

SELECTBOARD MEETING MARCH 12, 2018

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, Attorney Bill Kelly representing the City of Belfast and Northport Village Representative Paul Nyren.

Nordic Aqua Farm/Right of First Refusal:

Attorney Bill Kelly spoke to the Board, as legal counsel to the City of Belfast, regarding a request to sign a 'Waiver of First Refusal' for property belonging to the Belfast Water District situated in Northport. The parcel, which had been considered a water resource lot, currently belongs to the Belfast Water District. Per Public Utilities Commission (PUC) laws and rules the Town of Northport would have right of first refusal on the land prior to a sale or transfer to any entity other than the Belfast Water District.

The Belfast Water District, the City of Belfast and Nordic Aqua Farms (NAF) had been holding planning meetings and working out a purchase agreement. The City of Belfast, per the agreement, would purchase the parcel situated in Northport; if Northport waived the right of first refusal.

The PUC must be notified and informed on all details of the agreement between the City of Belfast, the Belfast Water District and NAF. Nothing can be finalized until the PUC has given its approval.

Kelly told the Board that he does not believe it is required to provide the Town of Northport first refusal on the property as the property is not considered water resource protection as it had not been considered as a water source for nearly 40 years. He explained that the water district has been getting water from Swanville for approximately 37 years. Because of that he sees no reason why the Town would have to be offered the property, other than the fact it is a technicality of the laws and rules governing the PUC. Kelly continued by stating all parties involved want to make sure that there are no oversights in this transaction.

Kelly added that he could offer no explanation as to why Northport had not received the letter in February informing affected parties about the agreement. He suggested that it was possible that it was an oversight on his part, but he could not say for certain. Town Administrator Barbara Ashe acknowledged that she had received the letter, and other information, from Kelly earlier in the day ahead of this meeting. Ashe presented copies to the Board for review. Kelly noted that the Board of Selectmen is the executive body of the Town and would have authority to sign the waiver of right of first refusal. Kelly referenced a pension issue for the school, which had not been addressed in the withdrawal agreement; that the Board was able to act on without having to take the matter to Town Meeting.

Kelly continued by telling the Board that the Northport parcel has no dollar value on it at this time. He explained that the property is combined with all the land as part of the City of Belfast agreement. He stated that creating a warrant article asking the Town if they want to execute a "Right of First Refusal" could be confusing to voters because there is no value on the parcel.

Chairman Mark Humphreys asked Kelly why the Board needs to sign a waiver if there is no reason for the waiver. Kelly replied that the PUC wants to see that the process was followed, as does the attorney for the water district. Kelly said that this is on an expedited schedule and the parties involved would like the PUC to approve the transfer in 120 days instead of 8 months, by

statute. Humphreys asked when the 120 day period started; Kelly replied that it started the day the agreement was signed. *(According to documents posted on the Belfast Water District website the agreement was signed on January 30, 2018)* Vice Chair Drexell White asked what date would be followed since Northport had not received notice until earlier in the day. Kelly stated that the Board could use March 12th as the date of notice and would have 90 days to respond.

Humphreys stated that the expedited process is a rush through and noted that Kelly is representing Belfast, but Northport has no representation. Humphreys added that there are residents near the site with concerns of wells going dry. Kelly told the Board that he understands, but feels there is so much to gain from this opportunity. Kelly explained that, as part of PUC requirements, they would have to demonstrate there will be no shortage on the water supply.

White asked Kelly why the City of Belfast would want property in Northport. Kelly stated that the City wasn't particularly interested in the property, but the water district felt as though the public would want to see the land around the water preserved. Kelly added that NAF feels that security and purity are very important, and have been supportive and accommodating. Kelly noted that the focus was on the land as a whole, and not what town it was located in.

White asked what reference Kelly was referring to when he stated that the Northport parcel does not apply to the PUC requirements. Kelly explained that if the property serves no purpose for the water district then it would not be considered water resource land and requirements would not apply. Ashey asked if the PUC had offered an opinion; Kelly replied that they have not yet.

Humphreys questioned drilling that has been done at the water district site. Kelly stated that is a 'due diligence' effort to ensure that resources are available. He added that NAF wants to be able to have capacity in the event that the water district cannot supply the water needed for their operation. White asked Kelly about the map re-zoning in the information he provided. Kelly told the Board that no engineering has been done yet, but the preliminary design does show where piping could go out of caution in the event that the pipe has to be extended through that particular area.

White reminded Kelly of a time where the Selectboard signed an easement on behalf of the Town only to find out after the fact that they did not have the authority to do so. He continued by stating the matter should be taken to Town Meeting for the residents to decide. White said that he does not see where the Board would have authority to speak on behalf of the residents in this situation. Kelly told the Board that he understands their logic.

The Board told Kelly they appreciate him coming to the meeting to discuss the matter, although he was representing the City of Belfast. The Board agreed that they need to find counsel; that is removed from the situation; to represent the best interest for Northport.

