

BOARD OF SELECTPERSON'S MEETING MINUTES
May 7, 2015 6:30 p.m.
Rumford Falls Auditorium

PRESENT: Chairperson Gregory Buccina, Vice-Chairperson Jeffrey Sterling, Selectperson Bradford Adley, Selectperson Frank DiConzo, Selectperson Mark Belanger, Town Manager John Madigan, Jr.

ATTENDEES: Bromley Cook, Debbie Laurinaitis, Ron Smith, Jim Windover, Peter Chase, Stacy Carter, Dieter Kreckel, Andy Russell, Jennifer Kreckel, Maureen Cook

1. Meeting Call to Order by Chairperson Buccina
2. Pledge of Allegiance to the American Flag
3. Public Hearing: Hawker and Peddler Licenses for:

Danmark Food Concessions, Scooter's Dogs and Mr. & Mrs. Sausage

No comments were presented.

4. Requests of Citizen's Present

Bromley Cook requested to be placed on the next Agenda to discuss the processes and procedures for placing Warrants on the Ballot.

5. Reports

A. Discussion on Proposed Fund Balance Policy from Town Auditor Ron Smith

Mr. Adley made a motion to allow non-resident Ron Smith to speak. Vote: 5-0

Mr. Smith explained that the information that has been provided to the Board is a proposal for a Fund Balance Policy that he drafted by with Town Manager John Madigan and Finance Director Deborah Laurinaitis. He also provided copies of the State Statutes that allows the Board to dedicate funds; the State of Maine encourages towns to have a policy such as this.

Mr. Smith stated that the drafting of this policy will be on-going as he continues to work with Mr. Madigan and Ms. Laurinaitis. At this point we now have a framework to begin to work with. He would like the Board to review the document and stressed that this matter needs to move forward.

Town Manager

Mr. Buccina believes it will be advantageous to set up a workshop with the Finance Committee in establishing and working on this policy with Mr. Smith.

Mr. Smith will also gather further information from other mill towns to inform the Board of their level of preparedness of these towns for comparison purposes. He noted that our largest tax payer is currently paying approximately 3.5 million and a few years ago they were paying 5.5 million. He

asked how the level of service has changed since that time because of the lost valuation. He noted this is a big pill for a town to absorb.

Dr. Kreckel was in agreement that the Finance Committee needs to meet with the Select Board and looking forward to meeting with the Town Auditor. He would like other examples of similar policies to compare, as well.

Mr. Buccina said that he will work with the Town Manager to set up meetings.

B. Selectperson's Report

Mr. Belanger did not have a report.

Mr. Adley reported attending the Chamber Dinner with Greg Maule from Catalyst Paper as the Guest Speaker. The mill has some challenges but he believes we are in a better place with the mill than a year ago. He also noted that the sidewalk areas around Bangor Savings, Hotel Harris and Brian's Bistro are a mess and need immediate attention.

The Town Manager reported that Public Works just finished Spring Clean Up and will begin to tackle the repairs of the Downtown sidewalks. The Manzer asphalt pit has just opened up and we will also need grout to make some of the repairs.

Mr. DiConzo mentioned the handicap corners and removing the middle granite stones to open up the whole corner. Andy Russell said he believes that they could take care of this without causing a drainage issue. Mr. DiConzo would like the Board to look into a bi-weekly pay schedule and mandatory direct deposit for all employees. He realizes there is a cost to set up but he is looking to increase efficiency for that office. He also mentioned the re-hire of a part-time employee at the Town Garage that he wants looked into. He would like the appointment of a Warden and Deputy Warden on the next agenda. He does not believe a Moderator will be able to handle questions that come up at the anticipated large turnout at the next election. The Town Manager said that the Town Clerk informed him that Wardens are only needed when there is a State election according to State statutes and the Charter states that the Moderator is elected at the Town Meeting and oversees the secret ballot elections. Mr. DiConzo would like this discussed at the next meeting.

Mr. Sterling noted that construction will be starting on the Andover Road culverts which means Martin and Whippoorwill Roads will be used as detours and he asked if 25 mpg signs could be posted on each end of the Martin Road during this time. Andy Russell will be in contact with the MDOT regarding this. Mr. Sterling gave praise for the 15-Minute Program that was held at the Mountain Valley High School to challenge students to make mature decisions and show the impact of their decisions on others. This was a very powerful program that he believes had a strong impact on all who participated. The Rumford and Mexico Police and Fire Departments, particularly Sergeant Tracey Higley and Principal Matt Gilbert were credited. The program was filmed and a youtube video should be up in a few days that should be watched several times. He congratulated everyone who was involved in the presentation.

Mr. Buccina did not have a report.

C. Town Manager's Report

The Town Manager announced that the Mahoosuc Land Trust will kick off the Ellis River to Whitecap Project at the River Valley Growth Council, 60 Lowell Street, on May 14, at 7:00 p.m.

A notice of an MDOT Project Meeting on May 19, 2015 in Mexico was placed in Board members mailboxes.

This year's Spring Clean Up only needed 124 trips to pick up items. The average over the last 20 years has been 250 trips. Public Works was able to get this done quickly and move on to other projects. He announced that citizens can take large items to the Transfer Station at no charge until the end of May.

Mr. DiConzo noted that John Giambattista took down two buildings on Kerr Street that significantly upgraded the area.

The Town Manager also noted that Mr. Giambattista was interested in acquiring a paper street through the property. Andy Russell reported that there is a sewer line running through that area.

The Town Manager reported that Andy Russell had a hazardous material inspection done on 317 Pine Street and some material was found that needs to be tested and removed before future demolition.

D. Department Manager Reports (as needed)

Police Chief Stacy Carter reported that the 15 Minute Program went very well with a great amount of work and participation from community members. Sgt. Higley and Principal Gilbert helped to make a smooth presentation of the program. There was community support for this program from the hospital, funeral homes, parents, students and volunteers. The program was held three years ago and some of the participants that graduated from high school came back to participate because of the success at the first program. He thanked all who were involved and stressed that the message was to get people to talk about drinking and driving, texting and driving, distracted driving and the consequences of their actions, to help the students make good decisions. They hope to run the program again in the future.

E. Board and Committee Reports (as needed)

There were no reports presented.

6. Old Business

7. New Business

- A. ***Approval of Minutes from Special Executive Session of April 13, 2015, Regular Meeting of April 16, 2015, Police Services Joint Public Hearing of April 20, 2015, Ordinance Request Hearings of April 21, 2015 and April 27, 2015, Special Meeting of May 4, 2015 and Correction of Approved Minutes of March 26, 2015

Mr. DiConzo made a motion to approve the minutes from the Special Executive Session of April 13, 2015, Regular Meeting of April 16, 2015, Police Services Joint Public Hearing of April 20, 2015, Ordinance Request Hearings of April 21, 2015 and April 27, 2015, Special Meeting of May 4, 2015 and Correction of Approved Minutes of March 26, 2015. Vote: 5-0

B. Presentation of Good Citizenship Award (Police Department)

Police Chief Stacy Carter presented Vincent Sirois with a Good Citizenship Award for his assistance in solving a burglary and theft complaint in March 2015. The Police Department was able to clear

the case, recover the property and make an arrest. He noted that citizens like Mr. Sirois make this community great. Chairperson Buccina presented the Good Citizenship award to Mr. Sirois and a round of applause was given.

C. Request for Payment of Damages to the Lawn at 64 Franklin Street from Philip Kane

Philip Kane explained that his property had been damaged three different times in the last couple years. His lawn was dug up by sidewalk snow removal equipment the first year. The second time his fence was ripped up in 5-6 sections. He was compensated for the damages to the fence initially and now he cannot replace the fencing as it is not available. The new damages are very frustrating. There are also huge mounds of snow that are not being removed by the Town. He spoke to the Town Manager about the damage on Monday being 8 feet in from the curb and gave him a bill for materials and labor so he could repair it himself. The day after he talked with the Town Manager, the Public Works Department came and repaired the lawn but he did not like the way the work was done and now will need to go over it himself. He does not want any Public Works employees on his property when he is not there and has put in a full day and plans another to take care of what was done. He is trying to fix up the area as his building is for sale.

Mr. Belanger believes the Town should repair the lawns that we damage and someone should be monitoring the work that is being done. He has heard from other citizens with similar concerns.

The Town Manager noted that we receive a lot of snow here and it is hard to see the edge of grass or pavement when there is a foot of snow. This type of damage happens often and the Town repairs the damage. The right of way pin is behind the fence on both streets that border Mr. Kane's property. That area also has one of the narrowest sidewalks in town to plow. He mentioned also that a business next door hires someone to plow out their area and it ends up in front of Mr. Kane's residence.

Mr. Kane said that he asked where he could place his fence when he put it in and someone at the Town told him 10 inches to a foot from the edge of the curb [tar].

Mr. DiConzo noted that he knows of some fences on the other side of the right-of-way and knows that the Town has repaired any damages that were made.

Mr. Kane asked why the Town waited so long to pick up the snow that piled up.

Mr. Buccina noted some damages that he has observed on other citizen's properties and would like to discuss this further with the Town Manager and Public Works Superintendent and come back to another meeting.

Mr. Adley drove by Mr. Kane's property and thought that the Town's repair looked adequate. He added that he has always taken care of his own lawn every year when there is excess sand and broken mailboxes after the winter plowing season.

Mr. Kane wants the restitution for these damages and cannot get the fencing materials replaced any longer. He also mentioned that a couple years ago the Town was using a snow blower to clean the sidewalk and it threw snow and dirt 8 feet onto properties.

D. Discussion on Main-Land Development Sidewalk Project Data Gathering Recommendations

The Town Manager informed the Board of the Main-Land's work recommendations for the sidewalk project.

Mr. DiConzo noted that the only bid received for this work was from Ted Berry for the smoke testing of the drainage pipes.

Mr. Belanger was concerned about compliance from property owners to pay for the corrections to the drainage pipes.

The Town Manager noted that while testing is being done, plumbers can go in to make reasonable estimates for the corrections. We also have some loan funding available to help owners to make the corrections. This problem needs to be resolved because of the overflows at the sewer treatment plant.

Attorney Kreckel believes the Town should try to work with the property owners in the downtown area by determining what types of funding would be available for the owners who are not compliant with the DEP regulations. We may need to place a lien on the property if the Town needs to make the corrections themselves, or determine if the owners need to pay fines. We will need to develop a letter to send out to property owners as soon as possible. If we have to go to court for enforcement, it could take much more time. Some out of state owners may not be "invested in the community" enough to be compliant willingly. The Code Enforcement Officer will need to be involved with this process.

Mr. Belanger asked if there was a process in place to handle violations. Ms. Kreckel believes if there is a violation of the DEP, someone gets to take the owners to court and if they do not pay their fines that requires further legal proceedings.

The smoke testing by Ted Berry would take approximately three days according to Andy Russell.

The Town Manager noted that we could take the funds from the Sewer Funds account to pay for the smoke testing to get the project moving to remove the storm water drains from the sewer lines.

The proposed costs to start the project are: \$4,650.00 for smoke testing, \$8,400.00 for CCTV Inspection, \$2,400.00 for Dig Smart and also to allow some funding for Flagger if needed.

Mr. DiConzo made a motion to allow up to \$17,000.00 from the Sewer Reserve Funds for the projects discussed above as quoted through Main-Land Development. Vote: 5-0

E. Request from Candice Casey for Handicap Parking Space near 80 Essex Avenue

Mr. DiConzo spoke with Chief Carter, who was only aware of handicapped parking spaces for businesses and not for any individuals.

