

Minutes  
September 3, 2009  
Fryeburg Selectman's Meeting

The meeting was opened at 6:03pm by Chairman Hall and a quorum was declared. Those present Pledged Allegiance to our Flag. It was moved and 2<sup>nd</sup> to go into executive session to discuss personnel matters and Board duties with the proper MRSA sections given.

The Selectmen came out of executive session at 7:08pm.

Selectman Wilkey made a motion to authorize Town Council to address the issues with Town Manager and his contract. It was 2<sup>nd</sup> by Selectman Klinepeter, and the motion carried 3 - 0.

Selectman Wilkey made a motion to authorize Town Council to discuss H A Cassidy's request for a temporary liquor license. Selectman Klinepeter 2<sup>nd</sup>, and motion carried 3 - 0.

1 Section B Liquor License request for H A Cassidy's was moved up in the agenda to allow discussion while Town Council was present. Dwayne Ela, restaurant owner, requested a temporary liquor license until State received full application for Liquor License. Selectman Hall expressed concern on behalf of the board for the word Lounge being on the application. They were under the impression the liquor license was for the Restaurant, and only would be served during Restaurant hours of operation, not a Lounge that is open later. To add lounge/bar, the owner would need to go before Planning Board to make sure all conditions were met. We may need to address the Land Use Ordinance for the Amusement permit rules. Town Council was also instructed to work something out with the abutters' Attorney Cooper about the sound and other complaints listed in Attorney Coopers letter to Town. He is to try and have things worked out by the hearing date for the amusement permit scheduled for September 10, 2009. It was suggested by Town Council to file an application with the word lounge to the Planning Board. Attorney Malia will work with Katie, in Code Enforcement, to make sure the application for amusement is ok to come back to Board with the lounge added to restaurant in Planning Board file, taking into consideration the operating hours and sound restrictions. Ron Ela, property owner asked if there was a difference in the definition between Lounge and Bar. Selectman Hall wants to make sure we follow due process. Selectman Klinepeter made a motion to approve the temporary license and Selectman Hall 2<sup>nd</sup>. Motion carried 3 - 0.

Going back to the original agenda.

Treasurer's report was read and a copy is attached.

Town Manager's report: nothing new to report

Minutes: Selectman Wilkey made a motion to approve July 30 minutes as received, and table remaining minutes until September 10 meeting. Selectman Klinepeter 2<sup>nd</sup>. Motion carried 3 – 0.

#### Public Forum:

An announcement was made by Selectman Hall that letter A regarding Appointments to Boards and Committees under old business will be tabled until September 10 meeting.

Selectman Klinepeter commented that the last few meetings people have been personal and nasty with their comments. He encouraged people to be civil and address the issue to the board and not an individual and stick with Town business.

Mr Krasker read a letter to the effect that people voted down the hybrid Town Meeting and suggested that we go back to a traditional Town Meeting and asked to schedule it the 3<sup>rd</sup> Saturday in April. Selectman Wilkey asked if a compromise could be reached where you hold meeting to raise or lower amounts. Emily Fletcher supported both ideas, but would also like to allow secret ballot voting. The Selectmen told them they would look into these ideas.

Ken Brown asked if Martin was a member of the steering committee for the Comprehensive Plan update. He was told yes as well as Selectman Klinepeter as board representative and A O Lucy as Planning Board Chair and rep. Ken then asked if it was legal since he was not a resident of the Town. He was told that as an Xofficio member, he did not vote anyway, he was there as a resource for the Town. He then asked for permission to read a letter regarding Conflict of Interest and Bias, and that was granted by Selectman Hall. See letter attached.

After Mr Brown's letter was read, Tom said that this is exactly what he was speaking of at the beginning of Public Forum. He totally trashed the reputations of several Towns people and it was allowed. Selectman Hall then spoke about reviewing the April 9 minutes when this committee was appointed, and it was not on the agenda, and he was not here for that meeting and he was done a grave injustice as he never received the list or a memo regarding those appointments. Selectman Wilkey asked Selectman Hall what the status of the "Lady from the State" was. Is she coming down to go over this or not? Cliff responded by saying he spoke with her and she is putting a packet together for the Town to use in examining the Current Plan. It should arrive sometime in October. Elizabeth Hurts? Has assigned someone to do this and it should go to the Planning Board. Cliff didn't know why Mr Bergoffen said they were going forward with the activities of the steering committee anyway.

