

## Town of Casco

### **Minutes of the August 4, 2015 Selectboard Meeting**

#### **Members Present:**

Holly Hancock, Mary Fernandes, Tom Peaslee and Grant Plummer

#### **Staff Present:**

Town Manager David Morton and Administrative Secretary Bob Tooker

#### **Approval of Agenda:**

**The Selectboard moved (Plummer), seconded (Peaslee) and voted to approve the agenda for the August 4, 2015 Selectboard meeting: 4 in favor, 0 opposed, 0 abstentions.**

#### **Approval of Warrants:**

**The Selectboard moved (Plummer), seconded (Peaslee) and voted to approve bills and signed warrants: 4 in favor, 0 opposed, 0 abstentions.**

#### **Approval of Minutes: (July 21, 2015)**

**Holly Hancock amended the July 21, 2015 minutes to clarify that only tank truck 6 and tank truck 7 will go back to Brian Hogan instead of all tank trucks as indicated in the minutes.**

**The Selectboard moved (Plummer), seconded (Peaslee) and voted to approve the minutes of the July 21, 2015 Selectboard meeting as amended: 3 in favor, 0 opposed, 1 abstention.**

#### **Town Manager's Update: (David Morton)**

Folks who maintain moorings or floats must obtain a mooring permit. Failure to do so may jeopardize the ability to maintain a mooring or float. All shoreline alteration projects within one hundred feet of the shoreline such as rip rap, walkways, gardens, fill, tree removal, etc., require a shore land review and permit. The Town has posted bid opportunities for supplying winter sand on the Town website. The Maine Department of Transportation is planning for the removal of the redundant old Route 302 bridge in 2017 at State expense. The Selectboard has approved engineering work for eventual road improvements to Johnson Hill Road and Edwards Road. The Road Commissioner has recommended Stone Road and Ward Road as the next two roads for consideration.

## **Committee and Staff Reports:**

None.

## **Selectboard Comments:**

Grant Plummer stated that he was in favor of the process being used for roadside mowing and commended the contractor for doing a nice job. David Morton agreed, adding that this type of roadside mowing has saved the Town a lot of money.

In response to an inquiry from Tom Peaslee regarding road maintenance, David Morton clarified that Point Sebago Road and Cook's Mills Road are also being considered for maintenance based on excess funds from the Libby Road project.

## **Public Participation:**

Jesse Childs of Casco requested an opportunity to redeem a camper that had been foreclosed upon due to unpaid taxes, and pointed out that it was a 2004 model and not a 2008 model as indicated on Town records. Holly Hancock clarified that Jesse's taxes are three years in arrears and that the Town's policy requires full payment within fourteen business days in order to redeem foreclosed property. Grant Plummer added that in the past, in fairness to others, the policy has been full payment within fourteen business days. David Morton added that August 5, 2015 would be the first of the fourteen business days. Jesse accepted the terms.

In response to a comment from Tom Peaslee, David Morton clarified that Jesse should speak with the Tax Assessor about the model year discrepancy and any inaccuracies in the assessment. Holly Hancock confirmed that a letter stating the terms of the tax payment and redemption will be sent to the property owner.

Ray Grant of South Casco questioned the purpose of a Special Town Meeting for the purpose of acquiring land for the new Town Office after the Town voted for it to be built on existing Town property, adding that the Town Manager guaranteed that it would fit on existing Town property. Holly Hancock confirmed that it could be built on existing Town property, but that the option of additional land is being put before the Town for consideration in the interest of the Town's request to do a good job, adding that parking space could be improved upon. Ray expressed his opinion that not building it on existing land would nullify the Town Meeting vote. Based on square footage, Ray also questioned how the proposed building could be built within the budget approved by the Town.

Ralph Sama of Casco, on behalf of the Holden family, explained that his recently deceased brother-in-law's land that has been in family since 1906 was up for foreclosure due to unpaid taxes. Ralph stated that a number of family members are working on a proposal to purchase the land and pay the taxes, and that they need more time to complete their proposal. In response to an inquiry from Holly Hancock as to whether the potential foreclosure is based solely on the

Town's interests or possibly a bank's interest as well, David Morton explained that he was only aware of the Town's interests due to taxes in arrears for the past three years, adding that there are enough complicating factors concerning the title that need to be resolved such that the Town could not in good conscience release the land with a Quitclaim deed. Ralph described various steps being taken to resolve the title issues and expressed his hope to have a proposal ready for the Selectboard to review at its September 22, 2015 meeting, adding again that the property has been in the Holden family since 1906 and that the family would very much like to keep the property. Grant Plummer expressed that they should be given time to resolve the title issues and that the Town prefers tax payers to Town owned properties.

