

FARMINGTON BOARD OF SELECTMEN

Tuesday, April 27, 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.

Town Manager Richard Davis called the meeting to order at 6:30 P.M. with the following members present: Matthew Smith, Stephan Bunker, Michael Fogg, Scott Landry and Joshua Bell. Planning Assistant Lucinda Gelinis, Police Chief Kenneth Charles, Deputy Police Chief Shane Cote, Engineer Norman Chamberlain of Walsh Engineering, Avesta Housing Development Officer Greg Payne, resident Byron Davis, and Mt. Blue TV camera operator Tom Martin were also present. Members of the public and press participated remotely as authorized by PL 209, c.617.

Votes were taken by roll call.

ITEM 1: Pledge of Allegiance to the Flag

Town Manager Richard Davis led those present in the Pledge of Allegiance to the Flag.

ITEM 2: To Elect Officers for the Ensuing Year

Town Manager Richard Davis opened the floor for nominations for the position of Chairman of the Board of Selectmen for the ensuing year.

Joshua Bell nominated Matthew Smith for Chairman; Michael Fogg seconded.

Town Manager Richard Davis called for a vote for Matthew Smith as Chairman.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

Matthew Smith was unanimously elected Chairman. Town Manager Richard Davis turned the meeting over to Chairman Smith.

Chairman Smith opened the floor for nominations for the position of Vice Chairman of the Board of Selectmen for the ensuing year.

Chairman Smith nominated Stephan Bunker for Vice Chairman; Michael Fogg seconded.

Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Abstain, Michael Fogg: Yes, Joshua Bell: Yes, Scott Landry: Yes

ITEM 2: To Elect Officers for the Ensuing Year (continued)

**VOTE AFFIRMATIVE 4 ABSTAINED 1 MOTION CARRIED
(Stephan Bunker)**

Chairman Matthew Smith opened the floor for nominations for the position of Secretary of the Board of Selectmen for the ensuing year.

Scott Landry nominated Michael Fogg for secretary; Joshua Bell seconded.

Roll Call Vote – Matthew Smith: Yes, Stephan Bunker: Yes, Michael Fogg: Abstained, Joshua Bell: Yes, Scott Landry: Yes

**VOTE AFFIRMATIVE 4 ABSTAINED 1 MOTION CARRIED
(Michael Fogg)**

ITEM 3: To Conduct a Public Hearing to Review Amendments to the Following Ordinances:

- **Adult Use and Marijuana Ordinance**
- **Wellhead Protection Ordinance**

Zoning Ordinance Definitions:

- **Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility**
- **Chemical Dependency Treatment Facility**

Richard Davis reviewed the proposed modifications to the Adult Use and Marijuana Ordinance, new section 11-14.13 License/Permit Fee Payments. The modification requires the applicant(s) to sign a Promissory Agreement unconditionally promising to pay the Town their license/permit fee(s) upon approval of their application. In order to retain an active license/permit, the licensee/permittee, must pay to the Town their renewal license/permit fee(s) on or before their anniversary date. Failure by licensee/permittee to make payment when due will result in immediate suspension of their licenses/permits. If the amount due remains unpaid for thirty (30) days, licenses/permits will be revoked and subject licensees/permittees must immediately cease business operations under this Ordinance. Licensees/permittees that have had their licenses/permits revoked for non-payment cannot file a new Notification of Intent (NOI) to file a new application until they have paid all outstanding permit/license fees owed to the Town. In addition, such former licensees/permittees will go to the bottom of the NOI list, behind all previously filed NOIs waiting for marijuana business slots to become available.

Chairman Matthew Smith opened the Public Hearing under Item 3 at 6:32 P.M.

There were no public comments.

Chairman Matthew Smith closed the Public Hearing under Item 3 at 6:35 P.M.

ITEM 3: To Conduct a Public Hearing to Review Amendments to the Following Ordinances: (continued)

Scott Landry moved to approve the modification to the Adult Use and Medical Marijuana Ordinance, a new section entitled 11 - 14.13 License/Permit Fee Payments, and to place it on the Warrant for the next Special Town Meeting; Stephan Bunker seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

Richard Davis reviewed the proposed modifications to the Public Wellhead Protection Ordinance, Article III, Section 2. The proposed modifications would allow aboveground and underground propane storage and multi-unit/family housing on municipal sewer, in wellhead protection zones 1 and 2 with Planning Board approval, and parking lots in wellhead protection zone 1 with Planning Board approval.

Chairman Matthew Smith re-opened the Public Hearing under Item 3 at 6:36 P.M.

