

SELECTMEN'S MEETING

October 9, 2018

5:00pm

1. APPROVAL OF AGENDA:

Selectmen Elise Miller made a motion to approve the agenda with amendment to move E. up to the first position in meeting; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. Agenda approved.

2. MINUTES OF LAST MEETING:

Not available; tabled until next meeting.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

David Winchell, Road Commissioner District 2, approached the Board to hand them a Salt bid. He then proceeded to inform the Board that he was dissatisfied with the handling of the Rowe Bridge project and deadlines to adhere to. He felt pressured that his performance was not fast enough or adequate to fulfill his position. He felt threatened. Discussion ensued between Mr. Winchell and the Board. Conclusion of discussion was that he formally will not do deadlines with the Board. Selectmen Walsh admitted to the public that a meeting with Mr. Winchell was called to receive an update on the bridge and other assigned projects; however he was not accepting of Mr. Winchell behavior towards the other selectmen and will speak to him regarding that on his own.

Selectmen Walsh asked if there were any other Department Head or Chair updates. None approached.

4. OLD BUSINESS:

E. 13th Street

Selectmen Walsh recapped that last week's meeting was a good one because it brought a lot of things to light which were not understood. The Selectmen are here to help through this the best they can. Selectmen Walsh stated that the Code Enforcement Officer, Ken Paul was invited to tonight's meeting to respond to some questions presented to the Board. Mr. Paul will do his best to answer. Guidelines for this portion of meeting are as follows:

- The Selectmen are going to read the questions.
- Mr. Paul will answer the question.
- Move on to the next one.
- No back and forth discussions.
- If any more questions arise after this, please ask the Board after the meeting or during Public Comment portion of meeting and the Selectmen will take notes.

The Selectmen invited Mr. Ken Paul to the podium.

Q1: Who decided the activity at 773 13th Street wasn't agricultural commercial? Was there a check into whether there is a State Tax ID number for activity on this property? Were sales records checked on the property? How do you know that goats, chickens, eggs, etc. are not still being sold on the property?

R1: CEO went out to the site. The selectmen received a complaint and it was stated that it was a priority so everything was dropped to do the site visit. The CEO and DEP representative did see a few sheds and there were goats and chickens in residence. Other stuff was notice as they proceeded. Mr. Ken Paul spoke with the property owners girlfriend regarding the selling of product. Her response was no. He reiterated and she confirmed that nothing would be seen on Facebook, Craig's

List, Uncle Henry, etc. Next Mr. Paul reviewed with DEP Shoreland Zoning Assistant Coordinator.; said coordinator indicated that the CEO would never be able to prosecute as it was within agricultural jurisdiction not commercial. Mr. Paul deemed property as personal use. No further action such as asking for State or tax ids, sales records, paperwork, etc was pursued.

Q2: Why hasn't the unpermitted goat shed within 100 feet of the lake not been removed? Are there fines being levied for this situation?

R2: CEO office sent a letter at the direction of the Board of Selectmen. Admittedly it was not the best letter ever done due to time constraints, however, it conveyed the correct message. After receipt of letter, property owner met with CEO and was willing to work with CEO. As of tonight, he has over 1/2 of the items taken care of. As for levying fines, that is generally a last step when dealing with uncooperative owners. The Department works to receive compliance. The owner stated he would be in total compliance by November 3rd. The CEO Department deemed that as a reasonable response.

Q3: Why is there still manure on the property within 250 feet of the lake? Are there fines being levied for this situation?

R3: During site review, only a small amount of manure from the animals was detected. The only area impacted was the pens. However, the other item noticed upon approach was the vegetated buffer area between pens and water. No odor was noticed on either site visit days.

Q4: Historically, this property has been used as a residence. Now agricultural use has been added to the property. Is this legal? Ordinance 1.4.11.5

R4: Mr. Paul indicated that change of use would be in effect if you go into commercial use of property. If any commercial use is in progress, it is a minor use of the property. However, this property is still in Residential use.

Q5: Regarding the permit requests submitted for accessory structures at 773 13th Street, does Ordinance Provision 5.1.1 apply? This includes a statement that no structures shall be located closer to the shoreline than the principal structure and only a structure of 80 square feet can be allowed for storage of yard tools and similar equipment. This provision in the ordinance mirrors item 8 on page 30 of the Maine Shoreland Zoning Handbook as an optional provision for the towns to strengthen their ordinances.

R5: Doesn't apply. Mr. Paul elaborated that they have all they can do to enforce an ordinance that is legally in place in the books. One can not enforce things just grabbed from guidelines. Those guidelines are used to assist in developing the ordinances. As for the shed, these guidelines were developed to give residents with small property lots an option to have a small shed for storage of gasoline, tools, etc. However, if the property has room, a property owner can put 3,4, or 5 sheds up as long as it meets set backs.

