FARMINGTON BOARD OF SELECTMEN

Tuesday, July 23, 2013

Chairman Ryan Morgan called the meeting to order at 6:30 P.M. with the following members present: Dennis Pike, Joshua Bell and Jessica Berry. Andrew Hufnagel was absent. Town Manager Richard Davis, Town Secretary Linda Grant, Parks and Recreation Assistant Director Matthew Foster (6:30-7:00 P.M.), Police Chief Jack Peck (7:05-8:05 P.M.), Channel 11, and members of the press and public were also in attendance.

ITEM 1: Pledge of Allegiance to the Flag

Chairman Ryan Morgan led those present in the Pledge of Allegiance to the Flag.

ITEM 2: To Hold a Public Hearing on a Proposed Amendment to the Appeals Board Ordinance

Chairman Ryan Morgan opened the Public Hearing under Item 2 at 6:31 P.M.

Richard Davis explained the proposed amendment.

Chairman Ryan Morgan closed the Public Hearing under Item 2 at 6:32 P.M.

Dennis Pike moved to advance the proposed amendment to the next Town Meeting; Joshua Bell seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

ITEM 3: To Hear a Report on the Recent Visit to Lac-Mégantic

Richard Davis gave an update on the Relief Fund that was set up by the Selectmen and how he has networked the Fund's information. He also reported that as of today there is over \$10,600.00 in the account. Mr. Davis expressed his appreciation for the contributions to this fund. Ryan Morgan reported on the contingent's visit to Lac-Megantic last Wednesday, and the financial, economic and personal effects of this tragedy. The Board thanked Mr. Morgan for making the trip. Mr. Davis reported that he and the TD Bank manager have agreed that releasing the funds to Lac-Megantic in another month would be appropriate and encouraged continued contributions to the account. Mr. Morgan pointed out that there are future fundraising events being planned by other organizations. Joshua Bell asked if it would be possible to utilize the Town's signboard and banner locations to raise awareness of the fund. Town Secretary Linda Grant agreed to check the reservation schedule for availability.

ITEM 4: To Consider Purchasing an Advertisement in the 2013 "Paper Talks" Magazine to Honor Farmington Veterans (Mark Pierce)

Richard Davis introduced Mark Pierce of "Paper Talks", and reviewed the magazine and advertisement solicitation.

Dennis Pike moved to purchase a 1/9th page advertisement in the 2013 "Paper Talks" magazine with the funding of \$372.00 to come out of the Special Projects account and the Town to receive 100 copies of the magazine; Joshua Bell seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

ITEM 5: To Award the bid for Guardrail Installations

Richard Davis reviewed the tabulation of bids from four different companies for new or used guardrail installation or materials only supplied. He explained that the two locations are the Municipal Building's back parking lot and the Voter Hill Road; however, because of the unforeseen expense of cleaning and lining the Municipal Building's sewer drain, he is recommending that the guardrail project at the Municipal Building be postponed to another year. The recommendation for the Voter Hill Road is to purchase used guardrail only from low bidder Main Line Fence Co. for the amount of \$3,016, with the Public Works Department to do the installation.

Dennis Pike moved to award the bid for used guardrail for Voter Hill Road to Main Line Fence Co. for the amount of \$3,016; Jessica Berry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

ITEM 6: To Award bids for the Following Parks and Recreation Department Items:

- One (1) new Riding Mower
- Repaying of the Hippach Field Wading Pool
- Community Center Brick Work

Richard Davis handed out a bid summary of all three items prepared by Director Stephen Shible. Assistant Director Matthew Foster was present to answer any questions.

Mr. Davis reviewed the summary of the new riding mower, the six bids received, and the bid award recommendation. He reported that the budgeted amount for this item is \$6,155.

ITEM 6: To Award bids for the Following Parks and Recreation Department Items:

- One (1) new Riding Mower (Cont.)
- Repaying of the Hippach Field Wading Pool
- Community Center Brick Work

Jessica Berry moved to award the bid for a new Kubota riding mower to Wallingford Equipment for the amount of \$5,899; Dennis Pike seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

Richard Davis reviewed the summary of the one bid that was received for the repaving of the wading pool, and the recommendation to award the bid. He reported that \$5,000 was budgeted for this project plus an additional amount of \$3,500 from the Peter Mills Trust Fund, bringing the total available for this project to \$8,500.

