

Town of Casco

Minutes of the September 22, 2015 Selectboard Meeting

Members Present:

Holly Hancock, Mary Fernandes, Calvin Nutting, Tom Peaslee and Grant Plummer

Staff Present:

Town Manager David Morton and Administrative Secretary Bob Tooker

Approval of Agenda:

David Morton amended the agenda to include upgrades and repairs to the Fire Department's dry hydrant system as agenda item seven under New Business.

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the agenda for the September 22, 2015 Selectboard meeting as amended: 5 in favor, 0 opposed, 0 abstentions.

Approval of Warrants:

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve bills and signed warrants: 5 in favor, 0 opposed, 0 abstentions.

Approval of Minutes: (August 18, 2015)

The Selectboard moved (Plummer), seconded (Peaslee) and voted to approve the minutes of the August 18, 2015 Selectboard meeting: 4 in favor, 0 opposed, 1 abstention.

Town Manager's Update: (David Morton)

The Town's legal counsel is working on the junk yard case on Lake Shore Road. Legal counsel is following a series of steps set out by the court following the initial appearance on the case. The Town met in court for the second time on September 21, 2015, and is awaiting any decisions by the court. The Libby Road project has had a small delay due to scheduling for paving. Work should be wrapping up soon. The Town is proceeding with the Town Office project. There have been some delays in the transfer of land approved by Town Meeting due to liens and title issues that are being resolved by legal counsel.

Several members of the Selectboard, Planning Board and Zoning Board of Appeals will be attending a legislative update sponsored by Jensen Baird Gardner & Henry, the Town's legal counsel, to become informed about legislative changes affecting municipalities. Casco Town business will not be conducted. Second installments of property taxes are due on October 7, 2015. The Cumberland County Communications Center CODE RED program is a voluntary program that offers individuals an opportunity to sign up for emergency notifications in their area. Sign-up can occur online or by telephone. Brochures are available at the Town Office, the Community Center and the Casco Library.

Committee and Staff Reports:

None.

Public Participation:

Bob Symonds of Casco, on behalf of the Crooked River Snowmobile Club, approached the Selectboard to look into the possibility of a loan from the Town to purchase a new trail groomer. Bob described 1) the condition of the old groomer; 2) the newer groomer he was looking at; 3) current funds available; and 4) costs and trade in values, and concluded with the need for an approximately \$15,000.00 loan to be paid back over several years. Bob stated that he grooms approximately forty miles of trails twice a week with an old groomer for which parts are increasingly difficult to find.

David Morton expressed that he and Bob discussed that 1) the trails provide a great winter recreational opportunity for the community; 2) in addition to snowmobilers, the trails are used by dog teams/mushers, cross country skiers, and snow shoe and other walkers; and 3) the Town would want to have some assurance of payback. David stated that the Town contributes approximately \$1,500.00 per year to the Snowmobile Club from snowmobile registrations, and that if the Town was agreeable, one option would be for the Town to retain those contributions over a ten year period. David further stated that such a loan would require the Selectboard to be in favor of considering it because it would require a Special Town Meeting vote.

In response to an inquiry from Holly Hancock, Bob described the Snowmobile Club's expenses and sources of income. In response to an inquiry from Tom Peaselee as to whether there were any precedents for such a loan, David Morton described purchases or refurbishing of fire equipment based on promises of reimbursement over time from the Fireman's Association, adding that the Snowmobile Club's request serves a public purpose. In response to an inquiry from Tom, David stated that it would be a secured loan because the Town would hold the funds instead of distributing them to the Snowmobile Club.

Mary Fernandes expressed that she would be in favor of the loan and requested that it be sent to legal counsel for review. Holly Hancock suggested that Bob bring the loan request back to the Selectboard after discussing it with the Snowmobile Club, and expressed that the Selectboard would be amenable to discussing it further. Grant Plummer and Tom Peaselee expressed support

for looking into it further.

