

FARMINGTON BOARD OF SELECTMEN

Tuesday, November 24, 2015

Chairman Joshua Bell called the meeting to order at 6:30 p.m. with the following members present: Andrew Buckland, Michael Fogg, Matthew Smith and Stephan Bunker. Town Manager Richard Davis, Town Secretary Linda Grant, 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 Accept Michael Otley’s Resignation from the Zoning Board and Consider his Application to Serve on the Planning Board

Richard Davis reviewed Michael Otley’s application for membership on the Planning Board, as well as his letter of resignation from the Zoning Board dated October 26, 2015. Michael Otley was present and explained that the notification process leading up to the recent approval by the Planning Board of a new cell tower on property near his home on the Titcomb Hill Road is what has prompted his desire to be a member of the Planning Board.

Michael Fogg moved to accept Michael Otley’s resignation from the Zoning Board; Andrew Buckland seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Discussion continued regarding Mr. Otley’s application to serve on the Planning Board, including a review of Mr. Otley’s appeal of the cell tower matter to the Appeals Board. In response to the Selectmen’s concerns regarding his personal motivations in becoming a Planning Board member, Mr. Otley assured the Selectmen that he has no vendetta, and that his only intent is to serve on the Board and better acquaint himself with and be more involved in Town politics. Planning Board Chairman Clayton King was present and explained the notification process for abutters, which Mr. Otley is not.

Matthew Smith moved to deny Michael Otley’s application for membership on the Planning Board; Stephan Bunker seconded.

Mr. Otley reiterated that there is no personal intent involved with his application, he just wants to be more involved with the Town.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 3: To Consider the Downtown T.I.F. Advisory Committee’s Recommendation regarding the Ingalls School Community Project

Richard Davis explained that Byron Davis, who was present, is looking into purchasing the former Ingalls School property from Tri County Mental Health. He further explained that at the time the Downtown Tax Increment Financing (TIF) District was set up the Ingalls School property was purposely excluded because it is tax exempt and therefore will generate no tax revenue. He stated that if Byron Davis’ project is approved, a Town Meeting vote to amend the Downtown TIF District to include this property will be required. He further stated that, as part of his business pro forma, Byron Davis is requesting that the Town enter into a Credit Enhancement Agreement to return some or all of the new property taxes to him for a period of time, which he can then use as a funding source to make the project work through this cash flow. He also pointed out the benefits to both parties if this community project is approved. Byron Davis further explained his proposed project, its projected cost, parking solutions, the qualifications for Historic Preservation Tax Credits for renovation purposes, and his proposal to finance \$400,000 of the capitalization of the project through the new tax revenue it will generate for a 10-year period. He also pointed out that he has a six (6) month option on the property, but this capitalization proposal is a deciding component of the purchase and project. Richard Davis stated that the Downtown TIF Advisory Committee discussed this project at its last meeting and is recommending that the Selectmen move forward with it. Mr. Davis explained the process if the Selectmen choose to move forward. At the request of resident Elaine Graham, Mr. Davis further explained the Downtown TIF Advisory Committee’s recommendation, as well as the proposed Credit Enhancement Agreement. Mr. Davis and Byron Davis furthered the discussion of the equity to be added to the building and how it will relate to the Downtown TIF and Credit Enhancement Agreement.

Stephan Bunker moved to authorize the Town Manager to proceed with the necessary steps in drafting an amendment of the Downtown TIF zone, and to prepare a TIF agreement for the Town Meeting Warrant between the Town and Byron Davis for the Ingalls School community project; Matthew Smith seconded.

Andrew Buckland asked for the motion to include authorization of funds from the Downtown TIF for legal counsel.

Stephan Bunker and Matthew Smith amended their motion and second to include authorization of funds from the Downtown TIF for legal counsel.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 4: To Consider Joining with Neighboring Communities to engage the Services of the Buxton Company for Retail Recruitment

Richard Davis reported that he was approached approximately six weeks ago by a representative of Buxton Company. He explained that of the many services that this company provides, retail recruitment is of particular interest to this area. He and Economic Development Director Alison Hagerstrom met with Buxton Company representative Dennis Maher and listened to his presentation and service proposal, which consists of a three (3) year commitment at \$50,000 per year. Since this cost is too expensive for just one community, Alison Hagerstrom organized a regional meeting with Mr. Maher and officials from the towns of Wilton, Jay and Livermore Falls, which results were very favorable. It was discussed informally and decided that the next step in the process will be for each respective town to discuss it further to find out if there is an interest to move forward as a group. Mr. Davis stated that each town, with the exception of Jay, has a TIF District which they could use to fund their portion of \$12,500. He stated that Farmington’s funding could come from the Franklin Printing TIF District which has a fairly significant balance, and of which this is an eligible expenditure. Alison Hagerstrom was present and further explained Buxton Company’s qualities, in particular matching sustainability and recruitment. Mrs. Hagerstrom stated that Dennis Maher would like to do another presentation for all four towns at the same time and has suggested a video conference if it can be worked out. Resident Elaine Graham asked for data showing Buxton Company’s achievements in comparably sized towns in the State of Maine. The Selectmen discussed the pros and cons of such an endeavor as a group, with Alison Hagerstrom pointing out that rules and guidelines will have to be set between the four towns in order for this to work, but is certainly worth exploring.

