

**Town of Chelsea  
Public Hearing Minutes &  
Board of Selectmen Meeting Minutes  
Wednesday, May 8, 2013**

**Public Hearing**

**I. Call hearing to Order:**

Ben Smith, Board Chairman, called the hearing to order at 6:04 PM. Present were Ben Smith and Scott Tilton, Town Manager. Also present were 10 members of the public. Ben led the attendees in the Pledge of Allegiance. Mike Pushard arrived shortly after the public hearing opening.

**II. Public Hearing:**

**A. Subdivision Ordinance Amendments**

There was not a copy of the ordinance available at the hearing. The Planning Board held a public hearing sometime last year on this ordinance. Scott Tilton gave a brief overview of the ordinance and explained the portion addressing an open space option in a subdivision, which eliminates the lot size requirement for that subdivision.

**Public comments:**

The public would like to see the ordinance in order to comment on it. Also the Board was asked about who pays the taxes on the "Open Space".

Ben Smith explained he thought there would be copies of the ordinance available at this hearing so based on the public comment he suggested deferring public comment on this ordinance to the next meeting and hopefully there would be a member of the Planning Board available at that meeting. Mike Pushard agreed.

**B. Minimum Lot Size Ordinance Amendments**

Scott Tilton gave an overview of the changes to the existing ordinance including:

- 1) Updating the Title Section from 30 to 30-A
- 2) Properties that become less than 2 acres when some of the land is taken by eminent domain etc. such as the recent CMP acquisition are considered grand-fathered.
- 3) Changes to Part 8 and Part 9

The copies available at the public hearing did not have the Part 8 and Part 9 changes, therefore Ben Smith move the discussion of this ordinance to the next meeting too.

**Public Hearing continued:**

C. Wireless Telecommunication Facilities Ordinance

Scott Tilton provided the background on this ordinance and the work Craig Hitchings and the Planning Board did on the ordinance. This ordinance regulates the existing cell tower facility along with any development of new facilities.

Public Comment:

There was discussion about the proposal to add height to the existing facility and whether this ordinance would have an impact on that. There are height restrictions in the ordinance. The current tower is shorter and the proposal would still meet the height restrictions Scott believes. Another comment asked about wireless towers. Scott responded additional towers could be built wherever land could be procured and the requirements of the ordinance are met. The public thought the ordinance was very thorough.

D. Tax Payment Club Ordinance

Scott Tilton gave an overview of the ordinance and explained the town currently allows a payment arrangement but without the ordinance he cannot waive the interest charges. This ordinance establishes guidelines for taxpayers to sign up, eliminates the interest and sets the payment agreements/requirements.

Public Comment:

One commenter reminded everyone that having this ordinance in place eliminates the need to have an Article in the Town Warrant every year. One attendee asked if there would be a coupon book and Scott said this would not change what the town currently does. Another asked about due dates. Scott explained the sign up form has the due dates on it so the taxpayer knows the dates.

E. 2013-2014 Proposed Municipal Budget

The proposed amounts listed in the summary will be articles in the Town Meeting Warrant. Ben Smith explained the format of the Town Warrant.

Public Comment:

One person asked if the difference between the Board and the Budget Committee recommendation for Summer Roads was the result of the Bond discussions. It was not the result of the Bond discussion. Ben Smith and Scott Tilton explained to the attendees the Bond process and repayment proposal from the Summer Roads appropriation. The Bond would be repaid on average at \$133,000 per year for 8 years. This leaves an additional amount from the recommended proposed amounts (\$245,000 or \$210,000) to pay for additional Summer Roads projects and maintenance. The Bond would not be issued until the Fall of 2013 for next Spring construction season. Perhaps there would be a 2-year cycle. Mike Pushard said this allows for better planning.

## **Public Hearing continued:**

Another comment was made about bonding being only effective if the project lasts the lifetime of the bond. Another liked the idea about being able to get ahead of current projects and still having some money for other projects too.

One person asked about the Cemetery Maintenance/Perpetual Care and the increase in the budget amounts. Scott Tilton explained there was another funding source, which is the difference. The portion from tax funds will stay the same.

