

## FARMINGTON BOARD OF SELECTMEN

Tuesday, March 9, 2021

6:30 P.M.

The meeting was conducted through remote access by telephonic, video, and electronic means. The public was able to attend by viewing the livestream at <http://mtbluetv.org/program-live-stream-farmington-selectmen.html> or Facebook at <https://www.facebook.com/MBTV11/> and/or calling 778-5874.

Chairman Matthew Smith called the meeting to order at 6:30 P.M. with the following members present: Stephan Bunker, Michael Fogg, and Scott Landry. Joshua Bell was unable to attend. Town Manager Richard Davis, Town Secretary Nancy Martin, Sewer Superintendent Stephen Millett, Sewer Clerk Mavis Gensel, Code Enforcement Officer J. Stevens Kaiser, Police Chief Kenneth Charles, Director of Parks and Recreation Matthew Foster, members of the public, and Mt. Blue TV camera operator Tom Martin were also present. Members of the press participated remotely as authorized by PL 209, c.617.

**Votes were taken by roll call.**

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

Chairman Matthew Smith led those present in the Pledge of Allegiance to the Flag.

### **ITEM 2: To Hold a Public Hearing on the Following Application for a Marijuana Business Permit/License:**

**Heather Chaney 21-MJ-01  
Adult Use Cultivation and Manufacturing Facility  
Transfer of Permit/License  
374 High Street U09-002-A**

Richard Davis reviewed the application for Heather Chaney: 21-MJ-01, Adult Use Cultivation and Manufacturing Facility. The application was a request to transfer the license/permit from Luke Sirois to his employee of ten years, Heather Chaney. Ms. Chaney and Mr. Sirois were present and answered the Selectmen's questions. Mr. Davis stated that the current license owner, Luke Sirois, owes the Town \$18,750 in overdue fees. Michael Fogg asked why the fees were seven months past due. Mr. Sirois stated that last year's situation set him back financially and he had no ability to pay. However, the business is operating again and generating revenue, and his goal is to have the overdue fees paid within the next thirty days. Mr. Fogg stated that the Town should protect its Ordinance, and any overdue fees should be paid prior to the Board's approving the transfer of license. Mr. Sirois asked the Board to consider issuing a conditional transfer of licensure contingent upon payment of past due fees within in the next thirty days. A lengthy discussion ensued about amending the Marijuana Ordinance to include penalties for past due fees.

Chairman Matthew Smith opened the Public Hearing under Item 2 at 6:31 P.M.

**ITEM 2: To Hold a Public Hearing on the Following Application for a Marijuana Business Permit/License: (continued)**

There were no public comments.

Chairman Matthew Smith closed the Public Hearing under Item 2 at 6:44 P.M.

**Scott Landry moved to approve the application of Heather Chaney 21-MJ-01 Adult Use Cultivation and Manufacturing Facility contingent upon the current license-holder's payment-in-full of all overdue fees within thirty days; failure to pay overdue fees will cause the license to be null and void; Matthew Smith seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: No, Scott Landry: Yes**

**VOTE AFFIRMATIVE 3 OPPOSED 1 ABSENT 1 MOTION CARRIED**  
**(Fogg) (Bell)**

**ITEM 3: To Review and Approve the Proposed 2021 Sewer Department Budget and Establish the Sewer Use Rates**

Richard Davis provided a copy of the proposed 2021 Sewer Department budget. Sewer Superintendent Stephen Millett and Sewer Clerk Mavis Gensel were present and answered the Selectmen's questions.

