

SELECTMEN'S MEETING MINUTES

October 25, 2011

PRESENT: Selectmen: Woodsome, Gale & Girard, Town Administrator Nancy Brandt, Dianne Holden, Mr. & Mrs. Collard (left after public hearing on fireworks), Steven Poisson, Jaye Winkel, Patrick Fennell, Peter Hasler, Ivy Finglas, David Lowe, & Christina Silberman (Nancy Johnson was also present for the GA Maximums public hearing)

Selectman Girard opened the meeting at 6:04 pm with the Pledge of Allegiance. Selectman Gale moved to appoint Selectman Girard as Chairman Pro Tempore, seconded by Selectman Woodsome. There were no other nominations. The motion was voted and passed - **3 yeas**.

PUBLIC HEARINGS:

6:00 p.m. GA Maximums: Chairman Girard opened the public hearing on general assistance maximums. Welfare Director Nancy Johnson reviewed the overall maximum increases to Appendix A. Selectman Gale asked if the changes are based on inflation and who sets the rates. Ms. Johnson explained that the State sets the rates based on costs for the region. Chairman Girard asked if the Town could set their own rate. Ms. Johnson responded that the Town could set some of their own rates if they do the required research. The State would reimburse the Town based on the State maximums if the Town rates were higher and would reimburse the Town based on the Town's rates if the Town rates were lower. Ms. Johnson stated that the State rates are low, a family of three has an income maximum of \$970 a month and rents and mortgages can be higher than this. Selectman Girard asked if the \$970 maximum was just for housing and Ms. Johnson replied no, this is household income maximum that includes everything. Selectman Girard said that the GA budget has been over expended for the last couple of years. There have been some long time clients receiving assistance for the last 3-4 four years. She asked if it would be possible to have a tiered rate where new applicants are eligible for the maximum and the rate decreases over time so people aren't relying on this. Ms. Johnson said she looked into this and the State said we could not cap the rates but we could have restrictions and she has been doing this. If the restrictions aren't met then the applicant can be denied. Selectman Gale said that to decrease assistance over time is punitive and a vast majority of the people needing assistance don't want to be there.

6:15 p.m. Fireworks use/possible ordinance: Selectman Girard opened the public hearing and explained that the State law has changed to allow sale and use of fireworks beginning January 1st and municipalities can institute an ordinance governing the sale and use of fireworks.

Jackie Collard, 68 Townhouse Rd., stated that she and her husband would like an ordinance to control use of fireworks on the lake. They understand the use of fireworks over July 4th, but they are going off all summer long even after 10 pm. She would also like use of fireworks prohibited in dry conditions. They had a boat catch on fire due to someone setting off fireworks. She feels there should be an ordinance to protect the community. Mr. Collard asked if there is a size limit, sometimes it sounds like dynamite going off. Chairman Girard replied that there is a size limit. She recently heard feedback about a display at Maine Municipal Association and it was a shock at how large and powerful some of the fireworks that will be legal are.

Dave Barker said that there should be a restriction for the time of night for use of fireworks. He does not feel that sale of fireworks should be restricted because people will just buy them somewhere else. There should be small restrictions to cover the Town for liability and time of night. People want fireworks and we should give them a chance to be responsible. He agrees that there should be restrictions in dry conditions because Waterboro has heavily wooded areas.

Selectman Gale commented that he has heard concerns with time of night and dry conditions and asked if there should be a permit process. 83% of people that responded to the survey do not want a permit process. He asked for ideas. Mr. Barker said it could be that fireworks could not be used if the Fire Department indicates there is a high fire danger. Selectman Gale commented that if burning permits are not being issued, there will be no fireworks. People can call the Fire Department to check on this.

Patrick Fennell agreed with Selectman Gale and some restrictions should be put on fireworks due to fire danger. Mr. Fennell said we could wait a year to see what happens in the state.

Mr. Collard said that fire crackers are one thing but the large aerial fireworks are dangerous in a dry season.

Selectman Girard reviewed the web survey results.

Selectman Woodsome said he is concerned with the aerial rockets that have extreme heat. Burning permits are issued for controlled conditions and rockets are not controlled. He would not support allowing use of fireworks because burning permits are available. Chairman Girard commented that winds have to be considered also. Selectman Woodsome is also concerned with use of aerial fireworks going off over someone else's property.

Ms. Brandt said that an ordinance would be enforced by the Fire Dept., Code Enforcement, and the Police. Selectman Girard said that this would be enforced by the Contract Deputy for Waterboro. She has spoken with the Sheriff who feels that there will be some changes to the State law. If Deputy Sanborn were to issue a summons, the Town would have to pay for his time to prosecute the case or the Town Attorney would have to be involved. We have to consider the cost of enforcing an ordinance. Any fees that are incurred by the Town for enforcement should be recouped with fines. Selectman Gale said that aerial rockets pointed out over the lake are one thing but if the rocket lands on someone's roof that is another. In most cases if fireworks are going off at 11 pm they could be told to stop and 90 % of cases could be resolved.

