

AGENDA

ITEM

5.a.

**CLINTON BOARD OF SELECTMEN
TUESDAY, NOVEMBER 13, 2007
6:30 P.M.
SELECTMEN'S ROOM, TOWN OFFICE**

MINUTES

CALL TO ORDER: Chairman Towne called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Chairman Towne led the Pledge of Allegiance.

SELECTMEN PRESENT / QUORUM: Chairman Jeff Towne, Vice Chair Steve Hatch, Randy Clark, Chester Nutting, and Joe Massey. Also present Town Manager James Rhodes and Town Clerk Pamela Violette.

COMMENTS / QUESTIONS FROM THE PUBLIC CONCERNING MATTERS NOT RELATED TO ITEMS ON THE AGENDA. The Board's rules of procedure has imposed a 15 minute total time limit.

PUBLIC HEARING

DETERMINE WHETHER THE BUILDING OWNED BY LINCOLN ALWARD, LOCATED ON LAND AT 481 MUTTON LANE, CLINTON, MAINE AND DESCRIBED ON TAX MAP 8, LOT 1, IS DANGEROUS OR A NUISANCE WITHIN THE MEANING OF 17 M.R.S.A. § 2581.

Selectman Clark moved to open the public hearing at 6:34 p.m., second by Selectman Hatch. All in favor.

Chairman Towne opened the public hearing by stating the public hearing was being held by a vote taken at the October 23, 2007 meeting to serve notice to Mr. Lincoln Alward. Chairman Towne asked if Mr. Alward has been served with the notice of the public hearing date and time. Town Manager Rhodes said yes. Chairman Towne asked if the Code Officer wishes to make any presentation about this property. We do have photos, which will be the exhibit. Pictures are worth a thousand words. CEO Sharkey said it is his opinion, after inspection, this is a depilated and dangerous building and should be removed.

Chairman Towne asked if there is anyone present, concerning Lincoln Alward, that wishes to make comment. Carolyn Foley asked is Mr. Alward is in a nursing. Chairman Towne said Mr. Alward is in a nursing home in Madison, Maine. Ms. Foley asked if Mr. Alward has indicated what to do with his house. Chairman Towne said there has been ongoing communication, sporadically over six months, nothing happened.

November 13,2007 Selectmen Minutes

Town Manager Rhodes said there is a cousin that lives in China that has contacted him. They are looking for someone to tear it down, trying to find funds. They would like to tear it down as a family, get rid of it. This process will take about two months, if they find someone will remain to be seen.

Chairman Towne said they heard that back in May or June. Chairman Town asked if there were any other comments or questions.

Selectman Massey asked if we start the process and they decide to take the house down, can it be stopped at that point? Town Manager Rhodes said yes. They have gone so far as to contact Merton Richards to how much it would cost to demolish the house.

Chairman Town asked for any motions.

Town Manager Rhodes advised the Selectmen they cannot vote tonight, this is just a public hearing. No action tonight as the minutes need to be transcribed, file the minutes with the registry of deeds. This process will take about two months.

Selectman Clark moved to close the Public Hearing at 6:37 p.m. Second by Selectman Hatch. Vote 5-0 in favor.

ACTION ITEMS.

Approval of Selectmen's Minutes – October 23, 2007.

Selectman Clark moved the Board approve the minutes of the October 23, 2007 meeting. Second by Nutting. Vote 4 in favor, Selectman Hatch abstained.

3-Year Maintenance Contract for the Library copier.

Selectman Clark moved the Board authorize the Chair, Board of Selectmen to sign the Library's three-year copier maintenance with Transco business Technologies, Augusta, Maine. Second by Selectman Hatch. Vote 5 – 0.

Mowing Specifications: Town Cemeteries for a three-year contract term.

Selectman Clark moved the Board approve the Town Cemeteries mowing specifications for a three-year contract term, second by Selectman Hatch. All in favor.

