

**Town of Farmington**  
*Board of Selectmen – Public Meeting Minutes*  
**Monday, May 23, 2016**  
**Selectmen's Chambers**  
**356 Main Street**

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Board Members Present:

Charlie King, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Paula Proulx

Ann Titus

Others Present:

Town Administrator Arthur Capello

Police Chief Jay Drury

Fire Chief James Reinert

Lt. Scott Orlando

DPW Director Dale Sprague

Assessing Clerk Kelly Heon

Contract Assessor Chad Roberge

Jeff Greenhalgh, Groen Construction

Andrew Kellar, NH Solar Garden

Rick Aubin, CAP Admin. Director

Tom DeJulio, Karen Warburton

Packy Campbell

1). Call to Order/Pledge of Allegiance:

Chairman King called the meeting to order at 6 p.m. All present stood for the Pledge of Allegiance.

2). Public Input:

A). Disposal Fees- Resident Packy Campbell came before the board to discuss the fees charged for disposal of televisions at the Transfer Station. He said the rate for disposal is two times the amount charged in other towns and he has paid as much as \$800 per year for disposal of TV's left behind by some of his tenants. He said this is a lot of money for a small businessman and suggested Selectmen consider allowing one free disposal of a TV per address per year.

Discussion included other towns may be subsidizing the cost to dispose of TV's through taxes, the fee was set a few years ago, the fee is meant to recoup the cost for the town to dispose of the TV's and there is no way to verify the number of TV's discarded per address per year.

Selectmen took Mr. Campbell's comments under advisement and said they plan to review the fee schedule.

B). Fire Station Property- Mr. Campbell then asked the board what the plan is for the current Fire Station property once the new Public Safety Building is ready for occupancy. He said he may be interested in buying the property if the three lots will be put up for sale. He gave the board a sample five page purchase and sale agreement with an addendum containing terms he would need to move forward with a project there. He said he was not offering a specific price or

use for the site at this time but is interested in “doing something nice” for the town, the tax base and employment in the area.

Chairman King said the board is looking at not keeping the lots, but advised Mr. Campbell to be aware there is an easement or right-of - way for each lot and a survey and space for public parking may be required. He said the board is not officially where Mr. Campbell would like them to be with their decision. He added that as the plan for the property progresses, it will be done in public and suggested Mr. Campbell “stay tuned”.

### 3). Review of Minutes:

May 9, 2016- Non-Public Session A-

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

Motion: (King, second Horgan) to unseal the minutes passed 5-0.

Non-Public Session B-

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

May 16, 2016- Public Session- Page 1, item #4, correction of page 2- remove “change” and replace with “correct”.

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

May 16, 2016- Non-Public Sessions A and B-

The board did not receive Non-Public Session A and there was some discussion as to whether Non-Public Session B needs to be separated into two sessions.

Motion: (Horgan, second Titus) to table the Non-Public Sessions until the next meeting passed 5-0.

### 4). Assessing Abatement:

A). Abatement Request- Assessing Clerk Kelly Heon introduced the new Contract Assessor Chad Roberge to the board. Ms. Heon and Mr. Roberge came before the board to discuss an abatement request for properties located at 9 Fairway Drive (Map U02, Lot 035) and 55 Spring Street (Map U04, Lot 031) owned by the Mad River Housing Partnership. Ms. Heon said that the owner filed for abatement of the 2015 taxes based on a claim that the properties were assessed at a value greater than the market value.

Mr. Capello added the over assessment was due to an error when transferring information following the 2014 revaluation and suggested the board approve the request.

Mr. Roberge reviewed the information provided by the applicant and determined that both parcels are federally funded, receive economic depreciation due to the high cost of maintaining the properties and both parcels were granted abatements for this reason in 2004 and 2010. He found that during the revaluation the depreciation was inadvertently removed from some of the tax cards.

Ms. Heon added the clerical error was committed by a previous appraisal group.

