

**TOWN OF NEW GLOUCESTER
MINUTES OF ANNUAL TOWN MEETING
May 4, 2015**

The Town meeting was called to order at 7:04 p.m., by the Town Clerk, Paul R. First.

The Clerk led the Town Meeting attendees in the Pledge of Allegiance.

Article 1. To choose a Moderator to preside at said meeting.

<i>Nomination of:</i>	<i>Gary Wood</i>
<i>Nomination by:</i>	<i>Jean Couturier</i>
<i>Seconded by:</i>	<i>Stephen Hathorne</i>
<i>No other nominations were made.</i>	
<i>Motion to close nominations:</i>	<i>Louis Talarico</i>
<i>Seconded by:</i>	<i>Stephen Hathorne</i>
<i>Those in favor of closing nominations:</i>	<i>All</i>
<i>Opposed:</i>	<i>None</i>
<i>Nomination of Gary Wood carried.</i>	
<i>3 votes were cast for Gary Wood.</i>	
<i>Gary Wood was elected Moderator.</i>	

Town Clerk, Paul First, recognized Barbara Seaver, for her 30-years of service to the Town of New Gloucester.

Barbara Seaver spoke to those in attendance.

The clerk administered the Oath of Office to the Moderator.

The Moderator explained procedures of the Town Meeting.

The Moderator asked a motion to allow non-residents to speak.

Steven Libby moved and Jean Couturier seconded a motion to allow non-residents and Department Heads to speak. The vote carried unanimously.

OPERATIONS:

Article 2. To see if the Town will vote to raise and appropriate \$376,149 from taxation and other sources for the ensuing year for the following:

Article 2		Selectmen	Budget Committee
101	Selectmen	\$ 17,200	\$ 17,200
102	Administration	\$ 279,219	\$ 279,219
105	Elections	\$ 4,630	\$ 4,630
106	Assessing	\$ 37,100	\$ 37,100
108	Legal	\$ 18,000	\$ 18,000
130	Unbudgeted Expenses	\$ 15,000	\$ 15,000
138	Fuel Overrun Allowance	\$ 5,000	\$ 5,000
		\$ 376,149	\$ 376,149

Budget Committee and Board of Selectmen recommend passage as presented.

*Motion: Jean Couturier moved that Article 2 have passage at \$376,149.
Second: Stephen Hathorne
Discussion: Roger Levasseur, Steven Libby, Paul First, and Stephen Hathorne commented on this article.
Vote: It was voted that Article 2 have passage at \$376,149.*

Article 3. To see if the Town will vote to raise and appropriate \$58,020 from taxation and other sources for the ensuing year for the following:

Article 3		Selectmen	Budget Committee
103	General Assistance	\$ 29,000	\$ 29,000
131	Health Officer	\$ 500	\$ 500
132	Animal Control	\$ 12,870	\$ 12,870
135	Cemeteries	\$ 11,000	\$ 11,000
137	Interagency Requests	\$ 4,650	\$ 4,650
		\$ 58,020	\$ 58,020

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: James Fitch moved that Article 3 have passage at \$58,020.

Second: Stephen Hathorne

Discussion: Roger Levasseur, Paul First, Steven Libby, and Carleton Wilcox commented on this article.

Motion: Roger Levasseur moved that Article 3 be amended that \$14,500 of the \$58,020 come from the undesignated fund.

Second: There was no second on this motion

Discussion: Carleton Wilcox and Stephen Chandler commented on the original motion.

Vote: It was voted that Article 3 have passage at \$58,020.

Article 4. To see if the Town will vote to raise and appropriate \$387,135 from taxation and other sources for the ensuing year for the following:

Article 4		Selectmen	Budget Committee
110	Emergency Medical Services	\$ 139,898	\$ 139,898
111	Fire Department	\$ 200,937	\$ 200,937
112	Emergency Management	\$ 2,500	\$ 2,500
114	Street Lights	\$ 7,500	\$ 7,500
115	Public Safety Dispatch	\$ 36,300	\$ 36,300
		\$ 387,135	\$ 387,135

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Jean Couturier moved that Article 4 have passage at \$387,135.

Second: Stephen Hathorne

Discussion: Penny Hilton and Scott Doyle commented on this article.

Vote: It was voted that Article 4 have passage at \$387,135.

