motion they made was.

Mr. Vachon said to un-post the entire side east of Rt. 11.

Mrs. Morin said at his discretion.

Mr. King said the weatherman can't make up his mind but it looks like rain most of the week.

Mr. Brannan said they are calling for possible snow again at the end of the week.

Mr. Vachon said and freezing drizzle tomorrow but he is seeing 40 degrees so he didn't know how it's going to be freezing drizzle.

9). New Business:

Breeze Line Connection Update- Mr. Dickie said they had John come in and he also had CJ Cardinal come in and he tested the (internet) upload and the download here and we have plenty and it works really well but at the Town Hall there is only about 4.1 gig. He said John said the very minimum that he likes is 6.0 for when you do live streaming.

He said he would have to work with Breezeline to see what other packages there are to propose to the board for upgrading that.

Mr. King asked what are they supposed to be getting and the number he has in his head is 100 down and 10 up is a standard connection. He said if they are getting 100 down and 4 up, we're not even getting what we're paying for.

Mr. Dickie said the agreement with Breezeline was they have the big one down here and up there they gave us what was free in the package which was no more than a residential WI-Fi.

Mr. King said he believed that a residential Wi-Fi is 10 megabytes upload and he could be wrong but we're not even getting the residential number. He said it may be just a poor connection but if we had the standard residential if it's 10 mb upload we would be okay. If we've got 4, we have half of what we need he said.

He said he was not saying they shouldn't potentially upgrade that to the next level because he might be more inclined to do that but he doesn't think we're getting what we should be getting.

Mr. Dickie said he would continue working with Breezeline.

Town Audit Questionnaire- Mr. Dickie said the board received the standard questionnaire from the auditors in their meeting packets as it's that time of year again.

Mr. Vachon read the questions aloud and the board and Mr. Dickie answered them as follows:

1). Do you have knowledge of any fraud or suspicions of fraud affecting your entity?

A: No

2). Have you received any communications from employees, former employees, regulators or others alleging fraud?

A: No

3). Have you identified any specific risks of fraud within the entity?

A: No

4). Has the board adopted a universal code of ethics for members and employees to follow?

A: Yes. Mr. Dickie said it's in the handbook.

5). If yes, does the document prohibit elected officials and employees from doing business with the Town?

A: Mr. Dickie said the handbook says employees are prohibited from doing business with the Town unless it's been approved by the board and gone out with a competitive bid.

Mr. Vachon said they have to follow the right procedure but it doesn't prohibit them so the answer to the question would be no.

Mr. King suggested the answer would be "may be allowed per our policy". He said we follow the policy and it may be allowed or not be allowed per our policy and if they want to see the policy, they already have it and they can review our policy.

6). Have you or any related party of yours had any interest direct or indirect in any of the following transactions or pending or incomplete transactions since January 1, 2023 to which the Town or any retirement, savings, pension or other similar plan was or is to be a party?

A: No; Sale, purchase, exchange or leasing of property? A: No; Receiving or furnishing of goods,

services or facilities? A: No; Transfer or receipt of income or assets? A: No; Maintenance of bank balances as compensating balances for the benefit of another? A: No; Other transactions? A: No 7). Does the board have any concerns about known related party relationships? A: No. Mr. King added he would say no but it's not a very specific question and they might want to include an example next time.

8). Does the board formally authorize all disbursements both vendor and payroll prior to the release of funds? A: Mr. Staples said no. Mr. King said it depends per our policy.

If the answer to the above is no please describe your knowledge of how disbursements are approved within the system. A: Mr. King said it's per our policy- we have authority given to people to sign off on things below a threshold, certain things have to go so it's per our policy. Mr. Vachon said that's correct so they do not formally authorize all disbursements but they do because they sign all the books. Mr. King said they do but they also delegate that authority so the answer is yes through delegation and/or by direct vote of this board.

Mr. Staples said the answer is no because it says prior to the release of funds, the bill is already paid when we sign it.

Mr. King said depending on the bill and we've delegated that authority.

Mrs. Morin said they authorized them on the board's behalf to take care of those.

Mr. King said the payroll has to be paid and bills have to be paid.

Mr. Vachon said the answer to this one is going to be no per our policy.

If the answer to the above is no please describe your knowledge of how disbursements are approved within the system. Mr. Dickie said they delegate per the policy to allow...

9). Describe how the board stays informed of the latest changes in the laws and regulations pertaining to the Town. A: Mrs. Morin said through the Town Administrator. Mr. King said through updates from the Town Administrator and the Town's counsel. Mrs. Morin added and the NH Municipal Association.

10). Does the board review comparative reports of estimated and actual revenues and appropriations and expenditures? A: yes.

If yes how often are the reports reviewed? A: Mr. Vachon said Mr. Staples reviews them quite a bit on the Budget Committee so it's at least monthly.

Mr. Dickie said its weekly and monthly then.

Mr. Vachon said they don't see comparative reports or how much percentage is left in the budget weekly.

Mr. King said Mr. Dickie is looking at it weekly, Mr. Staples is looking at it monthly and the board is looking at it quarterly so weekly, monthly, quarterly is the answer.

11). What procedures does the board in reviewing or using these reports? For example, does the board normally meet with the dept. heads as part of this procedure?

A: Mr. King said yes as required.

Mr. Vachon said they meet with the dept. heads to go over things.

Mrs. Morin said monthly.

12). Has the board approved a disaster recovery plan in the event of loss or interruption of IT functions?

A: Mr. Vachon said yes, they had a plan drawn up.

13). Please describe how financial data is backed up, how often does this occur and where is the backup maintained?

A: Mr. King said per our data backup policy.

14). Is there a written investment policy adopted. A: Yes. When was the policy last reviewed and approved? A: last year. Mr. Dickie said they just adopted it last summer.

