

Town of Farmington  
Board of Selectmen Public Meeting Minutes  
Monday, August 7, 2017

**Board Members Present:**

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

**Board Members Absent:**

Charlie King, excused

**Others Present:**

Town Administrator Arthur Capello  
Fire Chief James Reinert  
Captain Royal Edgerly  
Elizabeth Johnson  
Bill Fisher

**1). Call to Order:**

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

**2). Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**3). Public Input:** None

**4). Review of Minutes:**

July 31, 2017- Public Meeting Minutes- No errors or omissions

Motion: (Johnson, second Titus) to accept the minutes as written passed 4-0.

Non-Public Sessions A & B – No errors or omissions

Motion: (Johnson, second Titus) to accept the minutes as written passed 4-0.

**5). Fire Chief Regarding New Ambulance Billing Company:**

Chief James Reinert came before the board to discuss a proposal to change ambulance billing companies next year. He said this proposal does not affect the Town until next year but he was seeking board approval now to get all of the documents in order to so the new and current companies could be notified in a timely manner and the proposed new company, Enhanced Management Services could get started in Farmington in February 2018.

He said at one time the current service provider, Comstar, was the only “big dog” in EMS billing in the area. In November there was a billing consortium held at the Fire Academy in Concord.

Approx. 25 fire companies attended and 5 billing companies were represented at the consortium.

The fire companies voted as to the best service provider and Comstar ranked the lowest of the 5 companies present. Comstar had no answers to questions such as how they are improving their technology and provide ways to supply information faster to the emergency responders.

He said that currently requests for information take quite a while to get a response because someone has to call Comstar, the company has to conduct the data analysis and then get back to the dept. with the requested information. Enhanced Management allows the user direct access to the company's system and to track or request data by mobile phone he said.

Chief Reinert said Enhanced has a higher percentage rate for average collections than Comstar with a rate in the mid-80 % for most depts. Comstar currently has a collection rate in the mid-60 % for Farmington he said. He added that Belmont and Pittsfield signed on with Enhanced 2 years ago and saw a 10% increase in their collection rate in their first year with the company.

Ms. Proulx asked if Enhanced uses a third party for billing collections similar to Comstar.

Chief Reinert said they do and the Town can choose to stay with the current third party or opt into the third party used by Enhanced.

He said they learned through the process that Comstar doesn't put a lot of effort into collecting the money that hasn't been paid as they don't make phone calls and don't attempt to negotiate with insurance companies. He said they also found out the dept. was being overcharged instead of receiving the reduced collection fee as a member of the Seacoast Fire Chiefs' Organization. He said Enhanced Management normally charges between 7% and 10% collection fee depending on call volume but they will give the Town a 5.5 % collection fee if we sign a three year contract with them. The collection fee is 5.75% fee for a one year contract. He said that even though the collection fee is .5 % more than the current fee with Comstar, the Town would see a better collection rate, have weekly deposits and better availability of data which will also be helpful in securing grants and other funding sources for the Town. The package includes a website, mobile phone access, free training and a blog he said.

Mr. Horgan asked if this company is the one he wants to go with of all the companies that attended the consortium.

Chief Reinert said that it is and noted that Belmont and Pittsfield have been with the company for approx. 5 years.

Mr. Horgan asked if either of those depts. had any complaints about Enhanced and if either of them were previously contracted with Comstar.

Captain Royal Edgerly joined the discussion and said both depts. are pleased with Enhanced Management. He said that one of the towns had previously contracted with Comstar while the other contracted with Concord Hospital for billing services.

Mr. Horgan asked the Chief if he felt comfortable enough to jump into a 3 year contract with Enhanced.

The Chief said he was comfortable with a three year contract and although he is not a lawyer he noted some language in the contract proposal he thought would protect the Town from some legal issues previously encountered with Comstar.

Mr. Horgan said the contract proposal says the dept. would be responsible for maintaining the patient's records and to provide a Patient Care Report and asked what the report consists of.

Captain Edgerly said when the dept. comes in contact with a patient it generates a Patient Care Report which goes into the state data base and then on to a bigger federal system. If Enhanced is

to become the Town's billing company they must be granted access to the information in the state system so they can pull the run files and conduct the billing. The dept. maintains the accuracy and accountability of the patient reports which are submitted weekly he said. Chief Reinert said that the report must be filled out for calls even if there is no patient contact or for a "John Doe" and submitted to the state.

Mr. Horgan asked about getting the patient's Social Security numbers.

