

Selectmen's Meeting Minutes

November 21, 2019

(Approved December 5, 2019)

Meeting opened at 7:00. Present: Selectmen Gary Mosher and Jerry Redlevske, Vern Worthen (at 7:04) Tax Collector-Treasurer Yolanda Violette, Secretaries Fran Varney and Tammy Lamphere, Daren Turner – Town Forester

Residents Fred LaPlante, Wanda Fortin, Mike Fortin, Robin Chamberlain, Denis Culley, Bill True, Dari Hurley, Donnie Howard, Julia Howard, Emily Turk, Mark Turk, Rick Loadwick, Steve Hakala, Teresa Barber-Hakala, Dustin Barber, Myke Bartholf, Sue Bartholf, Bjarki Gunnarsson, Bruce Hurley, Ricky Parlin, Rob Gardner, Tina Parlin Gardner, Bob Gardner, Chris Holt, John Chamberlain, Joel Hooper, Marti Hooper, Maryellen Charles, Sarah Bunker-Geyer.

Guests: Nate Laflin and Mike Laflin from Laflin & Wolfington Realty, and Molly Shelly, reporter from the Morning Sentinel.

2018-2019 TOWN FOREST REVIEW: Daren Turner, Town Forester, presented background and history of (1) the November 29, 2018 Forester/Landowner contract, being a 2yr contract expiring in November 2020; (2) the bid process for the 2018-19 Town Forest Harvest Agreement; (3) the award to Jerry Redlevske and resulting contract between Jerry Redlevske and the Town which expired April 15, 2019; (4) a summary of the actual 2018-19 Harvest; (5) Boundary Line Agreement signed and recorded; and (6) Survey has been completed and recorded.

Daren went into detail in order to give a complete and transparent overview at this meeting to the 30+ residents who typically would not be a regular meeting to hear these details. Daren spoke of his billings to the Town; his decisions as to when weather conditions are suitable and approved for logging; the Town's right to terminate his services without cause; the 4/25/19 minutes that Jerry would agree to pay same price next winter; also that it was not a vote to extend the contract at that meeting.

Daren explained that if the contractor disagrees with the forester's recommendations, for example, as to when the land is frozen enough to harvest the wood, that the Town Forester's decision is final. He explained that if the bid notice specifies a contract requirement, and the forester requests a change in the contract provisions, Daren won't approve a change if that requirement might have discouraged other potential contractors from submitting a bid.

When questioned about Jerry's performance in the 2018-19 season, Daren said that only 15% of the harvest was completed in the first year which netted \$7,101.82 for the Town, that he believes Jerry has the equipment and the workers needed to complete the contract by April 15, 2020, and that Jerry has cooperated with Daren and did a good job in 2018-19. Jerry stated equipment will be 2 skidders, 1 slasher and 1 feller buncher with 3 people working.

Motion was made and seconded to approve extension of Jerry Redlevske's contract on the same terms as last season until April 15, 2020. Vern Worthen and Gary Mosher approved the extension, with Jerry Redlevske abstaining. (2-0-1) Daren will bring the final contract to the December 5, 2019 meeting for Selectmen to review and sign. Daren will also go out and start marking trees to be cut, once the grounds are frozen.

Daren left required Independent contractor forms for Jerry and Duncan to sign and send into the workers compensation board for approval; also stated Certificate of Liability and the certificate showing Workers Comp Insurance had been received as well.

The question was raised by Jerry whether the boundary line established in the recent survey is shown as beginning at the correct culvert. Daren will check the new boundary line between the Town and the Mills Trust for accuracy, and will report back to the Town.

Denis Culley asked if the Nature Trail in the Town Forest which Warren Balgooyen and local teens worked on in 19__ has been permanently damaged by the skidders of a former logger, or if it can be restored.

302 DECKER ROAD STATUS: Nate Laflin, of Laflin & Wolfington Realty, submitted to the Selectmen, for their review, a proposed Determination of Status of Public Easement. The document was prepared by Attorney John Cunningham, who could not attend the meeting.

