

**TOWN OF NEW GLOUCESTER
MINUTES OF ANNUAL TOWN MEETING
May 7, 2012**

The Town Meeting was called to order at 7:04 p.m. by the Town Clerk, Sumner M. Field III.

*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>Benjamin Detroy</i>
<i>Nomination by:</i>	<i>David Lunt</i>
<i>Seconded by:</i>	<i>Gary Sacco</i>
<i>No other nominations were made.</i>	
<i>Motion to close nominations:</i>	<i>Roger Levasseur</i>
<i>Seconded by:</i>	<i>Timothy Joy</i>
<i>Those in favor of closing nominations:</i>	<i>all</i>
<i>Opposed:</i>	<i>none</i>
<i>Nomination of Benjamin Detroy carried.</i>	
<i>3 votes were cast for Benjamin Detroy.</i>	
<i>Benjamin Detroy was elected Moderator.</i>	

The Clerk administered the Oath of Office to the Moderator.

OPERATIONS:

Article 2. To see if the Town will vote to raise and appropriate \$392,135 from taxation and other sources for the ensuing year for the following:

101	Selectmen	\$ 16,150
102	Administration	\$296,390
105	Town Meetings/Elections	\$ 4,150
106	Tax Assessment	\$ 35,445
108	Legal	\$ 15,000
130	Unanticipated Expenses	\$ 15,000
138	Fuel Overrun Allowance	<u>\$ 10,000</u>
	TOTAL	<u>\$392,135</u>

Board of Selectmen recommends passage as presented. Budget Committee recommends \$377,135. (Legal \$10,000) Budget Committee did not review Account 138.

Motion: Stephen Hathorne moved that Article 2 have passage as presented.

Second: Jean Couturier

Discussion: Gary Sacco, Roger Levasseur, Sean Chayer, and Sumner Field commented on the article.

Vote: It was voted that Article 2 have passage as read.

Article 3. To see if the Town will vote to raise and appropriate \$74,350 from taxation and other sources for the ensuing year for the following:

103	General Assistance	\$ 42,500
131	Health Officer	\$ 1,000
132	Animal Control	\$ 12,200
135	Cemeteries	\$ 9,000
137	Interagency Requests	\$ 4,650
142	Water Treatment	<u>\$ 5,000</u>
	TOTAL	<u>\$ 74,350</u>

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 3 have passage as presented.

Second: Beth Sutherland

Discussion: Debra Smith commented on the article.

Vote: It was voted that Article 3 have passage as read.

Article 4. To see if the Town will vote to raise and appropriate \$246,244 from taxation and other sources for the ensuing year for the following:

111	Fire Department	\$206,894
112	Emergency Management	\$ 2,500
114	Street Lights	\$ 6,500
115	Public Safety Dispatch	\$ 30,350
	TOTAL	<u>\$246,244</u>

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 4 have passage as presented.

Second: Jean Couturier

Discussion: Sean Chayer, Timothy Joy and Sumner Field commented on the article.

Vote: It was voted that Article 4 have passage as read.

Article 5. To see if the Town will vote to raise and appropriate \$822,718 from taxation and other sources for the ensuing year for the following:

116	Highway Department	\$ 620,104
120	Solid Waste	\$ 200,614
134	Tree Care	<u>\$ 2,000</u>
	TOTAL	<u>\$ 822,718</u>

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 5 have passage as presented.

Second: Jeffrey Hamilton

Discussion: Roger Levasseur and Sumner Field commented on the article.

Vote: It was voted that Article 5 have passage as read.

Article 6. To see if the Town will vote to raise and appropriate \$196,717 from taxation and other sources for the ensuing year for the following:

104	Buildings & Grounds	\$ 52,000
113	Meeting House/Cable TV	\$ 12,250
123	Library	\$ 86,817
133	Parks & Recreation	\$ 37,650
136	Community Fair	\$ 8,000
	TOTAL	<u>\$196,717</u>

***Board of Selectmen recommends passage as presented.
Budget Committee recommends \$195,717(136 - \$7,000)***

Motion: Stephen Hathorne moved that Article 6 have passage as presented.

Second: Timothy Terranova

Discussion: Gary Sacco commented on the article.

Motion: Gary Sacco moved and Roger Levasseur seconded a motion reduce 133 Parks & Recreation to \$28,550.

Discussion: Lawrence Zuckerman commented on the amendment and asked Gary Sacco to amend the motion to reduce the total dollars for Article 6.

Motion: Gary Sacco moved and Roger Levasseur seconded a motion to reduce Article 6 to \$187,617.

Discussion: Steven Libby, Joshua McHenry, Sean Chayer, Wanda Brissette, Harvey Price, Sumner Field, Roger Levasseur, Linda Chase, Gary Sacco and Lawrence Zuckerman commented on the amendment.

Motion: Stephen Hathorne asked to move the amendment. Beth Sutherland seconded the motion.

Vote: It was voted to move the amendment.

Stephen Hathorne requested a hand count. Barbara Seaver and Beverly Cadigan did a count of hands.