**Stephan Bunker moved to approve the proposed amount of \$1,028,331 for the 2021 Sewer Budget, which is an increase of \$25,877, or 2.58% and establish the 2021 sewer use rate of \$39.90 for a minimum of 500 cubic feet and \$7.98 per 100 cubic feet thereafter, which is the same rate as 2020; Scott Landry seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED**  
**(Bell)**

**ITEM 4: To Consider a Request to Amend the Adult Use and Medical Marijuana Ordinance to Increase the Number of Medical Stores Allowed**

Richard Davis provided a memo from Code Enforcement Officer Steve Kaiser dated February 24, 2021. The Adult Use and Medical Marijuana Ordinance, which passed on March 25, 2019, set the following limits on the number of licenses/permits: Adult Use (4); Medical (3); Cultivation (3); Manufacturing (5) and Testing (2). Adult Use and Medical, Cultivation, and Manufacturing slots are currently at capacity. The Town has received two Notification of Intent (NOI) for the two open Testing slots. The Town has received the following NOI's for slots that may become open in the future: (4) Adult Use; (3) Medical (1) Adult Use Cultivation; (1) Adult Use Manufacturing. CEO

**ITEM 4: To Consider a Request to Amend the Adult Use and Medical Marijuana Ordinance to Increase the Number of Medical Stores Allowed (continued)**

Kaiser was present and answered the Selectmen’s questions. Farmington Pawnsters owner Cory Boyker and Jessica Boudrealt addressed the Selectmen. Mr. Boyker, who operates a medical marijuana cultivation facility in Mexico, Maine, would like to operate a medical marijuana store out of his former pawn shop location at 184 Farmington Falls Road. Mr. Boyker stated that he and Ms. Boudrealt ran the pawnshop for eight years; however, due to COVID-19 they found it necessary to close the shop. Michael Fogg stated that when the Town set up the marijuana ordinance, they established a set number of licenses be issued and that he is not in favor of increasing the number of licenses at this time. Mr. Fogg recommended the Town review the Ordinance and amend as needed. CEO Kaiser stated that if the Town did expand the number of licenses/permits, it would be fair to open up enough for everyone waiting. Matthew Smith stated that any amendments to the Marijuana Ordinance require approval through a Town Meeting vote. A lengthy discussion ensued, including market saturation, impact on the Downtown Historic District, setback rules and regulations, free enterprise, the Town of Wilton’s Marijuana Ordinance, status of current license/permit holders, Notices of Intent, and Zoning. Mr. Smith stated that he is not opposed to placing this issue on a Warrant and having the citizens of Farmington vote. Also, he is not opposed to setting the issue aside for a month and asking CEO Kaiser to review the Ordinance and make recommendations for amendments. Mr. Fogg recommended the Ordinance be reviewed and all amendments be placed on a single Warrant. Stephan Bunker stated that his preference would be to set the issue aside without prejudice and to set a date and time for CEO Kaiser to discuss suggested changes to the Ordinance, if any, with the Board.

**Stephan Bunker moved to deny without prejudice and set a date for amending the Adult Use and Medical Marijuana Ordinance to increase the number of Medical Stores allowed; Scott Landry seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Bell)**

**ITEM 5: To Consider a Proposal to Institute a Sign-on Bonus for Police Recruits**

Richard Davis provided a memo from Police Chief Kenneth Charles dated March 4, 2021 requesting a sign-on bonus for new-hire police officers. Chief Charles was present and addressed the Board. He stated that the Farmington Police Department (FPD) has three vacancies and anticipates a fourth vacancy this summer. He proposed the Town initiate an \$8,000 sign-on bonus for newly hired full-time Certified Law Enforcement Officers. The full sign-on bonus would be offered to officers who do not have “buyout”: \$2,000 at time of hire; \$2,000 at the beginning of year two; and \$4,000 at the beginning of year three. Should a candidate be a recent Academy graduate the Town could incur a prorated expense to reimburse the officer’s current employer for Academy attendance. Chief Charles stated that when the Town incurs the expense of Academy reimbursement costs, he believes the sign on bonus should be reduced to \$4,000: \$1,000

**ITEM 5: To Consider a Proposal to Institute a Sign-on Bonus for Police Recruits (continued)**

at time of hire; \$1,000 at the beginning of year two, and \$2,000 at the beginning of year three. Stephan Bunker asked about creating a third category incentive for untrained recruits. Chief Charles stated that the third category could be a negotiable incentive of up to \$1,000 to \$2,000, based on the recruit’s life experience, military experience, and education.