Selectmen will research this matter and bring it forward at a future meeting. Denis Culley stated he believed no public easement had been retained in the 1961 discontinuance article, thus the road would not belong to the Town, but would have reverted to abutters.

CITIZEN COMMENTS:

Robert "Rob" Gardner asked: why the Town isn't suing Vern Worthen for failure to perform the winter roads contract, whether Vern is liable for the \$33,000 additional money due to Mercer Sand & Gravel under the 2019-20 winter roads contract, why is he still sitting on the board and if the Town can recover from Vern to fix the mistakes in his contract work on the 2012 pellet system and on the 2018 oil furnace. Rob Gardner said he couldn't believe the selectmen would even consider another contract between the town and a Selectman in office.

Rob Gardner, Bruce Hurley, Dustin Barber and many other residents believe that a Selectman should not be awarded town contracts, whether tree harvest, winter roads, or other, because it is a conflict of interest. Vern Worthen replied that he agrees with that principle in a perfect world, but it is difficult in a town of about 600 people. Bruce does not hold MMA in high regard.

Myke Bartholf asked Vern if he had access to other contractors' bids, for the Pellet Boilers & Oil Boiler; He asked if Vern profited from the subcontracts he entered into, and questioned Vern's billing practices. Vern said yes he profited, he was paid for removing the old furnace. Vern said he believed his subcontractors were licensed and insured at the time they performed the work, even if they are not now. Myke believes Vern has profited from his position. Vern said he purchased some contract items in his own name rather than in the Town's name because it saved the town money and didn't require that Yolanda order the materials.

Dari Hurley (under the Freedom of Access Act) has researched the 2012 pellet system contract as well as the 2018 oil furnace contract. She believes that Vern had access to the bids from other contractors. She believes when he gave the town a lower estimate than the bids because he substituted less expensive components, which likely contributed to current problems in both systems. In addition, the chimney does not have a proper lining, which was in the bid from Bob's Cash Fuel. Bob's also felt the oil tank needed to be upgraded.

Pellet Boiler Grant was signed by Vern, then he submitted a bid for the job. Pellet Boilers (Central Boilers) installed were like \$8000 boilers when the other bidders were installing \$25,000 Pellet Boilers (Okifins). Bid Packages are needed in the future.

Residents inquired if the Town can require Vern to resign, or can remove or recall him from his Selectman position. Denis Culley explained that Mercer doesn't have a charter or an ordinance that allows a recall or removal option. Title 30A states a Municipal Official can only be removed if they have been convicted of a

crime toward the town. Yolanda stated that a recall ordinance was proposed at 2018 town meeting, but was voted down. Denis also stated this is not a dream job, semi-volunteer and more people need to step up and it may be time to hire a good attorney suggested Mary Dennison.

Residents also stated that Mercer needs to include a performance bond in future town contracts.

HEATING SYSTEM DISCUSSION:

ABT (Austin) will be in Mercer Friday, November 22 at 8:30 am to fix the oil furnace. Vern offered to pay for the code violation work if he can use his own workers, but did not offer to pay ABT for the fixing code violations.

Gary Mosher said the town needs to get on the right course. Joel Hooper sees a need for articles to bring before the voters at the 2020 annual meeting to resolve some of these issues. Mistakes have been made, but Joel does not believe Vern acted in bad faith. Joel says people need to step up to serve as selectmen instead of complaining.

Robert “Bob” Gardner believes the town made the wrong choice in choosing the pellet system, and he expressed great concern about water in the basement that may have caused the oil tanks to rust. Mistakes made along the way are now costing the town extra money. Vern agreed the chimney is old and needs relining. Gary Mosher said the pellet system probably seemed like a good choice when the price of oil was high. Now oil is cheaper.

Dari questioned the quality of both heating systems, and whether these systems are even adequate to heat the building. She questioned why the auger is manual rather than automatic, why there is no battery backup, also whether the pellets that have been stored in the silos for two years are still good to use, or will the old pellets jam the auger again. She asked who is maintaining the pellet system. Vern said he had hired an outfit for scheduled maintenance.