**The Selectboard moved (Hancock), seconded (Plummer) and voted to hold off on any action until the September 23, 2015 Selectboard meeting and reconsider the status of the property at that time: 4 in favor, 0 opposed, 0 abstentions.**

### **Old Business:**

1. Discussion regarding moving forward with the Town Office project.

David Morton stated that the Town 1) has an initial draft site plan with the building located on existing Town property along Route 121; 2) has soil test results in preparation for a new septic system; 3) approached a draftsman to work on elevations and an initial floor plan; 4) solicited input from staff members; 5) is attempting to limit the size to approximately 4,500 square feet; 6) is trying to develop a "pretty" building that fits in with a New England style look; and 7) added more details to the site plan. David stated that the Town is preparing to move forward with the site plan and begin pricing aspects of the building with contractors. David added that the current site plan adds parking but not a lot of parking, the challenge being parking needs for big events such as a Town Meeting at Central Station.

1. a) Discussion regarding acquisition of property.

David Morton explained that the Town has had off and on discussions with the property owner regarding what he would or wouldn't consider selling. David confirmed that the initial Town Meeting vote called for the new Town Office to be built on the existing site, but that a subsequent Town Meeting vote to acquire adjacent land would not negate the initial Town Meeting vote, and that it would only add additional land to the mix. David acknowledged the interest in making the new building look nice and stated that adding adjacent land would help make that possible. David added that if at some point the adjacent land sells, then the opportunity for the Town to acquire it is lost. Consequently, the Subcommittee felt that providing the Town with an opportunity to decide whether or not to purchase the adjacent land seemed to be the most prudent thing to do – that if the property was sold and the opportunity had not been provided to the Town, then it might look foolish to some people in hindsight.

David added his hope that the Selectboard will be confident enough to bring the opportunity before voters with the understanding that they will either approve it or not, but that it would be

providing them with an opportunity that may not exist in the future. David stated that the Town is moving forward with placement of the new Town Office on existing property, but that a mock-up of what it will look like with additional land will also be prepared.

David presented two suggestions from the Subcommittee for funding the possible \$79,000.00 one acre land acquisition: 1) to fund it out of the Town's Undesignated Fund Balance of approximately 1.9 million dollars; or 2) to tap the Open Space Reserve balance of \$120,000.00, adding that the possibility of borrowing was not suggested.

David discussed the possible Town Meeting warrant and a possible date for a Special Town Meeting. Grant Plummer stated that initial assessments of the cost of a new Town Office included approximately \$30,000.00 to reconfigure parking, which could be reduced significantly with just a little more land to work with, adding that the seller was unwilling to consider selling a narrow strip of land, which weighed heavily in the Subcommittee's discussions.

Tom Peaslee expressed his view that it might be a good idea to consider the acquisition because it is proactive in terms of thinking about Town growth and needs in the future, and that the Town would lose the option if the land is sold to someone else.

David added that he will bring this to the attention of the Open Space Commission and Finance Committee.

Ray Grant questioned how contractor bonding will be handled if the Town acts as its own general contractor. David clarified that contractors will be bonded for any contracts over the legal threshold for bonding. Given previous bonding issues with contracts under the legal threshold, Ray expressed that perhaps all contractors should be bonded. David stated that these issues will be reviewed by legal counsel to ensure that the Town is doing the best it can to protect the Town's interests.

In addition to having Special Town Meeting documents prepared for the Selectboard to sign, David mentioned the need to notify abutters of the potential land acquisition. The Selectboard reviewed aerial photos of the parcel being considered.

Bob Learnard of Casco questioned whether it would be possible for the Town to purchase the acre and subsequently sell the portion of the land it doesn't need. David clarified that the remaining land would be a non-conforming lot of little or no commercial value or interest.

