

TOWN OF RANDOLPH
BOARD OF SELECTMEN

June 10, 2010
10:00 a.m.

BOS PRESENT:

Edward F. Gorham, Chair
Alfred A. Seymour, Jr.
Peter K. Hanley

Others Present:

Residents:
Mark Turek
Delsa Mock
R. Gloria Mansir Fitzherbert
Darryl Fitzherbert
Rita Marquis
Greg Lumbert, Town Constable

Meeting was called to order at 10:12 a.m.

Warrants were signed by the Board members. Peter Hanley made a motion to accept the minutes from May 25, May 26, June 2 and June 4, 2010 meetings. Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

Letter from **Marge Gilman** was discussed regarding the unkempt property on the corner of Water/Windsor Streets. Marge asked permission to contact **RH Foster** about the condition of the property. Ed Gorham said he will check with John Crocker about this to see if he has made any contact with the company regarding the mowing. If not, Ed said that he will contact RH Foster.

Water/drainage problems were discussed. Ed stated that nothing can be done about that at the time and there may be some changes made when RH Foster begins their project.

Pay Requisition for Pump Station was discussed. Ed said that there were some forms that were being prepared for the Board to sign. *More below.

Deed from the State was discussed. Peter Coughlan obtained the original deed for the property on the waterfront on Water Street near the site of the former bridge and the old IGA Store. This completes the transfer and will be recorded in the Kennebec County Registry of Deeds by the Town.

Letter from **DARRK Farm d/b/a Randolph Takeout** was discussed. They are asking for a change to the zoning in the area of the Store and the home directly behind it. Bob St. Pierre, the Code Enforcement Officer told them that they would need to put this request in writing for the Board. They are now asking for it to be returned to the original zoning which was Urban Residential so that they may put another home on the lot. They would like to talk to the Board and the Code Enforcement Officer to accomplish this change. This will require them to go before the Planning Board. Ed said that they should come in and talk with the Board and Bob and he will try to set this meeting up.

Peter Hanley stated that he did not think reversing this should be a problem. Ed said that he will look into the process with the Code Enforcement Officer.

MMA Volunteers Accident Insurance – paperwork has to be filled out and returned to MMA to obtain the insurance which is to protect the Town. Ed left the meeting temporarily to ask the Treasurer about the application process. Peter Hanley made a motion to do the paperwork for this insurance and keep it in place. Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

Rita Marquis arrived at the meeting. She was recognized by the Board. She explained that the problems with noise were ongoing. She referenced that there was a letter from Maine Municipal Association and Greg Lumbert said that he had received the letter and asked Janet Richards to send a copy of this letter to Rita but she had not received it.

Peter Hanley stated that this ordinance was not recommended by the Code Enforcement Officer and that it would cause problems as people could then complain about things like lawnmowers and weed whackers etc. Rita asked if the ordinance could be tailored so that these things would not be included. Ed said he will contact MMA and see what can be done. She asked if anything would be done by Town Meeting. Peter explained that Bob St. Pierre stated that we had some noise protection in our existing ordinances but he did not feel that we should enact anything further.

Greg Lumbert arrived at the meeting. He stated that “criminally” there was not a lot you can do about this type of noise. Curfews were discussed and Greg stated that if this was at 3:00 a.m. for example, it could probably be considered criminal mischief. Rita said that if the MMA suggested meeting with the Selectboard and looking into passing an ordinance to prevent these kind of issues. Greg suggested that the town could draft a “proposed” ordinance and run it by MMA Legal but the only way to actually police this activity would be to purchase a piece of equipment to measure decibels.

Since this building is rental property this is a landlord problem. Greg explained the legal process of pursuing this legally. Ed told Rita that the Board will look into the process with MMA. Greg suggested that the Board or Town may want to send a formal letter to the landlord stating the issues. She asked to get a copy of the letter sent by the Board when they do send it.

Greg stated that even if the Town tries to pass an ordinance like this, the townspeople may reject it as it may get into violating constitutional rights. Greg asked for the Board’s permission to draft a letter to the Landlord to be sent out immediately. The Board gave its permission.

On another issue, Greg reported that a citizen of Randolph had expressed a concern to him regarding someone being able to come to the Town of Randolph for the purpose of opening a business dealing in the sale of medical marijuana. Greg suggested that the town may want to look into some kind of ordinance to prevent this from happening. Greg will get a model ordinance and give it to the Board for their consideration regarding this situation.

Greg left the meeting.

*Peter Hanley made a motion to request payment of **\$40,695.56** on the Sewer Project. Al Seymour seconded the motion. **VOTE UNANIMOUS.** Peter asked for the start date on the project. Ed said he did not know.

Discussion of **Annual Town Meeting moderator.** Ed stated that he would like to ask Attorney Cliff Goodall to act as moderator. Ed will get in touch with Mr. Goodall and report back to the Board.

Ed Gorham made a motion to open the meeting for **public comment.** Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

Mark Turek was recognized. He asked to have the questions he posed to the Town via e-mail on Monday, June 7, 2010 answered.

He asked the best way to address questions for the Board. Peter Hanley asked that these be sent in to be put on the agenda. Peter Hanley said that since Mr. Turek had e-mailed these questions to the Town on Monday, they would try and answer them at this meeting.

1. *Who is Mr. Crocker's manager/supervisor?*

Peter Hanley stated that the Board is Mr. Crocker's manager/supervisor.

