

PLEDGE OF ALLEGIANCE

**MINUTES  
SELECT BOARD MEETING  
Pownalborough Hall  
Tuesday, September 3<sup>rd</sup>, 2019  
6:00 PM**

ATTENDANCE:  
SELECT BOARD: Trudy Foss, Gerald Lilly and Allan Moeller Sr.  
STAFF: Michael Henderson, David Everson, Steve Lilly  
PUBLIC: Eleanor Everson, Heather Beasley, Gary Blau, Dave Probert, Shari Lilly,  
Pea Lilly, Susan Lilly, and Jessica Avery  
PRESS: Art Mayers and Evan Houk

1. CALL TO ORDER – First Selectman Trudy Foss called the meeting to order at 6:01 PM.
2. APPROVE & SIGN THE MINUTES OF THE PREVIOUS MEETING – Trudy motioned to accept and sign the minutes of the previous meeting. Second Selectman Gerald Lilly seconded the motion and all approved.
3. APPROVE & SIGN PRESENT WARRANT – Trudy motioned to accept and sign the present warrant. Gerald seconded the motion and all approved.
4. GENERAL ANNOUNCEMENTS – The next Select Board meeting will meet Tuesday, September 17<sup>th</sup> at 6:00 pm at the Pownalborough Hall.
5. OLD BUSINESS
  - a. AMBULANCE CONTRACT – To review a letter from the Wiscasset Ambulance Department regarding uncollectables. Trudy read the letter from the Wiscasset Ambulance Administrator aloud. Gerald said that the Wiscasset Select Board feels that Ambulance Contract does require the Town of Dresden to pay for uncollectables, but Wiscasset will take the bill off of their books for now and wait and see how the rest of current contract goes. Shari Lilly asked if this was the same issue that occurred with the Gardiner Ambulance Contract two years prior. Third Selectman Allan Moeller said that with Gardiner the uncollectables were expected, but that this was a surprise with Wiscasset because of how the talks went in 2017. Dave Probert said that more than \$6,000 in uncollectables in the first two years of the three year contract with Wiscasset Ambulance. Gerald asked if the contract had been reviewed by our attorney. Allan said that no the contract was not reviewed by legal counsel. Trudy suggested continuing with the contract through and writing a better contract next time.
  - b. TAX COMMITMENT – To approve and sign the Tax Commitment. Trudy read the tax commitment aloud to the public. Trudy announced that the Assessors set the mil rate at \$18.80. Allan said that the biggest reason for the increase is the Highway Department and the School District budget. Trudy said that because the Budget Review Committee restricted the annual carry over of the Highway Department accounts for years a large increase was required to maintain the town roads. Art Mayers asked what the increase

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in cost would be for residents. Trudy said that there would be a \$37 increase for the average property owner. Trudy motioned to approve the tax commitment. Allan seconded the motion and all approved.

- c. ASSESSING – To discuss drafting an RFP for an Assessing Agent for the next tax year. Town Administrator Michael Henderson presented a draft RFP and asked the Select Board to clarify their expectations for an assessing agent. Trudy said that an assessing agent in the office once a month would be plenty until the summer leading up to the tax commitment. Allan asked about tax maps for the coming year. Trudy said that the tax maps have not been updated since 2015. Allan said to include the maps in the RFP. Michael said that he would continue with a new draft of the RFP.

### 6. NEW BUSINESS

- a. TOWN OFFICE RAMP – To review quotes for a new ramp for the town office. Michael said that the only quote received for a new aluminum ramp was for \$14,500. Gerald said to give another update after more quotes have been received.
- b. SELECT BOARD PHONE – To discuss adding a phone to the town account for the Second Selectman. Allan recommended getting a phone for the second Selectman. Gary Blau asked if all town officials were on the same phone plan. Trudy said no, she was on her own line for the Water Department, however, the Select Board historically were on the same plan. Trudy motioned to add Gerald to the existing phone plan. Allan seconded the motion and all approved. Michael asked if Gerald's phone number would stay the same and if the town would purchase the new phone. Gerald said yes, the phone number would stay the same. Trudy said that the Town would purchase the new phone.

