

**Town of Chelsea
Board of Selectmen Meeting Minutes
Wednesday, March 27, 2013**

Regular Meeting

I. Call to Order

Chairperson, Ben Smith, called the meeting to order at 6:31 PM. Selectboard members present included Benjamin Smith, Chair, and Linda Leotsakos. Mike Pushard was absent. Also present were Town Manager, Scott Tilton and 9 residents and members of the public.

Ben Smith led the attendees in the Pledge of Allegiance.

II. Consent Agenda

- A. Approve Accounts Payable Warrant #42 for \$14,078.33.
- B. Approve Accounts Payable Warrant #43 for \$2,925.11.
- C. Approve Payroll Warrant #44 for \$6,090.63.
- D. Approve Board of Selectmen Meeting Minutes of March 14, 2013.
- E. Approve Board of Selectmen Meeting Minutes of March 20, 2013.

Ben Smith reminded Linda Leotsakos that she was not at the meeting of March 20th.

- Linda Leotsakos moved the Board approve the Consent Agenda Items A, B, C and D as read. Ben Smith seconded the motion. There were no comments, questions or further discussion. Ben Smith and Linda Leotsakos voted in the affirmative. Mike Pushard was absent. The motion carried.

Item E was passed over to a future meeting.

III. Public Comments on Items not part of the Agenda

None

IV. Scheduled Items

A. New Business

1. Discuss Nuisance and Dangerous Buildings.
Scott Tilton, Town Manager, reported the town has received complaints about some homes in town specifically with regard to the conditions and deterioration of the homes and the garbage on the property, which could attract rodents and cause other health issues. He gave some examples where roofs were falling in or there was no running water. Scott thought the CDBG (Community Development Block Grant) money could be used to help low income families make repairs and address health issues. The town could bring in dumpsters either as a loan or a gift from the town. The owners could apply for loans. The town's CDBG funds are about \$36,000.

New Business - Continued

The Board and Scott discussed the town's authority. The town has the authority to demolish buildings with a court order. Then the town could place a lien on the property. They also discussed the town's past experience in such clean up actions and some of the problems that occurred through the years with unexpected costs and the overall effectiveness therefore, it was suggested the manor of clean up needs to be carefully thought out as well as any funding method whether a loan versus a gift. The CDBG is intended to help develop a property. If the town helps with trash, owners might let clean up go so the town would help.

Ben Smith said there is a mechanism to levy fines in the Garbage and Junk ordinance. The Nuisance statute provides mediation, which is passed on to the owner. After some discussion, they thought it might be best to pursue as a nuisance. Linda suggested getting the word out about available funds to help the owners.

Scott could compile a list of the properties. Gary Quintal, Code Enforcement Officer, has issued notices to some owners of the properties to clean them up. They agreed to let Scott compile the list and for Gary to take his actions. They would revisit this at a future meeting. No action was taken.

Public Comments:

The Board was asked about one site and the Solid Waste Ordinance. They also were asked about income eligibility for CDBG funds.

B. Old Business

1. Discuss/Approve Bonding for 2014 Road Improvements

The Board continued the discussion of possible bonding for road improvements begun at the last meeting. Ben Smith said he was in favor of putting a \$1M. bond request as a warrant article for the Town Meeting. The Board and Scott Tilton reviewed and discussed the payment schedules (ranging from \$1M. to \$2M.), which were included in the meeting handout. They discussed combining the Summer Roads and Road Construction accounts and the possibility of doing the work faster in fewer years. The cost of the Bond Counsel, needed to do the legal preparation work, (a cost of \$1,500 to \$2,000), could come out of this year's legal fees. The preparation work would include the wording of the warrant article and the town's indebtedness schedule. The bond repayment payment would begin in fiscal 2014. Scott was seeking the Board approval to proceed.

Old Business – Continued:

- Linda Leotsakos moved the Board approve the Town Manager to work with the Bond Counsel to complete the necessary legal work to prepare a warrant article for the Annual Town Meeting. Ben Smith seconded the motion. After public comment, the Board voted 2 in the affirmative. Mike Pushard was absent. The motion carried.

Public Comments

The Board was asked if there was enough money in legal fees to cover all projected costs through the end of this fiscal year. They were also asked if the cost of legal fees could come from another account like road maintenance. The Board believes there is enough funds to cover this legal work and explained funds have to be used for the services actually intended for the account.

2. Discuss/Approve 2013-2014 Selectmen Budget Recommendations

Linda explained the State Revenue Sharing is still unclear. If the State level decision is negative, they need to go back and review the budget. She hopes the residents of the town understand how difficult their decisions were this year. They had to make very hard decisions. They need to get the draft budget to the Budget Committee. There were no public comments.

- Linda Leotsakos moved the Board approve the last budget as drafted and in the packet subject to possible modifications by the Board that might occur as a result of action at the State level. Ben Smith seconded the motion. 2 voted in the affirmative. Mike Pushard was absent. The motion carried.

Linda asked Scott to list all the duties (Selectmen, Assessors, and Overseer of the Poor) of the Board in the budget document

3. Discuss/Schedule Public Hearing on Budget and Proposed Ordinances

The Planning Board has three ordinances which it wishes to have included for a vote at the Town Meeting. They include: Open Space Amendments to the Subdivision Ordinance, Minimum Lot Size Ordinance Amendments and a Wireless Communication Facilities Ordinance. These Ordinances require a public hearing and the Annual Budget also needs a Public Hearing. The Board decided to hold the Public Hearings before the Selectboard meeting on May 8th. If the Public Hearings run longer than planned, they could table or pass over some of the Board meeting agenda items to another meeting if needed. The Public Hearing would start at 6PM with the ordinances first followed by the budget.

Old Business – Continued:

4. Assessing Issues

a. Tax Abatement Request(s)

1. Theriault

Ben Smith explained the abatement application of Ms. Theriault. Ben had missed some contacts from her regarding filing an application. As a result of him missing those contacts, she was late filing the application. He wanted it to be clear the late filing was his fault for not contacting her and therefore her application should be considered even though it was filed late. The Board agreed, due to these circumstances, they would consider the abatement application. No other action was taken at the meeting.

2. Pacheco and Quirion

Ben Smith explained why this abatement request was carried over from the last meeting. Mike Pushard had wanted to go see the subject property and have more time to consider the properties referenced in the application as “comparable” properties.. The subject property is currently valued at \$138,000 (\$115,000 for buildings and \$23,000 for land). The application included copies of real estate service printouts of some properties located in the Town, which Ben and Linda reviewed.

Ben and Linda both acknowledged that the land value was consistent with Chelsea’s current schedule for developed lots (\$23,000 for up to two acres and \$700 per acre for acreage above two acres). The owners bought it for \$115,000 total and were asking for an abatement of \$23,000. Ben stated that he had gone into TRIO to see how the properties referenced in the application were valued. A review of these properties showed that the Town valued the properties anywhere from \$85,000 for buildings to \$115,000, and that total values for the properties (land and buildings) were between \$108,000 and \$138,000. No other specific information had been provided to demonstrate how these properties were “comparable.” In addition, Ben and Linda both felt as though, even if some of the properties referenced were, in fact, “comparable,” the value assessed by the town for some of the referenced properties were close to (and in fact one identically) to the value assigned by the Town for the 3 Oak Ridge Drive property. Ben and Linda also agreed that nothing else had been demonstrated that the value of the subject property did not fall -within the 10% variance that is permitted under State law.

Old Business – Continued:

Linda Leotsakos acknowledged a difference between sale values and town values and the change due to the housing market. Sale values are usually lower. The town revaluation will help to level this out. She was inclined to deny the application.. Ben agreed. Mr. Roland Quirion, a relative of the owners, was present at the meeting. Ben asked Mr. Quirion whether or not he had he wished the Board to consider any other information as part of the application. Mr. Quirion stated “no” and stated that he had attended the meeting at the request of Mr. Quirion Jr. and Mr. Pacheco. There was no further discussion or any public comments.

