

AGENDA

ITEM

4.a.

**CLINTON BOARD OF SELECTMEN
TUESDAY, DECEMBER 9, 2008
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, and Chester Nutting. Also present Town Manager James Rhodes and Town Clerk Pamela Violette. Selectman David Watson was absent.

ACTION ITEMS.

Approval of Selectmen's Minutes – November 25, 2008

Selectman Clark moved the Board approve the minutes of the November 25, 2008 meeting. Second by Selectman Nutting. All in favor.

DISCUSSION ITEMS

Board authorization to continue using the Kennebec County Jail Inmates to sort recyclable trash at the Transfer Station / Recycle Center thereby saving taxpayer funds

Selectman Clark moved Board authorize the continued use of Kennebec County Jail Inmates to sort recyclable trash at the Transfer Station / Recycle Center thereby saving taxpayer funds, second by Selectman Nutting. Vote 4-0

Sheriff Randy Liberty was present to discuss the recyclable program at the Transfer Station. This is a pilot program that allows low risk inmates to work at the Transfer Station; for every two days worked, their sentence is reduced one day. Sheriff Liberty said the inmates are strip-searched each day after working. Kennebec County Sheriff's Department assumes all responsibility for the inmates.

Selectman Massey said past programs has been very successful. The program uses low risk inmates, is well supervised, and allows free and meaningful work.

Transfer Station Director, Gerald Howard, said the Town has been saving money through recycling and reduced tipping fees.

Selectman Towne suggested a sign at the Transfer Station notifying residents of the program.

December 9, 2008 Selectmen Minutes

Appointment of Board of Appeals regular member (Tabled to this meeting).

Selectman Clark moved Board appoint Robert Simonson, 774 Bangor Road, Clinton, Maine as a regular member of the Board of Appeals for the term December 10, 2008 through June 30, 2010. Motion died due to a lack of a second.

Hill Road Culvert Rehabilitation Proposal

Selectman Clark moved Board award the Hill Road Culvert Rehabilitation work to Culvert Rehabilitation Services, 2841 Turner Road, Auburn, Maine for \$26,415.00, second by Selectman Massey.

Selectman Clark amended his motion to award the Hill Road Culvert Rehabilitation work to Culvert Rehabilitation Services, 2841 Turner Road, Auburn, Maine for \$26,415.00, work to be completed by June 1, 2009. Amended motion seconded by Selectman Massey. Vote 4-0

Board authorization for Town Manager to sign the Rapid Renewal Service Level Agreement

Selectman Clark moved Board authorize the Town Manager to sign the Rapid Renewal Service Level Agreement which will permit Clinton citizen's to renew vehicle registrations online with the State of Maine and pay excise tax by electronic check, second by Selectman Nutting. Vote 4-0.

DISCUSSION ITEMS

Code Enforcement Officer, Building Inspector, Licensed Plumbing Inspector, Health Officer positions required by State Law.

Town Manager Rhodes presented the Board with the background of the Code Enforcement Officer position for the past four years; including the history of town meeting voting results. Town Manager Rhodes said unless the Board of Selectmen authorizes \$9,305.10, all services for Code Enforcement, Building Inspector, Plumbing Inspector and Health Officer would cease February 26, 2009. Without someone to fill the position, the Town could potentially be find up to \$140,000 a year by the State of Maine.

Selectman Towne asked if the Town Manager anticipates any surplus and to determine if funds are available for inter fund transfers.

Selectman Nutting said he would support \$9,300 for the position. Selectman Massey said he is an advocate for the CEO position. The Town of Clinton needs to have the position filled to help the town grow and progress.

December 9, 2008 Selectmen Minutes

Capital Improvement Program

Chairman Towne asked about the Town Garage Advisory Committee. Town Manager Rhodes said he will try to obtain information from the Committee.

Chairman Towne reviewed the Capital Improvement Plan for several departments.

SUPPLEMENTS AND ABATEMENTS:

Selectman Clark moved Board accept Supplemental Assessment #7 in the amount of \$385.54. Reason, land not taxed. Second by Selectman Massey. Vote 4-0

TOWN MANAGER'S REPORT:

Expense: Town Manager Rhodes said expenses for the fiscal year are at 45.94%, on par with last year.

