

MINUTES
Casco Selectboard
December 13, 2011

Summary Minutes For December 13, 2011

Members Present:

Barbara York, Paul Edes, Mary Fernandes and Ray Grant

Members Absent:

Tracy Kimball

Guests Present:

Mark Johnson, Wendy Garland from Maine DEP, Patrick Merass from FB Environmental, Rick Thorpe, Donna Norton, Grant Plummer, Elden Lingwood, Bev White, Irene E. Morton, Carroll Morton, Tom Mulkern, Eric Dibner, Margaret Dilley, Calvin Nutting, Jim Willey and Ken Hawley

The Selectboard approved bills and signed warrants.

Minutes:

The Selectboard tabled the minutes of November 1, 2011 and November 15, 2011 until their December 27, 2011 meeting.

Old Business:

- **Casco Memorial School:**

Barbara York: On *Old Business*, do we need anything more on that because we pretty much did the Memorial School. (In the workshop.)

- **Building Permits:**

Ray Grant: I'm looking at the building permits and are you sure that the right dates are with the right building permits? It's hard for me to believe that ...

Town Manager Morton: Which list are we looking at, Ray?

Grant: The e-mail was sent Monday, October 24, 2011.

Town Manager Morton: I took numbers that were given to me, Ray. I did not personally verify. Those were numbers that were taken off from the written reports and, I think, published in the Town Report.

Grant: Are the years correct? It's hard to believe that we had thirty-two new homes built in the Town of Casco.

Town Manager Morton: It's not hard to believe at all. Most of those were done right at Point Sebago.

Grant: This year?

Town Manager Morton: Yes. We had more than all the surrounding towns new housing starts.

There ensued further discussion on the number of building permits.

- **Meeting Agendas:**

Grant: We have talked about this before but we need to see an agenda that is current a few days ahead of time. I would like to make a motion that we have the permanent agenda set in stone by the Thursday or Friday before the next meeting so we can actually know what we are talking about when we sit in front of people.

Town Manager Morton: This hasn't changed since the first of last week. This is the same agenda that I e-mailed out.

Grant: This might be an exception. There have been drafts; we have seen plenty of drafts but the final ...

Town Manager Morton: That's fine with me. It's really up to the Board because, you understand, a lot of those last minute changes are Board members coming in and requesting that we have additional items placed on the agenda.

Grant: If that person is the only person who knows what is going to be on the agenda, I have a hard time.

Fernandes: How about with the ones that do come afterward with items they'd like to be put on the agenda just to note them, document them, recognize them and say they will be put on the following one.

Town Manager Morton: Or you could do what the School Board does, they basically go through a process at the beginning of each meeting and approve their agenda and add any items to that agenda at that time that they think appropriate. I am happy to do it however the Board wants. I just don't want to suffer the ire of a Board member coming in on Friday, saying this needs to be on the agenda. If the Board agrees to that we can work it however you'd like.

Grant: I think just putting it on the agenda without ... It is pretty hard to get your hands around anything that goes on that you have to look at when you (????).

Town Manager Morton: My goal is always to post the agenda the Tuesday before the meeting, giving you a full week. If I knew I had till Friday before the meeting that is better but my goal is still to do it by Tuesday.

Grant: If you had the information I would certainly like to see it sooner than that but I wouldn't like to see it any later and if there is a special project or something that we could vote on it like they do and have a majority to accept it at the time.

Town Manager Morton: If the Board agrees that if something comes in late and a Board member thinks that is important, I could make note of that and forward to the whole Board in the form of an e-mail and then you folks on the night of the Selectboard meeting could decide this is something we would like to bring up or not. Again, I can work that however the Board wants to. I don't want Board members to feel that I am not including items that they want on the agenda.

Grant: That would be fine. If it's Thursday that gives them a week and one-half and if it is something ... I say if the Board agrees we could have that put on that agenda but ...

Town Manager Morton: Wait a minute; we may not be talking about the same schedule. I was talking a week before not a week and one-half before.

Grant: I am talking about the week before not the week and one-half before. That would be decided when we left here.

Town Manager Morton: That makes it easier for me, Ray, to do it that way as long as it works for the Board if the Board as a whole would like that. Whenever I post it I always post draft agenda because I never know whether that will get changed or not.

Grant: I realize that.

Town Manager Morton: The public has to understand that the Board always has the option of changing your agenda. There is no guiding principal or rule or law that says you can't do that. If there is some way that the Board can let me know by Tuesday morning the week before what you would like to have on the agenda and then if there is something that comes up later as Board members you can say would you send that out to everybody and ask if it would be included next week or would you make sure that is on the next agenda. Those are a couple of options. If you folks, as Board members, feel that that's workable that would be great.