Chief Reinert said he has changed the policies and practices to make collections a little easier and that it is rare that Social Security numbers are not obtained.

Mr. Johnson asked about the Comstar collection rate.

Captain Edgerly said they were at 61% collected last year. He said Enhanced says there will be less patient accounts going to collections because they will go after them a lot harder than Comstar does. He said since the Town switched to FFR (a third party biller) the Town has received more money but he wondered why Comstar couldn't do the same thing.

Mr. Capello said FFR gets 33% of what they collect and added if the bills get paid before they get to collections the will Town get more money that way too.

Ms. Proulx asked if Mr. Capello had an opportunity to check into the background of the company and see how long they have been in business and how successful they have been.

Mr. Capello said he checked with some other towns that use Enhanced and they have reported they have been very happy with the company.

Mr. Johnson asked if the Town currently has a credit card merchant account where the Town accepts payment by credit card as required by Enhanced.

Mr. Capello said the Town doesn't currently accept payment by credit card except for the Town Clerk's Office.

Captain Edgerly said Enhanced will set up the account for the Town which will allow patients to pay by a major credit card on their website with the payment going into the Town's account.

Comstar requires patients to set up an account to make payments directly to them he said.

Mrs. Titus asked if there is an extra charge or yearly fee for the "whole package" that includes data tracking.

Chief Reinert said the 5.5% fee is the total cost per year for the 3 year package for the entire program including the website, mobile phone access and data tracking.

Mr. Johnson asked about the average amount of ambulance billing revenue per year.

Mr. Capello said they budget approx. \$250, 000 in revenues a year.

Chief Reinert said the revenue has increased slightly this year due to increased call volume and better collection practices including obtaining the patients' Social Security numbers.

Captain Edgerly said at this point last year the dept. brought in approx. \$112,000 and right now the total is approx. \$135,000, which is an increase of about \$23,000. He said this is also due to holding everyone accountable for making sure accurate information is obtained from the patient.

Chief Reinert said if there was an error Comstar didn't look into it and it becomes a "phantom" patient and the bill is uncollectable. Enhanced tries to track down the error and correct it because if the bill is paid they get paid he said.

Mr. Johnson added that the extra .5% in the collection fee amounts to only about \$1,300 a year with the potential for about \$27,000 in increased collections.

Motion: (Horgan, Titus) to move forward with a 3 year contract with Enhanced Management Services for ambulance billing services and to authorize the Town Administrator to sign the contract and to authorize the Town to opt out of the Comstar contract at the appropriate date passed 4-0.

Mr. Capello asked Captain Edgerly to notify Comstar that the Town plans to opt out of the agreement with them within the appropriate deadline for notification.

Chief Reinert said he will contact an Enhanced Management company representative to determine the next steps in completing the new agreement with them.

#### **6). Town Administrator's Business:**

**A). ZBA Appointment-** Mr. Capello asked the board to consider the reappointment of Joe Pitre to the Zoning Board of Adjustment.

Motion: (Horgan, second Johnson) to appoint Joe Pitre to a 3 year term as a regular member of the Zoning Board of Adjustment

Discussion: Mr. Johnson asked if Mr. Pitre has been showing up for meetings.

Mr. Capello said he has been attending the meetings.

Vote: The motion passed unanimously.

**B). SRPC Appointment-** Mr. Capello asked the board to consider the reappointment of Martin Laferte to the Strafford Regional Planning Commission.

Motion: (Horgan, second Titus) to appoint Martin Laferte to a 2 year term as a representative to the Strafford Regional Planning Commission passed 4-0.

**C). Technical Assistance Grant-** Mr. Capello told the board that Town Planner Dan DeSantis found the grant program and would like to apply for the funds. He said the grant requires a 25% cash match from the Town with the possibility of receiving from \$5,000 up to \$20,000. The funds would be used to engage a consultant to review zoning ordinances and rewrite regulations related to housing.

Mr. Johnson noted that the grant concerns a lot of issues the Planner has been tasked with and asked if he is eligible to perform the tasks in grant program as a recipient of the grant.

Mr. Capello said he would not be eligible to perform the tasks as he is a Town employee which is prohibited by the grant program. He said the program would give Mr. DeSantis some tools to complete some of those tasks assigned to him.

Mr. Johnson said one caveat is they don't pay the last 25% of the funds until there is concrete evidence that the Town intends to implement the ordinances.

Discussion included some of the requirements/intent of the grant, if the program will help the Town go in the right direction, the need for additional housing, speeding up the planning/zoning process and promoting mixed uses in certain areas in Town.

