

**MINUTES**  
**Town of New Gloucester**  
**BOARD OF SELECTMEN'S MEETING**  
7:00 p.m.  
Monday, March 3, 2014  
At the Meetinghouse

**BOARD OF SELECTMEN'S MEETING**

*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)*

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

Chairman, Steven Libby, called the meeting to order at 7:08 p.m. Present were Chairman, Steven Libby; Vice-Chairman, Linda Chase; Selectmen, Nathaniel Berry, Joshua McHenry and Mark Stevens; Acting Town Manager, Paul First; and Recorder, Sharlene Myers.

**II. SCHEDULED NEXT MEETING:**

**Board of Selectmen** – 7:00 p.m., Monday, March 17, 2014 at the Meetinghouse

**A. Adjustments to the Agenda**

*Mr. McHenry moved and Mr. Stevens seconded a motion to add agenda item 7.78, To See What Action the Board Wishes to Take in Regard to Setting a Copying Fee Rate for FOAA Requests. The motion carried on a vote of 5-0.*

*Mr. McHenry moved and Mr. Berry seconded a motion to move the Adhoc Recall Committee Update to 9C, Board, Committee and Department Heads. The motion carried on a vote of 5-0.*

**III. PUBLIC PARTICIPATION**

Mr. Libby gave a brief update on the Town Manager search. He said there were 64 applicants; the Board narrowed it down to two candidates; four citizens were asked to sit in on the final reviews; an offer was made to the top candidate; and unfortunately, the candidate did not accept the offer. Mr. Libby said the candidate would have been great for the Town of New Gloucester. He said on February 24, 2014, Paul First, Town Planner, was appointed Interim Town Manager until June 30, 2014. He said there is an upcoming agenda item to decide on how to move forward with the search for a new Town Manager.

Mr. Libby asked those who come to the podium to come up only once and speak as long as you want.

Glen Mercier, resident, said he wanted to speak to the Board about his displeasure with the Parks & Recreation Committee. He said he is a member of the Committee and three of the four meetings he has attended, there have been only three people in attendance. He said he is not happy that the Parks & Recreation CIP requests were not discussed with the Committee prior to submitting them. He said the playground is not a priority for the fairgrounds. He said the playground at Memorial School may be utilized by parents/kids when school children are not present on the grounds. He said the Fairgrounds is a gem for the Town of New Gloucester and could be showcased with sporting events. Mr. Mercier stated zero youth competitive sports are being played in New Gloucester because of lack of good fields.

Kathleen Potter, resident, asked that when an Executive Session is scheduled on the Selectmen's Agenda, could the State Statue be listed. Ms. Potter also said she is disappointed the Town did not get the Town Manager they wanted.

Mr. Libby asked Ms. Potter to not name the Town Manager candidate as this was all done in Executive Session.

Larry Zuckerman, of Gray, thanked Mr. Mercier for his statements. He said he is concerned, after thorough review and recommendations from the Board and Budget Committee, with what the final mil rate will be. Mr. Zuckerman said he wanted to thank the Board on their selection for Interim Town Manager. He said he recommends the Board give good consideration of their current decision before beginning another Town Manager search. Mr. Zuckerman said he would have liked to have heard the update from the Adhoc Recall Committee as he is in favor of this ordinance and the importance of it for the Town.

Stephen Hathorne, resident, asked for an update on the missing file. He said he is glad it was found and that the public should be notified of the find. He said he is concerned with the legality of the Adhoc Recall Committee. He said the way he read the motion, the deadlines were not met. He asked what the Board wants from the Adhoc Committee. Mr. Hathorne said he has issues with Mr. Zuckerman being allowed to continue serving on Committees where he is no longer a resident of the Town.

Mr. First said the missing personnel file was found on February 13, 2014. He said Ms. Sacco received a copy of the contents of the file; the Cumberland County Sheriff's Department and Department of Labor have both been notified. Mr. First said the mission of the Adhoc Recall Committee is to draft a recall ordinance per the instructions of the Selectmen.

Sean Chayer, resident, asked how much the Town spent on the search for a new Town Manager. He said he doesn't understand how out of 64 applicants, there was only one that was qualified. He said he has nothing against Mr. First, but he is not qualified to be a Town Manager as he has no prior experience in that position. Mr. Chayer clarified to the Board that New Gloucester has a Town Meeting form of government; that the Town Manager answers to all five members of the Board; and the Board needs to show respect whether they agree or disagree.