Ralph Sama of Casco, on behalf of the Holden family, requested an extension for the family's efforts to redeem property foreclosed upon due to unpaid taxes. Ralph provided details about the family's efforts thus far. Grant Plummer 1) requested that Ralph keep the Selectboard informed about the family's efforts going forward; 2) expressed that any resolution is better than a vacant home; and 3) stated that he would be in favor of an extension. The Selectboard granted an extension to the November 10, 2015 Selectboard meeting. In response to an inquiry from Tom Peaslee, Ralph indicated that the title attorney involved in the family's efforts felt that the outstanding issues would be resolved.

Barbara York of Casco, Chair of the Open Space Commission, expressed that the Raymond Community Forrest Project is looking for the Town's non-financial support of a resolution in support of its idea to purchase land. Barbara commented that after walking a fifty-one acre parcel, the Open Space Commission found that it would be helpful to place signs on the property indicating that it is Town of Casco property and that no camping or fires are allowed. Barbara added that further investigation is needed to determine the exact property lines of the parcel.

In response to an inquiry from Tom Peaslee, Barbara clarified that the Raymond Community Forrest Project is an initiative to purchase and preserve 350 acres of open space on the back side of Crescent Lake, and that the Raymond Community Forrest Project is simply looking for support from surrounding towns for its idea of purchasing the land.

Old Business:

1. Discussion regarding progress with the Town Office project.

David Morton stated that there were snafus with the title of the property that the Town was authorized to purchase, adding that legal counsel recently informed him that the snafus could be satisfied through title insurance. David described the snafus as several liens against the property and that he wanted to make sure there could be no extended claims against the Town. David stated that the Town would require one of the following conditions prior to closing on the property: 1) a written release from the Internal Revenue Service; 2) assurance from the title insurance company that it will protect the Town and make it whole if the IRS lien comes through; or 3) the pay-off of all liens by the property owner.

David expressed that the staff has been active in the design and added a lot to the layout and ergonomics of the building, which has been forwarded to a draftsman. David added that Grant Plummer has looked into electrical and heating specifications in preparation for putting the work out to bid. In response to an inquiry from Holly Hancock regarding the Planning Board schedule, David stated that the next presentation to the Planning Board needs to be a specific plan that cannot be finalized until the one acre parcel is acquired, adding that much of the plan has been completed. In response to an inquiry from Grant Plummer about liens on the parcel, David described the value and nature of the liens in more detail and emphasized the need to

ensure that the Town will be protected.

Grant noted that extra legal work resulting from the liens is costing the Town additional money. Tom Peaslee suggested that the seller be approached in an effort to seek reimbursement for the extra legal expenses. In response to an inquiry from Holly Hancock, David confirmed that the layout will be ADA (Americans With Disabilities Act) compliant.

New Business:

2. Award of bids for winter sand.

David Morton stated that requests for bids were sent out in late July or early August, and that C. Pond Plowing's bid of \$12.93 per yard was the only bid received. David stated that C. Pond Plowing is same contractor that plows Town roads and that the sand meets the Towns gradation and grit requirements.

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the winter sand bid for C. Pond Plowing for \$12.93 per yard: 5 in favor, 0 opposed, 0 abstentions.

3. Discussion regarding committee appointments.

The Selectboard reviewed individuals interested in filling open volunteer and appointed seats on Town boards and committees. In response to an inquiry from Grant Plummer, David Morton stated that the Town will continue to advertise three open seats on the Zoning Board of Appeals.

The Selectboard moved (Plummer), seconded (Fernandes) and voted to reappoint Michelle Brenner to the Parks Advisory Committee, reappoint Kyle Chute to the Veterans Memorial Committee, reappoint Richard Thorpe to the Veterans Memorial Committee, reappoint Margaret Dilley to the Veterans Memorial Committee, and appoint Tom Peaslee to the Open Space Commission for an appointed three year seat that expires in 2018: 5 in favor, 0 opposed, 0 abstentions.

