MINUTES
Town of New Gloucester
BOARD OF SELECTMEN'S MEETING
7:00 p.m.
Monday, April 2, 2018
At the Meetinghouse

For review of the complete discussions and motions, please see the recording available on our website at www.newgloucester.com

BOARD OF SELECTMEN'S MEETING

I. CALL THE MEETING TO ORDER & ATTENDANCE

Chairman, Linda Chase, called the meeting to order at 7:00 p.m. Present were Chairman, Linda Chase; Vice-Chairman, Steven Libby; Selectmen, Lenora Conger, Joseph Davis and Stephen Hathorne; Town Manager, Carrie Castonguay; and Recorder, Sharlene Myers.

II. PLEDGE OF ALLEGIANCE

All joined in the Pledge of Allegiance.

III. SCHEDULE NEXT MEETING:

Annual Town Meeting – 7:00 p.m., Monday, May 7, 2018
Board of Selectmen's Meeting – 7:00 p.m., Monday, May 21, 2018

A. Adjustments to the Agenda

Mr. Libby moved and Mr. Davis seconded a motion to add to the Agenda, XI. Executive Session, ***Per M.R.S.A. 31 Title 1, Chapter 13 § 405, 6. C.*** *Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency (acquisition of property). The motion carried on a vote of 5-0.*

Mr. Libby moved and Ms. Chase seconded a motion to add to the Agenda, Item 4.95, To See What Action the Board Wishes to take in Regards to the Term Limit Ordinance. The motion carried on a vote of 3-2, with Mr. Davis and Mr. Hathorne opposing.

V. PUBLIC PARTICIPATION

George Colby, resident, handed out information to the Board about the savings the Town has seen switching the parking lot lights at the Fire Station to LED bulbs and said he would like to see the Town switch street lights to LED. Mr. Colby also spoke to the Board concerning the Secretary of State's position on the Ranked Choice Voting.

V. SCHEDULED ITEMS

4.88 To See What Action the Board Wishes to take in Regard to *Bid Proposals for the Morse Road Cistern RFP*

The following bids were opened:

Bowie Excavating, Inc., New Gloucester, Maine:

Concrete Unit:	$ 52,032.60
Installation:	$ 37,369.20
Total Bid Complete:	$ 89,401.80

Colex, LLC, New Gloucester, Maine:

Concrete Unit:	$ 54,252.00
Installation:	$ 58,534.00
Total Bid Complete	$ 112,816.00
Fiberglass Unit:	$ 69,214.00
Installation:	$ 51,508.00
Total Bid Complete	$ 120,722.00

Mr. Libby moved and Ms. Conger seconded a motion for staff to review and report back to the Board at the next meeting. The motion carried on a vote of 4-1, with Mr. Hathorne opposing.

4.89 To See What Action the Board Wishes to take in Regard to *Firefighter Pay Policy*

Ms. Castonguay said four pay policies were combined to make this one policy.

Mr. Libby said the following: on Page 2, Holidays, does this pertain to all members of the department; Page 2, Medical Incidents, how is the time policed; and Page 1, under Definitions, should there be a separate definition for Students.

Ms. Castonguay said the holidays pertain to three members.

Ms. Chase said the following: on page 1, Definitions, second paragraph, the starting time should be 6pm, not 7pm; and under Officer Stipends, moving forward, what happens to the stipend when all are paid hourly. She said she has no problem with getting a stipend now but when they receive hourly pay, this policy will need to be looked at. She said on page 2, under Medical Incidents and Fire Incidents, the abbreviation "POV" needs to be spelled out and to clarify procedures on the use of their own vehicles. Ms. Chase said Page 2, Pay Distribution, it states monthly pay distribution. She said currently it is quarterly but will changing it to monthly meet the needs. She asked if the Finance Director has access to this information and if not, she will need access to be able to double check the information.

No action taken.

4.90 To See What Action the Board Wishes to take in Regard to *Spring Clean-up Week at the Transfer Station*

Mr. Libby moved and Mr. Hathorne seconded a motion to approve Spring Clean-Up Week at the Transfer Station the week of May 15th through May 19th, during their regularly scheduled hours. The motion carried on a vote of 5-0.

4.91 To See What Action the Board Wishes to Take in Regard to *Appointment of the June 12, 2018 Election Warden*

Mr. Hathorne moved and Ms. Conger seconded a motion to appoint Barbara Seaver, Election Ward for the June 12, 2018 Election. The motion carried on a vote of 5-0.

4.92 To See What Action the Board Wishes to Take in Regard to *Closing Town Office Early on May 7, 2018* for Annual Town Meeting

Ms. Castonguay said the previous year the office closed at 5:00pm.

Mr. Libby moved and Ms. Conger seconded a motion to close the Town Office at 5:00p.m., Monday, May 7, 2018, for the Annual Town Meeting. The motion carried on a vote of 5-0.

4.93 To See What Action the Board Wishes to take in Regard to *Foreclosure Ordinance*

Ms. Castonguay said she forward the ordinance to the Town Attorney and he suggested one change which is to remove letter "d" under Section 4. She said the attorney recommended to not enter into payment plans as that is considered holding a mortgage.

