

2013

Town of New Gloucester Minutes of Annual Town Meeting 2013

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**TOWN OF NEW GLOUCESTER
MINUTES OF ANNUAL TOWN MEETING
June 3, 2013**

The Town Meeting was called to order at 7:01 p.m. by the Town Clerk, Sumner M. Field, III.

The Clerk led the Town Meeting attendees in the Pledge of Allegiance.

Article 1. To choose a Moderator to preside at said meeting.

<i>Nomination of:</i>	<i>John Loyd</i>
<i>Nomination by:</i>	<i>Beverly Cadigan</i>
<i>Seconded by:</i>	<i>Roger Levasseur</i>
<i>No other nominations were made.</i>	
<i>Motion to close nominations:</i>	<i>Jeff Hamilton</i>
<i>Seconded by:</i>	<i>George Carman</i>
<i>Those in favor of closing nominations:</i>	<i>all</i>
<i>Opposed:</i>	<i>none</i>
<i>Nomination of John Loyd carried.</i>	
<i>3 votes were cast for John Loyd.</i>	
<i>John Loyd was elected Moderator.</i>	

The Clerk administered the Oath of Office to the Moderator.

The Moderator asked for all cell phones to be silenced and explained the procedures of Town Meeting, including the holding up of cards when voting.

OPERATIONS:

Article 2. To see if the Town will vote to raise and appropriate \$364,620 from taxation and other sources for the ensuing year for the following:

			Selectmen	Budget Committee
101	Selectmen		\$ 15,160	\$ 16,200
102	Administration		\$ 271,820	\$ 271,820
105	Elections		\$ 3,750	\$ 3,750
106	Assessing		\$ 37,850	\$ 37,850
108	Legal		\$ 15,000	\$ 15,000
130	Unanticipated Expenses		\$ 15,000	\$ 15,000
138	Fuel Overrun Allowance		\$ 5,000	\$ 5,000
			\$ 363,580	\$ 364,620

*Budget Committee recommends passage as presented.
Board of Selectmen recommends \$363,580. (Reduction of Stipends).*

Motion: Stephen Hathorne moved that Article 2 have passage at \$364,620
Second: Jean Couturier
Discussion: Roger Levasseur, Sumner Field, Steven Libby, Joshua McHenry and Penny Hilton commented on this article.
Vote: It was voted that Article 2 have passage at \$364,620.

Article 3. To see if the Town will vote to raise and appropriate \$68,500 from taxation and other sources for the ensuing year for the following:

			Selectmen	Budget Committee
103	General Assistance		\$ 37,500	\$ 37,500
131	Health Officer		\$ 500	\$ 500
132	Animal Control		\$ 12,350	\$ 12,350
135	Cemeteries		\$ 9,000	\$ 9,000
137	Interagency Requests		\$ 4,650	\$ 4,650
142	Water Treatment		\$ 4,500	\$ 4,500
			\$ 68,500	\$ 68,500

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Jean Couturier moved that Article 3 have passage as presented
Second: Stephen Hathorne
Discussion: Debra Smith commented on this article.
Vote: It was voted that Article 3 have passage as read.

The Moderator asked for a vote to give non-resident staff permission to speak. Show of cards in favor was unanimous.

Article 4. To see if the Town will vote to raise and appropriate \$330,116 from taxation and other sources for the ensuing year for the following:

			Selectmen	Budget Committee
110	Emergency Medical Serv		\$ 111,298	\$ 111,298
111	Fire Department		\$ 175,679	\$ 175,679
112	Emergency Management		\$ 2,000	\$ 2,500
114	Street Lights		\$ 6,500	\$ 6,500
115	Public Safety Dispatch		\$ 34,139	\$ 34,139
			\$ 329,616	\$ 330,116

***Budget Committee recommends passage as presented.
Board of Selectmen recommends \$329,616. (Reduction of Stipends).***

Motion: Stephen Hathorne moved that Article 4 have passage at \$330,116
Second: Roger Levasseur
Discussion: Carlton Wilcox, Gary Sacco, Jeff Hamilton, Debra Lang, Beverly Cadigan, Kathleen Potter and Stephen Hathorne commented on this article.
Motion: Stephen Hathorne moved to amend Article 4 to \$218,818 (reducing 110 account to zero dollars).
Second: Jeff Hamilton
Discussion: Joshua McHenry, Steven Libby, Gary Sacco, Scott Doyle, Larry Zuckerman, Jennifer Mercier and Mary Bickerstaff commented on the amendment.
Vote: The vote on the amendment failed.
Discussion: There were no further comments on this article.
Vote: It was voted that Article 4 have passage at \$330,116.

