

**Readfield Select
Board Meeting
Agenda for**

November 3, 2015

**Readfield Select Board
Regular Meeting
Agenda**

November 2, 2015

Meeting starts: 6:30 PM

Location: Readfield Elementary School Gym

Pledge of Allegiance

Regular Meeting - 10 minutes

16-018 - Minutes: Select Board meeting minutes of October 19, 2015 - 5 minutes

16-019 - Warrant: #19 & #20 - 5 minutes

Communications - 45 minutes

Select Board communications - 15 minutes

Town Manager - 10 minutes

Boards, Committees, Commissions & Departments - 5 minutes

- Cemetery Committee Minutes - 09/14/15

- Rec Committee Minutes - 08/27/15 & 09/23/15

- Board of Assessors Minutes - 10/26/15

Public Communication - Members of the public may address the Select Board on any topic – 15 minutes

Appointments / Reappointments & Resignations: - 10 minutes

16-020 - Accept resignations of Gene Carbona from Ad Hoc Appointments Committee - 5 minutes

16-021 - Appointment – Trails Committee - 5 minutes

Unfinished Business - 30 minutes

16-011 - 1st Reading of change to Roles & Responsibilities of the Readfield Selectboard – regarding legal contact - 5 minutes

16-014 - Set a Process to Review and Update Solid Waste Fees - 5 minutes

16-015 - Review a Job Description for the Full-Time Maintenance Position - 10 minutes

16-022 - Decide a course of action to address the paving at the Transfer Station parking lot - 10 minutes

New Business - 50 minutes

16-023 - Review & Set Meeting Ground Rules - 10 minutes

16-024 - Accept Board Goals as Identified at the October 9th - 10 minutes

16-025 - FOAA Process, Training, & Policy Update - 10 minutes

16-026 - Set the date of a Board Workshop on the Purchasing Policy - 5 minutes

16-027 - Discussion of technology plan (AV) - 10 minutes

16-028 - Consider removing the Readfield Citizens Unite and The Voice of the Voter disclaimer from the Town website - 5 minutes

16-029 - Other

Future Agenda Items - 5 minutes

16-008 - Approval of Amended Solid Waste Committee Charter

16-010 - Confirm Recycling and Solid Waste Facility Agreement signed 7-22-11

16-011 - 2nd Reading of change to Roles & Responsibilities of the Readfield Selectboard – regarding legal contact

Trail proposal and its desirability at the former landfill

Fiscal Year 2016 - 2017 (FY17) Budget Process

FirstPark Update

Other

Adjournment

Meeting Minutes for:

16-018

Select Board Meeting of October 19, 2015

Readfield Select Board
Regular Meeting Minutes - October 19, 2015 – Unapproved

Select Board Members Present: Valarie Pomerleau, Thomas Dunham, Christine Sammons, Bruce Bourgoine, and Allen Curtis

Others Attending: Eric Dyer (Town Manager), Kristin Parks (Board Secretary), William Starret (Channel 7), Mike Nolette, Grace Keene, Nancy L. Buker, David E. Buker, T. Bunny Parks, Al Parks Sr., Roland K. Cote, Lawrence Perkins, Ann Keilty, Gary Keilty, Greg Durgin, Pamela Osborn, Lenny Reay, Jerry Spillman, John Moran, Jerry Bley, Becky Walsh, J. Andrew Walsh, Debora A. Doten, John Parent, Fran Zambella, Milton Wright, Kathryn Mills Woodsum, Karen Peterson

Public Hearing - Warrant for November 3, 2015 Secret Ballot Special Town Meeting

Ms. Pomerleau called the Public Hearing to order at 6:05 pm.

- Mr. Mank; Readfield Fire Chief, discussed why we need a new fire truck, replacing the 1976 pumper that we currently have. Basic wear and tear, small steel tank and only has lap belts. New one will have air bags for more safety; foam hoses to help with better water pressure, 1500 gallons of water compared to 1000 on old one, updated features compared to 30 year old fire truck. 370 days out minimum to get. 2016 will be lower cost as 2017 emissions are changing and will add cost to the purchase price.
- Mr. Bourgoine thanked Lee for all the work he did, both Select Board and Budget Committee say yes to support the new fire truck and hope the citizens of the town do as well, makes since to move forward.
- Mr. Dyer, reminder that the secret ballot is on November 3, 2015 so mark your calendars. Absentee ballots are available now.

Public hearing closed at 6:13 pm.

Regular Meeting

Ms. Pomerleau called the meeting to order at 6:30 pm followed by The Pledge of Allegiance.

- **Minutes:** Select Board meeting minutes of September 21 & October 5, 2015
 - **Motion** made by Mr. Bourgoine, per discussion, to approve the minutes of the September 21, 2015 meeting as amended, **second** by Mrs. Sammons. **Vote** 5-0 in favor.
 - **Motion** made by Mr. Bourgoine, as amended by review at this board meeting to approve the minutes of the October 5, 2015 meeting, **second** by Mrs. Sammons. **Vote** 5-0 in favor.
- **Warrant: #17 & #18**
 - **Motion** made by Mrs. Sammons to accept Warrants #17 & #18 in the amount of \$44,554.88, **second** by Mr. Bourgoine. **Vote** 5-0 in favor.
 - Discussion:** There is a difference in the demo prices, possibly due to the rainy weather we have had and making things heavier when wet.

Communications

- **Select Board Communications**
 - Ms. Pomerleau attended the Library meeting. Planning on having the Annual Tree Lighting on Friday, December 4, 2015 with a rain date of Sunday, December 6, 2015. Would like to do the same things as last year and walk down the sidewalk to the town office after the tree lighting and have cookies with Santa.

- Mr. Curtis mentioned that there has been two mediation meetings held last week regarding the union and that there is one last item to resolve. The next meeting is scheduled for Monday, October 28, 2015 at 4:30 and then hopefully able to move forward with the union contract.
- Mr. Bourgoine thanked all that came out to the meet and greet of the town manager on Saturday, October 17 and all those that made food and/or helped out with the event.
- Mr. Bourgoine mentioned that he accepted the meetings but concerns regarding the secret ballot process and empowering the citizens of Readfield and that they are still working on this.
- Mr. Dunham notified everyone that there is a meeting of the Adhoc Committee to review the appointment policy for boards and committees. The meeting is scheduled for Wednesday, October 21, 2015 starting at 5:00 at the town office.
- Ms. Pomerleau mentioned that a couple of residences have offered to donate a turkey for Election Day and she is willing to do a crock pot meal if election committee would welcome that.
- Received a thank you letter from Sexual Assault Crisis & Support Center for the support of \$910.00 from the Town of Readfield.
- Eric Dyer went over the signing of the Municipal Officers Notice of the Public Hearing on Secret Ballot Referendum to be held on Tuesday, November 3, 2015.

- **Town Manager**

- Thank you to the community for the warm welcome and tremendous amount of help and support received so far.
- Eric went over some activities he has done over the past two weeks as new town manager:
 - Meeting with staff and residence
 - Attended a goal setting retreat with the select board.
 - Attended the two mediation sessions for the union contract
 - Attended two days of training and conference for MMA
 - Working with the town FOAA officer and FOAA process and changes
 - Working with outgoing maintenance staff
 - Working with the Finance Officer to establish trust fund for trails
 - Addressing conflict of interest questions with the counsel
 - Beginning to work with various committees
 - Addressing facility issues

- **Boards, Committees, Commissions & Departments**

- **Conservation Commission - Update on Old Mill Stream Dam**

- Jerry Bley, member of Readfield Conservation Commission, went over how the Conservation Commission, Readfield Trails Committee and other interested citizens have been developing ideas and plans for making the Old Mills Stream Dam area more accessible to the public. The overall concept is to create a number of trails on the properties along with several sitting areas with benches and views of the dam, stream and old mill pond. There are no plans to repair the dam breach and restore the pond. The group has developed five potential components of the Mill Stream Dam Project. These activities to take place over fall and winter with development work to start in the spring. They are asking the Select Board for guidance and permission to move forward.
- Board suggested notifying any other landowners in the vicinity. Have done a wonderful job and awesome that they are all going to be fundraising initiatives for the project. Asked if there was any ongoing maintenance for the town once completed, Jerry believes there will be some as with other areas but conservation committee would handle it. Don't

need the Select Boards permission for the fundraising activities but please notify so the board can attend.

- Mr. Reay asked if they plan to put this project on the ballot due to changing the use of the land/property. Dam is owned by the town, most of the other property is owned by one of the land owners.
- Thank you to Tim Sniffen for taking the two sets of minutes from the Conservation Commission meetings.
- **Motion** made by Mr. Bourgoine to move forward with this project with the direction of the town manager to work with both the Conservation Commission and Trails Committee to establish a clearer time line and what steps the Select Board should take to assist preceding with the project, **second** by Mr. Dunham. **Discussion:** No further discussion. **Vote** 5-0 in favor.

Appointments/Reappointments:

- **16-001 - Appointment – Road Committee.** – David Linton, Roland Cote
 - Received two appointment applications for Road Committee, one resubmitted by David Linton and one by Roland Cote. Robin Lint, Town Clerk, did research and the findings were that the Road Committee originally was a 5 member committee; some confusion pertained to overlapping. General consensus concluded that it was originally 5 members with 1 alternate. In the future looking at adding additional members. Mr. Linton's previous application as alternative being used for the full time position.
 - **Motion** made by Mr. Bourgoine to move David Linton's appointment as a member of the Road Committee and Roland Cote appointed as an alternate for the Road Committee and discuss moving from 5 member to 7 member committee at the next board meeting, **second** by Mr. Curtis. **Discussion:** The Road Committee voted anonymously at their last meeting to move from 5 members to 7. One member will be moving so move Mr. Cote to the open position. Both terms are for 1 year and ending on June 30, 2016. **Vote** 5 to 0 in favor.
- **16-002 - Appointment – Trails Committee** – Becky Walsh
 - One application received by Becky Walsh
 - **Motion** made by Mrs. Sammons to accept Becky Walsh's appointment on the Trails Committee for the term ending on June 30, 2018, **second** by Mr. Bourgoine. **Discussion:** None. **Vote** 5-0 in favor.
- **16-003 - Appointment – School Committee** – Betty Morrell
 - One application received by Betty Morrell. Former background makes for great candidate.
 - **Motion** made by Mr. Bourgoine to appoint Betty Morrell to the RSU 38 School Committee, filing the term that will expire June 30, 2016, **second** by Mr. Curtis, **Discussion:** Will expire on June 30, 2016. **Vote** 5-0 in favor.

Public Communications:

- **Members of the public may address the Select Board on any topic**
 - Mr. Curtis let explained that this part of the meeting is so the public can direct questions and concerns to the Select Board. The time limit to 3 minutes unless the Select Board agrees for further more time. A discussion among the Select Board weather or not they are able to speak on upcoming agenda items. Some feel that they should be able to speak on anything they want even if an item on the agenda.