Mr. Capello said in his conversations with the Planner he said the intent is to look at Form Based Codes, streamlining the process and reevaluation of the current zoning ordinances. He suggested looking into seeing if the program could be used for the rehab of downtown streets.

Mr. Johnson asked where the \$5,000 matching contribution would come from as it must be submitted as part of the application.

Mr. Capello said he would attempt to find it from within the Town budget.

Ms. Proulx added that the program also requires that progress reports are written and submitted yearly for 5 years after receipt of the funds which would be the responsibility of the Town Administrator to make sure it gets completed.

**D). Property Tax Exemption Bill-** Mr. Capello said this bill passed by the NH legislature would allow the town to provide up to a 50% property tax exemption for a maximum of 10 years to incentivize commercial and industrial construction. It would be up to Selectmen to approve or deny the exemption he said.

Ms. Proulx asked if improvements to existing structures would be eligible for the tax exemption.

Mr. Capello said he understood it was for new construction or a new addition to an existing structure.

Ms. Proulx asked if development in the TIF District would be eligible for the exemption and the effect on the TIF account.

Mr. Capello said if the exemption was granted in that area there would be less money going into the TIF account.

Ms. Proulx said she was not inclined to do that at this point.

Mr. Horgan said the board would not have to approve the maximum 50% exemption to a project.

Mr. Capello said it may benefit the town to consider the proposal as there are other opportunities to build in town outside of the TIF District.

Ms. Proulx said the money going into the TIF District account is revenue that has to be made up by the taxpayers to make up for the lost revenue to the Town.

Mr. Capello said this would give the board the ability to negotiate with a potential new business coming to town outside of the TIF District and added that the board doesn't have to approve any exemption.

Mr. Johnson disagreed and said the legislation states that once an amount for the exemption is determined it must be given to all businesses that apply.

Ms. Proulx said they need to be careful about diverting money because if too much money is diverted the residents will be paying a lot more in taxes.

Mr. Horgan asked if the board could set certain criteria to be eligible for the tax exemption such as adding a certain number of jobs or a certain amount of additional square footage.

Mr. Johnson said that isn't clear in the legislation if the board would have that ability.

Mr. Capello said he would speak to the Planner to clarify if the TIF District can be exempted from the tax break or if it must be implemented town-wide and if the board can add to the legislation for criteria in determining the best use of exemption.

**E). Street Lighting Project-** Mr. Capello provided the board with some additional information about the street lighting proposal as requested at the previous meeting. He said he contacted the Deputy City Manager in Rochester who said they by-passed the City's purchasing policy and used Dover and Portsmouth's bid research. He said he also put out an e-mail blast to get

feedback from other Town/City Managers on their experiences with Affinity Lighting and why they chose them for their lighting projects and provided the board with copies of their responses. Mr. Johnson questioned an item on the 2017 City of Dover LED Street Lighting Upgrade noting that the spreadsheet shows the Smart control cost for Affinity is \$145 per fixture which is a higher cost per fixture than all of the other bidders. He said then the totals show Affinity is \$20,000 to \$100,000 cheaper than the other bidders and wondered how they could do that as no other costs are listed on the sheet.

Ms. Proulx suggested they may have had the bids with all of the costs broken out and the spreadsheet is a summary of the costs.

Mr. Johnson said the proposal could save the town 30-40 percent of its street lighting costs and may reduce the maintenance costs.

Ms. Proulx noted that maintenance costs are not included in the terms of the Rochester contract but that the board did discuss the potential to reduce maintenance costs with the company during their presentation to the board.

Mr. Capello said Rochester has their own maintenance dept. that maintains their street lights.

Mr. Johnson asked Mr. Capello if the proposal is approved by the board if he would recommend implementing the contract this year or next year.

Mr. Capello said he would propose that they begin the work at the end of this year so there would be a better idea of what remains in the budget and where the money could come from to fund the project. He said the agreement he signed with Eversource (for incentive funds) is for 2018 money so the project must be completed in 2018.

Ms. Proulx asked where the money will come from for the street lighting project.

Mr. Capello said that is still undetermined and that he would like to wait until it is closer to the end of year and make the decision at that point.

Mr. Horgan asked if unanticipated revenues could be used for the project.

Mr. Capello said those funds can be used or they could budget for the expense in next year's budget. He said the town would have to pay \$46,000 up front to begin the project and then would receive \$19,000 back in incentive funding from Eversource. He added the town should be receiving the incentive funds for the Public Safety Building soon as all of the documentation has been submitted to them.

