

# Town of Naples

Monday August 28, 2006

## BOARD OF SELECTPERSONS MEETING

Held at the Naples Municipal Offices Building

Chairman Pat McGowan brought meeting out of Executive Session @ 7:26 PM

Motions made by Dana Watson and seconded by Christine Powers to come out of Executive Session @ 7:27.

Back to Regular Agenda:

McGowan asked for motion and discussion on **Schwartz Boathouse Issue**

Rick Paraschak made motion that after knowing the courts decision and finding the building does not meet our setback that the owner has 45 days to remove the structure. Second by Dana Watson.

Bob Kazinski asked if this included the septic system right of way. McGowan stated this was not part of the discussion. Our discussion is based on the Court Order itself. Someone stated that the Zoning Board of Appeals upheld the building permit including the septic system and everything in the building permit has been reversed. And, by way of information, there was never a permit for the septic system. John Lloyd representing the town advised the Selectboard to view the issue as narrowly as possible. He is not sure he agrees that the septic system was part of the opinion. It is clear that the structure is covered by that. He believes the Court focused very narrowly. The selectboard needs to be careful and deal with what they know to be the problem which is the structure and the setback. Dana Watson asked if the lawyer should explain his advice to the Board? Lloyd stated the question was if the lot that was presented to Code Enforcement Officer Thompson for the building permit was the same lot that would have allowed him to enjoy a 20' setback. Lloyd stated that the answer is no, and he didn't think it was. With the changes that Mr. Schwartz made; he had made a smaller and less conforming lot. It is not the lot of record that existed in November of 1988, which it would have had to have been when the building permit was issued, to be able to enjoy that 20' setback. Lloyd stated that when he looked at what the Selectboard did last week and then what they were asked to do by Mr. Schwartz which was to remove the violation by removing much of the structure that was within that 20' setback, Lloyd determined that the permit was invalid in the first place and to go back to that permit was to go back to an invalid permit because you have a nonconforming lot. This is the result of my advice. McGowan restated the motion on the floor to order the removal of the existing structure and pad within forty-five (45) days. Vote four in favor with one abstention. Selectman Rick Paraschak wanted to make note that this was a tough issue

**Item B – Grange Use Before and After Care**

Town Manager Derik Goodine discussed the heating assessment. Bob Neault was not present to represent the Before and After Care program. Powers asked if there was a cost associated to this project. Goodine said not at this time. McGowan questioned an engineering study and that there is no point to insulating if the Before and After program cannot afford to heat the building. CEO Thompson stated there was money in the budget for insulation. He discussed blowing in insulation in areas and heating the first floor with a monitor heater and added that the existing furnace could not be used because the chimney needs to be lined. Thompson discussed other costs associated with the building in order for it to be used. Selectwoman Christine Powers stated she was reluctant to make a motion without Bob Neault present at the meeting. McGowan requested Derik put it on the next agenda and have Bob attend the meeting. Also there was discussion on the work to be done in the gymnasium of the town office building, Goodine and Thompson advised as to the status of the project. Thompson said that lowering the ceiling will not improve the sound quality.

### **Item C – Lakehouse Road Discontinuance**

Goodine discussed the letter from Harry and Jane Crowley. Paraschak requested Goodine draft a response. Goodine stated that there was only an “Option B” left at this point. Goodine explained what the old discontinuance order from a year ago June had stated and he suggested taking a vote to start the process for a new discontinuance order. He would then get consent forms from those parties involved again. Paraschak suggested putting the issue on the November ballot. Goodine will research the request. Selectman Dana Watson made a motion to start the process over. Paraschak seconded the motion. Powers asked what our commitment to engineering is and if Murphy was taking over for Tierra Construction. Goodine stated that Murphy’s subdivision has been approved by the Planning Board and that it is most likely that Murphy will take over the other property as he wants to continue with that project, and his subdivision road must be extended from the old road to the new road. The project is contingent on the town signing the final order that it has been discontinued to the town’s satisfaction. Powers inquired if part of the planning board approval is contingent on them building the road? Goodine stated the only way they can build more houses on the hill is to build a town road. This will all go back to the planning board. McGowan discussed an “Option C” to leave the road the way it is. Goodine felt this was an opportunity to fix a dangerous road that has been discussed for over ten years. Paraschak felt that “Option C” was not a good option. Powers expressed concern over the possible costs. Goodine stated his goal is to look out for the safety of the traveling public. He would prefer to spend money on a newly paved and safe road. Paraschak agreed. McGowan made a motion to proceed with the new discontinuance order. Motion was seconded. Vote was 3 in favor and 2 opposed. Motion carries.