Dennis Pike moved to award the bid for "tack coating" and repaying the Hippach Field wading pool to Bruce Manzer for the amount of \$8,475; Jessica Berry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

Richard Davis reviewed the summary of the Community Center masonry work, the three bids that were received, and the bid award recommendation. He reported that the budgeted amount for this item is \$5,000.

Jessica Berry moved to award the bid for the Community Center brick work to Harville Painting for the amount of \$4,750; Dennis Pike seconded.

Dennis Pike questioned the source of the rust on the east/west exterior walls. Richard Davis explained that it most likely originated from the flashing that was on the roof before it was replaced, not from anything that is occurring now.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

To Authorize the Police Department to Apply for 2013 Byrne/JAG Grant Funding in the Amount of \$4,166 for the Purchase of Five (5) CopVuTM Wearable Video Cameras

Richard Davis reviewed Deputy Chief Shane Cote's memo dated July 9, 2013 explaining that the funding has been approved but the approval of the Selectmen is needed in order for the department to access the funds.

To Authorize the Police Department to Apply for 2013 Byrne/JAG Grant Funding in the Amount of \$4,166 for the Purchase of Five (5) CopVuTM Wearable Video Cameras (Cont.)

Jessica Berry moved to authorize the Police Department to apply for 2013 Byrne/JAG Grant funding in the amount of \$4,166 for the purchase of five (5) CopVuTM wearable video cameras; Dennis Pike seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

ITEM 8: To Consider Applying the Police Building Reserve Account Balance toward the Replacement of a Valve in the Police Building Sprinkler System

Police Chief Jack Peck arrived at 7:05 P.M. Richard Davis reviewed Chief Peck's email dated July 17, 2013, and reported that there currently is a balance of \$4,000 in the Police Department's Building Reserve account. Chief Peck explained that he made several telephone calls today and passed out a copy of the quotes that he received this date from Eastern Fire Services Incorporated for a new or refurbished dry pipe valve. The Board discussed the cost difference of new versus refurbished, as well as the imminent failure of the valve and life safety violation. Ryan Morgan explained the important role of this valve and encouraged the Selectmen to consider replacement. Chief Peck agreed to obtain life expectancy and warranty information on a refurbished valve.

Dennis Pike moved to authorize a refurbished sprinkler system valve in the Police building, funded from the Police Department's Building Reserve account at the quoted price of \$3,100 by Eastern Fire Services Incorporated; Jessica Berry seconded with the stipulation that the life expectancy and warranty information obtained from Eastern Fire Services Incorporated by the Chief is acceptable.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

Chief Peck asked for and received clarification that the intent of the vote was for \$3,100 for the valve and \$500 for installation for a total of \$3,600 to be funded from the Building Reserve Fund.

ITEM 9: To Discuss the Staffing Level at the Police Department

Richard Davis explained that there are currently two openings on the Police Department, and having gone through the hiring process the department will be ready to recommend the hiring of an applicant in the very near future. In an effort to determine whether the Selectmen will authorize Chief Peck to fill the second vacancy in order to bring the department to full staff, Mr. Davis asked Chief Peck to give an analysis of the cost of

ITEM 9: To Discuss the Staffing Level at the Police Department (Cont.)

overtime and any other relative expenses if the position is left open versus the cost of filling the position. Chief Peck reviewed his cost analysis, and at resident Stephan Bunker's request, explained what the impact will be on day to day response if the positions are not filled. Staffing relative to Maine Criminal Justice Academy training attendance, MDEA officer participation, School Resource Officer Program participation and department morale were also discussed. Mr. Davis spoke to the importance of traffic stops and the potential reduction of Revenue Sharing, as well as the obligation of providing public safety while revenue is available versus worrying about future budget issues now. Resident Betty Jespersen urged the Selectmen to honor the Chief's request, and suggested further discussion at the next meeting with community input rather than ending up with a 2-2 vote tonight. Mr. Davis stated that Chief Peck is in need of guidance from the Selectmen and suggested that if that guidance is not forthcoming tonight that further discussion be scheduled on the next agenda when hopefully there will be a full Board in attendance and citizen input will have been obtained in the meantime. Public perception of traffic stops in Town by other law enforcement agencies was also discussed.

