

SELECTMEN'S MEETING MINUTES

November 1, 2011

EXECUTIVE SESSION: Selectman Girard moved to go into Executive Session at 5:45 pm per Title 1 M.R.S.A. §405 (6)(H) to consult with the Code Enforcement Officer regarding an enforcement matter, seconded by Selectman Gale, voted and passed, **4 yeas**. Selectman Girard moved to come out of Executive Session at 5:57 pm, seconded by Selectman Gale, voted and passed, **4 yeas**.

PRESENT: Chairman Littlefield, Selectmen: Woodsome, Gale & Girard, Town Administrator Nancy Brandt, Roger Macomber, Nancy Roberge, Doug Foglio, Sr., Fred Fay, Patrick Fennell, Peter Hasler, Dan Hurley, Keith Shaughnessy, Julie Giles (during Treasurer's report), Jerry Daigle (during assessing items) & David Lowe

Chairman Littlefield opened the meeting at 6:00 pm with the Pledge of Allegiance.

ANNOUNCEMENTS: Chairman Littlefield announced that the Charter Review Commission meeting on Monday, November 7, 2011 at 7:00 p.m. is a public hearing to receive input on changes to the Town Charter.

HEARING OF DELEGATION: None

CORRESPONDENCE:

1. 2012 eco-excellence award nominations: Chairman Littlefield said that nominations from the public can be made for this award. Selectman Girard said she has forwarded an e-mail proposing someone to Selectmen Woodsome & Abbott. Selectman Woodsome said that nominations are due by January 20, 2012.
2. Two notices from Time Warner Cable, 1 re: rate changes & 1 routine notice re: broadcaster agreements. Chairman Littlefield said that if anyone is interested in these notices, they can contact the Town Administrator.

REPORTS: Selectmen's Report: Selectman Woodsome commented on the burning of the North Waterboro Fire Station and said that members of the public have contacted him to ask if the Fire Department has to conform to the same rules as the public and if so, can members of the public burn shingles? Chairman Littlefield replied that he would ask the Fire Chief to come to the next meeting to answer this. Selectman Girard commented that training burns such as the North Waterboro Fire Station do include the entire structure.

Selectman Gale reported that he spoke with Fire Chief Bors who suggested holding an employee/volunteer holiday spaghetti dinner at the Fire Station. Selectman Gale said that it would be nice if the Selectmen could do this and he proposed scheduling a dinner on Wednesday, December 9th from 5 -7 pm with the Selectmen doing the cooking. Selectman Gale stated that this could be done inexpensively and we can ask for donations. Selectman Girard said that she would be in favor of this and it will be a nice opportunity to get everyone together. The Selectmen agreed that this will be a good thing to do.

Selectman Woodsome remarked that at the Planning Board and 20/20 Committee meeting they liked the idea of the Selectmen having all committees, at least the Chairs, come in to discuss pertinent issues. The Selectmen had discussed this previously and he would like

to see this done before the new year. Chairman Littlefield proposed scheduling this for Wednesday, December 14th at 6 p.m.

Town Administrator's Report: Ms. Brandt reported that the budget requests have been distributed. She reminded the public that the last day to vote by absentee ballot is this Thursday, November 3rd. Ms. Brandt announced that ecomaine has a service powered by Catalog Choice and you can sign up to eliminate unwanted catalogs and nuisance advertising mail at no charge. People can visit ecomaine's website at www.ecomaine.org to register for this. Ms. Brandt said that there was a problem with the ballot machine last week when it was being tested. When we called to have someone come to look at it they said it would be \$2,870 so we did not go through with this. We did get the machine working and it seems to be running OK. In 2008 the Town appropriated \$7,000 to purchase a ballot counter that the State was going to require all municipalities to use. The State has not done this yet. Ms. Brandt said we have had the machine since 1994-1995 and now we are going to have to look at buying a new counter. Ms. Brandt indicated that there is a backup plan in place for this election.

