

**Town of Chelsea
Board of Selectmen Meeting Minutes
Wednesday, March 6, 2013**

Regular Meeting

I. Call to Order

Chairperson, Ben Smith, called the meeting to order at 6:30 PM.

Selectboard members present included Chair, Benjamin Smith, Linda Leotsakos and Michael Pushard. Also present were Town Manager, Scott Tilton along with 12 residents and members of the public including State Senator Pat Flood, State Representative Deb Sanderson, and Code Enforcement Officer, Gary Quintal.

Ben Smith led the attendees in the Pledge of Allegiance.

II. Consent Agenda

- A. Approve Accounts Payable Warrant #37 for \$9,138.90.
- B. Approve Accounts Payable Warrant #38 for \$11,394.68.
- C. Approve Payroll Warrant #39 for \$6,090.63.
- D. Approve Board of Selectmen Meeting Minutes of January 9, 2013.
- E. Approve Board of Selectmen Meeting Minutes of January 23, 2013.
- F. Approve Board of Selectmen Meeting Minutes of February 13, 2013.

Ben Smith reminded Board members that Mike Pushard was not present at the meetings of January 9th and February 13th and Linda was not present at the meeting January 23rd.

- Linda Leotsakos moved the Board accept the Consent Agenda Items A, B, C, D and F. Ben Smith seconded the motion. There were no comments, questions or further discussion. Ben Smith and Linda Leotsakos) voted in the affirmative. Mike Pushard abstained because he was not present for D and F.
- Mike Pushard then moved to accept the Consent Agenda Item E. Ben Smith seconded that motion. There were no comments, questions or further discussion. Ben and Mike voted in the affirmative. Linda Leotsakos abstained as she was not present at this meeting.

The Board agreed to take item IV A. out of order after the discussion with Senator Flood and Representative Sanderson.

III. Public Comments on Items not part of the Agenda

Justin Ten Broek, on behalf of Shane Collins, who was also present, made comments about a poverty abatement issue. Due to the confidential nature of the issue, the Board preferred to discuss this in an Executive Session at the March 20th meeting. The Board and Town Manager discussed the application process with Mr. Collins and Mr. Ten Broek who understood they could pick up the application at the office and the Board would discuss it in Executive Session at a future meeting.

IV. Scheduled Items

A. New Business

1. Q and A with State Sen. Pat Flood and State Rep. Deb Sanderson.
State Senator Pat Flood and State Representative Deb Sanderson were at the meeting to discuss the State budget discussions and the potential impact on Chelsea. First, they presented a certificate, Maine Spirit of America's 2012 Gold Distinction, to the town from the State for volunteerism.

Senator Flood, of Winthrop, serves on the Appropriations Committee. He was the previous Chair of the Committee. Committees consist of 10 representatives and 3 Senators of which there are 8 Democrats and 5 Republicans. Representative Sanderson serves on the Health and Human Services Committee. Committees of Jurisdiction join Appropriations to discuss issues before both Committees. The Senator asked for the Boards e-mail addresses as he wants to keep the towns in his district informed as the discussions progress. He has met with several towns already.

Appropriations Committee meetings on the proposal biennial budget begin Monday. He recognizes town concerns on the issues of taxes, Homestead Exemption, Circuit Breaker Program, Education, Teacher Retirement and Revenue Sharing. Meetings by the Appropriations Committees begin on Monday with some of these issues are scheduled for the 13th and 18th. There will be some meetings held throughout the State. They anticipate about a month of hearings. He anticipates the amount of federal funding available to the State will not be known until maybe May due to the sequestration impact. The amount of Federal funds will impact the State budget. The Committee will also get updated information from the Consensus and Revenue Forecasting Committees.

Towns currently fund 50% of teacher retirement. Towns have also seen a reduction in the % of Revenue Sharing over the years from the original 5% to currently 3.5% but the proposal is for 0%. While he thinks the proposal on Revenue Sharing is unlikely to happen, he suggests towns prepare for the worse because if revenue projections are bad or something else happens the cut could happen.

Both Sen. Flood and Rep. Sanderson discussed the impact of the Health and Human Services on the State budget. Decreasing federal funding has increased the state funding needed by 46% to maintain services. While the proposal has cuts in MaineCare, there is an increase in other entitlements.

