

TOWN OF MADISON - PUBLIC NOTICE

The Inhabitants of the Town of Madison are hereby notified of a public meeting. The time, place and purpose of which are as follows:

**MINUTES
BOARD OF SELECTMEN
OLD POINT SCHOOL MEETING ROOM
April 23, 2018
5:30 p.m.**

- A. **Salute to the flag:** Meeting was called to order at 530pm.
- B. **Roll Call:** Selectmen Al Veneziano, Jack Ducharme, George Elias, Paul Fortin and Ron Moody were in attendance. Town Manager Tim Curtis, and Finance Director Tammy Carrier were also in attendance.
- C. **Consent Agenda:** Warrants Dated: # 29 (04/09/2018 - \$168,279.43); Payroll Register: #15 (04/12/2018 - \$10,747.62), # 16 (4/19/2018 - \$9,912.94): Motion to approve by Mr. Elias, seconded by Mr. Fortin. Motion carries 5-0.
- Liquor License Brown Family Enterprises (Lakewood Golf Course): Motion to approve by Selectman Elias, seconded by Selectman Fortin. Motion carries 5-0.
- D. Discuss acceptance of meeting minutes of April 9, 2018: Town Manager Curtis noted a change in the date for the Lake Association's annual meeting. Motion to approve with changes by Mr. Fortin, second by Mr. Moody. Motion carries 4-0, Mr. Elias abstained as he was not present at the last meeting.
- E. **Old Business** (Selectmen's Concerns from immediately preceding meeting): None
- F. **Items of Communication:** Town Manager Curtis shared with the board some legal recommendations from Maine Municipal Association (MMA) regarding votes to abstain by Board members. While there is no rule that requires board members to vote, an abstention is normally due to a conflict of interest. In some court rulings, voting to abstain with out stating a conflict has been interpreted as siding with the majority vote.

While talking with MMA Legal, Mr. Curtis asked about Select Board members serving on other elected boards. In regards to the school board there is precedent that the two boards are legally incompatible. In regards to utilities like Madison Electric Works, they have language in their charter that prohibits a current Selectman from serving on the MEW Board. The local Water and Sanitary Districts do not have such language which allows for potential board members serving simultaneously. The Town Manager asked if this is a topic that the Selectmen would like to consider as an agenda item at a future meeting. Mr. Fortin asked if this had been an issue in the past. His concern was that there should be as much diversity as possible. Mr. Moody said he does not have a problem with it. The Town Manager said that Mr. Elias asked him to investigate any incompatibility between his being a selectman and on the Sanitary District Board of Directors simultaneously before he ran for Selectmen. The Town Manager and Town Clerk found that there is no prohibition but it may cause conflict. Mr. Elias said he believes Selectmen serving on other boards can be a positive. It was the consensus of the Select Board not to take any further action on this matter at this time.

The Town Manager referred to an email from attorney Dave Silk outlining the process of preparing for a hearing before the State Board of Property Tax Review to hear the abatement appeals from Madison Paper and Somerset Acquisitions. The Town Manager has instructed Assessor's Agent Shirley Bartlett to separate her invoices to track her work on the case separately from her contracted assessing duties.

Former Madison Police officer David Trask has filed a civil lawsuit against the Town claiming unlawful employment discrimination from the decision to contract policing services with Somerset County in July of 2015. The town was notified on Thursday April 19 and has turned the issue over to legal representation from Maine Municipal.

Evan Coleman with Northern Ventures informed the Town Manager last week that the strawberry greenhouse project in the business park is still on track. Northern Ventures has been working to secure federal tax credits for the project.

The Town Manager said over the winter he was approached by a group representing Dollar General about locating a store in Madison. At one time they were considering 55 Weston Ave, where the ice rink and volleyball courts are. In an email the group mentioned that the traffic count at that location was not high enough to interest Dollar General but they are considering other locations and may have an application before the Planning Board in a few months.

Another inquiry about the property at 55 Weston has been made to see if the Town would be willing to sell the property for development of senior housing. As the Town Manager gets more information he will bring a proposal to the Board at a future meeting. Mr. Veneziano asked if the Town should put this information out to the public so that other potential builders would know the land was available for development.

Mr. Curtis reminded the board that he will be on vacation starting Monday April 30 and returning to work Wednesday May 9th. The scheduled Selectman's meeting for May 7 will be held at 730 at the Junior High cafeteria following the School Budget Validation Meeting. The agenda will include consent items with the primary action item to be signing the warrant to put the school budget to public referendum on May 15.

G. New Business

1. **Public Hearing for Proposed Changes to Subdivision Ordinance (Chapter 490):** Chairman Veneziano opened the public hearing at 5:46pm. Town Manager Curtis covered a few changes that would be pertinent to the public. Page 15 references that any roads must be inspected by a registered professional engineer or the Road Commissioner. Page 16 refers to minimum lot sizes recently adopted by Town Meeting. Page 17 mentions the performance guarantee required to cover the costs of public improvements. Page 22 states that the performance guarantees are approved by the Selectmen with certain criteria, and Page 24 outlines the process of dealing with violations that includes both the Code Enforcement Officer and the Select Board.