## **III. Adjournment of Public Hearing**

Mike Pushard moved to adjourn the Public Hearing portion of the meeting. Ben Smith seconded the motion. The meeting was adjourned at 6:34 PM.

## **Regular Meeting**

### **I. Call to Order:**

Chairperson, Ben Smith, called the meeting to order at 6:34 PM. Selectboard members present included Benjamin Smith, Chair, and Mike Pushard. Linda Leotsakos was excused. Also present were Town Manager, Scott Tilton and 8 residents and members of the public.

### **II. Consent Agenda:**

- A. Approve Accounts Payable Warrant #49 for \$177,434.38.
- B. Approve Payroll Warrant #50 for \$6,292.48.
- C. Approve Board of Selectmen Meeting Minutes of April 10, 2013.
- D. Approve Board of Selectmen Meeting Minutes of May 1, 2013.

Materials for Item D were not available at this meeting so this was moved to a future meeting.

- Mike Pushard move to approve Items B and C on the Consent Agenda. Ben Smith seconded the motion. Mike said he thought he had to abstain from Item A and therefore did not include it in his motion. There was no further discussion. 2 voted in the affirmative. Linda Leotsakos was excused. The motion carried.

Mike Pushard asked about the Sand/Salt Shed in Item A. This was to fix the fan. Mike also explained why he thought he needed to abstain from voting on Item A. He is related to the owner of Corliss Lawncare LLC. Ben Smith explained the process by which this business was selected to do the work. Mike was not involved in the selection of the contractor. This was a bid awarded by the Town Manager without the involvement of the Board. The business was the lowest bidder. Since the Board was not involved in awarding the contractor, it is not a conflict of interest for Mike to vote on the actual

## **II. Consent Agenda continued:**

payment made in Item A. Ben reminded everyone the Board is obligated to pay a selected contractor for services.

- Mike Pushard moved to approve Item A on the Consent Agenda as read. Ben Smith seconded the motion. There was no further discussion. 2 voted in the affirmative. Linda Leotsakos was excused. The motion carried.

## **III. Public Comments on Items not part of the Agenda:**

One person suggested the Town put pictures of the candidates running for office on the website or perhaps a biography of the person. After some discussion, Ben Smith said they would look into this and the implications for the town and will put it on as an agenda item for a future meeting for discussion.

Another person asked about sweeping because he noticed there was some hand sweeping being done in town. Scott Tilton explained the sweeping is scheduled to begin Friday.

## **IV. Scheduled Items:**

### **A. New Business**

1. Former Railroad Right of Way Acquisition.

The Board and Scott Tilton discussed the property/properties that were a part of the old Narrow Gauge Railway system. Currently the properties have been abandoned by the Railroad. Robert Rogers of Aerial Survey and Photo sent Scott a paper he prepared for a class project on the matter. Scott is interested in what if anything the Town should do about this property. This is a first introduction of the matter. They recognize there may be various opposition to the usage of the railway bed as a trail. Rick Danforth said there was previous interest in this matter but nothing happened. Mike Pushard also said the ATV club used it but they were stopped several years ago. Ben Smith suggested they postpone the discussion for now. There are a number of things to answer about the original easements in order to determine possible usage. Mike recognized the abutters may have objections. They agreed this would take further research.

#### **Public Comments:**

Scott was asked about the goal of this item. He said the town, with use of grants, could develop walking trails and recreation areas. The question is who has the titles to the land. There will be some expense for the research.

**A. New Business continued:**

Ben and Mike both agree to put this on hold for now. They could check with other towns about their experience and how they handled this. Rick Danforth will also look for any past materials he has. This will be added to a future agenda.

**B. Old Business:**

None

**V. Legal Issues:**

**A. Disposition of Tax Acquired Property for Unpaid 2011 Taxes**

Scott Tilton presented this item explaining that the Town has acquired 4 properties due to unpaid 2011 tax liens. The agenda packet had the details of the properties before the Board for consideration and Scott also described each of the properties for the Board. The properties were:

Hall, Kenneth N Sr Map 6 Lot 132 grandfathered non-conforming lot  
McLean, Andy R and Susan Map 1 Lot 109 grandfathered non-conforming lot  
Parker, David J and Dedra S Map 2 Lot 058 conforming lot  
True, Sally A Map 7 Lot 21 grandfathered non-conforming lot

Scott explained the Town's options to the Board. The Town could sell back to the owners or put the properties out to bid. He would like the Board to take action on this. He recommended putting out to sealed bid, paying all taxes, the Hall, McLean and True properties. He recommended to the Board selling back to the owner the Parker property with an amount to settle taxes through the 2014 tax year including any interest and costs of filing liens included in the amount. Mr. Parker was present at the meeting and agreed to Scott's recommendations. Mike Pushard and Ben Smith agreed with Scott's recommendations.

- Ben Smith moved the Board authorize Scott Tilton, Town Manager, to transfer property (Map 2 ,Lot 58) by Quit Claim Deed to David and Dedra Parker, upon satisfaction of taxes for 2011 to present as well as anticipated taxes for 2014 totaling \$3,767.18. Mike Pushard seconded the motion. There was no further discussion. 2 voted in the affirmative. Linda Leotsakos was excused. The motion carried.
- Ben Smith moved the Board authorize Scott Tilton, Town Manager, to sell and convey by Quit Claim Deed through a competitive bid process the acquired properties at Map 6 Lot 132 (Hall), Map 1 Lot 109 (McLean) and Map 7 Lot 21(True) Mike Pushard seconded the motion. There was no further discussion. 2 voted in the affirmative. Linda Leotsakos was excused. The motion carried.

## V. Legal Issues continued:

### B. Damage to Vehicle Claim- Amanda Vogel (4 Birmingham Rd.)

Scott Tilton explained that the Town received a bill (included in the packet) from Amanda Vogel for damage to her car sustained allegedly after hitting a pothole on the Davenport Road. Scott explained to the Board the Town's responsibility under the Maine Tort Claim Act. The Town has 24 hours after notification of a problem to fix the problem. The town would be liable after notification if it fails to correct the problem. This pot hole was reported after the damage has happened on 4-19-13. Scott does not believe the town is liable for the damage. Scott did tell her about tonight's meeting. She was not at the meeting. She did not file a police report nor did she send any pictures of the pothole. No formal claim was made. Scott recommended not paying the claim. Ben and Mike agreed with Scott's recommendation.

#### Public Comment:

One comment was made to not pay the claim.

The Board agreed to take no action on this matter.

### C. Review and Approve the 2013 Town Meeting Warrant

Ben Smith pointed out that the Town Warrant does contain two Articles for Cemetery Maintenance as discussed at the earlier Public Hearing. Ben then proceeded to go through the draft Town Warrant for adjustments/corrections and opened the discussion to public comments.

**Article 25** – Ben suggested moving Legal Services from the General Government Account and make a separate Legal Services account so the unexpended balance be placed in reserves and can stay in a separate account.

**Article 29** – Donations. Ben asked Scott to only list in the Warrant Article those donations where either the Board, the Budget Committee or both made a recommendation for funding.

Public Comment – Voters will not be able to add to the list at the Town Meeting.

**Article 31** – High School Transportation. Scott Tilton was concerned about the appropriate amount being budgeted, as we do not know what the RSU will be requesting. He wanted to assure sufficient funding levels. The Board discussed the amount that should be listed in the 2013/14 Request. Ben said to change it to the higher amount from the Board of \$25,500. Ben did not want it to be the amount from the previous year of \$31,750 as neither the Board nor the Committee recommended that amount.

## **V. Legal Issues continued:**

**Article 3** - Ben Smith asked Scott to review the Charter language again.

**Article 10**- Wood Lot Account – Ben asked Scott to add the following language “to reimburse the Wood Lot Account for the money expended on the Municipal revaluation” and to add some language to the Warrant Article about the history of this account from the past Town Meeting with the wording “pursuant to Article 10 of last year’s Warrant”. Mike thought from last year’s Article it would be paid back. Ben explained that while that was the intent it specifically has to be in the Warrant. Allocations from one year cannot be automatic on the next year. It has to be approved at the Town Meeting. They both agree the money has to be paid back to the account.

Public Comment – Recommended the Board explain the history of this Article at the Town Meeting.

**Articles 4,5,6 and 7** - Ordinances– The ordinances are scheduled be voted on from the floor of open Town Meeting. Ben asked about moving this to a referendum vote during the Town Election part of the Town Meeting versus individual Warrant Articles.

The Charter has to be voted on by referendum vote.

**Article 9** – Woodlot Account Reimbursement – The amount requested reflects keeping the commitment made last year to reimbursing the Woodlot Account.

**Article 33** – School Fund Balance is unknown. This article will authorize the Selectmen to use the entire amount of whatever the remaining School Reserve Fund balance is to reduce the taxes

**Article 38** – This article is needed in order for the future operation of the Before and After School Program. The funds raised from childcare enrollment fees will be used to pay the Before and After School Care Program expenses. It is self-funding operation.

**Article 42** – The O’Donnell town wide revaluation process may impact the commitment date and therefore these are advisory dates so the suggestion was to add some wording to include “or 45 days from the commitment date” whichever is later and if required similar wording for the second half.

Ben reminded everyone this is still a draft Warrant.

## **V. Legal Issues continued:**

### **D. Ordinance Certifications for Vote at Town Meeting**

Based on the Public Hearing earlier in the evening there were two ordinances (Tax Club Ordinance, Wireless Telecommunication Facilities Ordinance) at this time that could be certified for Town Meeting voting.

- Ben Smith moved the Board certify the Tax Club Ordinance and the Wireless Telecommunications Facilities Ordinance. Mike Pushard seconded the motion. There was no further discussion. 2 voted in the affirmative. Linda Leotsakos was excused. The motion carried.

### **E. Review and make a recommendation for Road Bonding Article**

Town Meeting Article 17 as drafted was discussed. The bond would be for \$1 M. This will have to be explained at the Town Meeting.

- Ben Smith moved the Board recommend a Town Meeting Warrant Article for Municipal Bonding not to exceed \$1M. “for the purpose of paying all or a portion of the costs of improving, reconstructing and repairing one or more roads in the Town”. Mike Pushard seconded the motion. There was no further discussion. 2 voted in the affirmative. Linda Leotsakos was excused. The motion carried.

## **VI. Written Communications:**

### **A. May 14, 2013 Planning Board Agenda**

Scott Tilton wanted to inform the Board of the two items on the Planning Board’s agenda. The Planning Board is continuing the discussion on the Local Food Ordinance and the Community Self-Governance Ordinance. No action at this time.

### **B. Letter from CMP dated April 26, 2013**

CMP sent a notice of construction plans. No action needed.

### **C. Letter from Time Warner dated May 1, 2013**

Usual notice- no action needed.

## **VII. Verbal Communications:**

### **A. Town Manager Report**

Handout at the meeting. Scott Tilton highlighted two items on the handout. He is building up the sand and salt. He is also working on road issues on South Dondero Road. Ben also discussed the Chelsea Gateway signs and the use of Capitol versus Capital. They both agreed that Capital is the correct word.

**VII. Verbal Communications continued:**

B. Chelsea RSU #12 Representative

Barbara Skeeahan gave her report. The School Board is meeting Thursday. Two items will be the Calendar and the Budget. She also discussed the mailing for Chelsea students about the Backpack program regarding food.

C. Board of Selectmen/Assessors

Ben Smith mentioned he has some assessing items he needs to finish.

**VIII. Executive Session:**

None

**IX. Adjournment:**

Mike Pushard moved to adjourn. Ben Smith seconded the motion. The meeting was adjourned at 8:34 PM.

Approved by the Board of Selectmen on May 22, 2013.

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Benjamin Smith

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Michael Pushard

\_\_\_\_\_ absent  
Linda Leotsakos