

Approved

SANBORTON BOARD OF SELECTMEN'S MINUTES

June 5, 2019

Town Offices

The Board of Selectmen convened in regular session on Wednesday, June 5, 2019 at 4:30 p.m. at the Town Offices. In attendance were Selectman Tom Salatiello and Selectman John Olmstead. Katy North was not present as it was not reasonably practical due to personal medical reasons, but participated via conference call pursuant to RSA 91-A:2 III. Town Administrator, Katie Ambrose was present.

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

2.0 Public Comment - None at this time.

3.0 Business

3.1 Recreation Coordinator – Department Head Update & Hiring Discussion - Chair Olmstead made a **motion** to approve the personnel action form for Carly Blake to work as Summer Day Camp Counselor up to 25 hours a week at grade 4, step 2 effective 6/24/19. Selectman North **seconded** the motion and the **motion passed unanimously**. Coordinator Lonergan reported that Hermit Beach is a mess with debris and provided the BOS with a quote from Mark Ledgard to “york rake” & spread mulch (5 yds.). Chair Olmstead made a **motion** to approve the quote provided by Mark Ledgard to york rake and spread mulch at Hermit Beach, not to exceed \$650 dollars, to come from line #4194.396. Selectman North **seconded** the motion and the **motion passed unanimously**. Coordinator Lonergan explained that she has no luck finding Lifeguards this year and Primex recommends two lifeguards at the beaches at all times. Coordinator Lonergan provided the Board with links to articles regarding “Recreational Immunity” which allows for Town to adopt a discretionary function immunity to make the Town not liable. TA Ambrose replied basically the Board would be voting to indemnify the Town. Coordinator Lonergan added that the lifeguard chairs would need to be removed and more signs would be needed. Coordinator Lonergan requested that Karen be hired for beach clean up again this year by TA Ambrose. Coordinator Lonergan noted she would like to continue to monitor the water quality at Winnisquam Beach. Chair Olmstead replied there are two local groups that test water at their own expense. Coordinator Lonergan reported that Swim NH will be giving swim lessons and the last day of school is June 21st with Summer Day Camp (49 kids registered) to start the following Wednesday. Selectman Salatiello stated he was stopped by a truck driver the other day and he said because of the recreation program he is able to work full-time and that is significant!

3.2 Board & Committee Appointments: Historic District Commission, ZBA & Recreation Commission - Chair Olmstead made a **motion** to reappoint Sam Schwartz as an Alternate on the Historic District Commission until 3/31/2022. Selectman Salatiello **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Glen Frederick as member on the Zoning Board of Adjustments until

3/31/2020. Selectman Salatiello **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Stuart Dymont as a member on the Historic District Commission until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Nina Gardner as a member on the Historic District Commission until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Franz Vail as a member on the Historic District Commission until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Joel Smith as a member on the Recreation Commission until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Tim Lang as member on the Zoning Board of Adjustment until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Don Bormes as member on the Zoning Board of Adjustment until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Paul Dexter as member on the Zoning Board of Adjustment until 3/31/2022. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to reappoint Steve Cobb as an Alternate member on the Zoning Board of Adjustment until 3/31/2020. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to accept the resignation of Mark Cray from the Recreation Commission with regret. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to accept the resignation of Linda Salatiello from the Historic District Commission with regret. Selectman North **seconded** the motion and the **motion passed unanimously**. All of the above appointments will be sworn-in at a later date by TC/TC PLamondon.

4.0 Town Administrator's Report

4.1 4/10/19 Approved BOS Minutes - Chair Olmstead made a **motion** to amend the approved 4/10/19 meeting minutes under the TC/TC's report, to correct the interest rate percentage and some wording. Selectman Salatiello **seconded** the motion and the **motion passed unanimously**.

4.2 Legal Counsel - TA Ambrose reported that she met with DTC and Attorney, Steve Bennett to transfer the Town's legal files with the exception of the cable franchise files and Attorney Bennett will be meeting with the BOS next week.

4.3 Gazebo - TA Ambrose explained that the gazebo at the old Town Hall was hit by a church volunteer's car and the accident has been reported to Primex. The Town Hall Steward is getting repair estimates.

4.4 Highway Department - TA Ambrose reported that the highway grader is out for repairs and the crew has been dealing with beaver issues.

