

TOWN OF CHINA

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Select Board Meeting

Monday – 04/02/2018 Regular Meeting

Town Office Meeting Room 6:30 P.M.

Minutes

The Chair opened the meeting and welcomed all in attendance at 7:00 p.m. Board members present were Irene L. Belanger, Jeffrey LaVerdiere, Donna Mills-Stevens, and Robert McFarland. Others present were Jean Conway, Scott McCormac, Joann C. Austin, Butch Stevens, Joann Tyler, Herb Tyler, Tim Theriault, Paul Mitnik, Wayne Chadwick, Linda O'Connor, Ralph Howe, Mary Grow and the Town Manager. All present recited the Pledge of Allegiance to the American Flag.

On a motion by Selectperson Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board voted 4-0 to accept the minutes of the 03/19/2018 Select Board meeting as presented.

On a motion by Selectperson Jeffrey R. LaVerdiere and a second by Selectperson Irene L. Belanger, the Board voted 4-0 to accept and sign China Payroll Warrant #47 for \$26,405.79 as presented. On a motion by Selectperson Jeffrey R. LaVerdiere and a second by Selectperson Donna Mills-Stevens, the Board voted 4-0 to accept and sign Town Payables Warrant #48 for \$183,778.40 as presented.

Unfinished Business:

- **Organization Reports/Transfer Station Coordinators/Other Reports:** Selectperson Irene L. Belanger reported about current events relating to the Mid-Maine Chamber of Commerce, the Municipal Review Committee, the RSU#18, the Kennebec Regional Development Authority, the China for a Lifetime Committee, the Spirit of America entities. Irene also commented about the historical church in the Branch Mills section of China and how it is historically relevant to that village. She distributed new Mid-Maine Chamber of Commerce booklets describing the greater Waterville area, including China and she also provided the Board with the proposed RSU#18 budget for 2018-2019.
- **2018 Annual Town Business Meeting – Questions/Comments/Outlook:** The Board was satisfied with the ATBM and did not have any concerns about voter approved budget appropriations going forward. When asked about the effect on the 2018-2019 that the education, municipal and County budgets will have, the Town Manager responded that he expects a decrease on the municipal side and an increase on the education side will balance, and that this would leave the County budget as the determining factor on whether or not the mil rate will change.
- **Foreclosed Upon Property:** The Chair noted that the town's attorney, Alton Stevens, was instructed to send out a final notice letter relating to the court ruling informing the former owner of the property at 619 Pleasant View Ridge Road that the dwelling must be vacated on or before May 31, 2018 and that the town would be exercising its forcible entry and detainer rights as noted in the court ruling.
- **Dirigo Road Property:** On a motion by Selectperson Irene L. Belanger to allow the administration to pursue legal action to affect a discontinuation of any operations by Ralph and Linda Howe, doing business as Bio Renewal Fuels, at the 168 Dirigo Road Property, the property owned by Linda Howe, without China Planning Board approval, and further to clean up the property appearance, and a second by Selectperson Jeffrey R. LaVerdiere, the Board voted 4-0.

China C.E.O. Paul Mitnik provided the SB with a history of his involvement with enforcement issues relating to the business and property. Mr. Mitnik determined, in the summer of 2017, that there needed to be a permit for the expanded commercial activity at the property. The Howes declined to apply to the PB for permitting and appealed Mr. Mitnik's determination to the China Board of Appeals, which denied the appeal on two occasions.

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CEO Mitnik also noted that the Howes discontinued their operation in Fairfield, Maine and moved trailers and tanks from Fairfield to the Dirigo Road property in China. The appearance of the property became unacceptable. Mr. Ralph Howe responded that he was only consolidating his waste tanks and that he is not doing any new business and has not produced bio fuels for some time and has not treating waste. He went on to express that he does not need any additional permitting (when asked, he said that he does not have any application pending before the China Planning Board) and has offered to negotiate a settlement with the SB on any violations and intended future operations.

The Board instructed Mr. Howe to proceed to the China Planning Board for permitting. Mr. Howe could not provide a business plan when asked for one. The Board also expressed concern when they felt Mr. Howe appeared to some to verbally convey a veiled threat to a neighbor during the meeting.

New Business:

- **Public Comment:** Lynne O'Connor expressed appreciation for the excellent financial condition the town has attained over time; not any debt, a robust unassigned fund balance, capital reserve accounts, and good equipment and infrastructure.
- **Policies and Procedures:** The Board will continually review policies and procedures with the intent of updating any and all that need attention.
- **Appointments:** On a motion by Selectperson Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board 4-0 to appoint Neil Farrington to the China Historical Preservation Committee, copies of the appointment papers will be on file at the town office.

On a motion by Selectperson Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board 4-0 to appoint Raigan Messier to the China Recreation Committee, copies of the appointment papers will be on file at the town office.

On a motion by Selectperson Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board 4-0 to appoint Simeon Blake Brown to the China Transfer Station Committee as the second representative of Palermo and replacing Holly Harmon, copies of the appointment papers will be on file at the town office.

On a motion by Selectperson Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board 4-0 to appoint Election Clerks as presented for the June 2018 Election, representing Democrats and Republicans, copies of the appointment papers will be on file at the town office.

- **HHW and Drug Take-Back Days:** Selectperson Irene L. Belanger announced a drug take-back day at the China transfer station scheduled for Saturday, April 28, 2018, from 10:00 a.m. to 2:00 p.m.
- **Liquor License – MJEK:** The Board scheduled a public hearing for 6:15 p.m. on Wednesday, April 18, 2018, before the next regular SB meeting, to accommodate the holiday on April 16. Mr. Michael Marois has application for a liquor license for his MJEK restaurant on Lakeview Drive.

Manager's Communications (Non-Action Items):

- **TIF Information/Conversations:** The Board agreed to have this item on the agenda for continued conversation and clarification.
- **Strategic Planning Session – Next Steps:** This appears on the agenda for potential discussion as other projects in the planning process mature.
- **General – Announcements of Significance:**
Fire Pond Update – Update and Understandings: China Village Volunteer Fire Department Chief Timothy Theriault informed the SB that he and two Neck Road property landowners involved in the fire pond initiative are satisfied with the Neck Road fire pond that the SB have discussed recently. The SB has

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expressed that there might be a need for additional appropriations to perfect the pond and protect the town from potential liability. Mr. Theriault agreed that a guard rail should be installed along the Neck Road adjacent to the pond(s). He went on to note that the contractor who dug the pond will return to finish the task when weather permits and when Mr. Tom Michaud, the landowner, returns from Florida. The Board indicated to Chief Theriault that they will need further discussions with he and the landowner, Mr. Tom Michaud, before there will be any further involvement by the town.

Chief Theriault provided the Board with a history of how the expanded pond came into existence, originally to include two ponds on two adjacent properties, one owned by Mr. Tom Michaud and the other owned by Mr. Leo Pando. Ultimately the existing pond was dug only on Mr. Michaud's property. Mr. Theriault also suggested that rocks located on the Michaud property could be used for any pond wall stabilization efforts. He went on to assert that when Mr. Michaud returns from Florida, there will be conversations with the adjacent landowner, Mr. Leo Pando, to join the two separate ponds and also that the contractor will do whatever is needed to make the pond permanent and safe.

LD#150 and Bonding of Treasurers – WMVFD and CVVFD Responses: It was noted that the CVVFD has provided applications for the bonding of their treasurer and that the WMVFD has indicated that, if they request a lump sum payment of the voter approved appropriation for funding, they will also apply for the bonding of their treasurer. The SCVFD has not responded to communications about the request from the SB regarding the bonding of their treasurer as a requirement to receive a lump sum payment of their respective 2018-2019 appropriation.

Police Patrolling: It was noted by the Chair, Robert A. MacFarland that he and the Town Manager have an appointment scheduled with the town's police officers to affect a more definite schedule for patrolling in China. He and the Town Manager will report to the Board at the next meeting on the results of the meeting.

In other business:

District #79 State Representative Tim Theriault presented former Selectperson **Joann C. Austin** with an award from the 128th Maine Legislature recognizing her 25 years of public service.

Executive Session Pursuant to 1 M.R.S.A. §405 (6) (A) Personnel, Town Manager Search Application Review: On a motion by Selectperson Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board voted 4-0 to enter into Executive Session at 8:33p.m. Pursuant to 1 M.R.S.A. §405 (6) (A) Personnel, Town Manager Search Application Review.

On a motion by Irene L. Belanger and a second by Selectperson Jeffrey R. LaVerdiere, the Board voted 4-0 to come out of Executive Session and adjourn at 8:53 p.m.

Respectfully submitted,

Irene L. Belanger, Secretary
China Select Board