



TOWN COUNCIL WORKSHOP MEETING MINUTES JULY 18, 2016

Christopher Brunelle, At Large 2016
Eric Metivier, District 1 2016
Roger Bickford, District 2, 2016
Dale Crafts, At Large 2017
Normand Albert, At Large 2018
Kasie Kolbe, District 1 2018
Allen Ward, District 2 2018

CALL TO ORDER. The Chairman, Roger Bickford, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Bickford, Brunelle, Metivier, Crafts, Albert, Kolbe, and Ward. Also present were Diane Barnes, Town Manager; Ryan Leighton, Public Works Director; Dan Stockford, Esquire, Town Attorney; Jeffery Picard, Police Officer; and approximately five citizens in the audience.

CHARTER CHANGES

Councilor Bickford asked Attorney Stockford to explain the difference between a charter amendment and revision. Dan Stockford said Maine law provides that a charter revision is a fundamental change in the form or scheme of town government and requires a charter commission; however, a charter amendment is a change in or correction of detail relating to town government and does not require a charter commission.

Attorney Stockford pointed out that the Council is talking about changing the body that has the ultimate authority to approve the budget from the Council to Town Meeting. He said that would be a fundamental change in town government because you are taking a legislative role that the Council has by charter and reassigning it to a Town Meeting. He said if that's the recommendation, he suggested the Council not submit that proposal as a charter amendment and instead initiate a full charter commission. Once a charter commission is initiated there is no limit around their authority so they can come up with a new charter or amendments to the charter. They issue a report with revisions that then goes to referendum.

Attorney Stockford explained that the Town Council could order the establishment of a charter commission or voters could submit a petition. Once the Town Council makes the decision to establish a charter commission they appoint three members and then the remaining members are elected, either all at large or by districts. Councilor Bickford said once we do this that new charter would have to go back out for a referendum vote.

Councilor Albert said he had a question. He explained what drove him initially to run was that, when a petition committee submits a petition, and in particular that petition is deemed insufficient, not because the petition itself did not meet the criteria, but because of the language in the charter was deemed insufficient, which states that the budget must be legally adopted; meaning it would have to go to a referendum vote first in this case in June in order to have been adopted before the mechanism in place could allow the petition to maybe move forward. He asked how then does a resident get a chance to be involved, which is where the problem lies. The Council in this case adopts that school budget, then a petitioner's committee wants to get together before it goes to a referendum vote, then the process should allow for that situation to come into play so people can come together to have another look at that budget. He said they should be able to submit a petition that would go to the Council and the Council would set a date for everyone to get together to attend that Special Town Meeting for everyone to decide whether or not they wanted to leave it standing the way the Council adopted it or by a vote of the 250 registered voters they would want to amend the numbers that would go to referendum. He said a simple change in this language would allow the spirit of the original language to be allowed. He suggested that citizens, if they choose to revisit that budget before going to referendum be allowed to, which was tried, and didn't work.

Attorney Stockford said the petition from 2015 dealt specifically with the school budget and the reason there was a problem with that is that the statute has a very specific procedure for approving a school budget which says that the school budget has to be approved by the legislative body, which in this case is the Council under the current charter or it could be a Town Meeting and then once it is approved by the legislative body the voters then have an

opportunity to vote yay or nay on the budget that was approved by the legislative body. The complicating factor with the charter is that the Council is the legislative body and then it goes to the voters to vote on it at a referendum. He indicated the petition was not entirely clear, but it would have initiated a Special Town Meeting on the Council adopted budget and then it left open the question of “what about the validation referendum that’s required by state law”. There are very specific time frames for when that validation referendum has to take place. He said in order for there to be a final adopted school budget it has to go to a referendum. He said he didn’t feel there would be enough time to have a Council approved School budget that then goes to Town Meeting for reconsideration before the validation referendum takes place within the required 30 days after the adoption of the budget.

Councilor Albert said there is a real deficiency here, because as it sits right now there is no recourse for residents prior to the referendum. Councilor Bickford said he always thought this process was only for the municipal budget. Councilor Kolbe said the school’s budget may not have had to go through so many special referendums had the town meeting occurred because people could have voiced their opinions. Councilor Albert said once the Council adopts the budget, the referendum has to happen within 30 days. He asked how the Council could fit a reconsideration process in.