Beverly Cadigan, resident, said she is tired of seeing the disrespect of: the Board of Selectmen; the former Town Manager; Mr. First, Interim Town Manager; and the Town Office Staff. She said everyone won't agree on everything but you can be respectful of the decisions and explanations. She said everyone needs to move forward in a positive manner. Ms. Cadigan thanked the Board, Mr. First, and the office staff for all their hard work. She said everyone needs to think about not only what they are saying but how they are saying it.

Jean Couturier, Chairman of the Adhoc Recall Ordinance Committee, said the Committee is working on being fair but they want to ensure that an ordinance is not frivolous and it will stand up to a legal challenge.

Jean Libby, resident, said they are hoping to have the names added to the Veterans Monument around the end of June. She asked that people go to the website [www.newgloucester veteransmonument.com](http://www.newgloucester veteransmonument.com) and double check the spelling on the names and double check the era. She said currently, they have raised \$38,000, thanks to recent donation from the Crystal Lake Ice Fishing Derby; and there are over 1000 names. Ms. Libby said they are still accepting names and donations.

Mr. Libby said Dennis McCann is running a mile (throughout New Gloucester) and carrying the American flag for every veteran/name to be listed on the monument. He said Mr. McCann has a Facebook page detailing his running.

#### IV. SCHEDULED ITEMS

##### 4.68 To See What Action the Board Wishes to Take in Regard to Recall Ordinance Petition

Mr. Libby said the Board received copies of the signatures and ordinance. He said there are more than enough signatures and they have been verified.

The Board discussed when to send the petition to the Town Attorney for review; and if and when to schedule a Special Town Meeting. The Board asked Mr. Couturier if he had any idea on when the Adhoc Recall Ordinance Committee would have the draft ordinance completed.

Mr. Couturier stated three weeks at the most.

*Mr. Berry moved and Ms. Chase seconded a motion to send the Citizens Ordinance Petition along with the Adhoc Recall Draft Ordinance to the Town Attorney by April 1, 2014. The motion carried on a vote of 5-0.*

##### 4.69 To See What Action the Board Wishes to Take in Regard to Endorsement of the New Gloucester Water District Vote ("The New Gloucester Water District Board of Trustees votes "not to invest" in water main extensions, new service lines, and appurtenances associated with new connections, but reserves the right to apply for, accept, expend and invest State and federal aid or grants or municipal funds in projects with public benefit.")

*Ms. Chase moved and Mr. Berry seconded a motion to endorse the New Gloucester Water District Vote "Not to Invest" as read. The motion carried on a vote of 5-0.*

**4.70 To See What Action the Board Wishes to Take in Regard to Mutual Aid Agreement Request with the Town of Gray**

Mr. McHenry said the word incident was used throughout the document but there is no definition of the incident; and in section #9, it reads save harmless and should read hold harmless.

Mr. First said it he would look into those amendments before signing.

*Mr. Berry moved and Mr. Stevens seconded a motion to authority the Interim Town Manager to sign the Mutual Aid Agreement. The motion carried on a vote of 5-0*

**4.71 To See What Action the Board Wishes to Take in Regard to Public Works Listing of Roads to Post**

*Mr. Berry moved and Mr. McHenry seconded a motion to approve the Public Works 2014 listing of roads to be posted, as presented, beginning on March 4, 2014 through May 15, 2014, or sooner as deemed appropriate by the Public Works Director, with the following: the Public Works Director will utilize standard D.O.T. signs; signs are to be signed by the Public Works Director and include the Public Works Garage phone number; and exemptions will not be charged a fee. The motion carried on a vote of 4-1, with Mr. Libby opposing.*

**4.72 To See What Action the Board Wishes to Take in Regard to Lucky Seven Game of Chance Application for Amvets Post #6**

*Mr. McHenry moved and Mr. Stevens seconded a motion to approve the Lucky Seven Game of Chance Application for the Amvets Post #6 and to note there are no violations or complaints on file per the Code Enforcement Officer. The motion carried on a vote of 5-0.*

Ms. Chase said under the listing of dates licensed, the last date in August is written as 2001 and should it read 2014.

Ms. Myers said she would ask about the date when the application is picked up and have them make the correction, if necessary.

**4.73 To See What Action the Board Wishes to Take in Regard to Pole Location Permit from Central Maine Power and Pine Tree Telephone**

*Ms. Chase moved and Mr. Berry seconded a motion to approve the pole location permit from Central Maine Power and Pine Tree Telephone. The motion carried on a vote of 5-0.*

**4.74 To See What Action the Board Wishes to Take in Regard to Bid Specifications for the Replacement of Eight Town Hall Windows**

Mr. Libby said the funds were approved at last year's Town Meeting to replace the eight town hall windows. He said Mr. First created the bid specifications and bidders list. He said the bids are due back on April 7, 2014; a pre-bid meeting to be held on March 21, 2014; if an alternate pre-bid meeting is necessary, they may contact Mr. First; work to be completed by September 30, 2014, with a penalty of \$50 per day thereafter; and a copy of their liability insurance is necessary.

