

# Meeting of the Board of Selectmen of the Town of Alexander, Maine

3 October 2024

## **Attendance:**

Skip Colson  
David Davis  
Foster Carlow Jr.  
Carl Oakes  
David Sanford (late: Arrived 6:05)

Paul Bell\*  
Bette Bell\*  
Larry Hill  
Gary Beal\*  
Kathy Beal\*  
Eric Shipfer\*  
Tara Shipfer\*  
Sue Carter\*  
Ray Carter\*  
Ted Carter  
Jane Manza  
Joe Manza

Crystal Carlton\* came in later

Kristy Crawford came in later

(\*indicates a Maple Drive/ Noddin Lane resident)

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Meeting called to order at 6:00 PM

Pledge of Allegiance recited

## **Approve Minutes of Last Meeting**

Minutes of the last meeting of 5 September 2024 will be tabled and until next month's meeting because the minutes were available for review only a few days ago at the town office [David S's fault] and the office has been closed for the MMA Conference yesterday and today.

## **Broadband Project**

Neither Baileyville nor Calais are charging taxes on Downeast Broadband Utility (DBU) property. Ted Carter asked for direction from the selectmen concerning the DBU's colocation building located next to the municipal building (and on town land).

Skip acknowledged that, as a non-profit, the DBU's building cannot be taxed by the town. But the property *can* still be leased from the town by the DBU. This seemed fair to him since the area needs

to be maintained by the town, such as mowing, plowing, etc.

Ted said that he and the town can work out a lease agreement in the next week or two.

Ted said that the DBU has insurance on that building. Skip asked that a copy of that insurance policy be sent to the town office.

The First National Bank is working on re-writing the loan agreement [from Alexander] to the DBU, based on the lower interest rates announced by the Federal Reserve on 16 September. Ted will sign it when it is ready.

## **Cemetery**

Jane Manza:

Skip was impressed when he saw the work that Kevin Dean and Ryan Lozier had done at the cemetery. Kevin started Monday; brought in equipment. He reused the fill they dug out and leveled out some of the grounds. He will probably be done tomorrow.

Jane explained that Kevin stockpiled 2 loads of gravel in the yard, but not sure if it will be enough. Joe marked where the gravel will be needed and how much.

Skip told Jane to let him know if they run out. He knows of a pile of 1-inch-minus that he can probably get from Anne Nixon.

Jane also had asked Kevin about cutting down the 4 big spruce trees in the cemetery. Skip requested that instead of Kevin, it would be more cost effective for himself and a few other townspeople to do that. Jane said that Kevin is currently way under budget.

Joe said he put the post back up that had to be temporarily taken out.

Jane has not yet ordered a sign for the cemetery. She is still considering if it should be wood or metal.

## **Assessing**

Jane Manza:

The work is almost done. The assessors were hoping for commitment last week, but between sicknesses, they have been set back a couple of weeks.

Amy Dunn came down last Sunday. She and the town assessors worked on things—without lunch—from 9:00 AM to 3:00 PM.

Jane hopes that the new valuation will be closer to market value, where it should be. That will raise property values, but the the mill rate will drop and therefore, tax bills will “hopefully be pretty even”. (Her taxes are going up.) Skip said that, in his

experience, after a revaluation, about 1/3 go up, 1/3 go down and 1/3 stay about the same.

Jane said that hopefully the tax bills will go out at the end of the month: Trick or treat! Somebody called asking when the tax bill would come and she said paying in advance is an option, but nobody seems to want to do that.

Jane asked if the town finances were impacted because of the late tax bills and lack of tax revenue, but Skip affirmed that finances were in good shape.

#### **Clerk:**

This was skipped since Kristy was not present. She is coming home late from the MMA conference and because the town financial audit will occur next week.

#### **Roads**

Larry has done the math and he estimates that by the first of April next year, the Road Account will end up with around \$18,500 left, after all expenses are paid, out of \$235,000. He notes that there will be 3 more months to get by on only \$12,000 to \$13,000, not counting FEMA money.

The estimate for the cost of the hot top is \$70,000. \$106,000 will be for the snow plowing. Larry has asked for only one load of salt for this winter. The municipal plowing will cost \$3500.

Larry will put in a "Playing Children" sign down near where Ron Renaud used to live. Skip said that he could help with that, but he is leaving Tuesday of next week, in which case, maybe Carl or someone else could help.

