

Board of Overseers
Minutes of the Meeting
October 14, 2001

The Board of Overseers convened at 10:05 AM in the Drinkwater School with the following members present: President Vlodek, Treasurer Handler, Clerk Lagner, Overseers O'Malia, Trenholm, Smith, Whitten, Doucette, and Rohweder. Also attending were Village Agent Bill Paige, Superintendent John Fancy, Dana Whitten, Todd Merolla, Beverly Crofoot, Ken Wescott, and Tim Samway.

The minutes of the September 16, 2001, meeting were approved.

The Treasurer's Report is as follows: (balances as of 9/30/01)

Northport Village Corporation	
Checking Account	5,397.75
Community Hall	188.55
Money Market Account	42,142.40
 Total: Government	 47,728.70
 Waste Water Department	
Checking	38,650.13
Certificate of Deposit	19,010.56
Money Market	21,591.08
 Total: Waste Water	 79,251.77
 Water Department	
Checking	21,529.25
 Total: Water	 21,529.25

Ken explained that Madeline Tomlin, bookkeeper for NVC, is preparing financial data as of the end of the month. The Treasurer's report was accepted.

Village Residents' Concerns

1. Todd Merollo reported on the Selectpersons' meeting of September 20 that he and Ken attended, concerning the mussel farm. Todd presented a sample letter that could be sent and a packet of information about the experimental mussel farm off of Kelly Cove. He reviewed the situation (see minutes of Sept. 16), pointing out that the farm's permit will expire in about 12 months. He feels that we have a good chance of stopping this because there were a fair number of irregularities in the lease application. He asks members of the community to write letters to interested parties like the Maine Department of Marine Resources, the Army Corps of Engineers, the Coast Guard, and the Department of Environmental Protection. The Northport town Selectpersons were supportive of Todd's concerns.

Dana Whitten, chairman of the Northport Harbor Committee, said that the mussel float is almost in compliance, positioned farther out than expected to comply with the shellfish laws. His committee controls where moorings are set and will charge the mussel farm a high price for their moorings. But since the federal government has approved the first lease, the committee cannot interfere at this point. The lease, however, will be reviewed and if enough pressure is generated by concerned residents a public hearing would be held. It should be noted that Mr. Joe Larrabee, the applicant for the permit, is acting for Great Eastern Mussel Farms, Inc., the largest single producer of commercially grown mussels in the United States, according to Russ Handler.

It was reported that the Harbor master was not notified that the mussel float was put out, nor was it mentioned in the Coast Guard's Report to Mariners. When approached, the Coast Guard said it was unnecessary to do anything further. On Sept. 12, a letter was sent to the Marine Resources so we are on record as having warned them that this was a danger and a liability.

The mussel farm owners are at this moment in the process of constructing more rafts.

There is some concern that the outflow from our wastewater treatment facility would actually stream that far south. Beverly said that the Marine Resources has tested the water, and that information should be available.

Todd said that Mike Brown is very unhappy about this situation. He did, in fact, sign off on this project primarily because there seemed no valid reason not to. Although on the contact list, Mike Brown, harbor master for the town, was not contacted by the Department of Marine Resources before they granted the application.

It was suggested that the Penobscot Bay Pilots be contacted about the exact location of these rafts. Also it must be posted in the Notice to Mariners which comes out on a weekly basis.

It was suggested that, after educating the residents about this issue, we write a petition against this construction to show that everyone in the area is behind this. In case some legal issues arose, an attorney may need to be consulted; however, Dan believes any legal fees should be the responsibility of the Town, not of the Village Corporation.

Ken reminded the group that any letters written concerning this issue will be much more effective if they come from the Town, not the Village Corporation. Few people outside our area understand that the Village Corporation is not a business entity-a corporation. The weight of the resistance must come from the Town of Northport. Tim Samway questions whether or not it lies off of Village Corporation shore; it looks to be about on the town line.

The following motion was presented and **VOTED** unanimously: The Board of Overseers of the Northport Village Corporation asks the selectpersons of the Town of Northport to address with the proper regulatory authorities the experimental mussel farm operation situated off of Kelly Cove. The Overseers are concerned about irregularities in the lease application, and the liabilities arising from the hazards the floats represent.

2. Ken Wescott spoke again about his concerns regarding the bamboo near to his cottage. He states that noxious weeds are being removed all over the country. The Board asks that Ken Wescott document his statement that he and the Duggans have ironed out their differences, and also asks that before spring Ken presents the Board with a plan and a drawing of what he proposes to do from now on, so the Board can apply for a permit from Mr. Therio.

