

BOARD OF SELECTPERSON'S EXECUTIVE SESSION MEETING
February 19, 2015 6:00 p.m.
Jury Room
Pursuant to 1 MRS 405(6)(C) for an Economic Development Matter

PRESENT: Chairperson Gregory Buccina, Vice-Chairperson Jeffrey Sterling, Selectperson Bradford Adley, Selectperson Frank DiConzo, Selectperson Mark Belanger, Town Manager John Madigan, Jr.

1. Executive Session pursuant to 1 MRS 405(D)(C) for an economic development matter

Mr. Belanger made a motion to go into Executive Session at 6:06 p.m. pursuant to 1 MRS 405(6)(D) with interested parties. Vote: 5-0

Executive Session Out at 6:33 p.m.

No action was taken.

BOARD OF SELECTPERSON'S MEETING MINUTES
February 19, 2015 6:30 p.m.
Rumford Falls Auditorium

PRESENT: Chairperson Gregory Buccina, Vice-Chairperson Jeffrey Sterling, Selectperson Bradford Adley, Selectperson Frank DiConzo, Selectperson Mark Belanger, Town Manager John Madigan, Jr.

ATTENDEES: Roger Arsenault, Michael Mills, Jim Carter, Jacob O'Leary, Edward Vitito, Eric Davis, Kevin Knox, Tony DeSalle, Terri Palmer, Jennifer Kreckel, Jim Windover, John Soucy, Deborah Laurinaitis, Dieter Kreckel, Kevin Saisi

1. Meeting Called to Order by Chairperson Buccina
2. All present Pledged Allegiance to the American Flag
3. Public Hearing – Liquor License Application for Sons of Italy

There were no comments.

4. Requests of Citizen's Present

There were no requests.

5. Reports

A. Selectperson's Report

Mr. Belanger did not have a report.

Mr. Adley commented on the Mountain Valley Girls Basketball championships on television tomorrow night. He also noted that the Mountain Valley Ski Team won the State Championships in slalom and giant slalom.

Mr. DiConzo reported that a citizen called to say that 228 Penobscot Street had broken windows and believes people have left the building, yet others may have come in as squatters. He asked to have the Police check into this. He also read a letter of resignation from the Comprehensive Plan Implementation Committee.

Mr. Sterling did not have a report.

Mr. Buccina commended the citizens in town and the Public Works crew in dealing with the many snow storms we have had. If there are safety concerns, call the Town Hall or Selectpersons. He also encouraged citizens to recycle as it saves the Town money.

B. Town Manager's Report

The Town Manager reported attending and speaking at a legislative hearing in Augusta regarding the Municipal Revenue Sharing yesterday. There was excellent testimony given.

The Town Manager commented on the recent Med-Care letter concerning their rate increases as this will impact us for the next half of our fiscal year in the budget process and going forward.

He also provided a copy of a letter from the Board of Selectpersons in Mexico to RSU 10 requesting that they cut their budget.

Given the nature of the recent storms our Public Works crews have worked above and beyond and put in many hours and weekends to make sure the roads are passable.

C. Department Manager Reports (as needed)

Michael Mills reported that the recent Ice Skating Party/Cookout that was held was very well attended with twice as many in attendance. He was asked recently why the rink was not open on Monday and Tuesday. The rink is open; however, the shack is not open as budget cuts decreased the labor for a couple nights.

D. Board and Committee Reports (as needed)

No reports were presented.

6. Old Business

A. Discussion on the Citizen's Petition to Amend the Town Charter

The Town Manager presented a written opinion to the Board members from Town Attorney Jennifer Kreckel on the recently submitted Citizen's Petition to Amend the Town Charter with a Spending Cap. She believes this change would require a Charter revision, not an amendment, as it fundamentally changes the Charter and there were other considerations such as language and time constraints.

Attorney Kreckel explained her legal research and that the Maine Statues do not clearly define the difference between a Charter amendment and Charter revision. The proposed Spending Cap could be problematic as it may not allow the Town to provide the necessary services along with other considerations. There also was not a request included with the petition asking for a Charter

Commission if this was not approved as an amendment. She noted the Arbury case from Michigan as the closest ruling on the matter.

Mr. Sterling asked why the spending cap was denied by the Court last year. Attorney Kreckel stated that the Spending Cap was presented as an Ordinance and the Court's decision was that the Spending Cap should be part of the Charter and not the Ordinances. The Court did not rule on whether it would be considered an amendment or revision.

Mr. Belanger read from Title 30-A of State law regarding amendments to the Charter and that amendments are to be limited to one subject.

Mr. Adley noted that the standing Charter Commission did not want to take up the spending cap.

Mr. Belanger stated that the standing Charter Commission did not want to accept the spending cap as they believed the issue was too political.

Town Manager John Madigan believes that the Board does not need to call a Charter Commission for this item as it was not requested on the petition as required by State Statute. The Board may call for a Charter Commission but are not required to do so.

Jim Windover believes this item was indefinitely tabled by the Charter Commission as they were waiting for the Town Attorney's opinions on proposed changes.

The Town Manager noted that the Town followed the State Statute for citizen petitions by following the time requirements for posting and holding a hearing. The item was tabled from the last Board meeting and we sought a legal opinion. The Board should take some action on this matter as the petition was submitted properly.

Jim Windover wanted to let the voters decide, as there were over 600 signatures of people who wanted to vote on it.

Mr. Belanger asked if the petition could go forward if the request for a Charter Commission was not included.

Attorney Kreckel answered that the Statute requires that the language be on the petition and if it was it would be mandatory for the Board to put it forward. The Board could still decide to do so, but it would not be mandatory.

Kevin Saisi believes that Mr. Madigan thoroughly expressed how this would affect our town at the last meeting. There were shortfalls in the [spending cap] math that were not intentional. He was concerned about the risk of having this pass with the faulty math.

Mr. DiConzo wanted to put this issue to rest. If put out to the voters it would not come before the Board again. He wants this resolved once and for all and to let the people decide.

Mr. Sterling believes that we should do this the right way. The first time this came to us as an ordinance the board voted to give it to the people to decide pending legal opinion. The Board rescinded the vote and asked that the proposal be submitted the right way. We have not been against giving this to the people, we wanted it done the right way. The most recent opinion of our Town Attorney is basically the same opinion as the last that showed how this should be done. The standing Charter Commission did not place this cap in their revision.

Mr. Sterling made a motion not to accept the Petition to Amend the Charter (with a Spending Cap) as an amendment to the Charter.

Mr. Belanger asked if the standing Charter Commission could address this issue.

Attorney Kreckel believes this would need a new Charter Commission for this issue alone. The current Commission is at the end of their term and are about to submit their report.

Mr. Belanger believed that the 575 people who signed the petition wanted some action taken at some level.

Attorney Kreckel said the standing Charter Commission could consider this, but it is up to them.

Mr. Belanger believes there is a large group of people who want some kind of cap that could be inserted into the Charter.

Mr. Adley was concerned about the amount of energy that has been put towards this issue when we already have a mechanism in place.

Jim Windover would like to put this spending cap out to the voters.

Vote on the motion: 3-2, Mr. DiConzo and Mr. Belanger opposed.

7. New Business

A. Approval of Minutes from Selectperson's Meeting of February 5, 2015 and Joint Board of Selectpersons Meeting of February 9, 2015

Mr. Sterling made a motion to approve the minutes from the Selectperson's Meeting of February 5, 2015 and Joint Board of Selectperson's Meeting of February 9, 2015. Vote: 5-0

B. Approval of the Town Warrant dated February 20, 2015

Mr. Adley made a motion to approve the Town Warrant dated February 20, 2015. Vote: 5-0

C. Update on Black Mountain of Maine – Roger Arsenault

Roger Arsenault and Jim Carter gave an update on the second year of ownership of Black Mountain. Volunteers and grants were utilized for many improvements. YTD operating expenses were down and there was a slight increase in season passes in price and ticket sales. Season passes were up 24 percent. Ticket sales were down as many converted to season passes. They have been fighting weather with rain events and high winds that affected the Mountain. Winterfest is coming up this weekend. Marketing has contributed to people coming from Massachusetts. They look to finish the year very strong.

D. Discussion with Park Commission on Use of Funds for Fireworks Fundraiser

Michael Mills, Park and Recreation Superintendent, requested an additional \$3,000.00 from the cable franchise fees to secure a professional comedian to hold a fundraiser in April. The profit would go to the Fourth of July Committee.

In discussion it was reported that there is about \$2500.00 left over from the last event, being held by the River Valley Chamber of Commerce, that could be used for this purpose and the Board could possibly approve taking enough from cable franchise fees to make up the difference.

Mr. DiConzo made a motion to utilize the balance left over at the River Valley Chamber of Commerce for this fundraiser and if additional funds are needed that they come from the cable franchise fees up to a total of \$3,000.00. Vote: 5-0

E. Discussion on Recommendation from Sidewalk Committee

Jennifer Kreckel explained that the engineer from Main-Land was not able to attend the meeting and asked to come before the Board at their next meeting. There is a need for \$7,900.00 in additional funds to get the project ready for bidding.

Mr. Sterling made a motion to approve \$7,900.00 in additional funds for contract documents needed for bid specs.

Mr. Belanger would like to see the invoices of what has been spent thus far.

The motion was withdrawn by Mr. Sterling.

This item was tabled until the next meeting of March 5, 2015.

Tony DeSalle believes that a professionally done sidewalk project may serve us well for many years as opposed to having to make repairs for years that do not hold up well.

F. Approval of Liquor License Application and Special Amusement Permit for Sons of Italy

Mr. Belanger made a motion to approve the Liquor License Application and Special Amusement Permit for the Sons of Italy. Vote: 5-0

G. Discussion on Sewer Billing

The Town Manager explained what happens in the sewer billing process, the estimated cost of administration and handed out further information to Board members.

8. *Executive Session pursuant to 1 MRS 405(6)(F) for poverty abatement requests

Mr. Belanger made a motion to go into Executive Session at 8:40 p.m. pursuant to 1 MRS 405 (6)(F). Vote: 5-0

Executive Session in at 8:45 p.m.
Executive Session out at 9:01 p.m.

Mr. Adley made a motion to deny the poverty abatement request. Vote: 5-0

9. Executive Session pursuant to 1 MRS 405(6)(A) for a personnel matter with the Town Manager

Mr. Belanger made a motion to go into Executive Session at 9:02 p.m. pursuant to 1 MRS 405(6)(A). Vote: 5-0

Executive Session Out at 9:38 p.m.

No action taken.

10. Adjournment

Mr. DiConzo made a motion to adjourn at 9:40 p.m. Vote: 5-0

John E. Madigan, Jr.
Town Manager

JEMJr/tp