

FARMINGTON BOARD OF SELECTMEN

Tuesday, September 26, 2017

Chairman Joshua Bell called the meeting to order at 6:30 P.M. with the following members present: Stephan Bunker, Scott Landry and Michael Fogg. Matthew Smith was unable to attend. Town Manager Richard Davis, Planning Assistant Cindy Gelinias, Code Enforcement Officer Steve Kaiser, Parks and Recreation Director Matthew Foster, Police Chief Jack Peck, Officer Jacob Richards, Channel 11, and members of the press and public were also in attendance.

ITEM 1: Pledge of Allegiance to the Flag

Chairman Joshua Bell led those present in the Pledge of Allegiance to the Flag.

ITEM 2: To Hold a joint Hearing pursuant to 30-A M.R.S. §3106-B and 17 M.R.S. §2851 et seq. to Determine whether the Building located at 176 Crowell Road, Map U1 Lot 33, is Abandoned and/or Dangerous within the Meaning of said Statutes

Chairman Joshua Bell introduced the item.

Richard Davis noted that this quasi-judicial hearing was advertised and the parties duly noted. He reviewed photographs of the property and a copy of the consent agreement drafted by Town Attorney Frank Underkuffler, and stated that this Hearing will serve as a tribunal and the Selectmen will render judgment as to the disposition of the property. He also introduced property owners Dan Searles and Lori Berry, as well as their Attorney, Brad Grant. Attorney Grant stated that he did not receive the Consent Agreement until 4:45 P.M. this afternoon, and requested ten minutes to go over it with his clients in private. Chairman Bell stated that the Selectmen haven't had a chance to review it either. Steve Kaiser gave a summation of the events beginning with the fire on April 4th and the writing of two letters to Lori Berry and Dan Searles, one on June 20th and another on July 20th, asking what their plans are for cleaning up the site, as well as what their future plans are for the property. He stated that he had been in contact with Attorney Grant who said the insurance claim was currently in the hands of John Johnson at Hanover Insurance, and they have been given an advance on the insurance claim and are moving forward. Steve Kaiser said he has spoken with Dan and Ralph Searles and Lori Berry on several occasions, who confirmed they would be demolishing the building because the insurance company has determined it to be unsalvageable. Attorney Grant explained the difficulties he and his clients have encountered while trying to work with Hanover Insurance.

At Chairman Bell's request, the Selectmen agreed to move to the next agenda item while Attorney Grant discussed the Consent Agreement with his clients in private.

ITEM 3: To Hear an Update on the Nextera Energy (formerly Ranger Solar) Sandy River Farms Solar Project

Richard Davis pointed out that Ranger Solar has been sold to Nextera Energy, and although that transaction has affected the timing of the project, it is still in the works. James Cote of Bernstein Shur Group (BSG) introduced himself and gave a brief review of his background. Mr. Cote stated that BSG will be providing any updates on the

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project. He further stated that he is in Farmington several days a week and is more than willing to be a conduit between the Town and Nextera. Liz Payton, Project Manager for Nextera Energy Resources Solar Development Group introduced herself, as well as Scott Busa, Tom Daniels, and Jonathan Gravel, who are members of the permitting team. Ms. Payton explained the partnership with Ranger Solar, the long-term power purchase agreement that they were awarded, and what they have been working on completing for the project thus far so that the Planning Board will have everything it needs to review the 75 megawatt project, which will cover approximately 600 acres. Ms. Payton explained that the next steps for this project will be to hold a public information meeting on October 18th, and they will be starting the preparation of their permit applications for the Department of Environmental Protection, a copy of which the Planning Board will receive. She further explained the benefits that this project will provide to the Town and County, including that the project will be bid out to local construction companies, there will be some long-term maintenance jobs, and there will be an opportunity to partner with schools for solar curriculum. She stated that they hope to break ground in the winter of 2018 with the goal of having full commercial operations by the middle to end of 2019. Jonathan Gravel reviewed a map of the project and explained why the project is broken up over such a large area. Liz Payton and Scott Busa explained the arrays, which will be remotely monitored from Florida, and the possible need for a grid upgrade. In answer to Stephan Bunker's question about radiation from the high tension power lines, Ms. Payton stated that the lines coming out of the array panels are very low voltage, the project sites will be mowed and plowed to maintain access to the inverters, and will include fencing and a Knox box. She further stated that the project shouldn't affect farming ability for the land owner, as the only noise will be from the inverters and the switching station which are DEP regulated, and there will be no reflection from the panels towards driveways or houses. Scott Busa stated that there is a possibility that they will lease a building in town for an office, and to store panels and parts.

