

ANNOTATED AGENDA
Town of New Gloucester
BOARD OF SELECTMEN'S MEETING
7:00 p.m.
Monday, November 4, 2019
At the Meetinghouse

BOARD OF SELECTMEN'S MEETING

I. CALL THE MEETING TO ORDER & ATTENDANCE

II. PLEDGE OF ALLEGIANCE

III. SCHEDULE NEXT MEETING:

- **Board of Selectmen's Meeting – 7:00 p.m., Monday, November 18, 2019 at the Meetinghouse**

A. Adjustments to the Agenda

IV. PUBLIC COMMENTS

V. PRIOR MEETING UPDATE

- A. Selectmen Chair**
- B. Town Manager**

VI. ORAL COMMUNICATION

- A. Selectmen**
- B. Town Manager**
- C. Dept. Heads**
- D. Boards & Committees**

VII. SCHEDULED ITEMS

4.45 To See What Action the Board Wishes to take in Regard to Bid Specifications for Transfer Station 1.7 Wheel Loader

Please see attached paperwork.

4.46 To See What Action the Board Wishes to take in Regard to Solar Moratorium Extension

Please see attached paperwork.

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

Please see attached paperwork.

4.48 To See What Action the Board Wishes to take in Regard to Board & Committee By Laws

Please see attached paperwork.

4.49 To See What Action the Board Wishes to take in Regard to Tobacco Use Policy

Please see attached paperwork.

4.50 To See What Action the Board Wishes to take in Regard to Appointment of the November 5, 2019 Election Warden

Please see attached paperwork.

4.51 To See What Action the Board Wishes to take in Regard to Approval of Election Clerks List

Please see attached paperwork.

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

VIII. APPROVE FY20 WARRANTS AND PAYROLLS #18 and #19

IX. APPOINTMENTS AND RESIGNATIONS

X. LEGAL

XI. WRITTEN COMMUNICATION

A. Approve Minutes of the October 21, 2019, Board of Selectmen's Meeting

Please see attached paperwork.

B. Approve Minutes of the October 23, 2019, Special Board of Selectmen's Meeting

Please see attached paperwork.

XII. EXECUTIVE SESSION

Per M.R.S.A. 31 Title 1, Chapter 13 § 405, 6. A. (*performance review*)

XIII. RETURN TO OPEN SESSION

XIV. ADJOURN

Town of New Gloucester
Invitation to Bid on
New 1.7 Yard Wheel Loader
For the Transfer Station
September 2019

4.45

This is an invitation to submit a bid to the Town of New Gloucester for a new **1.7 Yard Wheel Loader** for the Transfer Station. **Bid packages can be received from the Town Office at 385 Intervale Road or by emailing smyers@newgloucester.com.** Bids must be submitted on the mandatory **Bid Form** to Carrie Castonguay, Town Manager, New Gloucester Town Office, 385 Intervale Road, New Gloucester, Maine, 04260, in a sealed envelope clearly marked **1.7 Yard Wheel Loader**, by 6:00 p.m., Monday, October 7, 2019. Bids will be opened and read at 7:00 p.m., Monday, October 7, 2019, at the Board of Selectmen's meeting at the New Gloucester Meetinghouse. The Town of New Gloucester, reserves the right to accept or reject any and all bids.

**Town of New Gloucester
Invitation to Bid on
New 1.7 Yard Wheel Loader
For the Transfer Station
September 2019**

This is an invitation to submit a bid to the Town of New Gloucester for the replacement of a new **1.7 Yard Wheel Loader** at the Transfer Station.

All specifications are minimums; changes may be approved by the Board of Selectmen. Bids on comparable unit will be considered as long as the unit meets or exceeds specifications and conditions.

Wheel Loader must be completely inspected by bidder prior to delivery and upon completion of the machine. Delivery date and installation date will be agreed upon in writing by both Vendor and the Town of New Gloucester. A penalty of **\$100.00** per day will be assessed to the bidder for every day the job is incomplete past the due date.

Bid packages can be received from the town office at 385 Intervale Road or by emailing smyers@newgloucester.com.

Bids must be submitted on the attached mandatory **Bid Form** to Carrie Castonguay, Town Manager, New Gloucester Town Office, 385 Intervale Road, New Gloucester, Maine, 04260, in a sealed envelope clearly marked **1.7 Yard Wheel Loader**, by 6:00 p.m., Monday, October 7, 2019. Bids will be opened and read at 7:00 p.m., Monday, October 7, 2019, at the Board of Selectmen's meeting at the New Gloucester Meetinghouse.

The Town of New Gloucester, reserves the right to accept or reject any and all bids.

**TOWN OF NEW GLOUCESTER
BID SPECIFICATIONS
1.7 CUBIC YARD WHEEL LOADER**

I. GENERAL

Purpose and Intent - To describe a new four wheel drive, articulated loader to be used as a multi-purpose vehicle, including normal loader use and winter use as a snow plow for heavy snow removal at The Transfer Station.

