

BOARD OF SELECTPERSON'S MEETING MINUTES
April 27, 2015 6:00 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: Peter Chase, Bob Chase, Terri Palmer, Jennifer Kreckel

1. Meeting Call to Order
2. Pledge of Allegiance to the American Flag
3. Approval of Final Report from Charter Commission

Town Attorney Jennifer Kreckel discussed the proposed changes from the Charter Commission and how they will be listed on the Annual Town Warrant for the Secret Poll Election Ballot. She is attempting to place the changes within several questions with a summary of changes in clear and concise language. The Charter Commission will hold Public Hearings for citizens to understand the proposed changes and ask questions.

Mr. DiConzo made a motion to accept the Final Report from the Charter Commission.

Mr. Buccina was concerned about the Charter Commission's decision to give voters the option to revoke the Charter. He wondered who would determine how we would run the Town if the Charter was revoked.

Attorney Kreckel explained that the Town would run as it had if sections of the Charter are voted in the negative. However, if we vote to revoke the Charter, it would take some time to put in place an alternate method of governing and a timeframe could be determined for when that would go into effect.

Mr. Belanger believes that we could run the Town as we have, "business as usual" until the voters have an opportunity to vote on how to move forward.

Mr. DiConzo moved the question.

Vote to approve the Final Report: 3-2, Mr. DiConzo and Mr. Belanger opposed.

Mr. DiConzo made a motion to place the revocation of the Town Charter on the Annual Town Warrant with the effective date of the November election meeting when voters can choose the form of government to use going forward.

Mr. Belanger believed the Secret Ballot language in the Charter would need to be addressed immediately if the Charter is revoked.

Mr. Sterling suggested a time frame of one year from the June election to have ordinances in place if the Charter is revoked.

Fire Chief Robert Chase suggested taking one year to allow a selected group to put together a proposal with an alternative form government that would give voters time to review and then vote upon the proposal.

Mr. Buccina believed it is important to have plans in place prior to the revocation of the Charter. He also mentioned that the best group to research the path forward may be the group that suggested placing that option on the ballot.

Mr. Sterling agreed with the one year time frame going forward from this June's election if the revocation of the Charter passes. We could propose new ordinances to govern the Town at the November election but if they are voted down we would have no Charter before the effective date lapses.

Peter Chase believes State law already handles the Town Manager form of government. One exception would be the secret ballot, but everything else would be in place.

Attorney Kreckel noted that the Town would need to decide on other provisions within the form of government chosen, such as the number of elected members on the Select Board and Board of Assessors, before the next Town Meeting vote.

Mr. Sterling believed that ordinance changes could be made in November and if ordinances are not voted in favorably, we could propose something different for the following June.

Attorney Kreckel noted that we would need to have a meeting (not a paper ballot) 90 days in advance of the Annual Town Meeting to determine the number of positions and terms on boards, etc.

Mr. Buccina stressed that we are trying to make doing business easier for the Town by considering revoking the Charter, and it sounds like it will be difficult to get out of it.

Attorney Kreckel stated that it may simplify things to operate without the Charter and explained that the State Statutes have governing plans in place and we would adopt Ordinances in addition to help run the Town.

Mr. Belanger asked the Town Manager which town was easier to run. The Town Manager responded that there is more flexibility in Mexico, and the changes made over the years make following the Charter contradictory at times. In Mexico it is cut and dried, they can call meetings, have a referendum Town Meeting. In Rumford there are a lot more rules to follow.

Mr. Belanger believes the Charter is holding us back from transitioning into regionalization.

The Town Manager explained there are State inter-local agreement laws that the townspeople would need to vote upon that would override our Charter.

Mr. DiConzo suggested putting the Ordinances out for Secret Ballot and form of government at the November election.

Mr. Buccina would like a plan in place going forward for six months to a year if the voters decide to revoke the Charter.

Fire Chief Robert Chase was concerned about not knowing what the future form of government would be before voting to revoke the Charter. He would favor revoking the Charter next June and having a plan in place beforehand. A group could be tasked with putting a plan in place over the next year and if revoked next June, the plan would go into place immediately.

