

Town of Pownal
Select Board Minutes
Monday, May 16, 2022 6:30 pm

I. **Call to Order** by Chair Morris at 6:30 pm.

Members: Jon Morris, Andy O'Brien, Heidi Cushman Curry

Town Administrator: Becky Taylor-Chase

Road Commissioner: Matt Nielsen

II. **Enter Executive Session per 1 M.R.S.A 405 (6) (A) Personnel Matters**

Chair Morris motioned to exit the executive session. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

III. **Pledge of Allegiance**

IV. **Public Comment – Non-Agenda Items**

Dick Hogue had to respond to another complaint regarding the roosters on Royal Rd and has suggested those involved talk to the Select Board. Chair Morris commented this is a continued complaint and lack of compliance. The Board has within their authority to bring to two parties involved to a meeting and try to help work it out. Selectperson Curry stated this would be setting a huge precedence and the Board could be "holding court" every week. Chair Morris responded we could minimize our exposure to certain ordinances. This arbitration would be only for certain items. Mr. Hogue stated our nuisance ordinance states "barks or yelps". Article 1 states "any animal making its own common noise." Our Comprehensive Plan states Pownal is a rural area. Chair Morris commented that someone doesn't like roosters. What happens with sheep, cows or horses? This could lead us down a path our Comprehensive Plan does not agree with. There is a history between these 2 neighbors. Mr. Hogue said he has parked there several times. He's counted the crowing and used a decibel meter. Ten and eleven has been the highest reading. Selectperson Curry asked so we are not breaking any sound ordinances? Mr. Hogue answered that we only have a sound ordinance for mass gatherings.

Chair Morris the State has a decibel level which we defer too. There are no enforcement issues other than nuisance animal or arbitration which may or may not be appropriate. We could have a private meeting between the ACO, Select Board Chair and 2 residents. Selectperson Curry has no idea of a resolution until we fix the ordinances and definitions. Selectperson O'Brien has no idea of resolution if he is not breaking any decibel levels. Mr. Hogue stated there is a lot of crowing and it's hard to count. He suggests he get rid of a certain number. The complainant wants them all gone. They are not living in the best of conditions and he has contacted the state. Selectperson Curry is not sure how to fix it especially with the ongoing Allen Rd situation and events that happened Saturday night. Chair Morris will set up an invitation to town hall with Mr. Hill, Mr. Hogue and the residents for a sit down. Mr. Hogue feels he is not doing anything wrong; he has chickens and he is allowed to have them. Paul Schumann asked about the new right to food law. He hasn't heard what ordinances have been violated. The Constitution of the state would overrule. What standing does the Select Board

have until an ordinance is violated. Chair Morris answered the only standard is the responsibility to enforce the ordinance. Bo Chesney felt one could argue it's not a violation. Chair Morris said if we brought them together, we could try to explain and mitigate. Mr. Chesney asked what happens if they don't pay a fine. Chair Morris answered if they don't pay the complainant has more standing in a civil claim. Mr. Schumann stated they would go to small claims court and someone brings the town ordinance to the judge and the judge decides. Chair Morris felt a meeting would make it so both parties were heard. Let's table it and do some research.

V. New Business

• **Select Board Budget Recommendations**

The Town Administrator stated now that compensation had been reviewed the Select Board needed to confirm their recommendations for the General Government, Public Safety and Public Works budgets. The Town Administrator presented \$442,397 as the final budget for General Government. Selectperson O'Brien motioned to approve \$442,397 for the General Government Budget as the Select Board's recommendation for the town meeting warrant. Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

The Town Administrator presented \$153,348 as the final budget for Public Safety. Selectperson O'Brien motioned to approve \$153,348 for the Public Safety Budget as the Select Board's recommendation for the town meeting warrant. Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

The Town Administrator presented \$852,448 as the final budget for Public Works. Selectperson O'Brien motioned to approve \$852,448 as the Select Board's recommendation for the town meeting warrant. Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

• **Town Meeting Warrant**

The Town Administrator discussed the edits and changes made to the warrant from the previous meeting. Narratives were added showing the articles directly tied to the Comprehensive Plan. The Budgets that were approved at the previous meeting had been added. The tax club article had been removed as it was not necessary. She will add narratives to the 3 budgets just approved and continue to edit other narratives. Selectperson Curry mentioned the last part of the narrative for the Recreation Budget might need a little edit as the sentence didn't read quite right. The words "up to" were missing from Article 21. The Town Administrator will make those edits and send the warrant to the Town Attorney for review the next day.

VI. Old Business

Chair Morris stated the bus on Allen Rd has taken a new turn. The State Police state it's not a distraction. Selectperson Curry commented that over the weekend the resident tried to push it over and almost tipped the tractor over.

Chair Morris responded to the question about the overpass. The State does own the overpass and there are no intentions of correcting the deficiencies. He did ask about the pot hole. Mr. Nielsen said the State will patch. Last time they came and filled it. The Public Works department tries to fix it but it's a state road and their responsibility. Chair Morris suggested he document every complaint.

VII. Correspondence

Selectperson Curry received a number of phone calls from Allen Road residents about the William Allen Farm having a band that was loud. The CEO has been notified today.

Chair Morris said the police responded to parking issues at the Garden Spot, parking issues on Lawrence Road and parking issues on Elmwood Road. Maybe this will help with the dedicated officer.

Selectperson O'Brien talked with the Town Manager of North Yarmouth. She has talked with Sherriff Joyce and they can't guarantee they can provide an officer due to a staffing shortage.

VII. Any Other Business

VIII. Adjournment

Chair Morris motioned to adjourn the meeting. Selectperson Curry seconded.


Discussion: None

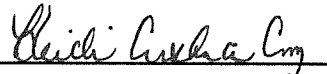
Vote: Yes 3; No 0

The meeting adjourned at 7:50 pm.

Respectfully Submitted,
Becky Taylor-Chase
Town Administrator


Jon Morris


Andy O'Brien


Heidi Cushman Curry