4.5 Joint Meeting with the Transfer Station Manager & the SWC - Is scheduled for 6/26/19.

5.0 Business (Cont.)

5.1 5:00 PM *Public Hearing* - Amendment to the Payment In Lieu Of Taxes (PILOT) Agreement executed between the Town of Sanbornton and NhSolarGarden.Com, LLC - Chair Olmstead stated the Board would not be discussing

the physical solar project, only the PILOT and they will discuss the amendment with the applicant then open up for comment. Selectman Salatiello announced that he would be abstaining from voting. Andrew Kellar stated he has reviewed the meeting minutes and the audio, concerns were voiced with bonding the project if it is not completed so he has brought copies of the plans that will be going to the Planning Board. Mr. Kellar stated the minutes reflect a 16 month completion timeframe with up to 25 megawatts proposed but that could be less, RSA 72;74 allows for the PILOT agreement that typically has a 5-year term. Mr. Kellar noted that solar is a valuable resource and doesn't require Town services. Mr. Kellar explained that the process has taken longer than usual because in 2018 the Town's zoning ordinance changed plus a bill was vetoed by the Governor, so they have started the permitting process again. Mr. Kellar stated they just learned that the supplier "ISO New England" has started their study which can be an additional 2 years, so the time extension is needed to complete the work and bring tax revenue to the Town. Chair Olmstead replied the changes in the zoning ordinance would not apply because the application was received before the changes were made, so the project is grandfathered. Chair Olmstead noted the current paperwork for the project says 13 megawatts, not 25 megawatts. Mr. Kellar replied the project was in the early stages but they now have plans whereas before there were some unknowns but now they have clarity plus they have \$100K invested in the project. Selectman North asked the extension is needed because of delays in the permitting process plus the utility review delays the project by 2 years, which is out of your control and Mr. Kellar replied correct. Chair Olmstead opened the Public Hearing at 5:23 p.m. Andy Sanborn stated it costs zero to extend the project forward indefinitely but allowing this project to lapse will cost the Town an opportunity of some property tax relief and the assessment is consistent with other utilities. Selectman North stated the public hearing is about the amendment not the PILOT. John McCarvel stated the property will be taxed as is now and why is the Town covering for a "for-profit" company, why is the Town extending something that is not justifiable to society because the prices were set to support the community. Selectman North replied the Town has a standing agreement with the NHSolarGarden that is binding and they have requested an extension because the process was out of their control, there are statutes that cover the questions. John McCarvel asked if the project has been decided by dates & dollars. Selectman North replied she doesn't know, she doesn't have a crystal ball. John McCarvel stated there is a lack of guarantees. The meeting minutes from 9/6/17 were referenced. Debra Sneckloth asked why the Board is holding a public hearing if the public cannot discuss the extension of the PILOT? Selectman North replied we can discuss the process but not the content. Debra Sneckloth asked if the Board would consider letting the PILOT expire and have the NHSolarGarden come back in July to renegotiate? Selectman North replied it is beyond their control. Vicki Abbot asked if the project is in the historic district? Mr. Kellar replied no. Guy Guinta stated the project will benefit the whole town, not just the residents on Tower Hill Road. Brian Gallagher stated the project creates revenue and it makes sense for the Town to look ahead not to place additional burden, he is in favor of the amendment. Michelle Jackson stated it is the Board's responsibility to act in the best interest of the people and there is nothing in the agreement that protects the Town, so consider renegotiating. Selectman North noted the solar project cannot move forward without the PILOT, which was reviewed by the Town's Attorney and if the Board lets the PILOT lapse we are being fiscally irresponsible. John McCarvel stated he feels better rates can be negotiated and the Town is being held hostage. Joe Guinta replied there has been

discussion, so why penalize the whole Town if some do not like the agreement because it is not costing the Town a penny. Nancy Durgin spoke against the amendment. Dennis Bellevue provided an example of the rates being charged in Massachusetts at \$10K per megawatt. Mr. Kellar replied the PILOT is a State approved method of taxation and the example is comparing “apples to oranges”. Ray Masse stated that if the Town expects any kind of commercial project to come in to Town then the Board should live up to the agreement. Chair Olmstead closed the public hearing at 6:49 p.m. Selectman North made a **motion** BOS extend the PILOT agreement between the Town of Sanbornton and NHSolarGarden until 7/1/2023. Chair Olmstead **seconded** the motion. Selectman North voted in favor, *Selectman Saliello abstained and Chair Olmstead was opposed. The motion failed.* Selectman Saliello stated the vote is dead, the board cannot say we are going to vote on this again in two weeks because there is a process in place for a reason and it would not be proper to schedule another meeting. Selectman North replied she agrees with Selectman Saliello. Chair Olmstead recommended Legal Counsel be sought, to see how to move forward with a “stalemate”. Selectman North made a **motion** to table. Chair Olmstead **seconded** the motion. After a brief discussion; Selectman North **withdrew** the previous motion and Chair Olmstead withdrew his second. (Later in the meeting) Chair Olmstead made a **motion** to reconsider the vote. Selectman North **seconded** the motion and the **motion passed unanimously.** Chair Olmstead made a **motion** to table the vote for legal advice. Selectman North **seconded** the motion and the **motion passed unanimously.** Chair Olmstead made a **motion** to amend his previous motion to table until 6/12/19. Selectman North **seconded** the motion and the **motion passed unanimously.**

