

FARMINGTON BOARD OF SELECTMEN

Tuesday, October 12, 2021

The conduct of the meeting will include remote access by telephonic, video, and electronic means. The public may attend in person or 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 778-6538

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. Town Manager Christian Waller participated remotely as authorized by PL 2019, c.617. Executive Assistant Nancy Martin, Code Enforcement Officer Steve Kaiser, Board of Appeals and Board of Assessment Review Member Dennis O'Neal, Mt. Blue TV camera operator Tom Martin, and members of the press and public were also in attendance. Members of the press and public participated remotely.

ITEM 1: Pledge of Allegiance to the Flag

ITEM 2: Appoint Christian Waller, Town Manager of Farmington, to the Executive Committee of AVCOG (Androscoggin Valley Council of Governments) effective immediately

Stephan Bunker moved to appoint Christian Waller, Town Manager of Farmington, to the Executive Committee of AVCOG (Androscoggin Valley Council of Governments) effective immediately; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

ITEM 3: To Approve an Application for a Taxicab Business License for Tommie Joseph Plourde

The Selectmen reviewed the application. The owner/operator of Tom's Taxi, Tommie Plourde, was present and answered the Selectmen's questions. Mr. Plourde stated that the hours of operation would be based on consumer needs, and Tom's Taxi may be reached by calling 207.436.9467.

Michael Fogg moved to approve the application for a Taxicab Business License for Tommie Joseph Plourde; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

ITEM 4: To Consider the Applications of John B. Clark and Alexandra Makris as Associate Members on the Conservation Commission

The Selectmen reviewed the applications. John "Jack" Clark is a surveying tech and has a Bachelor of Science in Forestry. Mr. Clark served in the Peace Corps in Paraguay, where he taught conservation and agroforestry. Alexandra Makris earned a Bachelor of Science in Environmental Studies, built trails, and performed conservation work for the California Conservation Corps. Ms. Makris also served in the Peace Corps in Paraguay in the environmental conservation sector. Christian Waller stated that he is glad there is continued civic interest in the Conservation Commission. Mr. Landry said both applicants are well qualified. Matthew Smith expressed that he appreciates it when people step forward and volunteer their time, and it is greatly needed; it is part of what makes this Town what it is.

ITEM 4: To Consider the Applications of John B. Clark and Alexandra Makris as Associate Members on the Conservation Commission (continued)

Scott Landry moved to appoint John B. Clark and Alexandra Makris as Associate members on the Conservation Commission; Michael Fogg seconded.

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

ITEM 5: To discuss proposed changes to the Town Marijuana Ordinance put forth by Ryan Morgan

Code Enforcement Officer Steve Kaiser stated that Ryan Morgan is interested in opening a marijuana store in the Downtown District. However, all available slots have been filled. Mr. Kaiser explained that Mr. Morgan would need to appeal to the zoning board to change the zoning ordinance and then present the appeal to the Board of Selectmen for a warrant article to change the Town's marijuana ordinance. Mr. Kaiser reported that he explained the process to Mr. Morgan, and he understands that the first step towards increasing the number of stores in the Downtown District is to present an application to the Zoning Board. Mr. Kaiser expressed that the big questions are, do we want to consider adding any marijuana stores to the downtown area, and do we want to add to the current numbers of various marijuana businesses? He reported that the Town currently has two letters of intent for manufacturing facilities and one for a grow facility. Mr. Morgan requested that the Town open the number of storefronts up to the Public and let them decide; it is only fair. He said that all he is asking is for a chance for the free market to work. Michael Fogg asserted that the Town spent a year or more developing an ordinance that best fit the Town's needs, and the Town voted and approved the ordinance. Mr. Fogg said that if the Town's people say they want to change the ordinance and allow more storefronts, who is he to argue with that. But he supports the ordinance as it is written; he respects the work that Mr. Kaiser put into the current ordinance. Mr. Morgan stated that he would contact his attorney, and he opted to leave the meeting at this point. Dennis O'Neal asked if other sections of the ordinance needed to be adjusted? Mr. Kaiser indicated that when someone asks for a change, it is his job to make the process available. He does not want to deprive any citizen who comes in; he wants them armed with the tools necessary to pursue their idea. Stephan Bunker stated that had he had an opportunity to speak when Ryan was here, he would have said that he sensed his frustration over the process. However, there are specific steps that must be adhered to and certain approval points to go through. The process that we use here judiciously is not just a vote for us up or down. There are zoning issues to overcome. The greater issue we've got to deliberate on is what starting point do we feel confident to put in a warrant article? Yay or nay? If nay, it becomes a petition issue, and he will need to gain signatures, and then it goes before a Town Meeting for an up or down vote. Mr. Bunker indicated that he wished Mr. Morgan had stayed because he wanted him to understand that the Selectmen are not trying to be obstructionist; certain steps must be adhered to. Matthew Smith reiterated that the Selectmen do not have to agree with what is presented to them. If an item meets certain criteria, they will still submit it to the Public regardless of their opinion. Mr. Smith encouraged Mr. Morgan to continue with the process; that is what it is here for; the process works.

