



**Town of Casco**  
Selectboard Minutes  
October 29, 2019

**Selectboard Members Present:**

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

**Staff Present:**

Town Manager Courtney O'Donnell, Code Enforcement Officer Alex Sirois, and Administrative Secretary Bob Tooker

1. Review and Approval of the Meeting Agenda

**The Selectboard moved (Fernandes), seconded (Plummer) and voted to approve the agenda for the October 29, 2019 Selectboard meeting: 5 in favor, 0 opposed, 0 abstentions.**

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

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

3. Approval of Minutes (*October 8, 2019*)

**The Selectboard moved (Fernandes), seconded (Plummer) and voted to approve the minutes of the October 8, 2019 Selectboard meeting: 5 in favor, 0 opposed, 0 abstentions.**

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

- The Recreation Department is offering a Halloween Spectacular this Thursday from 5:00 p.m. to 7:00 p.m. at the Casco Community Center.
- Casco and Naples veterans and their spouses are invited to a free breakfast on Monday, November 11 from 8:30 a.m. to 9:30 a.m. at the Casco Community Center.

- Sign up for kindergarten through sixth grade youth basketball by emailing [rec@cascomaine.org](mailto:rec@cascomaine.org).
- Included a sample evaluation form from the Maine Municipal Association in the Selectboard Packet for the Town Manager's six-month evaluation to be conducted on December 10, 2019.
- The November 4, 2019 Planning Board meeting has been cancelled and rescheduled for December 9, 2019 at 7:00 p.m.
- Will be posting job opening for Assistant to the Code Enforcement Officer later this week.
- Contacted state regarding lack of aprons on Route 302.
- The Town has not yet received a completed site plan from the Crooked River Snowmobile Club.

#### 5. Committee and Staff Reports

None.

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

John Witonis distributed a handout entitled "Questions and Information in Reference to Code Violations at 200 Roosevelt Trail." Topics included 1) the response time to a formal complaint; 2) the gap between the notice of violation and the second notice of violation; 3) the amount of fill placed on the property; 4) the increase in elevation resulting from the fill; and 5) the lack of erosion control. John inquired as to who on the Selectboard may have visited the property and what is the remedy. John invited Selectboard members to view the property from his abutting property.

#### 7. 200 Roosevelt Trail Code Violation

Courtney O'Donnell stated that 1) the matter was referred to the Selectboard after the second notice of violation failed to correct the issues; 2) it is up to the Selectboard to decide whether or not to take further action; and 3) in keeping with her previous comments, she recommends tabling the matter until January to allow Mr. Ward time to go before the Planning Board, as he's expressed he intends to do, in an effort to obtain a permit for fill in excess of the amount allowed by Town ordinance.

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Courtney stated that legal action prior to Mr. Ward going before the Planning Board could be rendered moot if the Planning Board resolves the matter in January. Code Enforcement Officer Alex Sirois responded to a number of inquiries from the Selectboard related to the fill, erosion control, the issuance of after-the-fact permits, ongoing work in violation of a stop work order and potential enforcement actions.

Alex Sirois advised the Selectboard to consider taking action if the violations are not substantially resolved by the Planning Board in January. In response to an inquiry from Holly Hancock, Alex stated that 1) the November 4, 2019 Planning Board meeting was cancelled and rescheduled for December 9, 2019; and 2) Mr. Ward may not be aware of the December 9 Planning Board meeting because the Planning Board typically does not meet in December. Courtney O'Donnell stated that 1) Mr. Ward was preparing for the January Planning Board meeting because he knew he would not be able to meet the submission deadline for the November 4 meeting; and 2) she will make Mr. Ward aware that the Planning Board will be meeting on December 9, 2019.

Grant Plummer stated that he was uncomfortable waiting until the January Planning Board meeting and called for Mr. Ward to go before the Planning Board on December 9, 2019. Grant stated that if Mr. Ward does not go before the Planning Board on December 9, 2019 or if substantial progress is not made at that meeting, then he would recommend that the Selectboard consider legal action at its December 10, 2019 meeting.