Mowing Specifications: Town Hall, Library, and Recreation Properties for a three-year contract term.

Selectman Clark moved the Board approve the mowing specifications for Town Hall, Library, and Recreation Properties for a 3-Year Contract Term, second by Selectman Hatch. Vote 5-0.

Appointment of General Assistance Administrator

Selectman Clark moved Board appoint Pamela Violette as the General Assistance Administrator for the term of November 14, 2007 to June 30, 2008, second by Selectman Nutting. All in favor.

Appointment of Melissa Zawistowski, 82 Pleasant Street, as a regular member of the Park and Recreation Board for the term November 14, 2007 to June 30, 2009.

Selectman Clark moved Board appoint Melissa Zawistowski, 82 Pleasant Street, as a regular member of the Park and Recreation Board for the term November 14, 2007 to June 30, 2009, second by Selectman Nutting. All in favor.

Municipal Quitclaim Deed to release to John H. Whitten, Sr., the described property, Map 4, Lot 18 from the operation of municipal tax lien against Lebert Whitten, predecessor in title, and recorded on June 13, 1934 in the Kennebec County Registry of Deeds in Book 703, Page 30.

Selectman Clark moved the Board sign the Municipal Quitclaim Deed to release to John H. Whitten, Sr., the described property, Map 4, Lot 18 from the operation of municipal tax lien against Lebert Whitten, predecessor in title, and recorded on June 13, 1934 in the Kennebec County Registry of Deeds in Book 703, Page 30. Second by Nutting, all in favor.

Amended Board of Selectmen Organizational and Directive Document for the Town Garage Advisory Committee

Selectman Clark moved the Board amend the approved September 11, 2007 Board of Selectmen Organizational and Directive Document for the Town Garage Advisory Committee to reflect a minimum for four members instead of five members with a quorum of three to conduct a meeting, second by Selectman Nutting. All in favor.

Board appointment of Bruce Bean, Ray Pickering, Jeffrey Pierce, and Roger Barber to the Town Garage Advisory Committee

Selectman Clark moved the Board appoint Bruce Bean, Ray Pickering, Jeffrey Pierce, and Roger Barber to the Town Garage Advisory Committee. Second by Selectman Nutting, all in favor.

DISCUSSION ITEMS

Code Enforcement Officer update regarding enforcement issues. CEO Sharkey reported he filed papers with Waterville District Court against Charles McIntyre and also served him. A court date will be in the near future. CEO Sharkey said there has been some progress on the inspected report from October 9, 2007 in the way of communication.

Program Study for Kennebec County, Maine: New minimum security residential facility. Selectman Massey said his understanding from the meetings he has attended, the facility will be a low level security facility for approximately 60 male and 30 female inmates. His one main concern is the facility would have one staff person for every 60 inmates.

Comments from the residents present were not in favor of such a facility in Clinton.

SUPPLEMENTS AND ABATEMENTS: None

TOWN MANAGER'S REPORT:

Expense/Revenue Report: Town Manager Rhodes said the payment to Kennebec County was on tonight's warrant.

First Park Annual Report and Municipal Assessment. Town Manager Rhodes said the First Park Annual Report has been received. The municipal assessment is \$15,493.65, payable in two installments.

OLD/NEW BUSINESS: None

WARRANT: Selectman Clark moved to approve warrant 33 in the amount of \$174,542.74. Second by Selectman Nutting, all in favor.

NEXT AGENDA ITEMS: Condemnation order.

EXECUTIVE SESSION:

Selectman Clark moved Board enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (a) to discuss a personnel matter regarding Police Chief applicants at 7:17 pm. Second by Selectman Nutting, all in favor.

Selectman Clark moved Board exit Executive Session at 7:37 p.m. Second by Selectman Nutting, all in favor.

ACTION AS A RESULT OF EXECUTIVE SESSION. Town Manager Rhodes announced his appointment of Charles Rannels as the Clinton Police Chief effective November 26, 2007.

