

Town of Alexander Selectmen's Meeting

7 November 2024

Attendance:

Skip Colson
David Davis
Foster Carlow Jr.
Carl Oakes
David Sanford

Kristy Crawford
Jane Manza
Joe Manza

Meeting called to order at 6:02 PM.

Pledge of Allegiance recited.

Approve Minutes Of Last Selectmen Meetings

September

Motion to approve the minutes of 5 September 2024 meeting by Foster and 2nd by Carl

Voting: Unanimous

October

Motion to approve the minutes 3 October 2024 by Foster and 2nd by Carl

Voting: Unanimous

Broadband Project

Ted Carter brought in some paperwork whereby, instead of transferring the loan from the town to the DBU, he instead signed a six month extension until March of 2025. It seems like this keeps getting extended and extended for various reasons such as that the lawyer was sick, or waiting for the interest rate to change.

Therefore...

Motion for Skip Colson and Kristy Crawford to write and send a letter to the Downeast Broadband Utility (DBU) which asks what is going on with the broadband loan, where Alexander's grant money is going and stating the position of the board of selectmen and the town treasurer by Foster and 2nd by David D.

Voting: Unanimous

Kristy said that, during the audit last month, she had assured the auditor that Ted had promised that he would soon sign the loan transfer and the broadband loan would be off the books of the town.

But the opposite happened (5+ months of not signing) and she ended up looking like an idiot.

The DBU makes about \$25,000 of income. Additionally, the rate recently went up 8 dollars per month. The town is getting this money from those customers and it's going to the DBU. But you can't make the DBU apply that money to the loans. According to Ted, \$53,000 is the town's cost to join the DBU.

David Davis again brought up the fiber optic line to Crawford. The people getting service on that line to Crawford aren't considered as paying through Alexander. Either Ted didn't understand, or he answered incorrectly that the town *would* get that revenue. The town paid for the line clear through to Kathy Perkins.

Cemetery

Jane said they asked David Lee to drop off a load of gravel and a load of loam. That was \$1300 dollars (of ARPA money).

Carl said he talked to Kevin Dean about cutting down trees that are in the way in the cemetery. But Kevin did not seem impressed with taking down the trees. David Davis cut down a tree two years ago. To cut them down without hitting any grave stones, the trees have to be pushed into the road when they drop or have them fall over the bank.

Kristy suggested calling an arborist, who can take down trees branch by branch so the tree doesn't damage the grave stones. But Skip said that arborist David Townsend is too busy.

Skip said he and Carl would look at the trees and see if cutting down those trees is something the two of them could do. Carl will put ribbon on the trees that need to be cut.

Jane said that there is also a maple tree near the Barnum lot that keeps dropping limbs.

Tax Assessing

Jane said that the tax bills are finally in. The mill rate is down to 17.5. The taxes cover 102% of the budget, which means there is a little bit of cushion against the big sales for next year to keep the mill rate on the low side.

Instead of having one property card per property, now there are 2: the old card-stock cards and the much more detailed new ones on TRIO on the computer. Now, if a real estate agent calls asking for property details, the clerk can those right over.

Jane had a phone call from someone who wanted to make sure that his or her house is valued the same as someone else's similar house nearby. There is a

difference between, for example, the value of lake shore property vs. farm land. In assessing, it's what is called a neighborhood. With modern technology, assessors can much more easily keep it up to date. Before, they would have had to go in to the computer or the cards and increase all 400-some properties individually. Now they can push one button, and it changes the value of the whole town or individual neighborhoods.

Kristy explained that when the real estate agents call for property information, she does not charge money. Yes, for paper copies. Per state law, she may not charge for her time in making copies unless it takes at least 3 hours to put it all together. Jane answered that she does not get calls from real estate agents, but that lots of other people call her.

David Davis said that over in Crawford, they hire an outside professional tax assessor to do all the assessing. Skip said that although the town of Alexander has paid Amy Dunn, who is a professional assessor, she doesn't do the assessing. Jane said that Amy has recommended that the town of Alexander have its assessing done by an assessing agent. Then it wouldn't need a board of assessors. For example, Amy is an agent for Harrington and East Machias. Jane also recommends that the town do that. However, Amy is not interested in the job. It's something to have on the back burner for now.

