

**MINUTES
TOWN OF ST. ALBANS
SELECTMEN'S MEETING
MONDAY, OCTOBER 15, 2019**

6:00 P.M.

Present: Todd Brown, Vice Chairman
Peter Denbow
Hiram Weymouth, Chairman
Richard Fisher, Town Manager

Call to Order

Pledge of Allegiance Recited

1. Minutes for Selectmen's Special Meeting on Monday, September 16, 2019

Motion by Peter Denbow to approve the minutes of the Selectmen's Special Meeting held on Monday, September 16, 2019. Seconded by Todd Brown Vote: 3-0

2. Minutes for Selectmen's Regular Meeting on Monday, September 23, 2019

Motion by Peter Denbow to approve the minutes of the Selectmen's Special Meeting held on Monday, September 23, 2019. Seconded by Todd Brown Vote: 3-0

3. Public Hearing to Adopt 2019-2020 – General Assistance Maximums for 2019-2020

Manager Fisher directed the Board members to Appendix A-F and Appendix H to view the changes in maximums for assistance. There was a short discussion on the new maximums.

Motion by Todd Brown to amend the General Assistance Ordinance to include the new General Assistance Maximums for 2019-2020., Appendix A through F. and Appendix H. Seconded by Hiram Weymouth. Vote: 3-0

4. Executive Session – Personnel – 1 M.R.S.A. 405 (6)(A) – Fire Chief

Peter Denbow suggested moving the executive session to later in the meeting. There was no objection.

Motion by Peter Denbow to move the executive session to after the general business has been concluded. Seconded by Todd Brown. Vote 3-0.

5. Code Enforcement Officer Replacement

Manager Fisher requested the Board confirm the appointment of Travis Gould to the position of Code Enforcement Officer at an hourly rate of \$21.50 per hour, \$20.00 per month for the use of his personal phone, and Federal mileage rate for the use of his car, only within the boundaries of St. Albans- no portal to portal coverage.

Seth Snowman stated that he felt the town really needs someone who is accessible more often like it used to be. He spoke about how twice a week is extremely limiting for contractors, that they sometimes have to wait half a week for an inspection. He said it is especially difficult for non-certified installers. He asked if the position was advertised. He asked if the position was advertised. Manager Fisher stated that the position was not advertised.

Mr. Snowman suggested that advertising might have brought a better result. He asked of the Alternate had been considered. Manager Fisher stated that he had considered the alternate but after two cancelled interviews it did

not appear he had the availability to provide the service. Mr. Snowman stated that the alternate was one of the most accessible code enforcement officers in the area and that there are two sides to every story.

A general discussion on code enforcement officers and their availability continued with comments from Mr. Dennis Smith and Seth Snowman contributing to the conversation.

Motion by Peter Denbow to hire Travis Gould as the Code Enforcement Officer. Seconded by Todd Brown, Vote 3-0

6. Old Business

- a. Evan Russell – Map 17, Lot 19 & Lot 20 Tree Growth Penalty – Abatement of \$500.00
Evan Russell – Map 17, Lot 19 & Lot 20 Tree Growth Penalty of \$898.20

Hiram Weymouth asked where we stand on this issue. Manager Fisher explained that the Assessor made two recommendations, to abate the \$500.00 penalty due to compliance with the plan requirements but to approve the penalty of \$898.20 for the removal of approximately 5 acres from the forest reserve. Manager Fisher further stated that Mr. Evans was hoping the letter from his forester would provide our Assessor, Rob Duplisea, with the information he needed to change Rob's mind. Manager Fisher spoke with Rob Duplisea on the telephone and read him part of the letter from Mr. Evan's forester. Our Assessor responded that his decision stands and the letter has no bearing on his decision.

Manager Fisher read Mr. Evan's forester's letter to the Board and re-stated that that our assessor stood by his decision. The board members asked for a copy of the letter. Mr. Evans was present and explained his situation and requested that the Board of Selectmen waive the fees. Mr. Evans explained that he didn't know the one property was in tree growth because it is not reflected on his tax bill. Hiram Weymouth asked the manager if he researched the properties since the last meeting. Manager Fisher stated he had and the property is in tree growth.

The conversation focused on the dates of the letters, the dates for compliance, and Manager Fisher read the dates as per the attached letters. Mr. Evans continued to explain that he did not know that one of the properties was in tree growth at all. Manager Fisher stated the final date for compliance per the Assessor's letter is December 10, 2019 but the penalty is being assessed now. Peter Denbow explained his view that the December 9th deadline is a separate penalty unrelated to what is before the Board at this time.

