

BOARD OF SELECTPERSON'S EXECUTIVE SESSION
July 20, 2017 6:00 p.m.
Jury Room

PRESENT: Chairperson Christopher Brennick, Vice-Chairperson Michael Peter Chase, Selectperson James Windover, Selectperson Mark Belanger, Selectperson James Theriault, Town Manager Linda-Jean Briggs.

ATTENDEES: Bob Chase, Mike Mills, Eric Davis, Bruce Farrin, Kevin Knox, Jennifer Kreckel, Cindy Gallant, Mike Gallant, Richard Scagliola, Candice Casey

1. Call to Order by Chairperson Brennick at 6:30 p.m.
2. Pledge of Allegiance to the American Flag
3. Public Hearing: None
4. Special Presentation or Award: None
5. Comments

A. Public Comment

Candice Casey was concerned about crimes in the area and noted some specific instances. She cited the Nuisance Building Ordinance that allows for landlords to be fined if it is an apartment building and wanted the Town to use that ordinance. She suggested having the District Attorney come in and explain why people who commit crimes over and over are left out. She believes they need to be kept in jail, not plea bargained. She also wants State Police and Sheriff Office contacted about these problems. This will affect our economic development. She would like them all to come in and speak to us about this problem.

B. Town Manager's Report

Town Manager Report
7/20/2017

- Richard Coulombe started working with us as the Code Enforcement Officer. He is immersed in organizing the office and training for the position
- Various personnel issues have arisen, addressed and resolved
- Met with the Public Works Union officers
- Bid opening for gravel and winter sand
- Application period closed for tractor trailer driver at the solid waste facility, Richard McDonald has been assigned that position leaving an opening in Public Works. We will advertise that position shortly
- Met with Western Maine Managers Association in Jay. I have offered to host the next quarterly meeting in October
- We are participating in an effort to assess the broadband needs for our community. There are two surveys you are asked to fill out. If you are a resident, please complete the community survey

- <https://www.surveymonkey.com/r/mainewestcommunitysurvey>
- If you own a business, please complete the business survey
- <https://www.surveymonkey.com/r/mainewestbusinesssurvey>

Suggested Considerations

- Discuss establishing a committee to review all ordinances, propose comprehensive updates and revisions
- Consider language to send a question to the voters, establishing a Charter Review Commission

Future Planning

- MTCMA Institute will be held August 9-11. I will attend
- I would like to schedule vacation August 21-25

Respectfully Submitted:
Linda-Jean Briggs

C. Department Head or Committee Chair Report (as needed)

Michael Mills, Interim Public Works Superintendent, reported that they are almost finished with the ditching and brushing on the Isthmus Road and will start culverts next. They will hire a live bottom trailer for the debris when demolishing the Spruce Street building and it will also be used for demo of the old school in Rumford Center. They are on the second round of lowering and raising catch basins and manholes. Brush is all cut on Whippoorwill Road and the Isthmus and Eaton Hill area will be brushed and ditched with Swain Road to follow. The stumps on Maine Avenue should be gone in a couple of weeks.

Michael Mills, Park and Rec Superintendent, also reported that 44 cemetery headstones have been righted with 6 cemeteries left to go.

D. Selectperson's Report

Mr. Windover did not have a report.

Mr. Belanger thanked the Town Manager for the update on the UDAG loans that are outstanding. He was particularly concerned with the \$91,346.00 balance owed by Rumford Island Housing and would like further explanation as there has not been any payment activity since 2004. He would like this money to come back to the revolving fund so that it is available for other businesses to borrow from to assist in economic development.

Mr. Theriault did not have a report.

Mr. Chase noted that we had a Charter Commission a few years back. The majority of the recommendations passed.

Mr. Brennick appreciated the update on the UDAG loan balances and would like a regular update on a quarterly basis. He noted that it was two years of work on the last Charter Commission.

6. Old Business

A. Approval of Lease with Wow-Za Ziplines, (Seth Carey et al.)

[There were no representatives from Wow-Za Ziplines present at the meeting.] Town Attorney Jennifer Kreckel informed the Board of the proposed lease. If they are in agreement with the lease, it can be signed tonight. She suggested that the Board members read the lease beforehand.

Mr. Belanger asked if a survey had been done. Attorney Kreckel noted that she did not have one although Mr. Carey said one had been done.

