

# Approved

## SANBORNTON BOARD OF SELECTMEN'S MINUTES

*August 23, 2017*

### **Town Offices**

The Board of Selectmen convened in regular session on Wednesday, August 23, 2017 at 4:00 p.m. at the Town Offices. In attendance were Selectman Karen Ober, Selectman John Olmstead and Selectman Katy North. Town Administrator, Katie Ambrose was also present.

**1.0 Pledge of Allegiance** - Those in attendance recited the Pledge of Allegiance.

**2.0 Non-Public Session under RSA 91-A:3 II (c)** - Selectman Olmstead made a **motion** to go into non-public session at 4:02 p.m. Selectman North **seconded** the motion. Roll call vote, Ober – aye, North– aye and Olmstead–aye. The Board reconvened the public session at 5:00 p.m. Chair Ober announced that a decisions was made to deed waiver Tax Map 25, Lots 25, 26, 27, 29, 31 & 37, Tax Map 20, Lot 62, Tax Map 15, Lot 11, Tax Map 23, Lot 46, Tax Map 9, Lot 73.1 and to refer each to legal counsel plus deed counsel, pending the payment of taxes by August 25th. Chair Ober made a **motion** to seal the minutes of the non-public session. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**3.0 Public Comment - Sherry Kemp Re: Senior Services** - Ms. Kemp explained to the Board that she owns a home with two skylights and has contacted various roofers plus construction companies to replace them without any luck for the past two years, she feels like she is being forced out of her home. Ms. Kemp asked for guidance from the Board for senior services. Chair Ober recommended Ms. Kemp contact the OverSeer of Public Welfare, Melanie Van Tassel and the Community Action Program.

### **4.0 Business**

**4.1 Swearing-In Ceremony of Full-time Police Officer Gary Boisvert** - Chief Hankard introduced Officer, Gary Boisvert and explained that he has been with the department since 2004 but then retained part-time status after his career took a few turns. Chief Hankard reported that Officer Morton has graduated from the Police Academy and Officer Boisvert will be his "FTO". Chief Hankard swore-in Officer Boisvert.

**4.2 CIPC Appointments – Andy Sanborn, Nina Gardner, Justin Barriault, Jody Slack & Dick Gardner** - Selectman Olmstead made a **motion** to appoint Nina Gardner as a Citizen's Representative, Andy Sanborn as a Citizen's Representative, Dick Gardner as a Planning Board Representative, Jody Slack as a Planning Board Representative and Justin Barriault as a Budget Committee Representative to the CIPC. Chair Ober **seconded** the motion and the **motion passed unanimously**. Selectman Olmstead swore-in Nina, Andy and Dick. Justin & Jody will need to be sworn-in at a later date by TC/TC Davis.

**4.3 MetroCast Phone Service Renewal Agreement** - TA Ambrose stated the agreement for the Town's phones has lapsed from 2013/2014 and the Board has the renewal agreement without the cost of the equipment included this time. Chair Ober made a **motion** to have the Clerk sign the Metrocast phone service renewal agreement for phone service. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**4.4 Resignations** - Chair Ober made a **motion** to accept the resignation of Judy Gibbons as Cemetery Trustee with regret. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. Chair Ober made a **motion** to accept the resignation of the Transfer Station's On-Site Manager effective 9/23/17. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. The Board will conduct an exit interview and the position will be advertised. Chair Ober made a **motion** to accept the resignation of the Transfer Station's Attendant, Liam Downes effective 8/26/17. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. The Board requested that TA Ambrose request and schedule an exit interview.

