

Town of Embden

Minutes of the Board of Selectmen

March 21, 2011

7:00 PM Meeting held at the Embden Town Office

In attendance was: Bruce & Ruth Blake, Michael Carey, Henry Chipman, Joe Creamer, Robert Dunphy, Pamela Graf, Jack Kaplan, Eleanor Ketchum, Leo Mayo, Wayne McLaughlin, Frank & Laurie Nile, Elizabeth Pratt, Charles Taylor, John Vartanian, Sam White Jr., Larry Witham, Michael & Wendy Witham, Raymond Young, and Bonnie Baker.

1 Charles Taylor called the meeting to order at 19:25.

2 The meeting began with the Pledge of Allegiance.

3 **Consent Agenda:**

3.1 Approved the minutes of the Board of Selectmen dated March 7, 2011. Accepted as corrected to read, "Submitted by Bonnie A. Baker." (3-0).

3.2 Approved Warrant #6 totaling \$136,708.01. Approved (3-0). E. Pratt has requested to receive a copy of the warrant in advance of the Selectmen's Meetings, for her review.

4 **Community Relations, Announcements, and Open Public Forum:**

4.1 **Open Public Forum :**

4.1.1 E. Ketchum asked why Selectmen's meetings weren't recorded. E. Pratt made a motion (2nd – C. Taylor) that all meetings for the town be recorded.(3-0) C. Taylor asked if that applied to Committees as well. E. Pratt replied, "I think you should know exactly what was said. If they're on tape, then you can." J. Edes stated that as cheap as disks were, he recommended keeping 1 disk per meeting. C. Taylor stated that the Selectmen would allow the Town Clerk to decide how best to do it. E. Pratt said that she agreed that if each meeting was on its own disk it would be easier to find what you were looking for something.

4.1.2 J. Kaplan asked how it was decided which roads were closed to winter maintenance. C. Taylor replied that a person could petition to have a road closed.

4.1.3 F. Nile submitted a paper to the Selectmen. He said that the town was paying the trucks in town \$59/hr. He said that the townspeople voted at the town meeting to pay state wages, which were nowhere near that.M. Witham stated he could get a state wage schedule. F. Nile replied that there was no wage hike until 2011. He asked what happens if all of these people had been overpaid. C. Taylor stated that if so, then at that point the Selectmen would consult the town attorney. J. Creamer requested that Article 39 from the 2011 annual town meeting be read. C. Taylor read from the article. J. Creamer stated that the article listed wages only, not equipment.

4.1.4 J. Edes asked whether the Embden Historical Society had filed its 501C3, and whether the Town had a copy of it. L. Witham stated that it had been approved within the last year and a half, and a copy could be obtained from Kenneth Ingalls, President or Nancy McLean, Secretary.

5 **Appointments & Resignations:**

5.1 **Planning Board Members/Alternates:** W.McLaughlin (2nd–C.Taylor) nominated Eleanor Ketchum as Planning Board.(3-0)

5.2 **Appeals Board Members:** Tabled until next meeting

5.3 **Animal Control Officer:** E. Pratt made a motion (2nd–W.McLaughlin) to appoint Pam Graf as ACO. (3-0)

5.4 **Code Enforcement Officer:**

5.4.1 C. Taylor made a motion (2nd – E. Pratt) to appoint Robert Dunphy as CEO (3-0) C. Taylor stated that there was a 6-month probationary period and if there were concerns then they would be dealt with.

5.4.2 W. McLaughlin made a motion (2nd – E. Pratt) to accept Leo Mayo as deputy CEO. (3-0)

5.5 **Local Plumbing Inspector:**

5.5.1 E. Pratt made a motion (2nd – W. McLaughlin) to appoint Leo Mayo as the Local Plumbing Inspector. (3-0) C.Taylor clarified that L. Mayo does not inspect his own work.