Mr Krasker spoke and said that all this negativity is a tragedy and we need to stop the character assassinations and combativeness. We need to heal the town not divide it further. Please work together, not against each other all the time. Emily Fletcher spoke and said she feels the Public Forum is always positive in a way as it is airing out the concerns of the citizens.

Clyde Watson asked to speak about the Truck Bids. Cliff didn't remember them being bids. Tom and Ed both spoke and said the ads were placed and 2 people responded with bids in the time frame indicated in the ads, we should at least here them and see if they are apples to apples (with the plow frame and wing or without.). Cliff responded by saying that Martin admitted to telling a couple people what Clyde's bid was, but didn't know if it was after the bids closed or before. He is open to discussing the matter and he (Cliff) will take responsibility for it as the Chairman of the Board. Clyde said he thinks the bids should be honored, and asked if the board thought they would get anyone to bid on anything else if they don't honor the current bids? Martin gave them to Cliff to be formally opened.

Bid 1 from Clyde Watson Inc, with the frame and wing: \$3,025.00

Bid 2 from Don Irish, with the frame and wing: \$1,655.00

Tom moved to accept Clyde's bid and it was 2<sup>nd</sup> by Ed motion carried 3 – 0.

Legion Rules was moved up in Agenda, with Jennifer Regan wanting to know when the roof was going to be repaired so they may finish painting the ceilings inside. She has requested the answer via e-mail, but has received no response. Would like to at least be answered and acknowledge when an e-mail is sent. She is not getting any response back. The Academy has gotten involved, and now all of a sudden everything is at a stand still. It's taking too long. Martin told here that the contractor who is doing the work is finishing up a big job and we are next on the list, but he doesn't have a time frame. Clyde spoke up, and said the contractor is almost done with the current job, but we should call him to get an expected start date. The liberty tree that was mistakenly cut down needs to be replaced. Tom moved and Ed 2<sup>nd</sup> to buy replacement Elm motion passed 3 – 0. They would also like to have a rededication of the Liberty Elm with Tommie, Gay and other Legion Members.

Judy Redding asked if the Canal Bridge lease was redone yet. Martin said the attorney advised them that it was ok as it was unless the Town wants to terminate the lease with the current lessee. Dick Krasker said everything was reviewed by the board. Emily feels that the Parks Committee has authority to make decision, but Town is still responsible for Contractual Liability. The final decision should be made by Selectmen, not a committee. Clyde spoke up and said that's what was done. The Committee brought their recommendation to the board and that's what the board voted on. July then asked why do the Selectmen take recommendations from some boards and not other? An example was the Budget Committee. Ed said that's what has traditionally been done. A question was asked as to why the amount of the new building was so high, and why they went over their allotment? Clyde said that at the time it was being discussed, they thought they could do it for the \$30,000.00 that was in the account. They didn't know they had to bring it up to current code, with handicap accessible, plumbing updates and electrical updates. Emily said that people should have known. Judy spoke and said that if they didn't know about the upgrades, then none of them were qualified and should have

contracted the job out. Jen Regan said that it is over know, Dick Krasker is the new chairman of the committee and everyone on the committee will be involved from now on, and Dick said that we should move on with the agenda.

B. Naples Fire Games of chance at Fair: Tom moved and Cliff 2<sup>nd</sup> to approve. Motion carried 3 – 0.

Oxford House Catering @ Fryeburg Academy: Tom moved and Ed 2<sup>nd</sup> to approve. Motion carried 3 – 0.

Good Sam Beano: Tom moved and Cliff 2<sup>nd</sup> to approve. Motion carried 3 – 0 to approve and have Martin sign, no 2<sup>nd</sup> page with app.