**4.5 5:30 PM \*Public Hearing\* - Proposed PILOT Agreement with**

**NhSolarGarden.com, LLC (in the event that capacity is exceeded, the meeting will be relocated to the Old Town Hall)** - Chair Ober opened the Public Hearing at 5:30

p.m. for the proposal of a PILOT (payment in lieu of taxes) agreement between the Town of Sanbornton and NH Solar Garden LLC, pursuant to RSA 72:74. Andrew Kellar, founder of NH Solar Garden and Municipal Assessor (MA), Robb Jutton were present. Andrew Kellar thanked the Board for having him tonight and lending MA Jutton to him as a resource, to see how other projects like this are being treated in this capacity Statewide. Andrew Kellar explained to those in attendance how NH Solar Garden was established three years ago and they utilize a piece of land or a roof to create a solar array, which is connected to utility grid system and share the power with everyone within the same service territory. Andrew Kellar explained that his firm has done the most community projects around the State and they benefit everyone, the largest one was in Milton N.H. (leased landfill) which reduced their electric bill by \$20K from \$30K. Farmington, Lisbon, Conway, Franklin, Epping and Winchester were other examples. Andrew Kellar noted the law is so new that there is nothing on the books on how to treat these projects but have been successful at creating the projects at a large scale with land that was considered unusable. Andrew Kellar noted MA Jutton has looked to the State for some comparable guidance because this is a different tax rate than the typical taxpayer because there are no services involved but it increase the tax revenue to the Town. TA Ambrose noted there has been an amendment to the original PILOT agreement and asked Andrew Kellar to explain those changes under item #2. Andrew Kellar stated there was a percentage of gross revenues in the early stages of the PILOT's estimates but we were not sure how to model the agreement for the 10 year review of revenues, so if the revenues go up then so would the taxation and vice versa. Andrew Kellar explained the way the law works in NH, the solar is paid by the utility just like a customer and we are paid 11.6 cents which is the rate charged by Eversource but they provide our customers with a one cent discount, so when they netted that back times the production of the array it gives us the new percentage of 1.326%. MA Jutton noted that entire section was changed because he was not comfortable projecting revenue on a 20 year PILOT and they negotiated 10 years, so the agreement spells out the formula and can be used as a road

map in the future to determine the actual revenues, after year ten versus the projected rate. MA Jutton stated he has a “USPAP” disclaimer to make, he lacks competency as a utility appraiser and reached out to DRA’s Scott Dickman and the PUC’s Jon Osgood because he wanted to be able to back in to a value of whether this was fair or not, so from an assessing standpoint in order to validate the figures he compared it to the current utility (Eversource & NH Electric Co-op) values and used the State’s methodology based on income, based on actual dollars worth of electricity that is sold to Sanbornton then applied the tax rate & equalization to it. MA Jutton stated the payment would be approximately \$66K if there were non-renewable or a taxable property, \$62K is being requested in taxation and he feels the PILOT is “fair” in his opinion. Michelle Jackson asked what happens to the current use tax. MA Jutton replied the current use tax will be calculated at such time, something has been disqualified from current use and is completely separate from this. Ms. Jackson asked how long the project will take to complete and Mr. Kellar replied it would be one year until it is operational then six months to generate electricity with sign off from the utility but every project is not the same. Andy Sanborn stated in order for the project to survive, NH Solar Garden needs this PILOT agreement. Mr. Kellar replied yes, the project is an investment (investors are a Colorado based company) but we don’t have the ability to sell but can provide community service based on users with a discount on electric bills. John McCarville asked who benefits and how they determined the biggest one should go here? Mr. Kellar replied the size was determined by the upgrade costs of the 3 phase power for a mile and a half, the location was determined because the land owner reached out to us. Marcy Quinn asked what the project would look like and if she would be able to see it? Mr. Kellar replied the panels would be 3-7 feet off the ground but it will be placed where it is less visible. Ms. Quinn asked where the access point would be? Mr. Kellar replied typically there is one access point because there are rows between the panels for maintenance, the project should be low impact and they try to be respectful of the setbacks. Mr. Kellar explained there is some reflectivity but not a lot because you would need to be above it and most of those details will be addressed during the Planning Board (PB) process. Paul Litchfield asked if the formula for the PILOT will give money to the State and County? MA Jutton replied it is the same percentage rate that everyone else pays, to the State, County, Town & School. Mr. Litchfield asked if the project would be bonded? Mr. Kellar replied that would also be addressed with the PB, some Town’s require it and others do not. Gary Manso asked if the PILOT is based on estimated gross or net revenues? MA Jutton replied years 2 to 10 are based on averages and then the rate is adjusted to actual revenues. Mr. Kellar explained there are certain amounts set aside for the lease, discounts, buildout, pole replacement, etc. and if the project doesn’t meet those goals then we do not get the return, which will not let the project move forward. TC/TC Davis expressed concern with the how this would affect future renewable energy projects. MA Jutton replied there is a statute that enables this, RSA 72:74 and basically once the Town agrees to the PILOT it is set in stone for future renewable energy projects. MA Jutton noted the revenue from the project would take approximately 0.14 cents off the tax rate. Dick Gardner stated he hopes the Selectmen has answers and if not, he recommended they postpone a decision. Mr. Kellar replied that with any project monies are set aside for various things but the total cost is important and they know the typical