Treasurer's Report: Treasurer Julie Giles distributed a packet of information to the Selectmen. Ms. Giles said that 32.7% of overall expenditures have been used. Ms. Giles explained the double payment to ecomaine and said the issue has been resolved. Selectman Gale asked about the revenue report that shows at the top 1.1 million budgeted and the current month shows as 9.6 million. Ms. Brandt explained that this has to do with the property tax commitment and the collection is done in the GL. Ms. Giles said that this is the way the TRIO software does it. Selectman Woodsome commented that he does not like TRIO and asked if Ms. Brandt has followed up with Mt. Desert Island about new software. Ms. Brandt said she has been in touch with them and was waiting to hear back. Selectman Girard commented that most municipalities are going with MUNIS. Selectman Gale said that he would like time to review the reports and will have more questions. Ms. Giles said she is at the Selectmen's disposal. Selectman Girard asked Ms. Giles how she is doing with her workload. Ms. Giles indicated that reconciliations are behind. She has asked to work extra on Mondays and was told no. She has not done the due diligence on lien discharges, some of which go back to the 1990s, and she has not had time to do the research. She noted that if a lien has been paid and not discharged by the Town, the Town can be fined up to \$5,000 by state statute. Ms. Brandt explained that the reason she said no to Ms. Giles regarding working on Monday is because there were a certain number of Monday workdays allotted in the budget and they have been used. Chairman Littlefield asked that the discussion be confined to the budget and not on personnel matters. Selectman Woodsome commented that the issue of getting the work done needs to be addressed and asked how the work is going to get done. Ms. Brandt said that once the election is over, the Town Clerk will be able to do the Deputy Treasurer work. Ms. Giles said that she would like a chance to speak on the appointment (of Deputy Treasurer) at a later date. Ms. Brandt indicated that this was part of the restructuring plan and Ms. Giles said she realizes this but she has concerns. Selectman Girard said that the Treasurer will have help beginning the week of November 14th. Selectman Gale said the specifics of how this gets worked out should be done in the office and Ms. Brandt can report back to the Board.

NEW BUSINESS:

- 1. Discuss/vote on renewal of liquor license for Woodys Sports Grille:** Selectman Gale moved to authorize the renewal of the liquor license for Woodys Sports Grille, seconded by Selectman Girard, voted and passed, **4 yeas**.

Selectman Girard moved to add an item not on the agenda at the end of new business to discuss/vote reconsideration of the Old Alfred Road grant, seconded by Selectman Gale, voted and passed, **4 yeas**.

- 2. Review Assessor's denial of a request for a reduced property valuation:** Mr. Daigle indicated that this was an 'FYI' for the Board's review and no action is required.
- 3. Discuss/Vote on Assessor's recommendation to deny 3 requests for property tax abatements:**
 - 1) Lynn Bell-41 Dirigo Drive -** Selectman Girard moved to again deny the request based on the fact that there is no additional information, seconded by Selectman Gale, voted and passed – **4 yeas**.
 - 2) Keith Shaughnessy-map 3/lot 64C off Andrews Lane -** Mr. Daigle explained the request. Mr. Shaughnessy explained his request and said this is a landlocked parcel and he has had it appraised for \$13,500 and it is assessed for \$50,000. It is considered a sub-division lot but got left off the subdivision plan. Mr. Foglio stated that the legal issue of the subdivision is a civil matter that should be settled before it comes before the Board. Selectman Woodsome stated that he would like more information regarding the deed and any right of way. Chairman Littlefield asked that Ms. Brandt consult with the Town Attorney regarding the subdivision issue. Mr. Shaughnessy will provide copies of his survey, deed and other documents. The Selectmen took no action on this and the Town Administrator will seek additional information.
 - 3) Keith Shaughnessy-37 Old Icehouse Road -** This request was withdrawn.
- 4. Discuss/vote on property tax abatement request #12-23:** Mr. Daigle reviewed the abatement request. Selectman Gale moved to deny abatement request #12-23, seconded by Selectman Woodsome. Property Owner, Dan Hurley, distributed supporting documents to the Board and explained his request. The Board reviewed the information and the motion to deny was then voted and passed, **4 yeas**.
- 5. Discuss lot offered for donation:** The Board reviewed a request from Mr. Anthony Parisi who is asking to donate a parcel of land, map 42 lot A-190, to the Town because they can no longer install a septic system on the property to build a vacation home due to changes in environmental laws. Selectman Gale moved to not accept the donation of the parcel, seconded by Selectman Girard, voted and passed, **4 yeas**.
- 6. Report from Road Commissioner and Road Review Committee on Ross Corner/Middle Road intersection:** Roger Macomber, Road Review Committee, reported that the Road Review Committee and the Road Commissioner met on Sunday and looked at the intersection of Middle Road and Ross Corner Road. They discussed ways to make the intersection easier to access and safer for the public. Mr. Macomber said the Road Review Committee found information regarding the discontinuance of portions of Middle Road and Ross Corner Road in 1955 and questioned if the paperwork was filed. Ms. Brandt responded that there is an opinion from the Town Attorney regarding these discontinued roads. Mr. Macomber explained that public funds cannot be used on discontinued roads. Selectman Woodsome asked about a right of way. Ms. Brandt said that the right of way would allow for emergency access and recreation, not improvements. Mr. Macomber said that they could consider redoing the intersection to widen the Ross Corner Road side. Mr. Macomber explained that the

