

**Town of Chelsea  
Board of Selectmen Meeting Minutes  
December 12, 2012  
Chelsea Elementary School**

**Regular Meeting**

**I. Call to Order**

Chairperson, Ben Smith, called the meeting to order at 6:31 PM. Selectboard members present included: Chair Benjamin Smith, Linda Leotsakos and Michael Pushard. Also present was Town Manager Scott Tilton along with 8 residents and members of the public.

Ben Smith led the attendees in the Pledge of Allegiance.

**II. Consent Agenda**

- A. Approve Payroll Warrant #25 for \$6,090.63.
- B. Approve Accounts Payable Warrant #26 for \$205,162.54.
- C. Approve Board of Assessors Meeting Minutes of November 26, 2012.
- D. Approve Board of Selectmen Meeting Minutes of November 28, 2012.

Linda Leotsakos stated that she was not at the Assessors Meeting of November 26th (Item C) therefore she made a motion to cover all consent agenda items but C. There were no further comments or discussion by the Board or the Public.

- Linda Leotsakos moved that the Board approve Consent Agenda Items A, B, and D. Mike Pushard seconded the motion. There were no comments, questions or further discussion. The vote was unanimous.
- Mike Pushard then moved to approve the Consent Agenda Item C. 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.

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

There were no public comments.

**IV. Scheduled Items**

**A. New Business**

**1. Introduction of Property Tax Assistance Programs**

Scott Tilton had two items having to do with property tax relief that he wanted to bring to the Board's attention because they may need to address these at the Annual Town Meeting.

## **New Business: continued**

### **Introduction of Property Tax Assistance Programs**

#### **a. Tax Payment Club**

Scott Tilton has been unable to find any warrant language or ordinance in the Town records about the approval of a Tax Payment Club. He said this proposal would have had to be approved at a Town Meeting. Approval of the Club would allow people to make as many as 12 equal monthly payments and there would be no interest charged if the payments were made on time. Currently he is charging interest. He would like an article or an ordinance approved at the 2013 Town Meeting that would formalize or reauthorize this program.

Mike Pushard said this would help citizens of Chelsea. Linda asked if an article once approved would continue to be in effect. Scott confirmed it would stay in place until a future Town Meeting changes it. Richmond was given as an example. Scott agreed to work on some wording.

Public Comment - Rick Danforth thought there was some language approved in the past because this was currently being done. He will check his copies of old town records for any language.

#### **b. Elderly Rebate Program**

Scott Tilton discussed this program that provides property assistance to elderly applicants (65 or older), who have a homestead exemption, and who have applied for a refund under the Maine Circuit Breaker Program. He said it could provide property tax refunds to qualified taxpayers. He presented an ordinance from North Yarmouth as an example for discussion purposes. At the Town Meeting each year, an allocation for the program would have to be approved by voters. Depending on the amount approved, refunds could be authorized. If no appropriation was made, then there would be no refunds for that year. Unexpended funds would carry over and less would be needed to be raised the next year..

The Board members discussed their concerns for a first come, first served approach vs. a pro rata approach based on the number of applicants received by a deadline. The Treasurer would have a list of all applicants so a pro rata share could be determined. There were a number of questions raised during the discussion. Scott confirmed funds to pay the refunds would have to be approved at the Town Meeting. This means the article requesting adoption of the ordinance would have to be voted on and approved before the Town Meeting could vote to approve funds to pay the refunds. They wanted a draft the ordinance with language to address their concerns about the amount of the refund, caps, distribution (pro rata or first come, first serve), deadlines, application process, and the frequency of how often a person could apply. The Board also recognized there are more than

## **New Business: continued**

### **Introduction of Property Tax Assistance Programs**

elderly residents who may be struggling with payment of their property taxes and they may need to take this into account as they consider this proposal. Therefore the Board considered this a first introduction and consideration and asked Scott to work on some language to address their recommendations and concerns.

There were no public comments. No action taken.

### **2. Assessors Agent Proposal**

Ben Smith explained the materials in the packet presented to the Board. The intent is to seek letters of interest in the Assessing Agent position. Besides the draft notice of intent from the Town, there was also a draft job description in the packet. He said this was a first read. The Board should review it and come back at a future meeting to discuss. Linda Leotsakos asked if the January 4<sup>th</sup> date could be extended. There was no further discussion or any public comments. No action taken.