Skip asked, "What are the advantages?"

Kristy explained that it's a cost increase but a knowledge increase. Amy, for example, has done all the classes. The town would have that safety and security. (In Calais they have that \$500,000 shortfall.) No one else would have to do the assessing. Instead of the long revaluation that we just did, it would have been a simple, easy update every single year. An agent would have been more willing to take it on.

Considerations About The Town Tax Assessing Done Only By A Full-Time Tax Assessor:

-Skip pointed out that the selectmen can't just do away with the town-elected board of assessors. One difficulty is that the terms of each board member do not expire at the same time. Kristy said she would consult with MMA legal about how to go about doing that.

-The town would (probably) lose the accessibility of a local person.

-David D. asked, "Would a professional assessor handle the nitpick stuff"?

-David S. remembered that Mike Hunnewell was a hired assessor several years ago, but he left suddenly and took all the assessment information

with him on his laptop, leaving the town high and dry.

-The town would have to find someone who could do the job. Jane said that in this area, professional assessors are few and far between.

-Kristy said that if the town did change to a hired professional assessor then the town should get TRIO web. This would make it easier for more than one person to use TRIO remotely. Amy had to "remote in" to the assessors' computer. Jane said she would have to wait until 8 PM to do stuff to make sure that Amy had TRIO open for her to use during the day.

Jane talked about how much Amy had done this past year, including the vast amount that she had done for free in order to get the job done right. Amy had estimated that it would be \$12,000 to do the 670 property tax cards. Sarah, the other person, 670 cards at \$15 a card. But Amy also had to build the cost file, which is what each factor is and the codes associated with them. She personally looked at each card. She paid Sarah \$10,050. Amy put in 245 hours and only got enough money for 40.5 hours. 205 hours are not paid for, nor any other mileage paid for. Her \$12,000 became almost \$22,000 worth of work for the town, which is still way way lower than a professional assessor. That's close to \$10,000 of work that she didn't get paid for. If there is any way to pay her for that work, she was more valuable than the \$12,000.

Both David D. and Skip pointed out that she underestimated and, for Skip, he usually holds a contractor to that estimate.

Foster thought something should be done to help. What can be done legally? Could someone talk to MMA for advice? Foster pointed out that Amy's was not a written bid. But if a contractor has done a good job, pay them the whole amount and it will save the town down the road. She has given good information. She be could paid for the entire rest of her time and mileage or only part. It could even be deferred to next year.

Skip said that it is a thankless job.

Kristy said she is not sure if the current year administrative budget could handle paying Amy more, but she can find out for sure for next month's meeting. She was very tight with her budget.

Kristy recommended waiting until the July town budget meeting. Money can also be raised in March, but townspeople are more likely to reject that since money is not normally discussed in the March meeting.

As far as talking to MMA about this, Skip was clear that he wants to retain local control and not give any impression that the selectmen want MMA to tell them what to do. Foster said MMA could simply be asked for some "friendly advice".

Jane presented Amy's bills for her work from April 2024 the end of the work, saying, "She doesn't even know that I am speaking on her behalf." What's not included in the bills is the uncompensated 205 hours and 240 miles. (See "A")

Jane mentioned that the town loses some Tree Growth and Homestead Exemption tax money from the state if the town assessors don't set the total municipal valuation as high as the state thinks it should be.

Jane also said that the assessors had to measure every garage and outbuilding (though not every house, since most of them were already sketched out). Skip thought that assessors could simply look at the permit: weren't the dimensions on the permits? But Jane explained that sometimes, the building that was actually built is smaller than what was allowed on the permit.

Jane also said that the property surveys were very helpful for inputting information and not having the assessors have to visit each property. In fact, they are still receiving surveys from people.

Dale Earle Payment Schedule for The 2024-2025 Snowplowing Season

Kristy gave copies of the payment schedule for Mr. Earle (See "B"). Dale will get a copy of this as well. His first pay is due November 14.

Here is his paycheck, here is the paperwork
The warrant has been signed.

Skip will make sure it gets mailed. We will fill in these totals.