- Kathryn Woodsum spoke that it was a good idea to keep the time limit for the public communications to 3 minutes. Having a time keeper is critical.
- Mr. Reay addressed that all the Select Board received an email from himself regarding the living fence. Ms. Pomerleau suggested that if anyone has any issues or concerns then to bring it to the attention of the Cemetery Committee. They will continue to add to the living fence area.
- Greg Durgin let the Select Board know that he liked the setup of the meeting, comes across pretty well. Thinks the living fence is very nice. Also glad that the Adhoc Committee is finally going to forward and good luck.
- Fran Zambella addressed his concern regarding the East Readfield Cemetery location. He never knew it was a cemetery, thinks Cemetery Committee needs to look at the landscaping, doesn't look like the type of landscaping for a cemetery. Fran asked if the crosswalks in town were going to be repainted. Mr. Dyer responded that the intent is to look at them in the spring. Expressed his concern regarding the terminology Secret Ballot, the terminology is not appropriate, there is nothing secret about the town/public going to vote. Should be changed to written ballot as secret tends to lead public to think that the select board has something the town doesn't want them to know about.
- Gary Keilty would like to compliment whoever was the facilitator that took notes at the retreat. Excellent job. One thing that jumped out to him, the Graying of Readfield, not sure what they are referring to. Are there any organizations that would want to help the seniors stay in their homes?
- Karen spoke to clarify about the living fence. This is a process that started a couple years ago when Audrey Luce passed away. Audrey's vision was lilacs instead of cast iron fence, something much prettier to look at. Any one that has questions or concerns please let the Cemetery Committee know.

Unfinished Business:

- **16-005 - Award Bid for Luce Road Culvert & Gravel Work**

- Received 2 bids. John Cushing/Cushing Construction in the amount of \$4,300.00 and McGee Construction in the amount of \$9,850.00. Follow up on why a big price difference.
- **Motion** made by Mrs. Sammons to accept John Cushing/Cushing Construction quote of \$4,300.00 to complete the Luce Road Culvert Project, **second** by Mr. Curtis. **Discussion:** This isn't the complete cost as town is to provide culvert and gravel. Will remain a 15" culvert as previously discussed. **Vote** 4-1, opposed by Mr. Dunham.

- **16-006 - Selection of New Cemetery Mower**

- Karen Peterson, Readfield ACO/Sexton, did get the 3 bid recommendations. All for John Deere, did try to get a quote for a Walker like the one that the town currently has. Karen recommends that although the lowest price is from Greenway, Hammond is a better choice for cost effectiveness due to location when comes time for repairs. Also recommends going with John Deere as opposed to Walker. Addressed by Mr. Dunham since it is over the \$5,000 purchasing policy should a RFP done and 3 bids open to the public. Roland Cote asked if there were bids or advertised. M
- **Motion** made by Mr. Bourgoine that we accept, with Karen's recommendation, and approve this purchase on the Hammond Tractor. Side note: As a board have a purchasing policy discussion. **Second** by Mrs. Sammons. **Discussion:** Mr. Curtis will not vote to break the purchasing policy. Mr. Curtis feels that there is all winter to discuss and go with the purchasing policy regulations. Kathryn Woodsum mentioned that if we are going ahead with fire truck then go ahead with lawn mower. Karen said this was a state wide request and she was told to get the bids to proceed with the purchase. Mr. Dyer to add purchasing policy workshop to next agenda. Mr. Dunham thinks

management and staff needs to go by this policy. **Vote** 3 to 2, Mr. Curtis and Mr. Dunham opposed.

- **16-007 - Transfer Station Bin Covers**

- Mr. Dunham did contact Huber Industries as they have purchased the one we are looking at. Talked to person in engineering, even though it is a recent purchase, they like it a lot and a great investment, its used often. Spoke highly of TD Industries. Need to get the extension kit for it. Put all information and cost together for next packet. Will be done without a RFP since under \$5000. Only buying one cover. Mr. Bourgoine invited Mr. Dunham to make a motion.
- **Motion** made by Mr. Dunham to authorize Town Manager to purchase a Stand Alone Storm Top Cover for demo container at the transfer station, with the price he has from TB Industries of the Stand Alone Option Storm Top Roll Off Cover \$3,640, will need an extension kit for additional \$250 and shipping cost, total not to exceed \$4,999. **Second** by Mr. Bourgoine. **Discussion:** Wayne will be paying for half and already has been approved. **Vote** 5-0 in favor.

Motion made by Mrs. Sammons to table Solid Waste Com. Charter, Interlocal Agreement and Recycling & Solid Waste Agreement, **second** by Mr. Dunham. **Discussion:** Kathryn Woodsum mentioned that the next Solid Waste/Recycling Committee meeting is on November 4, 2015 so please deal with the solid waste charter and recycling agreement at next Select Board meeting so they can proceed. **Vote** 5-0 in favor.

- **16-008 - Approval of Amended Solid Waste Committee Charter**

- Kathryn Woodsum asked if both pages of charter are being revised as only one page in the packet. **Tabled to next meeting**

- **16-009 - Confirm Interlocal Agreement signed 1-28-13**

- States a lot about shared regional committee, who is that committee? Town manager and one select board member. **Tabled to next meeting**

- **16-010 - Confirm Recycling and Solid Waste Facility Agreement signed 7-22-11**

- **Tabled to next meeting**

- **16-011 - Discussion of a Process for Obtaining and Distributing Legal Advice**

- Mr. Bourgoine has concerns on petition being given about 5 minutes before meeting.
- **Motion** made by Mr. Bourgoine that it is the sense of this board that the chair and any other member designated or otherwise seeking legal advice from an attorney retained by the town or from legal services provided by organizations of which the town is a member is to be in good faith immediately shared upon receipt of the legal advice with all board members consistent with select board communication guidelines. **Second** by Mrs. Sammons. **Discussion:** Direct any items to Eric to distribute. If it is confidential, legal information suggested that the subject be labeled confidential and saved to a special folder. Clear to public that if we receive information from lawyers that is confidential and can't be shared. **Vote** 5 to 0 in favor
- **Second motion** made by Mr. Bourgoine to amend the roles and responsibilities of the Readfield Select Board to add the following language, under a part C. Would read as follows: That any other legal matters involving town business with good faith exception that the chair determines he or she must act upon in a time sensitive, emergency situation without consequences. **Second** by Mrs. Sammons. **Discussion:** Select board agrees with change but would like to see in document before approval. **Mr. Bourgoine withdrew his motion, Mrs. Sammons withdrew her second.**

- **16-012 - Discussion of a Process to Resolve the Secret Ballot Amendment Issue**

- Did start at retreat and is in the discussion of retreat minutes. Want to have third party person involved, Eric to start working on this.

New Business:

- **16-013 - Discuss Revision of the Recall Ordinance**

- Ms. Pomerleau has started to gather other recall ordinances from other towns. If going to put to public, now is the time to look over and make any changes. 10.3.2(b) has to be removed. Addressed to the public that the select board is not ignoring this and are working on it and plan to have on ballot in June. Mrs. Sammons offered to assist Ms. Pomerleau.

- **16-014 - Set a Process to Review and Update Solid Waste Fees**

- **Tabled to next meeting**

Motion made by Mr. Curtis to extend meeting by 15 minutes, **second** by Mr. Bourgoine. Vote 4 to 1, Mr. Curtis opposed.

- **16-015 - Review a Job Description for the Full-Time Maintenance Position**

- Concerns that job description and what Mark did doesn't match up. Eric would like to match as close to what he has been doing to the job description. Bring a draft to the board for review and approval at the next meeting.
- **Motion** made by Mr. Bourgoine for Eric to complete a draft job description for a maintenance position, **second** by Mr. Dunham. **Discussion:** Maintenance jobs will be completed while this position is vacant, but may require additional costs. Log books in the vehicles. Eric will be pulling out the back up ACO. **Vote 5 to 0 in favor.**

- **16-016 - Review of the Board Retreat on October 9, 2015**

- Notes will be available on the website for all those to review. Mr. Bourgoine asking public for some feedback and guidance for goals that have been set. All have time lines to keep in mind. Thank you to all those involved and who attended.

- **16-017 - Other**

- Next select board meeting is on the Monday before Election Day. Eric received the okay to find a different location, consider the video streaming. Same date and time of Monday, November 2, 2015 at 6:03 pm. Location will be posted.

Future Agenda Items:

- **Transfer Station Parking Lot**
- **Review of Meeting Ground Rules**
- **FOAA Training & Policy Update**

Motion made by Mr. Bourgoine to adjourn the meeting at 9:13 pm, **second** by Mr. Dunham. **Vote 5-0 in favor.**

Minutes recorded by Kristin Parks, Board Secretary

Warrant

16-019

Warrant #19 & #20

Communications:

Select Board



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355
TEL. (207) 685-4939 • FAX (207) 685-3420

2nd NOTICE AND LEGAL POSTING OCCUPANCY DENIED

Craig Pollis - Owner
323 Main St.
Readfield, ME 04355

October 29, 2015

Occupancy Issues:

- Failed to comply with inspection notice – LUO Article 2, Section 2, B, 2; (see attached 1st Notice)
- Failed to repair deficiencies of the structure that are a health and safety concern – Title 22, section 1561 & Title 14, section 6026; (see attached pictures)
- Failed to remedy electrical shock – Title 32;
- Failed to file an electrician report to the Readfield Code Office.

Town of Readfield Occupancy Permit has been revoked **Pending Select Board approval**

The Town of Readfield Code Office has made this notice to the Readfield Select Board that the rental unit is **UNINHABITABLE** for the above deficiencies and occupancy shall not be allowed. The owner, Craig Pollis, **SHALL be the responsible party for any Liability** and SHALL obtain a new occupancy permit from the Town of Readfield before allowing any individual to occupy his rental unit at 323 Main Street (aka Map 136 / Lot 44).

ALL PERSONS ACTING CONTRARY TO THIS ORDER ARE ON NOTICE THAT SAID OCCUPANCY IS PENDING ON REVIEW OF THE SELECT BOARD OR IN THE REMOVAL OF THIS NOTICE ARE LIABLE UNDER MAINE REVISED STATUTES - TITLE 30-A ENFORCEMENT, SECTION 4452 and LUO ARTICLE 2, SECTION 2,B, 3 action required from Board of Selectpersons.

Gary Quintal
Code Enforcement Officer

*Also included is 1st Notice dated 10/1/2015

Communications:

Town Manager

Secret Ballot Voting verses Written Ballot from the Clerk

During the last Select Board Meeting a few people mentioned that they would like to see the term Written Ballot used when referring to the Town Meeting Secret Ballot. I thought I would offer this information according to the Maine Town Meeting Manual put out by MMA.

Two Kinds of Town Meeting

There are two kinds of town meetings: the annual meeting and all other meetings, which are usually called special meetings. Every town must hold an annual town meeting, at which, the only business required by state law is the election of municipal officials.

Until 1969, annual town meetings were required by state law to be held in the month of March. Some Maine towns have moved their budget meeting to a time later in the year than the traditional March annual town meeting, and some have moved their town meeting to combine it with their budget meeting in a later month in the spring, commonly May, so that school budget, town budget, and election of municipal officers and other officials can all occur at the same time. Other have retained the March meeting for election of municipal officer and other officials, but have moved the budget meeting to coincide with the school budget meeting.

Apart from the annual election of municipal officers and other officials, all other municipal legislative business (e.g., adoption of a budget) can be conducted at the annual meeting or at a special town meeting. (an important limitation in timing is that a town meeting cannot raise an additional or new tax after taxes for the year have been committed to the collector). A town may hold as many special meetings as are necessary for the transaction of its business other than the annual meeting election of officials.

Manner of Nomination and Voting

Open town meeting and secret ballot voting.

The pure, traditional town meeting conducts all business scheduled on its warrant – the election of officials and any other business which has been scheduled for the meeting – from the open floor of the meeting. The actual nominations of officials are all made from the open floor.