Mr. DiConzo asked the Town Attorney if the question to revoke the Charter that is placed on the ballot could contain that the Secret Ballot and Town Manager/Select Board form of government would stay in place.

The Town Manager does not believe we could do this, as the Ordinances would need to be created and voted upon first.

During discussion on the revocation of the Charter, Mr. Buccina suggested that the question be placed on the ballot to revoke the Charter and the Summary and Explanation could explain that if you vote to revoke, we will make recommendations as to our future form of government within a certain time frame.

Peter Chase, a member of the Charter Commission, suggested using a straw poll question for the revocation of the Charter.

Mr. Buccina believes the Board should make a recommendation on this issue as the Board deals with the Charter and know more about how it is to work with.

Peter Chase explained that a number of people suggested to the Commission to abolish the Charter. The Commission does not have a recommendation on this issue.

Mr. DiConzo amended his motion to extend the existing Town Charter for one year if it is revoked at the June 2015 election to make the necessary changes to the Ordinances.

Vote: 4-1, Mr. Adley opposed.

4. Proposed Ordinances/Amendments

Chapter 6, Board of Library Trustees, Section 2, Meetings

Library Director Luke Sorensen proposed a change to Section 2 to more accurately reflect the current practice of the Board of Library Trustees, who meet on a monthly basis.

Mr. Adley made a motion to approve the proposed changes to Chapter 6, Section 2.

Vote: 5-0

Chapter 25-E, Abandoned Buildings Ordinance - Adoption

Chapter 21, Sanitation and Safety Measures, Section 11 - Repeal

Fire Chief Robert Chase reported to the Board that the proposed Abandoned Buildings Ordinance was reviewed by Code Enforcement Officer David Errington and himself and explained the few revisions that were made. Both believe this new ordinance should be adopted and the language in Chapter 21, Sanitation and Safety Measures, Section 11, Unoccupied and Abandoned Buildings, be repealed.

Mr. Belanger made a motion to adopt Chapter 25-E, Abandoned Buildings Ordinance and to repeal Section 11, Unoccupied and Abandoned Buildings of Chapter 21, Sanitation and Safety Measures.

Attorney Kreckel asked for clarification that the Board wants to adopt a stand-alone ordinance for the abandoned buildings language as opposed to the language being "buried" in the Sanitation and Safety Measures Ordinance. The Board was in agreement.

Fire Chief Chase noted that we drafted the proposed Abandoned Buildings Ordinance as a new Chapter 25-E that will fit into the Ordinances with other like Ordinances.

Vote on the motion: 5-0

Disorderly House Ordinance, Adoption

Mr. Adley suggested the adoption of a Disorderly House Ordinance and presented a copy of the ordinance from the Town of Norway. This ordinance would help the Police Department to address repeat disturbance calls, for such things as loud music, boisterous parties and fighting. It was suggested that this could go on the November election warrant, however, the Charter only allows Ordinance requests once a year to be voted upon in June.

Town Attorney Kreckel will review the ordinance, get a copy to Police Chief Stacy Carter for his review, and bring the ordinance back to the next meeting on Thursday, April 30, 2015. She will also find the appropriate section of the Ordinances to place and number this submission.

Mr. Adley made a motion to adopt the Disorderly House Ordinance, subject to review by the Town Attorney. Vote: 5-0

Chapter 21-C, Consumer Fireworks Retail - Repeal

Chapter 21-D, Consumer Fireworks, Discharge and Possession - Repeal

Chapter 21-E, Consumer Fireworks Ordinance, (Prohibition) - Adoption

Attorney Kreckel asked for clarification of the Board's intent from the last Ordinance Hearing.

In discussion it was determined that the Board decided not to accept the proposed revision of Chapter 21-D Consumer Fireworks Discharge and Possession because of the difficulty in enforcement and instead decided to repeal both existing ordinances, Chapter 21-C (Consumer Retail) and Chapter 21-D. If the Board does not create another ordinance to prohibit fireworks, we would need to follow State law that allows fireworks use every day from Noon to 10 p.m. The Board was presented with new Ordinance 21-E, supplied by Fire Chief Chase, which would prohibit use, sales and possession with intent to use.