November 13, 2007 Selectmen Minutes

Selectman Clark moved to confirm the appointment of Charles Runnels as the Clinton Police Chief effective November 26, 2007, second by Selectman Nutting. Vote 5-0.

Police Chief Runnels was administered the oath of office by Town Clerk Violette and presented his badge and patrol number 700 by Chairman Towne.

ADJOURN: Selectman Nutting moved to adjourn at 7:42 p.m. Second by Selectman Clark. All in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Pamela M. Violette".

Pamela M. Violette
Town Clerk

AGENDA

ITEM

5.b.



Town of Clinton

27 Baker Street

Clinton, ME 04927

426-8511 phone

426-8323 fax

FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851 – 2859

(Dangerous Building)

TO: Lincoln Alward
Somerset Residential Care Center
327 Preble Avenue
Madison, Maine

On November 13, 2007 at 6:30 PM at the Clinton Town Office Selectmen's Room, the Municipal Officers of the Town of Clinton, Maine held a hearing to determine whether the building/structure owned by you and located on land owned by you, described as residential and shown on Map 8, Lot 1 of the current Tax Maps of the Town of Clinton, Maine on file at the Town Office, 27 Baker Street, Clinton, Maine, is a dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of said hearing was duly served on you, Lincoln Alward, on Friday October 26, 2007 at 1:51 PM at the Somerset Residential Care Center, 327 Preble Avenue, Madison, Maine.

The following persons were present and testified:

- James W. Rhodes, Town Manager
- Robert Sharkey, Code Enforcement Officer
- Carolyn Foley, citizen of Clinton.

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts regarding the residential building structure:

1. has been unoccupied for a number of years;
2. is dilapidated and beyond economical repair;
3. is structurally unsafe;
4. constitutes a potential fire hazard;
5. is unsuitable for occupancy;
6. is a danger to life.

Based on the foregoing findings, the Municipal Officers conclude that said building/structure is dangerous or a nuisance because:

1. Dilapidated and beyond economical repair.
2. Structurally unsafe.
3. Constitutes a potential fire hazard.
4. Unsuitable for occupancy.



Town of Clinton
27 Baker Street
Clinton, ME 04927

426-8511 phone

426-8323 fax

5. Danger to life.

Therefore, pursuant to 17 M.R.S.A. § 2851, you are hereby ORDERED to tear down and remove all construction debris from the premises and take construction debris to a transfer station or land fill licensed to accept and said abatement to be completed within sixty (60) days.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B.

If this order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake said abatement at municipal expense and recover all such expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: November 27, 2007

Municipal Officers of the Town of Clinton, Maine

Jeffrey Towne, Chairman

Chester Nutting

Stephen Hatch

Joseph Massey

Randy Clark

STATE OF MAINE

Kennebec County, ss. Date: _____

Personally appeared before me the above-named Jeffrey Towne, Stephen Hatch, Randy Clark, Chester Nutting, and Joseph Massey and acknowledged the foregoing instrument to be his free act and deed.

Notary Public

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5. c.



SOMERSET COUNTY COMMUNICATIONS CENTER

8 County Drive
Skowhegan, Maine 04976

Phone: 207 -474-6386
Fax: 207 -474-0879
www.SomersetCounty-ME.org

Michael T. Smith – Deputy Director
Email: mike.smith@somersetcounty-me.org

November 16, 2007

James Rhodes, Town Manager
Town of Clinton
27 Baker Road
Clinton, ME 04927

Jim,

The Commissioners have requested a wording change in the contract that is reflected in the first paragraph of the contract. The change designates the contract as between Somerset County Commissioners and the Town and not the Communications Center. The Chair of the Commission has signed the 3 copies that are enclosed. They only need your signature. If you would please return 2 of the 3 copies to me in the enclosed envelope I will get copies of each Town's contract to the Emergency Services Communications Bureau.