Steve Hakala is concerned that if there is a fire, whether town’s insurance will cover it. Teresa Hakala asked if the town office should be open with the chimney needing relining.

Some residents expressed concern about the potential fire hazard in the basement, and whether the building is safe to use. Myke requested that the selectmen not permit Vern’s workers or contractors to do the remedial work. Many said they want selectmen to hire ABT to do the work.

*Voted 2-0-1 that ABT be hired to fix the furnace to code at the Towns expense, also to get an estimate to replace the old oil tank and the chimney to be relined.

Question – where will the money come from? The selectmen and treasurer will look at town accounts. Possible sources include the contingency article and the municipal building reserve account. Denis questioned if the reserve account can be used for this purpose.

One resident suggested 1st Selectmen & 3rd Selectmen resign and have a special election to fill the positions. Residents were reminded that deadline for submitting articles for March annual meeting is January 9th, 2020.

Denis Culley suggested retaining a municipal attorney for limited use, and he recommended Mary Dennison to advise the town on the town’s current problems and to improve the town’s bidding system. He would like to see fewer personality arguments, and for people to find a way to solve issues calmly.

OTHER BUSINESS:

Chris Holt asked if the 15% limit on exceeding the winter roads appropriation is a problem. Yolanda responded that only two months out of the six month winter road contract will be paid out of 2019 appropriation of \$190,000, and that should be ok.

Gary Mosher reported that if Mercer had needed to be plowed or sanded from November 11 until 18, that Norridgewock would have stepped up and helped so emergency and fire vehicles could access Mercer roads.

Pellet stove considerations: ABT suggested scrapping one pellet stove, and salvaging one. Others questioned scrapping a \$4000 stove for a \$500 part. Bruce Hurley noted that pellet stoves need a lot of maintenance. Dari Hurley questioned the cost of materials and labor billed for the pellet stove system.

Yolanda submitted the list of homestead exemptions as requested by the State on November 12. Two unpaid 2017 liens were not paid on time, but former owners stated they would try to pay by December 31, 2019

MSAD 54 Minutes were received.

Charlie Baeder of Seven Lakes Alliance will be at December 5th meeting to discuss boat landing grant.

Elm Street residents at the end of Elm Street requested one more grading if weather permits. Money is available for this if weather cooperates.

Adam Keene and Aaron Gordon would like the town to send a letter to Dana Knight to request return of some First Responder supplies. They will give the Town a list of the items.

Selectmen signed the Justin Furbush Mowing agreement.

Yolanda confirmed the number of pies to be ordered from the MC Club, 62 turkey pies for Christmas delivery.

Efficiency Maine grant information – Mercer will get a \$1710 grant if Town spends \$5100 on the exterior lighting project by January 31, 2020 (contingency article or Municipal Building reserve fund?) John Chamberlain said the savings from using new LED efficient lights would justify the cost.

Discussion – Municipal Building Reserve for oil burner cost, to be reimbursed from town forest. Decision to be tabled until after ABT work. Municipal Reserve fund has \$19,541 plus \$17,000 reimbursement from town harvest.

Transfer station and municipal building plowing, shoveling and sanding contract. Jerry is willing to continue on the same terms. Tina Gardner urged not to continue with Jerry Redlevske (selectman – conflict of interest), but to put it out to bid. Selectmen voted to put it out to Bid again. Jerry stated he would plow in the mean time, Vern stated Jerry will not plow, the town will be without.

Others asked why it was not included in winter plow contract. Answer – Different equipment needed.

\$18,959 left in paving account Goes back into surplus.

Warrant preview approved 3-0. Final warrant signed.

Minutes were approved from Nov. 7 (2-0) and from November 13 (2-0).

Next meetings: December 5, 19 and 30; January 9 – regular meeting and Warrant articles due from citizens for March 7 annual town meeting; January 16 – Budget Committee meets with Selectmen. January 23 – regular meeting and finalize the Annual Town Meeting Warrant for town meeting to be signed.

Adjourned 9:25 pm

[Minutes and Notes taken by Fran Varney, Tammy Lamphere, Yolanda Violette]