

## **Select Board Minutes**

**Date:** February 13, 2024

**Time:** 5:30 PM

**Location:** Multi-Purpose Room

**Next Meeting:** February 27, 2024

**Pledge of Allegiance to the Flag**

**Minutes: Approved March 9, 2024**

**Present:** Lisa Miller, Richard Doughty, Dina Walker, Lisa Bofinger, Steve & Carol Conant, Mike Stephenson, David & Julie Jervis, Becky Vining, Mike & Laurie Pratt, Dirk Walker, David Rackliffe

### **AGENDA ITEMS:**

#### **Department Heads:**

**Weld Recreation:** OK with April Richard met with her today.

Discuss Issues raised by April Demers, Weld Rec Coordinator, in email dated Feb. 2, 2024 to the Selectboard

New Business:

#### **1. Discuss Agenda Protocol**

The way they have been conducting business Dina felt that they needed to establish a protocol after what happened last meeting and in past meetings. She felt the 3 of them should agree on public participation and what that means for their select board meetings. Public participation is an observance. When a member of the public is going to interact with the Board, they need to let them know ahead of time so that the Board can address that person and have time to get the information to answer their questions.

Richard said Weld is a small town and it is good to see the amount of people that come to the SB meetings now. For years that he has been on the SB no one came to meetings, so it good that the public comes and they have things to share and no one wants to be highjacked at the meeting. It is where the SB does their business. The public is certainly welcome to come to the meetings and bring ideas, but if they could tell them what their thoughts are is good so that they will be better prepared to respond.

He does not think that they should prohibit people from bringing those ideas, questions or thoughts to the meeting and the SB may not be able to attend to it during that meeting.

Dina said that at the end of each meeting her thought was to have about 15 minutes for public comment after they have finished their business. Like Richard said if something comes up, they will hear and be prepared to talk about it next time.

Richard said that they get an agenda out as soon as they can. Right after this meeting they could start an agenda for the next meeting, but we do not know all of the things that are going to be coming up. Whenever anything has popped up that they have done pretty good in getting them to Carol within a day or two.

Dina proposed a schedule for them to work with. Starting the Monday a week before the meeting suggesting ideas and on that Thursday that basically they say these are the items that have been decided are the items that they will proceed with and have 3 or 4 days that they have to read the material that has been circulated from Thursday to Tuesday and be prepared. If someone brings up an item at the last meeting, they can research it and be responsive with that person at the next meeting. If they come to be SB on Friday and the meeting is on Tuesday then, they just say sorry the agenda has already been set and they will make sure that they are on the next agenda and of course they can say something during the public comment time but they won't be ready because they have other things on the agenda.

Lisa said that she did not know what Carol sent out on list serve that a reminder could be put out there so that if they have something to bring up that they needed to contact one of the SB members and to get it on the present agenda or the next one.

Dina wanted to let Carol know that Secretary of the Board is not her only job and that there is no Maine law that she must put an agenda out to the public. It is a courtesy they do that and the agenda is for the SB and hope that everyone understand that. An agenda can go out even if it is 1 hour before the meeting.

Richard said that he was fine with setting that as their goal or procedures but doesn't want it to be so ridged that they are locked into that if something comes up on a Friday or Saturday, they can communicate as a Board and modify the agenda in the interest of being productive, because they only meet every 2 weeks.

Dina said that along the lines of protocol that it would be helpful for them that they should try to adhere more strictly to the agenda when they are talking. and they have issues and need to be voted on they say those words and actually make a motion, after a second, then discussion begins, after discussion is over someone calls out can we have a motion to vote. That way it is clear for Carol to take those minutes. There is not requirement under Maine law except to make sure that a vote is recorded.

## 2. Discuss and approve Jury Duty Policy in Personnel Policy

Richard said that we have an employee serving for Jury duty and that they have not approved the Personnel Policy however feels that if they agree that portion of the policy that has been circulated can be approved.

Jury Duty – if an employee is called to jury duty, the employee will be paid the difference between the employee's jury pay and regular pay so that the employee will not suffer the loss of gross income. Employee may retain jury pay in an amount necessary to cover mileage and meal expenses and still receive regular pay.

Laurie Pratt, retired from Clerk of Courts explained that Franklin County pay for Jury Duty is \$15 per day and mileage to and from the Courthouse and does not pay for meals.

Lisa moved to accept the Jury Duty as written in the Personnel Policy and get clarification on the second sentence. Dina seconded the motion and Richard called for a vote. The motion was unanimously passed.