3. Brief update of Resident concerns:

- a. Oberg: Not rented as yet, but plowing will be continued.
- b. Shaver-Webster: no new developments.
- c. Crowley: pending foundation bids.
- d. Eldridge: nothing
- e. Pingree Trust: nothing
- f. Williams: documentation on the trees not found yet. Beverly suggests that the cedars on the ocean side be trimmed 3-4 feet.
- g. Nitzburg: Pending talking to Dirigo. It is possible that the dirt added to the road there may help his run-off problem.
- h. Fielden: Wishes to close Maple Street at the top for approximately 2 weeks while he has a foundation installed. No plan for foundation drainage was presented, so Ken will request that Fielden work with Frank Therio and John Fancy to formulate a plan for dealing with his foundation run-off.

Where to locate the outflow from foundation run-off is a problem in the Village. So many cottages with little land outside the footprint are installing foundations. The Board will consider creating an amendment to the zoning ordinance, as well as beginning a study of the Village storm water collection system.

- i. Tim Samway described the burning of the old George Drinkwater cottage on Route 1, a controlled fire for training firefighters, especially in the use of the thermal imaging equipment. He praised the professional performance by the firefighters, saying we should be grateful to have such skilled and committed people.

Village Agent Concerns

A. Road repair:

Work has been done on North Street, ditching on Broadway, Park Row, ditching on Griffin Street, gravel on Upper Main street, and ditching on the Shore Road. A reported wash-out on George and Oak Streets will wait until spring for repair. It was suggested that Bill look at wash-outs to stabilize them until next Spring.

B. Plowing:

The Board reviewed a draft prepared by John Fancy and Bill Paige for the plowing contract. After some discussion and editing, the contract was accepted. (See attached copy.) It was decided the contract will be for one year, with a two-year option. Bill will call when it is time to plow, thus controlling the amount of plowing, and pay by the hour rather than a contracted fee; the map needs to be changed to show plowing only as far as the Conover's house in Bay View Park. According to Bill, the distance to be plowed in the Village is less than one mile, and takes from 1-1/2 to 2 hours per storm. John Fancy will put an ad in the newspaper, and he also agreed to publish in the papers the notices about the parking ban during winter storms.

C. Mowing; Park Maintenance:

The Board will have Lawns R Us mow the parks really short, and clean out the leaves from the ditches around the parks. The remainder of the leaf clean-up will wait until Spring. Bill asked that residents do not rake leaves from private property into the streets.

Steve brought up the problem of the hedge growing out over the road opposite the Community Hall. This needs to be trimmed back. (This is Town road). Also the view of the stop sign on Broadway is becoming blocked.

D. Ramps:

Bill talked with Smith about estimates for building the framework and closing the gap. The quote came in at \$1,000 which Bill thinks is excessive. The Board suggested that he work with a budget of \$500 and build what he needs. Bill thinks the shingles will adequately skid-proof the ramp decks, and the Board suggested that the shingles be used just on the boat side, since the swimmers don't seem to have as much trouble slipping on the ramps.

E. Bill Paige reminded everyone that Monday and Thursday trash pickup occurs only from June 15 to September 15. After that time, it is just once a week.

Wharfmaster

The proof for the plaque is ready. It will be 6" x 9".

Water/Wastewater

A. DEP: The issues with the DEP were discussed with Andy Hamilton, environmental attorney at Eaton Peabody, and a meeting is planned for the end of this month.

B. Fire Hydrants: Concerns regarding the fire hydrant at the Drinkwater School should be addressed this winter with the Town.

C. Birchcrest Water: There are four or five people in Birchcrest who are interested in connecting to our water supply if the financing can be done over the long term. Tim Samway suggested that there may be a problem allocating costs to the homeowner over a 10-year period, and John said he would look into this, but stated that the rules for sewer and water are different because they are controlled by different regulatory agencies.

