

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, October 16, 2017

Board Members Present:

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

Others Present:

Arthur Capello, Town Administrator
Dennis Roseberry, Building Inspector
Chad Roberge, Contract Assessor
Kelly Heon, Assessing Clerk
Tom DeJulio, FPIO
Bill Fisher
James Shannon

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:

Farmington Preservation and Improvements Organization member Tom DeJulio told the board that the 7th and 8th grade Honor Roll Society students will be painting the windows downtown for Christmas with snowflakes and snowmen and asked them to approve having the students paint the front windows at the Municipal Office Building.

Mr. Capello asked if the students would also remove the decorations from the windows.

Mr. DeJulio said the students will come back and wash the windows at the end of the season.

Consensus of the board was to allow the students to paint the Municipal Building windows.

Mr. DeJulio then said that the President of the Honor Roll Society for grades 1 through 6 is working with those students to make paper and plastic Christmas ornaments and is seeking permission to use the ornaments to decorate the Town Christmas Tree.

Mr. Capello suggested the decorations be used to decorate the tree outside the Municipal Building that was donated to the Town by the Conservation Commission.

Ms. Proulx asked if the Recreation Dept. still decorates the Town Christmas Tree.

Mr. Capello said that the dept. still does decorate the Town tree but there are no decorations for the tree at the Municipal Building. He suggested it would be a good opportunity to display the students' talents in both spots.

Consensus of the board was to allow the students to decorate the Town Christmas Tree and the tree at the Municipal Building with their handmade ornaments.

Mr. DeJulio said the third request involves the 58 ornaments that were donated to the Town 3 years ago. He said the ornaments were used for 1 year and because some of the ornaments were blown off the tree the Recreation Director has decided not to use them again.

Mr. DeJulio said he was requesting permission to use the ornaments to decorate the 25 Christmas

Trees that will be hung from the poles used to display the banners/Christmas lights.

Mr. Horgan asked about the size of the ornaments.

Mr. DeJulio said the ornaments come in an assortment of shapes and that the round ones are approx. 4 inches in size.

Mr. Capello asked if they need to be concerned about the ornaments falling off the trees.

Mr. DeJulio said the problem with the ornaments was they are a plastic ornament with a plastic cap and when the wind hit them the plastics came apart. He said he took the remaining ornaments and drilled out the plastic and installed a steel wire through them and plans to use a steel hook to secure them to the trees.

Mrs. Titus asked if the Rec. Director has any other plans for the ornaments.

Mr. Capello said the Rec. Director did not plan to use the ornaments.

Mrs. Titus asked if they wanted the Town property back at the end of the season.

Mr. DeJulio said Town property (the ornaments) is going on Town property (the Christmas Trees on the poles) and will be returned to the Town and put back in cold storage at the Town garage. Consensus of the board was to allow the organization to use the ornaments to decorate the 25 Christmas Trees on the Christmas lights poles.

Mr. DeJulio said the group plans to start putting up the decorations on Nov. 11 and asked for volunteers to help with the installations. He said they will meet at the Municipal Building parking lot and begin installing the decorations at the gas station and move up Main Street from there. He said they plan to work from 9 a.m. to about 3:30 p.m. and lunch will be included for the volunteers. The rain date is Nov. 25 he said.

4). Review of Minutes:

The board did not receive copies of the minutes of the last meeting for review.

5). Assessing Regarding Possible PILOT:

Mr. Roberge and Ms. Heon came before the board to discuss the assessment of the property owned by the City of Rochester that is used for their public water supply.

Mr. Roberge said that previously the land was assessed as in Current Use. It was brought to his attention that the land can't be assessed in that category and must be assessed at market value. He said the change to the assessment was made before the first property tax billing and they notified Rochester that the Town was planning to make this change in the assessment.

Mr. Roberge said Rochester has expressed interest in pursuing a Payment In Lieu of Taxes (PILOT) with the Town but they are contesting the total assessed value of the property.

