

**MINUTES**  
**Town of New Gloucester**  
**BOARD OF SELECTMEN'S MEETING**  
**7:00 p.m.**  
**Monday, September 19, 2016**  
**At the Meetinghouse**

*For review of the complete discussions and motions, please see the recording available at the Public Library or on our website at [www.newgloucester.com](http://www.newgloucester.com)*

**BOARD OF SELECTMEN'S MEETING**

**I. CALL THE MEETING TO ORDER & ATTENDANCE**

Chairman, Linda Chase, called the meeting to order at 7:01 p.m. Present were Chairman, Linda Chase; Vice-Chairman, Steven Libby; Selectmen, Lenora Conger, Stephen Hathorne and Laura Sturgis; Town Manager, Paul First; and Recorder, Sharlene Myers.

**II. SCHEDULE NEXT MEETING:**

**Board of Selectmen Meeting – 7:00 p.m., Monday, October 3, 2016**

**A. Adjustments to the Agenda**

Ms. Chase said there was an addition to agenda under Appointments C., Parks & Recreation Committee, Kathleen Potter, would like to be appointed.

The Board was in agreement to add this appointment.

**III. PUBLIC PARTICIPATION**

**A. PUBLIC HEARING – General Assistance Ordinance Appendices A-D**

Ms. Chase opened the Public Hearing at 7:04p.m. There were no public comments. The Public Hearing closed at 7:04p.m.

**B. Other**

Bill Bragdon, resident, said he is having issues with complaints to the Town from one of his neighbors. He said his property has been in his family his whole life. He said he is working on the property a little at a time and has had no issues with anyone else concerning what is on the property or what he is doing with the property. He said he received a letter from the Code Enforcement Officer addressing the neighbor's complaints and said he has been in contact with her. He said he just wanted to let the Board know what was happening and if anyone wished to contact

him, they could reach him by email [wbragdon@maine.rr.com](mailto:wbragdon@maine.rr.com) or by phone (207) 576-1555.

Ellie Espling, resident and State Representative, said she wanted to explain why she did not attend the New Gloucester Candidates Forum. She said she represents Poland as well as New Gloucester and Poland scheduled a candidate's night, which she was unable to attend due to a prior commitment. She said to be fair, impartial and unbiased, she chose to not attend the New Gloucester, thus not choosing one Town over the other. Ms. Espling said she sends out a weekly newsletter and anyone wishing to subscribe to it may call her at (207) 891-8280 and she will add them to her email list. She said it's always a pleasure to work with the Board and Town Manager.

#### IV. SCHEDULED ITEMS

**4.25 To See What Action the Board Wishes to take in Regard to Adopting General Assistance Ordinance Appendices A-D**

*Mr. Libby moved and Ms. Sturgis seconded a motion to adopt the General Assistance Ordinance Appendices A-D. The motion carried on a vote of 5-0.*

**4.26 To See What Action the Board Wishes to take in Regard to TIF Amendments**

Mr. First said he has been working with Shana Cook Mueller, an Attorney with Bernstein Shur, on the TIF amendments. He said one of the amendments would allow a portion of TIF funds to be used toward the debt service on a new Public Works facility. He said the Board received in their packets a draft copy of the TIF. He said there would be no specific action on this item. Mr. First said the next step is a preflight review and then bring the document to the Board at the next meeting.

Ms. Mueller said the TIF is a 30-year district created back in 2001/2002 and the Town is about halfway through the program. She said the TIF was created with set uses for the revenue and the public works project is not one of the permissible uses. She said the amendments would include adding the project along with verbiage to allow the admin fees for these amendments to be paid for by TIF funds. She said a Public Hearing would need to be held and then a vote of Town to approve these amendments. She said only a portion of the project could be funded by TIF due to the location outside of the district.

No action taken.

**4.27 To See What Action the Board Wishes to take in Regard to Morse Road Proposal for the Installation of Additional Guardrail**

Mr. First said the engineer for the Morse Road project underestimated the amount of guardrail needed for the fill area at the bottom of the hill. He said the additional cost estimate is \$19,530. Mr. First said at a previous meeting,

additional funds were approve of \$2,500 to reinstall the bridge guardrail re-using what was initially removed. He said some of the post and end caps were damaged and unfortunately, an additional \$2,500 is needed to complete this section.