Attorney said he was trying to figure out how that would work. There is a 15-day period to file a petition. Some amount of time is necessary to verify the petitions. The Council needs to rule on the petition’s sufficiency. Then the warrant needs to be posted 7 days before the meeting. He said within that 30-day period you need to receive the petitioner’s affidavit, circulate petitions to get signatures, verify them, get Council’s ruling, post that Special Town Meeting warrant within 7 days and hold the Town Meeting, and then following that Town Meeting if a different budget is approved it arguably could start another 30-day period running. It would no longer be the Council adoption budget but instead the town’s adoption. Councilor Kolbe said this is what they thought would happen last year. She said whether the town wants another \$800,000 or to decrease it, it’s the decision placed on the taxpayers and voters who will be footing the bill anyway.

Councilor Kolbe explained her committee was disappointed to learn that although the petition was submitted to the attorney prior to the Clerk issuing the petition blanks, only after the signatures were gathered did they find out that the petition was found not sufficient when they understood the language had been approved in the initial process. Attorney Stockford reported he felt he made it clear that the language had not been reviewed during the initial process. He indicated the language on any petition is not reviewed until it has been given to the Council. Prior to the Council ruling Council generally requests an opinion.

Mrs. Barnes summarized the discussion and pointed out that the existing charter amendments were not ready to move forward. Council indicated they would like Attorney Stockford to work on some petition amendment language, review all the timelines in every piece of the charter dealing with petition timelines/public notices, etc. and to make some recommendations for charter amendments.

PUBLIC COMMENTS: Mr. Fillmore said if people want something they will come out to vote for it, like the track and gym.

DISCONTINUED ROADS

Attorney Stockford reported the town should not be plowing private roads or driveways. He said public funds are supposed to be used for public purposes. He pointed out that the town has an obligation to maintain and plow town ways to keep them open, which is different for a public easement, that’s discretionary. The best practice is to not plow private ways.

Councilor Bickford explained when a developer puts in housing on a discontinued road the town may need to bring that road up to town standards.

Councilor Albert suggested letters be mailed to owners notifying them that other arrangements may need to be made, at least prior to discontinuing the plowing; all the other businesses have to pay to have their parking lots plowed.

Mr. Leighton pointed out there were concerns about plowing the parking lot downtown. He said only a portion is owned by the town. Councilor Kolbe suggested the town find out who owns what before discontinuing the plowing.

Mr. Leighton said discontinuing these roads would eliminate at least one (1) route, if approved. Mrs. Barnes suggested the Council make a decision before winter. Mr. Leighton asked that Council determine which roads they would like to close.

DAVIS STREET – SPEED BUMPS & STOP SIGNS

Councilor Bickford suggested speed bumps be place at the corner of Ann and Davis Streets and by the pumping station. They discussed three way stops like on Wing Street. They discussed adding three way stops on Free Street, too. Mr. Leighton indicated speed bumps were not ideal and suggested three way stops might be the lesser of two evils.

Ryan McGee reported speeding happens everywhere in town. Unfortunately, putting up the electronic flashing speed limit sign reminds drivers to slow down, but it's only temporary. He pointed out that stop signs in Huston Park did slow people down. He indicated that Davis Street was loaded with children. Councilor Bickford pointed out that the walking path, also, added more foot traffic too.

Mr. Leighton offered to buy the stop signs necessary and determine where to place them. Councilor Bickford mentioned "*stop ahead*" signs might be useful. Mr. Leighton said he would research how far those needed to be installed before the stop signs as well.

ROUTE 196 COMMITTEE

Councilor Bickford said the Route 196 Committee would like Council to make them an official group. They will meet on the 28th of this month at 5:30 p.m. in the Council Chambers at Town Hall. He said they would like the committee to consist of at least one Councilor, plus the Town Manager, and Mr. Leighton. Councilor Bickford mentioned the Route 196 Committee would like to have someone record and transcribe minutes.

Fern Larochelle said this committee started out as the Route 196 Master Plan Committee, but has dwindled away at this point. Since then a lot of stuff is being looked at, like façade grants, etc. He said it's hard to get someone to serve when it's not an official committee. He indicated focusing on Route 196 will be a long-term project. This group needs Council's support and direction. This group right now is discussing ways to use the matching funds if the town doesn't get the sidewalk grant so we could put up end-of-trail signage, make connections to the parking lots, or find a way for people to cross Route 196 easier. He reported the group would like to come to the Council for funding and their approval when needed. He said if it's an official group they could move forward with some of these projects, help Mr. Leighton send them out to bid, and get something done.

ADJOURNMENT

VOTE (2016-04) Councilor Kolbe, seconded by Councilor Metivier moved to adjourn at 9:01 p.m. **Order passed - Vote 5-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved August 16, 2016