

PUBLIC HEARING
March 1, 2018 5:30 p.m.
Rumford Falls Auditorium

Present: Chairperson Christopher Brennick, Vice-Chairperson Michael Peter Chase, Selectperson Mark Belanger, Selectperson James Windover and Town Manager Linda-Jean Briggs

Absent: Selectperson James Theriault

Present: Rick P.(unlegible), Jim Rinaldo, Keith Taylor, Richard Coulombe, Peter Gautreau, Laurie Holtzman, Al Nyser, Candice Casey, Jon Starr, Daniel Flag, Eric Davis, Mark Dubois

1. Application from Rumford Water District for Large Water Extraction Permit

5:31 p.m. Called to order by Mr. Brennick

Public Comments:

Mr. Chase asked questions concerning the notification of local residents within 500 feet of the aquifer, by certified mail, as stated in the Town Ordinance.

Mr. Brennick made the motion to allow Mr. Dubois to answer questions. Seconded by Mr. Chase.
Vote-4-0

Mr. Dubois stated that notifications have been sent.

Mrs. Holtzman, a resident of 195 Whippoorwill Road, acknowledged her notification. Also, stated her niece of 337 Andover Road, received notification, as well.

Mr. Dubois would provide and confirm with a list and receipts from mailings if necessary, for the Board.

Ms. Casey of Falmouth Street, spoke of her support for the project.

Ms. Ginsberg of Jed Martin Road, within 500 foot parameter of the aquifer, stated she is completely opposed to the project. She spoke of issues concerning usage and that she has previously run out of water at her residence.

Mr. Nyser of 48 East Andover Road, present for more information concerning the project.

Mr. Chase expressed concerns as to verbiage in the ordinance in regards to large water extraction and testing and actual testing that was performed; ordinance requires pump testing of the well for five days of continuous pumping, at the rate of which is to be extracted. Application states extraction of, approximately 450 gallons per minute; however, testing was done at 303 gallons per minute, for two days. Questioning why the application is contradictory to the ordinance?.

Mr. Brennick made the motion to allow any non-resident to speak and or answer questions. Seconded by Mr. Windover.

Vote 4-0

Mr. Reynolds, Certified Hydro-Geologist working for the water district, on this project, answered questions. 2016 pump testing was done at approximately 300 gallons per minute for two days and 100 gallons per minute for the remainder of the pump testing. This being done at the end of the 2016 drought. Testing was planned consistently with the conditions in existence at the time; before the ordinance was written. Final well is being completed at this time. Testing of the pump will be consistently at approximately 300 gallons per minute; the annual average of proposal of withdrawal for this project. Figure 511 of the Hydro Geology report, for more information and data.

Mr. Chase expressed concerns regarding the math at 6050 thousand gallons per day, 17.9 million gallons per month, 158 million gallons annually, comes to 450 gallons per minute.

Mr. Reynold interjected, "would be the maximum daily withdrawal."

Mr. Chase added, ordinance clearly stated 5 days of continuous pumping at the maximum of the proposed withdrawal. To be in compliance with the ordinance, 450 gallons per minute for 5 days continuously.

Mr. Reynolds states he was unclear about the maximum and specific verbiage stated in the ordinance.

Mr. Chase read the ordinance to the audience. He reminded Mr. Reynolds that the ordinance must be followed for the application to be valid and in compliance. He suggested to Mr. Reynolds; the contract be modified to reduce the figure. Mr. Reynolds agreed to follow with the Boards decision and confirmation of dialogue.

Attorney Ricker clarified the ordinance. He also, explained options to the Board as follows:

Option #1. The Board could approve the application with specified conditions deemed necessary by the Board.

Option #2. The Board could deny the application and the water district would have to re-apply.

Mr. Chase asked Town Manager if she has received report from Hydro-Geologist, as to the science in this project.

Mr. Taylor, Hydro-Geologist hired by Town of Rumford to review the application. He met with Mr. Reynolds with questions and technical concerns; were satisfactorily answered. He stated he "Has no disagreements with what Mr. Reynolds has laid out." He will provide the Board with a report.

Mr. Brennick asked for additional discussion, comments and or questions from the public, on this project.

