

# Town of Embden



## Minutes of the Board of Selectpersons

September 4, 2012

18:30 PM Meeting held at the Embden Town Office

**In attendance was:** Ruth Blake, Robert Dunphy, Kenneth Lexier, Jerome & John Lynch, Tom Martin (Nitram), Wayne McLaughlin, Eric Morrill, Elizabeth Pratt, Alton Stephens, Charles Taylor, Michael Witham, and Bonnie Baker.

- 1 Charles Taylor called the meeting to order at 18:33.
- 2 The meeting began with the Pledge of Allegiance.
- 3 **Consent Agenda:**
  - 3.1 Approved the minutes of the Board of Selectpersons dated August 20, 2012. Amended by W. McLaughlin to exclude the phrase, "that they don't get back." Accepted as amended.(3-0)
  - 3.2 Reviewed Warrant #17 totaling \$28,483.57. (3-0)
- 4 **Appointments & Resignations:** None.
- 5 **Executive Session (Non-Public) (ME §405)**
  - 5.1 Consultation with Attorney & CEO regarding Roosevelt Property
    - 5.1.1 Executive Session pursuant to 36 M.R.S.A. §405(6)(E): E. Pratt made a motion (2<sup>nd</sup> – W. McLaughlin) to enter executive session pursuant to 36 M.R.S.A. §405(6)(E) to consult with the town attorney and CEO regarding a proposed consent agreement. (3-0) Entered executive session 19:14. E. Pratt made a motion (2<sup>nd</sup> – W. McLaughlin) to come out of executive session. (3-0) Meeting resumed at 19:53. C. Taylor made a motion (2<sup>nd</sup> – W. McLaughlin) to authorize the town attorney to negotiate a consent agreement to be acted on at the first meeting in October; if satisfactory terms cannot be reached, then to authorize the town attorney to pursue a Rule 80K against the property owner(s). (3-0)
- 6 **Department Officials Reports:**
  - 6.1 **E-911 – No Report.**
    - 6.1.1 W. McLaughlin stated the Katie Crotch Road sign had stayed 3 days.
    - 6.1.2 C. Taylor said that one road name stayed the same because the State of Maine laws governing E911 state that if there is more than one structure on a property it must be a named road. Discussion continued.
  - 6.2 **Winter Roads Contractor –**
    - 6.2.1 **Review & Sign 2012-15 Winter Roads Contract:** T. Martin introduced himself as one of the owners of Nitram Excavation. He stated that E. Morrill is their fleet manager. BOS & Winter Roads Contractor reviewed and signed contract.
  - 6.3 **Animal Control – No Report.**
  - 6.4 **Board of Assessors –**
    - 6.4.1 B. Baker submitted abatements from the Assessors. BOS reviewed and signed.
    - 6.4.2 C. Taylor stated the mil rate for this year had been set at 12.46. B. Baker added that the Commitment date would be tomorrow, and the bills would go out tomorrow or Thursday.
  - 6.5 **Planning Board –**
    - 6.5.1 R. Dunphy stated they had been busy.
  - 6.6 **Plumbing Inspector – No report.**
  - 6.7 **Board of Appeals – No Report.**
  - 6.8 **Code Enforcement Officer – R. Dunphy stated it had been busy.**

**6.9 Health Officer** – R. Dunphy stated he hadn't heard anything. He said there had not even been 1 case of West Nile Virus, because the one case found had actually been brought in from Pennsylvania.

**6.10 Road Commissioner** –

**6.10.1** M. Witham reported that they had changed a culvert on the Wentworth Rd Thursday.

**6.10.2** He stated that they had done some ditching on the flats by S. White's house.

**6.10.3** He added that he was hoping we wouldn't get too much rain.

**6.10.4** He said they would hay once all the ditching was done.

**6.10.5** He stated they had moved a rock bigger than an excavator and a resident was upset with where they had placed it, so they were able to move it to a more suitable place.

**6.10.6** M. Witham advised that everything was going good.

**6.10.7** He said he had not met with Fine Line yet. He stated that he wanted to do some paving on the East Shore Road. He added that 3 spots really needed it.

**6.10.8** He stated he had Joe Creamer fixing the sides of the roads that had washed away and filling them by hand.

**6.10.9** C. Taylor asked if he had heard anything on the Slipp Road. M. Witham replied no. He said he thought it needed to be washed but appeared solid.

**6.10.10** He stated he had received another request to paint white lines on the Fahi Pond Road.

**6.10.11** He said he would like to go to the Hancock Pond Road where they had done some ditching last year and put some recycled hot top to bring the road up.

**6.11 M.S.A.D. #74** – C. Taylor stated they had a vacancy, and one candidate. He said that Dwight Barron had said he would be willing to serve. E. Pratt made a motion (2<sup>nd</sup> – W. McLaughlin) to appoint Dwight Barron as the interim RSU#74 School Board Director, to fill the vacancy created when P. Rae resigned, and to serve until the March Annual Town Meeting election was held.

**6.12 Recreational Director** – No Report.

**6.13 Town Clerk/Treasurer** –

**6.13.1** B. Baker submitted a Treasurer's Report of Liened Taxes.

**6.13.2** B. Baker submitted an Expense-Revenue report.

**6.13.3** B. Baker said that she had received a letter from the County moving the interest date for the county tax back to November 1<sup>st</sup>. R. Dunphy stated the Commissioners were considering payment options for next year.