## **B. Old Business**

### **1. Possible need of a Chelsea Sign Ordinance**

Ben Smith summarized why this was on the agenda. Included in the handout packet was a letter from Toby Watson and the Maine Statute on signs. Ben explained State Statute requirements include limitations on signs. Signs cannot change more than once every 20 minutes. Mr. Watson's sign was too active under the State Statute so he asked the Town to consider a sign ordinance. If the Town adopts an ordinance, the town's requirements then supersede the State Statute. The Selectboard had asked the Planning Board to look into this matter. Beth Cousins, Chair of the Planning Board, was present at the meeting. Also present was a representative for Mr. Watson.

Beth explained that this was not a simple issue. The Code Enforcement Officer has discussed this with the Planning Board. One concern is enforcement. If the Town adopts a sign ordinance, then it is the Town's responsibility to enforce the ordinance on both Town and State roads. There is a current understanding no signs should be in the right of way or blocking the line of sight. The ordinance would have to address all signs, not just changeable signs. There are ordinances in Augusta, Farmingdale and Sidney that the Planning Board could review. The Planning Board wants to look at this more. Ben Smith asked Beth how long the review might take and she thought maybe 2 months.

Mike Pushard had asked to have this on the meeting's agenda. Initially the sign may have been a distraction but it has since changed. The Watsons

### **Possible need of a Chelsea Sign Ordinance: continued**

explained they wanted a changeable sign but not a scrolling sign. They want the sign to change more than every 20 minutes. Perhaps 3 to 4 different messages repeated every 90 seconds. Mike asked that his representatives explain to Mr. Watson the complications of the ordinance and suggested Mr. Watson talk with the Planning Board about the matter.

There were no public comments. No action taken.

## **2. Proposed Changes to the Chelsea Personnel Policy**

Based on the Board's previous discussion, Scott Tilton brought back the revised policy for the Board's consideration. The revisions were included in the packet.

- a) Disclaimer
- b) Retirement Benefits

The revisions clarify who is eligible for benefits under a retirement plan. The Town will not provide benefits to part-time, stipend, and regular full time non-exempt employees. Full time is defined as more than 33.5 hours a week. The Town will provide benefits to regular, full time exempt (salaried) employee at a rate to 50% of the employee's contribution unless the employee has a separate contract that supersedes this policy.

Linda asked this to be a second reading. The Board will address this at a future meeting. There were no public comments. No action taken.

## **3. Use of Winter Sand by Town Plowing Contractor**

The Board requested this item be placed on the agenda because of the number of calls members received regarding sanding issues. Bob Strout, crew foreman, was at the meeting representing McGee Construction.

The Board recognized some concerns and perceptions due to McGee Construction winning both the plowing/sanding contract as well as the contract to furnish the sand. Steve McGee has agreed the fall price of sand will be the same as the winter price of sand so the Town will not be impacted by higher sand price if the Town needs additional sand. They emphasized the crews need to be cautious with the use of sand. There seemed to be some inconsistency in the sanding but the Board also recognized some areas need more sand than others and therefore there may have been appropriate sand usage. They need to have these discussions.

All the Board members thought the use of ground speed controls was discussed during the September meeting with the Contractor representatives. The trucks do not have ground speed controls on them. Instead they use hydraulic pressure and truck speed. Linda Leotsakos still felt the issue was not resolved.

## **Use of Winter Sand by Town Plowing Contractor: continued**

Ted Gardner added some comments about ground speed controls. He said they do not work the way they are suppose to work. Side roads are hard to regulate. Many roads are ok. He suggested there are other ways to regulate the sand manually by adjusting things on the truck such as the tailgates and the spinners. Bob Strout also acknowledged this. Rick Danforth added calibrations needs to be part of the control process.

Scott Tilton said as Road Commissioner he would work with Bob Strout and Steve McGee on these issues. Ben Smith reiterated the need to conserve sand, when possible, but does not want to endanger anyone. Linda appreciated the openness of the discussion with Bob Strout.

No further discussion and no action taken.