Mr. Libby moved and Ms. Conger seconded a motion to move the ordinance to the Town Meeting with the amendments made to section 4, letter d. The motion carried on a vote of 5-0.

Ms. Castonguay said a public hearing would be need to be held two weeks before Town Meeting.

Mr. Libby said the Town Manager will review dates and notify the Board.

4.94 To See What Action the Board Wishes to take in Regard to *May 7, 2018 Annual Town Meeting Warrant*

Ms. Castonguay said she spoke with Town Planner and the Planning Board is recommending to remove Article 24, in which he agrees.

Mr. Hathorne moved and Mr. Davis seconded a motion to remove Article 24 from the Annual Town Meeting Warrant. The motion carried on a vote of 5-0.

Mr. Libby moved and Ms. Conger seconded a motion to sign the warrant as presented pending a possible additional article after the Executive Session.

Mr. Hathorne said he is not in agreement to the statements on the warrant which read "The Budget Committee and Board of Selectmen recommend passage". He said the statement reads as unanimous and the votes were not.

The motion carried on a vote of 5-0.

4.95 To See What Action the Board Wishes to take in Regard to the *Term Limits Ordinance*

Ms. Castonguay said Ms. Chase was contacted by a citizen stating the Term Limits Ordinance was not a valid ordinance. She said she contacted Maine Municipal Association (MMA) legal department and was told the ordinance was ineffective due to the Town not having a charter. She said she is bringing this to Board to vote to invalidate the ordinance.

Mr. Hathorne said he received this information at 4:00pm previous to the meeting and has had no time to prepare or investigate this information. He said when the ordinance was created, it was circulated and enough signatures was received to place it on the Town Meeting Warrant. He said it was reviewed by the Town Attorney at that time and there was no issues. He said he does not understand why there is an issue now.

Mr. Libby read the note from MMA.

Mr. Libby moved and Ms. Conger seconded a motion to uphold Maine Municipal Associations legal opinion and invalidate the Term Limit Ordinance; the Town Manager to work with the appropriate staff person at Berstein Shur; and to report back to the Board. The motion carried on a vote of 3-2, with Mr. Davis and Mr. Hathorne opposing.

VI. APPROVE FY18 WARRANTS AND PAYROLLS #39 & #40

Mr. Libby and Ms. Conger seconded a motion to approve FY18 Warrants and Payrolls #39 & #40. The motion carried on a vote of 5-0.

VII. APPOINTMENTS

None.

VIII. LEGAL

None.

IX. WRITTEN COMMUNICATION

A. Approve Minutes of the March 19, 2018 Board of Selectmen's Meeting

Ms. Conger moved and Ms. Chase seconded a motion to approve the Minutes of the March 19, 2018, Board of Selectmen's Meeting. The motion carried on a vote of 4-0-1, with Mr. Libby abstaining.

X. ORAL COMMUNICATION

A. Selectmen

Steven Libby – no comments.

Lenora Conger – no comments.

Joseph Davis – wished everyone a Happy Spring.

Stephen Hathorne – said he is appalled at what happened earlier in the meeting. He said he wanted to apologize to the 471 people who signed the petition and those who voted at the Annual Town Meeting. He said it was clearly the vote of the people.

Linda Chase – no comments.

B. Town Manager

Ms. Castonguay said the following:

1) The Public Works Department will begin to sweep Town roads on Tuesday, April 3rd.
2) The MSAD #15 Superintendent would like to come before the Board to present the school budget for FY19.
3) The Code Enforcement Officer received notification from Inland Fisheries and Wildlife that they will be making a parking area at the Chandler Mill Pond, which will be handicap accessible.

C. Dept. Heads

D. **Boards & Committees**

XI. EXECUTIVE SESSION

A. **Per M.R.S.A. 31 Title 1, Chapter 13 § 405, 6. C.** Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency *(acquisition of property)*

Mr. Libby moved and Ms. Conger seconded a motion to move into Executive Session Per M.R.S.A. 31 Title 1, Chapter 13 § 405, 6. C., Acquisition of Property, at 8:18 p.m. The motion carried on a vote of 5-0.

X. RETURN TO OPEN SESSION

The Board returned to open session at 9:11 p.m.

Mr. Libby moved and Mr. Hathorne seconded the motion to add the following article to the Annual Town Meeting Warrant: To see if the Town will vote to authorize the municipal officers to accept a gift of real property from the Royal River Conservation Trust, being all or a portion of Map 7, Lot 22-A, with boundary adjustments along with restrictions such as a conservation easement that the municipal officers negotiate, and to appropriate funds for the purpose of legal review and recording. The motion carried on a vote of 5-0.

XI. ADJOURN

Mr. Libby moved and Mr. Hathorne seconded a motion to adjourn at 9:13 p.m. The motion carried on a vote of 5-0.

Approved May 21, 2018

Linda D. Chase, Chairman

Steven M. Libby, Vice-Chairman

Lenora R. Conger, Selectman

Joseph S. Davis, Selectman

Stephen J. Hathorne, Selectman