

**BOARD OF SELECTPERSON'S MEETING PUBLIC HEARING FOR ORDINANCES AND  
CHARTER AMENDMENTS  
February 25, 2016 6:00 p.m.  
Rumford Falls Auditorium**

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

ATTENDEES: Bromley Cook

1. Meeting Call to Order by Chairperson Adley at 6:10 p.m.
2. Pledge of Allegiance to the American Flag
3. Approval of Charter Amendment Proposals

Proposed Change to Article XII, Moderator, Section 1

**Article XII, Section 1.**

The Moderator shall be elected by the qualified voters of the town at the opening of the Annual Town Business Meeting. ~~He/She shall forthwith qualify by taking the oath of office. The Moderator need not be a citizen of Rumford but must reside within a 20 mile radius. He/She~~ The Moderator shall forthwith qualify by taking the oath of office and shall hold the office for one year.

Summary and Explanation: This change would allow a neutral non-citizen to be considered for the position.

The consensus of the Board was to change the above as follows: Remove "a 20 mile radius" and replace with "the River Valley Area, as defined by the River Valley Chamber of Commerce."

Mr. Sterling made a motion to approve the above proposed changes subject to legal review. Vote: 5-0

**Article VIII, Board of Selectpersons, Section 2, Powers and Duties, Paragraph 3**

The Board shall be and is hereby constituted the municipal officers of the Town of Rumford for all purposes required by general law, and except as otherwise specifically provided herein, shall have all the powers and authority granted to, and shall perform all the duties imposed upon the municipal officers of a Town under the general law of the state. The Board of Selectpersons shall also serve as members of the Finance Committee.

Summary and Explanation: This change would bring this section of the Charter in line with the changes voted upon in June 2015.

Mr. Sterling made a motion to approve the proposed change pending legal review. Vote: 2-3, Mr. Chase, Mr. Belanger, Mr. Adley opposed.

## **Article XVIII, Town Manager, Section 1, Appointment and Tenure**

Remove “organizational” from last sentence.

**Section 1. Appointment and Tenure.** The Town Manager shall be appointed by the Board of Selectpersons. The initial contract for the Town Manager shall be a minimum of one year, and may be extended additional time beyond one year to the next organizational meeting of the Board of Selectpersons. Following the Town Manager’s initial contract, the Board of Selectpersons has the power to execute with the Town Manager a contract of employment not to exceed three years. Any such contract shall be drawn, however, so as to expire on the last regularly scheduled ~~organizational~~ meeting of the Board of Selectpersons prior to the end of the Town’s fiscal year.

Mr. Chase made a motion to approve the proposed change. Vote: 5-0

## **Article VIII, Board of Selectpersons, Section 2, Powers and Duties**

The proposed change would be added to the end of Section 2:

“The Board shall also have the power each year to determine and establish the dates when taxes for the fiscal period will be due and payable in two equal installments and to fix the interest rate to be charged on all taxes unpaid after said dates and to fix the interest rate to be paid by the Town on abated taxes pursuant to 36 MRS §506-A.”

This proposed change would enable the Board to set the due dates for the collection of taxes rather than calling a Special Town Meeting if the assessing information is not available.

In discussion it was noted that the purpose for this change would be to give the Board the authorization to change the due dates if the industrial assessments came in too late to commit taxes and in turn delay the printing of tax bills. This change would allow the Board to set a new due date that can give taxpayers enough time to pay their bills on time. It was also noted that the voters should still have the power to set the interest rates on overpaid and overdue taxes.

The Town Manager noted that the upcoming Annual Town Warrant in June 2016, should be worded to allow the Board to set the due dates as the above change will not be voted upon by that time. We would leave in the language for the voters to set the interest rates.

Mr. DiConzo made a motion to revise Charter Article VIII, Board of Selectpersons, Section 2, Powers and Duties to give the Board of Selectpersons the authority to set the due dates for collection of taxes, with the Town voters to set the interest rates. Vote: 5-0

### 4. Approval of New or Amended Ordinance Proposals

## **Repeal of Chapter 33-D Wind Energy Facility and Replace with Model Wind Energy Ordinance from State of Maine**

Mr. Sterling believes the State’s Ordinance is not complete regarding decommissioning.

