

Town of Pownal
Select Board Minutes
Monday, March 13, 2023 5:30 pm
Public Hearing, Workshop & Regular Meeting

I. Call to Order by Chair Morris at 5:30 pm.

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

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

Chair Morris motioned to enter Executive Session per 1 M.R.S. A (6)(A) Personnel Matters.
Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

Chair Morris motioned to exit the Executive Session. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

The meeting exited at 6:00 pm and moved to the public hearing.

III. Public Hearing: General Assistance Ordinance

Chair Morris introduced that we are required to adopt the most recent ordinance and appendices each year for administering general assistance. There is printed copy available for review. He asked if there were any comments or questions. Seeing none he closed the public hearing and moved to the workshop.

IV. Workshop

a. Noise Ordinance

The Town Administrator stated she looked at state statute and made updates to the working document highlighted in yellow from the feedback from the previous workshop. Since discussion focused on the Short Term Rental and Victualers Ordinance tying back to this one she focused efforts on this draft. A reference to state statute 17 A 501 A was added to help define what's acceptable. Selectperson Curry stated defining decibel levels will help differentiate between annoyance. After some research she found most levels are set at 55 for daytime and 45 for nighttime. Chair Morris stated in the past there has been issues with farm noise going all night. He agrees with the 55/45 levels. It needs to be specific to demonstrate we can enforce it. He does not feel this falls under the CEO for enforcement. Does not want to send the CEO into a possible volatile situation. Selectperson Curry would like the second sentence from Freeport's ordinance added which focused on the peak levels over a 24-hour period. It's important to have Cumberland County respond and enforce the ordinance. Measuring over the 24-hour period would involve the CEO. Discussion focused around the state statute 17A 501A and what section may be relevant to enforcement. Chair Morris noted that the Short-Term Rental and Victualers Ordinance needs to have the same language. Developing a Noise Ordinance is the foundational document to the other two ordinances so noise levels could be regulated fairly and clearly. The Town Administrator will add the decibel

levels and additional language and send to the town attorney for review. Dick Hogue asked if location of the noise is specified as to where we measure. The Board answered yes.

b. Air BnB/Short Term Rentals Ordinance

The Town Administrator spoke to MMA legal and they provided a video on Short Term regulation that was recorded in 2021. Two key pieces from the video that stood out was owner-occupied had less calls for noise or disorderly conduct and there are no state statutes so home rule applies for inspection, registration etc. There were many bills discussed at the beginning but none of them became law. Chair Morris watched the video as well and reached out to people involved to get guidance. Towns with these ordinances are being challenged in court. Many other towns are waiting for someone to do the work to write an ordinance that cannot be challenged so until then we could have all STRs be registered with the Assessor because it is a home occupation. If it is not owner occupied then it is not a home occupation therefore not legal by ordinance. This is a work around for enforcement until such time as an ordinance can be written. We would develop and approve a procedure to require a STR that is a home occupation. A non-occupied would need to go before the ZBA. Selectperson Curry asked what is being challenged in Freeport's ordinance. Chair Morris answered with regulating private property. Selectperson Curry felt this was a good work around. Referencing the Noise Ordinance is very important as we grow and get more populated. Chair Morris stated the approval can be conditional and revoked if there is any violation. Selectperson Curry asked if we require any inspection for a home occupation? Chair Morris answered that there is no agency at the State level that we would be required to contact. Some towns have required an additional inspection based on being a home occupation. Selectperson Curry stated safety and upkeep would be primary goals. Chair Morris stated we would regulate through taxation and home occupation until the State writes a statute. The Town Administrator will check with the town attorney about whether we can include inspections for fire under the home occupancy.

c. Victualer's Ordinance

Chair Morris asked if we feel this ordinance is ready for public hearing. The other members felt it was ready so this will move to the public hearing and be added to the warrant.

The meeting moved to the regular meeting at 6:35 pm.

V. Pledge of Allegiance

VI. Accounts Payable & Payroll Warrant

- **AP Warrant #21 in the amount of \$59,274.99.**

Selectperson O'Brien motioned to pay AP Warrant #21 in the amount of \$59,274.99.

Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

- **Payroll Journal #249 in the amount of \$9,444.99.**

Selectperson O'Brien motioned to pay Payroll Journal #249 in the amount of \$9,444.99.

Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

VI. Minutes of Previous Meeting

- **February 27, 2023 Meeting and Workshop**

Selectperson Curry motioned to approve the minutes of the February 27, 2023 meeting with workshop and executive session as written. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

- **March 6, 2023 Executive Session**

Selectperson Curry motioned to approve the minutes of the March 6, 2023 executive session as written. Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

VII. Public Comment – Non-Agenda Items

None

VIII. Department Head Reports

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

- **Select Board**

Selectperson O'Brien stated the PCWA annual report will be filed soon.

IX. New Business

- **General Assistance Ordinance Adoption**

Chair Morris motioned to adopt the 2022 General Assistance Ordinance and appendices per M.R.S 4305(1). Selectperson O'Brien seconded.

Discussion: None

Vote: Yes 3; No 0

- **Warrant Articles**

The Town Administrator asked aside from the normal budget and business articles what other articles did we want to include on the warrant. Do we want to have the article again from the Undesignated Funds to stabilize the mil rate? She was answered with yes. She stated that this year we can set the interest rate on delinquent tax payments at 8%. Current fiscal year it is 4%. Did we want to use the 8% limit? She was answered with yes. She stated that there had been comments made during the budget presentations regarding a town planner but no formal discussion yet so did we want to include an article on the warrant for this dedicated position? Discussion started on what that would look like. GPCOG could supply an independent contractor that is not a town employee or do we want this to be an added position to town staff? In the past we had used a planner from GPCOG and moved away from that to North Star Planning. The consensus of the Board is to have a dedicated town position. Selectperson Curry would want to have a clear job description along with a salary range. The Town Administrator will get sample job descriptions and salary ranges. Chair Morris mentioned New Gloucester has the job description posted on their website and that would be a good starting point. Selectperson Curry wants to make it clear about what boards and committees the position will support. Long-term planning and ordinance writing must be included in the job description. Chair Morris stated we have 2 committees with RFPs that a planner could have supported. Is it the Board's suggestion that the planner would work alongside those committees? Selectperson O'Brien stated yes. Selectperson Curry said there should be discussion about the Planning

Board in conjunction with a planner. Chair Morris feels the Planning Board steps away from ordinance revision and reviews applications. Selectperson Curry asked where does the application fall? Will we continue with North Star Planning? Selectperson O'Brien feels these would be the planner's oversight. Chair Morris stated the planner would generate a review of ordinances that need updating. Paul Schumann commented that he hopes the Board will do their homework so all questions can be answered at the Town Meeting. It will be important that the voters know what they are voting for and what we are getting. What's in it for the town? We will need to explain the why and the what we will get. Selectperson wants to make sure long-term planning is included in the job description. Chair Morris stated to put a placeholder on the warrant for this article. Susan Peters asked if we will post the salary with complete compensation package? Chair Morris and Selectperson Curry felt we need to be more transparent with this and those details will be included. Mr. Schumann asked if we are considering a consulting firm versus an employee. A "try before you buy". If we contract first, we get an idea of what to expect and can evaluate experience before hiring. Chair Morris stated we did have a consultant previously from GPCOG but moved away from that to North Star Planning. Now as the town evolves, we have a different set of expectations. The Board will be meeting with North Star Planning to review services to date. Chief Peters asked to clarify that we will not be investigating GPCOG for services? He had heard Selectperson O'Brien mention previously things have resolved there. Chair Morris answered we have had previous conversations to have a dedicated full time employee. Selectperson O'Brien commented that the conversations have been around an employee and they are looking at all possibilities.

Chair Morris asked the other members if we wanted to include a warrant article using money from the Undesignated Fund Balance for the CIP reserve like we did last year? Selectperson O'Brien felt it would be a good thing. He also stated we should look at investing funds. Selectperson Curry agreed we should investigate this. Chair Morris stated using funds from UDF balance gives value back to the tax payer. We did this last year and do we want to do this again. Mr. Schumann spoke about the investing part. He is not sure when the CIP reserve account was set up. The money was co-mingled with the general checking and after a couple of years of approaching the Select Board it was approved to move it into a dedicated fund. We are not investing in the stock market. There is state statute that tells us what we can do. The purpose of setting up the reserve account was so the interest earned on it would stay in that account. If we set up CD ladder the money is just being put into a different kind of account to earn more interest. The Town Administrator stated she had been working on investigating investing and had not completed her research. But she did confirm there is state statute that allows the town treasurer at the direction of the municipal officers to invest. We would need to have policy to dictate perimeters, minimums needed in the account for immediate future capital projects and unforeseen emergencies and all investments would be motioned and approved in a public Select Board meeting. The Budget Committee is taking the lead on this and I will work with them. To Chair Morris', point about investing the funds from the UDF balance that requires more investigation and possibly town meeting approval which will be looked into. The conversation moved back to the original question regarding having an article to transfer money to the CIP reserve account and Selectperson O'Brien feels it's wise given there is a weak spot in the forecast. He motioned to place a warrant article appropriating money from the Undesignated Fund Balance to the CIP reserve to help cover a thin spot in the future. Selectperson Curry asked what would be the number they would be looking for? She needs more information and needs to look at the numbers in the account along with the state mandated level to second Andy's motion. Discussion focused on the appropriation helping to