**Scott Landry moved to accept the proposal to institute a sign-on bonus for police recruits; Stephan Bunker seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Bell)**

**ITEM 6: To Authorize the Manager to Contract with Mechanical Services, Inc. to Install an HVAC system at the Community Center**

Richard Davis provided a copy of Mechanical Services Inc./Maine Controls’ Proposal and Contract. If approved, Mechanical Services, Inc. will install six 5-ton rooftop units that will include all electrical and rooftop curbing. Also in the proposal is one 5-ton unit that will include all electrical, duct work and support curbing. These seven units will stage control for heating, cooling and ventilation. All units will be propane with economizer control. The total project cost of \$144,843 includes \$15,000 for structural roof engineering (\$7,500) and electrical engineering (\$7,500). If the roof is determined to be unable to support the new units, only the cost incurred will be billed to the Town. Mr. Davis reported that the costs of the HVAC system would be covered by the Election Safety Grant which has a current balance of \$151,719.35. Parks and Recreation Director Matthew Smith was present and answered the Selectmen’s questions.

**Scott Landry moved to authorize the Manager to contract with Mechanical Services, Inc. to install an HVAC system at the Community Center; Michael Fogg seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED (Bell)**

**ITEM 7: To Review and Approve the Warrant for the April 26, 2021 Annual Town Meeting to be Held by Referendum**

Richard Davis reviewed the Budget Referendum which consist of 42 Articles.

**ITEM 7: To Review and Approve the Warrant for the April 26, 2021 Annual Town Meeting to be Held by Referendum (continued)**

**Matthew Smith moved to approve the Warrant for the April 26, 2021 Annual Town Meeting to be held by Referendum; Michael Fogg seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

<b>VOTE</b>	<b>AFFIRMATIVE</b>	<b>4</b>	<b>ABSENT</b>	<b>1</b>	<b>MOTION CARRIED</b>
			<b>(Bell)</b>		

**ITEM 8: To Adopt a new Earned Paid Leave Policy**

Richard Davis reviewed the Earned Paid Leave Policy. This Policy is adopted in accordance with Maine’s Earned Paid Leave Law, codified in Title 26, Section 637 of the Maine Revised Statutes, and effective January 1, 2021. Any employee who works more than 120 days in any calendar year shall be entitled to Earned Paid Leave (EPL). Employees will earn one hour of paid leave for every forty hours worked, up to forty hours of EPL. Employee specific provisions: Election Workers are exempt from this policy until they earn \$1,000 per year; Recreation/Seasonal employees in the recreation department are not eligible for EPL; Call/Per Diem Fire Fighters will receive EPL for hours worked and training time; Animal Control Officer’s hours will be tracked on a monthly basis; and the Crossing Guard’s hours (June through September) will be tracked on a monthly basis. All unused accrued leave (up to 40 hours) will be paid to the employee at the time of separation.

**Scott Landry moved to adopt the new Earned Paid Leave Policy; Michael Fogg seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

<b>VOTE</b>	<b>AFFIRMATIVE</b>	<b>4</b>	<b>ABSENT</b>	<b>1</b>	<b>MOTION CARRIED</b>
			<b>(Bell)</b>		

**ITEM 9: To Approve an Expenditure of \$5,500 from the Public Works Equipment Reserve Account to Purchase a State Surplus 2013 Ford F-150**

Richard Davis stated that 2013 Ford F-150 pickup would replace the 2005 Ford F-150 that is in very rough shape. The inspection sticker on the 2005 Ford expires on May, and it would cost more to repair the truck than to purchase the 2013 truck from State Surplus. Mr. Davis stated that, due to COVID-19, State Surplus has not been holding auctions, and they have a larger inventory of trucks available. Public Works Mechanic Jeffrey Fitch inspected three trucks, and the 2013 Ford F-150 is the best option for the Town. The truck, which is a deep green color, has 169,000 miles, no rust, and a valid inspection sticker.

