

MINUTES
Town of New Gloucester
BOARD OF ASSESSOR'S & BOARD OF SELECTMEN'S MEETING
7:00 p.m.
Monday, March 17, 2014
At the Meetinghouse

BOARD OF ASSESSOR'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

I. CALL THE MEETING TO ORDER & ATTENDANCE

Chairman, Steven Libby, called the meeting to order at 7:00 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. To See What Action the Board Wishes to Take in Regard to 2013-14 Supplements, Batch #2

Mr. McHenry moved and Mr. Berry seconded a motion to approve the 2013-14 Supplemental Tax Warrant, Batch #2. The motion carried on a vote of 5-0.

Mr. McHenry moved and Mr. Berry seconded a motion to approve the 2013-14 Supplemental Tax Certificate, Batch #2. The motion carried on a vote of 5-0.

III. To See What Action the Board Wishes to Take in Regard to 2013-14 Abatements, Batch #2

Mr. McHenry moved and Mr. Berry seconded a motion to approve the 2013-14 Abatements, Batch #2. The motion carried on a vote of 5-0.

IV. ADJOURN

Mr. McHenry moved and Mr. Berry seconded a motion to adjourn at 7:04 p.m. The motion carried on a vote of 5-0.

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

I. CALL THE MEETING TO ORDER & ATTENDANCE

Chairman, Steven Libby, called the meeting to order at 7:04 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. SCHEDULE NEXT MEETING:

Board of Selectmen – 7:00 p.m., Monday, April 7, 2014

A. Adjustments to the Agenda

None.

III PUBLIC PARTICIPATION

Mr. McHenry said the Board received an email from Christopher Rheault who asked for it to be read aloud at the meeting (a copy is attached to these minutes).

Penny Hilton, resident, spoke to the Board concerning her frustration on how the Board is doing their job and the lack of trust she and the citizens have with the current Selectmen.

Kathleen Potter, resident, said she is concerned with the delay in the Town Manager search; said she would like some assurance the citizens recall ordinance petition goes to the Town Attorney by April 1st; and said she will be applying for one of the openings on the Budget Committee. Ms. Potter said she cares about the Town of New Gloucester and thanked the Board for all their hard work.

Frank Chambers, resident, said he would like to see the public invited to an open meeting to ask questions of the final two or three candidates in the next Town Manager search.

Sean Chayer, resident, asked the status of the police investigation; said he would like everyone to be treated the same by the Board; all Board members should be aware of the rules they are to follow; and the citizens would like the distrust of the Board to cease.

Mr. First said he spoke with the detective handling the missing file case and the case is closed.

Steve Hathorne, resident, said he wanted to thank Mr. Rheault for his letter to the Board; asked if the top five Town Warrant budget questions be worded so the citizens may choose to up the amount, if necessary; bring back the moderator used last year at the Town Meeting, as he did a very good job; said two items approved at last year's Town Meeting, the cistern and Town Hall windows, have not been completed and asked why; said he doesn't like the idea of putting the citizens petition and the adhoc recall ordinance on the same warrant; said Mr. First is doing a good job as Interim Town Manager, but would like to see a Town Manager who is qualified and has prior experience; said Mr. Zuckerman is not a resident of the Town of New Gloucester and allowing him to continue speaking at meetings and as a committee(s) member, is putting the Town and Board in a bad situation; and asked the Board if they have given any thought to creating a report notifying the citizens of the Town what is happening, without having to read it in the newspapers.

Mr. Libby said the windows would be a special order item due to the size, and installing them in the cold months is not feasible. He said awarding the bid on April 7th will allow installation in the summer months. Mr. Libby said when the Budget Committee and Selectmen do not agree, the higher of the two recommendations is what is used for the budget number on the warrant.

Mary Ann Larson, resident, said she was appalled at what happened at the last meeting. She said the money spent for the Town Attorney to be at the meeting was unnecessary.

IV. SCHEDULED ITEMS

4.81 To See What Action the Board Wishes to take in Regard to the Pole Permit Application from Central Maine Power

Mr. McHenry moved and Mr. Stevens seconded a motion to approve the Pole Permit Application from Central Maine Power. The motion carried on a vote of 5-0.