### **4. Butternut Park Concerns**

Scott Tilton and the Board discussed the garbage and debris issues occurring at Butternut Park. There were two loads of shingles that the Town paid to have cleaned up. Collectively they identified a number of possible solutions to consider addressing this issue. Scott will explore possible solutions and will bring recommendations back to the Board for further consideration. No further discussion. No action taken.

### **5. Assessing Matters**

- a) Consideration of Property tax abatement application of Roberta Beaulieu

Ben Smith read a formal statement from Roberta Beaulieu to the Board. Ben also told the Board she changed her mind and was rescinding her request for abatement. Ben Smith recommended the Board accept her withdrawal. After some discussion and an agreement that the withdrawal be submitted in writing, the Board deferred any action until they receive the written withdrawal.

- b) Other tax assessing matters

Ben Smith will prepare materials on two abatements for the Board to consider in a future meeting (Strout on Stonegate Crossing and Gousse for action beyond the Board's corrective abatement.

## **V. Legal Issues**

### **A. Trust Fund Fiduciary Responsibility**

Scott Tilton expressed concern about a recent change in the administration of the John Bernier Trust. This \$15,000 Trust was originally administered by the Town and/or the school and provides tuition to graduating High School students from Chelsea. The recent change now has the PTA administering the trust funds. He could not find the original will or trust materials that established the trust. The trust

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

might not be being managed as it was intended and wanted to inform the Board. Linda Leotsakos suggested Scott work with the school and review at some school committee records if he could. No other action was taken.

### **B. Practice of Electing Some Town Officials by Petitioned Referendum Voting**

This item was on the agenda to serve as a reminder to research the referendum process. Ben Smith reviewed this with MMA and thinks the best way to proceed is to continue the discussions at the Charter Commission meetings. No further comments or discussion. No action taken.

## **VI. Written Communications**

### **A. November Reports**

#### **1. Treasurer**

##### **a. YTD Property Tax Abatements**

Scott Tilton discussed the material in the packet listing the abatements granted during fiscal year 2012. The material does not include any supplements that have been established. There was no further discussion or any action.

#### **2. Town Clerk**

Included in the packet was a written report from Lisa Gilliam. No further discussion.

#### **3. Code Enforcement**

Included in the packet was a written report from Gary Quintal. There was no further discussion on the report. The Board discussed the subdivision issues concerning Libby Street. The Planning Board has asked her to respond to the Planning Board but she has not yet responded. If there is a penalty, Gary will bring the issue before the Board to consider. No further discussion or comments. No action taken.

#### **4. Road Commissioner**

McGee concerns – previously discussed

Scott Tilton is following up on some drainage areas on the side of some roads that might have some icing issues. No further comments or discussion.

B. Letter from Time Warner Cable dated Nov. 20, 2012

C. Letter from Time Warner Cable dated December 4, 2012

## **VII. Verbal Communications**

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

Scott Tilton submitted a written report. He discussed some of the bullets from his report. He reminded everyone of the upcoming meeting with Volunteers of America on December 19<sup>th</sup> regarding the Togus development for homeless veterans. The Board is seeking additional information on this development.

Scott reported on the history of the Town's acquisition of the bridge on the Old Thomaston Rd. and the Town's responsibility for the bridge.

He reported 51 accounts could receive notice of foreclosures for 2011 taxes.

Scott is considering meeting dates for the Board to work on the 2013-2014 budget.

Scott, the Board and members of the public discussed possible existing rights of way to the Mary Taylor Farm. This information will help the Board in its decision on the disposition of the property and whether the Town should keep it or sell it.

Scott indicated the Cemetery Committee is interested in acquiring the Morrill Cemetery if it is donated to the Town. The Committee asked him to contact the Personal Representative of the Morrill Trust about this.

Scott is doing some additional research for the attorney on the Frank Monroe Court Case.

Scott is also seeking additional information on solid waste from various companies.

### **B. Chelsea RSU #12 Representative**

No report at this meeting.

### **C. Board of Selectmen/Assessors Comments and Concerns**

Board members commended Scott on his performance as Town Manager.

## **VIII. Executive Session**

None

**IX. Adjournment**

Mike Pushard moved to adjourn. Ben Smith seconded the motion. Vote was unanimous. The meeting adjourned at 8:29 PM.

Approved by the Board of Selectmen on December 19, 2012

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Benjamin Smith

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Linda Leotsakos

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Michael Pushard