

Board Members Present:

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

Board Members Absent:

Charlie King

Others Present:

Arthur Capello, Town Administrator
Bill Fisher

1). Call to Order:

Chairman Proulx called the meeting to order at 6:05 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Moment of Silence to Remember 9/11 Victims:

Chairman Proulx asked everyone to join her in a moment of silence to remember the victims of the 9/11 attack.

4). Public Input:

A). Hurricane Irma- Mr. Capello said some Farmington residents have family and/or friends in Florida and wished them the best during storm and that he hoped all will turn well for everyone there.

B). Fall Clean-up Day- Bill Fisher came forward and told the board that the Conservation Commission will host a Fall Clean-up Day on Sunday, September 17, 2017 from 1 to 4 p.m. He said volunteers are asked to meet at the Public Safety Building at 12:30 p.m. and asked residents to turn out to help clean-up the streets one last time before the bad weather comes to town.

5). Review of Minutes:

August 21, 2017- Public Meeting Minutes-

Motion: (Johnson, second Titus) to accept the minutes as amended;

Discussion: Mr. Johnson made the following corrections;

Page 4, third and fourth lines from the bottom- change “they” to “the requestor”.

Page 10, fifth line- add the word “said” after “Mr. Johnson”.

Vote: The motion passed 4-0.

August 28, 2017 – Public Meeting Minutes

Motion: (Titus, second Johnson) to accept the minutes as amended;

Discussion: Mr. Johnson made the following corrections:

Page 6, fourth line from the bottom- amends to read “the Town has denied the abatements”.

Vote: The motion passed 4-0.

August 28, 2017- Non-Public Meeting Minutes -

Motion: (Titus, second Johnson) to accept the Non-Public Meeting minutes of Sessions A and C

as written and Session B as amended;

Discussion: Mr. Johnson made the following correction to the Non-Public Session B minutes: Sixth line- amend to read “and what a Lieutenant’s pay is in other towns”.

Vote: The motion passed 4-0.

Motion: (Johnson, second Titus) to unseal the minutes of August 28, 2017 Non-Public Session B passed 4-0.

6). Assessor’s Memo Regarding Two Town Owned Properties:

A). Tax Map R61-010- Mr. Capello said that the Town took this property several years ago because the owner was unknown. The owner was later discovered and found to be paying taxes on the property. He said that apparently there was a deal made between the Town and the owner that as long as the past due taxes were paid the Town would give him back his land but the Town did not deed the land back to the owner. He said in his opinion the Town should just give him back the land and that someone should not be taxed for Town owned property.

Mr. Johnson said if the taxes are being paid that he did not have a problem with the property being deeded back to the owner.

Mr. Horgan asked if the taxpayer is the actual owner or one of the family members of the previous owner.

Mr. Capello said he did not know if the taxpayer is the actual property owner.

Mr. Johnson noted that the memo from Assessing Clerk Kelly Heon states that the current taxpayer is the son of the previous owner.

Mr. Horgan said he thought that a lien was placed on the property and he did not know that the Town had taken ownership of the property. He asked what it will cost the Town to give the property back to the owner.

Mr. Capello said the cleanest way to handle it would be through a quit claim deed at a cost of about \$200.

Mr. Horgan asked if the Town Clerk/Tax Collector had any issues with giving the property back to the owner.

Mr. Capello said she has no issues with the plan.

Motion: (Horgan, second Johnson) to deed the property back to the rightful owner passed 4-0.

Mr. Capello said he will work with the Assessor to make sure the property is given back to the right person.

B). Tax Map R49, Lot 12- Mr. Capello asked the board to review the memo provided by the Assessing Clerk concerning the history of R49-010 and R49-012 which are abutting lots on Trotting Park Road. He said the contract Assessor Chad Roberge would be willing to attend a board meeting if Selectmen have any questions regarding the history and status of the lot.

Ms. Heon wrote that the Town owned 60’ x 100’ parcel was tax deeded because the owner was unknown. The memo goes on to state that they could assume that there was a typographical error on the deed and that R49-012 was not meant to exist as a separate parcel and would have always been a part of R49-010. She said the Assessor’s recommendation would be for the Town to deed R49-012 to the current owner of R49-010.

Ms. Proulx said she thought the Assessors did a good job of researching the history of the lot but was concerned about their conclusions and assuming that the owner of R49-010 wants to accept ownership of R49-012. She then asked if the individuals involved are still alive.

