



Town of Casco
Selectboard Minutes
March 10, 2020

Selectboard Members Present:

Mary Fernandes, Holly Hancock (Vice Chair), Tom Peaslee (Chair) and Grant Plummer

Staff Present:

Town Manager Courtney O'Donnell, Code Enforcement Officer Alex Sirois, Animal Control Officer Jessica Jackson and Recording Secretary Robert Tooker

1. Review and Approval of the Meeting Agenda

The Selectboard moved (Fernandes), seconded (Hancock) and voted to approve the agenda for the March 10, 2020 Selectboard meeting: 4 in favor, 0 opposed, 0 abstentions.

2. Approval of Bills and Signing and Approval of All Open Warrants

The Selectboard moved (Hancock), seconded (Fernandes) and voted to approve bills and sign and approve all open warrants: 4 in favor, 0 opposed, 0 abstentions.

3. Approval of Minutes (*February 25, 2020*)

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the minutes of the February 25, 2020 Selectboard meeting: 4 in favor, 0 opposed, 0 abstentions.

4. Manager's Update (*Courtney O'Donnell*)

- The Transfer Station Council met on Thursday, March 5 to review the budget, which will be reviewed by the Selectboard at its next budget workshop on Wednesday, March 11 at the Community Center at 6:30 p.m. The next meeting of the Transfer Station Council will be held on Thursday, April 9 at the Naples Town Office at 7:00 p.m.

- Work on the new Casco/Naples joint transfer station agreement has been tabled until the fall because it is becoming a larger project than intended. It was decided that with a significant amount of work taking place on the Town budget and ordinances, the joint agreement could wait until next year's Town Meeting.
- The Planning Board has scheduled a public hearing on Monday, April 13 at the Community Center at 7:00 p.m. to review proposed amendments to the Zoning and Shoreland Zone Ordinance. The proposed amendments will be posted on the Town website and discussed by the Selectboard at its March 24 meeting.
- There are openings on the Selectboard, School Board and Transfer Station Council. Nomination papers are available at the Town Office and due by the close of business on Friday, April 10.
- Preliminary work on the Memorial Field Park is underway. A project kick-off meeting with all related parties will be held later this week.
- The annual Town audit for fiscal year 2018 – 2019 has been completed. The auditor will review it with the Selectboard at its April 7 meeting.

5. Staff and Committee Reports:

a. Animal Control

Animal Control Officer Jessica Jackson commented on the following:

- Has received 285 calls through dispatch alone, which does not include calls from veterinarians, animal shelters and others.
- Calls of a serious nature often require at least three responses.
- There have been almost 1,000 calls regionally.
- Calls often involve livestock issues, dogs at large, neighbor disputes and animal welfare issues including abuse and neglect.
- The Town does not have a problem with rabid animals.
- If a stray animal is found, call dispatch and make an official report. If Jessica or her assistant cannot respond quickly and the animal can be handled safely, then by state law it can be delivered to a shelter.

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b. Code Enforcement

Code Enforcement Officer Alex Sirois reviewed his Report of the Code Enforcement Officer, July 2019 – September 2019 and commented on the following:

- The number of permits issued for various types of permits.
- The number of permits issued during the same period over the past five years.
- Revenue from permits.
- The number of inspections and site meetings.
- Efforts to schedule final inspections and close aging permits before declaring them to be expired.
- The number of Certificates of Occupancy issued.
- Attendance at Selectboard, Planning Board and Zoning Board of Appeals meetings.
- The status of ongoing Notice of Violation/Stop Work Orders.
- The progress and duties of Mary Tremblay, his new administrative assistant.

6. Public Participation: Agenda Items Only (*limit of two minutes per speaker*)

None.

7. M.S.A.D. 61 Budget & Crooked River Updates: Superintendent Al Smith

M.S.A.D. 61 Budget:

Maine School Administrative District (M.S.A.D.) 61 Superintendent Al Smith reviewed the District's proposed 2020 – 2021 Cost Center Summary. Al commented on each of the proposed budget articles including Regular Instruction, Special Education, Career & Technical Education, Other Instruction – Co-Curricular/Summer, Student & Staff Support, System Administration, School Administration, Transportation, Facilities & Maintenance, Debt Service and All Other Expenditures. Al stated that although the school budget is actually up 4.9%, Casco's share

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would only increase by 2.25% as a result of the District's efforts to leverage state funding to offset costs.