Vote: 26 in favor, 41 opposed. The article failed.

Discussion: Stephen Hathorne, Steven Libby, Michel Bardier and Roger Levasseur commented on the original article.

Vote: It was voted that Article 6 have passage as read.

The moderator asked a short break be taken at 8:10 p.m. The Town Meeting resumed at 8:25 p.m.

Sumner Field, Town Manager, presented a plaque to members of the Fire Station Committee and asked any members who were present to step forward for recognition by those in attendance.

Article 7. To see if the Town will vote to raise and appropriate \$157,691 from taxation and other sources for the ensuing year for the following:

107	Code Enforcement	\$ 59,476
122	Planning	\$ 96,515
124	Environmental Resources	\$ 200
126	Water Resources	\$ 300
129	Sabbathday Lake Water Testing	\$ 1,200
	TOTAL	<u>\$ 157,691</u>

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 7 have passage as presented.

Second: Robert Hubbard

Discussion: Gary Sacco commented on the article.

Motion: Gary Sacco moved and Roger Levasseur seconded a motion reduce 122 Planning to \$92,983.

Discussion: Beverly Cadigan, Wanda Brissette, Joshua McHenry, Roger Levasseur, Lawrence Zuckerman, Gary Sacco, and Steven Libby commented on the amendment.

Motion: Stephen Hathorne asked to move the amendment. George Carman seconded the motion.

Vote: It was voted to move the amendment.

Vote: The vote on the amendment failed.

Discussion: There was no discussion on the original article.

Vote: It was voted that Article 7 have passage as read.

Article 8. To see if the Town will vote to raise and appropriate \$729,700 from taxation and other sources for the ensuing year for the following:

109	Insurance	\$287,000
125	Social Security/Retirement	\$ 83,700
139	Debt Service	<u>\$359,000</u>
	TOTAL	<u>\$729,700</u>

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 8 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 8 have passage as read.

Article 11. To see if the Town will vote to appropriate \$150,000 from the Undesignated Fund for the following Public Works Reserve account (389 - \$60,863) for the ensuing year:

Account 127

Public Works Equipment \$ 150,000 UFB

TOTAL \$ 150,000

Budget Committee and Board of Selectmen recommend passage

Motion: Stephen Hathorne moved that Article 11 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 11 have passage as read.

CAPITAL PROJECTS:

Article 12. To see if the Town will vote to appropriate \$25,000 from Library Capital Reserve for Fire Doors & Repairs (410 Library - \$71,752) for the ensuing year:

Account 128

Fire Doors & repairs \$25,000 \$25,000 CR

TOTAL \$25,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 12 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 12 have passage as read.

Article 13. To see if the Town will vote to appropriate \$20,000 from Capital Reserve account (391 - \$74,248) funds for the following Transfer Station Capital Improvements for the ensuing year:

Account 128

2 - Roll- off Containers \$20,000 \$20,000 Transfer Station CR

TOTAL \$20,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 13 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 13 have passage as read.

Article 14. To see if the Town will vote to appropriate \$325,000 from Capital Reserve account (389 - \$385,863) funds for the following Public Works Capital Improvements for the ensuing year:

Account 128

Grader \$325,000 \$325,000 PWD CR

TOTAL \$325,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 14 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 14 have passage as read.

Article 15. To see if the Town will vote to appropriate \$500,000 from MDOT Urban & Rural Initiative Program (URIP) funds and the Undesignated Fund Balance for the following Public Works Capital Improvements for the ensuing year:

Account 128

Paving \$500,000 \$500,000 URIP/UFB

TOTAL \$500,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 15 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 15 have passage as read.

Article 16. 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 URIP
3. Tree Growth Reimbursement
4. General Assistance Reimbursement
5. Veterans Exemption Reimbursement
6. Snowmobile Registration Funds
7. Public Library State Aid
8. Emergency Management Assistance/Homeland Security Grants
9. Other State Aid (*pass-through funds and property tax relief*)
10. State and Federal Grants or Other Funds (*not included in items 1 – 9 above.*)

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 16 have passage as presented.

Second: Robert Hubbard

Discussion: Jean Couturier commented on the article.

Vote: It was voted that Article 16 have passage as read.

Article 17. To see if the Town will vote to apply the following anticipated revenues to reduce the tax commitment: Revenue amounts shown are estimates.

Building & Inspection Fees	\$ 13,745
Transfer Station Permits	\$ 3,500
Boat Excise Tax	\$ 6,500
Auto Excise Tax	\$ 840,000
Town Fees	\$ 16,000
Recreation Program Fees	\$ 19,800
Fines & Reimbursements	\$ 500
Clerk Fees	\$ 4,000
Rent Income	\$ 1
Copy/Fax Fees	\$ 1,800
Cable TV Franchise Fees	\$ 22,000
Library Revenue	\$ 1,500
Interest from Investments	\$ 12,000
Transfer Station Recycling	\$ 55,000
Real Estate Tax Interest	\$ 20,000
Capital Reserve Funds	\$ 370,000
Undesignated Fund Balance	\$ 660,000

TOTAL \$2,374,002

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 17 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 17 have passage as read.