numbers for the Site Plan Review process. Mr. Gardner explained that he is a member of the PB and as a board, they have never approached a commercial venture without a Site Plan in place. Mr. Kellar replied he appreciates where Mr. Gardner is coming from, they went through the whole process in another community and did the valuation, which ended up being \$100K and it wasn't feasible. Mr. Kellar noted they are not trying to be evasive. Dick Gardner replied the investors are not underwriters that need a specific return, there is no "fairness" in business and the PB knows nothing about this project and may need a consultant. There was a brief discussion regarding RSA 83:F (I). Mr. Kellar noted the taxes would be 2.5 million without the PILOT and another project could not happen because they would be filling the 25MW substation. MA Jutton noted this is the first stage of several before approval can be given, so there is still a level of control. Selectman Olmstead stated section 5(a) of the PILOT allows for an increase without any penalties but if the power decreases there is an automatic decrease in taxes and section 5(b) indicates the year but not the 10-year time limit. Chair Ober asked Tilton/Northfield's Selectman, Katherine Dawson if they have ever signed PILOT agreements in the past? Selectman Dawson replied yes, with Lochmere Golf Club and the Tilton Prep School for town residents to access those locations for recreation. Chair Ober closed the Public Hearing at 7:28 p.m.

**4.6 Resolution to Transfer MetroCast Cable Franchise to Atlantic Broadband** - TA Ambrose stated Atlantic Broadband is taking over MetroCast and they are obligated to provide the Town with their qualifications to transfer the franchise agreement to them as part of the takeover. The Board has 120 days to take action or the resolution will be considered granted. Chair Ober made a **motion** to have the Clerk sign the resolution. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**4.7 Signature for Response to Interrogatories** - TA Ambrose explained that there is a claim through Primex that has gone to litigation and now there is a fact finding process. TA Ambrose stated the answers were collected by her, and the options presented to sign off on the responses to the interrogation are her or the Chair. Selectman Olmstead made a **motion** to have TA Ambrose sign off on the response to interrogatories and keep the Board informed. Selectman North **seconded** the motion and the **motion passed unanimously**.

## **5.0 Other Business**

**5.1 Tilton Prosecutor Contract** - Chief Hankard explained that the Prosecutor's contract has an amended payment schedule and the Town's Attorney has reviewed the contract with no objections. Selectman North stated the contract is missing a "non-appropriation clause" because the funds have not been voted on yet. The Board made some changes to the document to address that concern which they initialed before signing. Chair Ober made a **motion** to allow the purchase of three protective vests, in the amount of \$2,536 dollars. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**5.2 Town Compensation/Pay Matrix** - TA Ambrose stated there have been questions about grading from the March report. Selectman North replied she has been through the Board's meeting minutes and no decision or direction came from this board but we have been using what Paul Dexter had given us and all of our recent decisions would be negated if we start using the Thornton study, so we need to vote because we have already

placed eight additional people on the pay matrix. Selectman North noted the only vote the board took was to acknowledge receipt of the report. Selectman Olmstead stated the employee's names need to be removed from the document and replaced with positions. Selectman North made a **motion** to name the document as presented by Paul Dexter dated 8/27/17 "Suggested Pay Matrix Positions & Grades Based on 11/16/16 Pay Matrix" and attach to the pay matrix. Chair Ober **seconded** the motion and the **motion passed unanimously**. TA Ambrose to update the pay matrix.