5.5.2 E. Pratt made a motion (2nd – W. McLaughlin) to accept Robert Dunphy as deputy LPI. (3-0)

5.6 **E-911 Addressing Officer:** W.McLaughlin made a motion (2nd–E.Pratt) to appoint Eleanor Ketchum as E911 Officer.(3-0)

5.7 **Child Program Director:** C. Taylor stated there was only one applicant. E. Pratt made a motion (2nd –W.McLaughlin) to appoint Wendy Witham as Rec. Director. (3-0)

5.8 **Emergency Management Director:** C. Taylor stated that there was only one applicant, however it was a co-director position. R. Dunphy stated that the other co-Director had rescinded his application. He added that this had always been a position for 1 person, however he had asked that the pay be split between himself and John Mullin since J. Mullin had the training and had been helping him. C. Taylor made a motion (2nd – E. Pratt) to appoint Robert Dunphy as EM Co-Director. (3-0)

5.9 **Health Officer:** C. Taylor asked what the stipend was for Health Officer. R. Dunphy replied that it was the same amount that he got paid last year, nothing. C. Taylor stated that it went hand-in-hand with CEO. W. McLaughlin made a motion (2nd – E. Pratt) to appoint Robert Dunphy as Health Officer. (3-0)

5.10 **Community Center Committee:** Tabled until next meeting

5.11 **School Withdrawal Committee:** C. Taylor asked who the current members were. J. Creamer stated they were Larry Witham, Raymond Young, Wayne McLaughlin, Shawn Cyrway and himself. C. Taylor made a motion (2nd – E. Pratt) that

Larry Witham, Raymond Young, Wayne McLaughlin, and Joe Creamer be appointed to the MSAD74 Withdrawal Committee representing the Town of Embden. (3-0) Shawn Cyrway was not appointed because he was not present.

5.12 Registrar of Voters: C. Taylor made a motion (2nd – E. Pratt) that Bonnie Baker be appointed as Registrar of Voters. (2-0)

6 Department Officials Reports:

6.1 Board of Assessors – No Report

6.2 Planning Board – Leo Mayo stated that Alton McClamma would be at the next meeting to be appointed.

6.3 Plumbing Inspector – L. Mayo stated he had nothing to report.

6.4 Board of Appeals – No Report

6.5 Code Enforcement Officer –

6.5.1 R. Dunphy stated that he had gotten a notice of a meeting from DEP about the issue discussed last meeting. He said that they would work with the town to find out how it was going to go. F. Nile asked whether the individuals would be asked to put the trees back. C. Taylor stated the town was going to wait for DEP. R. Dunphy added that they still had to meet the town codes, however it was easier and less money if DEP was allowed to enforce their part first. C. Taylor asked R. Dunphy to promise to keep right on this issue. R. Dunphy stated that he had not seen what DEP was requiring of them, that's what he was asking for, but he hadn't received it yet. He added that they could be fined from the date they received the notice. He added that it had taken awhile to get a hold of the old permits, but he would start again in the spring. He stated he had been to see Ken Lexier several times.

6.5.2 M. Carey asked whether the town Shoreland Zoning ordinances would supersede the state's unless theirs was stricter. R. Dunphy replied that the state's 35' was more stringent than the town's. C. Taylor said that the state manual was available through the State Planning Office or through MMA.

6.6 Health Officer – R. Dunphy stated that there were no bedbugs yet. C. Taylor asked about radiation. R. Dunphy replied not at his house.

6.7 Road Commissioner –

6.7.1 M. Witham stated the posters were up. He said there had been a little bit of trouble on the Hancock Pond Road, but Mark Lopez was on it.

6.7.2 He said that he had put sand in a couple of places.

6.7.3 S. White asked about the reclaimed asphalt from Piddacks. M. Witham said that they had taken all of the hot top off, 3200 yards. He added that they had traded Piddacks for Jaw fines for the surface because there was not 5,000 yards there to crush. S. White stated that with his calculations, the numbers were not coming out right for the amount of fill required to do 6/10 of a mile 2'8" thick. Discussion continued.