No additional comments, questions or discussion was forthcoming.

Deliberation on the contract will take place at the regular BOS meeting at 6:30p.m.

Public Hearing Adjourned at 5:50 p.m.

BOARD OF SELECTPERSON'S MEETING AGENDA

**March 1, 2018 6:30 p.m.
Rumford Falls Auditorium**

PLEASE NOTE THAT ALL QUESTIONS OR COMMENTS MUST BE ADDRESSED FROM THE PODIUM FOR DIGITAL RECORDING PURPOSES. PLEASE RAISE YOUR HAND TO BE RECOGNIZED BY THE CHAIRPERSON OR COME TO THE PODIUM.

PRESENT: Chairperson Christopher Brennick, Vice-Chairperson Michael Peter Chase, Selectperson Mark Belanger, Selectperson James Windover and Town Manager Linda-Jean Briggs

ABSENT: Selectperson James Theriault

ATTENDEES: Rick P.(unlegible), Jim Rinaldo, Keith Taylor, Richard Coulombe, Peter Gautreau, Laurie Holtzman, Al Nyser, Candice Casey, Jon Starr Daniel Flag, Eric Davis, Mark Dubois

1. Call to Order

2. Pledge of Allegiance to the American Flag

2. Public Hearing: Liquor License- Sons of Italy
No Comments

3. Special Presentation or Award:
No Awards

5. Comments

A. Public Comment
No Comments

B. Town Manager's Report

- Budget, budget, budget
- Met with U.S. Congressman Bruce Poliquin to explore ideas and define projects the federal government could work on for the area
- Continued negotiations with Public Works Union
- Met with developer for economic development
- Interviews for Fire Chief position we had 13 applicants and are interviewing 6 candidates
- Went to Chisholm Head Start and read to three classes
- Met with Randy Therrien on a number of projects

- Attended a utility review meeting for reconstruction of the Red bridge slated for 2019
- Presented the Boston Post Cane to our oldest resident Marjorie Puiia. She is a resident at the Rumford Community Home. Family, residents and staff gathered for the presentation made by Peter Chase and Mark Belanger. We delivered a plaque and flowers. Marjorie had her picture taken with the newly refurbished Boston Post cane.

Major projects in queue

- CWSRF application to the Bond Bank due 2/21
- Prepare RFP for Broadband project 3/10
- Prepare documents for light fixture purchase 3/15
- Negotiate Public Works Contract
- Working with no less than 4 attorneys on legal matters
- Interviews for Fire Chief replacement

C. Department Head or Committee Chair Report (as needed)

Mr. Coulombe updated the Board on the enforcement of the ordinance on, abandoned and vacant buildings equaling 232; brought list to the post office for confirmations and verifications, bringing the list to 182. Will be sending letters to owners to file contact applications for reference.

He has identified 142 buildings relating to the "Roof Drain" ordinance adopted on, June 14, 2016. Sending letters to owners of buildings with flat roofs, to file verification and confirmation of roof drains or plumbing correctly in place to storm drains, not the sanitation sewer, on these buildings. Rumford Mexico Sewerage District is unnecessarily \$\$ treating storm water.

Mr. Belanger asked for an updated report on vacant/ and abandoned buildings, that have received extensions. Mr. Coulombe will provide that information at the March 15, 2018 BOS meeting.

Mr. Chase asked questions regarding the verbiage in the ordinance in relation to roof drains; compliance time lines and criteria.

Town Manager reminded the Board of the DEP statement regarding the town permit and how it relates to the Down Town Project and waste water in general.

No additional Department Head or Committee reports

D. Selectperson's Report

Mr. Belanger mentioned the great conditions of the Town of Rumford's roads, opposed to the roads in nearby towns.

He attended the presentation of the Boston Post Cane, expressing in his opinion, how nice the ceremony was. He commended those caring for our elderly population.

Mr. Chase expressed his honor in presenting the Boston Post Cane. Attended an AVCOG meeting in Auburn, on February 28, 2018. Explained the tremendous savings of going through AVCOG for the Town's Salt purchase and usage.

Mr. Brennick expressed his gratitude to Mr. Chase and Mr. Belanger for attending the presentation of the Boston Post Cane. Reiterating Mr. Belanger's commendation of those caring for our elderly population and appreciation for peace of mind families feel having family members in care facilities.