York: Do we have a huge problem with that?

Grant: I think so.

York: Really. I see the draft ones and I have seen occasionally the draft ones change but not ... and a lot of times it's because something has happened within the town that you have added something; not necessarily Board members just saying I need that on there.

Grant: For example, my wife picked up my paperwork last Friday and I came in again today and I still got a stack of paperwork that thick. I should have that all by ...

York: But that is not for a new item on the agenda, right?

Grant: Some of it was.

York: It was on the agenda already.

Grant: Some of it was on the workshop. What I am saying I need to be able to read that information and understand it prior.

York: If we don't get the information the Friday before then we just don't talk about it at that meeting? You got information, apparently, on something that was on the agenda already but you got additional or you got information Monday on it or whatever Tuesday night.

Grant: We got information today and ... well, you had information passed to you tonight, Right? I got it because I was there but what I am saying is we need to have that information ahead of time so we can study it.

My motion is that everything has to be in by Thursday evening before the close ...

York: The Thursday before the meeting?

Grant: Thursday before the meeting with all the information so we can digest it and talk half intelligent on what we know.

York: It's alright by me.

Fernandes: There is nothing worse to get a draft on Friday and then on Monday there is something new added that you haven't had a chance to really review.

York: I was just looking through what I got tonight and other than this list of town activities there is nothing we don't have already.

Grant: But you were in there today though.

York: I didn't pick up anything.

Grant: Your stuff was all gone.

York: The calendar is new too. I think if you want to do that we just say that the information would have to be ...

Grant: If we add anything to that agenda and we'll vote at the time of the Selectboard meeting whether to set that for this meeting or not.

Town Manager Morton: I think that is a good idea. The additional material that you received today that wasn't in your packets last Friday included the floor plans that you looked at that were sent by the architect today. It included a list of tasks in the Town Office that was requested by a Selectboard member yesterday and I don't know that there was anything else. Possibly, a copy of the assessor's e-mail indicating he would be glad to come and meet with the Board sometime. Ray, I think what you're outlining is a reasonable easy thing to do as long as the Board is accepting of that. You understand also lots of times we will throw in material in your packet that might not have anything directly to do with tonight's meeting but is for sometime in the future. There is one Rescue item in there that I noted would be on the agenda on the 27th so I put that in your packet. That probably came in Friday or Monday, I don't remember, but there is a note on here that it is for the meeting on the 27th. I think otherwise that is a good policy to have that material in place if the Board is comfortable with the process of saying if we come in late with an idea we will put it out and let the Board decide whether we include it on the agenda or it gets bumped to the next one.

Fernandes: I just want to piggyback on that. Dave, you said you had a staff meeting about the minutes.

Town Manager Morton: Yes, that was one of the topics.

Fernandes: I just wanted to ... it's like we are falling behind in those too. We still don't have October's. It is difficult for me to approve anything that is a month to almost two months behind. I just can't do it. My memory is just not that sharp.

Town Manager Morton: We did look at reassigning some duties, reallocating some responsibilities to try and make sure that time was available to get those done. It will be a project to go back and redo the older ones. You had both of the November ones before tonight's meeting. Those came to you last week.

York: That's what I'm hoping the process will do is get those back ones up so we are up to ... we need the October ones and then tonight's and that's it.

Fernandes: Just for me it is ...

York: It's hard to discuss a lot and then ...

Fernandes: And then to keep track. You don't want to forget.

Town Manager Morton: The other issue is can we change the form of the minutes. You now have recordings and video. Can we go back to a summary form of minutes? If you look at minutes from other communities, if you look at minutes from the school district, they are summary in nature. They don't try and capture everything that's said. It takes an incredible amount of time to generate minutes that capture most of the dialog that takes place.

Grant: Can we officially use ...

Town Manager Morton: At great risk from those folks that enjoy reading our minutes, the only thing that matters in our minutes is none of the discussion; the only thing that matters are the actions, the motions and the actions that the Board takes. Two years from now it doesn't matter what all the discussion was leading up to the vote. It's the vote that matters. That is the important thing to capture. All the other information is beneficial on the short term. It may be historically interesting for people to read but if the Board didn't vote to do it, it didn't happen and it doesn't matter until the topic comes up again and you discuss it again. That's really what has to happen. What's important is what the Board voted; what action the Board takes. The Board has indicated that they want a lot more information. We even at one point did verbatim transcripts which take a couple of hours for every hour of meeting time we have. We recognized that that wasn't really a good idea. Now we have the recordings and we have the video recordings of the meeting so if people really want to be able to get the full impact of what happened and what was said and the tenor of the meeting and so forth that is available now for folks. The important part is the actual recording of what actions took place.

