

FARMINGTON BOARD OF SELECTMEN

Tuesday, February 8, 2022

6:30 P.M.

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/> or by 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, Joshua Bell, and Scott Landry. Town Manager Christian Waller, Executive Assistant Nancy Martin, Code Enforcement Officer Steve Kaiser, Narrow Gauge Cultivation/Manufacturing Facility Owner Heather Chaney, Blue Sky Lab LLC Co-Owner/Manager Jacob Daku, Zoning Board Chairperson Paul Mills, WMCA Director of Family and Health Services Kobi Perry, WMCA Program (Manager Energy & Housing Resources) William Crandall, and 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 hold a Public Hearing to review the following:

- **Floodplain Management Ordinance**

Code Enforcement Officer Steve Kaiser provided copies of the proposed amendments to the Floodplain Management Ordinance: Shall Chapter 11, Land Use, Article 2 – Town of Farmington Floodplain Management Ordinance, the current version adopted on March 13, 2006, be amended to incorporate revisions in the State model Floodplain Management Ordinance. Copies are available in advance of the Town Meeting at the Municipal Building and the Community Center during Town Meeting.

Chairman Matthew Smith opened the Public Hearing for the Floodplain Management Ordinance at 6:30 P.M.

Steve Kaiser reviewed the proposed amendments to the Town of Farmington Floodplain Management Ordinance. Resident Bill Crandall asked if digital maps of the floodplains were available to the public and if they were time-stamped, or do they constantly change. Mr. Kaiser responded that yes, the Town's flood maps date back to 1995, however, they are very good because they are modeled on the April's Fools Day flood. The maps are available online. The floodplains are superimposed on assessing maps. The Code Enforcement Office also has a floodplain study book that allows them to accurately hone into where flood zones end on individual properties.

Chairman Matthew Smith closed the Public Hearing for the Floodplain Management Ordinance at 6:34 P.M.

Scott Landry moved to approve the amendments to the Town of Farmington Floodplain Management Ordinance; Michael Fogg seconded.

VOTE

AFFIRMATIVE

5

MOTION CARRIED

- ITEM 3: To hold a Public Hearing to review the following:**
- **Zoning Ordinance to include the addition of a Definition, Table of Uses line item, and Performance Standard for “Homeless Shelter.”**

Steve Kaiser provided copies of the proposed amendments to Zoning Ordinance to include the addition of a Definition, Table of Uses line item, and Performance Standard for “Homeless Shelter.” Copies of the Definition, Table of Uses, and Performance Standard for “Homeless Shelter” are available in advance of the Town Meeting at the Municipal Building and the Community Center during the Town Meeting.

Chairman Matthew Smith opened the Public Hearing for the Zoning Ordinance at 6:35 P.M.

Zoning Board Chairman Paul Mills reviewed the proposed amendments to the Zoning Ordinance. Mr. Mills reported that the Zoning Board has worked on the homeless shelter for the past two and a half years. The current ordinances do not allow for a homeless shelter anywhere in town. Saint Joseph’s Parish Father Paul attended a Zoning Board meeting and expressed the desire and need for a homeless shelter. WMCA Director of Family and Health Services Kobi Perry stated WMCA is currently working with 64 individuals experiencing homelessness and that number is rising weekly. A majority of these community members lived in Farmington before experiencing homelessness. If the town caps the total shelter beds at 32, what is the plan for the rest of the folks? If they can’t find shelter, they will be sleeping in open spaces, loitering in parks, and very vulnerable to harsh weather conditions. When Emergency Rental Assistance (ERA) ends (each household is eligible for 18 months), the funds are depleted, and/or the program ends in 2025, the people in temporary housing paid for by ERA will be unhoused. Regarding Farmington’s “Homeless Shelter Performance Standards” that regulate shelters, Ms. Perry expressed the following concerns:

- **Item 4.a.** If the shelter that is in process of opening has 6-12 beds that are only available to a specific population, is it reasonable to have a cap of 32 beds in the Shire of Farmington? What burden will this place on the General Assistance program? Where will the other residents sleep? Who will support these people to access resources and apply for affordable housing?
- **Item 4.j.** This is unclear. How would a Shelter Provider know where unhoused clients are sleeping? If there are only 32 beds, there will be community members sleeping in vehicles/outside. Could this wording be changed to specify that there can be no one on shelter property sleeping in vehicles/outside?
- **Item 4.k.** A low barrier shelter is the best practice and allows for the most vulnerable community members to receive the most intensive services. Having required policies around showering, bedtime, and fragrances adds to the barriers our community members will face. Could we change these three items to state a policy around cleanliness, a policy around quiet hours, and have the fragrance policy be optional?
- **6.** Permits Required: DHHS only provides licensing for shelters that serve homeless youth. Maine Housing does not provide licenses/certifications of shelters. Recommend changing this language to match what is required by those entities.

WMCA Program Manager Bill Crandall stated the current ERA program is supported with COVID-19 funds, it is short-term funding. He stated there is only a short window to get a shelter up in running before the ERA funding dries up.

Chairman Matthew Smith closed the Public Hearing for the Zoning Ordinance at 6:47 P.M.

Michael Fogg stated the Town has been aware for some time there is a need. Does the current ordinance hinder assistance? Mr. Mills reported that the Planning Board determined and voted that Homeless Shelters are not allowed under the current ordinance. Joshua Bell asked where the guidelines came from, Mr. Mills answered that they came from other people’s experiences. Mr. Mills, Ms. Perry, and Mr. Crandall answered the Selectboard’s questions regarding the homeless

issue. A consensus was reached that this is an issue for the Zoning Board to discuss with various

ITEM 3: To hold a Public Hearing to review the following:

- **Zoning Ordinance to include the addition of a Definition, Table of Uses line item, and Performance Standard for “Homeless Shelter.” (continued)**

interested groups before the Board votes on an amendment. Stephan Bunker thanked the Zoning Board for their work on the proposed Homeless Shelter Ordinance amendment document, it has great content in it. Mr. Bunker offered to sit in on interested party’s meetings to listen and learn.

Stephan Bunker moved to table the amendments to the Town of Farmington Floodplain Management Ordinance; Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 4: To hold a Public Hearing for the following application for a marijuana business permit/license:

- **Heather Chaney 21-MJ-05**
374 High Street/U09-002-A
Conversion from Adult Use Cultivation & Manufacturing to Medical Cultivation and Manufacturing

Steve Kaiser provided copies of the application for marijuana business permit/license: Heather Chaney 21-MJ-05, 374 High Street/U09-002-A. Ms. Chaney would like to convert from Adult Use Cultivation and Manufacturing to Medical Cultivation and Manufacturing. Mr. Kaiser reported that the revised application was vetted and approved by the Planning Board.

Chairman Matthew Smith opened the Public Hearing for Heather Chaney 21-MJ-05 at 6:57 P.M.

Narrow Gauge Cultivation/Manufacturing Facility Owner Heather Chaney was present and answered the Selectmen’s questions.

Chairman Matthew Smith closed the Public Hearing for Heather Chaney 21-MJ-05 at 6:57 P.M.

Stephan Bunker moved to approve the application for a Medical Cultivation and Manufacturing business permit/license for Heather Chaney 21-MJ-05, 374 High Street/U09-002-A.; Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 5: To hold a Public Hearing for the following application for a marijuana business permit/license:

- **Charles Crandall 21-MJ-06**
104 Fairbanks Road/U19-016-A
Transfer of License

Steve Kaiser provided copies of the application for marijuana business permit/license: Charles Crandall 21-MJ-06, 104 Fairbanks Road/U19-016-A. Mr. Crandall owner/operator of Blue Sky Lab, LLC/Kender Farms Inc. and his partner Jacob Daku are in the process of purchasing Greengrow, LLC from Michael McInnis, who will remain as manager of the marijuana business. Mr. Crandall and Jacob Daku are also purchasing the property from Dave Horn. Mr. Kaiser reported that the revised application was vetted and approved by the Planning Board.