Dianne Holden said she is also concerned with lantern type things with a candle that she has seen used on the lake. These rise up over the lake and float over the woods. Mrs. Collard said that these are not controlled and it is scary with all the dry pine needles.

Ms. Brandt suggested a provision in the ordinance that anyone that sells fireworks makes sure to give a copy of the ordinance to the customer. Mr. Barker asked if the Town could seek restitution. Chairman Girard said that this would be part of the ordinance and the fine structure.

Chairman Girard thanked the public for their input and remarked that it is good to have feedback from the community. Chairman Girard closed the public hearing and said that the Board will discuss this further in the future.

CORRESPONDENCE (This was heard before the public hearing on fireworks): Chairman Girard stated that there was a newsletter from Rep. Libby in their packet.

REPORTS (Reports were given before the public hearing on fireworks): **Selectmen's Report:** Selectman Woodsome reported that the 20/20 Committee and the Planning Board met last Wednesday. It was interesting that there was some confusion between the different groups over who is doing what. They realize that a lot of work and interaction needs to be done.

Selectman Gale commended Lt. Frazier for the work on the forestry truck for the Fire Dept. that needed a lot of work. The students have been helping too. Lt. Frazier is a handy guy and they have taken the truck and turned it into a vehicle that will serve us for 3-4 years. This saves the Town a lot of money.

Chairman Girard reported that the York County Budget Advisory Committee received the first draft of the Commissioners' budget today. A letter from the Chair indicated that this is a flat budget this year. The Budget Committee has 60 days to act and they will be having a budget meeting in the near future.

Town Administrator's Report: Ms. Brandt reported that she is working on preparing the budget packets and will distribute them on Friday. Ms. Brandt reminded citizens that the last day to vote by absentee ballot will be Thursday, November 3rd unless there are extenuating circumstances such as hospitalization.

NEW BUSINESS:

1. Discuss/vote to accept new road name – Alice Lane: Code Enforcement Officer Patti Berry reported that there are two structures on this road, a residence and a business, and these are owned by the same person. Selectman Gale moved to accept the recommendation of the new road name Alice Lane, seconded by Selectman Woodsome, voted and passed – **3 yeas.**

2. Discuss/vote to adopt GA maximums: Selectman Gale moved to accept the GA maximums as presented, seconded by Selectman Woodsome, voted and passed – **3 yeas.**

WORKSHOP – Chairman Girard explained that this is a workshop to discuss renaming the abandoned portion of Middle Road. Previously, the Board voted to rename Ross Corner Road to Middle Road. The Board is asking for input on name suggestions.

Steve Poisson, 331 Ross Corner Road, stated that he lives on the abandoned section of Ross Corner Road and was at the first hearing. He said he was not invited to the second hearing. Chairman Girard said that his portion of the road will still be Ross Corner Road. Mr. Poisson said that he will be the only house on this section of Ross Corner Road so he will have the same problem (emergency responders going to the wrong end of Ross Corner Rd.). Mr. Poisson said he was left out because he did not receive a notice about the second hearing. Ms. Silberman confirmed that Mr. Poisson was not on the list that received a mailed copy of the public hearing notices. Selectman Gale wondered if a change can be made in the 911 system regarding which end of the road he is on. Jay

Winkel commented that Mr. Poisson's case illustrates that the Town may not have done due diligence in the notification process and other property owners with frontage may not have been notified. Patrick Fennell provided a copy of the tax map to the board to view the parcels. Chairman Girard said the board will have to address what to do with the dirt portion of Ross Corner Road. Ivy Finglas said she obtained the mailing list for the public hearings and the first one was evidentiary proof of a mailing but the second one was just a copy of stickers.

Patrick Fennell, Middle Road property owner, thanked the Board for having this workshop, and asked about the mailing process for the people on Ross Corner Road that were affected by the name change to Middle Road. Chairman Girard confirmed that a mailing to notify residents of the name change has not been done yet. Chairman Girard indicated that the Board has already made a decision on the name change of Ross Corner Road to Middle Road and they are not here to rehash this tonight. Mr. Fennell earlier provided a copy of prepared notes to the Board which he reviewed. He stated that it was not made clear at the second public hearing that the vote was going to occur that night. In the interest of preserving history, he proposed not changing Ross Corner Road to Middle Road but instead to have an East Ross Corner Road and a West Ross Corner Road and leave Middle Road as it is now.

Mr. Hasler, Middle Road, stated that he thinks Mr. Fennell's proposal of an East and West Ross Corner Road is the better solution. If his portion of Middle Road has to be renamed, he would like it to be called Old Middle Road. Mr. Hasler said he feels the Board moved very fast to change the name of the road and there may be some fallout issues. He is concerned with the intersection of Ross Corner Road and Middle Road and he contacted the Road Commissioner about this who said this is an illegal intersection. He thinks the intersection is the greatest safety issue. He is aware of at least 5 accidents, perhaps with one fatality, since Mr. Poisson has lived here and the trees there are all dented up. Vehicles coming along the road cannot see a vehicle entering from the abandoned portion of Middle Road. Mr. Hasler asked the Board to take a look at the intersection. Mr. Lowe displayed a map on the overhead projector and the Board viewed the intersection. Chairman Girard said we are beginning to work on our budget and we need to discuss this with the Road Commissioner.