ITEM 6: Robin Hutchinson to address the Board regarding a Morrison Hill Road incident on August 26, 2021

Christian Waller provided a brief review of the Maine Tort Claims Act, which limits the liability of a municipality. Specifically, the Highway Defect Act (the Pothole Law) states, "a municipality is liable for personal injury in the amount of up to \$6,000 (\$25,000 for death) caused by a defect in the highway of which municipal officer (selectmen or councilors), road commissioner or their authorized representatives had 24 hours' actual notice." Mr. Hutchinson filed a claim with the Town's insurance company, and the claim was denied. The claim was also reviewed by the Town's attorney, and it does not meet the criteria for liability on the Town's part. To meet the requirements for liability, the Town would

ITEM 6: Robin Hutchinson to address the Board regarding a Morrison Hill Road incident on August 26, 2021 (continued)

have needed to be notified of the defect twenty-four hours in advance of the incident. Mr. Hutchins was present and reported that he popped his tire, bent the rim on his 2012 Toyota Camry, and jolted his vehicle out of alignment when his tire hit the edge of the pavement on Morrison Hill Road. He requested that the Town pay \$649.37 for the damages as mentioned above. Mr. Hutchinson disputed the Public Works Department work order which indicated the washout area was approximately two to three inches deep; Mr. Hutchinson stated the washout was deeper than three inches. Mr. Hutchinson provided several photographs of the washed-out area, and he brought the tire and rim for the Selectmen to view. Scott Landry asked why Mr. Hutchinson went off the side of the road. Mr. Hutchinson explained that a car came around the corner and forced him to hug the edge of the road. Stephan Bunker stated that he is sympathetic to Mr. Hutchinson's plight because he too experienced a similar situation in a neighboring town and he too had to pay for damages to a tire and rim. Mr. Bunker called the Town in question, and by state statute, they were required to get right out there and repair the road, which they did. Mr. Bunker explained that the problem is with the number of miles of roads towns must maintain. They cannot possibly correct all the issues the minute that they happen. Weather and traffic will cause wear and tear, and problems need to be reported to be corrected. Mr. Hutchinson stated that Farmington Public Works Department did respond to his complaint right away, and they did a good job repairing the washed-out area. Mr. Waller stated that the Town certainly appreciates Mr. Hutchinson reporting the issue as soon as

it happened so it could be corrected quickly. Matthew Smith said that after reviewing the laws, he does not believe the Town is liable for the damages. Mr. Hutchinson stated that he would like to see the laws that show the Town is not responsible for the breakdown lane on the road. Scott Landry provided Mr. Hutchinson with a copy of the Maine Tort Claims Act. Mr. Waller reiterated that the issue at hand is that the Town has twenty-four hours after the original notification to correct any road defects. Mr. Hutchinson indicated that he would pursue legal action against the Town. Mr. Smith stated that it was his right to do so. Mr. Hutchinson apologized to the Selectmen, saying he was disappointed and did not mean to get so riled up.

Michael Fogg moved to deny Mr. Hutchinson's request for compensation of \$649.37 for damage to his vehicle; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

ITEM 7: To Approve Four (4) Municipal Quitclaim Deeds

The Selectmen reviewed four (4) Municipal Quitclaim Deeds with Covenants for releasing any interest the Town might have on account of undischarged liens on the following properties: Sharmila Das-Wattley, 199 Temple Road; Rebecca Ann Fournier, 588 Lucy Knowles Road/Lot R03-032; Kenneth W Imlay, Jr., 168 Sandy River Terrace/Map/Lot R14-048-009; John Metcalf, Jr., Fairbanks Road Map/Lot R14-050-B.

