

AGENDA

ITEM

4.a.

**CLINTON BOARD OF SELECTMEN
MONDAY, APRIL 13, 2009
6:30 P.M.
BANQUET ROOM, TOWN OFFICE**

MINUTES

PUBLIC HEARING

**DRAFT 2009 TOWN MEETING WARRANT
BUDGET COMMITTEE RECOMMENDED FY 09/10 MUNICIPAL BUDGET**

Selectman Clark moved Board open the Public Hearing on the Draft 2009 Town Meeting Warrant and recommended FY 09/10 Municipal Budget at 6:35 p.m., second by Selectman Massey. Vote 5-0

Chairman Towne read warrant articles 3 through 39.

Resident Bruce Keezer commented on Article 23 concerning the Goodrich Road. Mr. Keezer stated the Goodrich Road is in rough shape. The condition of the road affects his quality of life, is a safety issue, and has damaged his vehicle. Mr. Keezer submitted a signed letter, addressed to the Selectmen, to be attached to the minutes.

Resident Alan Russell also asked about the Goodrich Road. Town Manager Rhodes said the end of Goodrich from Hill Road (about 20') to Central Maine Power pole 507 (0.33 of a mile) is included in this budget.

Selectman Clark moved Board close the Public Hearing at 7:22 p.m., second by Selectman Massey. Vote 5-0

PUBLIC HEARING

PROPOSED ORDINANCE RELATING TO AMENDMENTS TO THE SHORELAND ZONING ORDINANCE AND MAP BASED ON THE MAY 1, 2006 STATE OF MAINE GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES.

Selectman Clark moved Board open the Public Hearing relating to the Proposed Ordinance Amendments to the Shoreland Zoning and Map at 7:23 p.m., second by Selectman Massey. Vote 5-0

Town Manager Rhodes stated this is a state imposed ordinance; if not passed at town meeting, it will be imposed by the State of Maine and the Town will lose control of this ordinance to the State DEP.

Selectman Clark moved Board close the Public Hearing at 7:25 p.m., second by Selectman Massey. Vote 5-0

PUBLIC HEARING

PROPOSED ORDINANCE RELATING TO AMENDMENTS LAND USE ORDINANCE, SECTION 4.K. EXTRACTIVE ACTIVITIES.

Selectman Clark moved Board open the Public Hearing relating to the Proposed Land Use Ordinance Amendments to Extractive Activities at 7:25 p.m., second by Selectman Massey. Vote 5-0

Selectman Clark commended the Planning Board for a job well done on the amendments to the ordinance.

Selectman Massey said he is in favor of the amendments to Extractive Activities. Selectman Massey explained his experience living next to a pit and said these changes will help protect residential property owners, promote good business practices, and help protect the Town's interest in roads and public safety.

Selectman Clark moved Board close the Public Hearing at 7:45 p.m., second by Selectman Massey. Vote 5-0

PUBLIC HEARING

PROPOSED ORDINANCE RELATING TO AMENDMENT LAND USE ORDINANCE, SECTION 3C TABLE OF LAND USE

Selectman Clark moved Board open the Public Hearing on the Proposed Land Use Ordinance, Section 3C Table of Land Use at 7:46 p.m., second by Selectman Watson. Vote 5-0

No questions or comments at the public comment table.

Selectman Clark moved Board close the Public Hearing at 7:46 p.m., second by Selectman Massey. Vote 5-0

PUBLIC HEARING

PROPOSED ORDINANCE RELATING TO APPEALS AMENDMENTS TO LAND USE ORDINANCE SECTION 3A AND SUBDIVISION ORDINANCE ARTICLE 13, SECTION 13.1

Selectman Clark moved Board open the Public Hearing related to Appeals Amendments to Land Use Ordinance Section 3A and Subdivision Ordinance Article 13, Section 13.1. at 7:47, second by Selectman Watson. Vote -50

No questions or comments at the public comment table.

Selectman Clark moved Board close the Public Hearing at 7:47 p.m., second by Selectman Watson. Vote 5-0

ADJOURN: Selectman Nutting moved to adjourn the public hearing at 7:48 p.m., second by Selectman Massey. Vote 5-0

Respectfully submitted,

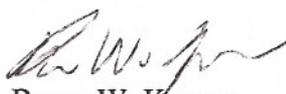
Pamela M. Violette
Town Clerk

Selectmen;

