

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, October 24, 2016

Board Members Present:

Charlie King, Chairman
Neil Johnson, Vice Chairman
Jim Horgan (6:30 p.m.)
Paula Proulx
Ann Titus

Others Present:

Town Administrator Arthur Capello
Andrew Kellar, NH Solar Gardens
Clarke Fenner, NH Solar Gardens
Tom DeJulio
Linda McElhinney, Library Trustee
Elizabeth Johnson
Matt and Stacy Aube

1). Non-meeting with Town Counsel until 6:20 p.m.

2). Call to Order/Pledge of Allegiance:

Chairman King called the public meeting to order at 6:22 p.m. All present stood for the Pledge of Allegiance.

3). Public Input:

A). Building Permit Issue-Matt and Stacy Aube told the board they bought a house on Cherub Drive and moved in this past August. They received a letter stating the previous owner renovated the basement and the attic without a building permit for the new living spaces. Mr. Aube said they got "side-swiped with this mess" caused by the previous owner that included letters from attorneys and the Town with notice of potential fines each day if the matter is not rectified within a specified timeframe. He said they have no intent to break the law and filed an application for the permit with the Code Enforcement Officer 2 weeks ago with no response. He added they would like some answers and some support from the Town.

Chairman King said he received Mrs. Aube's letter and contacted Mr. Capello to get more information on the matter. He noted that there are 10-15 code violations that need to be addressed and that the Aube's were also sent a follow-up letter stating the current fines are against the previous owner.

Mr. Aube asked if they could get an extension on the deadline to obtain a building permit so that they don't start to accrue fines.

Chairman King asked for patience as the town is trying to work out the issues the right way. Mrs. Aube said they were told to conclude the matter by Oct. 30 but they have not been able to come to a "reasonable conclusion" with the previous owner as he is neither honest nor reasonable. She said they are caught between trying to deal with the previous owner and dealing with the Town. She said she would like confirmation in writing that they have a permit and what they are supposed to do to correct the issues. She also stated the Town knew of the issues and asked why the Town allowed the previous owner to sell the home.

Vice Chairman Johnson said the Town does not have the ability to stop the sale of a private residence.

Mrs. Aube then asked if the Building Inspector could inspect the renovations on Saturday, October 31 so that her stepfather can be present during the inspection as he is familiar with

construction and building codes.

Chairman King said they will do their best to make that happen.

Mr. Capello said he will contact the Aube's to let them know if the Building Inspector is available for that date.

B). Window Painting- Tom DeJulio of the Farmington Preservation and Improvements Organization came before the board to discuss plans to decorate the downtown area for Christmas "to the max". He said that this year the school Art Dept. Director contacted him with a suggestion to let the art students paint the windows along Main Street with holiday scenes. He said the paint is water soluble and that the Art Director would supervise the students. He then asked Selectmen how many of the windows in the Town buildings they would like to have decorated.

Consensus of the board was to allow all of the windows in Town buildings facing Main Street to be painted.

Mr. Capello suggested Mr. DeJulio contact Tax Clerk Kathy Seaver directly for permission as she has complete control over her office, including the windows in her office.

C). LED Bulbs- Mr. DeJulio presented an example of the diamond shaped colored LED light bulbs he plans to purchase for the light strings that will be hung downtown. He said he has tested the bulbs for breakage by dropping them and hitting them with a hammer and was unable to break them. He said he also tried to scratch the color off of the bulb but the color doesn't scratch off because it is embedded in the plastic. The prices of the bulbs are based on what color they are and range from \$2.99 to \$4.99 a piece he said. He then asked the board for a contribution toward the purchase of the bulbs.

Chairman King asked the amount of contribution from the Town that he was looking for.

Mr. DeJulio said he calculated that about \$10,000 is needed to replace all of the old bulbs and he planned to spend about \$1,000 a year over 7-8 years to complete all of the light strings. He said he was looking for whatever amount the board could contribute.

Discussion included using a less expensive smooth round bulb, electric usage and brightness of the bulbs, fundraising, donations are not tax deductible and using a mix of old and new bulbs on the same string.

Mr. Capello said there is no money in the Town budget for light bulbs at this time.

Chairman King asked how much money is left of the \$6,500 approved at Town Meeting for the Christmas lights/poles.

Mr. DeJulio said there is approx. \$200-\$300 left in the account but that he planned to use that money for the extension cords that will be needed for the light strings.

During the discussion Mr. Capello researched LED bulb vendors and said he found about 7 companies that sell this type of bulbs.

Chairman King suggested Mr. DeJulio may cut costs for the bulbs by as much as 30% by doing further research of the vendors.

Mr. DeJulio said installation of the light strings will begin on November 19 so as to be completed in time for the tree lighting ceremony scheduled for December 2. He said donations are welcomed from anyone and any donations received after November 1 will be put toward next year's bulb purchases.

3). Review of Minutes- Tabled until the next meeting.

4). Solar Contracts:

Andrew Kellar and Clarke Fenner of NH Solar Gardens came before the board to discuss the feedback they received from the last board meeting regarding the changes in the land lease, Payment In Lieu Of Taxes (PILOT) and the PPA agreements. Mr. Kellar said during the negotiation process some of language originally included was changed or omitted but has been added back in and is acceptable to the attorneys on both sides.

Mr. Kellar said that one of the edits to the land lease agreement that was left off involves the proposed 20 year lease term with 2 mandatory 5 year extensions. NH state law states Selectmen can only agree to lease a town property for up to 5 years and a longer term lease requires a Town Meeting vote. Selectmen would have the option to approve a five year lease and renew the lease every five years or wait until March and seek voter approval of a longer term lease.

Mr. Kellar said the language per state law "seems good" but stressed that the most important message was to reset the board's expectation of the time needed to complete the project should they choose to wait until March 2017 Town Meeting vote.

Mr. Kellar said the price for power was also not included in the PPA document because the board has yet to choose which electric rate/escalator rate they wish to use.

Mr. Johnson provided a 30 year spreadsheet listing the costs and savings based on using 8 cents per kilowatt hour with a 5% escalator or 9.56 cents per kilowatt hour with a 3% escalator. The sheet showed that at the end of the 30 year period, the Town would realize the following savings:

8 cents per kWh/5% escalator: Annual Savings Rate= \$990,270

Lease + PILOT + Rate Savings= \$2,496,472

9.56 cents per kWh/3% escalator: Annual Savings Rate= \$1,693,366

Lease + PILOT + Rate Savings= \$3,199,567

Mr. Johnson asked why the energy production calculations were reduced over the 25 year period.

Mr. Kellar said this is because the solar panels degrade over time and don't produce quite as much power as when new. They would only sell the amount of power to the Town that is produced rather than incur the cost of replacing the panels he said. He added that any surplus power generated could be offered to other users.

Discussion also included the potential impact on energy use when the new Public Safety Building opens, what happens if the value of the power is reduced, snow removal from the arrays, what happens if the project is not able to get up and running due financial difficulties at the company, why the proposal includes fixed arrays instead of arrays that "track" the sun, what is the financial return to investors, who are the investors and electric rates are projected to begin rising next year due to the closing of some power plants.

Motion: (Johnson, second Horgan) to contract with NH Solar Gardens in terms of the contract as recommended by the Town attorney pursuant to state law and to go with 9.56 cents per kilowatt hour with a 3% escalator passed 5-0.

Recess- Motion: (King, second Horgan) to take a 5 minute recess passed 5-0 at 7:50 p.m. The meeting reconvened at 7:55 p.m.

5). Fire Rating for Stage Curtains in the Town Hall:

Mr. Capello told the board that the Town Hall building is out of compliance for an assembly permit issued by the Fire Dept. He said one of the reasons is the lack of fire proof curtains for the stage in the gymnasium. He said at first he planned to take the curtains down and remove them from the building but later found that the Town Players have plays scheduled and this would interfere with the presentation of the plays. He told the board that options include purchasing new fireproof curtains or have the existing curtains cleaned and have fire retardant applied to the curtains. He added that the fire retardant would need to be re-applied every 2 years.

Motion: (Horgan, second Johnson) to authorize spending up to \$2,000 for the purpose of fireproofing the stage curtains and to take the funds from the Public Buildings Maintenance Fund passed 5-0.

6). Waiver of Fee for Fire Inspection:

Mr. Capello told the board that a Chestnut Hill Road resident has requested that the \$50 fee to re-inspect an egress window be waived. He said the home failed the first inspection as there was an issue with the size of an egress window in a foster/adoptive child's room necessitating a second inspection after the new correct size window was installed. The resident said she didn't know there is a charge for the second inspection and requested the charge be waived as she is currently unemployed.

Mr. Horgan asked if the home is now in compliance with safety regulations.

Mr. Capello said the resident said they are now in compliance but it needs to be confirmed by a re-inspection by the Fire Dept.

Ms. Titus said the resident stated that the home met all codes and requirements at the time of purchase and asked if there is a "grandfather" clause available for the homeowner.

Mr. Capello said there is no "grandfathering" of safety regulations.

Selectmen discussed there is no charge for the first inspection, the board has the discretion to waive fees, justifying their discretion, being more "friendly" to taxpayers, if this is a hardship situation, whether to allow the resident to make payments on the fee and granting the waiver could open the door to other such requests.

Motion: (Horgan, second Proulx) to waive the \$50 fee for the re-inspection failed 3-2 (King, Johnson, Titus-no; Horgan, Proulx-yes).

Motion: (Titus, second King) to allow the resident to set up a reasonable payment plan for the re-inspection fee to be paid within one year passed 4-1 (King, Horgan, Proulx, Titus- yes; Johnson-no).

7). Awarding of Auditing Contract:

Selectmen reviewed a summary spreadsheet on the bids received from 6 auditing firms for the 3 year (2017-2019) auditing contract. Mr. Capello said following a review of the bid packages, conversations with the Finance Administrator and other Town Administrators he recommended the board award the bid to Angell & Co.

Chairman King noted Mr. Capello did not recommend the lowest bidder and asked if there was any feedback on the low bidder.

Mr. Capello said the feedback received on the low bidder was not positive and suggested the board discuss the matter in non-public session if more information was needed.

Chairman King then asked for an explanation of a note on the spreadsheet stating that one of the bidders “did not bid based on the RFP”.

Mr. Capello said the bidder wanted the Town to submit auditing information to him by mail and return the audit report to the Town by mail which does not meet the terms of the RFP.

Mr. Johnson asked if the recommended firm was willing to accept a one year contract.

Mr. Capello said Mr. Angell understood that the board may want to limit the contract to one year when working with a new firm to see if things work out satisfactorily and agreed to accept a one year contract.

Motion: (Johnson, second Horgan) to award the bid to Angell & Co. for \$14,500 for the town audit and \$2,500 for the single audit if required passed 5-0.

8). Signing of State Work Zone Agreement:

Selectmen reviewed a memo from NH DOT Bureau of Highway Design Project Manager Tobey Reynolds notifying the Town that the DOT will conduct a re-surfacing project along Route 11 from the New Durham town line to the Route 153 intersection beginning in the spring of 2017 and completed by November 2017.

Mr. Capello noted the agreement gives the DOT the authority to determine if Police Officers or flaggers will be used to control traffic within the work zone of the project.

Motion: (Horgan, second King) to authorize the signing of the Municipal Work Zone Agreement for Farmington State Project # 40870 passed 5-0.

9). Public Safety Building Update:

Mr. Capello reported the following:

Barron Bros. are currently working on the drainage at the site and the site is also being readied for the first course of asphalt.

The Police and Fire Chiefs met with the furniture vendor.

The next construction meeting was scheduled for the next day.

The Howard Systems (IT/Security) contract proposal has been sent to the Town attorney for review. He added that the quote in the contract will be higher than the amount given to the board because the amount in the contract does not include reimbursement of funds obtained through a grant.

Chairman King asked about the purpose of the pipe coming out of the site at the tree line.

Mr. Capello said the pipe will connect to the Town water system and will be the location of a new fire hydrant.

Mrs. Titus said work has been conducted on some Saturdays and Sundays and asked if the contractors were receiving overtime for working weekends.

Mr. Capello said some of the contractors prefer to work only on weekends when the site is less busy and no overtime was paid to them.

He said the project is “moving along nicely” and is still on budget and on time. He said he will soon have more definite information on the guaranteed turn back of the contingency funds.

He then asked the board for a motion to approve payment of an invoice for the fill station for the Fire Dept. Scott packs.

Motion: (Horgan, second Titus) to approve the payment of the purchase order for \$55,568 for the fill station for the Scott packs from the Public Safety Building and Furnishings Capital Reserve Fund passed 5-0.

10). Review of Policies: Tabled.

11). Town Administrator's Business:

A). Landfill Positions- At the previous meeting Selectmen asked for a breakdown of payroll costs to the Town regarding part time and full time positions at the Transfer Station/landfill.

Mr. Capello said he calculated the positions at a \$15 pay rate for the purposes of this example including wages and benefits (FICA, Medicare, Family Health and Dental, ICMA) for the full time position and wages for the part time position. The full time position costs the Town \$56,143 and the part time position (28 hours) would cost the Town \$23,525.

Selectmen recently approved posting an advertisement seeking 1 full time employee and 1 part time employee which would cost the Town \$53,040 in wages only and a total of \$79,668 in wages and benefits assuming the full time employee chose family health and dental insurance coverage. The cost for wages for 3 part time workers (68 hours) would total \$57,097.

Mr. Capello said he met with DPW Director Dale Sprague, Deputy Director Jason Gagnon and Chuck Tiffany to discuss plans for reorganization/operations of the landfill and they will present the plan to Selectmen in November. He said they recommended staying with a staff of 1 full time employee and 1 part time employee.

At the previous meeting Chairman King suggested the Town hire 3 part time employees at the landfill for flexibility in scheduling coverage and saving the Town the additional \$22,571 in benefits.

Mr. Capello suggested it would be easier to find a candidate for the full time position with the required certifications than it would be to find a certified person willing to accept a part time position with no benefits.

Mr. Johnson suggested Mr. Capello bring the candidates' resumes to the next meeting for the board to review in non-public session.

B). Poll Hours- Mr. Capello said the polls will be open for voting at the Town Hall from 8 a.m. to 7 p.m. on November 8. He added that the time could be extended if there is a line of residents waiting to vote at 7 p.m. but if there is no line the doors will close promptly at 7 p.m.

12). Additional Board Business:

A). Coast Bus- Mr. Johnson said he reviewed the CD's from 2 board meetings where Coast Bus funding was on the agenda and found that the company representative did not say there would be no charge to the Town for the North Bus service. He said that several years ago, a previous Town Administrator told the board that the service was grant funded and that the source of funding had "dried up" leaving Farmington to pay \$600 for its portion of the bus service. Selectmen discussed the funding request is now about \$21,000, ridership numbers, number of trips, how much the Town is funding toward each rider and advertising at the bus shelters in town.

Selectmen asked Mr. Capello to request a representative from the bus company come before the board to discuss the funding request when the 2017 budget review begins.

B). Hattie's Place Complaint- Mr. Horgan asked about a complaint received from a Montgomery Drive resident regarding trash near his property line and the smell of number 2 heating oil in the area.

Mr. Capello said the Building Inspector reported he did not find any trash disposal or any oil leaking from the oil tanks or any discharge around the property.

13). Non-Public Session A:

Motion: (King, second Horgan) 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 8:45 p.m.

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

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

14). Adjournment:

Motion: (Horgan, second Titus) to adjourn the meeting passed 5-0 at 9:05 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Charlie King, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Paula Proulx

Ann Titus