I have also included a copy of the PUC's ruling dated October 31, 2007. It indicates that they have approved your request.

I will be out of the office until November 26, 2007 and will get copies of each of these contracts to the ESCB the day that I return. I will also advise each Town as soon as I have the definitive date that they will make the transfer.

Thank you,

Mike

Commissioner District #2
Philip Roy, Jr., Chairman
4 Valley Farms Road
Fairfield, Maine 04937
(207)615-7333

Commissioner District #1
Robert Dunphy, Vice Chairman
P.O. Box 70
North Anson, Maine 04911
(207)635-2593

Commissioner District #3
Lynda Quinn
P.O. Box 36
Skowhegan, Maine 04976
(207)474-3039



41 Court Street
Skowhegan, Maine 04976
Telephone: (207)474-9861
Fax: (207)474-7405
Email: somerset@somersetcounty-ME.org

PSAP Call Handling Agreement

Somerset County PSAP Transfer to Waterville Regional Communications Center
for the Town of Clinton

This agreement made this 9th day of November, 2007 by and between the Somerset County Commissioners, hereinafter referred to as "Owner", and the Town of Clinton, hereinafter referred to as the "Town", and collectively known as the "Parties", for the purposes of PSAP call handling services.

WHEREAS, the installation of the Enhanced 9-1-1 telephone system will provide one common number to call to receive public safety assistance and is intended to assure the caller that his/her request for assistance will be answered and that the appropriate agency will be notified as a result of dialing 9-1-1; and

WHEREAS, the parties desire to formalize an arrangement whereby 9-1-1 calls are properly routed; and

WHEREAS, the parties desire to set forth in writing the terms and conditions of said arrangements for call handling;

NOW THEREFORE, the parties agree as follows:

1. It is the purpose of this agreement to establish call-handling procedures for 9-1-1 calls taken at the PSAP that must be transferred to the Town of Clinton's Dispatch -Only-Agency to assure that proper assistance will be rendered to a 9-1-1 caller.
2. Definitions

PSAP – Public Safety Answering Point as defined by the Emergency Services Communications Bureau.

Dispatch-Only-Agency – An entity, either public or private, which is duly authorized to dispatch emergency services within a designated area.

Relayed Transfer Method – A process by whereby the telephone answerer receives the call, takes the information from the caller and thereafter transfers essential information to the proper emergency responder. In this procedure, the caller does not speak to the emergency responder.

3. The services provided as a result of this agreement are considered services to the general public and this agreement shall not be construed to create an employer-employee, principal-agent or co-partnership relationship between the parties.
4. The cost of operating the PSAP and the Town's Dispatch-Only-Agency shall remain the responsibilities of the respective agencies, except as outlined in Section 12.
5. This agreement applies to Enhanced 9-1-1 telephone calls that are answered by the PSAP and need to be rerouted to Town of Clinton's Dispatch-Only-Agency.
6. 9-1-1 calls will be handled in accordance with the provisions set forth in the PSAP Call Handling Agreement, Exhibit A, attached hereto.
7. TTY calls must be handled using the Relayed Transfer Method. In the event that the address of the location where the emergency services are required cannot be clearly identified, the PSAP receiving the call shall attempt to keep the 9-1-1 caller on the line until the Town's Dispatch-Only-Agency has identified the caller's location.
8. Being that both parties to this contract are Emergency Medical Dispatch agencies, and that they are both licensed as such with the State of Maine Emergency Medical Services Bureau, the PSAP shall reroute all 9-1-1 medical calls received for the Town's Dispatch-Only-Agency coverage area to said agency for Emergency Medical Dispatching. The PSAP does agree to EMD any calls that cannot be immediately transferred to the Town's Dispatch-Only-Agency for such purposes.