I would like to comment on the Goodrich Rd. I live in the middle of road and it is difficult at best for me to leave either direction. I like my neighbors have friends that will not visit us. Last year the Sentinel considered putting a community box at the Hill Rd. end because their drivers wouldn't come down it. The Post Office occasionally threatens to stop delivery and they drive 4 wheel drives. Personally I dread any of the many times per day I must leave, and cringe while crawling at 3-5 mph, knowing the strain it is putting on me and my vehicle. It is a quality of life issue. It is also a public safety issue; the police do not patrol it. And in the event of a health emergency road conditions will add precious extra minutes in a time of life and death. Not to mention access to fire protection services, or police protection. Residents bought houses on a paved road to avoid these problems. The town's maintenance of this road is incompetent and an embarrassment to the town. A school bus with 2 children went off the road last year due to conditions as well as L.D. Gerow truck. It should never have had gravel placed on it we went from 100 to 1000 potholes overnight. It is the only road in town that when you see a weaving driver you don't assume he's drunk you assume he knows the road, we all have our own paths. This is a major crossroad for those at this end of town. At the very least the town needs to remove the gravel, and assuming you won't the highway department must learn to watch the weather when they do bother to grade the road it is always the day before a major rainstorm. In closing we have been told that we exaggerate the road conditions and get unprofessional responses one of which was "we don't care about your property values or damage to you cars. Well this is a quick list of damage done in 6800 miles to my vehicle all documented with receipts.

Alignment	not once but 3 times. Once within 3 months, wore out tires in 2200 miles, being AWD I needed 4 tires.
Bent inner tie rod	
Ball joints	Not once but 2 times within a year
Rear Shocks	18000 miles
Broken Shock Mount	
Anti-Sway bar bushings	Not once but 2 times in 6800 miles (usually last 100000 miles or more. Destroyed buy stretching suspension.
Rear Spring shackles and bushings	
Front Struts + 4 th alignment	22000 miles, shaft bent on one, seal gone on both

This is all documented by local shops and believed to be from excessive racking of the frame and suspension of the vehicle.


Bruce W. Keezer
129 Goodrich Rd.
Clinton, Me. 04927
426-2030

April 10, 2009 TO: TOWN OF CLINTON, MAINE Fax 207-426-8323

RE: Public Hearing, scheduled April 13th at 6:30 PM

To Whom It May Concern:

We are the property owners of 129 Goodrich Road. We have several concerns regarding the deplorable condition of the Goodrich Road, at times almost impassable.

Since we live out of state, we respectfully request our concerns be recognized at the Public Hearing, scheduled for Monday, April 13th at 6:30 PM.

FIRST AND FOREMOST: SAFETY!! IF THERE WAS A MEDICAL OR FIRE EMERGENCY ON GOODRICH ROAD, NAVIGATING THE ROAD (CURRENTLY AT A SPEED OF NO MORE THAN 4-5 MILES PER HOUR) COULD BE A MATTER OF LIFE OR DEATH, OR THE LOSS OF A HOME. A SCHOOL BUS RECENTLY HAD AN ACCIDENT ON THIS ROAD DUE TO ROAD CONDITIONS.

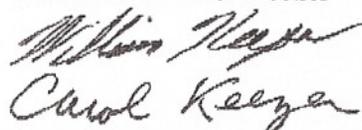
We spoke with the town manager in person (approximately Feb 09) and was told "slow down" and traversing the road would be ok. This is unacceptable during an emergency. We were also informed there was money appropriated to start the repair of the road this year (1/3 of a section in a 3 year succession until complete). Our understanding now is that a selectman has requested the money appropriated for the Goodrich Road be used to fund the Hill Road. The Hill Road is not in the deplorable condition of the Goodrich Road. Our question---does this selectman live on the Hill Road??

Next--Vehicle destruction-- (We know you don't care, but) Repair bills for our tenant's vehicle has been staggering. Over the last several months, front end and rear end work has had to be re-done due to the necessity of traveling on the Goodrich Road. Tires have had to be replaced prematurely due to the inability to keep the front end aligned. Next--The Sentinel newspaper had sent a message that they may no longer deliver newspapers to the residents of Goodrich Road. This is unfair, as taxpayers, to have this service in jeopardy.

Next--We bought the property on Goodrich Road because it was located on a paved road, NOT A DIRT ROAD that was nearly impassable. Our real estate tax dollars are reflected in that fact. Surely the sale price and the real estate taxes would have been lower had it been located on a nearly impassable dirt road.

Regards,

William and Carol Keezer



AGENDA

ITEM

4.b.

**CLINTON BOARD OF SELECTMEN
TUESDAY, APRIL 14,2009
6:30 P.M.
SELECTMEN'S ROOM, TOWN OFFICE**

MINUTES

CALL TO ORDER: Chairman Towne called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Chairman Towne led the Pledge of Allegiance.

SELECTMEN PRESENT / QUORUM: Chairman Jeff Towne, Vice Chair Joseph Massey, Randy Clark, Chester Nutting, and David Watson II. Also present Town Manager James Rhodes and Deputy Town Clerk Shirley Bailey.

ACTION ITEMS.

Approval of Selectmen's Minutes – March 24, 2009

Selectman Clark moved the Board approve the minutes of the March 24, 2009 meeting. Second by Selectman Nutting. Vote 5-0 in favor.

DISCUSSION ITEMS

Request by Dana Luce, 1135 River Road, Clinton, Maine for a Quit Claim Deed for property he bought as tax acquired in 1999.

The Board will issue a Quit Claim Deed at the April 28, 2009 Selectmen's meeting to Mr. Luce for the River Road property he purchased in 1999 from a tax foreclosure.

Public Protection Classification Survey Summary Report for Clinton, Maine: Fire Chief Gary Petley.

Fire Chief, Gary Petley gave a report to the Board regarding the ISO rating for the Fire Department, which went from a rating of 6 to 4. The Board commended Chief Petley and the Fire Department for an excellent job well done.

Proposed FY 09 / 10 Municipal Budget.

No changes.

Draft 2009 Town Meeting Warrant Articles.

Chairman Towne said Article #23 needs to be changed on the Warrant. Consensus was to delete High Street, Spring Street, and Silver Street. Add ½ mile of Hill Road. Keep Victor Lane and 1/3 mile of Goodrich Road.

Dedication of the June, 2009 Annual Report.

Annual Report Dedication decision needs to be made on April 28, 2009.

Mill Site Improvement Project.

Town Manager Rhodes provided the Board with the names and bids for the Mill Site Improvement Project. Committee will reduce the scope of the project. Wright-Pierce and Town Manager will negotiate a price reduction with the apparent low bidder Manter Construction.

SUPPLEMENTS AND ABATEMENTS:

Selectman Clark move to accept an abatement in the amount of \$2,924.54 for Account #75, Galusha's Inc. seconded by Selectman Nutting. Vote 5-0 Approved.

Selectman Clark move to accept an abatement in the amount of \$66.05 for Account #1584, Estella Whitten, second by Selectman Watson. Vote 5-0 Approved

TOWN MANAGER'S REPORT:

Expense

Town Manager reported 75.37% of the budget has been spent.

Revenue Report:

Town Manager said Motor Vehicle excise tax has increased. State revenue sharing is down.

History of Clinton Honor Roll

Town Manager said the Clinton Honor Roll Monument , which was located in the Town of Clinton, had deteriorated forty five years ago and a new monument was erected at the Village Cemetery.

Tax Collection Status for Tax Year 2008

Town Manager reported as of April 7, 2009, 85% of the taxes were collected.

OLD/NEW BUSINESS: None

April 14, 2009 Selectmen Minutes

WARRANT: Selectman Clark moved to approve warrant #62 in the amount of \$167,070.37. Second by Selectman Nutting. Vote 5-0 Approved

NEXT AGENDA ITEM

Decision needs to be made on April 28, 2009 for the Dedication of the Town Report. Bid Award Mill Site Project, Town Meeting Warrant, Quit Claim Deed: Dana Luce.

COMMENTS / QUESTIONS FROM THE PUBLIC CONCERNING MATTERS NOT RELATED TO ITEMS ON THE AGENDA. The Board's rules of procedure have imposed a 15-minute total time limit.

No comments or questions from the public were received at the public comment table.

ADJOURN: Selectman Nutting moved to adjourn at 7:36 p.m., second by Selectman Clark. All in favor. Vote 5-0 Approved

Respectfully submitted,

Shirley J. Bailey
Deputy Town Clerk

AGENDA

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4.c.

MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

The inhabitants of the Municipality of Clinton, a body corporate and political located in Kennebec County, State of Maine, for consideration paid, release to **Dana Luce** of Kennebec County, State of Maine, a certain parcel of land with buildings thereon, if any, located in the Municipality of Clinton, Kennebec County, State of Maine, identified as follows:

Map 001, Lot 0015, on the Tax Maps of the Municipality of Clinton, dated April 01, 2006 on file in the Office of Assessors at the Clinton Town Office, Clinton, Maine.

Inhabitants of the Municipality of Clinton have caused this instrument to be signed in its corporate name by the Town of Clinton, its Municipal Officers duly authorized, on the 28 day of April 2009.

The purpose of this deed is to release the Town of Clinton's tax lien interest in Map 001-Lot 015.

Jeffrey Towne, Chair Board of Selectmen

Randy Clark, Selectman

Joseph Massey, Selectman

Chester Nutting, Selectman

David Watson II, Selectman

ACKNOWLEDGMENT

State of Maine
Kennebec County, ss.

Then personally appeared before me the above named _____, Municipal Officers of the Municipality of Clinton, and acknowledge the forgoing to be their free act and deed in their said capacity and the free act and deed of the inhabitants of said Municipality.

Dated: April 28, 2009

Before me,

Pamela M. Violette
Notary Public
My Commission expires May 22, 2014

AGENDA

ITEM

4.d.

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

To: Gary Petley, a resident of the Town of Clinton, County of Kennebec, State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Clinton in said county and state, qualified by law to vote in town affairs, to vote in the Town of Clinton, at the Clinton Town Office, located at 27 Baker Street, on Tuesday the 9th day of June, AD 2009 from 8:00 AM to 8:00 PM, then and there to act upon the following articles to wit:

Article 1: To elect a moderator.

Article 2: To elect all municipal officers, library trustees, and school board members as are required to be elected.

Article 3: To see if the Town will vote to raise and appropriate the sum of \$223,919 for the Administrative Account.

Selectmen and Budget Committee Recommend: Yes

**Funding is for the Operation of the Town Office, collection of taxes and fees, vehicle registration, voter registration, assessing services, paying town bills, payroll services for all town employees, maintaining all town records and overall coordination of all town services.*

Article 4: To see if the Town will vote to raise and appropriate the sum of \$14,957 for the Town Hall Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for heat, lights, water, sewer, cleaning and maintenance of the Town Office Building.*

Article 5: To see if the Town will vote to raise and appropriate the sum of \$ 22,421 for the Code Enforcement, Building Inspector, Plumbing Inspector, Health Officer Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for State Law required positions of part time Code Enforcement Officer, building inspector, plumbing inspector and health officer.*

Article 6: To see if the Town will vote to raise and appropriate the sum of \$ 18,896 for the General Assistance Account.

Selectmen & Budget Committee Recommend: Yes

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

**Funding allows the municipality to assist people who are in an emergency situation if they meet the financial guidelines establish by the state. Areas of assistance are Heat, Electricity, Burial, Rent, & Food.*

Article 7: To see if the Town will vote to raise and appropriate the sum of \$323,188 for the Fire/EMS Department Account.

Selectmen & Budget Committee Recommend: Yes

**Funding covers the Maintenance & Operation of the Fire and Ambulance Service, which includes Full-time Employees (4) and part time employees (25), maintenance and upgrades to associated fire equipment and fire station.*

Article 8: To see if the Town will vote to raise and appropriate the sum of \$196,716 for the Police Department Account.

Selectmen & Budget Committee Recommend: Yes

**Funding allows the Town the opportunity to have a local presence strictly for use by the taxpayers of this community for part time Police Services.*

Article 9: To see if the Town will vote to raise and appropriate the sum of \$15,500 for E-911 Fire / Police Dispatch Services.

Selectmen and Budget Committee Recommend: Yes

**Funding is for the State Mandated regional dispatch system.*

Article 10: To see if the Town will vote to raise and appropriate the sum of \$10,050 for the Animal Control Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for the contracted Animal Control Officer to assist the town with Domestic Animal issues.*

Article 11: To see if the Town will vote to raise and appropriate the sum of \$350,673 for the Highway Department Account.

Selectmen & Budget Committee Recommend: Yes

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

**Funding is for winter snowplowing/snow removal and general maintenance of existing roads, which includes pot hole repair, gravel replacement, culvert and ditching work, brush cutting, sign placement etc.*

Article 12: To see if the Town will vote to raise and appropriate the sum of \$391,423 for the Transfer Station Account.

Selectmen & Budget Committee Recommend: Yes

**Funding allows the municipalities of Benton and Clinton to dispose of Solid Waste (Household Trash) at no cost, encourages recycling and allows people the opportunity to dispose of other materials for a fee. The Town of Benton reimburses the Town of Clinton for 45% of the Transfer Station budget.*

Article 13: To see if the Town will vote to raise and appropriate the sum of \$50,969 for the Library Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for the general operation of the library and takes care of paying personnel, purchase of books and periodicals, general maintenance, payment of heat and lights etc.*

Article 14: To see if the Town will vote to raise and appropriate the sum of \$17,756 for the Street Lights Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for the electricity to light 109 Street Lights for public safety.*

Article 15: To see if the Town will vote to raise and appropriate the sum of \$42,935 for the Debt Service Account.

Selectmen and Budget Committee Recommend: Yes

**Funding is for the Fire Station Principal Debt plus Interest.*

Article 16: To see if the Town will vote to raise and appropriate the sum of \$66,986 for the Insurance Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for Worker's Compensation, Unemployment, Personal Liability, Vehicle Liability, Buildings and General Liability insurance programs to cover the Town and in some cases Elected and Appointed Officials who provide services to the town.*

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

Article 17: To see if the Town will vote to raise and appropriate the sum of \$1,000 for the Planning Board Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is used for training of each board member and supplies to operate the Planning Board.*

Article 18: To see if the Town will vote to raise and appropriate the sum of \$23,960 for the Non Profit Community Service Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for various nonprofit groups to assist Clinton residents with Transportation, Food, and other services i.e.: Hospice Care, Senior Citizen support, Child & Family Counseling Service and American Flags for veterans graves on Memorial Day, Police Athletic League (PAL), snow mobile club and Kennebec Valley Council of Governments*

Article 19: To see if the Town will vote to raise and appropriate the sum of \$16,597 for the Recreation Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for the efforts by the Parks & Recreation Board for upkeep of trees and park facilities within the community.*

Article 20: To see if the Town will vote to raise and appropriate the sum of \$10,616 for the Cemetery Account.

Selectmen & Budget Committee Recommend: Yes

**Funding is for the Cemetery Committee to maintain and repair the (7) cemeteries in Clinton.*

Article 21: To see if the Town will vote to raise and appropriate the sum of \$400 for operating needs of the Budget Committee.

Selectmen & Budget Committee Recommend: Yes

**Funding use by the Budget Committee for paper, books to work on the budget preparation.*

Article 22: To see if the Town will vote to raise and appropriate the sum of \$11,391 for the Elections Account.

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

Selectmen and Budget Committee Recommend: Yes

**Funding is for the running of the Town Meeting elections and warrant articles secret ballot voting, and the Referendum Election on November 3, 2009. Costs include pay for ballot clerks, printing of ballots, required mailings for elections, and printing the annual report.*

Article 23: To see if the Town will vote to raise and appropriate the sum of \$190,000 for road reconstruction / paving for the following roads: Victor Lane, 1/3 mile portion of Goodrich Road, and ½ mile portion of Hill Road.

Selectmen and Budget Committee Recommend: Yes

**Funding is for the second year implementation of the 18-year road reconstruction / paving strategies plan for all 44 miles of local roads in Clinton.*

Article 24: To see if the Town will vote to collect and expend the sum of \$1,008,450 in anticipated revenue to reduce the amount raised by taxation.

Selectmen & Budget Committee Recommend: Yes

Article 25: To see if the Town will vote to charge 7.00% interest on unpaid taxes after October 1, 2009 for the first half of the property taxes that are due and payable, and interest on unpaid taxes after April 1, 2010 for the second half of the property taxes that are due and payable.

Selectmen Recommend: Yes

**Note*: maximum set by the state to charge is 9.00%.*

Article 26: To see if the Town will vote to set the interest rate of 3.00% to be paid by the town on abated taxes pursuant to 36 M.R.S.A. § 710 to pay tax abatements and applicable interest granted during the fiscal year.

Selectmen Recommend: Yes

Article 27: To see if the Town will vote to authorize the Selectmen to reduce the amount required to be raised from property taxes by drawing on the Undesignated Fund Balance.

Selectmen Recommend: Yes

Article 28: To see if the Town will vote to transfer and appropriate the sum of \$32,000 from the Undesignated Fund Balance for the Capital Reserve Account for the Town Hall Roof.

Selectmen and Budget Committee Recommend: Yes

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

**Funding transfers money from surplus to a reserve account for the future re-roofing of the Town Office Roof System with Shingles or Metal Roofing.*

Article 29: To see if the Town will vote to transfer and appropriate the sum of \$3,000 from the Undesignated Fund Balance for the Capital Reserve Account for the Fire Department Communications Upgrade.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to a reserve account for the future replacement of the current communications systems.*

Article 30: To see if the Town will vote to transfer and appropriate the sum of \$9,450 from the Undesignated Fund Balance for the Capital Reserve Account for the Fire Department's Turn Out Gear.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to a reserve account for the replacement of the Fire Department's Turn Out Gear for each fireman.*

Article 31: To see if the Town will vote to transfer and appropriate the sum of \$15,000 from the Undesignated Fund Balance for the Capital Reserve Account for the ambulance remount.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to a reserve account for replacement of the Fire Department's Ambulance Chassis.*

Article 32: To see if the Town will vote to transfer and appropriate the sum of \$2,000 from the Undesignated Fund Balance to the Capital Reserve Account for Transfer Station / Recycling Forklift.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to a reserve account for the future replacement of the Forklift.*

Article 33: To see if the Town will vote to transfer and appropriate the sum of \$2,000 from the Undesignated Fund Balance to the Capital Reserve Account for Transfer Station / Recycling Center Bailer.

Selectmen and Budget Committee Recommend: Yes

**TOWN MEETING WARRANT
TOWN OF CLINTON
Tuesday, June 9, 2009**

**Funding transfers money from surplus to a reserve account for the future replacement of the bailer for the recycling center.*

Article 34: To see if the Town will vote to transfer and appropriate the sum of \$5,000 from the Undesignated Fund Balance to the Capital Reserve Account for future replacement of the Highway Department plow truck.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to a reserve account for the future replacement of the plow truck.*

Article 35: To see if the Town will vote to transfer and appropriate the sum of \$9,000 from the Undesignated Fund Balance to the Capital Reserve Account for the future replacement of the Highway Department Sidewalk Tractor.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to the reserve account for the future replacement of the 1993 sidewalk tractor.*

Article 36: To see if the Town will vote to transfer and appropriate the sum of \$8,000 from the Undesignated Fund Balance to the Capital Reserve Account for the future replacement of the Highway Department Backhoe / Loader.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to the reserve account for the future replacement of the 2000 Backhoe / Loader.*

Article 37: To see if the Town will vote to transfer and appropriate the sum of \$2,000 from the Undesignated Fund Balance to a Capital Reserve Account for the future replacement of the Highway Department Sander / Hopper.

Selectmen and Budget Committee Recommend: Yes

**Funding transfers money from surplus to a reserve account for the future replacement of the sander / hopper for spreading sand and salt for snow removal operations.*

Article 38: To see if the Town will vote to transfer and appropriate the sum of \$5,000 from the Undesignated Fund Balance to a Capital Reserve Account for the Repairs to the Headstones in the Town's seven cemeteries.

Selectmen and Budget Committee Recommend: Yes

**TOWN MEETING WARRANT
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**Funding transfers money from surplus to a reserve account for the future repairs to the headstones in the Town's seven cemeteries as recommended by the Cemetery Committee.*

Article 39: To see if the Town will vote to transfer and appropriate the sum of \$24,000 from the Undesignated Fund Balance to Fairfield P.A.L. since P.A.L. did not send in invoices for payment in FY 06/07 (\$11,000) and FY 07/08 (\$13,000) and the P.A.L. organization did not conduct financial oversight of their funds for this 2-year period.

Charter Section 5.08 states every appropriation, except for a capital appropriation, shall lapse to the Undesignated Fund Balance at the close of the fiscal year to the extent that it has not been expended or encumbered. P.A.L. did not submit a payment invoice for the remaining \$11,000 in FY 06/07 or the full amount in FY 07/08. Checks are not approved for payment by the Board of Selectmen without an invoice.

Article 40: Shall the amendments to the Land Use Ordinance Town of Clinton, Section 4 Performance Standards, Subsection K Extractive Activities to reflect the changes recommended by the Planning Board on November 25, 2008 be enacted. (Copy of the text of the amendment to the ordinance available at the Clerk's office.

Selectmen and Planning Board Recommend: Yes

The Planning Board developed the amendments that require all pits to meet DEP standards and all pits are to be registered. It requires a 100-foot setback from property lines for loam removal, and adds a requirement for dust control.

Article 41: Shall the amendments to the Shoreland Zone Map and Ordinance based on the May 1, 2006 State of Maine Guidelines for Municipal Shoreland Zoning Ordinances be enacted. (Copy of the text of the amendment to the ordinance available at the Clerk's Office).

Selectmen Recommend: Yes

The State of Maine Department of Environmental Protection has mandated that each municipality is required to enact, by July 1, 2009, the updates to the Shoreland Zoning Ordinance based on the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances as amended May 1, 2006. Any municipality that does not adopt the State Guidelines by July 1, 2009 will have a State Imposed Ordinance (SIO).

Article 42: Shall the amendments to the Land Use Ordinance Town of Clinton, Section 3A Wellhead Protection District Requirements, Subsection C.,1-A, b. vii. Appeal Rights and Subdivision Ordinance Town of Clinton Article 13 – Appeals Section be enacted as follows: “An aggrieved party may appeal the decision of the Planning Board to the ~~Kennebec County Superior Court~~ Board of Appeals within thirty (30) days from the date of the written decision.”

**TOWN MEETING WARRANT
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Tuesday, June 9, 2009**

Selectmen and Planning Board Recommend: Yes

Line through text is deleted and underline text is added. The Board of Appeals have jurisdiction to hear and decide any appeals by any person aggrieved by a decision of the Planning Board.

