

# SELECTMEN MEETING MINUTES

**MARCH 9, 2009**

**PRESENT:** Ted Poirier, Ed LeBlanc, Jim Trask, Angela Cushman, Jim Roberts, Michelle Boisjoly, Susie Bellerose

**ABSENT:**

**OTHERS PRESENT:** John Gay, Lisa Whitney, Sheila Dube, John Boissonnault, David Jones, Sharon Landry, Ruth Smith, Tim Murphy, Peggy McGehee

Selectmen Ted Poirier declared the meeting open at 19:03.

## **EXECUTIVE SESSION:**

Jim Trask made a motion to enter into executive session pursuant to 1 M.R.S.A 405(6)(A) to discuss a personnel matter. No actions required.

## **ANNOUNCEMENTS:**

## **APPOINTMENTS:**

## **CORRESPONDENCE:**

Michelle Boisjoly, Tax Assessor, informed the Selectmen that the county tax for next year is \$102,050.51 and that the York County Commissioners was asking for an accelerated payment schedule. The first payment is due April 1<sup>st</sup> which is prior to our Annual Town meeting. **Ed LeBlanc made a motion to receive the document and to decline accelerated payment schedule; Passed 3/0.**

## **OLD BUSINEES:**

1. Multi-purpose room use. Policy is being drafted for the Multi-Purpose room. No update at this time.
2. Hazardous Waste Days. Ted Poirier will be attending a meeting this Thursday.
3. New building update. Jim Roberts has completed some more siding.
4. FEMA Ice Storm. FEMA will pay 75% of the total expense for debris cleanup. The State is requiring the wood chips from the cleanup be stored at the transfer station or if the road commissioner wants to store at his location, he will need to obtain a permit by rule.
5. Fire Department Committee. Jim Trask communicated that the next meeting is Thursday night at 6:30 pm.
6. MDOT's Radar Speed Trailer. The Town has been selected to be loaned a radar speed trailer for a two-week loan period in 2009 free of charge. The expected loan date is June 22<sup>nd</sup>.

7. Snowplowing contract. The snowplow contract needs to have a couple amendments completed to cover a 5% increase and the removal of the school plowing. The Regional School Unit will be taking over the snowplowing effective July 1<sup>st</sup>.

#### **NEW BUSINESS:**

1. Tim Murphy, Town Attorney, was present to provide a status on the Steele Rd lawsuit. Back in October 2006 the Selectmen concluded that the Steele Rd was a public way. This decision was then challenged in court by the Gay's who abut Steele Rd. There have been several attempts to settle this case. This case will be going to trial March 23rd. Approximately one month ago Tim Murphy and Peggy McGehee, Attorney for the Gay's, started discussions on whether there were certain parts of the lawsuit that could be settled. Tim presented a potential settlement with the plaintiffs and the Town. There are a couple of elements and the first one is a complete release of claims against the Town with one count of ADB. The October 2006 decision by the Selectmen was made in error. Also, a motion would need to be made by the Town to dismiss the eminent domain filing. Ruth Smith and Heirs of David Smith are requesting access to their property for both personal use and utilities. As part of the settlement between the Town and the Gay's, an easement for access and utilities would be given to Ruth Smith and Heirs of David Smith. The Town would then release any claims against the Gay's. The Selectmen would need to vote and agree to the settlement with the plaintiffs, release the petition from Ruth Smith for eminent domain across Gay's property and conclude that the 08/23/04 Selectmen minutes are an accurate representation of the meeting. The lawsuit would continue on without the Town's involvement. If the court does not dismiss, the Town remains a neutral party in the trial and the Town would not take positions in the case. The Selectmen may be called upon to provide testimony. If the Town continues on with the trial, lawyer fees would be another \$10,000 to \$15,000. Jim Trask asked if anyone involved with the lawsuit had any questions. David Jones, Attorney for Dube's & Whitney's, stated that the Town is responsible for issuing building permits and asked that the Town fully support the Dube's and Whitney's with any request of obtaining copies of Town records as it relates to this case. Peggy McGehee spoke highly of Tim Murphy's commitment to the Town. Ruth Smith stated that she is opposed to the Town removing themselves from the lawsuit. **Jim Trask made a motion to accept a settlement from the Gay's; Passed 3/0.** Tim Murphy instructed the Selectmen to accept an order to provide a vehicle and utility access easement to Ruth Smith and Heirs of David Smith, to release Ruth Smith's petition for eminent domain and to not take any land over from Gay's. **Ed LeBlanc made a motion to accept the order; 2<sup>nd</sup> by Ted Poirier. Passed 3/0.** Selectmen signed the order. Tim asked whether the 08/23/04 Selectmen minutes fairly and accurately represent the meeting. Selectmen concluded that the 08/23/04 minutes were accurate.
2. UniFirst Services. The Town has priced out the possibility of having a rug and mop cleaning service. The Selectmen will need to decide to purchase rugs and mops or to enter into a service contract for the 2009-2010 budget.

**PUBLIC FORUM:**

John Boissonnault voiced his disappointment about not having an opportunity to ask a question when the Steele Rd lawsuit was being addressed by the Selectmen.

**SIGNED:**

1. 03/11/09 A/P Warrant
2. Training request
3. Request for time off
4. PSAP contract

**ADJOURNMENT:**

Ed LeBlanc made a motion to adjourn the meeting at 19:40.

Meeting was adjourned at 20:00.

\*Minutes may not be verbatim they may have been paraphrased for clarity.

\_\_\_\_\_ Ted Poirier, Chair

\_\_\_\_\_ Ed LeBlanc

\_\_\_\_\_ Jim Trask

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