



**Manager's Memorandum
May 14, 2024, Meeting**

To: Selectboard
From: Tony Ward, Town Manager
Date: 05-09-2024,
Re: Selectboard meeting 05-14-2024

Below are notes for agenda items for the May 14th meeting

5. Managers Update

- A. Winter Sand RFP will be released in the last week of May with a due date of June 20th. The first delivery of the product should occur in mid-October.
- B. The comparison of fees and the Town's fee structure is progressing. A Town volunteer is completing this work for us.. Once the analysis is completed, I will discuss it with staff, and we will make recommendations to the Selectboard.
- C. This is following up on my last meetings manager's notes. Included in your packet are copies of the wetland and vernal pool surveys. We are coordinating with SW Cole for test digs in viable options on this property.
- D. The Town Office will be closed to the public on May 21st and June 11th. The closures are due to School Budget Validation on the 21st and the June elections on the 11th.

Workshop

6. Budget Informational Workshop

Included in your packet is the information posted on the website and will be discussed during the informational workshop.

Old Business

None

Public Hearings

7. Public Hearing for Liquor License renewal of Eastern Harvest Catering D/B/A Eastern Harvest Cafe.

Included in your packets is Eastern Harvest Caterings, D/B/A Eastern Harvest Cafe liquor license renewal application.

In the past, the Selectboard provided the authority for the Town Clerk to approve Liquor License renewals. Unfortunately, State law requires public hearings for any liquor license renewal for the five years after the initial awarding of the license.

The Town has received no complaints about this business and is not aware of any administrative violations. Staff and I recommend the Selectboard approve the liquor license request and recommend the forwarding to the State of Maine Bureau of Liquor for final review/approval.

8. The Selectboard will conduct a public hearing on a Mass Gathering by Casco Community Church and consider a Mass Gathering application.

Included in your packet is an application for a Mass Gathering Permit (Major) by the Casco Village Church. The application requests a mass gathering permit on July 13, 2024, between the hours of 9:00 am and 1:00 pm for an open-air fair and flea market being held at 941 Meadow Road. All required staff members signed off on the mass gathering application.

9. The Selectboard will conduct a public hearing on a Mass Gathering application by Casco Day Fair Association and consider a Mass Gathering application.

Included in your packet is an application for a Mass Gathering Permit (Major) by the Casco Day Fair Association. The application requests a mass gathering permit on July 25, 26 & 27, 2024 between the hours of 6:00 pm -11:00 pm on the 27th & 28th and 8:00 am -11:00 pm on the 27th for a carnival with rides and games being held at Casco Day Park. All required staff members signed off on the mass gathering application.

New Business

10. The Selectboard will consider a warrant for MSAD 61 budget validation.

The Selectboard has no control over either of these articles, but Maine law requires they approve the items to be included in the validation process. The referendum vote is scheduled for May 23 between 8:00 am and 8:00 pm at the Crooked River Elementary School.

11. The Selectboard will consider a liquor license renewal for Tuffs and Knotts, LLC D/B/A Webbs Mills Eats.

State law requires public hearings for any liquor license renewal for five years after awarding the license. Webbs Mills Eats is now over that limit and no longer requires a public hearing.

The Town has received no complaints about this business and is not aware of any administrative violations. Staff recommend approving the application and forwarding it to the State for their approval.

12. The Selectboard will consider applications for games of chance by the Casco Fair Association.

Included in your packet are 7 applications being made to Maine Department of Public Safety, Gambling Control Unit. The applications are for:

- Beano/Bingo
- Bars n Bell
- Beat the Dealer I,
- Dice in a Dish
- Horse Race Wheel Game
- Numerals
- Pan Game

The application is being submitted by the Casco Day Fair Association for the 2024 Casco Days being held at Casco Day Park on July 25th, 26th and 27th. The local municipality must approve the application prior to submission to the State for review.

13. The Selectboard will consider amendments to the zoning ordinance relating to Flood Plains, and marijuana establishments as recommended by the Planning Board.

Included in your packet are three ordinance changes the Planning Board recommends being placed on the June 5 Town Meeting warrant. The Planning Board conducted all required postings, public hearing and votes required for placement on the Town Meeting warrant pending Selectboard approval. The exact changes are red lined on your attachments, but the synopsis of the changes is:

- The Flood Zone changes are required by the State of Maine and are required for residents in flood plains to obtain proper insurance.
- The only change associated with the zoning for marijuana is measuring the distance from another building by a radius and not by street lines.

