

Town of Casco

Minutes of the October 6, 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:

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the agenda for the October 6, 2015 Selectboard meeting: 5 in favor, 0 opposed, 0 abstentions.

Approval of Warrants:

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

Approval of Minutes: (August 22, 2015)

Holly Hancock corrected a misspelling of Bob Symonds's last name in the August 22, 2015 minutes.

The Selectboard moved (Plummer), seconded (Peaslee) and voted to approve the minutes of the August 22, 2015 Selectboard meeting as amended: 5 in favor, 0 opposed, 0 abstentions.

Town Manager's Update: (David Morton)

The Town has completed the purchase of one acre of land adjacent to the Fire Station on Route 121 to facilitate the construction of a new Town Office as authorized by Town Meeting. The Libby Road project is being completed. The final layer of pavement will be applied later this month. The second installment of property taxes is due this week on October 7, 2015. The Town of Casco 6th Annual Business Showcase will take place on Election Day, November 3, 2015. Applications for Casco businesses are available on the Town website and from the Town Office. Voters are encouraged to visit the Business Showcase and learn about local businesses when they vote at the Casco Community Center. Representatives from the School District will be attending the October 20, 2015 Selectboard meeting to discuss repurposing the Crooked River School to once again become an elementary school.

The Recreation Committee will be sharing a plan for improving and developing the former Memorial School property at the October 20, 2015 Selectboard meeting. Repairs have been made to leaking roofs at the Casco Village Post Office and the Casco Grange Hall. The Town is making repairs to the Coffee Pond dam at an estimated cost of less than \$1,000.00. Much of the work is being done by volunteers.

Committee and Staff Reports:

None.

Public Participation:

None.

Old Business:

1. Discussion regarding progress with the Town Office project.

David Morton stated that the Town Office Committee will be meeting again soon now that the one acre parcel of land has been acquired and options for siting the building are clearer. David stated that the Committee will be focusing on Planning Board approval, interior layout, and telephone and computer services, adding that Grant Plummer has been in contact with electricians and heating experts to gather information. David stated that the Town can move forward with interior development while the Planning Board focuses on the exterior, parking, erosion control and water runoff.

In response to an inquiry from Holly Hancock about mowing the one acre parcel so that it can be seen more clearly, David stated that the parcel is pinned and flagged and that he will make arrangements for mowing.

2. Discussion regarding the disposition of overdue personal property taxes deemed to be uncollectable.

The Selectboard reviewed a list of overdue personal property taxes with notations for people who are deceased or no longer live in the area and business that no longer exist. David Morton stated that it does not make sense to carry uncollectable accounts on Town books, adding that a decision to write off the accounts does not make them uncollectable at a later date if an opportunity arises, but that it would make it clear in the books that they are currently uncollectable.

The Selectboard discussed various accounts and various means of collection including seizure, small claims court, and any leverage the Town may have over businesses. In response to an inquiry from Mary Fernandes, David Morton stated that there is no policy for addressing or writing off overdue or uncollectable personal property taxes. Holly Hancock suggested that

David try to obtain such policies from other towns. Mary added that the Town needs to base such work on a policy. Grant Plummer expressed his interest in legal counsel's opinion of proper process, including notification, fair warning, use of leverage and payment plans.

At Grant Plummer's and Tom Peaslee's suggestion, the Selectboard conducted a review of all accounts to identify any that should be written off because they are uncollectable. Upon completion of the review, David Morton suggested that he prepare an order to write off the uncollectable accounts identified by the Selectboard for it to vote on and sign at its October 20, 2015 meeting, adding that this would also provide the Selectboard with time to reconsider.

3. Review of a draft update to the Casco Personnel Policy.

David Morton explained that the draft Personnel Policy included all recommended changes to date as well as the new progressive discipline process. David advised the Selectboard that it could adopt, amend or postpone decisions at its discretion. Holly Hancock noted that the draft Personnel Policy does not address holiday pay for per diem firefighter and EMT employees. David recalled a question as to whether per diem employees receive time and a half pay for holidays and stated that he had no clear direction on the issue, adding that the draft Personnel Policy included a change that makes it clear that time and a half pay for holidays applies to full time employees. Calvin Nutting requested more time to review the draft.

Tom Peaslee questioned language in the draft Personnel Policy that states that compensation shall be based upon agreements between the Selectboard and the Town Manager, which must be ratified by Town Meeting vote. David Morton clarified that it means that Town Meeting ultimately controls the approval of funds, and that such compensation agreements between the Selectboard and the Town Manager can be overruled by Town Meeting.

At Holly Hancock's suggestion, the Selectboard agreed to add the draft Personnel Policy to its November 10, 2015 agenda.

New Business:

4. Request for adoption of a resolution in support of the Raymond Community Forest Project.

Tom Peaslee expressed that he sees no reason why the Selectboard should not be in favor of the resolution, adding that they are not asking for any money and that it seems like a worthwhile project. Please refer to the attached Raymond Community Forest Project Resolution.