Jaye Winkel said that she thinks this issue (changing the name of Ross Corner Rd.) warrants a second look because notifications were done improperly. Also, the residents did not know the vote was going to occur the same night as the second public hearing because it was not on the agenda. Chairman Girard confirmed that the Board is allowed to add an item to the agenda during a meeting if a majority of the Board votes to add it. Chairman Girard apologized that Mr. Poisson was left off the public hearing mailing, this was not intentional. The public hearing was posted in the newspaper and on the website. Chairman Girard said the Town did the best they could to notify the property owners and does not think anything was done improperly. Selectman Gale said the decision was made with the information from both sides and it was not biased. An equal number of people would have complained if the decision was not made. Ms. Winkel said she feels that it did not matter what she wanted because the Board felt only two people would be inconvenienced.

Dianne Holden stated that this workshop is to discuss the renaming of the abandoned portion of Middle Road and they have not really done this yet. She suggested naming the abandoned portion of Middle Road the "Red Schoolhouse Road". There was a red schoolhouse at the intersection and it does not compete with other road names in town that she is aware of. Ms. Holden agreed with concerns about the way the intersection comes together and said the Road Commissioner will have to address this.

Chairman Girard indicated that suggestions tonight for the road name change are Old Middle Road and Red Schoolhouse Road. Ivy Finglas said she prefers Old Middle Road. Ms. Holden said she is concerned with Old Middle Road being confused with Middle Road.

Selectman Woodsome said that he thinks the whole issue needs to be revisited given Mr. Poisson's notification issue. He does like the suggestion of the East and West Ross Corner Road. The situation needs to be looked at more. Selectman Gale said that the two Selectmen that are not here tonight need to review this also. Ms. Brandt said this will have to be put back on the agenda. Chairman Girard said that they will schedule an agenda item to discuss reconsideration at the next meeting that all the Board members will be present for. Ms. Brandt said that this will be November 15th. Chairman Girard said that the Board has been dealing with this issue for 8 months.

Ivy Finglas raised a concern with conflict of interest because Selectman Abbott is related to the proposee, Todd Abbott. Chairman Girard responded that in small towns, there are bound to be times when friends and family may be before the Selectmen. The Board knew that it was his son that made the proposal and she does not feel that there was a conflict of interest and Selectman Abbott is very fair and impartial. Selectman Gale stated that a conflict of interest is defined as having a monetary gain, and there was no monetary gain here. Jaye Winkel indicated that there is some bad blood between them and Todd Abbott because of their work with the Nature Conservancy to close the area to ATV and off-road traffic. Chairman Girard said that the issue arose when Todd Abbott had a concern because a crime occurred at his residence and when he called for assistance it took an extended period of time for a response and he felt this was a safety issue. Chairman Girard said that the Board will have an item on their agenda to discuss possible reconsideration of the renaming of Ross Corner Road at the November 15th Selectmen's meeting. Selectman Gale said the Board also needs to discuss the separate issue of the intersection. Mr. Fennel said he obtained a map from E-911 and it looks nothing like the map they reviewed tonight. Chairman Girard asked for this map and she will check on it.

OTHER:

1. Moved by Selectman Woodsome, seconded by Selectman Gale to sign warrants for bills and payroll, voted and passed - **3 yeas.**
2. Moved by Selectman Gale, seconded by Selectman Woodsome to accept the minutes of the 10/18/11 regular meeting as written, voted and passed - **3 yeas.**

PENDING DECISIONS

1. Public Service Announcements
2. Committee Self-evaluations
3. Work with Logan Circle residents on water runoff issue. Chairman Girard has been in contact with Mike Bouthillette and they are going to do some research and look at York County Soil & Water for available grants.
4. Review Driveway Opening Permit language

5. Research deed for abutting lot offered for sale on corner of Black Cove and Townhouse Road (formerly referred to as Moonpenny Ln. property). Ms. Brandt said that she has reviewed this with the Assessor and they will have to go to the Registry of Deeds for research if the Board wants to pursue this.
6. Transfer Station boundary
7. Economic Development Committee status
8. Schedule another meeting to discuss goals

WEEK'S ACTION LIST:

1. Submit completed Town Administrator's performance evaluation form.

DISCUSSION OF AGENDA ITEMS:

1. Discuss fireworks use/possible ordinance
2. Discuss the draft audit
3. Get an update on personal property collection
4. Report from Road Commissioner and Road Review Committee on Ross Corner/Middle Road intersection.

Chairman Girard read the reminders. Selectman Woodsome reminded residents that hunting season starts this weekend. People should make sure to wear orange outside for safety reasons, and remember to put orange on pets and animals too.

ADJOURNMENT: Selectman Woodsome moved to adjourn the meeting at 7:40 pm, seconded by Selectman Gale, voted and passed - **3 yeas**.

SIGNED:

1. Warrants for bills & payroll
2. Minutes of 10/18/11
3. GA Maximum approval

APPROVED: Date: _____
