

## TOWN OF MADISON - PUBLIC NOTICE

The Inhabitants of the Town of Madison are hereby notified of a public meeting. The time, place and purpose of which are as follows:

### MINUTES BOARD OF SELECTMEN OLD POINT SCHOOL MEETING ROOM January 22, 2018 6:30 p.m.

- A. **Salute to the flag:** Meeting was called to order at 630pm
- B. **Roll Call:** Selectmen Al Veneziano, Jack Ducharme, George Elias, Paul Fortin and Ron Moody were in attendance. Town Manager Tim Curtis, Animal Control Officer Robert Crosby and Finance Director Tammy Carrier were also present.
- C. **Consent Agenda:** Warrants Dated: # 20 (01/08/2018 - \$135,956.54); Payroll Registers: # 2 (01/11/18 - \$16,481.93); # 3 (01/18/18 - \$12,472.39): Motion to approve by Mr. Fortin, seconded by Mr. Moody. Motion carries 5-0.
- D. **Discuss acceptance of meeting minutes of January 8, 2018:** Motion to approve by Mr. Ducharme, seconded by Mr. Moody. Motion carries 5-0.
- E. **Old Business** (Selectmen's Concerns from immediately preceding meeting): None
- F. **Items of Communication:** Town Manager Curtis wanted to make the Board aware of a couple of intended purchases of note. He has discussed with the Highway Department purchasing a flashing beacon to place atop the stop sign at the end of Ward Hill Road in a further attempt to draw attention to the intersection. Cost would be \$1600 for a unit that would be triggered by oncoming traffic. The consensus of the Board was to consider the beacon along with other options such as cutting back trees that might obscure the view of the intersection.

The Town Manager also discussed purchasing a commercial washer/extractor for the Fire Department to remove toxins from fire gear. This purchase would be approximately \$9,000.00. Grant funding has been applied for three years in a row and funds have not been available. The consensus of the Board was to communicate with other local Fire Departments to see if this could be a joint purchase.

Mr. Curtis reported that the owners of 189 Preble Avenue have been invoiced for \$900 worth of cleanup at the property. According to a judge's order they have 60 days to pay after which the Town could assess a special tax.

Attorney's Ken Lexier and Ernie Hilton have been discussing Jacobs Pines, the property in East Madison donated to the Town under the Library's care in 1986. Somerset Woods Trustees is interested in managing the property if it is conveyed to them along with the funds in the Jacobs Pines Trust (approximately \$10,000). The will of George Jacobs stated that the land be used for recreational trails and not to be developed. Somerset Woods Trustees conservation plans line up with Mr. Jacobs expressed intent for the land. The consensus of the Board is to move forward with the transition.

The Town Manager attached copies of the 2017 Waste Management summaries along with a comparison from 2016.

The Maine Department of Transportation has sent notice that there will be a light paving project on Route 201 from the Skowhegan line to Bingham in the summer of 2019.

According to action taken by the Board in October 2017, three properties are to be demolished on Naomi Avenue. Town Manager Curtis provided pictures that show the progress on two of the properties (21 Naomi and 25 Naomi).

The Town received an invoice from the Anson Madison Sanitary District for 2018 Storm Drainage Services totaling \$82,758.33. As proposed by the District, this amount will double in 2019 and triple in 2020 for a total yearly assessment of \$248,275 going forward.

At the previous meeting the Board directed the Town Manager to seek to set up a Joint meeting with Anson. An attempt was made for Wednesday night after the Ambulance Board Meeting, but there were not enough that could attend. The Anson Selectmen will provide some dates to try to meet again in the future.

## G. New Business

1. **Public Hearing to take input on Marijuana Prohibition Ordinance:** Chairman Veneziano opened the public hearing at 6:50pm. Town Manager Curtis explained the proposed ordinance which would prohibit retail marijuana establishments, marijuana social clubs and the practice of 'retail gifting'. There were no comments from the public. According to the Town Manager if legislation passes that is currently before the legislature, then all municipalities will be assumed to prohibit and must pass an ordinance to opt in. Current law is the opposite where all towns are assumed to allow retail marijuana establishments and must opt out with a prohibition ordinance. Seeing no further public comment, Mr. Veneziano closed the public hearing at 6:52pm.

Motion by Mr. Moody to put the Marijuana Prohibition Ordinance on the Annual Town Meeting warrant for vote by residents, seconded by Mr. Elias. Mr. Elias asked if the legislation passed will the Town have to take this issue to Town Meeting. The Town Manager said it would be best to wait and see. Motion carries 5-0.

2. **Discuss MEW Charter Change Legislation:** The Town Manager shared language from LD1299 which is no longer before the legislature but was in the previous session with the intent to change the charter for Madison Electric Works. The change would effectively allow the Electric Works to borrow through Revenue Bonds and remove the Town of Madison as the authorized borrower through General Obligation Bonds. After discussing this matter with legal counsel, the Town Manager said there remains the issue that Madison Electric is not a public utility, but it is a department of the Town. As such if any potential lender wanted to secure its position by mortgaging assets, then those assets would ultimately be town property. Attorney Jim Katsaficas said he intends to discuss the charter language with bond counsel Lee Bragg, after which Mr. Katsaficas would provide an opinion letter to the Town on the proposed change.

