

**Readfield Select Board
Regular Meeting
Agenda**

November 17, 2014

Meeting starts: 6:30 PM

Location: Gile Hall

Pledge of Allegiance

1. **Minutes:** Select Board meeting minutes of November 3, 2014 – 5 minutes
2. **Warrant: #10** – 5 minutes

Communications – 30 minutes

3. Select Board communications
4. Town Manager
5. Boards, Committees, Commissions & Departments
 - a. Fairgrounds Athletic Field Committee minutes
 - b. Library Trustees minutes

Appointments/Reappointments – 10 minutes

6. RSU#38 Board of Directors: Shawn Roderick
7. Library Trustee: Jan Tarbuck
8. Planning Board Alternate: Henry Clauson, re-appointment

Unfinished Business:

9. Purchasing Policy, Second Reading - 15 Minutes
10. Firearms ordinance, Second Reading - 15 Minutes

New Business:

11. Naming Application for Town properties - 10 Minutes
12. Secret Ballot Process – 30 Minutes
13. Joint Budget Committee/ Select Board Meetings - 10 Minutes
14. Personnel Overtime Data: Tom Dunham request - 10 Minutes
15. Other (if needed)

Public Communications:

16. Members of the public may address the Select Board on any topic – 15 minutes

Executive Sessions – Bargaining Unit Determination update, and Personnel

Adjournment

1. Minutes: Select Board meeting minutes of November 3, 2014

As of 4:30 PM on November 13, 2014, the draft minutes of the previous Select Board meeting had not yet been received. They will be made available as soon as they are received at the Town Office.

3. Select Board communications

- a. E911 Addressing Officer Appointment Form: any Select Board members who still need to sign the form appointing Gary Quintal should do so.
- b. Val Pomerleau will report on ordering Christmas Lights.
- c. Al Curtis will provide an update to the Military Service Survey.
- d. Other Board members may share other communications items.

4. **Town Manager**

a. Spreadsheet (Manchester):

The Select Board received an electronic version of an Excel spreadsheet that has been developed in the Town of Manchester over several years. Manchester uses this instead of the TRIO budget system that Readfield has used for years. Select Board chair, Sue Reay saw the Manchester example and asked for a copy to share with the Budget Committee and Select Board.

There are some real strengths to the spreadsheet:

- It is much more concise and readable than the TRIO version, and has the ability to imbed lots of information.
- It can be sent ahead of meetings to BC and SB members to view electronically.
- It can be projected and used live in meetings.
- It has separate sheets for each budget meeting to show what was reviewed each night (and they have fewer and shorter meetings, along the lines of what John Parent is proposing for us).
- Lastly, and very neatly, it ties all the final budget information to the Town Meeting Warrant articles. Once the BC and SB have voted on each budget line or category, that information automatically fills the respective articles and can be printed out directly.

If this spreadsheet would be a preferable tool for us to use here (due to effectiveness and improved clarity and understanding of the budget process) then I would promote making the change. It would take more work for us initially to switch over to something like this and keep it up to date. We also would still need to put the approved budget data into the TRIO system eventually, so there would be an added step each year. I don't think TRIO has all the capabilities this has though, so it's certainly worth considering the change.

The Budget Committee has also received the spreadsheet and reviewed it favorably in separate comments. They will discuss this more on Nov. 19th.

- b. Readfield Elementary School tour is confirmed at 5:00 PM on Dec 1, 2014 with Supt. Donna Wolfrom.
- c. Several committees and individuals were asked for input on possible changes or updates to different ordinances, but none have been provided yet.
- d. Road updates: All road paving was completed successfully. Gravel roads were graded. Several signs will be adjusted or replaced soon. Some road paint striping might take place if weather permits.

- e. MMA Legal Services guidance: executive sessions, trail liability, abandoned roads

In reference to a question about whether the Select Board could or should enter executive session to review and consider responses to letters from residents, MMA's Rebecca Seel Warren provided the following guidance in two separate messages:

October 13, 2014 - In order to determine whether a particular citizen letter is an appropriate subject for an executive session discussion by the selectboard, I'd need to see the specific letter. Each letter and each situation needs to be judged based on the specific facts/allegations in order to determine whether an executive session is appropriate and legally required. Some letters may raise issues that are beyond the scope of the board's authority to address and the board's response simply needs to be that the letter has been referred to the town manager for a response, without discussing the details. Some letters may allege improper conduct by the board or individual members. Some allegations might qualify for a "personnel" discussion under 1 MRSA section 405(6)(A). Others may raise uncomfortable allegations that are more of a political nature than a legal one and must be discussed in public. Some may allege illegal conduct that should be discussed with the town's attorney before a decision is made regarding whether or how to respond. Unfortunately, there is no simple, single answer to the question you asked, since the analysis must be made case by case.

I hope this helps. Feel free to share this email with the board.

Sincerely,

Rebecca Warren Seel , Senior Staff Attorney
Legal Services Department

Then after reviewing several letters, she responded again:

November 4, 2014 - I agree that the letter dated September 24, 2014 from Milt Wright as chair of the Trails Committee is not a legitimate subject for an executive session discussion. He is asking the board chair to explain how certain meeting protocols were established and also suggesting a way for the board to deal with concerns of abutters regarding the location of proposed trails. I don't think any of those issues/comments fall within the personnel category in 1 MRSA section 405(6)(A).

