

# Town of Embden



## Minutes of the Board of Selectpersons

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July 20, 2015

19:00 PM Meeting held at the Embden Town Office

**Board Members In attendance.** Scott LeHay, Elizabeth Pratt, & Charles Taylor

**Board Members Absent.** None

**Other Officials Present.** Ruth Blake & Kevin Sousa

**Members of the Public Present.** Timothy & Torry Wahler

**Secretary.** Bonnie Baker

1. Charles Taylor called the meeting to order at 19:03.
2. **Consent Agenda.**
  - 2.1. Approved the minutes of the Board of Selectpersons dated July 6, 2015 as written (3-0).
  - 2.2. Approved the minutes of the Board of Selectpersons dated July 16, 2015 as written (3-0).
  - 2.3. Reviewed Warrant #2015-014 totaling \$166,378.74. (3-0).
3. **Appointments & Resignations.**
  - 3.1. **Planning Board Alternates (2)** – Tabled until next meeting.
4. **Department Officials Reports.**
  - 4.1. **E-911** –No report.
  - 4.2. **Winter Roads Contractor** – No Report.
  - 4.3. **Animal Control** –
    - 4.3.1. BOS reviewed written report.
  - 4.4. **Board of Assessors** – No Report.
  - 4.5. **Planning Board** – No Report.
  - 4.6. **Local Plumbing Inspector** – No Report.
  - 4.7. **Board of Appeals** – No Report.
  - 4.8. **Code Enforcement Officer** – No Report.
    - 4.8.1. C. Taylor read the rules for applying for a waiver for CEO non-certification.
  - 4.9. **Health Officer** – No report.
  - 4.10. **Road Commissioner** –
    - 4.10.1. C. Taylor read a text message received from M. Witham detailing the following.
      - 4.10.1.1. There had been a wash out on the West Shore Road.

4.10.1.2. Crews had worked on the Dunbar Hill Road last week.

4.10.1.3. The chipper had been down last week, but was now operational.

**4.11.R.S.U. #74 –**

4.11.1. BOS reviewed School Assessment for July 2015–June 2016 with a total of \$1,618,046.

4.11.2. C. Taylor announced that a meeting of the Cost Sharing Formula Committee would be held August 5<sup>th</sup>.

4.11.3. C. Taylor reported that the CSCommittee was currently looking at the feasibility of phasing in the changes over a five year period. Discussion Continued.

**4.12.Recreational Director – No Report.**

**4.13.Town Clerk/Treasurer –**

4.13.1. B. Baker submitted the following reports:

Treasurer’s Report of Outstanding Liened Taxes

Treasurer’s Report

2 – Check Reconciliation Reports

Treasurer’s Expense Report

TRIO Expense Report

4.13.2. She submitted the County tax bill, in the amount of \$476,863.55 due on November 1<sup>st</sup>.

**4.14.Registrar of Voters.**

4.14.1. B. Baker said she had nothing to report.

**4.15.Tax Collector –**

4.15.1. BOS reviewed written report.

4.15.2. R. Blake advised that \$126,757.20 has come in for 2015 taxes so far.

4.15.3. R. Blake pulled a different collection report which showed \$230,728 had been receipted since July 2<sup>nd</sup>, bringing the amount paid up to approximately \$265,000 so far towards 2015 taxes.

**4.16.Community Center –**

4.16.1. E. Pratt announced the following upcoming events.

Stuffed Chicken Dinner – August 8<sup>th</sup>

Breakfast 07:00–11:00 – August 22<sup>nd</sup>

4.16.2. S. LeHay reported there were leaks under the sinks in two of the bathrooms, but they had been contained until a plumber could get there.

4.16.3. He stated there would be no entertainment this month other than the Country Sundays. He added that there was no entertainment scheduled for next month that he knew of.

**4.17.Emergency Management Directors – No report.**

**4.18. RSU Withdrawal Committee –**

4.18.1. E. Pratt disclosed that she had spoken with the Withdrawal Attorney regarding the legality of having two school board members on the four member Withdrawal Committee. She told the BOS that the attorney had said it would be “technically ok,” but cautioned that it would not be following the letter of the law, and he recommended against it.

4.18.2. She said she asked about numbers from the State, and the attorney suggested allowing ‘Mark’ to get them.

4.18.3. She commented that the attorney would attend the next W/D Committee meeting on July 28<sup>th</sup>.

4.18.4. Ti. Wahler expressed concern that currently there were no parents on the committee. He went on to explain that it had been brought to his attention that the original post on the town website had asked for parents to be members on the committee, so he felt it was not right to “sidestep that now.” To. Wahler asked whether K.Sousa could be on the committee as the “person-at-large.” (aka member of the public) E. Pratt stressed that the lawyer had said, “It’s ok, but complications will probably arise.” Ti. Wahler commented, “I thought [D.