Mr. Horgan suggested that a “paper trail” regarding this lot be compiled to substantiate whatever action is taken by the Town. He added that some of the transactions regarding this property were done in the 1960’s and that many things were done on a handshake then.

Mr. Capello said he will ask the Assessors if the individuals involved are still alive, how they came up with the assumption about the intent of previous owners and if the current owners of R49-010 want to accept ownership of R49-012 and return the information to the board.

7). NH Solar Garden:

Selectmen reviewed an e-mail response to their request for additional information from Ed Moran of the NH Custodial Trust about the proposed solar array projects at the former Cardinal landfill site. At the previous meeting the board asked about the amount of money the Trust is receiving from NH Solar Garden to lease the property and the inclusion of an option to re-negotiate the PILOT (Payment In Lieu of Taxes) agreement in the event the property is sold. Mr. Moran said the Trust will receive \$9,000 per project and that there are 2 projects planned for site. He said the ability to renegotiate the PILOT is a matter between the Town and NH Solar Garden.

Ms. Proulx said the Trust will receive a total of \$18,000 a year (\$540,000 over the 30 year agreement) and the Town would receive a \$7,500 PILOT payment each year. Once the solar arrays are installed on the property it would increase in value to approx. \$2.1 million which would be worth about \$53,000 in property taxes at the current tax rate but the current agreement does not contain a payment escalator or an ability to opt out of the agreement if the land is sold she said.

Mr. Johnson said that is why he suggested the board should be talking to the Trust instead of NH Solar Garden at the last meeting.

Mr. Capello said the discussion has been with the solar power company because the PILOT agreement is between the company and the Town.

Mr. Johnson said the PILOT agreement is in lieu of taxes and that NH Solar Garden would not be paying property taxes as they don’t own the land but is leasing it from the Trust. The Trust owns the land and they would be responsible for paying property taxes. He said the Trust has not paid any taxes since the property was put in receivership. Now they will be making \$18,000 a year and they haven’t paid any of their back taxes he said.

Mr. Capello said that the back taxes for 1 year will be part of the PILOT agreement and that it would be illegal to rescind the tax abatements already granted by the board for the remaining back taxes. He said that after some discussion with the Trust and NH Solar Garden reps he felt the projects would go away if the board declines to enter into a PILOT agreement.

Mr. Johnson said he was not against the project but felt the Trust is taking unfair advantage of the situation.

Mr. Capello asked if the board intended to propose a counter offer for the PILOT payments.

Mr. Johnson said the solar power company should be responsible for taxes on the hardware (the arrays) and the Trust should pay the property taxes.

Mr. Capello said the Town Attorney has advised that if the board accepts the PILOT agreement it would cover all taxes for the property and the projects.

Ms. Proulx questioned how NH Solar Garden is allowed to negotiate the PILOT agreement when the Trust owns the property.

Mr. Johnson suggested the board could make a counter offer of a \$16,500 payment to the Town which would include the \$7,500 PILOT payment.

Mr. Capello advised the board was bordering on negotiating the terms of the agreement and suggested the matter should be discussed in non-public session.

Motion: (Johnson, second Titus) to table the discussion to non-public session later in the meeting passed 4-0.

8). Wage Study:

Mr. Capello provided the board with a list of NH communities and their populations as the first step in conducting a wage study to update the Town's pay scale. He asked the board to pick their top 10 communities to compare with Farmington and submit them to him for compilation.

Ms. Proulx requested Mr. Capello provide the board with the results of the last wage study as it contains the population counts and the demographics for each community so the board was able to compare towns with a similar population mix to Farmington. She then asked for the tax rates for each community used in the previous study.

Mr. Capello said he would also send them a copy of the NH Dept. of Revenue Administration's tax rate list broken down by the municipal, school and county tax rates for all NH communities.

Ms. Proulx said the board would take up the issue again after they receive the information requested and have had a chance to review it.

9). Re-list the Hornetown Road Property:

Mr. Capello told the board that he did not receive any bids for the Town owned property located at 540 Hornetown Road (Tax Map R53, Lot53-009). He said it is a large parcel but it is not appealing to some buyers due to its long and narrow "bowling alley" shape. He said he received a few calls about the property after the deadline for submissions but told the callers they would need to wait until after this meeting to see if the board planned to re-list the lot. He then asked if the board wished to re-list the property at the same minimum bid as previously posted (\$35,000 with \$5,000 in escrow) and suggested they consider reducing the price.