Stephan Bunker moved to approve four (4) Municipal Quitclaim Deeds with Covenants for releasing any interest the Town might have on account of undischarged liens on the following properties: Sharmila Das-Wattley, 199 Temple Road; Rebecca Ann Fournier, 588 Lucy Knowles Road/Lot R03-032; Kenneth W Imlay, Jr., 168 Sandy River Terrace/Map/Lot R14-048-009; John Metcalf, Jr., Fairbanks Road Map/Lot R14-050-B; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

The Selectmen signed the four (4) Municipal Quitclaim Deeds.

ITEM 8: To Approve Four (4) Cemetery lot Conveyances

The Selectmen reviewed four (4) Cemetery lot Conveyances: Peter Bean and Debra Daggett, four (4) graves in Fairview Cemetery; Larry Donald and Patty Donald, one (1) grave in Fairview Cemetery; Brian L. Taylor and Carol G. Taylor, two (2) graves in Fairview Cemetery; and Allison Walker, four (4) graves in Fairview Cemetery.

Stephan Bunker moved to approve the Cemetery lot Conveyances as noted above; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

ITEM 9: To Accept a Letter of Retirement from Fire Rescue Chief Terry Bell to Retire on November 30, 2021

Christian Waller provided a copy of Chief Bell's retirement letter. The Selectmen expressed their gratitude for Chief Bell, and they look forward to his continued service to the Fire-Rescue Department in other positions.

Stephan Bunker moved to accept a letter of retirement from Fire Rescue Chief Terry Bell to retire on November 30, 2021; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

ITEM 10: To Approve the Minutes of September 28, 2021

Scott Landry moved to approve the Minutes of September 28, 2021; Stephan Bunker seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bell)

ITEM 11: To Discuss Other Business

- A) Christian Waller thanked the Board for the respectful manner they afforded the individuals on tonight's agenda.
- B) Matthew Smith read an invitation from the Sustainable Campus Coalition inviting the Selectmen to join them in celebrating their 20th Birthday on October 29 from 11:45 A.M. to 1:00 P.M. Scott Landry and Michael Fogg stated that they would attend the celebration.
- C) Matthew Smith read an invitation from High Peaks Alliance and the University of Maine at Farmington inviting the Public to a ribbon-cutting ceremony on Friday, October 15, celebrating the opening of the fully accessible trail within the Prescott Field Trail System. The event will start at 4:00 P.M. at the trailhead off Front Street in Farmington, adjacent to the Big Sky Grille and Better Living Center. Stephan Bunker, Matthew Smith, and Scott Landry stated that they would attend the event. Mr. Bunker said that he had traversed the trail several times, and it is excellent.

ITEM 11: To Discuss Other Business (continued)

- D) Scott Landry thanked Christian Waller for his rapid response regarding their road trip over Savage Road, Mosher Hill Road, and Weeks Mills Road. The potholes have been filled.

- E) Scott Landry followed up on the September 28 Board of Selectmen's discussion regarding a letter of support to increase the number of Franklin County Commissioners from three (3) to five (5). Last week Senator Black and Scott Landry met with Rangely, Eustis, and Stratton Selectmen and received great support from them. Last night they were in Carrabassett Valley and received their support. Tonight, Senator Black and Representative Lyman will meet with Jay Selectmen. Mr. Landry stated that they would like a letter of support from the Town of Farmington. Matthew Smith noted that the Selectmen had had some time to digest the information and discuss it at the October 26 meeting. Christian Waller requested a copy of detailed maps delineating where the districts are. Mr. Landry stated that he would attempt to get copies of the maps for Mr. Waller and the Selectmen.

There being no further business to come before the Board, **Stephan Bunker moved to adjourn at 7:34 P.M.; Scott Landry seconded.**

VOTE	AFFIRMATIVE 4	ABSENT 1	MOTION CARRIED
		(Bell)	

Minutes respectfully submitted by Nancy L. Martin.

Michael J. Fogg - Secretary