Barron] was only filling that spot until someone else could be appointed?" To. Wahler pointed out that the Embden School Board Directors had chosen which of them would serve on the Withdrawal Committee, but at the time there were only two members because L. Witham had resigned that morning. Extensive discussion ensued.

S. LeHay made a motion (2<sup>nd</sup> – C. Taylor) to take a brief recess. (3-0)

*Meeting recessed at 19:56*

S. LeHay made a motion (2<sup>nd</sup> – E. Pratt) to resume the meeting. (3-0)

*Meeting resumed at 20:07*

4.18.5. C. Taylor acknowledged that the purpose of the recess had been to speak with a withdrawal committee member. He informed the BOS that D. Barron was in agreement to resign his spot on the withdrawal committee and allow the newest member of the School Board, K. Sousa, to take his place. BOS supported. S. LeHay made a motion (2<sup>nd</sup> – C. Taylor) to take a vote of confidence in K. Sousa's ability to fill D. Barron's position on the RSU Withdrawal Committee. (3-0)

**5. Board of Selectpersons Concerns.**

5.1. E. Pratt declared that she was concerned with the lateness of the tax bills. She elaborated that the taxpayers had not gotten 30 days to pay their bills once they received them. She said that she had taxpayers calling her to complain. She expressed that she felt the Assessors should have planned for that, adding that they knew when they were committing. R. Blake voiced that they had committed too close to a holiday, emphasizing that, "The fourth of July falls at the same time every year." B. Baker specified that the tax bills had been mailed on the commitment date, July 6<sup>th</sup>, and the wording of the ATM article stated that the taxes would be due 30 days after commitment. C. Taylor read the article as printed in the ATM warrant. He said he had emailed the amounts to the Assessors as soon as he had them, roughly the middle of June.

**6. New Business.** None

**7. Old Business.** None

**7.1. Limited Maintenance of Eames Road.**

7.1.1. C. Taylor said he had emailed a copy of the statute regarding maintenance of private roads by municipalities.

S. LeHay read the email aloud.

7.1.2. To. Wahler asked, "What happened to home rule?"

7.1.3. E. Pratt said she didn't understand, since the State maintains the dam.

7.1.4. To. Wahler debated that this was the only public launch ramp in the State found on private property.

7.1.5. She cited "prescriptive easement," explaining that if someone had been allowed to cross that property for 20 years, if the property owners were to restrict access to that property they could be sued.

7.1.6. Ti. Wahler said for many years the town maintained the Mill Road because it provided access to the launch ramp on Embden Pond, even though it was a private road. He argued that in addition, M. Witham had sat at the last BOS meeting and talked about how the Town had paid to install a culvert on a private road.

7.1.7. C. Taylor replied, "I want to leave it in the hands of the Road Commissioner to make the judgement call."

7.1.8. To. Wahler stressed that they were not saying that they wanted to close the road, no one was saying that, they were merely asking for the road to be graded once or twice a year. Ti. Wahler said, "We are not asking for anything that has not been done many other places in town." He added that they were not asking the town to provide any materials.

7.1.9. S. LeHay responded, "I think you're right. I don't think you could shut off access to that where it is a State owned boat launch."

7.1.10. Extensive discussion continued.

7.1.11. S. LeHay affirmed, "I'm not 100% opposed to this. I don't want to set a precedent, but I don't want to alienate people here either."

7.1.12. C. Taylor pronounced, "It is being considered."

7.1.13. To. Wahler requested the BOS response in writing once a decision had been made.

**8. Correspondence.** BOS reviewed correspondence.

**8.1.** C. Taylor read that the 2015 LRAP amount would be \$42,100.

**9. Community Relations, Announcements, and Open Public Forum.**

**9.1. Open Public Forum.** None.

**10. Executive Session (Non-Public) (ME §405).** None.

**11. Next Meeting Announcement & Adjournment**

**11.1.** Next Regular Selectperson's Meeting – Monday, August 3, 2015.

**11.2.** Motion to adjourn made by S. LeHay (2<sup>nd</sup> – E. Pratt). (3-0) Adjourned 20:56.

*Minutes submitted by:  
Bonnie A. Baker, Town Clerk*