Mr. Johnson reviewed the Town tax maps and noted that many of the lots in that area are shaped like bowling alleys. He said this parcel is 1,952 feet long and 100 feet wide and is located about 150 feet before the entrance to Sheppard Road.

Mrs. Titus asked if the property is not appealing to buyers because of the existing trailer on site

which must be removed.

Mr. Capello said he did not think that was the main reason why the lot may be unappealing to buyers but that more likely it is due to its shape that limits what can be done with the property. He added the lot can't be subdivided and a second home can't be placed on the lot.

Mrs. Titus suggested the existing trailer could be replaced with a new trailer.

Mr. Horgan asked about the value of the lot without the trailer.

Mr. Johnson said the land is valued at \$62,800. He questioned whether the board should wait to relist the lot or put it back out for sale right away.

Mr. Capello advised the board not to wait as it doesn't cost the Town anything to re-advertise the lot and there will be a new list of Town owned properties available for purchase in the spring.

Ms. Proulx suggested that if a 45 foot trailer or house was placed on the lot there would still be plenty of room to meet the setback requirements on both sides of lot.

Mrs. Titus asked if the abutters were asked if they had any interest in buying the lot.

Mr. Capello said he did not contact them as that has not been done with any of the other Town owned parcels that were for sale and it wouldn't be fair to do so with this property.

After a brief discussion about setting the minimum bid for the lot, consensus of the board was to relist the property and set the minimum price at \$22,500 plus \$5,000 in escrow to be returned to the buyer upon removal of the existing mobile home.

10). Review of New Policies:

Mr. Capello told the board that the Recording Secretary informed him that the board approved 2 polices at the last meeting but did not make an official motion for the vote. He asked the board to revisit the issue and make a motion to accept the policies.

Motion: (Johnson, second Titus) to accept the Complaint Procedure Policy and the Record Request Policy as amended that were approved at the August 28, 2017 board meeting passed 4-0.

A). Disposal of Project By-Products and Materials Policy- Selectmen reviewed a proposed policy and procedure regarding the disposal and transport of materials owned by the Town accumulated during projects completed by Town depts. or employees.

Ms. Proulx said the procedure has the dept. head coming to the board with a written description of the materials to be disposed and suggested there should be place on the Disposal Agreement for the board to sign indicating their approval of the proposed transaction.

Mr. Capello said the procedure was written this way to avoid the delay in waiting for the next board meeting to occur for a signature. He said by having the board give permission for him to sign the agreement the dept. head will not have to wait to come back to the board.

Ms. Proulx said the first step in the process requires the dept. head to bring the written description of the materials to be disposed to the board and asked when that would happen.

Mr. Capello said he expected the DPW Director would write a memo to the board each year stating that fill from projects would be offered to residents.

Ms. Proulx said the memo could come to the board as a general approval and signature for that particular year but expressed concern that some "upsetting incidents" in the past could reoccur.

Mr. Capello suggested the policy could be amended to allow disposal of ditching materials only.

Mr. Johnson said he was concerned about such items such as conduit and sections of culvert that are left over from a Town project being given away.

Ms. Proulx noted some other items such as extra telephone poles and mounds of dirt that were given away in the past.

Mr. Fisher suggested the policy be restricted to the disposal of soils only.

Mr. Capello said the items of concern mentioned have a value to the Town and suggested the only material with no value to the Town such as the materials removed from ditching would be given away.

Ms. Proulx said she would be fine with the return of ditching materials pulled off a property being returned to that property but would not favor giving away left over material brought in for a ditching project, such as gravel to the property owner.

Mr. Capello suggested changing the wording to only include “ditching materials”.

He said his main concern in instituting this policy is to protect the Town from all liability when an employee or equipment enters the recipient’s property to deliver the requested materials and damages the property.

Mr. Horgan said the procedure would work provided there is oversight of the projects and that the truck driver doesn’t just decide to go off and give some materials to his buddy and potentially cause damage to that property that would have to be reimbursed by the Town.

Mr. Capello said the Town would then be looking for a new truck driver and the Town would have to deal with any damage issues.

Mr. Capello said he was also considering adding a hauling radius to the policy to limit the distance that any soils/ditching materials can be delivered to.

Consensus was to limit the delivery area to 2.5 miles from where the project is being conducted.

Ms. Proulx asked if the Town would normally use the ditching materials for fill elsewhere.

Mr. Capello said they would not and if there is any quality material remaining from a project the dept. would take it back for Town use.