The Selectboard moved (Peaslee), seconded (Plummer) and voted to adopt the Raymond Community Forest Project Resolution: 5 in favor, 0 opposed, 0 abstentions.

5. Discussion regarding road projects.

a. Planning Edwards road and Johnson Hill Road.

David Morton reminded the Selectboard that it authorized him, as Road Commissioner, to engage engineering services to develop plans to reconstruct or repair these roads. David stated that because both roads are lengthy, the engineering firm recommended that roadwork be handled in segments on each road.

b. Heath Road culvert.

David described a collapsing deep cut culvert on the Heath Road between Thompson Lake and a wetland area that needs to be replaced, adding that he estimates the cost to be between \$8,000.00 and \$12,000.00 and that the Town would like to use funds saved from the Libby Road project. David expressed that with proper staging, public notification, coordination with the Town of Poland and road closure, the repair could be completed in a day.

c. Repairs to Point Sebago Road.

David reminded the Selectboard about previous discussions during which it was decided to use funds saved from the Libby Road project on other road projects and determine where the money could best be spent. David described an engineer's assessment of Point Sebago Road, Cooks Mills Road and the Raymond end of Edwards Road. David expressed that since paving without costly reconstruction on Edwards Road and Cooks Mills Road would not be a good use of the funds, the engineer felt that shimming on Point Sebago Road from the church to near Leander Lane would be the best use of the funds. Based on a quote provided by Glidden Excavating & Paving, Inc., David estimated the cost to be between \$23,000.00 and \$24,000.00.

David stated that the Town saved approximately \$50,000.00 on the Libby Road project and that he was requesting approval from the Selectboard to shim that segment of Point Sebago Road at a cost not to exceed \$25,000.00, and to repair the Heath Road culvert at a cost not to exceed \$15,000.00.

In response to an inquiry from Tom Peaslee, David estimated that the Point Sebago Road shimming project should buy enough time to complete the Johnson Hill Road and Edwards Road projects, and possibly the Cooks Mills Road project, which could be four or five years. In response to an inquiry from Grant Plummer, David explained that the engineering firm would recommend segments for Johnson Hill Road and Edwards Road at a later date, at which time the Selectboard could identify priorities.

Grant Plummer reminded the Selectboard about the Heath Road area and whether the Cumberland County Soil and Water Conservation Service could help with the project. David stated that he is meeting with them next week to look at the project and erosion control, and that a few hundred dollars of matching funds and some engineering finish work is available. Mary Fernandes clarified that the Town is looking at approximately \$40,000.00 for the Heath Road

culvert and Point Sebago Road project, and confirmed with David that the Heath Road project

could be completed in a day. In response to an inquiry from Calvin Nutting, David stated that it is not too late in the season for these projects. In response to an inquiry from Grant, David agreed to work within a not to exceed \$12,000.00 authorization for the Heath Road project, adding that he could come back to the Selectboard for more funds if it is not workable.

The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the Heath Road culvert project at a cost not to exceed \$12,000.00, and to hire Glidden Excavating & Paving, Inc. for the Point Sebago Road project at a cost not to exceed \$25,000.00: 5 in favor, 0 opposed, 0 abstentions.

6. Review of Selectboard meeting calendar through December.

The Selectboard noted that the December 8, 2015 Selectboard meeting is the same day as an election, and that both events can be accommodated at the Casco Community Center. In response to an inquiry from Grant Plummer regarding election staffing, David Morton explained that there needs to be enough staff on hand to accommodate the separation of duties and breaks, adding that six staff members is minimal. Holly Hancock stated that she would look into it further, adding that with the Business Showcase, the Town needs to ensure plenty of parking for voters. The Selectboard confirmed its schedule of upcoming meetings.

7. Review of tax write-off for a trailer no longer in Casco.

Holly Hancock described a request from the property owner of Casco Tax Map 1A, Lot 3L-835 to write off real estate taxes in the amount of \$253.54 for a trailer that is no longer on the property and owned by a previous property owner. In response to an inquiry from Grant Plummer as to whether the Town is working with Point Sebago to know when such property comes and goes, David expressed that the Town keeps asking Point Sebago, and that 1) it is a struggle; 2) Point Sebago may not even know; 3) it is an ongoing dialogue; 4) it is not working well; and 5) it is frustrating because the Town has no idea when such property comes and goes.

In response to an inquiry from Tom Peaslee, David clarified that a State of Maine permit is required, adding that if a trailer is not registered, then it is taxable real property, and if it is registered, then it is not taxable. David stated that owners are supposed to pay the tax and get a tax receipt in order to register it to relocate it, adding that it is difficult to track out of state registrations and that Point Sebago can't be made legally responsible for the taxes. Grant Plummer, noting that this happens frequently, stated that the Town needs to work with Point Sebago and perhaps develop some alternative ideas or a checklist. The Selectboard discussed the process and reasons why it fails so frequently.

