

FARMINGTON BOARD OF SELECTMEN
Tuesday, October 11, 2022

The conduct of the meeting included remote access by telephone, video, and electronic means. The public could 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 calling 778-5874.

Chairman Matthew Smith called the meeting to order at 6:30 P.M. with the following members present: Stephan Bunker, Joshua Bell, Scott Landry, and Byron Staples. Town Manager Christian Waller, Executive Assistant Nancy Martin, Police Chief Ken Charles, Fire Chief T.D. Hardy, MBTV Camera Operator Lillie Clark, and members of the press and public were also present. Zoning Board Chair Paul Mills joined the meeting in progress at 6:55 p.m. Members of the press and public participated remotely as authorized by PL 209, c.617.

ITEM 1: Pledge of Allegiance to the Flag

ITEM 2: To allow Lisa Park Laflin to present a proposal for crosswalk art for the 2025 Rotary Centennial

Lisa Park Laflin announced that in 2025 Farmington Rotary will be turning 100 years old! The Centennial Committee has been meeting, and some wonderful ideas are circulating about celebrating, including drawing attention to the event by painting colorful crosswalks in Farmington. Ms. Laflin provided samples of crosswalk art from other towns. The Rotary is not asking for any money to fund the project, and the Board would approve the designs. They would engage Rotary members and local artisans to create the artwork. They request that local law enforcement keep them safe while the crosswalks are painted. The artwork would be displayed in the spring of 2025 and end in the winter of 2025. Matthew Smith asked if the Rotary had investigated any liability issues caused by changing the crosswalks. Ms. Laflin said she would research the liability issue. In response to Scott Landry, Ms. Laflin reported they hoped to paint the four crosswalks comprising the Broadway/Main Street intersection and maybe the crosswalks in front of Reny's and the Dugout. Stephan Bunker stated he liked the idea; it would bring liveliness to the area. Mr. Bunker echoed Mr. Smith's sentiments regarding liability issues.

ITEM 3: To allow Police Chief Ken Charles to discuss supply chain issues regarding police vehicles and to approve the purchase of at least one vehicle as quoted

Police Chief Charles provided a quote from MHQ Vehicles, Equipment, and Gear for two (2) 2023 Ford Police Interceptor Utility AWD Gas Vehicles. The quote listed a previous model year credit of \$7,000 (if a vehicle is available). The quote for the two 2022 well-

ITEM 3: To allow Police Chief Ken Charles to discuss supply chain issues regarding police vehicles and to approve the purchase of at least one vehicle as quoted (continued)

equipped vehicles are \$108,731.60. If 2022 vehicles are not available, the cost will be \$122,731.60. Chief Charles provided an overview of the current and potential future backlog issues for obtaining police cruisers. Chief Charles reported that MHQ has 20 to 30 vehicles earmarked; as new vehicles become available, they are quickly spoken for. He said it'd been recommended that if the Town could find one, get it now because there probably won't be any coming in the next year or two. Mr. Charles stated that if the Board approved the current MHQ quote, it would save the Town \$7,000 per vehicle. He asked for permission to send a letter of intent to MHQ to reserve the vehicles. The payment would be due upon delivery in approximately 8 to 10 months. Chief Charles reported that the PD typically budgeted for 1.5 vehicles yearly; he would like to budget for two vehicles in 2023. If we commit to the vehicles, we will save \$14,000 and receive the vehicles. Joshua Bell asked if the PD received the vehicle slated for 2022. Chief Charles affirmed that the vehicle earmarked for purchase in 2022 would be picked up within the next two weeks. He would like to purchase two vehicles in 2023 and one in 2024. A brief discussion was held regarding the current fleet's age and condition. Chief Charles answered the Selectmen's questions.

Scott Landry moved to approve the expenditure of up to \$108,731.60 to purchase two Ford Police Interceptor Utility, AWD Gas Vehicles; Stephan Bunker seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 4: To approve an expenditure from the PD Training Reserve Account in the amount of \$34,328 for the BLETP buyout of the proposed newly hired Officer

Police Chief Charles stated that this request is in anticipation of an offering of employment being accepted by an officer. The officer graduated from the police academy in 2021, has worked for another department for a year, and would like to work for Farmington. We are paying a reduced buyout rate of \$34,328; if we had hired him straight out of the Academy, the buyout would be \$48,000. Chief Charles reported that this new hire fills the last patrol vacancy. We still have two officers in the Academy; they are completing their field training. We have one officer who needs to attend the Academy. It will be May 2023 before the Town sees the full benefit, but it's incredible. Chief Charles stated that the Town is still looking for a detective.