In about 1890, secret (“Australian”) ballot voting was introduced into Maine. In this form of voting, the voters actually go to the polls and mark paper ballots) whether hand-tallied or machine-read) in the privacy of a voting booth. See the discussion of secret ballots and written ballots in “Terms and Abbreviations” below.

Terms and Abbreviations

Secret ballot/written ballot: The term “secret ballot” refers to a printed ballot listing names of nominees for offices, or of referendum questions, or both, in towns that have adopted the secret ballot method of voting. In such towns, a secret ballot election is conducted at a polling place rather than in an open town meeting: the voters cast their votes individually rather than vote in a collective assembly. A “written ballot,” by contrast, is simply a paper ballot that is one of the means available (and required in elections of moderators, municipal officer, and school committee members) for voting in an open town meeting. Voters do not enter polling booths to complete a written ballot, as they do with secret ballots. They simply fill them out in their seats in an open town meeting. Written ballots are either blank (used for writing down the name of one’s candidate for an office) or have printed on them just the words “yes” and “no” with boxes to be checked (these are used to vote for or against an issue). It is important, in discussing election and voting method, and it is important to avoid using the term “secret ballot” to refer to a written ballot. Be aware, too, that some state laws inconsistently with Title 30-A, use the phrase “secret ballot” to mean “written ballot” – i.e., a blank piece of paper used in the course of a meeting, not a ballot with candidates’ names preprinted on it.

I hope this help clear up the difference between Secret ballot and Written ballot.

Communications:

Board, Committees, Commissions &
Departments

Town of Readfield Assessors Meeting

Present: Allen J Curtis (chair), Jacki Robbins Assessor, Valarie Pomeleau, Christine Sammons

Meeting Called to Order at 3:05 PM 10/26/2015 by Mr Curtis.

1. Identified the Overlay amount in the budget Year 2015-2016. It is \$14,000
2. Motion by Mr Curtis to abate seven (7) items in the amount of 1782.80. 2nd by Ms. Pomeleau.
Motion Passed (3-0)
3. Motion by Mr. Curtis to accept supplemental tax assessment for 3 items in the amount of \$1631.52 (additional taxes) 2nd by Ms. Sammons. Motion Passed (3-0)
4. Motion by Mr. Curtis to Deny 1 abatement in the amount of \$723.20. 2nd by Ms. Pomeleau.
Motion passed (3-0)

Meeting was closed at 3:40 by Mr. Curtis

Respectfully Submitted

Allen J. Curtis

Assessors Board Chair

Cemetery Committee Meeting Minutes
September 14, 2015
Approved: October 19, 2015

Members Present: Grace Keene, John Moran, Deb Doten, Andy Tolman, Lydia Adelson, Brenda Lake, Marianne Perry, Pam Osborn

Members Absent: Sandra Rourke

Staff Present: Karen Peterson

The meeting started at 9:00 at the Town Office

It was noted that some members could not open the attachment that came in the minutes. This file was sent as a dropbox attachment. Deb Doten will remember to convert all files to PDF documents in the future.

A warm welcome was given to Andy Tolman.

The July 14, 2015 Meeting Minutes were approved. Motion made by John Moran, and seconded by Brenda Lake. 8 voted to approve and 1 to abstain.

The 2014-15 Cemetery Budget was underspent by \$3017.16. This money was not spent because there were no mowers hired until July. Our Sexton stated that she did the mowing on weekends during the month of June and did not want to put in for overtime pay. All on the committee thank Karen for her volunteer contribution.

Sexton Report:

Two berms have been planted as part of the Living Fence at the East Readfield Cemetery. The landscaper used was D.R. Struck. The cost was \$2720. Bill Rourke donated 30 yards of loam for this project. All agreed to take turns watering the new plants.

There have been two burials since July 13, 2015.

Mowing has been going well with newly hired seasonal employee. Marianne Perry stated that the cemeteries look great. All agreed.

The purchase of a new mower has been approved (by who) Karen is looking at John Deere or Walker mowers. John Moran suggested talking with Kramer's of Sidney.

Karen Peterson is buying D/2 stone cleaner which is biological product used to clean cemetery stones. This is the product used at all Veteran's Cemeteries.

Liaison Policy

The Select Board is asking for committee feedback on the Liaison Policy. While the Committee appreciates the essential two way communication between the Select Board and Advisory

Committees, it was a consensus that a Liaison Policy is not necessary. The following is the outcome of the Committee's round table discussion:

- Is there a section of the Select Board roles and responsibility where communication with advisory committees could be defined?
- All meetings are public and all are welcome, including Select Board Members.
- There are many ways to have effective communication besides meeting attendance. Select Board members can request committee attendance at their meetings, they can check in with the chairs for updates, and they can write their directives and questions at anytime. Why is a policy necessary?
- Presentation of this Liaison Policy in the insinuated that there was not open communication between Advisory Committees and the Select Board. Members of this Committee feel that there has always been effective communication between committees and the Select Board.
- The Select Board should be involved bigger, more global issues such as improving the appearance of Readfield Depot or the dam restoration.
- It is important to hear the discussion and thoughts from all Select Board members.
- The way this Liaison Policy is worded ties the Select Board's hands by requiring an unmanageable number of meetings and adds an additional burden to an already busy role.
- All on the committee support the positive intent of the Liaison Policy. Respectful communication is essential to the best interest of the town's cemeteries, but is a policy needed?
- All agree that the opportunity to provide constructive feedback to the Select Board on the Liaison Policy is appreciated.
- Grace will draft an email response as requested by the Select Board.

Stone Walls:

There will no further discussion on how to proceed with the stone wall repairs at Readfield Corner and Case cemeteries until there is a Town Manager (hired) on board.

Fall Projects:

Finish painting the fence at Dudley Plains will take place on 9/16 at 10:00 am.

Stone cleaning at Torsey Cemetery on 10/6 at 9:00.

Pruning at the East Readfield Cemetery on 9/21 at 2:00.

Next meeting:

October 19th at 9:00 am.

Rec Committee Meeting
8/27/2015

Held at: Weathervane Restaurant

Attending: Sarah Bashford, John Bourque, Jada Clark, Tom Donegan, Kathleen Dupont, Hannah Flannery, Amanda Hreben, Carrie Knight, Sara McClure, Mandy Poulin.

Review of Minutes: No copy to review at this time; we have written notes.

Finance:

- Fiscal Year from July 1st - June 30th. All invoices should be turned in by the end of June.

Beach:

- Tom takes care of the beach; there have been a number of repairs done this summer
- This year have sold 172 season permits, which is a good year but a little under the goal of 200 passes.
- Payroll is the largest expense
- As of now there are unlimited amount of yearly In-town passes available and 25 per surrounding town; Tom would like to see 100 out of town permits available at a lower price.

***MOTION ACCEPTED: Day passes will now be applied to a season pass for families that cannot come up with \$40 all at once; after 4 \$10 day passes a family will get a season pass.**

- As of now the cost for an out of town permit is \$65; Tom would like to see this dropped to \$55
- New pricing and other ideas will follow in our next meeting; Tom will bring all as a proposal.

Soccer:

- Will start the second full week of school 9/8/2015.
- Sarah will order whistles and stop watches for the littles soccer.
- Waiting for sign-ups and volunteer coaches.
- Porta potty has been ordered; towns notified of splitting the cost.
- Beach potty will be brought to RES
- Need an increase in participation; have tried every avenue

Halloween:

- Party at RES tentatively October 25th
- Will create sign-up genius for supplies etc.
- More to come at next meeting

*** Next meeting Wednesday, September 16th @ Weathervane 6PM**

Rec Committee Meeting
9/23/2015

Held at: Weathervane Restaurant

Attending: Tom Donegan, Sarah Bashford, Sarah McClure, Kathleen Dupont, Amanda Hreben, Mandy Poulin, Hannah Flannery, Carrie Knight, Jada Clark.

Review of Minutes: 8/27/2015 Minutes reviewed and accepted with a minor change (Halloween Party changed from Sunday 10/25/15 to Saturday 10/24/2015 3-5pm).

Halloween:

Party is Saturday, October 24th from 3-5PM.

2 hours of set-up required Friday the 23rd after school and clean-up Saturday after party.

A donation box will be put at Readfield Elementary by Oct. 1st (looking for candy, toys, and decorations)

There will be a notice placed in the RES news letter regarding the party and donation box.

Basketball:

Aaron McClure is in charge of basketball grades 4-6, need to check with Shawn Drillen for grades K-3.

Need to secure building spaces for games (Kathleen has the dates).

Soccer:

Hannah Flannery will be taking this over for next year.

*Mark Hreben contact info was not included in the email/phonelist.

Mark hreben@Durathermwindow.com Cell# 212-9527

Next Meeting will be held at Carrie Knight's house on Wednesday, October 21, 2015 at 6pm.

Communications:

Public Communication:

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

Appointments Reappointments Resignations:

16-20

Accept resignation of Gene Carbona from
the Adhoc Appointment Com.

Robin L. Lint

From: selectboard.vp@ne.twcbc.com
Sent: Tuesday, October 27, 2015 8:27 AM
To: <selectboard.td@ne.twcbc.com>; Gene Carbona; Clerk; Eric
Subject: Re: Gene Carbona - resignation

Thank you Gene

Val

----- Gene Carbona <gcarbona@gmail.com> wrote:

> Unfortunately, I am submitting my resignation from the Policy
> Committee, effective immediately.
>
> Thank you.
>
> Sincerely,
>
> Gene

Appointments Reappointments Resignations:

16-20

Appointment of Romaine Turyn to the Trails
Committee

APPOINTMENT APPLICATION

12:26 pm

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?

Trails Committee

Name: Romaine Turyn Phone (H): 685 4516

Street address: 71 Old Kents Hill Rd Phone (C): 441 1679

Mailing address: PO Box 91 Readfield

E-Mail: RomaineMT@myfairpoint.net

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

- former member of the trails committee
- shoveling, raking, cutting, hiking

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

I did not pursue reappointment until I retired and had more time to devote to the work required. Most work done during the day.

If you are currently employed, what is your position?

I am now retired. Apparently, no one else has stepped forward, and I am interested. Thank you for your consideration.
Romaine

Name:

Romaine Turyn

Position

Trails Com.

Term:

6-30-2017

CLERK'S USE BEFORE THE APPOINTMENT

Open position

Trails Com. Member

Term:

6-30-2017

Was this position advertised?



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 Romaine Turyn of Readfield, in the County of Kennebec and State of Maine: There being a position on the Trails Committee we the Select Board of the Municipality 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:

Nov 3, 2015

thru

6-30-2017

Given under our hand this

3

day of

Nov.

, 2015.

Bruce Bourgoine

Allen Curtis

Thomas Dunham

Valarie Pomerleau

Christine Sammons

Unfinished Business

16-011

1st Reading of change to Roles &
Responsibilities of the Readfield
Selectboard – regarding legal contact

Eric Dyer

From: Bruce Bourgoine <bourgoine.selectboard.readfield@outlook.com>
Sent: Monday, October 26, 2015 12:05 PM
To: Valarie Pomerleau; Town Manager Eric Dyer
Subject: Agenda Items request for November 2, 2015
Attachments: Select Board Bylaws - Readfield.pdf

Dear Val and Eric;

Please place the following three items on the next Select Board agenda on November 2nd. Items 1 & 2 should be brief discussions in my estimation; item 3 may involve longer discussion.