9. Relationship Between the Parties

In consideration of the mutual services provided herein, both parties agree that nothing contained herein is intended to be or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting an agency relationship in any manner whatsoever. The individual parties are and shall remain independent entities with respect to all services performed under this agreement. Each party represents that it has, or will secure all its expenses, all personnel required in performing its service obligation under this agreement and that the acts of its employees performing the service under this agreement shall be the acts of the employees of that entity alone. Each entity agrees that in the performance of this mutual service, its employees shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from the other entity to this agreement, including, but not limited to, tenure rights, medical and hospital care, sick and vacation leave, disability, Worker's Compensation, Unemployment Compensation, or severance pay.

10. Agreement of the Parties

Both parties entering into this agreement acknowledge that any modifications to

this agreement must be by mutual consent, in writing, and will be treated as an amendment to this agreement.

- 11 Either party hereto may withdraw from this contract. Withdrawal shall be effective Thirty (30) days after receipt of written notice of withdrawal has been received, by certified mail, return receipt requested, by the withdrawing party to the other party of this agreement. If withdrawal is requested after January 1st, of any year, the per capita payment will not be refunded to the withdrawing agency.
- 12 The Owner agrees to start receiving calls at its PSAP effective November 9, 2007, and there will be no charge for such services for the remainder of the calendar year 2007. Effective January 1, 2008 the Owner shall charge the Town of Clinton the rate of \$1 per capita, per year, for PSAP services.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the 9th day of November, 2007.

Somerset County Communications
PSAP

Town



County Commissioner, Chair

Selectman, Chair or Town Manager

*Cancelled
Supervision Proceeding
FEB*

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2006-365

October 31, 2007

MAINE PUBLIC UTILITIES COMMISSION
PSAP Consolidation Filings In
Compliance with Chapter 1 Section 4

ORDER

ADAMS, Chairman; REISHUS and VAFIADES, Commissioners

I. SUMMARY

In this Order, we approve South Portland's and Cape Elizabeth's decisions to join the City of Portland PSAP and designate Scarborough as the fifth PSAP in Cumberland County. We also approve the requests of Benton, Waterville, Clinton and Albion to use Somerset County as their PSAP.¹

II. BACKGROUND AND DECISIONS

A. PSAPs Serving Cumberland County

In our September 29, 2006 Order, we temporarily approved 6 PSAPs to serve in Cumberland County (Portland PD, Cumberland County Communications Center, Westbrook PD, South Portland PD, Scarborough PD, and Brunswick PD). We approved both South Portland and Scarborough with the condition that they provide a plan for consolidation by October 1, 2007 (with consolidated to occur no later than October 2009).

On September 21, 2007, the City of South Portland notified the Commission that it had decided to join the City of Portland PSAP. Cape Elizabeth, which is currently served by the South Portland PSAP, submitted a similar letter on October 25, 2007. They expect the cutover to be complete by mid-February 2008. Accordingly, we approve the consolidation and terminate the South Portland PSAP designation once the cutover is complete. On September 18, 2007, we received a letter from the Town of Scarborough stating its continued intent to serve as a PSAP. Therefore, once South Portland's PSAP is consolidated, Scarborough will be the fifth PSAP designated to serve in Cumberland County, thereby reaching the goal of 5 PSAPs serving Cumberland County.

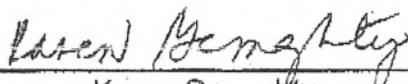
¹ We will issue a separate order that will address the use of E9-1-1 funds for remote ANI and ALI.

B. Additional Municipalities to be Served by Somerset County PSAP*Winslow*

Waterville, Benton, Albion, Clinton are all municipalities in Northern Kennebec County near the Somerset County boundary. They have requested that Somerset County provide their PSAP service rather than the PSAP designated for Kennebec County, Central Maine Regional Communication Center. Each municipality has stated it expects no adverse effects from the designation of Somerset as its PSAP. Somerset by letter filed on October 24, 2007 has indicated its willingness to serve as their PSAP. Given these representations, we approve the requests.