15). Have you adopted the use of either debit or credit cards by employees? A: Yes.

If yes, please provide a copy of your policy covering same.

16). Does the board have knowledge of any funds or bank accounts that are not in the custody of the Treasurer? A: Yes, the Trust Funds.

17). Has the board approved a fund balance policy in compliance with GASB 54 (Government Accounting Standards Board-creates accounting reporting standards and generally accepted accounting principles for state and local governments) fund balance reporting and governmental fund type definitions? A: Yes.

18). Does the board have knowledge of any crowd funding activities? If so, please indicate what they are, on what website are they maintained, who is responsible for them and please provide a copy of your crowd funding policy. A: No.

Mr. Vachon said they would just have to fill out the bottom part and that was all the questions.

Motion: (King, second Morin) to authorize the Chair to work with Ken to fill out the form passed 4-0-1 (Vachon abstained). Mr. Vachon said he abstained because they just voted him in to sign it and he would stop in to sign it once Mr. Dickie lets him know he has it filled out.

Salt Loading- Mr. Staples said when they are loading the trucks with salt, they can back it off just a little bit because they are dumping a bunch of it as they pull out of the Transfer Station, at the end of Cocheco Rd. and as they come off the Sarah Greenfield Business Park and they are dumping more salt in a pile than they're spreading. Every time they turn, they just pour salt right out of that truck. That bridge is already red listed and they're dumping salt all over the side of it. I'm not pressure washing it he said.

Mr. Vachon asked Mr. Brannan to remind the guys not to overload their trucks please.

Thanks to Snow Clearers- Mrs. Titus said when she was riding around on Sunday, she saw some people on some of the side roads cleaning out the snow after the plow goes through to widen the roads. She said people were cleaning off the snow making the road bigger and she thought that was really good and she thanked the people for doing that especially if an emergency vehicle had to go down there, they would have more space.

Memorial Day Parade- Mrs. Titus said there is parade committee and they're going to have a town parade on May 26 at 1 p.m. She said if anybody wants to be on the committee they can contact her or Angela Hardin.

10). Town Administrator's Business:

Resignations-Mr. Vachon said they received a resignation from Firefighter Cody Gile.

Mr. Dickie said Cody Gile is a per diem Firefighter who has resigned and is now seeking employment with the Portsmouth Fire Dept. and they do not allow moonlighting so he can no longer be of service to Farmington.

Motion: (Vachon, second Titus) to accept Cody Gile's resignation passed 5-0.

Mr. Vachon asked how long Mr. Gile was with us.

Mr. Dickie said he would have to look it up. He said the next 2 resignations are from Bill Fisher and the first one is he is resigning from the Executive Committee for the Strafford Regional Planning Commission effective April 19, 2024.

Motion: (Vachon, second King) to accept Bill's resignation with regret passed 5-0.

Mr. Dickie said Mr. Fisher has informed them that April 12, 2024 will be his last Conservation Commission meeting.

Motion: (Morin, second Vachon) to accept with regret passed 5-0.

Mr. Dickie said they received a letter of resignation today, effective May 31, 2024 from Steve Dienstat of the wastewater treatment facility who is retiring. He asked the board if accepted to authorize him to post so they can get some postings out there so they can start the interview process for a replacement. He said he is a level 4 operator for the waste treatment plant and we currently have Jonathan going in June for the level 3 along with Chuck in the interim the NH DES will give us a letter to cover us until they're through their test and authorized to run the facility based on their licenses. He said he already covered that with the NHDES to cover that gap.

Motion: (King, second Titus) to accept and also allow the Town Administrator to post for the position;

Mr. Vachon asked how long he has been with us.

Mr. Dickie said he thinks in the early 2000's was his hire date so he has been with us for a long time. He then said he was here before his father got done so it was before that.

Mr. Vachon said so it's been 25+ years and asked when his last day is.

Mr. Dickie said the 31st of May. He said if the board didn't mind, he would like to do some sort of gathering for him to thank him for his years of service with the Town.

The board asked him to please do so.

Amendment: by Mr. King: to accept his resignation with regrets

Mrs. Titus accepted the amendment.

Vote: the motion passed

11). Next Meeting: Monday, April 1, 2024

12). Non-Public Session C:

Motion: (Vachon, second Titus) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Vachon, Morin, King, Staples, Titus-aye) at 7:47 p.m.

Motion: (Morin, second Vachon) to come out of non-public session passed 5-0 at 8:24 p.m.

13). Non-Public Session D:

Motion: (King, second Vachon) to enter non-public session under RSA 91-A: 3 II (a) Discipline of Public Employee passed 5-0 by a roll call vote (Vachon, Morin, Titus, Staples, King-aye) at 8:24 p.m.

Motion: (Morin, second Vachon) to come out of non-public session passed 5-0 at 8:46 p.m.

14). Non-Public Session E:

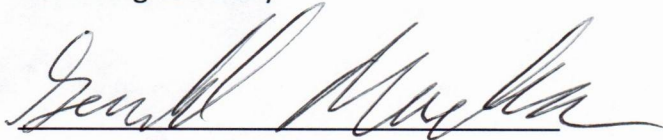
Motion: (Morin, second Vachon) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Vachon, Morin, Titus, Staples, King-aye) at 8:46 p.m.

Motion: (Vachon, second Titus) to come out of non-public session passed 5-0 at 8:59 p.m.

15). Adjournment:

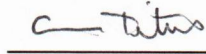
Motion: (Morin, second Titus) to adjourn the meeting passed 5-0 at 8:59 p.m.

Kathleen Magoon
Recording Secretary




Gerry Vachon, Chairman

Penny Morin, Vice Chairman



Ann Titus

Charlie King



Douglas Staples