

## **FARMINGTON BOARD OF SELECTMEN**

**Tuesday, January 8, 2013**

Chairman Stephan Bunker called the meeting to order at 6:30 P.M. with the following members present: Ryan Morgan, Andrew Hufnagel, Jessica Berry and Dennis Pike. Town Manager Richard Davis, Planning Assistant Cindy Gelinas, Treasurer Diana Young, Assessor Mark Caldwell, Code Enforcement Officer Steve Kaiser, Police Chief Jack Peck, Fire Rescue Chief Terry Bell, Parks and Recreation Director Steve Shible, Public Works Director Denis Castonguay, Sewer Clerk Mavis Gensel, Budget Committee Chairman Joshua Bell, Channel 11, and members of the press and public were also in attendance. Chairman Bunker announced that certain circumstances dictate, with the vote of the Board, that they go into a brief but important Executive Session regarding a personnel matter and discussion of same with the Town's attorney. Chairman Bunker apologized to the media, as well as staff and members of the public who were present for other agenda items, and stated that once they come out of Executive Session the regular meeting will reconvene in the downstairs meeting room in order to better accommodate those present.

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

Chairman Stephan Bunker led those present in the Pledge of Allegiance to the Flag.

Chairman Bunker asked those present to remain standing for a moment of silence for the passing of former Selectman Arthur Perry, and former Town Manager John Edgerly, both also having been Town residents.

Chairman Bunker asked the Board to take Item 3 out of order.

### **ITEM 3: To Hold an Executive Session Pursuant to 1 M.R.S. § 405.6.A to Discuss a Personnel Matter**

**Andrew Hufnagel moved to take Item 3 out of order and go into Executive Session at 6:40 P.M.; Ryan Morgan seconded.**

<b>VOTE</b>	<b>AFFIRMATIVE</b>	<b>5</b>	<b>MOTION CARRIED</b>
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The Board came out of Executive Session at 7:10 P.M.

No action was taken.

The public portion of the Board of Selectmen's meeting resumed at 7:15 P.M. Chairman Bunker thanked those present for their patience.

**ITEM 13: To Discuss Other Business**

- A) Chairman Bunker recognized and congratulated Police Chief Jack Peck for having graduated recently from Husson College with his Bachelor's Degree in Criminal Justice. Those present gave Chief Peck a round of applause.
- B) Chairman Stephan Bunker recognized Farmington Fire Rescue Lieutenant Timothy D. Hardy on being hired as the Fire Chief for Livermore Falls. Chairman Bunker stated that Lt. Hardy will continue his position on the Farmington Fire Rescue Department as well.

**ITEM 2: To Hold a Hearing to Determine whether Structures Located at 430 Farmington Falls Road and 115 Hurst Lane are Dangerous or Nuisances within the Meaning of 17 M.R.S. §2851**

Chairman Stephan Bunker opened the Public Hearing under Item 2 at 7:17 P.M.

Code Enforcement Officer Steve Kaiser was present and reviewed the letter dated December 11, 2012 that he sent to Vivian Savage via certified mail with return receipt notification. Mr. Kaiser explained that Ms. Savage has acknowledged the violations, and reviewed the consent agreement that Ms. Savage has agreed to sign. Richard Davis clarified that the compliance date of March 31, 2013 in the original consent agreement was later changed to April 30, 2013 in order to allow time for the property owner to purchase the proper windows.

Chairman Stephan Bunker closed the Public Hearing under Item 2 at 7:19 P.M.

Mr. Kaiser asked the Board to accept the proposed consent agreement and further explained the Town's rights should compliance not be met. Ryan Morgan asked for and received from Mr. Kaiser, clarification of the heating aspect of the agreement.

**Dennis Pike moved to approve the consent agreement between Vivian Savage and the Town of Farmington, as well as the compliance date extension of April 30, 2013, and authorization for the Town Manager to sign said consent agreement; Jessica Berry seconded.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

Richard Davis signed the consent agreement.

