

FARMINGTON BOARD OF SELECTMEN

Tuesday, February 12, 2019

Chairman Joshua Bell called the meeting to order at 6:30 P.M. with the following members present: Stephan Bunker, Matthew Smith, and Scott Landry. Michael Fogg was unable to attend. Town Manager Richard Davis, Town Secretary Linda Grant, CEO Steve Kaiser, Police Chief Jack Peck, Fire Rescue Chief Terry Bell and Lieutenant Tim Hardy, Planning Board member Michael Otley, 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 Public Hearing on the Proposed Town of Farmington Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance

Richard Davis stated that Code Enforcement Officer (CEO) Steve Kaiser and his staff, through a lot of research and hard work, have created a very thorough and effective Ordinance, which will be proposed to the voters at the annual Town Meeting on March 25th. Mr. Davis pointed out that this proposed Ordinance has been shared as a model for other municipalities. He also pointed out that the State law has given great deference to the issue of local control, and explained that adult use will not be allowed unless an Ordinance such as this is adopted.

Chairman Joshua Bell opened the Public Hearing under Item 2 at 6:34 P.M.

Paul Mills, Vice President of the Farmington Downtown Association, handed out its Resolution opposing retail establishments in the downtown area, and on behalf of the Association asked the Selectmen to postpone discussion to a later date because of the lack of attendance attributable to the impending storm this evening and short notice of the Public Hearing. Richard Davis explained that the Downtown Association's position was taken into consideration, and because of the setbacks that are required in both State law and Town Ordinance, marijuana is effectively prohibited from the downtown area, except for one medical marijuana facility on the very edge of the downtown area. CEO Steve Kaiser reviewed the proposed Ordinance and addressed questions and concerns regarding the: Table of Uses; permitting application process for adult use retail establishments; medical marijuana establishments grandfathered as of December 31, 2016; definition of grandfathering an establishment; transition to combining of adult use retail and medical establishments; setbacks; number of businesses to be allowed, and application and renewal permitting fees. Comments, questions and concerns were heard from: Luke Sirois, Matt Hawes, Jacob Roberts, Craig Jordan, Ted Sirois, and George Purvis. There was also a request that a better advertising process for Public Hearings be established by the Town, as not everyone reads the Franklin Journal. Mr. Davis pointed out that all Public Hearings are also posted on the Town's website.

Chairman Joshua Bell closed the Public Hearing under Item 2 at 7:04 P.M.

ITEM 2: To Hold a Public Hearing on the Proposed Town of Farmington Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance (Cont.)

The Selectmen made comments on the proposed Ordinance. Richard Davis stated that the next opportunity for discussion of this proposed Ordinance is on the floor at the annual Town Meeting. He also stated that he will have a Warrant ready for the Selectmen's approval and signatures at their next meeting on February 26th. CEO Steve Kaiser explained the difference between the Village Business District and Historic District, and reviewed the grandfathering section of the proposed Ordinance relative to both districts. Discussion also included current medical marijuana caregiver and cultivation businesses that are known to be operational in Farmington, and how the State does not currently share its caregiver/patient application information but will once the new laws passed last year are implemented.

Scott Landry moved to place an opt in/opt out article on the Town Meeting Warrant;

Mr. Davis pointed out that there is already an article on the Warrant which puts the Ordinance before the voters, and in doing so would generate the decision as to whether to opt in or opt out.

no second. MOTION FAILED

Mr. Davis reiterated that he will have a Warrant ready for the Selectmen to review and sign at their February 26th meeting.

ITEM 3: To Hold a Public Hearing on Proposed Amendments to the Town of Farmington Table of Uses in the Zoning Ordinance for Adult Use and Medical Marijuana

Chairman Joshua Bell opened the Public Hearing under Item 3 at 7:27 P.M.

Rangeley resident Luke Sirois shared the results of the Town of Rangeley's regulation discussion. In answer to Ted Sirois' question as to how the townspeople will vote on this article at Town Meeting, Richard Davis stated that it is generally by a show of hands but if there is a request, a written ballot can be approved by a two-thirds majority of the voters present. No absentee ballots are allowed.

Chairman Joshua Bell closed the Public Hearing under Item 3 at 7:30 P.M.

CEO Steve Kaiser stated that he will make tonight's requested changes to the Historic District, Table of Uses, and grandfather sections of the proposed Ordinance.

ITEM 4: To Hold a Public Hearing on a Proposed Modification to the Town of Farmington Wireless Telecommunications Facility Ordinance

Chairman Joshua Bell opened the Public Hearing under Item 4 at 7:33 P.M.

ITEM 7: To Consider Establishing a Length of Service Award Program (LOSAP) for the Call Firefighters

Richard Davis apologized to Chief Terry Bell for not notifying him that this was going to be discussed tonight, and not discussing it with him. Chief Bell indicated that he saw on his copy of the agenda that it was going to be discussed. Mr. Davis stated that he discussed this program with Treasurer LucyAnn Cook whose interpretation is that it's a program that will have to go through payroll, with payroll deduction being pre-taxed, similar to the retirement plan that the Town has in place. It would therefore need to be budgeted. Stephan Bunker further explained the purpose and timeline of the program, as well as how it works. Chief Bell and Lt. Tim Hardy contributed to the discussion, which included options for funding of the program. No action was taken.

