

Town of Pownal
Select Board Minutes
Monday, July 11, 2022 6:30 pm

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

Members Present: Jon Morris, Andy O'Brien, Heidi Cushman Curry
Town Administrator: Becky Taylor-Chase
Road Commissioner: Matt Nielsen
Fire Chief: Jesse Peters

II. Pledge of Allegiance

- **Andrew O'Brien Oath**

Andy O'Brien took his oath of office to the Select Board for a term beginning 7/1/22 to 6/30/2025.

III. Accounts Payable & Payroll Warrant

FY22 AP Warrant #1 in the amount of \$28,803.96

Selectperson Curry motioned to approve AP Warrant 1 in the amount of \$28,803.96.

Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

FY23 AP Warrant #2 in the amount of \$42,762.05

Selectperson Curry motioned to approve AP Warrant 2 in the amount of \$42,762.05.

Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

Payroll Journal #10 in the amount of \$6,685.87

Selectperson O'Brien motioned to approve Payroll Journal 10 in the amount of \$6,685.87.

Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

III. Minutes of Previous Meetings

- **Minutes of Regular Meeting June 27, 2022**

Selectperson Curry motioned to approve the minutes of the regular meeting on June 27, 2022 as written. Chair Morris seconded.

Discussion: None

Vote: Yes 3; No 0

IV. Public Comment – Non-Agenda Items

John Simmons from Summer Lane inquired about a noise ordinance. He cited the nuisance animal section under the animal welfare ordinance and article 1. Has been speaking with codes about this since last September. He is not looking to impose fines, just wants the noise under control. He was told that the Select Board will not get involved with the noise from the roosters. "He" also told them there was nothing more he could do. Other neighbors agree about the noise and are willing to sign a petition. Susan Simmons spoke that their property is

adjacent to the other property and they have been trying to take the right methods to solve the issue. Chair Morris asked when referring to “he” are you referring to the Animal Control Officer? They both answered yes. Mr. Simmons played a recording of what they hear during the day. He stated the sheriff showed up because someone had come in the night and shot one of the roosters. They were investigating. Mr. Simmons asked if the neighbor thought he had shot the rooster? The Sheriff stated the name was not given. Mr. Simmons asked if the neighbor knew he was the one that complained? Chair Morris stated our ACO has complete confidentiality. Mr. Simmons said he has tried to go over and talk to the neighbor but he never answers the door. They are asking what can be done. Chair Morris said the Select Board has been dealing with this for about a year and have had lengthy discussions about what the town can and can’t do. There was a special Town Meeting that changed the definition of an animal. At the last discussion there had been a compromise reached reducing the number of roosters. The Select Board does not have the ability to enforce a fine system for animal control. This would become a civil case. Our ordinance is compatible with the Comprehensive Plan which advocates for rural landscape and agriculture. This is listed numerous times in the plan. Selectperson O’Brien commented that other than the parties making it a civil matter the Select Board has no other means. There is no law enforcement. Chair Morris stated we do not have a noise ordinance. Dick Hogue commented that we have an Animal Control and Welfare ordinance. The State has a noise ordinance but roosters would probably not exceed it. Mrs. Simmons asked if what the Select Board was referring to earlier was this case? Chair Morris answered yes. That there had been discussions for about 10 months and had been a fairly regular agenda item. Mr. Hogue has been trying to figure out his authority with a lot of gray area. The decision was reached to reduce the amount down to two. Mr. Hogue stated that was correct. Mr. Simmons said when the sheriff was there investigating there were 5 roosters. He has tried to talk with the homeowner but he does not answer his door. He doesn’t understand why he needs a rooster. Chair Morris stated we can check with our town attorney. Mrs. Simmons stated the ACO has spent a lot of time on this and they do not question his integrity. Chair Morris asked the Board if they should contact the town attorney? Selectperson Curry said if that will satisfy folks then yes. Mr. Hogue has been diligent in working on this situation. Selectperson O’Brien agrees. Chair Morris will contact the state Department of Agriculture to get clarification. Mrs. Simmons commented that she had heard of collars that are PETA approved that stop the crowing and do not hurt the rooster. Could be an alternative.

V. Department Head Reports – Submitted Electronically

(Department head reports can be viewed on their respective website page(s))

- **Select Board**

Selectperson O’Brien stated he would be doing a water sample this week. Selectperson Curry commented that it has been all quiet since town meeting.

VI. New Business

- **Election of Chair**

Selectperson Curry motioned to elect Jon Morris as chair for FY23. Selectperson O’Brien seconded.

