

Special Town Meeting Minutes 8/3/2020

At 6:04 pm Mary Barron explained that she was appointed Moderator Pro Tem by the Supervisors of the checklist and was sworn in by Arthur Capello, JP.

Articles of a General Nature

To see if the town will vote to name the Board of Selectmen as agents to expend the following Capital Reserve Funds: Emergency Medical Motorized Equipment Capital Reserve Fund, Fire Vehicles and Equipment Capital Reserve Fund, Recreation Equipment Capital Reserve Fund, Bridge and Road design Capital Reserve Fund and Landfill Closure Capital Reserve Fund.

Mary Barron read the Warrant Article, a motion was then made by Jodi Connolly to accept the article as read and was seconded by Elizabeth Johnson.

Before moving to the discussion, with the moderator's apology, the Pledge of Allegiance was recited by all.

Discussion was opened with a statement by Paula Proulx. She explained that this meeting is to right a wrong that was brought to their attention, stating that it is a housekeeping issue of being able to expend from funds that were already voted on at Town Meeting. She then turned it over to Arthur Capello, Town Administrator, who reiterated that money in the past was spent from these funds by the board, but only on items allowed by the fund and from money put in these funds at Town Meeting. He further explained if the board had tried to spend on anything not defined by the fund, DRA would disallow it and make the money be refunded. In the past, they had gone through the Trustees as they thought they were agents to expend from these funds, however they have found out otherwise.

Mary Barron opened the floor for general discussion asking for residents to come to the microphone stating their name and address and to wait until all have had a chance to speak before going up for a second time. Penny Morin of Ten Rod Rd made a motion to recess the meeting and to reconvene on Aug 11 at Deliberative Session, seconded by Stephen Henry.

Charlie King of Ten Rod Rd and current School Board Chairman stated that he sees no need to recess. He stated the meeting was posted and everyone who wanted to be here is probably here. Ruth Ellen Vaughn, Superintendent of Schools, questioned moving to the same time as the deliberative session. Tim Brown of Melody Lane and current school board member, stated that because the school is currently closed, the board must decide and the board would not meet until

Wednesday night. Moderator, Mary Barron stated that because the school is closed and a decision cannot be made tonight, this is an illegal motion and will not be allowed.

Charlie King stepped back up to ask how long the board has been allowed to expend from the funds that they thought they had the authority to spend from? Arthur Capello stated that the Landfill Closure Capital Reserve Fund has been since the landfill closed 5 or 6 years ago as required by their DES Closure permit for monitoring. The Bridge and Road Design Capital Reserve Fund was back when they did the Bay Road bridge. The Vehicles and Equipment Capital Reserve Fund was from 2 years ago for payment of half of the cost of the monitors. This year the second half of that payment is due.

Paula Proulx researched and saw that the board has been expending from these funds for years according to the past town meeting minutes. The funds have changed names, but they are essentially the same funds. If you look back to 1996 and 1997, the fact that DRA was not as involved and the wording was to have the BOS as agents to expend up to a certain dollar amount from these funds caused many boards, not just the present one to expend from these funds, believing they were agents to expend because of that verbiage. She stated that today's rules are different, so as these issues come up, the vote must be made to make it right for DRA to be happy.

Jody Connolly from Orange St. commented that if this article doesn't pass, we have heard the bridge would be affected. She asked what other impacts would there be if this article does not pass?

Mary Baron invited Neil Johnson and Ruth Ellen Vaughn to each speak. Neil Johnson said that for the bridge there are a couple options: the money could be taken out of the current budget, which would affect services or positions in town, 2nd option would be to raise taxes, a 3rd would be to keep the bridge closed and risk not getting the contractor back next year. The tax impact would be \$.57/thousand for just the bridge. For the Fire Vehicles and Equipment Fund, we have a second payment due this year, if we do not pay the second half, the monitoring equipment for the ambulances would be taken back. The Landfill Closure fund pays for monitoring required by law, so that would also have to come from the current budget or added taxation. If the money were taken out of these funds, there will be no tax impact. Mary Baron said the full impact on taxes could be 50 cents to 80 cents per thousand if the money needed to be raised by taxation.