2. *Since Mr. Gorham stated at a past meeting that town employees on salary are expected to work at least forty (40) hours per week, what has been done about all of Mr. Crocker's short weeks?*

This was explained further by Mr. Gorham who stated that he misspoke at a previous meeting about Mr. Crocker's work arrangements. There was and is an agreement place for Mr. Crocker's salary and hours to be worked.. Mr. Hanley stated that he is on call for sewer emergencies and substitutions. There is no written agreement other than the original agreement with the Board which is reflected in the minutes. This arrangement was designed in 2006 and Gloria Fitzherbert was asked to explain more as she was on the Board when John Crocker was hired. It was designed to make sure that he did not suffer pension loss. It worked out to approximately \$15 per hour for about 1,000 hours per year on 20 hours per week more or less. More hours are required in the summer than in the winter. Gloria said that it had to do with his Social Security. Mr. Turek asked if there was a personnel file on John. Note: There are personnel files on every employee of the Town.

3. *What is our Town's written policy for the Board of Selectmen's attendance requirements at their monthly meetings?*

Mr. Hanley stated that Selectboard members attend all meetings and if they are going to be out of town or on vacation, it is discussed with the other board members. Also, the town has a policy in place to cover the instance when only one selectboard member would be available, that one board member can sign a payroll warrant so that all employees can receive their wages. That is a written policy and is adopted annually.

4. *Why did our Board of Select refuse the most recent request to have an important evening meetings with them?*

Mr. Hanley spoke that the meetings were set for the convenience of the three Board members as these meetings were for the selectboard members to conduct the business of the Town. Mr. Hanley stated that his feelings about evening meetings were his "opinion" only and did not necessarily reflect the feelings of Mr. Gorham and/or Mr. Seymour. He feels that the Board works hard on improving the Town, working for the best interests of the taxpayers, and he pointed out the fact that all three board members are also residents and taxpayers of the Town.

Mr. Turek asked about the possibility of having another evening meeting before the Annual Town Meeting. He attended the Budget Committee Meeting this week and felt that there were a lot of missing figures etc.

5. *This question was put forth as another request for an evening meeting and a request that an Emergency Two Month Town Budget be put forth for essential services in July and August.*

Mr. Turek said that he was suggesting Emergency Town Budget for the reason for the purpose of putting the town meeting date off until more figures can be obtained. He feels that the Board is not giving the Budget Committee enough time to prepare a budget. Delsa Mock stated her feeling about nepotism and putting things out to bid.

6. *Request for a copy of bid requirements for insurance needs.*

Mr. Gorham stated that we do not go out to bid on insurance. It is a time consuming process and would probably not end up being any different. Mr. Gorham said that this cannot be done before time meeting. Former Selectperson Gloria Fitzherbert stated that Maine Municipal provides the best type of insurance for the best price. They also cover things that other insurance companies will not cover such as sewerage accidents. Bidding has been done in the past and MMA had served us well.

Darryl asked if the Budget Committee had in fact asked to postpone the town meeting. Ed explained that they had not asked for any extensions. Darryl said that if they had not asked for an extension then it was obvious they didn't feel that it was necessary and that things were moving along in usual fashion.

7. *When does the town of Randolph's membership with the MMA expire?*

Ed said that he did not know if it was on the fiscal year or calendar year. This is a yearly membership.

8. *Question as to why the town employs an attorney if MMA provides legal services as part of our annual membership?*

Ed explained that the sewer projects and bond projects require an attorney.

Mr. Turek asked if the Board was aware of the lawsuit against the Maine Municipal Association regarding the resolutions signed back in November of 2009. Ed said that the Board would not be looking into this further.

General discussion of snowplowing and the contract with E.C. Barry. Peter Hanley stated that Barry has done this town for many years and when it was advertised before, Mr. Barry was the only one who submitted a bid and he has the required equipment to do the job.

Mr. Turek asked if the town maintains logs for mileage for public works.

Minutes from May 11, 2010 referred to having an executive session with Mr. Crocker. Mr. Turek asked why it was executive session and Ed stated that it was a personnel issue. *Note – minutes from May 11, 2010 quote the Statute under which this executive session was called. General discussion of Mr. Crocker's workers and if they have "work plans".

Mr. Turek asked if there would be more detail from Mr. Crocker in his budget.

Delsa asked about what things are put out to bid. Ed referred to last year's town report and Article 33 which are the contracted services. Snowplowing is a 3 year contract. Delsa asked if these things were put out to bid.

Question about **MMA Volunteers insurance**. This is something that is paid at approximately \$3.75 per person per year. This renewal has been approved.

Delsa expressed her concern with getting rid of the Fire Department as it may cause homeowners' insurance rates to go higher.

Bids were opened for the piece of property on Water Street as advertised in the Kennebec Journal. One bid was received from **Ronald Goodheart** whose property borders this piece of land. The Goodhearts bid was **\$500.00 received on 5/25/2010**. Peter Hanley made a motion to accept the bid and give the Goodhearts a quitclaim deed. Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

Next meeting will be Monday, June 14, 2010 @ 10:00 a.m. for a budget session.

Peter Hanley made a motion to **adjourn** the meeting. Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

Meeting was adjourned @ 12:10 p.m.

Respectfully submitted,

Lynn R. Mealey, Town Clerk