

**Shapleigh Board of Selectmen
Minutes of Meeting – Time 6:00 pm
May 4, 2021**

Call to Order

Chairman Scott E. Cudworth called the meeting to order at 6:00 pm William J. Mageary and Michael J. Cote in attendance. Also in attendance was Karla B. Wilcox, Town Administrator and Joanne Holland, Office Assistant were also in attendance.

In Attendance:

John Burnell and Roland Legere.

Pledge of Allegiance was recited.

Approval of minutes from previous meeting:

Selectman William J. Mageary made a motion to approve the minutes for April 27, 2021 as presented; seconded by Michael J. Cote. All in favor. Motion carried.

Public Comment:

Roland Legere brought to the Board of Selectmen his concern with the traffic going too fast on Goose Pond Road. The Board asked if he would like the speed trailer to be placed on Goose Pond Road and Mr. Legere stated he felt that would not make a difference. The Town Administrator is going to reach out to Deputy Sevigny to inform him of the issue.

Unfinished Business:

1. Owls Nest Drainage Culvert Discussion

The Board of Selectmen had a discussion regarding the Owls Nest/Jones Road Drainage. This has been ongoing since 2019 and the last agreement was to create a ditch line across from Jones Rd. but when the town employee showed up to do the job a property owner had stated that if the employee's bucket was to hit the ground then something would happen, so the employee contacted Road Commissioner Burnell and was advised to leave. John Burnell had stated that a culvert had been filled with foam and that is a violation of state statues. There has been a lot of false information stated. The Town of Shapleigh is well within the Town's right of way. William J. Mageary had suggested to ditch across Jones Rd. up to Owls Nest. John Burnell will visit the site to get some sights and elevations. The Town Administrator will put together a letter to go out to the property owners of a possible solution and to clarify false statements.

2. Closing Documents for the TANS

2021 Tax Anticipation Note Resolution was presented by Michael J. Cote as follows:

- i) Pursuant to Section 5771 of Title 30-A M.R.S.A., as amended, and all other authority there to enabling, the Town of Shapleigh, Maine (the "Town") hereby accepts the terms of the commitment letter from Partners Bank of New England dated March 10, 2021, the terms of which are hereby adopted and made a part hereof, the Town is further authorized and empowered to borrow from Partners Bank of Sanford during the fiscal year beginning January 1, 2021 up to

\$1,000,000.00 in anticipation of taxes for fiscal year 2021, on an as-needed basis, and to issue up to \$1,000,000.00 as a tax anticipation note of the Town (the "Tax Anticipation Note") to evidence such borrowing.

- ii) Such Tax Anticipation Note, and any extensions, renewals and replacements thereof, shall bear on its face the words "Town of Shapleigh" and "Tax Anticipation Note" and shall be signed by the Treasurer and countersigned by at least a majority of the Selectmen and shall be payable out of money raised by taxation during fiscal year 2021, shall bear interest at a rate of 2.15% per annum, based on actual days out standing over a 360 day year, shall be payable on or before December 31, 2021, and shall be issued upon such other terms as may be requested by Partners Bank of Sanford.
- iii) The Tax Anticipation Note heretofore authorized shall be issued in such manner and form as a majority of the Selectmen shall determine, their execution of the Tax Anticipation Note to be conclusive evidence of their approval of the form thereof.
- iv) Each member of the Board of Selectmen, Treasurer, Town Clerk and other officers of the Town are, and each of them singly is, hereby authorized to take such action and to execute and deliver a Signature and No-Litigation Certificate, an Arbitrage and Use of Proceeds Certificate, an Authorization and Incumbency Certificate, a Loan Agreement, and such additional documents, certificates and instruments, as may be deemed by them as necessary to effectuate the issue and delivery of the Tax Anticipation Note heretofore authorized.
- v) The Town hereby designates the Tax Anticipation Note heretofore authorized as qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
- vi) The Town hereby covenants to take all lawful action necessary to comply with those provisions of the Internal Revenue Code of 1986, as amended, that except for such compliance, would affect adversely the excludability of interest on the Tax Anticipation Note from gross income for federal income tax purposes, and to refrain from taking any action that would cause the interest on said note to become includable in such gross income.
- vii) Any prior resolutions of the Board of Selectmen restricting the amount of authorized loans or issuance of bonds and note are hereby superseded.

Michael J. Cote made a motion to approve the Closing Documents for the Tans as written; seconded by William J. Mageary. All in favor. Motion carried.