All parts used in the construction of the loader and accessories must be standard, in stock parts which are continuously in inventory and available for delivery within a 48 hour period.

Any deviation from listed Minimum Specification Items must be identified by Vendor.

II. ENGINE / DRIVE-TRAIN

- a. Vehicle shall be powered by a turbocharged, liquid cooled four stroke, four cylinder diesel EPA Tier IV engine, developing minimum 95 net minimum horsepower, designed for continuous peak output.
- b. Full flow oil filter with spin-on bypass filter.
- c. Dry type two-stage air cleaner with restriction indicator gauge.
- d. Engine equipped with fuel and water separator filter.
- e. Emergency warning device with light and buzzer, in event of high water temperature and/or low oil pressure.
- f. The front axle must be lockable for better traction.
- g. Full automatic power shift transmission with minimum four forward speeds and 3 reverse speeds and a torque converter or Hydrostatic transmission with infinite gearing in forward and reverse
- h. Transmission oil cooler.
- i. Cooling system shall have ample capacity for continuous high engine output under extreme temperatures and/or operating conditions. Anti-freeze for -40°F.
- j. Minimum operating weight: 19,000 lb.
- k. Fuel capacity: 20 gallons minimum.
- l. Engine shall be equipped with a cold weather starting package including the following:
 1. Engine-jacket water heater 120 volt with receptacle.
 2. Ether starting aid, ignition switch type, or factory installed glow plugs
- m. Sealed wet disc brakes.
- n. Parking brake with instrument panel warning light.

III. LOADER CAB

- a. Fully enclosed, pressurized, ROPS cab design meeting OSHA noise limit requirements. With lockable doors.
- b. Cab lay out and arrangement shall be user friendly and tend to build operator confidence while having the lowest operator fatigue factor. Ergonomically designed operator's controls acceptable to the Town.
- c. Maximum output heater and defroster for all windows.
- d. Auxiliary circulating fans, pedestal mounts.
- e. Full intermittent windshield wipers and washers' front and rear.
- f. Instrumentation:
 - 1. Oil pressure (audible and visual alarm)
 - 2. Water temperature (audible and visual alarm)
 - 3. Battery condition and charge rate
 - 4. Fuel gauge
 - 5. Speedometer with odometer
 - 6. Tachometer
 - 7. Hour meter
 - 8. Transmission temperature and pressure gauge
 - 9. Diagnostics menu
- g. Tinted glass and sun visors.
- h. Ergonomically designed Air adjustable seat with seat belt.
- i. Equipment controls easily accessible by driver.
- j. Interior cab light.
- k. One 5 lb. minimum ABC rated dry chemical fire extinguisher.
- l. One interior and two exterior right and left side heated mirrors.
- m. AM/FM radio with clock.
- n. Steps and handrails shall be provided as required for ascending or descending from the vehicle. All steps shall be of the non-skid type.
- o. Full fenders front and rear, with mud flaps sufficient to keep mud and water from tires off all windows.
- p. Drains shall be provided on all cab and compartment locations where free-standing water can collect. The open drains shall not drain onto locations anticipated to be occupied by personnel during normal operations.
- q. Floor mat, rubber or vinyl for complete cab floor.
- r. Tilt steering wheel.
- s. Air conditioning, factory installed.
- t. Cab to be prewired for one 45 Watt two way radio with antenna.
- u. Vandalism package (lockable access panels)
- v. Widest and least limited operator's views.

IV. ELECTRICAL

- a. 12 volt system, 65 amps. Alternator minimum.
- b. 2 Batteries with 1700 minimum cold cranking amps at 0°F.
- c. Light switches heavy duty, positioned, labeled and illuminated for easy driver identification and use.
- d. Three extra switches mounted in dash for customer installed auxiliary lighting.
- e. Standard lighting to meet federal requirements. Turn signals front and rear and rear stop-tail lights.
- f. Four front mounted work lights and two rear mounted work lights, all to be LED.
- g. Two Whelen strobe lights, amber, mounted on cab, right & left, visible from front, rear and sides.
- h. Two LED back up lights and a back up alarm, automatically activated when in reverse.
- i. Master electrical disconnect switch.

V. WHEELS AND TIRES

- a. Wheels shall comply with National Wheel and Rim Association standards.
- b. Tires shall be 440/80 R24 (minimum) **Foam Filled** on single piece rims. Town approved tread pattern.

VI. PAINT

- a. The vehicle and all mounted equipment shall be cleaned first, then treated with a corrosion inhibitor, primed, puttied, sanded and finally painted with matching paint of manufacturers color.
- b. The finish shall be free of “fisheye”, “orange peel”, chips, runs, or other imperfections that detract from the equipment’s corrosion resistance and appearance.

