

Town of Farmington  
Board of Selectmen Public Meeting Minutes  
Monday, January 25, 2021

**Board Members Present:**

Paula Proulx, Chairman  
Neil Johnson, Vice Chairman  
Dave Connolly  
Gerry Vachon

**Others Present:**

Penny Morin

**Board Members Absent:**

TJ Place

**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:**

Resident Penny Morin said she has tried to e-mail this board and she would like to see that this board has an e-mail address so that the residents can e-mail them. She said right now the only way to get in touch with them is through the complaint form and she doesn't know if the board would get it or where it goes or who reads it.

Mr. Johnson said there is an e-mail address for the Board of Selectmen on the Town website.

Mr. Connolly said it is called a contact form and he has gotten them.

Mrs. Morin said she wanted to know that if she sent them something there would be some trail showing the e-mail was sent this day and this is the response she received. She said she has not located that form and that she would go to the website and look again.

Mr. Connolly explained that if you go down to where his name is listed and click on his name the contact form will come up.

Mr. Johnson said that all board members were changed to the contact form about a year ago.

Mrs. Morin said she heard Chairman Proulx mention that Arthur (Town Administrator Arthur Capello) would be uploading some documents and asked what paid administrative leave looks like for this board. She said as a past member of a board that put people on paid administrative leave they had nothing to do with the board's business and she wanted a better understanding. Chairman Proulx said the Town's employment and labor attorney Mark Broth said it is okay for him to do that because it is a paid leave that has nothing to do with the Town of Farmington.

Mrs. Morin said she re-read the Foster's newspaper article before she came to the meeting and the article mentioned another employee and asked if there is another employee on leave.

Mr. Johnson said there is no other employee on leave.

Chairman Proulx asked if she heard back from the Selectmen's Secretary regarding the minutes from the Trustees of the Trust Funds meeting.

Mrs. Morin said the Secretary contacted her but the Trustees' minutes stop at 2016 on the Town website.

Chairman Proulx said the Trustees are an independent elected board that the Selectmen have no jurisdiction over and they would like them to supply their minutes to them so they can be uploaded to the website but they can't make them do that.

Mrs. Morin thanked the board and then left the meeting.

#### **4). Review of Minutes:**

January 11, 2021 – Public Meeting Minutes – Page 1, Board Members Absent- add "excused " after Dave Connolly

**Motion:** (Johnson, second Vachon) to accept the Monday, January 11, 2021 public meeting minutes as amended passed 3-0-1 (Connolly abstained).

January 11, 2021 – Non-Public Sessions A & B Minutes – Board Members Absent - add "excused" after Dave Connolly to both sessions

**Motion:** (Vachon, second Johnson) to accept the minutes as amended passed 3-0-1 (Connolly abstained).

#### **5). Town Solar Project:**

Chairman Proulx asked the board to start the discussion regarding the expiration of the Town solar project in March. She said they received a compilation of some of the e-mails (between Mr. Capello and Blue Planet Funding COO Allen Funk) and portions of an update from Town Attorney Keriann Roman on Friday afternoon and today.

She briefly referenced some of Mr. Capello's questions and Att. Roman's responses about extending/renegotiating the project and Mr. Funk's explanation for the delays and that at a minimum they should have him come in and tell them what his thoughts are because it should be considered.

Mr. Connolly said it seems like they keep hearing the same excuse over and over again that it's not them it's someone else.

Chairman Proulx said they have had to redo their applications due to the length of time this has taken and things have changed somewhat with Eversource requiring tighter standards, the delays caused by the slowness of their primary investor and bringing a second investor on board and by COVID-19 so at a minimum if the board is to consider this he should come before the board.

Mr. Johnson said his objection to it which isn't going to change is that this has been going on for 3 years. He said this is the second company and the first company was a complete disaster and dropped the ball completely and this company tried to pick it up but they have not progressed any further.

He said Mr. Connolly was correct that the board has heard nothing but excuses. He said he could understand that Eversource changed their policy and procedures but this is their third finance group – the first one dropped it due to lack of progress due to COVID and licensing restrictions, then they got a second one and now they're working on a third one. That is technically not our problem that's their problem and we have a contract with them he said. Chairman Proulx asked when this becomes a breach of the contract.

Mr. Johnson said in his opinion it has gone well beyond the breach but it comes this March when the contract expires. He asked that a copy of the current contract be provided to the board before their discussion with Mr. Funk takes place.

He said he believes there were timeframes specified in the contract none of which have been met and he keeps saying that what happens at the former Cardinal landfill or at the sandpit (Knight property at the corner of Main Street and Cocheco Road) isn't their problem and they don't care. We are only the customer at the (former Town) landfill and we don't care what their excuses are if those 2 other entities are involved he said.

Mr. Johnson said they had this problem with the initial company, NE Solar Garden Corp. that kept lumping us all together and they didn't do anything with us because of the negotiations on the Cardinal landfill and the sandpit property and he told them we don't care. I made that statement to Mr. Funk about a year ago and to just get ours up and running. I understand it's a combined investment and it saves them a lot of money if they do 3 projects as one but we don't care. He said this would be his stand again and there is about 2-3 months left in the extension that they signed.

Chairman Proulx said if he cares at all about this project he better come to board very soon with some information. She said if he knows what he is doing and has dates and then if he doesn't meet those dates maybe it's time- though she would hate to do it, there are other companies out there.

Mr. Johnson said delaying while waiting for them to get their act together is costing the Town money because there are other providers they could go to that seem to be progressing without a problem.

Mr. Connolly asked if the contract expires on March 1 or at the end of March. He said it makes a difference as to when they want to get him in here so they can talk to him before it expires.

Chairman Proulx said one question he should be prepared to answer is if the second investor is necessary or wanted as a backup. If they are not prepared to go on in the spring then I hate to say it but I'm sick of waiting she said.

Mr. Vachon said the contract expires in March but according to Mr. Funk's e-mail they are not starting construction until May.

Mr. Connolly noted that is the second time he has told them that.

Chairman Proulx said they just push it out a little bit longer so they have a little more time to try to "get their ducks in row" and then before you know it they have another situation that puts it

out even further but they've got the extension. She said it may be time to make him use an old adage ("s--- or get off the pot" filled in by Mr. Connolly) because that is a lot of the money and we're missing it.

Consensus of the board was to contact Mr. Funk and give him a chance to redeem himself.

#### **6). COVID-19 Update:**

**a). COVID-19 Policy** – Chairman Proulx said this policy was generated from the current health guidance and it may be subject to change as things change and if they get something on the record they can amend it as they need to. She asked the members if there was anything they liked or disliked about the policy.

Mr. Johnson offered the following suggested changes:

Page 1, Definitions, Close Contact, #5 – add "may have gotten" before "respiratory droplets on you."

Page 2, Quarantine Due to Symptoms, last line – amend to read "or have received and completed the course of vaccination of an approved COVID-19 vaccine."

Mr. Connolly said on page 1, Definitions, Travel it sounds as if this only applies to traveling on public transportation outside of New England and suggested that a semi-colon be placed after the parenthesis containing the NE states to separate it from the modes of public transportation to show that any type of travel outside of NE or any travel on any public transit are included in the definition. "You traveled to areas outside of New England (ME, NH, VT, MA, RI, CT); on mass public transportation (bus, plane, train, subway) or on a cruise ship."

Mr. Johnson suggested adding "or" before "on mass public transportation..."

Consensus of the board was to make the changes as recommended by Mr. Johnson.

Chairman Proulx said she would ask for the changes to be made and then bring the revised policy back to the board for review and approval.

**b). Discussion on Purchase of Air Purifiers** – Chairman Proulx said this is some advanced technology that was derived from NASA technology that was used on the International Space Station and is the only certified space technology in its class. She said it works on the air within the room with key oxidizers, hydrogen peroxide, hydroxyls, hydroxyl radicals and super oxides that are all found within the air itself.

She said it is not a traditional system that pushes contaminants away or those that attract them with negative and positive ions and then drops them down onto the surfaces and the virus is still alive. This system does it through the air using the things she mentioned that are within the air itself and it filters through and actually kills the virus in the air and on surfaces. It has been proven extremely effective through the Space Foundation and at the University of Cincinnati Center for Health-Related Aerosol Studies. She then read that in the tests 90% of the airborne pathogens were reduced in 30 minutes which is a rate 50 times more effective than normal filtration.

Chairman Proulx said she brought this information forward because COVID-19 is here and it is a

consideration where it actually kills the virus. There is a small unit that covers up to 500 sq. ft. that could be used in the Selectmen's Chambers she said.

She said the second place she is concerned about is the gym area in the Town Hall because the elections and Town Meetings are held there and it would be one step closer to getting the Rec. Dept. up and running in a safe fashion as the UNH report comes out.

Mr. Johnson asked if this was a response to an inquiry she put forward.

Chairman Proulx said that is correct and is something brought forward for the board to look at because it's used in her chiropractor's office and people are not required to wear masks there. She said her chiropractor is a heck of a research person and gave her the contact information for the company representative. She said there are some options with the small unit costing \$800 that would cover this room and it is hard to hear people through a mask.

She said there have been inquiries about whether the Town Hall is big enough to properly social distance people and this is a means to an end of trying to get everything up and running again.

Mr. Connolly said he also has been in that chiropractor's office and feels very comfortable in there without a mask. He asked for the sq. footage in the gym area of the Town Hall with the high ceilings and if option #1 (covers 20,000 SF and costs \$3,999.99) would be the better investment overall than option #2 (covers 2,000SF and costs \$2,999.98).

Mr. Johnson said the auditorium in the Town Hall is probably 2,500 SF or about 50' x 50'. He said he didn't know how this works and that he is a little hesitant at this point because it sounds like snake oil. He said he didn't like a company selling something that uses a G Mail address and he thought it would be a fully set up corporation with their own e-mail address.

He said he knows nothing about this technology, that he didn't recognize any of the labs where the certification was performed and he didn't know how it could eliminate VOC's (volatile organic compounds) as they are chemicals found in petroleum based products (paints, thinners, etc.). I don't have any opposition to him coming in and as part of that I would have to do some background checks too he said.

Chairman Proulx read from the information provided that hydroxyls are formed when an ultraviolet light is absorbed by the unit's proprietary coating and the coating strips the hydrogen atoms from the water molecules forming negative hydroxyls. The hydroxyls break down carbon and hydrogen-based VOC's and other organic contaminants converting them into carbon dioxide (CO<sub>2</sub>) and water (H<sub>2</sub>O) vapor she said.

She said the rep would probably come in and to try to sell it to the board and if it's something reasonable they can do and there's evidence that it works it probably would give piece of mind to many people and would be one step closer to getting things up and running down there.

Mr. Connolly said he intended to ask about the plans for the elections and Town Meeting coming up at this meeting.

Chairman Proulx said she would try to bring the rep in as soon as possible to help out with that if it is something the board wants to do.

Mr. Connolly said if not, then the board has to figure out other alternatives.

Chairman Proulx said Fire Chief/Emergency Management Director James Reinert, Town Clerk Becky Dickie and Town Moderator Mike Morin are looking into it right now and they seem to think they can pull it off at the Town Hall.

Mr. Connolly asked if this information has been passed on to the Fire Chief.

Chairman Proulx said she has not passed it on to him yet as she wanted the board to see it first.

Mr. Johnson said one question for the Fire Chief would be if this expense is eligible for COVID reimbursement.

Chairman Proulx said she asked that question to Mr. Capello and he said there is a good possibility the expenditure could be reimbursed with COVID funds. She said they could pay for the unit for the Rec. Dept. from the Rec. Revolving Fund or both units could be funded from the General Government Buildings budget and it's just a matter of if they want to.

Consensus of the board was to schedule a meeting with Aerus company rep.

## **7). Town Administrator's Business:**

**a). Recover Fuel Leak Costs-** Chairman Proulx said there was a spill caused by a private company and the Town had to clean it up. She said they asked for reimbursement of the cleanup costs and the company sent the Town a letter stating that for consideration of the payment they want us to be "done with it".

Mr. Johnson said the company wants the Town to absolve them of all responsibility outside of the cleaning costs.

Chairman Proulx said that Att. Roman advised the board could sign her revised version of the release of all claims for property damage sent by the company but there is also a state law, RSA 154:8-a Liability Concerning Hazardous Materials Accidents that states it is their obligation to pay because it was hazardous waste discharge and the board does not have to sign off on anything.

Mr. Johnson asked if the Town has billed the company and met the 30 day billing requirement.

Chairman Proulx said the Town has billed them. She said they were billed for the amount shown in the release (\$1,300.05) but in order for them to pay it they pushed back and said not unless they sign off (on the release from further claims). We have no obligation to sign off because you don't know what is going to come down the road and they have to pay it no matter what she said.

Mr. Vachon said the spill happened at Central and Main Streets which are state roads for pavement issues and asked if the Town has any responsibility for the pavement other than plowing and drainage and if the state paid to pave those roads.

Chairman Proulx said she didn't know if there was a section the Town was responsible for on Central Street.

Mr. Vachon said petroleum products dissolve asphalt and that he was concerned about what the road would look like in the spring when the road thaws and we get a heavy rain resulting in

a big rut down the middle of the road. Then we'd be on the hook for having that section milled out and then paved in and it wasn't even our spill he said.

Chairman Proulx asked for a consensus of the board that they just ask the company to pay it and that they're not going to sign off on the release of all claims.

Mr. Connolly and Mr. Vachon said they wouldn't sign it.

Mr. Johnson recommended that they submit the bill and to go after them under the RSA.

Chairman Proulx asked for a motion to that effect.

**Motion:** (Johnson, second Vachon) that we refuse to sign the release provided by Broadspire and demand that they pay \$1,300.05 under RSA 154:8-a for the cleanup of the spill that occurred on December 3, 2020 passed 4-0.

**b). Resignation** – Chairman Proulx said they received a letter of resignation from Supervisor of the Checklist Esther Parshley due to the COVID-19 pandemic and the associated health risks. She said the Town Clerk found that Ms. Parshley ran for a partial term in 2007 and remained here ever since and has been a long time person who has really helped the Town out a lot. She has done a real good job and most of us have worked with her during that time and it is sad to see her go and I can honestly say thank you very much and it has been a pleasure she said.

**Motion:** (Johnson, second Connolly) to accept the resignation of Esther Parshley from the Supervisors of the Checklist with regret and thanks passed 4-0.

### **8). Additional Board Business:**

**a). Update on Trustees Letter-** Mr. Vachon asked for an update on their letter requesting funds from the Trustees of the Trust Funds (for the Hornetown Road Bridge).

Chairman Proulx said the Trustees met and they took up the board's letter requesting funds for bridge and they gave the board \$12,403.59 from the Thayer Funds.

Mr. Johnson said the Selectmen are the agents to expend from those funds and the purpose of the funds is for Town use and the benefit of the Town and for DPW projects. He said the Selectmen are the sole people responsible for requesting and disbursing that money so they had no option on those 2 funds but they were correct that the Trustees are the agents to expend on a couple of the other funds.

Chairman Proulx said Trustee Manny Krasner had stated that they didn't need the money but Assessing Clerk Kelly Heon said the total cost for the bridge is \$236,082.61 and that \$214,833.07 was taken from the Bridges and Road Design Capital Reserve Fund and \$12,403.59 came from the Thayer Funds leaving a balance of \$8,795.96 to be paid. She said she would talk to Mr. Capello and see what their approach will be to come up the rest of the money.

**b). Reservoir Road** – Mr. Connolly said there is a guardrail that looks like the wing on a plow took it off of the wooden post and the broken end is aimed toward the travel way. He said they were told that the DPW takes daily rides around town and he is starting to think that's not the case because it has been like that since the heavy rains about 2 weeks ago and it was damaged long before that. He said the damaged guardrail is in the next set of guardrails up from the



guardrails over the Berry River.

Chairman Proulx said she would follow up with the DPW Director on this matter.

**9). Non-Public Session A:**

**Motion:** (Johnson, second Vachon) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 4-0 by a roll call vote (Proulx, Johnson, Connolly, Vachon-yes) at 6:50 p.m.

**Motion:** (Johnson, second Vachon) to come out of non-public session passed 4-0 at 7 p.m.

**Motion:** ( ) to seal the minutes as disclosure would render the proposed action ineffective passed 4-0 by a roll call vote (Proulx, Johnson, Connolly, Vachon-yes).

**10). Budget Committee Update:**

Mr. Johnson said the Bud Com decided not to hold the workshop on the Town budget scheduled for Wednesday, Feb. 3 and their next meeting will be on Wednesday, Feb. 10 at 6 p.m. for the Public Hearing on the Town budget followed by their regular monthly meeting. Chairman Proulx said she will ask to have it posted that the Board of Selectmen will be in attendance at that meeting.

Mr. Connolly said the Bud Com also requested an itemized report of the library's 2020 budget and expenditures and their proposed 2021 operating budget.

Mr. Johnson said Bud Com Chair Jodi Connolly would request the library budget details through Mr. Capello and that she may ask the Library Director to attend the next meeting.

Mr. Connolly suggested the request be sent to the Library Trustees' Chair and to the Treasurer.

**10). Next Meeting:** Monday, February 1, 2021

**11). Adjournment:**

**Motion:** (Vachon, second Johnson) to adjourn the meeting passed 4-0 at 7:10 p.m.

Respectively submitted,  
Kathleen Magoon  
Recording Secretary

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Paula Proulx, Chairman

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Neil Johnson, Vice Chairman

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Dave Connolly

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Gerry Vachon