### 7. DEPARTMENT UPDATES

- a. Town Roads – Trudy said that she heard several compliments on the grading for East Pittston Road. Allan said that he needed material for the edges of Calls Hill Road and he was looking for a backhoe for the project. Allan said that culverts were replaced on Alexander and Indian Road. Allan said that there are still four culverts that need to be replaced on Everson Road and Alexander Road. Eleanor Everson asked if there would be any ditching on the Everson Road. Allan said that Everson Road had been ditched two years prior. Allan said that the damage to the Everson Road last winter was caused by culverts failing. Eleanor said that there was frequently water running across the Everson Road and that they need better ditching.
- b. Fire Department – Michael said that he had updates from Fire Chief Steve Lilly. Michael said that the ladder on the aerial truck was damaged during a joint exercise with the Town of Richmond and that the repairs will cost several thousand dollars. Gerald said that the aerial truck needs to be recertified after it is repaired. Michael also said that there are more permitting requirements to control burn a building than expected to check for asbestos. Allan said that the building doesn't have asbestos.
- c. Transfer Station – Gerald said that everything is going well at the Transfer Station. Allan said that the town office and fire department had been mowed recently. Gerald asked if there was progress with the signs for the Recycle Center. Michael said that he needed to

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follow back up on the signs. Gerald recommended reaching out to Minutemen in Augusta.

- d. Town Office – Michael said that as expected the town received a letter from the IRS for an error with the Quarter 2 2019 941 form. Michael said that the town received a \$577 late fee for April and May tax withholdings. Allan asked why this was continuing to be an issue. Michael explained that there was an error from the previous fiscal year under a different Treasurer and that all tax withholdings had been paid on time to the IRS since July 2019. Trudy asked if the late fees would be paid the next day. Michael said yes, the late fees would be sent at the same time as the tax withholding from the most recent payroll. Allan motioned to approve the late fees be paid from the Administration Account. Gerald seconded the motion and all approved.
8. CITIZENS BUSINESS – Dave Probert asked if the Pownalborough Hall could be reserved on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of the month from October through March. Gerald asked if the piano in the corner was used. Dave said no, the piano was not used. Gerald asked where the piano came from. Allan said that Peter Walsh brought the piano. Dave also asked if the Pownalborough Hall could be reserved on the 2<sup>nd</sup> Tuesday of the month this winter for the Pownalborough Courthouse Committee and if he could get a key made for the building. Gerald said that they could use the building and that Michael could have a key made for Dave's use of the building this winter.

Heather Beasley asked how much the town had spent on legal fees this year. Michael said that \$1,363.75 has been spent this year on legal fees. Heather said there must be outstanding bills, Michael said that all received invoiced have been paid up to date. Heather asked how much the historian was being paid. Michael said that a historian was being paid \$40 per hour to research Dresden roads. Heather asked how many hours had accrued. Michael said that no invoice has been submitted.

### 9. OTHER GENERAL BUSINESS

- a. LAND USE ORDINANCE VIOLATION – To review a proposed remediation plan for gravel pit violation. Allan motioned to enter executive session pursuant 1 M.R.S. §405(6)(E) for consultation with legal counsel. Heather said that she was told by her attorney that she was on the agenda for the meeting. Trudy seconded the motion and all approved. The Select Board entered executive session at 6:59 PM. Gerald motioned to exit executive session. Allan seconded the motion and all approved. The Select Board exited executive session at 7:47 PM. Trudy announced that the Select Board does not have enough information to make a determination regarding the remediation plan for Heather Beasley's Gravel Pit because the plan claims that the Ballard Road is privately owned by Heather Beasley and that the pit's use has been grandfathered, but insufficient evidence has been provided to support those claims. Heather asked if the meeting was being recorded. Allan said yes the meeting was being recorded.

Trudy said that there were four items that the Select Board needs to make a determination. Trudy said that Heather Beasley must show the size and use of her pit at the time she claims to have grandfathered status. Heather said that information had already been provided in an email from Mark Stebbins from the Department of Environmental Protection from 1973 stating that her pit and Jack Shaw's are

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grandfathered. Trudy asked if pit one and two are indeed separate pits. Heather said that James Valley, the Code Enforcement Officer, has already seen the pit. Heather then said that she has paid for three different surveys and outlined two pits. Trudy asked if Heather was referencing the recent plan prepared by Colby. Heather said yes. Trudy said that site plan had almost no information or references on it and was not an official survey. Heather said that pit one and pit two were separate gravel pits. Heather said that she was frustrated that the Town refers to this situation as under litigation. Heather then said that James contacted her and stated that someone walked up her private road, which Heather said is not part of the violation and the town thinks that they have an easement, and the road is not relevant. Heather said that the initial violation said that if Jack Shaw and she made an agreement, then she could dig up the road so what the board was saying was erroneous. Heather said that if she and Shaw had made an agreement, then guess what, she would be operational. Heather said that James visited her gravel pit in 2013 when she had the Richmond – Dresden bridge job and that James knows where pit number 2 is and therefore there is no reason for pit number 2 to be closed. Trudy said that she was unaware that there was a second gravel pit, we she visited the property is 2018 it was just one big pit. Heather said that in 1973 the pit was seen by State DEP.