Mr. McHenry said he would like to see the date the bids are due back to the Board to read April 7, 2014, at 6:00 p.m.; the penalty dollar amount increase to \$100 per day; and add the following sentence to section #3 "Energy efficiency will be considered during the evaluation of bids."

*Mr. McHenry moved and Mr. Stevens seconded a motion to send the specifications out to bid as amended. The motion carried on a vote of 5-0.*

**4.75 To See What Action the Board Wishes to Take in Regard to Retaining Maine Municipal Association for Town Manager Search and Advertising of Same**

Mr. Libby said the Board would need to approve retaining David Barrett of Maine Municipal Association (MMA) for the Town Manager Search; re-advertise the opening; and a closure date of March 26, 2014.

The Board discussed the cost of retaining MMA again; postponing the search for a couple months, which allows the Board to see how the current situation is going and allow for the candidate pool to refresh; and to revisit this at the April 7, 2014, Selectmen's meeting.

*Mr. Berry moved and Mr. Stevens seconded a motion to table this item and revisit it on April 7, 2014. The motion carried on a vote of 4-1, with Mr. Libby opposing.*

**4.76 To See What Action the Board Wishes to Take in Regard to Certificate of Recommitment of Taxes**

Mr. Libby said the paperwork was not available for this item and recommends tabling and hold a Special Board of Selectmen's meeting on Thursday, March 6, 2014, before the Selectmen's Budget Workshop.

*Mr. Berry moved and Mr. Stevens seconded a motion to table this item until the Special Board of Selectmen's meeting on Thursday, March 6, 2014. The motion carried on a vote of 5-0.*

**4.77 To See What Action the Board Wishes to Take in Regard to Certificates of Settlement of Taxes**

Mr. Libby said the paperwork was not available for this item and recommends tabling and hold a Special Board of Selectmen's meeting on Thursday, March 6, 2014, before the Selectmen's Budget Workshop.

*Mr. Berry moved and Mr. Stevens seconded a motion to table this item until the Special Board of Selectmen's meeting on Thursday, March 6, 2014. The motion carried on a vote of 5-0.*

**4.78 To See What Action the Board Wishes to Take in Regard to Setting a Copying Fee Rate for FOAA Requests**

The Board discussed setting a fee for FOAA requests, taking into consideration the cost, paper, and time and have Mr. First check with other Towns to see what they have for set fees for those requests.

*Ms. Chase moved and Mr. McHenry seconded a motion to table and Mr. First to report back to the Board at the March 17, 2014 Board of Selectmen's meeting. The motion carried on a vote of 5-0.*

**V. APPROVE FY14 WARRANTS and PAYROLLS #31, #32, #33, #34, #35, #36 & #37**

*Ms. Chase moved and Mr. Berry seconded a motion to approve FY14 Warrants and Payrolls #31, #35 and #36. The motion carried on a vote of 4-1, with Mr. McHenry opposing.*

*Ms. Chase moved and Mr. Libby seconded a motion to approve FY14 Warrants and Payrolls #32, #33 and #34. The motion carried on a vote of 5-0.*

*Mr. Berry moved and Mr. Stevens seconded a motion to approve FY14 Warrants and Payrolls #37. The motion carried on a vote of 4-0-1, with Mr. Libby abstaining.*

**VI. APPOINTMENTS**

**A. Resignation of Melanie Craig from the Budget Committee**

*Mr. Berry moved and Ms. Chase seconded a motion to accept the resignation of Melanie Craig from the Budget Committee, with regret. The motion carried on a vote of 5-0.*

**B. Resignation of Pamela Slye from the Budget Committee**

*Ms. Chase moved and Mr. Berry seconded a motion to accept the resignation of Pamela Slye from the Budget Committee, with regret. The motion carried on a vote of 5-0.*

**C. Appointment of Paul First as MMWAC Representative**

*Mr. Berry moved and Mr. Stevens seconded a motion to appoint Paul First as an MMWAC Representative for the Town of New Gloucester. The motion carried on a vote of 5-0.*

## VII. LEGAL

None.

## VIII. WRITTEN COMMUNICATION

### A. Approve Minutes of the January 13, 2014, Board of Selectmen's Meeting

*Mr. Berry moved and Ms. Chase seconded a motion to approve the Minutes of the January 13, 2014, Board of Selectmen's Meeting. The motion carried on a vote of 5-0.*

Mr. First said the Board of Selectmen's schedule that was approved at the January 13, 2014, Board of Selectmen's Meeting, had an incorrect date listed for the Annual Town Meeting of June 3<sup>rd</sup>. He said the correct date for the Town Meeting is May 5<sup>th</sup>.

