

TOWN OF ROME, MAINE
BOARD OF SELECTMEN
OCTOBER 16, 2017
MINUTES

Chairman Richard LaBelle called the meeting of the Board of Selectmen to order at 6:00 p.m. in the Community Room at the Rome Community Center in Rome. Selectmen LaBelle, Stratton, and Charles were present. A quorum was declared. Also present at all or parts of the meeting were Kimberly Brooks, Andrew Cook, Janet DiPietro, Larry DiPietro, Sr., Fred Gagnon, Sandra Gagnon, Richard Greenan, Sue Ellen Greenan, Tammy Lyons, Lincoln Nye, Hillary Schultz, J. Jackson Schultz, Peter Schultz, and Maggie Shannon.

Recitation of the Pledge of Allegiance.

Selectman LaBelle called the public hearing on the DiPietro Augusta Road junkyard application to order at 6:01 p.m.

Resident Andrew Cook read a statement with recommendations for proceeding with the application. The letter was accepted and entered into the record, without objection.

Resident Peter Schultz spoke of maintaining a “sense of community” and to bear in mind that if the applicants were forced to fully comply with regulations that the business would likely not be able to sustain. Mr. Schultz notes concern regarding environmental impact.

Resident Sandy Gagnon spoke to support the need for fencing/shielding of the junkyard.

Resident Jack Schultz spoke of the dimensions of our local economy—both seen and unseen. Much of what we enjoy is attributable to our scenic value; this junkyard counters this value. Mr. Schultz believes that maintaining the junkyard in its current condition causes harm to our local economy.

Resident Lincoln Nye states that, if necessary, the Town should spend money in order to shut the junkyard down and ensure full compliance. Mr. Nye states that if scenery was important in considering a previous cell tower application, that it should be considered for this application.

Resident Andrew Cook proposes that the Town hire a professional to assess the condition of the property and existing junkyard. This assessment would review operational processes as well as environmental conditions.

Selectman LaBelle declared the public hearing closed at 6:32 p.m.

Charles/LaBelle Motion to deny the junkyard application submitted by Larry DiPietro, Sr. for the Augusta Road property.
LaBelle, Stratton, Charles in favor (3-0)

Code Enforcement Officer Andrew Marble stated that the map/lot listed on the application does not encompass the entire junkyard; Map 3, Lot 2 is likely the better parcel identification.

Selectman Stratton requests the Code Enforcement Officer provide his determination of the application and whether it should be approved or denied. Mr. Marble states that the yard is not screened. Historically, the yard gets cleaned up closer to the application date, and then backslides. It is determined that the need for a fence is one of the most important concerns. Fluids and managing contaminants is also a significant concern. Mr. Marble states that during his inspection, he noted that there are many vehicles that still have fluids, but are without batteries.

Applicant DiPietro states that he has built rock walls. His loader recently had an oil leak.

Selectman Stratton states that her greatest concern is visibility, but that fluids are important, too.

Selectman LaBelle states his opposition to the application. The statutes are clear and firm; previous decisions to approve junkyard applications at this site have shown no respect for statute or appropriate processes.

Selectman Charles questions whether mercury tests have been conducted. Applicant DiPietro states that each mercury switch is worth \$4 and each battery is worth \$10, so these pieces are always removed and disposed of properly. Applicant DiPietro states that he complies with storage and contamination requirements.

Selectman LaBelle questions whether the applicant maintains a log book with the required information on vehicles, fluids, disposal, etc. The applicant states that he does not maintain such a log.

Code Enforcement Officer requests that the Board create a list of the top priorities in order to begin to bring the applicant into compliance. The Board decided that screening, fluid disposal, and log book maintenance are all priority concerns for compliance.

The motion is called without objection; the motion passes unanimously. The junkyard application is denied.

Selectman LaBelle declared the meeting recessed at 7:16 p.m.

Selectman LaBelle called the meeting back to order at 7:23 p.m. in the Selectmen's Office.

Stratton/Charles Motion to accept minutes for October 2, 2017 selectmen's meeting
LaBelle, Stratton, Charles in favor (3-0)

Code Enforcement Officer Andrew Marble discusses the timeframe for bringing the junkyard into compliance. Maine Bureau of Motor Vehicles shall be notified that the DiPietro application was not permitted and that the business is operating in violation of State and local laws. Mr. DiPietro will be notified of the 30 day demand to comply with regulations.

Mr. Marble states that there are several other violations in town that he will be addressing in the coming weeks.

Selectman LaBelle suggests that the Code Enforcement Office seek an estimate for a professional to conduct soil tests and compliance checks on junkyards. This will help to prevent failures to comply in the future. The Board can then review the estimate and consider adding the costs of periodic inspections to the fee for junkyard applications.

LaBelle/Charles Motion to deposit \$1,286.22 from the fire department toll stop into the
General Fund until further discussions can be had with department officials
regarding the use of toll stops, location of toll stops, and risk implications.
LaBelle, Stratton, Charles in favor (3-0)

The Recreation Committee is planning a senior supper for October 28 at 5:00 p.m.

LaBelle/Charles Motion to enter executive session pursuant to 1 M.R.S.A. §405(6)(F) to
consider poverty abatement.
LaBelle, Stratton, Charles in favor (3-0)

The Board enters executive session at 8:18 p.m.

LaBelle/Charles Motion to adjourn executive session.
LaBelle, Stratton, Charles in favor (3-0)

The Board adjourns executive session at 8:35 p.m.

Stratton/Charles Motion to sign warrants for RSU 18 Referendum.
LaBelle, Stratton, Charles in favor (3-0)

The Board has been invited to a Recognition Breakfast at the Muskie Center on November 2 from 7:30 – 9:30 a.m. The Spectrum Generations event is intended to thank the town for its charitable support.

Stratton/LaBelle The meeting be adjourned.
LaBelle, Stratton, Charles in favor (3-0)

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kimberly R. Brooks
Assistant to the Selectmen