

FARMINGTON BOARD OF SELECTMEN
Tuesday, December 28, 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 live stream 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, Joshua Bell, and Scott Landry. Town Manager Christian Waller participated remotely as authorized by PL 209, c.617. Code Enforcement Officer Steve Kaiser, Police Chief Ken Charles, Town Secretary Nancy Martin, Appeals and Board of Assessment Review Member Dennis O'Neil, Big Mike's Icky Sticky Owner Michael MacNeil, Blue Sky Labs Owners Chad Crandall and Levi Daku, Mt. Blue TV camera operator Tom Martin, and members of the press and public were also present. Members of the media and public participated remotely.

ITEM 1: Pledge of Allegiance to the Flag

ITEM 2: To allow Planning Board Member Michael MacNeil to address the Board regarding a proposed Warrant Article for Marijuana Ordinance Revision: Added Slots.

Big Mike's Icky Sticky Cultivator/Owner Michael MacNeil requested the following warrant article amendments:

XXXXXX – Shall the following modifications (deletions in strike out, additions in underlined, italicized, and bold) to the section entitled *11-14.8 Permit/License Required* in the current Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance be adopted:

Pursuant to 28-B M.R.S. §402, the Town has placed the following permit/license limits for the following: four (4) categories of Adult Use and Medical Marijuana businesses: Stores – ~~seven (7)~~ twelve (12) total, ~~four (4) Adult Use and three (3) Medical~~; Cultivation Facilities - ~~seven (7)~~ nine (9) total; Manufacturing Facilities - ~~five (5)~~ eight (8) total; and Testing Facilities - two (2) total.

The warrant article, if approved by the Selectmen, would read:

XXXXXX – Shall the following modifications to the section entitled 11-14.8 Permit/License Required in the current Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance be adopted:

Pursuant to 28-B M.R.S. §402, the Town has placed the following permit/license limits for the following: four (4) categories of Adult Use and Medical Marijuana businesses: Stores – eleven (11) total; Cultivation Facilities - nine (9) total; Manufacturing Facilities - eight (8) total; and Testing Facilities - two (2) total.

Mr. MacNeil stated that currently, he is the only active license; many slots are sitting empty. He would like to see the marijuana market expand and asked that the Board approve the above warrant and allow the people to vote and decide. He stated that some permit/license holders are not moving forward with the licensing process. Joshua Bell asked about zoning if the number of

ITEM 2: To allow Planning Board Member Michael MacNeil to address the Board regarding a proposed Warrant Article for Marijuana Ordinance Revision: Added Slots. (continued)

licenses were increased; who would use them? What is to prevent current license holders from snapping up the new permits? He would like to see the ordinance changed to include a time limit on how long a license could be held and not activated. Steve Kaiser said there is a lag between when the Town of Farmington issues a license and when the Office of Marijuana Policy (OMP) activates the license. (*The process of becoming licensed in the State of Maine's adult-use marijuana program takes three steps: 1.) Conditional Licensure, 2.) Local Authorization, and 3.) Active Licensure*). Mr. Kaiser's goal is to everyone with local authorization approved by OMP. He added that the downtown area is protected. No other stores will be approved in the downtown area. Matthew Smith stated that with time, the Town would allow more stores. He is not opposed to changing the ordinance; however, he would like to review the current Ordinance before making changes. In response to Scott Landry, Mr. Kaiser stated that ten (10) people were on the waitlist. Stephan Bunker said that he appreciates the time and effort Mr. MacNeil put into drafting the proposed warrant article. He stated that the concerns are not coming from the residents or local consumers. Michael Fogg said that much fact-gathering into the current ordinance. Many residents wanted to control the number of stores, and after much give and take, the Town arrived at seven stores. It was not unanimous, some wanted more stores, and others wanted fewer stores, but the ordinance passed. Mr. Fogg stated that he is not convinced that the number of stores should be increased to twelve. Mr. Kaiser reported that he spoke with the OMP and is getting the licensing process in sync with the State. There is a lot of bureaucracy; people are not sitting on the application process. Mr. Smith stated that permittees should not be penalized for the State's delays. Mr. Kaiser reported that currently, there are no adult-use stores in Farmington, only medical. Mr. Bunker reiterated that he appreciates the effort Mr. MacNeil put into the above-proposed warrant; he would like to take time to consider the ordinance and clean up the verbiage. Mr. Landry requested Mr. Kaiser provide the status of those in limbo. The Selectmen thanked Mr. MacNeil for meeting with the Board.

No motion was made.

ITEM 3: To allow Blue Sky Labs Owner Chad Crandall to address the Board regarding a proposed Warrant Article for Marijuana Ordinance Revision: Setback Zones.

