

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, August 21, 2017

Board Members Present:

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

Others Present:

Arthur Capello, Town Administrator
Denise Roy-Palmer, WEDCO
Eric Borrin, CAP

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 Hearing for SB 38:

Town of Farmington
Notice of Public Hearing
Acceptance of Funds from SB 38

The Town of Farmington will hold a Public Hearing on Monday, August 21, 2017 at 6 p.m. at the Farmington Town Office Building, Selectmen's Chambers, 356 Main Street, Farmington, New Hampshire, 03835 to formally accept the funds (\$141,656.25). Said money as required by SB 38 to be used for infrastructure improvements.

Mr. Capello said Gov. Sununu and the legislature are distributing funds from a state budget surplus which is coming in the form of a lump sum payment through the formula used for the Highway Block Grant Aid. He said that State law requires the Board of Selectmen to hold a public hearing if the amount of funds to be received is \$10,000 or greater.

Mr. Horgan asked what the funds will be used for.

Mr. Capello said the money must be used for road projects that do not already have budgeted and approved funding.

Chairman Proulx noted the money can be used for drainage, pavement markings, traffic signals, matching funds for bridge projects, etc.

Mr. Capello added that it can also be used for equipment dedicated to highway maintenance.

Mr. Johnson asked if the funds could be deposited into the existing Capital Reserve Fund set up for bridge projects.

Mr. Capello said he would have to get an answer from the state because although the board has the authority to expend funds from the account the legislative body (at Town Meeting) must vote to approve adding funds to the account.

Mr. Johnson asked if the money can be held over until next year and then deposited in the Capital Reserve Fund.

Ms. Proulx said the money is non-lapsing so it could be held until next year and used then.

Mr. Horgan asked if Mr. Capello had a “target” for the money.

Mr. Capello said he discussed the road plan with the DPW Director and would recommend completely re-paving Waldron Cross Road, Bay Road and the upper portion of Ten Rod Road as far as the bridge.

Mr. King asked if these roads are next in line on the list of road improvement projects.

Mr. Capello said they are all in the top priority of the road plan. He said they looked at other roads in Town but they do not have the amount of traffic that Waldron Cross and Ten Rod Roads do and that they are trying to “save” Bay Road.

Mr. Johnson asked if that will use up all of the surplus funds from the state.

Mr. Capello said the work most likely will use all the funds as Ten Rod Road has a lot of drainage work needed before it can be re-paved. He said that the DPW Director is still getting the costs for the planned work.

Mr. Horgan asked what fund the money has to be deposited in so it can be used for the road projects.

Mr. Capello said it does not have to be placed in any particular fund and does not have to be reported as revenue on the Town’s estimated revenue report.

Mr. Johnson asked if there are any pressing equipment needs.

Mr. Capello said the grader that the DPW Director is attempting to get a grant for seems to be the most pressing equipment need for the DPW right now.

Mr. Horgan asked what portion of the cost for the grader that the grant would cover.

Mr. Capello said he thought it would cover 60% of the grader’s cost.

Mr. King said he was opposed to spending the funds on equipment as equipment is a long term purchase the Town should plan and budget for on a case by case basis. He said this “windfall” should go directly for the things the Town needs which is improved roads for the tax payers.

Chairman Proulx then opened the hearing to public comments at 6:08 p.m.

Mr. King said this will help the town to continue to try to bring the roads up to an acceptable level and noted that the budget for road work has been \$350,000 for the last 3 or 4 years.

Mr. Johnson asked if the projects will be completed within the next few months and if anyone has been contacted to do the work.

Mr. Capello said the pavers have been contacted and he expects the additional road projects will be completed this season depending on the availability of the paving companies.

Ms. Proulx said she would not want to see any new pavement put down on Waldron Cross Road without first addressing all of the drainage issues there.

Mr. Capello said the DPW Director plans to remedy the drainage issues before paving the road.

Mr. Horgan asked if Silver Street will be taken care of.

Mr. Capello said work on the street is already being done.

Ms. Proulx added that there is place on Silver Street as you come around the first sharp corner

that slopes down about 4 feet on one side. She said someone coming around the corner in the dark with no traffic cones there could go off the road and suggested it is a good place for a guardrail but said she did not know what the DPW Director has planned for ditching there. Mr. Capello said he would discuss the matter with the DPW Director.