- X 1) A first reading to enact a policy change to "Select Board Roles and Responsibilities" (attached) on page 3, item 5 to add the below language at the end of the first sentence on line 5:

"; or (c) any other legal matter involving town business with a good faith exception that the Chair has determined s/he must immediately act in a time sensitive emergency situation without consultation."

This item is a follow-up to discussion at our last meeting, reference 16-011.

- 2) I intend to make the following motion:

"...to remove from the Readfield town website any disclaimers regarding citizen or citizen group activities. The intent of this motion is to remove the town officially from any appearance of bias and to help foster a more open and trustful atmosphere with citizens per our stated desire at our board retreat."

It is my concern that the current and similar disclaimers exacerbate divisions in Readfield that need to be healed in part through our collective leadership as a board.

- 3) I believe we should discuss the trail proposal and its desirability at the former landfill. While access concerns may take additional time to work out, I think the board's support, if so desired, will help indicate priorities in regard to access that need to be considered.

Please consider me available to clarify any necessary or useful background information regarding the above items.

Respectfully;
Bruce Bourgoine
Readfield Select Board

Correspondence with public officials is subject to applicable "Freedom of Information" laws.

Roles and Responsibilities of the Readfield Select Board, adopted June 3, 2010, amended August 30, 2010, amended July 6, 2011, amended February 13, 2012, amended October 10, 2012, updated on October 21, 2013 with all amended dates listed above, amended February 10, 2014.

Purpose of Select Board

The Readfield Select Board will fulfill the executive functions of the town. It implements the directions of Readfield's residents as voted upon in Annual and Special Town Meetings. Many of the actions of the Select Board are delegated to the Town Manager (the Town Manager will frequently delegate tasks to his or her staff). The Select Board may also create and empower certain committees to oversee specific town functions.

Responsibilities of the Select Board fall into 4 general categories:

1. Oversight of town finances
2. Protection of health, safety and welfare of town residents
3. Management of town property and town manager
4. Management of relations with contractors, with external agencies, and with the public

While most of the tasks associated with these responsibilities will be delegated to others (typically the Town Manager), the ultimate responsibility remains with the Select Board.

Makeup of Select Board

Readfield's Select Board is composed of 5 members, each elected by public vote of town residents. Each member will be a town resident.

Election of Select Board members

Each Select Board member is elected for a 3-year term, whose term will begin at the start of the town's fiscal year which immediately follows the election. Vacancies on the Select Board may be filled by interim elections, with a term limited to the end of the current vacated term.

Duties and Responsibilities of the Select Board

The Select Board is, and shall act as, a body, and not as individuals. Except as provided in this document or by a specific action of the Select Board, no individual Select Board member will have authority to act outside of official sessions of the Select Board.

Specific duties and responsibilities of the Select Board are enumerated below.

1. Prepare, with assistance of a Budget Committee and the Town Manager, an annual budget, and present the budget at town meeting
2. Review and modify, on at least an annual basis, a Capital Investment Plan (CIP) for the town
3. Annually elect a 3-person Board of Assessors from the Select Board

4. Annually, at first meeting in each fiscal year, elect a Chair and a Vice-chair of the Select Board
5. Annually establish a tax rate (mil rate)
6. Recruit, contract with and supervise a Town Manager, who will conduct much of the work of managing town business
7. Develop, review and modify policies *annually* for town business, including the function of the Select Board itself
8. Hold regular bi-weekly public meetings of the Select Board to conduct town business. These meetings will be televised and will include opportunity for public participation. Meetings will follow an agenda prepared in advance by the Chair, the Vice Chair, and the Town Manager. A template for meeting agenda items will include:

- a) Call to order and roll call
- b) Pledge of Allegiance to American flag
- c) Review and approval of minutes of the previous meeting
- d) Approval of warrants for payments of all town expenses
- e) Oral and written communications among Select Board and other town offices, including reports from Select Board members, Town Manager, Town Clerk, town boards, commissions and committees
- f) Appointments and reappointments
- g) Old (unfinished) business
- h) New business
- i) Other
- j) Executive session
- k) Public Communications
- l) Adjournment

- △ →
9. The Select Board will appoint a member to take notes at meetings of what requests for information and to-do items were mentioned at each meeting, and to share those notes with the Town Manager. The Select Board Chair and Vice-Chair will discuss current workload and time demands with the Town Manager as part of bi-weekly agenda meetings.
 10. Schedule and conduct special meetings as needed for specific purposes and as the Select Board deems necessary.
 11. Establish standing boards and commissions, and approve appointment of all members to these boards and commissions.
 12. Establish ad hoc committees as needed to accomplish specific Town business; approve goals for each such Committee; and approve all members seeking appointment to such Committee.
 13. Conduct a Select Board retreat at least annually for purpose of assessing the town's success in meeting previously established goals, and to set goals for the coming year.
 14. Conduct an annual joint meeting of Select Board and Chairs of all town boards and Commissions to review Town goals.
 15. Maintain and encourage a free exchange of information between the Select Board, the public, Town Manager and his or her staff and other town, county and state offices, town boards and commissions.

16. Appoint individuals from the Select Board as liaisons to the various town boards, commissions, committees and ad hoc committees.
17. Annually appoint an individual to the following positions: Treasurer, Road Commissioner, Transfer Station Manager, Tax Collector, Welfare Director and Fire Chief.
18. Dispose of surplus or unnecessary equipment or property owned by the town, when such disposal is deemed by the Select Board to be in the best interest of the town.
19. Upon and to the extent of approval of voters at town meeting make appropriations from any available budget line to cover emergency expenses.
20. Act as a quasi-judicial body when and as required by Maine statutes.
21. Work collaboratively with nearby towns for sharing resources, joint purchases, sharing best practices and similar actions which are beneficial to the towns but which do not diminish the individual character of each town.
22. Conduct a quarterly review of the Comprehensive Plan implementation checklist by the Select Board.

Duties and Responsibilities of Select Board Chair and Vice Chair

In addition to their duties and responsibilities as members of the Select Board, the Chair and Vice Chair have additional duties and responsibilities. These additional duties are discussed in this section. Except when the Chair and Vice Chair are noted jointly, it is presumed that primary responsibility falls upon the Chair, but that the Vice Chair will assume such responsibility in the following instances: (a) absence of the Chair; (b) whenever the Chair has a conflict of interest, as defined by law or by the Town of Readfield's Conflict of Interest Ordinance with the business being conducted by the Select Board; (c) at any other time at the reasonable discretion of the Chair.

1. The Chair will conduct all meetings and workshops of the Select Board.
2. The Chair and Vice Chair, working with the Town Manager, will prepare an agenda for each Select Board meeting.
3. The Chair will maintain a schedule and preliminary agenda for all meetings and workshops to be conducted in his or her term. This will be used to help assure efficient use of the Select Board's time while conducting necessary town business.
4. The Chair and Vice Chair will routinely meet with the Town Manager to ensure that they stay current with town issues. This meeting will be no less frequently than bi-weekly, and may be combined with the task of setting the agenda for regular Select Board meetings.
5. The Chair, representing and with the approval of the whole Select Board, will communicate with the Town's legal counsel when the Select Board is seeking advice in the following: (a) issues that concern the Select Board's supervision of the Town Manager; or (b) issues that concern the Select Board at its role as an arbitrator between the Town Manager and other town employees. The Select Board, at its sole discretion and as legally applicable, may involve the Town Manager in the above discussion with counsel. The Chair will report back to the whole Select Board any advice given by legal counsel. All communication between the Chair and counsel will be posted in a publicly-available log which notes time, date, persons communicating, method of communication and general nature of the communication; however, specific advice will not be posted, as it will likely be considered privileged attorney-client

communication.

6. The Chair maintains files containing information pertinent to his/her duties. Such information includes manuals and policies, a copy of Robert's Rules of Order, a history of various projects and issues of interest to the Town, contract, personnel information and evaluations relating to the Town Manager (if not confidential in nature), budget and CIP information for past and current years, and legal communications. Only files deemed as public information may be kept by the Chair, as all confidential records must be kept at the Town Office in accordance with law. Select Board members will have unlimited access to the Chair's files upon request. An outgoing Chair will convey these files to the succeeding Chair.
7. The Chair is deemed to be the public spokesperson for the Select Board, although he/she can designate this responsibility freely. With consent of the Select Board, the Chair will execute agreements, appointments, licenses, applications, correspondence and other documents.
8. The Chair on behalf of the Select Board will approve payroll and expense documentation for the Town Manager.
9. All members of the Select Board are eligible for election as Chair or Vice Chair and may serve any number of consecutive terms, as elected annually by fellow members.
10. A vacancy in the position of Chair or Vice Chair will be filled as soon as possible by a regular election process.
11. The Select Board may remove the Chair from office by a vote of at least three (3) Select Board members. Such vote shall be taken only after notice in writing to the Chair, public notice and a hearing conducted in open session. The Chair shall have the right to waive the requirement for public notice and/or hearing in open session; however, any vote for removal of the Chair must be conducted in open session. The Chair is responsible for writing an article for the Town Report each year and monthly for the Readfield Messenger.
12. Discussions with town staff by Select Board members are limited as described in this document.

Access to Information

The Select Board may require access to recorded or historical information as it conducts town business. The Select Board (or individual members) will have complete access to any town information unless protected by law. Requests for any information should be made through the Town Manager, but can also be made to other appropriate town employees when delegated by the Town Manager. Requests for information that would require an undue amount of staff time (in excess of 1/4 hour) should be reconfirmed among the Select Board Chair, the requesting member and the Town Manager to see if the request can be narrowed. If, after consideration by this group, the information request is still considered by the Town Manager to be unduly difficult or time-consuming, the matter will be reconsidered by the full Select Board, whose decision will be binding. The Select Board and its individual members should structure requests so that they deal only with retrieval of documents and data, and so that such requests minimize the need for additional work. Select Board requests for opinions and recommendations on specific items will go through the Town Manager or his/her designee.

Notwithstanding the above, it is imperative that the Select Board receive the professional observations, opinions, ideas, criticisms and concerns of the Town Manager and town staff.

Town employees are often more keenly aware of issues and opportunities, and, if Select Board action is required to advance or correct the issue, it needs to be actively communicated to the Select Board by the Town Manager. Such communication may take one of several forms, including (a) discussion at bi-weekly meeting of Chair and Town Manager, (b) a paragraph in the written Town Manager's report at each regular meeting of the Select Board, (c) verbal comments at the annual Select Board/Town Manager retreat or (d) comments directly from town staff within Select Board meetings or as designated by the Town Manager. All Select Board members should recall, however, that they are not permitted to act individually to resolve any such issues so communicated, nor to interfere with the Town Manager's role; action by the full Select Board is still required, while respecting appropriate roles for the Select Board and Town Manager. The Select Board should encourage the Town Manager to rely on the professional input of the town employees to better inform decisions that affect town government operations.

Select Board members must always abide by the Select Board > Manager > staff communication / "chain of command" structure. Select Board members should refrain from entering into discussion with town staff (town staff defined as all town employees except the Town Manager) regarding conditions of employment and management issues. If town staff member begins such a discussion, the Select Board member should ask the employee to discuss this matter with their supervisor. These limits are set so as to preserve the "chain of command" and the Select Board member's neutrality when and if the condition of employment rises to a level in which the Select Board must participate as arbiter.