**6.14 Registrar of Voters:** B. Baker stated she had nothing to report at this time.

**6.15 Tax Collector** – R. Blake stated she didn't have a report, but that taxes would be committed tomorrow. She added that R. Dunphy had been the first one to pay his taxes.

**6.16 Community Center** –

**6.16.1** W. McLaughlin stated there were 3 cameras working, 1 in the back corner viewing the baseball diamond, and 2 inside the building. He said that Sunday night someone had been on the baseball diamond, but he had not yet had a chance to review the recording.

**6.16.2** W. McLaughlin stated there would be a spaghetti supper Saturday night (9/8). E. Pratt added that 3 boys and Kitty's granddaughter would be busing tables. R. Dunphy recommended putting out a donation jar at the supper for the Nile family. He added that it was the right thing to do.

**6.16.3** W. McLaughlin stated they needed help to work in the thrift store, and also needed "new" people to help out. C. Taylor asked if they could advertise. W. McLaughlin replied, "We need to do something. People are getting burned out." He stated that there were people in town who don't even know that the Community Center exists. He added, "It's getting to the point where we're not sure if we will have enough people to do the supper Saturday night." R. Dunphy suggested using high school juniors/seniors and making a small donation to their class.

**6.16.4** E. Pratt stated they wanted to have a warming day. She added if people brought sandwiches, the ECC would provide soup and games.

**6.16.5** W. McLaughlin stressed that the group needed more people and more ideas.

**6.16.6** W. McLaughlin stated that W. Atwood had told him it would be a couple of weeks, however he was concerned that it is getting colder and they didn't want to have that wall out and have to heat it. C. Taylor asked whether he had heard from Jeff Goodwin. W. McLaughlin replied that he hadn't heard a thing. C. Taylor asked if they wanted him to call from the office on Thursday. W. McLaughlin said he had told him when he gave him the bid, that they needed a couple of weeks notice so the thrift store could prepare, and he hadn't heard anything yet.

- 6.16.7** W. McLaughlin stated that the ECC had voted to have Hatch do the sign for the ECCTr.
- 6.16.8** He said, "We need to get rid of some money." E. Pratt added that they had a "substantial" amount of money. W. McLaughlin asked how this would be approached in March. He asked whether they were expected to do a Treasurer's report each year. W. McLaughlin stated, "I don't think it's necessary. I don't see why we have to show a record of it every year." E. Pratt said that Larry Dunphy had said to give the ECC 'x' amount of time. She said they were making money, so why shouldn't they be able to retain it. She stated that if they gave the town \$1,300 every month, they should be able to keep the other money they earned. C. Taylor agreed that they had "turned a corner" and were now making money. W. McLaughlin said he didn't know what the answer was. He said they had a few people interested, and they work their butts off. He added that he didn't want to see that building set over there with nothing going on. Discussion continued.

**6.17 Emergency Management Directors** – R. Dunphy stated he was looking for a generator, and waiting on the grant.

**7 Board of Selectpersons Concerns:**

**7.1** E. Pratt asked whether the town had to reimburse the Balises for ½ of their cost for the court case. C. Taylor replied, "No, \$300." He added that they had asked for approximately \$19K, and the town had spent \$11,066. He said that a mistake had been made in the process without having an attorney present, and the BOS was going to ask the County Commissioners to share in those costs. R. Dunphy replied, "If it had been handled correctly by your Board of Assessors, it never would have gone to the County Commissioners." He added that that was why he had recommended having the town's Appeals Board handle the abatement appeals. C. Taylor stated he had sent an e-mail to the members of the Appeals Board. He said 2 had been okay with the idea, but the 3<sup>rd</sup> had said he would quit. He said they would ask the Town Clerk to advertise for candidates for the Appeals Board. R. Dunphy stated he felt they should try to get a lawyer, a real estate broker, and a general contractor. Discussion continued.

**8 Old Business:**

**8.1 Coffee/Water for Town Office:** BOS reviewed the quote from Northeast Coffee. BOS approved ordering a Keurig.

**8.2 Dam:** C. Taylor stated the dam was "marching on." He said they were currently going through NERPA Tier 3 permitting, and still shooting for October.

**9 New Business:**

**9.1 Legal Action – LaFlamme:** R. Dunphy stated this case needed to "go immediately." He added that the BOS had the information.

**9.2 Legal Action – Benes:** R. Dunphy stated that he had visited the Benes property today and the violation was still there. He said the attorney had called him; they had intended to pull it this weekend, however her mother was in the hospital and they had asked for another couple of weeks. C. Taylor made a motion to allow the CEO to enter into another 2 week agreement with the Benes' attorney until September 18<sup>th</sup>.

**10 Executive Session (Non-Public) (ME §405)**

**10.1 Consultation with CEO regarding above agenda items (If deemed necessary):** Not needed.

**10.1.1 Executive Session pursuant to 36 M.R.S.A. §405(6)(H)**

**11 Correspondence:**

**11.1** BOS reviewed correspondence.

**11.2** C. Taylor stated there would be a household hazardous waste disposal event on Saturday, October 6<sup>th</sup> at the Skowhegan Sand Shed.

**11.3** BOS discussed the coverage for the MMA Property & Casualty pool.

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

**12.1 Open Public Forum:** ---. Discussion continued.

**13 Next Meeting Announcement & Adjournment**

**13.1** Next Regular Selectperson's Meeting – Monday, September 17, 2012.

**13.2** Motion to adjourn made by W. McLaughlin (2<sup>nd</sup> - E. Pratt). (3-0) Adjourned 21:08.

*Minutes submitted by:  
Bonnie A. Baker*