ITEM 8: To Approve the Access and Construction Agreement for Walton's Mill Dam, Park, and two Road Crossings in Town of Farmington

Richard Davis stated the Town's attorney has reviewed the Agreement and feels it is very good and provides good protections for the Town.

Scott Landry moved to approve the Access and Construction Agreement for Walton's Mill Dam, Park, and two Road Crossings in Town of Farmington; Stephan Bunker seconded.

Joshua Bell generated a discussion regarding the Town's ability to hold the Atlantic Salmon Federation accountable for completing all three projects regardless of the order in which they are accomplished. Richard Davis pointed out that completion of each project is subject to the availability of funding and the permitting involved. He reiterated that there will be no cost to the Town for any of the three projects.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Michael Fogg)

The Selectmen signed the Agreement.

ITEM 9: To Consider an Appropriation of \$44,955 from the Downtown T.I.F. Reserve Account to Purchase Twenty-Seven (27) Decorative Streetlights for Front Street

Richard Davis reviewed the quote received, which is special pricing due to the quantity of streetlights being purchased.

Stephan Bunker moved to approve an appropriation of \$44,955 from the Downtown T.I.F. Reserve Account to purchase twenty-seven (27) decorative streetlights for Front Street; Matthew Smith seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Michael Fogg)

ITEM 10: To Accept Isaac Raymond's Resignation from the Recreation Committee

Stephan Bunker moved to accept the resignation of Isaac Raymond from the Recreation Committee; Matthew Smith seconded.

Richard Davis stated Mr. Raymond had a conflict which kept him from participating on the Committee.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 11: To Approve the Minutes of January 31, 2019

Stephan Bunker moved to approve the minutes of January 31, 2019; Matthew Smith seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 12: To Discuss Other Business

A) Richard Davis explained that he received several requests after the agenda for tonight's meeting had already been posted, for the Selectmen to consider putting the New England Clean Energy Connect (NECEC) project - the Central Maine Power (CMP) Corridor to a vote of the Town Meeting. It would not be a binding vote, but an expression of support or disapproval, or to take no position. He pointed out that if the Selectmen wish to change their position of support they can do so without a Town Meeting vote. He also pointed out that due to the time constraint with preparing the Town Meeting Warrant he needs to know tonight if they wish to place an Article regarding this matter on it. He pointed out that if an Article is not placed on this Warrant the option of a petition might place the matter on a Special Town Meeting Warrant within sixty days of receipt of the petition. Scott Landry pointed out that the Town of Wilton is doing the same thing, and explained what he could of the Public Utilities Commission resolution hearing that he attended today in Augusta. He stated that the final resolution will be drawn up next Wednesday, February 20th. Mr. Davis stated that CMP representative John Carroll will be providing an update on the project at the February 26th Selectmen's meeting at the Community Center, and a large number of people in opposition to the project are anticipated to be attending. The Selectmen and Town Manager discussed the potential settlement benefits the Town may receive if the project is approved, as well as the Selectmen's inability to stop the project. Non-residents Peter and Susan Theberge of Jay were given permission to contribute to the discussion.

Stephan Bunker moved to place a non-binding Article on the annual Town Meeting Warrant; Matthew Smith seconded.

Scott Landry stated that he will get the wording for the Article from former Senator and current Wilton Selectman Tom Saviello.

VOTE AFFIRMATIVE 3 ABSTAINED 1 ABSENT 1 MOTION CARRIED
(Scott Landry) (Michael Fogg)

ITEM 12: To Discuss Other Business (Cont.)

- B)** Richard Davis reported that he received a call from the MaineDOT Regional Engineer today informing the Town that MaineDOT has closed the Russell's Mills Road bridge immediately due to structural deficiencies. It will remain closed until they determine the bridge's functional usefulness and possible funding cycle. Mr. Davis stated that he has asked that he be sent a letter confirming this action. Stephan Bunker asked Mr. Davis to make sure that Police, Fire Rescue, and Emergency Medical Services have been notified of the bridge closing.
- C)** Scott Landry asked for clarification of the location of the sidewalk in front of the Farmers Union, which Richard Davis explained. Mr. Davis also mentioned that a flowable fill product is being looked into in response to the pothole complaints. He pointed out that the time spent on the potholes is being documented and will be reimbursed.
- D)** Richard Davis reported that the Downtown Association meeting scheduled for tomorrow has been postponed until Wednesday, February 20th at 5:30 P.M. due to tomorrow's impending storm.

There being no further business to come before the Board, **Matthew Smith moved to adjourn at 8:40 P.M.; Stephan Bunker seconded.**

Minutes respectfully submitted by Linda H. Grant.

Michael J. Fogg - Secretary