**The Selectboard moved (Peaslee), seconded (Plummer) and voted to move forward with a Special Town Meeting on August 18, 2015 to see if the Town will vote to purchase a portion of Casco Tax Map 37, Lot 5, being a portion of property owned by James G. and Mary E. Jabbusch, adjacent to the Casco Fire Station property on Meadow Road in Casco. Said lot to consist of 200 feet of frontage on Route 121 and deep enough to create a rectangular one acre parcel parallel to and adjacent to the Fire Station lot for a price of \$79,000.00: 4 in favor, 0 opposed, 0 abstentions.**

In response to an inquiry from Mary Fernandes regarding funding for the land acquisition, David clarified that in the event of passage of Article 2 in the proposed warrant, the option of whether to appropriate funds from the Undesignated Fund Balance or from the Open Space Reserve would be decided by Special Town Meeting vote, adding again that this will be reviewed by the Finance Committee and Open Space Commission. In response to an inquiry from Holly Hancock, David described the steps that will be taken to inform the Town about the Special Town Meeting.

2. Discussion and action regarding licensing of waste haulers who do not bring household waste directly to the Town transfer station.

Holly Hancock reminded the Selectboard of the recent ecomaine presentation and that action on this initiative is now necessary. David Morton added that 1) the Town will be requiring a license for waste haulers who do not take their household waste to the Casco transfer station; 2) ecomaine will take care of licensing and policing; and 3) it will be up to the Town to enforce it the program. In response to an inquiry from Holly Hancock regarding what the enforcement aspect will look like, David explained that the Town's Solid Waste Ordinance provides for a \$100.00 per day fine for every day a waste hauler does not take waste to where it is supposed to go, and that their license can be revoked and they can no longer do business in Casco if they do this repeatedly. David added that the Town is required by its agreement with ecomaine to make sure that all household waste goes to ecomaine as more waste lowers operating costs, which eventually results in a monetary benefit for the community.

**The Selectboard moved (Plummer), seconded (Fernandes) and voted to hereby establish a requirement for licensing of waste haulers who do not bring their household waste to the Town transfer station. This action is taken subject to the Town of Casco Solid Waste Ordinance. The schedule of fees shall be as recommended by ecomaine. ecomaine will be the administrator for this licensing process. All household waste generated by the licensed haulers must be taken to the ecomaine facilities. Failure to do so will result in a financial penalty and eventual revocation of a license to do business in the Town of Casco. This shall become effective immediately. All waste haulers subject to this requirement shall register with ecomaine by August 24, 2015: 4 in favor, 0 opposed, 0 abstentions.**

#### **New Business:**

3. Discussion regarding authorization of Code Enforcement to move forward with removal of improperly placed moorings located off Mondor White Road.

David Morton explained that the Town notified two property owners who have improperly located their moorings, and that the property owners have been unresponsive to the Town's request that the issues be corrected. David reminded the Selectboard that the Town's Mooring Ordinance allows the moorings to be removed and any attached floats or boats to be impounded at the owner's expense. David suggested that the Code Enforcement Officer send a final notice that provides the property owners with ten business days to remedy the situation before the Town

takes action. In response to an inquiry from Grant Plummer, David explained that the issues related to improper placement of the moorings.

**The Selectboard moved (Plummer), seconded (Peaslee) and voted to authorize the Code Enforcement Officer to move forward with a final written ten day notice and for the Town to move forward with action for removal as provided by the Town's Mooring Ordinance: 4 in favor, 0 opposed, 0 abstentions.**

#### 4. Discussion regarding committee appointments.

The Selectboard reviewed the first draft of committee requests. In response to an inquiry from Grant Plummer, Holly Hancock pointed out that the Selectboard's previous decisions about committee requirements were reflected in the draft. David Morton expressed his opinion that it would be prudent to perhaps consider folks who had responded and expressed an interest in committee work so that a note of thanks can be sent informing them that some action was taken. Holly agreed and suggested acknowledging those folks as well as others when they step forward.

Grant Plummer, who was appointed to the Open Space Commission, expressed that he has held that position for a long time and that some new blood would be nice, adding that Selectboard involvement on various committees is helpful and that there is a need to get different voices involved and share that involvement. The Selectboard discussed the need for Selectboard involvement on certain boards and committees as well as the individual time constraints and scheduling conflicts of certain Selectboard members.

Holly Hancock inquired as to whether the Selectboard was comfortable with acknowledging those people who indicated a willingness to serve and approving that group.

**The Selectboard moved (Plummer), seconded (Peaslee) and voted to approve the list of all parties who have indicated a willingness to serve on committees as presented to the Selectboard this evening and let them know that the Selectboard approves of their interest, recognizing that as more names come up for consideration, it will appear again on the Selectboard agenda: 4 in favor, 0 opposed, 0 abstentions.**

Holly Hancock invited people who are interested in serving to contact the Selectboard through the Town Office. David Morton reminded people who may be interested that committee appointments are for a one year period only to reduce or avoid any sense that people are committing a big part of their life, even as the Town is fortunate to have many people who have served for many years.