**5.3 Old Town Hall Steeple** - The steeple project was started today.

**5.4 Holden Engineering - Lower Bay Road (town-owned portion)** - Holden plans to have the study delivered by 9/5/17 and have a meeting with TA Ambrose and the Board.

**5.5 Bill Whalen e-mail Re: Junkyard** - Complaint was forwarded to the Deputy Zoning Administrator.

**5.6 Joint Meeting of the BOS and the Budget Committee** - Is scheduled for September 11th and the Selectmen's Secretary is to record the meeting.

## **6.0 Selectmen's Reports**

**6.1 Update on the work of Recreation Commission** - Selectman Olmstead provided an update.

**6.2 Update on the work of Sanbornton Planning Board and the Tilton Planning Board** - Chair Ober provided an update.

**7.0 Non-Public Session under RSA 91-A:3 II (c)** - Selectman North made a **motion** to go into non-public session at 9:00 p.m. Selectman Olmstead **seconded** the motion. Roll call vote, Ober – aye, North– aye and Olmstead–aye. The Board reconvened the public session at 10:13 p.m. Chair Ober announced that decisions were made regarding two PAFs. Chair Ober made a **motion** to seal the minutes of the non-public session. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**8.0 Authorize Payroll & the Accounts Payable Register** – The BOS reviewed & signed the payroll and the accounts payable registers, a copy was made available for public inspection.

**8.1 PAFs** - The BOS approved a PAF for the recently hired DPW Driver, who was not on the matrix, so the hourly rate was adjusted from \$16.21 to \$16.28 per hour. Officer, Shane Morton was moved to the hourly rate of \$19.40 based on certification.

**8.2 Resolution Approving the Transfer of the Cable Television Franchise** - Signed earlier in the meeting.

**8.3 Exhibit B – Certificate of Acceptance to Tax-Exempt Lease/Purchase Agreement**  
Chair Ober made a **motion** to have the clerk sign the DPW's truck documents. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**8.4 Updated State of NH Workers' Compensation Law Notice of Compliance** - Signed by the Clerk.

**8.5 Morton Salt** - Chair Ober made a **motion** to approve the 2017/2018 contract with Morton Salt, in the amount of \$58.85 per ton. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**9.0 Review & Approve Minutes**

**9.1 BOS 8/9/2017 draft** - Members of the Board reviewed the draft meeting minutes of August 9, 2017. Chair Ober made a **motion** to accept the draft meeting minutes of August 9, 2017 with changes. Selectman North **seconded** the motion and the **motion passed unanimously**.

**9.2 Special Meeting 8/18/17 draft** - Members of the Board reviewed the draft special meeting minutes of August 18, 2017. Selectman Olmstead made a **motion** to accept the draft meeting minutes of August 18, 2017 without changes. Selectman North **seconded** the motion and the **motion passed unanimously**.

**10.0 Donations** - None at this time.

**11.0 ADJOURNMENT** – Selectman North made a **motion** to adjourn the meeting at 10:39 p.m. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

**12.0 NEXT MEETING(S)** – The Board will **not** hold a meeting on **Wednesday, August 30, 2017**. The Board of Selectmen’s next regularly scheduled meeting will be held on **Wednesday, September 6, 2017 @ 5 p.m.** at the **Town Offices**.

Respectfully submitted,  
April Rollins, Administrative Specialist