The Town Manager reported that he checked out the area and spoke with Ms. Casey and apparently employees of the market across the street are parking in that area. It was noted that the business owner is looking to purchase an area for parking.

Mr. Sterling made a motion to take no action at this time on the handicapped parking request. Vote: 5-0

F. Request from Bonnie Gatchell for Permanent Extension of Liquor License to an Outside Area for Gatch's LLC

Mr. Adley made a motion to allow non-resident, Bonnie Gatchell, to speak. Vote: 5-0

Mr. Adley complimented Ms. Gatchell for the removal of the building adjacent to her business.

Ms. Gatchell requested the extension of her liquor license to the area where she had the building torn down to allow her to have a lawn and fenced in area for patrons to dine outside.

Mr. Buccina read a recommendation by Code Enforcement Officer David Errington who was concerned about this business being in a residential area and noise complaints from outside music entertainment and that abutting owners and residents notified and offered a chance to testify at a public hearing.

Ms. Gatchell said her business is usually closed by 9 p.m. Once a month they would like to offer outside entertainment from 7 p.m. to 10 p.m. Most entertainment would be from 4 p.m. to 7 p.m. She wrote letters to her abutters, the Milligan's and Ray Corporation to attend the Planning Board meeting and they were not there.

Mr. DiConzo made a motion to approve the request to extend the liquor license for Gatch's' LLC.

Mr. Belanger asked about Liquor License permitting. In discussion it was noted that if there are any complaints, that they would be addressed when the Liquor License comes up for renewal.

Vote: 5-0

G. Approval of Hawker's and Peddler's License for Michael Philbrick, dba Danmark Food Concessions

Mr. Belanger made a motion to approve the Hawker's and Peddler's License for Michael Philbrick, dba Danmark Food Concessions. Vote: 5-0

H. Approval of Hawker's and Peddler's License for Scott Clough, dba Scooter's Dogs

Mr. Belanger made a motion to approve the Hawker's and Peddler's License for Scott Clough, dba Scooter's Dogs. Vote: 5-0

I. Approval of Hawker's and Peddler's License for Dana Levasseur, dba Mr. and Mrs. Sausage, and Permission for Overnight Hours

Mr. Belanger made a motion to approve Hawker's and Peddler's License for Dana Levasseur, dba Mr. and Mrs. Sausage and to give permission for the requested overnight hours of May 21-25, June 25-28, and October 15-18. Vote: 5-0

J. Approval of Parade Permit for American Legion Memorial Day Parade

Mr. Sterling made a motion to approve the Parade Permit for the American Legion's Memorial Day Parade. Vote: 5-0

K. Approval of Parade Permit for River Valley Healthy Communities Healthy Heart 5K Run/Walk

Mr. Sterling made a motion to approve the Parade Permit for River Valley Healthy Communities Healthy Heart 5K Run/Walk. Vote: 5-0

L. Request for Elimination of Night Time Hours from Voter Registrar

Mr. Sterling made a motion to approve the request from the Voter Registrar to eliminate night time hours. Vote: 5-0

M. Request for Appointment of Ballot Clerks for June 9, 2015 Election

Mr. DiConzo wanted to be sure that there was an even number of republicans and democrats that served. Currently, the list contains an uneven number. The Town Manager believes that there may be extra appointed but only an even number will be serving at one time.

Mr. DiConzo made a motion to approve the appointment of Ballot Clerks for the June 9, 2015 Election. Vote: 5-0

N. Approval of the Town Warrant dated May 8, 2015

Mr. DiConzo made a motion to approve the Town Warrant dated May 8, 2015. Vote: 5-0

8. Adjournment

Mr. DiConzo made a motion to adjourn at 8:25 p.m. Vote: 5-0

John E. Madigan, Jr.
Town Manager

JEMJr/tp