Mr. Chase believes we may want to take some time to go through this new proposal as it was a very heated issue when it was originally passed and perhaps study this further and propose next year when we are better prepared.

Mr. Sterling noted that the Board went through a process over 18 months in studying the wind power issue.

Mr. Adley believes there is credence in the State's model.

Mr. DiConzo made a motion to repeal Chapter 33-D and Adopt the State of Maine's Model Wind Energy Ordinance including all appendices in order to place this item on the Town Warrant. Vote: 4-0-1, Mr. Chase abstained.

### **Chapter 25-F G, Roof Drains**

Town Attorney Jennifer Kreckel explained that she revised the new ordinance to include a plan of compliance for those in violation that would give them up to a year.

Mr. DiConzo was concerned that the properties may not be ready in time for the Town to make the substantial infrastructure improvements on the Island in 2017. Mr. Chase believes that the storm sewer lines can be run to each building and capped off until the building is connected to them.

Jim Windover was concerned about who owns the new line, the Town or the property owner.

The Town Manager believes it behooves the Town to own the line as the storefront foundations abut the Town owned sidewalks. The Town usually owns the main lines and from there the line is owned by the property owner.

Mr. Belanger asked if there are any fines that the Town of Rumford or Rumford-Mexico Sewer District will need to pay if property owners do not hook up. The Town Manager explained that a letter was sent from the MDEP to the Treatment Plant. The MDEP does not have direct authority over the Town, they do over licensing of the Treatment Plant. The Treatment Plant cannot force the Towns to do this, but the three towns have been attempting to slow down the infiltration over the last 8 years, and a great deal of the problem is from roof drains.

Mr. Belanger was concerned about business owners who are already struggling to survive and does not want to put them out of business.

Mr. Chase noted the existing storm and sewer lines will be removed when the project is done in 2017, so the business owners will need to do something to hook on. He believes the Town will need to find some way to help the businesses with grants or loans.

Attorney Kreckel noted that tax credits may be available for business owners if the downtown area is designated as a historic district.

The Town Manager noted that part of the CDBG grant that the Town is pursuing could possibly help the residential building owners in the downtown area.

Mr. Sterling would like to wait until November to see if the Town will vote to go out to bond in June for this project. If it is not voted upon affirmatively, we may not be able to do the project or need to alter it significantly.

The Town Manager believes the best time to save on costs for the property owners to have the new lines installed would be when there is one contractor in the area set up with their equipment, rather than have property owners call individual contractors on their own.

Attorney Kreckel noted that the Ordinances can only be changed once per year, the Charter can be changed twice per year.

Mr. DiConzo made a motion to approve the new Roof Drains Ordinance, Chapter 25-F [G] as written.

Mr. Chase asked if the Violations and Penalties language could be changed to, "at the discretion of the Board." Ms. Kreckel noted the ordinance is drafted to go through the Code Officer. We could place an appeal process in the ordinance and would need to go through the court.

Vote on the motion as written: 3-2, Mr. Sterling and Mr. Belanger opposed.

### **Chapter 30-C, Domestic Animals: Regulation and Enforcement, Section 11**

Town Attorney Kreckel explained the changes to the Board per the request from Police Chief Stacy Carter. The new language is adopted from the State of Maine's current law (Title 17, Section 1021).

Mr. Belanger made a motion to approve the proposed changes as outlined by Attorney Kreckel. Vote: 5-0

### **Chapter 45, Sex Offender, Section 4 Restrictions**

Proposed change:

#### **Section 4. Restrictions.**

A. A sex offender as defined above is prohibited from residing up to a maximum distance of 750 linear feet surrounding any real property comprising a public or private or elementary, middle or secondary school or up to a maximum distance of 750 linear feet surrounding the real property comprising a municipally owned property where children are the primary users, as well as the Greater Rumford Community Center and any licensed day care facilities.