Board members expressed concerns about the Revenue Sharing proposal and the Homestead exemption. They also raised concerns about the infrastructure and said Chelsea is a town of modest means. Loss of revenue sharing or other funds could impact some basic services like sanding and salting. There could be a drastic effect. Scott Tilton says 20%

New Business: Continued

of the town's budget is from Revenue Sharing. Sen. Flood and Rep. Sanderson were also asked about other ways to make up the lost revenue such as taxes as well as the casino revenues. They were asked if funding cuts in schools would also result in changes to school mandates. They both said any ideas could be sent to them.

For the budget to be in effect by the beginning of the fiscal year July 1st, the budget either has to be passed and enacted by April 1st or after April 1st passed by a 2/3 vote.

2. Reschedule a March BOS meeting due to a conflict.
The Board agreed to move the March 13th meeting to March 20th.

B. Old Business

1. Cable Franchise Fee Revenue

This item had been discussed at previous meetings. Scott Tilton briefly explained the franchise fees and how they could only be charged to certain levels of cable TV subscription. The Board does not support this at this time but may revisit the issue in the future. They thanked Scott for his work on this. No action was taken. .

2. Assessing Issues

There were several items on the agenda.

- a) Volunteers of America Exemption from Property Tax Request
Scott Tilton explained the process used in Saco for a similar arrangement that includes a 2% service charge. The town would need an ordinance. The Board discussed the status on the property and some question whether the land is being conveyed to the non-profit or not. There has been no request received to date. The Board decided no action was necessary at this time. No action taken.

- b) Tax Abatement Requests

Winthrop Area Federal Credit Union Acct.#1135 Map:7 Lot: 091
The Credit Union had an appraisal done when the property was acquired. The abatement request was for a \$23,000 decrease. There were no comparable properties from Chelsea presented by the Credit Union with the request.

Old Business: Continued

The Board discussed other properties in town comparable to this one. All the Chelsea properties were similar in value to this one at \$73,000.

- Linda Leotsakos moved to deny the abatement request from Winthrop Federal Credit Union form Acct. # 1135 Map:7 Lot:091. Mike Pushard seconded the motion. The vote was unanimous. The motion carried.

Lorry Plante Acct.# 987 Map:14 Lot:025

The property is assessed at \$123,000. The property was purchased at \$105,000 and appraised at \$113,000. The owner requested a \$10,000 abatement. The Board discussed and noted that appraisal values are different from assessment values. There were comparable properties at the \$113,000 assessed value in Chelsea justifying a reduction.

- Linda Leotsakos moved to approve an abatement to the building value by \$10,000 on Acct. #987, Map:14, Lot 025 reducing the taxes by \$169.80. Mike Pushard seconded the motion. The vote was unanimous. The motion carried.

c) Supplement Tax Discussion

No action.

d) Schedule a meeting with O'Donnell and Associates

The Board discussed this item and item e) together and agreed a meeting should be scheduled with O'Donnell at which time they could also discuss item e with the contractor. Scott Tilton will schedule that meeting. No action taken.

e) Personal and Real Estate Property Tax Declaration Form and Process See item d.

3. Sign Ordinance

See Jan. 8, 2013 Planning Board meeting minutes with the recommendation to follow the State statute. Elizabeth Cousins was present at tonight's meeting should the Board have other questions or want further discussion.

The Board agreed no further action was necessary and they would follow the Planning Board's recommendation.

4. 2011-12 Municipal Audit and Management Letter Approval

The Board agreed to pass this on to the next meeting. Some issues have already been addressed. They will have information available at the next meeting. No action taken.

V. Legal Issues

A. Crystal Falls Bottle Club License Renewal

Ben Smith explained that the item for consideration was the application of Crystal Falls for a bottle club license. Although there are interrelated issues between the application and another matter involving the CEO's compliance order on a land use violation based on similar issues, Ben Smith instructed the Board to confine its discussions to the application matter because the other matter had not been noticed as part of the agenda.

- The CEO presented his analysis of why the Board should deny the application. According to the CEO, the area had three or more unregistered or unlicensed motor vehicles and therefore constituted an automobile graveyard. Ben Smith questioned the CEO about the potential application of an exemption from the general definition of an automobile graveyard dealing with commercial vehicles or special mobile equipment that was temporarily out of service but which may be used by the owner or his/her designee at a future time. The CEO stated that he did not believe that this exemption applied. Ben Smith also reviewed Section 161-B (3) of the statute which provides the Board with the discretion, but not the obligation, to deny a license based on violation of a local ordinance. Although the statute is clear that the Board "may" deny an application for a bottle cap license based on violation of a local ordinance (among other factors), the CEO stated that he was concerned that renewing the license may imply that there are no ordinance violations. Mike Pushard made a motion to deny the Crystal Falls Bottle Club license renewal application. Linda Leotsakos seconded the motion. After a brief discussion, Linda withdrew her second to the motion. Ben Smith moved to approve the Crystal Falls Bottle Club license renewal application. Linda Leotsakos seconded the motion.

Ben Smith recommended that the Board grant the application. He stated that, in his view, because the statute allows the Board to accept or deny the application based on violation of a local ordinance, nothing would prevent the CEO from pursuing an alleged land use violation in the event that the Board approved the bottle club application. Ben also thought that this would afford the CEO an opportunity to discuss the applicant's differing view and statutory interpretation with the Town's attorney.

Linda and Mike wished to accept the CEO's recommended findings that the Board deny the application on the grounds that the area was an "automobile graveyard" under local ordinance and state law. They also reiterated the CEO's concern that

Legal Issues: Continued

granting the application may appear as though the Board would not find a land use violation.

All board members thanked the CEO for his hard work.

- After considerable comments and public input, a vote was taken on the motion to approve the application for a bottle club license. Ben Smith voted in the affirmative. Mike Pushard and Linda Leotsakos voted in opposition. The motion failed, and the application for a bottle club license was denied.

A written decision will be prepared and issued, and the owner will be able to appeal the decision.

B. Land Use Violation Consent Agreement

Gary Quintal summarized the issue at hand. Jennifer Doyle and Scott Howe were both present. In October a 90 day extension was given to the property owner to enable her to gain compliance. Several tons of materials have been removed from the site but there still is not full compliance. No fines have been levied. The snow and other matters are hampering the clean up. Jennifer Doyle understands the Final Order and is asking for more time to finish the clean up.

- Linda Leotsakos moved to table consideration of the Final Order until May 22, 2013. Mike Pushard seconded the motion. There was no further discussion. The vote was unanimous. The motion carried.

VI. Written Communications

A. Letter from Time Warner dated February 20, 2013

This is the routine letter.

B. Letter from CMP dated January 30, 2013

The Board discussed the contents of this letter regarding tree and bush growth and CMP's plans for maintenance and agreed the letter should be posted on the Town's website for residents to see.

C. Letter to the Town Manager from Sharon Burns

Sharon Burns wrote a letter to the Town Manager regarding LD 274. asking the Town for support.

- Linda Leotsakos moved to authorize the Town Manager and the Board of Selectmen Chair to write a letter in support of LD 274. Ben Smith seconded the motion. Linda and Ben voted in the affirmative. Mike Pushard was absent as he had to leave the meeting early.

D. Report from the Code Enforcement Officer - None

Written Communications: Continued

- E. Report from the Town Clerk - None
- F. Report From the Road Commissioner
No written report
- G. Report from the Treasurer/Tax Collector - None

VII. Verbal Communications

A. Town Manager Report

Scott Tilton reported on the permit by rule approved for the work at the wetlands on Windsor Rd. resulted in the \$17,000 fine being removed.

Scott also reported that Ted Gardner, Peter Hanson and he will be attending the Roadway Fundamental workshop in Lewiston on March 19th, 2013.

B. Chelsea RSU #12 Representative

Barbara Skehan reported there has been no School Board meeting since the last Board of Selectmen meeting. She also said she and Diana McKenzie would like to begin a "Backpack" program in Chelsea through the Elementary School. Information from the Good Shepard Food Bank is available and she presented a handout about the program at the meeting. Diana has spoken with Diana Richards who is ready to go ahead with the project when they are ready.

The Before and After program is dealing with insurance concerns and whether setting up a local recreation program would minimize the issues. There still needs to be more information gathered about this.

C. Board of Selectmen/Assessors - None

VIII. Executive Session - None

IX. Adjournment

Linda Leotsakos moved to adjourn. Ben Smith seconded the motion. The meeting adjourned at 9:30 PM.

Approved by the Board of Selectmen on March 20, 2013.

Benjamin Smith, Chair

Linda Leotsakos

Michael Pushard