The emails from Deb Doten and Larry Dunn dated August 28, 2014 strike me as a subject for public discussion. The emails ask for the data relied on by the board to support a vote of the board regarding an overtime policy. It doesn't strike me that a response to such a request for data would require a discussion by the board of a particular employee's performance, so I'm not sure how an executive session discussion would be justified as a "personnel matter" under 1 MRSA section 405(6)(A). I assume the data would include the number of overtime hours worked during a particular period of time, the number of employees involved, the nature of the work involved, the reason the work couldn't be

performed in a normal work day/work week, and the budget available to pay for the overtime, all of which would generally be public information and not something that would rise to the level of a critique of a particular individual's performance. If the overtime policy is the result of concerns the board has about your performance as town manager or the capabilities of the cemetery employees, that clearly shouldn't be discussed in public. You may want to call me to talk further about these two.

The letter from Deb Doten and Grace Keene dated August 20, 2014 probably doesn't require an executive session discussion either. Most of the letter doesn't seem to ask questions that require a response or explanation by the board, other than to acknowledge receipt of the letter, thank them for taking time to write, and reiterating that the board will continue to look for ways to save town money and welcomes public input to that end. The first paragraph on the second page is more personnel-related and seems to relate to complaints about the Sexton's work. I don't know if the Sexton is an employee who is hired by/appointed by the town manager, appointed by the selectboard, or elected by the voters. I assume it is a position that is filled by an appointment or a hiring decision by the town manager. As such, any critique of that person's performance should be referred to you and should not be the subject of the board's public or executive session discussion, if the person's work doesn't fall within the purview of the board. If the member of the public who said "she has to go" was referring to the position of Sexton and not the individual, then that is different. That is a policy issue for the selectboard that relates to government structure and budget, not job performance, and would be a subject for public discussion.

Regarding the August 3, 2014 letter from Milt Wright, I'm not sure that letter required a response. To the extent the board felt that it needed to justify whatever legal expenses it incurred related to an attempt by town employees to form a union, I think the board needed to seek input from the town's attorney before saying anything in a letter or other public statement that could violate the laws governing collective bargaining and unionization. I'm not sure that an executive session discussion of how to respond to Milt Wright's letter would have been justified without having the town attorney present.

I hope this helps. Feel free to give me a call if you'd like to discuss this further.

Sincerely,

Rebecca Warren Seel , Senior Staff Attorney
Legal Services Department

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In reference to a question about liability on public easements on discontinued roads or Town trails, MMA's Bill Livengood sent the following response:

A town has the responsibility to maintain a *town way* in a condition that is safe for the passage of motor vehicles and pedestrians. That maintenance responsibility, and the related liability for failure to perform to that standard, no longer exists with respect to the *public easement* which is retained when a road is discontinued. As we discuss in Chapter 9 of our Municipal Roads

Manual (linked here:

<http://www.memun.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=CoreDownload&EntryId=6153&PortalId=0&TabId=204>), the Maine Tort Claims Act, 14 MRSA Sections 8101-8118, provides broad immunity to governmental entities with respect to tort claims seeking money damages, except where state law specifies otherwise.

Further, to the extent that the town makes improvements related to a walking trail, the Tort Claims Act expressly states that there is no liability to the public for “Land, buildings, structures, facilities or equipment designed for use primarily by the public in connection with public outdoor recreation.” See 14 MRSA Section 8104-A(2)(3). Here is our related Legal Note:

No Liability for Outdoor Recreational Facilities

Maine Townsman - July, 2006

Question: Can we be held liable for personal injuries or property damages resulting from the use of a public outdoor recreational facility, such as a beach, ballpark or bike path?

Answer: No. The Maine Tort Claims Act (MTCA) grants municipalities full immunity from liability for negligence for the “construction, ownership, maintenance or use of... [l]and, buildings, structures, facilities or equipment designed for use primarily by the public in connection with public outdoor recreation” (see 14 M.R.S.A. § 8104-A(2)(A)(3)).

The purpose of this grant of immunity is two-fold: It shields municipalities from liability for risks that are particularly difficult to control, and it promotes the provision of public outdoor recreational opportunities. (A similar law, with similar objectives, applies to private property that is open to public outdoor recreational use, see Maine’s “Recreational Use” law, 14 M.R.S.A. § 159-A.)

The MTCA also grants municipalities full immunity from liability for unimproved land, historic sites and dams.

If a municipality obtains liability insurance that covers any of these properties, however, the municipality can be held liable for the properties covered but only up to the coverage limits of the policy (see 14 M.R.S.A. § 8116; see also, e.g., *Noel v. Town of Ogunquit*, 555 A.2d 1054 (Me. 1989)).

Even though the MTCA protects municipalities from liability for outdoor recreational facilities (unless immunity is waived by insurance coverage), we suggest that suitable signs be posted

wherever appropriate to warn users of special hazards and that their use is at their own risk. (By R.P.F.)

Since MMA's client is the town, we cannot provide legal advice to the abutting property owner. However, the town should be aware that Maine law also provides significant protection to private property owners who open their property to public recreational use. Here is a Legal Note, in which we discuss this (unfortunately the internal link to the IF&W Website does not work):

LANDOWNER LIABILITY LAW

Maine has a long tradition of allowing public use of private lands for recreation, and a strong law limiting landowner liability in order to promote it, which is why we were puzzled recently by reports that a major insurer had cancelled a policy because the landowner allows a snowmobile trail on his property.

