

**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. Manager Fisher stated that the position was not advertised.

Mr. Snowman suggested that advertising might have brought a better result. He asked if 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 from Mr. Dennis Smith and Seth Snowman contributing their opinions 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. Peter Denbow stated he 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's 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 2019 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 on the he will attend on the 24th

Hiram Weymouth asked the manager to discuss the meeting he attended in Dexter. Manager Fisher told the Selectmen that 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. There was a short discussion concerning the DEP memo's contents which had to do with well testing parameters and potential locations for additional monitoring wells, according to Manager Fisher.

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 was asked by the Board to contact the animal control officer.

Dennis Smith asked why there was no apron on Ballard Road since at the last meeting it was in the contract as per Manager Fisher's statement from the previous meeting. Manager Fisher stated that he had somehow misread the contract prior to the previous meeting. Manager Fisher checked the contract again and Ballard Road was not included in the contract. Dennis Smith expressed his disappointment that it was not included and if there was a

way it could be added. Manager Fisher replied that the project was over-budget and he did not see how it would be possible to add any additional work to the project at this time.

11. Manager's Items

Concerning Blackberry Lane, Manager Fisher provided the Selectmen with a copy of the new advertisement and the new assessment from the Assessor in which he shows a major change in assessed value. He expressed a concern about selling the two lots based upon the old assessment versus the new assessment. He questioned the Board if the minimum bid remains the same on the advertisement or should the new amount be the minimum bid? Peter Denbow asked if the amount that is in the tax books is the amount that is owed? Manager Fisher replied yes. Peter Denbow pointed out that if we lower the amount we will not recover the full back taxes. We would have to approve an abatement on those in order to cover the back taxes.

Manager Fisher asked if the previous owner would still owe the original amounts if the new amounts are lower? If the amount was erroneous to begin with, there was an error that favors the homeowner, what responsibility does the town have to the previous owner who lost the property by failing to pay the taxes?

Manager Fisher asked if the town should provide the previous owner one more opportunity to pay the lower amounts? Peter Denbow asked if this meant the town should reassess every property? Manager Fisher replied that this is a unique situation because of the error made on which lot the improvements are actually located.

Peter Denbow asked again if on every property that should be checked to make certain that the improvements are on that property before we take further action? He asked shouldn't we be doing this every time? Hiram Weymouth answered yes. Manager Fisher also answered yes and suggested the code enforcement officer check the property when he posts it for sale to confirm the improvements are there.

Dennis Smith expressed concern about the assessor making this serious an error, that he is being paid a lot of money to get this correct the first time. Mr. Smith asked how a professional assessor can put the building on the wrong lot. There is something wrong, he said, and that the assessor should be looked at.

Todd Brown suggested we go back to the previous owner and show common courtesy and offer the opportunity to Buy the property back.

Motion by Todd Brown to ask the previous owner 30 days to pay the back taxes before it is advertised. Seconded by Peter Denbow Vote 3-0

Paving project- Manager first read the original estimate of \$682,529.75 from Roundy's paving that was approved by the town of St. Albans.

7590 tons of 9.5mm Hot Mix Asphalt at \$63.35 per ton = \$480,826.50
3,205 tons of 12.5mm Hot Mix Asphalt at \$61.45 per ton = \$196,947.25
80 tons of 19mm Hot Mix Asphalt at \$59.45 per ton equals \$4,756.00
Total estimated amount is \$682,529.75

A bill reflecting actual tonnage/actual costs was received on October 2, 2019

7864.40 tons of 9.5 mm of Hot Mix Asphalt at \$63.35 per ton = \$498,209.74
3,967.79 tons of 12.5mm of Hot Mix Asphalt at \$61.45 per ton = \$243,820.70
53.41 tons of 19mm Hot Mix Asphalt at \$59.45 per ton = \$745,205.66

A difference of \$62,675.91

Manager Fisher stated that the slips received do not match their numbers. We have a meeting set up for Friday. He stated that he is going to the suppliers. He is comfortable with the \$682,529.75 with the project complete but the overage will have to be negotiated. He explained he met with Mr. Roundy on Mountain Road and compared the tonnage and Mr. Roundy's overage verbal estimate was much less. Manager Fisher provided information on the financial side of the project-how he was planning to use the monies approved by the citizens

He also stated that he would be attending the Spirit of America awards at the Skowhegan Courthouse on Wednesday, October 16th at 6 pm to accept the award on behalf of the town. Hiram Weymouth replied that he was hoping to attend also.

Manager Fisher stated there are more subjects to discuss - agent fee increases is one item to decide upon but it is getting late and the Selectmen can review those items in two weeks, if there is no objection. There were no objections. Manager Fisher then excused himself from the meeting to meet with the planning commission.

12. Executive Session

Motion by Peter Denbow under 1 MRSA 405 (6)(A) to go into executive session at 7:20 p.m. to discuss personnel, specifically Fire Chief. Seconded by Todd Brown Vote: 3-0

Motion by Todd Brown to leave the executive session and return to the meeting. Seconded by Peter Denbow Vote: 3-0

The meeting was adjourned after a motion by Todd Brown, seconded by Hiram Weymouth and a unanimous vote at 8:10 P.M.

Respectfully Submitted,

Richard D. Fisher
Manager
Town of St. Albans

Minutes approved and signed at the Regular Selectmen's Meeting Monday, October 28, 2019.

Hiram Weymouth, Chairman

Todd Brown, Vice-Chairman

Peter Denbow, Selectman