Northport Village Representative Paul Nyren voiced concerns the Village has about water supply to the Village, primarily because the pump house that supplies the water to the Village is above the dam, which will be transferred to NAF. Kelly assured Nyren that the agreement confirms the supply from the water district will not be impacted. Kelly explained that the pump houses are not going to be conveyed to NAF. White provided Nyren with a copy of the agreement.

Kelly asked the Board what he could report back with as far as a response from Northport.

Under motion by Vice Chair Drexell White, second by Chairman Mark Humphreys, the Board vote 3-0 to seek legal counsel prior to responding to the right of first refusal.

Tax Acquired Property:

Before Kelly left Town Clerk Jeanine Tucker asked Kelly to provide information and guidance on tax acquired property matters, in his role at Northport legal counsel. Tucker asked about how to track down a Trust, if the persons listed are suspected deceased and what the proper procedure is for personal property left behind in a foreclosed building. Kelly explained that the Town cannot take action on a property that is under a Trust until after 5 years of tax acquired status, but to check the probate court in the county the trust was recorded to see if anything more has been filed. Kelly suggested that some towns hire a private investigator to find property owners, but when asked if this were an allowable reimbursable expense he stated he would have to check the statute.

He said in regards to personal property the Town must allow the former owner a specific time frame to collect their belongings. He explained that the property is what taxes are assessed on, not the contents.

Kelly continued by informing Tucker and the Board that the Town must attempt to notify property owners through the 30 to 45 day notice process. Ashley asked if the procedure for tax acquired is the same for parties that do not respond to the notice. Kelley replied that it would need to be determined if this were an avoidance issue or not.

Ordinances:

Ashley asked Kelly about Food Sovereignty and Marijuana Ordinances.

She wanted to know if it is still okay to move forward with a food sovereignty ordinance, or are people shying away from it. Kelly stated that an ordinance that meets the State guidelines could be drafted. Ashley said that currently the requirement is that the sale would have to be 'face to face at the site where the item is produced, but a sale at a farmer's market does not meet the criteria. She told Kelly she could forward an ordinance she is looking at. Kelly told Ashley he would look into the details.

Ashley asked Kelly for insight on a marijuana ordinance or moratorium. Kelly stated that most towns are working with a moratorium, but suggested moving forward with prohibition. He noted that marijuana is still illegal under Federal Law.

Northport Village Corporation:

Northport Village Corporation Representative Paul Nyren told the Board that he does not have any news to report.

Bids:

Architectural Services:

Ashley told the Board that the Town had received only one bid for the architectural services. The intent for the bid request is to have a structural and building analysis done for Town Hall, as well as consider design options and or expansion options.

2 A Architects submitted the only bid and offered a breakdown of the categories:

Architectural Analysis	Current Space	Expand/Addition	Build New
Structural Analysis: \$4,200	Renovation Design: \$6,500	Addition Design: \$6,900	New Design: \$8,900
Building Analysis: \$6,300	Design Estimating: \$1,800	Addition Estimating: \$1,800	New Estimating: \$1,800
Total: \$10,500.00	Total: \$8,300.00	Total: \$8,700.00	Total: \$10,700.00

Ashey stated that specs asked for a structural assessment; reconfiguration; adding an addition to the existing building or planning for a new building for Town Hall. Ashey introduced Amanda Austin, of 2 A Architects, to the Board and asked her to explain what her submission included.

Austin said that they would need to look at how the building is constructed, what the space needs are and how to incorporate an addition, vault and vestibule. She noted that in adding space they would confirm the requirements of what is needed. Austin added that combining the different aspects of the project, the addition and remodel, could be more efficient.

White said that future needs would need to be considered as well, such as number of voting booths and space requirements. Austin stated that another consideration is to work with an outside estimator that can provide an accurate figure on costs, which 2 A Architects does quite often.

White asked Austin if she would be able to provide a recommendation based on the Structural and Building Analysis phase. Austin replied that it could be difficult to determine and actual needs would have to be considered before making a determination.

White asked Finance Director Vicki Eugley what has been budgeted for this; Eugley replied that \$25,000.00 was approved for the Building Fund.

Under motion by Chairman Mark Humphreys, second by Board Member Shelly Patten, the Board voted 3-0 to accept the bid from 2 A Architects for the Structural and Building Analysis for \$10,500.00 and then regroup before moving onto the next phase.

Assessing Bid:

Ashey provided the Board with the only bid received for a two year contract for Assessing Services. She stated that the only bid submitted was by the current Assessing Agent, RJD Appraisals. RJD submitted a bid of \$22,000.00 for year one and \$22,750.00 for year two.

Under motion by Vice Chairman Drexell White, second by Board Member Shelly Patten, the Board voted 3-0 to award the two year Assessing Contract to RJD Appraisals for a combined total of \$44,750.00.

