

## **SELECTMEN MEETING MINUTES**

**March 10, 2014**

**PRESENT:** Board of Selectmen: Ted Poirier, Scott Littlefield, Gerry Taylor;  
Treasurer/Selectmen Clerk Angela Cushman, CEO Jim Roberts, Tax Collector Yvonne Shaw

**ABSENT:**

**OTHERS PRESENT:** Tom McKenney, Ryan Sommer, Nicholas Wilson, Jennie Metcalf, Jennifer Harriman, Arelle Harris, Shelly Sommer, Denis Elie, Jocelyn Lydon, Sean Lydon, Sue Sydnor, Ben Harris, Lisa Morse, Laurie Vezina, Monica Lagasse

*Selectmen Ted Poirier declared the meeting open at 18:15.*

*Agenda approved by Selectmen.*

**EXECUTIVE SESSION:**

**APPOINTMENTS:**

**OLD BUSINESS:**

1. Fire Commission. There will be a Fire Department Budget Meeting Thursday, 03/13/14, 6:30 PM at the Dayton Town Office. This will be a joint meeting including Board of Selectmen, Budget Committees, and Fire Commission from both Dayton & Lyman.
2. Fund Balance Policy. Angela Cushman, Treasurer, had presented a draft fund balance policy provided to the Selectmen at the last meeting. This policy is basically for the town's undesignated account (surplus). The town's undesignated account as of 06/30/13 was approximately \$606,000. The draft policy indicates the town should be at 25% of the current operating expenses. If this is the target amount agreed upon, the town's undesignated account should be at \$906,000. Ryan Sommer asked what your thought process of the 25% is. Scott Littlefield indicated that our auditors made this recommendation. Angela Cushman stated that this is a policy that our auditors are recommending to have in place. All towns have this policy. In years past it was our practice to use surplus money to offset the taxes. This policy states this will not be common practice. At the end of each year we would see where we are at and determine how much further we need to go. We would set up a plan to meet the 25%. Denis Elie stated that possibly that surplus could be the school's contingency until we get the school's surplus built back up. Denis stated that the Superintendent has said that state subsidy is more than what we expected. We are also applying for rural grant funding

again. We use to get about \$200,000 to \$250,000 from the federal government for rural grant. We might not know about any federal funding until August. We are getting Title I and Title II back. The school board will be on the next Selectmen's meeting. Selectmen signed the fund balance policy.

3. Playground request. The Selectmen requested the Parks & Recreation Committee to be present to discuss whether to have the playground request be a warrant article or a referendum question. In the 10/21/13 Selectmen minutes it states "Scott Littlefield made a motion to put a warrant article on the annual warrant for the playground project; 2<sup>nd</sup> Gerry Taylor. Passed 3/0." Ryan Sommer was concerned that the Selectmen were changing their minds. Ted Poirier stated that the article would be going in but one thing that is not on that article is the amount of money. We talked \$25,000 and we talked \$35,000. Ted feels that we need to set priorities. Ryan pointed out that on the 11/04/13 minutes that were approved that the Selectmen would put in \$25,000 into a warrant article. The request has always been \$35,000 with the Parks & Recreation raising \$10,000 of that amount and the rest would go out to vote. Ryan stated the issue that he has when we started this back in September, he did his homework and he knows what the town has in some accounts. Specifically, the capital improvement account. You can't tell me that \$25,000 is more important than getting a lawsuit given to this town that is going to cost more than \$25,000 to settle out. You have money in a capital improvement account. In the last 3 years you have been putting money aside for capital improvement and not declared what that capital improvement money is going towards. If it is going towards a fire truck than it should be in a special account called fire truck. Ted stated there is a fire truck account. Ryan stated that what you have dedicated for capital improvement is not dedicated for an improvement. Scott Littlefield asked if that was a threat. Ryan stated no. Scott stated before we get too rambunctious and we decide to just table this whole thing. What the group has been doing is not good for us either. The recent event involving fireworks was through the town; do you how bad we could have been banged on that? That was a town function that was not approved. Ryan stated it was a town function on private property. Scott said that does not matter. The group stated that it was a private citizen that did the fireworks and paid for the fireworks. Sue Sydnor asked why Ted is asking what the priorities are, why don't all the items get put out there for residents to vote on. Scott stated how much can we ask for. Sue asked is it the Selectmen's role to choose what things go to the voters. Scott replied yes. Ryan stated it is not a threat. As Selectmen you can allocate money that you have set aside for a purpose. Scott stated that we are not going to allocate any money. The warrant is going to say the voters approve \$25,000 for the playground fund. Shelly Sommer stated that some of the fire is coming from the email "The Selectmen are going to be talking about whether to have the playground request be a warrant article or a referendum question". If the decision has been made to have a warrant article than let's move on. Ted asked why can't you have it but wait until next year. Arelle Harris stated this