Fernandes: I have had some people call me and say they had issues with the sound or trying to listen to it. That's my only concern right there. Other than that that might be something to consider for next year, the beginning of next year. Let's give it some more thought.

York: Now that we have the sound panels up hopefully ...

Town Manager Morton: I would encourage you to look at both. We have two recordings. We have the audio recording and then we have the video which has the audio component as well. Look at those and decide for yourselves. If it is the filler in between actions, I think the video and the audio capture that better than our minutes do. What is important with the minutes is what actions you take.

Grant: With that I wouldn't be objecting to having summary minutes. I think that's probably a good idea and that would serve to correct a dilemma that we seem to be having.

Town Manager Morton: It will make the process of doing the minutes immensely a big change in what you're doing. It is a different process altogether.

York: (Unintelligible)

Fernandes: Well, if you could finish up the year with our minutes.

York: The calendar year?

Fernandes: Calendar year and if that is alright with the Board we just ...

York: Finish the calendar year with our minutes and let's see. That gives us a chance to look at what we can actually use if we wanted to, the recordings and so forth.

Grant: Why don't we just make it an open end discussion for the time being?

York: Are you making a motion that we continue with the minutes till the end of the year.

Fernandes: Not to the end of the year.

Grant: We've got another motion first. I would like to make a motion that the agenda is set by the end of the day Thursday of the preceding week and that all information that is going to be presented at that time and the Board, if there is anything else, will have to vote on it at the next Selectmen's meeting whether they want anything new added to the agenda.

Fernandes: I'll second.

York: Further discussion? All in favor? 4-0-0

The Selectboard moved (Grant), seconded (Fernandes) and unanimously voted to set the agenda by the end of the day Thursday of the preceding week and that all information that is going to be presented at that time and the Board, if there is anything else, will have to vote on it at the next Selectboard meeting whether they want anything new added to the agenda.

York: And you would have made your motion?

Fernandes: I'll make a motion to continue our method of recording our minutes until the end of this year, the calendar year.

York: I'll second that motion.

York: Discussion? All those in favor? 3-0-1; Grant abstained.

The Selectboard moved (Fernandes), seconded (York) and voted to continue our method of recording our minutes until the end of this year, the calendar year. York, Fernandes and Edes voted in favor; Grant abstained.

- **Memorial School:**

Grant: The Memorial School, are we going to discuss that anymore?

Edes: The only thing I would like to see about the Memorial School is I would like to see the employees' floor plan for a new build.

Peg Dilley: Now I can talk about the Memorial School. As far as the wells were concerned there were two wells that were built in Dayton. The reason they did that is because the first well driller really didn't know what he was doing. When the second well driller came in he knew what he was doing when he had refill it because when you drill those wells for geothermal you have to run a cement liner as you are going down through it in order to get it to work. That's why they had to do two wells.

Fernandes: Are we going to move forward with the architect?

Town Manager Morton: Brian had indicated he would send me a proposal and I am going to talk with Sebago Technics about submitting something similar.

Town Manager Morton: We weren't on camera earlier and I wanted to thank School Board member Donna Norton for making the recommendation to talk with Brian Curley from PDT Architects. It was a different perspective and I think helpful in terms of giving the Board some additional and new information.

New Business:

- **Edwards Road:**

York: I would like to be able to ask those people who were here to talk about the Edwards Road; I would like to have them be able to speak.

Several people spoke in support of the Edwards Road project; Wendy Garland from the Maine Department of Environmental Protection, Patrick Merass, Diane Hebold, Ron Hall, Bev White, Rex Bradbury, and Grant Plummer.

There ensued discussion on the Edwards Road project.

York: I make a motion that we move ahead at least and use the funds like he (Morton) had said, the \$68,000 and so forth, and at least get some engineering. Get this thing ready. If you've been over there and have used the lake at all you will see the difference.

Grant: It's done it since the water started running. Erosion is going to happen with water going down. This bridge or culvert may help some of it but it is not going to cure the erosion that is coming out of that stream.

York: I would like to make the motion that we move ahead with this project.

Edes: Second.

York: I think that \$68,000 is a good number.

Town Manager Morton: Yes, that was what I suggested.

Fernandes: What will be our limit? We will send it out to bid; what will be our limit?

Town Manager Morton: The total project limit I would suggest to be \$78,000. We are proposing to earmark \$68,000 out of our Road Maintenance Account and rely on the \$10,000 from the grant.

