

**SELECTMEN'S MEETING
JANUARY 3, 2005**

Present: Denise Lindahl; Paul Rooney; Frank Therio; Mike Brown; Bill Kelly, Legal Counsel; Barbara O'Leary

CEO/Bill Kelly

Frank gave an update on the legal case of the Town against the Kennedy-Heim property and the legal matter involved. When the case went to court, the Kennedy-Heims did not show up and the case was ruled in the Town's favor. They refuse to accept this decision and their lawyer wants us to dismiss the default decision before they will discuss any further action.

Frank is willing to accept the original \$500 fine plus court and lawyer fees, and put a mitigation plan into effect. Rich Baker from the DEP agrees they are responsible for what has been cut on the property.

Since no tenants are allowed in this building, Frank agreed to let the one living there remain until 2/4/05. That tenant left and a new one was allowed in. The Kennedy-Heims say this person now has the permission to remain until the February date. Frank is willing to let this slide, but not allow any other tenants. He is willing to compromise, but show the Town does stand behind its ordinances. Denise and Paul **agreed** attempts by Frank to settle this matter have been ignored. They also **agreed** the officers representing the Town should be backed. They **agreed** to set the right president and back Frank and his decisions as the Town's CEO.

Frank feels the issues are as follows:

The tenant (non issue after 2/4/05)

Erosion control not in place

Impervious material; higher than it should be

Tree cutting, Rich Baker agrees violation occurred and they should be responsible

Bill Kelly reviewed the above items as well stating they are hoping the Town will back down. They have been given every opportunity to meet with Frank, and work this out, and have not. They are ignoring the court judgment and refusing to take responsibility for their violations. He will do what the Board would like, but would not want to see the Town back down.

It was **agreed** to ask for a mitigating plan. If they do not agree, we will go to court. The selectmen agreed to go with Frank's original plan to accept the \$500 fine and put in place a mitigating plan. If this is not agreeable to the Kennedy-Heims, the Town will go to court for full action.

Rights of Way:

Bill Kelly reported he has someone working on title work and deeds for the Town Rights of Way. Title work must be done first, the deeds verified. The Rights of Way will be recorded, mapped and then the land that has been encroached upon by residents will be taken back.

Harbor Master/Bill Kelly

The legal action concerning Richie Taylor was discussed. He did not show up for the court date and the ruling was in favor of the Town. The Harbor ordinance and State law outline the steps Mike must go by and he has. A lien has been placed on his home for non-payment of these fines. The Selectmen again stated they would support the Harbor Master in upholding the ordinances of the Town.

In a new issue, the Marine Patrol was called in when Richie Taylor filled the floats with his traps and other fisherman could not use the floats. One fisherman, Dan Crosby had to get another float so he could unload his traps. The Marine Patrol agent asked Mr. Taylor to move this traps and he refused. He was

told this was against the law and harvesting regulations. He was asked again to move and he refused. He was served with a marine patrol trap violation and this will go to court as a Marine Patrol issue.

Mike Brown has revised the 2005 Mooring Application. He will put a letter noting the price increase in with the applications. Denise felt the Harbor Committee should approve the increase and changes to the application. Since Mike is still looking for new members, and the Committee acts in conjunction with the Selectmen, Mike asked for authorization from the Select Board. The Selectmen then **AGREED** to the changes and price increase in the 2005 Mooring Application.

Mike asked what the \$20,000 in the Marine Reserve Fund was allocated for. Denise and Paul stated this is a catastrophe fund for the dock and pier. The Harbor Fund covers the cost of salary; the Harbor Master, and expenses. The piers in town will need to be re-licensed. This expense will come from the Harbor Fund. Denise asked where the monies from the applications and permits go, are they shared with the Village. Mike stated all the fees go to the Town only, not the Village. He also stated there are problems with the water and sewer and the DEP is involved. Neither Denise nor Paul was aware of this with Denise noting there is no communication between the Village Board and the Select Board.

Other:

Paul received a call from a resident near Herrick Corner wanting to know if the Town had abandoned the road. It has not and any road deemed to be abandoned must be voted as such by the Towns people at the annual meeting. This person is interested in developing a section along the road and wants it blocked off where he thinks the road is abandoned. Paul will talk with the Road Commissioner about this, but the road is not abandoned.

There have been several inquires at the Town Office about cable coming to Northport. Denise reminded everyone of past attempts to get cable into Town and the cable companies were not interested. She said we could try approaching the Lincolnville Telephone Company.

GASBY: according to the Auditors this is something the Town should do; it could affect grants from the federal government in the future. Paul stated the Maine Local Roads (RSMS) association said this work was not required. He will look into this. After discussion, it was **AGREED** the Town should do this.

CDBG: the final requisition from the Village for the work of the sewer and water project has been submitted. They are requesting \$30,665 as the remainder of the CDBG grant and \$19,640 from the town for costs of rebuilding Bluff Road. Both Denise and Paul felt the Town had completed its share of the cost. They will look into this before approving the Town payment.

Abatements: City of Belfast Water District. In the past this piece of land has not been taxed. However, it is taxable property and not exempt from Tax according to Roger Peppard of RJD Appraisal. The Water District disagrees. The Selectmen have requested more information and copies of the supporting case law before taking any action.

New bookkeeping program. Barbara stated her and Vicki Eugley, Town Bookkeeper, would like to switch to the QuickBooks bookkeeping program. The Selectmen **approved** the change and to go ahead and buy the program. Barbara and Vicki will start setting up and switching accounts in February.

Next Meeting: (1-17-2005) Representatives from the DOT/Gateway Committee will be present to discuss the Route 1 Corridor changes as they affect Northport.

ADJ.