

Town of Northport

Select Board Meeting

September 9, 2024 @ 6:15 pm

Chair: Jeanine Tucker

Vice Chair: Breanna Pinkham Bebb

Municipal Officer: Molly Schaffler

Town Administrator: James Kossuth

Finance Director: Vicki Eugley

Road Commissioner: Amon Morse

NVC Representative: Janae Novotny

Present: Jeanine Tucker, Breanna Pinkham Bebb, Molly Schaffler, James Kossuth, Vicki Eugley, Amon Morse, Janae Novotny, Kim Ervin Tucker, Christopher Hyk, Ann Frenning Kossuth, Sasha Ray, Paul Bernacki, Donald Ramsey.

Citizen Concerns: Kim Ervin Tucker, re Belfast-Northport Boundary Survey: Ervin Tucker reported that all active lawsuits involving Nordic Aquafarms and the City of Belfast have been consolidated before a single judge on the Business and Consumer Docket in Superior Court in Portland. She also reported her concerns about the Belfast-Northport survey and asked whether the Town has had any communication with Surveyor Yarumian about his plans or progress.

The Board and Kossuth reported that they have not had any communication with Surveyor Yarumian, but that they had not expected any, since he had initially stated that he would conduct some background research over the summer and then begin the survey itself in September or October. Ervin Tucker presented the Board with a draft letter about the survey that she asked the Board to send to Belfast City Council.

Schaffler stated that she felt that Northport's participation in the survey remains necessary to maintain positive relations with the neighboring municipality. Schaffler stated that the existing memorandum of understanding (MOU) between the Town and Belfast speaks for itself, and she felt that any additional documents about the MOU would only weaken the MOU or create confusion.

Pinkham Bebb agreed that the letter was unnecessary and suggested instead that Kossuth call Belfast City Manager Erin Herbig to ask about the survey's status. Pinkham Bebb reiterated that Northport is relatively new to this process, so any mistrust that arose before 2024 had nothing to do with Northport, and it is important for Northport and Belfast to maintain their level of mutual trust, which is best upheld through personal communication.

J. Tucker agreed that the best way to proceed is for Kossuth to contact Herbig to check on the status of the survey.

Bernacki reported that he has been in contact with the administrative director of the Maine Public Utilities Commission about 1800s surveys of the Belfast Water District (BWD) property before the construction of the Little River dam. Bernacki reported that these surveys could affect whether the Town's decision in a 2018 Special Town Meeting not to exercise the right of first refusal to purchase BWD property in Northport was fully informed and valid.

Ervin Tucker thanked the Board for its time, and the Board thanked her for keeping them abreast of developments in the lawsuits.

Donald Ramsey, re forgiving trial judgment debt: Ramsey asked the Board to consider forgiving the \$15,100 debt that he owes the Town as a result of a trial court judgment in the Town's favor, which was upheld on appeal, in 2017, for the keeping of an unlicensed automobile graveyard on his property.

Ramsey explained why he believed that the judgment was unfair and asked the Board to consider forgiving it. He would like to give the property to his children, but the judgment acts as a lien on the property preventing him from doing so without first paying the debt.

Pinkham Bebb stated that she was sympathetic to Ramsey's situation, but the Board cannot change the past. Tucker pointed out that because the debt is an asset owned by the Town, and it is worth more than \$3000, it would require approval by a Town Meeting vote. Schauffler pointed out that the episode cost the Town considerable legal fees.

Ramsey asked if the Board would support adding an article to the next Town Meeting warrant about the debt, and Tucker said that the Board would consider it, based on additional research about the amount of legal fees that the Town incurred in the litigation. Tucker said that Kossuth would research the Town's legal costs and Ramsey should contact Kossuth in a few months.

Ramsey thanked the Board for its time.

Paul Bernacki, re unpermitted driveway at 814 Shore Road: Bernacki appeared, claiming to be an agent of Donna Dubrow, 814 Shore Road, about additional driveway access to her property and whether she needs a driveway permit to formalize that access.

He reported that he has used that access for a variety of work on the Dubrow property, including foundation repair and approximately 300' of shoreline stabilization. He reported that he is not currently doing any work on the property and that he had received all the necessary permits for prior work.

Bernacki claimed on Dubrow's behalf that the Town had taken Dubrow's property when it added gravel to the shoulder of Shore Road to stabilize the paved way and facilitated parking parallel to Shore Road across from Community Hall.

Kossuth provided a survey of the Dubrow property that Dubrow had submitted to the Town in 2004 as part of a proposal, later abandoned, to subdivide the property into two lots. The 2004 survey did not show either a driveway where Bernacki claimed an ancient driveway has existed for over 100 years, nor that the Dubrow property's boundary came closer than 40-45' to the paved surface of Shore Road in the area where the gravel was added. Bernacki claimed that the Dubrow survey did not prove that there had not been a driveway in that location at that time nor did it resolve the location of the Dubrow boundary parallel to Shore Road.

Pursuant to the Freedom of Access Act, Bernacki asked on behalf of Dubrow for the Town to produce minutes from Select Board minutes from sometime 8-10 years ago when the gravel was added to the shoulder, and any other documents or records showing the decision-making process for establishing parking spaces along Shore Road. Bernacki also asked for a copy of the Town's "driveway ordinance." Bernacki also asked for a copy of the taking of Shore Road in the 1800s, and any records from the Village, including minutes from Overseer meetings and records of payment for the gravel and the decision to establish parking spaces there.

Bernacki thanked the Board for its time, and Tucker said that Kossuth would look for those documents.

