

SELECTMEN'S MEETING
APRIL 18, 2005

PRESENT:

Denise Lindahl; Paul Rooney; Ed Moran; Bill Magruder; Barbara O'Leary
Residents of Northport

Denise Lindahl opened the meeting by explaining this would be a chance for the Selectmen to hear further comments regarding the Administrative Ordinance and the Special Amusement Ordinance. She entered into the record a letter from Dave Staples, owner of Willy's World, his written comments and suggestions on the Special Administrative Ordinance. Since Denise was out of Town during the hearing Ed Moran gave an overview of what had been discussed.

Ed began by stating both ordinances were discussed with only minor comments on the Administrative Ordinance. It had been explained this ordinance is to put in writing the practices, which are already in place. The biggest difference is the ordinance will put in effect appointing the Town Clerk rather than electing one. There had also been discussion on the term of Road Commissioner, which by public vote at a prior Town Meeting had been changed from a 3yr term to a one-year term. The process of recall was also discussed and clarified. There did not seem to be questions regarding this ordinance.

At this time Bill Wallace voiced his objection with the Administrative Ordinance (AO) stating the 30 pages in the Ordinance were new policies and procedures. He also objected to the hearing coming after the Town Report had been sent to the printer saying the hearing should have been prior to that to get input from residents. Denise explained the official Warrant, to be voted on at town meeting, would be posted with both ordinances attached and with the signatures of the Selectmen. Ads had been put in the papers and the ordinances had been available at the Town Office for review. She also stated the AO does reflect the policies and procedures that are carried out now.

Bill Wallace then brought up the topic of town manager and Northport is ready for one. He felt the selectmen do not have the time to put in to all the work involved in different issues coming up. As stated at the hearing, the selectmen agreed the time has come for a town manager and it will be brought up at town meeting as a possible warrant article for next year. When this subject has been brought up in the past the town residents did not feel a town manager was necessary and did not want to spend the extra money needed to hire one.

Mr. Parslsoe stated he felt the democratic process should be followed and the ordinances brought to a more diverse group at town meeting. He felt a larger group of town's people should have the opportunity to vote on these ordinances.

There was confusion about the hearing process with Bill Wallace stating it was voted at the hearing to table the Special Administrative Ordinance (SAO). This was clarified by Denise explaining a hearing has no vote; it brings an ordinance before the public for information purposes and actual voting is done at the Town Meeting. Mike Vellaro stated the confusion came from the hearing and discussion of continuing to discuss the SAO at the selectmen's meeting today where suggestions would be heard. Many people at the hearing thought a vote would be taken.

Another resident stated people did not go to the hearing because they knew the vote would be at town meeting and they should not be left out of the process if the board decides to table this ordinance now. Denise explained no vote would be taken now to table, approve or disapprove an ordinance.

At that time, Denise asked if there was further discussion on the AO. Since there was none, it was **moved** by Denise Lindahl to bring the AO to the town meeting for a vote. Unanimously **approved** by the selectmen.

Special Amusement Ordinance:

Denise stated the letter from David Staples was the only written recommendations presented to the board.

Larry Doucette stated the purpose of a hearing is to bring an ordinance before the residents and inform the public. No votes are taken at a hearing. He also stated such rules and regulations in the ordinance are necessary since you can't stop what you have no ordinance for. He felt it should be put in place and then corrections made.

Denise felt there were three options:

1. Bring the ordinances to Town Meeting and let the town decide
2. Work with the recommendations made
3. Table the SAO for another time while changes are made

Brent Crawford asked what was the purpose of the Ordinance, what started it? Denise stated it came about from the concerns of citizens not wanting loud music/noise and no adult entertainment in Northport. Mr. Crawford felt this ordinance was geared towards a specific person, noting Section 2.1 only referred to "his". Denise and Ed both stated this is generic language and does not single out any one person.

Others felt the ordinance should be directed towards all business in town, not just those with a liquor license. If adult entertainment is in question, the ordinance should be for all business, whether they have a liquor license or not.

Bill Wallace felt there should be no restrictions on businesses along Route 1; the town can use all the businesses it can get.

Mary Frenning was in favor of the ordinance and felt it should be more inclusive of other businesses, not just those with liquor licenses.

Another resident stated he was in favor of adult entertainment and did not feel it would hurt the way of life in Northport. He felt the ordinance closes the door on any future businesses coming to Northport

Denise mentioned it is not up to the Selectmen to say yes or no to any ordinance. It is up to the Town as a whole and that is why it is brought before the Town and Town Meeting for a vote. She felt there were 3 options before the Town:

- 1 No, we don't need the ordinance
- 2 Maybe we need it, maybe we don't, let's work on it
- 3 Yes we do need it

She felt it should to go before the Town so more residents have a chance to vote on this.