The Town Christmas Party

Motion for the town to pay the Grange \$500 for the town Christmas party by David D. and 2nd by Carl Foster: Unanimous.

Paying David Lee and Stop Payment on Check

Kristy paid David Lee on September 26 for the Davis Road work. Somehow the check (of \$49,858 dollars) got lost. She cut a new check for him. She is going to call the bank to get a stop payment on the old check even though it will be a \$10 or \$20 surcharge. It will be worth it because that is a lot of money for somebody to find and cash.

Kristy said that her "brain doesn't have the time for the financials."

Tax money has been coming in.

The November Election

Kristy said that the election went off like a well-oiled machine: It was very smooth. There were 345 voters with 2 ballots per voter for a total of 690 ballots. The ballot box was "stuffed to the max". The election workers were amazing and did a remarkable job. Within 3 hours, they had counted all the ballots.

For U.S. Congressional District 2 race, candidate Austin Theriault has requested a recount.

Tomorrow the state police will come to the town office to pick up all of the ballots from Wesley, Cooper, Crawford, and Alexander.

Skip said he wanted to personally thank Foster Carlow Jr., Carl Oakes, Stephen Seavey, Jimmy Davis and John Knowles. At least one individual prior to the election was pushy and uncooperative. So those men took turns coming in and sitting there to provide security. Because of that, there were no incidents. Skip thinks it should be policy anyways to have someone there for security. All the election workers were recognized:

Kristy Crawford
Lesliann Barnard
Elinor Sanford
Chanise Provencher
Jane Manza
Josie James
Emogene Hill
Spencer McCormick
Carly Davis
Leslie Stewart
Marty Colson
Kenneth Colson
Brittany Seavey
Ruth Seeley

Carl Oakes
Stephen Seavey
Jimmy Davis
John Knowles

Foster was also recognized for driving to restaurants to get meals for the elections workers and never requesting mileage reimbursement.

Replacing The Town Shoreland Zoning Ordinance

Skip said that at the last planning board of appeals meeting (on 30 October) Andy Snowman said that the town needs to adopt the State of Maine's Shoreland Ordinance and have that supersede the current 2019 version on the town website, which has some failings. Skip asked him and he said the

selectmen alone can adopt it. Kristy elaborated that some failings are the lack of the small shed allowed on non-conforming lots and a lack of property line setbacks.

Motion to adopt the Maine 2016 Shoreland Zoning Ordinance by Foster and 2nd by David D.
Voting: Unanimous

Skip said that the planning board of appeals denied a permit for construction that was already finished. He wanted the board members to be aware that the owners said that they may hire a lawyer to contest the decision. Andy said most likely he can take care of it. Hopefully, once the lawyer sees the written decision, he will say that they have no case. David D. asked if the town has a lawyer on retainer. Kristy explained that they don't really do that anymore. At one time, it had been Rebecca Meader. But now, you just come to a lawyer and ask for his or her services.

She also said that the very next day after the decision, the owners were in the office and they were asking for a lot of pieces of information. They wanted to know what the town bylaws are, how meetings are conducted. She told them that the town goes by the MMA manual. They looked at the Planning Board minutes. He wanted to know who had been issued permits. Kristy told them they could not without a FOIA request. She asked what happens if Board of Appeals denies. They said they didn't even get to see the Planning Board first. Kristy said that the Planning Board only deals with people who submit permits. They asked how they would go about seeing the Planning Board.

Skip said that when he was on the Planning Board, it was always easier when someone would call him before any construction took place. Take tape measure. One of the places they are complaining about, before it was built, they asked Skip and another board member to come take a look. They spent a day down there with a tape measure and the manual open on the hood of his truck. The owners took the time ahead of time. David D asked why it was denied. Skip replied that Andy gave them a letter that told them to cease and desist from building. The bottom line is they did not check beforehand. David S. recounted the 6 reasons that were given for the denial (See the partial letter in "C")

Difficulties with Payment to Steve Parks For His Work On The Steep Part of The Davis Road

A few selectmen have said that Larry may have misunderstood what Steve Parks had said about how much he wanted to be paid for that job. Skip said that originally Larry understood that the job would be done for \$2000. But when Steve ended up taking many more hours to finish it up, he said he needed \$1400 more.

Carl, who had been doing the flagging, remembered that Larry and Steve had a heated argument after Steve had worked about 20 hours and there was obviously much more work to do to finish the job. Steve said that he had estimated \$100 with his skidder for 20 hours. Larry disagreed, saying he would only be paid \$2000 in total for the whole job.

It was noted that after Larry had said that, Steve could have ceased work and taken his equipment home. Instead, he spent the extra hours and finished the job.

Carl wasn't there when the initial agreement was made. Skip said he was flagging on the first day and wasn't privy to what Carl saw.

So what *did* Steve say?

Foster said that Larry had said \$2000 for Steve and the town would pay for the gravel. It was vague on what he would do for work, mainly smooth the roads. But it looks like he has done some extra ditching "and it has held up good". Foster thought the extra should be paid for, which he thought was \$1200. Carl thought it was \$200 for gravel. On the other hand, Foster said, if the town wants to hold things to what people say, then put it out to bid and have it in writing. Either \$3200 or \$3400 total is cheap for that work.

Kristy said that 90% of the money would be reimbursed by FEMA, so little of it would come out of the town in the end anyway. It's just that FEMA got a lot of impact in Florida from recent hurricanes, so it's going to be a while before the money comes in.

She also said that now the town has David Lee, Hansen and son, Kevin Dean, and Stephen Parks, so the town can put road jobs out to bid more. When there wasn't anybody but David Lee, then there wasn't much need to bid. And bids can be in writing.

Skip said that Steve was angry with him. Steve had wanted more money.

Skip said that before the board agrees on a dollar amount, they should first find out the hours Steve worked. They did not have that on hand. The hours that the flaggers worked are not reliable because sometimes Steve did not always work while flagging was done.

Larry will be asked about Steve's hours on that job.

Motion by Foster to pay the difference to Steve Parks.

Motion rescinded by Foster and tabled for next meeting

PAWS Shelter Contract

Kristy said that PAWS has not yet called her about whether they have given the town of Alexander an animal shelter contract. Thankfully, so far it has been super quiet. She will call them back.

Otherwise, the town may have to contract with another shelter such as in Cherryfield, Jonesport, Ellsworth, or Bangor. The mileage would be very expensive. Kristy also explained that feral cats are treated differently than cats that someone owns. When he was the animal control officer, Steve Seavey would hold a cat until he found the owner or found a new home for it.

DEEMS

Foster said that Downeast Ambulance would be meeting at the Happy Crab Restaurant in Eastport on December 16.

New Costs for Building Permits

The cost of getting a building permit in Alexander has been \$10. However, if that building will be in the Shoreland Zone, then the permit must be filed in the County Registry of Deeds, which is \$19 per page, plus \$5 to have each set notarized; at least \$24 dollars currently. Kristy recommended that the cost for those permit applications should be at least 34 dollars. However, if there are multiple pages, then they will cost \$19 more per page.

Motion by Foster and 2nd by Carl that the following will be town government policy:

1. All applications for a permit to build in the town of Alexander will initially cost \$10.
2. If the application is found to be for building in the Shoreland Zone, then the applicant will be asked if he/she wishes to proceed. If yes, then the applicant must pay an additional \$40 before the permit is issued.

Voting: Unanimous.

State Tax Deferral Concern

David S. expressed concern about the Maine State Tax Deferral Program (started in 2022), whereby an owner allows the state to own the house and not pay taxes in reverse mortgage fashion. When the house is sold, the state gets its share of the sale of the house in back taxes. However, if the owner does not pay or owes more than the house is worth, then the state will foreclose. Previously, if senior

citizens could not pay property taxes, then the state provided tax breaks. But this replacement program is not the same thing at all. David S. did not want people to enter into that program for not being able to pay local property taxes without first talking to the town office and seeing if abatement is possible. It seemed wrong to lose ownership of one's home for a lack of a few hundred dollars.

Jane explained the process of how to gain tax relief for the needy. There are other things that can be done first before using that program.

