#### FARMINGTON BOARD OF SELECTMEN

#### Tuesday, December 13, 2016

Chairman Joshua Bell called the meeting to order at 6:30 P.M. with the following members present: Matthew Smith, Michael Fogg, Andrew Buckland, and Stephan Bunker. Town Manager Richard Davis, Town Secretary Linda Grant, Sewer Clerk Mavis Gensel, Accounts Payable Clerk Daryl Schramm, Fire Rescue Chief Terry Bell, Channel 11 and members of the press were also in attendance.

#### ITEM 1: Pledge of Allegiance to the Flag

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

#### ITEM 2: To Approve the Town of Farmington's Share of the Mount Blue TV Budget for 2017

Station Manager JP Fortier was present and explained the changes to the proposed Mount Blue TV budget for 2017, which included a decrease in income within the line items of Franchise Fees for both Farmington and Wilton, and an increase in Media Services and Other Income. Expense changes included an increase in the line items of Health Insurance, Equipment Reserve and Volunteer Stipend, and a decrease in Payroll, Travel, and Meetings/Open House. Mr. Fortier also reported on their aspirations to the mainstreaming of the Farmington Selectman's meetings, not only on Channel 11 but also the Town's website.

Stephan Bunker moved to approve the Town of Farmington's 2017 Franchise Fee of \$44,955.90, plus \$5,000 for the PEG Fund; Matthew Smith seconded.

VOTE	AFFIRMATIVE	5	MOTION CARRIED
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# **ITEM 3:** To Discuss the Ramifications of the Injunction halting the Implementation of the new Federal Fair Labor Standards Act (FLSA) Overtime pay Regulation

Richard Davis reviewed an information sheet which reports that this amendment has been placed on hold. Mr. Davis suggested remaining with the same decision through 2017 to pay Cemetery employee Ed Vining's overtime and re-evaluate the situation at the end of the year. The Selectmen discussed rescinding Matthew Foster's \$1,617 increase. Mr. Davis voiced his concern that rescinding the increase would lead to a morale issue, and pointed out that Mr. Foster definitely was not originally overpaid for the position. Mr. Davis stated that the amendment will be revisited in the future.

### ITEM 4: To Approve an Amendment to the Town of Farmington Personnel Policy

Richard Davis reported that the Public Works Department voted to dissolve its Bargaining Unit and defer to the Town's Personnel Policy. The main reason for this centered on the new health insurance contribution provisions being more favorable to the majority of the employees. Mr. Davis recommended that the Public Works Department employee's clothing allowance be incorporated into the Personnel Policy as was done with the Sewer Department employees. Mr. Davis stated that the clothing allowance is a taxable benefit unless they actually purchase the clothing and show receipts.

## Matthew Smith moved to approve an amendment to the Town of Farmington Personnel Policy for the Public Works Department; Andrew Buckland seconded.

### VOTE AFFIRMATIVE 5 MOTION CARRIED

## ITEM 5: To Approve Amendments to the Town of Farmington Safety Incentives Program and Incentive Program Calculations

Richard Davis reviewed the amendments, which included adding the Cemetery Department and revising the calculations to add the Cemetery Department, as well as removing the Assessing Department, and adding a statement regarding this being a taxable benefit per IRS rules.

## Matthew Smith moved to approve amendments to the Town of Farmington Safety Incentives Program and Incentive Program Calculations; Andrew Buckland seconded.

Joshua Bell pointed out that any reference to Assessing needs to be removed from the first page of the Safety Incentives Program.

## VOTEAFFIRMATIVE5MOTION CARRIED

## ITEM 6: To Determine the intent of the Health Insurance Buyout Provision in the Personnel Policy as it Pertains to Dependent Coverage

Richard Davis reviewed a letter of opinion from Attorney Frank Underkuffler dated December 2, 2016 which Attorney Underkuffler had provided at his request, and which reflected on eligibility versus entitlement and employee versus dependent health insurance coverage. Mr. Davis explained the Health Insurance Buyout provision that was added to the Personnel Policy on February 14, 2006, as well as his interpretation of the intent of the provision. He further explained that a few employees have interpreted the provision differently, ie. if the employee continues to have coverage with the Town and yet their spouse has coverage elsewhere, the employee is entitled to the buyout for what it would have cost the Town to provide coverage for the spouse. In his letter of opinion, Attorney Underkuffler stated that it is ultimately up to the Board of Selectmen to determine what the intent of the policy was. After considerable discussion by the Selectmen, including how to re-word the policy, and an explanation by employees Mavis Gensel and Daryl Schramm of their interpretation of the provision, the Selectmen asked

## ITEM 6: To Determine the intent of the Health Insurance Buyout Provision in the Personnel Policy as it Pertains to Dependent Coverage (Cont.)

Mr. Davis to provide them with more information at their next scheduled meeting on December 27, 2016 regarding the number of employees who have taken advantage of the buyout provision and for how long. Resident Dennis O'Neil joined in the discussion.

## Matthew Smith moved to table Item 6 until the information requested is available; Andrew Buckland seconded.

Discussion continued regarding possible ramifications with the Police Union Contract, and making sure any change in the wording of the policy clarifies the intent.

## VOTE AFFIRMATIVE 5 MOTION CARRIED

#### **ITEM 7:** To approve two (2) Cemetery lot Conveyances

Richard Davis reviewed two (2) Fairview Cemetery Lot Conveyances, one being for Randolph A. Kinney and Doris E. Kinney of New Sharon, Maine, and another being for Mark Trabue of Anson, Maine.

Matthew Smith moved to approve two (2) Cemetery Lot Conveyances; Michael Fogg seconded.

VOTE	AFFIRMATIVE	5	<b>MOTION CARRIED</b>
VOTE	AFFIRMATIVE	5	MOTION CARRI

ITEM 8: To Approve the Minutes of November 22, 2016

Matthew Smith moved to table the minutes of November 22, 2016 as they were not yet available; Stephan Bunker seconded.

VOTE AFFIRMATIVE	5	<b>MOTION CARRIED</b>
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- **ITEM 9: To Discuss Other Business** 
  - A) Richard Davis reported that he received a call from sexton Ed Vining today who reported that a 10-foot section of the Fairview Cemetery masonry wall on High Street had been damaged by a Cousineau, Inc. loader. He stated that a claim will be filed once the police report is received, hopefully tomorrow.
- ITEM 10: To Hold an Executive Session Pursuant to 1 M.R.S. § 405.6.A to discuss a Personnel Matter

Matthew Smith moved to go into Executive Session at 7:47 P.M.; Stephan Bunker seconded.

VOTE AFFIRMATIVE 5	MOTION CARRIED
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# ITEM 10: To Hold an Executive Session Pursuant to 1 M.R.S. § 405.6.A to discuss a Personnel Matter (Cont.)

The Selectmen came out of Executive Session at 8:10 P.M.

No action was taken.

There being no further business to come before the Board, **Stephan Bunker moved to** adjourn; Andrew Buckland seconded.

VOTEAFFIRMATIVE5MOTION CARRIED

Minutes respectfully submitted by Linda H. Grant.

Andrew R. Buckland – Secretary