## 3. Update lighting at the Town Office

Richard explained that we had received a proposal earlier replacing the present light fixtures with LED lighting, but it was a lot of money and not cost effective. He asked Dylan Orff to come back and help us with a solution that would work. He has proposed taking out all the lights and replacing them with 14 surface LED can fixtures that would fit flush with the tiles and add new tiles for \$1,501. He asked Dylan for a cut sheet and the fixtures that he as purposed at 1000 lumens and the existing ones are 2800 lumens so we would be going from 5,800 lumens to 1000 which would be quite a decrease. Richard asked Dykan to increase to 8-inch cans and it would increase the cost from \$1,501 to \$1,865. The fixtures would be dimmable so he feels that there would be enough light.

## Old Business:

### 1. Update on Town Legal Counsel/Attorney review of Large Commercial Structure Ordinance and Solar Farm Ordinance

Dina hasn't understood the generally accepted way of putting articles into the Town Meeting Warrant since she has been on the Board so she asked sent the Town Meeting Warrant to MMA legal for their review and for comments. This was a learning exercise and the comments are for our information and we vote on what we put into the warrant.

- The warrant that Dina sent to MMA did not have a Title and the one that we have printed is OK.
- The language used on the Greeting was changed.
- Articles 1 & 2 were changed from choose to elect a Moderator and elect the Municipal Officers by Secret Ballot.
- Article 3 is for the Town to vote for hourly wages. Legal comments stated that the Select Board sets the hourly rate for the employees and town meeting approves the funding that goes into the budget. Without this article it gives the Select Board more flexibility if a new employee is hired for a position. Dina said that there was nothing wrong with putting this article in the Warrant and many Towns still do. Richard said that this article has been in the Town Warrant every year that he has lived in Town and has not missed a Town Meeting. Richard also said that as long as he has been on the Board that the wages for Town Employees have been determined by the voters who attended and voted at Town Meeting and that is the way we do it in Weld. We are a small Town and that is what our citizens have come to expect and understand that in other Towns that is what they do and wages can be recommended but those wages are set by the legislative body at Town Meeting and that is why he feels that this article should be kept in the Warrant and continue to give the voters that responsibility to set the wages for the Town Employees. The salaries are budgeted through a different article and can be confusing if salary or salaries are changed and the budget has to be changed on the fly to adjust for that increase.

Lisa moved to accept the article as written, Richard 2<sup>nd</sup> the motion and it was passed.

- Article 4 is on the property tax levy limit and is established by State Law so this will stay in as written.

- Article 5 language has been changed for raise and appropriate to raise and/or appropriate and to add Account. Richard said that General Government and is not an Account. Richard moved to accept their recommend to ad or but not to leave it as General Government and the same with Article 6, 7, & 8. Lisa seconded the motion and it was passed unanimously.
- Article 9 MMA legal said article is too general and if the Town is given and large grant, land in trust, etc. that we need to have a Special Town Meeting to accept the donation. Richard moved to delete this article. Dina 2<sup>nd</sup> the motion and it was passed unanimously.
- Article 10 was setting the due date, when they were considered delinquent and what the interest rate would be changed on delinquent taxes. This article has always been confusing and MMA Legal gave 3 choices. Choice B was chosen that reads: To see if the Town will vote to set the due date for property taxes committed during 2024 as 60 days after the date the tax commitment is issued by the assessor, and to set an interest rate of 8.5% per annum to be charged on delinquent balances beginning on the day after the delinquency date. Rihcard moved to use example B, Lisa 2<sup>nd</sup> the motion and it was passed unanimously.

Article 11 MMA that the article be changed to recommend that the Select Board set the date. Lisa moved to change the article as recommended by MMA. Dina 2<sup>nd</sup> the motion and it was passed unanimously.

To see what date in 2025 the Town will vote to recommend that the Select Boad set to elect the municipal Officers and conduct all other business.

Recommended by the Select Board: Elections of Municipal Officers on Tuesday, February 25, 2025 and Town Meeting Saturday, March 1, 2025

- Article 12 Change to authorize the Select Board to provide instead of approve man annual COLA.

MMA says that Town Meeting cannot bind beyond this year. COLA should be in the Personnel Policy and will be subject upon approval every year.

Richard said that he feels that we should keep this article in the Warrant and can go in every year. This can also go into the Personnel Policy but feels that the article should stay in the warrant. This was suggested by the Budget Committee last year and they felt that the wages were competitive and fair and this would be a way to keep them reasonable and fair. The Budget Committee felt this would be an annual cost of living adjustment. Dina said that MMA said that at Town Meeting that approval cannot go beyond the Town Meeting year, therefore this should be put into the Personnel Policy. Richard said that he did understand that and it would work.

Dina moved to delete this article and include COLA in the Personnel Policy. If the budget Article was approved then the employees would receive the increase in their wages. Richard 2<sup>nd</sup> the motion and it was voted unanimously.

- Article 13 Richard said this should be 2 separate articles one for the bridge and the 2<sup>nd</sup> to fund it. Richard moved to make these 2 separate articles.