In response to an inquiry from Grant Plummer regarding the budget process, Al stated that it is a needs-based budget that provides all staff, including facilities and food service staff, an opportunity to submit classroom and/or programming needs. Al stated that staff subsequently meets with their billing administrator or department head who evaluates and refines their proposals, after which the budget is reviewed and refined by the District's Finance Committee and School Board before it is voted on by citizens. Al responded to a number of inquiries from the Selectboard. Casco School Board representatives Phil Shane and Tuan Nguyen commented on the proposed budget.

Crooked River School:

Al Smith stated that 1) the project was put out to bid the end of February; 2) a mandatory site visit was attended by twenty people, four or five of whom are major contractors; 3) bids are due on March 19; and 4) due to the work environment and skyrocketing costs, this is the most challenging construction project he has ever been involved in. Al stated that a number of alternative plans are being considered that would require Town Meeting approval but not affect Casco's budget because they would be funded by other revenue streams.

In response to an inquiry from Grant Plummer, Al stated that it is anticipated that construction will be completed by July 2022 in time for the 2022 – 2023 school year.

8. Consent Agreement Request: Crooked River Campground

Josie Griffin from Jones Associates, on behalf of Brian Wolpert, owner of Crooked River Campground, stated that Jones Associates was advised to come before the Selectboard to request a consent agreement to allow certain campsites in the Resource Protection Zone to remain in place before going before the Planning Board to apply for an expansion of the campground.

In response to an inquiry from Grant Plummer, Courtney O'Donnell read into the record legal counsel's reasons for issuing an opinion that the Selectboard should not approve the requested consent agreement. Code Enforcement Officer Alex Sirois reviewed 1) the events that led to this matter coming before the Selectboard; 2) his research and analysis of the matter; and 3) the history of both State and Town Resource Protection Zone ordinances that resulted in his

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conclusion that certain campsites may be in violation. Alex stated that although the current owner and previous owners did not do anything wrong, the current owner is responsible for the violations that may exist.

In response to an inquiry from an abutter, Courtney O'Donnell stated that the consent agreement is for the Selectboard to state that those campsites in the Resource Protection Zone in violation of the ordinance are allowed and can stay because Jones Associates anticipates that it is unlikely that the Planning Board will approve an expansion of the campground with open violations.

Brian Wolpert stated that he was aware of the violations when he purchased the property and wants to do everything he can to make things right. Brian 1) expressed his concerns about losing valuable repeat customers who may move to other campgrounds; 2) stated that his plans for expansion meet all of the setback requirements; and 3) assured the Selectboard that he will move the campsites in violation of the ordinance into the expanded area of the campground after the expansion is approved by the Planning Board. Alex Sirois stated that if the Selectboard were to approve a consent agreement on such a basis, then it should consider limiting the time allowed for such voluntary compliance.

Alex Sirois summarized the issues by stating that a consent agreement would 1) inform the Planning Board that the Selectboard is aware of the violations but is not taking any action in order to give Jones Associates time to seek approval from the Planning Board for an expansion; and 2) ensure that the violations are resolved within a certain period of time regardless of whether or not the Planning Board approves an expansion. Courtney O'Donnell proposed that Alex work with legal counsel to draft a consent agreement that covers all of these conditions for the Selectboard to review at its March 24 meeting.

In response to an inquiry from Kim Rozak, Courtney O'Donnell stated that what she believes legal counsel is saying is that there is the potential for the Department of Environmental Protection (DEP) to take action against the Town if the Town fails to do anything about the violations. Courtney stated her opinion that DEP action would be highly unlikely because the direction being discussed would demonstrate that the Town is seeking to address the issue. Grant Plummer assured Kim that the direction being discussed will ensure that the campsites in violation will be removed from the Resource Protection Zone so that the matter will not come up again with future owners.