Scott Landry moved to approve an expenditure from the PD Training Reserve Account SX-7982 in the amount of \$34,328 for the BLETP buyout of the proposed newly hired Officer; Stephan Bunker seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 5: To discuss and approve the following addition to the Warrant for the October 25, 2022, Special Town Meeting: To see if the Town will vote to appropriate up to \$850,000 from either the Fire Department Equipment Reserve account (SX-797), the unassigned fund balance, financing, or in any combination as deemed in the best interest of the Town by the Select Board000, for the purchase of a new replacement fire engine to replace Engine 2.

Christian Waller stated that this is the Warrant Article the Board previously discussed. The Town's legal counsel determined that the Unassigned Fund Balance (UFB) is not a reserve account, so if we were to have the above-listed full range of options, it would need to be added to the Special Town Meeting for a vote. Fire Chief Tim Hardy said the plan was to use \$125,000 out of the Fire Department Equipment Reserve account because they still need to purchase a pickup, leaving enough money in the reserve account to make that purchase. Chief Hardy reported that he did solicit financing bids with the quotes for the vendors to provide financing options. The discussion was to fund some of the cost from the UFB. Chief Hardy stated that it is whatever the Board chooses to do regarding the financing options. The Board, Chief Hardy, and Town Manager Christian Waller discussed the benefits of various financing options. Funding the purchase of Engine 2 from the UFB will save the Town \$30,000 off the cost of the truck and additional savings on interest. Using the UFB will allow Chief Hardy to replace the pickup truck with funds from the FRD Equipment Reserve Account.

Scott Landry moved to approve the following addition to the Warrant for October 25, 2022, Special Town Meeting: To see if the Town will vote to appropriate up to \$850,000 from the unassigned fund balance, financing, or in any combination as deemed in the best interest of the Town by the Select Board, for the purchase of a new replacement fire engine to replace Engine 2; Joshua Bell seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 6: To discuss and approve the following addition to the Warrant for October 25, 2022 Special Town Meeting: Shall Chapter 11 – Land Use, Article 8 – Town of Farmington Zoning Ordinance, the current version adopted on May 25, 2021, be amended as follows:

The addition of the definition, Table of Uses list, and performance standard for "Homeless Shelter" as Section 11-8.11.M to the Town of Farmington Zoning Ordinance.

ITEM 6: To discuss and approve the following addition to the Warrant for October 25, 2022 Special Town Meeting: Shall Chapter 11 – Land Use, Article 8 – Town of Farmington Zoning Ordinance, the current version adopted on May 25, 2021, be amended as follows: (continued)

Homeless Shelter Addition to the Table of Uses in ***Bold Italics***

Use/Structure	General Purpose	Residential Light Comm. District	Village Comm. Dist.	Village Business District including Village Business Hist. Dist.	Village Residential District	Residential District	Farm & Forest District
<u>EDUCATIONAL, INSTITUTIONAL, PUBLIC</u>							
<i>Homeless Shelter</i>	Y*	Y*	Y*	Y*	Y*	Y*	Y*

Key:

Y* = Permitted, subject to land use standards and Planning Board approval.

The following definition of a Homeless Shelter was provided: A facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in a dormitory-style, barracks-style arrangements, or a combination of such arrangements. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such a facility also provides, in addition to shelter, support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies.

Joshua Bell invited Zoning Committee Chair Paul Mills to provide an overview. Chairman Mills stated that the Zoning Board determined at a public hearing approximately three years ago that the present ordinance does not allow a homeless shelter anywhere in Farmington. A perception evolved that the Town should allow a homeless shelter, and the Zoning Board met many times to discuss this. There was a hiatus of about a year and a half during COVID. The Zoning Board decided that homeless shelters were allowed anywhere in Town except for performance standards. They did not feel there was a zone they should not be allowed if they met and observed performance standards, which may make the shelter compatible in some neighborhoods and not others. On March 10th, the Select Board held a public hearing. Several stakeholders attended and voiced their concerns. The Selectmen voted, and Chairman Mills agreed, that the Zoning Board would go back to the drawing board and hold a workshop session. The Zoning Board/Homeless Shelter workshop session was held, and the stakeholders did participate. In late March, a consensus was reached, and they came up with a revised standard version of the Ordinance. Chairman Mills stated that he believed, technically speaking, that a public hearing before the Selectmen would need to be held. He was unsure if this particular meeting constituted a public hearing, but perhaps it did. Chairman Mills said a limited number of beds are allowed in the community (32), that type of thing. The Zoning Board referenced many templates from other communities throughout the state. Christian Waller stated that there was time to hold a public hearing before the Special Town Meeting on Tuesday, October