Skip recounted that property tax abatement has been done (very rarely) for the elderly. That seemed to be the right thing to do and hopefully will be done in the future as needed.

For example, fifteen to eighteen years ago, an elderly woman around age 95 couldn't afford to pay her property tax. The board of selectmen abated the tax for obvious hardship.

Kristy said that she has told some people who come to the office (and seem to need it) about hardship abatements. For example, she had talked to Audrey Frost about her brother Gerard getting property tax relief, because of his severe cancer. But she rejected this, and asked Kristy not to tell Gerard, saying that all he would have to do would be to slaughter one cow and he would be able to pay all his taxes.

Skip said that his parents' generation is frequently too proud to ask for help.

Kristy said that she can tell who is struggling to pay property taxes because their home has been on lien for 2 years. There is one man who doesn't pay his property tax, so she calls his mother and the mother pays before the house is taken by the town.

Kristy mentioned that "Mr" David Davis's birthday was yesterday.

Motion to adjourn by Foster and 2nd by Carl.

Voting: Unanimous

Amy Dunn
 PO Box 227
 Orland, ME 04472
 Cell (207) 469-5125
 Dunndeskservices@gmail.com



Invoice Date: 4/30/24
 Invoice #: TALX008

TO: Town of Alexander
 Board of Assessors
 50 Cooper Road
 Alexander, ME 04694

Date	Description	Hours	Miles	Rate	Total
April	Remote via TeamViewer <u>Tasks:</u> Initial Setup of TRIO Cost Files w/ Testing	14.00		45.00	\$ 630.00
	Remote via TeamViewer <u>Tasks:</u> Data Entry & Review of 87 Property Cards	67.00		15.00	\$ 1,005.00
Total Due Upon Receipt					\$ 1,635.00

Amy Dunn
 PO Box 227
 Orland, ME 04472
 Cell (207) 469-5125
 Dunndeskservices@gmail.com

Invoice Date: 6/27/24
 Invoice #: TALX009

TO: Town of Alexander
 Board of Assessors
 50 Cooper Road
 Alexander, ME 04694

Date	Description	Hours	Miles	Rate	Total
May & June	Onsite Work Session on 5/6/24 [9:00 AM to Noon] <u>Tasks:</u> Review Setup & Cards to Date, Misc Questions, Discuss Pics & Surveys, Pick up Next Batch of Property Card, etc.	3.00		45.00	\$ 135.00
	Mileage Reimbursement for 5/6/24		182	0.67	\$ 121.94
	Remote via TeamViewer <u>Tasks:</u> Continued Adjustments of TRIO Cost Files w/ Testing	1.75		45.00	\$ 78.75
	Remote via TeamViewer <u>Tasks:</u> Data Entry & Review of 220 Property Cards	220		15.00	\$ 3,300.00
Total Due Upon Receipt					\$ 3,635.69

Amy Dunn
 PO Box 227
 Orland, ME 04472
 Cell (207) 469-5125
 Dunndeskservices@gmail.com

Invoice Date: 8/2/24
 Invoice #: TALX010

TO: Town of Alexander
 Board of Assessors
 50 Cooper Road
 Alexander, ME 04694

Date	Description	Hours	Miles	Rate	Total
July	Remote via TeamViewer <u>Tasks:</u> Continued Adjustments of TRIO Cost Files w/ Testing, Attach Pics in TRIO, Attach Surveys to Cards, etc.	5.75		45.00	\$ 258.75
	Remote via TeamViewer <u>Tasks:</u> Data Entry & Review of 172 Property Cards	172		15.00	\$ 2,580.00
Total Due Upon Receipt					\$ 2,838.75

Amy Dunn
 PO Box 227
 Orland, ME 04472
 Cell (207) 469-5125
 Dunndeskservices@gmail.com

Invoice Date: 10/24/24
 Invoice #: TALX011

TO: Town of Alexander
 Board of Assessors
 50 Cooper Road
 Alexander, ME 04694

Date	Description	Hours	Miles	Rate	Total
August September & October	Remote via TeamViewer <u>Tasks:</u> Continued Review of Property Cards, Cost Files, Emails, Phone Calls, etc.	16.00		45.00	\$ 720.00
	Remote via TeamViewer <u>Tasks:</u> Data Entry & Review of 211 Property Cards	211		15.00	\$ 3,165.00
	Misc Adjustment for rounding to match Original Quote				5.56
Total Due Upon Receipt					\$ 3,890.56