VII. MANUALS

- a. To be provided with loader. (3) Copies each of the following manuals for the model offered:
 1. Operator’s manual
 2. Service manual
 3. Parts manual

VIII. MISCELLANEOUS

- a. Ride control system.
- b. License plate bracket.
- c. Rear mounted tie down and lift hooks.
- d. Equipment shall be completely inspected and serviced by vendor and be ready to work upon delivery.
- e. Equipment offered must comply with all applicable Federal and State of Maine Laws.
- f. Loader to come with quick coupled 48" Pallet Forks.

IX. HYDRAULIC SYSTEM / BUCKET

- a. Three spool valve with one lever per valve or Joystick control suitable to control all functions of the hydraulics.
- b. If Joystick control is used a Separate lever to control third valve is OK.
- c. Head works shall have hydraulic quick disconnect couplers so hoses can quickly be unattached from loader, also must have hydraulically activated coupler for attachments.
- d. General purpose bucket adapted to a quick coupler not less than 1.7 c.y. with bolt on cutting edge segments, with reversible bolt on wear plates. Bucket shall have a hook attached to back for lifting.
- e. Hydraulic oil cooler.
- f. Four wire hydraulic hoses preferred throughout.
- g. Automatic return to dig bucket leveler.
- h. Z-bar linkage.

X. WARRANTY

- A. The manufacturer's warranty, and extended warranty coverage of 7 years or 7000 hours: Items covered, and length of coverage shall be supplied in writing and shall accompany the bid.
- B. The warranty shall include all materials, labor, expenses, delivery charges and other incidental charges necessary to the proper repair of any defects, at no cost to the Town, during the warranty period.
- C. Warranty work, if any, shall be conducted by vendor personnel at the Town of New Gloucester Highway Garage. Should it become necessary to return the unit to the vendors shop for warranty work, there shall be no transportation charges accrued to the warrantee or the Town of New Gloucester.
- D. Tire manufacturer's warranty shall be provided to the Town.
- E. Warranty shall also include a **Certified Mechanic** from the successful bidder to come to the Town of New Gloucester Highway Garage once per year for the first ten (10) years of the machine to perform a **Complete Annual Inspection of the Loader (including oil samples)** to prevent future large expense maintenance repairs. This cost to be separated on Bid Sheet.

XI. TRADE IN

Bid price to show trade in value of the Town of New Gloucester's current 2011 Volvo L35B.

XII. DELIVERY

New unit shall be delivered within 45 days from notification to successful vendor.

Upon delivery a Representative from successful vendor will allow up to 4 hours of onsite training with qualified operators to cover all operations of machine including mechanical and electrical.

XIII. RIGHT TO DEMO

If a Bid for a piece of Equipment is received that the Town of New Gloucester is not familiar with than the Town's Highway Crew and/or The Transfer station Crew will have the right to Demonstrate the equivalent machine before Any Bid is Awarded.

**Town of New Gloucester
Bid Form
Replacement of 1.7 Yard Wheel Loader
For the Transfer Station**

Name of Company: _____

Address of Company: _____

Name of Representative: _____

Telephone Numbers: _____

Email Address: _____

Completion Date: _____

Base Bid Amount:

Less Trade in Allowance for Existing Unit: _____
(Town of New Gloucester reserves the right to keep the trade)

Total Cost with Warranties: _____

Cost of Warranties: (Use separate sheet if necessary)

List of References on above Bid Machine: (Use separate sheet if necessary)

Comments:

Signature _____

Date _____

**Town of New Gloucester
Bidders List
New 1.7 Yard Wheel Loader**

Anderson Equipment Co.
Attn: Josh Thomas, Manager
18 Gorham Industrial Parkway
Gorham, ME 04038
(207) 591-5482
Email: jthomas@andersonequip.com

Beauregard Equipment, Inc.
Attn: Adam Labbe
14 Gibson Road
Scarborough, ME 04074
(207) 885-0600
Email: alabbe@beauregardequip.com

Chadwick-Baross, Inc.
Attn: Jordan
160 Warren Avenue
Westbrook, ME 04092
(207) 854-8411
Email: jordan@chadwick-baross.com

Milton-Cat
Attn: Brent Davis
16 Pleasant Hill Road
Scarborough, ME 04074
(207) 883-9586
Email: Brent_Davis@miltoncat.com

Nortrax Equipment
Attn: Norma Tavares
396 County Road
Westbrook, ME 04092
(207) 773-3777
Email: norma.tavares@nortrax.com

United Rentals
Attn: Liam Densmore
10 Thomas Drive
Westbrook, ME 04092
(207) 883-1675
Email: ldensmore@ur.com

TOWN OF NEW GLOUCESTER ORDINANCE ESTABLISHING A MORATORIUM
ON LARGE SCALE SOLAR ENERGY SYSTEMS

4.46

WHEREAS, large solar energy projects are becoming more common throughout the state; and