Attorney Kreckel explained that there would be one question on the ballot of repealing the existing Ordinances and adopting the prohibition ordinance because if they were separate questions and our Ordinances were repealed and the ordinance for prohibition was not approved, we would be under the State law which is much less restrictive.

The Town Manager noted that when the State law was passed it specifically required towns to adopt their own ordinances if they wanted to prohibit fireworks, otherwise the State law would be in effect.

Filing Certificates

Filing Certificates were provided by Town Attorney Kreckel with further Filing Certificates to be provided on the meeting of April 30, 2015.

Police Services

The Town Manager asked the Town Attorney about the language being drafted for the Annual Town Warrant.

Mr. Belanger noted that the costs for each proposal from the Sheriff and Rumford Police Department should be listed on the Warrant.

The Town Manager will provide the Town Attorney with the costs for both proposals to be placed on the Warrant.

The Town Manager asked the Town Attorney where the question for Police Services would fall on the Annual Town Warrant. Attorney Kreckel believes that this item must be dealt with at Town Meeting, per the Town Charter, and cannot go on the Secret Ballot. She believes all the inter-local agreements have been voted upon at Town Meeting, most recently the Fire Ladder Truck agreement that was voted upon at Town Meeting in June 2012.

Mr. Belanger was concerned that many citizens would not have the opportunity to vote, such as the absentee voters, the elderly and those that may feel intimidated at Town Meeting and cited Charter Article III, Section 2. Traditionally, Town Meeting does not bring in many voters as compared to the Secret Ballot voting, he noted.

Attorney Kreckel believes that we must live within the Town Charter as that is the law the Town has adopted, although she understands Mr. Belanger's concern about the smaller number of citizens that would vote. The Town Charter requires in Article V, Section 4, that, "the Secret Poll Meeting shall be solely for the purpose of voting by secret ballot for candidates for elective offices, on articles in the warrant relating to Ordinances; and on the annual budget."

Mr. Buccina was concerned as well, that a majority of voters will not have a chance to vote on this important question. Attorney Kreckel believes we could have a lawsuit brought against us by people who may lose their jobs if we choose to place this item on the Secret Ballot as we would not be following the procedure outlined in the Charter.

Executive Secretary, Terri Palmer, noted that the Sheriff did not make a proposal to the Board of Selectpersons and Finance Committee during the Budget Meeting process to allow both entities to hear his proposed budget, ask questions and make recommendations, as the Charter outlines, and it may not be appropriate to place that question on the Secret Ballot part of the Annual Town Warrant for that reason. She also suggested promoting the importance of this issue to encourage citizens to attend the Town Meeting and vote.

The Town Manager noted that he understood that the Secret Ballot proposal was submitted by a Citizen's Initiative and the Board and voters approved the language as a Charter Amendment although he thought it should have been a Charter Revision. Attorney Kreckel answered that in retrospect, this change in the Charter should have been a Revision requiring a Charter Commission, rather than an amendment. The Select Board, however, wanted to move this forward.

Mr. Belanger noted that there were several Board workshops and hearings held regarding this matter as he was on the Board at the time.

The Town Manager noted that, unfortunately, the new secret ballot language prohibits this type of question going onto the Secret Ballot referendum and was voted upon by the citizens.

Town Attorney Kreckel noted that we had election meetings to elect Town Officers prior to this amendment, however the amendment added that budgetary items were voted upon at the election (Secret Poll Election Meeting). She also noted that a paper ballot could be used at the Town Meeting for specific articles if a motion was made to do so.

The Board will plan to meet on Thursday, April 30, 2015 at 4:00 p.m. to finish their work with the Ordinances and to sign the Annual Town Warrant.

5. Adjournment

Mr. Sterling made a motion to adjourn at 8:13 p.m. Vote: 5-0

John E. Madigan, Jr.
Town Manager

JEMJr/tp