

**SELECTMEN'S MEETING MINUTES**  
**November 15, 2011**

**EXECUTIVE SESSIONS:** (Note: Selectmen Gale & Woodsome were not present during the first executive session)

**5:15 pm** Selectman Girard moved to go into executive session at 5:17 pm, per Title 1 M.R.S.A. §405 (6)(F), to discuss an application for a poverty abatement, seconded by Selectman Abbott, voted and passed, **3 yeas**. Selectman Girard moved to come out of Executive Session at 5:35 pm, seconded by Selectman Abbott, voted and passed, **3 yeas**.

**5:45 pm** Selectman Girard moved to go into executive session at 5:36 pm, per Title 1 M.R.S.A. §405 (6)(A) – to discuss the Town Administrator's performance review, seconded by Selectman Abbott, voted and passed, **5 yeas**. Selectman Girard moved to come out of executive session at 6:00 pm, seconded by Selectman Gale, voted and passed, **5 yeas**.

**PRESENT:** Chairman Littlefield, Selectmen: Woodsome, Gale, Girard & Abbott , Steve Levy, Dave Benton, John Vacari, Steve Poisson, Todd Abbott, Kendra Staples, Patrick Fennell, William Winkel, Rich Liden, John Long, Christina Silberman & David Lowe and an unidentified man. Doug Foglio, Sr. arrived near the end of the meeting.

Chairman Littlefield opened the meeting at 6:05 pm with the Pledge of Allegiance. Chairman Littlefield recognized that November 11<sup>th</sup> was Veteran's Day and he thanked all veterans for their service on behalf of the Board.

**APPOINTMENTS:** Chairman Littlefield welcomed Steve Levy of the Maine Rural Water Association, and David Benton and John Vacari of the Waterboro Water District for coming in to discuss rates for fire hydrants. Mr. Benton explained that he has been working with Mr. Levy and said that they are asking for more time to get some auditing done. Mr. Benton provided a survey for residents of Old Alfred Road asking if there is interest in extending public water there. Chairman Littlefield said that the rate issue has been going on for some time and the Town is working on next year's budget. Mr. Benton said that the Water District needs time to look at all of the figures to get a true reading on things to make sure they can do a rate change. Mr. Levy said that he would like a full 4 quarters of readings. A rate analysis will cost about \$1,500. Mr. Levy does not want to raise the rate then drop it and raise it again.

Chairman Littlefield mentioned the difference in the budgeted rate. Mr. Benton explained that when the new rates were set, the Town said that only a certain amount had been appropriated and the Water District agreed to go with that amount for that year and the following year would be the new rate. Selectman Abbott said that the agreement was that the Town would not challenge the rate process because the Water District was restructuring their loans which would provide an opportunity to lower their operating costs. The Board is anticipating that something will be done to lower the Water District's operating costs so the rates can be lowered. Mr. Vacari responded that the Water District has followed through with their refinancing and will be looking to see what the results are. Chairman Littlefield said that we need to know the amount to be appropriated in the budget and it has been difficult to schedule an appointment with Mr. Levy. Mr. Levy said he has his calendar and they can reschedule. Selectman Abbott said that Mr. Benton has indicated what the rate is so they can budget for that amount. Mr. Benton said that hopefully they will be able to lower the rate to help the town and the townspeople. Mr.

Levy said that when they did the rate case, the new pump station was not operating yet and now they will be able to do a better job in determining the operating costs. Mr. Levy explained that this is a regulated water utility and there is a rule called chapter 690 and the obligation of the Town for public fire protection is 30%. For every allowable dollar that the water district brings in, 30% comes from the Town. For every dollar the Water District can save, the Town will save 30 cents.

Selectman Girard commented on a prior discussion with Mr. Benton about the rental of office space and perhaps a new agreement can be made with the rent going towards the difference in the budgeted rate. Mr. Benton said that there is a rental agreement for one cent per year. Ms. Girard said she does not think the agreement is in effect.

Selectman Abbott said he would like an audit report for the Water District. Mr. Benton said the audit reports are available every year and Selectman Abbott asked for one. Mr. Levy offered a PUC report also. Selectman Abbott asked about the population number used for the calculation and Mr. Levy said you can use either the population of the whole town or the population residing within the Water District and he ran it both ways and it was the same.

Mr. Benton asked for feedback on the survey. Mr. Levy explained that the water district cannot invest in a main extension but they can work with the Town to make sure a main extension happens. If the Town is interested, there are ways of getting money to help with an extension. One is a Community Development Block Grant. Selectman Girard commented that the Economic Development Committee looked at this and it did not seem feasible. Mr. Benton said that the Water District has tried doing surveys before but they could not get enough people to respond. The Board made some suggestions for revising the survey. Mr. Levy asked if the letter should come from the Town or the Water District and if the Town would help with the cost of conducting the survey. Selectman Girard indicated that it should be a joint effort between the Town and the Water District. Selectman Girard said the Town has not budgeted to help with the cost but the Town could help by mailing the survey. We have to determine if the people want the water extension and more importantly if they are willing to pay for it. Mr. Benton said we would need a large percentage of the people that live there to go forward with this. Mr. Levy said he will work with the District and the engineer to get a better idea of the cost on an extension. The Board thanked them for coming.

**HEARING OF DELEGATION:** None

**CORRESPONDENCE:** Chairman Littlefield reviewed the following correspondence;

1. Letter from York County Commissioners regarding funding for sheltering and other outside provider agencies
2. Rep. Libby's e-newsletter
3. Routine notice from Time Warner Cable regarding broadcaster agreements
4. Copy of e-mail from Kenneth Cole regarding discontinued/abandoned roads
5. Budget reports from the Treasurer
6. Private information from Jerry Daigle regarding personal property tax account collection
7. Private information from Jerry Daigle regarding an abatement application

Chairman Littlefield reported on an e-mail he received from Lisa Parker asking if there is anything the Board can do to assist her with having 7<sup>th</sup> & 8<sup>th</sup> grade basketball. This has

been referred to the Recreation Director, Mike DeAngelis, who is looking into a recreational league. If anyone else is interested, contact Mr. DeAngelis at the Recreation Department.

**REPORTS: Selectmen's Report:** Selectman Girard reported that the Board is holding a public budget planning night on December 8, 2011 at 7 pm. Christina has created a notice to post for this and it will be the same night as the Finance Committee meeting.

Selectman Girard also reported that the York County Budget Advisory Committee met for the first time last week and they will meet every Wednesday night at 7 pm at the York County Courthouse in the basement through December. They will have public hearings and the Committee's recommendation completed by January 1. She was nominated as Secretary, John Sylvester is the Chair and Joe Hanslip is the Co-Chair. The budget as presented has no financial increase to municipalities. There are 5 proposed layoffs, two from the Sheriff's Department that were funded by grants, two from the District Attorney's office and one from the Registry of Deeds. The layoffs are based on insurance costs because the County did not want to increase the budget this year. If the unions are willing to make some insurance concessions this could eliminate the layoffs. They are also looking at two new positions, one part time IT person and one Chief Negotiator to handle union contracts. They are projecting a \$1.7 million undesignated fund. They have refinanced some debt service that will save \$800,000 over 9 years. The County has refurbished the old jail into office space. It will be called York County Government Center and there will be meeting space for municipalities to use free of charge. Selectman Woodsome commented that maintaining this building will be an expense so how will this save money. Selectman Girard replied that the EMA office's current building is being razed because it needed a lot of work. It was financially more feasible to refurbish the jail and have the EMA move there than to repair the current EMA building. There is a potential revenue source also for renting office space. Selectman Woodsome said he would like to see a financial report on this. Chairman Littlefield commented that they probably received some grant money to move the EMA office. Selectman Girard said that she does have a copy of the audit and will share it with the Board.

Selectman Gale reported that there was a 911 call on Friday for a hunter that had fallen in the woods. A call went out and two people responded. A second call went out but other people were not available. Todd Abbott heard the call and he went to F.M. Abbott's Power Equipment and they took a brand new ATV out of their inventory and took it out on the rescue call to get the person out of the woods. The hunter was about one mile into the woods and had broken his leg. This is an example of good citizenry. We were fortunate to have Todd Abbott & F.M. Abbott's Power Equipment there to respond.

Selectman Gale also reported that he attended the Recreation Committee meeting last night and they are in full swing with basketball with 120 players. They held a Thanksgiving dinner for senior citizens and it was very successful. They are planning an event for seniors to go to Portland Stage Company. Financially things are going well and they are bringing in more money than expected. One thing that has happened in the past couple of years that Selectman Gale is uneasy about is that in order to balance the present year budget, we have included income that comes in in May and June for summer programs. This year's budget is being balanced with next year's funds and this is not good. If the Recreation Department continues to have increased revenues, we can carry forward the camp expenses with the money that comes in in May and June and have it go into the

same year. There is a need for more people on the Recreation Committee and if anyone is interested please submit an application.

Chairman Littlefield expanded on Selectman Gale's report on the hunter accident. The hunter stepped in a hole. He said that when the swelling goes down they are going to put on a cast and the hunter said he is going to go back out hunting with the cast. It took 90 minutes to get the hunter out of the woods. He also thanked Goodwins Mills Rescue and the Maine Warden Service for responding but it was thanks to F.M. Abbott's that they were able to get the hunter out of the woods.

Chairman Littlefield cautioned residents that there is a group going around in a gray pickup truck trying to sell steaks and they have had some aggressive sales tactics. Door to door salesmen are required to be licensed. Deputy Sanborn would like to be notified if any residents are approached by these individuals.

**General Assistance Report:** Chairman Littlefield reviewed the general assistance report.

### **NEW BUSINESS:**

**1. Discuss/vote on poverty tax abatement:** Selectman Girard moved to deny the abatement, seconded by Selectman Abbott, voted and passed, **3 yeas, 2 abstained (Woodsome & Gale – not present during executive session discussion).**

**2. Discuss/vote on culvert replacement (Webber Road/Logan Circle issue):** Selectman Girard moved to postpone action on this item until we have sufficient information, seconded by Selectman Gale, voted and passed, **5 yeas.**

**3. Discuss/vote to reconsider September 27, 2011 vote to change the name of a portion of Ross Corner Road to Middle Road:** Selectman Girard explained that this item came up at the workshop held on October 25<sup>th</sup> concerning the renaming of the discontinued portion of Middle Road. During the discussion Mr. Fennell made a presentation to the Board requesting that this be reconsidered to rename the Ross Corner Rd. East Ross Corner Rd. and West Ross Corner Rd. One issue was regarding Mr. Poisson's driveway that is off of the abandoned portion of Ross Corner Road. Selectman Girard stated that she has confirmed with Code Enforcement Officer Patti Berry that because the driveway serves two homes, it can be a named private road. Mr. Poisson agreed that this will resolve his concern. Selectman Abbott stated that another issue was whether public announcements and notifications were done properly. Selectman Woodsome stated that his concern was for Mr. Poisson's issue. Chairman Littlefield stated that the Board has been as fair as they can while considering the priority of public safety. Kendra Staples, 177 Ross Corner Rd., spoke in favor of changing the name due to issues with GPS systems showing the Ross Corner Road is in Shapleigh. She is not in favor of putting up stop signs at the intersection and explained that people travel at a high rate of speed along the road. Selectman Girard stated that there has been discussion about the safety of the intersection and suggestions for renaming the abandoned portion of Middle Road were made.

Patrick Fennell spoke about his previous proposal. He e-mailed a request on November 4<sup>th</sup> to the Town Administrator and the Selectmen to hold another public hearing to consider renaming the roads and attached additional information regarding the issue to the e-mail. Mr. Fennell raised an issue with EMS locating someone calling from the abandoned portion of Ross Corner Rd. such as hunters or snowmobilers. William Winkel asked about a public hearing to determine the renaming of the unpaved portion of Middle Road. The

public hearing for this will be scheduled for November 22<sup>nd</sup>. Todd Abbott asked Mr. Fennell to withdraw his public hearing request and Mr. Fennell said he wants to leave his request as it is. Selectman Abbott asked that the Town Administrator research the Board's obligation to fulfill a request to hold a public hearing and to have Mr. Fennell's request for a public hearing be put on the next agenda for discussion. There was no motion made to reconsider the vote of September 27<sup>th</sup> and that vote will stand.