Dated at Augusta, Maine this 31st day of October, 2007.

BY ORDER OF THE COMMISSION



Karen Geraghty
Administrative Director

COMMISSIONERS VOTING FOR: Adams
Reishus
Vafiades

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.

AGENDA

ITEM

5. d.

RECEIVED
NOV 20 2007

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT

_____, ss.

Location Wtu1

Docket No. _____

Docket # CV-07-038 BY JA

STATE OF MAINE Town of Clinton

ORDER ON PAYMENT OF FINES

VS

(14 MRSA § 3141(4), 3142)
(17-A MRSA § 1303(1), 1304(2))

James Wells Jr.
Defendant

Total Amount Due: \$ 7600.00 ; Due Today: \$ _____

Installment Payments: \$ 50.00 (weekly) (bi-weekly) (monthly)

First payment due 10-31-07 at 11:30 (a.m.) (p.m.) and thereafter every 4th of the (week) (bi-weekly) (month) at 11:30 (a.m.) (p.m.)
WEDNESDAY

OR

Payment of fine in full due on _____ at _____ (a.m.) (p.m.)

If you fail to make an installment payment on any date a payment is due, OR you fail to pay the fine in full on the day the payment is due, you **must** appear in court for a contempt hearing on the date and time the installment payment is due or on the date and time full payment of the fine is due. At the hearing, you are obligated to show that your failure to pay is not attributable to a willful refusal to obey this order or to a failure to make a good faith effort to obtain the funds required for the payment.

WARNING

If you fail to pay or appear as required you will be found in **CONTEMPT** and any license, certification, registration, permit, approval, or similar document issued to you by the State of Maine **WILL** be suspended without further notice. These include, but are not limited to, motor vehicle license, license to hunt, fish, or trap, engage in a profession, occupation, business, or identifying licenses issued by the Commissioner of Marine Resources and Inland Fisheries and Wildlife. In addition, you may be subject to a reasonable fine. Once suspended, these licenses each carry an individual reinstatement fee that will have to be paid in addition to the fine owed to the court before the license or other certification will be reinstated. Additionally, if the offense is a criminal offense, an arrest warrant will issue. In addition, a late fee will be applied; see reverse side of this Order or attached page. Moreover, I acknowledge that disclosure of my Social Security Number below is **mandatory** pursuant to 36 M.R.S.A. §5276-A, and that my number can be used to facilitate the collection of any fine that remains unpaid as of the time I am due a State of Maine or federal income tax refund by applying any income tax refund to the outstanding fine.

Date: 10/17/07

[Signature]
Judge/Justice

My Social Security account number is 007-60-7094 (MUST PROVIDE)
I have read the above order, understand its contents, and acknowledge receipt of a copy.

Date: 10/17/07

Defendant's Signature James Wells
Address 2022 Bangor Rd.
Clinton Me. 04928

AGENDA

ITEM

5. e.

November 7, 2007

This check is additional to the ones submitted previously in the memory of Caroline Hotham. I request that it be used for the same purpose, which is to purchase books for the library in memory of Caroline, for her love of books and reading. Bookplates in her memory will be placed in those books.

Raymond and Louise Fisher.....\$15.00
Total of previous checks.....\$115.00
Total.....\$130.00

Cheryl Dickey-Whitish
Library Director

RAYMOND I. FISHER, JR.
LOUISE A. FISHER
P. O. BOX 13
CLINTON, ME 04927

4478
52-60/112
35

Date Nov. 5, 2007

Pay to the Order of Brown Memorial Library \$ 15^{XX}₁₀₀

FIFTEEN and ^{XX}₁₀₀ Dollars

 KeyBank National Association
Waterville, Maine 04901
1-800-KEY2YOU® Key.com®

For In Memory of Caroline Hotham Raymond J Fisher Jr

⑆01200608⑆ ⑆90350007596⑆ 4478

Security features are included. Details on back.

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