Additional discussion included if the depreciation percentages are set at the state or federal level, some parcels have multiple tax cards, what to do so this type of error does not happen again, add any depreciation to all tax cards, review the revaluation report to detect any large changes in property values and attempt to determine the reasons for the changes.

Motion: (Johnson, second Horgan) to approve the rebate request to the Mad River Housing Partnership in the amounts of \$20,609.89 and \$912.76 passed unanimously.

B). Permission to Fish- Ms. Heon also presented a request from a Central Street resident requesting permission to fish in the creek that abuts town owned property on Loring Avenue. Discussion included permission must be granted to fish or hunt on town owned property, activity conducted on the shore is governed by the town and in the stream by the state and the potential for lawsuits due to accident or injury.

Motion: (King, second Horgan) to allow public access for fishing on town property passed 5-0.

C). Timber Harvest Tax- Mr. Capello suggested the board approve the waiver of the timber harvest tax for the property where the new Public Safety Building will be constructed. Discussion included the tax goes to the town, the board previously waived the building permit fees for the project and if all the bidders were given the same opportunity to reduce their bid by the amount of the tax.

Motion: (Horgan, second Johnson) to waive the timber harvest tax passed 5-0.

#### 5). Possible Solar Panels at the Transfer Station:

NH Solar Garden Project Developer Andrew Kellar discussed a proposal to develop a solar power generation facility at the former landfill site. The company would lease the land from the town, construct a solar array, maintain and operate the facility which could power the town's electrical usage Kellar said. He said economic benefits to the town would include land lease payments, annual payments in lieu of taxes (PILOT) and reduced electric rates. He added there would be no upfront costs to the town except for any legal services required.

Mr. Kellar also explained that all of the equipment/wiring is secured to the top of the soil or grass so that there will be no penetration or damage to the landfill cap and all state/federal landfill regulations will be met. The system consists of plastic tubs with a racking system held in place with poured concrete blocks. The panels are mounted to the racks and backed by a 15 year warranty he said.

Discussion included the 20 year lease, the proposal is similar to the project in Milton, the request to use the state permitting process and skip the local Planning Board process, it will produce up to 1 megawatt of power, security at the site, remote internet monitoring of the system, return the site to its former condition if the agreement ends, it's available only to Eversource customers, the waste water treatment plant and two pump stations are large electric users but use North American Power, any additional power can be sold to schools, residents and businesses and the next steps in the process if approved.

Consensus of the board was to request a site walk of the Milton facility with town officials and to request that Mr. Kellar provide additional information on the actual savings to the town based on the town's actual electric usage.

#### 6). Groen Builders Contract and Update:

A). Building Contract- Groen Construction Project Manager Jeff Greenhalgh came before the board to discuss an update to the Public Safety Building contract. The construction company's lawyer made a few minor changes to the agreement but Selectmen had no issues with the changes.

Motion: (Horgan, second Titus) to authorize the Town Administrator to sign the contract contingent on agreement by the Groen Construction attorney passed 5-0.

B). Invoice- Selectmen then reviewed an invoice from Groen Construction for design, engineering and project management expenses for the project through April 30, 2016.

Motion: (Horgan, second Titus) to authorize payment of \$19,151.60 to Groen Construction to be paid with funds from the Public Safety Capital Reserve Fund passed 5-0.

Discussion included the town still has not received AOT or DOT approval, June 20 is the deadline to begin work at the site, only two local contractors replied to the request for bids, the project is currently \$20,000 under budget and Selectmen will set a new date for the groundbreaking at the next meeting.

Mr. Capello said he asked Police Chief Jay Drury, Fire Chief James Reinert and Lt. Scott Orlando to attend the meeting to ask/answer questions about the project. Chief Drury said he did not have anything to add to the list he previously provided with some "little things that need tweaking". Chief Reinert and Lt. Orlando did not have any issues to address.

Mr. Greenhalgh said it is now time to pick the colors and finishes for the building. Mr. Capello said he will obtain suggestions from the staff and forward them to Selectmen.