He distributed Town Manager evaluation sheets, to Board members and Department heads. Asked that they be completed and return to him by March 9, 2018. He will compile the results, to be addressed in Executive Session, prior to next BOS meeting for review and to initiate feedback to the Town Manager.

Reminded the Board of two items to address in, Executive Session at 5:00pm, prior to the 6:00pm Finance Committee Public Hearing and Vote on Initiated Article Requests.

6. Old Business

None

7. New Business

Mr. Brennick made the motion to move letter "C" to "E", letter "D" to "F", letter "E" to "C" and letter "F" to "D"; making for a more efficient meeting. Seconded by Mr. Belanger.

Vote- 4-0

A. Approval of Minutes from Select Board Meeting of February 15, 2018

Mr. Belanger made the motion to approve. Seconded by Mr. Chase

Vote-4-0

B. Approval of the Town Warrant dated March 1, 2018

Mr. Chase made the motion to approve. Seconded by Mr. Windover

Vote-4-0

C. Poland Spring's 1st Quarterly Update on Evaluation and Explorations Efforts pursuant to the 2017 "Evaluation Agreement"

Mr. Brennick made the motion to allow any person to speak, discuss and or ask questions regarding "Evaluation Agreement". Seconded by Mr. Belanger

Vote- 4-0

Mr. Dubois presented a slide show of mapping process, areas, locations, results, progress, geology, evaluation, time lines, installation test wells, testing equipment for water quality purposes and documents relating to the Press Release and Poland Spring Economic Impact Study, done in December 2017. Explained the agreement and its' verbiage, as well as, the study findings and expenses relating to all aspects of the project. Still gathering data for possibilities.

Mr. Belanger asked questions regarding quantity of water being extracted from each site and the aquifer. Mr. Dubois replied to his questions. Testing is required.

No additional questions were asked.

D. Approval of Application from Rumford Water District for Large Water Extraction Permit

Mr. Gagnon, Superintendent of the Rumford Water District, gave a presentation regarding overview, Mr. Edgerton, Engineer from Wright-Pierce- presentation regarding project, Mr. Reynolds- Hydro-Geologist from Drumlin Environmental- presentation regarding aquifer

Mr. Brennick explained performance standards and ordinance requirements. The Board making sure all aspects and concerns have been met prior to approving the application. Mr. Ricker and Mr. Flag available to answer questions and concerns, acting in the best interest of the Town of Rumford.

Mr. Brennick read each and every item on the application, for the Board and the audience. He asked Mr. Ricker legal advice regarding conditions of the application and how they relate to the ordinance(s). Mr. Ricker suggested making notes of questions and concerns, while in review of the ordinance(s) to address them as they come up.

Mr. Chase asked questions regarding the deed of property. Mr. Ricker addressed the questions and clarified verbiage on the application regarding third party.

Mr. Brennick made the motion, Condition #1: that the applicant provide proof of present possessory right to the portion of the property before operations begin (Chapter 55). Seconded by Mr. Belanger.
Vote- 4-0

Mr. Brennick made to motion, Condition #2: Memorandum of lees annual or biennial statement of reaffirmation by the parties of the lees. Seconded by Mr. Belanger.
Vote- 4-0

Mr. Belanger made the motion, Condition #3: PSL § 201, Chapter 14, Section 4. Applicant provide copies of all applicants documentation pertaining to placement of pipelines, pursuant to applicants stated authority, DOT rule application and or other applications or permits. Seconded by Mr. Windover.