Article 5. To see if the Town will vote to raise and appropriate \$962,829 from taxation and other sources for the ensuing year for the following:

Article 5		Selectmen	Budget Committee
116	Public Works	\$ 718,186	\$ 730,623
120	Solid Waste	\$ 227,206	\$ 232,206
		\$ 945,392	\$ 962,829

*The Board of Selectmen recommends \$945,392
Budget Committee recommends passage as presented.*

Motion: James Fitch moved that Article 5 have passage at \$962,829.

Second: Stephen Hathorne

Discussion: Roger Levasseur, Paul First, Steven Libby, Ted Shane, Stephen Hathorne, Michael Brakey and Kathleen Potter commented on this article.

Vote: It was voted that Article 5 have passage at \$962,829.

Article 6. To see if the Town will vote to raise and appropriate \$221,800 from taxation and other sources for the ensuing year for the following:

Article 6		Selectmen	Budget Committee
104	Buildings & Grounds	\$ 67,781	\$ 67,781
113	Cable TV	\$ 12,550	\$ 12,550
123	Library	\$ 92,440	\$ 92,440
133	Parks & Recreation	\$ 49,029	\$ 49,029
		\$ 221,800	\$ 221,800

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Jean Couturier moved that Article 6 have passage at \$221,800.

Second: Stephen Hathorne

Motion: James Fitch moved to move the question.

Second: James Giffune

Vote: Vote to close the question did not pass.

Motion: Roger Levasseur moved to amend Article 6 to \$214,300.

Second: Tamilyn Wayboer

Discussion: Roger Levasseur, Joshua McHenry, Steven Libby, Linda Chase, Paul First, Justin Robash and Harvey Price commented on the amendment.

Vote: The motion to amend Article 6 failed.

Vote: It was voted that Article 6 have passage at \$221,800.

Article 7. To see if the Town will vote to raise and appropriate \$133,610 from taxation and other sources for the ensuing year for the following:

Article 7		Selectmen	Budget Committee
107	Code Enforcement	\$ 63,790	\$ 63,790
122	Planning	\$ 68,320	\$ 68,320
124	Environmental Resources	\$ 200	\$ 200
126	Water Resources	\$ 300	\$ 300
129	Sabbathday Lake Testing	\$ 1,000	\$ 1,000
		\$ 133,610	\$ 133,610

Budget Committee & Board of Selectmen recommends passage as presented.

*Motion: James Fitch moved that Article 7 have passage at \$133,610.
 Second: Stephen Hathorne
 Discussion: None.
 Vote: It was voted that Article 7 have passage at \$133,610.*

Article 8. To see if the Town will vote to raise and appropriate \$695,650 from taxation and other sources for the ensuing year for the following:

Article 8		Selectmen	Budget Committee
109	Insurance	\$ 350,250	\$ 350,250
125	Social Security/Retirement	\$ 155,400	\$ 155,400
139	Debit Service	\$ 190,000	\$ 190,000
		\$ 695,650	\$ 695,650

Budget Committee & Board of Selectmen recommends passage as presented.

*Motion: Jean Couturier moved that Article 8 have passage at \$695,650.
 Second: James Fitch
 Discussion: None.
 Vote: It was voted that Article 8 have passage at \$695,650.*

Article 9. To see if the Town will vote to raise and appropriate \$237,000 from taxation for the ensuing year for the following:

144	TIF District	\$225,000 (Estimated; determined when tax rate calculated.)
145	Tax Abatements	<u>12,000</u>
	TOTAL	<u>\$237,000</u>

Board of Selectmen recommend passage as presented.

Motion: James Fitch moved that Article 9 have passage at \$237,000.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 9 have passage at \$237,000.

Article 10. PARSONS' PROPERTY

To see if the Town will vote to appropriate funds for FY15 to purchase Map 19 Lot 20 located at 5 Upper Village Street for the amount of \$140,000 and in accordance with the terms detailed in the Purchase and Sale Agreement and Addendum provided in the narrative section. Furthermore, to see if the Town will appropriate \$500 for title insurance of the same real property. Appropriations are from the following accounts:

G1-450 Chandler Brothers Land	\$7,644.31
G1-510 Undesignated Fund	\$25,949.71
<u>G1-401 Future Land Purchase</u>	<u>\$106,905.98</u>
	\$140,500.00

This property is approximately 4.48 acres and located immediately behind the Public Works garage.

Motion: Jean Couturier moved that Article 10 have passage at \$140,500.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 10 have passage at \$140,500.