visibility is impaired on the right as you are coming out from the abandoned portion of Ross Corner Road and there is no visibility to the left as you are coming out from the abandoned portion of Middle Road. Mr. Macomber said that the best thing for the Ross Corner Rd. portion would be to enlarge the intersection to come out square to the road. There is no easy way to fix the Middle Rd. portion. Mr. Hasler said that when he built his home (on the abandoned portion of Middle Road) it was written on his permit that upkeep of the road falls to the abutters. Mr. Foglio said that the Ross Corner Road did have municipal funds expended in the '70s through the '80s and that Ross Corner Road was passable in the early '90s. Mr. Foglio said that public funds were also spent on Thyngs Mill Road. Aerial maps of the intersection were reviewed. Mr. Macomber suggested having Middle Road connect through an existing driveway that would then connect to the abandoned portion of Ross Corner Road. Mr. Foglio said the driveway is actually further down than it appears on the map and connects to the abandoned portion of Ross Corner Road. Mr. Foglio indicated that the paved portions of Middle and Ross Corner Road could be straightened out some and this would improve visibility and the Town would have to acquire the land to do this. Mr. Foglio indicated that this would be about 500 feet of road to rebuild. Selectman Girard asked what the impact of putting up stop signs would be. Mr. Foglio said that stop signs would be difficult here and it could be dangerous trying to stop because of the hill. He also feels that people will just run a stop sign there anyway. Selectman Gale suggested putting up caution signs at least as a start. A video taken from a vehicle driving along the paved portion of the roads in both directions was shown. Chairman Littlefield proposed seeing if the abutters would allow the tree line to be trimmed back. Mr. Foglio said there are a lot of things that could be done but he thinks it would be best to go look at the intersection first. Mr. Hasler explained that when he is driving his wood truck, he cannot make the turn (from the unpaved portion of Middle Road to the left) in one swing and has to drive out some and then back up to complete the turn. Mr. Hasler said that there is a drainage ditch along the paved Ross Corner Road that empties the water right out on the abandoned section of Middle Road then travels onto the abandoned section of Ross Corner Road causing erosion of the roads. There is also an issue in the winter with snow banks blocking visibility. There have been many accidents at this intersection. Mr. Hasler said he isn't asking for the Town to spend a lot of money but there could easily be another 40 homes built down the abandoned portion of Middle Rd. and Mr. Poisson has 75-80 acres and another land owner has a large lot that could be built on. This is something that will need to be addressed.

Selectman Gale moved to allow the meeting to continue beyond 9 p.m., seconded by Selectman Girard, voted and passed, **3 yeas, 1 nay (Woodsome)**.

Mr. Foglio said that we have had the first snowstorm and we got through it without much problem. There are a couple of things that need to be done. We have to decide who is going to do the walks. There has been trouble with the town tractor. The transmission was replaced for \$8,000 and now it has an oil leak and a valve that needs to be replaced. He has jerry rigged it to get it working and he estimates it will be \$1,200 to fix. He asked what he should do about the tractor. Mr. Foglio said that the voter's already approved a new tractor. He has gotten a trade in offer of \$45,000 for the current tractor. Mr. Foglio said there aren't a lot of hours on the tractor but it has had issues and we shouldn't keep putting money into it. Selectman Gale said he would like to do what Mr. Foglio suggests as long as we stay within budget. The Board agreed that the new tractor was already

authorized by the voters and Mr. Foglio should go forward with the trade in and purchase of the tractor.

7. Discuss draft audit: Selectman Girard moved to table this item until next week, seconded by Selectman Gale, voted and passed, **4 yeas**.

