

**Minutes of the Meeting of the Northport Village Corporation
Board of Overseers**

October 10, 2021 – Hybrid live meeting in Community Hall and virtual via Zoom

Attendees:

President: Janae Novotny
Treasurer: Wendy Huntoon (virtually)
Clerk: Beanie Einstein
Village Agent: William Paige

Overseers:

Brady Brim-Deforest
Lisa Fryer (virtually)
Steve Kazilionis
Vicky Matthews
Judy Metcalf
Michael Tirrell (virtually)
Jeffrey Wilt

Meeting Called to Order 9:04 a.m.

Agenda Review: Brady B. requested an addition to the agenda for a report from the Technology Officer.

Public Comments: President Janae N. asked those in attendance who would be making public comments. Don Webster, 27 Rogers Lane, and Chris Maseychik, 5 North Avenue, indicated they would be making public comments.

Don Webster expressed his opposition to the new tree planted in lower Bayview Park. Mr. Webster took exception to the contents of the draft September 2021 minutes with respect to his public comments.

Chris Maseychik expressed concerns about property lines and encroachments on North Avenue. He gave a copy of his recorded survey to the Overseers. The survey shows that the Village owns Lot 68.

Approval of Minutes: Judy M. moved that the minutes of the September 2021 Overseers meeting be approved as written with a correction to the spelling of Bill Eastty's last name, seconded by Vicky Matthews. Discussion among the Overseers ensued about the content of any minutes concerning public comments. The motion to approve the minutes was tabled pending revisions to eliminate content summaries of public comments.

Village Agent – Bill Paige (copy attached)

Wharf Repairs: Prock estimates \$14,000 to complete the repairs identified in the annual wharf inspection report by Pinnacle Hill Marine Engineering. This estimate includes Prock's estimate of \$694.00 for the cost of the brace work lumber.

Encroachments. B. Paige requested guidance from Overseers regarding new encroachments on Village Property. He noted that property owners should be aware that the Village and Village contractors are not liable for any property damage that is done to the encroachment on Village property by snow plowing, for example.

In the ensuing discussion, Judy M. stated that the Overseers had a duty to the Village and Village Agent to send a forceful letter to the property owners to remove the recent encroachments. She noted that past efforts to address encroachments failed by inertia. Brady B. asked about the role of the Zoning Ordinance. Judy M. stated that the zoning officer couldn't approve an encroachment; it is a trespass issue. She also noted that generally, one couldn't adversely possess against a municipal agency. Jeffrey W. believes that a uniform policy is needed so that property owners are not held to different standards. Vicky M. wants historical encroachments identified and addressed. Jeffrey W. agrees and proposes a block-by-block process to clarify existing encroachments and establish a baseline for decisions and not different standards for new and old encroachments.

Steve K. proposes a letter to all taxpayers of record clarifying that the Village will take the entire road right-of-way as needed, stating that the Village has no liability for damage to property in the Village right-of-way and encouraging people to reach out to the Village Agent if they have questions. He suggests that the Village ask property owners to share any surveys they may have.

A consensus developed that the President will send letters regarding new encroachments, and the Overseers' will work on a plan going forward to identify both current and historical encroachments.

Motion: Brady Brim-Deforest moved, seconded by Vicky M., that the Board of Overseers authorize the President to write a letter to all the NVC taxpayers addressing the Village road right-of-way, Village ownership of the roads, encroachment on Village roads subject to removal and no Village liability for damage to encroachments on Village roads. The motion passed unanimously.

A notice will be included with the next Utility bills. Brady B. stated that the Board should also utilize the 40 +email addresses from the NVC website. He will help Lisa F. with the technology.

Motion: _____made a motion, seconded by Judy M., that the Board of Overseers authorize Bill P. to compile a list of current encroachments. The vote in favor of the motion was unanimous.

Motion: Vicky M. made a motion, seconded by Judy M., to authorize the President to send a direct letter to property owners with those current encroachments with a deadline to remove the encroachments. The vote in favor of the motion was unanimous.

3. Winter Parking: Bill P. stated that the winter parking ban needs to be addressed.

Motion: Judy M., seconded by J. Wilt, made a motion to place an ad in the Republican Journal for the Winter Parking Ban. The vote supporting the motion was unanimous. Lisa F., Communications Chair, will place the ad, and a notice will be included in the November utilities billing

4. Boat Floats. Bill P. stated that replacement of the floats would have to be addressed in the future. The swim float is listing, and the platform is not in good shape.

Treasurer's Report – Wendy Huntoon

Warrants: Warrants for Water, Sewer, General and the Seawall (approved at the last Overseers Meeting) were distributed. Judy M. noted corrections to and placement of items on the warrants and the financials before the Overseers signed them. Overseers' signatures must be on all the warrants. Any Overseer in attendance virtually will receive the warrants via Fed Ex. The goal going forward will be to have invoices attached to the warrants.

Audit: The audit is scheduled for October 18-19. Wendy H. will be present for the Audit. Some overseers' signatures are needed for warrants that were not completely signed electronically.

Seawall expenses and bonded amount. The final expense for the seawall, which includes the cost of the tree, will be more than NVC bonded for. An estimate of the expense not captured is not more than \$20,000. Steve K. questioned where the funds would be coming from, and discussion ensued regarding prior voter actions and the annual warrant authorizations Steve K. asked about when taxes were received and booked.

Other items: NVC needs to request the \$10,000.00 from the Town of Northport. This money is usually received in November.

Judy M. noted that the financials do not indicate any payment to the bookkeeper since March. Wendy H. will follow through.

Judy M. noted that the Playground Fund should have a dedicated expense line, so it is not part of our revenue and not is available for general use.