Maine's "landowner liability" or "recreational use" law (14 M.R.S.A. § 159-A) provides that property owners, lessees, managers, easement holders and occupants (including those who construct or maintain trails or other recreational improvements) have no duty of care to keep the premises safe for recreational use or to warn of hazardous conditions, whether or not they have given permission to use the property. With no duty, there is no liability for injuries or damages to recreational users. In other words, Maine landowners are virtually immune from liability for allowing others to use their land for recreational activities. (The law also covers harvesting of forest, field or marine products, such as boughs, fiddleheads or clams.)

The law does not protect against liability (1) for willful or malicious failure to guard or warn against a dangerous condition, or (2) where consideration was paid for the exclusive use of property or for the use of mainly commercial recreational property (such as campgrounds or ski areas).

The insurer above reportedly cancelled not out of concern about liability but because it would still have to defend the landowner against a lawsuit, which can be expensive. This seems a bit lame, though, since the law requires the court to award legal costs, including attorney fees, if the landowner prevails. Perhaps the insurer will reconsider.

In any event, the Maine Department of Inland Fisheries and Wildlife has an excellent Q & A on the landowner liability law on its website (go to <http://www.state.me.us/ifw/> and search "Maine Landowner Liability Explained").

Finally, note that the landowner liability law does not apply to municipal property (see *Noel v. Town of Ogunquit*, 555 A.2d 1054 (Me. 1989)). Instead, the Maine Tort Claims Act shields municipalities from liability for property used primarily for public outdoor recreational use (see 14 M.R.S.A. § 8104-A(2)(A)(3)), unless they have insured against this risk, in which case they may be held liable to the limits of the policy (see 14 M.R.S.A. § 8116). For more on this, see "No Liability for Outdoor Recreational Facilities," *Maine Townsman*, "Legal Notes," July 2006. (By R.P.F.)

Regarding the status of a way that is presumed to be abandoned under 23 MRSA Section 3028, it is very important to know when the road is deemed to have been effectively abandoned. Here is an excerpt from page 23 of our *Municipal Roads Manual* addressing that issue:

Status of a Road After Abandonment. When a road is abandoned, it is relegated to the same status as it would have had following discontinuance.²⁸ Thus, if the abandonment occurred before September 3, 1965, the property reverted back to the abutters (to the centerline) and there is no public right of access remaining. If the abandonment occurred on or after September 3, 1965, a public easement remains. In determining when abandonment occurs, look at the end point, not the starting point, of the statutory thirty year period.²⁹

With respect to the situation you describe below, I assume that you mean the 30 year period started to run in 1985 and would expire in 2015. If this is the case, the town would retain a public easement under 23 MRSA Section 3028 and, as I believe Becky Seel discussed with you in August, the town would have the right to maintain the retained public easement for pedestrian use.

The rights and responsibilities of the town and private property owners with respect to discontinued and abandoned roads are discussed in much greater detail in Chapter 3 of the manual. Here is a

link: http://www.memun.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=6146&PortalId=0&TabId=204 . However, since many discontinued road issues are very fact specific, I suggest you call if you wish to discuss a specific situation in greater detail.

I hope this is helpful.

William W. Livengood, Director
Legal Services Department

5. Boards, Committees, Commissions & Departments

Please see attached minutes from the following committees:

- a. Budget Committee minutes
- b. Cemetery Committee minutes

Readfield Library Board Minutes September 3, 2014

Those present:

Brenda, Jess, Lori, Cricket, Deb, Beverly, Pam, Nancy, Sue Selectman: Valerie Pomerlau

Call to Order: 6:47

July Secretary's Report: Accepted

July Treasurer's Report: Accepted

- *145% of the budget for book sales (\$1,456.00)

- * \$400.00 donations

- * 94% of receipt funding after 2 month

- * on par with expenses

Librarian's Report: Accepted

- *Summer Reading Program: 84 participants! (past goal of 60)

- * 758 books read! (past goal of 600)

- * Prizes: donated books were a big hit

- * # of books read was a well received way of accounting

- * Summer Storytime not well attended

- * Lego Club-will not be continued because of poor attendance. The legos will be left out for children to use when they are visiting the library.

- *Summer hours: Not a huge change in patron attendance, but patrons appreciated the extended hours.

- *Lots of weeding in the junior nonfiction, fiction and adult nonfiction. So, there is room to expand some collections

- *Summer Shelving Contest: Elise Clark and Jess Cust were the winners! This activity helped to develop shelving skills for the volunteers.

Chewonki Program a success!

- *35 people were in attendance

- *Summer Book Sale: Best sales to date. The music by Peter Herman was a great touch.

- * Next year-no magazines and videos, just audio books and DVD's.

- * Discussion ensued about disposal of unsold books. "Better World Books" is a possibility.

Fall:

*Overdrive-Nancy will hold another 2 hour workshop on Saturday, September 20th from 1:00-3:00.

* Future Projects: Labels to Order Series-Nancy will begin with the junior books and then move to adult fiction.

*Book Drop has problems-the springs are the issue. Discussion ensued. A temporary solution for the drop off box malfunction is to place bubble wrap at the bottom of the box to soften the blow to books and DVD cases.

Old Business:

* Upstairs clean up update: Many things need to leave and many have nothing to do with the library. Deb has a list with approximate value of some items. She gave it to Valerie to see what the Select Board wishes to do.