8. Discuss/vote reconsideration of the Old Alfred Road grant: Chairman Littlefield explained that the Board previously voted not to accept the grant. Some things have come to light since then that may impact their decision. The Old Alfred Road will become the responsibility of the Town effective July 1, 2012. The Road Commissioner has recommended the engineering study for Old Alfred Road. Some municipalities in contention for this money expressed concerns regarding reimbursement and the State has indicated towns will get their reimbursement within 30 days. Selectman Girard clarified that the project cost is \$30,000, the grant is for \$24,000 and the Town cost is \$6,000. The Town pays \$30,000 up front and the State reimburses the Town \$24,000. Selectman Girard said that the Town Planner would ask the company doing the work to wait for payment of the State reimbursement. Selectman Girard stated that URIP funds are going to be over what was budgeted and asked if this money could be used towards the match. Ms. Brandt replied that the URIP funds could be used. Selectman Gale moved to accept the grant with the \$6,000 town share coming from the extra URIP funds and the town will negotiate with the service provider that they do not get paid until the town receives the State reimbursement, seconded by Selectman Girard, voted and passed, **4 yeas**.

OLD BUSINESS:

- 1. Discuss deed research for lot offered for sale on corner of Black Cove and Townhouse Road (formerly referred to as Moonpenny Lane property):** Ms. Brandt stated that to go any further to research this would involve going to the registry of deeds. The Board agreed to discuss this further when they have a copy of the deed.
- 2. Discuss fireworks use/possible ordinance:** Selectman Gale remarked that it seems the best thing would be to leave it be. Selectman Girard said that the public does not seem in favor of a permitting process. Restriction of hours is included in State law but here is nothing in the State law addressing use in dry conditions. If the Town did an ordinance, it could address this. Selectman Girard indicated that changes are being proposed to the State law so maybe it is best to just let it ride for now. Chairman Littlefield stated that he has heard from someone in Town that is interested in opening a retail store for selling consumer fireworks and they would go through a licensing process. Ms. Brandt said that the State licensing process is very specific and covers storage and postings. The State license fee is \$5,000 and there is a federal license fee also. The Board agreed to let this go.

OTHER:

- Moved by Selectman Girard, seconded by Selectman Gale to sign warrants for bills and payroll, voted and passed, **4 yeas**.
- Moved by Selectman Girard, seconded by Selectman Woodsome to accept the minutes of the 10/25/11 regular meeting as written, voted and passed, **3 yeas, 1 abstain (Littlefield-not present for 10/25/11 meeting)**.

PENDING DECISIONS

- Public Service Announcements

2. Committee Self-evaluations
3. Work with Logan Circle residents on water runoff issue: Selectman Girard is working with residents on forming a road association
4. Review Driveway Opening Permit language
5. Research deed for abutting lot offered for sale on Black Cove Road (formerly referred to as Moonpenny Ln. property): The Selectmen would like to get a copy of the deed.
6. Transfer Station boundary: Ms. Brandt reported that Sebago Technics said the cost would be about \$1,000
7. Economic Development Committee status
8. Schedule another meeting to discuss goals

WEEK'S ACTION LIST:

1. Notify State regarding the grant
2. Work on tractor issue
3. Get a copy of the deed for the property on Black Cove Rd.
4. Look at Middle Rd. / Ross Corner Rd. intersection
5. Chairman Littlefield will meet with Selectman Gale to discuss the Town Administrator's evaluation
6. Town Administrator will gather info on different financial software packages
7. Ask the Road Commissioner about the water runoff from Webber Rd. to Logan Circle
8. Ask the Fire Chief to respond to Selectman Woodsome's question about fires
9. Contact Town Attorney regarding Mr. Shaughnessey's issue with the subdivision lot
10. Schedule a workshop regarding EMA duties for mid-December

DISCUSSION OF AGENDA ITEMS:

1. Assessor's update on personal property tax collection
2. Discuss interest in holding a "public night" with citizens to discuss issues
3. Discuss the draft audit

Chairman Littlefield read the reminders.

ADJOURNMENT: Selectman Gale moved to adjourn the meeting at 9:39 pm, seconded by Selectman Woodsome, voted and passed, **4 yeas**.

SIGNED:

1. Warrants for bills & payroll
2. Minutes of 10/25/11

APPROVED: Date: _____