Peter Denbow expressed his concerns over the fact that at the last meeting Mr. Evans promised to provide information from his lawyer and the sheet he did provide with handwriting on it could have been from anyone. Mr. Evans stated that is the paper that his lawyer gave to him. Peter Denbow replied that might be fine, but there is no way the Selectman can tell this is from an attorney. Todd Brown expressed his concern over the length of time it took to get to this point.

Mr. Evans wanted to know why the Assessor doesn't send out a courtesy notice before a plan expires instead of a violation notice after the plan has expired. In his opinion most people can't remember when their Forest Management Plan does expire and a courtesy letter might make a difference.

Mr. Evans stated had he known it was in tree growth, he would have taken more care but when he bought the property he had no idea it was in tree growth at all. Hiram Weymouth stated that when Mr. Evans applied for his building permit had he been told that this would affect his tree growth this could have been handled. How many other properties do we have in a similar situation?

Todd Brown stated that there isn't enough information to be able to make the right decision. Dennis Smith spoke about the impossibility of being able to make the right decision and that pulling it out of tree growth can go back to previous ownership. A long conversation continued about tree growth and when a notification should be issued. Manager Fisher spoke about fines are a means to compliance and if compliance is met, often the charges are withdrawn and the fines waived. Peter Denbow would like to see what the tax bill would be with the five acres removed. Manager Fisher replied he would look into that. Todd Brown stated that his major concern was the long amount of time Mr Evans had to make this right and didn't until now.

Motion by Todd Brown to rescind the fine of \$898.20 and to approve the abatement of \$500.00 for the Russell Evans properties, Map 17, Lots 19 and 20. Seconded by Hiram Weymouth. Vote: 3-0

7. New Business

Ekco Farms LLC - Abatement of \$303.18 – Buildings Taxed Twice.

Manager Fisher stated that the Assessor had taxed the building twice. Todd Brown asked why it had been taxed twice. Manager fisher replied that he did not know why the Assessor taxed it twice, there was no explanation with the request.

Motion by Peter Denbow that the Board approve the abatement, seconded by Hiram. Vote 3-0

Manager Fisher brought to the Board' attention the Town 's receipt of an additional abatement request from Ekco Farms LLC that had just arrived a few days prior to the meeting and making the same request for an abatement from the previous two years. Peter asked which years were they asking for? Manager Fisher responded the previous years are 2018 and 2017- and due to the fact that he just received the request, the abatement forms are not yet completed for signatures.

The amounts are \$295.94 in 2017 and 297.75 in 2018 according to Manager Fisher. Peter Denbow asked what the statute was on abatements. Manager Fisher responded – three years.

Motion by Todd Brown to accept the abatements, seconded by Peter Denbow. Vote: 3-0

Manager Fisher provided the Assessors paperwork for signature and the Board agreed to sign for the previous two years at their next meeting when those abatement forms have been prepared.

8. Committee Items. No report.

9. Staff Items. No report.

10. Selectmen's Items

Peter Denbow has a meeting RTCC meeting on 16th that he cannot attend.

Todd Brown has a meeting with _____ on the 24th

Hiram Weymouth asked the manager to discuss the meeting he attended in Dexter. Manager Fisher told the B Board he recently attended the Mid-Maine Solid Waste Association meeting representing St. Albans. Manager Fisher provided the Board with the 2018 audit for the association as well as minutes and a memo to the association from DEP.

Hiram Weymouth wanted to bring to the Board's attention about a trailer on Ripley Road that has geese running wild and unfortunately their trailer is under the crest of the hill and it is only a matter of time before someone crests the hill and if someone goes the other way and instead of hitting the geese they will hit another car.

Peter Denbow stated there is not much we can do- we have no exotic animal ordinance. Manager Fisher agreed to contact the animal control officer.

Dennis Smith asked why there was apron on Ballard Road since at the last meeting it was in the

a. Fire Chief Position

There was a short discussion on the position of Fire Chief. Peter Denbow stated his preference that the discussion be moved to executive session. Hiram Weymouth agreed.

*Motion by Todd Brown to enter into executive session at 6:10 p.m. pursuant to IM.R.S.A. Sec. 405 (6)(a) to discuss the Fire Chief position, seconded by Peter Denbow.
Vote: 3-0.*

Mr. Robert Worster, 1st Deputy of the St. Albans Fire Company was invited into the executive session to discuss the Fire Chief position.