4. Discussion regarding review of tax acquired properties.

David Morton explained that the issue is putting the properties out for public bid, and that the Open Space Commission has not had an opportunity to review the properties. David stated that any further action would be after the Selectboard has heard back from the Open Space Commission. In response to an inquiry from Mary Fernandes, Barbara York, Chair of the Open Space Commission, stated that having just received the list last night, perhaps a special meeting of the Open Space Commission could be scheduled in about two weeks for the specific purpose of reviewing the list and that property locations could be determined in the meantime. Barbara agreed to complete the Open Space Commission's review of the properties prior to the October 20, 2015 Selectboard meeting.

Grant Plummer inquired about the process of reviewing tax acquired properties for potential value based on improvements, noting that the Open Space Commission reviews properties for potential value based on location. Grant further inquired as to whether properties with improvements should be reviewed by the Open Space Commission. David Morton expressed his opinion that such properties should be reviewed by the Open Space Commission in case the location might provide value or opportunities for the Town.

In response to a follow-up inquiry from Holly Hancock about possible code enforcement involvement in the tax acquired property review, Grant clarified that his inquiry related to assessing the current condition of improvements in an effort to determine whether the improvements might be an asset or impediment as it relates to what steps might be necessary.

5. Review of delinquent personal property accounts.

David Morton explained that many of the delinquent accounts are for businesses that no longer exist, adding that he would need to review the list to more accurately identify those accounts. At Grant Plummer's suggestion, David agreed to color code the list in an effort to identify accounts that may be uncollectable for various reasons such as deceased or out of business. In response to an inquiry from Grant about next steps for potentially collectable accounts, David commented on small claims court and other possible means of collection.

6. Review of proposed amendments to the Personnel Policy regarding progressive discipline.

David Morton described handouts including 1) a copy of the Personnel Policy as amended by the Selectboard through August, 2015; 2) a redline copy from legal counsel that includes adopted amendments along with the proposed Progressive Discipline Policy; and 3) an email message from legal counsel recommending the Progressive Discipline Policy as a good addition to the Personnel Policy. In response to an inquiry from Calvin Nutting, David explained that progressive discipline spells out the steps that the Manager will take with an employee up to dismissal so that there is no question for the employee about how it works, which makes disciplinary actions more defensible and provides less opportunity for legal challenge.

Holly Hancock proposed that the Selectboard be consistently referred to as the "Selectboard" throughout the Personnel Policy, and that "work week" be defined as being established by the Selectboard. Holly noted that several of the Selectboard's recent changes are not reflected in the drafts. Holly questioned language in the Personnel Policy regarding holiday pay for per diem employees. In response to an inquiry from Tom Peaslee about holiday pay for per diem employees in other municipalities, David Morton explained that other towns do not ask their employees to work on holidays, an exception being public safety personnel who are normally covered by union contracts. The Selectboard reviewed Town holiday staffing and the current policy for holiday pay. Tom Peaslee recommended that no changes be made. Mary Fernandes agreed. David expressed uncertainty as to how it will work for public safety per diem workers. In response to an inquiry from Mary about obtaining clarification, Holly stated that she would check and see.

Holly Hancock questioned whether domestic partners are included in the definition of “spouse” wherever spouse appears throughout the Personnel Policy. David Morton stated that he would include domestic partners in that definition, except that spouse has a specific legal definition in the Family Medical Leave Act (FMLA). Noting that the Personnel Policy addresses on the job injuries only and not off the job injuries, Holly questioned whether a doctor’s note should be required from employees returning to work after three days off as a result of an off the job injury. David suggested that this be included in the sick leave section of the Personnel Policy. Holly suggested that the Selectboard return any mark-ups of the draft Personnel Policy to David as soon as possible. David stated that he will prepare a final draft that includes all of the adopted amendments to date as well as recent changes for the Selectboard to review at its next meeting.

