

Town of Sweden Selectmen's Meeting
Tuesday, May 24, 2016

Attendance: Lori Bennett, Wayne Miller, Bruce Taylor, Peter Malia, Eric Gulbrandsen, Kim Ashley, and DJ Curtis.

Lori Bennett called for the Pledge of Allegiance at 6:00 pm and then called the meeting to order.

Lori made a motion to approve the Selectmen's meeting minutes May 10, 2016 with corrections. Motion was 2nd by Wayne and approved 3 -0.

Wayne Miller made a motion to approve the Annual Town Meeting Minutes of March 26, 2016. Motion was 2nd by Lori and approved 3-0.

Visitors:

Report of officers and committees:

Animal Control Officer- Jacqueline Frye:

None

CEO- Eric Gulbrandsen:

Lori asked Eric if he wanted to have his hearing in public regarding his CEO position. Eric replied that a public hearing is fine with him.

Lori said there have been a few mishaps lately.

Peter Malia, Town's Attorney, asked the Selectmen if they would like him to set the hearing according to the CEO manual. The Selectmen unanimously agreed to allow Peter Malia set the hearing.

Peter Malia said this hearing is to determine the reappointment of Eric Gulbrandsen as the Town of Sweden's CEO. The Board of Selectmen may choose not to reappoint the CEO due to dissatisfaction of duties performed, pursuant to 1 M.R.S.A. ss 401-410.

Eric has received written notice of the possibility that he may not be reappointed and has the opportunity for a hearing before a decision is made on his reappointment, pursuant to 38 M.R.S.A. ss 441. Eric responded back to Selectmen that he would like a hearing.

The Selectmen have received several complaints from citizens and board members regarding the CEO's attitude, actions and lack of actions on issues. Once the hearing is completed, the Selectmen must decide whether the evidence in the hearing supports a finding of "just cause" for not reappointing the CEO. There are a number of Maine Supreme Court cases interpreting the concept of "just cause". "Just cause" requires evidence that the actions of the CEO or lack of actions affects his ability to perform his duties as CEO. With the complaints against the CEO, the Selectmen have lost confidence in his ability as CEO and wonder if Eric fully understands certain aspects of the ordinances.

Lori discussed some complaints she had to do with the McQueen/B.A. issue. Eric never contacted the McQueens prior to work starting to make sure they were aware. The contractor said he was going to start work on a Monday regardless of the stop work order. Eric was told by Lori and Peter Malia, Sweden's town attorney, that he needed to be on site on Monday. He never went to the site until that Friday. Lori stated to Eric that the work could have been all done by then. Eric replied that the CEO position is only a part time position and he was busy. Lori also stated that there had been complaints regarding the Ash dock situation. Poor communication and lack of communication, as well as a lacksadaisical attitude is a problem and could potentially cost the town money.

Bruce Taylor asked Lori about the submission of the phosphorus control plan. Lori stated that they have submitted a plan, but it should have been done before the project even started. Lori asked Eric why the project did not require a permit. Eric said that the project was for demolition and did not require a permit. They are replacing footings but not adding new ones. Bruce asked Eric if the repair and maintenance on load bearing structures requires a permit. Eric said yes that would require a permit, but this project did not have any load bearing structure work. Peter said that Eric's

position is that they did not need a building permit for the deck repair, however, they did need a phosphorus control plan in place. Eric said that the notes from the contractor said he would be in touch with the landowner. Eric did not feel he needed to contact the landowners himself. He admitted that he neglected to remember the ordinance requiring the phosphorus control plan. He gave them a violation notice saying they needed to do a phosphorus control plan. He called in experts from DEP and they concurred with the violation notice. Eric stated that the Bridgton Academy contractor says one thing and does another. The right of way issues are between the McQueens and Bridgton Academy. It is out of our jurisdiction and not the town's responsibility. Eric stated that he is more than capable of enforcing the town's ordinances to the letter of the law. Eric said the right of way and the work on the cabin are not the same issue. Bridgton Academy is in violation of not producing a phosphorus control plan. Lori said they would like to avoid going to court over this.

Bruce said during the first meeting with the contractor, the contractor stated that he was given the go ahead for the road from Eric. Eric said that was correct but the contractor had also stated that it was a 12ft. wide road and only 15 ft. would be cleared. No permit was required for the entrance because it was an existing entrance. Eric looked at everything and thought things looked alright but that he was going to have it verified by DEP. After speaking with Mike Morse from DEP, he informed Bridgton Academy that everything has to be moved back to 100 ft. from the shoreline per DEP.

Eric said there was a meeting between the McQueen's, Bridgton Academy and the contractor prior to the right of way clearing.

Lori stated that there was no agreement and there is nothing in writing.