Article 5. To see if the Town will vote to raise and appropriate \$812,647 from taxation and other sources for the ensuing year for the following:

				Selectmen	Budget Committee
116	Public Works			\$ 614,920	\$ 614,920
120	Solid Waste			\$ 197,727	\$ 197,727
				\$ 812,647	\$ 812,647

Budget Committee & Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 5 have passage as presented
Second: George Carman
Motion: Joshua McHenry moved that Article 5 be amended to zero dollars
Second: Jean Couturier
Discussion: Joshua McHenry, Roger Levasseur, Steven Libby, Jerome Witham, Amy Arata, Stephen Hathorne, Noah Fralich, Larry Zuckerman, Fletcher Griffin and Ted Shane discussed the amendment.
Vote: The vote on the amendment failed.
Discussion: Roger Levasseur, Sumner Field and Ted Shane discussed the original motion.
Vote: It was voted that Article 5 have passage as read.

Article 6. To see if the Town will vote to raise and appropriate \$198,157 from taxation and other sources for the ensuing year for the following:

				Selectmen	Budget Committee
104	Buildings & Grounds			\$ 58,850	\$ 58,850
113	Cable TV			\$ 12,250	\$ 13,250
123	Library			\$ 87,982	\$ 87,982
133	Parks & Recreation			\$ 33,075	\$ 33,075
136	Community Fair			\$ 5,000	\$ -
				\$ 197,157	\$ 193,157

***Budget Committee recommends \$193,157.
Board of Selectmen recommends \$197,157.***

Motion: Stephen Hathorne moved that Article 6 have passage at \$193,157
Second: George Carman
Discussion: Joshua McHenry, Gary Sacco, Sumner Field, Amy Arata, Jim Fitch, Harvey Price, Bob MacGregor, Wanda Brissette and Steven Libby discussed this article.

Motion: Steven Libby moved that Article 6 be amended to \$198,157
Second: Jim Fitch
Discussion: Joshua McHenry discussed the amendment.
Vote: The vote on the amendment passed.
Discussion: Roger Levasseur and Gary Sacco discussed the original motion.

Motion: Gary Sacco moved that Article 6 be reduced by \$20,000 from Parks & Recreation, bringing Article 6 to \$178,157.
Second: Roger Levasseur
Discussion: Amy Arata, Steven Libby and Linda Chase discussed the amendment.
Vote: The vote on the amendment failed.
Vote: It was voted that Article 5 have passage at \$198,157.

Article 7. To see if the Town will vote to raise and appropriate \$160,386 from taxation and other sources for the ensuing year for the following:

			Selectmen	Budget Committee
107	Code Enforcement		\$ 60,316	\$ 60,316
122	Planning		\$ 98,370	\$ 98,370
124	Environmental Resources		\$ 200	\$ 200
126	Water Resources		\$ 300	\$ 300
129	Sabbathday Lake Testing		\$ 1,200	\$ 1,200
			\$ 160,386	\$ 160,386

Budget Committee & Board of Selectmen recommends passage as presented.

Motion: Stephen Hathorne moved that Article 7 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 7 have passage as read.

Article 8. To see if the Town will vote to raise and appropriate \$734,000 from taxation and other sources for the ensuing year for the following:

			Selectmen	Budget Committee
109	Health Insurance		\$ 290,000	\$ 290,000
125	Social Security/Retirement		\$ 89,000	\$ 89,000
139	Debit Service		\$ 355,000	\$ 355,000
			\$ 734,000	\$ 734,000

Budget Committee & Board of Selectmen recommends passage as presented.

Motion: Stephen Hathorne moved that Article 8 have passage as presented.
Second: Jim Fitch
Discussion: None
Vote: It was voted that Article 8 have passage as read.