- Linda Leotsakos moved the abatement request of Mr. Pacheco and Mr. Quirion be denied. Ben seconded the motion. 2 voted in the affirmative. Mike Pushard was absent. The motion carried.

b. Selection of an Assessors’ Agent

Ben Smith explained there were originally 5 bidders. One (Nancy Pinette) has since withdrawn. Ben contacted the references of the bidders for O’Donnell & Associates, Inc. and Jackie Robbins and received positive responses for both O’Donnell & Associates, Inc. and Jackie Robbins. The Board then discussed some of the differences between these two bids. Jackie Robbins’ service plan is for every other week; O’Donnell was less often. Jackie Robbins would enter the deeds into the system; O’Donnell expect the town staff to do this work. The price difference was \$7,000. Jackie Robbins cost would be -\$11,000 for biweekly services, while O’Donnell was \$18,000 for once a month.

- Linda Leotsakos moved the Board offer the Assessors Agent contract to Jacqueline Robbins on a bi-weekly basis subject to the approval of the funds at the Town Meeting. Ben Smith seconded the motion. There were no further discussions or any public comments. 2 voted in the affirmative. Mike Pushard was absent. The motion carried.

5. Discuss/Approve 2011-12 Municipal Audit and Management Letter

Linda Leotsakos asked Scott Tilton for an update on the reported deficiencies. Scott reported the town is getting financially stronger. The fund balance is better. !6% is supposed to be in the fund balance. That means it should be about \$498,000; it is about \$398,000. He has created an investment plan.

He listed some of the deficiencies. The deficiencies included: Capital Plan, Related Party Transaction Policy, Sales Tax, W2 earnings versus 1099 Form, and Check Endorsements. He also explained some of the actions to date to correct these deficiencies such as using the tax exemption # more when purchases are made. Scott is also involving Ben Smith when he transfers

Old Business – Continued:

funds from the checking account to the investment account. Ben confirms the transfer. This provides additional oversight.

- Linda Leotsakos moved the Board accept and approve the 2012 Municipal Audit and Management Letter. Ben Smith seconded the motion. There were no public comments. 2 voted in the affirmative. Mike Pushard was absent. The motion carried.

V. Legal Issues

A. Discuss/Approve Tax Lien Foreclosure Waivers

Scott Tilton originally had this on the agenda because he was going to ask the Board to consider waiving the foreclosure on tax liens for some properties/mobile homes. After looking at these properties/mobile homes closer, he believes there is enough equity in the homes to satisfy the 4-year back taxes. There are 16 properties. He will notify the owners to pay the taxes or the town will foreclose. The Board passed over this action with no action needed at the meeting.

B. Discuss/Approve 2013-14 Dispatch Contract

This item was on the agenda for the Board to give Scott Tilton permission to sign the contract. The cost is \$17,858.

- Ben Smith moved the Board authorize Scott Tilton, Town Manager, execute the contract with the State of Maine, Department of Public Safety, Dispatch Agent for \$17,858. Linda Leotsakos seconded the motion. There were no additional comments. 2 voted in the affirmative. Mike Pushard was absent. The motion carried.

C. Reschedule April 24, 2013 BOS Meeting

No action taken. Passed over to a future meeting.

VI. Written Communications

- A. Letter from Hubbard Library
- B. Workers Comp Fund Renewal and Audit Results
- C. Monthly Letter from Time Warner dated March 20, 2013
- D. CEO Report
- E. Town Clerk Report
- F. Treasurer/Tax Collector Report
- G. Road Commissioner Report

Ben Smith recommended the Board members read the written reports (A,B, and C were in the handout) and come back at a future meeting with any questions.

VII. Verbal Communications

- A. Town Manager Report
Handout at the meeting.

- B. Chelsea RSU #12 Representative
No report.

- C. Board of Selectmen/Assessors
No reports.

VIII. Executive Session

None

IX. Adjournment

Linda Leotsakos moved to adjourn. Ben Smith seconded the motion. The meeting adjourned at 7:54 PM.

Approved by the Board of Selectmen on May 1, 2013.

Benjamin Smith – Chair

Linda Leotsakos

Absent
Michael Pushard