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25th if the Board decides. The agenda for this meeting technically constitutes a notice of a public hearing. But if the Board would like a more specific opportunity for the community to weigh in, that would be fine; we have plenty of time before the Special Town Meeting. Chairman Mills stated that there is a special statute on it that decorates it. On April 29th, Cindy Gelinas sent an email in response to an inquiry, saying it requires a public hearing with Selectmen. Based on that email, Chairman Mills deduced, at that point, that the public hearing had not occurred. Chairman Mills stated that it is tempting to take a shortcut, but we want this (revision) to survive a collateral attack. If a wise guy from a big Portland firm tried to attack it, we want to ensure we are absolutely insulated and airtight as possible. Mr. Smith asked how much public notice was needed. Nancy Martin stated she believed ten days were required, and she could place an advertisement in the Daily Bulldog tomorrow. Mr. Smith asked if it was ten business days or calendar days. Chairman Mills responded that when the period is less than two weeks, you can count the weekends. When it is less than seven days, you must skip over weekends and holidays. Mr. Smith said we could hold the public hearing on Monday, October 24th. He said he feels comfortable approving the addition of the article to the warrant. Dennis O’Neil inquired about the Homeless Shelter Performance Standards section M, paragraph one line that reads: *“It is the purpose of these standards to allow for and regulate the operation of Homeless Shelters in order to protect the public health, safety, and welfare of the community and not adversely impact the abutters by its existence.”* Who decides what is an adverse impact on the abutters? And regarding the line *“accommodations are provided on a temporary basis”* (Section M, 3 Definitions), this does not appear to be delineated, at what point does this become an issue? Three months, six months, a year? Mr. O’Neil stated that these two seem a little nebulous and open to discussion and future arguments. Mr. Smith said the first question would probably come before the Selectmen; Chairman Mills concurred. Mr. Bunkers stated that the Planning Board would probably weigh in on any adverse impact on abutters. Mr. Smith remarked that any abutters issues would be addressed during the application process. Mr. Bunker stated that he would like this issue to move forward as is for a public hearing. A brief discussion on staffing and supervision requirements for homeless shelters was held.

Stephan Bunker moved to hold a public hearing on Monday, October 24th, at 6:30 p.m. downstairs of the Municipal Building to discuss the said ordinance. And approve the addition to the Warrant for October 25, 2022, Special Town Meeting: Shall Chapter 11 – Land Use, Article 8 – Town of Farmington Zoning Ordinance, the current version adopted on May 25, 2021, be amended; Scott Landry seconded.

VOTE

AFFIRMATIVE 5

MOTION CARRIED

ITEM 7: To review and approve the Warrant for the October 25, 2022, Special Town Meeting

Stephan Bunker moved to approve the Warrant for the October 25, 2022, Special Town Meeting; Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 8: To accept reimbursement for qualifying expenses from the Maine Office of Cannabis Policy in the amount of \$2,389.66 to be placed into Code 20 Cat 2 Treasurer/Miscellaneous account

Scott Landry moved to accept reimbursement for qualifying expenses from the Maine Office of Cannabis Policy in the amount of \$2,389.66 to be placed into Code 20 Cat 2 Treasurer/Miscellaneous account; Stephan Bunker seconded

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 9: To Approve the Minutes of September 27, 2022

Joshua Bell moved to approve the Minutes of September 27, 2022; Scott Landry seconded.

VOTE AFFIRMATIVE 5 MOTION CARRIED

ITEM 10: To Discuss Other Business

A.) Joshua Bell noted that quite a bit of work had been done at Walton's Mill Park. They've started building the pavilion. It looks like they've secured the overlook area; they completed pouring the concrete. It's interesting to watch it transpire.

B.) Scott Landry asked who was responsible for replacing the streetlights. He noted that the streetlight is off on one of the busiest crosswalks in town (in front of Scott Hall). Nancy Martin acknowledged that she is responsible for contacting CMP with streetlight outages. She would need the pole number to report the outage. Scott agreed to forward the pole number.

C.) Matt Smith reported receiving the annual school budget for the Selectmen to sign.

The Selectmen signed the document.