York: I made that motion and you (Edes) seconded. Further discussion? All those in favor of moving ahead with the Edwards Road Project? 3-1-0; York, Edes and Fernandes voted in favor; Grant opposed.

The Selectboard moved (York), seconded (Edes) and voted to move ahead with the Edwards Road Project. York, Edes and Fernandes voted in favor; Grant opposed.

- **Request For Proposals For Revaluation:**

Town Manager Morton: I will look about getting a list of assessors for the Board so you can make some calls and I'll ask John (O'Donnell) if he could come in to our next meeting to talk with the Board about the revaluation process. I really think it is important to take advantage of his knowledge.

Fernandes: I strongly urge that.

York: I do too.

Town Manager Morton: In the meantime, think about all those things I listed out. I had e-mailed you a list earlier and I'll do that again about items you may want to consider as we put together the RFP for revaluation.

Grant: I've got some other stuff here.

York: We need to make a motion on that ordinance so that it can be put ... exempting the active with the correction of one vehicle. It has got to go to the Town Meeting in January so we should really be doing it if we are going to.

York: I make a motion that we move the Ordinance for Exempting Active Service Military from the Local Vehicle Excise Taxes, as amended, and move that to our January Town Meeting.

Edes: Second it.

York: Discussion? All those in favor? 4-0-0

The Selectboard moved (York), seconded (Edes) and unanimously voted to move the Ordinance For Exempting Active Service Military From The Local Vehicle Excise Taxes, as amended.

- **Items For January 2012 Special Town Meeting:**

1. Excise Tax Exemption Ordinance.
2. Dog Ordinance

York: I make a motion that we move ahead and put that on the January Town Meeting; the Dog Control Ordinance as done by legal counsel.

Fernandes: I'll second.

York: All those in favor? Opposed? 4-0-0

The Selectboard moved (York), seconded (Fernandes) and unanimously voted to move ahead and place the Dog Control Ordinance, as done by legal counsel, on the January Town Meeting warrant.

3. Consideration of some additional funds for our Public Safety Stipend Account.

Town Manager Morton: That is the one that pays the Fire Department. We expended \$4,700 out of that account during Hurricane Irene. Lots of times in those disasters we qualify for reimbursement but Irene did not wreak enough havoc that the county qualified for reimbursement. That account is pretty close and the \$4,700 will put us over. I would recommend that we consider asking voters to put \$4,700 into that account from our undesignated fund balance. It was not a pre-authorized expense by the Board but it was an emergency situation.

Edes: Moved to put \$4,700 into the Public Safety Stipend Account from our undesignated fund balance.

Fernandes: I'll second.

York: Any further discussion? All those in favor? 4-0-0

The Selectboard moved (Edes), seconded (Fernandes) and unanimously voted to put \$4,700 into the Public Safety Stipend Account from the undesignated fund balance.

4. The ground lease agreement for the people at 893 Roosevelt Trail.

York: My feeling is on that that we sell that piece and not lease it.

Town Manager Morton: There are some land use issues that they would really like the lease first and then come back and ask for the sale.

There ensued further discussion on this article.

Fernandes: I want to clearly understand the issues at hand and I want to review it some more.

Grant: The problem is I would like to be able to let them build to get another business in town and taxes and get that over with. They probably want to build starting so they can be operating in the spring. That is why I wouldn't mind, if they would be satisfied with giving them like a four year lease, three year lease, five year lease and to be, you know.

Town Manager Morton: If you remember when they were here and we met with them it would appear that the Board's reaction was that's a great idea. Draw up a lease and get it and get it back to us.

York: I guess I didn't understand it was going to be a twenty year lease.

Grant: They weren't here when I was present but talking before that I would have preferred that they would have bought it instead of leasing it. They have talked in the letter that was presented to us that said they would buy it. If we could give them a short

term lease within the option to buy within a certain term and the price to be negotiated would anyone else have any problem with that?

Fernandes: I agree.

Town Manager Morton: To try and move this along, and I don't know the answer to this so I am thinking out loud and it's something I need to check with Natalie (Burns), I'm not sure if it's possible to craft an article for Town Meeting that empowers the Board of Selectmen to lease or sell under terms you deem most advantageous for the town. Town Meeting would entrust the Board to settle the terms of the lease as opposed to having a lease drafted and available for Town Meeting to look at. I need to check with counsel. That would empower you to either sell or lease under terms the Board deems to be most advantageous to the town then you can sit down and negotiate those terms.

Those were the four items I had. I don't know if there are other items that you feel need to go on the Special Town Meeting Warrant.

Edes: Can we put on there, like on the bottom, that the Selectmen recommend only a maximum of a five year lease?