#### C. Banking:

a. Tom moved to allow Direct Deposit of payroll, Ed 2<sup>nd</sup>. Motion carried 3 – 0.

b. No Credit unions do work for municipalities, so Tom moved to have main Operating Account at TDBank. Ed 2<sup>nd</sup>. Cliff wants a review in 3 months to make sure we are satisfied with move. Motion carried 3 – 0.

D. Legion Rules: Jen Regan said this was just a reaffirmation of the rules already in lease agreement we have with Legion Renters with the following amendments made by Selectmen: rule 10 will read NO SMOKING ON LEGION PROPERTY, rule 11 as it is now will be eliminated, and rule 12 will become the new rule 11. Tom move to accept/approve Rules with above amendments, and Ed 2<sup>nd</sup>. Motion carried 3 – 0. Jen will write up and post new list as approved above.

E. MDOT Crosswalk Beacons: What's included? Admin and engineering cost weren't included and could be as much as 20% of the original \$47,000.00 approved by State. The Selectmen would like more information before they approve it. How much will it really cost us, and what exactly is included?

#### New Business:

Septic bid was moved up. The bids were as follows:

1. Bedard out of So Paris: \$7,000.00 with stipulation of \$300.00 per chamber if new ones needed.
2. Clyde Watson Inc of Fryeburg: \$6,745.50 with his cost for chambers if new ones needed.
3. Mason Property Services of Naples: \$9,000.00 with \$190.00 per chamber plus trucking if new ones needed.

Tom moved and Ed 2<sup>nd</sup> to accept low bid – Clyde. Motion carried 3 – 0.

Police Grant: Chief Weymouth said there were 63 applications from Maine, 18 were accepted with Fryeburg being 1st on list. It is a 4 year grant with 36 month to be paid by Fed Gov't, and 12 month by Town. It would be quarterly payments with the stipulation that Fryeburg retain the officer for the 37<sup>th</sup>-48<sup>th</sup> months. The Grant amounts to \$48,000.00 per year. The Chief did say we can opt out with a hardship case, but the Town would incur a 12 month Sanction from applying for further grants, and Town would

probably be sanctioned as a whole, even though it's only the Police with the official sanction. The Government would probably flag all if we opted out. If we opted out of the 4<sup>th</sup> year with out a hardship we would be sanctioned/flagged for 3 years. Skowhegan is in the same boat. Their attorney says the 4<sup>th</sup> year amount belongs to the Town in the 3<sup>rd</sup> year of app. Ed suggested that a letter of understanding that the 4<sup>th</sup> year is not guaranteed until the voters approve at Town Meeting. Dick Krasker suggested dividing salary into thirds and approve a third per year into an escrow account for 4<sup>th</sup> year. The item has been tabled until September 10 at 6pm following Executive Session with the chief to go over details that can't be discussed in Public Session.

Energy Grant: Tom and Martin attended a meeting in Sacoppee to have the school districts and Towns apply for grant money available through the Federal Gov't for Energy updates. This would include Energy Audits, 302 scoping projects, as well as a list of projects that Tom has a list of. One stipulation would be for projects requested be shovel ready. That means the Engineering and easements needed to do whatever project have to be completed and done before you can apply. More information to follow.

Set Tax Rate: The selectmen were presented with 4 different rate options. Tom motioned and Ed 2<sup>nd</sup> to go with the rate of \$13.20 per thousand, the same rate as last year. The commitment papers will be ready for a signature at the September 10<sup>th</sup> meeting.

Other Business:

The Town Office would like to know if they can be closed on Saturday September 4<sup>th</sup> for Labor Day Weekend and they have traditionally done in years past. Tom motioned to approve closing with Ed 2<sup>nd</sup>. Motion carried 3 – 0.

Senator Hastings is requesting the Town's blessing on putting a bill forward in the Legislature banning barges on the Saco River. Selectmen approved.

Status of Valley Vision agreement: No one saw any problems with the memorandum as presented. Cliff motioned to accept memorandum of agreement with Valley Vision, and Tom 2<sup>nd</sup>. Motion carried 3 – 0.

Tom motioned to adjourn at 10:45pm, Ed 2<sup>nd</sup>. Motion carried 3 – 0.