4.82 To See What Action the Board Wishes to take in Regard to Cobbs Bridge Road Bridge Construction Update

Mr. First said the bridge is being rehabilitated, not being replaced. He said there will be a preconstruction meeting on Friday, April 4th, at 9:00 a.m.; road closure to begin on June 19th through August 28th (dates will fall according to last day of school); and information including notice and detour maps will be on the Town website. He said MDOT will also be responsible for any damage to local roads due to the extra traffic caused by the closure/detours.

Mr. Libby said residents on both sides of the bridge should be notified via postcard.

Mr. Berry moved and Mr. McHenry seconded a motion to have MDOT notify residents who live south of the Cobb's Bridge Road Bridge (over the Royal River)

of the upcoming construction and closures; and staff will notify other residents in the area. The motion carried on a vote of 5-0.

4.83 To See What Action the Board Wishes to take in Regard to Fee Schedule for FOAA Requests

Mr. First said he spoke with the Towns of Poland, Gray, Yarmouth and Cumberland concerning their fees for FOAA requests. He said three of the four town's charge 50 cents per copy, which is in align with the current fee New Gloucester is charging.

Mr. McHenry moved and Mr. Stevens seconded a motion to adopt the FOAA Request fee policy as follows: no cost for inspection of records; copying fees apply per the existing fee schedule; \$15 per hour cost recovery after the first hour; mailing cost when applicable; and format conversion costs when applicable. The motion carried on a vote of 5-0.

The Board asked Mr. First to review the current fee schedule.

4.84 To See What Action the Board Wishes to take in Regard to Adoption of a Code of Ethics Policy.

Mr. Libby said included in the packets was a draft code of ethics policy. He said it's important that all Board members are in support and agreement of the policy.

Mr. First said he looked at policies from different Town's and Windham's was the best fit for New Gloucester with a few changes and deletions.

Mr. Libby asked about the addition or the need of a financial disclosure.

Mr. First said it was not needed. He said this policy would pertain to all appointed or elected officials with executive decision making authority (Board of Selectmen, Board of Assessor's, Planning Board and Zoning Board of Appeals).

Mr. Berry said on page 1, under Immediate Family, add "Domestic Partner".

Mr. McHenry said on page 3, Incompatible Employment, should reference the State law or provide examples, for clarity.

Mr. Libby said the next step is to forward to the Town Attorney the documents with noted amendments.

Mr. McHenry moved and Mr. Berry seconded a motion to amend the document as stated and direct Mr. First to forward to the Town Attorney for review. The motion carried on a vote of 5-0.

4.85 To See What Action the Board Wishes to take in Regard to Engineering Cost for Proposed Public Works Garage

Mr. First said enclosed in the packets was copy of the replacement costs for the Public Works Garage and Salt Shed. He said preliminary engineering costs would be \$73,236. He said Phil Saucier, Town Attorney, is reviewing the TIF document to see if this project qualifies for TIF funds as the Public Works Garage is not listed as eligible or ineligible. Mr. First said once the engineering is completed, other sources of funding can be sought.

Mr. Libby said if an amendment is necessary to the TIF document, a vote at Town Meeting would be needed.

Mr. Libby said no action needed on this item and Mr. First would bring back to the Board at the April 7th meeting.

4.86 To See What Action the Board Wishes to Take in Regard to Establishing the Last Day to Accept Warrant Articles by Petition for the Annual Town Meeting

Mr. McHenry moved and Mr. Libby seconded a motion to set Friday, April 4th, at 12:00 p.m., as the last day to accept warrant articles by petition. The motion carried on a vote of 5-0.

4.87 To See What Action the Board Wishes to take in Regard to Mileage Rate Increase

Mr. McHenry moved and Mr. Berry seconded a motion to set the mileage rate for FY15 at 56 cents per miles per the IRS and the new rate to take effect on July 1st; and the Board of Selectmen to review the mileage rate each year at the first regular meeting in March. The motion carried on a vote of 5-0.