Q6: Was there a survey completed when the permit to relocate the property at 773 13th Street was granted? That would help in deciding whether the current unpermitted structure is on an adjacent landowner's property.

R6: In the past, it wasn't the CE office's policy to use surveys, but it is now. There is a lot line dispute going on between property owners and the property owner is going to relocate to where abutter thinks the line is in order to be in compliance.

Q7: Article 5.2.2 says that there should be no tilling of soil and Article 5.2.5 states that no grazing may happen within 100 feet of the lake has been broken. What actions are being taken by the Town?

R7: There is no tilling out at the site. There is the tramped down bedding in the pens. Once the pens are relocated, it will be 100% set back.

Q8: What has been done or will be done regarding the noise and odor from the 773 15th Street property? Does Ordinance numbers 5.11.2 and 5.11.3 and 5.11.21 b(2) apply?

R8: These are good neighbor standards for proposed development purposes looked at by Planning Board. Does not apply.

Q9: Has the owner of Cove Edge Farm filled all the necessary paperwork to the Maine Department of Agriculture to request registration of his property as a farm to house livestock

R9: To be directed to Maine Agricultural for response. Mr. Paul had no comment.

Q10: Has the department of Agriculture provided a permit/license to have Cove Edge Farm raise/house livestock in a residential/shoreline zone located at 773 13th Street, Acton, ME?

R10: To be directed to Maine Agricultural for response. Mr. Paul had no comment.

Q11: What are the Code Enforcement Department's suggestions for resolution to this problem so that the quality of the lake water remains within healthy reading in both Hubbard's Cove and the main lake, so that residents/neighbors near Cove Edge Farm don't lose property values, deal with the noise, odor, etc. from the livestock housed at 773 13th Street, Acton, ME?

R11: To be directed to Maine Agricultural for response. Mr. Paul had no comment.

Code Enforcement's Summary Statements:

The property owner is not difficult to work with and is attempting to comply. We only seek compliance and he is willing to work with us. He just needs more time. Anyone willing to work with us, we are willing to work with them. As for site visit, no erosion to lake was seen. There was a 45 foot vegetated barrier to get through before hitting the Lake. Letter received from DEP also showed no concerns. Depleted Oxygen levels were explained in the letter as consistent with region.

Mr. Paul also wanted to state on the record that his office in the last 3 months has handled 311 inspections, 1265 phone calls, 1500 emails, numerous walk ins and referral appointments, 4 conditional uses, complaints, planing of 7 lot sub division, 25 lot subdivision, property maintenance, campground and gravel pit. \$46,000 acquired in revenue. Staff of 2.5 persons with 0.5 person on medical leave; he alone has 79 hours beyond salary days which he has done for free. Very busy office and need for more staff. They are lucky to be proactive to catch errors. But safety is their top priority and they make sure homes are safe to occupy and reside in.

Acton has a reputation that they only go to court for well documented cases of non conformance and lack of correction.

Public Comments:

Bill Gannon, spokesman for 13th Street approached the Board regarding the Tax ID information need, high Chloroform counts and how manure was stacked near property line as well as placement in trailer next to 13th Street. He also commented on noise, smoke, odor and rats. He passed out information to the Board and asked them to read it.

Jack Kelly, Balsam Lake Region Association informed the Board that they were taking water readings in Hubbard's Cove. He asked what if we get a high reading? Selectmen Walsh responded that this work was to get ahead of that issue and not have it happen.

A 13th Street Resident approached the Board asking about dangerous conditions reported to the Board with regards to rats. They got evidence and reported to Vicki Ericson the Heath Inspector who forwarded it to Mr. Paul. Mr. Paul responded that everyone was having a heightened battle with rats, mice and squirrels this year. They are coming to food sources and once those food sources are locked down they disperse.

Selectmen Miller was concerned about residential wells.

Mr. Paul responded that bringing of manure was not best option and currently is being kept in trailer to go to the dump each week. As for installed wells, there is no issue with sealed casement. Best practice is to test and monitor wells. If issue is found, then owner will be help liable.

Selectmen Walsh asked about site lot size.

Mr. Paul indicated size was 5,000 to 6,000 sq. ft., may even be 7,000 sq. ft. It was one of the bigger lake lots.

Selectmen Stacey-Horn asked are goats defined as domesticated animals and is it written down anywhere?

Mr. Sweeney, Site Property Owner approached the Board with a dissertation of how he and his family felt. He shared the dynamics of the goats, how they neighbors who did come over treated the goats, how he feared for safety of family and goats and how they felt bullied and threatened. He cited a DEP report on water tested from his property and that no problems were found. He read a statement from the report concluding there was no problem found with goat and chicken pens which would lead to contamination to the lake by runoff. He indicated the burning was not manure but excess hay bedding the goats did not eat and after receiving information to stop burning, he did. Dissertation started getting into personal feelings and Selectmen Walsh asked he stop.