Article 9. To see if the Town will vote to raise and appropriate \$237,000 from taxation for the ensuing year for the following:

144	TIF District	\$225,000	(Estimated; determined when tax rate calculated.)
145	Tax Abatements	<u>12,000</u>	
	TOTAL	<u>\$237,000</u>	

Budget Committee and Board of Selectmen recommend passage as presented.

Motion: Stephen Hathorne moved that Article 9 have passage as presented.

Second: George Carman

Discussion: Roger Levasseur commented on this article.

Motion: Roger Levasseur moved that Article 9 be reduced to \$12,000

Second: Stephen Hathorne

Discussion: Roger Levasseur, Steven Libby, Jim Fitch, Harold Bartlett, Amy Arata, Paul First and Sumner Field commented on the amendment.

Motion: Joshua McHenry asked to move the amendment

Second: George Carman

Vote: It was voted to move the amendment.

Vote: The vote on the amendment failed.

Vote: It was voted that Article 9 have passage as read.

CAPITAL PROJECTS:

Article 10. To see if the Town will vote to appropriate \$8,405 from Capital Reserve Account (409 - \$8,405) for the ensuing year for the following: Library Computers

Account 128

Library Computers	\$8,405 CR
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TOTAL	<u>\$8,405</u>
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Budget Committee and Board of Selectmen recommend passage.

Motion: Tim Terranova moved that Article 10 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 10 have passage as read.

Article 11. To see if the Town will vote to appropriate \$24,000 from Capital Reserve Account (394 - \$152,800) for the ensuing year for the following Municipal Projects:

Account 128

Replace Town Hall Windows	\$12,000 CR
Modify Heating System	\$12,000 CR

TOTAL \$24,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 11 have passage as presented

Second: Jim Fitch

Discussion: Carlton Wilcox, Sumner Field and Mary Bickerstaff commented on this article.

Vote: It was voted that Article 11 have passage as read.

Article 12. To see if the Town will vote to appropriate \$90,000 from Capital Reserve Account (388 - \$299,755) for the ensuing year for the following:

Replace Rescue 1

Account 128

Replace Rescue 1	\$90,000 CR
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TOTAL \$90,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 12 have passage as presented

Second: George Carman

Discussion: Joshua McHenry, Gary Sacco, Jim Fitch, Beverly Cadigan, Amy Arata, Steve Chandler, Steven Libby, Wanda Brissette, Sumner Field, Scott Doyle, Roger Levasseur, Mark Leighton and Debra Lang commented on this article.

Motion: Wanda Brissette asked to move the question.

Second: Jean Couturier

Vote: It was voted to move the question.

Vote: It was voted that Article 12 have passage as read.

Article 13. To see if the Town will vote to appropriate \$285,000 from Capital Reserve: \$98,903 from Road Reconstruction Account (385 - \$223,187) & \$186,097 from Woodman Road Account (414 - \$186,097) for the current and ensuing year for the following: Reconstruction of Woodman Road

Account 128

Woodman Road Reconstruction \$285,000 CR

TOTAL \$285,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Jim Fitch moved that Article 13 have passage as presented

Second: Jim Giffune

Discussion: Roger Levasseur, Steven Libby, Joshua McHenry, Victor O'Clair and Carlton Wilcox commented on this article.

Vote: It was voted that Article 13 have passage as read.

Article 14. To see if the Town will vote to appropriate \$175,000 from Highway Capital Reserve Account (389 - \$333,917) for the ensuing year for the following: Replace 1999 Plow Truck

Account 128

Plow Truck \$175,000 CR

TOTAL \$175,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 14 have passage as presented

Second: George Carman

Discussion: Joshua McHenry and Ted Shane commented on this article.

Vote: It was voted that Article 14 have passage as read.

Article 15. To see if the Town will vote to appropriate \$21,500 from the Transfer Station Capital Reserve account (391 - \$62,708) for the ensuing year for the following: Transfer Station Roll-off Containers

Account 128

2 - Roll- off Containers \$21,500 Transfer Station CR

TOTAL \$21,500

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 15 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 15 have passage as read.