Northport Village Corporation: Novotny reported that the new Overseers have been sworn in. She reported that the Village had an inspection from its property insurer, which revealed some items for the Village to address. Novotny also reported that as part of the Village's annual inspection of the wharf, it has repairs that should be made soon, which may cost \$44,000. The Village is looking for ways to fund those repairs. Novotny thanked the Town for its contributions to the Village's wharf fund.

Novotny reported that, because of database errors which led to the Village property tax bills being mailed out late, the Village will consider payments made on time up until 30 days after the mailing, which will be September 26. For any payments received after September 26, Novotny reported that because the Town's tax software calculates the due date as September 1, the Village will have to write checks to taxpayers to refund the difference in interest between September 1 and September 26.

Road Commissioner: Morse reported that Lowe & Bassett (L&B) had begun work on Knights Pond Road on September 9. He has asked L&B to use grade stakes every 50' along the road to show the depth of gravel above the existing road surface. Morse reported that all the replacement culverts have been ordered.

Novotny asked Morse if he could repair the pothole on Broadway, and Morse said that he would add some cold patch to it.

Morse asked Kossuth when Morse should move the speed feedback sign from Bluff Road. Kossuth responded that he will download the data this week and then ask Morse to move it to Route 1 near the Scone Goddess.

Town Administrator:

New Town Office / Community Center update: Kossuth reported that the new Town Office plan is scheduled for preliminary review before the Planning Board on September 10.

Kossuth reported that he is scheduled to meet with Amanda Austin from 2a architects and Will Bennett from Bennett Engineering on September 11 to talk about mechanical, electrical, and plumbing systems and energy efficiency.

Kossuth reported that he contacted Brady Brim-DeForest, who owns the former Norheat Boat property (845 Atlantic Highway). That property is still an option for the temporary Town Office. Kossuth reported that they will speak about it in some more detail next week.

Kossuth reported that when he spoke with Gary Friedmann from Gary Friedmann & Associates (GFA) in Bar Harbor to let him know that the Town would not be retaining his services for a feasibility study or a full capital campaign, Friedmann offered to do a one-time training for the Town's capital campaign committee, once it is set up, so that they will have some tools that they need for the project. The Board agreed that that would be a good idea.

Kossuth asked for permission to take some sort of project management course, so that he will have the skills and tools necessary to stay on top of various deadlines and contingencies, not just with the Town Office project, but in general. Kossuth found a course for \$495 and said that he would look for a less expensive one. The Board agreed that such a course would be beneficial for the Town and authorized Kossuth to take one.

Waldo County Hazard Mitigation Plan update: Kossuth reported that Schauffler attended the Hazard Mitigation Plan meeting on August 28 in his stead, and that the Town has some tasks to accomplish before the next meeting on September 18, which Kossuth is working on.

Maine Municipal Association (MMA) Regional Forum for Local Government: Kossuth reported that MMA, in partnership with the Midcoast Council of Governments, is hosting a Regional Forum for Local Government, inviting local elected officials to meet with state legislative candidates, members of the MMA Legislative Policy Committee, and constituents. The session including Northport is in Searsmont on September 12 at 5:30pm. Kossuth reported that he is planning to attend, and that he had personally invited all four legislative candidates. He had only heard from two, and neither could attend. Kossuth reported that the goal of these meetings is to help legislators understand the needs and, perhaps more important, the functions of their local communities.

Maine Infrastructure Adaptation Fund Grant update: Kossuth reported that he and Celine Bewsher had met with Sierra Millay and Pete Coughlan from the DOT about why two of the Town's MIAF grants had not been scored. Coughlan explained that the legislation for the grant had included only "town ways," and because Auditorium Park and Bayview Park are Village roads rather than Town roads, those projects were ineligible. Kossuth reported that he will reach out to the Town's legislators to make sure that they include Village roads in any future grant eligibility criteria.

Belfast Ambulance Contract: Kossuth presented the Belfast ambulance contract for FY2025 to the Board for review and signature. The Board approved the contract for ambulance services for \$21,016.00.

Rescheduling Upcoming Board Meetings: Kossuth asked the Board about rescheduling the October 14 Select Board meeting because of Indigenous People's Day, and the Board agreed to move the meeting to Tuesday, October 15, at 6:15pm. The Board agreed to move the November 11 Select Board meeting because of Veterans Day to Tuesday, November 12, at 6:15pm. Because the Planning Board also has a meeting scheduled for that night, Tucker asked Kossuth to ask Fire Chief Paul Rooney if the Board could use the Fire Station's meeting room for the meeting.

Minutes: Kossuth provided minutes from the meeting of August 26 for the Board to review. The Board approved the minutes with corrections.

Finance Director: Eugley provided the Payroll & Accounts Payable warrants to the Board for review and approval. The Board approved the Payroll & Accounts Payable warrants.

Eugley asked the Board to approve a transfer of \$1,492.79 from the Digital Mapping Special Reserve Account to the General Fund to pay for the 2024 tax maps.

Tucker motioned to approve a transfer of \$1,492.79 from the Digital Mapping Special Reserve Account to the General Fund to pay for the 2024 tax maps, seconded by Pinkham Bebb. Board voted 3-0, motion passed.

Unfinished Business: None at this time.

New Business:

Executive Session: Tucker motioned to enter Executive Session under 1 MRSA § 405(6)(A) to discuss disciplining or dismissal of an individual, seconded by Pinkham Bebb. Board voted 3-0, motion passed to enter Executive Session at 8:20 pm.

Tucker motioned to end Executive Session, seconded by Schauffler. Board voted 3-0, motion passed to end Executive Session at 8:38 pm.

No action taken.

Adjourn: *Pinkham Bebb motioned to adjourn the meeting at 8:39 pm, seconded by Tucker. Board voted 3-0, motion passed.*

Respectfully submitted by,

James Kossuth, Town Administrator