

SELECTBOARD MEETING JANUARY 8, 2018 6p.m.

Present: Chairman Mark Humphreys, Vice Chair Drexell White, Board Member Shelly Patten, Town Administrator Barbara Ashe, Town Clerk Jeanine Tucker, Finance Director Vicki Eugley, Road Commissioner Amon Morse, Northport Village Representative Paul Nyren, property Owner Anthony Melone and residents Jason & Veronica Stubbs and Zak Hollingshead.

Citizen's Concerns:

Knight's Pond Road:

Ashey spoke to the Board about plowing concerns on Knight's Pond Road expressed to her by Robert Metcalf. Metcalf had notified Ashe that the plowing contractor, Robert Patterson, was not plowing beyond where the pavement ends (near Leeman Drive) until the end of the storm. Ashe reminded the Board that last year Patterson was taking pictures each time he had plowed in the area, but is unsure if he is following the same routine this year. Board Member Shelly Patten noted concerns about the section not getting plowed each time. Vice Chair Drexell White asked if there were a reason for not plowing each time they are in that area, Ashe replied that sometimes the contractor has concerns about whether the dirt section is frozen enough yet. Chairman Mark Humphreys asked Ashe what Patterson's response was, she replied that he says he plows it.

Melone Property:

Anthony Melone attended the meeting to speak to the Board about his property at the corner of George and Griffin Streets. Melone acknowledged seeing recent discussions about his property in the Selectboard meeting minutes and wanted to know what, if anything, is happening with the concerns the Town had been discussing.

Ashey told Melone that Town Attorney Bill Kelly contacted Melone's attorney for the map of George Street that had been referenced, but he had not received a reply yet. Melone asked if plowing had been an issue; Ashe stated that she had not been informed of any issues with plowing along George Street.

Melone also asked how he would go about erecting a four foot wall between his house and the street. Ashe explained that is something the Code Officers would have to answer, adding that they are in the office on Fridays.

Northport Village Corporation:

Northport Village Representative Paul Nyren stated that he did not have anything pressing for the Village and asked if the Board had anything they wanted to convey. The Board stated they didn't have anything to relay.

Birch Crest Stairs:

Ashey provided the Board with a copy of a letter she had received from Jason and Veronica Stubbs. In their letter dated January 5, 2018, the Stubbs expressed their concerns about the future of the "Birchcrest Neighborhood Stairs". They noted that the public access to the shore, via the Town right-of-way and the stairs, was an essential selling point for them when deciding

to purchase the property. The Stubbs expressed their hopes for a 'clear and speedy resolution' to the ownership and maintenance issues of the stairs.

Ashey told the Board that the Kehoe's do not have an issue with a portion of the stairs being on their property and are alright with their continued use. Town Attorney Kelly told Ashey that the Board has a couple of options. One option, as a result of acceptance of the stairs as a gift by the Board in 2004 knowing they were not on Town property; the Board could acknowledge ownership and maintain them. The second option would be to give them back to the residents of Birch Crest, or to Paul Nyren who had originally gifted the stairs. Ashey added that if the residents of Birch Crest want to form an association the Town could then gift the stairs to the association instead.

Nyren noted that the stairs are fairly easy to move and could be moved so that they are all within the right-of-way. He stated that the lower section should be angled more squarely with the shoreline so they are more protected from the tides.

White asked Ashey if the majority of the stairs are on the questionable right-of-way. Ashey confirmed that they are. Humphreys asked how long the stairs are; Nyren stated that they are approximately 40 feet long. Humphreys questioned ownership of the remainder of the stairs. Ashey explained that there is no concrete documentation that the right-of-way is the property of the Town and research done by Dan Small show the deeds in Birch Crest reference a right-of-way within the Birch Crest subdivision. Based on the deeds Small does not believe the right-of-way belongs to the Town.

Discussion continued about presumed Town ownership versus documented ownership of the right-of-way. Ashey told the Board that Kelly does not have an opinion on the right-of-way as ownership is unclear. Mrs. Stubbs asked how topics like this are handled in other areas. Ashey replied that there is a 20 year prescriptive use that needs to be met. She continued by explaining that if 2004 is considered the date of ownership then the Town would have to maintain and continue to retain the stairs until 2024. White noted that if it is assumed to be a Town right-of-way that would open it up to the public and parking could be an issue.

Mrs. Stubbs told the Board that maintenance of the stairs has never been an issue, as the residents of Birch Crest have always taken it upon themselves to fix them as needed. She stated that liability may need to be addressed so that Birch Crest homeowners know whether to add an umbrella to their Homeowners policy or find other coverage.

Humphreys said that repairs to Town owned stairs would need to be done to a certain standard, as the Town would ultimately be liable. Standards and future design of the stairs was discussed as well as the need for signs reflecting that the stairs are currently impassable.

The Board asked if there were any other concerns or questions before they make a decision. The Stubbs thanked the Board for their consideration and apologized that the matter has taken up so much time. The Board acknowledged that the matter needed to be addressed.

Under motion by Chairman Mark Humphreys, second by Board Member Shelly Patten, the Board voted 3-0 to accept that; the stairs are in a Town right-of-way; the Town has a duty to maintain them, as well as the area; and in 2024 the Board intends to declare all as Town property; and that the stairs will be added to the Town insurance and a closure notice will be posted on the stairs until they are fixed and operational.