Mr. Johnson said they installed some test lights in one of the towns and asked if they would be willing to do the same in Farmington. He said he would like to see the difference between the 3,000 k and the 4,000 k lights to see the color temperature and how much light they put out.

Mr. Capello asked how many test lights the board would like to have installed.

Mr. Johnson suggested 3-4 test lights to be installed downtown.

Mr. Capello said he would prefer that the board sign a contract with the company first before having them conduct any work on the poles to prevent any liability issues. He said they will have a discussion after the company completes the inventory of the current lighting and the board can decide what to have installed at that time. He suggested including the Police and Fire Chiefs in the discussion to determine if there are areas where brighter lighting is needed.

Motion: (Johnson, second Titus) to enter into a contract with Affinity LED Lighting to replace the current street lights with LED lighting and to authorize the Town Administrator to sign the contract passed 4-0.

**F). Public Hearing-** Mr. Capello asked to have a light agenda for the August 21 meeting limited to the public hearing to accept state Highway Funds and necessary items such as signing documents and the non-public sessions as needed. Consensus of the board was plan a light agenda for that meeting.

**7). Cardinal Landfill PILOT:** Mr. Capello said after some “back and forth” between him and the Town Attorney, agreement has been reached on the language for the Payment In Lieu of Taxes (PILOT) agreements between the Town and NHSolarGarden.com for a solar power electric generating facility on the upper and lower portions of the Cardinal Landfill located on Cocheco Road. He said he filled in the tax amount that was due for each PILOT and included a copy of the tax records provided by the Town Clerk.

Mr. Johnson noted the following errors in the PILOT agreements:

Upper landfill- page 3, #12, Public Hearing- strike the entire line as the property is private property with no need for a public hearing.

Lower landfill, page 2, #4, PILOT Payments for Operating Term- second paragraph, “If the facility’s actual commercial operation date occurs after March 31, 2017...”. Mr. Johnson questioned if this is the correct date as it is already after March 31.

Mr. Capello said he will check on the date and correct it if necessary.

Mr. Johnson said the agreement states the property owner (NH Custodial Trust) will pay the Town just over \$4,000 in back taxes owed and \$7,500 in PILOT payments when the facility is fully operational. The Town will not receive any more property taxes from the properties he said.

Mr. Capello said that is the purpose of the PILOT payments and added this is more than what the Town has been receiving for the properties.

Ms. Proulx asked about the lease agreement for use of the land by NH Solar Garden.

Mr. Capello said it is a private lease between the property owner and the solar company which will run for 30 years (20 years plus 2 five-year extensions). The PILOT agreements are between the Town and the solar company to ensure revenue for the Town in lieu of property taxes he said.

Ms. Proulx asked about the value of the properties during the next 30 years and what would happen if the properties were sold or otherwise disposed.

Mr. Johnson said it is like saying the properties are not going to increase in value over the next 30 years.

Mr. Capello said that in his opinion the property would not increase in value due to the contamination of the site. He said that is one reason why the Town has not taken the property for the back taxes owed.

Mr. Johnson said what “sticks in my craw” is that the Trustee of the property has not been paying taxes on the property and is now going to use the solar power project to pay the taxes and put the lease fee in his pocket.

Ms. Proulx suggested maybe then they could start paying the taxes on the former Collins and

Aikmen property.

Mr. Capello said that would be nice but the Town doesn't have any legal right to require it.

Ms. Proulx said she would like to see the same type of use for the Collins and Aikmen property.

Mr. Capello said that may take a few years as the state is still performing monitoring tests of the contamination on that property.

Mr. Johnson asked who will get the discounted electric rates from the Cardinal Landfill solar generating facility.

Mr. Capello said he assumed the solar company will sell it on the open market.

Mr. Johnson said he would like to see it go to the town, the schools or the residents.

Mr. Capello said he would ask the company about it but it can't be required.

He added there is potential for another solar array facility coming to town at the corner of Main Street and Cocheco Road as the owner recently made a conceptual presentation to the Planning Board.

Ms. Proulx said the solar power use is a gain for the town and noted that the town has some areas that it is not gaining anything from. She said that going forward, the town could have a sizable solar array facility at Collins-Aikman property.

Mr. Capello said that once the EPA gives the go-ahead, the conversations are already in the works for that property.

Mr. Johnson asked if there is something the Town can put in the PILOT agreement so that it can be modified if the property sells or transfers ownership.

Mr. Capello suggested that if the property was sold whoever purchased it would be responsible for the PILOT payments to the Town. He said the Town is limited as to what it can do as this is a privately owned property.