6.7.4 F. Nile asked if there were any major projects for this year. M. Witham said yes. F. Nile asked whether the town would know ahead of time. He added that state law said that if you spent in excess of \$125K, then you have to have a bond and an engineer, by state law. C. Taylor replied that that would add so much more. F. Nile stated that it was done for the winter roads, and it is state law. Discussion continued.

6.7.5 M. Witham stated the East Shore Road would be fine when it was finished. F. Nile asked whether it would cost the town any money to fix it. He stated the townspeople elected M. Witham as Road Commissioner, and no road commissioner should be above the law. C. Taylor said he had sat there last fall and was saddened to see the condition of the road, but M. Witham said he was going to fix it. He added that the project last year had gone over that threshold, and M. Witham was supposed to be double-bonded. F. Nile replied that an engineer probably would've been cheaper than fixing the road.

6.8 M.S.A.D. #74 – No Report

6.9 Animal Control – No Report

6.10 E-911 – E. Pratt stated that E. Ketchum did not have much to report in the winter.

6.11 Recreational Director – C. Taylor stated that the town had a new director, and thanked her for applying for the position. He added that she had the budget, and that there was a "nice building across the road to use."

6.12 Town Clerk/Treasurer –

6.12.1 B. Baker submitted the Check Reconciliation report. Selectmen reviewed and signed.

6.12.2 B. Baker stated she would like to attend the Government Accounting I and II in Augusta. C. Taylor made a motion (2nd – W. McLaughlin) to pay for B. Baker to attend both classes. (3-0)

6.12.3 B. Baker stated that there would be a mandatory EDRS (Electronic Death Registration System) training in Skowhegan. She said that it was supposed to be tomorrow, however was being rescheduled for sometime in April due to the weather.

6.13 Tax Collector:

6.13.1 R. Blake stated that she had collected \$64K since the end of the year, and there was \$126K remaining.

6.13.2 She reminded the Selectmen that she would be at the Liens Procedure class on Thursday.

6.13.3 She added that she would be out the week after that for vacation. She said Claudia Viles in Anson would cover for her while she was out. C. Taylor stated that last year the policy was put in place that if you were out for more than 2 days then you had to get someone in the office to cover, however the policy had not yet been adopted this year. B. Baker stated she would be okay in the office by herself if that is what the Selectmen wanted.

6.14 Winter Roads Contractor:

6.14.1 C. Taylor asked how it was going with sand this year. S. White replied that there was 5-600 yards remaining. He said they had used 280 tons of salt, & would make it with what was left.

6.14.2 He stated that on the last 3-year contract it was penciled in that verbal reports were acceptable. He added that it was currently 9:30pm, and he was normally not up this late because he would be up at 2-3am checking the roads.

C. Taylor stated that the Selectmen would like his presence her to tell them how things were going. E. Pratt stated that this meeting was long because of the interviews, but normally the meetings were over by 8pm. C.Taylor said that the wording in the next contract would reflect what the townspeople wanted. He said that the townspeople were looking for accountability. He said he was just trying to be frugal, but was not accusing S. White of not being accountable. S. White stated his books were open. J. Creamer said that he agreed that S. White needed to be out checking the roads, not sitting in a Selectmen's meeting.