Ashey stated that she would contact Maine Municipal Association to add the stairs to the Town insurance, once she has an estimated value of the stairs. Nyren estimated the cost at approximately \$4,700, providing a breakdown of \$3,500 for the main portion and a cost of \$1,200 for the last section.

Roads & Bridges:

Shore Road Tree:

Road Commissioner Amon Morse obtained a quote from Green's Tree Service for removal of a tree at 585 Shore Road. The tree is actually two trees growing from one stump, which is in the Town right-of-way. Property owners at that location have concerns about one tree falling on their house. The Board had checked State Statute and learned that if the tree were to fall into the travel way it would be a Town liability, but if it were to fall toward personal property it would be the liability of the property owner. The Board had agreed to split the cost of removal with the property owner, so long as the property owner would be agreeable. The estimate for removal was \$850.00.

White asked that the wood be donated to the Waldo County Woodshed project, if possible. Ashey said that she would find out.

Winter Sand Issues:

Morse spoke to the Board regarding issues with the sand clumping and clogging equipment. He said he would like to purchase a screen to sift the materials as it is loaded into the sanders. Morse explained that he would like to get a 2" screen to place on the unit, as they typically come with a 4". He informed the Board that even at 4" clumping can occur. Humphreys asked Morse if he had an estimate; Morse replied that combined cost would be approximately \$7,700.00. Morse stated that currently the clumps are being set aside as they are found but some clumps are still getting loaded into the sanders and clogging them.

The Board discussed the urgency and opted to waive the bid process.

Under motion by Vice Chairman Drexell White, second by Chairman Mark Humphreys, the Board voted 3-0 to waive the bid process and directed Ashey and Morse to obtain three estimates and to move forward with the best purchase option for the Town.

Humphreys asked Morse how the supply of winter sand was holding up. Morse said the supply is fine, but the sand/salt mix is not good. He noted the same issues with the mixture last year.

Catch Basins:

Morse told the Board he would be going around during the week to clean out the catch basins before the rain arrives.

Budget Plans:

The Board asked Morse if he has started looking at plans for the upcoming budget. Morse stated that he would like to see an engineering study and plan done on the Nealey Road, find a way to improve safety at the Cross Street & Route 1 intersection, and extend pavement on Upper Bluff Road approximately 100 feet.

Waldo County Woodshed:

White asked if the Waldo County Woodshed had set up their location at the Transfer Station. Ashley stated that the Transfer Station is officially a pick up site for dates and times set by the organization; however they are having a difficult time finding volunteers to run the site.

Melone inquired as to what the program was. The Board explained that the group supplies ¼ cord of firewood to individuals and families that qualify based on income and schedules pick-up dates and times for said families to collect. Resident Zak Hollingshead asked about the Transfer Station Attendants ability to assist. Ashley explained that the only stipulation that the Town's insurance company had was that the operations of the Waldo County Woodshed not affect the work and flow of the Transfer Station.

Harbor Master Appointment:

Ashley informed the Board that the Harbormaster appointment was overlooked in November. She stated that she had not spoken with Gordon Fuller to see if he is willing to continue, but will do so if the Board would like to reappoint him as Harbormaster. The Board agreed to the reappointment of Gordon Fuller to Harbormaster.

Saturday Cove Floats:

Ashley informed the Board that Islesboro Marine has started production on the new floats, being purchased through a grant. She stated that they had a few questions on some minor details.

Ashley mentioned that she had not discussed piling replacement with the company yet. White suggested that they may not be able to set pilings as that requires different equipment. Ashley stated she would reach out to Prock Marine. Humphreys asked about a lift system for the current floats; Ashley replied that the gallows system is now set up and ready for use.

Job Descriptions:

Ashley provided the Board with draft copies of job descriptions for the Animal Control Officer; Housekeeping Personnel and the Emergency Management Director. She explained that it had been a while since these had been reviewed. The Board approved the job descriptions with revisions.

Fire Department Utility:

Ashley informed the Board the Fire Department received an anonymous donation that will cover the cost of a replacement utility vehicle, except for a few minor things. She stated that Fire Chief Rooney will send a letter thanking the donator, who requested there be no recognition for their gift.

Finance Director:

Finance Director Vicki Eugley presented the Board with Accounts Payable and Payroll Warrants requiring review and signatures. The Board reviewed and signed the Warrants as presented.

Minutes:

Town Clerk Jeanine Tucker presented the Board with draft minutes of the December 18, 2017 meeting for review and approval. The Board reviewed the minutes as presented.

Under motion by Chairman Mark Humphreys, second by Board Member Shelly Patten, the Board voted 2-0 to approve the minutes of the December 18, 2017 meeting as corrected. (*Vice Chairman Drexell White abstained as he was excused from the meeting*)

Vice Chairman Drexell White stated that, although he has greatly enjoyed his three terms of service to the Town of Northport, he will not be running for re-election to the Board of Selectmen. He stated that it is important to provide advanced notice and this may help get the word out to others that may be interested in serving as a Selectman. Humphreys; Shelly Patten; Ashley; Tucker and Eugley all expressed sincere appreciation for the time White has given to the Town.

Under motion by Vice Chairman Drexell White, second by Board Member Shelly Patten, the Board voted 3-0 to adjourn at 7:27p.m.

Respectfully Submitted,

Jeanine Tucker
Town Clerk