Article 16. To see if the Town will vote to appropriate \$40,000 from Capital Reserve accounts Parks & Recreation (404 - \$34,537) & Fair Grounds Playground (415 - \$25,245) for the ensuing year for the following: Fairgrounds Playground

Account 128

Fairgrounds Playground \$40,000 CR

TOTAL \$40,000

Budget Committee recommends not to pass.

Board of Selectmen recommends passage.

Motion: Stephen Hathorne moved that Article 16 have passage as presented

Second: George Carman

Discussion: Glen Mercier, Jim Fitch, Steven Libby, Harvey Price, Beth Sutherland, Wanda Brissette, Carlton Wilcox, Joshua McHenry and Linda Chase commented on this article.

Vote: It was voted that Article 16 failed: yes-53 no-55

Motion: Louis Talarico moved for a recount of votes

Second: George Carman

Motion: Beverly Cadigan moved for a vote by paper ballot.

Second: George Carman

Vote: The motion failed for a vote by paper ballot.

Vote: The recount vote on Article 16 failed: yes-57 no-60

Article 16 failed.

Article 17. To see if the Town will vote to appropriate \$48,000 from Capital Reserve account (403 – Water Holes \$51,880) for the ensuing year for the following: Fire Department Cistern

Account 128

Fire Department Cistern \$48,000 CR

TOTAL \$48,000

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 17 have passage as presented

Second: Roger Levasseur

Discussion: Carlton Wilcox, Gary Sacco, and Jim Fitch commented on this article.

Vote: It was voted that Article 17 have passage as read.

Article 18. To see if the Town will vote to appropriate \$36,089 from Capital Reserve account Meeting House Outside (397 - \$36,089) & \$10,411 from Paving (411 - \$10,457) for the ensuing year for the following: Paving of Town Hall Parking Lot

Account 128

Town Hall Parking Lot Paving \$46,500 CR

TOTAL \$46,500

Budget Committee and Board of Selectmen recommend passage.

Motion: Kathleen Potter moved that Article 18 have passage as presented

Second: Jim Giffune

Discussion: Roger Levasseur and Steven Libby commented on this article.

Vote: It was voted that Article 18 have passage as read.

Article 19. To see if the Town will vote to Transfer \$22,252.16 from Capital Reserve accounts Fire Radios (399 - \$4,590.70) & Extrication Tool (416 - \$17,661.46) to Capital Reserve account 388 – Fire/Rescue Capital Reserve:

Account 388

Transfer \$22,252.16 Fire/Rescue CR

TOTAL \$22,252.16

Board of Selectmen recommends passage.

Motion: Stephen Hathorne moved that Article 19 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 19 have passage as read.

Article 20. To see if the Town will vote to accept and spend the following categories of State revenue funds during the ensuing year:

1. Municipal Revenue Sharing
2. MDOT URIP
3. Tree Growth Reimbursement
4. General Assistance Reimbursement
5. Veterans Exemption Reimbursement
6. Snowmobile Registration Funds
7. Public Library State Aid
8. Emergency Management Assistance/Homeland Security Grants
9. Other State Aid (*pass-through funds and property tax relief*)
10. State and Federal Grants or Other Funds (*not included in items 1 – 9 above.*)

Budget Committee and Board of Selectmen recommend passage.

Motion: Stephen Hathorne moved that Article 20 have passage as presented

Second: George Carman

Discussion: None.

Vote: It was voted that Article 20 have passage as read.

Article 21. To see if the Town will vote to apply the following anticipated Revenues to reduce the tax commitment: Revenue amounts shown are estimates.

	REVENUE	
Building & Inspection Fees	\$	17,000
Transfer Station Permits	\$	3,500
Boat Excise Tax	\$	6,500
Auto Excise Tax	\$	840,000
Town Fees	\$	16,500
Recreation Program Fees	\$	19,800
Fines & Reimbursements	\$	500
Clerk Fees	\$	4,500
Rent Income	\$	1
Copy/Fax Fees	\$	1,800
Cable Franchise Fees	\$	22,000
Library Fees	\$	1,500
Investment Income	\$	10,000
Animal Control	\$	1,000
Transfer Station Recycling	\$	40,000
Real Estate Tax Interest	\$	25,000
EMS Transport Fees	\$	89,000
Capital Reserve Funds	\$	691,905
Undesignated Funds	\$	70,000
TOTAL		\$1,860,506

Board of Selectmen recommends passage.