D. South Shore water line extension. Russ asked John to present to the South Shore owners a proposal stating the costs of extending the deep water line to Kelly Cove. John reported that we hope to go to bid in December for Phase I, with an add-on for the Birchcrest water line. He indicated that NVC could treat the South Shore water extension in the same way. The design is now complete only to Kelly Cove, and further engineering will be more difficult because of the ledge. Residents beyond Kelly Cove have expressed interest in water connection, but John pointed out that our Water Company service area extends only to the Village boundary. Russ reminded the Board that arsenic makes the water in the South Shore wells undrinkable, so their request is urgent. Elaine expressed concern about the cost; there may be those who cannot afford to invest in a winter water connection. John suggested that there may be more government money for public works projects in the near future, and it would be a good idea to have our engineering and plans ready. The proposal to extend the deep line to Kelly Cove would have the new users of winter water connection paying the costs of this extension. Ken felt that some people feel that this cost should be shared by all water users, and Tim Samway supported this view, saying that all water users are paying the bill for bringing in Belfast water, so why isn't this an extension of that situation. Beverly pointed out that this is not an upgrade of present systems like the wastewater projects, but a new

addition. Matt commented that this project may be considered an amenity, thus not everyone's responsibility. John added that it was a matter of who benefits. Bringing in the Belfast water upgraded the quality of our water for everyone, and assured an adequate water supply, again to everyone's benefit. This extension does not benefit everyone, only those signing on for it.

It was moved and **VOTED** to authorize Dirigo to design the rest of the water system connecting from the end of the existing design at Kelly Cove to the Village line, for a fee not to exceed \$7,500.

When it is put out for bids, there will be two options: one to Kelly Cove, and one to the Village line.

E. Elaine Smith and Matthew O'Malia have agreed to be on the Wastewater Committee, which will arrange meetings to suit their availability.

Information

Ken talked to Dick Tardif who will set up the bulletin boards with separate sections for Village business vs. general notices.

Recreation

Ellie said that she and her daughter Sandy Hall, representing the Yacht Club, will work with the recreation committee to make a community calendar. Diane will set a meeting date before mid-winter with her committee, and representatives from the Yacht Club and Historical Society.

Safety

Judy reported that the Safety Officer will return.

Steve Trenholm will contact Mary Malone, from Bayside, who is interested in the Life Guard position. Hours: 10:00-5:00, with an hour off for lunch, with Tuesday off (a 40-hour week). We will offer her \$9.50 an hour. She is also interested in the two additional certificates (open water life guard and swimming lesson coach). The ten AM start would give her an hour to teach swimming lessons (from 9 to 10).

Basketball court: Steve suggested we plant a hedge as a community project. The barrels are somewhat of a hazard. The Board will consult with Jane before any decision is made.

Archivist

Elaine would like to see a safer storage of past minutes of meetings and is thinking of scanning them. Ellie said she has moved all of the past secretary records to the Historical Society filing cabinet in the Community Hall. There is a dehumidifier in that room, so the minutes should be safer and more readily available there than in a cottage.

Russ has asked permission for three years of financial records to be maintained at Tomlin's Belfast office. She will begin collecting the records now and will continue for three years. At that time, the older records would be returned to the Village for storage.

Legal

The Selectpersons of the Town of Northport are having Ken subpoenaed for the John Dykstra disc with the original zoning ordinance for the Village. This disc was given to Judy Metcalf. They also have asked for all the records related to zoning for the Village back to 1915.

No building permits have been issued.

Finance

A financial report was distributed from Madeline Tomlin.

A discussion about quarterly billing for water and sewer bills followed. Madeline tells us that very few take advantage of the quarterly billing schedule.

Russ asked the Board to consider charging a basic fee for late payments, instead of the interest-based penalty now assessed. The PUC would limit the interest penalty in the 10% range, but not the fee. Russ asked John to talk with the PUC to see if the Village could charge a fee rather than interest.

Madeline asked if two signatures for checks (except for payroll checks that use the stamp for the second signature) were necessary. Russ would like to continue with the two signatures at present.

New Business

Tim Samway asked the Overseers to address a procedure for re-naming places in the Village. He questioned the decision of the Board to attach a name without public notice to the community or public discussion.

After discussion in executive session, the Board moved to request of the village attorney a question concerning whether the Overseers can make a public request of the Town to settle the CEO suit using the services of a mediator or arbitrator. **VOTED.** (Other suggested wording: The Board moved to ask the village attorney if the Board could publicly request that the Town settle the CEO suit using the services of a mediator or arbitrator.)

It was decided to ask Judy to write an article for the newsletter informing the residents of this issue with the Town.

Dan suggested that we centralize the record-keeping so we will have a consistent way of responding. The rules of the Freedom of Information Act do not require a person to create a record when none exists, and, although an effort should be made to respond, it is not necessary to respond if the cost is excessive.

Dan said he would like to move that the secretary be considered "Keeper of Records" for purposes of any requests for public information under the Rules of the Freedom of Information Act for the State of Maine. This Act covers documents which are not publicly posted documents. No action was taken.

The meeting adjourned at 2:15 PM.

Respectfully submitted,

Eleanor Lagner, Clerk