alleviate the request amounts per year with the future capital projects needs in the years 2039-2044. Chair Morris said there is ramifications around labeling the designation and using the wording “to help smooth out appropriations” is more appropriate. Selectperson amended the motion and Chair Morris seconded. A placeholder will be put on the warrant. The Town Administrator asked Mr. Schumann when the CIP committee was meeting again and could they do a couple of models for the Board to consider. They are meeting on the 29th of March and will look into this.

- **Real Estate Request Form – Rick Storey**

The Town Administrator stated she had received this real estate request form and according to the town policy the Select Board needs to determine if they want to move forward. If so then she will send it to the listed department, boards and committees and post it at the town office. Selectperson O’Brien motioned to follow the town policy and send the request form to the appropriate departments, boards and committees for comment. Selectperson Curry seconded.

Discussion: None

Yes 3; No 0

- **Economic Development & Sustainability Committee RFP**

Selectperson O’Brien motioned to move forward with the distribution of the RFP. Selectperson Curry seconded.

Discussion: None

Vote: Yes 3; No 0

Mrs. Peters wanted to recognize the work Mr. Schumann did in drafting the RFP and thanked him for his time. The Select Board also thanked him.

- **Planning Board Feedback on Conservation Subdivision Ordinance Draft**

There has been a request from the Chair of the Planning Board, Matt Altieri, to meet and talk about the Conservation Subdivision Ordinance. Chair Morris asked for input from the other members for talking points for the meeting. Selectperson O’Brien asked if Chief Peters has read the draft. He answered with no. Selectperson Curry had questions about how road frontage will be measured. Does this open us up for cul de sacs and multiple turn arounds? How does this affect cisterns? Selectperson O’Brien stated the vision of the road should happen before the vision of density. He did a lot of thinking and there could be turnouts to allow for emergency vehicles to pass. Selectperson Curry asked how the cistern would work with a 1000-foot road versus the 600-foot road? Will it need an adjustment in location with the longer road? Selectperson O’Brien stated density means the houses will sit closer together which will have a higher fire impact. There could be a lot more water need in the event of a fire and will need to be available. Selectperson Curry asked how do we measure road frontage on cul de sacs and hammerheads? Chair Morris asked if there were any questions about the density calculations? Chief Peters asked how close together are the houses? Chair Morris stated we still don’t know. Selectperson Curry stated there are set back changes. Chief Peters will read the draft and Chair Morris will meet with Mr. Altieri to go over these questions.

IX. Old Business

None

X. Correspondence

The Town Administrator stated she had gotten feedback on the PCWA Infrastructure grant. The application has been reviewed once and we were notified that we would need to appear at a

future meeting to present and answer questions. The committee then sent a list of questions that Selectperson O'Brien answered. We received an email stating there would be two more hearings and a decision made on April 11th. The Town Administrator followed up on the requirement that we would need to present in person and was told the committee is very much in favor of our application so there is no need for us to attend.

Chair Morris has been receiving many calls for missed trash pickup. Selectperson O'Brien and the Town Administrator had also received calls. Chair Morris stated there is no accountability with them. He is having a hard time signing a 5-year contract with them. This item will be on the agenda for the next meeting.

XI. Any Other Business

Chief Peters stated he had received word that the emergency software we currently use is going away next year so he is looking into alternatives. The program needs to integrate with the County. The cost could be double. Chair Morris asked for this to be communicated to the Budget Committee.

XIII. Adjournment

Chair Morris motioned to adjourn the meeting. Selectperson O'Brien seconded.

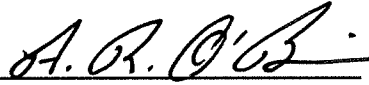
Discussion: None

Vote: Yes 3; No 0

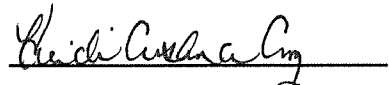
The meeting adjourned at 7:41 pm



Jon Morris



Andy O'Brien



Heidi Cushman Curry