3. Discussions on Code of Ethics Policy

After reviewing the Code of Ethics policy and listening to the feedback William J. Mageary made a motion to adopt the Code of Ethics Policy; seconded by Michael J. Cote with discussion. Selectmen Cote would like for the policy to state that if someone is in violation with the Code of Ethics Policy that it would go in front of the BOS and if the violation is from a Selectman that it would be brought in front of the Fair Hearing Board if the behavior continues after the BOS have discussed. All in Favor. Motion carried.

4. Emery Mills Bridge Project Schedule Workshop

Emery Mills Bridge Project Workshop is scheduled for May 11, 2021 at 5 pm. The Town Administrator will reach out to Duffy Gold to confirm that this is a good time.

5. CMP Meters

William J. Mageary had done some research on the CMP meters reading 000's but was still being charged a delivery fee from CMP even though the Town has a Solar Power Purchase agreement that was signed in August 2017. After review it was found that the 7 meters in question are part of the Solar Power Purchase Agreement.

New Business:

A. Performance Evaluation to be completed

William J. Mageary will complete the CEO evaluation.

B. Vacation Request - Town Administrator

Michael J. Cote made a motion to approve the vacation request for the Town Administrator for May 19, 2021 leaving at noon through May 24, 2021; seconded by William J. Mageary. All in favor. Motion carried.

C. Request to use EPL - Rescue

A per diem paramedic has requested to use Earned Paid Leave for May 19, - May 27, 2021 that has been accumulated. After discussion the Board asked the Town Administrator to reach out to the paramedic and request that he fill out and sign the proper form. EPL was approved.

D. Request to use EPL - Deputy Town Clerk

Michael J. Cote made a motion to approve the request for the Deputy Town Clerk's request for Earned Paid Leave for May 29, July 3, and September 4, 2021 for a total of 10.5 hours; seconded by William J. Mageary. All in favor. Motion carried.

E. Certificate of Appointments for Madge Baker and Ann Harris

Michael J. Cote made a motion to Appoint Madge Baker as a regular member and Ann Harris (Alt) to the Planning Board; seconded by William J. Mageary. All in favor. Motion carried.

F. Flowers

The Board of Selectmen agreed to send flowers to the funeral service for the recent passing of a family member of the Town Administrator.

G. Rescue

Selectmen Mageary brought to the Boards attention that the individual that is filling in for the Rescue Chief had submitted a bill for both positions of Chief and Asst. Chief. After discussion the Board stated both positions were not eligible for payment and was going to remove the portion for Asst. Chief. The Town Administrator will reach out to the Rescue Chief and will put on the agenda for next week's meeting.

H. Transfer Station

John Burnell stated he had spoken with R. W. Herrick and was informed that the canister for the Transfer Station was not a good idea because the tires would have to be picked out of it. Mr. Burnell suggested that we use the jersey barriers that we have to make an area for the tires to be disposed. The Board thought that it was a great idea. The Board asked Mr. Burnell if he had looked at the Transfer Stations drainage issue and stated "no" and that he would look at it as soon as he could. The Town Administrator will reach out to the Fire Chief if a fire truck is needed for the drainage.

Scott E. Cudworth has stated that the attendant had contacted him regarding the compactor being full after the weekend and was wondering if someone had a key or was just walking in during non business hours and filling it. It was asked during a discussion if the Town would not be responsible if someone is going in after hours and got hurt if the Town would not be liable, the Town Administrator stated that the Town is covered under the Maine Tort Claims Act and there would be no liability to the Town.

Information:

- i. Planning Board Letters, Minutes, and Public Hearing Notice
- ii. MMA Workers Compensation Letter
 - Received a letter from MMA Workers Compensation stating that we have a \$158.00 refund.
- iii. Certificate of Training - Joanne Holland
- iv. RSU 57 Notice of Public Hearing
- v. Recreation Committee Meeting Agenda for May 6, 2021
- vi. Notice Shapleigh Community Yard Sale
 - Residents on Ross Corner Road is holding a Shapleigh Community Yard Sale. A map will be made up of all residents participating on Saturday and Sunday, June 12, 2021 and June 13, 2021. There is a \$10.00 participation fee, all monies collected will be donated to the Shapleigh Recreation Department.

Signatures:

- i. Warrants
- ii. 2021 TANS Documents
- iii. RSU 57 Notice of Public Hearing

Any other business that the Chairman may wish to bring before the meeting - None

Adjourn :

A motion was made by William J. Mageary to adjourn at 6:43 pm; seconded by Michael J. Cote. Motion passed unanimously.

These minutes are not verbatim. Joanne Holland, Office Assistant.