Due to the failed vote on Article 16, the Capital Reserve Funds amount should read \$651,905 and new total \$1,820,506.

Motion: Stephen Hathorne moved that Article 21 have passage at \$1,820,506

Second: George Carman

Discussion: None

Vote: It was voted that Article 21 have passage at \$1,820,506.

Article 22. AUTHORITY TO ACCEPT REVENUE IN EXCESS OF AMOUNT BUDGETED: To see if the Town will vote to authorize the Clerk/Treasurer to accept revenue in excess of amounts budgeted on behalf of the town.

Motion: Stephen Hathorne moved that Article 22 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 22 have passage as read.

Article 23. AUTHORITY TO ACCEPT GRANTS: To see if the Town will vote to authorize the Board of Selectmen to apply for and accept, on behalf of the Town, state and federal grants and grants from nonprofit organizations for municipal purposes, including when necessary, the authority to sign the grant contract and accept the conditions that accompany grant funds, and to appropriate and expend grant funds and matching funds required for the authorized purposes.

Motion: Stephen Hathorne moved that Article 23 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 23 have passage as read.

Article 24. ACCEPTANCE OF GIFTS OF MONEY OR PERSONAL PROPERTY: To see if the Town will vote to authorize the Board of Selectmen to accept gifts of money or personal property to the Town and to appropriate and expend such money for such public purposes as the Board deems to be in the interest of the Town.

Motion: Stephen Hathorne moved that Article 24 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 24 have passage as read.

Article 25. ACCEPTANCE OF *CONDITIONAL* GIFTS OF MONEY AND PERSONAL PROPERTY: To see if the Town will vote to authorize the Board of Selectmen to accept conditional gifts of money to the Town and to appropriate and expend the funds for the legal purposes for which the gift was made and in accordance with any conditions imposed by the donor and to accept conditional gifts of personal property to the Town and to use the property in the legal manner specified by the donor.

Motion: Stephen Hathorne moved that Article 25 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 25 have passage as read.

Article 26. RETURNING UNEXPENDED CAPITAL IMPROVEMENT FUNDS TO CAPITAL RESERVE ACCOUNTS: To see if the Town will vote to authorize the Board of Selectmen to return unexpended capital improvement funds to their corresponding capital reserve accounts.

Motion: Stephen Hathorne moved that Article 26 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 26 have passage as read.

Article 27. ESTABLISHMENT OF INTEREST RATE FOR LATE TAX PAYMENTS: To see if the Town will vote to fix a date and terms when taxes shall become due and payable, and set an interest rate of 7.00 percent per annum. The 7% interest rate is authorized under Title 36 M.R.S.A. Section 505.4, as of January 1, 2008.

Recommendation: that the second Friday of October and April, Friday, **October 11, 2013** and Friday, **April 11, 2014** be established as the dates taxes are due and payable, and that interest at the rate of seven percent (7%) per annum will be charged after such dates.

Motion: Stephen Hathorne moved that Article 27 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 27 have passage as read.

The moderator stated he did not read Article 27 in its entirety. He asked for the motion to be repealed.

Motion: Stephen Hathorne moved to repeal Article 27 as passed.
Second: George Carman
Discussion: None
Vote: It was voted to repeal Article 27.

The moderator read Article 27.

Motion: Stephen Hathorne moved that Article 27 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 27 have passage as read.

Article 28. ESTABLISHMENT OF INTEREST RATE FOR ABATED TAXES: To see if the town will vote to set the interest rate at three percent (3%) per annum to be paid by the town on abated taxes pursuant to Title 36 M.R.S.A. Section 506-A.

Motion: Stephen Hathorne moved that Article 28 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 28 have passage as read.

Article 29. ACCEPTANCE OF TAX PREPAYMENTS: To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed, pursuant to Title 36 M.R.S.A. § 506.