Mr. Johnson asked for the current total assessed value of the property.

Mr. Roberge said the land is assessed at \$1,071,000.

Mr. King asked how Avitar came up with this assessment.

Mr. Roberge said he looked at the property in the same way he did for the rest of the town in terms of assessing a vacant property. He said he looked at what it would be worth in terms of owning a vacant parcel of land with a pond and marsh area in its entirety.

Mr. King asked if there were any comparable properties that he used as "comps" in making his

assessment.

Mr. Roberge said he used properties in other towns to come up with a value for something like this situation but there are no direct comps in Farmington.

Mr. King asked if this is a solid assessment that would survive an appeal at the tax bureau.

Mr. Roberge said he felt it is a solid assessment and explained that he came up with the value, sent it to Rochester and then the Rochester Assessor asked him to review his assessment as they felt it was too high. He said they did not provide any evidence to support why they determined the assessed value of the property was too high.

He said his father, who did the assessing work for the Manchester and Portsmouth Public Works Depts., also assessed the Rochester property and came up with a value that was within \$60,000 of his own assessment. He said his father assessed the value the same way he would do it if Aquifina, DeSani or Poland Springs owned the property and what it would be worth to them to use it as a water source. He said he felt comfortable with the value as it stands.

Ms. Heon noted that Rochester has been paying an amount related to the Current Use value for 25 years.

Mr. King asked if Rochester is disputing that the land can't be put in Current Use.

Ms. Heon said the City is not disputing that determination.

Mr. Roberge said Rochester may not have been aware that the property was incorrectly placed in Current Use as it was done so long ago.

Mr. King asked if there has been any case law or if this is what typically happens in these situations where the Town should consider a PILOT agreement with Rochester.

Mr. Roberge said he did not think there is any case law but noted in a previous case the parties came up with a reasonable settlement amount and set up a PILOT agreement for payment of the settlement. He said that in many cases they take into consideration what services are provided to the Town when developing a PILOT agreement. He said there really isn't anything to go on in determining whether to agree to a PILOT and sometimes it's a just matter of good will. He said the Farmington and Rochester work well together and suggested that may be a reason to offer some lesser amount for a PILOT agreement.

Mr. King asked if there are any instances where Rochester is reciprocating to Farmington where the Town of Farmington owns land in Rochester.

Mr. Capello said there is no similar situation for Town owned land in Rochester.

Ms. Proulx asked about the purpose of the land for Rochester.

Mr. Roberge the land is part of the watershed that adds to their main water supply. They purchased or had donated to them the land around Stevens Pond and Millback Pond which helps to protect those water bodies which run into their main water supply he said.

Mr. Roberge said Rochester has allowed Farmington to "piggyback" on the cost to test the water there which has resulted in some cost savings for the Town.

Mr. Capello said the savings was a minimal amount.

Ms. Proulx asked if the board needed to make a decision about the issue at this meeting.

Ms. Heon said a decision was not needed at this point as Rochester's Assessor has requested a

meeting with the board. She said this was a “pre-meeting” with Selectmen to answer any questions the board has about the assessment issues.

Mr. Horgan asked for the definition of PILOT.

Mr. Roberge said it is an acronym for a Payment In Lieu of Taxes used for entities that may be tax exempt to make a payment in lieu of taxes.

Mr. Capello said the Town had a PILOT agreement with Frisbie Hospital and more recently with NH Solar Garden.

Mr. Roberge said entities favor the PILOT agreement as they can rely on the fact that the payment won't change for budgeting purposes.

Mr. King said the Town typically has entered into a PILOT with entities that provide a benefit to the Town such as health care or solar power services. He said perhaps when Rochester meets with the board they can point out what benefits they are providing to Farmington as the whole area is restricted and that not even fishing is allowed there.

Mr. Capello added that is also a payment escalator in both of the PILOTs he mentioned.

Ms. Heon said when the Rochester Assessor meets with Selectmen he will first want to discuss Mr. Roberge's assessment of the property as they would like it reduced for this year and then the next step would be initiating a discussion of a PILOT.