Mr. Belanger noted that the Warrant Article did not authorize the lease, and the Board wanted some items clarified.

Attorney Kreckel noted that Wow-Za wanted to have control of the decommissioning fund rather than the Town having control. She recommended against this proposal. She also noted that she would like to see the survey to understand where the ziplines would be located as tax mapping may not be as accurate.

Mr. Theriault asked if we had anything in writing from Wow-Za saying they had agreed with the stipulations.

Attorney Kreckel answered that she received a one page marked-up [edited] document and a letter from Thomas and Seth Carey, signed by Thomas, saying they were in agreement. She also noted that the owner of the LLC we are contracting with is Thomas Carey. Seth Carey is not an authorized signer for the LLC. She would only be able to recognize Tom as the authority to do business with the Town.

Mr. Theriault asked if Wow-Za was not going to sign until the Town signed.

Attorney Kreckel was not sure. Both Tom and Seth were invited to attend the meeting and informed that this was on the agenda, but she did not hear back from them.

Mr. Theriault made a motion to table this item. Second by Mr. Chase.

Mr. Chase noted that Wow-Za seems to be in a rush, but our Town Attorney has put in a great deal of work at our expense, yet they are not here at the meeting.

Mr. Belanger asked if we should meet with the principles before we continue as they are not here.

Thomas Carey entered the meeting at approximately 6:50 p.m. The Chair brought him up to speed on the discussion thus far.

Mr. Carey noted that Jim Sysko, their professional engineer, had done a survey, however, he was not aware that our Town Attorney did not have the survey. He offered to go back to his office to get it.

Mr. Windover asked if we could give preliminary approval pending receipt of the survey.

Mr. Chase wanted to be sure that the Town was not responsible for snow removal as the tower structure will be partially in the street, particularly in early spring while there is still snow there. He

anticipated that when the water was high in the spring they may want the zipliners to go over the river.

Mr. Carey believed the tower would be above the level of the snow but if there is snow that needs to be removed that they would take care of it.

Mr. Theriault and Mr. Chase rescinded their motion and second respectively.

Mr. Windover made a motion to approve the lease to Wowza-Ziplines pending the completion of the survey and sign off by Public Works regarding the snow dump. Second by Mr. Belanger.

Mr. Theriault asked who would approve the survey.

Chairperson Brennick noted that Attorney Kreckel will approve the survey and Mike Mills of Public Works would sign off to say that the parcel does not reach into the snow dump.

Attorney Kreckel added that Tom Carey would put up the first month's rent and security deposit, a total of \$600.00. Tom Carey added that it was to be held in escrow pending finalization.

Vote: 5-0

7. New Business

- A. Approval of Minutes from FYE Select Board Meeting of June 30, 2017 and Select Board Meeting of July 6, 2017

Mr. Belanger made a motion to approve the minutes from the FYE Select Board Meeting of June 30, 2017 and Select Board Meeting of July 6, 2017. Second by Mr. Chase. Vote: 5-0

- B. Approval of the Town Warrant dated July 21, 2017

Mr. Brennick made a motion to move this item to the end of the Agenda. Second by Mr. Belanger. Vote: 5-0

- C. Discussion and Action: Isthmus and Swain Road Rebuild

Chairperson Brennick noted that there were estimates in Board packets from Bruce Manzer for this road work.

The Town Manager recommended that the work on Isthmus Road be combined with work that is also needed on Swain Road to minimize mobilization costs [Isthmus is an overlay and rebuild; Swain is an overlay only]. This would also get us back on track with our road work planning.

Michael Mills reported that he inspected the area and found it to be in bad shape. He called Bruce Manzer's paving company who suggested milling and grinding the pavement which would last 15 years compared to an overlay which would last only 3 years.

Mr. Chase made a motion to allow non-resident, Todd Sawyer of Bruce Manzer, to speak. Second by Mr. Belanger. Vote: 5-0

Mr. Sawyer explained the process and the proposed plans for the projects.

Mr. Chase made a motion to approve \$506,859.49 for the Isthmus Road project. Second by Mr. Windover.

Mr. Chase asked if we have the funds.

The Town Manager answered that we have \$1.5 million in the Permanent Roads fund.

