Veazie Town Council Meeting

 January 23rd, 2017

**Members Present**: Chairman Tammy Perry, Councilor Chris Bagley, Councilor David King, Councilor Paul Messer, Councilor Michael Reid, Manager Mark Leonard, Secretary Julie Strout, Assessor Ben Birch, Town Attorney Roger Huber, Town Citizen Marcia Smith, Dynegy Plant Manager Brian Ahern, Sewer District Trustees Jim Parker, Rob Tomilson, Norman Webb and various members of the public.

**ITEM 1: Call to order**

Chairman Perry called the meeting to order at 6:30 pm.

**ITEM 2: Secretary to do the roll call:**

All present

**ITEM 3: Pledge of Allegiance**

**ITEM 4: Consideration** **of the Agenda**

Chairman Perry would like to change ITEM 10 to ITEM 7B and ITEM 7 would become ITEM 7A.

**ITEM 5: Approval of the January 9th, 2017 Regular Council Meeting Minutes**

Councilor Paul Messer made a motion, seconded by Councilor Michael Reid to approve the January 9th, 2017 Regular Council Meeting Minutes as written. Voted 3-0-2. Motion carried. Councilor Chris Bagley and Councilor David King abstained.

**ITEM 6: Comments from the public**

Citizen Sandra Patterson brought up that the Veazie Seniors lease with Penquis, for the Community room, runs out in December of 2021.

**New Business:**

**ITEM 7A: Dynegy Certificate Presentation**

Chairman Tammy Perry and the Council presented Plant Manager Brian Ahern with a certificate for successfully completing OSHA’s Voluntary Protection Program. The Voluntary Protection Program promotes effective worksite-based safety and health.

**ITEM 7B: Reconsideration of Tax Abatement Request**

Citizen Marcia Smith expressed her concerns to the Council in regards to the reconsideration of her tax abatement request. The Town Assessor and Town Attorney explained to Ms. Smith that there are two categories of abatement requests (excluding poverty abatements), those based on overvaluation or an error in valuation and those based on illegality, error, or irregularity. The distinction is important because the time frame for seeking relief depends upon which category the abatement request is based.

An abatement based on the miscoding or misclassification of a residences as a two-story residence, as opposed to a single-story residence, constitutes an “overvaluation” or “error in valuation” abatement. These types of abatements must be filed within 186 days of the commitment of the tax. 36 M.R.S.A. 841(1). After the date, the Assessor has no jurisdiction or authority to entertain, much less grant, an abatement. That is an absolute rule. The deadline cannot be waived or extended by agreement, even if everyone agrees that it’s the “right” thing to do.

The Assessor, acting on their own initiative, can correct an overvaluation within one year of the commitment date. After that date, the Assessor has no jurisdiction or authority to take any action. Under the law, that deadline, like the deadline for filing an abatement, cannot be waived or extended, even by agreement of the parties. The law does allow the Town Council to grant abatements on its own initiative or upon written application filed after one year but before three years from the commitment date to correct an “illegality, error or irregularity.” 36 M.R.S.A 841(1). If Ms. Smith’s abatement request was based on an “illegality, error or irregularity,” then the Town Council could abate her 2015 and, perhaps, even her 2014 taxes (depending on the actual commitment date). Unfortunately, the basis for her request is clearly ‘overvaluation” not illegality, error or irregularity.”

The Council expressed as much as the Town would like to grant the abatement requests they don’t have legal authority or jurisdiction to do so.

**ITEM 8: Discussion with Sewer District Trustees**

Jim Parker and Rob Tomilson updated the Council on the Sewer District.

**ITEM 9: Executive Session per M.R.S.A. 1 405 (6) (E) – Consultations with Legal Counsel**

Councilor Chris Bagley made a motion, seconded by Councilor Paul Messer to enter into Executive Session per M.R.S.A. 1 405 (6) (E) – Consultations with Legal Counsel at 7:14pm**.** Voted 5-0-0. Motion carried.

Councilor Paul Messer made a motion, seconded by Councilor David King to exit Executive Session per M.R.S.A. 1 405 (6) (E) – Consultations with Legal Counsel at 7:28pm**.** Voted 5-0-0. Motion carried.

**Old Business**

**ITEM 11: PRRT Land Transfer Follow up**

Councilor Chris Bagley made a motion, seconded by Councilor Paul Messer to accept the transfer of property along the Penobscot River in Veazie from the Penobscot River Restoration Trust, for no cost, and on substantially the same terms as set forth in the draft Quitclaim With Deed Covenant and draft Covenant of Purpose, Us and Ownership, attached to this motion, conditioned upon completion of an updated title search evidencing no additional an unacceptable encumbrances on the property since December 20, 2010, the date of the last title update, and to authorize the Town Manager to execute on behalf of the Town the necessary document to effectuate the conveyance. Voted 5-0-0. Motion carried.

**ITEM 12: Municipal Building Renovations Follow up**

Councilor Paul Messer made a motion, seconded by Councilor Chris Bagley to authorize Matt Polo of Polo Property Maintenance to complete the proposed renovations to the employee kitchen, breakroom and Fire Department Office for a price not to exceed $30,000.00. Councilor Messer further motioned we pay for this proposed project using funds from the undesignated fund. Voted 5-0-0. Motion carried.

**ITEM 13: Executive Session per M.R.S.A. 1 405 (6) (A) – Personnel Matter**

Councilor Chris Bagley made a motion, seconded by Councilor Paul Messer to enter into Executive Session per M.R.S.A. 1 405 (6) (A) – Personnel Matter at 7:36pm**.** Voted 5-0-0. Motion carried.

Councilor Chris Bagley made a motion, seconded by Councilor David King to exit Executive Session per M.R.S.A. 1 405 (6) (A) – Personnel Matter at 7:54pm**.** Voted 5-0-0. Motion carried.

**ITEM 14: Manager’s Report**

Manager Leonard reviewed his report with the Councilor’s.

**ITEM 15: Comments from the Public**

None.

**ITEM 16: Requests for information and Town Council Comments**

None.

**ITEM 17: Review & sign of AP Town Warrant #13, and Town Payroll #15, School Payroll Warrant #14 & #15, AP School Warrant, #14 & #15.**

The warrants were circulated and signed.

**ITEM 18: Adjournment**

Councilor David King motioned to adjourn

Councilor Paul Messer seconded. No discussion. Voted 5-0-0.Motion carried.

Adjourned at 7:57pm

A True Copy Attest

Julie Strout, Deputy Clerk