6.15 School Building Committee:

6.15.1 W. McLaughlin asked what the e-mail was in his packet. C. Taylor stated that he had sent an email with a copy of the town meeting articulated to MMA because the committee had wondered whether they could have their own checkbook. C. Taylor read the emails to those present. W. McLaughlin asked that Article #11 be read. He asked why the Snowmobile Club was allowed to have money for their checkbook but this group couldn't. L. Witham asked why this group was set up differently. C. Taylor stated that he would ask them. E. Pratt stated that the Community Center was being hog-tied. F. Nile stated, "You can still carry on business, just [the Town Treasurer] would have the checkbook. [B. Baker] is Treasurer. You come to these guys and they approve it. You have to get a check from somebody, what's the difference if it's her?" W. McLaughlin argued that the Snowmobile club could get money from the town to use. E. Pratt said the townspeople at town meeting had said that the group could keep \$4,000 of the money to use for money as it was needed. L. Witham added that right now the money was coming out of peoples' pockets and they had to keep their receipts to get reimbursed, plus they weren't getting reimbursed for their mileage to Augusta. J.Creamer asked how Mercer did it. R. Blake asked whether the issue was because Mercer was a club. She said that the articles that C. Taylor sent to MMA called the group a Committee, and they didn't want to be a committee. She added that the group now wanted to be "a Club." R. Young said that the answer MMA gave you depended on how the question was asked. C. Taylor stated that W. McLaughlin could get on the phone with MMA. F. Nile said that the group was voted on by the townspeople as a committee, therefore if they didn't want to be a committee, then they needed to do something different. E. Pratt stated that when the town first took over the building, a committee was created to see what they could do. She said that at town meeting it was decided to give the group \$4,000 and \$1,000 and let them run the programs; however they were not being allowed to do business as a Community Center. B. Blake said that he felt there were some people trying to see this fail by the wording. Discussion continued.

6.15.2 W. McLaughlin announced that there would be a meeting Thursday at 18:30 at the CC.

7 Old Business:

7.1 Petition for Withdrawal from RSU/MSAD#74:

7.2 Sand Shed: J. Kaplan asked for clarification on the discussion at the 3/07 Selectmen's meeting regarding the Sand Shed. He stated that he had been using sand from the sand shed in his truck for 20 years, but added that the sand was not leaving town. He asked whether there had been a cost analysis done on the amount of sand. He stated he had called S. White and was told approx. 500 yards in the course of a winter, at approx. \$111/yard. J. Kaplan said that that brought the "ballpark" cost to \$5500, with the cost to the average taxpayer around \$5. C. Taylor asked whether he was charging people for the product. J.Kaplan compared it to a person charging to pick up your rubbish and take it to the transfer station, even though the town paid the tipping fees. C. Taylor stated that he felt that it should be an article at a special town meeting in order to hear the people's concerns. S. White said that he was not going to fight this, and had not been the one to complain, nor was he going to police it. Discussion continued.

8 New Business:

8.1 Review & Approve Appointed Position Policy: C. Taylor read Appointed Position Policy. He stated this form was from MMA, and was for "general guidance." He added that the job descriptions would instruct the appointees to consult their manuals and laws. He asked the other Selectmen whether they had had a chance to review the proposed policy. E. Pratt answered, "Yes, I did." C. Taylor made a motion (2nd – E. Pratt) to adopt the proposed Appointed Position Policy. (3-0)

8.2 Review & Approve Job Descriptions for Appointed Positions: C. Taylor made a motion (2nd – W. McLaughlin) that the Board of Selectmen accept all of the proposed Job Descriptions for Appointed Positions, including: Code Enforcement Officer, Alternate/Deputy Code Enforcement Officer, Local Plumbing Inspector, Alternate/Deputy Local Plumbing Inspector, Local Enhanced, E-911 Addressing Officer, Animal Control Officer & Deputy, Local Board of Appeals Member, Local Emergency Management Director(s), Local Health Officer, Planning Board Member, and Recreation Department Director. (3-0) He stated that a copy of the applicable policy had been given to each applicant.

8.3 Review & Approve Sanitation Contract: C. Taylor read the Waste Management agreement. Selectmen reviewed & signed.

8.4 Review & Approve Fire Protection Contract: C. Taylor stated that the town had been, "Fortunate to keep [the Fire Protection contract] the same for don't how many years without an increase." He added that there were other departments out there who would love to see the town of Embden send them \$36K/yr. He added that he had received a letter from Anson saying that Embden had come very close to the 25 call limit per year. C. Taylor made a motion (2nd – W. McLaughlin) to approve the contract. (3-0)

9 Executive Session (Non-Public) (ME §405) None

10 Next Meeting Announcement & Adjournment

10.1 Next Regular Selectmen's Meeting – Monday, April 4, 2011

10.2 Motion to adjourn made by E. Pratt (2nd-C. Taylor). Adjourned 22:10 (3-0).