Ms. Proulx then asked who determines if remaining materials would be of any use to the Town.

Mr. Capello said that would be determined by the DPW Director or Deputy Director.

Ms. Proulx suggested this should be added to the policy as she did not feel the employees working at a project site should determine the use of the remaining materials. She said that a statement should be added noting that the materials would be deposited on the resident’s property but shoveling, spreading and raking of materials by Town employees is not included.

Mr. Capello said he would re-work the policy and “tighten up” some of wording and return it to the board for further review.

B).Vacation Time Liability Reduction Policy- Mr. Capello said the board asked him to come up with a policy regarding vacation time liability reductions. He said the policy is open for discussion but recommended they not change the requirement that the vacation time reduction be paid out at 75% of the employee’s current base rate of pay as it is same as required in the current union contracts.

Mr. Johnson asked for an explanation of the last sentence of the policy which allows the Town

Administrator to waive 40 hours of the required time to be taken under special circumstances such as staff shortages or critical job demands that would prevent the use of vacation days.

Mr. Capello said he took the existing Town policy (adopted in Oct. 2007) and updated it and suggested the sentence could be stricken from the policy if the board wished to do so. He said it may have been added due to a different deadline to cash out vacation time at that time.

Consensus of the board was to remove the last sentence of the last paragraph in the policy.

Mr. Johnson asked if the Finance Director would send out the vacation reduction offer to eligible employees.

Mr. Capello said she would notify employees as to the amount of vacation hours the employee has accrued and that the information is also included on employee paychecks. He said each dept. head will have a copy of the Vacation Reduction Request Form to be submitted by interested employees.

Mr. Johnson said the fourth line of the first paragraph states that employees will be notified of the Vacation Time Liability Reduction offer by memo with a Vacation Reduction Request form on or around Nov. 1 of each year. He added that he didn't want a Town employee to be responsible for sending out the reduction request forms when the employees get all of the information needed and should be able to manage the issue themselves.

Mr. Capello said all employees will receive a form memo that will be included in their paycheck stating the period for vacation time liability reduction is coming up and to submit the form if qualified and interested.

He said there would not be a lot of employees eligible for the pay outs but it will take some of the liability off the Town books he said.

During a lengthy discussion, the board discussed that the policy requires that reduction payments will be paid only in December, eligible employees must have at least 25 months of service to the Town, employees must have taken at least 40 hours of vacation since Jan.1 of the current year, the maximum amount of reduction requested can be no more than 80 hours and must leave at least 40 hours vacation time after the request is paid out.

The discussion also included how to resolve issues involving dept. heads and long term employees with 3 weeks or more vacation, have accrued more than the maximum 200 hours employees are allowed to bank, how the hours are accrued and whether to change the cap on the amount of hours that can be carried over from one year to the next.

Mr. Capello said the policy is a living document and can be changed if needed in the future.

He then asked if these issues were the reason the Town Employee Financial Obligation Capital Reserve Fund was created.

Ms. Proulx said the fund was created because of the number of long term employees working for the Town and prior to the fund the pay out of benefits had to be paid from the general operating budget each time someone retired.

Mr. Capello said he would make some revisions to the policy and bring it back to the board for further review.

11). Town Administrator's Business:

A). Cons Com Appointment- Mr. Capello said that resident Tom Sorensen has applied for the open position on the Conservation Commission.

Motion: (Horgan, second Johnson) to approve the appointment of Thomas Sorensen as a regular member of the Conservation Commission for a 1 year term passed 4-0.

B). Joint Boards Meeting- Mr. Capello reminded the board and the viewing public about the joint meeting to be held on Tuesday, Sept. 12 at 6 p.m. in the Selectmen's Chambers. Selectmen received a memo from Town Planner Dan DeSantis informing them of the agenda for the meeting which includes a report on Mr. DeSantis' meeting with the UNH Cooperative Extension and the NH Municipal Technical Assistance Grant. Alan Manoian will be the featured speaker and will speak about Form Based Codes.

C). RSA 91-A Request- Mr. Capello reported he received a request for information regarding the money received and spent from the Fowler account. He provided the board with copies of the information supplied to the requester that included a memo from Mr. Capello, the Detail Statement of Accounts for the money received from the insurance settlement, the "until rescinded" warrant articles allowing the board to accept and expend money from state, federal or private sources and the August 24, 2015 public meeting minutes where Selectmen voted to accept funds in any amount related to the Fowler restitution.