14. The Selectboard will consider the warrant for the Annual Town Meeting.

Included in your packet is a proposed Town Meeting warrant for the June 5th Town Meeting. This warrant has been reviewed by staff multiple times and meets the preferred design of the Selectboard.

15. The Selectboard will discuss appointments to a Fair Hearing Authority/Board for General Assistance.

Recent inquiries from our General Assistance coordinator identified shortcomings in several communities relating to Fair Hearing Boards. The shortcoming is that several communities currently do not have Fair hearing Boards. These Boards are required to conduct hearings for individuals appealing general assistance hearing. Below is Maine Statute Title 22, subtitled 3, Chapter 1161, subsection 4322:

§4322. Right to a fair hearing

A person aggrieved by a decision, act, failure to act or delay in action concerning that person's application for general assistance under this chapter has the right to an appeal. If a person's application has been approved, general assistance may not be revoked during the period of entitlement until that person has been provided notice and an opportunity for hearing as provided in this section. Within 5 working days of receiving a written decision or notice of denial, reduction or termination of assistance, in accordance with the provisions of [section 4321](#), or within 10 working days after any other act or failure to act by the municipality with regard to an application for assistance, the person may request an appeal. A hearing must be held by the fair hearing authority within 5 working days following the receipt of a written request by the applicant for an appeal. The hearing may be conducted by the municipal officers, a board of appeals created under [Title 30-A, section 2691](#), or one or more persons appointed by the municipal officers to act as a fair hearing authority. An appeal may not be held before a person or body responsible for the decision, act, failure to act or delay in action relating to the applicant. [PL 1993, c. 410, Pt. AAA, §13 (AMD).]

The person requesting the appeal and the municipal administrator responsible for the decision being appealed must be afforded the right to confront and cross-examine any witnesses presented at the hearing, present witnesses in their behalf and be represented by counsel or other spokesperson. A claimant must be advised of these rights in writing. The decision of such an appeal must be based solely on evidence adduced at the hearing. The Maine Rules of Evidence do not apply to information presented to the fair hearing authority. The standard of evidence is the standard set in [Title 5, section 9057, subsection 2](#). The person requesting the appeal must, within 5 working days after the appeal, be furnished with a written decision detailing the reasons for that decision. When any decision by a fair hearing authority or court authorizing assistance is made, that assistance must be provided within 24 hours. Review of any action or failure to act under this chapter must be conducted pursuant to the Maine Rules of Civil Procedure, Rule 80-B. The municipality shall make a record of the fair hearing. The municipality's obligation is limited to keeping a taped record of the proceedings. The applicant shall pay costs for preparing any transcripts required to pursue an appeal of a fair hearing authority's decision.

The discussion the Selectboard should focus on either being the hearing agent as outlined in the statute, create a Fair Hearing Board, or appoint 1 or more persons to act as a fair hearing officer

16. The Selectboard will consider an updated Collective Bargaining Agreement with IAFF 5372.

Included in your packet is an updated collective bargaining agreement between the Town of Casco and IAFF 5372. This mid-term bargaining was authorized by the Selectboard, and these modifications occurred to the agreement (all redlined in the attachment).

- Creation of Fire Fighter position within unit. These fire fighter hires must obtain Maine EMS provider license within 6 months.
- Call Company Lieutenant stipend of 3%
- Elimination of Appendix B (Force List)
- Agreeing to MePERS 3C pending Town Meeting approval at a Special Town Meeting
- Mission Square contribution cap reduced from 10% to 8%
- Defined Health insurance options consistent with Personnel Policy
- Created an annual labor management meeting to review unit's seniority, overtime, and force list.
- An opener relating to Maine paid Family and Medical Leave Program
- Wages increase to area labor market (\$1 additional in FY24 and \$2 additional in FY25).

17. The Selectboard will consider a liquor license renewal for Point Sebago-Venture, LLC, D/B/A Point Sebago

State law requires public hearings for any liquor license renewal for five years after awarding the license. Point Sebago is now over that limit and no longer requires a public hearing.

The Town has received no complaints about this business and is not aware of any administrative violations. Staff recommend approving the application and forwarding it to the State for their approval