Friends of the Library: All the paperwork is into the Federal Government to make it a 501C.

*Fundraiser at Marie's raised a little over \$50.00 for the Friends of the Readfield Community Library. Thank you to Cricket for sponsoring!

New Business:

! *Select Board liaison is Valerie Pomerlau. She is here to help if needed.

* Volunteer Appreciation will be Wednesday, October 15th at 6:30. The dedication of Lee's plaque will be @7:00.

*Refreshments:

*Brenda: Lemon Bars

* Pam: Pumpkin Bread

* Lori: Chocolate Cookies

* Cricket: Apple Cider and cups * Bev: Baked good

* Jess: apples

Meeting Adjourned at 8:10.

Library Board Minutes
October 1, 2014

Those present: Sue, Beverly, Brenda, Pam, Nancy, Cricket, Jess
Selectman: Val

Called to order at 6:52

Secretary's Report: Approved

Treasurer's Report: Too early in the month. Sue will email the report.

Librarian's Report:

- *E book workshop-No attendance
- *Things have slowed down at the library.
- * Big boost with audio books being borrowed.
- * Volunteer Appreciation: The invitations have been sent out. October 15th, 6:30-7:30. Lee's plaque will be dedicated at 7:00. The Board will bring the food.
- * Brenda: Lemon Bars
- * Pam: Pumpkin Bread

- * Lori: Chocolate Cookies
- * Cricket: Apple Cider and cups

- * Bev: Ginger snaps
- * Jess: apples

- *Halloween: The library will be open on Halloween, which is a Friday, from 5-7 pm.

- *The giant pumpkin was donated by Lou and Bob Bourque. Thank you.

- *Series Project: This has been accomplished with the junior fiction and Nancy is now heading into the adult fiction.

Old Business:

- *Friends of the Library: It is now an official 501c3. The next step is to find a board to run it. Sue will create a website. There will not be dues or membership fees. We are just asking people to join.

- * Upstairs cleaning update: Deb cleaned, vacuumed and got rid of boxes. Val talked to Stefan who informed her that we have to put an article on the town meeting warrant to okay the sale of surplus at the library. The library will receive the proceeds.
- * Book Drop: Springs are not working. Val will check with the Town Office.
- * Back light: Val will check with the Town Office.

New Business:

- * The board voted in Beverly as treasurer.
- * Christmas Tree Lighting: It was presented that after the carol singing and tree lighting at the library, we walk down to the Town Office, singing and have the refreshments there. Hopefully, Santa will make an appearance, too. The tree lighting will be held on Friday, December 5th at 6:30. The Library Board will make 10 to 12 dozen cookies each. Pam will email Steve D. to ask for a tree donation and Drew Albert to see if the show chorus will sing. (Val brought this up to the Select Board and they approved the idea. Monday, Oct. 6)
- * The next meeting will be November 5th at 6:45 at the high school.
- * Adjourned at 7:49.

Minutes of Fields Committee Meeting October 2, 2014 6:00-7:50 pm

Attending: Kathy DuPont, Mark Hreben, Gary Keilty, Tim Sniffen, Lenny Reay, Tom Donegan, David Erb, Milt Wright, Greg Durgin

The goal is to get the dugouts built and the fencing and backstop done before November and winter weather arrives.

Dugout preparation has been done for concrete to be poured soon (scheduled for October 4 weather permitting).

Mark met with a rep from Hammond Lumber and received a quote on material for the dugouts that included a donation from Hammond in the amount of \$600.

Local contractors have / will be approached for donated services regarding building the dugouts.

Tom received sealed bids for fencing that will extend to protect players in the dugout area. Kevin McLaughlin (Manchester) will be installing fencing.

The access road upgrade (approved by Planning Board) is on hold pending amount of donated dollars remaining after dugouts and fencing installed. Possibly a culvert could be put in before the whole access way is fully upgraded.

Lenny volunteered to do prep work for the new gate to be installed this fall to prevent vehicle access to the field before the field is operational.

We plan to look into the use of the playground funds approved at last year's town meeting as a source of potential income.

We agreed that all work done to get the field ready should be in line with budget expenses.

Tom to speak with Kevin M. about installing the gate.

A question regarding hunting came up. Hunting (shotgun only) is currently allowed on the fairgrounds property. Any change in that designation would have to be a warrant article on the town meeting.

The wood that is currently stacked on the property is town owned. It falls under the fuel assistance policy and anyone seeking fuel assistance can make an application. It cannot just be given away.

Conversation regarding long term maintenance, approved use, and governance of the completed field continued from our last meeting. Those topics are on our radar. Having reps from Conservation, Trails, and Rec committees along with a contractor at our meetings is invaluable in this process. The priority now is to get the field ready for a dedication and first pitch / first game next spring.

Future use of the dirt piles on the property from trails and ball field construction is an on-going discussion.

There will be a dedication of the new trail that extends from a current trail onto the school property and ends at the RSU 38 Superintendent's office is scheduled for late October. The plan is to have the ball

field be part of that "tour".

Our next meeting will be held in November. Topics included but are not limited to:

- updates on completed projects from October
- maintenance/governance
- outfield fencing
- balance of existing donated funds
- fund raising
- next project
- other

Respectfully submitted,

Greg Durgin

#6

TOWN OF READFIELD

APPOINTMENT APPLICATION

The Select Board shall not discriminate against an applicant based on religion, age, sex, marital status, race color, ancestry, national origin, sexual orientation or physical or mental disabilities. The Select Board may exclude from consideration any applicant with physical or mental disabilities only when the physical or mental handicap would prevent the applicant from performing the duties of the appointment and reasonable accommodation cannot be made.