Motion: Stephen Hathorne moved that Article 29 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 29 have passage as read.

Article 30. DISPOSITION OF FORECLOSED PROPERTY: To see if the Town will vote to authorize the Board of Selectmen to dispose of the following foreclosed properties in such manner and on such terms as the Board of Selectmen finds to be in the best interests of the Town.

MAP	LOT	LOCATION	LAND/BUILDINGS
7	114B	248 Weymouth Road	Land only
2	22D	328B Sabbathday Road	Land & Mobile
9	2-2	Beaver Dam Road	Land Only
10	13-C2	182 Bald Hill Road	Mobile in Park
3	34-1	41B Tyler Avenue	Land & Buildings
10	13-F3	182 Bald Hill Road	Mobile in Park
6	41A	19 Outlet Road	Land & Buildings
3	3A	44 McIntire Road	Land & Building
2	15A	15A Sabbathday Road	Land & Buildings
10	13-K3	182 Bald Hill Road	Mobile in Park
9	19	413 Bald Hill Road	Land & Buildings

Motion: Stephen Hathorne moved that Article 30 have passage as presented
Second: George Carman
Discussion: Wanda Brissette, Steven Libby, Barbara Bartlett and Sumner Field commented on this article.
Vote: It was voted that Article 30 have passage as read.

Article 31. DISPOSITION OF SURPLUS TOWN PROPERTY: To see if the Town will vote to authorize the Board of Selectmen to sell and dispose of surplus town-owned personal property on such terms and conditions as the Board of Selectmen finds to be in the best interests of the Town and to deposit proceeds from such sales in the corresponding capital reserve accounts or Undesignated Fund.

Motion: Stephen Hathorne moved that Article 31 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 31 have passage as read.

Article 32. USE OF GRANT FUNDS FROM TIME WARNER CABLE PER FRANCHISE AGREEMENT WITH THE TOWN FOR “PEG Access equipment and facilities”: To see if the Town will vote to approve the expenditure of \$19,500 from the Time Warner Franchise Agreement Grant to purchase PEG Access equipment. Account # 203 – Cable Grant \$53,000.

The Cable TV Committee plans to update the station’s technology with 21st century equipment. Much of the present telecasting equipment dates back to 1998, when the station began operating. Over the years there have been small purchases to supplement, maintain and repair the existing equipment. The time has come to replace much of it with today’s state of the art technology.

The Committee requests an Article for the sum of \$19,500 to purchase PEG Access equipment, mainly the Leightronix UltraNEXUS. These dedicated funds cannot be used for purposes other than PEG Access equipment and facilities.

<u>Estimated Costs:</u> (includes shipping, etc.)	
Leightronix UltraNEXUS	\$12,000
Leightronix PEGvault-SD	\$ 4,000
1 Tb Raid Hard Drive (2 units)	\$ 2,000
*Laptop Computer to control the PEGvault-SD	\$ 1,000
*Desktop Computer to control the UltraNEXUS	\$ 500
TOTAL	\$19,500

Motion: Stephen Hathorne moved that Article 32 have passage as presented
Second: George Carman
Discussion: None
Vote: It was voted that Article 32 have passage as read.

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Article 33. AMENDMENT TO THE WASTE HANDLING AGREEMENT BETWEEN THE TOWN AND MID-MAINE WASTE ACTION CORPORATION: To see if the Town will authorize and direct the Board of Selectmen to execute on behalf of the Town an amendment to the Waste Handling Agreement between the Town and Mid-Maine Waste Action Corporation, dated July 1, 1986 (the "Waste Handling Agreement") to provide that the Waste Handling Agreement shall remain in effect until the later of May 1, 2035 or termination of the MMWAC Interlocal Solid Waste Agreement, except that, upon one (1) year's prior written notice, the Town may terminate the Waste Handling Agreement at the end of a fiscal year.

Motion: Stephen Hathorne moved that Article 33 have passage as presented

Second: George Carman

Discussion: None

Vote: It was voted that Article 33 have passage as read.