*Motion by Peter Denbow to re-enter the public meeting at 6:40 p.m., second Todd Brown.
Vote: 3-0.*

Motion by Peter Denbow to hold an executive session to meet with the current Fire Chief on Tuesday, October 14 (15th) at their regularly scheduled October meeting, Seconded by Todd Brown Vote:3-0

b. Road Commissioner Position

Manager Fisher recommended Brady Snowman for the position at \$22.00 per hour, to begin work on Tuesday, October 14 (15th), 2019.

*Motion by Todd Brown to appoint Brady Snowman as Road Commissioner at \$22.00 per hour.
Seconded by Hiram Weymouth Vote: 3-0*

c. Asbestos Removal – 15 Water Street

Manager Fisher stated he had one estimate from Eastern Maine Environmental for \$4300.00. Peter asked that the manager attempt to obtain more estimates.

Motion by Hiram Weymouth to table until they have more estimates. Seconded by Todd Brown. Vote: 3-0

d. Withdrawal of Bid – Lane Carroll –Lot 35, Blackberry La

Manager Fisher explained that the bidder who was awarded Lot 35, Carroll Lane withdrew his bid in writing before the default date and has requested his deposit of \$500.00 be returned to him. Manger Fisher has a Hold Harmless Agreement ready to prepare however Mr. Lane already signed an affidavit stating he would not sue the towns of St. Albans and accepts the lot in AS-IS condition. Hiram stated that both the town and the applicant are at fault. It would be the fair to return his check.

*Motion by Peter Denbow to return Mr. Lane's deposit. Seconded by Hiram Weymouth. Vote: 2-1
YES- Hiram Weymouth, Pete Denbow NO- Todd Brown*

e. Advertise Lot 35, Blackberry Lane for Sale via Sealed bid

Manager Fisher explained that the Assessor would like to re-assess lot 25 and lot 35 on Blackberry Lane prior to re-advertising the properties for sale.

Motion by Hiram Weymouth to advertise lot 25 and lot 35 for sale after the re-valuation by the Tax Assessor. Seconded by Todd Brown: Vote 3-0 All in Favor.

f. Petition for Sunday Retail Sales of Certain Types of Alcohol

Manager Fisher requested the Board decide on whether they would accept the original signatures or would they want all new signatures. The State recommends they may ask for new signatures after one year.

Motion by Hiram Weymouth, seconded by Peter Denbow to include signatures already confirmed in 2019 for the petition for Sunday Retail Sales of Certain Types of Alcohol. Vote: 3-0 All in Favor.

11. New Business

a. Richard D Fisher, Tax Collector Re-Commitment

Once the Board accepted Rhonda Stark's commitment, the next step is to authorize Rick Fisher's re- commitment.

Todd Brown made a motion to accept Richard D. Fisher's re-commitment. After a short discussion on the motion, seconded by Hiram Weymouth. Vote: 3-0 All in Favor.

b. Evan Russell – Map 17, Lot 19, Tree Growth Penalty

Mr Russell was given the floor and stated that he owns two parcels of land on Devil's Head Road, one he bought 23 years ago. There are two parts to his story. He received a registered letter from town that he didn't have a current plan for tree growth. He bought that second property at tax sale and had no idea it was in tree growth. He came into town office and was given a couple of names of consultants to contact who could prepare a tree growth plan. They didn't want to do it. He called the state and got everyone's name in the state to find someone. He hired a tree growth consultant.

It was near the end of his 180 days and he was facing a \$500 fine. He stopped at the town office and asked the manager if he would be fined if he went past the date if his forester is still working on the plan- the manager said no, he would not be fined. Then he received a letter from the assessor that said he is in violation of tree growth and he was assessed 500 dollars and now he doesn't know what to do. Evan Russell stated that his tree growth guy couldn't get up there this past winter.

The plan is done now. The tax assessor has the plan. But he assessed Mr. Russell five hundred dollars. Hiram Weymouth asked Evan Russell if he was working on the plan when he was assessed. He said yes. He talked to both the manager and the girl who took over Stay's spot and was told he wouldn't be fined. Evan Russell then stated that he called the assessor who told Evan that he was going "by the book" and waiving the 180 days requirement was not an option.

He then went on to explain Part 2 of his story. He submitted tree growth plans for both lots. The second lot he bought a few years ago and it had an expired tree growth plan, unknown to him. He had cleared 5 acres along with the two acres already cleared to make a field. The assessor told him he violated the tree growth plan by clearing the 5 acres. Evan's forester explained to Evan that he was allowed to clear as much as he wanted as long as he doesn't sell the wood..so he cleared the land and used the wood to build his house. Now the assessor fined him 900 dollars for violating the law.