CAPITAL PROJECTS:

Article 11. To see if the Town will vote to appropriate \$12,000 from Capital Reserve Account (G1-391 - \$53,049) for the ensuing year for the following: Roll Off Container

Account 128

Roll Off Container \$12,000 CR

TOTAL \$12,000

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 11 have passage at \$12,000.

Second: Jean Couturier

Discussion: None.

Vote: It was voted that Article 11 have passage at \$12,000.

Article 12. To see if the Town will vote to appropriate \$200,000 from Capital Reserve Account (G1-389 – \$243,728) for the ensuing year for the following: 503 Dump Truck

Account 128

503 Dump Truck \$200,000 CR

TOTAL \$200,000

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 12 have passage at \$200,000.

Second: Jean Couturier

Discussion: Roger Levasseur, Paul First, Joshua McHenry and James Fitch commented on this article.

Vote: It was voted that Article 12 have passage at \$200,000.

Article 13. To see if the Town will vote to appropriate \$10,000 from Capital Reserve Account (G1-396 – \$1,436), Expense Account (128-4-12), and taxation for the ensuing year for the following: Town Hall Windows

Account 128

Town Hall Windows	\$8,380 Tax
	\$1,436 CR
	\$184 Expense
TOTAL	<u>\$10,000</u>

Board of Selectmen recommend passage.

Motion: Jean Couturier moved that Article 13 have passage at \$10,000.
Second: Stephen Hathorne
Discussion: Stephen Hathorne and Paul First commented on this article.
Vote: It was voted that Article 13 have passage at \$10,000.

Article 14. To see if the Town will vote to appropriate \$150,000 from taxation and Capital Reserve Account (G1-405 - \$106,830) for the ensuing year for the following: Replacement of Outlet Road Bridge

Account 128

Outlet Road Bridge	\$106,830 CR
	\$43,170 Tax
TOTAL	<u>\$150,000</u>

Board of Selectmen recommend passage.

Motion: Steven Libby moved that Article 14 have passage at \$125,000.
Second: James Fitch
Discussion: Steven Libby, William Kiley and Joshua McHenry commented on this article.
Vote: It was voted that Article 14 have passage at \$125,000.

Article 15. To see if the Town will vote to appropriate \$50,000 from TIF Reserve Account (G1-103 – \$941,595) for the ensuing year for the following: Morse Road Phase III Engineering

Account 128

Morse Road Phase III Engineering \$50,000 TIF

TOTAL **\$50,000**

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 15 have passage at \$50,000.

Second: Stephen Hathorne

Discussion: Sean Chayer, Paul First, Steven Libby, Joseph Davis, Ted Shane and Penney Hilton commented on this article.

Vote: It was voted that Article 15 have passage at \$50,000.

Article 16. To see if the Town will vote to appropriate \$50,000 from taxation and other sources for the ensuing year for the following: Replacement of 504 Dump Body

Account 128

Replacement of 504 Dump Body \$50,000 Tax

TOTAL **\$50,000**

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 16 have passage at \$50,000.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 16 have passage at \$50,000.

Article 17. To see if the Town will vote to appropriate \$100,000 from taxation and other sources for the Highway Equipment Capital Reserve Account (G1-389 - \$243,728) for the ensuing year.

Account 127

Highway Equipment Reserve Account	\$100,000 Tax
TOTAL	<u>\$100,000</u>

Board of Selectmen recommend passage.

Motion: Jean Couturier moved that Article 17 have passage at \$100,000.
Second: Stephen Hathorne
Discussion: None.
Vote: It was voted that Article 17 have passage at \$100,000.

Article 18. To see if the Town will vote to appropriate \$4,000 from taxation and other sources for the Library Expansion Account (G1-410 - \$68,147) for the ensuing year.

Account 127

Library Expansion Account	\$4,000 Tax
TOTAL	<u>\$4,000</u>

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 18 have passage at \$4,000.
Second: Kathleen Potter
Discussion: None.
Vote: It was voted that Article 18 have passage at \$4,000.

Article 21. To see if the Town will vote to accept and spend the following categories of State revenue funds during the ensuing year:

1. Municipal Revenue Sharing
2. MDOT LRAP
3. MDOT MPI
4. Tree Growth Reimbursement
5. General Assistance Reimbursement
6. Veterans Exemption Reimbursement
7. Snowmobile Registration Funds
8. Public Library State Aid
9. Emergency Management Assistance/Homeland Security Grants
10. Other State Aid (*pass-through funds and property tax relief*)
11. State and Federal Grants or Other Funds (*not included in items 1 – 9 above.*)

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 21 have passage as presented.