Mr. Libby said the total amount is \$22,030 and is that enough to complete the projects.

Ms. Chase asked why the additional amounts were not known beforehand.

Mr. Libby said the guardrail was originally estimated at 150' and 650' was needed.

*Mr. Libby moved and Mr. Hathorne seconded a motion to approve \$22,500 for additional guardrail work for the Morse Road project. The motion carried on a vote of 5-0.*

**4.28 To See What Action the Board Wishes to take in Regard to Ron Henry Code Violations**

Mr. First said in the packets was a copy of consent agreement drafted by the Board Liaison and staff, and reviewed by the town attorney.

Mr. Libby said there should be signature lines for the Board to sign this agreement and handwrote the lines in.

Mr. Hathorne read section 6.22 of the ordinance that pertains to home occupation. He said the Board of Selectmen took an oath to the citizens of the Town to make sure laws and ordinances are abided by. He said Mr. Henry does not comply with the ordinance and by changing the laws for him and creating an agreement, the Board is setting a standard for others in Town. He said he will not vote in favor of this agreement.

Ms. Chase said she walked the property with staff before drafting this agreement. She said she does agree with Mr. Hathorne but says this agreement is Mr. Henry's last chance and if he breaks this agreement, the Town will take the next step.

Ms. Conger said she has concerns with possible contaminated soil. She said would like to not sign the agreement that evening and would like to meet with the attorney to ask questions.

Ms. Chase said DEP has been to the site and said there are no issues.

Mr. First said meeting with the attorney would result in additional legal costs. He said the ordinance gives the Board permission to negotiate situations.

*Mr. Libby moved and Ms. Sturgis seconded a motion to sign the consent agreement. The motion carried on a vote of 2-1-2, with Mr. Hathorne opposing and Ms. Conger and Mr. Libby abstaining.*

Ms. Chase asked if the motion should be date specific.

*Ms. Sturgis moved and Ms. Chase seconded a motion to reconsider the motion on the consent agreement. The motion carried on a vote of 5-0.*

The Board agreed the consent agreement should give Mr. Henry seven business days to sign the document and thirty days to become compliant.

Ms. Chase passed the gavel to Mr. Libby.

*Ms. Chase moved and Ms. Sturgis seconded a motion to sign the consent agreement with the following amendments: 1) Mr. Henry has seven business days to sign the agreement; 2) Mr. Henry has thirty days from date of signing to become compliant as outlined in the consent agreement; 3) the Code Enforcement Officer will visit Mr. Henry on day thirty-one; and 4) the consent agreement will be signed by the Board of Selectmen. The motion carried on a vote of 2-2-1, with Mr. Hathorne and Ms. Conger opposing and Mr. Libby abstaining.*

Mr. Libby passed the gavel back to Ms. Chase.

*Ms. Sturgis moved and Ms. Conger seconded a motion to reconsider the last motion. The motion carried on a vote of 5-0.*

Mr. Hathorne asked Ms. Conger why she changed her vote from abstaining to opposing.

Ms. Conger said the additional information she heard in discussions is why she changed her vote.

*Mr. Libby moved and Mr. Hathorne seconded a motion to sign the consent agreement with the following amendments: 1) Mr. Henry has seven business days to sign the agreement; 2) Mr. Henry has thirty days from date of signing to become compliant as outlined in the consent agreement; 3) the Code Enforcement Officer will visit Mr. Henry on day thirty-one; and 4) the consent agreement will be signed by the Board of Selectmen. The motion carried on a vote of 3-2, with Mr. Hathorne and Mr. Libby opposing.*

**4.29 To See What Action the Board Wishes to take in Regard to Road Name Application for North Ridge**

*Mr. Libby moved and Mr. Hathorne seconded a motion to approve the Road Name Application for North Ridge. The motion carried on a vote of 5-0.*

**4.30 To See What Action the Board Wishes to take in Regard to Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs**

Mr. First said the moratorium has been fully reviewed by the Town Attorney. He said in order the Town to enact a moratorium, a special town meeting vote is required.

Mr. Libby said the Public Safety Committee Meeting on October 6<sup>th</sup>, will be hosting Beth Blakeman-Pohl, Sheriff Joyce from the Cumberland County Sheriff's Office, and some from the "yes" campaign, for discussion on the upcoming referendum and the impacts it will have if passed. He said this meeting will be televised.