Jessica Berry moved to authorize the Police Chief to make an offer of employment to his candidate(s) in order to bring the Police Department to full staff; Dennis Pike seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

Stephan Bunker pointed out that the Budget Committee will be able to assist with these types of decisions in a few months and hopefully the Town will have a clearer vision of Revenue Sharing by then. Mr. Bunker thanked the Selectmen for their decision tonight in support of the Chief's staffing request.

ITEM 10: To Hear an Update on the Whittier Road Erosion Issue

Richard Davis reported that he believes there is finally a design in place that is acceptable to all of the agencies involved in reviewing this process, and it is ready to go out to bid. He explained the potential base of slope clay soil issue that has been identified and explained the two stabilization options, including the cost difference and resulting Town match. It is expected that bid packets will go out to a short list of contractors the first of next week and he is hopeful that the bids will be back in time for approval at the next Selectmen's meeting on August 13th. Mr. Davis read comments for compliance with a FEMA requirement for public meetings, including requirements of Executive Order 11988, which deals with flood plain management. The Selectmen thanked Mr. Davis for all of his work on this project.

ITEM 11: To Cast a Ballot for Maine Municipal Association Vice President and Executive Committee Members

Richard Davis reviewed a memo from Maine Municipal Association dated July 8, 2013, which explained the process and who the nominees are.

Jessica Berry moved to cast a ballot for the nominees as proposed; Dennis Pike seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

The Board signed the ballot.

ITEM 12: To Approve the Minutes of June 25 and July 9, 2013

Jessica Berry moved to approve the minutes of June 25 and July 9, 2013; Joshua Bell seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

ITEM 13: To Discuss Other Business

- **A)** Dennis Pike pointed out that the new decorative street lights have been installed and are considerably more bright and cheerful.
- B) Dennis Pike asked for an update on any additional work on Front Street this year. Richard Davis stated that there does not appear to be enough funding to apply the final overlay, so the only work that will be done this year will be the traffic striping.
- C) Jessica Berry reported on the Abbott Park project that the Committee has settled on in conjunction with the UMF 150th celebration. Richard Davis asked her to send him the information when it is available and he will send it to the press.
- **D**) Joshua Bell generated a brief discussion regarding ditching by the Public Works Department.
- E) Stephan Bunker thanked the Selectmen for appointing him to the Budget Committee, Conservation Commission and Planning Board at the last meeting, and apologized for having had to leave that meeting unexpectedly.
- **F)** Morning Sentinel reporter Kaitlin Schroeder asked for, and received clarification that the Whittier Road project start date was postponed from the July 29th date due to several design modifications. The projected start date/factors were discussed.

ITEM 14: To Hold an Executive Session pursuant to 1 M.R.S. § 405.6.A. to Discuss the Employment of a Wastewater Superintendent

Jessica Berry moved to go into Executive Session at 8:23 P.M.; Joshua Bell seconded.

In answer to resident Betty Jespersen's question as to whether the Selectmen expect to vote on hiring an applicant tonight, Richard Davis stated that there are issues that need to be discussed, and the only vote that may transpire from their discussion will be to make an offer of employment to an individual, with possible further negotiation.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Andrew Hufnagel)

Andrew Hufnagel joined the meeting by conference call shortly after the Board entered Executive Session.*

The meeting came out of Executive Session at 9:20 P.M.

Dennis Pike moved to authorize the Town Manager to hire the top candidate for the Wastewater Superintendent position at a starting salary of \$60,000 annually plus benefits as provided to all other full-time employees, with the condition that he obtains the Class III Treatment Plant Operator License within six months of his start date; Jessica Berry seconded.

VOTE: AFFIRMATIVE 4 OPPOSED 1 MOTION CARRIED (Ryan Morgan)

There being no further business to come before the Board, Jessica Berry moved to adjourn at 9:23 P.M.; Dennis Pike seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Minutes respectfully submitted by Linda H. Grant.

Dennis C. Pike – Secretary

*The Maine Municipal Association's *Municipal Officers Manual* states that, "While some municipal attorneys have advised that a board member who cannot attend a meeting in person may 'attend' and vote via telephone conference call, there is no Maine case law directly addressing this issue." In any event, there were sufficient votes for the motion to pass even if Mr. Hufnagel had not voted.