The Select Board shall have final authority over the appointment of citizens to Boards, Committees and Commissions that are instruments of Town Government. The Select Board shall not appoint an applicant to a position for which the applicant will likely have a frequent or recurring conflict of interest.

Please check one: 1st time appointment re-appointment

Which Board, Committee or Commission

are you applying for?

RSU 38 School Board

Name: Shawn Roderick

Phone (H): 207-685-1118

Street address: 4 Zarella Lane
Readfield, ME 04355

Phone (C): 207-458-2973

Mailing address: Same

E-Mail: shawnroderick@hotmail.com

Below please tell us of any experience and/or training that might be useful in this position.

I have worked in federal and state positions dealing with policy and constituent issues.

Below please tell us the reason you are interested in applying for this position.

I have one child currently in the RSU 38 school system and another child that is two years old and I want to get more involved in the

If you are currently employed, what is your position?

Schools they are attending and will be attending.

Senior Legislator Atc, Maine State Legislature

APPLICATION FOR APPOINTMENT FOR:

Name: Shawn Rodenick Position RSU#38 Board Term: 6-30-2015

CLERK'S USE BEFORE THE APPOINTMENT

Open position RSU#38 Board Term: 11-17-14 = 6-30-15

Was this position advertised? Yes No If no, please explain: _____

Is there a recommendation attached? Yes No If no, please explain: Elected position as a rule so don't get recommendations.

CLERK'S USE AFTER THE APPOINTMENT

Chair has been notified of appointment? Yes No If yes, what date: _____

Is an Oath appropriate: Yes No If yes, what date: _____

SELECT BOARD APPOINTMENT

To Shawn Rodenick of Readfield, in the County of Kennebec and State of Maine: There being a position on the RSU#38 Board, we the Select Board of the of Readfield do, in accordance with the provisions of the laws of the State of Maine, hereby appoint you to said position within and for the Municipality of Readfield, such appointment to be effective:

11-17-14 thru 6-30-2015. Given under our hand this 17, day of Nov., 2014.

Sue Reay

P. Greg Durgin

Thomas Dunham

Valarie Pomerleau

Allen Curtis

APPLICATION FOR APPOINTMENT FOR:

Name: Janet Tarbuck

Position: Library Board of Trustees

Term: 6/30/2015

CLERK'S USE BEFORE THE APPOINTMENT

Open position: Library Board of Trustees

11-17-14/6-30-2015

Was this position advertised?

Yes No

If no, please explain: _____

Is there a recommendation attached?

Yes No

If no, please explain: _____

11/12/14

Jan Tarbuck has been an active volunteer at the library for a number of years.

She would be an excellent choice for the Library board.

Her experience gained by volunteering at the library would allow for an easy transition to board member.

Please appoint her as soon as possible. Thank you.

Deborah Peale

Readfield Community Library Board Chair

Has been on prev. boards, will not be at meeting.
CLERK'S USE AFTER THE APPOINTMENT

Chair has been notified of appointment?

Yes No

If yes, what date: _____

Is an Oath appropriate:

Yes No

If yes, what date: _____

SELECT BOARD APPOINTMENT

To Janet Tarbuck of Readfield, in the County of Kennebec and State of Maine: There being a position on the Library Bnd of Trustees, we the Select Board of the of Readfield do, in accordance with the provisions of the laws of the State of Maine, hereby appoint you to said position within and for the Municipality of Readfield, such appointment to be effective:

11-17-14 thru 6-30-2015. Given under our hand this 17, day of Nov., 2014.

Sue Reay

P. Greg Durgin

Thomas Dunham

Valarie Pomerleau

Allen Curtis

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TOWN OF READFIELD

APPOINTMENT APPLICATION

The Select Board shall not discriminate against an applicant based on religion, age, sex, marital status, race color, ancestry, national origin, sexual orientation or physical or mental disabilities. The Select Board may exclude from consideration any applicant with physical or mental disabilities only when the physical or mental handicap would prevent the applicant from performing the duties of the appointment and reasonable accommodation cannot be made.

The Select Board shall have final authority over the appointment of citizens to Boards, Committees and Commissions that are instruments of Town Government. The Select Board shall not appoint an applicant to a position for which the applicant will likely have a frequent or recurring conflict of interest.

Please check one: 1st time appointment re-appointment

Which Board, Committee or Commission

are you applying for?

Planning Board as an At. member

Name: Henry Clauson Phone (H): 685-7333

Street address: 34 Plains Road, Readfield, ME 04355 Phone (C): 620-4375

Mailing address: 34 Plains Road, Readfield, ME 04355

E-Mail: henry@ledgehillfarm.com

Below please tell us of any experience and/or training that might be useful in this position.

Previously served on Planning Board for 3 years, including 1 as Vice-Chair. Previously served on Select Board, including 2 years as Chair. Have solid understanding of Readfield LUO and State statutes. Would also request waiver of: 1) need to appear before Select Board for this Appointment, and 2) Appointment Policy item 1e (Basic MMA Workshop) based on experience and previous completion of such course.

Below please tell us the reason you are interested in applying for this position.