WHEREAS, there are concerns for public safety and environmental impacts if large solar energy systems are not built to best practice standards; and

WHEREAS, such systems which are not accessory to other, onsite uses would compete for land with existing agricultural and forestry uses in the Town of New Gloucester, and

WHEREAS, there has been an increasing interest in the potential for installation of large scale solar energy systems in the Town of New Gloucester; and

WHEREAS, pursuant to 30-A M.R.S. § 4356(1)(B), there is concern that existing Town Land Use Code provisions, regulations or other laws are inadequate to regulate the location, construction and operation of such systems; and

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of large scale solar energy systems and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning such systems; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town of New Gloucester legislative body assembled, as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings:

“Accessory Solar Energy Systems” – A solar energy system intended primarily or solely for on-site use and is intended to primarily reduce on-site consumption of utility power or fuels. Accessory solar energy systems may be roof mounted or ground mounted. A ground mounted accessory solar system may not exceed a physical size of 10,999 square feet based on total airspace projected over the ground. Accessory solar energy systems may be located on an adjacent lot to the use to which power is being consumed provided the other portions of this definition are met and the primary user of the power has ownership or other legal interest in the system.

“Principle Solar Energy Systems” – A solar energy system intended primarily or solely for generation of power to be transmitted and used off-site. Principle solar energy systems may be roof mounted or ground mounted and may be of any size. A ground mounted system greater than or equal to 11,000 square feet in physical size based on total airspace projected over the ground will be considered a principle solar energy system even if the power is being produced solely or primarily for on-site use.

“Solar Energy System” – A device or structural design feature used for a system principally used to capture solar energy and convert it to electrical or thermal power. A solar energy system consists of

one or more free-standing ground, or roof mounted, solar arrays or modules, or solar related equipment.

“Solar Energy System, Ground-Mounted” - A solar energy system that is structurally mounted to the ground and is not roof-mounted. A ground mounted solar energy system may be of any size and may be an accessory or primary solar energy system.

“Solar Energy System, Roof-Mounted” A solar energy system that is mounted on the roof of a building or structure. A roof mounted solar energy system may be of any size and may be an accessory or primary solar energy system.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to principle solar energy systems, as defined above, that are proposed to be located within the Town of New Gloucester on or after the effective date of this Ordinance.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of New Gloucester shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval, received after the effective date of this Ordinance relating to the establishment or operation of a principle solar energy system.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of New Gloucester. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Town of New Gloucester Selectmen.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Adopted: JUNE 19, 2019

Attest: Carrie Castonguay
Carrie Castonguay, Town Manager

**Town of New Gloucester
FY 2021 BUDGET SCHEDULE**

Friday, December 6, 2019

Department Head Budget(s) due to Town Manager

Wednesday, January 22, 2020

Town Manager distributes Budget Books to Board of Selectmen

Monday, January 27, 2020

6:00 PM, Selectmen's Budget Workshop at the Meetinghouse

Thursday, January 30, 2020

6:00 PM, Selectmen's Budget Workshop at the Meetinghouse

Monday, February 3, 2020

6:00 PM, Selectmen's Budget Workshop at the Meetinghouse

Thursday, February 6, 2020

6:00 PM, Selectmen's Budget Workshop at the Meetinghouse (if necessary)

Wednesday, February 12, 2020

Town Manager distributes revised budget to Select Board and Budget Committee

Tuesday, February 18, 2020

6:00 PM, Budget Committee budget review at the Meetinghouse

Wednesday, February 19, 2020

6:00 PM, Budget Committee budget review at the Meetinghouse

Monday, February 24, 2020

6:00 PM, Budget Committee budget review at the Meetinghouse (if necessary)

Tuesday, February 25, 2020

6:00 PM, Budget Committee Public Hearing and Final Review at the Meetinghouse

Monday, March 2, 2020

7:00 PM, Final review of budget by Selectmen at the Meetinghouse

Monday, March 16, 2020

7:00 PM, Selectmen Review Warrant Articles

Monday, April 6, 2020

7:00 PM, Selectmen approve warrant articles and sign Annual Town Meeting warrant

Friday, April 24, 2020

7:00 PM, Post Warrant for Town Meeting

Monday, May 4, 2020

7:00 PM, Annual Town Meeting

4.47

4.48

Town of New Gloucester



Bylaws for Boards and Committees

Adopted: August 6, 2008

Revised: _____

Town of New Gloucester

Bylaws for Boards ~~of~~ and Committees

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Board and Committee meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

Section 2. Duties

Boards and Committees shall consist of a Chair and Vice-Chair, to be chosen annually at the first regular meeting in each year by and from among members unless otherwise provided by law. The Chair or Vice Chair (in the Chair's absence) shall preside at all meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board and/or Committee to perform its duties and conduct its affairs.