Engineer Norman Chamberlain of Walsh Engineering reviewed the site plan for a senior housing facility on Willow Springs Drive (across from Brookside Village Apartments). Greg Payne, Avesta Housing Development Officer, stated that they hope to create twenty five (25) units of affordable housing, specifically for households headed by those who are 62 years or older. Mr. Payne stated that they are in the process of securing financing. They plan to begin construction next March or April. Mr. Payne reported that households earning up to \$25,000 annually would pay up to 30% of their income for housing, and the federal government would pay the balance. Mr. Payne stated that Avesta is a non-profit housing organization based in Portland, Maine. They currently operate ninety (90) housing facilities throughout Maine and Southern New Hampshire. Their goal is to provide high quality, affordable housing where it is needed. Stephan Bunker asked Mr. Payne to explain the property taxes. Mr. Payne stated that Avesta would pay full property taxes. Mr. Fogg asked if there was an issue with the current Public Wellhead Protection Ordinance. Mr. Chamberlain stated that the current ordinance prohibits multi-unit family housing and parking lots at the proposed location/zone. The proposed modifications to the ordinance would allow the project to move forward with Planning Board Approval. A lengthy discussion ensued.

Chairman Matthew Smith closed the Public Hearing under Item 3 at 6:46 P.M.

Stephan Bunker moved to approve the modifications to the Public Wellhead Protection Ordinance, Article III, Section 2, and to place them on the Warrant for the next Special Town Meeting; Joshua Bell seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 3: To Conduct a Public Hearing to Review Amendments to the Following Ordinances: (continued)

Richard Davis reviewed the proposed modifications to the definitions of Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility in the Zoning Ordinance at §11-8.8. The proposed modifications are italicized: *A housing facility which is approved, authorized, certified or licensed by the State board or agency that regulates the purpose of the facility involved. Examples include, but are not limited to, Department of Health and Human Services (DHHS) licensed community living facilities, foster homes, intermediate care facilities, mentally handicapped facilities, adult daycare facilities and developmentally disabled facilities; and Maine Department of Corrections licensed halfway correctional facilities. Neither a license issued by the State Fire Marshal, State Health Inspection Program, State Electrical Inspector, Plumbing Boards, nor any other license that is not directly related to the purpose of the facility involved, constitutes sufficient approval.*

Chairman Matthew Smith re-opened the Public Hearing under Item 3 at 6:47 P.M.

There were no public comments.

Chairman Matthew Smith closed the Public Hearing under Item 3 at 6:49 P.M.

Scott Landry moved to approve the modifications to the Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility definition in the Zoning Ordinance at §11-8.8, and to place them on the Warrant for the next Special Town Meeting; Stephan Bunker seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

Richard Davis reviewed the proposed modifications to the Chemical Dependency Treatment Facility definition in the Zoning Ordinance at §11-88. The proposed modifications are italicized: *A facility licensed by the Maine Department of Health and Human Services Community Services Programs through the Office of Substance Abuse to treat individuals for drug and alcohol abuse. Treatment shall include, but not be limited to, psychological counseling and supervised medical detoxification programs utilizing substitute medications such as Suboxone, Methadone, Naltrexone, and Disulfiram.*

Chairman Matthew Smith re-opened the Public Hearing under Item 3 at 6:50 P.M.

To eliminate the need for future modifications, Matthew Smith asked that “*medications such as*” be revised to cover any medications that might be prescribed. Mr. Davis recommended the sentence read, “*including, but not limit to, Suboxone, Methadone, Naltrexone, and Disulfiram*”.

There were no further public comments.

Chairman Matthew Smith closed the Public Hearing under Item 3 at 6:54 P.M.

ITEM 3: To Conduct a Public Hearing to Review Amendments to the Following Ordinances: (continued)

Stephan Bunker moved to approve the modifications to the Chemical Dependency Treatment Facility definition in the Zoning Ordinance at §11-8.8, and to place them on the Warrant for the next Special Town Meeting; Scott Landry seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

The Ordinance modifications require a Town Meeting vote. Copies of the Ordinances with proposed additions and changes are available at the Municipal Building and will be available at the Community Center during the Special Town Meeting.

ITEM 4: To Approve an Expenditure of \$6,642 from the Police Computer Equipment Reserve Account to Purchase a Parking Enforcement System

Richard Davis provided a copy of a memo dated April 6, 2021 from Deputy Police Chief Shane Cote. Deputy Chief Cote stated that a citizen brought to the Police Department’s attention an issue with the physical chalking of tires to enforce timed parking. The issue has risen as a result of a Sixth District Court ruling that chalking tires violates the U.S. Constitution’s Fourth Amendment prohibition of illegal search and seizure. Deputy Chief Cote provided three quotes for parking enforcement solutions that do not require any physical contact with vehicles except to place a citation under the windshield wiper:

Vendor	Initial Cost	Annual Cost
Operations Commander	\$3,800	\$3,800
Duncan Parking Technologies	\$17,987*	\$1,680
United Public Safety	\$6,642	\$2,988

*Duncan Parking Technologies’ solution is much higher because it includes a handheld device as part of the package. Operations Commander and United Public Safety do not include handheld devices. The Town would need to provide them. Deputy Chief Cote recommended the Town purchase the United Public Safety solution using funds from the Police Computer Equipment Reserve Account.

A lengthy discussion ensued. Police Chief Ken Charles and Deputy Chief Cote answered the Selectmen’s questions.

