

Town of Farmingdale Select Board Minutes
May 3, 2017

Members Present: James Grant – Nancy Frost - Wayne Kilgore—Others Present: Rose Webster – Jim Stevens- Carol Stevens – Mary Denison (Town Attorney) – Matt Morgan (Attorney – Ellis Construction)

Meeting opened by Jim Grant at 6:30 p.m. with Pledge of Allegiance.

- Nancy Frost made a motion to accept the minutes of the April 19, 2017
- Wayne Kilgore 2nd the motion
- Vote 3/0

Mary Denison – Discussed the hearing with the Judge regarding the complaint by Ellis Construction for rejecting two bids submitted for Sewer Maintenance and Roadside Mowing. The Judge remanded back to the Selectboard for a decision as to why the bids were rejected. The Judge felt that he did not have enough information as to why the decision was made. Need to supplement the records with the factual findings of why the decision to reject the bids was made. Mary also mentioned that the Selectboard had received letters from prior Selectboard and Sewer Committee members in support of Ellis Construction. Mary said that Mr. Morgan would urge the Selectboard to review these letters, but she does not agree as these letters were not in present at the time that decision was made. Mary presented the Selectboard with a copy of the 2 RFP's for the Roadside Mowing and the Sewer Maintenance along with copies of the bids, copies of the minutes and the summary sheets of the bids to refresh to memory if needed. The Selectboard did not consider the letters written as they were not part of the decision at the time. Per the Ordinance the Selectboard is not obligated to give a reason for rejecting, unless all bids are rejected. Mary suggested that the Planning Board explore and recommend modifying the Ordinance to be amended to provide the information when any bid is rejected.

Jim Grant said that the Town is currently in litigation with Ellis Construction regarding a similar Contract and did not feel that it was in the best interest of the Town to enter into a Contract with anyone that the Town is currently in litigation with. Wayne Kilgore said that he reviewing the performance of the workmanship could be difficult to do as an unbiased party with someone that is suing the Town. Wayne said that if you did open the bid, why add fuel to the fire they could be lower and then they would have been caught.

Nancy said that she felt that it was very cautionary to discuss the current job with someone suing the Town and would be difficult to communicate and make for an uncomfortable situation. Jim said that if someone is suing the Town that they are not a qualified bidder, it could be hostile, uncomfortable and unproductive. That in the past when the Contractor was there that they attended with legal representation. Jim said that he wants to see the Ordinance updated and changed to read that is any bid is rejected there needs to be a reason and needs to be incorporated into the minutes. This needs to be explored by the Planning Board and bring back recommendations to that Selectboard.

Mary said that she would write up the findings for the Select board's review, to be signed so that she can send the findings' back to the Court for the Judge's review. Mary also noted that on the paperwork and questions sent to her by Rose regarding the use of the easement known as the Sheldon Street Field. The easement provides exclusive use of the field and that it would acceptable to allow that Softball Association the right to make improvements to the field.

Ben and Danielle Barry attended the meeting to see what the Selectboard had discussed regarding the tax supplement/abatement that they have been working with the Town on. Jim Grant said that after further review and talking to them that the Selectboard would offer to abate half of the 2015/16 taxes. That would be a reduction of \$950.48, leaving a balance of 950.48 for 2015/16 and 2016/017 is \$2,047.69. Danielle and Ben

were not happy with this amount, as they feel that they have tried to work with the Town and that the errors are due to the Town not taking care of things for them. They will consider this and get back to the Selectboard by the next meeting.

Carol and Jim Stevens attended the meeting to discuss the proposed increase on the School Budget and what can the Town do about all these increases. Jim told them that they

- Nancy Frost made a motion to pay the invoice on next week's warrant
- Wayne Kilgore 2nd the motion
- Vote 3/0

Bill Rogers said that he would follow up on the culvert repair that was done on the Manchester line. The Town Manager had indicated that they would go half on the bill. Bill Rogers also mentioned that there is problem with the beavers, Jim Grant will check with Greg Smith if it is still trapping season. Jim Grant asked Bill if he had made a decision regarding posting the roads. Bill spoke to the contractors on the problem road and as long as they are keeping it cleaned up and watching their speed he will not post the road. Jim said that there were a couple of complaints on mailboxes knocked down by the plow, and 45 Roberta Street was questioning about the lawn being plowed up. Bill Rogers said that their lawn is higher than the others in the area and is also in the Town right of way, that their fence is the line.

Jim Grant said that he would like all Town employees to have an ID card; Rose asked if we would have to wear them in the office, Jim said no. He mentioned that they should have pictures as well; this idea was questioned if that was really needed and will be reviewed.

Bill Rogers said that he was hoping to get some work done on Hayford Street on the catch basin; he has spoken to Jim Coffin about the work and is hoping to have a plan on this very soon.

Rose Webster said that she had sent the contract verbiage to Mary Dennison for her review so that we can get moving on the sweeping contract, sewer contract renewal, small projects – this is trying to write them so that the base of the contracts are all the same and the work will be under the scope of work.

- Jim Grant made a motion to adjourn at 8:00
- Nancy Frost second
- Vote 3/0

Date _____

James Grant

Nancy Frost

Wayne Kilgore