Was made aware of opening from discussion with Select Board Chair. Enjoy volunteering for Planning Board and the sense of civic duty it brings.

If you are currently employed, what is your position?

Principal Consultant for TRC (Engineering and Environmental Consultancy)

APPLICATION FOR APPOINTMENT FOR:

Name: Henry Clauson Position Aft. Planning Board Mem. Term: 5 year

CLERK'S USE BEFORE THE APPOINTMENT

Open position Aft. Planning Brd Mem. Term: 6-30-2019

Was this position advertised? [X] Yes [] No If no, please explain:

Is there a recommendation attached? [] Yes [] No If no, please explain:

CLERK'S USE AFTER THE APPOINTMENT

Chair has been notified of appointment? [] Yes [] No If yes, what date:

Is an Oath appropriate: [] Yes [] No If yes, what date:

SELECT BOARD APPOINTMENT

To Henry Clauson of Readfield, in the County of Kennebec and State of Maine: There being a position on the Aft. Planning Brd. Member, we the Select Board of the of Readfield do, in accordance with the provisions of the laws of the State of Maine, hereby appoint you to said position within and for the Municipality of Readfield, such appointment to be effective:

[] thru 6-30-2019. Given under our hand this [] day of [], 2014.

Sue Reay

P. Greg Durgin

Thomas Dunham

Valarie Pomerleau

Allen Curtis

9. Purchasing Policy, Second Reading

Please see the attached copy of the Select Board's purchasing policy. The Select Board intends to review each policy annually, so this is the one of many policies to be reviewed this year. The Board will review the purchasing policy to see if any updates or changes might be considered. No changes or updates have been proposed.

This was reviewed initially on November 3, 2014. Tonight is the second reading for any possible changes or updates.

Purchasing Policy for the Town of Readfield

Purpose - The Town of Readfield spends a considerable portion of its annual budget purchasing goods and services for the administration of Town business. It is important that these purchases be made in a businesslike manner, assuring accountability for the expenditure of Town funds. The Select Board directs the Town Manager and/or designees to use the policy described below to guide them in making purchases on the Town's behalf. It is the intent of this policy to set out the rules and guidelines for the purchase of goods and services.

Policy –

A. Bidding for Goods and Services Non-Roadwork:

It is the intention of the Board that purchases made for or on behalf of the Town be as economical as possible while still meeting the required standards. To that end the Town implements the following rules:

1. For all non-road related purchases over \$5,000, the Town will request bids through written Requests for Proposals (RFP's). At a minimum the RFP will clearly describe the work to be done, or the purpose of the goods to be purchased, the time frame for delivery, and any specifications required. A closing date will be established beyond which no other bids will be reviewed, and review criteria established for selecting the winning bid. The Board shall make bid openings and awards during regular public meetings or direct the Town Manager to set and publicize a public opening. It is recommended that a Select Board member attend this type of public opening.
2. Exceptions to using the written bidding process may only be made following a majority vote of the Board. In an emergency, this may be done by telephone/e-mail with a confirming vote at the next Board meeting.
3. Purchases of less than \$1,000 may be made using the most cost-effective source without a formal process. The Select Board will review all purchases during warrant review, and assure that they are appropriate.
4. For all purchases made which cost between \$1,000 and \$4,999 sealed written quotes shall be solicited from at least three vendors, at least one that will be from outside of Readfield, whenever practicable. A closing date will be established beyond which no other quotes will be received, and review criteria will be established for selecting the winning quote. The vendors and their quoted prices shall be reported to the Board as a regular part of the Town Manager's report.

5. If multiple vendors are not available for a particular item or service, or if there is an emergency need, the purchase may be made on a sole source basis. These purchases must also be indicated to the Board at their regular meetings.

B. Roadwork-Related Purchases:

1. In January of each year the Town Manager shall send out to all area contractors a request for quotes on labor, equipment and material rates for the upcoming year. All contractors submitting quotes will be held to the prices submitted in their quotes for all work performed for the Town during that year.
2. For emergency repair roadwork the Town Manager will use contractors from the list of those submitting quotes seeking to get the best quality work for the lowest cost. All work let out under this section will be reported to the Board during their regular meetings.
3. For all major road construction/reconstruction projects the Town Manager shall use the written RFP process to select the contractor to perform the work. Alternatively, with Board approval, the Town Manager and/or designee may act as General Contractor on behalf of the Town, using quoted prices for contracted services and equipment to perform major road construction/reconstruction projects.
4. For all road maintenance work over \$5,000 the Town Manager shall solicit sealed written quotes from at least 3 contractors, at least one that will be from outside of Readfield, whenever practicable. A closing date will be established beyond which no other quotes will be received, and review criteria will be established for selecting the winning quote. The contractors and their quoted prices shall be reported to the Board as a regular part of the Town Manager's report.

C. Past due Taxes:

It shall be the policy of the Town of Readfield to accept contract bids for work authorized by the Town from individuals, partnerships, businesses etc. without regard for any past due taxes owed to the Town of Readfield by the bidder.

Regular bid procedures and awarding of contracts will be followed in all cases.

Any vehicles used for Town work must have a current registration (if required legally) and valid inspection sticker.

However, before any contract is awarded and signed by the Town, bidders must be in good financial standing with the Town and provide proof that all past due / overdue personal property

taxes have been paid or have a signed payment agreement with the Town prior to award. If the Town awards a contract to a business that has past due /overdue personal property taxes owed to the Town, any payments(s) made for work done under the pending contract will be deducted from what the business owes the Town.