is disrespectful. We have come to meeting after to meeting and told you guys what we have done. In the last meeting you stated you guys have a long ways to go to get to \$35,000. A couple of months ago we had it all listed out. We have been trying to be respectful and come here telling you what we have been doing. Then we get an email at the last minute saying everything we have talked about might be changed. Ted wanted to know how we are going to make this happen. Taxes will be going up and we have to find the money other than raise taxes. What do you think will happen when someone cannot pay their taxes and then there is a lien on the house. Ted stated that state tuition has gone up and other things have gone up too. Ben Harris inquired what would be the impact. Ted stated that is a small piece of what we are talking about. Ben asked did the playground used to be part of the school. No, the playground has always been part of the town. Ben stated the town has a responsibility to maintain the playground and asked how much the town has spent on maintaining the playground. Ted stated the town needs trash pickup and to be plowed and that we have only 900 pieces of property to tax. Monica Lagasse stated the playground is in disrepair and why wouldn't you want to fix it, why would you let kids play on the playground that is in disrepair. Ted asked are you telling me that playground is not safe to use. The response was yes and the kids in the wheelchair cannot use it at all. Ryan stated it is structurally sound but there are some issues with it; the wood chips are not appropriate, it is not ADA compliant and is not handicapped accessible. Scott stated let's put it on and let the people decide. Scott would like to put everything on, but how is it going to impact people. Gerry Taylor stated that we agreed to do this at \$25,000, let's move on. Scott agreed. Ted stated that the motion that you made did not have a price, it just stated there would be a warrant article. Ryan brought forward the 11/04/13 minutes. Scott stated that technically it does not say \$25,000. It says they will be asking the Selectmen in the spring for \$25,000 to be placed on the annual town warrant. Sue Sydnor stated that you all understood the intent of those meetings. Scott said yes, but in theory it does not say it. Sue stated that everyone that comes to these meetings the intent was the entire time this group would be asking for \$25,000 and to do anything else except bring that number to the voters would be a power thing. Sue understands that people are surviving on minimal amounts of money per month and they have to decide on their last dollars. But there is also a large group of people with young people that have this goal who have been raising thousands of dollars throughout the whole time with the intention of a playground and to do anything else is wrong. Yvonne Shaw, tax collector, as of January we still have over \$170,000 to collect. If that money does not come in that means we don't meet our budget. People can vote things in but that doesn't mean they are going to pay their tax bills. We have a very large elderly community that is on fixed incomes. I have people coming to me all the time asking me why taxes are being raised. We try to educate people on what is being voted on. Not everyone understands how this works. This year there is the school, the playground, the fire department that all going up. Historically, each year the number of people having difficulty or not paying is getting higher and higher. Properties unpaid receive a lien in

May and will get foreclosed in 18 months. Ted Poirier acknowledged the group being passionate. The soccer field/softball field has been in progress for the last 5-6 years. You think we could just go and grab town money and do that. Ryan stated you could have if you put it out to the voters. Ted stated we don't have the money so why would we ask them to do something that we cannot pay for. Scott said instead certain people in town put up their own money. Ted was the only individual that was reimbursed for fuel. He gave the equipment and an operator for zero cost, but was reimbursed for the fuel. Ted stated maybe I should have given that too like I do year around. I don't charge for anything for traveling around. Sue stated that there has already been a lot of town contribution – individuals and businesses. Jim Roberts stated that going to referendum gets the general consensus of the whole town and not of the 20 people that show up at town meeting. Jennie Metcalf stated that is how we voted on the new town office was with a warrant article at town meeting. Scott stated what can happen is that you guys can load the room. Jennie said that was done for town office when you guys wanted a new town office. The gym was packed with people voting for a new town office. Why can't we stack it like they did? Scott stated that if it is going to be for the whole town then it should be out to the whole town. Ryan stated if you are going to pick and choose which items going to town warrant or to referendum then at that point everything goes to referendum. There was some discussion regarding this possibility. Denis Elie stated the school budget is going thru town meeting so whatever 20 people show up are voting on I guess the biggest line item. And if there is an amendment to what we are asking for, it is not going to be pretty. Ted stated that we keep tacking on more and more and we do not have a source of income close to what we are spending. Ryan stated that we could go out for a citizen petition which at that time we can dictate what account. The Parks & Recreation Committee could obtain signatures for a petition to pull \$25,000 out of the capital improvement account. At that point the taxes don't go up and the \$25,000 automatically goes out of the capital improvement account. I don't want to go down that route. He agrees with Scott that it should be a town vote. If it goes to referendum it goes to referendum; I don't like how it got there and that is the issue. We agreed to a town vote. If it goes to referendum fine. I don't think we are going to lose. I think it is an important decision for the town and I think it is going to win. Back in October it was agreed upon the three of you that it would go on a town warrant. If you decide to go with a referendum than what you have done is disagreed with what you agreed to. To go back on it brings a lot of distrust to those people that have worked hard on getting this playground to go along with the new ball field; it is a project of enhancement of the community. Recreation is community based and proactive. Ryan strongly suggests that the Selectmen put it on town warrant because that is what you said you would do. If you go to referendum that is fine but just understand that you have back tracked yourself. Ted said the motion did not include a dollar amount. Jennie Metcalf said that you need to go back through your tapes and listen to them because every meeting that we have been at we have told you \$25,000. Because it wasn't in the minutes it is not going to