The Selectboard moved (Hancock), seconded (Fernandes) and voted to direct Courtney O'Donnell and Alex Sirois to work with legal counsel to draft a consent agreement based on the Selectboard's conversation this evening for review at the March 24 Selectboard meeting: 4 in favor, 0 opposed, 0 abstentions.

9. Liquor License Renewal Requests

- a. Migis Lodge, Inc.
- b. Point Sebago-Venture I, LLC Premises
Point Sebago-Venture I, LLC 19th Hole
Point Sebago-Venture I, LLC Mobile Golf Cart
- c. Tufts and Knotts, LLC d/b/a Webbs Mills Eats and Craft Brews

Courtney O'Donnell reviewed each of the above liquor license renewal applications.

The Selectboard moved (Hancock), seconded (Plummer) and voted to renew liquor license applications for Migis Lodge, Inc., Tufts and Knotts, LLC and all three for Point Sebago-Venture I, LLC: 3 in favor, 0 opposed, 0 abstentions.

10. Private Road Policy Discussion

Courtney O'Donnell called attention to a draft policy for winter maintenance of private roads and stated that an ordinance to clarify 1972 road standards, waivers, grandfathering and other issues had been considered but legal counsel recommends a policy rather than an ordinance. Courtney stated that legal counsel recommends a policy because 1) private roads are not entitled to be plowed; 2) the Town requires a public interest to be on private roads in order to provide winter maintenance; and 3) an ordinance may imply that certain rights are created and therefore have the potential to create other problems in the future, whereas a policy, voted on yearly by Town Meeting, creates the necessary language, standards, expectations and approval without the same level of legal liability as an ordinance.

Courtney O'Donnell stated although she addressed the issue of easements, the issue of waivers for utility and environmental concerns has never been fully addressed. Courtney stated that the draft policy 1) grants the Town the right to provide winter maintenance to certain private roads but does not obligate it to do so; 2) is intended to be all inclusive, clarify waivers and easements, address all concerns and be less subjective; and 3) if approved by Town Meeting,

will clearly set the standards. Courtney reviewed the draft policy and stated that she is looking for feedback from the Selectboard in preparation for a public hearing in April.

11. Selectboard Comments

- In response to an inquiry from Tom Peaslee regarding coronavirus/COVID-19, Courtney O'Donnell stated that 1) it has received extensive media coverage; 2) she is monitoring both the Cumberland County and Town Manager list serve; and 3) some towns have adopted formal plans. Courtney stated that she has instituted steps including signage, fact sheets and instructions to staff to wipe and disinfect surfaces frequently, wash hands frequently and avoid sharing objects such as writing utensils with others.

12. Public Participation: Any Topic (*limit of two minutes per speaker*)

None.

13. Executive Session 1 M.R.S.A. § 405(6)(F) Poverty Abatement Request – Case Number 22820

The Selectboard moved (Hancock), seconded (Fernandes) and voted to enter into executive session subject to 1 M.R.S.A. § 405(6)(F) to discuss a poverty abatement request: 4 in favor, 0 opposed, 0 abstentions.

The Selectboard entered into executive session at 8:35 p.m.

The Selectboard returned from executive session at 8:50 p.m.

The Selectboard moved (Hancock), seconded (Peaslee) and voted to come out of executive session: 4 in favor, 0 opposed, 0 abstentions.

The Selectboard moved (Hancock), seconded (Peaslee) and voted to grant a poverty abatement in the amount of \$3,588.18 pursuant to Title 36 M.R.S.A. § 841(2) for case number 22820 for fiscal years 2018 and 2019: 4 in favor, 0 opposed, 0 abstentions.

12. Adjournment

The Selectboard moved (Hancock), seconded (Fernandes) and voted to adjourn at 8:52 p.m.: 4 in favor, 0 opposed, 0 abstentions.

ATTEST:

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For detailed information about Casco Selectboard meetings, please refer to complete audio and video recordings available on the Town of Casco website at www.cascomaine.org.

Robert Tooker
Recording Secretary

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