David and Holly alternately commented on opportunities for committee and board membership, the optimal size of various committees, and alternative status in the event of too few members.

#### 5. Discussion and consideration to write off taxes for an incorrectly assessed parcel located at Map 6, Lot 10-2S in the amount of \$212.73.

David Morton explained that this was a lot created for some unknown reason by Vision Appraisal, and that being part and parcel of another lot, it doesn't exist as a separate lot. David added that 1) the Town is not sure why it was created; 2) the taxpayers are not willing to pay taxes on a lot that doesn't exist; 3) the current Tax Assessor has made the correction; and 4) only the Selectboard can write off the taxes.

**The Selectboard moved (Hancock), seconded (Fernandes) and voted to write off the amount of \$212.73 on a previously existing but inaccurate Map 6, Lot 10-2S for account number 2638: 4 in favor, 0 opposed, 0 abstentions.**

6. Discussion regarding review of the tax acquired property list.

Having just received the list, Mary Fernandes requested that this agenda item be moved to the next Selectboard meeting to allow more time for her to review it along with some additional information she just received. Grant Plummer inquired as to whether the information was vetted by the Code Enforcement Officer and whether it was in accordance with other policies. David Morton replied that the list had yet to be reviewed by the Open Space Commission, and that the Selectboard should review the list for any tax acquired properties adjacent to Town owned property from the perspective of potential value to the Town. David encouraged the Selectboard to let him know if any additional information is required.

Mary Fernandes thanked David for providing the road maintenance update and reminded the Selectboard that at some point, the Casco Comprehensive Plan will need to be looked at along with the possibility of hiring a planner. In response to an inquiry from Holly Hancock regarding Selectboard experience with working on comprehensive plans, Grant Plummer expressed that development has been light enough in recent years for him to feel hesitant to spend a lot of money on a Comprehensive Plan, adding that Casco is similar to what it was eight or ten years ago. Grant questioned the overall goal of a Comprehensive Plan if the direction is similar to the one the Town has been on.

David Morton expressed that he did not feel the Town needs to do a complete new Comprehensive Plan, but that the Town needs to at least review the current plan to determine if it is still valid, adding that if it is, then there is no sense in reinventing the wheel. David added that a review might be easier because some of the State rules are no longer as onerous, and that he felt that some professional help should be budgeted.

In response to an inquiry from Holly regarding the size of previous Comprehensive Plan committees, David replied that previous committees consisted of five to seven members and that several committee members, including the late Susannah Swihart and Barbara York, had been instrumental. In response to an inquiry from Holly regarding any Selectboard members who may be aware of potential volunteers, Mary Fernandes mentioned that she was aware of several individuals. In response to an inquiry from Holly regarding the types of steps that need to be taken, David stated that the Town needs to 1) look at its current Comprehensive Plan; 2) evaluate what the Town needs to do; 3) develop a budget; 4) determine whether or not the current plan is

valid; and 4) decide whether to rely on a committee, the Selectboard or a planner. David encouraged the Selectboard to review the current plan and begin to formulate an approach.

David stated that per the Selectboard's request, he drafted an Administrative Decision Process for the Selectboard to use in the absence of the Town Manager, adding that it had been reviewed by legal counsel.

David stated that a proposed Progressive Discipline Policy was submitted to legal counsel for review and subsequently incorporated into the Personnel Policy for adoption by the Selectboard.

David stated that he also submitted a draft of a Casco Acceptable Technology Policy initially developed by the Maine Municipal Association to the Selectboard for review, which he is prepared to adopt administratively.

David stated that copies of the Annual Planning Matrix and bids for winter sand were distributed to the Selectboard to consider at its September, 2015 meeting.

Holly Hancock mentioned that carry forward accounts need to be reviewed as soon as they are available. David stated that he hoped to have them available for the August 18, 2015 Selectboard meeting.

In response to an inquiry from Grant Plummer, David described the administrative decision process to be used in his absence and confirmed that staff was aware of it.

Holly Hancock mentioned the need to add a personnel line to the Annual Planning Matrix for the purpose assessing the Town Manager prior to the budget process.

**There being no further business, the Selectboard moved (Peaslee), seconded (Fernandes) and voted to adjourn: 4 in favor, 0 opposed, 0 abstentions.**

ATTEST:

Robert C. Tooker  
Administrative Secretary