5.2 Fire & Rescue Unit Citation Award Presentation - Postponed.

5.3 Monthly Expenditure Report - May - TA Ambrose and the BOS reviewed.

5.4 General Assistance - Selectman Saliello stated he would like to have an explanation or a reason of the welfare check that the Board signed last week to a mortgage company. Selectman Saliello stated there are no reports or statistics on the breakdown of general assistance and there needs to be some accountability. Selectman Saliello stated there is also a contract between the welfare office and the local funeral home.

6.0 Other Business

6.1 Process Discussion - Town Building Space & Safety Needs - The Board reviewed an email from Bonnette, Page & Stone (BPS) that reflects an hourly rate of \$115 dollars to make design changes. TA Ambrose noted that some funding is left and asked the Board if they would like to establish a committee? Chair Olmstead suggested placing this on a future agenda for discussion.

7.0 Selectmen’s Report

7.1 Update on the work of the Planning Board - Chair Olmstead reported that there is a joint land use board meeting on 6/6/19.

7.2 Lower Bay Road - Chair Olmstead reported that residents are pleased with the road repairs.

8.0 Authorization Signatures: Payroll and Accounts Payable Register

8.1 Board Meeting: 5/22/2019 -The Clerk signed.

8.2 Abatements - Selectman North made a **motion** to grant the abatement application to

reduce the 2018 assessed value by \$3,300 dollars for Tax Map 3, Lot 162. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$7,300 dollars for Tax Map 3, Lot 163. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$45,400 dollars for Tax Map 11, Lot 65.4. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to deny the abatement application to reduce the 2018 assessed value for Tax Map 3, Lot 75. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to deny the abatement application to reduce the 2018 assessed value for Tax Map 11, Lots 79 and 80. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to deny the abatement application to reduce the 2018 assessed value for Tax Map 23, Lots 57B and 57C. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to deny the abatement application to reduce the 2018 assessed value for Tax Map 11, Lot 35. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to deny the abatement application to reduce the 2018 assessed value for Tax Map 17, Lot 27. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$53,400 dollars for Tax Map 5, Lot 1.3. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$5,582 dollars for Tax Map 20, Lot 40. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$81,700 dollars for Tax Map 12, Lot 30. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$10,925 dollars for Tax Map 22, Lot 38. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$9,300 dollars for Tax Map 20, Lot 96. Chair Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to grant the abatement application to reduce the 2018 assessed value by \$16,400 dollars for Tax Map 12, Lot 64. Chair Olmstead **seconded** the motion and the **motion passed unanimously**.

8.3 Implicit Transfer - Chair Olmstead made a **motion** to approve the Implicit Transfer of \$10,530 dollars from line #4130.110 to line #4721.200 debt service for Lower Bay Road. Selectman North **seconded** the motion and the **motion passed unanimously**.

8.4 PAFs - Chair Olmstead made a **motion** to approve the PAFs for a 2% increase for Administration, Fire and Welfare as presented. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Olmstead made a **motion** to approve the PAF for Recording Secretary Barriault to a grade 13, step 7, effective 7/1/19. Selectman Salatiello **seconded** the motion and the **motion passed unanimously**.

9.0 Review & Approve Minutes

9.1 BOS Meeting 5/29/2019 - Members of the Board reviewed the draft meeting minutes of May 29, 2019. Chair Olmstead made a **motion** to accept the draft meeting minutes of May 29, 2019 with changes. Selectman Salatiello **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 8:19 p.m. Chair Olmstead **seconded** the motion and the **motion passed unanimously.**

12.0 NEXT MEETING(S) – The Selectmen will hold their regularly scheduled meeting on **Wednesday, June 12, 2019 @ 5:00 p.m.** at the Sanbornton Town Office.

Respectfully submitted,
April Rollins, Administrative Specialist

Approved on 6/12/19 _____
Selectmen's Clerk