

TOWN OF ARUNDEL
BOARD OF SELECTMEN

Tuesday, October 11, 2016
Mildred L. Day School Library

Members present: Selectmen Velma Jones Hayes, Tom Danylik, Phil Labbe, Jason Nedeau and Dan Dubois; Town Manager Keith Trefethen

Attending: Sam Hull, John Bell, Jack Reetz

I. Call to Order

Chair Velma Jones Hayes called the regular meeting to order at 7:00 p.m. and began with the Pledge of Allegiance.

II. Approval of Agenda

Manager requested modification to the Agenda under Managers Report (Drought Info) and New Business (closing of Town Hall counter during election) Board approved modifications.

III. Public Forum – Sam Hull, John Bell, and Jack Reetz all spoke in regard to the pros and cons of purchasing all of the Limerick Road property by the town.

IV. Approve minutes of September 12, 2016

Motion was made by Dubois seconded by Labbe to approve the minutes of September 26, 2016 as amended. Motion carried 5-0.

V. Committee and Board Reports

A. Open.

VI. Manager's Report

- A. MMA Conference:** Manager provided an overview of his attendance to the MMA Conference on October 5th and 6th in Bangor.
- B. Budget Board Meeting:** Manager reported first meeting with the Budget Board will take place on the 12th. The general feeling of the Selectmen is that once the Budget process begins again that joint meeting was beneficial in the budget development and these meeting should continue.
- C. Involvement in Brookside Estate Matter:** Manager read into the record a statement with regard to his involvement in the enforcement issue around this subdivision. (see attachment)
- D. Hazardous Waste Day:** The Manager provided some oversight as to the waste day event **held** on Saturday the 8th. Board felt flyers at the Transfer Station given out prior to the event may have help residents understand and participate.
- E. Brush Truck:** Contact by the Fire Chief to other agencies on the quality of workmanship of their trucks built by CET Manufacturing was completed. This review gave staff the comfort level to move ahead with the purchase. In addition the finance issue was discussed with the Deputy Treasurer and all matters have been resolved.

VII. Old Business

A. Open

VIII. New Business

A. **Appointment of Election Warden:** MOTION Dubois second Nedeau "appoint Doris Taschereau as Election Warden" passed 5-0.

B. **Business Hours for Voter Registration:** MOTION Nedeau second Danylik "approve the modification requested by the Town Clerk with regard to hours for voter registration" passed 5-0.

C. **Payroll & Payable Warrants:** MOTION Dubois second Nedeau "approve payroll and payable warrants as presented and reviewed" passed 5-0.

D. **Closing of Town Hall Counter:** MOTION Labbe second Dubois "approve the closing of the Counter to Town Hall business on election day November 8, 2016 in order for staff to assist in the election process. This will be conducted on a trial basis to view its effectiveness" passed 5-0.

IX Executive Session: MOTION Dubois second Danylik "enter into executive session under 405 (6) (A) and 405 (6) (C) to discuss the Town Clerk/Tax Collection position and Limerick Road Property" passed 5-0 @ 7:40PM

MOTION Labbe second Danylik "end Executive session with no action taken" passed 5-0 @ 8:20PM

X Other Business and Adjournment

Motion was duly made by Dubois seconded by Nedeau to adjourn at 8:23 pm. Motion carried 5-0.

Respectfully submitted,

Keith M. Trefethen
Town Manager

Town of Arundel

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The Code Enforcement Officer and I feel that the town's role is to achieve compliance of local ordinances by having conversations and bringing people together to iron out differences, our goal is to avoid litigation when at all possible. We both believe broad discretion exists in resolving these matters when possible. A feeling existed that a resolution without litigation could be reached in this case.

Request for permits generally trigger review of the file and any conditions placed upon a project before permits are issued. This practice in retrospect needs to be tighten up as the infrastructure in this matter was completed before any permits were requested by the developer.

My role in this entire matter was not undertaken until June 20, 2016 when I received a memo from the Planner dated June 17, 2016 requesting enforcement. At this time my role was to contact the CEO which I did as he is the enforcement authority of the town. At that time we both felt that contact to the Town Attorney to gain some direction on how to proceed. The advice obtained was to contact the developer and have a discussion as to what happen to see if this could be resolved without 80K action.

I met with one of the principles in my office on June 30, 2016. At that time I was advised that the Roadwork was completed and the contractor had been paid for his services. Further discussion revealed that the developer had sold a piece of adjacent property and the developer used these funds to pay for the installed infrastructure. He wondered why a surety needed to be placed.

On June 30th I wrote a memo to the Planning Board indicating enforcement as they had suggested was unattainable as the infrastructure was in place and work essentially had stopped.

On July 1, 2016 after my discussion with the developer, I felt providing a reasonable time to resolve the surety issue was prudent and I sent a letter and e-mail to the developer providing 30 days to resolve this issue, the Town Attorney was never asked about a time limit. 30 days is a generally accepted time limit when issues are pending. I felt that if for some reason we needed to begin a court process that the court would look favorably upon the town's action to correct before bringing 80K action.

When the 30 days had come and gone, the developer upon my return from vacation, (on or around August 8, 2016) contacted me and we met in my office. At that time I was informed that the surety bond was pending.

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Planning Board at its meeting on August 11, 2016 instructed the Planner to write a letter to the CEO and on August 15, 2016 the CEO receive a letter advising the CEO that no permits should be given to this project as the Landscaping & Surety Issue were still pending. ***(NOTE* Both the CEO and I had discussed as far back as June 20th that no permits would be issued for the project until all issues were satisfied)***

Landscaping Issue was still being discussed and the Planner wrote an e-mail to the Developer August 17, 2016 that discussed his recollection of the Landscaping Discussion and he also mentioned the Surety not being in place as of yet. This e-mail prompted the developer to contact me via e-mail on August 18, 2016 indicating his frustration with the entire process and with the Planner and requested a meeting with all parties.

The Planning Board meeting of August 25, 2016 was when all parties were in the same room discussing this project. In the end the Planning Board maintained its position identified in the finding of fact from March 2016 and the Developer complied with this position. As I understand the surety is in place and both parties are working to resolve the Landscaping piece.