Selectmen Walsh concluded session with the comment that he wanted to visit site and that Mr. Paul will keep a close eye on the situation.

Selectmen Miller asked that people try and get along.

A. Generator Bids

Tabled to next meeting.

B. Utility Box Bids

Awaiting for award of truck.

C. Canal Bridge

Town Administrator updated the Board that she is in process of reaching out to Wakefield Administrator; a third party has step into communication loop. Will have more information next week.

D. ACO Position

Town Administrator has one person who has reached out with interest; still needs to communicate with said person. Will provide more information next week.

E. 13th Street Concerns

See above, moved on agenda.

F. Town Report

Town Administrator is working through tax deadlines. After that, a draft will be presented to the Board.

G. Mary Grant Pumpkin Carving

This is a go! October 20th from 4 to 7 pm. Mr. Neal is still looking for volunteers and donations. If you need Mrs. Seckar's number, contact Town Administrator Jennifer Roux.

H. Truck Bids

The Fire Chief reviewed the bids and was comfortable with the lowest bidder Arundel Ford. Town Administrator was looking for a motion from the Board to accept the bid.

Selectmen Miller made a motion to sign the bid of \$48, 637 with Arundel Ford. Selectmen Kimberly Stacey-Horn seconded it. Motion carried, bid signed. Town Administrator will notify Arundel Ford.

I. Rowe Bridge

Tabled until next meeting.

5. NEW BUSINESS:

A. Propane Contract

The Town Administrator received the contract. Numbers all matched with what was read last meeting. Needed was for Board to sign the contract. Selectmen Miller made a motion to accept and sign the Propane contract; seconded by Selectmen Stacey-Horn. No discussion. Vote: All in favor; contract signed.

6. PUBLIC COMMENT:

Mr. Murray, 13th Street approached the Board indicating there has been no gesture of friendship on Mr. Sweeney's part, the goats stink and he wishes to offer up a recommendation of a moderated meeting before it goes to battle in the courts.

Stephanie, 13th Street approached the Board to ask and receive a response on the following:

Q: Is it acceptable to dispose of animal waste at the dump. R: They have a compost pile.

Q: Will there be no investigation on the Rats? R: Not sure how.

Statement: Come to my house to investigate why we are here.

Statement: No clarity was offered on personal use. R: Personal use is collecting milk and eggs.

Q: Are pens allowed to be within 75 -80'? R: Mr. Paul already answered.

Q: If evidence of selling is provided after letter was sent, will action be taken? R: Yes, if commercial.

Donna Davidson, 13th Street approached the Board to ask if State of Maine ordinances trumped Acton Ordinances because State of Maine indicates goats are livestock. R: Selectmen Walsh asked to see in writing.

Arnold Murray, 13th Street approached the Board to inform them of statistic on goats milk production and manure.

Shannon Winchell approached the Board regarding what she thought to be inappropriate behavior from the Board towards her husband and the setting of deadlines on his workload. Discussion ensued with Board members. Selectmen Walsh put a stop to the direction the conversation was headed.

Cindy Hart, Road Committee approached the Board indicating difference between Road Committee and Road Commissioner responsibilities and the need for financial planning for the issues. Again, Selectmen Walsh stopped course of conversation.

Mr. Winchell, Road Commissioner, District 2, approached the Board with comments on responsibilities, pressures, behaviors, communications and the fact that tonight, October 9th, he was making his resignation official. He needed 1 week to tie up loose ends but would be done the following Friday, October 19, 2018.

Selectmen Walsh indicated he was disappointed but understood.

Greg Vermette approached the Board in support of Mr. Winchell.

Mr. Bill Gannon, 13th Street approached the Board to ask them to talk with Planning Board regarding ordinances in relationship to 13th Street discussions.

7. ANNOUNCEMENTS:

October 16 - Taxes Due

October 21 - Lebanon, Maine Rabies Clinic, \$15.00/shot

November 3 - Library Chili Cook-off

Library is hosting a Chili/Chowder Cook-off. Cost is \$20 to participate and \$5.00 to eat/judge. A \$15 cap will be put in place for a family to eat/judge. Winner of last 3 years will not be participating. There will be a local band and a fun night out for all.

November 6 - Election Day, no Selectmen's Meeting that night.

November 11 - 100th Anniversary Celebration for the end of WWI Memorial Dedication Event

8. MEMBERS PRESENT:

Selectmen Ed Walsh, Selectmen Elise Miller, Selectmen Kimberly Stacey-Horn and Town Administrator Jennifer Roux.

9. OTHERS PRESENT: