

SELECTMEN'S MEETING

June 21, 2011

PRESENT: Dennis Abbott, Gordon Littlefield, TammyJo Girard, Jon Gale, David Woodsome, Nancy Brandt, Patti Berry, Tom Ursia, Corey Woodsome, Bethany Woodsome, Julie Giles, Clint Andrews and Mike DeAngelis

Selectman Girard opened the meeting with the Pledge of Allegiance at 6 PM.

APPOINTMENTS

6:00 – Public Hearing, Special Amusement Permit, Woody's: West Road and Sokokis Trail locations would be permitted. 1 to 2 times a week, at West Road, mostly, for band, karaoke and acoustic music. There is no outside dining at either location. If an outside wedding, for instance, is held at the Sokokis location, he would have to come back to the Town for a Special Event Permit. Patti Berry, CEO stated that outside events could be held at the Sokokis location, not the West Rd. location.

Gordon made the motion to add: Discuss/Vote Special Amusement Permit for Woody's, to the agenda. Dave seconded. Voted, passed.

6:15 – Tom Ursia, Town Planner, Update on Performance Bonds: In the winter of 2010, the discussion started on Performance Bonds and the BoS sent a directive to the Planning Board, which was discussed in February of 2011. Performance Bonds and Guarantees, which is as or more important than Performance Bonds. Options given to BoS and PB containing the different alternatives of Performance Bonds. The type of bond has to be chosen which will protect the public the most and be the most fair. No decision has been made by the PB as yet. There is a growing need to resolve this question of Performance Bonding due to a 20 lot subdivision nearing final approval. Where traditionally a PB has the prerogative to establish a Performance Bond, without having Performance Bond language, a subdivision may get approved without adequate bonding. This subdivision is unusual whereas the water lines are already in, so bonding would be for road improvement. Whereas this subdivision is being phased in, the Town needs protection that the infrastructure does get built. TammyJo stated that the BoS sent Tom back to the PB in April for an answer by June. The BoS need to send correspondence to the PB stating that they will be revisiting this issue again in July and would like the PB's input. Tom stated that due to a typo in the ordinance, the current bonding mechanism suggests that the PB could ask up to 25% of value. If a project defaults, someone is left resolving where 75% comes from to complete the project. He feels the PB is stuck on the proper mechanism to use in these economic times. Jon asked if Tom could advise the PB and come up with a document to get back to the BoS with. Tom stated he has given the PB his recommendation on several occasions, but there was a lack of consensus with the PB members. July 6, 2011 is the next PB meeting. Dennis asked the BoS to put something together and he'll go to the meeting and try to get closure on this issue. Tom said that once

he knows the feeling of the PB, as to what mechanism they want to use, he can do a draft ordinance. Jon as what are the options. Tom said surety bonds, irrevocable lines of credit (which he doesn't suggest), Certificates of Deposits, Cashiers Check/certified cash, letters of credit, etc. He only recommends cash, ie: passbook savings, which is a no risk guarantee. PB had discussed pros and cons of each – maybe a hybrid can be created to have 2 options available. Dave asked what the procedure would be if the PB can't come together. Dennis stated that the BoS have the right to put something together for the PB to agree or not agree with and then it could come back to the BoS to hold a Public Hearing to change the Ordinance. Currently, they are trying to get the PB's preference.

6:30 – Patti Berry, CEO – Request for extension on violation resolution: In regards to 198 East Shore Road, a request has been received for a 60-day extension to remove a deck which has to be done by an Administrative Consent Agreement. The benefit would be to save legal costs. The BoS have already voted to take to court. The owners have agreed to remove the deck without going to court, but want 60 days to do so. The Town Attorney suggests, if the BoS allow 60 days, they can impose a per day penalty and suspend all but a small portion if the deck is removed within the days set by the agreement (ie: \$100. day penalty with all but \$500. suspended if deck is removed within 60 days) The Agreement needs to be specific that the Town will go to court if not completed in 60 days and the Town will ask for Attorney fees in addition to fines and penalties. The deck was done in the fall of 2009 and the Town has been working on this since the spring of 2010. Dennis stated that he felt they should set a fine effective immediately with a difference number of days. Questioned the size of deck: 10 X 24, done without a permit and has done due process with the Zoning Board of Appeals. Discussion – very little in legal fees have been expended to date.

Patti Berry, CEO – Condemnation request: Property located on Tax Map 4, Lot 48A has an outstanding junk yard violation and Patti is asking for permission for legal action to enforce. There also is a health issue and have not been able to inspect the interior of the building, so is asking permission to go to court to get an injunction to inspect the inside of the structure with the end result possibility being condemnation of the structure. Several agencies have been brought in on this issue, Dept. of Agriculture, DHS and Animal Welfare. There is a farm on the property. The Town's jurisdiction is the junk yard and construction of the building, which they have a permit on, but it has never been inspected as she has not been allowed access to the building.

Patti Berry, CEO – Request to table #3 under New Business until a meeting with the Town Attorney is held this week.

HEARING OF DELEGATION – None

CORRESPONDENCE – None

TOWN ADMINISTRATOR'S REPORT – Whereas Nancy was running the camera equipment, she deferred to Jon to report on a Customer Service Workshop they attended at MMA in Augusta.

SELECTMEN'S REPORT

1. Jon spoke about the Customer Service Workshop he and Nancy attended. There are 2 forms of customers; inside customers-employees to employees and outside customers-citizens of town. Ideas were shared by the audience attending as well as the Trainers, which he told the Board about.
2. Dennis reported on the Annual meeting at Ecomaine, which was a good meeting containing a lot of things that will benefit Waterboro. Tonnage thru 1st. 11 months (7/1/10-5/31/11), total received and household waste was down 27% and the recycling was the same as last year. \$5.6 M energy waste sales of which sale of recyclables is 60% or \$3.5M. Some reduction in local share is going into this next year. Discussions are being held on recycling food waste in the future. There is a law being proposed for renewal energy credits that could help Ecomaine, possibility ¼ M off operating costs.
3. Gordon noted that several firefighters were graduating tonight and would like to formally recognize them and the firefighter recognized by the Governor's office. He would also thank the volunteers that refurbished the dugouts, fencing and work done at the Lions Field.
4. TammyJo reported on the 12 Town Group. They discuss LD 1476 which failed in committee that would change the County Budget Committee. York County Commissioners may be looking at consolidation. Rural Patrol discussed. Mr. Brown, County Manger will be retiring in September. Discussed Traffic Corridor Commission which included increasing Rt 111 from 2 to 4 lanes and the concern that some people would lose their homes and also historical sites might be in jeopardy. In 10 years it is projected that Sanford will become the 5th. largest city in the state.

COMMITTEE REPORTS

1. Economic Development Commission – TammyJo reported that all committee members terms expire on June 30, 2011 and the majority are not going to renew.
2. 20/20 Comprehensive Planning Committee – Tom reported that their next meeting would be tomorrow night and they will be doing a work plan on what to accomplish over the next 12 months and deliver it the BoS within the next 60-90 days. The Committee is in need of 2 members. They will achieve the Energy and Village Chapters, noting that master plans cost money to create, therefore grants and foundations being explored. He is looking at the Maine Philanthropy Center, not only for the 20/20, but other committees. The Committee will work to get other Committee involved.

NEW BUSINESS

1. Discuss/vote to extend violation resolution: Dave made the motion to set a find of \$250. per day, with all but \$1,000. waived as long as the deck is removed within 30 days. Dennis seconded. Discussion.. Dennis suggests imposing a fine effective immediately to a specific date, such as 6/24/11 with a deadline of 7/24/11. Patti to inspect on 7/26/11 and if not completed it will be taken to court and fines would be retroactive to day one. Dave amends his motion to include Dennis' suggestion. Dennis seconded. Voted, passed.
2. Discuss/vote on condemnation request and/or possible legal action: Jon made the motion to go forward with both legal actions. Gordon seconded. Voted, passed.
3. Discuss/vote to request injunction to enforce stop work order: Tabled per CEO request for 1 week.
4. Discuss/vote on committee application for Road Review Committee: Jon made the motion to appoint Nancy Roberge to the Road Review Committee and maintain her as a paid Town Committee Secretary. Gordon seconded. Voted, passed.
5. Discuss/vote to sign Treasurer's Disbursement: Dennis made the motion to sign the Treasurer's Disbursement, Gordon seconded. Voted, passed.
6. Discuss/vote on annual appointments: Dennis made the motion to appoint the following for FYE 2012: Matt Bors, Fire Chief; Lisa Bennett, Health Officer; Patti Berry, Deputy Health Officer; Pam L'heureux, Deputy Health Officer; Pam L'heureux, EMA Director; Patti Berry, CEO and LPI; Robert Devilleneuve, Deputy CEO and LPI; and Peter Gordon, Deputy CEO and LPI.
7. Discuss/vote warrant for Special Town Meeting: TammyJo said that as stated at Annual Town Meeting, \$66,000. was overspent for FYE 6/30/10 so would need to ratify the books by holding a Special Town Meeting before the end of the month. Discussion in regards to adding \$5,000. to the Special Town Meeting for the Road Dept. to purchase mechanic tools to maintain the Town's equipment. There is monies available in the URIP Account that can be used for this. Dennis made the motion to sign the warrant for the Special Town Meeting to be held June 28, 2011 at 6 PM. Gordon seconded. Voted, passed.
8. Detailed Parks & Rec. projected expenditures to year end: Treasurer, Julie Giles stated that as of last Friday, the P&R receipts were \$3,300. to the good, a total of \$146,992 had been collected. \$22,107. needs to be collected before year end. Dennis noted that the Dept. has approximately \$8,000. left to spend. TammyJo asks that Nancy, Mike and Julie get together by this coming Friday afternoon with solid figures, as this Department cannot let their budget be overspent. Jon Gale asked the status of the receivables. TammyJo stated that the Director of Parks & Rec, Mike DeAngelis, had provided the BoS with a list of 30 +/- families that had outstanding amounts and Mike has been directed to attempt to collect. Jon noted that if the Town Administrator is concerned on Friday about the P&R expenditures according to the information provided to her from Julie and/or Mike, she has the authority to cease spending.

9. Review list of expired committee appointments: The Board reviewed the list of committee members expiration of term. A letter will be sent to each regarding serving again and acknowledging appreciation of their service.
10. Discuss/vote on transfers: Jon made the motion that the Town Administrator and the Auditor will get together and go over which departments are over and under expended and move monies between accounts to balance. The BoS and Treasurer will be notified of the transfers. Gordon seconded. Voted, passed.
11. Discuss/vote on Special Amusement Permit for Woody's: Gordon made the motion to issue a Special Amusement Permit for Woody's two locations. Dave seconded. Voted, passed.

OLD BUSINESS

1. Update on FEMA funds for Mast Camp Road: The Treasurer, Julie, spoke on the receipt of the November 2, 2010 FEMA money received and noted that it was entered on a Journal and all 5 members of the BoS signed off on Nov. 2, 2011. She can not post anything without the BoS or Administrator's signatures. EMA funds come in 2 to 5 times per month with an additional 6 to 9 electronic transfers. She is doing the best she can and is willing to attend any meetings to answer questions, and would like to know specifics if the Board has any concerns. TammyJo stated that Board feels they aren't informed as they should be. Communication seems to be problem. Julie agreed that communication is a problem on her end also. Jon stated that the Board receive a list of figures and he wants to trust that the Treasurer and Administrator have everything in order and the specific things they ask for, especially in regards to in-coming funds, are told to them when it happens, rather than the Board find out about it later. Gordon noted that when FEMA monies come in there is nothing that specifies on the reports which funds they are and they need to be identified. Julie stated that only numbers are given on electronic deposits and she didn't have a list of FEMA numbers to know exactly what project the monies had come in on. TammyJo stated that before monies that were deposited get posted, in the future, Julie will need to know what account it goes against.

Mast Camp Road work: Doug Foglio, Sr., Road Commission stated that he contacted Sebago Technics and has given a copy of a letter from them to the BoS in regards to the size and material of the culvert. Rt 202 has 2 – 48" culverts that have the capacity to handle water and the Mast Camp Road bridge wasn't an obstruction so was called 'free flow'. They want a granular bed for the fish to swim up and down stream without obstructions. New regulations have culvert being 120% the width of the existing stream bed. If Town wants to spend the money and go back and try to get new plans approved, Sebago Tech seriously doubts it would happen. The Town should keep in mind the following conditions

of the ACOE permit – if you change the plans or construct methods for work within their jurisdiction, they have to be contacted and approve any modifications/changes before the work can be done. If the Town doesn't go along with the FEMA plans, then they could ask that the Town give back the FEMA monies (\$20,000.+) for the project. If the money does go back, the Town would also lose the State monies of \$4,000. and would have to foot the bill themselves. TammyJo stated the plan drawn up is the one the Town has to use. Doug said he has detailed out prices. He believes he has found another source for the culvert which would be of equal quality and could save 10-15%, maybe \$1,500. There is approximately \$24,000. to use and the Town's share of \$2,600. would be in addition to that. The plan does not include removal of the old bridge, estimated to be \$3-4,000.; replacement of concrete footings, est. at \$2,000.; excavate for new culvert, replace riprap with 12" stone and backfill, est. at \$4,000; culvert has to be assembled, est. at \$600.; guardrail, est. at \$3,750.; totaling \$37,627. to complete the job. The plans doesn't show the complete work that is normally shown on a set of plans such as these. There is other FEMA monies available from other jobs = \$35,000. on last report. \$6,000. URIP money is spoken for. Delivery time on the culvert is 7 to 21 days. He would need authorization to proceed. Dave asked whether any of the FEMA money was delegated to other jobs. Dennis stated that some of the monies are reimbursement of a %-age of monies the Town spent out of road account for storm damage. \$20,000 is designated for this mitigation project. Jon stated that he wanted to be sure that they were not encumbering road funds from next year's budget. Doug said he need \$10,000. more, needing a total of \$35 to 40,000. to complete the job. \$2,000. could be taken from a road account. Nancy suggests updating the people living along the Mast Camp Road on the project. Dave made the motion to give the Road Commission authorization to do the job. TammyJo seconded. Voted, passed.

TammyJo told Doug they would do a workshop with him after the Special Town Meeting next Tuesday night to go over his questions. Doug said he had had a few complaints that he would like to talk with the Board tonight. The lights at the campground need work and crosswalks need to be done, and there is still monies left in those accounts. There is also monies in other road accounts for things that need to be done, can he use it? Dennis stated that Doug and Nancy should work together in regards to any work needing done. Doug stated that Town Roads need to be graded.

2. Update on status of dam gates: Nancy had provided a letter to the Board stating that the work will be done the last week of July to the 1st. Week of August. They will be building a plywood dam as the gates have to be take out to be repaired.

3. Update on Transfer Station/Sebago Technics: Nancy reported Owen said he would let her know and she hasn't heard from anyone as yet. Clint said he talked with Lucas and told him it would be best for him to talk with Owen, then get back to Nancy. TammyJo said this would be put on the agenda for next week.

OTHER

1. Warrants for bills & payroll: Jon made the motion to approve. Gordon seconded. Voted, passed.
2. Minutes of June 14, 2011: Dennis made the motion to approve. Gordon seconded. Voted, passed.

Pending Decisions

1. Public Service Announcements
2. Performance Bonds
3. Committee Self-evaluations

Action List

1. Letter to Planning Board that Dennis will deliver to Wednesday night's PB meeting
2. Extra advertising for the Special Town meeting next Tuesday
3. Letters to committee members who's terms are expiring
4. Letter to Mast Camp Road residents with update of bridge project

Agenda Items

1. Special Town Meeting
2. Workshop with Road Commissioner and Road Review Committee
3. Mike asked if he should be on the agenda next week to make sure they are all on the same page for this fiscal year. Dennis stated that Nancy certainly will be asked. Mike said that the field well pump is not working. TammyJo stated that before anything could be spent it would have to go thru Nancy.

Reminders

TammyJo read the reminders for the week plus noted that the Board of Selectmen will hold an Executive Session on Thursday, June 23, 2011 at 5 PM.

ADJOURNMENT

Jon made the motion to adjourn at 8:15 PM, Gordon seconded. Voted, passed.

8.

SIGNED:

1. Warrants for bills & payroll
2. Minutes of June 14, 2011
3. Municipal Quitclaim Deed

APPROVED: Date:_____