Article 34. AMENDMENTS TO THE ZONING ORDINANCE: 4.4.2. VILLAGE DISTRICT; AND 4.4.9 HISTORIC RESOURCE OVERLAY DISTRICTS: To see if the Town will vote to amend the Zoning Ordinance section 4.4.2 Village District and 4.4.9 Historic Resource Overlay Districts

The Land Management Planning Committee (LMPC) has developed proposed revisions to the Village District and Historic Resource Overlay District standards of the New Gloucester Zoning Ordinance.

The proposed revisions seek to enable non-residential uses in the Upper and Lower Villages in buildings constructed after the effective date of the ordinance, while strengthening the Historic Resource Overlay standards to ensure that future development is appropriately designed and sited. The proposed standards are based on recommendations from the Maine Historic Preservation Commission.

The full text for each district is available in the Article Narrative section. The following excerpts show the sections proposed to be amended.

4.4.2 VILLAGE DISTRICT (V)

D. Performance Standards

1. In addition to the Performance Standards contained in Article 5, uses in the Village District shall adhere to the following standards:

~~a. In the Village Districts known as the Upper and Lower Villages, only buildings existing before the effective date of this Ordinance may be used for non-residential uses and for conversion to multi-family dwellings.~~

~~b.~~ a. In the Village Districts known as the Upper and Lower Villages, a structure in residential use or partial residential use must retain at least one dwelling unit when a portion of the structure is converted to non-residential use.

- e. b. For any use, the total square footage of the footprint of any addition or any accessory building on a non-conforming lot shall not exceed 50% of that to the original building. Municipal buildings are exempt from the 50% limitation on additions. **(Amended May 1, 2000 Town Meeting)**
- d. c. With the exception of up to 5 parking spaces, all parking shall be located to the side and rear of structures, with vegetative screening, fences, berms and other methods used to provide effective visual barriers. Buffers and landscaped areas shall comply with the performance standards contained herein.

4.4.9 HISTORIC RESOURCE OVERLAY DISTRICTS

Uses

- C. Performance Standards for all Lot Design, New Structures, Exterior Reconstruction, and Alterations to Existing Structures in the Historic Overlay Districts.

In addition~~a~~ to the performance standards in Article 5 and the criteria established in Article 7 of this Ordinance, where applicable, development in the Historic Resource Overlay Districts shall meet the following performance standards.

1. The proposed development, including lot access shall be related harmoniously to the terrain, use, scale, and architecture of existing historic structures that have functional or visual relationships to the proposed structure. Access through the Historic Resource Overlay District and development in an adjacent district shall be compatible and may also require buffering.
2. To preserve and maintain the historic setting site disturbance shall be the minimum necessary. No site disturbance, including stone walls, shall be done prior to Planning Board approval. Structures shall be located to minimize site disturbance.
3. All site work shall be designed to maintain and preserve, insofar as practical, the historic visual elements (such as stonewalls, old shade trees, etc.) of the vicinity, and these elements shall be considered in any buffering that may be required.
4. The dimensions, color and architectural design of new, altered, and re-constructed ~~the proposed~~ structures shall be visually compatible with historic structures to which it is visually related. The following visual compatibility standards shall apply to all Historic Resource Overlay Districts, except the Historic Resource Overlay District located in the Upper Village:
 - a. Height – The height of proposed buildings shall be visually compatible with adjacent buildings.
 - b. Proportion of Front Façade – The relationship of the width of the building to the height of the front elevation shall be visually compatible with structures and open spaces to which it is visually related.