**ITEM 4: To Consider a Request for an Abatement of Sewer use Charges  
(Jonathan Cummings)**

Sewer Clerk Mavis Gensel was present and reviewed her memo dated December 19, 2012, in which she explained the circumstances that led to Jonathan Cummings' request for an abatement of his sewer use charges, as well as her recommendation for the Board to approve said abatement. Jonathan Cummings was also present and explained that he has purchased a new water meter and the issue has been corrected. Mavis Gensel left the meeting at 7:26 P.M.

**Jessica Berry moved to approve an abatement to Jonathan Cummings of sewer use charges in the amount of \$1,345.97; Dennis Pike seconded.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

**ITEM 5: To Consider the Adoption of the Downtown Redevelopment Plan**

John Holden of Eaton Peabody Consulting Group was present, and at Stephan Bunker's request, reviewed the December 31, 2012 revised draft of the proposed Downtown Redevelopment Plan, as well as what he perceives the next phase to be. Resident Nancy Porter asked Mr. Holden for clarification of how approval of TIF funding is obtained. Andrew Hufnagel voiced his concerns with voting on this matter tonight and stated that he feels that another workshop should be held. Richard Davis explained his reasoning for placing this Item on the agenda, and stated that the Plan either needs to be adopted or scrapped completely in the near future, because there are no resources to continue forward unless there is some sort of amendment to the contract with Eaton Peabody. Stephan Bunker also explained his role in this agenda Item, as well as his desire to move this matter forward, but only at the comfort of all those involved. Downtown business owner Tammy Parsons expressed her concerns with the Plan being too big, demanding and costly, and asked the Board to table this matter and provide workshops for further discussion with businesses. West Farmington business owner Kevin Madore added his concerns with the focus of this Plan. Mr. Holden gave several recommendations in moving forward with this Plan. He also noted that Friday, January 11, 2013 is his last day with Eaton Peabody, but personally committed himself to helping with continuation of this process. Downtown business owner John Moore contributed his concerns with and recommendations for this Plan. He also presented a petition to the Board signed by seventeen other downtown business owners and him asking that two TIF districts be created (downtown Farmington and West Farmington), and that this matter be tabled for further discussion and rewriting of the Plan. Stephan Bunker spoke to Mr. Madore's opinion of West Farmington withdrawing from the Plan, and also the use of staff versus volunteers. Andrew Hufnagel pointed out that Mr. Holden has indicated that the Town may have two separate downtown Plans and there is research being compiled. It was his understanding that Mr. Madore's reference to withdrawing from the Plan was not to withdraw from the process, but to have a separate Plan for West Farmington. Mr. Hufnagel also stated that Jeff Hewett, who was involved with the Skowhegan Downtown Plan and TIF, has offered to help move Farmington's process along. Mr. Bunker noted

**ITEM 5: To Consider the Adoption of the Downtown Redevelopment Plan (Cont.)**

that downtown business owner Shaun Riggs apologized for being unable to attend tonight's meeting but sent a letter to the Board expressing his desire for this matter to be tabled for further discussion. Ryan Morgan generated a discussion regarding the misconception that all downtown businesses had knowledge of this Plan. Downtown Business Association members Janice Maxham and Alison Hagerstrom stated that the Plan has not formally been discussed, presented or accepted at a meeting but an email was sent to all businesses. Jessica Berry expressed her concern with how staffing would be paid. Dennis Pike stated that he thought that this had been an educational presentation and appreciated the input, but felt that further research was needed.

**Dennis Pike moved to table this matter and not take definitive action indefinitely in order to further discuss the Plan's support and funding; Andrew Hufnagel seconded.**

**Ryan Morgan moved to amend the motion to include authorization for the Town Manager to further research the Plan; Andrew Hufnagel seconded with the request that the Town Manager make arrangements for one more workshop.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

**ITEM 6: To Consider a Formal Policy for Compensating Employees acting as Interim Director/Department Head in the Temporary Absence of the Director/Department Head**

Stephan Bunker explained that the Town Manager has researched this consideration further and drafted a more definitive Policy. Town Manager Richard Davis reviewed the draft Policy and answered questions of the Board regarding the compensation time frame, and previous compensated absences. The Board discussed compensation after a 30- day absence. Mr. Davis agreed that greater than 30-days was reasonable, and also agreed to edit the Policy and bring it back to the Board at their next meeting.