Kathy Staples asked if the ordinance passed, would any businesses be grand fathered. It seemed to her the waiting period could be as much as six months and businesses that do

have some kind of entertainment are going to be hurt by this. The Selectmen agreed the intent of the ordinance is not to hurt any business. Again it was asked why this ordinance came about. Denise stated many people had expressed the need for such an ordinance in Northport to keep the character of the Town in place and to get a handle on the kinds of entertainment going on in Town.

Dee Reid questioned if adult entertainment came to Northport do we have any way of policing it? Would it require hiring a policeman? Denise reminded the group a shared policeman with Lincolnville that was brought up at last Town Meeting was shot down. Dee felt the ordinances should be brought before the Town.

At that time Bill Wallace presented the board with a petition signed by Northport residents who do not feel the SAO is necessary. Denise accepted the petition stating the Registrar of Voters will need to verify the signatures as registered voters in Northport and noted at a quick count it looked like about 76 signatures. (After verifying the signatures on the petition, 30 of the 76 signatures were not registered voters of Northport, leaving 46 signatures) (Copy attached)

Mr. Wallace asked for a copy of the petition presented to the selectmen at the hearing for a liquor license for the Twin Maples Motel. Ed Moran stated that was a separate issue and has nothing to do with the meeting today. Those minutes are public record and the Town Clerk will get a copy of the petition when she can.

Ed stated he felt there was sections of the SAO he did not agree with and felt Section 1.2 "Purpose", should end after "facilities". This would be directed at those businesses that do have some kind of entertainment.

A resident questioned where the ordinance came from since in a typo it mentions Bridgeton. Denise stated it was drafted from several towns that had implemented special amusement ordinances and had been reviewed by the Town's attorney.

Kathy Staples asked if the selectmen would read the recommendations submitted by her husband. She noted he was out of town and could not be present.

Denise read the recommendations referencing the different sections with his changes:

The selectmen extended their appreciation to Mr. Staples for taking the time to go over the ordinance and make his recommendations. They noted he brought up some good points and again stated there was no intent to harm any business in drafting this ordinance, but to get a better handle of who in town has amusement licenses.

It was noted the section referring to inspections by a town employee would be a person designated by the selectman to carry out these inspections, most likely the CEO.

Comments about the steps necessary to operate a business were discussed with Denise noting there are many licenses necessary from the State and the Town cannot change these. This would be a license required by the Town of Northport.

Doug Boogart stated he felt the ordinance was proactive and in the best interest of the Town. Since part of the ordinance would address adult entertainment he was in favor of it and felt it would put in place rules to follow before it became an issue.

Road Commissioner:

Bill Magruder reported the Nealey Road is in very bad condition. He asked approval to do some spot ditching here and on other roads. He had typed up a list of roads needing work for this year but did not have it with him. He will get this to Ed. Ed asked if he had a recent disk for RSMS as Ed would like to do some work in the program. Bill will see if he has it.

The following are items discussed:

Brush pile at the dump

Bill will look into the cost of a tub grinder

Bluff Road has considerable damage and driveways washed out

Grants – FEMA

Bill completed a claim for FEMA for damage from the heavy rains a few weeks ago. The estimate placed on the damage was \$8,000 – 10,000.00. Ed asked if Rick Farris would know of any grant money available for work in the town, possibly for use on Shore Road. Bill will look into this.

Brent Crawford asked if the water could be re-directed away from his property. Denise and Bill explained this had been discussed and thoroughly investigated. The water is not coming from the pipe as run off from the well. This was a DOT project and a problem with the homeowner And the DEP, not the Town.

Pitcher Road – many problems

This needs to be addressed this spring. Needs ditching, and the road elevated 1' and spread with gravel. No work has been done on the road in three years

At this time Denise Lindahl moved the meeting go into Executive Session. **AGREED**

Executive Session ended at 10 15am

Denise announced as the result of allegations against the Road Commissioner, a third party investigated the claims. The investigation has concluded and there was no basis of fact found, no improprieties found. The issue is closed.

Northport Golf Club Liquor License Renewal:

The Golf Club Manager stated they have had the license for 4-5 years with no problems. The Selectmen noted the application and accompanying drawing were complete and asked if any of the residents present had any questions or comments. None were given. The Manager noted no alcohol is allowed on the golf course itself.

It was moved to vote on the renewal application.

MOTION: To approve the renewal liquor license of the Northport Golf Course. Unanimously **approved.**

Cemetery Bids:

The following three bids were submitted and opened: Lawns R Us
Monkey Boy’s Tree Service
Drinkwater Maintenance

The work is for spring clean up and mowing for the season at the four cemeteries in Town. The owner of Monkey Boy’s asked if he would be required to pay the fees to dump the debris at the transfer station. No fee will apply since this is debris from Town property.