For Select Board meetings, the Chair shall, in conjunction with the Vice-Chair and/or appointed staff member, set the agenda for each meeting. ~~In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair. Other members of the Board and Committee may request and have an item placed on the agenda by making a request to the Chair or Vice Chair prior to the scheduled posting requirement.~~

For other Boards and Committee meetings,s the Chair shall, together with the appointed staff member or Select Board Liaison, set the agenda for each meeting. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair.

Section 3. Meetings

Regular meetings of Boards and Committees shall be held per the following intervals or as otherwise necessary or required by law. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the membership, provided, however, that notice thereof shall be given to each member and to representatives of the press at least 12 hours in advance and that no business may be conducted other than as specified in said notice.

- Budget Committee – January/February
- Cable TV Committee – quarterly
- Candidates/Referendum Issues Committee – as necessary
- CIP Committee – December/January
- Community Fair Committee – monthly
- Economic Development Committee – monthly

Environmental Resources Committee - monthly
Land Management Planning Committee – monthly
Library Board of Trustees – even months
Parks and Recreation Committee - monthly
Planning Board – bi-monthly
Public Safety – monthly
Select Board – first and third Monday of each month

Notice of all meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law. All agendas must be submitted to webmaster to meet posting requirements. All approved minutes must be submitted to webmaster within five (5) business days of approval.

All meetings shall be held in a public facility, preferably Town owned and recorded for broadcast by NGTV. Meetings shall be conducted at a time of day convenient for all board or committee members (including Select Board Liaison and assigned staff), volunteers, and the public.

No business may be conducted by the Board or Committee except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board or Committee being present. The order of business at regular meetings shall be as follows:

- Call to Order and Attendance
- Pledge of Allegiance
- Schedule Next Meeting
- Public Comment
- Old Business
- New Business
- Adjourn

Section 4. Public Comment

Any individual who wishes to address the convened Board or Committee may do so during Public Comment. Public discussion is limited to three minutes maximum per person, however, the Board or Committee Chair may at his/her discretion may allow more time. Each person who addresses the Board or Committee shall step to the speaker's podium and give his/her name and address for the record. Unless requested by the board or committee chair, comment is limited to one trip to the podium per person. If reading from a prepared statement, the statement(s) should be given to the recorder so that copies may be made part of the official record. All written statements and documents presented to the Board by an individual or group during the meeting are considered public documents. Any individual who wishes to address the Select Board may do so for a reasonable time, typically not to exceed three minutes, during Public Comment. Each person who addressaddresses the Select Board shall step to the speaker's podium and give his/her name and address for the record. The Select Board may also invite guests to speak. To facilitate the Board's work, the Chair may extend or limit the time an individual may speak on a given topic. If an individual reads from a prepared statement, copies of the statement shall be given to the Select Board and the recorder for inclusion in the official public record. In order to

permit full and clear communication and open exchange. Board members and town officials may respond to speaker and answer questions at a future meeting.

Public comment is also welcomed at all other Board and Committee meetings, and guests may be invited to speak. Each person who addressaddresses the Select Board shall step to the speaker's podium and give his/her name and address for the record. Board and Committee Chairs retain discretion to extend or limit speaker's time as appropriate to facilitate the work of the board or committee. In order to permit full and clear communication and open exchange, members may respond to speakers and answer questions.

Public Comment of a meeting cannot be used for personal attacks against a Board or Committee member, an employee, or other members of the public. The Board or Committee Chair has the responsibility to immediately end any Public Comment that is not legal, ethical, or violates these bylaws.

~~Board or Committee Members shall not question speakers, answer questions, or make statements or commitments in response to issues raised by the public except for clarification purposes only. In general, such issues will be referred to the Town Manager for investigation, study, and recommendation or designated as future agenda items for Board or Committee consideration.~~

Section 5. Hearings

Public hearings of the Board or Committee shall be called as required by law or on such other occasions; as a majority of the board or committee members may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chair shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. Formal rules of evidence shall not apply. The Board or Committee may receive any oral or documentary evidence presented, but the Chair shall exclude irrelevant, immaterial or unduly repetitious evidence, ~~provided, however, that formal rules of evidence shall not apply.~~ Every party shall have the right to present its case, ~~without interruption, in, in~~ in the order determined by the Chair ~~and without interruption, provided, however, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided however, that~~ subjectsubject to the Chair's authority may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 6. Participation and Voting

Any formal action of the Board or Committee shall require the affirmative vote of a majority of its membership unless otherwise provided by law.

Members of Boards and Committees are subject to the provisions of the Town of New

Gloucester Code of Ethics Policy. No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Members are responsible for disclosing any conflict of interest and must recuse themselves from any pertinent discussion of decisions. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

All members who are present and not disqualified as provided herein or under the Code of Ethics Policy shall vote and participate in in every matter to be voted upon unless excused by the Chair for good cause shown.