**Dennis Pike moved to have the Town Manager amend the Policy to include the 30-day compensation timeframe; Jessica Berry seconded.**

Parks and Recreation Assistant Director Matthew Foster generated a discussion regarding whether the 30 days would be consecutive or accumulative. Budget Committee Chairman Joshua Bell, Fire Rescue Lt. Tim Hardy, Police Chief Jack Peck, and Public Works Director Denis Castonguay contributed to the discussion. The Board also discussed whether a Policy was really necessary versus dealing with absences on a case by case basis.

**Dennis Pike and Jessica Berry withdrew their motion and second.**

**ITEM 6: To Consider a Formal Policy for Compensating Employees acting as Interim Director/Department Head in the Temporary Absence of the Director/Department Head (Cont.)**

**Jessica Berry moved for the Board to deal with absences on a case by case basis; Dennis Pike seconded.**

Parks and Recreation Director Steve Shible explained why he had asked for consideration of a formal Compensation Policy.

<b>VOTE</b>	<b>AFFIRMATIVE</b>	<b>4</b>	<b>OPPOSED</b>	<b>1</b>	<b>MOTION CARRIED</b>
					<b>(Ryan Morgan)</b>

**ITEM 7: To Confirm the Employment of Erik Candage as a Farmington Police Officer**

Police Chief Jack Peck introduced Erik Candage and reviewed his background information. Chief Peck stated that if Mr. Candage's employment is confirmed his start date will be January 21, 2013. Mr. Candage thanked Chief Peck for giving him the opportunity to be a Police Officer in the Town of Farmington, and expressed his desire to make it his career.

**Dennis Pike moved to confirm the employment of Erik Candage as a Farmington Police Officer; Andrew Hufnagel seconded.**

<b>VOTE</b>	<b>AFFIRMATIVE</b>	<b>5</b>	<b>MOTION CARRIED</b>
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**ITEM 8: To Review the Following Proposed 2013 Departmental Budgets:**

Chairman Bunker thanked the department heads for their patience and asked each of them, in light of the late hour, to highlight or emphasize only major increases, decreases or changes in their budgets, rather than reviewing each line item.

**A) Treasurer / Clerk**

Treasurer Diana Young was present and reviewed the proposed 2013 Treasurer/Clerk budget in the amount of \$243,491, which is an increase over 2012 of \$803, or 0.33%. Ms. Young explained the decreases in the Retirement and Elections line items, and increases in the Salary, Wages, Periodicals and Office Equipment line items.

At Stephan Bunker's request, so that each department does not have to repeat the same increases in their Personnel Service line items, Richard Davis explained the increases in the Wage, Salary, Workers' Compensation and Health Insurance line items relative to each department.

**ITEM 8: To Review the Following Proposed 2013 Departmental Budgets: (Cont.)**

**B) Cemeteries**

Treasurer Diana Young reviewed the proposed 2013 Cemeteries budget in the amount of \$78,329, which is an increase over 2012 of \$11,840, or 17.81%. Ms. Young explained the increases in the Overtime, Tools & Equipment, General Repairs/Maintenance and Land/Property Improvement line items.

**Q) T.A.N.**

Treasurer Diana Young reviewed the proposed 2013 T.A.N. budget in the amount of \$3,300, which is an increase over 2012 of \$1,287. Ms. Young explained her calculations for determining the Town's anticipation for borrowing, and how this amount compares to past years.

**C) General Assistance**

Treasurer Diana Young reviewed the proposed 2013 General Assistance budget in the amount of \$25,000, which is an increase over 2012 of \$10,000, or 66.67%. Ms. Young, Richard Davis and Stephan Bunker explained the major factors for the increase in this budget. Diana Young left the meeting at 8:47 P.M.