Discussion: None

Vote: Yes 2; No 0 Abstain 1

- **North Star Planning Contract**

Chair Morris asked if the other Board members had a chance to review. They stated yes. Selectperson Curry motioned to approve the contract for FY23. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

- **Code Enforcement Officer**

Chair Morris stated that Alan had resigned and we are without a Code Officer. The Town Administrator stated that Craig Vosmus has offered to come in and help and that the CEO in Durham may be able to give us some help. Chair Morris asked her to reach out to Mr. Vosmus on what hours he could work. He asked if we had posted the job? The Town Administrator stated yes, it's on Maine Municipal and our website. He stated that maybe we should consider changing our strategy and ask for someone that is looking for a career change. That the town would be willing to invest in the training. This is an opportunity to expand a career path. He reached out to the legislative representative for guidance and they will get back to us. Selectperson O'Brien stated that North Yarmouth has a new CEO but most likely is not licensed yet. Chair Morris asked the Town Administrator to edit the job posting.

- **Eco Maine and Fire Chief Oaths**

See Attached Sheet. Jesse Peters and Jon Morris took their respective oaths.

- **Indefinite Oath Review**

Chair Morris stated there are a large number of people serving indefinite terms. It's great for us and the office since it's less paperwork but eliminates the opportunity to review performance. Do we want to continue with this process or regulate terms? He read the list of committees with indefinite terms. Selectperson Curry is in favor of terms. Selectperson O'Brien agrees. Chair Morris stated he will ask the deputy clerk to develop a rotation for the next meeting. Chair Morris motioned we change the term limits from indefinite to 3-year terms. Selectperson O'Brien seconded.

Discussion: The Town Administrator asked if they were 3-year rotating terms? Chair Morris stated yes, set up similar to the Select Board.

Vote: Yes 3; No 0

- **Fire Department Parking on Elmwood Rd**

Chair Morris stated we have received a letter from Gail Purinton. This is just another reason for searching for other property. Chief Peters stated before we put the driveway in, we approached the owners about purchasing. They said no. The situation has changed. It's a 10-acre parcel. We wouldn't need all of it. Maybe just purchase the field across the street. Chair Morris asked how much land do you think is needed. Chief Peters answered 3-4 acres. Selectperson Curry commented with the land market she is not sure how to process a purchase. We can investigate. Mr. Hogue asked to see the letter. Chair Morris read it. Chief Peters commented that vehicles were damaged when parked along Elmwood Road so they approached the owners about parking there. Paul Schumann asked why not purchase and have an easement agreement. Chair Morris said the town is looking to continue a short-term agreement to use. Mr. Schumann stated an easement could be the same. Can you do something temporary that could survive the transfer. Selectperson O'Brien said if it pleases the Board, he can write to her about doing something temporary.

- **Carry Forward Request**

Chair Morris read the General Government request and he summarized the project. Selectperson O'Brien motioned to approve the General Government request of \$3250 for the parcel viewer project that is in progress.

Discussion: None

Vote: Yes 3; No 0

Chair Morris read the Public Works request. Matt Nielsen due to change in personnel the project did not get completed. Chair Morris stated the money was approved at Town Meeting last year but scheduling has been an issue. Selectperson O'Brien motioned to approve the Public Works carry forward request due to projects not being completed. Selectperson Curry asked if they have been started? Mr. Nielsen stated they have been pushed back. Selectperson Curry stated she would rather have seen the money added to the next budget instead of carrying forward. Chair Morris only question is there was an agreement with the company and they didn't get to it. Road stripping is difficult to get scheduled. With the change in Road Commissioners, we missed the date. Selectperson Curry sometimes we will know these are not going to happen so should be added to next budget. Chair Morris seconded.

Discussion: Paul Schumann agrees with what Heidi is saying. Have we done any work that has obtained financial liability? Chair Morris understands that but the town will need to have new practice on how to conduct business. Mr. Schumann stated it leaves the door open to be lackadaisical. Priorities change from year to year. Selectperson O'Brien commented there is one striping company in the entire state. Selectperson Curry commented we are moving in a different direction based on discussions. This is my understanding. Chair Morris stated the agreement between the Road Commissioner and striping company has been the start of project. Mr. Nielsen stated no money has been put down. The Town is a year behind on striping. Selectperson Curry said her only point is, if we knew in May, we could have added to FY23 budget. Susan Briggs Peters asked if the Board can make a decision on what a start is? Chair Morris said great point. Historically agreements are verbal. Maybe we'll have to sign and give a deposit. Dick Hogue commented if a contract is signed the job is started. If we don't stripe, it could have implications. Chair Morris currently in a budgetary strife with a very specific vote at town meeting. Selectperson O'Brien rescinded his motion.

Jon Morris read the Fire Department requests. Selectperson O'Brien motioned we approve the carry forward to have discussion. Heidi Curry seconded.

Discussion: Selectperson Curry asked if the screenings had been started? Chief Peters answered yes. Payroll is a financial responsibility. Chief Peters did not want to pay ahead on the gear. It has been on order for 4 months. Selectperson Curry asked if we made a deposit? Chief Peters answered no. Selectperson Curry asked if we are liable? Chief Peters answered yes, it's custom-ordered and I did a purchase order for it. Selectperson Curry stated we need to get into the habit of making a deposit. Chief Peters stated it's been ordered. Selectperson Curry stated again could have shifted to FY23 budget. Vote Yes 2 No 1.