Procedural responsibilities of Select Board

The Select Board will use the following norms/rules in conducting its duties and responsibilities:

1. Select Board will hold regular public meetings (currently held on alternate Mondays), at which it will conduct its regular business. All Select Board members will use best efforts to attend each meeting. At least 3 members of the Select Board must be present to vote on issues. A majority vote of those Select Board members present is required for approval of any action.
2. Select Board members agree to observe Meeting Ground Rules as presented in Appendix B.
3. It will be a goal to complete each Select Board meeting within a 2 and a half-hour time limit. A longer meeting will be conducted with the consent of a majority of Select Board members in attendance at that meeting.
4. Robert's Rules of Order will be used as a guide for conducting each meeting. Deviations from Robert's Rules will be allowed if agreed upon by a majority of members.
5. An agenda for each regular Select Board meeting will be prepared by the Select Board Chair and Vice-chair in collaboration with the Town Manager. Each Select Board member is encouraged to recommend to the Chair agenda items for upcoming meetings. The agenda will be posted at prominent places within the town, and will be distributed to each Select Board member and to other interested parties at least 3 days in advance of the meeting.
6. Special meetings of the Select Board may be held at the request of the Chair or upon the request of a majority of Select Board members. Such special meetings will be held to conduct business of a time-sensitive nature or when the amount of business to be conducted by the Select Board

requires more time than available in regular meetings. Public notice and agenda will be posted in advance of special meetings, and no business outside of the posted agenda may be conducted at that special meeting.

7. The Select Board conducts several workshops each year to perform informational, educational or deliberative functions. No formal action (voting) is conducted at these workshops (any action will be taken at a forthcoming Select Board meeting.) Select Board workshops will be held according to an Annual Select Board Workshop Schedule, which will be published no later than August 31st each year, but which can be modified at any time. All workshops are open to the public.
8. Each Select Board member will swear an Oath of Office before the Town Clerk, as stipulated by State statute, after election, or as soon as practicable thereafter, and in accordance with 30-A M.R.S.A. § 2526(9), 6/6/2011 and before participating as a Select Board member in any Town business.
9. Each Select Board member is expected to use best efforts to complete the training courses listed in Appendix A within 6 months of initial election.
10. All Select Board members will certify that they have completed mandatory training including, but not limited to, The National Incident and Management System and Maine's Freedom of Access Act.
11. Select Board members are free, and are encouraged, to communicate with members of the public, but should realize that they are not empowered to act individually on behalf of the town. Any requests from the public for information or action should be directed to Town Manager or his or her designee.
12. Select Board members are expressly forbidden to conduct town business outside of a duly posted public forum. Thus, they should use discretion whenever they find themselves together in groups of 3 or more. It would be best to disperse any such group of 3 or more members.
13. Select Board members should use discretion in communicating via email. Specifically, individual members should not address other members as a group via email, and should refrain from emailing any other individual Select Board members. The recommended procedure for distributing information via email is for an individual to communicate only with the Chair or the Town Manager. The Town Manager will, in turn, distribute any information to the entire group of Select Board members. It is understood that all email documents and communications between or among any town officials are a matter of public record.
14. Telephone communication between two Select Board members is permitted, but phone conversation among more than two Select Board members is prohibited. Select Board members are not permitted to participate in meetings via telephone.
15. The Select Board By-laws (see Appendix C) are incorporated by reference.

Conflict with Laws

Any conflict or inconsistency between these Roles and Responsibilities and any applicable law shall be resolved in favor of the law.

Amendments

These Roles and Responsibilities, or any provision thereof, may be waived on any occasion by majority vote of the Select Board unless otherwise provided by law. These Roles and Responsibilities may be amended at any time in writing by majority vote of the Select Board.

Appendix A

ORIENTATION OF NEW SELECT BOARD MEMBERS

AFTER ELECTION:

- Take oath of office from Town Clerk
- Fill out w-2 with Finance Director

Things to do, read and know before attending your first meeting:

- Select Board Roles & Responsibilities
- Select Board By-laws
- Town Manager Roles & Responsibilities
- Town Manager Contract
- Procedures for appointments to boards and committees
- Executive sessions law and procedures
- Chain of command with employees
- Financial Procedures
- Current agenda items
- Current and pending contracts
- E-mail addresses and phone contacts for other board members and town officials
- Become familiar with the Maine State Statutes site. Title 30-A Municipalities and Counties web site: <http://www.mainelegislature.org/legis/statutes/30-A/title30-Ach0sec0.html>

Sign up and attend ASAP:

- Maine Municipal Association (MMA) training for Newly Elected Officials workshop and other relevant workshops
- National Incident Management (NIMS) course- (Can be done online)

As you can, but sooner than later, it is a recommendation to read the Town Policies:

- Personnel Policy
- Purchasing Policy
- Disbursement of employees' wages Policy
- Disbursement of state fees Policy
- FOAA, NON-FOAA complaint Policies
- Public Communication Policy
- Investment Policy and Fund Balance Policy
- Annual Board Chairs Meeting procedures
- Disposition of tax acquired properties Policy
- Government TV Policy and Procedures
- Mailbox Guidelines
- Pre-Holiday Closing Policy
- Warrant article petition Policy
- Rentals of Town Hall and Beach Property

Read Town Ordinances:

- Land Use Ordinance
- Conflict of Interest and Recall Ordinance
- General Assistance Ordinance
- Animal Ordinance
- Communication Towers Ordinance
- Firearms Ordinance
- Fire Department Ordinance
- Flood Plain Ordinance

- E-911 Ordinance
- Mass Gathering Ordinance
- Noise Ordinance
- Sludge Ordinance
- Solid Waste Ordinance
- Snow Plow Ordinance
- Readfield Corner Parking Ordinance
- Readfield follows state law pertaining to fireworks. There is no local policy or ordinance at this time, so please read the state law.

Know the following Town Plans:

- Emergency Operations Plan (EOP)
- Capital Improvement Plan (CIP Plan)
- Comprehensive Plan

Meetings that can take place:

- Workshops
- Public Hearings
- Ad hoc committees
- Annual Select Board Retreat
- Select Board members attend the Annual Chairs meeting

As time allows:

- Read MMA Elected Officials Manual
- Become familiar with Town website: www.readfield.govoffice.com/
- Walk the Trail system
- Tour the Transfer Station

- Tour the cemeteries
- Tour town roads
- Walk the sidewalk
- Know the Town buildings we are responsible for
- Read the Inter local Agreements: (Transfer Station and Maintenance)
- Attend other board, committee, and commission meetings
- Write articles for Readfield Messenger: (people love information)

Update yourself on various committees and boards working on future projects:

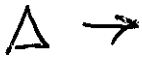
- Library Status
- Fire Station
- Athletic Fields
- Conservation and Open Space Plan
- Town Farm Forest Plan
- Try to stay involved in the RSU 38 budget process
- Attend municipal and RSU 38 school budget meetings in spring

Miscellaneous:

- Be on time for meetings
- Be prepared with what is in the packet; do your homework
- Review an accounts payable and payroll warrant with someone before taking one on yourself
- Return calls, e-mails, questions, etc. from residents AFTER researching the information
- No questions are ever stupid
- Can't please everyone, so don't try
- Don't act on your own as a board member. Be careful how you speak and state something to anyone.

- You can call any other board member anytime
- You can call the Town Manager anytime
- If there is something you want on the agenda, talk to the Chair
- If you receive a letter from a resident, you should pass it on to JUST the Town Manager, and he/she and the Chair can decide to pass on to the rest of the Select Board (unless it is a complaint about the Town Manager which would go directly to only the Chair)
- Don't EVER respond to anyone on behalf of the Select Board, except to relay voted positions
- Remember there are 5 on the board that decide all town issues
- Enjoy it and have some fun
- LISTEN TO THE PUBLIC, stay upbeat and positive
- Try to get back to a resident whether by returning a call, e-mails or answering a question, after researching it
- Don't try to be a hero
- When making decisions, remember you are representing the entire community
- Admit when you are WRONG
- Vote how you really feel, don't just go with other board members
- People that voted you in like to see you attend Fireman's Breakfast, Bean hole supper, Heritage Days, etc.
- Follow chain of command with employees (This is important that you know you cannot direct any employees to do something for you nor ask them questions concerning information about their job)
- DON 'T TAKE THINGS PERSONALLY!!!

Appendix B



Meeting Ground Rules

Ground rules are the rules of conduct by which the Select Board members as a group agree to abide during a meeting. Ground rules are helpful because they explicitly spell out behavior and procedures that people normally consider fair but sometimes abandon in the heat of the discussion.

Behavioral ground rules identify norms for behavior. The Readfield Select Board members agree that:

- 1) We will treat each other and the public with respect.
- 2) We will not use language or tone intended to dismiss or belittle any individual or group.
- 3) The Board may disagree or have differing opinions amongst itself or with members of the public. Active listening shall be practiced by all board members and the public in an attempt to understand and resolve the underlying issues.
- 4) We will advocate for public participation providing it enhances the decision making process to informed decisions incorporating the interests and concerns of the whole community.

Procedural ground rules include any guidelines for how meetings will proceed. The Readfield Select Board members agree that:

- 1) When one Select Board member leaves a Select Board meeting for the duration of the meeting in progress, all discussion on the topic being discussed at the time the member leaves shall stop. If a Board member has to leave the meeting temporarily, the discussion may continue and a vote on the topic may be taken if a motion is made and seconded. In any situation where a Board member has to leave a meeting, the member has the responsibility to inform the Chair if the member plans to return to the meeting in progress and whether the member would like to be included in a vote on the topic under discussion.
- 2) The agenda shall suggest the amount of time for open discussion on any topic and the Select Board will agree or modify those suggestions at the beginning of each meeting. A time allowance for each agenda item will be provided as part of the agenda.
- 3) The Chair shall be in charge of running the meeting.
- 4) All Select Board members will be given adequate, reasonable and equal opportunity to express an opinion on every issue. The Chair will recognize each member, in turn, to give their opinion. If additional discussion on a topic is necessary, beyond time allowed in the agenda, the Chair will agree to schedule it for an upcoming meeting.
- 5) Meetings will begin on time and end on time. The meeting cannot extend beyond 2.5 hours without an affirmative vote by the board.

Substantive ground rules describe what content will be covered during the meetings.

The Chair shall suggest substantive rules for each topic on the agenda and the Select Board will

agree or modify them at the beginning of each meeting. If the substance of a topic is expected to be open for any conversation, the topic will be listed as "Open".

Code of Ethics for Public Participation Practitioners

The International Association of Public Participation (IAP2) Code of Ethics for Public Participation Practitioners supports and reflects IAP2's Core Values for the Practice of Public Participation. The Core Values define the expectations and aspirations of the public participation process. The Code of Ethics speaks to the actions of practitioners.

Preamble

As members of IAP2, we recognize the importance of a code of Ethics, which guide the actions of those who advocate including all affected parties in public decision-making process. In order to fully discharge our duties as public participation practitioners, we define terms used explicitly throughout our Code of Ethics. We define stakeholders as any individual, group of individuals, organizations, or political entity with a stake in the outcome of a decision. We define the public as those stakeholders who are not part of the decision-making entity or entities. We define public participation as any process that involves the public in problem-solving or decision making and that uses public input to make better decisions.

This Code of Ethics is a set of principles, which guide us in our practice of enhancing the integrity of the public participation process. As practitioners, we hold ourselves accountable for these principles and strive to hold all participants to the same standards.

- 1) **PURPOSE:** We support public participation as a process to make better decisions that incorporate the interests and concerns of all affected stakeholders and meet the needs of the decision making process.
- 2) **ROLE OF PRACTITIONER:** We will enhance the public's participation in the decision making process and assist decision makings in being responsive to the public's concerns and suggestions.
- 3) **TRUST:** We will undertake and encourage actions that build trust and credibility for the process among all the participants.
- 4) **DEFINING THE PUBLIC'S ROLE:** We will carefully consider and accurately portray the public's role in the decision making process.
- 5) **OPENNESS:** We will encourage the disclosure of all information relevant to the public's understanding and evaluation of a decision.
- 6) **ACCESS TO THE PROCESS:** We will ensure that stakeholders have fair and equal access to the public participation process and the opportunity to influence decisions.
- 7) **RESPECT FOR COMMUNITIES:** We will avoid strategies that risk polarizing community interests or that appears to "divide and conquer."
- 8) **ADVOCACY:** We will advocate for the public participation process and will not advocate for interest, party or project outcome.
- 9) **COMMITMENTS:** We ensure that all commitments made to the public, including those by

the decision makers, are in good faith.

- 10) **SUPPORT OF THE PRACTICE:** We will mentor new practitioners in the field and education decision makers and the public about the value and use of public participation.

Appendix C

Bylaws of the Select Board of the Town of Readfield adopted initially on 09/02/03 and as part of the Select Board Roles and Responsibilities on 06/03/10, amended July 6, 2011, and amended February 13, 2012, amended October 10, 2012, Updated on Oct 21st, 2013 with all amended dates listed above, amended February 10, 2014.

Section 1. Purpose and Scope

The purpose of these Bylaws is to establish reasonable rules of procedure for Select Board (hereinafter referred to as the "Board") meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These Bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

Section 2. Officers; Duties

Officers of the Board shall consist of a Chair and a Vice Chair. These officers shall be chosen annually at the first regular meeting in July of each year by and from among Board members unless otherwise provided by law. The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings and to take such other action as may be necessary and not inconsistent with these Bylaws or other law to enable the Board to perform its duties and conduct its affairs. The Chair also shall, together with the Town Manager, set the agenda in accordance with Board agenda policy for each meeting. In the absence of the Chair, the Vice Chair shall preside and shall have the same authority as the Chair. In the event of the absence at a scheduled meeting of both the Chair and the Vice-Chair, the Board members present shall elect a Chair Pro Tem from amongst those members present to conduct the meeting.

Section 3. Meetings

Regular meetings of the Board shall be held every other Monday throughout the year or as rescheduled by a majority vote of the Board. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board, provided; however, that notice thereof shall be given to each member and to representatives of the press at least four days in advance of the scheduled meeting, except in case of extraordinary circumstances know the meaning when notice shall be given by the fastest and earliest means possible. No business may be conducted other than as specified in said notice for the call of the meeting.

Notice of all Board meetings shall be given as required by law and by Board policy, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board members being present. The order of business at

regular meetings shall be as follows:

- a) Call to order and roll call
- b) Pledge of Allegiance to American flag
- c) Review and approval of minutes of the previous meeting
- d) Approval of warrants for payments of all Town expenses
- e) Oral and written communications among Select Board and other Town offices, including reports from Select Board members, Town Manager, Town Clerk, Town Boards, Commissions and Committees
- f) Appointments and reappointments
- g) Old (unfinished) business
- h) New business
- i) Other
- j) Executive session
- k) Public Communications
- l) Adjournment

△ → The Town Manager or the Town Manager's designee shall act as secretary at Board meetings. The duties of the secretary shall be to prepare agendas of all Board meetings, take minutes of Board meetings, maintain records of the Board, and at the Chair's direction, prepare correspondence for the Board and perform other duties as are normally carried out by a secretary. The secretary shall keep a record of all resolutions, votes, transactions, correspondence, findings and conclusions of the Board. Minutes of Select Board meetings will include a brief summary of each agenda item, as well as roll call vote on the issue. All records of the Board shall be deemed public and may be inspected with reasonable notice during normal business hours.

Vacancies in the position of either the Chair or Vice-Chair positions shall immediately be filled by regular election procedures.

Section 4. Hearings

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings be given as required by law and Board policy and shall include the date, time and of the hearing and-a general description of the subject matter.

The Chair shall convene all hearings by describing the purpose of the hearing and general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided; however, that formal rules of evidence shall not apply. Each party shall have right to present its case in the order determined by the Chair and without interruption, provided; however, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, each party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided, however, that the Chair may impose such other reasonable

limitations as may be necessary to prevent an abuse of process.

Section 5. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its membership present and voting unless otherwise provided by law.

No Board member may participate or vote on any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a Board member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.

Section 6. Decisions

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore.

All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 15 days of its original decision, provided; however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 15 days. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

Section 7. Conflict with Laws


Any conflict or inconsistency between these Bylaws and any applicable law shall be resolved in favor of the law.

Section 8. Waivers; Amendments


These Bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These Bylaws may be amended at any time in writing by majority vote of the Board.

Roles and Responsibilities of the Readfield Select Board, adopted June 3, 2010, amended August 30, 2010, amended July 6, 2011, amended February 13, 2012, amended October 10, 2012, updated on October 21, 2013 with all amended dates listed above, amended February 10, 2014.

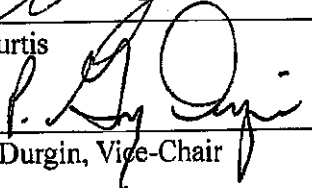
Select Board for the Town of Readfield:



Lawrence Dunn



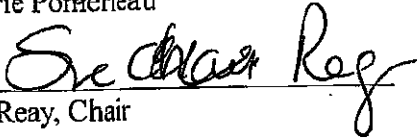
Allen Curtis



P. Greg Durgin, Vice-Chair



Valarie Porterleau



Sue Reay, Chair

Signed this 10th day of February 2014

Unfinished Business

16-014

Set a Process to Review and Update Solid
Waste Fees

Unfinished Business

16-015

Review a Job Description for the Full-Time
Maintenance Position

Town of Readfield

Maintenance / Deputy Road Commissioner – Job Description

Nature of Work

This position is responsible for general maintenance for all Town buildings, grounds, equipment, and road infrastructure; performing minor highway maintenance; winter plowing of parking lots, hydrants, and sidewalks; supervising road maintenance and reconstruction as delegated; maintaining or scheduling maintenance of all Town equipment; janitorial duties, and any other duties as directed by the Town Manager.

Requirements of Work

- Ability to work independently or with minimal supervision efficiently;
- Possess the initiative to identify and complete tasks;
- Ability to perform manual labor tasks;
- Ability to organize personal work schedule;
- Ability to communicate clearly and courteously with fellow employees, and the general public;
- Ability to work a flexible schedule;
- Ability to supervise part-time workers and contractors;
- Ability to use and maintain tools and powered equipment used in various maintenance and repair tasks, including one-ton truck, tractor, backhoe, mowers, chainsaws, etc;
- Possess a current Maine Driver's License, with a clean driving record.

Duties & Responsibilities (Which include but are not limited to:)

Basic Road, Building and Property Maintenance Duties:

- Serve as Deputy Road Commissioner, if so appointed by the Road Commissioner
- Review conditions of Town roads on regular basis at Road Commissioner's direction;
- Mark road defects with paint, cones or signs;
- Patch potholes with cold mix, and perform other minor road and shoulder repairs using Town tools and equipment (i.e. Town truck and backhoe);
- Cut and remove roadside brush;
- Mow roadsides annually with Town tractor;
- Order, install and replace road signs;
- Pick up and dispose of trash or large items disposed on Town roadsides;
- Perform general carpentry work and related duties for minor building repairs, as needed and approved;
- Assist Town Office staff, Librarian and Fire Department officers with building issues, as directed by Town Manager;
- Plow snow and sand all Town parking lots, sidewalks, specified conservation properties, Fire Department hydrants, and the Town sidewalk using Town equipment (i.e. town truck, plow and sander, Loader, backhoe, and snow blowers);
- Hand-shovel or snow-blow and sand all entry ways and walkways of Town Buildings according to separate schedules, as directed by Town Manager;
- Clean winter sand from walkways, sidewalk, and grounds in spring;
- Clean exterior of buildings annually or as directed;
- Assist with equipment maintenance at the Transfer Station;
- Supervise the mowing crew in the absence of the Sexton/Groundskeeper, or when directed;
- Schedule and monitor contractors for all projects as directed;
- Perform Transfer Station and grounds keeping duties in the absence of those employees, and as directed;

Town of Readfield

Maintenance / Deputy Road Commissioner – Job Description

- Monitor all Town buildings and associated systems, assist with planning yearly building maintenance and improvements, implement or supervise all maintenance and improvements;
- Assist Road Commissioner with planning yearly road maintenance and improvements, maintain RSMS software, implement or supervise all road maintenance and improvements as directed;
- Maintain and/or schedule all maintenance of all Town equipment;
- Perform any regional tasks as defined in an interlocal agreement for services;
- Supervise part-time or seasonal workers hired for assistance with any of the above duties;
- Attend relevant committee meetings as directed by the Town Manager
- Perform additional tasks as directed and/or as negotiated with the Town Manager

Daily Town Office Janitorial Duties (may be delegated to other employees by Town Manager):

- Vacuum and/or mop Town Office entrance, stairs & customer waiting area, as needed;
- Clean restroom sinks and toilets;
- Check trash and recycling for removal, if needed

Weekly Janitorial Duties (may be delegated to other employees by Town Manager) at the Town Office, Fire Station, and Library:

- Vacuum all floors weekly or as directed;
- Clean vinyl and wood floors;
- Collect and remove rubbish from all buildings and grounds;
- Maintain inventory of cleaning supplies;

Annual, Semi-annual or as-needed Janitorial duties at all Town buildings (may be delegated to other employees by Town Manager):

- Wax vinyl and wood floors;
- Change building screens and wash windows;

Desirable Experience and Training

- High School Graduate;
- Experience in building and grounds maintenance;
- Plowing and sanding experience;
- Clean driving record, CDL desirable;
- Basic mechanical & mathematical skills;
- Accurate record keeping and computer skills;
- Clear communication skills;
- Experience supervising other employees and working with contractors;
- Willingness to train and gain additional skills as needed for the position;
- Or any equivalent combination of experience and training.

Hired and Supervised by the Town Manager.

- This is a permanent full-time position; hired and supervised by the Town Manager; and is subject to all applicable terms of Readfield's personnel policies and collective bargaining agreements.
- This is a unionized position.

Readfield is an Equal Opportunity Employer

Unfinished Business

16-022

Decide a course of action to address the
paving at the Transfer Station parking lot

Town of Readfield Road Committee

Draft Meeting Minutes- October 15, 2015

Members present; John Parent, Laurence Perkins, Linwood Reay, Jr., John Stanley and alternate David Linton who voted because of a vacancy.