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Attorney Brad Grant stated that he informed Attorney Underkuffler a week ago that they only need until October 2nd to get an estimate for the disposal, which will be completed within thirty (30) days. He further stated that his clients have signed the Consent Agreement in front of him, but do not have any money to put in escrow. Mr. Davis stated that any of the provisions in the Consent Agreement are optional and the Selectman may want to discuss whether or not they want to require an escrow account. At Chairman Bell's request, Code Enforcement Officer Steve Kaiser gave an overview of the Consent Agreement. He acknowledged that it has been signed, but asked for clarification on the blanks that need to be filled either by the Selectmen and/or Attorney Underkuffler. Richard Davis stated that the only thing that has been inserted in the Agreement is the date when the estimate will be prepared, but it doesn't matter now because they aren't agreeing to the escrow account. He further stated that they have set the date of October 26th for completion, and if that doesn't occur, they have agreed that the Selectmen will then have the ability to proceed with Title 17 to take them to court.

ITEM 2: To Hold a joint Hearing pursuant to 30-A M.R.S. §3106-B and 17 M.R.S. §2851 et seq. to Determine whether the Building located at 176 Crosswell Road, Map U1 Lot 33, is Abandoned and/or Dangerous within the Meaning of said Statutes (Cont.)

Stephan Bunker moved to waive the section on civil penalties and escrow, and to proceed with all other sections as directed; Scott Landry seconded.

Chairman Bell voiced his concern with the potential for the Town having to cover the attorney fees if this Consent Agreement falls through. The owners both assured the Selectmen that they want the demolition completed as much as the Selectmen do and will do everything in their power to make it happen. Mr. Davis pointed out that, according to the Consent Agreement, the Town has the ability to recover the attorney fees if such an event should occur. Mr. Davis asked Attorney Grant to notarize his client's signatures and he will notarize the Selectmen's signatures.

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Matthew Smith)**

ITEM 4: To Award the bid for Property and Casualty Insurances

Richard Davis reviewed the bid tabulation of the two bids received from Maine Municipal Association and Kyes Agency.

Michael Fogg moved to award the bid for Property and Casualty Insurances to Kyes Agency Paragon Insurance at a cost of \$ 55,081.64; Scott Landry seconded.

**VOTE AFFIRMATIVE 3 ABSTAINED 1 ABSENT 1 MOTION CARRIED
(Stephan Bunker) (Matthew Smith)**

ITEM 5: To Award the bid for the Community Center Fire Alarm System

Richard Davis explained that Parks and Recreation Director Matthew Foster sent this bid out to six vendors and only received two back, although several companies did look the job over. He stated that the recommendation is to award the bid to Seacoast Security who appears to meet all of the department's needs, and for which there is sufficient funding. Matthew Foster reviewed the history of the existing system, which has not worked since before his employment began, and the bid process for the proposed new system. He stated that the Seacoast Security estimate includes installation, monitoring, and one inspection per year. In addition, Seacoast Security has recommended that the system be nonproprietary so that the Town will be able to switch monitoring companies if it isn't satisfied with their service. Mr. Foster further stated that the addition of a security system was discussed, but since it would be more expensive decided to wait, as it can be added at a later time. Mr. Foster explained that one requirement he insisted be included was for local alarms to be put on all the poles so that if a child/person were to pull one unnecessarily staff would be able to shut it off manually to save on the time and expense of the resulting fire and police response, as well as the anxiety of evacuation.

ITEM 10: To Discuss Other Business (Cont.)

F) In response to Joshua Bell’s request for an update on the paving projects, Richard Davis stated that Titcomb Hill Road has more paving to be done, and Anson Street needs additional drainage before being paved.

ITEM 11: To Hold an Executive Session pursuant to 1 M.R.S. § 405.6.A to Discuss Matters pertaining to the Assessor’s Position

Stephan Bunker moved to go into Executive Session at 7:42 P.M.; Michael Fogg seconded.

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Matthew Smith)**

The Board came out of Executive Session at 8:12 P.M.

Michael Fogg moved to direct the Town Manager to meet with the Assessor to discuss the renewal of his contract and future town-wide revaluation, and bring the matter forward in a future Executive Session; Stephan Bunker seconded.

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Matthew Smith)**

ITEM 12: To Hold an Executive Session pursuant to 1 M.R.S. § 405.6.A to Conduct the Manager’s Annual Performance Evaluation

Scott Landry moved to go into Executive Session at 8:14 P.M.; Michael Fogg seconded.

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Matthew Smith)**

The Board came out of Executive Session at 8:58 P.M.

Stephan Bunker moved to grant the Town Manager five (5) additional vacation days per year and consider additional compensation as part of the 2018 budget process, with thanks for a job well done; Scott Landry seconded.

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Matthew Smith)**

There being no further business to come before the Board, **Scott Landry moved to adjourn at 8:59 P.M.; Joshua Bell seconded.**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Matthew Smith)**

Minutes respectfully submitted by Lucinda J. Gelinas and Linda H. Grant.

Michael J. Fogg - Secretary