Larry will mark out the Berry Road corner to get that fixed and also where the culvert will be replaced.

The hot topping of the Davis Road will start 2 weeks from now. Skip again offered the small pile of gravel by Anne Nixon's for road work, if needed.

Skip thought that the large trees along the side of the McArthur Road would be too big to trim back. Larry replied that Shawn Sullivan has guys to chainsaw them down.

Skip has heard from the insurance adjuster, who wants to see what has been done to fix the rusted areas, etc. in the sand salt shed roof. The adjuster wants emailed pictures showing the fix and that the sand has been completely moved away from touching the roof.

Carl said that he cleaned it out and put fluid film on the inside of the metal roofing, where it was needed.

Skip explained that in order to get photographs of that, large amounts of the sand will need to be moved with a loader and the roofing will have to be temporarily removed. The loader work would cost money. Skip asked if, instead, the insurance adjuster could wait to see those photos until part way through the winter, after the sand has been used up a bit. Skip said he would work with Kristy on Saturday (when the office is open) to email the adjuster about this.

#### **New Business**

##### **Maple Drive Neighborhood Problems**

Skip started by acknowledging that he knows there's a problem at the Maple Drive/Noddin Lane area on Pleasant Lake. The Animal Control Officer has gone down there and the Austin family has subsequently come and licensed their dogs. Skip didn't know if the dogs are still running loose, but will call David Townsend (ACO) again, as needed. Sue explained that there are three dogs. The shephard is the one that worries her. But when the ACO came, he said that in order for him to do anything, the dog must enter the property 3 times in 7 days or 7 times in a month; and you have to prove it.

Gary: [In an irate, extremely frustrated voice] "We have told and told [authorities] the best we can and we get nothing! Would a woman do this right here [cat claws]?! Would you like it? I didn't like it!" [Stephanie Austin clawed him].

[Skip ordered Gary to sit down and calm down, which Gary did].

Sue explained that what's happening is that the Austins and their animals are a nuisance. Ray was attacked on his own property. They are harassing. The Austin property is "trashed", which is impacting the ability of the surrounding properties to be sold. All the neighbors are at a loss as to what to do, not sure what the selectmen can do.

Skip replied that the town doesn't have local law enforcement. This is a civil matter. What they need to do is get a lawyer. The town cannot do anything about a civil matter, except the dogs, yes, which come under animal control.

Sue brought up that there is the Building and Property Maintenance Ordinance of the town. Could that be used? And according to the Shoreland Zoning Ordinance, farm animals cannot be living within 100 feet of the water, right? Skip replied that the CEO can do an in-place visit. If there are citable offenses, he will cite them. Skip

will talk to the chairman of the Planning Board [Larry] and Andy, CEO, will plan a visit. In an effort to know their true property boundaries, Sue said that she and Ray have had the property surveyed, costing \$2000 dollars...so far. It is unfortunate that one can cause that to be necessary.

In reply to accusations that they were assaulted or attacked by the dogs, Skip said that they are allowed to defend themselves.

Gary replied [again irate]: "Seriously? Their son stole my truck and destroyed it! Why did they have the right?! That is my piece of land!"

Discussion moved to the the Austins' claims upon at least some of the neighbors' property. Part of the difficulty is that the various property deeds give conflicting property boundaries. The Austins seem to have an older deed from before the property was divided up.

Sue said that when a sheriff came out to investigate the Austins trespassing on her land, he said for her to prove that it was her land. She didn't know if the town has the ability to say whose property is whose.

Kathy said that a cop came one time, but he said, "It's a beautiful spot just ignore them and enjoy."

Gary [much less irate]: "I love this place. I don't like what we are going through. Someone has to have the authority to do something."

Skip spoke of "another person" in town who is using next-door public land as her own land. The only option to put a stop to this would be for the town to go to court. Skip again recommended the neighbors collectively take this to court.

Gary: "I am not angry at you [the selectmen]. We bought a nice, beautiful place. We don't love that no more. Their kids, they've destroyed us. I don't like to live that way...and my truck is gone..."

Kathy said, "They do what they please...We are trying to sell now."

Crystal has sent multiple pictures documenting the Austin family and their animals' incursions. She has 2 animal traps and caught 2 of the Austins' cats.