Mr. Chase asked questions pertaining to permits for pipelines placed on highways. Mr. R V Geologist working with Rumford Water District, answered his question. Permits relate to jurisdiction.
Vote-4-0

Mr. Brennick made the motion, Condition #4: Issue permit for 650,000 gallons per day. Seconded by Mr. Belanger.
Vote-4-0

Mr. Brennick made the motion, Condition #5: Use the exhibits presented as documentation of locations of extraction points, specified method of extraction; bore holes with stainless steel castings and pumps. Seconded by Mr. Windover
Vote-3-1 Mr. Chase –opposed

Mr. Brennick made the motion, Condition #6: Applicant submit copies of all State and Federal Law permit applications and approvals as required; 22 MRS § Subsection 2660. Noted Rumford Water District petition to PUC, not included on the list of permits. Rumford Water District keeping Town of Rumford apprised to all proceedings. Seconded by Mr. Windover.
Vote-4-0

Mr. Belanger made the motion, Condition #7: 1-1 Hydro-geologic map report, meets the requirements of Section 4, C-7A. Seconded by Mr. Windover.
Vote-4-0

Mr. Brennick made the motion to approve and deem all requirement met, in Section 4, C-7B, and all remaining articles in Section 7 C, D, E, F, excluding the five day pump test. Seconded by Mr. Windover

Mr. Chase asked questions regarding the applications required testing at the recommended 5 day test at a daily rate of 450 gallons per minute.

Mr. Ricker answer questions satisfactorily.

Vote-4-0

Mr. Brennick made the motion to wave the study. Condition #8: Traffic Impact Study and Site Plan review, as would be duplicative of the process carried out by the Planning Board. Seconded by Mr. Windover.

Mr. Coulombe will provide a site plan review and traffic study done by the Planning Board, for the Board of Selectpersons if deemed necessary.

Vote-4-0

Mr. Brennick made the motion, Condition #9: A written statement of sound. Requirement met. Seconded by Mr. Windover.

Vote-4-0

Mr. Brennick made the motion, Condition #10: Impact of exterior artificial lighting limits, used for the project. Requirement has been met. Seconded by Mr. Windover.

Vote-4-0

Mr. Brennick made the motion, Condition #11: Draft of abutters, notice of hearing, tax maps, certified return mail receipts of such notices. Requirement has been met. Seconded by Mr. Windover.

Vote-4-0

Mr. Brennick made the motion, Condition #12: Small Site Plan Review and Limits, attachment in five sheets #WZ510, 3-1 and 3-2 –Part of Section 2 of company documents A, B, C, D, E, F, H, as complete and wave letter G. Seconded by Mr. Windover.*AMENDED* Motion made by Mr. Brennick to exclude only part that pertains to traffic. Seconded by Mr. Belanger. All other Requirements met.

Vote-4-0

Section 3-A, B- Large Scale Plan Site Review- attachment in four sheets #WZ51-figure 1, 2, 3, 4

Mr. Brennick made the motion to approve section 3 A and B. Seconded by Mr. Belanger.

Vote-4-0

Letter D: Application Process. Duplicative.

Letter H: Paperwork from Rumford Water District, Page 11, last line: Long Term Monitoring. Mr. Brennick asked Mr. Taylor to answer technical questions regarding low flow alert 10.8 cubic feet per second and action criteria. Page 13 H- per Mr. Taylor. Action levels are reasonable per Mr. Taylor.

Mr. Brennick made the motion to establish 10.8 cubic feet per second, as the low flow level, half a foot of spring level within half a foot of river level, during low flow, as the alert level. Spring below river for more than thirty days, as action level. Seconded by Mr. Belanger.

Attorney Ricker suggested readdressing as more information becomes available after periods of monitoring over time. Mr. Taylor would be responsible for monitoring and reporting back to the Board. Mr. Brennick *AMENDED* his motion, to be retested after five years. Seconded by Mr. Belanger.

Vote-4-0

Page 14: Performance Standards: 1-8

1. Section A.-3.6 of applicant hydro-geological report.

Mr. Brennick made the motion to approve Section A- Performance Standards have been met. Seconded by Mr. Windover

Vote-4-0

Section B-

Mr. Brennick made the motion deeming Section B- Performance Standards have been met. Seconded by Mr. Windover.
Vote-4-0

Section C-

Mr. Belanger made the motion to approve that standards will be continually met. Seconded by Mr. Windover.
Vote-4-0

Section D-

Mr. Brennick made the motion to approve and deem standards have been met. Seconded by Mr. Windover.
Vote-4-0

Section E-

Mr. Chase made to motion to approve that standards have been met. Seconded by Mr. Belanger.
Vote-4-0

Section F-

Mr. Belanger made the motion to approve that standards will be continually met. Seconded by Mr. Windover.
Vote-4-0

Section G-

Incorporated into permit. No need to make a motion or a vote per Mr. Ricker.