4.88 To See What Action the Board Wishes to take in Regard to the Amended Budget Schedule

Mr. First said the proposed revised FY15 Budget Schedule is as follows: March 18th, Final Selectmen's Workshop; March 20th, Joint Meeting of Budget Committee and Selectmen; April 2nd, Budget Committee Public Hearing; April 7th, First Warrant Draft by Selectmen; April 14th, Selectmen Approve Final Warrant; April 15th, Posting of Warrant; and May 5th, Annual Town Meeting.

Mr. McHenry moved and Mr. Stevens seconded a motion to adopt the following revised FY15 Budget Schedule: March 18th, Final Selectmen's Workshop; March 20th, Budget Committee Meeting; April 2nd, Budget Committee Public Hearing; April 7th, First Warrant Draft by Selectmen; April 14th, Selectmen Approve Final Warrant; April 15th, Posting of Warrant; and May 5th, Annual Town Meeting. The motion failed on a vote of 1-4, with Mr. Berry, Ms. Chase, Mr. Libby and Mr. Stevens opposing.

Mr. Berry moved and Ms. Chase seconded a motion to adopt the following revised FY15 Budget Schedule: March 18th, Final Selectmen's Workshop; March 20th, Joint Meeting of Budget Committee and Selectmen; April 2nd, Budget Committee Public Hearing; April 7th, First Warrant Draft by Selectmen; April 14th, Selectmen Approve Final Warrant; April 15th, Posting of Warrant; and May 5th, Annual Town Meeting. The motion carried on a vote of 4-1, with Mr. McHenry opposing.

4.89 To See What Action the Board Wishes to take in Regard to Town Meeting Moderator

Mr. McHenry moved and Mr. Berry seconded a motion to engage Mr. John Lloyd to stand for election of Town Meeting moderator at a cost of \$2,240 or less. The motion carried on a vote of 5-0.

V. APPROVE FY14 WARRANTS AND PAYROLLS #38 and #39

Mr. Stevens moved and Ms. Chase seconded a motion to approve FY14 Warrants & Payrolls #38 & #39. The motion carried on a vote of 4-0-1, with Mr. Libby abstaining.

VI. APPOINTMENTS

Mr. McHenry said Kathleen Potter stated during public participation that she would be applying for one of the openings on the Budget Committee. He said he would like to appoint her so she can attend and be part of the joint meeting on March 20th.

Mr. McHenry moved and Mr. Stevens seconded a motion to appoint Kathleen Potter to the Budget Committee for the completion of Pamela Slye's term of June 2014; and her completed committee application be turned into the Town Office before the March 20th Joint Meeting of the Budget Committee and Selectmen. The motion carried on a vote of 5-0.

VII. LEGAL

None.

VIII. WRITTEN COMMUNICATION

A. Approve Minutes of the March 3, 2014, Board of Selectmen's Meeting

Ms. Chase moved Mr. Berry moved to approve the Minutes of the March 3, 2014, Board of Selectmen's Meeting. The motion carried on a vote of 4-0-1, with Mr. McHenry abstaining.

B. Approve Minutes of the March 6, 2014 , Special Board of Selectmen's Meeting

Mr. Berry moved and Mr. Stevens seconded a motion to approve the Minutes of the March 6, 2014, Special Board of Selectmen's Meeting. The motion carried on a vote of 4-0-1, with Ms. Chase abstaining.

IX. ORAL COMMUNICATION

A. Selectmen

Mark Stevens – no comments.

Joshua McHenry – said he wanted to thank the citizens for their comments. He said he was surprised on how the meeting ended and he is turning a new page and will work with the Board of Selectmen on matters of the Town.

Mr. McHenry moved and Mr. Stevens seconded a motion to direct the Town Manager to submit a report to be posted to the website, updating citizens on matters of the Town.

Mr. First said he likes the idea of a report but currently he is inundated with several big projects, including the budget. He said if the Board could give him about four weeks he would be pleased to do it.

Mr. McHenry withdrew his motion.

Nathaniel Berry – no comments.

Linda Chase – no comments.

