

Town of Casco

Minutes of the September 26, 2017 Selectboard Meeting

Selectboard Members Present:

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

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 September 26, 2017 Selectboard meeting: 5 in favor, 0 opposed, 0 abstentions.

Approval of Warrants:

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

Approval of Minutes: (September 12, 2017)

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the minutes of the September 12, 2017 Selectboard meeting: 5 in favor, 0 opposed, 0 abstentions.

Town Manager's Update: (David Morton)

- The Town is seeking qualified individuals for the position of Shoreland Zoning Assistant to the Code Enforcement Officer.
- The Edwards Road construction project is nearing completion.
- Work on the Johnson Hill Road construction project has commenced. Paving should take place within the next two weeks.
- Road Commissioner David Morton met with several representatives of private roads with public easements that receive Town plowing services to review compliance with 1972 road standards. David hopes to meet with representatives from all affected roads.

- Several members of the Casco Selectboard will be attending a client seminar provided by the law firm of Jensen Baird Gardner & Henry during which no Town business will be conducted or discussed.
- The next Selectboard meeting will be held on October 17, 2017.

Committee and Staff Reports:

None.

Public Participation:

Philip Shane requested that efforts be made to complete the Edwards Road and Johnson Hill Road construction projects this year before winter.

Joe DellaCamera commented on his code enforcement violation for a dock. Joe stated that he obtained and paid for a building permit for the dock but that he does not have a copy and the Town has no record of it.

David Kimball commented on his dispute regarding ownership of a parcel of land at Casco Tax Map 39, Lot 1.

Public hearing to seek comments regarding a proposal to change the intersection of Route 121 and Route 11 to a four way stop intersection.

State Senator Bill Diamond (District 26), State Representative Jessica Fay (District 66), and State Representative Sue Austin (District 67) attended the public hearing.

David Morton stated that 1) it is a dangerous intersection; 2) discussions about it have taken place over the past thirty years; 3) the Maine Department of Transportation (MDOT) concluded that there is not enough traffic volume to justify a full traffic signal; 4) MDOT believes that although a four way stop intersection may not reduce the frequency of accidents, it may reduce the severity of accidents; and 5) MDOT will not change it to a four way stop intersection unless the Town requests the change.

Opposing comments included increased air pollution, increased noise pollution, traffic backup and confusion about which vehicle has the right-of-way. Favorable comments included the fact that MDOT engineers are insightful and base their recommendations on science and data. Other comments included speed being the primary reason why the intersection is dangerous and not the traffic signals, and that it ought to be up to Town Meeting to decide. Suggestions included installing red flashing lights on the existing stop signs and alerting drivers to the intersection in a “big way” with flashing lights, pavement markings, rumble strips and other measures.

Guest Speaker: (Jessica Fay, State Representative for District 66)

State Senator Bill Diamond (District 26) and State Representative Sue Austin (District 67) participated in the discussion.

Jessica Fay stated that a public hearing was held on the bill regarding marijuana legalization implementation that will likely be voted on during a special session in October. Jessica noted that a lot of local control is built into the bill such that Casco will have a wide-ranging opportunity to tailor what it wants regarding retail marijuana establishments and the growing of marijuana. Jessica encouraged the Town to begin the process of deciding what it wants to allow.

Holly Hancock stated that the issue of retail marijuana establishments and related zoning ordinances will be added to an upcoming Selectboard meeting agenda. In response to an inquiry from Grant Plummer regarding guidelines for local control, Jessica stated that issues for the Town to consider include whether or not it wants to allow retail marijuana sales and testing facilities, and whether or not it wants to impose further constraints on growing marijuana. Sue Austin encouraged the Town to do everything possible to get ahead of these issues and understand what aspects the Town will have local control over, including not only whether or not it will allow marijuana retail establishments, but also where they will be allowed.

Jessica Fay commented on her involvement in a working group on private roads and noted that October is Domestic Violence Awareness Month. Jessica drew attention to the Family Crisis Services hotline and encouraged everyone to display purple lights on each of four domestic violence awareness nights.

Bill Diamond commented on his sponsorship of a bill that funds two additional forensic analysts to work in the Computer Crime Unit that investigates child pornography and sexual abuse, and prosecutes the perpetrators of those crimes.

Addressing the legislators in attendance, Philip Shane expressed his opinion that all towns in School Administrative District 61 should be included in the same legislative district and represented by the same representative.

Old Business:

1. Review of bids for tax acquired property at 19 Cooks Mills Road.

David Morton stated after a bid was opened and accepted for 19 Cooks Mills Road, it was discovered that another bid that was received on time had not been opened. David stated that after the bid was accepted, the bidder withdrew it leaving the unopened bid as the only bid remaining. David stated that the Selectboard could either start the process over or open the remaining bid. The Selectboard chose to open the remaining bid.

David Morton opened the bid and stated that Matt Newcomb bid \$1,001.00 for 19 Cooks Mills Road. Matt Newcomb stated that he is aware of the condition of the property and prepared to make a sizeable investment in rehabilitating it with the intention of completing the work by May or June of 2018. Code Enforcement Officer Alex Sirois stated that because the structure is in resource protection, 1) no expansion or new structures will be allowed; 2) strict rules apply to any removal of vegetation; and 3) the structure may contain asbestos and lead paint. David stated that Matt understands that the Town requires a drainage easement to divert water from Cooks Mills Road.

