

MINUTES
Town of New Gloucester
BOARD OF SELECTMEN'S MEETING
7:00 p.m.
Monday, March 16, 2015
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

BOARD OF SELECTMEN'S MEETING

I. CALL THE MEETING TO ORDER & ATTENDANCE

Chairman, Steven Libby, called the meeting to order at 7:02 p.m. Present were Chairman, Steven Libby; Vice-Chairman, Linda Chase; Selectmen, Nathaniel Berry, Joshua McHenry and Laura Sturgis; Town Manager, Paul First; and Recorder, Sharlene Myers.

II. SCHEDULE NEXT MEETING:

Board of Selectmen – 7:00 p.m., Monday, April 6, 2015

A. Adjustments to the Agenda

Ms. Chase moved and Mr. McHenry seconded a motion to add Item 4.77, To See What Action the Board Wishes to take in Regard to Personnel Policy. The motion carried on a vote of 5-0.

III. PUBLIC PARTICIPATION

A. Dedication of Annual Report

Mr. Libby said the 219th Town of New Gloucester Annual Report is co-dedicated to Linda Ledger and New Gloucester Veteran's Committee and read the dedications from the report.

B. PUBLIC HEARING - Consumer Fireworks Ordinance

Mr. Libby opened the Public Hearing for the Consumer Fireworks Ordinance at 7:11 p.m.

John Randall, Chairman of the Public Safety Committee, said the Committee has had many meetings discussing ordinances on prohibiting fireworks in New Gloucester but the Town has no direct means to enforce an ordinance to prohibit fireworks usage. He said the Committee looked at ordinances from several Towns on prohibiting the sale of fireworks and combined a little from each to create the Consumer Fireworks Ordinance. He said this ordinance was formed from a safety standpoint in the transporting of fireworks to and from a business. He said the proposed ordinance prohibits the sale of fireworks in New Gloucester.

Mr. Libby gave a brief overview of the ordinance. He said he is in favor of this ordinance going before the voters at the Annual Town Meeting but he does not support the ordinance which restricts potential business in New Gloucester.

Mr. McHenry was in agreement with Mr. Libby.

Mr. Libby closed the Public Hearing at 7:19 p.m.

C. Other

Stephen Hathorne, resident, asked the Board for an update on the Personnel Policy pertaining to the Political Activity section and also said he has concerns with the proposed FY16 Budget in reference to not increasing the stipend pay for the volunteer firefighters.

Frank Staton, resident, asked the Board questions concerning the Town cemeteries.

IV. SCHEDULED ITEMS

4.70 To See What Action the Board Wishes to take in Regard to Posted Roads

Ms. Chase moved Ms. Sturgis seconded a motion to approve the Public Works 2015 listing of roads to be posted, as presented, beginning on March 23, 2015 through May 15, 2015, 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.

4.71 To See What Action the Board Wishes to take in Regard to Amendments to Recall Ordinance

Mr. Libby said when the Recall Ordinance was passed at Town Meeting in May of 2014, Section 5 had a reference to Section 4, and there was no Section 4. He said this needs to be corrected as well as renumbering of the sections and placed on the Town Meeting warrant for approval.

Mr. First said he wanted to reiterate that the changes are limited to the removal of the Section 4 reference in Section 5 and renumbering the sections.

Mr. McHenry moved and Mr. Libby seconded a motion to amend the Recall Ordinance as discussed and place the revised ordinance on the Town Meeting warrant to be voted on by the citizens of New Gloucester. The motion carried on a vote of 5-0.

4.72 To See What Action the Board Wishes to take in Regard to Consumer Fireworks Ordinance

Mr. McHenry moved and Ms. Sturgis seconded a motion to place the proposed Consumer Fireworks Ordinance on the annual Town Meeting warrant. The motion carried on a vote of 5-0.

4.73 To See What Action the Board Wishes to take in Regard to Proposed Lil' Mart Consent to Encroachment

Mr. First said for many years a corner of the Lil' Mart building has jutted out into the right of way on Upper Village Street by 1 to 1-1/2 feet and also, the shed on the property is partially in the right of way. He said the owners have asked the Town to consider an agreement and consent to encroachment. Mr. First said per the Town Attorney, if the Town is granting an easement, it must go before the citizens at the Town Meeting and not before the Board of Selectmen.

