

BOARD OF SELECTPERSONS ORDINANCE HEARING
April 30, 2013, 6:00 p.m.
Rumford Falls Auditorium

BOARD MEMBERS PRESENT: Chairperson Gregory Buccina, Vice-Chairperson Jeffrey Sterling, Selectperson Bradford Adley Selectperson Jolene Lovejoy, Town Manager Carlo Puia.

ATTENDEES: Lynden Clarke, Robert Chase, Jennifer Kreckel, Terry Karkos, Dieter Kreckel

1. The meeting was opened at 6:00 p.m.

Spending Cap Ordinance - New

Chairperson Buccina opened the meeting and referred to a spending cap ordinance that was presented at the first Ordinance Hearing last week that is subject to legal review.

Town Attorney Jennifer Kreckel provided an opinion that the tax spending cap would require a Charter revision. She reviewed case law and sought information from the Maine Municipal Association.

Candice Casey and Mark Belanger referred to the change from Town Meeting to the Secret Ballot Process.

Attorney Kreckel informed the Board that the Secret Ballot Process change should probably have gone through a Charter Commission; however it was never challenged in the first year so the change now stands.

Fire Chief Robert Chase spoke to the Charter's direction for the Board of Selectpersons to set level of service.

The Town Manager recommended voting on the Town Attorney's opinion to nullify the vote to place the Spending Cap Ordinance on the ballot subject o legal review.

Ms. Lovejoy made a motion to accept the Town Attorney's opinion in regards to the Spending Cap Ordinance. Vote: 4-0

Consumer Fireworks Ordinance - New

The Town Manager informed the Board of the proposed Consumer Fireworks Ordinance and its contents.

Mr. Sterling spoke in regards to complaints listed in the Ordinance that may not be legitimate.

Mr. Adley questioned what restrictions the State Law has in it.

Chief Chase provided the information.

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Mr. Buccina and Mr. Sterling questioned using permits.

Chief Chase responded that the Town assumes some liability by issuing a permit.

Chief Chase also questioned the passage that authorizes the Fire Chief to issue citations. The Police Department generally is the enforcement.

Judilee Whittemore commended the Board for their work. She would like to see the fines go towards the fireworks displays.

Mr. Adley made a motion to place the Consumer Fireworks Ordinance with the Town Attorney's amendments, on the Annual Town Warrant. Vote: 4-0

Property Maintenance Code - New

Mr. Sterling reiterated that it would be a complaint driven ordinance.

Code Enforcement Officer Richard Kent alluded to the complaints he has received from citizens.

Mr. Sterling referred to Chapter 21's section on Abandoned or Unoccupied Buildings and questioned its ability to deal with many of the problems.

Chief Chase addressed some of the limitations that may require Board action with discretionary items. The proposed Ordinance articulates more clearly the issues that need to be addressed without Board approval.

Mr. Buccina prefers reviewing the Ordinance over the next 6-8 months in order to allow citizen involvement. He would like to discuss sections of the Ordinance at regularly scheduled meetings.

Mr. Adley is not opposed to reviewing this over a period of time because it could have an impact on a number of residents.

CEO Richard Kent explained that the majority of the complaints he receives are about the conditions of the buildings they are living in.

Mr. Adley is concerned that it may be destined to fail because it may be construed as too "hard."

Ms. Lovejoy supports the Ordinance and feels it is better to do something than nothing. She believes we could discuss this, invite landlords and the public, and we will still be at the same point we are today. She questioned if the Planning Board had reviewed the document and was informed by CEO Kent that this draft was the result of their review.

Mr. Adley made a motion to place the Property Maintenance Code on the Annual Town Warrant. Vote: 3-1, Mr. Buccina opposed.

Chapter 15, Hawking and Peddling Ordinance - Amendment

Mr. Adley made a motion to place the amendment to Chapter 15, Hawking and Peddling, on the Annual Town Warrant. Vote: 4-0

Chapter 3, Finance Committee, - Amendment

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Mr. Sterling made a motion to place the amendment to Chapter 3, Finance Committee, on the Annual Town Warrant. Vote: 4-0

Chapter 4, Police and Fire Departments - Amendment

Ms. Lovejoy made a motion to place the amendment to Chapter 4, Police and Fire, on the Annual Town Warrant. Vote: 4-0

Chapter 21, Sanitation and Safety Measures – Amendment

Candice Casey submitted a proposed amendment to this Ordinance.

Attorney Kreckel suggested language be included for the other sections of the Ordinance, other than just Section 8.

Mr. Buccina believes this is not needed and could create a great deal of work for our Police Department. Even with fines, he believes it would cost the Town a great deal of money.

Mr. Buccina called for a motion on the proposed amendment. None was made.

Chapter 30-C, Domestic Animals: Regulation and Enforcement – Amendment

Candice Casey submitted a proposed amendment to this Ordinance that would increase fines for violations.

Ms. Lovejoy understands that there are problems, but believes the increase in fines is too expensive for most residents.

Mr. Buccina feels that education would be helpful and we should want to have people do what is right.

Attorney Kreckel agreed with Ms. Casey, because it is a health hazard and a detriment to our community.

Mr. Sterling made a motion to place the amendment to Chapter 30-C, Domestic Animals: Regulation and Enforcement, on the Annual Town Warrant. Motion dies for lack of a second.

Mr. Sterling made a motion to adjourn at 8:12 p.m. Vote: 4-0

Carlo J. Puiia
Town Manager

CJP/tp