Heather said that was documentation from 1973 from Mark Stebbins stating that her pit was grandfathered, the Town of Dresden did not enact a land use ordinance until 1974, the State of Maine adopted their first mining ordinance in 1970 and the State of Maine recognized that she was grandfathered in 1973 so therefore what the Board is stating is irrelevant. Heather said that she had a map present that shows that in 1973, that Heather and Jack Shaw were both grandfathered, but for some reason people are ignoring Jack Shaw and only gunning for Heather Beasley. Heather said I am the oldest gravel pit in the State of Maine. Heather said that it was the Select Board that directed the Codes Enforcement Officer to give her a violation and try to make her comply with 2011 ordinances. Heather said furthermore the CEO reverted back to a 1974 ordinances which has a 1971 clause that states that gravel pits needed to be 100 feet back from an abutting land owner and the town is required to have an agreement on file. Heather said that there is not one agreement on file with the Town Clerk which is stated in the 1974 ordinances. Heather said that in 1992 the ordinance still stated a 100 foot setback between a gravel pit and an abutting land owner. Heather said that in 2011, the Town of Dresden changed the setback for gravel pits to 150 feet, but the State only requires a 50 foot setback.

Heather said that she was required by the Town to send a plan regarding the violation by June 3<sup>rd</sup> and her attorney sent a plan dated May 22<sup>nd</sup>. Heather said that she met the requirements for a plan by June 3<sup>rd</sup> and now she has submitted another plan. Heather said she has had three surveys done by three different surveys and the Board has it. Heather said she had a survey from 2002 that says that the pit not any bigger along that wall, that the Board wants her to reclaim at a 2:5 pitch which would just about fill her gravel pit.

Heather claimed that Allan Moeller used to work for Glenn Jacobs and that he also dug out of the Beasley pit. Allan said that he has never dug out of the Beasley pit. Art Mayor said that the agenda for tonight's meeting states the Board will discuss a remediation

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plan and he hasn't heard anything regarding a remediation plan that has been submitted to the Board. Heather said that the next thing the town will get is a civil lawsuit, and then they can refer to litigation. Trudy said that Heather has had her time and asked to finish her announcement.

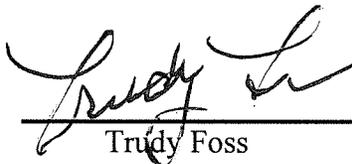
Trudy said that without further information as to the configuration and use of the gravel pit in 1971 the Town does not have sufficient information to evaluate if the proposed remediation plan, 50 feet from Shaw's and 33 feet from the road is acceptable. Trudy said that regarding Heather's allegation that the road is private, the town cannot determine if the boundary begins at the shared boundary with the abutting land owner or at the centerline of the road and the stop work order is still in effect. Heather said that the CEO told her that whether the road was public or private she could put in an access road that was only 50 feet from the abutting property. Trudy asked if Heather would like to set an onsite visit. Heather said no. Trudy said that the Town received three surveys, but the most recent one is a site plan, not an official survey.

Heather said that Sam Snow was not able to attend the meeting and asked that all of this information be put in writing for him. Gerald asked who Sam Snow was. Heather said that Sam Snow works in gravel pit number 2. Gerald said Heather is the land owner. Heather said that Sam Snow is going to assist her with any remediation in good faith because she is not conceding her grandfathered status. Gerald asked what her grandfathered status entailed. Heather said that her "grandfathered status is we've been in business since 1910." Heather said that furthermore, trying to make her comply with a 2011 ordinance setting off of a property line 150 feet is unreasonable. Gerald said that he is unclear what she was grandfathered to do. Heather said that grandfathered to dig gravel right up to her line. Gerald says that the town contests that Ballard Road is a town road. Gerald asked if Heather had proof that the Ballard Road was private because they need to see that evidence.

Trudy told Heather that they were not going to get into a long discussion tonight.

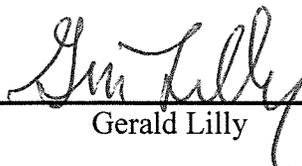
10. ADJOURNMENT – Gerald motioned to adjourn the meeting. Allan asked what the source was for the site plan on August 19<sup>th</sup> produced by Dan because it lacks any references. Allan said that if Heather would like Dan the surveyor could sit down with the town attorney. Allan seconded the motion to adjourn. Trudy said that the Select Board would be willing to conduct a site visit of the gravel pit with the attorney and CEO present or to meet the with Heather's attorney. All voted to adjourn the meeting. The meeting adjourned at 8:02 PM.

APPROVED BY



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Trudy Foss



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Gerald Lilly



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Allan Moeller Sr.

**SELECT BOARD**