Chairman Matthew Smith opened the Public Hearing for Charles Crandall 21-MJ-06 at 6:59 P.M.

ITEM 5: To hold a Public Hearing for the following application for a marijuana business permit/license: (continued)

Co-Owner/Manager Charles (Chad) Crandall was unable to attend due to the recent birth of his son. Co-Owner/Manager Jake Daku was present and answered the Selectmen's questions.

Chairman Matthew Smith closed the Public Hearing for Charles Crandall 21-MJ-06 at 7:00 P.M.

Stephan Bunker moved to approve the application for a Medical Cultivation and Manufacturing business permit/license for Charles Crandall 21-MJ-06 104 Fairbanks Road/U19-016-A; Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Matthew Smith and the Board congratulated Chad Crandall on the arrival of his son.

ITEM 6: To Allow Farmington Police Chief Ken Charles to discuss 2021-2022 UMF Graduation Traffic Control Plan

Chief Charles stated UMF Graduation traffic control was no longer an issue. UMF will hold the graduation ceremonies at the local drive-in theatre.

ITEM 7: To Allow Farmington Police Chief Ken Charles to discuss Designating 2021 Monies as Holdover Funds to Cover Board Approved 2021 Expenses

Chief Charles stated on May 11, 2021, the Selectboard approved the expenditure of \$9,986 to "upfit" two new cruisers with radios, radar, and other equipment. Hussey's Communications e-mailed the invoice in mid-December. However, it went into spam e-mail and the payment was never processed. The final cost was \$10,307.25; Chief Charles asked that the invoice be paid using 2021 funds.

Joshua Bell moved to approve the use of 2021 Budget holdover funds for \$10,307.25 to pay the Hussey's Communication invoice; Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 8: To Review and Approve the Warrant for the March 28, 2022, Annual Town Meeting

Matthew Smith asked if the Board was ready to discuss the Warrant or if they preferred more time to review the document? A consensus was reached to table Item 8. Joshua Bell proposed the Annual Town Meeting be pushed back.

Joshua Bell moved to postpone the Annual Town Meeting to Monday, April 25, 2022; Matthew Smith seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

Joshua Bell requested the Selectboard hold an Executive Session on a later date to discuss employee market pay adjustments.

ITEM 9: To Discuss the American Rescue Plan Act Funds (ARPA)

By the Board’s request, Christian Waller provided a “Good, Better, Best” analysis of ARPA expenditures which includes premium/hazard pay for employees. The premium pay risk pay level was based on time with the Town. Mr. Waller reported that he spoke with Casco Bay Advisors’ President Brian Lippold regarding broadband, who stated that the more money set aside for broadband typically increases the amount of interest from providers to look at possible partnerships with the Town. Oftentimes the funds from the community are viewed as matching funds from grants or partnerships with providers. In Wilton, one dollar invested by the town equaled ten dollars of funding from providers. Mr. Waller created the ARPA Good, Better, Best list of potential uses based on items he has seen in local news articles.

ARPA PROJECT/USE	Good	Better	Best
Behavioral Health/Tri-County Mental Health	\$10,000	\$25,000	\$50,000
Negative public health-related impacts	\$0.00	\$0.00	\$0.00
Addressing negative economic impacts from COVID	\$0.00	\$0.00	\$0.00
Addressing learning gaps	\$0.00	\$0.00	\$0.00
Premium pay for essential workers	\$1,500	\$83,000	\$124,500
Economic challenges	\$0.00	\$0.00	\$0.00
Domestic violence	\$5,000	\$10,000	\$15,000
Water	\$0.00	\$0.00	\$0.00
Sewer	\$0.00	\$0.00	\$0.00
Broadband	\$698,490	\$371,990	\$50,000
Actions to decrease spread of COVID (Community Ctr roof)	\$50,000	\$300,000	\$525,490
Homeless and affordable housing	\$ 10,000	\$25,000	\$50,000
Total	\$814,990	\$814,990	\$814,990

The Selectboard held a lengthy discussion on the above ARPA categories and agreed to revisit once they review the engineering report for the Community Center roof. Premium pay risk based on time with the Town to determine pay level:

Plan	Employed	%	# EE	Premium Pay
GOOD	0-6 mos	25%	8	\$ 250
	6-12 mos	50%	5	\$ 500
	13 - 24 mos	75%	4	\$ 750
	25+ mos	100%	34	\$ 1,000
	Totals:		51	\$ 41,500
BETTER	0-6 mos	25%	8	\$ 500
	6-12 mos	50%	5	\$ 1,000
	13 - 24 mos	75%	4	\$ 1,500
	25+ mos	100%	34	\$ 2,000
	Totals:		51	\$ 83,000
BEST	0-6 mos	25%	8	\$ 750
	6-12 mos	50%	5	\$ 1,500
	13 - 24 mos	75%	4	\$ 2,250
	25+ mos	100%	34	\$ 3,000
	Totals:		51	\$ 124,500

ITEM 9: To Discuss the American Rescue Plan Act Funds (ARPA) (continued)

Matthew Smith asked if the premium pay charts above included hazard pay for the Selectboard. Mr. Waller reported that it did not, Selectmen would need to be added. Four out of five Selectmen agreed to add the Selectmen to the list of those receiving hazard/premium pay. Mr. Bell opposed receiving hazard pay. Michael Fogg stated the Board agreed that hazard pay is the right thing to do and asked Mr. Waller to provide choices, which he has done; he would go with the “Best” payout offer. Mr. Fogg said he is not comfortable going with the cheapest level. Mr. Smith stated that he is comfortable with the “Better” option.

Matthew Smith moved to implement the “Better” chart for hazard pay; Scott Landry seconded.

Matthew Smith asked if there were any further comments. Stephan Bunker said the premium payment is done against the backdrop of 7.3% COLA and market adjustments to wages. He is pushing hard to get the maximum funding into the Community Center roof because that takes away from property tax support. Mr. Bunker stated he is not opposed to offering premium pay and he was leaning towards the “Good” level of payment. Joshua Bell stated he understands the process behind the premium pay. He asserted it is the people’s money that was given back to the Town through taxpayer dollars. He questioned who is to say that the average person who works for the Town, not necessarily the Police or Fire Departments, had a higher risk of COVID than the residents who worked every day. Matthew Smith stated that COVID went through the Public Works Department twice, and the Sewer Department. Scott Landry indicated that he looks at it as there are a lot of people who did not come out; we are rewarding our employees for coming out when we needed them. It may not have been that people were shooting at them or they were running into a burning house, but they were here when we needed them. And many places did not experience that, they had people who did not show up; he feels the employees deserve the premium pay. Mr. Landry stated the Town’s employees could have filed for unemployment benefits because it was not safe to come to work. Mr. Smith stated he thinks most employers if they had this opportunity, would offer premium pay to their employees. Mr. Bell asked if a check could be sent to the residents of Farmington? Christian Waller stated it was a mitigated negative economic impact caused by COVID is an allowable use under ARPA. Mr. Bell said it was just a thought, he was not proposing the Town issue checks to residents. Mr. Bell reported that he shares Mr. Bunker’s sentiment and would like to use funds for the Community Center roof. Mr. Waller stated he received e-mails regarding new quotes for the Community Center roof and he needs to investigate them in more depth before deciding which direction to go. Bill Crandall stated this is a bazaar time in our history, and for the most part, WMCA employees work, sometimes they work from home, they serve the people. Those who did not work and collected unemployment earned more than those who worked, they received an additional \$600 per week. Mr. Crandall stated he was just making the point, that it is a tough time. Mr. Fogg commented he cannot believe what he is hearing, the words and concerns are identical to the past two meetings. We asked for a schedule, and we got one, now it is time to act.

VOTE AFFIRMATIVE 3 OPPOSED 2 MOTION CARRIED
(Bunker, Bell)

ITEM 10: To Approve the Minutes of January 11, 2022; January 18, 2022, and January 25, 2022

Scott Landry moved to approve the minutes of January 11, 2022; January 18, 2022, and January 25, 2022; Joshua Bell seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