B

Dale J Earle FY 24-25 Plowing Contract

Warrant #	Due By	Amount	EMEC	Total	Check #
10	11/14/2024	\$ 8,463.75		\$ 8,463.75	3974
11	11/28/2024	\$ 8,463.75		8463.75	4012
12	12/12/2024	\$ 8,463.75			
13	12/26/2024	\$ 8,463.75		.	
14	1/9/2025	\$ 8,463.75			
15	1/23/2025	\$ 8,463.75			
16	2/6/2025	\$ 8,463.75			
17	2/20/2025	\$ 8,463.75			
18	3/6/2025	\$ 8,463.75			
19	3/20/2025	\$ 8,463.75			
20	4/3/2025	\$ 8,463.75			
21	4/17/2025	\$ 8,463.75			

C

...After all our efforts, we, the Board of Appeals, found that there are no lawful options for keeping the deck where it is in relation to the shore:

Option A: It's a rebuild.

If the 2024 deck construction were labelled a rebuild of the pre-2006 deck itself or as a rebuild of part of the house, then 12.C.(4) "Reconstruction or Replacement [of a nonconforming structure]" would apply.

-If we were to assume that *more* than 50% of the original's market value had been lost (as per the 1st paragraph), the opinion of the Board is that a permit to rebuild must be "obtained within one (1) year of the date of said damage, destruction or removal...." It is the opinion of the Board that if more than 1 year has passed, then a rebuild is no longer allowed.

-If we were to assume that 50% or *less* of the original's market value had been lost (as per the 4th paragraph), a permit must be "obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal." Again, it is the opinion of the Board that if more than 1 year has passed, then a rebuild is no longer allowed.

Option B: It's new construction.

If we were to call the 2024 deck construction a new structure, then we would look at 12.C.(1), which then refers to 15.B., which says this: "All new principal and accessory structures shall be set back at least one hundred (100) feet...from the normal high-water line of great ponds" (such as Pleasant Lake). The "new" deck is within this prohibited zone.

Option C: It's an expansion of the house.

According to the definition of "Accessory structure or use" (section 17, p. 39), "[a] deck or similar extension of the principal structure...is considered part of the principal structure." Therefore, under this definition, we could not treat the 2024 deck construction as separate from, but as an expansion of the house itself.

In that case, 12.C.(1) applies. But right in the first paragraph, it says that "A nonconforming structure may be added to or expanded...if such addition or expansion does not increase the nonconformity of the structure..." Unfortunately, the deck has accordingly made the house even closer to the shore and therefore increased its nonconformity.

Option D: It was normal maintenance.

12.B.(2) says that, yes, normal maintenance may be done without a permit. But it is the opinion of the Board that the building of the deck was substantially beyond the normal maintenance that 12.B.(2) allows.

Option E: It was required by safety codes.

12.B.(2) also says that safety-based code upgrades can be done without a permit. Indeed, Darren and Tracy did say that people had been injured by the roots and/or leftover concrete debris around the house and shore for years. The Board does not dispute that there may be safety hazards as they stated. However, they had the burden of proof, as per 16.H.(4)(b)(ii), but did not provide any of the "federal, state, or local building and safety codes" they would have gone by to justify any part of the build. There was no specific evidence given that the deck that was built was *required by code* to remedy those hazards.

Option F: The Board should grant a variance.

16.H.(2) requires the Board to be "strict" as to when a variance should be granted. Under "undue hardship", part (c)(ii)(d) says that a variance can be considered, in part, if "the hardship is not the result of action taken by the applicant or a prior owner." What is the hardship in this case? It is the removing or demolishing of a new, high-quality structure that good money paid for. Unfortunately, these hardships are precisely due to owner actions: partly the result of the owners in 2005 who removed the previous deck, and due to their decision to take action by going forward without requesting a permit and paying to have the current deck structure constructed. The Board is thereby prohibited from granting a variance in this case....