7. Upgrades and repairs to the Fire Department’s dry hydrant system.

David Morton stated that the Fire Department relies on dry hydrants that draw water from lakes and ponds, etc., that are designed to prevent freezing in the winter, and that a number of them require upgrading, cleaning and repairing. David explained that quotes have been obtained, that \$10,000.00 is available in the budget for this work, and that the Fire Department is recommending acceptance of R.N. Willey & Son’s quote. The Selectboard discussed locations of dry hydrants and the possible need for additional dry hydrants.

The Selectboard moved (Plummer), seconded (Fernandes) and voted to authorize the Fire Department not to exceed the \$10,000.00 available in its budget to repair any and all dry hydrants, and related equipment and parking areas: 5 in favor, 0 opposed, 0 abstentions.

Wrap Up:

8. Selectboard comments.

In response to an inquiry from Mary Fernandes as to why it took so long to distribute a letter dated July 17, 2015 concerning a notice of hazardous chemicals and substances, David Morton explained that he forwarded it as soon as he received it, adding that it was a notice to the Code Enforcement Officer from the Department of Public Safety regarding a methamphetamine lab.

Mary Fernandes requested that all Selectboard members, in addition to Grant Plummer and herself, be kept informed about tree removal issues on Parsons Point involving Mr. Ryan. David Morton described a consent decree for Mr. Ryan that involved a fine and replanting requirement, adding that Mr. Ryan is now applying for the removal of additional hazardous trees unrelated to the previous violations and consent decree. In response to an inquiry from Grant Plummer, David clarified that an offer has been made to settle the dispute, but that the Town has yet to receive a response. Grant commented on the need to vigorously enforce tree removal and replanting ordinances. Holly commented that clean water is the basis of this and all zoning ordinances. Mary Fernandes agreed, emphasizing that good stewardship of the environment now and in the future is extremely important.

Grant Plummer reminded the Selectboard about upcoming SAD 61 public hearings and a potential vote in early December concerning the reopening of and major renovations to Crooked River School in Casco, adding his support as it could have a huge impact on the community by relieving overcrowding at Sango Locks School. In response to a suggestion from Grant, David Morton stated that he would post the public hearing dates on the Town website. Grant requested that a School Board member provide an update at the next Selectboard meeting on October 6, 2015.

9. Discussion regarding future agenda items.

Grant Plummer listed as future agenda items the Open Space Commission's consideration of the Raymond Community Forrest Project resolution, delinquent personal property accounts, the Personnel Policy, and feedback from the Crooked River Snowmobile Club. Holly Hancock added the Holden family's efforts to redeem tax acquired property, the Open Space Commissions comments on tax acquired properties, and the Manager's review to be conducted by the Selectboard in executive session during its October 20, 2015 meeting. In response to an inquiry from Holly, David Morton stated that he will have time to complete staff evaluations prior to October 20, 2015. Holly further added a report from the Recreation Director on October 20, 2015 to the list of future agenda items. David added a report from the Code Enforcement Officer.

In response to an inquiry from Holly Hancock about Tax Assessor availability to the public as a possible agenda item, David Morton commented on the public's actual needs and expectations, the Tax Assessor's on-site availability, his willingness to visit people in their home, and his telephone availability. David added that there doesn't seem to be a need or demand for more on-site availability and that much of the work is being handled remotely. Tom Peaslee expressed that there is no reason for the Tax Assessor be present in the Town Office when there is no case load. David added that assessors frequently stop by the office.

Referring to the Selectboard Planning Matrix, Holly Hancock added roadwork and paving for next year and a General Assistance update as possible agenda items. David Morton stated that General Assistance updates are typically provided by the Maine Municipal Association, and commented briefly on the status of roadwork. Tom Peaslee reported a pothole on the side of Point Sebago Road. David commented on ongoing pothole repair.

There being no further business, the Selectboard moved (Peaslee), seconded (Plummer) and voted to adjourn: 5 in favor, 0 opposed, 0 abstentions.

ATTEST:

Robert C. Tooker
Administrative Secretary