Article 18. 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: Stephen Hathorne moved that Article 18 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 18 have passage as read.

Article 19. 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: Stephen Hathorne moved that Article 19 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 19 have passage as read.

Article 20. 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: Stephen Hathorne moved that Article 20 have passage as presented.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 20 have passage as read.

Article 21. 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: Stephen Hathorne moved that Article 21 have passage as presented.

Second: Robert Hubbard

Discussion: Lenora Conger, Joshua McHenry, Sumner Field, Beth Sutherland and Lawrence Zuckerman commented on the article.

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

Article 17. Mr. Libby asked if Article 17 could be reconsidered as there is an error in the dollar amount stated.

Motion: Mike Bagley moved that Article 17 be reconsidered.

Second: Lawrence Zuckerman

Discussion: None.

Vote: It was voted by 2/3 of those in attendance to reconsider Article 17.

Motion: Stephen Hathorne moved that Article 17 be amended to read total \$2,046,346.

Second: Robert Hubbard

Discussion: None.

Vote: It was voted that Article 17 have passage as amended.

Article 22. 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: Stephen Hathorne moved that Article 22 have passage as presented.

Second: Robert Hubbard

Discussion: None.

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

Article 23. 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 12, 2012** and Friday, **April 12, 2013** 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: Stephen Hathorne moved that Article 23 have passage as presented.

Second: Robert Hubbard

Discussion: None.

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

Article 24. 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: Stephen Hathorne moved that Article 24 have passage as presented.

Second: Robert Hubbard

Discussion: None.

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

Article 25. 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: Stephen Hathorne moved that Article 25 have passage as presented.

Second: Robert Hubbard

Discussion: None.

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

Article 26. 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.

<u>MAP</u>	<u>LOT</u>	<u>LOCATION</u>	<u>LAND/BUILDING</u>
2	17	130 Maine Street	Land only
10	13-A4	182 Bald Hill Road	Mobile in park
2	30G	Sunset Shores	Land only
2	22D	328B Sabbathday Road	Old mobile with additions
3	24A	73 Penney Road	Old mobile in disrepair
1	17-3	Pond Road	Land only
8	12	Off North Pownal Road	Land only
8	19	Off North Pownal Road	Land only
12	8	Off Durham Road	Land only
2	15A	174A Sabbathday Road	Older house

Mr. Field stated that Map 3 Lot 24A, 73 Penney Road, has been paid.

Motion: Stephen Hathorne moved that Article 26 have passage as amended.

Second: Robert Hubbard

Discussion: Roger Levasseur, Sumner Field, Steven Libby, Lenora Conger, Lawrence Zuckerman commented on the article.

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

Article 27. 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: Stephen Hathorne moved that Article 27 have passage as presented.

Second: Robert Hubbard

Discussion: None.

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

Article 28. AMENDMENTS TO THE ZONING ORDINANCE: 6.3.2 POWERS AND DUTIES (BOARD OF APPEALS)

When an applicant comes to the Code Enforcement Officer seeking a building permit, the Code Enforcement Officer makes a “Determination of Use.” Under current ordinance, if the “Determination of Use” triggers site plan review by the Planning Board, the Code Enforcement Officer’s decision can only be appealed to Superior Court. Under the proposed revision, “Determination of Use” decisions by the Code Enforcement Officer triggering site plan review would be appealed to the Board of Appeals.

6.3.2 Powers and Duties

Administrative and variance appeals from the decisions of the Code Enforcement Officer may be appealed to the Board of Appeals and from the Board of Appeals to the Superior Court according to law. The Board of Appeals shall have the following powers and duties.

A. Administrative Appeal

The Board of Appeals shall hear and decide administrative appeals where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance.

Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

~~A decision referring an application to the Planning Board for decision under Site Plan Review, or a~~ **A** decision granting, granting with conditions, or denying a building permit or use permit pursuant to the decision of the Planning Board on an application for site plan review is not appealable to the Board of Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals by concurring vote of at least three (3) members of the Board of Appeals.

Motion: Stephen Hathorne moved that Article 28 have passage as presented.

Second: Jean Libby

Discussion: None.

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

Article 29. EXCISE TAX RELIEF TO RESIDENTS DEPLOYED FOR MILITARY DUTY OR STATIONED OUTSIDE OF MAINE: To see if the Town will vote to create an Ordinance exempting eligible active duty military personnel from vehicle excise tax.

**TOWN OF NEW GLOUCESTER, MAINE
ORDINANCE
EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL
FROM VEHICLE EXCISE TAX**

Section 1. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1) (A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

Motion: Stephen Hathorne moved that Article 29 have passage as presented.

Second: Robert Hubbard

Discussion: Roger Levasseur, Barbara Seaver and Lenora Conger commented on the article.

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

Stephen Hathorne moved and Robert Hubbard seconded a motion to adjourn at 9:55 p.m. The motion passed unanimously.

ATTEST:

Sumner M. Field, III, Town Clerk