Wayne asked how it went from a 15 ft. road to what it is now.

Lori said that Khiels was told to just cut the trees and leave them. Khiels told the contractor that would be a mess and that they would bunch of the trees and put them at the bottom of the down slope. They had no idea that there was a 50ft.

Bruce asked Eric what he does with the town's records he generates and where they are.

Eric said they are in the black file cabinet in the office. Bruce asked him if they were up to date. Eric said yes except the open cases are at his house.

Bruce asked about his behavior issues with the planning board. Has it interfered with his work or judgement?

Eric said he believes this is in reference to Laura Chadbourne about a year ago and she filed a complaint. Wayne said Laura called him about Eric being abusive and that he told her to put in a written form of notice and it was decided later to do nothing about it.

Eric said he was sorry and didn't realize it was an issue.

Bruce asked him to explain what happened.

Eric said, the first issue was the Marks contacted him that the Ashes had put a dock in against the law. The Ashes maintain that they didn't put in a dock. Eric did a quick drive by and did the proper notifications. Upon looking at it again, he found he was incorrect and corrected it. Lori asked what the issues were about the foundation on Wint road. Eric said the contractor called Eric and said he had a small window to get the foundation in and would like to get started and that he would get Eric the building application ASAP. Eric received the application a week later and the foundation had already been poured. Lori asked if it was the contractor's responsibility to know the setbacks. Eric said he often has to correct the contractors, but doesn't remember if he gave the setbacks to the contractor.

Lori made a motion that we go into executive session pursuant to 1 M.R.S.A. ss 405(6)(E) for consultations with legal counsel. Bruce 2nd the motion and it was approved 3-0 at 6:45pm.

Lori made a motion to resume the meeting at 7:13pm, 2nd by Wayne and approved 3-0.

Lori made a motion to reappoint Eric Gulbrandsen as CEO, it was 2nd by Wayne and not approved 0-3. Motion was unanimously denied.

Eric thanked Eric for his long service record but some of the recent concerns are concerning.

Lori agreed with Bruce but recognized that it is a part time position and understand how these issues arise and thanked Eric for his years of service.

Peter Malia said the Board will notify Eric officially in writing.

Clerk – Alberta Ridlon:

None

Treasurer-Kim Ashley

None

SVFD – Tim Cook

None

Road Commissioner – Stephen Bennett:

ROAD COMMISSIONERS REPORT

5/11/16-5/24/16

Work done since last report:

Work to be done in the next month:

Ditching on Webber Pond Rd and Wint Rd.

Expenses:

Swan Screenprinting - \$164.44 - bump signs and heavy load limit

P & K Sand & Gravel - \$3,750.00 - Grading

Admin. Assistant – Diana Curtis (DJ)

DJ distributed the current Profit and Loss statement with budget.

DJ discussed the Town's annual audit with the Selectmen, there are no concerns and the audit looks correct. Lori signed the draft audit and handed it to Kim Ashley.

DJ discussed estimated school expenses 2016-2017, with the information received the school expenditures may be less than last year.

DJ discussed Selectmen stipends and the need verified by Bill Hall, auditor, to go through payroll.

DJ discussed John O'Donnell's recommendation with a cost \$150.00 to rent the O'Donnell/Trio interface for one month. This will allow them to more efficiently integrate new data into Trio.

DJ discussed setting the tax rate on last meeting in June.

Lori made a motion to rent the O'Donnell/Trio interface for one month at a cost of \$150.00. Motion was 2nd by Wayne and approved 3-0.

Old Business

Wayne discussed the proposed Zumba classes. The Zumba teacher is paid \$45 for each participant and the Rec department pays the Zumba teacher.

Bruce suggested charging \$50 for the first use and a lesser charge for subsequent uses. Bruce will contact MMA to ensure there is no issue with this. He suggested first use \$50 fee and a \$50 Security Deposit to be returned at the end of the season. Second use would be around \$10 per use. Wayne said this would be too much money for the 8-12 people attending.

New Business

Lori said that Mr. Bassett is giving the town a small piece of property on Wint Road. A deed has been prepared for the town, and Lori asked Peter Malia to review it. Peter said he would review it and let the Selectmen know how it looks.

Wayne said that Tony Campbell had requested information but never came to pick it up.

Peter advised that Kim write a letter on letterhead stating that he was not interested in the information.

Communications/Mail Received:

Survey from Census bureau

School Annual budget
Conditional Use permit for dock on Keyes Pond.
Joint briefs for Ash vs Sweden

Next meeting will be June 14, 2016 at 6:00 pm.

Lori made a motion to adjourn at 7:50 pm. Bruce 2nd the motion and it was passed 3-0.

Respectfully

Diana J. Curtis
Adm. Asst. to Board of Selectmen