Vice Chairman Johnson asked when the bond to fund the project will go out for sale. Mr. Capello said the bond will be put up for sale on June 1 and the town is expected to receive the money by June 16.

#### 7). Award RFP for CDBG:

Community Action Partnership Administrative Services Director Rick Aubin came before the board regarding the organization's recommendation for the Community Development Block Grant administrative services. Mr. Capello told the board that he and CAP recommended awarding the contract to Shelley Hadfield of Hadfield Associates.

Motion: (King, second Johnson) to award the contract for grant administrative services to Shelley Hadfield not to exceed \$17,000 passed 5-0.

Motion: (Horgan, second Proulx) to authorize the Town Administrator to sign documents related to the administration of the grant passed 5-0.

#### 8). Decorating Committee Request:

Decorating Committee members Tom DeJulio and Karen Warburton continued the discussion with the board regarding the purchase of banners and brackets for the downtown Christmas lights poles begun at the previous meeting. Mr. DeJulio presented a picture of the seasonal banner designs and a sample of the banner material. Discussion included three bids were received for banners and brackets, thickness of the material and expected lifespan, cost of the brackets, installation, approx. \$2,500 would be left to purchase/maintain the Christmas lights and fundraising with the banners to fund future decorations.

Motion: (Johnson, second Horgan) to purchase 75 banners from Rileigh's Outdoor Décor (\$2887.50), \$170 for shipping and 30 brackets from Nepco Products (\$907.80) for a total of \$3,965.30 using the town's normal purchasing process passed 5-0.

Selectman Titus asked if the committee planned to return to Town Meeting to request more money for

the Christmas lights. Ms. Warburton said they plan to take care of the lights with the remainder of the money approved by voters. They plan to form a non-profit organization which will be self-sufficient and fund future purchases/maintenance/repairs through fundraising she said.

Additional discussion included installation of a metal sign with contact information, purchase of more durable LED light bulbs and finding a cheaper source for the bulbs.

Vice Chairman Johnson asked if the members of the Decorating Committee needed to be appointed by the Selectmen. Chairman King said they are a short-term volunteer group that makes recommendations to the Selectmen to spend

taxpayers' money and as such must conduct business as outlined in RSA 91-A. Once they become a non-profit organization they will not be governed under that statute he said.

Mr. Capello said he will order the banners and brackets as approved by the board.

Mr. DeJulio will return to the board later this summer to discuss quotes for purchasing the light bulbs, wire, safety boots, etc.

Recess-

Motion: (King, second Horgan) to take a five minute recess passed unanimously at 7:50 p.m. The meeting reconvened at 8 p.m.

#### 9). Brush at the Transfer Station:

DPW Director Dale Sprague told the board that he was informed by Tom Huckins that he is no longer accepting brush from the community due to the dumping of trash in with the brush which contaminates his stock piles. He asked the board if the Transfer Station should offer brush collection as a service to residents.

Selectmen discussed the options include chipping, burning or transporting brush to another facility, the costs for processing, transporting or having an attendant on site to oversee receipt of the brush, it's the owner's responsibility to maintain their own property, ask Mr. Huckins if he will take the brush if the town "manages" it first, how often to offer collection, do a trial run of collecting brush and brush is biodegradable.

Motion: (King, second Proulx) to no longer receive brush or offer brush services to residents at the Transfer Station passed 3-2 (King, Johnson, Proulx- in favor; Horgan, Titus- opposed).

Additional discussion included the Fire Dept. would burn the brush, the landfill permit would need to be modified, preventing unauthorized access to the site, allow a trial run to get an estimate of costs, how long should the trial last, cost for the Fire Dept. to conduct burns, how often to burn and obtain verification that the permit can be modified to allow burning at the landfill site.

Consensus of the board was to obtain a cost estimate for brush collection at the Transfer Station once a month for six months.