Second: Jean Couturier

Discussion: None.

Vote: It was voted that Article 21 have passage as read.

Article 22. To see if the Town will vote to apply the following anticipated Revenues to reduce the tax commitment: Revenue amounts shown are estimates.

Revenue	
Building Inspection & Fees	\$ 20,685
Transfer Station Permits	\$ 3,500
Boat Excise Tax	\$ 6,500
Auto Excise Tax	\$ 880,000
Town Fees	\$ 17,000
Recreation Program Fees	\$ 27,800
Fines & Reimbursements	\$ 500
Clerk Fees	\$ 5,000
Rent Income	\$ 1
Copy/Fax Fees	\$ 1,500
Cable Franchise Fees	\$ 22,000
Library Revenue	\$ 1,500
Investment Income	\$ 5,500
Capital Project Accounts Interest	\$ 2,500
Animal Control	\$ 1,000
Transfer Station Recycling	\$ 40,000
Real Estate Tax Interest	\$ 25,000
EMS Transport	\$ 90,000
Capital Reserve Funds	\$ 320,450
Undesignated Fund	\$ 100,000
TIF (Fire Station Annual Debt & Morse Rd)	\$ 190,000
Municipal Revenue Sharing Reserve Fund	\$ 100,000
Maine PERS Reserve	\$ 41,200
Total	\$ 1,901,636

Board of Selectmen recommend passage.

Motion: James Fitch moved that Article 22 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 22 have passage as read.

Article 23. AUTHORITY TO ACCEPT REVENUE IN EXCESS OF AMOUNT BUDGETED

To see if the Town will vote to authorize the Clerk/Treasurer to accept revenue in excess of amounts budgeted on behalf of the town.

Motion: James Fitch moved that Article 23 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 23 have passage as read.

Article 24. AUTHORITY TO ACCEPT GRANTS

To see if the Town will vote to authorize the Board of Selectmen to apply for and accept, on behalf of the Town, state and federal grants and grants from nonprofit organizations for municipal purposes, including when necessary, the authority to sign the grant contract and accept the conditions that accompany grant funds, and to appropriate and expend grant funds and matching funds required for the authorized purposes.

Motion: James Fitch moved that Article 24 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 24 have passage as read.

Article 25. ACCEPTANCE OF GIFTS OF MONEY OR PERSONAL PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to accept gifts of money or personal property to the Town and to appropriate and expend such money for such public purposes as the Board deems to be in the interest of the Town.

Motion: James Fitch moved that Article 25 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 25 have passage as read.

Article 26. ACCEPTANCE OF *CONDITIONAL* GIFTS OF MONEY AND PERSONAL PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to accept conditional gifts of money to the Town and to appropriate and expend the funds for the legal purposes for which the gift was made and in accordance with any conditions imposed by the donor and to accept conditional gifts of personal property to the Town and to use the property in the legal manner specified by the donor.

Motion: James Fitch moved that Article 26 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 26 have passage as read.

Article 27. RETURNING UNEXPENDED CAPITAL IMPROVEMENT FUNDS TO CAPITAL RESERVE ACCOUNTS

To see if the Town will vote to authorize the Board of Selectmen to return unexpended capital improvement funds to their corresponding capital reserve accounts.

Motion: James Fitch moved that Article 27 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 27 have passage as read.

Article 28. ESTABLISHMENT OF INTEREST RATE FOR LATE TAX PAYMENTS

To see if the Town will vote to fix a date and terms when taxes shall become due and payable, and set an interest rate of 7.00 percent per annum. The 7% interest rate is authorized under Title 36 M.R.S.A. Section 505.4, as of January 1, 2008.

Recommendation: that the second Friday of October and April, Friday, **October 9, 2015** and Friday, **April 8, 2016** be established as the dates taxes are due and payable, and that interest at the rate of seven percent (7%) per annum will be charged after such dates.

Motion: James Fitch moved that Article 28 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 28 have passage as read.

Article 29. ESTABLISHMENT OF INTEREST RATE FOR ABATED TAXES

To see if the town will vote to set the interest rate at three percent (3%) per annum to be paid by the town on abated taxes pursuant to Title 36 M.R.S.A. Section 506-A.

Motion: James Fitch moved that Article 29 have passage as presented.

Second: Stephen Hathorne

Discussion: Louis Talarico and Paul First commented on this article.