There was no further discussion by the board and no comments or questions from the public.

Ms. Proulx closed public comment portion of the hearing and then asked for a motion.

Motion: (Horgan, second Johnson) to accept \$141,656.25 to be used for the purposes as indicated by the Town Administrator with coordination with the DPW Director passed 5-0.

4). Public Input:

A). Hay Day- Mr. Capello expressed his thanks and congratulations to the Recreation Department on another successful Hay Day and 5k Road Race.

Ms. Proulx noted that the event was covered by Foster's newspaper with very nice article on the front page.

Mr. King asked for the number of participants in the 5k Road Race this year.

Mr. Capello said he thought there was about the same number of runners as there was last year.

He added that it seemed there was a decrease in the attendance at Hay Day and the fireworks.

Mr. King said he observed that space rentals were down by maybe as much as 30% and that the day started off with light foot traffic but seemed to improve some after the sun came out.

Ms. Proulx said a resident suggested the turnout may have been lighter due to school opening earlier this year leaving fewer weekends to shop for school clothes and supplies.

Mrs. Titus said school starts on August 29 which is the same date as for the last few years. She agreed that something felt "off" about Hay Day this year and suggested that it may be because the date for Hay Day had been moved to a week earlier.

Mr. Capello said the event is always held the third Saturday in August. He added that he asked Rec. Dept. Director Rick Conway to research the date the celebration has been held in the past and Mr. Conway said it has been held on the third Saturday in August for all of the nine years he has been with the dept.

Mr. Capello said some of the vendors may not have participated this year because they are unable to make enough money to make it worthwhile to attend.

Mrs. Titus suggested the Rec. Dept. try to find vendors that are more affordable for the community.

Mr. Capello said the Town can't control what the vendors charge for their food or other items.

Mr. King asked about the fees for food vendors and other space rentals.

Mrs. Titus said the fee is \$35 for a table space and \$75 for a vendor with a generator.

Ms. Proulx said the Town is charging out of town vendors more because they are for-profit businesses and are from out of town. She added that she expects there will be a conversation with the board about Hay Day "sooner or later".

Denise Roy-Palmer came forward and explained that her company, WEDCO and the Explore Moose Mountains Initiative had a booth reserved at Hay Day but they didn't attend due to the lack of enough volunteers for booth coverage. She said that she supplied the Town with some

rack cards regarding the Explore Moose Mountains website and The Moose Face book page that markets the 7 towns in the Moose Mountains area.

B). Thanks to FD and PD- Mr. Capello also offered his personal thanks to the Farmington Police and Fire Depts. for helping his daughter who was a passenger in a car that hit a deep ditch on Ten Rod Road causing an accident. He said the dept. personnel involved were extremely responsive and professional and everything turned out well.

5). Review of Minutes:

August 7, 2017- Public Meeting Minutes- No errors or omissions

Motion: (Johnson, second Titus) to accept the minutes as written passed 4-0-1 (King abstained).

Non-Public Sessions A-D – No errors or omissions

Motion: (Johnson, second Titus) to accept the minutes as written passed 4-0-1 (King abstained).

6). Review of New Policies:

A). Town Records Request Policy-

Mr. Capello included a copy of the Town Attorney's e-mail and noted that her suggestions have already been incorporated into the draft policy.

Mr. Johnson said he had an issue with Page 1, Item 4.2 that requires all requests to be in writing and include the requester's full name, address, phone number and e-mail address (if requesting an answer by e-mail) with a detailed description of the information requested. He said this is not required by the RSA so the Town can't require it. The Town can request it for clarity and documentation purposes he said.

Ms. Proulx asked if the Town could be more restrictive than the state law.

Mr. Capello said the Town can't set stricter requirements for this law.

Mr. King asked how the Town would handle verbal requests and document that the information was provided as requested.

Mr. Capello said verbal requests could be handled similar to the Town Public Comment/Complaint Form where Town staff would fill out a Public Records Request Form for verbal requests.

Mr. King asked who would receive the requests for information.

Mr. Capello said the requests would be processed through his office.

Mr. King noted that Item 4.1 states that requests are to be submitted to the Town Administrator and asked if that is required by law.

Mr. Capello said state law doesn't address who the requests must be submitted to.

Mr. King then asked what the board's duty would be when handling e-mail or verbal requests for information.