**D) Assessing**

Assessor Mark Caldwell was present and reviewed the proposed 2013 Assessing budget in the amount of \$129,808, which is an increase over 2012 of \$2,848, or 2.24%. Mr. Caldwell explained the decreases in numerous line items, and the increases in the Contractual Services and Computer Equipment line items.

**E) Code Enforcement**

Code Enforcement Officer Steve Kaiser was present and reviewed the proposed 2013 Code Enforcement budget in the amount of \$154,371, which is a decrease from 2012 of \$4,466, or 2.98%. Mr. Kaiser explained the decreases in numerous line items, and the increases in the Postage, Legal/Advertising and Equipment line items.

**F) Police**

Chief Jack Peck was present and reviewed the proposed 2013 Police Department budget in the amount of \$1,180,128, which is an increase over 2012 of \$31,451, or 2.74%. Chief Peck explained the increases in the Travel/Education/Conference, Electricity, Water, Computer Reserve and Vehicles line items.

**G) Fire Rescue**

Chief Terry Bell was present and reviewed the proposed 2013 Fire Rescue Department budget in the amount of \$317,342, which is an increase over 2012 of \$9,580, or 3.11%. Chief Bell explained the increase in the Fuel and Computer Equipment line items.

**ITEM 8: To Review the Following Proposed 2013 Departmental Budgets: (Cont.)**

**H) Parks and Recreation**

Parks and Recreation Director Steve Shible was present and reviewed the proposed 2013 Parks and Recreation Department budget in the amount of \$165,095, which is an increase over 2012 of \$7,527, or 4.78%. Assistant Director Matthew Foster was also present to help answer any questions the Board might have. Mr. Shible explained the increases in the Fuel, Electricity and Land/ Property Improvements line items, and the decrease in the Equipment Repairs/ Maintenance line item.

**I) Community Center**

Director Steve Shible reviewed the proposed 2013 Community Center budget in the amount of \$110,632, which is an increase over 2012 of \$1,007, or 0.92%. Assistant Director Matthew Foster was also present to help answer any questions the Board might have. Mr. Shible explained the decreases in the Electricity and Heat line items, and the increase in the Land/ Property Improvement line item. Andrew Hufnagel suggested looking into fundraising events to help address those issues that cannot be budgeted this year.

**J) Public Works**

Public Works Director Denis Castonguay was present and reviewed the proposed 2013 Public Works budget in the amount of \$1,005,081, which is a decrease from 2012 of \$1,750, or -0.17%. Mr. Castonguay explained the increases in the Motor Fuel, Crack Seal, Trash Disposal and Sidewalks line items, and the decreases in the Road Maintenance, Sand/Salt, Utilities, Tire Replacement and Road Construction line items. He also explained how recent improvements to the boiler and lights contributed to savings in the Utility Services line items.

Richard Davis handed out and explained the 5-year road plan that had been developed for the Selectmen's consideration, and proposed several funding options for implementing the plan, as well as the possibility of including a separate Article on the Town Meeting Warrant. Mr. Davis also explained the Urban Rural Initiative Program (U.R.I.P.) and what the impact on the Town will be if this funding is reduced or lost. Public Works Director Denis Castonguay reviewed the research that assisted him in compiling the 5-year road plan, and answered questions of the Board regarding same.

**K) U.R.I.P.**

Public Works Director Denis Castonguay reviewed the proposed 2013 U.R.I.P. budget in the amount of \$173,000, which is the same amount as budgeted in 2012.

**L) Public Works Reserve**

Public Works Director Denis Castonguay reviewed the proposed 2013 Public Works Reserve budget in the amount of \$5,000, which is the same amount as budgeted in 2012.