#### 10). Water Abatement:

Mr. Sprague told the board that a Central Street resident requested a rebate of her Feb. water bill due to frozen and burst pipes. Discussion included the pipes were frozen for five days, water ran from the burst pipes for two days, normal water use for the residence and the meter reading showed 788 cubic feet over the normal usage.

Motion: (King, second Horgan) to grant the abatement to 60 Central Street in the amount of \$56.74 for unused sewer service passed 5-0.

#### 11). DPW Assistant:

Mr. Capello said he recommended breaking up the duties of an Assistant Director into separate supervisory positions due to the licensing requirements for some of the tasks. Selectmen briefly discussed how many supervisors would be needed, the number employees in the sewer, water and highway depts., what certifications are currently held/needed and if the supervisors will be union or non-union employees. Selectman Proulx then suggested the conversation should be continued in non-public session as it could affect someone's reputation. Consensus of the board was to go into non-public session at the end of the public portion of the meeting.

#### 12). Route 153 Bridge Contract:

The board reviewed a letter to Mr. Sprague from NH DOT Bureau of Highway Design regarding the utility agreement and water main relocation for the replacement of the bridge over the Cocheco River on Main Street/Rte. 153. The board discussed the estimated total cost of the water main relocation (\$49,475), the estimated cost per square foot for the work, bids for the work may be lower than the state estimate, there is a 17% management fee (7% for construction engineering and 10% overhead expenses) which is three to four times the going rate, total cost to the town is \$52,452.08 and the terms of the contract are not negotiable.

Motion: (King, second Titus) to approve entering into the contract with NH DOT in the amount of \$52,452.08 for water main relocation and to authorize the Town Administrator to sign the contract passed 5-0.

13). Additional Board Business:

A). 79-e District E-mails- Vice Chairman Johnson asked when the downtown revitalization program was approved. Mr. Capello it was approved at the 2014 Town Meeting when voters approved formation of the district.

14). Town Administrator's Business:

A). Raffle Permit- Mr. Capello said the Friends of the Goodwin Library submitted an application for a raffle permit for one year. The group plans on several raffles throughout the year and agreed to conduct the raffles as per RSA 287. The board plans to review the raffle policy at the next meeting.

Motion: (Horgan, second Proulx) to approve the annual license for the Friends of the Library passed 5-0.

B). Letter to State Reps. and Senator- Selectmen reviewed a letter drafted by Mr. Capello requesting the assistance of Rep. Whitehouse, Rep. Pitre and Sen. Cataldo in collecting payment for services provided by the town during the Trump campaign event in January. Vice Chairman Johnson noted the word "assistants" should be corrected to "assistance" and suggested removal of the representatives/senator's names and titles from the last sentence and simply state "The Town of Farmington would like to formally request your assistance in seeking reimbursement for the expense incurred during the event."

Following a brief discussion on whether to send the letter, Mr. Capello asked the board how they wished for him to proceed.

Motion: (Horgan, second Proulx) to send the letter to Rep. Whitehouse, Rep. Pitre and to Sen. Cataldo passed 3-2 (Horgan, Proulx, Titus – in favor; Johnson, King- opposed).

C). Rec. Advisory Committee Appointment – Mr. Capello told the board that resident Ashlee Rourke has submitted an application to become a member of the Recreation Advisory Committee.

Motion: (King, second Titus) to appoint Ashlee Rourke to the Recreation Advisory Committee for a one year term passed 5-0.

D). Meet with Attorney for Contract Negotiations- Consensus of the board was set up a non-meeting with the town attorney on June 20 at 5:30 p.m.

15). Non-Public Session A:

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

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 9:40 p.m.

Motion: (King, second Horgan) to seal the minutes until the matter is resolved passed 5-0.

16). Next Meeting: Monday, June 6, 2016.

17). Adjournment:

Motion: (King, second Horgan) to adjourn the meeting passed 5-0 at 9:40 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Charlie King

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Paula Proulx

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Neil Johnson

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James Horgan

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Ann Titus