Seeing no further commend the public hearing was closed at 5:53pm

2. **Discuss non-budget articles on Town Meeting Warrant:** The Town Manager reviewed a draft of the 2018 Town Meeting Warrant to include 36 articles. The first 14 articles establish a moderator, local elections and all budget recommendations. Article 15 asks the voters to approve MEW's request to change their charter. The Town Manager asked if the Board was willing to raise the amount of interest charged to unpaid taxes from 7% to 8% under article 16. The state sets the maximum rate and this is the first time in 9 years that they have increased the maximum from 7%. The consensus of the Board was to raise the amount to 8%.

Articles 17 & 18 established tax collection and tax club rules. Article 19 asks the voters to approve the conveyance of Jacob's Pines to the Somerset Woods Trustees. Articles 20 through 23 establish rules for sale of town property, town salaries and grant applications. In article 24 the Board would have to raise the amount of interest paid on abatements from 3% to 4% since state law requires a maximum difference of 4 percentage points between interest earned and interest paid. Article 25 authorizes the Selectmen to take donations as they see fit.

Articles 26 through 36 are various ordinance changes that the Board has worked on for the last several months. The Town Manager created a guide for Town Meeting.

Motion by Mr. Elias to approve the draft of the 2018 Town Meeting warrant articles 15 through 36, seconded by Mr. Ducharme. The Town Manager reminded the board that any additions or changes would have to be posted at least 10 days prior to Town Meeting, but this approved draft will go into the Town Report which is being printed in the next few weeks. Motion carries 5-0.

3. **Discuss Demolition Projects (32 Naomi, 21 Nathan & 497 Main):** The Town Manager reviewed three properties that are recommended for demolition. 32 Naomi Avenue is a large building that has been acquired by the town by tax lien foreclosure. It could be costly to tear down but the property could be maintained by the Town as a place to move snow and improve the travel lanes in the winter.

21 Nathan Street was determined by the Selectmen to be abandoned and issued a Notice to Correct last summer. The owner has been working to determine if another structure could be rebuilt since the property is in the floodplain. Code Enforcement has determined that the property is 9 feet below the floodplain and the property owner says it is cost prohibitive for him to keep the property, they are considering deeding the property to the Town. Regardless of who owns the property the Town is responsible for removing the buildings.

After several months of back and forth conversations with the bank that foreclosed on 497 Main Street and the owners there is another impasse as the two owners who are divorced cannot agree to the terms of a sale. The Town Manager will need the board to issue a new Notice to Correct to the owners giving them 30 days to remove the structures, after which the Town will have them removed. Motion to approve the Notice to Correct for 497 Main Street by Mr. Elias, seconded by Mr. Ducharme. Motion carries 5-0.

Motion by Mr. Elias to have the Town Manager get competitive quotes for demolition for all three properties, seconded by Mr. Fortin. Mr. Fortin asked if the Town was going to use TIF funds to pay for the demolition. Mr. Curtis said there is currently \$31,000 in the fund to remove blight that is collected from the sale of other tax acquired properties, he will bring recommendations to the Board on May 21, 2018. Motion carries 5-0.

- H. **Selectman Concerns:** Mr. Fortin asked for clarification on the status of the former Madison Paper landfill in Anson. He had heard that the Town of Anson had walked away from the deal they had struck with MPI and he asked if the Sanitary District was going to take the property. Selectman Elias confirmed that the AMSD had accepted a deal from Madison Paper. Mr. Fortin asked if the rate payers of the district were informed of the risk of taking on the responsibility of monitoring the landfill. Mr. Elias said that the district has been taking care of that landfill for years and he has been assured there is no risk. Mr. Veneziano asked why the Town of Anson backed out, Mr. Elias said he believed that it was because the Town of Anson would not give up their sovereign right to be free from any liability. Mr. Elias said the AMSD did not believe it was an issue for them since the district knows everything about that landfill. Mr. Fortin asked if something did go wrong and caused an environmental issue at the landfill, would the rate payers in Madison be affected financially? Mr. Elias the landfill has nothing to do with the Town of Madison and will not impact property taxes.

Chairman Veneziano asked what the process is for setting the salary for a newly elected Road Commissioner. He seems to recall an article in Town Meeting to set the salary. Mr. Elias did not recall that being the case. The Town Manager said over the past several years there has been an article that authorizes the Selectmen to have the final say on all salaries, including Road Commissioner and Treasurer.

- I. **Citizen Concerns:** A resident from Naomi Avenue asked for updates on the status of the camper at 21 Naomi. The Town Manager said that Code Enforcement is meeting with the property owner to discuss two issues. One to get a proper permit for the camper and two, to determine what the occupant of the

camper is doing for water/sewer. At a previous meeting the question of the road width and right of way had come up. The Town Manager confirmed that the right of way is 20 feet on Naomi. In 1978 the Town had residents sign 'Slope Easements' which allowed the highway department to perform ditching only.

J. **Adjournment:** Meeting adjourned at 6:25pm