### **Winter Sand**

Goodine passed out a “rough draft” regarding winter sand. He would like to have half of it put up by October 31<sup>st</sup>. Goodine inquired if the sand should meet a sand specification and should be available for sample and if there should be a surety bond required.

Paraschak felt that requiring a sand sample in case it needed to be tested at a later date was a good idea. Also requested bid specs should be sent out to all local contractors who may want to bid. Goodine requested Paraschak give him a complete list of who these contractors are.

**Tabled items** no discussion.

## **New Business**

### **Item 4 Family Health Benefit**

Paraschak asked Goodine if he knew how many employees may want to take advantage of family program. Powers doesn't feel the Town can afford to do this at this time. Goodine believes now is the time to look at it because we are saving money on a new plan. He stated it is a way of bringing in stronger candidates when there is an opening in Town as well as holding onto valuable current employees. McGowan requested Goodine survey other towns in our area to see what is being offered for health benefits. Watson expressed concern about increases in cost later once the health plan was in place. Paraschak does not feel this is a good time to take on this expense. Discussion of the matter died.

**Manager's Report** – No report.

**Budget Carryovers and Capital** items discussed and a list passed out by Goodine. McGowan asked what was the difference between carryovers and capital improvements. Goodine discussed carryover for the Comprehensive Plan, Cemeteries, the Fire Chief's request on building maintenance with respect to the boiler and road maintenance for paving Lakehouse Road. Discussion was also held regarding Rescue 1 and the paint and bodywork that had been completed. McGowan asked if there was a cutoff date for carryover requests. Goodine said it is August 30<sup>th</sup> due to the audit that has to be done. Motion made by Paraschak to accept the carryover requests. Voted 4-0.

Powers had to leave the meeting early due to another commitment.

Goodine passed **out tax commitment paperwork** to be signed. The total commitment is \$6,926,340.83 which will be a mil rate of \$15.20. Last year's mil rate was \$15.10. The balance of the overlay is \$161,290.53. Goodine stated that the minimum mill rate that could be set if the overlay was reduced, which he doesn't recommend, would be \$14.85 and the highest figure it could be set at was \$15.59 if the overlay was maxed out. Tax bills should be out next week.

### **Item C – Appointments**

Goodine recommended that the appointment of the Assistant Animal Control Officer Bob Silcott be approved. Paraschak noted that an Asst. ACO was necessary due to how busy

animal control has become. He wanted to acknowledge Dick McGoldrick has been doing a wonderful job. Paraschak made a motion to accept Bob Silcott for the ensuing year until June 30, 2007. Motion seconded. Carried 4-0

### **Correspondence**

Goodine read invitation from Cumberland County Commissioner Al Austin regarding a meeting in Gray on August 30 to appoint a new Cumberland County Budget Advisory Committee member. Current members are Barbara York of Casco; John Arsenault of Freeport and David Lutz of New Gloucester. These are three year positions.

### **Additional Business**

Watson had a question regarding negotiations with the development going in past his residence and if they were putting funds into the road and if there was a deadline. Paraschak thought the deadline was October. Goodine will research. Goodine said the Planning Board and John Thompson should also look into this.

Meeting was adjourned.

Respectfully Submitted,

Derik Goodine  
Naples Town Manager