Revenue Report: Town Manager Rhodes reported excise collection is \$48,000 behind the calendar year and \$23,000 behind the fiscal year. Ambulance collection is at 26%.

Town Manager Rhodes reported 45 notices for Automatic Foreclosure will be mailed December 11, 2008. There is an outstanding amount of \$24,788.88. Town Manager Rhodes also reported Ivy Rasco has not paid the 2006 and 2007 personal property taxes and will take her to Small Claims Court.

OLD/NEW BUSINESS: None

WARRANT: Selectman Clark moved to approve warrant 37 in the amount of \$174,131.29. Second by Selectman Nutting, all in favor.

NEXT AGENDA ITEMS:

CEO position
Town Manager annual evaluation – executive session

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 questions or concerns from the public.

ADJOURN: Selectman Nutting moved to adjourn at 7:56 p.m., second by Selectman Clark. All in favor.

Respectfully submitted,

Pamela M. Violette, Town Clerk

AGENDA

ITEM

4.b.



Town of Clinton
27 Baker Street

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Clinton, ME 04927

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RESOLUTION 08-21

AUTHORIZATION FOR THE TOWN MANAGER TO PAY THE APPOINTED CODE ENFORCEMENT OFFICER EACH WEEKLY PAY PERIOD DURING THE MONTHS OF MARCH, APRIL, MAY, AND JUNE 2009 TO PREVENT THE SHUT DOWN OF ALL BUILDING INSPECTOR, LOCAL PLUMBING INSPECTOR, HEALTH OFFICER, AND CODE ENFORCEMENT SERVICES WHICH ARE REQUIRED BY THE FOLLOWING STATE LAWS: 22 M.R.S.A. § 451; 25 M.R.S.A. § 2351; 30-A M.R.S.A. 4221; 38 M.R.S.A. 441.

WHEREAS, the following appointed positions and services are required by State Law: Health Officer 22 M.R.S.A § 451; Building Inspector 25 M.R.S.A. § 2351; Local Plumbing Inspector 30-A M.R.S.A. § 4221; Code Enforcement Officer 38 M.R.S.A. § 441; and

WHEREAS, the June 10, 2008 Town Meeting voted down \$31,984 in funding for the State Law required positions of Health Officer, Building Inspector, Licensed Plumbing Inspector, and Code Enforcement Officer; and

WHEREAS, the Board of Selectmen on June 24, 2008 voted to adopt Resolution 08-08 which sets the Code Enforcement account FY 07 / 08 budget of \$17,190 to be used at the start of FY 08 / 09 IAW Charter Section 5.09 Interim Expenditures; and

WHEREAS, the August 12, 2008 Special Town Meeting voted down \$30,243 in funding for the State Law required positions of Health Officer, Building Inspector, Licensed Plumbing Inspector, and Code Enforcement Officer; and

WHEREAS, the Board of Assessors on August 26, 2008 committed \$17, 190 in taxes for the Code Enforcement Account for the FY 08 / 09 tax year; and

WHEREAS, the November 4, 2008 Special Town Meeting voted down \$17, 190 in funding for the positions of Health Officer, Building Inspector, License Plumbing Inspector, and Code Enforcement Officer; and

WHEREAS, current funds in the Code Enforcement account to pay for the positions of Health Officer, Building Inspector, License Plumbing Inspector, and Code Enforcement will be at or near zero on March 1, 2008; and

WHEREAS, without additional funding authorization from the Board of Selectmen, the person holding the appointed positions of Health Officer, Building Inspector, Licensed Plumbing Inspector, and Code Enforcement Officer will be laid-off from work effective March 1, 2009 due to budget constraints; and

WHEREAS, if a lay-off becomes effective on March 1, 2009, then all services of Health Officer, Building Inspector, License Plumbing Inspector, Code Enforcement Officer and



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all associated issuance of permits, inspections, and enforcement will cease to exist effective at 4 PM on February 26, 2009; and