Mr. Johnson said Selectmen can direct them to Mr. Capello and if the requesters so desire the requestor's can contact him and request the information. If they refuse to, the board members must do best they can to document what the person wants and then forward it to Mr. Capello he said.

Mr. Capello said the board should write out the request and could find the information themselves or send the request to him.

Mr. Johnson said that the policy should be to forward the requests to Mr. Capello as it would not be a good idea to have Selectmen “rummaging” through the records and responding to the requests.

Ms. Proulx agreed and added the board should not be giving records to someone without any record of giving them the records.

Mr. Johnson added that the potential to be accused of not passing on someone’s request is another reason to try to convince them to put their request in writing.

Mr. Horgan asked if a person making the request could be required to submit the request on the Public Records Request Form.

Mr. Capello said use of the form can’t be required.

Mr. Johnson said the form is included with the policy so that people who choose to use it can do so. He added that the use of a request for information form is recommended by the NH Municipal Association.

Selectmen also discussed if someone could be required to give their personal information in order to receive the requested information.

Mr. Capello said if he does not have their name and contact information there is no way for him to get the information requested to them.

Mr. King asked if state law requires an individual to submit their name and address in order to receive information.

Mr. Capello said it is not required by law.

Mr. King then said someone could come into a government office and request information and come back to pick it up without giving their name and address.

Mr. Johnson said that someone can also come into the office and ask to view information without taking a copy of it. There may be time limits or exclusions depending on the type of information requested but they don’t have to give their personal information to view the records he said.

Discussion also included having the Town witness that the information requested was picked up, requests involving the Town Administrator will be handled by the Selectmen Chairman, some Town Clerk functions would not be processed by Mr. Capello, standard copy fees must be limited to the actual cost of the paper and ink and flash drives may be used if provided in a new unopened package or if supplied by the Town.

Mr. Horgan asked if Mr. Capello thought the draft policy covers all of the pitfalls experienced with some records requests over the last year.

Mr. Capello said it does and added that it helps to clarify that electronic versions are available of most records for free unless it has to be printed out and have some information redacted first. He added that policies are “living” documents that can be adapted as things come up.

Mr. Johnson asked if there is a method in place to track requests and what was supplied in response to the request.

Mr. Capello said he keeps a copy of everything that goes out in response to a request in a RSA

91-A request file.

Mr. King advised the Town should have permanent records of the requests and responses for when we “change players”.

Consensus of the board was to amend Items 4.1 and 4.2 to read as follows:

4.1 – It is recommended that all requests for governmental records are to be submitted or forwarded to the Town Administrator for processing.

4.2- It is advised that all requests for governmental records include the following information...

Mr. Capello will make the requested changes and return the policy to the board for review.

B). Solicitation, Demonstration and Electioneering Ordinance-

Mr. Capello said last year there was an issue about political campaigning on Town property and the board instructed him to look into a potential ordinance.

Mr. Horgan asked if the ordinance applies to all Town property no matter where it is located and not restricted to the locations listed in the draft ordinance.

Mr. Capello said the ordinance does list some Town properties but is not limited to those properties listed.

Mr. King asked about the criminal charges potentially facing violators of the policy as stated in Item 3.

Mr. Capello said persons violating the policy and refusing to leave Town property could face criminal trespass charges.

Mr. Johnson expressed concern about the Town Attorney’s statement that to be Constitutional the ordinance must be implemented fairly to all persons or groups so for example the Town can’t allow the Girl Scouts to sell cookies at the Transfer Station and not allow campaigning there.

Mr. Capello said the board could choose to allow it if they wished to do so.

Mr. Johnson disagreed and then asked if the Town could allow a group to use the Municipal Office Building parking lot for car washes and prohibit campaigning there.

Ms. Proulx said section 5.3 allows for exceptions for persons or groups who have obtained a permit/permission from the Town for lawful use of Town property. She said if the Girl Scouts want to sell cookies at the Municipal Office Building and the Football Club wanted to use the parking lot for a car wash the Town could let them both use the property.

Mr. King asked if the Girl Scouts were allowed to sell cookies at the Town Office would the “Republicans of Farmington” be allowed to campaign on the Town Office property.

Mr. Capello said the difference is the Girl Scouts are not a political group.

Mr. King said that was not the lawyer’s advice as she specifically mentioned the Town could not allow one group to fund raise on Town property and forbid campaigning on Town property.

Mr. Horgan said that section 5.3 deals with exceptions by permit and that the board can permit anything as long as it is done on a consistent basis.

Mr. King asked how the board would differentiate as to which groups would be permitted to use Town property.

Mr. Capello suggested allowing non-profit groups but prohibiting political groups to use Town property. He added that the decision is up to the board but advised if they admit one political

group they would have to admit them all.

The board also discussed if the policy includes Town right-of-ways along Town roads and traffic islands, how it pertains to political, business and Adopt –a –Spot signs, if it conflicts with the Town sign ordinance, state law regarding electioneering/political signs, consistent and vigilant enforcement of the policy, drafting a policy that doesn't significantly change accepted past practices such as campaigning at the landfill and still conduct daily business.

Consensus of the board was ask Mr. Capello to go forward with drafting the policy but to work on the wording so it is clear and fair for all.

Mr. Capello said he ask the Town Attorney to provide clarification about the board's concerns at a meeting with her scheduled for Wednesday.

C). Official Face book Page Policy-

Mr. King began the discussion by stating that he didn't know enough about Face book to have an opinion on the policy.

Ms. Proulx asked if the edits shown on the draft were Mr. Capello's edits and if Town Attorney has reviewed the policy.

Mr. Capello said he made the edits shown and he did not think it needed legal review as it is not intended to restrict anyone and is just for posting Town information.

Mr. Johnson asked why the change was made from "employee" to "individual or employee" in section 3.4. He suggested "individual or" be struck and to leave "employee".

Mr. Capello said it came from a previous discussion about allowing community organizations to post items on the page but now that the new Town website will contain a community calendar the Face book page will be limited to Town information only.

Mr. Horgan asked if the policy would pertain to a Face book page owned and operated by the Town of Farmington.

Mr. Capello said the new page would be the official Town page unlike what some people think is the official Farmington page now and that no comments would be allowed.

Mrs. Titus asked if the Recreation Dept., Police Dept. and Fire Dept. will still keep their individual Face book pages.

Mr. Capello said they would keep their pages and they would be linked to the Town page.

Ms. Proulx asked what the intent is behind section 3.4.

Mr. Capello said it was to prevent someone from posting something inappropriate when the board was considering allowing community organizations to post items on the Town page. He suggested the section could now be eliminated.

Consensus of the board was to remove section 3.4.

Mr. Capello said he will make the revisions and return the policy to the board for review.

D). Rules and Regs for conduct of Raffles-

Mr. Capello told the board this policy was before them for additional review due to some typographical errors needing correction following their previous review.

Mr. Horgan asked if this policy pertains to the basket raffles held by the Goodwin Library during the year.

Mr. Capello said the library was just approved for a year-long permit.

Mr. Horgan asked if everyone must be approved so that no raffle could be conducted in town without a permit.

Mr. Capello said that is correct according to state law.

Ms. Proulx said most of the items in the policy are covered by the RSA's and it is just a matter of if they are being recognized as they should be recognized.

Mr. Horgan asked if a year-long permit was obtained by the VFW Post.

Mr. Capello said they have not applied for a permit as of yet.

Mr. Horgan asked if they can't conduct any raffles until they receive a permit.

Mr. Capello said that theoretically the organization could conduct raffles because the policy hasn't been implemented yet.

Mrs. Titus asked if participants at Hay Day wishing to conduct a raffle must get a permit.

Mr. Capello said they do not as the Rec. Dept. Director applies for a permit for everyone taking part in Hay Day. He added that a member of another Town board put out misinformation that the Town would not allow raffles that day because they would have to obtain a permit first.

Mr. Horgan asked who has the authority to approve applications for the permits.

Mr. Capello said that he and the Police Chief are authorized to approve the request for permits.

Mr. Horgan asked if 1 week is sufficient time to process the permit applications and if the applications need to come before Selectmen.

Mr. Capello said the applications do not require review by the board and there is no fee for the permit. This is to bring the rules and regulations into compliance with RSA 287-A he said. Consensus of the board was to approve the regulations as part of a "group acceptance" planned for the next meeting.

E). Fireworks-

Mr. Johnson begin the discussion by firmly stating that he would vote no on the proposed ordinance for Display of Permissible Fireworks as it is "so beyond overkill it's ridiculous" and suggested that the paper it is printed on should be ignited.