*Ms. Chase moved and Mr. Berry seconded a motion to revise and approve the Board of Selectmen's 2014 Meeting Schedule, correcting the date for the Annual Town Meeting to read May 5, 2014. The motion carried on a vote of 5-0.*

### B. Approve Minutes of the February 13, 2014, Special Board of Selectmen's Meeting

*Mr. Berry moved and Ms. Chase seconded a motion to approve the Minutes of the February 13, 2014, Special Board of Selectmen's Meeting. The motion carried on a vote of 5-0.*

### C. Approve Minutes of the February 24, 2014, Special Board of Selectmen's Meeting

*Mr. Berry moved and Ms. Chase seconded a motion to approve the Minutes of the February 24, 2014, Special Board of Selectmen's Meeting. The motion carried on a vote of 5-0.*

## IX. ORAL COMMUNICATION

### A. Selectmen

Mark Stevens – no comments.  
Joshua McHenry – no comments.  
Nathaniel Berry – no comments  
Linda Chase – no comments  
Steven Libby – no comments

### B. Town Manager

Mr. First said signatures were needed on the appointment sheet pertaining to the February 24, 2014 Special Board of Selectmen's meeting, for the appointment of himself as Interim Town Manager, Interim Tax Collector, Interim Road Commissioner, Interim Town Clerk, Interim Treasurer and Interim FOAA Officer. The Board signed the paperwork.

### C. Boards, Department Heads, and Committees

Jean Couturier, Chairman of the Adhoc Recall Ordinance Committee, gave a brief update to the Board. He said the draft ordinance is almost completed and a couple more meetings would be needed before they are ready to submit to the Board. He said the Committee voted to ask the Selectmen to consider adopting a Code of Conduct. He said this is needed, or something similar, that would trigger a recall of an elected official.

Mr. Libby said the intent of the motion, on a 5-0 vote, was to give the Committee the charge of creating a recall ordinance and Board members are not to be involved.

Mr. First said he could give the Committee a couple examples of Code of Ethics and for their discussion and review.

### X. EXECUTIVE SESSION

Mr. Libby said the Town is being sued by Sandra Sacco. He said MMA has been notified and they have assigned Attorney Mark Franco to represent the Town. He said the Board will be going into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) to discuss the lawsuit and receive updates.

The Board and Attorneys Matt Tarasevich and Mark Franco discussed conflict of interest between Board members and citizens. Mr. Libby and Mr. Berry said they are uncomfortable going into executive session under the circumstances.

Mr. Tarasevich said typically, updates on lawsuits are communicated between the attorney(s) and the Town Manager. He said if a decision needs to be made then an executive session will be needed.

*Mr. Berry moved and Mr. Libby seconded a motion that the case be dealt with between the Attorney and the Interim Town Manager and no Executive Session is needed. The motion failed on a 2-2 vote with Mr. McHenry and Mr. Stevens opposing and Ms. Chase not voting.*

Ms. Chase was concerned how the Board would receive communication if motion passed and also asked Mr. First if the Board could receive a copy of the document.

Mr. Franco, of Thompson & Bowie, said in most cases of a lawsuit against a Town, he has never met with the Board and updates are provided to the Board from the Town Manager. He also stated the document is public information and anyone may view it.

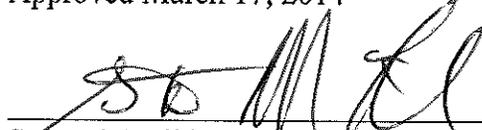
The Board re-voted on their motion.

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

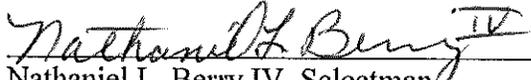
**XI. ADJOURN**

*Mr. Berry moved and Mr. Libby seconded a motion to adjourn at 9:55 p.m. The motion carried on a vote of 5-0.*

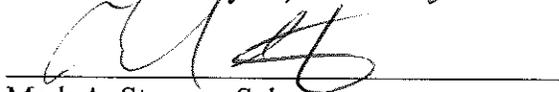
Approved March 17, 2014

  
\_\_\_\_\_  
Steven M. Libby, Chairman

  
\_\_\_\_\_  
Linda D. Chase, Vice-Chairman

  
\_\_\_\_\_  
Nathaniel L. Berry IV, Selectman

\_\_\_\_\_  
Joshua J. McHenry, Selectman

  
\_\_\_\_\_  
Mark A. Stevens, Selectman