Town Manager Morton: I'm hoping what they might be able to do is just to authorize the Board to establish the lease on the terms that you feel as a Board is most advantageous.

There was more discussion on this article.

Fernandes: I would like the Board to consider Hacker's Hill, maybe another public hearing. People coming that have concerns and also the Friends of the Community Center donation that we have placed in that special account.

Town Manager Morton: Right now it is just sitting there. I would think because there seems to be a whole lot of talk, discussion and angst over it, maybe on our meeting on the 27th we put an article on there and just vote to apply it to the debt service. We received \$80,000 from the Friends of the Community Center.

Grant: I definitely want to put it toward the debt service.

Town Manager Morton: Let's put an item on an agenda to apply that directly to debt service.

This item will be on the Selectboard agenda on December 27, 2011.

- **Possible Sale Of Municipal Property:**

Eric Dibner, Open Space Commission, presented information on the town owned parcels and the considerations and concerns that came up when the Open Space Commission discussed the properties. (See video of meeting for Dibner's presentation.)

The Board thanked Eric Dibner and Grant Plummer for their presentation.

Fernandes: Can we put this on the agenda just so that we look at this and discuss this instead of bringing it in to the next year.

- **Public Participation:**

- Peg Dilley: The Selectboard can't meet more than two people at a time, correct? The reason being that is because we don't want any problems with more than two Selectpeople in one place at one time.

Town Manager Morton: The Board is not able to discuss any business outside of their regular meeting. We discourage them from getting together socially in groups of three or more but there are some meetings that they end up attending, whether it is to a school board meeting or whether it is going to church or some other event where there may be three or more of the Selectboard present.

Dilley: The reason is that we don't want any problems with anybody talking, basically.

Town Manager Morton: We don't want there to be a perception that the Board is conducting business outside of their regular meetings.

Dilley: The reason I am bringing this up ... in the State of Maine, I don't know if the public realizes this, but DHS workers in the State of Maine can be their clients' guardian as well as their DHS worker. To me, this is a conflict of interest and I have been working with a young lady whose mother was deployed in Iraq and she had to give up custody of her child in order to do this. This is a government policy. If you are a single mother and you join the Army because you want to make money because you can't find a job and you join and you go to war you have to give up custody of your children to somebody. This young lady that I have been working with, the child was given to her uncle, and when she was given to her uncle, uncle decided it was too much work, got rid of her and gave her to the state. Now the state is in the process of trying to become her guardian as well. I am going to court to try to become the guardian of this child and I am really asking the community and any veterans out there to help out because this kid needs some help and I need some help with legal fees. I have had some discussions with a couple Selectpeople about this. I have been in contact with Sheppard's in our community and the Sisters up the road have helped out a lot but I am really asking the community to help this child of a veteran. Allow her to have life because the State of Maine is not allowing her to have this life and we need to do something about this because the State of Maine should not be the guardian of a child that they are a DHS worker of.

- **Other Business:**

- Grant: The old Phil Jordan house in Cooks Mills, is there still somebody living in that house?

Town Manager Morton: I honestly don't know. I have not seen the lady there.

Grant: It almost looks like it is. If it is we need to remedy that.

Town Manager Morton: The house has deteriorated a tremendous amount since the last time we reviewed it.

- Grant: I noticed on the Quaker Ridge Road on Hollow Point it looks like somebody's enclosed a camper and it looks like their ...

York: Where is that?

Grant: Hollow Point which would be where the Plummer's live, Burton Lombard. There is a camper there that ...

Town Manager Morton: Somebody wrapped it with ...

Grant: It is not a big enough lot for two residences by any stretch of means. I wanted to see if somebody could look into that and see what was going on.

- Grant: I discussed the abatements there about ... On second thought there is like \$2,000,000, close to \$2,000,000 that we have abated, right? Not in tax money but in that paper that you showed us that we got in the mail this week. Abatements. It looked like there was one for \$1,400,000 something and another one ...

Town Manager Morton: I would say that we will need John (O'Donnell) to explain those.

There ensued discussion on this item.

- Grant: On the warrants I saw that there was a health insurance reimbursement.

Town Manager Morton: That is a contractual obligation between the town and myself. If you look at the contract I gave you when you first became a Selectman, that is part of that work agreement between myself and the town. Instead of my taking health insurance I take part of the money, so that saves the town about \$12,000 or \$16,000 a year.

- **The Board moved, seconded and voted to move into executive session for the purpose of discussing contractual terms for the bank building at 10:10 p.m.**

ATTEST:

Lucille D. Griffin, Deputy Town Clerk