Mr. King advised him to get a permit first before burning anything. He then asked if the reason the board was considering implementing an ordinance was due to some complaints that residents felt were not resolved to their satisfaction and how the Town should deal with other similar situations such as someone conducting target practice in their own yard.

Ms. Proulx said there are town regulations regarding firearms.

Mr. Capello said state law requires discharge of firearms must be at least 300 feet away from any dwelling.

Mr. King said there would be the same amount of noise if the property owner meets the setback requirement and was firing off a gun.

Mr. Horgan said the time of day would make a difference and at the right time that could sound like a bomb going off.

Mr. Capello said they were "preaching to the choir" to him on this issue and that the board previously directed him to put something together for a potential ordinance.

Ms. Proulx said she was not just concerned about the noise but also about the potential for fires from the cinders from the exploded fireworks flying onto adjacent homes and properties.

Mr. Johnson asked how this policy would address the potential fire safety issue.

Ms. Proulx suggested if a person had to get a permit for a fireworks display through the Fire Chief and the Chief visited the property he might say it was not the right area to allow it.

Mr. King asked what right the Fire Chief would have to deny a permit.

Mr. Capello said it would be considered a public safety issue giving the Chief the right to deny the permit request.

Mr. King suggested that without any criteria for approval of a fireworks permit it could open the town up to accusations of applicants not being treated fairly and equally or that the Chief denied someone a permit without any reason for the denial.

Mr. Capello said in his opinion a fireworks ordinance would be difficult to enforce because it's hard to know where the fireworks are coming from.

Ms. Proulx added that she is concerned about setting off fireworks during dry seasons, in congested areas like the downtown area and setting them off at midnight or later and that it is becoming a problem but wasn't sure about how to address it.

Mr. Horgan said that you can't legislate common sense or decency.

Ms. Proulx then asked what could be done about these issues.

Mrs. Titus suggested setting a time limit for fireworks displays such as no later than 11 p.m.

Ms. Proulx said that unfortunately there is no law to back up taking such an action.

Mr. Horgan said there are frequent posts on Face book not only about fireworks but also for other types of loud noises such as fire trucks and ambulances and the effect on people with PTSD. He said if they start putting out restrictions they would need to consider the when, where and how of all these issues.

Mr. Capello said there is a mechanism for dealing with someone setting off fireworks at 3 a.m. - call the cops. That is considered disorderly conduct and the person who called must be willing to make a statement because by the time the Police get there they are not going to know who did it. He added that he could accuse Mr. Horgan of setting off fireworks but if he is smart he will pick up the remains of the display and then say he didn't do it.

Ms. Proulx then asked about the cinders flying over people's homes.

Mr. Capello agreed that it is a concern and noted that as a Building Inspector he has seen some houses damaged because of fireworks cinders.

Mr. Horgan said that this discussion only concerns fireworks and asked how many yard fires, bon fires and illegal fire pits are going on every summer night throughout the community. He noted that those people are not even coming in to get permits for that.

Mr. King asked how they could set a level of reasonableness when it comes to determining what one person can do and the other person can't do.

Mr. Capello suggested there may be no objective way to decide other than to say it would not be allowed in certain areas of town. He said he could not look at Mr. King's and Mr. Johnson's properties and say Mr. King can set off fireworks because he has a bigger parcel than Mr.

Johnson does and that Mr. Johnson can't.

Mr. King added that there would be the same risk of starting a fire setting off fireworks in his field as there would be setting them off downtown.

Mr. Horgan said they couldn't use the Town zoning to determine where fireworks could be allowed because there are some areas where the homes are only 20 feet apart.

Mr. Johnson said he didn't disagree with Ms. Proulx's concerns but that he felt there wasn't anything in the policy to control it.

Mr. King asked why the town should put together a policy or send the Police or Fire Depts. to address complaints about safety hazards when the complainant won't give his/her name or sign the complaint.

Mr. Horgan said there are 2 main issues here-the risk of fire and the noise and this policy doesn't do anything for either issue so he recommended it be "thrown away". He suggested that the issues could be handled by calling the Police and then as a civil matter between the parties.

Mr. Johnson asked if the Police witnessed the act if they could bring a complaint on their own behalf so there would be no need for a complainant to sign a complaint.