Article 43: Shall the amendment to the Land Use Ordinance Town of Clinton, Section 3C. Table of Land Uses be enacted as follows: “**COMMERCIAL** Retail business with < 7 employees Rural (R) Y*.”

Selectmen and Planning Board Recommend: Yes

Underline text is added. This amendment would allow a retail sales business with less than 7 employees to operate in the Rural Zone following approval of the Site Plan Review by the Planning Board.

Given under our hands this 28th day of April, 2009

Jeffrey Towne, Chairman

Joseph Massey

Randy Clark

Chester Nutting

A True Copy of the Warrant Attested

David Watson II

Town Clerk

AGENDA

ITEM

4.e.

PROPOSED ORDINANCE

"THE TOWN OF CLINTON HEREBY ORDAINS that the Shoreland Zoning Map and Ordinance Town of Clinton, is amended based on the May 1, 2006 State of Maine Guidelines for Municipal Shoreland Zoning Ordinances as follows:

****See Attached****

CERTIFIED BY THE BOARD OF SELECTMEN OF THE TOWN OF CLINTON ON THIS 28th DAY OF APRIL, 2009 AND SEALED WITH THE SEAL OF THE TOWN OF CLINTON.

Jeffrey Towne, Chairman

Chester Nutting

Joseph Massey

David Watson II

Randy Clark



AGENDA

ITEM

4.f.

PROPOSED ORDINANCE

"THE TOWN OF CLINTON HEREBY ORDAINS that the Land Use Ordinance Town of Clinton, Section 4 Performance Standards, Subsection K Extractive Activities is amended to reflect the changes recommended by the Planning Board in bold text as follows:

****See Attached****

CERTIFIED BY THE BOARD OF SELECTMEN OF THE TOWN OF CLINTON ON THIS 28th DAY OF APRIL, 2009 AND SEALED WITH THE SEAL OF THE TOWN OF CLINTON.

Jeffrey Towne, Chairman

Chester Nutting

Joseph Massey

David Watson II

Randy Clark



To Board of Selectmen:

11/25/08

The Selectmen requested that the Planning Board look through the draft mineral ordinance from the City of Augusta and make recommendations to the Selectmen.

We met many times and discussed the pros and cons of the Augusta draft. Public input was quite animated concerning the proposal. After long conversations with the state's DEP inspectors it was determined that the Augusta draft was quite a bit over-the-top for what we need. It was also decided that what we had wasn't sufficient either.

The Planning Board has voted (4-0) to table the Augusta draft and to amend the current extractive ordinance which is found under the Performance Standards, section 4, page 4-5. There are currently 8 items listed in section K of the ordinance. The proposal will bring that number to 16 items.

A key issue was how DEP felt about their own standards – which they felt were sufficiently strict to protect the public as well as the safety of the pit operators. We were told that the Augusta ordinance was far more stringent than DEP regulations.

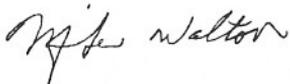
If all pits were regulated within the DEP guidelines, there should be no issues with proper pit operations. The reason pits under 5 acres do not fall within DEP guidelines is because there aren't enough inspectors to take care of those above 5 acres.

The changes we recommend require that **all** pits are to meet DEP standards, that all pits are to be registered, and that it gives the CEO the right and responsibility to inspect all pits, issue permits, and issue stop orders if need be if a pit fails to meet the DEP standards. It requires a 100 foot setback from property lines for loam removal, and adds a requirement for dust control.

The DEP inspectors said that they would come out and do a DEP type mineral extraction inspection with our CEO if he/she needed it.

Attached is the proposed Mineral Extraction Ordinance. Items that are plain are currently in our ordinance. Items that are BOLDED are recommended changes to the current ordinance:

Respectfully,



cc: CEO

Chair: Mike Walton
Secretary: Sandy Gagnon
Member: Mike Hachey
Alternate:

Co-chair: Justin Cote
Member: Butch Whittaker
Alternate:

K.	<u>EXTRACTIVE ACTIVITIES</u>
1.	Any extractive industry which requires a permit from the Maine Department of Environmental Protection, under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection in addition to approval by the Planning Board under the site plan review procedures of this Ordinance. Site plan approval by the Planning Board shall be conditioned upon State approval.
2.	Any extractive industry which <u>does not</u> require a permit from the Maine Department of Environmental Protection shall be required to meet the same standards as the extractive industry which requires a permit. The Maine DEP standards are set forth under Maine DEP Article 7: Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt.
3.	<p>All extractive industries are required to obtain a Permit to Operate from the Code Enforcement Officer.</p> <p>a. All borrow pits which are active at the time of enactment of this amended Ordinance are required to obtain a Permit to Operate. There will be no fee for the borrow pits which are active at the time of the enactment of this amended Ordinance.</p> <p>b. There will be a one-time fee of \$50.00 for a Permit to Operate for each new borrow pit being opened. Annual renewal of a borrow pit will prevent additional fees from being assessed.</p> <p>1) Permit renewal requests for all borrow pits will be done on an annual basis on October 1st of each year.</p> <p>2) Failure to renew a Permit to Operate no later than October 15th of each year will result in a lapse of the Permit to Operate.</p> <p>3) A fee of \$50.00 will be charged to renew a Permit to Operate which has lapsed.</p>
4.	All extractive industries which are equal to or greater than 1 acre are required to obtain a Storm Water permit from the Maine Department of Environmental Protection. A copy of this permit must be submitted to the Code Enforcement Officer and the Planning Board.
5.	In this Ordinance, whichever standard is more stringent is the one that will prevail.
6.	The Planning Board may require a performance guarantee sufficient to cover the cost of rehabilitation of the site at the conclusion of operations.
7.	A natural buffer strip of not less than one hundred (100) feet shall be maintained between the location of any extraction of materials and all property lines. A natural buffer strip of at least one hundred (100) feet must be maintained between any topsoil excavation and a property boundary.
8.	All areas of standing water exceeding two (2) feet in depth shall be entirely enclosed by a fence.

	9.	No extraction of materials shall be permitted which creates a slope steeper than two (2) feet horizontal to one (1) foot vertical.
	10.	Operation of equipment and extraction of materials from the site shall be permitted only Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m., and Saturday between the hours of 8:00 a.m. and 7:00 p.m.
	11.	Suitable traffic control measures shall be made available by the operator at all access points to public roads.
	12.	Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved and endorsed by the County Soil. Conservation Service and approved by the Planning Board
	13.	<p>Dust control. Dust generated by activities at an excavation site, including dust associated with traffic to and from the excavation site, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, as long as the manufacturer's guidelines are followed.</p> <p>Visible emissions from a fugitive emission source may not exceed an opacity of 20% for more than 5 minutes in any one-hour period.</p>
	14.	<p>Any extractive industry which <u>does not</u> require a permit from the Maine Department of Environmental Protection will be subject to annual inspection by the Code Enforcement Officer. The Code Enforcement Officer may call upon the Maine Department of Environmental Protection for verification of any issues that do not meet the standards set forth in this Ordinance or those of Maine DEP Article 7 Standards.</p>
	15.	<p>Failure to comply with the standards set forth in this Ordinance will result in a stop order being issued by the Code Enforcement Officer, and will remain in place until all issues are brought into compliance.</p>
	16.	<p>Stockpiles: Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized. A natural buffer strip of at least one hundred (100) feet must be maintained between all stockpiles and a property boundary.</p>

AGENDA

ITEM

4.g.

PROPOSED ORDINANCE

“THE TOWN OF CLINTON HEREBY ORDAINS that the Land Use Ordinance Town of Clinton, Section 3C Table of Land Use is amended to reflect the changes recommended by the Planning Board as follows:

“**COMMERCIAL** Retail business with < 7 employees Rural (R) Y*.”

CERTIFIED BY THE BOARD OF SELECTMEN OF THE TOWN OF CLINTON ON THIS 28th DAY OF APRIL, 2009 AND SEALED WITH THE SEAL OF THE TOWN OF CLINTON.

Jeffrey Towne, Chairman

Chester Nutting

Joseph Massey

David Watson II

Randy Clark



AGENDA

ITEM

4.h.

PROPOSED ORDINANCE

“THE TOWN OF CLINTON HEREBY ORDAINS that the Land Use Ordinance Town of Clinton, Section 3A Wellhead Protection District Requirements, Subsection C., 1-A, b.vii Appeal Rights and Subdivision Ordinance Town of Clinton Article 13 – Appeals Section 13.1 are amended to reflect the changes recommended by the Planning Board as follows:

“An aggrieved party may appeal the decision of the Planning Board to the ~~Kennebec County Superior Court~~ Board of Appeals within thirty (30) days from the date of the written decision. “

CERTIFIED BY THE BOARD OF SELECTMEN OF THE TOWN OF CLINTON ON THIS 28th DAY OF APRIL, 2009 AND SEALED WITH THE SEAL OF THE TOWN OF CLINTON.

Jeffrey Towne, Chairman

Chester Nutting

Joseph Massey

David Watson II

Randy Clark