Matthew Smith moved to consider joining with neighboring communities to engage the services of the Buxton Company for retail recruitment; Michael Fogg seconded.

Richard Davis clarified that the next step is to wait to see whether the three other communities decide to move forward with this endeavor as well.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 5: To Review Proposals for Surveying and Asbestos Abatement in Preparation for the Demolition of 112 Church Street

Richard Davis reported that there are a couple of things that need to be done before the 112 Church Street property can be demolished. He reviewed a proposal from Acme Land Surveying, LLC to do a boundary survey of the property to determine the property lines with the existing structures in place. Mr. Davis further reported that there is some ambiguity with the easterly line of property that needs to be resolved. He pointed out that

ITEM 5: To Review Proposals for Surveying and Asbestos Abatement in Preparation for the Demolition of 112 Church Street (Cont.)

he feels Acme Land Surveying, LLC should do the surveying since they have already done several other properties in that area. He also reminded the Selectmen of the Hawkins/Poisson interest in purchasing a piece of the property abutting theirs. Mr. Davis' recommendation was to engage the services of Acme Land Surveying, LLC for a boundary survey for this property before commencing development. He also recommended that the \$1,300-\$1,500 survey cost be taken from the Downtown TIF account.

Michael Fogg moved to accept the Acme Land Surveying, LLC surveying proposal of \$1,300-\$1,500 for 112 Church Street; Andrew Buckland seconded.

Pam Poisson pointed out that the quoted price is several hundred dollars less than what she paid for their property survey, most likely because two of the four bordering properties have already been surveyed.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Mr. Davis stated that he and Michael Fogg went through the property and noted that the tile in the kitchen and bathroom are of the era where they most likely contain asbestos, and under Maine Department of Environmental Protection rules the Town must abate any asbestos before demolishing the property. Mr. Davis further stated that he contacted Acadia Contractors, LLC, which is the closest asbestos abatement contractor, and after going through the property Justin McAlister has submitted a proposal of \$2,500 to test everything that may contain asbestos. The actual abatement, if asbestos is found, will be a separate expense.

Matthew Smith moved to accept the Acadia Contractors, LLC asbestos testing proposal of \$2,500 for 112 Church Street; Andrew Buckland seconded.

At the request of resident Elaine Graham, Richard Davis further clarified the boundary survey and asbestos removal, as well as giving further explanation of the Downtown and Franklin Printing TIF districts and their respective funds. The Selectmen urged Ms. Graham to make arrangements to come in and talk with Town Manager during the week for further explanation of TIF funding.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Resident Pam Poisson asked for the consensus of the Selectmen that she and her father will be able to purchase a portion of the 112 Church Street property. Mr. Davis pointed out that they should be able to determine from the boundary survey, once complete, if there is a portion of land that can be sold to them that will not impact the parking.

ITEM 6: To Review the Proposed Pedestrian Easement Use, Improvement, Repair and Maintenance Deed and Agreement Relative to “Reny’s Way”

Richard Davis handed out an updated copy of the draft agreement that he had previously provided the Selectmen, which had the correct names of abutting property owners and mortgage holders. Mr. Davis explained that, if approved, this agreement will formalize the perceived existing status of the alleyway as a public easement, as well as enhance the development and use of the new parking lot, and improve access to Broadway and the downtown business district. Approval of this easement will also allow the Town to use TIF District funds to make improvements to the alleyway in terms of safety, aesthetics, signage, way finding signs, and lighting. Discussion included: a suggestion to deflect ice from Reny’s roof, although Renys will have the liability of the hazard of any snow and ice that comes off the roof onto the public property; the Tort Claims Act will apply under the Town’s umbrella; snow removal; and naming of the alleyway. Mr. Davis stated that if the Selectmen choose to approve this public way, the next step will be for legal counsel to circulate this draft deed and agreement to abutters to see if all are agreeable to it. Mr. Davis clarified that although the Town gains the perpetual right of public access through the alleyway, it will assume the ability, not obligation, to maintain and make improvements.

Michael Fogg moved to authorize Town attorney Frank Underkuffler to proceed with circulation of the draft agreement among the abutting property owners; Stephan Bunker seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 7: To Review the Employee Share of Health Insurance Premiums vs. Cost of Living Adjustments

Richard Davis reviewed a spreadsheet he compiled showing the impact of health insurance increases on wages since 2006, which was when the different plan formulas were changed. Mr. Davis encouraged the Selectmen to approve a 1% COLA for all employees, particularly if they decide not to make an adjustment to the employee share of any health insurance increase. After discussing the different options the Selectmen asked Mr. Davis to provide them with a comparison of other towns, as well as what the impact on wages would be at 85/15 percentages, compared to the current percentages.

ITEM 8: To Consider an Expenditure of \$1,450 from the Cemetery Trust Fund to remove a Storm-Damaged Pine Tree at Riverside Cemetery

Richard Davis reviewed a quote from Deep Root Tree & Landscape, LLC to remove the referenced tree. He stated that the expenditure will be paid from the Cemetery Trust Fund, which currently has a balance of \$22,657.18.