Mr. Hathorne said he believes the ordinance will pass but hates to see an ordinance stop a business opportunity in New Gloucester.

Mr. First said he is looking at November 2<sup>nd</sup> or the week prior for a Special Town Meeting date.

*Mr. Libby moved and Ms. Conger seconded a motion to schedule a Special Town Meeting for either November 2 or October 24<sup>th</sup>, for the proposed moratorium. The motion carried on a vote of 4-1, with Mr. Hathorne opposing.*

Mr. First asked if the Board wants to hold a Public Hearing. He said it is not required.

Mr. Libby said it could be held at the October 17<sup>th</sup> Selectmen's Meeting.

**4.31 To See What Action the Board Wishes to take in Regard to Granting the Town Manager Authority to Hire the Animal Control Officer**

Mr. First said the Animal Control Officer (ACO) has always been appointed by the Board of Selectmen. He said over time, this position has changed and evolved into an employee status. He said he is asking the Board to grant him the authority to hire the ACO.

*Mr. Libby moved and Ms. Sturgis seconded a motion to grant the Town Manager the authority to hire the Animal Control Officer with the Board's consent, as done previously with the hiring of department heads.*

Mr. Hathorne asked if the Board will have the ability to chime in on the candidates.

Mr. First said the Board could appoint a Liaison.

Mr. Libby and Mr. Hathorne both said they were interested.

*The motion carried on a vote of 5-0.*

Mr. Hathorne is the liaison.

**4.32 To See What Action the Board Wishes to take in Regard to Closing Town Hall Service Window on Election Day – November 8, 2016**

Mr. First said with the anticipated heavy turnout for the November election, it is recommended by staff that both Deputy Clerk's be present at the polls all day to help ensure a smooth election process. He said in order to do this, he would like to close the Town Hall service window on Tuesday, November 8, 2016.

*Mr. Libby moved and Mr. Hathorne seconded a motion to close the Town Hall Service Window on Election Day, Tuesday, November 8, 2016. The motion carried on a vote of 5-0.*

**4.33 To See What Action the Board Wishes to take in Regard to Foreclosed Properties**

Mr. First said four properties were presented to the Board for foreclosure: 1) he received a letter from the bank stating a check was forthcoming to pay all taxes in full through the October 2016 taxes; 2) the 2014 taxes were paid; and 4) the taxes on this property would be paid by weeks end. He said the third property on list had an interested purchaser but an agreement has not been finalized. He said he has received an inquiry to purchase this property from a public conservation agency and they would have the deed worded to protect the snowmobile bridge crossing and public access to trails.

*Mr. Libby moved and Mr. Hathorne seconded a motion to authorize the Town Manager to negotiate with Royal River Land Trust for Map 4 Lot 43, for the same dollar value as negotiated with Central Maine Power; and the agreement to include reasonable access for the New Gloucester Snowmobile Club. The motion carried on a vote of 5-0.*

**4.34 To See What Action the Board Wishes to take in Regard to Holiday Hours for New Gloucester Transfer Station and Public Library**

Mr. First said the current holiday schedule closes the Town facilities for the Monday following Christmas and New Year's. He said the Library and Transfer Station are not open on Monday's and staff is proposing to close these two facilities on the Saturday prior.

*Mr. Libby moved and Mr. Hathorne seconded a motion to accept as presented, the change of Holiday schedule for the Library and Transfer Station. The motion carried on a vote of 5-0.*

**4.35 To See What Action the Board Wishes to take in Regard to Timber Sale RFP and Associated Contract for 611 Lewiston Road Property**

Mr. Libby said he previously brought this to the Board but had concerns if the Town would receive competitive bids, as the RFP was written. He said he has been assured competitive bids based on the current market would be received.