When she called Animal Control, the cats were just given back to the Austins with no repercussions. She said they keep a gun in their home now after Matt fired a nail gun in the air to intimidate them. Then Matt put up "No Trespassing" signs.

[Kristy Crawford arrived around this time]

Sue said that the purpose for them [the Maple Drive / Noddin Lane residents] coming to the selectmen meeting is looking for some guidance. They are hopeful for the town to offer *something*. She said that David Townsend has said he would summons

the Austins. But it has been a month now and it has been said and said and said.

Skip said he will call David Townsend tomorrow.

Paul asked, "Does this man [Matt] have any influence with local police?"

Skip said he got a report that Matt Austin had been threatening federal law enforcement officers, but that he doesn't have any influence. Sue concurred that he doesn't have influence.

Skip said that as far as *farm* animals, the town doesn't have zoning except Shoreland Zoning and they would come under that.

Skip again said he will get with the Chair of the Planning Board and Andy Snowman and have them look into the problem with the animals within 100 feet of the shore. The Austins can be fined a stiff fine of between \$25 and \$2500 per day or lose the animals.

Ted suggested that they document *everything*: take pictures, write it down. It must be proven. Have Andy Snowman talk with the neighbors. Work together as a community of the 6 neighbors. Be there as a group.

Eric asked about where to find the property deeds. Skip replied that the Washington County Registry of Deeds should have all of the deeds related to these properties. Jane walked them through how to look online at that registry as a guest and find any deed in the county. Mary Austin first had the land, so start with hers. As the years went by, the pieces were sold off. On Matt's different deeds, it says he owns 4, 8, or 10 acres; each little piece of land has been taken out. The Austins said they had the correct map [showing they have more land than they really own] but the tax assessors consider that they actually own about 4 acres.

Sue said her deed still says 15 acres. As soon as their property survey is finished, she will put up an orange snow fence. That might get the Austins angry and hopefully they will sell and go.

Sue wrapped up by saying to everyone: "I do trust that Skip will get things done. He will do what he says. He will make sure something gets done."

Skip promised to make some calls. He will get back to Sue and Ray Carter some time next week, who can then tell the other neighbors. He will do what he can possibly do.

[Skip called a 5-minute break. The following people left at this time: Paul Bell, Bette Bell, Gary Beal, Kathy Beal, Eric Shipfer, Tara Shipfer, and Ted Carter.]

### **Robb Hill Road**

Skip recently got a call from Ryan Worcester. He bought property on Robb Hill and had heard stories of how difficult it had been there before. In order to be brief, Skip told him that the individual in question is now dead.

Ryan also wanted to know the status of the Robb Hill Road to see if the road could be improved. Skip told him that it is an unmaintained town right-of-way. He is welcome to improve the road.

Larry explained that all town roads are 3 rods [a rod is 16.5 feet long] or just under 50 feet wide. The town does no maintenance on that road. [Ryan may do improvement work up to about 25 feet away from the middle of any part of that road that is within Alexander.] David D. added except you can't cut trees in front of anybody's house.

Jane said that when the assessors went out there, trees were scraping both sides of the vehicle.

### **Paid Mileage**

Skip said that he talked with Kristy about this matter and wanted to make sure that everyone is in agreement. Some travel can be paid or reimbursed a certain number of cents per mile by the town, but other travel should not be. For example, the town does not pay Kristy to go from her home to her job. But if she were to go from work to do town business in Calais, then that travel can be paid per mile. Or if Kristy goes to an approved work-related conference, then that mileage can be paid.

Motion that mileage can be paid by the town only for work-related, approved trips and doing town business from the town office or other worksite by Foster and 2<sup>nd</sup> by Carl.

Voting: Unanimous

Kristy explained that the town of Alexander pays 57¢ a mile, which falls between Federal and State of Maine rates. The Federal Government is 67¢ per mile and the state pays 46¢ per mile [last year; now it's 50¢ per mile]. Kristy suggested that at the next March town meeting the mileage be voted on, as with the other rates of pay for town employees. [Thank you to Sue and Crystal who helped with what the rates were]

Both Skip and Kristy want to leave the mileage rate at 57¢ at least until March 2025.

### **Town Office Floor Replacement**

Mold persists in growing under and up between the floor tiles of the town office, even after Dave Sullivan came and treated it with a bleach solution. Therefore, the floor should be replaced.

The cause of the mold was most likely from water had been seeping in from the back door. Larry explained that the water had been coming from the well overflowing downhill during months of a lot of rain. So, he put a 1-inch drain on the well so that the overflow water can run away from the building.

Carl wanted to make sure that if a new floor is installed, that the problem that originally caused the mold won't happen again after the new floor is installed. He also said that heat pumps should keep down much of the humidity that would also foster mold growth.

### **The Town Bicentennial**

David S. said he wanted to make sure that something was done for next year's town bicentennial.

Kristy said that the late John Dudley had some things he wanted to do: He wanted an old stage coach watering trough (that had been located across from the Oakes') to be placed at the town office. He also wanted a stone engraved with the names of the founders of Alexander. There could also be a sign at the school. Kristy said in order to honor Mr. Dudley, something should be done. It was on his radar to do and it's sad that he passed away before he could do it.

Skip said that a sign-up sheet for a committee could be put in the town office. Cassie Oakes could mention it in her column in the Calais Advertiser Rhonda could be a member. The Grange will probably be doing something during the Down-Home Jubilee (in July).

### **The Town Shoreland Zoning Ordinance**

After the last Planning Board of Appeals meeting and decision on 18 September about 6 Flood Drive, discrepancies were noted between the 2009 and 2019 version of the town's Shoreland Zoning Ordinance. The difficulty is that the 2009 version was used in that meeting, but the town has actually adopted the 2019 version as the one that is in force. There was at least one part that was key to that Board's decision that was not in the 2019 version: 15.B(1)(b): that a shed of up to 80 square feet could be put on a non-conforming lot. Skip also brought up the 4 "hardship" criteria in 16.H(2)(c)(ii) (found in both the 2009 and 2019 version) that need to be met in order for the Appeals Board to grant an exception. This case did not meet the part about "reasonable return".

Both Skip and David S., who served on the Planning Board of Appeals for that case, said that they wished they had not voted in favor of the decision. David S. had already filed a letter to reconsider the

decision. Skip had already read it. He said he would call Ted Carter about that.

Kristy explained that she read through the selectboard minutes from before the 2019 version of the Ordinance was adopted, in order to find out if part 15.B(1)(b) had been left out either by accident or on purpose. To date, she has found nothing mentioned. Larry thought that it had been left out by mistake.

Either way, the planning board needs to come to the board of selectmen with a recommendation about whether to put that part of the ordinance back in. A brief discussion took place that the town can make the Shoreland Zoning Ordinance more restrictive, but not less.

Many lots on Pleasant Lake are grandfathered-in as smaller than the minimum allowed size [200 feet along the shore by 200 feet back] and therefore are "non-conforming".

David D recalled that there had previously been a shed on that property.

### **Sheltering Stray Animals**

The lady (from Wesley) who moved into Gene Newell's former house, trapped 2 stray cats that came to her home. She called the town office and wanted to know what to do with them. But the town of Alexander doesn't have a contract with an animal shelter, such as with PAWS Brave Hearts (PAWS) in Calais. In the past, when Stephen Seavey was the animal control officer (ACO), he sheltered the animals at his house. This saved the town money, but not every ACO can or should do that.

David Townsend, the current ACO, said that the town needs a shelter contract. The State of Maine has sent letters to Kristy that assumed that PAWS was the town's shelter. But PAWS told Kristy that the the town does not have a contract with them. Additionally, they said they don't just give out contracts to towns. The town's request must be presented to the members of the PAWS board, during their next meeting, and they may reject giving a contract. The next board meeting will be October 6. The woman at the shelter will call and let Kristy know what they decide.

Other more distant shelters are an option, but the town would have to pay much more mileage to transport the animals. Dana Porter said that the town of Wesley contracts through the state of Maine to take care of strays. There is no up-front cost, but it costs \$25 per call, and \$40 per hour for someone to get the animal.

Sue suggested that payment for animal control work be passed on to the offending owner (rather than town taxpayers).

Kristy asked, "But what if they don't want to pay?"

Ideas to deal with non-payment:

1. Non-payers would not be allowed to transact any business in the town office until payment was made. However Kristy said some of them would be angry and she would be the one who would have to deal with their anger [and so she would be partly punished too].
2. Add it to their local property tax bill, and they must pay that first before their property tax.

Skip recommended that these be plan B options. First, he wanted to get the ACO to "light a fire" of enforcing animal compliance. Skip said that if the town had an ACO that "came down like thunder" on one of the families in the town that is being irresponsible with their animals, then word would get around quickly and offenses would cut down. The Owens family on Pocomoonshine Lake was also mentioned as having problem animals.

### **Digitizing the Town Archive?**

John A. Churchill (a lawyer or retired lawyer) is a leader in the St. Croix Valley Historical Society. Last Tuesday, he visited Marie Dudley, by appointment, to talk to her about taking digital photographs of the records in the archives and then publishing them online. Then he went to the town office to talk to Kristy about this. Marie called Kristy, very disturbed, saying that Mr. Churchill should not be given access to the Archive Room.

Several of those present at the meeting also brought up concerns:

- Mr. Churchill or others involved might lose or damage Archive materials.
- He or others might move materials from their places and make them much more difficult to find.
- He or others might remove materials from the Archive room...
- ...and the materials never come back.
- College students or other amateurs might be allowed to record the archive materials, whose care would be too inadequate or uncertain.
- A trusted towns member would have to watch the above people like a hawk while in the Archive room at every moment.
- Mr. Churchill or his organization might gain the exclusive right to publish the Archive materials online.
- He or his organization might charge money for access to their digitized copies of the Archive materials.
- He or his organization might gain some exclusive rights over the original archive materials.

The bottom line is that several of those present at the meeting, as well as Marie Dudley, were very wary of John Churchill and did not want him to ever be able to enter the Archive Room.

Kristy reminded the Board that, per the Freedom of Information Act (FOIA), John Churchill is allowed to ask for copies of specific records from this office. That law requires that he be given them for a fair fee within a certain amount of time.

She said that the town of Cooper is going through a lawsuit now over someone who asked for copies of a few of its records. This person will not pay the fees, so the town will not give him the copies he asked for until he pays. While the town of Cooper will probably win, they still have to pay legal fees for now. It's something to be careful of.

Motion to deny the request of John A. Churchill, of Robbinston, to digitize the town archives in the Archive Room by Skip and 2<sup>nd</sup> by Foster  
Voting: Unanimous

Foster will contact Marie to make sure she knows of this decision.

### **Unfinished Business**

#### **Letter to Dale Earle**

The letter to Dale (about not piling the sand higher than the plywood walls and not parking his loader inside the shed) has been returned as undeliverable. Dale lives elsewhere when it is not plowing season.

Skip asked if he has another address.

Jane recommended sending it to where his grandmother lives.

Sue recommended sending it to where his father lives on St. Croix Drive.

Larry said he will call Dale and take care of getting the letter to Dale. [The letter was given to Larry].

### **DEEMS Meeting**

Foster said that he next meeting of the Downeast Emergency Medical Services (DEEMS) will be on December 16 at the Happy Crab Restaurant in Eastport. Skip asked Foster to pass on his thanks for the lower costs to the town.

### **License Plates**

Kristy spoke of the upcoming change in motor vehicle license plates. (She has recieved training to be able to soon give out license plates from the town office.) For people with vanity license plates, they will have to pay \$25 to reserve them as well as

another \$25 when they actually get them. Some townspeople will not be happy about this.

### **Town Financial Audit**

It will be on the 10<sup>th</sup> of October. Kristy and Lesliann "tested" for mistakes in the bookkeeping and didn't find any.

### **November Election**

The election on November 5 will be a lot more secure and stringent than in the past. The town office has a big metal drop box for ballots. Mail-in ballots were hand delivered, instead of mailed.

### **Local Property Tax Inquiries**

Lots of phone calls have come to the town office by people who want to know how much they will be paying in property taxes.

### **Paying the County Tax**

Kristy had thought that the County tax had to be paid already, but actually interest does not start accruing for those unpaid taxes until November 1. She kept that money in the town's account for as long as she thought possible.

Skip and others mentioned their discontentment with the County services, particularly in light of the unresolved situations at Maple Drive. Skip said he will call Billy Howard, presumptive County Commissioner. Sue and others noted that Billy only likes to *talk* to people, and doesn't want anything in writing.

Motion to adjourn by Foster and 2<sup>nd</sup> by David S. at 8:02.

Voting: Unanimous.