The Selectboard moved (Plummer), seconded (Peaslee) and voted to write off the real property tax bill for Casco Tax Map 1A, Lot 3L-835 in the amount of \$253.54: 5 in favor, 0 opposed, 0 abstentions.

Selectboard Comments:

8. Discussion regarding future agenda items.

Holly Hancock stated that Gary James, the Town's Tax Assessor, submitted his letter of resignation from Cumberland County Assessing, and that the Town will continue to be served by Renee LaChapelle, the Assistant Tax Assessor, until the County Manager and commissioners fill the vacancy. Holly stated that Cumberland, Yarmouth, Falmouth and Casco contract with Cumberland County Assessing and that one other town is in negotiations with them. Holly encouraged David Morton to be in contact with those towns regarding the resignation. David stated that the four town and city managers and the County Manager are scheduling a meeting to discuss strengths and weaknesses in the program and what is needed going forward, adding that Renee LaChapelle is qualified and able to fill the Town's needs on an interim basis. David stated that it may be necessary for the Selectboard to formally appoint Renee as the Town's Tax Assessor and swear her in for legal purposes.

Mary Fernandes requested that the Selectboard give some thought to the Town's Mooring Ordinance as to whether it is working and how enforcement can be enhanced if it is not working, adding that there has been some contentiousness that should be addressed before it grows.

Mary Fernandes described several encounters with scammers involving fake Internal Revenue Service calls claiming she owed money and highly inflated solicitations for driveway sealcoating. Mary suggested that the Sherriff's Department make a presentation about scamming at the Senior Citizens meal site. Tom Peaslee offered an example of scamming in which a threat was made to place a lien on his property, adding that the Cumberland County Senior Thanksgiving Lunch & Learn at Point Sebago is scheduled for November 2, 2015 at 11:30 a.m.

Tom Peaslee thanked Kevin Hancock who spoke at his church recently and noted that \$10.00 from the sale of Kevin's book goes towards Loon Echo Trust.

Tom Peaslee expressed that he would like to see the Town consider housing for the elderly and seniors and raised the possibility of using potentially suitable tax acquired properties for that purpose.

Mary Fernandes reminded the Selectboard about the need for an executive session to conduct the Town Manager's review. The Selectboard added the Town Manager's review to its November 10, 2015 meeting.

Grant Plummer thanked David Morton for his work with Code Enforcement Officer Donald Murphy on the Town's response to the Darren Ryan Shore Land Zone tree removal and replanting issues.

Grant Plummer noted that the Webbs Mills Pond dam structure appears to be undermined resulting in pond water seeping under the structure.

Referring to Mary Fernandes's comments about the Town Mooring Ordinance, David Morton stated that the reason the Town adopted a Mooring Ordinance years ago was because the State of Maine stopped regulating moorings, docks and other structures because it couldn't handle it, adding that the Town lacks the necessary resources and doesn't have enough time to do it. David offered for consideration the idea of a seasonal Harbor Master who has the appropriate authority, anticipating that it might take three or four years to achieve full compliance. David offered several examples of enforcement difficulties, adding that non-compliant oversized docks need to be included.

David expressed that enforcement will be a long and arduous process and recommended that either the resources necessary to do it be put into place or enforcement be abandoned, adding that part of the problem is that citizens expect the Town to enforce the ordinance when it lacks the resources. Grant Plummer clarified that docks fall under shore land zoning laws, whereas the Town is not required to regulate moorings.

In response to an inquiry from Tom Peaslee about public safety issues involving moorings, David stated that once matters leave shore, the Town has no obligation and no responsibility for enforcing the Great Ponds Act other than what relates to shore land. Tom raised the possibility of a moratorium on mooring and dock permits until the Town decides on an approach. David expressed that only a small percentage of riparian owners comply with the ordinance. Tom expressed that towns successful with enforcement have a Harbor Master and that it probably should not be a code enforcement responsibility. Grant expressed that the issues are complex and contentious to the extent that Casco and surrounding towns probably couldn't pass a mooring ordinance under today's conditions.

The Selectboard concluded that more time needs to be spent on this issue with the goal of resolving it before next summer's boating season.

In response to an inquiry from Mary Fernandes regarding any need for a Special Town Meeting in January or the near future, David Morton stated that the Selectboard needs to see what unfolds between now and the remainder of the year.

Referring to the agenda for the October 20, 2015 Selectboard meeting, Holly Hancock identified 1) a presentation by the SAD 61 Superintendent and possibly several School Board members regarding Crooked River School; 2) a presentation by the Recreation Director regarding the Memorial School project; 3) approval of personal property tax write offs; 4) the Tax Assessor's resignation; and 5) the Personnel Policy regarding per diem employee holiday pay.

Referring to the agenda for the November 10, 2015 Selectboard meeting, Holly identified 1) an executive session for the Town Manager's evaluation; 2) the Holden family tax acquired

property redemption; and 3) review of the foreclosure list based on the Open Space Commission's review.

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