Nealey Road Engineering Bid:

Ashey told the Board that Gartley & Dorsky submitted the lone bid for the Nealey Road Engineering project. Andrew Hedrich, of Gartley & Dorsky, had told Ashey that he had other prior obligations that conflicted with this meeting, but he was willing to reschedule if she thought he should attend the meeting. Ashey stated that she had told Hedrich he could meet with the Board at a future date, if Gartley & Dorsky were awarded the project.

White asked Finance Director Vicki Eugley how much money there is in the budget; Eugley replied that she was not quite sure as she had not met with Road Commissioner Amon Morse to review plans to budget end.

Ashey asked the Board if they would like to see if she could obtain a rough estimate from Gartley & Dorsky on what they think the project would cost. The Board thought that a rough guess would be good information and recalled that Hart Road cost around \$350,000. Morse stated that he did not think Nealey Road is as bad as Hart Road was.

Under motion by Vice Chair Drexell White, second by Chairman Mark Humphreys, the Board voted 3-0 to award the Nealey Road Engineering project to Gartley & Dorsky for \$20,700.00.

Roads & Bridges:

Morse reported that he was informed by a property owner that they would be building on Upper Bluff Road in the next three months. Morse asked the property owner to demonstrate where the access would be and to take into consideration where the road is closed for winter maintenance.

Ashey asked Morse to prepare his project list for the upcoming budget.

Right of First Refusal:

The Board and Ashey discussed finding an attorney to represent the Town in the absence of Attorney Bill Kelly, who is representing the City of Belfast on the Belfast Water District sale to Nordic Aqua Farms, so that the Town has proper legal guidance and representation. The Board noted the many unanswered questions regarding the agreement and what the proper procedure is.

Under motion by Vice Chair Drexell White, second by Board Member Shelly Patten, the Board voted 3-0 to authorize Town Administrator Barbara Ashey; in an effort to best serve the Town; to seek legal counsel for the Right of First Refusal matter.

Ordinance Review:

Ashey spoke to the Board about the proposed marijuana prohibition and food sovereignty ordinances. She told them she had not received a final approval from Kelly on the wording for both ordinances. The Board discussed the option of having both ordinances as part of Annual Town Meeting and voted on by secret ballot. The Board asked Town Clerk what the timeline is for public hearings and notice publication. Town Clerk Jeanine Tucker provided the Board with a procedural timeline.

The Board decided to table the matter until the next meeting.

Aging Well in Waldo County:

Ashey told the Board she was contacted by Jan Dodge representing the Aging Well in Waldo County group. The individual was reaching out to towns in Waldo County looking for a town contact that could help get more seniors involved in the program.

Statistics show there are 45 recognized age friendly communities in Maine and Waldo County is the first county in the State that has been recognized as an Aging Well (age friendly) community.

White stated that he is on the Steering Committee for this program and would abstain from comment. Humphreys and Patten told Ashey to publicize the opportunity in an effort to find out if there is any interest.

Transfer Station Trash Stickers:

Eugley provided the Board with spreadsheets on the cost comparisons of Pine Tree Waste since June 2010. The information covered rates for 8 yard trash containers; the 10 yard cardboard container and the 20 yard ZeroSort container. Eugley noted that the first year and a half the town participated in the ZeroSort program there was a cost savings of \$1,400 to \$2,300; but starting in 2013 waste costs have ranged from \$6,403 to \$7,511 a year.

The Board asked Ashey to find out how long it has been since the last increase for trash bag stickers and to find out how many trash bags it takes to fill an 8 yard dumpster.

The Board discussed an increase to \$2.00 per bag sticker as a way to pass the expense on to the users of the facility rather than through taxation, where everyone pays.

Warrants:

Eugley presented the Board with Accounts Payable and Payroll Warrants for review and signatures. The Board reviewed and signed the Warrants as presented.

Disbursement Policies:

Eugley told the Board that it is time to renew Disbursement Policies for State funds and Payroll. The Board reviewed the policies and decided not to make any changes.

Under motion by Chairman Mark Humphreys, second by Board Member Shelly Patten, the Board voted 3-0 to sign the Disbursement for Employee Wages and Benefits Policy and Disbursement of State of Maine Fees policy as presented.

Recognition:

The Board congratulated and thanked Eugley for her 25 years of service to the Town of Northport. They expressed sincere appreciation for the dedicated service she gives to the town.

Minutes:

Tucker and Ashey provided the Board with draft minutes of the February 26, 2018 meeting for review and approval.

The Board reviewed the minutes as presented.

Under motion by Board Member Shelly Patten, Second by Vice Chairman Drexell White, the Board voted 3-0 to approve the minutes as corrected.

Under motion by Board Member Shelly Patten, second by Chairman Mark Humphreys, the Board voted 3-0 to adjourn at 9p.m.

Respectfully Submitted

Jeanine Tucker
Town Clerk