Stephan Bunker moved to approve the expenditure of \$6,642 from the Police Computer Equipment Reserve Account to purchase a parking enforcement system; Scott Landry seconded.

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

**VOTE AFFIRMATIVE 3 OPPOSED 2 MOTION CARRIED
(Fogg, Bell)**

ITEM 5: To Award the bid for Street Striping and Crosswalk Painting

Richard Davis reported that Lucas Striping, LLC is the sole bidder again this year. While the bid is slightly over budget (by \$1,965.32), the price remains unchanged for three years. This provides stability in budgeting for the next two years. Mr. Davis recommended awarding the bid for a three-year contract to Lucas Striping, LLC at an annual cost of \$24,632.32.

Scott Landry moved to award the bid for street striping and crosswalk painting for a three-year contract to Lucas Striping, LLC at an annual cost of \$24,632.32; Joshua Bell seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 6: To Schedule a Special Town Meeting for May 25, 2021

Richard Davis stated that the purpose of the Special Town Meeting is to vote on the ordinance amendments reviewed at tonight’s meeting. The Warrant will be ready for the Selectmen to sign at their meeting on May 11th. The Special Town Meeting will be held downstairs at the Community Center.

Stephan Bunker moved to schedule a Special Town Meeting for May 25, 2021; Joshua Bell seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 7: To appoint Zoning Board Alternate Member Kyle Terrio to full Membership until June 30, 2021

Richard Davis reported that, with the resignation of Adrian Harris, there is a full membership opening on the Zoning Board. Mr. Terrio will be finishing Mr. Harris’ term, and he would be eligible for reappointment for a three year term.

Michael Fogg moved to appoint Zoning Board alternate member Kyle Terrio to full membership until June 30, 2021; Joshua Bell seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 8: To Approve a Cemetery lot Conveyance

Richard Davis reviewed the following Cemetery lot Conveyance: Cindy Silva for two (2) graves in Fairview Cemetery

Joshua Bell moved to approve the Cemetery lot Conveyance to Cindy Silva for two (2) graves in Fairview Cemetery; Stephan Bunker seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

The Selectmen signed the Cemetery lot Conveyance.

ITEM 9: To Approve the Minutes of April 13, 2021

Joshua Bell moved to approve the minutes of April 13, 2021; Stephan Bunker seconded.

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 10: To Discuss Other Business

- A. Richard Davis stated that 279 voters participated in the Secret Ballot Referendum that was held on Monday, April 26th. All of the articles passed, most with fairly large margins. Mr. Davis reported that he forwarded the Resolution regarding County funding to the Franklin County Commissioners. He is also forwarding the Resolution to Take Action on Climate Pollution to the President and the Congressional Delegation, the Governor, and the State Delegation. Mr. Davis stated that the Stinchfield Road is now discontinued. A Certificate of Discontinuance will be recorded in the Franklin County Registry of Deeds. Wayne Kinney was re-elected for a two-year term on the School Board. Gloria McGraw was elected to the School Board by a five vote margin over Brandon Reed.
- B. Stephan Bunker asked when the High Street project will start. Richard Davis stated that the bids are scheduled to be opened in late May and the project should start in June. Mr. Bunker inquired about activities at Walton's Mill Pond. Mr. Davis stated that the dam will be opened in the next week or two to draw down the impoundment. The purpose of drawing down the impoundment is to allow the vegetation to re-establish along the shoreline and enable the removal of any invasive plants. The actual removal of the dam may not happen until next year.

ITEM 10: To Discuss Other Business (continued)

- C.** Michael Fogg acknowledged that the Town’s first endeavor with a Secret Ballot Referendum went well, and he was impressed with the number of people who chose to participate. Mr. Fogg asked why the total votes on an Article didn’t tabulate to 279, if 279 people voted. Richard Davis explained that, if a voter chose not to vote on an Article, it would not count in the number of votes. Matthew Smith indicated that he received 213 votes. The remaining 66 voters may have elected not to vote for him, or they may have chosen to write in another name.
- D.** Joshua Bell asked why the sidewalk on Perham Street wasn’t completed all the way to the apartment buildings. Richard Davis stated that the short answer is money. Mr. Davis explained that the Town repaired the sections that were in the worst condition and the areas outside of the urban compact are the State’s responsibility. Mr. Bell generated a discussion on the road repairs. He would like to see Bailey Hill Road and Ramsdell Road moved up on the list of roads scheduled for repairs. Mr. Davis stated that he believes Bailey Hill Road is on the schedule for repair after the High Street project is completed. Mr. Davis indicated that as Town Manager he has adhered to a “pay as you go” philosophy verses bonding large sums and paying a debt service for twenty years.
- E.** Scott Landry asked when the streets would be striped. Richard Davis stated that he believed the striping would be completed by the end of June.

There being no further business to come before the Board, **Stephan Bunker moved to adjourn at 7:45 P.M.; Joshua Bell seconded.**

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

VOTE AFFIRMATIVE 5 MOTION CARRIED

Minutes respectfully submitted by Nancy L. Martin.

Michael J. Fogg - Secretary