come back on us it comes back on your secretary. It is on all the tapes. Then you three are not taking the minutes right when you post them online; you are not saying what is on the tapes. The tapes say \$25,000. Scott clarified that is what you guys say to us. Jennie said what we are saying to you guys. You ask how much do you want and we say \$25,000. How many times in the last 10 years that it has been voted in the budget by the townspeople that they want \$3,000 put into a recreation fund and no money ever gets put into a recreation fund. Where does that money go? Scott stated that personally I have no problem with the \$25,000, but I do have a problem with it not going to referendum. The referendum vote would occur on voting day which is prior to annual town meeting. Ryan requested and the Selectmen agreed for him to review the referendum question after is written. All referendum and town warrant articles are reviewed by the town attorney. **Scott Littlefield made a motion that we have a referendum for the playground request of \$25,000; 2<sup>nd</sup> Gerry Taylor. Passed 2/1.**

There were several additional items discussed with the Parks & Recreation Committee.

All Parks & Recreation Committee are to be held at the Dayton Town Office. Ryan requested and Selectmen approved that every 1<sup>st</sup> Tuesday of the month for the Parks & Recreation meetings. Jennie Metcalf requested that all minutes be posted to the website. Angela Cushman to ensure minutes are posted to the website.

All events need to be approved by the Selectmen. Jennie Metcalf why now do we need to get approval when last fall we were told we did not have to get approval? Ted Poirier stated that we need to have records. Angela Cushman indicated that came up with the offering of the quilting class. Our insurance was contacted and asked for insurance purposes what do we need. Jennie stated it is not going to be held here. Angela stated that does not matter. If it is a town sponsored activity than we need to have a written agreement in place with that person, she has to have insurance and she has to provide a certificate of liability naming the Town as an additional insured. One way to address this situation is this person could offer a class through her business and state that every person that signs up she will donate so much to the Parks & Rec. Jennie stated that when we have events at the school, the school is where we are insured under because we have to rent. Denis Elie stated that is because of the RSU. As of July 1<sup>st</sup> the school will be under the Town. Ryan stated that events will just need to be scheduled out three weeks ahead to get approval from the Selectmen.

Raffles are not permissible. Those in attendance received documentation from MMA Legal regarding this issue. Ted Poirier wondered how the IRS gets their cut on a 50/50 raffle. Jennie Metcalf stated that Title 17 M.R.S.A § 1832(2) lists the following organization as eligible to conduct a game of chance. Recreational is right in there. Angela Cushman stated that Parks & Recreation is a department of the municipality and municipalities are units of the government and cannot do raffles. Jennie replied well how about we leave two people in the parks & recreation and the rest of us resign and make a

group under the school. Denis Elie stated that you would need to have a 501(3) (c) and be a non-profit organization. Angela stated the school will become part of the town. Ryan Sommer strongly recommends not doing that because you would need insurance. Jennie Metcalf asked why the Historical Society is able to have raffles. Angela stated that the Historical Society is not part of the town. Each year the town appropriates about \$1,500 to the society.

Jennie Metcalf asked why Parks & Recreation is getting charged with utility bills. Angela Cushman stated that the utility bill was an agreement way back with Little League, Parks & Recreation and Town that the Parks & Recreation would take care of the utility bill. Ryan asked about shutting down that account when it is not active. Angela indicated that probably there would be a charge for disconnecting and re-connecting and it is about \$10 a month during those times.

Jennie Metcalf stated if that we are not to talk to the secretary then why is your secretary asking for an unofficial meeting. Ted Poirier stated that you are over embellishing a little bit aren't you? Jennie stated absolutely not. Do you want me to go home and print off my emails? Scott Littlefield asked how you know that we didn't ask her to set up a meeting. Jennie stated unofficial with her don't you find that a little suspect. Angela Cushman stated that she had discussed this with Ted and once I had set up a meeting I was going to invite the Selectmen. Ryan and I talked about this the other day. I just feel I am being reactive instead of proactive. When you hire someone to do a class that person becomes a contractor. You need to do a 1099. When you hire someone to be a referee she becomes an employee of the town, have to do W-4s and I9's. Making sure background checks are being done on volunteers and coaches. Ryan and I have talked and at this point I don't think we need a meeting. Scott Littlefield stated that it is important to get background checks done quickly. Scott Littlefield stated that you guys are doing a great thing.

**NEW BUSINESS:**

1. Paul Reynolds – budget committee appointment.

**PUBLIC FORUM:**

Shelly Sommer would like to request that agendas get posted prior to the meeting. The Selectmen agreed to post an agenda with a disclaimer subject to change.

**CORRESPONDENCE:**

**SIGNED:**

1. 03/13/14 A/P Warrant
2. 03/13/14 P/Y Warrant
3. 03/13/14 P/Y GMFR Warrant
4. 02/24/14 Selectmen Minutes

**OUTSTANDING ITEMS:**

**ADJOURNMENT:**

Scott Littlefield made a motion to adjourn the meeting at 19:34.

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

  
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Ted Poirier, Chair

  
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Scott Littlefield

  
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Gerry Taylor

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