**4. Discuss/vote to confirm the appointment of Shawn Shoemaker to the Saco River Corridor Commission for a three year term to expire 11/30/2014:** Selectman Girard moved to reappoint Shawn Shoemaker to the Saco River Corridor Commission, seconded by Selectman Gale, voted and passed, **5 yeas**.

#### **OLD BUSINESS:**

**1. Review draft audit:** Selectman Abbott commented that he has reviewed the draft and has sent some comments to the Town Administrator. Generally what has been presented is what was expected. Selectman Abbott asked why the County Tax line was overdrawn and Selectman Girard said it was due to a late fee. The Board asked that the auditors be invited to attend the next meeting to discuss the final draft of the audit.

**2. Discuss/Vote abutting lot offered for sale on corner of Black Cove and Townhouse Road:** Chairman Littlefield reported that there are no water rights with this property, it is a small piece of property that abuts the town property and he is not interested in a purchase. Selectman Abbott moved to postpone action on this indefinitely, there was no second, motion fails. Selectmen Gale moved to direct the Town Administrator to send a letter to the owner to notify him that the Town is not interested in purchasing this property, seconded by Selectman Woodsome, voted and passed, **5 yeas**.

#### **OTHER:**

**1.** Moved by Selectman Girard, seconded by Selectman Gale to sign warrants for bills and payroll, voted and passed, **5 yeas**.

**2.** Moved by Selectman Gale, seconded by Selectman Girard to accept the minutes of the 11/8/11 regular meeting as written, voted and passed, **4 yeas, 1 abstained (Abbott – not present at the meeting)**.

#### **PENDING DECISIONS**

1. Public Service Announcements
2. Committee Self-evaluations
3. Work with Logan Circle residents on water runoff issue: There are two issues, one is with runoff into the lake at one entrance and the other is with the runoff from Webber Road and the Road Commissioner is looking into this.
4. Review Driveway Opening Permit language: pending
5. Transfer Station boundary
6. Economic Development Committee status
7. Water District survey
8. Water District office space lease

John Liden asked the Board about his request last week on the status of the unpaved portion of Thyngs Mill Road. The Board asked that the Road Review Committee review this and issue a recommendation and that Mr. Liden be notified when the recommendation comes back to the Board. Mr. Foglio reported that he just left a Road Review Committee meeting and they are currently discussing the status of abandoned roads.

Selectman Girard asked about the new tractor. Mr. Foglio replied that the tractor is in Portland. The old tractor was traded with the existing implements and the new tractor will come with new implements. The papers haven't been signed yet. They are going to waive the cost of the recent transmission repair. The new tractor should be here the first or second week of December.

**WEEK'S ACTION LIST:**

1. Check for existing contract for lease of office space to the Water District
2. Follow up on the Water District Survey in 4 weeks
3. Board members will provide feedback to Chairman Littlefield and Selectman Gale on the Town Administrator's reviews then Chairman Littlefield and Selectman Gale will finalize the review and will follow up with Ms. Brandt privately to conduct the review.

**DISCUSSION OF AGENDA ITEMS:**

1. Discuss Mr. Fennell's request for a public hearing
2. Discuss/vote to approve the audit
3. Discuss FEMA reimbursement and a possible Special Town Meeting

Chairman Littlefield read the reminders.

Mr. Foglio expressed concerns regarding the road budget and the FEMA reimbursement. If FEMA does not send the reimbursement for the unplanned road repairs due to the storm, then the budget will be overdrawn. Mr. Foglio is responsible for the road budget and he does not want it to be overdrawn. Selectman Abbott responded that the Town Administrator and the Treasurer need to stay close with FEMA on this issue. Selectman Abbott commented that to be on the safe side a Special Town Meeting could be scheduled for February or March to ask for authorization for the storm related work to be paid from the undesignated surplus fund if not reimbursed by FEMA.

**ADJOURNMENT:** Selectman Woodsome moved to adjourn the meeting at 8:15 pm, seconded by Selectman Gale, voted and passed, **5 years**.

**SIGNED:**

1. Warrants for bills & payroll
2. Minutes of 11/8/11
3. Saco River Corridor Commission appointment papers

**APPROVED:** Date: \_\_\_\_\_

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