Individuals (sole proprietors), partnerships, and businesses not registered in Readfield but doing contract work with Readfield must be in good financial standing with their respective towns and must provide proof that all personal property taxes owed to their respective municipalities have been paid or have a signed payment agreement with the respective town prior to bidding.

Attested as a true copy:

Robin Lint, Town Clerk

Date:

Select Board Approved: November 4, 2013

saved: TClerk\Policies & Procedures\Current Adopted Policies\

Purchasing Policy 04-08-04, amended 02-11-13, and 11-04-13

10. Firearms ordinance, Second Reading

Please see attached the Town's current Firearms Ordinance and map. A review of the ordinance has been requested in conjunction with the Readfield Conservation Commission's (RCC's) recommendation for a possible change to restrict or eliminate hunting on the Fairgrounds property now that the athletic field has been built.

This was reviewed initially on November 3, 2014. Tonight will be the second reading for any possible changes or updates. The Readfield Conservation Commission and Recreation Association have been asked for input related to the Fairgrounds and ball field.

Town of Readfield

FIREARMS ORDINANCE

Adopted at Town Meeting on June 9, 2011

Whenever a provision of this ordinance conflicts with or is inconsistent with another ordinance, regulation, or statute, the more restrictive provision shall apply.

The Firearms Ordinance provides for both the safety of the residents of Readfield and for the peaceful enjoyment and use of property. The following sections apply to the use of firearms (including gas powered weapons) within the boundaries of the town.

Definition

Building: any residence, commercial or retail, educational, religious, or farm structure.

Section 1. It is unlawful to discharge a firearm of any kind or description or cause a bullet or projectile to pass within 100 yards of a building occupied by people, domesticated animals, livestock, machines, or harvested crops without having received prior written consent of the owner or occupant of the structure.

Section 2. It is unlawful to shoot or discharge firearms of any kind or description on any land owned by the Town of Readfield that is used for the transfer station.

Section 3. It is unlawful for any person, with the exception of the landowner, to shoot or discharge a firearm of any kind or description except for shotguns within the boundaries designated on the attached map.

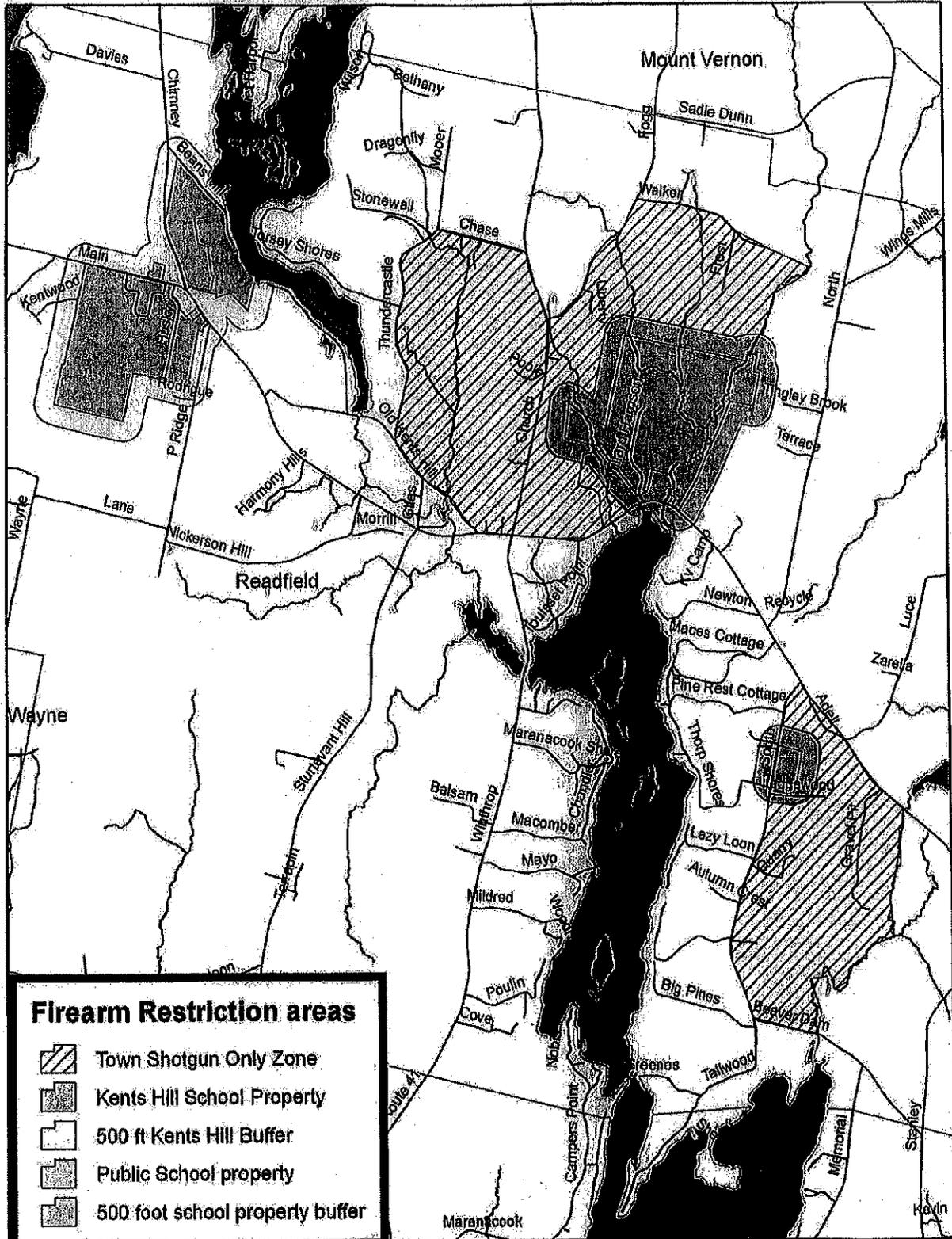
Section 4. The provisions of sections 1&3 shall not apply on an approved firing range area. A firing range is only allowed after first obtaining a required land use permit through the Readfield Planning Board.

