

**MINUTES
TOWN OF ST. ALBANS
SPECIAL SELECTMEN'S MEETING
MONDAY, SEPTEMBER 23, 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 Regularly Scheduled Meeting on September 9, 2019

Motion by Todd Brown to approve the minutes of the Regular Selectmen's Special Meeting held on Monday, September 9, 2019. Seconded by Peter Denbow Vote: 3-0

2. Public Forum - no participants

3. Old Business

a. Resignation of Code Enforcement Officer – effective September 27, 2019 at 12:00 P.M.

Motion by Peter Denbow, seconded by Todd Brown to accept the resignation of the Code Enforcement Officer, effective September 28, 2019. Vote: 3-0

b. 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

c. 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

d. 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

e. 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

f. 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.

g. 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.

4. 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.