Mr. Belanger made a motion to approve the proposed change. Vote: 5-0

### **Chapter 1A, Town Manager, Section 1**

The Town Manager suggested the following change:

Section 1. Town Manager-Purchasing Agent. The Town Manager, as purchasing agent for all departments, boards, commissions and officials, shall purchase single items involving the expenditure of \$2,000 or more through competitive bids, and on such items final selection rests with the Board of Selectpersons in accordance with the Town's Purchasing Policy.

Mr. Sterling made a motion to approve the proposed change. Vote: 5-0

### **Chapter 2, Budget Material and Presentation, Section 1, Preparation of Material**

The Town Manager proposed the following changes that are in conflict with the new Charter changes made last June 2015.

**Delete Section 1a and Section 1c, Renumber Section 1b to 1a, Delete Section 5.**

**Chapter 2, Budget Material and Presentation, Section 1, Preparation of Material**

~~On or before the~~ During the 1<sup>st</sup> day week of February, annually, tentative budget programs for the ensuing fiscal year shall be prepared by department heads requiring funds from general and special appropriations of the Town, and be submitted to the ~~Board of Selectpersons~~ Town Manager. The Town Manager shall prepare the budget requests and present them to the Finance Committee and schedule appropriate hearings.

Mr. DiConzo made a motion to approve the proposed changes. Vote: 5-0

**Chapter 2, Budget Material and Presentation, Section 2, Form of Budget**

The Finance Committee shall have the right to prescribe the form in which the budgets ~~referred to in subsection (c) of section 1 hereof~~ are submitted to it, and shall also have the right, after receiving such budgets, to request additional information concerning the same, which information shall be promptly and accurately provided.

Mr. Sterling made a motion to approve the proposed changes. Vote: 5-0

**Chapter 3, Finance Committee, Section 2, Meetings**

**Section 2. Meetings.** Meetings of the Finance Committee will be called by the Chairperson as needed, in addition to the Organization Meeting (per Town Charter Article XIV, Section ~~5~~ 3) and budget meetings outlined in the Chapter 3, Section 4, below.

**Section 3. Special Meetings.** Special Meetings, as required, shall be called in a manner provided by the Town Charter (Article XIV, Section ~~6-4~~).

**Section 4. Budget Meetings.** Upon receipt of the budget for the ensuing fiscal year from the ~~Board of Selectpersons~~ Town Manager, the Committee shall hold as many budget meetings as are required to complete its budgetary work and submit their final recommendations at least 50 days prior to the Secret Ballot Election to the Town Manager to give reasonable time for absentee ballots to be prepared. The Committee shall hold ~~at least 3~~ as many public meetings as ~~it may~~ they require.

**Section 5. Hearings on Warrant.** The Committee shall hold ~~two a~~ a public meetings hearing during the ~~first 14 days in~~ month of April, ~~annually~~, to consider and hear comment on the articles in the warrant for the next annual Town meeting ~~relating to the appropriation and expenditure of moneys.~~

Mr. Belanger made a motion to approve the proposed changes. Vote: 5-0

**NEW Ordinance regarding Right-of-Way proposed by Mr. Bromley Cook.**

Mr. Cook explained that he would like to place on the Annual Town Warrant the following:

“To see if the Town will vote to accept for a recreational trail the 40-foot wide easement along the Androscoggin River that runs from South Rumford Road to Route 108.”

Mr. Cook provided maps and information to the Board regarding his request as he believes the South Rumford Road continues in that area and there is no record of an easement being recorded for this road. He said it shows on the tax maps as an easement.

Attorney Kreckel noted that regarding paper streets, the abutters do not actually own the paper street, there is a procedure that the property owner must follow under the Maine Statute. While the Town may not have kept a public right to a paper street, there may be a private right if it was being used by one of the abutters. The abutter must record within the Registry of Deeds and notify all the abutters. If someone has been using the property, and the Town has not maintained an interest, it does not belong to the abutter unless they follow the procedure outlines in the Statutes.

The Town Manager will look into this matter. He noted that the Board can place anything on the Annual Town Warrant, not only Ordinances, and this matter could possibly be considered before the Annual Town Warrant is prepared for this year.

#### 5. Adjournment

Mr. DiConzo made a motion to adjourn at 8:05 p.m. Vote: 5-0

John E. Madigan, Jr.  
Town Manager

JEMJr/tp