Section 5. Possession of a firearm on public school property or discharging one within 500 feet of school property is a violation of state law.

Section 6. Any violation of this ordinance is considered a civil infraction. Violations will be subject to a fine of not less than \$100 nor more than \$5,000 plus costs incurred by the Town of Readfield.



Readfield and State Firearms Restriction areas



Firearm Restriction areas

- Town Shotgun Only Zone
- Kents Hill School Property
- 500 ft Kents Hill Buffer
- Public School property
- 500 foot school property buffer



Date: 5/12/2011

11. Naming Application for Town properties

Please see the following draft application as provided by Val Pomerleau and Greg Durgin:

Land, Trail, Park Area, Facility Naming Application

* Give full details of proposed name for land, trail, park area or facility and attach any applicable information such as naming after person/family because....

* Suggest two (2) names (one preferred name and one alternative name) and state reasons to support the requested name for each suggestion. If possible, the history of the name(s) proposed should be included with the application.

Individual/group submitting proposal: _____

Organization/Affiliation of applicant (community member, committee member, neighbor, etc.): _____

Address: _____

Phone: _____ Email address: _____

Application is for (circle one): land trail park area facility other

If other explain: _____

Current name if applicable: _____

Are there any same/similar names to the proposed name already in Readfield? If so please list them: _____

1. Preferred Name _____

Reason to support preferred name:

History of the name(s) proposed:

2. Alternative Name _____

Reason to support alternative name:

History of the name(s) proposed:

Date Submitted: _____

Date approved: _____

Sue Reay, Chair _____

Val Pomerleau, Vice Chair _____

Greg Durgin _____

Allen Curtis _____

Tom Dunham _____

12. Secret Ballot Process

The outcome of the November 4, 2014 advisory referendum vote was 62% in favor vs. 38% opposed to having all the June 2015 Town Meeting warrant articles voted by secret referendum ballot. With this clear advice, the Select Board now could review a possible process to meet the expectations of preparing a secret ballot for all Town Meeting articles.

13. Joint Budget Committee/ Select Board Meetings

The Select Board could consider a possible change in the budget process format regarding when to meet jointly with the Budget Committee. BC Chair, John Parent has shared some thoughts about this as well with the Budget Committee, but the BC has not met yet to consider or recommend any changes. At this time, John Parent does not think he will be available to attend the Select Board meeting on Monday evening.

14. Personnel Overtime Data: Tom Dunham request

Please see the attached message from Tom Dunham to Sue Reay, requesting this item be considered by the Select Board. At the Select Board's request, the Town Manager provided the following information to the Select Board for the September 22, 2014 meeting:

Readfield Department	FY 2013-14		FY 2014-15	
	Budgeted Overtime	OT Spent Total	Budgeted Overtime	OT Spent Y-T-D
Genl. Govt. Admin	\$1,905.00	\$3,038.02	\$3,217.00	\$96.18
Maint	\$5,026.00	\$1,459.81	\$5,037.00	\$0.00
ACO	\$178.00	\$581.88	\$175.00	\$105.44
Cemetery	\$0.00	\$1,056.33	\$0.00	\$20.25
Transfer Station	\$4,098.00	\$2,318.24	\$6,695.00	\$422.53
Totals	\$11,207.00	\$8,454.28	\$15,124.00	\$644.40

Mr. Dunham seeks additional details that can be provided if the Select Board directs. It would require some time from the Manager and several employees to research and explain "the nature of work that involved overtime" and "reason(s) work couldn't be performed in a normal work day or work week."



Date: Saturday, November 8, 2014 9:41 AM
From: selectboard.td@ne.twcbc.com
To: Sue Reay <selectboard.sr@ne.twcbc.com>
Subject: request for data

Hi Sue,

I would like to request the following data concerning staff overtime so that the Board can get a handle on the overtime issue without compromising our position with the ongoing labor negotiations.

I am requesting this through you because I am not sure that this request crosses the line to require full board approval and should be put on the next agenda to discuss.

I would like to request from Stefan the following data concerning overtime:

- 1) The number of overtime hours per employee planned in this year's budget.
- 2) The number of overtime hours per employee worked in this fiscal year to date. This should include the hours that are set aside as "comp time".
- 3) The nature of the work that involved the overtime.
- 4) The reason(s) the work couldn't be performed in a normal work day or work week.

Let me know if you have any questions or need clarification concerning this request.

Regards,

Tom

--
Thomas A. Dunham
Readfield Select Board

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16. Public Communications:

Members of the public may address the Select Board on any topic

Executive Sessions

- Bargaining Unit Determination update
- Personnel

Adjournment