Mr. King asked if Rochester would first need to file a formal abatement request form.

Ms. Heon said that if Mr. Roberge felt that he hadn't assessed it correctly he could change the amount owed before the second tax billing.

Mr. Capello said that Rochester has paid the first half of the tax bill.

Mr. King said he hoped the Town is now getting quality assessments with backup information to support the assessment. He said if that is what Mr. Roberge has then the Town would not agree with Rochester when they say they don't like that assessment.

Mr. Capello recommended that the board should at least meet with the Rochester officials. He added that Mr. Roberge should also attend the meeting.

Consensus of the board was to invite the Rochester officials to meet with the board on Monday, October 30, 2017 and to have Mr. Roberge also attend the meeting.

Ms. Heon said she will contact the Rochester Assessor and see if they are available for that date.

Ms. Heon also asked Selectmen to sign the deed for the Murray property and to have it notarized.

6). Junkyard/Mobile Home Park/Campground Permits:

Code Enforcement Officer Dennis Roseberry came forward to review the permits with the board.

Mobile Home Parks- Mr. Roseberry said he visited both the Farmington Ridge (U10, Lot 041-1) and Peaceful Pines (R19, Lot 006) Mobile Home Parks and found nothing has changed with either park. He said Farmington Ridge had some issues with the park gate last year which have been corrected. He said there are no outstanding issues with either park and recommended their licenses be renewed.

Motion: (King, second Titus) to approve the licenses for the Farmington Ridge and Peaceful Pines Mobile Home Parks passed unanimously.

Campgrounds- Mr. Roseberry said there are 2 campgrounds in town – Beaver Pond

Campground on Beaver Pond Road (R49, Lot 22) owned by Larry Zampieri and the Garland Campground on Ten Rod Road (R04, L007) owned by Carl Garland.

Mr. Roseberry said the Garland Campground application is more of a formality as they are not leasing any spaces at this time due to some health issues in the family. He said they wished to maintain their campground status and have applied for the license renewal.

Ms. Proulx asked under those circumstances if they are still able to keep the campground up to standards.

Mr. Roseberry said there are only 6 sites at the campground so little maintenance is needed and the bathrooms remained “weatherized” and were not opened for use this year. He said the campers on site are all owned by the Garland family and the other 2 sites are vacant this year.

Mr. Roseberry said he and the Fire Chief conducted a site visit at the Beaver Pond Campground and expressed concern about the numbering system for the lots. He suggested the permit approval be contingent upon numbering the lots to the Fire Chief’s satisfaction within 15 days of the approval date.

Mr. Johnson if this is the same campground that had this issue last year.

Mr. Roseberry said it is the same campground and noted that the issue was addressed previously but that things change frequently there becoming a seasonal issue that he needs to keep on top of each year. He said he tried to find 2 sites that Mr. Zampieri had requested approval for additional electric power and could not find the sites.

Mr. Roseberry said the Fire Chief had the same concerns especially for EMT’s trying to find someone needing medical help.

Chairman Proulx asked about the approval process to address the numbering concern.

Mr. Roseberry said after Mr. Zampieri completes the task, he needs to call his office and request an inspection. He said that he plans to bring the Fire Chief with him to make sure the numbering system is completed to the Chief’s satisfaction.

Motion: (King, second Johnson) to approve the Garland Campground permit passed unanimously.

Motion: (Johnson, second King) to approve the Beaver Pond Campground permit with the condition that the lots be numbered per the Code Enforcement Officer and the Fire Chief within 15 days;

Discussion: Mrs. Titus asked what type of numbers Mr. Roseberry is looking for at the camp sites.

Mr. Roseberry said he asked Chief Reinert if there are specific numbers that are more reflective but the Chief was not very descriptive in the choice of numbers to be used. He said the Chief said the numbers that are there, as long as they are reflective will work and they need to be able to distinguish the difference between lots A or B or if there is any lot there at all. He added after driving through the campground, he didn’t think he could find about 40% of the lots if he was an ambulance driver.