- **ARPA Grants**

The Town Administrator stated we had received the second payment of the Federal ARPA funds so we now have the full grant amount. We should know after the public hearing whether we are getting the Cumberland County ARPA funds which is next week. Chair Morris commented that he has thought about given some of the Federal ARPA money to the Future Facilities Committee to work on that project. Selectperson O'Brien has had similar thoughts.

Selectperson Curry stated we have time before we have to commit. Selectperson O'Brien said he would like to have a generator for PCWA. Chair Morris thought another use is to get an engineering study.

- **Firework Ordinance**

Chair Morris stated the Select Board received a letter from Beverly Towne. Selectperson O'Brien said he emailed her to let her know it was being discussed tonight. Chair Morris asked Chief Peters if there was an incident recently. Chief Peters said a fire started on Lawrence Road due to the discharge of fireworks. Chair Morris said historically we've discussed a fireworks ordinance. What do we think about an ordinance now? Chief Peters asked who would enforce it? Chair Morris stated Cumberland County Sheriff or State Police. Selectperson Curry said she does not have an appetite for a fireworks ban. Chief Peters commented that it has been legal for 10+ years and this is the first incidence and he is not in favor of a ban. Chair Morris asked Dick Hogue if he had gotten any complaints for fireworks that were animal related. Mr. Hogue stated no. Chair Morris asked the Town Administrator if the town office had received any calls. She stated the only call they have received was asking if we have an ordinance. Chair Morris stated he is not in favor and will table the item.

- **Market Analysis**

Chair Morris stated we are getting ready to set the mil rate. We are currently under 90% so we lose revenue from CMP. There are 450 people that have the homestead exemption so they are losing a substantial amount in exemptions. We could do a market analysis costing about \$50,000 or we can start to nudge valuations up to try to get the % back up. We would need to talk with the state auditor. We would recoup cost in just the increase in CMP alone. He suggested the Board think about this and will discuss again. Selectperson O'Brien stated we are due for a reevaluation in 2026.

- **Dispatch Contract**

Chair Morris asked Chief Peters if there was anything new? Chief Peters replied no, only an increase in the amount. Selectperson Curry motioned we designate Chief Peters to sign the agreement for FY23. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

- **Local Road Assistance Program Paperwork**

Chair Morris asked Matt Nielsen if he will certify he will use the funds only for uses stated in the document? He answered yes. Chair Morris motioned to accept the LRAP money from the state. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

- **Village Initiative**

Chair Morris summarized the initiative. We have had numerous conversations about the vision of the village district. Would the Board agree to talk to Stephen Cole? Both Selectpersons Curry and O'Brien agree to speak with him. The Economic Development and Sustainability Committee could be involved in the conversation.

VII. Old Business

None

VIII. Correspondence

Big Brad Ultras has the race in October. Selectperson O'Brien said didn't we vote to let the Recreation Committee approve this? Kathy Hogue said no it's the other way around. If nothing has changed the Select Board approves it. Selectperson O'Brien motioned to approve Big Brad Ultras October 9 race. Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

Selectperson Curry has been in talks with neighbors. Mary Adams sent an email with several pieces of information regarding the original permit on the William Allen Farm. It appears from documentation that they are renting a room as part of a package. It was clearly denied at the Planning Board meeting last spring. It is listed on the amenities and there is a testimonial on their website. In 2014 this was approved as a home occupancy and in 2021 it was denied to change the use. Not sure what to do about the rental of the room. Chair Morris stated if they are in violation we will need to verify and have our attorney assist us. They may need to stop operations until corrected.

Christine Watson asked if the Select Board had selected a new member to fill the vacancy on the Planning Board? And then we will need to find a new alternate. She also sent email to the Select Board about the fee schedule. Selectperson Curry said we will add this to the July 25th meeting.

Chair Morris said we need to add the Town Office hours to the July 25th meeting.

IX. Any Other Business

None

X. Executive Session per 1 M.R.S.A 405 (6) (A) Personnel Matters

Chair Morris motioned to enter in Executive Session at 8:07 pm per 1 M.R.S.A 405 (6)(A) Personnel Matters. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

Chair Morris motioned to exit the Executive Session at 8:30 pm. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

XI. Adjournment

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

Discussion: None

Yes: 3; No 0

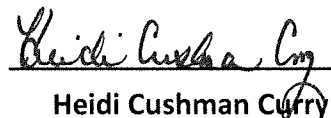
Respectfully Submitted,
Becky Taylor-Chase
Town Administrator



Jon Morris



Andy O'Brien



Heidi Cushman Curry