**ITEM 9: To Approve an Expenditure of \$5,500 from the Public Works Equipment Reserve Account to Purchase a State Surplus 2013 Ford F-150 (continued)**

**Michael Fogg moved to approve an expenditure of \$5,500 from the Public Works Equipment Reserve Account to purchase a State Surplus 2013 Ford F-150; Scott Landry seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

**ITEM 10: To Vote to Renew the Anson Street Parking Lot Lease**

Richard Davis reported that the two-year Anson Street Parking Lot Lease expires April 30, 2021. The terms of the lease state that the Town has the option to renew the lease on the same terms and conditions for an additional twenty years expiring on April 30, 2041 at noon. Mr. Davis stated that, should the Town decide to renew the lease, it must give notice of intent to renew before April 1, 2021.

**Michael Fogg moved to renew the Anson Street Parking Lot Lease; Stephan Bunker seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

**ITEM 11: To Approve Three (3) Municipal Quitclaim Deeds**

Richard Davis reviewed the three (3) Municipal Quitclaim Deeds releasing any interest the Town might have on account of undischarged liens on the following real estate: Heirs of Madeline Kennedy at 101 Pierpole Road/Map/Lot U25-046-A; Suzanne B. Lauritano at 195 Holley Road/Map/Lot U23-019-A; and Barry A. and Melinda M. Given at 689 Town Farm Road/Map/Lot R14-011-B.

**Stephan Bunker moved to approve the Municipal Quitclaim Deeds for: Heirs of Madeline Kennedy at 101 Pierpole Road/Map/Lot U25-046-A; Suzanne B. Lauritano at 195 Holley Road/Map/Lot U23-019-A; and Barry A. and Melinda M. Given at 689 Town Farm Road/Map/Lot R14-011-B; ; Michael Fogg seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

The selectmen signed the Quitclaim Deeds.

**ITEM 12: To Approve the Minutes of February 23, 2021**

**Scott Landry moved to approve the minutes of February 23, 2021; Matthew Smith seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

**ITEM 13: To Discuss Other Business**

- A. Richard Davis asked the Selectmen to sign the amended Purchasing Policy, which was approved at the February 23<sup>rd</sup> Selectmen’s meeting. The Selectmen signed the amended Purchasing Policy.
- B. Richard Davis reviewed a letter dated March 1, 2021 from Julie Magoon, Franklin County Clerk. The Franklin County Commissioners have vacancies on the County Budget Committee in all three commissioner districts. According to 30-A, M.R.S., Section 873, sub-section 1, whenever a vacancy occurs the towns shall caucus and elect members to fill the vacancies. The caucus will be held on Monday, April 5<sup>th</sup> at 5:00 p.m. in the Superior Courtroom at the Franklin County Courthouse.
- C. Scott Landry requested the Selectmen provide a letter of support for **LD 621, An Act to Increase the Number of Franklin County Commissioners**. This bill would expand the number of County Commissioner Districts and Commissioners from the current three (3) to five (5).

**Stephan Bunker moved to write a letter in support of LD 621, An Act to Increase the Number of Franklin County Commissioners from three (3) to five (5); Matthew Smith seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

Richard Davis offered to draft a letter of support of LD 621 for the Selectmen to sign.

**ITEM 14: To Hold an Executive Session pursuant to 1 M.R.S. § 405.6.E to Discuss Pending or Contemplated Litigation**

**Stephan Bunker moved to go into Executive Session pursuant to 1 M.R.S. § 405.6.E to Discuss Pending or Contemplated Litigation at 8:25 p.m.; Scott Landry seconded.**

**ITEM 14: To Hold an Executive Session pursuant to 1 M.R.S. § 405.6.E to Discuss Pending or Contemplated Litigation (continued)**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE: AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

The meeting came out of Executive Session at 8:36 p.m.

No action was taken.

**Stephan Bunker moved to adjourn; Scott Landry seconded.**

**Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Yes, Scott Landry: Yes**

**VOTE: AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED  
(Bell)**

**The meeting adjourned at 8:36 p.m.**

Minutes respectfully submitted by Nancy L. Martin.

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Michael J. Fogg - Secretary