No member may participate or vote in any adjudicatory proceeding (Board of Appeals, Planning Board), including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.

~~All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.~~

Section 7. Decisions

All decisions of the Board or Committee shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefor. All such decisions, together with any tape recording, sound or video recording, or transcript of testimony and deliberations and any documents and exhibits offered to the Board or Committee, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Planning Board and Board of Appeals may reconsider any decision that is brought before them through the prescribed method as laid out in the Town of New Gloucester Zoning Ordinance.

The Board or Committee may reconsider any decision at the same meeting or at a subsequent meeting within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

Section 8. Conflict with Laws

Any conflict or inconsistency between these bylaws and any applicable law shall be

resolved in favor of the law.

Section 9. Cell Phone Use

During public meetings, Board or Committee ~~members and Sstaff~~ that are present, will either turn their cell phones off or place them on silent mode. ~~Those placed on silent mode shall either be kept on their person, or someplace other than on a table where the meeting is taking place.~~

Any person receiving a call or text message shall be expected to excuse themselves from the meeting and to conduct their conversation or text outside of the meeting area so as to not disrupt the meeting.

Board ~~or~~and Committee Chair ~~Persons~~ have the right to ask members of the public receiving a call or text message to exit the meeting and conduct their business outside so as not to further disrupt the official business of the Board or Committee.

Section 10. Waivers; Amendments

These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board or Committee unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the Select Board after notice and official vote on the proposed amendment.

This policy supersedes and replaces the Town of New Gloucester Cell Phone Use Policy.

Signed and approved by the Board of Selectmen on _____.

Linda D. Chase, Chair

Karen L. Gilles, Vice-Chair

George W. Colby

Joseph S. Davis

Tammy L. Donovan

4.49

Town of New Gloucester



~~Smoking~~ Tobacco Use Policy

Adopted September 16, 2008
Revised _____

**Town of New Gloucester
Smoking Policy**

The Town of New Gloucester is committed to providing its employees and visitors with a safe, healthful and productive workplace environment.

In accordance with the provisions of Maine's Workplace Smoking Act of 1985 (21 MRSA § 1580-A), tobacco use, smoking and vaping is prohibited within any municipal building or facility. Tobacco use, smoking and vaping are also prohibited in all municipal vehicles and in personal vehicles during the conduct of municipal business.

The Town of New Gloucester also prohibits tobacco use, smoking and vaping in all outdoor areas on municipally owned property except in designated areas.

For employees of the Town, the penalties for violation of this Smoking Policy shall be governed by the Town's personnel policies as applicable, which include but are not limited to appropriate progressive discipline up to and including suspension and termination.

Signed and approved by the Board of Selectmen on _____.

Linda D. Chase, Chairman

Karen L. Gilles, Vice-Chairman

George W. Colby

Joseph S. Davis

Tammy L. Donovan

To be placed in Employee's Personnel File:

I have received, reviewed, and fully understand all of the components of the

**Town of New Gloucester
Smoking Policy**

Name (Print) _____

Signature _____

Date _____

Supervisor Signature (if
applicable) _____

Date _____



Tel: (207) 926-4126
Fax: (207) 926-4136

Town of New Gloucester
385 Intervale Road
New Gloucester, ME 04260

4.50

Office of
Selectmen

Municipality of New Gloucester

County of Cumberland

State of Maine

Date: November 4, 2019

Pursuant to M.R.S.A. 21-A § 501 and 30-A § 2524 (2), the undersigned municipal officers of the Town of NEW GLOUCESTER, do hereby vote to appoint and confirm **Barbara A. Seaver** as:

Warden for the November 5, 2019 Election

Given under our hand this 4th day of November, 2019

Selectmen

Of

New Gloucester

Election Clerks

- BONNIE (GAIL) JEFFERSON
- CLEO WERNER
- DEB PARKS LARRIVEE
- DEBORAH FRALICH
- HEATHER PLANTE
- KATHLEEN POTTER
- LAURA (JANE) STURGIS
- LINDA DOUGHTY
- LINDA STILLWELL
- MARY RICH
- PATTY MIKKELSON
- PENNY HILTON
- PHOEBE HARDESTY
- DONNA MCNALLY
- KIMBERLY GETCHELL
- SHARLENE MYERS

MINUTES
Town of New Gloucester
BOARD OF SELECTMEN'S MEETING
7:00 p.m.
Monday, October 21, 2019
At the Meetinghouse

XI.
A

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, Karen Gilles; Selectmen, George Colby, Joseph Davis and Tammy Donovan; Town Manager, Carrie Castonguay; and Recorder, Sharlene Myers.

II. PLEDGE OF ALLEGIANCE

All joined in the Pledge of Allegiance.

