

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, May 22, 2017

Board Members Present:

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

Others Present:

Arthur Capello, Town Administrator
Kathy Seaver, Town Clerk
Rebecca Dickie, Deputy Town Clerk
Residents Bill Fisher, Elizabeth
Johnson, Randy Orvis

1). Call to Order:

Chairman Proulx called the meeting to order at 6:02 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Public Input:

A).Grand Opening- Mr. Capello reminded everyone that the Grand Opening celebration of the new Public Safety Building will take place on Sunday, June 4, 2017 at 2 p.m.

B). Parade- The Memorial Day Parade will take place on Sunday, May 28, 2017 at 1 p.m.

C). Outdoor Burning- Chairman Proulx said she was contacted by a resident who said she called the Fire Dept. to ask if outdoor burning was allowed and no one answered the phone. She then asked if the posting on the sign downtown is current.

Mr. King asked what type of permit the resident has and said that a seasonal burn permit holder can burn anytime. He suggested the prohibition against burning be posted online and asked approx. how many times a year outdoor burning is prohibited.

Mr. Capello said a seasonal permit holder can burn anytime as long as a red flag has not been posted and that burning is prohibited about 2 or 3 times a year depending on conditions. He said the dept. sometimes calls permit holders to inform them when burning is prohibited. He will follow up with the Fire Chief as to if the sign downtown is being kept current.

D). Cemetery- Ms. Proulx said workers at the Pine Grove Cemetery are telling people that the Selectmen have decided that the graves in the cemetery can't be decorated. Ms. Proulx said this is not true as the Town does not own the cemetery and the board has no control over the matter.

4). Review of Minutes:

May 15, 2017- Public Meeting Minutes- Page 4, Item #6, Fire Chief James Reinert, Section B Truck, 4th sentence, strike the 2nd "he" and replace with "the Farmington Firefighters Association"

Following the above sentence add "Mr. King said he did not favor painting the truck just to change its color as it is a waste of the taxpayers' money. He added that it would be the board's responsibility if the work is not done correctly resulting in rust issues later on."

8th sentence- replace “machine” with “alarm panel”.

Page 4, Item #6, Section C, Student Intern Program, 2nd sentence, amend “add that an alcohol screen will...” to “he asked if an alcohol screen should”

Motion: (Johnson, second Titus) to approve the minutes as amended passed 5-0.

5). Development of Planner Goals:

Mr. Capello said the Town does not yet have a Planner and suggested the board begin to discuss the goals for the position.

Discussion included to get rid of the back log in the Planning Dept., work with applicants to prepare them for the board review, support the boards in a timely fashion, give applicants time to address additional/missing information, support and enhance the TIF and 79-e Districts, look for obstructive regulations and ways to streamline the process, downtown revitalization, economic development, review and recommend improvements to Planning Board processes and be knowledgeable of all Town ordinances not just those involved with planning and zoning.

Ms. Proulx asked that Mr. Capello also provide the board with a job description for the position.

Mr. Capello said he will prepare a bulleted list for the next meeting and asked the board to determine the priority of the goals from the list.

6). Review Old Police Dept. Plans:

Selectmen received copies of the floor plans for the former Police Dept. building that were developed for a Community Center in 1983. Mr. Capello said Building Inspector Dennis Roseberry and Recreation Dept. Director Rick Conway measured all of the spaces and have provided the dimensions. He asked the board if they wished to begin the discussion regarding possible uses for the space or to postpone it until they had time to review the plans.

Mr. King asked if Mr. Roseberry or Mr. Conway had any thoughts after reviewing the plans.

Mr. Capello said he did not discuss the matter with them as he was waiting for the board to discuss it first. He asked if the board wished to discuss the issue at the building so they could view the spaces while discussing it or have the discussion in the Selectmen’s Chambers.

Consensus of the board was to hold the discussion in the Chambers on June 12 and to request that Mr. Conway be present for the discussion. The board also decided to hold the discussion as part of a workshop meeting where the agenda will be limited to priority items that must be addressed.

7). Review PILOT for Cardinal Landfill:

Mr. Capello told the board that NH Solar Garden (NHSG) has reached an agreement with the NH Custodial Trust to develop a solar power electric generating facility using 2 solar arrays at the former Cardinal Landfill on Cocheco Road (Tax Map R19-7 through R19-11). He said that Assessing Clerk Kelly Heon researched the parcels and found that the parcels are taxed and that the previous taxes have been paid. He said the last tax bill for land has not been paid and that the Trust is seeking to have the \$1,871.45 in past due taxes included in the proposed first year PILOT (Payment In Lieu of Taxes) payment.