WHEREAS: not continuing to fund the positions of Health Officer, Building Inspector, Licensed Plumbing Inspector, and Code Enforcement Officer will place the Town of Clinton and its tax paying inhabitants in financial and legal jeopardy; and

WHEREAS, if the services of Health Officer, Building Inspector, Local Plumbing Inspector, and Code Officer cease to exist, then all legal construction will cease, no permits will be issued, no ordinances will be enforced, investigations and corrective actions required to abate nuisances dangerous to life and health within the limits of the Town of Clinton will stop, no legal septic systems will be able to be constructed, inspections of buildings for fire prevention, fire protection and other building inspections will cease; and

WHEREAS, the current funding level for payroll will reach or be near zero in the account by March 1, 2009 thereby leaving only two options: 1. Lay-off the Health Officer, Building Inspector, Licensed Plumbing Inspector, and Code Enforcement Officer, resulting in all services these positions provide to cease. 2. Use available funds in other accounts to fund these positions through June 30, 2009; and

WHEREAS, the Code Enforcement Officer has agreed to work only 2-days per week beginning March 3, 2009, if funded; and the funding needed to cover the March, April, May, June, 2009 period is \$6,203 to pay the weekly payroll, social security match, and medicare match; and

WHEREAS, there are unobligated funds, certified by the Town Manager, in the following accounts:

01-001-07 Selectmen	\$ 165
13-099-09 First Park	\$1,819
20-001-02 Part Time Cemetery	\$1,023
26-020-20 Paving	<u>\$3,196</u>
Total	\$6,203; and

WHEREAS, an emergency exist if there is no Health Officer, Building Inspector, Local Plumbing Inspector, and Code Enforcement Officer which has the potential to affect the lives and safety of the residents of the Town of Clinton.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN OF THE TOWN OF CLINTON, that the Town Manager is authorized, as a budget management tool, to pay the Health Officer, Building Inspector, Local Plumbing Inspector, and Code Enforcement Officer each weekly pay period during the months of March, April, May, June, 2009 from the following accounts:

01-001-07 Selectmen	\$ 165
13-099-09 First Park	\$1,819
20-001-02 Part Time Cemetery	\$1,023
26-020-20 Paving	<u>\$3,196</u>
Total	\$6,203



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thereby preventing the shut down of all Health Officer, Building Inspector, Local Plumbing Inspector, and Code Enforcement services which are required by the following State Laws:

22 M.R.S.A. § 451 Health Officer

25 M.R.S.A. § 2351 Building Inspector

30-A M.R.S.A. § 4221 Licensed Plumbing Inspector

38 M.R.S.A. § 441 Code Enforcement Officer

Sealed with the Seal of the Town of Clinton on this twenty-third day of December in the year Two Thousand Eight.

Jeffrey Towne, Chairman

Chester Nutting

Joseph Massey

David Watson II

Randy Clark



AGENDA

ITEM

4.c.

CERTIFICATE OF APPOINTMENT
(Title 30, M.R.S.A. 2253)

Selectmen's Office

MUNICIPALITY OF CLINTON

December 23, A.D. 2008

To **Pamela M. Violette** of Sidney the County of Kennebec and the State of Maine:
There being a vacancy in the position of **Registrar of Voters**, the Selectmen of the
Municipality of Clinton do, in accordance with the provisions of the law of the State of
Maine, hereby appoint you as Registrar of Voters within and for the Municipality of
Clinton, such appointment to be effective from January 1, 2009 through December 31,
2010.

Given under our hand this 23rd day of December, 2008.

By The Board of Selectmen of Clinton, Maine

STATE OF MAINE

County of Kennebec

_____, 2008

Personally appeared the above named Pamela M. Violette who has been duly
appointed by the Selectmen as Registrar of Voters in said Municipality, and took the
oath necessary to qualify her to discharge said duties for the term specified above
according to law. Before me,

_____ Municipal Clerk

**This Certificate and the Certificate of Oath shall be returned
to the Municipal Clerk for filing.**