Ms. Proulx suggested stipulations could be placed on the PILOT and said she had a little bit of "pause" about the agreement as it is for 30 years out with no control by the town and they are dealing with the taxpayers' money.

Mr. Capello said this project will also have to go before the Planning Board for review because it is a private entity and they will have the option to impose Conditions of Approval for project.

Ms. Proulx asked if the Town was up to date regarding regulations for solar "gardens".

Mr. Horgan said the Town has no regulations regarding solar power generating facilities.

Mr. Capello said this is one reason the Town has a Planner.

Motion: (Johnson, second Horgan) to accept the PILOT agreements with NH Solar Garden for the upper and lower properties located at the Cardinal Landfill as amended; the lower landfill property has a capacity of 1.2 megawatts for which the Town will receive \$2,500 per megawatt in PILOT fees; the upper landfill property has a 1.3 megawatt capacity for which the Town will receive \$3,500 per megawatt as part of the PILOT agreement annually for up to 30 years passed 4-0.

### **8). Additional Board Business:**

**A) Leaning Tree-** Mrs. Titus reported that a tree is leaning over onto the grass on the right side of the Public Safety Building as you look at the building from the street and it could cause a



safety issue.

Chief Reinert said he will take a look at the tree and determine if any action is needed.

**B). Street Work-** Mrs. Titus referenced the complaints on Face Book regarding Walden Road, east Grove Street and Silver Street being torn up and not repaved. She said DPW Director Jason Gagnon told her that he got a good deal on the price for the paving by agreeing to have the all the streets ready to be paved at the same time. She said she advised the residents that instead of complaining on Face Book they should talk to Mr. Capello and find out what is going on and get the correct information. She said she wanted people to know there is a plan, that they are not tearing up roads for the heck of it and the town is saving money doing it this way.

Mr. Capello said the Walden and Silver Street residents got personal letters from Mr. Gagnon letting them know the road work was about to begin. He said the road crew is correcting drainage and repairing culverts before the pavers come in. The most expensive part of paving is the mobilization of the crew and equipment and if you only have to mobile everything once you will save money he said. He added that no one contacted him regarding the road work.

**C). Hay Day-** Mr. Horgan asked if the town was having a booth for the celebration.

Mr. Capello said there will be a booth but there is no schedule for coverage at the booth.

Mr. Horgan asked if the board would be participating in the Bed Race.

Mr. Capello said that is up to the board and that he did not plan to be involved in it this year.

**D). Car Show-** Mr. Capello said he was informed there will be no car show at Hay Day due to the lack of enough volunteers to put it all together in such a short period of time.

### **9). Non-Public Session A:**

Motion: (Horgan, second Titus) to enter non-public session under RSA 91-A: 3 II (a, c) Compensation, Reputation passed 4-0 by a roll call vote (Proulx, Johnson, Horgan, Titus- yes) at 7:15 p.m.

Motion: (Johnson, second Titus) to come out of non-public session passed 4-0 at 7:40 p.m.

### **10). Non-Public Session B:**

Motion: (Johnson, second Horgan) to enter non-public session under RSA 91-A: 3 II (a, c) Compensation, Reputation passed 4-0 by a roll call vote (Proulx, Johnson, Horgan, Titus-yes) at 7:40 p.m.

Motion: (Johnson, second Titus) to come out of non-public session passed 4-0 at 8 p.m.

Motion: (Johnson, second Titus) to seal the minutes until the process is complete passed 4-0.

### **11). Non-Public Session C:**

Motion: (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (a, c) Compensation, Reputation passed 4-0 by roll call vote (Proulx, Johnson, Horgan, Titus- yes) at 8 p.m.

Motion: (Proulx, second Titus) to come out of non-public session passed 4-0 at 8:05 p.m.

### **12). Non-Public Session D:**

Motion: (Johnson, second Horgan) to enter non-public session under RSA 91-A: 3 II (c)

Reputation passed 4-0 by a roll call vote (Proulx, Johnson, Horgan, Titus- yes) at 8:05 p.m.  
Motion: (Titus, second Horgan) to come out of non-public session passed 4-0 at 8:10 p.m.

**13). Next Meeting:** Monday, August 14, 2017

**14). Adjournment:**

Motion: (Johnson, second Titus) to adjourn the meeting passed 4-0 at 8:10 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary

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Paula Proulx, Chairman

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Neil Johnson, Vice Chairman

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Jim Horgan

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Ann Titus