Mr. King said he did not favor forgiving the past due taxes as it is the taxpayers’ money. He said

the Trust has acted only to benefit itself and not in the best interests of the Town or NH residents and that all of the payments they receive go into their trust fund to support payment to the Executors of the Trust.

Ms. Proulx said the trust is seeking to lump sum the amount from the taxes owed into the PILOT payment and asked if the board has anything to do with setting the terms of the PILOT.

Mr. Capello said the PILOT agreement is with the Town but the Town does not have anything to do with the lease for land.

Mr. Johnson said he believed what the solar company will end up doing is to lease the land from the Trust, pay them the lease fee and then pay the Town the payment in lieu of taxes.

Ms. Proulx asked why NHSG doesn't pay the Trust and then the Trust just pays their taxes to the Town.

Mr. King that the Trust seeks to pay payments in lieu of additional taxes because they don't want to pay the full assessed rate but a decreased rate based upon not including the school portion of the tax rate.

Ms. Proulx asked what would happen if the land is reassessed and that value is not enough to pay what the taxes are on the property.

Mr. Capello said the PILOT payment will be based on the assessed value of the solar arrays only and not on the land.

Ms. Proulx said the Town does not own the land and that the array could increase the value of the property and asked if the Town can set the PILOT agreement.

Mr. Capello said the Selectmen negotiate the PILOT payments and have the ability to increase or reduce the amount.

Mr. Johnson this amount is similar to the amount the Town is getting for the system that will be sitting on the Town dump.

Mr. Capello cited the example of the agreement with Frisbie Hospital for the Family Care of Farmington healthcare facility where the taxes were reduced to 50% of the tax rate for the first year and then it increased each year based on the taxes.

Ms. Proulx expressed concern about the fact that the PILOT for the healthcare facility was negotiated between Frisbie Hospital and the Town but this PILOT was negotiated between NHSG and the NH Custodial Trust.

Mr. Johnson said NHSG will pay the Town either \$2,500 or \$3,500 per megawatt generated and that the assessed value of the property that the Trust has been paying the Town all along is a different issue and the Town should still be paid for the assessed value of the property.

Ms. Proulx said a PILOT is a payment in lieu of taxes so they are not 2 different things.

Mr. King said the land value doesn't change just as when a land owner puts in a pool. The additional value is in the pool not the land and so there may be no change in the assessment of the land. The assessment increase would come with the infrastructure on the land which is the solar arrays and we are negotiating an in lieu of taxes agreement. He said someone could say the value of the land has gone up but if he were the landowner he would say that it hasn't gone up.

Mr. Capello said the property is an old unlined landfill but now the land has a value because it

can be used for a purpose. He said he will ask the Town Attorney if the PILOT replaces the taxes on the land.

Randy Orvis asked if there is any re-grading of the land planned which is considered an improvement and could increase the value of the land.

Mr. Capello said there is no re-grading of the land planned. He added that NHSG will also have to go before the Planning Board for review of the proposal.

Mr. Johnson said it is fine if there are 2 separate tax payments for the land and the improvements as long as the Town gets both payments.

Ms. Proulx said she thinks that the PILOT payments are instead of the property tax payments not in addition to and that she wants to see everything in writing before agreeing to anything.

Mr. Johnson said that NHSG is putting in 2 arrays, one that is 1.2 megawatts and the other is 1.3 megawatts for the lower and upper landfills. The PILOT payments are \$3,500 per megawatt for the net metering project and \$2,500 per megawatt for the ISO project and the agreement does not state how much of each type will be generated.

Mr. King asked what NHSG plans to use for net metering (a billing mechanism that credits the system owner for the electricity they add to the grid) at the site as it is a land trust that has no current electrical use. He asked whose electricity they planned to use, what is the ratio for use is and if the electricity generated would go to someone else to use.

Mr. Johnson said the NHSG's Andrew Kellar had previously stated that the possible future plans included a plan to net meter a portion of Cardinal landfill site for residents use.

Mr. Capello noted that the town never took ownership of the property and asked the board if they were willing to allow the back taxes to be rolled into the PILOT payment.