Mrs. Titus said some campgrounds use a piece of wood on a tree, some use a metal sign on a stake and asked if there is a specific location required for the lot numbers.

Mr. Roseberry asked the Chief about location of the numbers and he said there was no specific format or location as long as the numbers were clearly visible. He said time spent looking for a lot could be critical to someone having a heart attack and suggested a better numbering system is needed.

Vote: The motion passed unanimously.

Junkyards- Mr. Roseberry said all 4 junkyards have not changed “one iota” since last year and they all have the same amount of vehicles they had last year. Mr. Butt’s junkyard (R37, Lot 001-Pound Road) is not active but the owner wishes to keep the permit active in case he was to sell the property he said.

Mr. King asked if there were recent Code Enforcement issues at the LaPierre site (R48, Lot 028-0001- Milton Road).

Mr. Roseberry said those issues involved a different family member on the lot next door to the junkyard.

Mr. Capello said there is a building code issue on the site where a pole barn is being built without a permit which is separate from the junkyard.

Mr. Roseberry said the owners are working to remediate the issue.

Ms. Proulx asked about the condition of the McDuffee junkyard (R20, Lot 009-NH Route 11).

Mr. Roseberry said if she were to drive by the property she would see that any given time there a few vehicles out in front of junkyard fence. He said Mr. McDuffee is good about calling to notify him that there will be a few vehicles in front of the fence so he can rearrange the others to access a particular vehicle to be sold. He said the business has been there for many years and Mr. McDuffee is known to “ride the fence”.

Mr. Capello said that Mr. McDuffee now has less room at the front of his property as the state took some of the property for improvements to Route 11.

Mr. Roseberry estimated the state took about 10-15 feet of the McDuffee property.

Mr. Johnson noted that the state took more land from the property owners on the other side of Route 11 for the installation of the center turning lane.

There was no discussion regarding the Baxter junkyard (R57, Lot 014).

Motion: (King, second Titus) to approve the junkyard permits for Bill Baxter, Randy LaPierre, Harold Butt and Steve McDuffee passed unanimously.

Mr. Roseberry then asked the board to sign the approved licenses.

7). Set Budget Schedule:

Mr. Capello gave the board the list of important dates for the traditional Town meeting for 2018. He asked the board when they would like to see the first dept. head to begin reviews of the proposed Town budget. He said he still has to meet with the Fire Chief and the DPW Director to discuss their dept. budget proposals and suggested the budgets may be ready by mid-November.

Ms. Proulx suggested Mr. Capello notify the board when the budget drafts are ready for review.

Mr. Capello said there is a proposal to purchase an ambulance which requires a Public Hearing to be held because the cost is over \$100,000 and asked the board to keep that in mind for January.

Mr. King asked if the funds will come from the Capital Reserve Fund.

Mr. Capello said the funds will come from the Emergency Motorized Vehicle CRF and there will be no tax impact but a Public Hearing is required because the expenditure is over \$100,000.

Good News-Mr. Capello then told the board that the town's overall health insurance will be going down 6.2% resulting in a savings of about \$45,700 in 2018.

Bad News- He said the cost of heating oil is expected to increase by as much as 40% as a result of Senate Bill 309 which mandates all heating oil sold in the state must have low sulfur content. He said he is budgeting for the increase and it would affect expenditures for October through December 2018. He said the Town's heating oil price is now locked in until March and the new mandate goes into effect on July 1, 2018.

Mr. Johnson said the law is for the whole state and noted that the worst part of this bill is that many homeowners will also get hit with this increase as it involves #2 heating oil. He added this could mean as much as an 80 cent a gallon increase for customers next year.

Mr. King asked if there is any legislation pending to overturn this law.

Mr. Horgan said he was not aware of any pending legislation or discussion on this matter.

Mr. King suggested Mr. Capello look into the heating oil rates in neighboring states that currently use low sulfur content heating oil to get an idea of the potential oil costs for next year.