Section H-

Mr. Brennick made the motion, Set maximum annual withdrawal of 158 million gallons. Maximum monthly withdrawal 17.9 million gallons. Maximum daily withdrawal 650,000 gallons. Seconded by Mr. Belanger,
Vote- 4-0

The Board will be providing Nestle Waters North America, Mr. Dubois with an estimate of retainer for Attorney, Mr. Ricker and independent hydro-geologist, Mr. Taylor.

Mr. Taylor to provide the Board with a final report by week ending, March9, 2018.

Mr. Ricker reminded the Board that a written decision is required, submitted within thirty days from vote and approval date.

Mr. Brennick made the motion to approve the application permit with the conditions specified previously. Seconded by Mr. Belanger.
Vote-4-0

Mr. Brennick reminded the public, the Board along with several attorney's, four hydro-geologists, and several specialist, The Rumford Water District, The Board of Directors of the Rumford Water District, have put many hours and much effort into going through the 380 page document item by item, to assure this project is in the very best interest of the Town of Rumford and it's residents.

Town Manager welcomed Poland Spring to Rumford.

E. Approval of Liquor License for Sons of Italy

Mr. Belanger made the motion to approve. Seconded by Mr. Chase
Vote-4-0

F. Approval to include 151 Route 108 for Acquisition and Demolition on the Town Warrant for Annual Town Meeting on, June 4, 2018

Mr. Brennick explained circumstances and regulations relating to this Warrant Article request, acquisition and acceptance of gifts of property, to the Town. He also suggested removing the demolition verbiage from the agenda item.

Mr. Belanger asked questions concerning the cause of the fire, as well as, the effect this may have or not on the building next door for demolition. Mr. Coulombe addressed those questions.

Town Manager suggested a Special Town Meeting, as both buildings could be demolished at the same time, being more cost effective.

Mr. Chase asked questions about cost effectiveness and procedure for Special Town Meeting requirements and rules and criteria.

Town Manager and Mr. Coulombe addressed questions from Mr. Chase and Mr. Belanger.

Ms. Casey addressed the Board with an ordinance that may already be in place regarding acceptance of gifts of property or other specified in the ordinance.

Mr. Brennick explained the ordinance would be investigated

Mr. Belanger made the motion to approve and removing "demolition" from the agenda item. Seconded by Mr. Windover
Vote-4-0

G. Determination of Fees for Wind Energy Turbines for Town of Rumford Fee Schedule

Mr. Coulombe provided his research and conclusion for the Board.

Mr. Belanger made the motion to follow suite, adopting Woodstock's fee schedule for Wind Energy Turbines. Seconded by Mr. Windover. Permit fees as follows: 1-3 /\$1500.00, 4-10 /\$3000.00, 11-15/ \$4000.00, 16 /or more \$5000.00

Mr. Chase asked questions concerning additional licensing fees. Mr. Coulombe answered with no additional licensing fees.

Mr. Belanger made the motion to approve. Seconded by Mr. Windover
Vote-4-0

5 minute recess

H. Approval of Ordinance Requests and Charter Amendments for 2018

Mr. Windover made the motion to approve Charter Amendment proposed for Article 4, Section 1. Changing hearing date from September to July. Seconded by Mr. Belanger.
Vote-4-0

Mr. Belanger made the motion to approve Charter Amendment for Article 6, Section 2.. Seconded by Mr. Windover. Clarifies deadlines of 60 days for nomination paperwork, to follow state law.

Vote-4-0

Mr. Brennick made the motion to approve Article 11, Section 3 from Treasurer/Clerk to Town Clerk /Treasurer for consistency. Include on the Town Warrant, before the voters of Rumford. Seconded by Mr. Belanger.

Vote-4-0

Mr. Chase made the motion to approve ordinance amendment request for Chapter 19, Section 1- Traffic Regulations/ Parking Ban- will take a few years to study this Storm based Parking Ban and its relevance. Include on the Town Warrant, before the voters of Rumford. Seconded by Mr. Belanger.