Consensus of the board was to not allow the past taxes to be included in the PILOT payment.

Mr. Capello said he will inform the company of the board's decision regarding the back taxes.

The board requested that Mr. Capello confirm which parcels will be used for the project, to find out if there are taxes owed on the individual lots that make up the site and if there are back taxes still owed on the Collins/Aikman property.

8). Town Administrator's Business:

A). Street Naming: Mr. Capello provided copies of the Road and Driveway Regulations, Design and Construction Standards, Section 1.E, Street Names to the board following a discussion at the previous meeting regarding board approval of a street name for a new road in a new development off Ten Rod Road. Mr. Capello said based on the regulations the board can only approve names for streets serving more than 2 parcels so they do not have any jurisdiction over this situation.

B). Screenshots of Plaques- Selectmen viewed photos of the inscriptions for the dedication and rolling plaques and examples of the plaques for the Public Safety Building. The board discussed identifying Mr. Capello as the Town Administrator and to identify the names of the individual Selectmen as the Board of Selectmen, to purchase a 24 x18 inch bronze cast plaque instead of the wood dedication plaque, adding the Farmington Public Safety Building Committee to plaque, estimated cost of the bronze cast plaque is from \$1,600- \$2,000, to get donations for the cast plaque, the cost for the 2 wood plaques is approx. \$400 and to request a mock up of the cast

plaque to use at the Grand Opening of the new building.

Motion: (King, second Titus) to go with the cast plaque and to authorize the Town Administrator to work with Mr. Johnson to get it done and to authorize the expenditure of up to \$2,000 passed 5-0.

The board also requested the first names of Mr. King and Mr. Horgan be changed to “Charlie” and “Jim”, change “citizens” to “residents”; correct the spelling of the Chairman’s last name to “Proulx”, to go with the example of the rolling plaque as presented and to confirm the correct name of the builder (Groen Builders or Groen Construction).

C). Car Wash- Mr. Capello said the Boy Scouts have requested permission to hold a car wash in the parking lot of the Municipal Office Building on Saturday, May 27.

Motion: (Horgan, second Titus) to approve the request passed 5-0.

Mr. King asked if the Scout troop carries its own “blanket” insurance.

Mr. Capello said the Boy Scouts have their own insurance.

9). Additional Board Business:

A). Antique Pictures/Frames- Mrs. Titus said there are some antique pictures and frames that were located at the old Fire Station and asked if they have been moved to the new building and if they will be put up for display there.

Mr. Capello said he will find out where they are but said he did not know if they would be put up as they are running out of wall space to display items.

B). Grand Opening Invitations-Mrs. Titus then asked if Mr. Capello has a list of the people involved with building the old Fire Station so that everyone will be invited to the Grand Opening of the new building.

Mr. Capello said he sent invitations to the School Board and to the surrounding Boards of Selectmen but did not plan to send out individual invitations due to the potential for inadvertently missing someone.

Mr. Horgan said they have discussed sending individual invitations to the decommissioning of the old Fire Station.

Mr. Capello said that when that event is scheduled they plan to personally notify as many of the individuals involved as possible. He added that he would love to have them attend the Grand Opening celebration for the new building.

C). Hay Day- Mrs. Titus asked about the practice of charging non-profit groups to rent a space at Hay Day.

Mr. Capello said the non-profits are charged \$35 per space depending on its location. He said the rental fees pay for the event and that if the Town did not charge them the board would need to be prepared to start funding the event from the Town budget.

Ms. Proulx said it is also an event where the town loses money.

Mrs. Titus said the Farmers’ Market uses space in the church parking lot weekly but on that day they can’t use the space unless they pay the fee. She said she didn’t think it was right that 3 or 4 businesses are being “kicked to curb” because it’s Hay Day.

Mr. Capello said they can be there but they must pay the fee for the space. He said the event uses

the bank, church and funeral home properties for Hay Day and if the board were to start granting exemptions for one group then they will need to look at all of them.

Mr. Johnson said he thought that the Town only rents out the church and bank parking spaces on Hay Day and not the rest of their properties and asked Mr. Capello to look into the matter.

Mr. Horgan said it seems the church would control their property. He said that typically they operate on the grass portion of the church property and are on private property.

Mrs. Titus added that the church has given the Farmers' Market permission to be there and that the Town says they have to pay to be there just because it's Hay Day.