Vote: It was voted that Article 29 have passage as read.

Article 30. ACCEPTANCE OF TAX PREPAYMENTS

To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed, pursuant to Title 36 M.R.S.A. § 506.

Motion: James Fitch moved that Article 30 have passage as presented.

Second: Stephen Hathorne

Discussion: None.

Vote: It was voted that Article 30 have passage as read.

Article 31. DISPOSITION OF FORECLOSED PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to dispose of the following foreclosed properties in such manner and on such terms as the Board of Selectmen finds to be in the best interests of the Town.

MAP	LOT	LOCATION	LAND/BUILDINGS
8	101C	168 North Pownal Rd	Land & Mobile
6	2 A	670 Lewiston Rd	House & Land
16	11-1	275 Lewiston Rd	Mobile Only
7	28A	757 Lewiston Rd	Land & Mobile
2	22D	328B Sabbathday Rd	Land & Mobile
4	43	Penney Rd	Land Only
7	34B	46 Estes Rd	House & Land
6	39	Emmaus Rd	Land Only
1	17-3	Pond Rd	Land Only
10	1	Lewiston / Bald Hill Rd	Land Only
7	117	164 Weymouth Rd	House & Land
3	67B1	63 Farrington Ln	House & Land
11	21A	114 Hatch Rd	House & Land

Motion: James Fitch moved that Article 31 have passage as presented.

Second: Stephen Hathorne

Discussion: Peter Bragdon, Paul First and Louis Talarico commented on this article.

Motion: Louis Talarico moved to have his property, Map 11, Lot 21-A, removed from the foreclosed property list.

Second: Stephen Hathorne

Discussion: Paul First, Steven Libby, Timothy Joy, Stephen Hathorne, Joshua McHenry, Louis Talarico, Frank Chambers, Sean Chayer, Peter Bragdon and Barbara Seaver commented on the amendment.

Vote: The motion to amend Article 31 failed.

Vote: It was voted that Article 31 have passage as read.

Article 32. SALE OF TOWN REAL ESTATE PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to sell the Town's interest in the following properties in such a manner and on such terms as the Board of Selectmen find to be in the best interest of the Town, with sale proceeds going to the Future Land Purchase Reserve Account (G-401):

- 0012-0038; Rice Corner Road; +/- 14 acre
- 0011-0047; Cobbs Bridge Road; +/- 35 acre
- 0008-0050; Intervale Road; +/- 1 acre

Motion: James Fitch moved that Article 32 have passage as presented.
Second: Jean Couturier
Discussion: Carlton Wilcox commented on this article.
Motion: Carlton Wilcox moved to add Map 13 Lot 10 and Lot 12, 64 +/- acres to Article 32.
Second: Roger Levasseur
Discussion: The moderator stated the amendment was not in order.
Vote: No vote taken.
Discussion: Stephen Hathorne and Steven Libby commented on this article.
Vote: It was voted that Article 32 have passage as read.

Article 33. DISPOSITION OF SURPLUS TOWN PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to sell and dispose of surplus town-owned personal property on such terms and conditions as the Board of Selectmen finds to be in the best interests of the Town and to deposit proceeds from such sales in the corresponding capital reserve accounts or Undesignated Fund.

Motion: James Fitch moved that Article 33 have passage as presented.
Second: Stephen Hathorne
Discussion: None.
Vote: It was voted that Article 33 have passage as read.

Article 34. AGREEMENT AND CONSENT TO ENCROACHMENT

To see if the Town will vote to authorize the Board of Selectmen to enter into an Agreement and Consent to Encroachment with the owners of 1026 Lewiston Road, currently known as Lil' Mart Store. This agreement pertains to the existing encroachment of certain structures within the Town Right of Way for Upper Village Street. Please see the narrative section of this warrant for the full agreement text and accompanying plans.

Motion: James Fitch moved that Article 34 have passage as presented.
Second: Stephen Hathorne
Discussion: Timothy Joy and Debra Parks Larrivee commented on this article.
Vote: It was voted that Article 34 have passage as read.

Article 35. ROAD DISCONTINUANCE

To see if the Town will vote to approve the Municipal Officers' Order of Discontinuance of a portion of Mayall Road without reservation of a public easement in the same, dated March 2, 2015 and filed with the Town Clerk.

Motion: James Fitch moved that Article 35 have passage as presented.

Second: Jean Couturier

Discussion: None.

Vote: It was voted that Article 35 have passage as read.