*Mr. Libby moved and Mr. Hathorne seconded a motion to put the Timber Sale RFP out to bid as presented for 611 Lewiston Road property; and bids would be due on October 17, 2016. The motion carried on a vote of 5-0.*

**V. APPROVE FY17 WARRANTS AND PAYROLLS #8, #9, #10, #11 & #12**

*Mr. Libby moved and Ms. Conger seconded a motion to approve FY17 Warrants and Payrolls #8, #9, #10, #11 and #12. The motion carried on a vote of 5-0.*

**VI. APPOINTMENTS**

- A. Library Board of Trustees – 1 completion of 2018 term available**  
**Robert Cotiaux** – would like to be appointed  
**Kathleen Potter** – would like to be appointed

*Mr. Libby moved and Ms. Conger seconded a motion to appoint Robert Cotiaux to the Library Board of Trustees for the completion of 2018 term. The motion carried on a vote of 5-0.*

- B. Budget Committee – 4 three-year terms available**  
**Rosemary Kulow** – would like to be appointed

*Mr. Hathorne moved and Mr. Libby seconded a motion to appoint Rosemary Kulow to the Budget Committee, for a three-year term. The motion carried on a vote of 5-0.*

- C. Parks & Recreation Committee – 4 three-year terms available**  
**Kathleen Potter** – would like to be appointed

*Mr. Hathorne move and Ms. Sturgis seconded a motion to appoint Kathleen Potter to the Parks & Recreation Committee, for a three-year term. The motion carried on a vote of 5-0.*

**VII. LEGAL**

Mr. First said the Department of Labor has new guidelines effective December 1, 2016, concerning employee wages and hours worked and handed out copies to each Board member for their review.

**VIII. WRITTEN COMMUNICATION**

**A. Approve Minutes of the August 1, 2016 Board of Selectmen's Meeting**

*Ms. Sturgis moved and Ms. Conger seconded a motion to approve the Minutes of the August 1, 2016, Board of Selectmen's Meeting. The motion carried on a vote of 5-0.*

**B. Approve Minutes of the August 15, 2016 Board of Assessors & Board of Selectmen's Meeting**

*Mr. Libby moved and Mr. Hathorne seconded a motion to approve the Minutes of the August 15, 2016, Board of Assessor's and Board of Selectmen's Meeting. The motion carried on a vote of 5-0.*

**C. Approve Minutes of the August 25, 2016 Special Board of Assessor's Meeting**

*Mr. Libby moved and Mr. Hathorne seconded a motion to approve the Minutes of the August 25, 2016, Special Board of Assessor's Meeting. The motion carried on a vote of 5-0.*

**IX. ORAL COMMUNICATION**

**A. Selectmen**

Steven Libby – no comments.

Lenora Conger – no comments.

Stephen Hathorne – said he wanted to compliment the Public Works Department on the great job they did preparing the roads for pavement. He said he also has had a rather close call with coyotes. He said he has heard them recently near his home and one evening there was one fairly to close in his neighbor's yard and asked everyone to be very careful and leery of them.

Laura Sturgis – said the Library on Saturday hosted the Sisters of Crime mystery writers. She said the Library was presented their check, refreshments were served and the mystery writers had books for purchase and autographs. She said the Library fall book sale is happening on Friday, September 30<sup>th</sup>, First Dibs for Kids, and Saturday, October 30<sup>th</sup>, from 8-12pm. She said there will be books, CD's, DVD's and a bake sale.

Linda Chase – no comments.

**B. Town Manager**

Mr. First said a citizen has inquired about purchasing a 2-acre piece of town-owned land on Lewiston Road. He asked if the Board wanted him to pursue this request.

Mr. Libby said he wouldn't be interested in pursuing this. He said the parcel is a vacant lot near Wing Avenue and would be most likely be for a house lot.

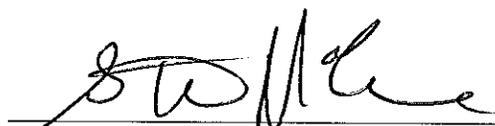
- C. Dept. Heads
- D. Boards & Committees

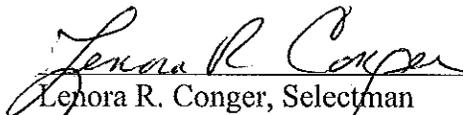
X. ADJOURN

*Mr. Hathorne moved and Mr. Libby seconded a motion to adjourn at 9:30p.m. The motion carried on a vote of 5-0.*

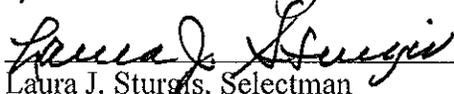
Approved October 17, 2016

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Linda D. Chase, Chairman

  
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Steven M. Libby, Vice-Chairman

  
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Lenora R. Conger, Selectman

  
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Stephen J. Hathorne, Selectman

  
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Laura J. Sturgis, Selectman