Vote: 5-0

Mr. Windover made a motion to approve \$212,329.90 for the Swain Road project. Second by Mr. Chase. Vote: 5-0

Michael Mills noted that they are installing 20 inch culverts on the Isthmus Road, rather than 15 inch to keep up with heavy rains and potential flooding and are upping the culvert sizes in other areas.

D. Approval of Gravel and Winter Sand Bid

Chairperson Brennick noted that this went out to bid in May 2017 and the Board voted not to accept the bid that was received and go back out to bid.

The following bids were opened in the Town Manager's Office:

- | | |
|-----------------------|---------------------------------------|
| 1. W.A. Lucas | No Bid |
| 2. R.A. Tibbetts | \$ 87,110.00 |
| 3. Knox Loam & Gravel | \$ 84,975.00 |
| 4. Swasey, Inc. | \$104,440.00 (did not meet bid specs) |

Mr. Windover made a motion to accept the bid from Knox Loam & Gravel for \$84,975.00. Second by Mr. Belanger.

Mr. Belanger asked if this reflects the salt priority procedure. The Town Manager answered that it does.

Vote: 5-0

E. Request from Eagles for Temporary Extension of Liquor License on August 12 & 13

Mr. Belanger made a motion to approve the request for the temporary extension of the Eagles liquor license on August 12 and 13 [to the parking lot adjacent to the Eagles Club]. Second by Mr. Windover. Vote: 5-0

F. Request from Eagles to Shut Down section of Oxford Avenue for Event on September 30

Mr. Windover made a motion to approve the request from the Eagles to shut down a section of Oxford Avenue for the event on September 30. Second by Mr. Belanger. Vote: 5-0

G. Selection of 2017-2018 Citizen of the Year

Mr. Brennick noted that the Board received two nominations.

Mr. Chase nominated Gary Dolloff as the 2017-2018 Citizen of the Year. Second by Mr. Windover. Vote: 5-0

The award presentation will take place at the next Select Board meeting of August 17, 2017.

H. Approval of Victualer and Innholder License for Boardwalk Inn (New Ownership)

Mr. Belanger made a motion to approve the Victualer and Innholder License for the Boardwalk Inn (new owners). Second by Mr. Chase.

The Town Manager noted that she has met the new owners and it will be a family run facility and they are very excited about this.

Mr. Belanger wished them well. His wife's sister and brother-in-law were the former owners and will be moving out of the area and will be missed.

Vote: 5-0

I. Discussion on Loader/Plow Configuration at Public Works

The Town Manager noted that traditionally the Board has not made a motion to approve parts purchases, however, the Board requested seeing the actual quote and it was included in their packets. Normally, the department head would purchase the parts as needed. This approach will put off the purchase of a new truck for one year.

Mr. Windover made a motion to approve \$12,567.00 for the purchase of parts. Second by Mr. Belanger.

Michael Mills noted this will save about \$120,000-\$130,000 on a truck.

Vote on the motion: 5-0

J. Appointments to Boards and Committees

Mr. Chase made a motion to appoint Stephanie Wilson to the 3 Year Term on the Board of Appeals. Second by Mr. Belanger. Vote: 5-0

Mr. Windover made a motion to appoint Mitzi Sequoia to the 3 Year Term on the Board of Appeals. Second by Mr. Belanger. Vote: 5-0

Mr. Belanger made a motion to appoint Shaunna Lamontagne to the 3 Year Alternate Term on the Board of Appeals. Second by Mr. Windover. Vote: 5-0

Mr. Windover made a motion to appoint James Theriault to the 3 Year Alternate Term on the Med-Care Board. Second by Mr. Belanger. Vote: 5-0

Mr. Belanger and Mr. Windover both reconsidered their previous motion and second from the last Board meeting where Robert Chase was appointed to the 3 Year Alternate Term on the Med-Care Board.

Mr. Belanger made a motion to appoint Robert Chase to the 3 Year Term on the Med-Care Board. Second by Mr. Windover. Vote: 5-0

Mr. Belanger made a motion to appoint Gregory Buccina to the 3 Year Term on the Northern Oxford Regional Solid Waste Board. Second by Mr. Windover. Vote: 5-0

Mr. Windover made a motion to appoint Eddie Paterson to the 2 Year Unexpired Term on the Park and Recreation Commission. Second by Mr. Belanger.

Mr. Brennick made a motion to appoint April McLean to the 2 Year Unexpired Term on the Park and Recreation Commission. Second by Mr. Chase.