Overseers discussed potential sources of unspent funds in the current year budget. Jeffrey W. stated that the Overseers need a precise understanding of the reserves. Overseers also discussed the extent of the spending authority of Article 6 on the Annual Warrant, and whether it authorizes the use of surplus funds for wharf repairs if needed.

Motion: Steve K. made a motion, seconded by Jeffrey W., that the Overseers approve the use of Reserves, as authorized in Article 6 of the 2021 Annual Warrant, a total not to exceed \$20,000 to complete the wharf repairs recommended by Pinnacle Engineering as outlined in Prock's estimate. The vote supporting the motion was unanimous.

Finance Committee – Judy Metcalf

No report. The Finance Committee did not meet prior to the meeting.

Governance Committee – Judy Metcalf.

The Committee continues working on a new Public Access Policy. There will be a public hearing requirement prior to implementation.

Tree Committee – Lisa Fryer

The Project Canopy grant trees have been planted in the designated spots, and the volunteers have been watering the trees. A representative from Project Canopy will be in the village to assure we are in compliance with the Grant. We are waiting for the arborist to give us an estimate to take down a dead tree on Village property on Clinton Street. We are still waiting for a quote from Hawk's for Emerald Ash Borer treatment.

Utility Committee – Judy Metcalf

The Committee met Friday 8, 2021 in Community Hall and reviewed the first draft of their 2022 Budget. With increased pressure on our systems, particularly on sewer, being used on a year-round basis, they are looking at a possible increase of approximately \$45.00 a year. There are 240 users absorbing an expensive system. We have a very rare license for our wastewater treatment. There are 28 more possible lots of record for connections. The Committee will prioritize lots of record, not subdivided lots. In the future, the Committee may consider a moratorium on connections.

She thanked Bill P. for all his work on the new water and sewer connections. There is a tremendous amount of paper work that is involved in this process. Brady B. asked whether we are charging the right amounts for permits and whether we charge for B. Paige's time. Per Dick M. the process is revenue neutral. Wendy H. will speak with Dick McElhaney, Utilities Superintendent, to see if we are budgeting enough time for the people in office from a money standpoint.

Bill P. stated that the new hydrants are not only for fire protection but to flush out main pipelines for cleaner water, etc. These hydrants will be located at the end of the Shore Road line and Bluff Road going south. Wendy H. said the cost will be on

the actual budget for 2023. Utilities pay for the hydrant installation, and the general budget rents them.

Infrastructure Committee – Steve Kazilionis

Steve K. questioned whether the damaged park bench on the playground had been removed. Janae N. said it had not yet been removed. Beanie E. will approach the owner shortly about repair or having Bill P. remove the bench.

Safety Committee – Michael Tirrell

Nothing to report other than the fact that the Committee is under budget and the cruiser is in good shape.

Waterfront Committee – Jeffrey Wilt

It has been a good season with more compliance and folks registering their watercraft. We are seeing more compliance around the dinghies on the float. The Committee is looking at registering and tracking dinghies and implementing different rates for the kayaks and dinghies. Due to the Parking Ordinance and Waterfront Ordinance they will have to invest in signage if they want to enforce the Ordinances.

Communications Committee – Lisa Fryer & Michael Tirrell

Responding to Lisa F.'s question regarding Google Calendar on the website, Brady B. said he would be happy to help the Committee with tech support.

Michael T. asked Brady B. if he had experience with the “pay tool” set-up, and if assist with getting in on the web site. Brady B. will be happy to help in that respect. The Committee will be meeting shortly.

Personnel Committee – Janae Novotny

Nothing to report.

Ad Hoc Playground Fund Committee – Brady Brim-DeForest

The Committee, with 20 plus members, will meet later this month. Brady B. asked the Overseers about their expectations for the replacement of the playground equipment. Hopefully, the equipment will be in place and ready for the summer season.

Ad Hoc Parking Ordinance Parking Implementation Committee – Vicky Matthews

Vicky M. stated that the committee's mandate is signage, communication, posting notices and enforcement. Will mirror the Waterfront Committee in this regard. The Committee will be looking at the whole community not just Ruggles Park regarding parking, as well as North Avenue. Their meeting will be Monday 10/18/21 via Zoom. Janae N. suggested that Vicky call Shiloh at the Village office and she will set up the Zoom call.

President's Report – Janae Novotny

The Overseers need more strategic planning as we are maxing out on our resources. She will reach out and plan another workshop on this topic.

Town Liaison – Jeffrey Wilt

He specifically asked the Select Board if they had a Noise Ordinance regarding construction start times, etc. Toupee Rooney, the Town Code Enforcement Officer stated that the town of Northport has no ordinance . . . the best approach would be "to talk to your neighbor."

Steve K. said the Butter's cottage at 9 North Avenue in Merithew Square is in rough shape and unsafe especially with all the children playing in the square. He thought it would make sense to have Jeffrey W. talk with the town Code Enforcement Officer to take a look at the property to determine whether or not it needs to be condemned.

Nordic Aquafarm Update

Mike Lannan sent a written update to the Board. Michael T. stated that the Maine Attorney General has joined the challenge to Eminent Domain. Vicky M. noted that an appeal has been filed with DEP re the Clean Water Act.

Comments by Meeting Attendees

Dan Webster commented about the use of annual warrant Article 6, whether public comments should be included in the minutes, and distributing meeting handouts prior to the meeting.

Executive Session

To receive legal advice regarding matter to which NVC may be named as a party.

Adjournment

The meeting was adjourned at approximately 11:56 a.m.

Maureen Einstein, Clerk
Northport Village Corporation.

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