Guests present; Eric Dyer, Mark Birtwell, Al Curtis, Tom Dunham and Roland Cote

1. The meeting was called to order by vice chair Perkins at 4:00 PM.
2. The first order of business was to open two properly submitted bids for the culvert installation. The bids were Steve McGee Construction \$9,850 and Cushing Construction \$4,300. After thorough discussion, the committee voted unanimously to recommend that the contract be awarded to Cushing Construction. Additional discussion occurred regarding the size of the culvert to be installed. Due to the conflicting minimum size culvert requirements in the road section of the town's land use ordinance, the committee voted unanimously to recommend the use of a 15" culvert for this installation due to the unique physical characteristics at the culvert.
3. The meeting was recessed at approximately 4:45 PM so the committee could travel to the transfer station to review the next agenda item.
4. The meeting was re-convened at the transfer station at approximately 5:00 PM. The purpose of this item was to review the recent paving that had been done at the transfer station by Wellman Paving. Eric Markin of Wellman was there to answer questions and provide additional information as needed. The committee voted unanimously to recommend to the select board that the town request that Wellman provide a 1-1/2" final surface coat next spring at no additional cost to the town. The committee also agreed that there are existing drainage problems that the town is responsible for that should be taken care of before the final coat of pavement is placed.

Respectfully submitted,

Laurence Perkins. Vice chair

New Business

16-023

Review & Set Meeting Ground Rules

New Business

16-024

Accept Board Goals as Identified at the
October 9th Retreat

Select Board Workshop 10/9/15 - Timetable for the goals and assignments

FY 16	FY 17	FY 18	FY 19	FY 20	Assignments
Goal #1 Secret ballot: set up and run process with broad public input and 3d party facilitator; make recommendation					Bruce & Val
Goal #2 Communication and trust: set systems in place	Ongoing	Ongoing	Ongoing	Ongoing	Bruce & Chris
Goal #3 Manager: building working relationship	Ongoing	Ongoing	Ongoing	Ongoing	Val
Goal #4 Road Plan	Ongoing	Ongoing	Ongoing	Ongoing	Tom & Chris
Goal #5 Finances	Ongoing	Ongoing	Ongoing	Ongoing	Bruce & Al
Goal #6 GIS System Gathering and mapping information	Look for financing	Start up GIS system and begin integrating information; develop more funding	Add more data and assess impact	More data and more impact	Eric, Al & Val
	Goal #7: Broad band capability town wide Do background work and investigation	Ongoing	Up and running		Eric
Goal #8 Develop a technology plan Develop a plan	Execute the technology plan and reevaluate it	Reevaluate	Reevaluate annually	Keep technology current	Al & Chris
	Goal #9: Welcoming business: develop a plan	Execute plan	Ongoing	Ongoing	Chris & Tom
	Goal #10: Energy have an energy plan. Do a current cost analysis	Pick an easy first step	Consider larger options	Ongoing	Bruce & Eric

New Business

16-025

FOAA Process, Training, & Policy Update

**TOWN OF READFIELD, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE MAINE FREEDOM OF ACCESS ACT**

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. The purpose of these rules are to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

"FOAA" means Freedom of Access Act.

"Requestor" means person who submits a request for public records under the provisions of the FOAA.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested ^{but not required} to be submitted to the Town Clerk, who is appointed as the Town Public Access Officer at the following addresses:

Town Clerk
Readfield Town Office
8 Old Kents Hill Rd.
Readfield, Maine
04355

OR:
(207) 685-4939
readfield.clerk@roadrunner.com

Written or oral requests submitted to Town Officials or Town employees other than the Town Clerk will be referred to the Town Public Access Officer for processing and response. The public access officer will confer with the Town Manager as needed regarding any information request. The public access officer shall be responsible for ensuring that each records request is acknowledged and that an estimate of the response time is provided, but a request must be acknowledged and responded to

See wording of the beginning of this paragraph
(regardless of whether it was delivered or directed to the public access officer.) Also, a response may not be delayed due to the unavailability of the public access officer.

4. FORM AND CONTENT OF REQUEST

Do we need an assistant

Requests in accordance with the FOAA and the Town of Readfield Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor's convenience, e-mail shall be considered a written request.

by state law

The following information is requested when submitting a FOAA request:

A. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.

B. A brief description of the public records being sought, being as specific as possible.

If you do not know what document you are seeking please state which specific information is being sought. MAY fall under Unduly Burdensome and Oppressive Request.

C. Whether the request is for inspection of public records, copies of public records, or both.

5. TIMELINE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The town shall respond to a request in a "reasonable time" after the receipt of such request, and must provide a good faith non-binding estimate of the response time and must make a good faith effort to respond within that time.

Should a request be denied by the Town, the requestor shall be notified of the reasons for the denial within 5 working days.

Factors defining "reasonable time" shall include administrative work load, complexity of request or amount of staff time required to fill request.

6. TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

After review of a request for public records, the Town may either provide the materials; give notice that the materials shall be made available upon payment of reproduction costs and/or staff time, or give notice of the time and place for inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s)

for the denial.

The town may request additional clarification concerning what public records are sought before responding to a request.

Acknowledgement of receipt of request. PL 2013, c. 1216 amends 1 M.R.S.A. (SS) 408-A to require officials to acknowledge receipt of a public records request within five working days. (A good faith, nonbinding estimate of when the request will be fulfilled, along with a cost estimate, must still be provided "within a reasonable time.") Also, if an official refuses a request but fails to provide written notice of denial, stating reasons, within five working days (a longstanding requirement), this is now considered a failure to allow inspection, which is subject to appeal to Superior Court within 30 days (formerly five working days). Effective 10/9/13

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOAA request has been denied may appeal in accordance with the requirements of Maine Law.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS

Inspection of records at Town Offices – generally, public records will be made available for inspection during normal working hours of the Readfield Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Readfield Town Office.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Person requesting copies can also request the public access officer to make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged. A request for a copy need not be made in person or in writing.

Town is not required to create a record that does not already exist.

Access to electronically stored records must be provided either as a printed document

or in an electronic medium in which the record is stored at the requestor's option, except that an agency ~~or~~ official is not required to provide access to a computer file if they have no ability to separate or prevent disclosure of confidential information in that file. The law does not require the Town to provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or usable format in order to provide access to it, the Town may charge for the actual cost of conversion.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the "fee schedule" as approved by the Select Board.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act. Current law authorizes a charge of up to \$ 15.00 per hour after the first hour of staff time.

Should a requestor make a request requiring Town employee ^{or officials} time to fill such request, which exceeds the allowable "free" time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed \$100 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by requestor through the Town's payment warrant system.

10. STATE PUBLIC ACCESS OMBUDSMAN

The new law funds an Assistant State Attorney General position to serve as a Public Access Ombudsman. The Ombudsmen's duties include working to informally resolve complaints by the public and public officials concerning FOAA and, upon request, issuing advisory opinions on the interpretation of and compliance with the FOAA.

Link to FOAA www.maine.gov/foaa

Amended 11/05/2012

Legal notes in the October 2013 Maine Townsman:

New FOAA Amendments:

Subscriber email addresses for noninteractive notices, etc. PL 2013, c. 339 amends 1 M.R.S.A. (SS) 402(3) to except from the definition of "public records" email addresses obtained by a political subdivision of the State, such as a municipality or school district, for the sole purpose of disseminating non-interactive notices, updates and cancellations. Subscriber email addresses for newsletters are not included in this exception, however, and remain a public record. Effective 10/9/13


Concealed handgun permit holder personal information. PL 2013, c. 54 amends 25 M.R.S.A. (SS) 2006 to make confidential all personally identifying information on all concealed handgun permits issued. (The law has long made confidential all permit applications and all permit denials.) The only information that remains public on issued permits is the municipality of residence, the date of issuance, and the date of expiration. Effective prior to Legislature adjournment 2013

Veterans' property tax exemption applications. PL 2013, c. 973 amends 36 M.R.S.A. (SS) 653 (1) to make confidential all applications and supporting materials for veterans' property tax exemptions. Any record showing that a veteran's exemption has been granted remains public, however. Effective prior to Legislature adjournment 2013.

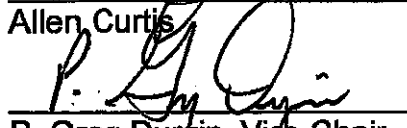
Select Board for the Town of Readfield:



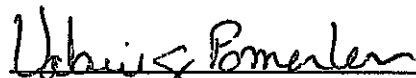
Lawrence Dunn



Allen Curtis



P. Greg Durgin, Vice-Chair



Valarie Pomerleau



Sue Reay, Chair

Signed this 10th day of February 2014

New Freedom of Access Act Laws 127th Maine Legislature – First Regular Session

Three bills enacted this session amend the responsive time frames and appeal procedures in the Freedom of Access Act and create a judicial remedy for unduly burdensome requests. The general effective date for non-emergency laws passed in this session is **October 15, 2015**.

Remedy for Unduly Burdensome and Oppressive Requests

LD 1086 – An Act To Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests
P.L. 2015 ch. 248

This Act establishes a remedy for those limited situations where a State or local agency is faced with a FOAA request so extensive that it creates an undue burden on the agency. Using the rules of court as a model, this Act provides a parallel to the discovery procedures that allow parties in litigation to seek a protective order limiting their obligations to produce documents on a showing of undue burden or oppression.

Upon a showing of good cause, the court can establish the terms of production and limit or deny the request. If the court finds that the agency or official has not demonstrated good cause, the court shall set a date for production of the responsive records.

File action in Superior Court within 30 days of request

Notice to requester 10 days before filing

Document terms of request, good faith estimate and efforts to clarify or modify

<http://legislature.maine.gov/legis/bills/getDoc.asp?id=49792>

Sec. 1. 1 MRSA §408-A, sub-§4, as amended by PL 2013, c. 350, §2, is further amended to read:

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in subsection 4-A are followed. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

Sec. 2. 1 MRSA §408-A, sub-§4-A is enacted to read:

4-A. Action for protection. A body, an agency or official may seek protection from a request for inspection or copying that is unduly burdensome or oppressive by filing an action for an order of protection in the Superior Court for the county where the request for records was made within 30 days of receipt of the request.

A. The following information must be included in the complaint if available or provided to the parties and filed with the court no more than 14 days from the filing of the complaint or such other period as the court may order:

(1) The terms of the request and any modifications agreed to by the requesting party;

(2) A statement of the facts that demonstrate the burdensome or oppressive nature of the request, with a good faith estimate of the time required to search for, retrieve, redact if necessary and compile the records responsive to the request and the resulting costs calculated in accordance with subsection 8;

(3) A description of the efforts made by the body, agency or official to inform the requesting party of the good faith estimate of costs and to discuss possible modifications of the request that would reduce the burden of production; and

(4) Proof that the body, agency or official has submitted a notice of intent to file an action under this subsection to the party requesting the records, dated at least 10 days prior to filing the complaint for an order of protection under this subsection.

B. Any appeal that may be filed by the requesting party under section 409 may be consolidated with an action under this subsection.

C. An action for protection may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require upon the request of any party.

D. If the court finds that the body, agency or official has demonstrated good cause to limit or deny the request, the court shall enter an order making such findings and establishing the terms upon which production, if any, must be made. If the court finds that the body, agency or official has not demonstrated good cause to limit or deny the request, the court shall establish a date by which the records must be provided to the requesting party.

Deadlines and Appeals

LD 1087 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals
P.L. 2015, ch. 249

This Act allows agencies to provide a preliminary denial prior to a complete review of records and makes technical changes to the appeal process. Under current Freedom of Access law, an agency or official has 5 working days after receiving a request to issue a written denial. This Act allows an agency to respond within the 5 working day time frame by explaining that some or all of the responsive records are likely to be denied once they are located and reviewed.