III. SCHEDULE NEXT MEETING:

- **Board of Selectmen's Meeting** – 7:00 p.m., Monday, November 4, 2019 at the Meetinghouse

A. Adjustments to the Agenda

None.

IV. PUBLIC COMMENTS

Penny Hilton, resident and member of the Budget Committee, spoke to the Board concerning the Budget Process.

Stephen Hathorne, resident, spoke to the Board concerning the following: employee running for office of Selectman; Town owned property on Rice Road and Cobbs Bridge Road; it was awesome to see the many kids and cars at the Fairgrounds last weekend for the soccer tournament and the seeing the Community Fair back last month; he sent letters to the Board concerning usage of tax dollars to promote businesses such as Nu Brewing and Norumbega; promoting gambling for the corn hole tournament by purchasing gift cards with tax dollars for prizes; scheduling of meetings at the Community Building; holes in the floor of the current Public Works Salt Shed; safety of the salt shed with no door on it; cracks in the floor of the new salt shed; time sheets for employees; inspection of all Public Works and Fire Department vehicles; personnel situation at the Fire Department; and sending of a New Gloucester Fire Truck with personnel to Farmington for the day with the department short a vehicle due to repairs.

V. PRIOR MEETING UPDATE

A. Selectmen Chair

Ms. Chase said the following:

- At the previous meeting, Peter Bragdon spoke about the Adhoc Marijuana Committee being dormant. She said this committee will be reactivated soon to discuss the current ordinance and state laws recently passed. She said the committee currently has two members and needs more.
- The Board will be working on the Fire/Rescue Ordinance and bring to the May Town Meeting.
- The Community Fair Committee is looking for more members.

B. Town Manager

Ms. Castonguay said the following:

- The proposed Public Safety Ordinance failed in June. Per legal, it is perfectly okay to run the department under the old ordinance as Public Safety, DBA New Gloucester Fire and Rescue.

VI. ORAL COMMUNICATION

A. Selectmen

George Colby – said resident Patricia Kiley passed away and was a huge asset to the Town over the years.

Joseph Davis – said the Library is having a book sale: November 1st is the First Dibs for Kids; and November 2nd is the Book and Bake Sale. He said the Library has free passes to various places for residents to use as well as sign-out sheets for pickleball equipment and canoes/kayaks at the Fairgrounds.

Tammy Donovan – said she would like to see permanent poles placed on the property at the corner of Route 100/231, to hold banners for area events and recommends to keep this land mowed. She said she would also like to see each department have time clocks installed for all employees to use and asked the Town Manager to look into the cost of doing so.

Ms. Chase said that property is not owned by the Town.

Karen Gilles – said she echoed Mr. Colby's statement about Patrick Kiley and extended sympathies to the family.

Linda Chase – said the Board of Selectmen's emails are listed on the Town Website and asked residents to please use these emails and not their personal ones.

B. Town Manager

Ms. Castonguay said the following:

- There will be a meeting this coming week with the engineers for the Stephens Brook project to finalize documents.
- There are three foreclosed properties left for 2017.

- Library Deck Replacement project is completed.
- The new Public Works Employee started that day.
- They will be interviewing two people for the mechanic position this week.
- The solar moratorium will need to be extended soon.
- Cobbs Bridge Road property, which was listed back in May, is under contract.

C. Dept. Heads

D. Boards & Committees

VII. SCHEDULED ITEMS

4.39 To See What Action the Board Wishes to take in Regard to Bid Recommendation for Transfer Station 1.3 or 1.7 Wheel Loader

Ms. Chase said the memo from the Public Works Director is the 908M Caterpillar Loader is the only one that meets or exceeds the specs; and although all bids received shows this model to be over the budgeted amount, this model can be purchased through the Source well Bid with trade-in and be within the budget.

Ted Shane, Public Works Director, said the 908M Loader is a size up from what the Town currently has.

Mr. Colby moved and Mr. Davis seconded a motion to reject the recommendation of purchasing the 908M Caterpillar Loader.

Ms. Chase said if the recommendation is rejected the following could happen: hold a special CIP meeting with new information; hold a special town meeting; put the request for additional funding through the CIP process; or buy immediately.

Mr. Shane said the current loader will not take a sticker and it expires 10/31/2019. He said it needs four tires, heater repair and cosmetic work before it can pass inspection. He said if the recommendation for the new loader is rejected, where the funds are coming from to purchase the tires.

The motion carried on a 5-0 vote.

Mr. Colby moved and Ms. Gilles seconded a motion to fund up to \$6,000 for four tires for the Transfer Station loader from the unbudgeted budget line. The motion carried on a vote of 5-0.

Mr. Davis moved and Ms. Gilles seconded a motion for the Public Works Director to submit a CIP request for additional funds for the Transfer Station Loader, see how the request falls in the CIP Rankings and then determine if there should be a Special Town Meeting or it goes on the Annual Town Meeting warrant. The motion carried on a vote of 5-0.