Blue Sky Labs Owner Chad Crandall requested the following warrant article amendments:

XXXXXX – Shall the following addition (in underlined, italicized, bold) to the section entitled 11-14.10.A.3 Standards For Permit/License in the current Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance be adopted:

“A property containing a building housing one or more Adult Use or Medical Marijuana business(es) may not be located within one thousand (1,000) feet of another property containing a building housing one or more Adult Use or Medical Marijuana business(es), ***unless such properties are located in the General Purpose District and are owned or controlled by the same person or entity or an affiliate of such entity that holds right, title, or interest in each property, by way of a deed, lease, sublease, purchase and sale agreement, or similar, in which case there shall be no separation by distance between same required.***”

**ITEM 5: To discuss business management proposal from Berry, Talbot, and Royer.
(continued)**

questions. The first was, how soon could BTR start, and how do they feel about tracking employee accrual time? Mr. Waller responded that BTR could begin quickly once a contract was in place, and they could easily integrate their processes with those of Bangor Savings. Mr. Landry asked if BTR required a long-term contract. Mr. Waller stated that the term would be for three years. However, there is a withdrawal clause. When asked if he had spoken with any other municipalities who use BTR, Mr. Waller reported that he spoke with one of the Oxford County Commissioners (OCC) who could not say enough positive aspects of BTR who had helped the county straighten out a very confusing situation. Nancy Martin spoke with the Oxford County's treasurer, who had a remarkably high opinion of BTR. After speaking with the firm's representative, Marc Royer, Mr. Waller stated that it was clear that they understand the needs of the municipality and are willing to work hard and learn any items that arise during the process; the town of Greenville utilized BTR, and Mr. Waller stated that he would reach out to them and inquire about their experience. Stephan Bunker asked for clarification, and he said that he thought the town initially reached out to BTR as an interim solution as we transition to a new treasurer. Does the BTR's proposal negate hiring for the treasurer's position? Or are we still going to hire a treasurer in addition to having BTR's services on board for the next three years? Mr. Waller stated that BTR would immediately examine the processes and implement a seamless transition if this was to proceed. To put things into perspective, Mr. Waller said that the Town received one application for the Treasurer's position, and the individual was not qualified. Joshua Bell asked if a three-year contract was required or a one-year option? Mr. Waller confirmed the Town would enter a three-year contract. Mr. Bell agreed that BTR offers a lot of services, and they could also review what we currently do and provide ways to improve upon efficiencies. However, he is concerned that there would not be someone in the Town Office to interact directly with the citizens. Mr. Waller stated that should the Town move forward with BTR, part of the process would be to rework the existing duties of current staff. We have a qualified person in the Town Office who has been with the Town for thirty years, who help citizens with inquiries. Mr. Bell requested, and Mr. Waller agreed to schedule a question and answer session with Marc Roy. Mr. Bunker asked that copies of the proposed BTR financial services contract be forwarded to the selectmen before the meet and greet.

Stephan Bunker moved to authorize the Town Manager to enter into a contractual agreement with Berry, Talbot, and Royer for municipal finance services; Scott Landry seconded.

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

ITEM 6: To Approve the Minutes of December 14, 2021

Scott Landry moved to approve the minutes of December 14, 2021; Joshua Bell seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 7: To Discuss Other Business

A) Christian Waller announced that Matthew Billian accepted the position of Animal Control Officer. Mr. Waller stated that he is confident that Mr. Billian will be fantastic in his new role and significantly improve ACO services. Mr. Waller welcomed Mr. Billian.

ITEM 7: To Discuss Other Business (continued)

B) Christian Waller read a memo dated December 23, 2021, from Parks and Recreation Director Matthew Foster. Mr. Foster requested that \$4,200 in unspent funds from the Hippach Field Fence Fundraiser Account be moved into the Hippach Field Reserve Account #30-09-99-99 and authorization for the funds to be used for baseball field improvements or maintenance in 2022. And asked \$1,500 from the Community Center line-item #45-20-30-50 be moved into the Community Center Building Reserve Account.

Scott Landry moved to approve Matthew Foster's request to transfer \$4,200 of unspent funds from the Hippach Field Fence Fundraiser Account into the Hippach Field Reserve Account #30-09-99-99 and authorize the funds to be used for baseball field improvements or maintenance in 2022. And to transfer \$1,500 from the Community Center line-item #45-20-30-50 into the Community Center Building Reserve Account, Michael Fogg seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 8: To hold an executive session pursuant to 1 M.R.S. § 405.6.A to discuss personnel Matters.

Joshua Bell moved to go into Executive Session at 7:55 P.M.; Scott Landry seconded.

The Selectmen came out of Executive Session at 9:35 P.M.

ITEM 9: Resume regular Board meeting, vote, if needed, on matters discussed in Item 8.

Stephan Bunker moved to authorize the Town Manager and the Police Chief to immediately execute the means to address the retention of experienced police officers and maintain critical law enforcement services. Such funds come from existing unexpended FY 2021 personnel funds. This is to provide recognition of their devotion to a most difficult and dangerous job, Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Scott Landry moved to authorize the Town Manager and the Police Chief to immediately implement an FY 2022 budgetary plan to improve long-term recruitment and retention within the Police Department and publish revised pay scale; Matthew Smith seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

There being no further business to come before the Board, **Scott Landry moved to adjourn at 9:43 P.M.; Josh Bell seconded.**

VOTE AFFIRMATIVE 5 MOTION CARRIED

Minutes respectfully submitted by Nancy L. Martin.

Michael J. Fogg - Secretary