Agency or official has 5 working days after receipt of request to deny or state that some or all responsive records may be denied upon review

An appeal can be brought in the Superior Court where either the requester or agency is located, rather than anywhere in the State, which conforms to the APA appeal provision. When an appeal is filed, the agency is required to file a statement of position explaining the basis of its action, as is the case with other appeals of final agency actions, rather than a formal answer (as in civil litigation.) The court is not required to have a “trial de novo,” a concept that has confused everyone because the court is reviewing agency action. Instead, the reviewing court has the

discretion to require testimony and other evidence in considering the merits of an appeal, should that be needed. (This is how the courts have actually handled these appeals.)

<http://legislature.maine.gov/legis/bills/getDoc.asp?id=49775>

Sec. 1. 1 MRSA §408-A, sub-§4, as amended by PL 2013, c. 350, §2, is further amended to read:

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide, within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial, ~~within 5 working days of the receipt of the request for inspection or copying, or the expectation that the request will be denied in full or in part following a review.~~ Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

Sec. 2. 1 MRSA §409, sub-§1, as repealed and replaced by PL 2013, c. 350, §3, is amended to read:

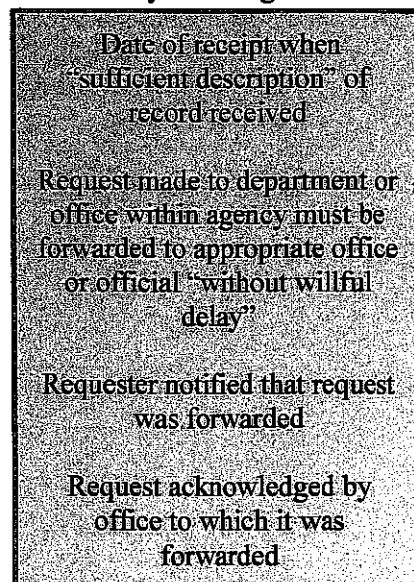
1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to any the Superior Court within the State ~~as a trial de novo for the county where the person resides or the agency has its principal office.~~ The agency or official shall file ~~an answer~~ a statement of position explaining the basis for denial within 14 calendar days of service of the appeal. If a court, after a ~~trial de novo~~ review, with taking of testimony and other evidence as determined necessary, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

Receipt of a Request for Public Records

LD 1085 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Receipt of a Request for Public Records
P.L. 2015, ch. 317

This Act attempts to clarify the responsive time frames already in the law by defining when a request for public records is received by an agency and requiring that an agency with offices in different locations forward a request that is made to an office within that agency that does not maintain the records.

The date a request for public records has been made is the date a “sufficient description” of the record is received by the agency or official at the office that maintains the record. A request for records that are maintained by the agency but not maintained by the office of the agency that received the request must be forwarded to the appropriate office or official within the agency “without willful delay.” The requester must be notified that the request has been forwarded. The forwarded request must be acknowledged by the office to which it was forwarded within 5 working days of receipt.



<http://legislature.maine.gov/legis/bills/getDoc.asp?id=49910>

Sec. 1. 1 MRSA §408-A, sub-§3, as amended by PL 2013, c. 350, §1, is further amended to read:

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

Sec. 2. 1 MRSA §413, sub-§1, as enacted by PL 2011, c. 662, §8, is amended to read:

1. Designation; responsibility. Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit ~~and~~ regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged ~~within a reasonable period of time~~ 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance.

RESPONDING TO A FREEDOM OF ACCESS ACT (FOAA) REQUEST

Receipt

1. Is it a FOAA request or a request for information?
 - *Agency dissemination of information as usual course of business, not all is FOAA*
 - *If you have it and can provide it readily and it's a public record, can respond without triggering any FOAA formalities*
 - *Avoid "who are you and why do you want it" unless that information is needed to determine what level of accessibility is available for the particular requester*
 - *Request forms permissible? Yes, if not mandatory*
2. What is the date of receipt?
 - *Date a "sufficient description" is received by agency or official at the office responsible for maintaining the record*
 - *Five day acknowledgment deadline, never let it sit on your desk*

FOAA database entry

How is the agency tracking and retaining FOAA requests?

Communication

1. Do agency management, the public access officer, and the press contact need to be consulted?
2. Who has custody of responsive records?

Acknowledgment

1. Acknowledge receipt of request within 5 working days of receipt of the request. [§ 408-A(3)]¹
2. Date of receipt is date a "sufficient description" of the record is received by the agency or official at the office responsible for maintaining the record. (*Effective October 15, 2015*)
3. Forward a request made to a department or office within an agency to the office or official who maintains the record "without willful delay." (*Effective October 15, 2015*)
4. Notify the requester that the request was forwarded within the agency (*Effective October 15, 2015*)
5. A forwarded request must be acknowledged by the office to which it was forwarded within 5 working days of receipt of the request.

Estimate

1. Provide an estimate of time within which the agency will comply with request within a reasonable amount of time of receiving the request. [§ 408-A(3)]
FOAA requires a reasonable time frame for providing records. [§ 408-A]
Provide estimate of fees within a reasonable amount of time of receiving the request. [§ 408-A(3)]
 - Seek confirmation from requester before proceeding with response for estimate greater than \$30.

¹ All citations are to M.R.S. Title 1.

Current with legislation through the 2015 First Regular Session of the 127th Legislature.

2. Review any fee waiver request.

Clarify

1. Restate the language of the request in the acknowledgment to confirm scope and content.
2. Communicate with requester to narrow a broad request.

Notice of denial

1. Provide written notice to requester within 5 working days of receipt of the request if denying access to any public records. State reason for denial. [§ 408-A(4)]
2. If the identification of confidential records requires more time, provide an initial written notice within 5 working days of receipt of the request explaining that access to some public records may be denied after the review is complete. This notice may be combined with acknowledgement of receipt.
3. A supplemental denial or further explanation of the grounds for the denial may be provided depending on the circumstances.

Search

- ***Can you demonstrate that you conducted a search reasonably calculated to uncover all relevant documents?" Due diligence***
1. Public access officer and/or assigned staff identify who may have responsive records.
 2. Explain scope of the request such as period of time encompassed, types of public records requested and time frame for responding.
 3. Identify repositories where responsive records may be stored such as:
 - paper files (in-office, home, Records Center if relevant)
 - email in-box, drafts, deleted items, sent mail, archived emails
 - documents on computer desktop
 - documents in recycle bin
 - documents in file server folder
 - computer backup files/tapes/disks, if relevant
 4. If subject of FOAA request may have been described in electronic records (emails, word documents, etc.) using various words, determine multiple key words to be used for searching, such as:
 - names of individuals, business entities
 - project names
 - towns, cities, etc.
 - common misspellings of names
 - Note: In some circumstances, it may be helpful to agree with requester on key words.

Confidentiality review

Determine if any public records requested are confidential, privileged or otherwise protected from disclosure. [§ 402(3), 408-A]

1. Redact confidential or privileged material where reasonably possible rather than withholding entire public record.

2. If access is denied in whole or in part, provide written notice of denial and state reason for denial. [§ 408-A(4)]
3. Depending on the circumstances, including the types and numbers of records requested, written notice may take the form of a letter summarizing the reasons for denial of access or of a more formal privilege log.

Provide access

Schedule time to inspect records; provide paper copies; or provide access to an electronically stored record as either a printed document or in the medium it is stored at the discretion of the requester. [§ 408-A(5) & (7)]

Time and expense

- *Can you charge according to an agency fee schedule?*
 - *Although FOAA contemplates fees and is not free, it's not for profit, either*
 - *Requesters encounter inconsistency between agencies*
1. Track staff time, actual costs and copying fees.
 2. The invoice will account for the recorded costs and any fee waiver that has been granted.
 3. Fees:
 - Reasonable copying fee [§ 408-A(8)(A)]
 - Actual cost of searching, retrieving & compiling (compiling includes reviewing & redacting confidential information) of \$15/hour after the first hour of staff time. [§ 408-A(8)(B)]
 - Determine actual cost to convert into form susceptible of visual or aural comprehension or into usable format. [§ 408-A(7)(A) & (8)(C)]
 - Actual mailing costs. [§ 408-A(8)(E)]
 4. No charge for inspection unless public record cannot be inspected without being compiled or converted. [§ 408-A(1) & (8)(D)]
 5. Fee notification if cost is greater than \$30.
 - If estimated total cost is greater than \$30, you must inform requester (preferably in writing) before proceeding. [§ 408-A(9)]
 6. Fee notification if cost is greater than \$100.
 - If estimated total cost is greater than \$100, requester may be required to pay all or portion of estimated costs before search, retrieval, compiling, conversion & copying.
 - Payment in advance may be required if requester has previously failed to pay properly assessed fee in timely manner. [§ 408-A(9) & (10)]
 7. Part or all of the fee may be waived if:
 - Requester is indigent, or
 - The agency determines release of public record requested to be in public interest because doing so is likely to contribute significantly to public understanding of operations or activities of government and is not primarily in commercial interest of requester.

Close the FOAA request

New Business

16-026

Set the date of a Board Workshop on the
Purchasing Policy

New Business

16-027

Discussion of technology plan (AV)

New Business

16-028

Consider removing the Readfield Citizens
Unite and The Voice of the Voter disclaimer
from the Town website

Eric Dyer

From: Bruce Bourgoine <bourgoine.selectboard.readfield@outlook.com>
Sent: Monday, October 26, 2015 12:05 PM
To: Valarie Pomerleau; Town Manager Eric Dyer
Subject: Agenda Items request for November 2, 2015
Attachments: Select Board Bylaws - Readfield.pdf

Dear Val and Eric;

Please place the following three items on the next Select Board agenda on November 2nd. Items 1 & 2 should be brief discussions in my estimation; item 3 may involve longer discussion.

1) A first reading to enact a policy change to "Select Board Roles and Responsibilities" (attached) on page 3, item 5 to add the below language at the end of the first sentence on line 5:

" ; or (c) any other legal matter involving town business with a good faith exception that the Chair has determined s/he must immediately act in a time sensitive emergency situation without consultation."

This item is a follow-up to discussion at our last meeting, reference 16-011.

* 2) I intend to make the following motion:

"...to remove from the Readfield town website any disclaimers regarding citizen or citizen group activities. The intent of this motion is to remove the town officially from any appearance of bias and to help foster a more open and trustful atmosphere with citizens per our stated desire at our board retreat."

It is my concern that the current and similar disclaimers exacerbate divisions in Readfield that need to be healed in part through our collective leadership as a board.

3) I believe we should discuss the trail proposal and its desirability at the former landfill. While access concerns may take additional time to work out, I think the board's support, if so desired, will help indicate priorities in regard to access that need to be considered.

Please consider me available to clarify any necessary or useful background information regarding the above items.

Respectfully;
Bruce Bourgoine
Readfield Select Board

Correspondence with public officials is subject to applicable "Freedom of Information" laws.

New Business

16-029

Other

Future Agenda Items

16-008-Approval of Amended Solid Waste
Committee Charter

16-010-Confirm Recycling and Solid Waste
Facility Agreement signed 7-22-11

16-011-2nd Reading of change to Roles &
Responsibilities of the Readfield Select
board-regarding legal contact

Fiscal Year 2016-2017 (FY17) Budget
Process

FirstPark Update

FYI'S