**ITEM 8: To Review the Following Proposed 2013 Departmental Budgets: (Cont.)**

**M) Recycling**

Public Works Director Denis Castonguay reviewed the proposed 2013 Recycling budget in the amount of \$71,297, which is an increase over 2012 of \$833, or 1.187%. Mr. Castonguay explained the increase in the Heat line item, and at Andrew Hufnagel's request, explained how the Clothing Allowance and Safety Equipment funds are used.

Chairman Bunker asked that Item 8W be taken out of order as the Farmington Library budget was the only non-employee related budget left on the agenda and there was someone in attendance to present that budget.

**W) Contracts / Public Services**

Richard Morton, Treasurer and Trustee of the Farmington Public Library, was present and reviewed the proposed 2013 Farmington Library appropriation request in the amount of \$135,938, which is an increase over 2012 of \$3,523. Mr. Morton explained that the increase is due largely to Personnel Services.

Richard Davis reviewed the proposed 2013 Gay Cemetery appropriation request in the amount of \$900, which is the same amount as requested in 2012. He also pointed out that this Association has requested that it be incorporated into the Cemetery Department as a line item, which he is not recommending.

Richard Davis reviewed the proposed 2013 Franklin County Animal Shelter appropriation request in the amount of \$13,774, which is an increase over 2012 of \$194.

Richard Davis reviewed the proposed 2013 Sandy River Recycling Association appropriation request in the amount of \$14,816, which is an increase over 2012 of \$3,882. Mr. Davis explained the contributing factors to this significant increase.

**N) Administration**

Town Manager Richard Davis reviewed the proposed 2013 Administration budget in the amount of \$239,631, which is an increase over 2012 of \$3,997, or 1.70%. Mr. Davis explained the decreases in the Travel/Education/Conference, Books/Periodicals and Telephone line items, and the increases in the Dues and Other Services line items.

**O) Committees & Events**

Town Manager Richard Davis reviewed the proposed 2013 Committees & Events budget in the amount of \$6,800, which is an increase over 2013 of \$500, or 7.94%. Mr. Davis explained that the only increase was to the Memorial Day line item which more accurately reflects the cost of expenditures for Memorial Day decorations in the last several years.

**ITEM 8: To Review the Following Proposed 2013 Departmental Budgets: (Cont.)**

**P) Municipal Building**

Town Manager Richard Davis reviewed the proposed 2013 Municipal Building budget in the amount of \$85,475, which is a decrease from 2012 of \$45, or -0.05%. Mr. Davis explained the increases in the Building/Housekeeping Supplies & Materials, Building/Equipment Repair/Maintenance, Professional Service and Land & Property line items, and the decrease in the Electricity line item.

**R) Other Protections**

Town Manager Richard Davis reviewed the proposed 2013 Other Protections budget in the amount of \$445,449, which is a decrease from 2012 of \$2,551, or \$0.57%. Mr. Davis explained the decreases in the Insurances and Traffic Light Maintenance lines items, and the increase in the Ambulance Service line item. He also explained the reason for leaving the Street Lights line item at the same amount as 2012 even though the demand charge is lower, which is to upgrade the downtown's decorative street lights.

**S) Debt Service**

Town Manager Richard Davis reviewed the proposed 2013 Debt Service budget in the amount of \$162,453, which is an increase over 2012 of \$56,284, or \$53.01\$. Mr. Davis explained the increase in the Police Building Debt line item.

**T) Legal Reserve**

Town Manager Richard Davis reviewed the proposed 2013 Legal Reserve budget in the amount of \$15,000, which is a decrease from 2012 of \$3,000, or 16.67%. Mr. Davis explained the decrease in this line item.

**U) ADA Reserve**

Town Manager Richard Davis reviewed the proposed 2013 ADA Reserve budget in the amount of \$2,500, which is the same amount as was requested in 2012. Mr. Davis explained what this account is used for.

**V) Transportation Advisory Committee**

Town Manager Richard Davis explained why no funds are being requested for the 2013 Transportation Advisory Committee budget.