Mr. Capello said the Police would need to determine if there is an actual complaint and if caught the offender could be arrested for disorderly conduct. He added that the odds of that happening are pretty slim.

Ms. Proulx asked if there is anything anyone can do about someone setting off fireworks causing cinders to fly into their area.

Mr. Capello said they would have to prove that it is a hazard to them.

She then remarked it is somewhat like domestic violence where someone has to hit someone before it becomes an issue and in this case your house has to burn before it becomes an issue.

She added that she felt the Town has some responsibility in the matter but that she was just not sure what it is.

Mr. King said the problem with these types of policies is that they always pick on the little guy not the major offenders. People who are blatant offenders already have their bases covered so they set off the fireworks and then scatter.

Mr. Capello said the way the law is written the display has to occur at a reasonable time which the Farmington Police Dept. considers to be before 10 p.m. If someone was setting off fireworks at 9 p.m. there really isn't a complaint there he said.

Mrs. Titus then said she hoped the public would consider these factors and be more considerate.

Motion: (King, second Titus) to table the issue until there is a better idea on how to handle it passed 4-1 (Horgan opposed). Mr. Horgan said he was opposed to tabling it because it could be brought back and that he would like to "bury it".

7). Town Administrator's Business:

A). Moving Around of Offices- Mr. Capello told the board he would like to propose moving the Planning, Building/Codes and Assessing Depts. into several unused rooms on the second floor of the Municipal Office Building. The largest space would be used as a conference/work space and the three adjoining rooms would become offices for each of the 3 depts. The current space

shared by the depts. on the first floor would be used for stored files, office supplies and access to the copy machine. The public could access the relocated depts. by use of the front stairs or by the elevator he said.

Mr. Horgan asked if the handicapped requirements for the upstairs bathroom have been met.

Mr. Capello said the bathroom is completed and the handicapped access requirements have been met.

Mr. Horgan asked what would be put in the vacated space on the first floor.

Mr. Capello said the files that are presently stored upstairs in that area would be moved to the first floor.

The board then discussed possible ways to rearrange the first floor for better utilization of available space, potential usage of the Selectmen's Chambers and Chamber offices, creating a meeting room upstairs but keeping the depts. downstairs and the Assessing Clerk needs 2 work spaces for finance/assessing tasks.

Discussion also included looking at cubicles/sound proofing to control noise, plans for the second floor are undecided, the number of staff has not changed but utilization of the offices has increased, finding a better space for the copier, 2 spaces upstairs are currently rented and the Planning, Building and Assessing Depts. use the same files and should be kept together.

After a lengthy discussion the board asked Mr. Capello to revisit the utilization of the first floor, potential solutions to over used high traffic areas, potential remodeling/improvements to solve space issues and to include the cost for the potential solutions.

B). Master Plan Changes- Mr. Capello provided copies of the Recommended Actions for the Farmington 2005 Master Plan to Selectmen for review and comments on the proposed changes. Mr. King said he wished the Town Planner had signed the document so he would know who it is from.

Mr. Johnson asked about the ridge viewscapes and a proposed ridge line development ordinance stated under section 1, Natural Resources and Land Use.

Mr. King said it would limit development on the ridge to preserve the views.

Selectmen said they liked some of ideas proposed by the Planner but would like to discuss it in detail with him at a future meeting.

Mr. Capello said he will put it on the agenda for the next joint board meeting and ask the Planner to attend.

C). CRF Motions to Withdraw-

1). Employee Separation Fund-Mr. Capello asked the board to approve an additional withdrawal from the Employee Separation Fund due to a miscalculation in the taxes owed following the retirement of the former DPW Director Dale Sprague in July.

Motion: (Johnson, second Horgan) to approve the withdrawal of \$1,148.35 from the Employee Separation Fund passed 5-0.

2). Landfill Closure CRF- Mr. Capello asked the board to approve the withdrawal of funds to pay for monitoring of landfill required by the state.

Motion: (Horgan, second Johnson) to approve the withdrawal of \$8,439.31 from the Landfill

Closure Capital Reserve Fund passed 5-0.

Mr. King suggested the board put the monitoring services out to bid to attempt to obtain the most cost effective provider.

Recess- Motion: (Horgan, second Johnson) to take a 5 minute recess failed 3-2.