The Town Manager brought up a further concern. By removing the Town's ability to bond on behalf of Madison Electric Works, MEW's ability to borrow could be limited.

Mr. Fortin asked if rate payers in other Towns (Starks, Norridgewock & Anson) will be notified and given a chance to give input on rate increases or revenue bonds. Mr. Fortin's concern is that potentially rate payers from outside Madison could be involved in making decisions that would ultimately mortgage assets owned by the Town of Madison.

The consensus of the Board was to wait to hear back from Attorney Katsaficas after he has consulted with Lee Bragg, before meeting with Directors of the Electric Works.

3. **Discuss Town Manager Evaluation Format:** Chairman Veneziano reviewed the forms used for the evaluation and explained the process. Each Selectman fills out the form with comments and then those comments and scores are tallied as a group, after which the results are shared with the Town Manager and the manager is given opportunity to respond.

Mr. Ducharme shared that it was important to note that the evaluation does not come from individual members of the Select Board but from the collective body. Mr. Moody said he thinks that the process should be tweaked a bit. He said that the Town Manager has the right to have his review in public or in executive session, and that the evaluation should be done in a face to face meeting rather than him reading the evaluation from a sheet of paper.

After much discussion the consensus of the Board was that the process would be a group deliberation resulting in a written evaluation and then discussing the results with the Town Manager. Mr. Moody asked Town Manager Curtis what he felt about the process. Mr. Curtis said it was important that there be both a verbal exchange and a written copy. He felt that since it is a personnel matter then he would opt for the review to be held in executive session. Mr. Curtis also said he was comfortable with the board discussing his performance as a group in his absence and then discussing the final written evaluation face to face.

Chairman Veneziano said that the forms would be sent to board members in the next week, along with a summary from the Town Manager in regards to achieving the goals set last year. A work session will be scheduled for February 26<sup>th</sup> for the Board to discuss and create a written evaluation to be shared with the Town Manager.

4. **Discuss Funding for Improvements at Forest Hill:** At a previous meeting the Board had authorized Sackett & Brake to survey property at Forest Hill Cemetery for a road extension into undeveloped property to accommodate a commitment made to the family that sold that land to the Town. The Board reviewed the site plan which creates a loop road down to East Houghton and creates a lot for the family. The Road Commissioner is in the process of getting budget figures for the road work and to determine whether the work can be done by the Highway Department.

Mr. Fortin asked how this work is going to be paid for. Town Manager Curtis said that according to the Cemetery Ordinance, the Selectmen are to set aside money earned from the Cemetery Trust each year to pay for maintenance and upgrades to Forest Hills. Currently the balance in the trust is \$305,000.

The consensus of the Board was to have the Town Office and the Highway Department create a proposed budget for projects at Forest Hills and present that during the overall municipal budget with a recommendation for the amount of interest earnings from the Cemetery Trust to be set aside to fund the project.

5. **Workshop Animal Ordinance (Chapter 148):** Town Manager Curtis asked Animal Control Officer Robert Crosby to attend the meeting to provide input from his experiences. Currently Chapter 148 of the Madison Code Book pertains only to dogs even though it is titled "Animals". Mr. Crosby mentioned that section three which pertains to 'barking dogs' does not provide much language that allows him to enforce the code. Parameters such as barking for an hour or so would give him the language to enforce. Town Manager Curtis gave an example from the Town of Chelsea which limits barking to 20 minutes continuously or intermittently for over an hour. The consensus of the Board was to research ordinances from other towns to come up with recommendations on time limits.

The ordinance currently includes fees and fines for enforcement. Selectman Ducharme recommended that the language on specific fees be removed and noted that the Selectmen set the fees to be consistent with language in other ordinances.

Further discussion on Chapter 148 included adding a new article that pertained to the keeping of animals other than cats or dogs such as livestock. Town Manager Curtis provided two options, one being the current ordinance in Skowhegan which prohibits livestock within the 'compact' or built up areas of the Town, the other being the current ordinance in Chelsea which requires that livestock animals be on property at least 80,000 square feet.

The recommendation of the Animal Control Officer was to create an ordinance based on square footage of the property which could be more clearly enforced. The Board agreed that creating an ordinance based on square footage would be enforceable throughout the Town without creating separate compact areas for East Madison or Lakewood areas.

The Board also discussed any legal issues created by grandfathering any existing properties that may house livestock on small lots in more densely populated areas. The Town Manager will get opinions on 'grandfathering' language and report back.

H. **Selectman Concerns:** None

I. **Citizen Concerns:** None

J. **Executive Session to discuss a personnel matter pursuant to 1MRSA 405 (6) (A):** Motion to enter executive session by Mr. Elias, seconded by Mr. Ducharme. Motion carries 5-0. The board entered executive session at 8:02pm.

The Board exited executive session at 8:31pm with no action taken.

K. **Adjournment:** Meeting adjourned at 8:32pm.