Article 36. RECALL ORDINANCE AMENDMENT

To see if the Town will vote to amend an ordinance entitled 'Ordinance for the Recall of Elected Officials, Town of New Gloucester, Maine.' Full text is provided below.

**Ordinance for the Recall of Elected Officials
Town of New Gloucester**

SECTION 1; Authority

This Ordinance is adopted pursuant to Title 30-A MRSA § 2602(6).

SECTION 2; Applicability

Any elected official of the Town of New Gloucester, Maine, may be recalled and removed from office as provided herein.

SECTION 3; Petitions for Recall

- a. Only registered voters of the Town of New Gloucester may sign petitions for recall. To be valid the recall petition shall contain a number of valid signatures equal to ten percent (10%) of the number of votes cast for Governor in the last gubernatorial election in New Gloucester.
- b. The petition shall be addressed to those members of the Board of Selectmen who are not subjects of the petition; if petitions for the recall of all Selectmen are submitted, the petitions shall be addressed to the Town Clerk.
- c. The petition shall state the name and office of the person whose removal is being sought and shall give a general statement of the reason(s) why such removal is sought.
- d. If recall of more than one person is being sought, there shall be a separate petition for each person whose removal is being sought.
- e. Each page of the petition shall provide a space for each voter's signature, address and printed name.
- f. All petition pages shall be filed as a single document.

g. At the bottom of each page of the petition, the circulator of that page shall certify that to the best of his or her knowledge, each signature is genuine.

SECTION 54; Clerk's Certification

Within ten (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the procedural qualifications ~~as set forth in Section 4~~ of this Ordinance. Should the petition be found insufficient, the petition shall be filed in the Clerk's office and the voter who filed the petition shall be notified.

SECTION 65; Calling the Recall Election

a. If the petition is certified by the Town Clerk to be sufficient, he or she shall submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.

b. The Board Of Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA § 2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election is not scheduled to be held within 90 days of receipt of the certified petition and, in this case, the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.

c. In the event that the Board Of Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectmen's failure or refusal to order the required election.

SECTION 76; Ballots for the Recall Election

Unless the official(s) whose removal is being sought resigns within ten (10) days of receipt of the certified petition by the Board of Selectmen, the ballots shall be printed and shall read:

"SHALL _____ BE RECALLED?" with the name of the person whose recall is being sought inserted in the blank space.

SECTION 87; Result of Election

If a fifty-five percent (55%) majority of those voting in a recall election shall vote in favor of recalling such official, such official is thereby removed from office upon certification of the vote by the Town Clerk or Deputy Town Clerk.

SECTION 98; Vacancies to be filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions of Maine law and the date, time, and location of the new election to fill the vacancies shall be set by the Board of Selectmen within 60 days.

Motion: James Fitch moved that Article 36 have passage as presented.
Second: Kathleen Potter
Discussion: None.
Vote: It was voted that Article 36 have passage as read.

Article 37. CONSUMER FIREWORKS ORDINANCE

To see if the Town will vote to adopt the ‘Consumer Fireworks Ordinance.’ This ordinance, developed by the Public Safety Committee, prohibits the sale of fireworks in the Town of New Gloucester. Full text is provided below.

TOWN OF NEW GLOUCESTER

CONSUMER FIREWORKS ORDINANCE

SECTION 1. Purpose and Authority.

A. Purpose.

This Ordinance prohibits the sale of consumer fireworks in the Town of New Gloucester.

B. Title and Authority.

This Ordinance shall be known as the "Town of New Gloucester Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of P.L. 2011, ch. 416, § 5 (effective Jan. 1, 2012), *codified at* 8 M.R.S.A. § 223-A.

SECTION 2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer Fireworks

"Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

SECTION 3. Sale of Consumer Fireworks Prohibited.

No person shall sell, possess with the intent to sell, or offer for sale consumer fireworks within the Town of New Gloucester.

SECTION 4. Violation and Enforcement.

A. Penalty for Violation:

Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of New Gloucester for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

SECTION 5: Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Motion: James Fitch moved that Article 37 have passage as presented.
Second: Jean Couturier
Discussion: Joshua McHenry, Carlton Wilcox, Scott Doyle, John Randall, Steven Libby and Roger Levasseur commented on this article.
Vote: The motion to pass Article 37 failed.

James Fitch moved and George Carman seconded a motion to adjourn at 9:45 p.m. The motion passed unanimously.

ATTEST: 
Paul R. First, Town Clerk