**X) Outside Agencies**

Town Manager Richard Davis reviewed the proposed 2013 Outside Agencies budget in the amount of \$12,250, which is an increase of \$750 over the 2012 requests, and increase of \$3,250, or \$36.11% over the 2012 appropriations. Mr. Davis explained the increase in the Safe Voices and Shiretown Riders Snowmobile Club line items. In answer to Ryan Morgan's question as to what the Town's in-kind contribution is to Safe Voices, Mr. Davis reviewed the process of sending letters of request for payment in lieu of taxes to tax exempt property owners each year. The names of those who contribute are listed in the Town Report annually. Mr. Morgan asked for a copy of the list of tax exempt property owners, which Mr. Davis said he will get from Assessor Mark Caldwell.

**ITEM 9: To Transfer \$3,493.27 from the Undesignated Fund Balance to Cover an Overdraft in the Debt Service Account, Pursuant to Article Twenty-Ninth of the March 19, 2012 Annual Town Meeting**

Richard Davis explained that there was a timing issue with the refinancing of the Town Garage Debt through the Maine Municipal Bond Bank, resulting in a redemption fee of approximately \$4,000, which consequently was not included in the 2012 budget process.

**Andrew Hufnagel moved to approve the transfer of \$3,493.27 from the Undesignated Fund Balance to cover an overdraft in the Debt Service account; Jessica Berry seconded.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

**ITEM 10: To Consider the Adoption of a Communications Policy for the Board of Selectmen**

Stephan Bunker handed out and reviewed a draft policy that he has been working on for numerous years which covers various communication circumstances between Town officials and employees, and asked the Selectmen to review it for input and discussion at a future meeting.

**ITEM 11: To Consider a Request to Include Funding for the Maine Public Broadcasting Network in the Proposed 2013 Budget**

Stephan Bunker referenced a letter from MPBN dated December 31, 2012. Andrew Hufnagel encouraged the Board to continue with the Board's past practice of not allowing any new organizations' appropriation requests on the Warrant.

**Andrew Hufnagel moved to deny the request of the Maine Public Broadcasting Network to be included for funding in the proposed 2013 budget; Ryan Morgan seconded.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

**ITEM 12: To Approve the Minutes of December 11, 2012**

**Jessica Berry moved to approve the minutes of December 11, 2012; Dennis Pike seconded.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

**ITEM 13: To Discuss Other Business (Cont.)**

- C) Stephan Bunker reviewed Town Clerk Leanne Pinkham's memo of January 4, 2013 regarding the availability of nomination papers for two Selectmen positions and two RSU #9 Director positions, and the due date of January 30, 2013 for the return of said papers .
- D) Resident and Budget Committee Chairman Joshua Bell generated a discussion regarding the Town employees' cost of living increase, as well as the funding of Outside Agencies. Richard Davis and Stephan Bunker explained the cost of living policy and the calculation formula used. Stephan Bunker explained the process that could be used to eliminate funding of Outside Agencies, which the Selectmen have not considered, as it would take the funding decision out of the hands of the townspeople.
- E) Resident and West Farmington business owner Kevin Madore generated a discussion regarding the Town Farm Road and its perceived poor winter maintenance. Mr. Davis asked Mr. Madore to provide him with a letter in writing detailing his specific complaint(s) so that he is aware of the specific problem(s) and can address it/them with the department head. Andrew Hufnagel expressed his frustration with Ryan Morgan and him referring Mr. Madore's complaints to the chain of command, but it continuing to be an ongoing problem. Ryan Morgan also expressed his frustration with referring downtown business owners' snow removal complaints to the chain of command with little results. This generated a discussion of snow removal in the downtown area.
- F) Dennis Pike recommended that in future years the departments be divided into two sessions for their budget presentations.

There being no further business to come before the Board, **Dennis Pike moved to adjourn at 10:23 P.M.; Andrew Hufnagel seconded.**

**VOTE                    AFFIRMATIVE        5                    MOTION CARRIED**

Minutes respectfully submitted by Lucinda J. Gelinas and Linda H. Grant.

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Dennis C. Pike, Secretary