Ruth Ellen Vaughn said if the bridge is not fixed, it adds 100 miles per week to the bus runs. She also stated that if you have a warrant and a vote authorizing them to spend, you are all set. Being agents to expend gives permission to have just a general hearing and not have to have a special meeting to expend from the funds.

Blanche Tanner of Memorial Dr. asked if there are a certain number of votes needed to pass. Mary Baron stated that it is a simple majority vote.

Penny Morin asked if the article could be separated to take the funds separately. Arthur stated

that DRAs advice is all or nothing. Ms. Morin asked for an RSA that goes with that and Arthur Capello said he has a letter from DRA, but it does not reference a specific RSA. Legal Counsel, Christine Filmore, spoke up and said that the funds can be separated.

Stephen Henry of Ridge Rd. said he understands the need to expend from the Bridge Repair Fund and the Emergency Equipment Fund but asked why we are here asking to become agents to expend for the Landfill Closure Fund when it was voted at Town Meeting to spend from that fund. Why do you have to be Agents to Expend if this was already voted on? He noted that keeping the focus as narrow as possible seems the right avenue. Arthur Capello said that it is because they found out they are not agents to expend and need to be. Stephen Henry asked what makes the need to become agents to expend right now on the Recreation Equipment Fund and Emergency Medical Equipment Fund? Paula Proulx stated that it is just housekeeping measures. Paula Proulx said they do not need to spend from those 2 funds right now so they could wait. Stephen Henry made motion to make each fund a separate article for now and that way they can vote on each individually and if some do not pass, then they can be revisited at Town Meeting in March. It was seconded by Penny Morin.

Kathy Seaver stepped in to say that it is illegal to make 5 articles out of 1 article, it is ok to remove 2 funds and vote on the remaining article as amended, but not make another warrant article. Kathy Seaver stated that it is not allowed at Town Meeting, so why is it ok, now? Christine Filmore stated that it is actually allowed. She said that a question can be split up into many.

The moderator asked if there was any other discussion on the motion to singularize the 5 items. Randy Orvis asked if this is forever or just until the next Town Meeting. Mary Barron stated that it is until rescinded.

Tim Brown then asked for a friendly amendment to strike the 2 funds not needed and amend the original warrant article to include the 3 funds necessary? Stephen Henry said he did not feel it was too complicated to vote on the 5 individually and if the motion for the 5 fails, then he would be willing to propose the amendment. Randy Orvis made a motion to call the question, Jodi Connolly seconded. The motion to call the question passed by 2/3 card vote. The vote on the motion to make each fund a separate article failed.

Tim Brown made a motion to amend the original warrant article to include just the 3 funds they need to expend from now and ask the chair of the board to tell us exactly which ones. The moderator announced the funds as the *Fire Vehicles and Equipment Capital Reserve, the Bridge and Road design Capital Reserve and the Landfill Closure Capital Reserve. The moderator asked for a second for the motion to amend, Penny Morin seconded the motion.*

The moderator called for discussion on the motion, Howard Champagne stood up to say he is totally against this. He stated that the original plan of this meeting was for the Selectmen to spend funds that have already been voted on to expend at Town Meeting. He stated that he felt this is just another way to confuse the situation, just keep the article the same as it was. Being no other discussion, the moderator called for a vote.

The motion to amend the article passed 19 – 18 by a show of cards vote.

Stephen Henry, asked Chairman Paula Proulx if these are the exact right funds and Paula said that they are, and that from the Fire Vehicles and Equipment Capital Reserve Fund we need approximately \$25,000, from the Bridge and Road Design Capital Reserve Fund we need approximately \$240,000 and from the Landfill Closure Capital Reserve Fund we need approximately \$32,000.

With no further discussion, the moderator called for a vote on the amended article. The motion passed by a show of cards vote.

A motion was made by Neil Johnson to adjourn, it was duly seconded. The motion passed by a show of cards vote.

Respectfully submitted,

Rebecca J Dickie
Town Clerk
Town of Farmington