8). Wage Study:

Mr. Capello said he received the first response to his request for wage information from the towns/cities previously chosen by the board. He said the City of Franklin returned the questionnaire and related information but did not supply any job descriptions. He said he would give the board copies of everything supplied by Franklin and that he is preparing a spreadsheet with the wage information for years one through 10 because after 10 years additional wage payments kick in for longevity and this would allow Selectmen to compare apples to apples.

9). Town Administrator's Business:

A) Change Town Meeting Day- Mr. Capello said back in March there was a petitioned Warrant Article asking to change Town Meeting Day from the Wednesday following the Tuesday elections to Saturday. He said the article was approved by voters but is only advisory to the board and asked them to make a decision and vote on the matter.

Motion: (King, second Horgan) to hold Town Meeting on Wednesday;

Discussion: Mr. King said based upon the arguments he heard in support of the petition at Town Meeting his opinion was not changed. He said an argument can be made for both sides and he did not see a compelling reason to change.

Mr. Johnson said some argued there would be increased attendance due to better availability of people to attend on Saturday but you would take away the possibility to attend from people who can't attend on Saturday.

Mr. King added that the School District Deliberative Session is held on Saturday and the attendance for that is actually worse.

Vote: The motion passed 5-0.

The scheduled date for the 2018 Town Meeting is Wednesday, March 14.

B). Information Regarding Possible Deal- Mr. Capello said he received a complaint regarding an issue with Pound Road. He said he has not yet replied to the resident as she implied there was some sort of deal with the Town to maintain Pound Road which is a Class VI road.

Ms. Proulx said the Town does not maintain Class VI roads.

Mr. Capello said he agreed but did not want to reply to her before speaking with the board as they have a much longer sense of history with the Town.

Mr. King said he was a member of the Board of Selectmen or the Planning Board during the last 3 building permit applications on Pound Road and that the conditions have always been consistent- the applicant must sign a waiver, they agree to be responsible for road maintenance and to bring the up to and maintain the current road standard to provide a certain amount of travel way. He said he was not aware of any agreement with the Town on maintaining Pound Road.

Mr. Johnson noted that the complaint states that one resident is not complying with the agreement.

Mr. Capello said he was not aware of any maintenance agreement.

Mr. King said the applications for a building permit on a Class VI road come before Selectmen for conditions of approval which include improvements to the Town's right-of-way, acknowledgement of the Town's ability to get emergency vehicles to site, and who is responsible for road maintenance. He said this information for at least the last 3 building permits should be on file in the Building Inspector's Office.

Mr. Johnson asked if deed restrictions are involved in this issue.

Mr., King said the deeds were already transferred and he did not believe there are any deed restrictions in this situation.

Mr. Capello said the complaint does not involve a building permit application but is in regards to one of the residents conducting logging on her property and the resulting damage to the road.

Mr. King said the complaint states that the landowner has not repaired the damage to the road caused by the logging work. He said the complaint implies the Town may be responsible but said it is not responsible for the damage. He suggested Mr. Capello research the information about the maintenance agreement and supply the information in his response to the complaint.

Ms. Proulx asked if there is any type of permitting required for logging work.

Mr. Capello said the owner would have to submit a Notice of Intent to Cut and the Town could require a bond for potential road repairs.

Mr. King said the Conservation Commission conducted a site walk at some Town owned land on Pound Road a few months ago and recalled that he thought the road was in worse condition than it previously was but attributed it to erosion caused by the recent rain.

C). Open Bid for Hornetown Road- Chairman Proulx opened the only bid received for the sale of Town owned property at 540 Hornetown Road.

Mr. Capello said \$5,000 was to be put into escrow pending the cleanup of the property within 6 months.