Alex Sirois stated that the November 4 Planning Board meeting was cancelled due to lack of a quorum and alerted the Selectboard to the possibility that the December and January Planning Board meetings could also be cancelled due to lack of a quorum. Alex stated that Mr. Ward's potential inability to request a permit because of the Planning Board's inability to meet could interfere with potential legal action. Courtney O'Donnell stated that 1) the Planning Board serves a vital function for the Town; 2) the Planning Board's inability to meet regularly is a significant problem; 3) it is frustrating for citizens who have business before the Planning Board to be pushed off repeatedly; and 4) a court would not look favorably on circumstances in which a citizen could not request a permit because the opportunity is not available. Grant Plummer called upon Selectboard members to take steps to ensure that the Planning Board has a quorum for its December 9, 2019 meeting.

**The Selectboard moved (Plummer), seconded (Fernandes) and voted to let Mr. Ward know that he needs to get on the December 9, 2019 Planning Board meeting agenda to address**

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code violations on his property at 200 Roosevelt Trail and if he does not go before the Planning Board on December 9, 2019, then the Selectboard will take action at its December 10, 2019 meeting to initiate legal steps to proceed forward: 5 in favor, 0 opposed, 0 abstentions.

#### 8. Recycler Permit: Skip's Auto

Courtney O'Donnell stated that this is an annual renewal required by the State of Maine. Alex Sirois stated that although a stop work order was issued to for work that appears connected to Skip's Auto on an abutting lot, the junk yard as it exists and has existed remains unchanged since last year. Courtney stated that conditions were added to the recycler permit to prevent any expansion of the junkyard without appropriate Town approvals and permits.

**The Selectboard moved (Hancock), seconded (Plummer) and voted to approve the recycler permit for Skip's Auto with conditions stating that this annual approval is for the existing non-conforming junkyard on Casco Tax Map 30, Lot 5 only; any expansion of this use would require approval by the Planning Board per the Zoning Ordinance of the Town of Casco, Maine; the junkyard is not to be expanded onto Casco Tax Map 30, Lot 4 without the appropriate Town approvals and permits: 5 in favor, 0 opposed, 0 abstentions.**

#### 9. Private Road Plowing List

Courtney O'Donnell stated that property owners on seven private roads have not provided the Town with a sufficient number of easements necessary for the Town to plow those roads this winter. Courtney stated that 1) out of the seven private roads, representatives of four of the private roads assured her that they would provide a sufficient number of easements by the October 31, 2019 deadline; and 2) she has not heard anything from the other three private roads. Courtney advised the Selectboard that any motion regarding whether or not to plow those roads should be based on the upcoming October 31, 2019 deadline. Courtney stated that the initial notification regarding the 1972 minimum road standards and the need for easements went out on June 11, 2018 and that there has been two subsequent notifications, many Selectboard discussions and many conversations with residents who live on the private roads affected by these matters.

**The Selectboard moved (Hancock), seconded (Fernandes) and voted to approve the plowing of all private roads for which a sufficient number of easements have been received by the Town Office by 4:30 p.m. on October 31, 2019: 5 in favor, 0 opposed, 0 abstentions.**

Courtney O'Donnell stated that private roads that have not provided a sufficient number of easements will not be plowed this winter. Courtney reminded the Selectboard about her previous comments concerning the need to clean-up and clarify language in Town ordinances

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related to 1) the 1972 minimum road standards; 2) the authority of the Selectboard to grant waivers and what those waivers would be granted for; and 3) the 1972 and the 2015 minimum road standards. Courtney stated that options include drafting language, ideally in the form of an ordinance, to be passed at a special Town Meeting in early 2020 or at the regular Town Meeting in June, 2020.

Courtney O'Donnell stated that 1) scheduling this for a special town meeting in early 2020 would provide enough time for property owners to bring non-compliant private roads up to the 1972 minimum standards next summer, but could potentially be perceived as an attempt to "slide by" property owners who are out of town for the winter; and 2) scheduling this for the regular Town Meeting in June 2020 would allow for more citizens to participate, but would not provide enough time to bring non-compliant private roads up the 1972 minimum standards, which would result in a need to extend the deadline for another year. Holly Hancock advocated for scheduling it for the regular Town Meeting in June 2020. The Selectboard agreed to begin work on drafting a new ordinance early next year.