Mr. Capello said she was assuming the group was being charged to be there and asked for the opportunity to at least get the other side of the story.

Consensus of the board was to ask Mr. Capello to research the matter and report back to the board.

Public Safety Building- Mr. Horgan said the landscaping at the new building looks pretty good. He suggested that a guardrail should be installed at the rear left corner of the building (looking at it from the front of the building) where the land slopes off from the pavement.

Mr. Johnson asked if cement tire stops could be used.

Mr. King said they are a plowing hazard and they need to decide if they wanted to make it easier or harder to plow the area.

Mr. Capello suggested the board wait until everything is completed as there is currently no money left to do these things.

Mr. Horgan said the walkway coming off the sally port looks like a patchwork job.

Mr. Capello said the top coat has not yet been installed in that area.

Mr. Horgan then asked for the status of the impound pen.

Mr. Capello said he had a discussion about the location of the pen with the Police Chief because there is more land there between the building and the tree line than originally thought. The discussion concerns where to put the pen so it is out of way but where it won't be necessary to plow "three miles" to get to it he said.

Mr. Horgan said his original concern with the pen was to bury it in the trees where it wouldn't be an eye sore because he thought the tree line would be closer to the building.

Mr. Capello said he was at the site with the Police Chief and they decided to continue the discussion with the board during the Grand Opening celebration when the board would be present to walk the area.

Mr. Horgan asked about the lighting for the sign in front of the building.

Mr. Capello said the wiring is in for sign and the sign is expected to be installed soon.

Mr. Horgan asked about water running into the sally port when it rains.

Mr. Capello said it was an issue with the snow being brought in on the vehicles which melted and then ran down the floor into the office.

Mr. King said since then the baseboards have been sealed and a car mat has been installed.

Mr. Capello said they will not find out if the problem has been solved until next winter.

TDS PEG Channel-Mr. Johnson announced that TDS Channel 29 is up and broadcasting the

Town meetings. He said there is no explanation why the school channel is not yet broadcasting and suggested that it may be due to a problem with the school's equipment.

Mr. Capello asked if the School Board has bought the equipment they were authorized to buy when the school budget was approved by voters.

Mr. Johnson said they did not purchase the equipment they said they were going to buy and instead repaired the existing equipment and hoped to make it last so they didn't have to replace it.

Mr. Capello said the money for the equipment was supposed to come out of the Future Technology Fund and not from the school district operating budget. He asked if the School Board/SAU reps told the Budget Committee that they were going to try to repair the equipment but that they didn't think it would last and that was the reason they weren't broadcasting School Board meetings.

Mr. Johnson said that was possible. He said MetroCast has done their part to provide the town and school PEG channel signals without a problem so that pretty much leaves it to a problem with the school's equipment.

Howard Systems-Mr. Johnson asked for the status of the issues with Howard Systems.

Mr. Capello said the company was in the Public Safety Building doing some work and that a letter from the Town Attorney was going out to them telling them they have until June 15 to get the issues with the intercom and the video recording system resolved. He said he will follow up to find out where the matter now stands.

Mr. Johnson asked if the Fire Chief has received the billing information he needs for the grant for the emergency generator.

Mr. Capello said the billing information has not been received yet and that was included in the letter from the Attorney.

Hay Day (continued) - Mr. Capello said he received a text from Recreation Director Rick Conway informing him that the Farmers' Market has not reached out to the Town about participating in Hay Day. He said it is not accurate that the Town is telling them they can't be on the church property without paying \$35.

Mrs. Titus said she would inform the participants at the Farmers' Market they are welcome to be there on Hay Day if it is okay with the church but if they want a space on the street they must pay \$35.

10. Next Meeting: June 5, 2017

11. Non-Public Session A:

Motion: (Horgan, second King) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus-yes) at 7:20 p.m.

Motion: (Johnson, second King) to come out of non-public session passed 5-0 at 7:45 p.m.

12. Non-Public Session B:

Motion: (Johnson, second King) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus- yes) at 7:45 p.m.

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 8:12 p.m.

Motion: (King, second Titus) to seal the minutes until the hiring process is complete passed 5-0.

13. Adjournment:

Motion: (Titus, second Horgan) to adjourn the meeting passed 5-0 at 8:30 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Charlie King

Ann Titus