Steven Libby – said he is not happy with the way people chose to discuss issues. He said you can be passionate without being aggressive and apologies do not change the fact of what took place. He said he is in hopes of putting it behind him and move forward. Mr. Libby said he hopes everyone has learned from this but he will not forget or look at some people the same. He said the Board worked well together on the Town Manager search and throughout the budget process with their different ideas. He said he has respect for the other four Board members and all need to look forward and learn.

B. Town Manager

Mr. First said the Adhoc Recall Ordinance Committee has finished the ordinance and it will be submitted to the Town Attorney for review. Mr. First handed out copies to the Board.

C. Boards & Committees

Mr. Couturier said the Adhoc Committee completed the ordinance earlier in the day and Mr. First was instrumental with his guidance and thanked him. He said there were vigorous discussions at times but everyone brought forth their ideas and are still friends and unscathed.

The Board thanked Mr. Couturier and the Committee for all their work on the ordinance.

X. EXECUTIVE SESSION

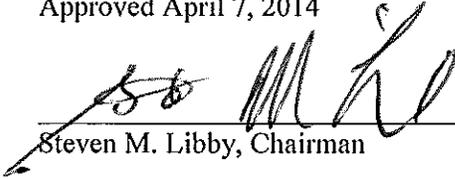
None.

XI. RETURN TO OPEN SESSION

XII. ADJOURN

Mr. Berry moved and Ms. Chase seconded a motion to adjourn at 9:46 p.m. The motion carried on a vote of 5-0.

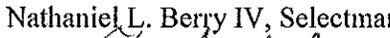
Approved April 7, 2014



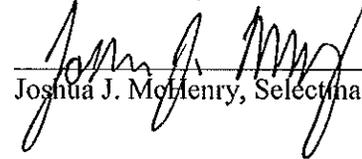
Steven M. Libby, Chairman



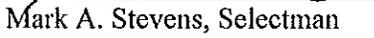
Linda D. Chase, Vice-Chairman



Nathaniel L. Berry IV, Selectman



Joshua J. Mollenry, Selectman



Mark A. Stevens, Selectman

March 17, 2014

To the Selectman and our community,

I was shocked beyond disappointment with what I saw at the last meeting of this board. It would appear that disagreeing with the established powers in our little town brings nothing but grief and acrimony down on one's head. Mr. Libby's aggressive and orchestrated attack on a fellow selectman at the last meeting was beyond belief, so much so that even his typical supporters were visibly uncomfortable with the entire situation.

What would almost be funny if it was not so remarkably lousy, is that Mr. Libby went to the full extent of a Freedom of Information request, which showed nothing other than Mr. McHenry acting properly in his communications with community members. Mr. Libby tried to purport that Mr. McHenry has been working against the town, when in fact all he did was show Mr. McHenry to have provided information to a constituent.

It is interesting to note that such a full record of Mr. McHenry's communications exist as they are in email. This is a good thing: it maintains a public record. Mr. Libby himself prefers to communicate by phone, at least it would seem so from anecdotal history: Frequently Mr. Libby tells his fellow board members and the public that he has spoken on the phone to the town's attorney, to staff at MMA. He often tells us that he has had many phone calls from the public on certain issues. I am sure he has, but we do not have transcripts of those conversations. We take his word at face value because he is an elected official of our town.

If any elected official has acted inappropriately, there is a proper course of action to be pursued. Making allegations and casting aspersions in a public forum, when you are present as an elected official is hardly the place for it. Mr. Libby may have had genuine concerns, which prompted the FOIA request and conversation with the town's attorney. Since neither of those actions revealed that members of the board had done anything wrong, illegal or inappropriate that should have been the end of the matter.

As a final note, it was quite interesting to see that one community member, Mr. Chayer had to ask repeatedly to speak to an issue, which directly related to him and indeed mentioned him by name. Shortly after, Mr. Zuckerman took to the podium to offer a more general opinion and no one batted an eyelid. Mr. Libby seems to have a flexible rule regarding what he calls public participation and who can speak when.

I am sorry I will not be able to make tonight's meeting in person, to say these things directly to you. I hope you will consider my words and those of others who may speak to the issues of how the town is being run and the negative spirit with which this board is being guided. I want to quote my father, and tell you "I'm not angry, I'm just disappointed", please don't make us angry too.

Sincerely,
Christopher Rheault