#### 10. EMS Collection Policy

Courtney O'Donnell commented on changes made to the Collection of Emergency Medical Services Fees Policy agreed to at the previous Selectboard meeting.

**The Selectboard moved (Plummer), seconded (Fernandes) and voted to approve the Collection of Emergency Medical Services Fees Policy: 5 in favor, 0 opposed, 0 abstentions.**

#### 11. Selectboard Meeting Policy

Courtney O'Donnell commented on grammatical changes made to the Selectboard Meeting Policy.

**The Selectboard moved (Hancock), seconded (Plummer) and voted to approve the Selectboard Meeting Policy: 5 in favor, 0 opposed, 0 abstentions.**

#### 12. Selectboard Comments

- Holly Hancock stated that Mary Fernandes and herself attended the Maine Municipal Association's Manager and Selectboard Working Relationship training. Topics of

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conversation included Town Manager performance reviews, “who does what” and short-term and long-term planning. Holly stated that short-term and long-term planning should be included on a Selectboard meeting agenda.

- Mary Fernandes stated that 1) the Selectboard Planning Matrix would be a good starting point for the planning process; and 2) Selectboard planning workshops would be beneficial for the Selectboard and Town residents.
- In response to an inquiry from Calvin Nutting, Courtney O’Donnell stated that initial stockpiles of winter sand and salt are in place.
- In response to an inquiry from Mary Fernandes regarding a timeframe for addressing erosion control and other issues at 200 Roosevelt Trail, Courtney O’Donnell stated that timeframes would be up to the Planning Board after Mr. Ward submits required plans.
- Grant Plummer stated that private roads account for approximately one third of the Town’s annual plowing costs.

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

Jim Willey 1) called on the Selectboard to be more aggressive with code violations at 200 Roosevelt Trail; 2) cautioned that issues surrounding the violations could drag on for another year; 3) advocated for the abutters affected by the violations; and 4) called on the Code Enforcement Officer to request that the Department of Environmental Protection involved.

Tom Peaslee stated that he agreed with Courtney O’Donnell’s previous comments about the need to follow the process correctly in case legal action is required. Courtney stated that 1) regardless of what happened in the past, Alex Sirois and herself are still new and should not be punished for what their predecessors did and did not do; 2) she is working on getting Alex the help he needs so that he will have more time to go after violators more aggressively; and 3) these issues are a priority.

Norm Heald stated that he does not want costs for plowing passed back to property owners who live on private roads because they cannot meet new road standards set by the Town. Both Holly Hancock and Courtney O’Donnell clarified that the intention of cleaning up the ordinances, particularly with respect to the 1972 minimum road standards, is only to clarify them and not to change them or make them more restrictive.

Dan Stanton 1) stated that property owners in the Kettle Cove area would not be telling the truth if they say they do not have enough money to plow their roads; and 2) suggested that the Town charge a fee for plowing roads in the Kettle Cove area.

14. Executive Session 1 M.R.S.A. § 405 (6)(F) – Poverty Abatement Request 93019

**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 poverty abatement request 93019: 5 in favor, 0 opposed, 0 abstentions.**

The Selectboard entered into executive session at 7:36 p.m.

The Selectboard returned from executive session at 7:56 p.m.

**The Selectboard moved (Hancock), seconded (Fernandes) and voted to come out of executive session: 5 in favor, 0 opposed, 0 abstentions.**

**The Selectboard moved (Hancock), seconded (Fernandes) and voted to abate property taxes for case 93019 in the amount of \$1,532.30 for fiscal year 2020 pursuant to 1 M.R.S.A. § 405(6) (F): 5 in favor, 0 opposed, 0 abstentions.**

15. Adjournment

**The Selectboard moved (Hancock), seconded (Fernandes) and voted to adjourn at 7:57 p.m.: 5 in favor, 0 opposed, 0 abstentions.**

ATTEST:

Robert Tooker  
Deputy Town Clerk