- c. Proportion of Windows and Doors – The relationship of the width of the windows to height of windows and doors in a structure shall be visually compatible with those of windows and doors of structures to which it is visually related. The proportion and number of window divisions shall also be compatible with those of visually related structures.
 - d. Rhythm of Spacing of Structures on Streets – The relationship of the structure to the open space between it and adjoining structures shall be visually compatible to those prevailing in the area to which it is visually related.
 - e. Rhythm of Entrance and/or Porch Projections – The relationship of entrance and porch projections to sidewalks and roads of a structure shall be visually compatible with that of structures to which it is visually related.
 - f. Relationship of Materials and Textures – The relationship of materials and textures of the facade of a structure shall be visually compatible with that of the predominate materials used in the structures to which it is visually related.
 - g. Roof Shapes – The roof shape of a structure shall be visually compatible with that of structures to which it is visually related.
 - h. Directional Expression of Front Elevation – A structure shall be visually compatible with buildings and landscape features to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.
5. Exterior reconstruction and alterations to existing structures shall not destroy distinguishing qualities or historic character of a structure or setting. Distinctive architectural style such as molding, brackets, windows, doorways, porches, chimneys, etc., which characterize historic structures shall be preserved.
6. The proposed development shall, make every reasonable effort to provide a property use compatible with visually related historic structures. There shall be minimal alterations to the character defining features of the structure or site and its environment. The total setting or character of the area including landscaping shall not obstruct significant historic settings.
7. Additions or exterior reconstruction to an existing historic structure shall not destroy the original distinguishing character. The new work may differentiate from the old but to maintain the integrity and value of the historic property the new work shall be compatible in size, scale, material and character with the existing property.
8. Signs: In addition to the Performance Standards in Article 5, Section 5.1.19 any new sign or change in the appearance of an existing sign shall not detract from the historic character of the site or structure.

The size, location, design, color, texture, lighting and material of all permanent signs and outdoor advertising structures shall not detract from the use and enjoyment of proposed structure and of the surrounding properties. Cumulative effects of multiple signs on a site or along a roadway corridor shall be evaluated by the Planning Board when reviewing site plans in Historic Resource Overlay Districts.

D. In Addition to the Submission Requirements of Article 7, Section 7.43.2.A the following items will be provided for New Structures, Lot Design, Exterior Reconstruction and Alterations to Existing Structures in the Historic Resource Overlay Districts.

1. A plot plan drawn to scale.
2. Documentation of the structure's proposed scale and form as shown by sketches and perspective drawings including specific height, width, roof shapes and trims.
3. Specifications of exterior materials (type of siding, roofing, windows, doors, chimney etc.). These materials shall be visually compatible with the predominate materials used in the structure and historic structures to which it is visually related.
4. Photographs of the existing site conditions prior to any site disturbance and of adjacent lots shall be taken at representative points along the adjacent roadway.
5. A landscaping plan showing areas of vegetation to be removed and areas to be maintained, including types and amounts of planting.
6. The Planning Board may require that a registered professional architect, engineer, or landscape architect prepare the drawings and specifications.
7. If necessary to determine compliance with the standards contained in the Section, the Planning Board may require submission of topographic information at 5-ft contour intervals as prepared by a register engineer or licensed land surveyor.

8. The following submission requirement shall apply to all Historic Resource Overlay Districts, except the Historic Resource Overlay District located in the Upper Village:

- a. Provide photographs of 2 -3 visually related structures, also located within the same Historic Resource Overlay District which demonstrate the visual compatibility standards found in section 4.4.9.C.4.

E. Ordinary Maintenance and Repair

1. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of a structure's exterior where such repair does not involve a change in design, or appearance. (All maintenance and repair work in the Town of New Gloucester requires a permit from the Code Enforcement Officer).

Siding and trim: original siding materials should be retained, repaired or replaced using the same material when possible. The use of aluminum or vinyl may be an acceptable alternative. The material shall be installed without irreversibly damaging or obscuring the architectural features and trim of the historic structure.

Windows and doors: if replacement is necessary the new window and/or door shall match the existing or historical size and sash arrangement.

2. Nothing in this Section shall prevent the construction, reconstruction, alteration, restoration or demolition of any feature, which the Code Enforcement Office shall certify, is required for public safety because of unsafe or dangerous conditions.

F. The Planning Board shall require notification of the New Gloucester Historical Society of applications in the Historic Resource Overlay District.

Motion: Stephen Hathorne moved that Article 34 have passage as presented

Second: George Carman

Discussion: Joshua McHenry, Steven Libby, Roger Levasseur, Paul First, Barbara Bartlett, Julie Fralich and Beverly Cadigan commented on this article.

Vote: It was voted that Article 34 have passage as read.

Stephen Hathorne moved and George Carman seconded a motion to adjourn at 11:05 p.m. The motion passed unanimously.

ATTEST: _____

Sumner M. Field, III, Town Clerk