Hiram Weymouth asked if the tree growth plan was still in effect. Evan Russell replied it expired the year he bought the land.. There was a general discussion. Evan stated his tree growth guy says there is

no way he violated the Tree Growth Ordinance but the assessor is telling him it is a violation. Peter Denbow asked him to clarify if he knew the plan was expired. He confirmed he did not know. Peter Denbow asked when did it expire. Evan Russell replied that the plan expired the year he bought the property. Peter Denbow then asked if he was taxed at full rate after the plan expired. He did not provide a clear answer but asked why didn't his attorney or the seller advise him about the tree growth plan. He bought it at auction.

Peter Denbow asked again, was he taxed at full rate or at tree growth rate? Isn't it right on the tax bill? Peter Denbow asked Manager Fisher to look into taxes for that property. Evan Russell explained again that he cleared the land not knowing he was in tree growth. Peter Denbow again asked Evan Russell if he was paying full rate or a reduced rate the past three years because if Evan paid the full rate, the property isn't in tree growth and Evan Russell can do whatever he wants with the land. Evan replied that it stayed in tree growth under the expired plan.

Evan Russell questioned if it is up to him to know when the plan expires or is it up to the town to notify him by letter? Todd Brown explained how he was once in a similar situation with an expired plan but as long as he had a forester working on it he was not assessed for a violation.

A general discussion continued focusing on the same information as previously stated above. Evan Russell stated he was before the Selectmen at the recommendation of his attorney and he has papers from his attorney. Peter Denbow asked Evan Russell to please supply the town with those papers from his attorney, and Manager Fisher will get information from our assessor. Evan Russell reiterated that the town believes the tree growth is still in effect and he has been assessed unfairly.

Todd Brown asked the manager to research whether it was in tree growth or not and Mr. Russell to provide the town with all the paperwork he has. Evan Russell explained in detail how the assessor reached nine hundred dollars and what it would cost to remove the property from tree growth goes back before his ownership of the property- 20 years total.

Manager Fisher was asked to report back to the Board at their next meeting. Evan Russell then asked about part A- the five hundred dollars for not getting the plan in time? Hiram Weymouth stated that as long as he was acting with expediency with his forester he felt there shouldn't be a fine. Evan Russell replied that he received the letter in October, then the weather shut down. His forester couldn't get there in the mud season so he was doing the best he could. Peter Denbow again asked for all the paperwork from Mr. Russell. There was a discussion on the history of the subdivision. Peter Denbow repeated again his request for all of the paperwork from Mr. Russell.

Evan Russell then made a complaint about condition of Devil's Head Road. There is a pipe out of the ground and the trees and bushes are so close as to scratch the vehicles and he wants to know who makes the decisions to repair the roads since Finson Road received a nice amount of gravel..he pays taxes...wants to know why his road is being ignored. The manager offered to look into it with public works department.

Manager's Items

We received Spirit of America award to be presented on October 16th at 7 pm at Skowhegan Court House. Hiram asked the manager to accept on their behalf.

Letters went out to Bowman Constructors on the school.

Maintenance agreement for 2020- would the Selectman want it signed by the contractor first or does it not matter? The consensus was either way is fine.

Line Painting – The manager provided research information on line painting. The recommendation that is that center lines prevent accidents and are recommended. Side lines are not recommended. If you want passing lanes, a traffic engineer would be required to establish those areas. The costs can be as high as 500-1000 per mile. We can put it out for bid and see what kind of numbers we get for the town meeting.

Paving project – Roads are completed, aprons are not completed. We have not received all the slips. The manager’s estimate is that the tonnage will be over the estimate. Manager Fisher reported one complaint about a driveway on Ripley. A citizen asked if there would be an apron on Ballard Road. Manager Fisher reviewed the bid specs and stated yes, Ballard Road is on the bid.

Training - Manager Fisher stated he is sending the Town Clerk to training for the election. There is not another class before the election on October 8th and 9th.

Hearing for the GA is on the 15th as the meeting needs to be changed to Tuesday, with the permission of the Selectmen as Monday the 14th is a holiday. Hiram asked for the date and time of the award ceremony for the Spirit of America.. Manager Fisher stated Wednesday October 16th at 7 pm. Manager Fisher inform the Board that the GA Hearing posting is incorrect. It states the 8th. The Hearing will be re-posted and advertised for October 15th. Manager Fisher completed his report.

Peter Denbow motioned to adjourn the meeting, Seconded by Todd Brown Vote: 3-0

Meeting adjourned at 7:22 p.m.

Respectfully Submitted,
Richard D. Fisher
Town Manager

Minutes approved and signed at the Regular Selectmen’s Meeting Monday, October 15, 2019.