ITEM 8: To Consider an Expenditure of \$1,450 from the Cemetery Trust Fund to remove a Storm-Damaged Pine Tree at Riverside Cemetery (Cont.)

Michael Fogg moved to approve an expenditure of \$1,450 from the Cemetery Trust Fund to remove a storm-damaged pine tree at Riverside Cemetery; Matthew Smith seconded.

Mr. Davis verified that there is no funding currently available in the Cemeteries operating budget to cover this expenditure.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 9: To Consider an Expenditure of \$50 from the Franklin Printing T.I.F. Reserve Account to Renew the Town’s Membership in the Farmington Downtown Association

Richard Davis stated that the Town currently is a member of the Farmington Downtown Association and compared the membership to that of Androscoggin Valley Council of Governments (AVCOG) and the Chamber of Commerce. He further stated that all three membership expenditures have been paid from the Franklin Printing T.I.F. reserve account.

Stephan Bunker moved to approve an expenditure of \$50 from the Franklin Printing T.I.F. reserve account to renew the Town’s membership in the Farmington Downtown Association; Andrew Buckland seconded.

Mr. Davis clarified that the annual dues are not a donation. Joshua Bell pointed out the many benefits of being a member of this association.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 10: To Consider Endorsing the Town Manager as a Maine Town, City, and County Management Association (MTCMA) Ambassador

Richard Davis stated he has been asked by the chairman of this committee to serve in this capacity, which he considers an honor just to be asked. Mr. Davis reviewed the program’s background material and what his responsibilities would be.

Michael Fogg moved to endorse Town Manager Richard Davis as a Maine Town, City, and County Management Association Ambassador; Andrew Buckland seconded.

ITEM 10: To Consider Endorsing the Town Manager as a Maine Town, City, and County Management Association (MTCMA) Ambassador (Cont.)

Mr. Davis clarified that there is no expense to the Town and likely very little of his time involved in participation.

VOTE AFFIRMATIVE 5 MOTION CARRIED

The Selectmen signed a Letter of Support.

ITEM 11: To Establish the Date for the 2016 Annual Town Meeting

Richard Davis stated that after conferring with Town Clerk Leanne Dickey he is recommending that the annual Town Meeting date be established for March 28, 2016. Mr. Davis explained that in years past the Town Meeting has been held on the third Monday of March, but it has been found that an extra week helps with the audit process.

Matthew Smith moved to establish the date of March 28, 2016 for the annual Town Meeting; Stephan Bunker seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 12: To Approve the Minutes of October 27, 2015

Matthew Smith moved to approve the minutes of October 27, 2015; Michael Fogg seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 13: To Discuss Other Business

A) Richard Davis reported that the Town has received a \$350.00 check from William Ibarguen as a donation in appreciation of the trimming of the tree on Broadway which is adjacent to his property. Mr. Davis recommended that the donation be deposited in the Tree Fund.

Stephan Bunker moved to accept, with thanks, the generous donation of \$350.00 from William Ibarguen, said donation to be deposited in the Tree Fund; Matthew Smith seconded.

The Selectmen asked that a thank you note be sent to Mr. Ibarguen.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 13: To Discuss Other Business (Cont.)

- B)** Richard Davis reported that while arborist Mark Ingrasano was trimming the tree on Broadway he discovered a hole about halfway up the tree with only about six inches of wood remaining all the way around the tree. Mr. Davis stated that, although there is a lot of sentiment that surrounds this 200+ year old tree, it has sadly become a hazard and the fear is that the right weather conditions will jeopardize the top portion of the tree. He pointed out that as stewards of public safety it is the Town's responsibility to deal with the hazard. Mr. Davis further stated that Mr. Ingrasano has taken photos and has promised to forward them to him, and he in turn will share them with the Selectmen and public at the next meeting. The Selectmen discussed the expense, funding and timing of removal of the tree. Mr. Davis suggested that the Conservation Commission be consulted regarding the planting of a replacement tree, as there is enough room. Matthew Smith offered to supply the Town Manager with a list of arborists in anticipation of this project going out to bid. Mr. Davis stated that the Tree Reserve Fund currently has a balance of approximately \$1,800 but he is unsure if those funds are earmarked for plantings. He will gather more information to report at the next Selectmen's meeting.

- C)** Happy Thanksgiving and safe travel wishes were expressed by all.

- D)** Stephan Bunker asked if it will be possible for the Town to submit its annual town report for award next year. Richard Davis pointed out that it has been researched in the past but since it was found to be so expensive he did not feel it was worth spending the money just for an award.

- E)** Matthew Smith pointed out that after watching 3.5 hours of a taping of a budget meeting in Seabrook, NH recently, he is very appreciative of the good rapport of the Farmington Selectmen, Town Manager and department heads.

There being no further business to come before the Board, **Andrew Buckland moved to adjourn at 9:20 P.M.; Stephan Bunker seconded.**

VOTE AFFIRMATIVE 5 MOTION CARRIED

Minutes respectfully submitted by Linda H. Grant.

Andrew R. Buckland - Secretary