The bids were as follows:	Drinkwater Maintenance	\$5200
	Monkey Boy’s Tree Service	4595
	Lawns R Us	4850

It was noted Lawns R Us gave a separate bid for cleaning up around the Town Hall and cleaning up the sand in the parking lot. This is separate from the cemetery bids.

The bid from Drinkwater Maintenance was discarded. With a small difference in price between the last 2, the Selectmen chose Lawns R Us. They explained the Town has a good track record with the company and invited Monkey Boy’s Tree Service to bid again next year.

MOTION: To accept the cemetery bid of Lawns R Us. Unanimously **approved.**

Monkey Boy asked if tree work in Town was put out to bid. Denise explained the Road Commissioner handles this, and recommended he contact Bill Magruder.

Representative Carol Weston:

Carol Weston was present to discuss the school funding formula and the problems Northport is having with MSAD 34. Ms. Weston explained a new funding formula was put into effect in January. (Copies attached) The biggest change with the formula is State calculations are based on student count. This will help Northport. She explained this includes k-5, special Ed is weighted, and figuring in other categories, gives you the total cost per student.

Valuation is still not funded completely under the new formula. Local debt and separate and based on the Town’s valuation. MSAD 34 is currently not fully funded for local debt. The Albert Stevens School will be paid for by the State, but the Eastside School will not, that is locally paid.

Ms Weston stated the School Superintendents have been attending training and informational meetings on the new funding, but the MSAD 34 superintendent had not attended the meetings. He has been using the old formula, which does not work with current funding.

Denise stated the Selectmen received a letter dated 4-4-05 from the Superintendent calling a meeting of all selectmen in the District to discuss funding possibilities. With the new information just received from Ms Weston, Denise asked if this meeting would

produce any workable changes with the funding formula. Ms. Weston stated it would not since the new formula is already in effect and such a meeting would be mute.

Ms. Weston also distributed information on how to petition the School Board to have the budget go to referendum if it is not passed at the elections in June.

Also discussed was the information from the County Commissioners addressing the budget with and without Isleboro should they cede from Waldo County. Ms. Weston stated there is no precedent of a town ceding from a county into another one. If this can't be settled through the County Commissioners, a mediator will be appointed.

Denise felt a letter to Superintendent Young should be written regarding the upcoming meeting he has requested of area Selectmen. She felt it would be a better meeting if he used that time to update the Selectmen on the new funding law. She will write the letter on behalf of the Northport Board of Selectmen. Carol Weston also suggested a copy be sent to School Board Directors requesting all local selectmen be brought up to date on the current funding standards. She is not sure what the time frame for petitioning the Board regarding a referendum is and will let Denise know. Denise will also send a letter to local selectmen regarding the referendum petition.

Larry Doucette stated the School Board has already scheduled a meeting for after the elections, should the budget fail. Ed mentioned the withdrawal committee might not be necessary if the new funding formula addresses the concerns of Northport. It was noted by Ms. Weston, that should Northport withdraw from MSAD 34, the Edna Drinkwater School would belong to the Town since it was a school before joining MSAD 34.

The Board thanked Ms. Weston for taking the time to come to the meeting and informing them of these changes.

Other Business:

Denise informed the remaining residents that a third party investigation of allegations of misconduct by the Road Commissioner had been completed. The Road Commissioner was completely exonerated of all allegations and was not found to be in violation of any State or local laws.

Mike Vellaro asked what the official Road Commission duties were and what guidelines he followed. Denise stated he follows all State rules and the guidelines of MMA. He maintains the roads in Town and keeps them safe. Mike also asked how payments are made, are they only authorized through a warrant. Paul stated all invoices go on the warrant and are paid through the warrant. Denise mentioned all large projects come before the Board and are either approved or not. Projects of a large scope go out to bid. She also noted a large portion of the Roads & Bridges budget goes to Bayside. The Road Commissioner prioritizes work to be done and get the prices on materials. The work is then presented to the selectmen for approval.

Bill Wallace if it was possible to change the date and time of Selectmen's meetings, 8:00am on a Monday morning was not a good time for him. Paul stated it is the Selectmen who determine what day and time works best for them. He works nights and comes on his way home, Ed comes on his day off from his business and Denise schedules her time off from work as well. It can be brought up after the elections to see if the new Select Board would want a different day and time.

Insurance:

MMA presented a quote for insurance for the Town. Our current insurance renewed on 4-15-05. It did not seem there was time to get approval from the Selectmen to change to a new policy. Denise asked Barbara to check with MMA and see if we could switch in June when the next payment is due. If there will be a fine for canceling, Ed recommended waiting until next year and making the change before the renewal date.

Denise asked Barbara to hold the invoice from the DEP on the landfill till the next warrant. She is working on the report and will submit the report with the invoice.

ADJ