Mr. McHenry asked if the Board could vote tonight to place on the warrant.

Mr. First said there is no harm on making that motion.

Mr. McHenry moved and Mr. Libby seconded a motion to place the request for Consent to Encroachment on the Town Meeting warrant and the property owners will provide the wording of the article and documentation. The motion carried on a vote of 5-0.

Mr. Berry said he wanted to note the memo from the Code Enforcement Officer stating there has been no evident obstruction or disturbances.

4.74 To See What Action the Board Wishes to take in Regard to Appointment of Town Auditors for FY16

Mr. First said per the State Statute, the Board of Selectmen appoint the Town auditor annually. He said the current auditor the Town has used for several years is Smith & Associates. He said they do good work and know how the books are set up. He said at some point, it might be a good idea to send this out to bid. He said the first time a new auditing company does an audit, the cost would be higher.

Mr. Libby said an RFP would need to be created to send out to bid and this process should not be rushed.

Mr. McHenry asked if this is the right year to go out to bid.

Mr. First said it would need to be budgeted for in order to send out to bid.

Ms. Chase moved and Mr. Berry seconded a motion to approve Smith & Associates as Town Auditor for the FY15 fiscal year and the Town Manager send this out to bid for FY16. The motion carried on a vote of 5-0.

4.75 To See What Action the Board Wishes to Take in Regard to Placing Funds from the Sale of H4 into a Reserve for a Future Buildings & Grounds Pick-up

Mr. First said the H4 pick-up truck was sold for \$2,000 and the new owner has taken possession of it. He said he would like to place the funds into a reserve for the future purchase of truck for Buildings & Grounds. He said the Public Works Director has requested funds in the proposed FY16 budget for the purchase of a truck for Buildings and Grounds.

Mr. Libby said creating a new reserve account would need to be placed on the warrant and voted on at Town Meeting. He said it could be placed into the existing highway capital reserve account.

Mr. McHenry said he would like to table this item until more information is received.

Mr. First read Article 25 from the 2014 Town Meeting: "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."

Mr. McHenry withdrew his previous motion.

Mr. McHenry moved and Mr. Berry seconded a motion to place the funds from the sale of the H-4 pickup truck, \$2,000, into the Highway Department Capital Reserve Account. The motion carried on a vote of 4-1, with Ms. Chase opposing.

Ms. Chase said she opposed because this is a new vehicle and it should go through the CIP process.

4.76 To See What Action the Board Wishes to Take in Regard to Final FY16 Budget Recommendation

Mr. Libby said the Budget Committee's Public Hearing was cancelled because only two or three members were going to be present and five was needed for a quorum. He said once the Budget Committee did their final review after the hearing, the budget was coming to the Board tonight for their final recommendations before being placed on the Town Meeting warrant. He said

review of the Town Meeting warrant is scheduled for the April 6th Selectmen's meeting. He suggested the Board schedule a special meeting prior to April 6th and after the Public Hearing rescheduled for March 24th to do their final review of the budget.

Mr. McHenry said he is available March 30th for a special meeting and would not be in attendance at the April 6th Selectmen's meeting.

Mr. Libby said he would discuss a date with Mr. First and Ms. Chase and let the Board know.

No action taken.

4.77 To See What Action the Board Wishes to take in Regard to Personnel Policy

Ms. Chase said Mr. McHenry and herself have met with Mr. First and completed the Personnel Policy review. She said Mr. Hathorne attended the last meeting.

Mr. First said the comments from the employees were broken down into four categories: 1) typo's and omissions; 2) policy, which Mr. McHenry and Ms. Chase reviewed; 3) legal, which went to the Town attorney; and 4) clarification, which was addressed by Town Manager. He said Mr. McHenry and Ms. Chase worked many hours on the review of the policy including the employee comments and it is ready to send back to the Selectmen. Mr. First passed out emailed comments received from the Town Attorney. He said under the Political Activity section, the Attorney added the word "incompatible".

Mr. McHenry said "incompatible" is a small addition to the wording but a huge change to the context.

Mr. Libby said he would like to see the Political Activity section approved tonight before the upcoming election.

Mr. McHenry said he would like to have more information on what "incompatible" means. He said he is not comfortable approving the section without further information. He also said that election papers for the Board of Selectmen were available to the public beginning that day, March 16th.