To see if the town will authorize the Select Board to solicit bids, select a contractor, and execute a contract for the replacement of the Kennedy Bridge Superstructure as described in the Plans and Specifications and Contract Documents prepared by Calderwood Engineering and dated January 2024.

Note: Plans & Specifications and Contract Documents are available for review at the Town Office during normal business hours.

- Article 14: To see how the Town wishes to fund the replacement of the Kennedy Bridge Superstructure.

Recommended by the Select Board: Use the balance of the LRAP Kennedy Bridge Fund and borrow the balance through a municipal loan.

There was agreement on the wording of both of the articles for the replacement of the Kennedy Bridge.

Richard said that he did get cost estimates today on precast concrete deck and on a timber deck.

Preston Stowell has experience in bridges and has expressed that he would like to have some input into the replacement of the bridges. Richard will make contact with him.

- Article 15 – Town of Weld Food Sovereignty Article - (to get voters opinion of whether to proceed now). Dina's has note that because it does not have anything to do with land use that there is no public hearing needed. The Ordinance will need to be posted with Town Meeting Warrant.

Richard said that since the last SB meeting that he has been contacted by citizens indicating that a petition has been circulated and signatures have been attained. He said that he has carefully reviewed the correspondence from MMA that Dina had asked MMA legal for input if the Ordinance was adopted it would increase the likelihood that there could be some sort of litigation because of unsettled law could be brought against the Town. Richard has read the sample article that MMA produced and is the same article that Lisa submitted was very good and well done. If the petition was submitted with sufficient number of signatures, then seems like it would be kike of silly to go and ask the citizens for permission to go and draft an ordinance. Richard said that he does not know what the petition says, he had not seen it, but assuming that the petition asks the citizens to vote on the model Ordinance that MMA prepared and just have to fill in Town of Weld at the top that he did not know why they would not do that this year at Town Meeting and the citizens would be able to discuss the pros and cons and advantages and benefits in adopting the Ordinance or not.

Laurie Pratt said that Carol has not seen the petition, but had verified that the signatures that they had received were voter of Weld by phone.

Dina explained that the SB are obligated to validate the petition as stated in the Maine Municipal Officer's Manuel of what they need to do, then of course if it meets all of the things that is required the article would be inserted into the Warrant. There is not way that it can be done at this meeting with a full agenda.

It appears that the required signatures were received and if it meets all of the requirements then it would be placed in the Warrant for this year.

After much discussion on this Article, Dina moved to see if the Town is in favor of the SB to prepare a draft Town of Weld Food Sovereignty Ordinance based on the attached form prepared by MMA for summation with Town approval. And at the same time if the article that has been submitted is verified then that one goes in as well, however Dina does not know what that says. The motion was not seconded.

Richard proposed that they submit choice A. To see if the Town will enact an Ordinance entitled Town of Weld Food Sovereignty Ordinance. A copy of the proposed Ordinance will be posted with the Warrant. Lisa 2<sup>nd</sup> the motion and with not more discussion Richard asked for a vote. It passed 2 to 1.

- Article 16 To see whether the Town Legislature will authorize the select board to accept non-cash materials offered to assist the Weld Recreation program that have a value of \$1,000 or less during 2024.

Lisa moted to accept the article as written above, Dina 2<sup>nd</sup> and was a unanimous vote.

- Article 17 To see if the Tonw Legislature will vote to transfer all remaining funds in the Bicentennial Fund to the Sestercentennial Fund.

Richard moved that the remaining funds in the Bicentennial Fund be transferred into a reserve account called Sestercentennial Fund and an article will be needed to spend it when the time comes. Lisa 2<sup>nd</sup> his motion and it was a unanimous vote.

- Article 18 Shall an ordinance entitle "Weld Large Scale Commercial Structure Moratorium Ordinance" be enacted?

Lisa moved to ad the article recommended by MMA legal Shall an ordinance entitle "Weld Large Scale Commercial Structure Moratorium Ordinance" be enacted?

Lisa amended her article continue to work on the draft that was done by MMA legal. Dina 2<sup>nd</sup> the motion and it was passed unanimously.



- Public Works

Dan said that he has had a conversation with FEMA on the main storm and that he believes from that conversation that the material used for that storm will not be passed.

Dan has spoken to the Kiem's and the tree that is in the brook will be removed and they want it for firewood.

The 1-ton truck is at Mt. Blue Garage with an oil leak.

Dan is working new FEMA disaster paperwork from the December disaster and has a FMA tomorrow.

- February 21<sup>st</sup> at 6:00 PM - Dina will complete and distribute the proposed language for COLA, Kennedy Bridge and the Food Sovereignty article before the meeting.

Lisa moved to adjourned 2<sup>nd</sup> by Dina and was unanimous.

7:30

Respectfully submitted,



Carol J. Cochran, Town Clerk