12). Additional Board Business:

A).Solicitation, Demonstration and Electioneering Ordinance- Mr. Johnson asked if Mr. Capello followed up with the Town Attorney for clarification regarding the use of Town property for political/non-profit groups and individuals.

Mr. Capello said he spoke with the Attorney and after several discussions she advised the Town to follow the state statute which states that anything occurring on Town property must come before the Selectmen for approval.

Mr. Horgan asked if there is a conflict with the Town ordinance that allows signs to be put up as much as 30 days in advance of an event.

Mr. Capello said the Town sign ordinance does not conflict with state law and reminded the board that this issue arose last year when residents wanted to display political signs/campaign inside the Transfer Station.

Mr. Johnson said the board discussed the issue of applying use of Town property fairly and that the attorney had used the example that if the Girl Scouts are allowed to sell cookies at the Transfer Station then you must allow other groups or individuals to use the property as well.

Mr. Capello said the attorney's statement was accurate statement as he checked with her again following the board's discussion and they decided to just use the state law.

Mr. Johnson asked if the board should eliminate the portion in question from the ordinance.

Mr. Capello said they should eliminate the entire ordinance.

B). Road Repairs- Mrs. Titus asked when the repair work would begin on Silver Street.

Mr. Capello said the DPW is expected to complete the ditching and drainage work by the end of this week and the pavers are scheduled to begin paving the street in mid-September if the recent

rains have not put a delay in their work schedule.

Mrs. Titus said Meaderboro Road has been graded but there are still some pot holes in the road.

Mr. Capello said the DPW will revisit the dirt roads in Town and use a new product that has proved to do a better job at a test on Ten Rod Road. He reported that DPW Director Jason Gagnon said the road crew has been focusing on Silver Street to get it ready in time for paving but then plans to return to the regular maintenance/repair schedule. The new product, magnesium chloride, is a little cheaper and can be spread by the Town rather than having to call in an outside company to spread the product he said.

C). Town Website- Mrs. Titus said she received an e-mail from a resident reporting errors were found on the Town website which she reported to the Selectmen's Secretary. She asked Mr. Capello to check to see that the errors were corrected. She said the errors seemed to consist of spelling errors but she was not sure of the locations of the errors.

Mr. Capello said he would do his best to correct the situation.

Mrs. Titus asked when the new Town website will be up and running.

Mr. Capello said the process has started and is progressing and the staff has been involved with mock ups of the new site.

Mr. Johnson said the process of developing a new website is a lot of work and could take up to 6 months to complete

D). Town Auditor- Mr. Johnson asked when the board will meet with the Town Auditor.

Mr. Capello said it is a matter of scheduling a meeting with him and asked when the board would like to meet with him. He said he is in the process of answering the Auditor's yearly letter noting any deficiencies that were found and said he would try to schedule a meeting for the end of Sept. or the beginning of Oct.

E). CAP Invitation- Mr. Johnson said the Community Action Partnership has invited the board to visit the Farmington Children's Center on Tues. Sept. 19 from 5 to 7 p.m. Mr. Capello, Ms. Proulx, Mr. Horgan and Mrs. Titus will attend the event.

FYI- Mr. Capello said he will attend the Coast Bus Company's Annual Meeting on Sept. 27.

13). Non-Public Session A:

Motion: (Johnson, second Titus) 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 7:30 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 matter is resolved passed 4-0.

14). Non-Public Session B:

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 p.m.

Motion: (Johnson, second Horgan) to come out of non-public session passed 4-0 at 8:25 p.m.

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

15). Non-Public Session C:

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

Litigation passed 4-0 by a roll call vote (Proulx, Johnson, Horgan, Titus-yes) at 8:25 p.m.
Motion: (Johnson, second Titus) to come out of non-public session passed 4-0 at 8:35 p.m.
Motion: (Johnson, second Horgan) to seal the minutes passed 4-0.

16. Non-Public Session D:

Motion: (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (d) Sale, Acquisition or Lease of Property passed 4-0 by a roll call vote (Proulx, Johnson, Horgan, Titus-yes) at 8:35 p.m.

Motion: (Proulx, second Titus) to come out of non-public session passed 4-0 at 8:45 p.m.

17. Next Meeting: Monday, Sept. 18, 2017

18. Adjournment:

Motion: (Johnson, second Titus) to adjourn the meeting passed 4-0 at 8:45 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Ann Titus