Mr. King said the conditions include the minimum bid and escrow and to close in 60 days. James Shannon, brother of the bidder Chris Shannon was in attendance at the meeting. Ms. Proulx read that the proposed purchase price is \$27,760 and the proposed use for the property is remove the existing mobile home and debris and to improve the property with a new double wide mobile home to be sold to a third party buyer. The bidder said he was making a cash offer and would close the sale within 45 days. He said he also planned to form a limited liability company to take title to the property.

Mr. Shannon said the \$27,760 bid is inclusive of the \$5,000 escrow amount.

Mr. Johnson said the board had set a minimum bid of \$22,500 for the property.

Mr. King asked why the Town would have to agree to allow the LLC to take purchase rights to the property.

Mr. Capello suggested the name of the bidder is not the name of the LLC in which the property will be transferred to.

Motion: (Johnson, second Titus) to accept the bid of \$27,760 for the 540 Hornetown Road property with \$5,000 to be returned to the bidder once the existing trailer is removed;

Discussion: Selectmen asked Mr. Capello to make sure all of the RFP stipulations were being met by the proposed bid.

Mr. Capello said his only concern was if the proposed new double wide mobile home will meet set back and septic requirements for the lot.

After a brief discussion about setbacks and zoning requirements, Mr. King offered the following friendly amendment to Mr. Johnson's motion:

To accept the bid contingent upon the proposed use meet all current Building Codes and Zoning Ordinances.

Mr. Johnson accepted the amendment to his motion.

Mrs. Titus accepted the amendment to the motion.

Vote: The motion passed 5-0.

Mr. Capello asked Mr. Shannon to inform his brother that he would be in contact with him the next day to discuss the next steps to complete the purchase of the property.

D). Appointment to Coast Board of Directors- Mr. Capello asked the board to appoint him to Coast board.

Motion: (King, second Titus) to appoint Arthur Capello to the Coast Board of Directors passed 5-0.

Mrs. Titus asked Mr. Capello to provide to a report on the monthly meetings to the board.

E). Public Safety Building General Order- Mr. Capello said there were some corrections made to the document and asked if the board was ready to approve it.

Ms. Proulx asked if the requirement for outside agencies to have insurance coverage is included on the request form to use the building.

Mr. Capello said it should be included if it is not a Town sponsored event and that he will add it to Appendix 1 of the document.

Motion: (Johnson, second Titus) to approve the Public Safety Building General Order as

amended passed 5-0.

F). Request to Address the Board- Mr. Capello said he received a request from Packy Campbell of JIP Construction, LLC to address the board regarding the former Fire Station property on Main Street.

Consensus of the board was to invite Mr. Campbell to meet with the board in Non-Public Session on Monday, October 23, 2017.

10). Additional Board Business:

A). Solar Update- Mr. Johnson asked for an update with solar power facility planned for the former Cardinal landfill site.

Mr. Capello said some DES permitting issues have been resolved and a survey of the land has been conducted of the lots.

Mr. Johnson said it is doubtful any of the arrays will be installed this year which will impact the amount of revenue received by the town.

B). LED Lights- Mr. Johnson asked for the status of the LED street lights project.

Mr. Capello said the company has completed the survey and marking of the existing street lights and the board will need to meet with them to discuss the different light levels needed in particular areas of town and whether to begin the \$46,000 project this year or next year.

C). Sale of Town Owned Property- Mr. King asked which town owned property will be put out to bid next.

Mr. Capello said he did not know but will bring another RFP to the board at the next meeting for review.

D). Lancelot Shores- Mr. King asked for an update on the Lancelot Shores matter.

Mr. Capello said there is no update on the matter at this time.

11). Next Meeting: Monday, October 23, 2017

12). Non-Public Session A:

Motion: (Horgan, second Titus) to enter non-public under RSA 91-A:3 II (e) Litigation passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus-yes) at 7:10 p.m.

Motion: (Titus, second Johnson) to come out of non-public session passed 5-0 at 7:30 p.m.

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

13). Adjournment:

Motion: (Johnson, second Horgan) to adjourn the meeting passed 5-0 at 7:30 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Charlie King

Ann Titus