D). Signing of Solar Garden PILOTs- Mr. Capello asked if the board was ready to sign the PILOT agreement for the Cardinal Landfill properties approved at the previous meeting. He said he did not have an answer for Ms. Proulx's question about the assessed value of the properties once a business entity is added to lots as he has yet to receive a response.

Ms. Proulx said she was attempting to do due diligence for the town in making sure to recoup a fair share for the taxpayers and that the PILOT payments will be sufficient for the next 30 years of the agreement as it doesn't contain a payment escalator.. She said electricity production could increase in the future and was skeptical that the value of the property won't change in 30 years. She then said she would like to wait until an answer is received before signing the agreements.

Mr. Capello said he would agree if the property was developable but it is not developable due to the contamination. He said the Trust holding the property won't pay property taxes as they know the Town won't take it for back taxes due to the contamination at the site.

Mr. King said he disagreed that the property has no value as only part of the parcels contain the contamination site and it is the water and not the land that is contaminated. He said remediation practices may improve allowing future development and the taxes could be worth more than the revenue from the electricity production.

Mrs. Titus asked if an escalator could be added to the agreements.

Mr. Capello said the board could ask for one but may not get it.

Ms. Proulx said the Town could also take the land for back taxes and put its own solar array on it.

Mr. Capello said he would not recommend taking that action.

Consensus was to table the matter until more information is received.

E). Adoption of Rey- Mr. Capello asked the board's permission to adopt out the canine Rey to someone he knows.

Mr. Horgan asked what would be required to legally adopt the dog.

Mr. Capello said just the permission of the board would be needed as the dog is Town property.

Mr. King suggested there should be something in writing about the board's expectations for the adoption.

Mr. Capello said he planned to pick up the dog with the Police Chief and bring her to the location. He said he will be there all weekend and if it doesn't go well will bring her back.

Mr. King suggested they consider the potential new owner as a foster home at first with consideration for permanent adoption.

Motion: (King, second Johnson) to move for temporary foster care with the long term goal for the permanent adoption of Rey

Mr. Horgan asked if anything about the move could come back to "bite" the board.

Mr. King suggested if they get to the point where the foster home becomes the permanent home

they give the owner full disclosure of everything that is known about the dog.
Mr. Johnson asked if the Town is required to send the puppy back to the breeder.
Mr. Capello said there is no requirement/agreement to return the dog to the breeder.
Vote: The motion passed 5-0.

8). Non-Public Session A:

Motion: (King, second Johnson) to enter non-public session under RSA 91-A: 3 II (d) Acquisition, Sale or Lease of Property passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus- yes) at 8 p.m.

Motion: (Johnson, second King) to come out of non-public session passed 5-0 at 9:15 p.m.

Motion: (Johnson, second King) to seal the minutes passed 5-0.

9). Non-Public Session B:

Motion: (King, second Johnson) to enter non-public session under RSA 91-A: 3 II (e) Litigation passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus-yes) at 9:15 p.m.

Motion: (Johnson, second Horgan) to come out of non-public session passed 5-0 at 9:35 p.m.

Motion: (Johnson, second Horgan) to seal the minutes passed 5-0.

10). Non-Public Session C:

Motion: (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (a, c) Compensation, Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus-yes) at 9:35 p.m.

Motion: (Horgan, second Johnson) to come out of non-public session passed 5-0 at 10:17 p.m.

Motion: (Horgan, second Johnson) to seal the minutes passed 5-0.

11). Additional Board Business:

Farmington Town Players- Selectmen reviewed a memo from Mr. Capello regarding a possible informational meeting with the Farmington Town Players at a future board meeting. Mr. Capello said that in the past, the Recreation Director was always told that the group was part of the Recreation Dept. He said the group has their own checking account but uses the Town tax ID number and that this is a violation of state law and Town Meeting votes. He added that the group must also provide their own insurance coverage to protect the Town from liability as required by PRIMEX and Town policy. He recommended the group be given 2 weeks to take the funds out of the checking account or the Town would take the funds.

After a brief discussion, consensus of the board was to allow the Players 30 days to remove the funds before they would be taken by the Town.

Mr. Capello will notify the group of the board's decision.

12). Next Meeting: Monday, August 28, 2017

13). Adjournment:

Motion: (Horgan, second Titus) to adjourn the meeting passed 5-0 at 10:25 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Charlie King

Ann Titus