4.40 To See What Action the Board Wishes to take in Regard to Lucas 3 Lease/Purchase

Ms. Chase said the Fire/Rescue Chief asked for this item to be tabled until a future meeting.

4.41 To See What Action the Board Wishes to take in Regard to CMP Pole Permit

Mr. Colby moved and Mr. Davis seconded a motion to approve the CMP Pole Permit. The motion carried on a vote of 5-0.

4.42 To See What Action the Board Wishes to take in Regard to Budget Process

Ms. Chase said the Budget Process has changed many times over the years and asked the Board how they would like to proceed for this year.

Ms. Gilles moved and Mr. Davis seconded a motion for the Budget Process to be the same as last year; Department Head submits to the Town Manager, Town Manager forwards to the Board of Selectmen, Board of Selectmen, after review, forward to the Budget Committee, Budget Committee reviews and after a public hearing sends the Budget back to the Selectmen which then goes to the Town Meeting; with any questions about the budget be forwarded to the Town Manager. The motion carried on a vote of 3-2, with Mr. Colby and Ms. Donovan opposing.

4.43 To See What Action the Board Wishes to take in Regard to Scheduling a Workshop for Board & Committee By Laws

The Board agreed to schedule a workshop for the Board and Committee Bylaws immediately after the Executive Session on Wednesday, October 23, 2019.

4.44 To See What Action the Board Wishes to take in Regard to Salary Survey

The Board agreed to take no action on this item.

VIII. APPROVE FY20 WARRANTS AND PAYROLLS #16 and #17

Ms. Gilles moved and Mr. Davis seconded a motion to approve FY20 Warrants and Payrolls #16. The motion carried on a vote of 5-0.

Ms. Gilles moved and Mr. Davis seconded a motion to approve FY20 Warrants and Payrolls #17. The motion carried on a vote of 4-0-1, with Mr. Colby abstaining.

IX. APPOINTMENTS AND RESIGNATIONS

None.

X. LEGAL

None.

XI. WRITTEN COMMUNICATION

A. Approve Minutes of the September 23, 2019, Special Board of Selectmen's Meeting

Ms. Donovan moved and Ms. Chase seconded a motion to approve the Minutes of the September 23, 2019, Special Board of Selectmen's Meeting. The motion carried on a vote of 4-0-1, with Ms. Gilles abstaining.

B. Approve Minutes of the October 7, 2019, Board of Selectmen's Meeting

Mr. Colby moved and Ms. Gilles seconded a motion to approve the Minutes of the October 7, 2019, Board of Selectmen's Meeting. The motion carried on a vote of 4-0-1, with Mr. Davis abstaining.

XII. ADJOURN

Ms. Donovan moved and Ms. Gilles seconded a motion to adjourn at 8:52 p.m. The motion carried on a vote of 4-1, with Mr. Davis opposing.

Approved November 4, 2019

Linda D. Chase, Chairman

Karen L. Gilles, Vice-Chairman

George W. Colby

Joseph S. Davis

Tammy L. Donovan

MINUTES
Town of New Gloucester
SPECIAL BOARD OF SELECTMEN'S MEETING
6:00 p.m.
Wednesday, October 23, 2019
At Town Hall

XI.
B

SPECIAL BOARD OF SELECTMEN'S MEETING

I. CALL THE MEETING TO ORDER & ATTENDANCE

Chairman, Linda Chase, called the meeting to order at 5:59p.m. Present were Chairman, Linda Chase; Vice-Chairman, Karen Gilles; Selectmen, George Colby, Joseph Davis and Tammy Donovan; Town Manager, Carrie Castonguay; Fire/Rescue Chief, Toby Martin; Public Works Director, Ted Shane; and Attorney Matt Tarasevich.

II. EXECUTIVE SESSION

A. 1 M.R.S.A. Sec. 6-E: Consultation with legal counsel

Ms. Gilles moved and Mr. Colby seconded a motion to enter into Executive Session per 1 M.R.S.A., Sec. 6-E, Consultation with legal counsel, at 6:00p.m.. The motion carried on a vote of 5-0

III. RETURN TO OPEN SESSION

The Board returned to open session at 7:25p.m.

Mr. Davis moved and Ms. Gilles seconded a motion to authorize the Town Manager to contract with an outside consultant to perform a risk analysis of the Public Works and Fire and Rescue Departments, not to exceed \$16,000. The motion carried on a vote of 5-0.

IV. ADJOURN

Ms. Gilles moved and Mr. Davis seconded a motion to adjourn at 7:29p.m. The motion carried on a vote of 5-0.

Approved November 4, 2019

Linda D. Chase, Chairman

Karen L. Gilles, Vice-Chairman

George W. Colby

Joseph S. Davis

Tammy L. Donovan