Vote-4-0

Mr. Windover made the motion to approve ordinance amendment request for Chapter 10-A, Section 2-A and B. Include on the Town Warrant, before the voters of Rumford. Seconded by Mr. Belanger. Changes verbiage and allows for fewer restrictions concerning meetings.

Vote-4-0

Mr. Belanger made the motion to approve ordinance amendment request for Chapter 3, Section 4 and 5. Finance Committee, changing budgetary timeline, from 50 days to 60 days prior to Secret Election, in line with State of Maine regarding Public Hearing. Include on the Town Warrant, before the voters of Rumford. Seconded by Mr. Chase.

Vote-4-0

Mr. Brennick made the motion to approve ordinance amendment request for Chapter 36-C. Changing from Title 30 A § MRSA to Title 30 A § MRS; Recall of Elected Officials. Strikes SAD 43 and adds RSU 10. Seconded by Mr. Windover.

Vote-4-0

Non-Approved Ordinances: As follows:

Mr. Chase made the motion NOT to approve the ordinance change request to Chapter 54-I. Prohibition of retail marijuana establishments and retail social clubs. Seconded by Mr. Windover.

Vote-4-0

Mr. Windover made the motion NOT to approve new ordinance /charter revision regarding encouragement of business in Rumford and ordinances shall not negatively affect a business unless a violation of State of Maine or Federal Law. Seconded by Mr. Brennick.

Vote-4-0

Mr. Chase Motion made to redact including names in submissions Seconded by Mr. Brennick.

Mr. Belanger made the motion NOT to approve the ordinance change request to make recycling mandatory in Rumford and issuance on fines for those not complying. Seconded by Mr. Brennick

Vote-4-0

Mr. Brennick made the motion NOT to approve the ordinance request for commercial development review; would have conflicted with many documents in place at this time. Seconded by Mr. Belanger.

Vote-4-0

Mr. Brennick made the motion NOT to approve the ordinance request for Large Water Extraction. Seconded by Mr. Windover.

Vote-4-0

Food Sovereignty ordinance request, Property maintenance ordinance request, Political and Yard Sale Sign ordinance request and Changeable Message Sign are still be revised by Town Attorney.

I. Approval of Town of Rumford Code of Ethics and Code of Conduct

Mr. Brennick made to motion to table item letter "I" to March 15, 2018 meeting. Seconded by Mr. Chase. Mr. Belanger would like some general discuss on letter "I"

Mr. Brennick rescinded his motion, Mr. Chase rescinded his Second of the motion.

Mr. Brennick brought forth sections of the Code of Ethics and Code of Conduct. Page 9 to be removed from document, as not applicable.

Mr. Belanger brought forth many concerns regarding this document. Need for further discussion and review.

Mr. Chase brought forth his desire to discuss and review of this document. Work on a document that works for the Town of Rumford; that protects the Board and the people of the Town of Rumford, document that reflects the values and is not so restrictive that it interferes with performing duties.

Mr. Brennick agreed that this document must be revised and tailored to the needs of the Town of Rumford. This document is for discussion purposes.

Town Manager suggested reviewing this document and after it meets the needs of Rumford, then to Town Attorney for review. Address this in a workshop forum.

Mr. Chase suggested the Board review the document and schedule a workshop.

Mr. Windover made the motion to table this discussion to a later date. Seconded by Mr. Belanger. Vote-4-0

J. Discussion of Proclamation from Team Hailey Hugs, Children's Cancer Go Gold in the month of September.

Mr. Brennick made the motion to move Letter "J" to letter "H". Letter "H" to letter "I". Letter "I" to letter "J". Seconded by Mr. Belanger. Vote- 4-0

Mr. Brennick read letter from Team Hailey Hugs. Sign a proclamation, to go gold for the month of September.

Mr. Brennick made the motion to proclaim the month of September 2018 and moving forward, as Children's Cancer Month and Go Gold for Hailey. Decorating with gold and announcing September as Children's Cancer Awareness Month, in the Town of Rumford. Seconded by Mr. Belanger. Vote-4-0

8. Adjournment

Mr. Brennick made the motion to adjourn9:53pm. Seconded by Mr. Windover.

Linda-Jean Briggs

LJB/pc

Town Manager