It was noted that Mr. Paterson's application came in after the deadline and Ms. McLean's came in before the deadline. Both have worked with the Park Commission in various capacities.

Mr. Brennick made a motion to cease nominations. Second by Mr. Windover. Vote: 5-0

Vote on Eddie Paterson: 1-4, Mr. Theriault, Mr. Chase, Mr. Belanger and Mr. Brennick opposed.

Vote on April McLean: 5-0

Mr. Belanger made a motion to appoint Susan Milligan as the Animal Control Officer. Second by Mr. Windover. Vote: 5-0

Mr. Belanger made a motion to appoint David Errington as Plumbing Inspector. Second by Mr. Windover. Vote: 5-0

Mr. Windover asked if Richard Coulombe could serve as Alternate Plumbing Inspector before he was licensed through the State.

The Town Manager noted that procedurally she believes he can, as he is working toward his certification and will be working with David Errington as part of the process.

Mr. Windover made a motion to appoint Richard Coulombe as Alternate Plumbing Inspector. Second by Mr. Belanger. Vote: 5-0

Mr. Chase asked that current members of boards and committees be contacted prior to their term expiration by the Town Manager's Office.

- K. Signing of the Third Extension and Amendment to the Agreement for a Joint Ambulance Service, Approved at Annual Town Meeting of June 6, 2017

Chairperson Brennick noted that the Board did not need to take action on this item as it was approved by the voters. Board members signed the agreement with Med-Care for a Joint Ambulance Service on behalf of the Town.

- L. Approval of Town Manager Evaluation Policy

Mr. Belanger noted that the proposed policy is quite similar to what has been used in the past.

Mr. Windover made a motion to approve the Town Manager Evaluation Policy. Second by Mr. Belanger.

Mr. Brennick noted that the Board will perform the 6 month evaluation of the Town Manager at the meeting of August 17, 2017.

Mr. Chase asked if it would be in Executive Session.

Mr. Brennick responded that under State law it is held in Executive Session unless the Town Manager's chooses in writing to waive that right. Mr. Brennick noted that he will schedule an Executive Session.

Vote: 5-0

M. Discussion on Procedure/Time Frame of Proposing New Ordinances

Mr. Brennick explained that the new Charter Amendment that was just voted upon in June 2017 stated that the Public Hearings for submittal of proposals would be in September.

Mr. Chase noted that we may need to change the Charter Article again to change the Public Hearing dates to give us enough time to print the absentee ballots.

The Town Manager noted that when this information came to light, we believed we could have the Public Hearings the first week of September, however, we need to revise it again to receive proposals and hold public hearings in July.

Eric Davis shared comments about the public hearings.

Mr. Brennick noted that we must approve the wording of the proposals for the ballots and need time to consider the proposals.

Mr. Belanger believes we need to follow the Charter and cannot have meetings in July or August if that is not what was written.

Mr. Chase also noted the proposals must go to our Town Attorney for review.

Mr. Brennick suggested we place this on the next Agenda of August 3, 2017 for further discussion.

Mr. Belanger believes we should have more time to consider some of the significant changes.

Mr. Brennick asked to have this item on the next Board Agenda.

N. *Approval of Town Manager Authorization to Sign for LRAP Funds

The Town Manager explained that the Maine Department of Transportation gives the Town responsibility to maintain some State roads, and to offset our care of those roads they give funds back every year in the Local Roads Assistance Program. This year we will receive \$95,988.00. This figure fluctuates from year to year and is based on 9 percent of the MDOT's total budget from the highway fund. This approval would allow the Town Manager to accept the funds to

place back into the highway revenues (State Roads Account); however, it should be noted that this does not fully reimburse us for our costs.

Mr. Belanger asked if the State would take back the roads. The Town Manager answered that the State seems to be giving more roads back to towns rather than taking them back.

Mr. Chase made a motion to authorize the Town Manager to accept the LRAP funds. Second by Mr. Windover. Vote: 5-0

7B.

Mr. Chase made a motion to approve the Town Warrant dated July 21, 2017. Second by Mr. Theriault. Vote: 5-0

8. Adjournment

Mr. Belanger made a motion to adjourn at 8:34 p.m. Second by Mr. Chase. Vote: 5-0

Linda-Jean Briggs
Town Manager

LJB/tp