The Selectboard moved (Peaslee), seconded (Fernandes) and voted to approve the sale of 19 Cooks Mills Road for \$1,001.00 with the condition that the bidder meet with the Code Enforcement Officer to ensure that any removal of hazardous materials is done properly: 5 in favor, 0 opposed, 0 abstentions.

Grant Plummer expressed a need to change the bidding process for tax acquired properties such that prior to submitting a bid, a bidder would be required to 1) walk through, review and understand the property; 2) understand the decision he or she is making; and 3) agree to any conditions set by the Selectboard. Holly Hancock stated that such a change would mean that instead of awarding bids with conditions, conditions would be agreed to prior to the opening of bids. The Selectboard agreed to include this change in the bidding process the next time tax acquired properties are put out to bid.

2. Any action required following the public hearing regarding the Route 121 and Route 11 intersection.

Holly Hancock stated that the Town is still gathering information and that it is an ongoing topic for discussion. The Selectboard requested that David Morton obtain the list of improvements short of a four way stop intersection discussed at a meeting with MDOT, along with the scheduling and costs of those improvements. David stated that he would also look into the cost of rumble strips at the intersection.

New Business:

3. Discussion with snow removal contractor regarding extension of the winter roads contract.

Chris Pond from C. Pond Plowing Inc. requested an extension of his company's winter roads plowing contract with the Town. David Morton stated that 1) the Town is currently in the fourth year of a five-year contract; 2) the Town has a good relationship with them; 3) they do a good job; 4) they are responsive; 5) it would be a challenge to replace them; 6) contracting for winter roads plowing is the best deal for the Town; 7) they are investing in equipment; and 8) multi-year contracts are appropriate for the size of the investment that contractors need to make in their equipment. The Selectboard discussed provisions of the contract and compared pricing options for a three-year extension and a five-year extension.

The Selectboard moved (Peaslee), seconded (Plummer) and voted to extend the C. Pond Plowing Inc. contract for five years: 5 in favor, 0 opposed, 0 abstentions.

4. Review and adoption of an updated General Assistance Ordinance.

David Morton explained that 1) the Town relies on the Maine Municipal Association to draft the Town's General Assistance Ordinance in compliance with state law; 2) when the Town verifies with the State that it is using the ordinance drafted by the Maine Municipal Association, the State accepts that it is in compliance with state law; and 3) it is up to the Selectboard to update the Town's ordinance to the Maine Municipal Association's 2017 ordinance with updated appendices. The Selectboard discussed the Town's administration of General Assistance.

The Selectboard moved (Hancock), seconded (Fernandes) and voted that the municipality of Casco enacts the following General Assistance Ordinance. This Ordinance is filed with the Department of Health & Human Services (DHHS) in compliance with Title 22 M.R.S.A., section 4305(4): 5 in favor, 0 opposed, 0 abstentions.

The Selectboard moved (Hancock), seconded (Fernandes) and voted to modify the motion to include adoption of the General Assistance Ordinance and appendices: 5 in favor, 0 opposed, 0 abstentions.

5. Selectboard comments.

- Holly Hancock added carry forwards to the October 17, 2017 Selectboard meeting.
- Holly Hancock added a discussion of retail marijuana sales and sample ordinances to the October 17 Selectboard agenda.
- Holly Hancock added a review of the list of recommendations from MDOT along with timing and costs for the Route 121 and Route 11 intersection to the October 17 Selectboard agenda.
- Holly Hancock stated that the ATV Club did some road repairs on Edes Falls Road at no cost to the Town.
- Holly Hancock commented on the contractor's efforts to repair a very small leak in the newly constructed Pleasant Lake/Parker Pond dam before final payment is made.
- Holly Hancock commented on a plan to develop a winch structure to raise the stop gate at the Pleasant Lake/Parker Pond dam.

- Holly Hancock stated that she anticipates that the Pleasant Lake/Parker Pond Dam Committee composed of Hal Ferguson from the Town of Otisfield, Peter Barber from the Pleasant Lake/Parker Pond Association, Tom Mulkern and herself will meet in December to work on a budget for the dam.
- Grant Plummer expressed a need to inspect a culvert on Heath Road before winter sets in and understand what caused it to become plugged.
- Grant Plummer expressed his concern that the Town may be stuck between the old system of how roads are constructed and the new system whereby the Town depends on and pays an engineer for design, product specifications and assistance with the bidding process. Grant expressed a concern about contractor recommended change orders to an engineer's specifications that the Town paid for, and a need for checks and balances when such changes are considered. Holly Hancock noted that the services of an engineer are intended to protect the Town Manager and the Selectboard. Mary Fernandes stated that the services of an engineer ensure a standard of quality and any proposed change orders and resulting savings should be brought to the attention of the Selectboard. Tom Peaslee stated that road design should take future needs into account.
- Mary Fernandes requested an update on payments and the required clean-up of recently sold tax acquired properties.
- Holly Hancock stated that the December, 2017 Selectboard meeting will be held on the 12th.
- In response to an inquiry from Mary Fernandes about a plugged culvert on Quaker Ridge Road in front of her house, David Morton stated that it is on the list.
- In response to an inquiry from Mary Fernandes about road crack sealing, David Morton stated that there are no plans for road crack sealing this year.
- David Morton stated that the original plan for road construction called for Edwards Road and Johnson Hill Road this year, Cooks Mills Road and Tenney Hill Road next year, and Point Sebago Road and Raymond Cape Road thereafter.

The Selectboard moved (Nutting), seconded (Peaslee) and voted to adjourn: 5 in favor, 0 opposed, 0 abstentions.

ATTEST:

Robert Tooker
Administrative Secretary