Mr. Berry moved and Ms. Chase seconded a motion to adopt Section 34, Subsection C, as written, edited and reviewed by the Town Attorney. The motion failed on a vote of 2-2-1, with Mr. McHenry and Ms. Chase opposing and Ms. Sturgis abstaining.

Mr. McHenry asked the Town Manager for further definition from the attorney and/or MMA on the word "incompatible".

V. APPROVE FY15 WARRANTS AND PAYROLLS #36 & #37

Ms. Chase moved and Mr. Berry seconded a motion to approve FY15 Warrants and Payrolls #36 & #37. The motion carried on a vote of 5-0.

VI. APPOINTMENTS

None.

VII. LEGAL

None.

VIII. WRITTEN COMMUNICATION

A. Approve Minutes of the March 2, 2015, Board of Selectmen's Meeting

Ms. Chase moved and Ms. Sturgis seconded a motion to approve the Minutes of the March 2, 2015, Board of Selectmen's Meeting.

Mr. McHenry stated he did not receive his packet in time for the meeting and did not review the minutes.

The motion carried on a vote of 4-0-1, with Mr. McHenry abstaining.

IX. ORAL COMMUNICATION

A. Selectmen

Laura Sturgis – said the winter is almost over and would like to commend the Public Works Department on doing a great job.

Joshua McHenry – said he did not attend the School Board budget presentation in person but was able to view it online. He said the presentation was very good and many questions were asked and answered. He said it was very helpful to listen to the detail on the proposed budget.

Nathaniel Berry – said he also watched the budget presentation and it was very informative.

Linda Chase – no comments.

Steven Libby – said Sean Chayer was attending his first meeting as the Board's representative to the GNG Capital Improvements Committee that evening.

B. Town Manager

Mr. First said the Selectmen receive the 2nd quarter EMS report in their packets along with an updated 1st quarter report. He said Mainecare payments are starting to come in and some amounts are \$220, some are \$320. He said he is working with the Fire/Rescue Chief on drafting a collections policy and it is almost ready to be reviewed by Ms. Chase.

Mr. McHenry asked why the numbers are greater than 100% on the September Medicaid.

Mr. First said that was a typo and would be corrected.

Mr. First said he included the Library Property Hazard Survey conducted by MMA in the packets. He said the items are being addressed, with help from Public Works, and should be completed by the deadline indicated. He said the "cave" at the Library will be cleaned out and the usage discontinued. He said he talked with the Librarian, Sue and the message has been conveyed to Tim Terranova.

Mr. First said the Environmental Resource Committee is working with the Water District Trustees and Parks & Recreation Department on landscaping for the Fairgrounds which would provide a buffer for the Pump Station. He said the Committee is looking into perennial garden plants and they have a limited budget. Mr. First said the Committee applied for a grant which they did not receive. He said the Water District is looking into fencing for the pump station and once they have the plan ready, they will bring the information to the Board.

Mr. Libby said the Environmental Resource Committee should talk with Donna's Greenhouse.

Mr. First said he spoke with the Fire/Rescue Chief concerning the invoice for replacement light bulb questioned by the Board. He said the Chief contacted Public Works about the light being out and Public Works called the electrician. He said the poles are 15'-18' high and the Town does not have a folding ladder that high. He said he will talk with both departments about consolidating the calls. He said both departments are also working together on a maintenance schedule of their equipment.

Mr. First said he will be on vacation the week of April 20th and Ms. Myers will be the acting Town Manager during that time.

Mr. First said he was pleased to announce that the Town has a written signed agreement for the Parson's property and is under contract. He said he would like to see Planning Department hold a workshop on this acquisition and it will help to get the word out before Town Meeting.

C. Dept. Heads

D. Boards & Committees

X. ADJOURN

Mr. Berry moved and Mr. McHenry seconded a motion to adjourn at 9:11 p.m. The motion carried on a vote of 5-0.

Approved March 30, 2015

_____ Steven M. Libby, Chairman	_____ <i>Linda D. Chase</i> Linda D. Chase, Vice-Chairman
_____ <i>Nathaniel L. Berry IV</i> Nathaniel L. Berry IV, Selectman	_____ <i>Joshua J. McHenry</i> Joshua J. McHenry, Selectman
_____ <i>Laura J. Sturges</i> Laura J. Sturges, Selectman	