

MINUTES

TOWN OF VINALHAVEN BOARD OF SELECTMEN

Monday, September 28th, 2015
Immediately following Public Hearing (6:30 PM)
TOWN OFFICE

1. **ROLL CALL** – *Selectmen Eric Gasperini, Pamela C. Alley, Emily B. Lane and Brandon Osgood; Town Manager Andrew J. Dorr; and Town Clerk Darlene M. York. Phillip Crossman was absent.*

Also present were Steve Rosen, Barbara Seawell, Jason Marriner, Jeff Aronson, Joe Lazaro and Chris Kolofsky.

2. **MINUTES** – **Approve the minutes from the September 14th, 2015 Meeting** – *Motion by Brandon Osgood to approve the minutes from the September 14th, 2015 Meeting. Second by Emily Lane. Vote 4-0-0. Motion carried.*

3. **APPROVE AND SIGN TREASURER'S WARRANTS #13** – *Motion by Brandon Osgood to approve and sign Treasurer's Warrants #13. Second by Brandon Osgood. Vote 4-0-0. Motion carried.*

4. **APPROVE AGENDA** – *There was a consensus of the Board to add agenda items 5c. Board of Appeals Variance and 6c. Harbor Committee Appointment. Motion by Emily Lane to approve the agenda as amended. Second by Brandon Osgood. Vote 4-0-0. Motion carried.*

5. COMMUNICATIONS

- a. **Municipal Review Committee – MSW/Recycling** – *The Board was provided information from the Municipal Review Committee on a new processing facility for municipal solid waste starting in 2018. It was stated that it is something to think about.*
- b. **Co-Op Lease Termination** – *The Vinalhaven Fishermen's Co-op (VHC) would like to terminate its lease with the Town at the Town's Fish Pier. Their only concern being a tribute bench in honor of Ted Johanson is being placed on what was thought to be VHC land but to make it safe and not too near the edge, it may be partially on Town Property. Motion by Brandon Osgood to accept the tribute bench on Town Property. Second by Eric Gasperini. Vote 4-0-0. Motion carried.*
- c. **Board of Appeals Variance** – *The Board of Appeals voted to grant a variance for a roadside setback that is relaxed ten feet leaving a roadside setback of twenty five feet to Robert McCormick (Map 9, Lot 77)*

6. COMMITTEE AND DEPARTMENTAL REPORTS AND APPOINTMENTS

- a. **Ambulance Report** – *Andy reviewed some of the highlights of the Ambulance Report. It was discussed to have HIPPA Training at 6:00 PM before the next regular meeting.*
- b. **Road Commissioner's Reports** – *Andy Dorr reported they hope to start blasting next Monday. Dynamite was delivered today. There will be a meeting with Andy, Dan and FIEC before blasting.*

Dan provided an opinion for the Isle au Mountain Road that approximately \$2,500 in materials is needed and routine maintenance will need to be done after heavy rain.

Material has been ordered for the Indian Creek foot bridge.

- c. Harbor Committee Appointment** – *Motion by Emily Lane to appoint Jeff Aronson to the Harbor Committee for a term ending June 2018. Second by Brandon Osgood. Vote 4-0-0. Motion carried.*

7. UNFINISHED BUSINESS

- a. Isle Au Haut Mountain Road** – *It was stated that legal opinion was that it can be confidently argued that “a right of way to pass and repass” as granted in the deed to the town park was intended to include all normal modes of travel at that time (1971), including motor vehicles. Chris Kolofsky stated other property owners are willing to contribute. It was suggested to have a value for Town time for the project for the next meeting.*

8. NEW BUSINESS

- a. Winter Road Closures** – *Motion by Eric Gasperini to remove Walls Road to the Tolette property from the list of Winter Road Closures. Second by Brandon Osgood. Vote 4-0-0*

Motion by Eric Gasperini to close Bayview Cemetery Road (past Chris Guilford's); Crockett's River Road (past Long Cove Road); Dean Lane; George Wright Road; Hopkins Point Road; Mills Farm Road; Ritz Road (from the Philbrook property to the Becker property); Shore Acres Road (from the beginning of the paved hill to terminus); Tiptoe Mountain Road (from Tip Toe Mountain Parking Area to terminus); Young Road (past Gross'); and Zeke's Point Road (from the Land Trust parking lot to terminus). Second by Emily Lane. Vote 4-0-0. Motion carried.

- b. Bond Article** – *It was stated that the original Town Meeting Warrant was not signed by the Treasurer and the Treasurer's Statement did not reflect the borrowing for all three warrant articles but only for the borrowing for the Town Garage. Motion by Eric Gasperini to approve and Sign Special Town Meeting Warrant for Tuesday, October 13th, 2015. Second by Brandon Osgood. Vote 4-0-0. Motion carried. Warrant was passed for signatures.*

- c. MSFS** – *It was stated that it would be easier to hold a day meeting with the MSFS but no earlier than 3:00 PM. The MSFS questioned what the Board wanted to discuss so they could be prepared. There was a consensus of the Board to have the meeting at 3:00PM on Tuesday, October 20th, 2015. Joe Lazaro questioned if there was a policy with the Transporter using the Ferry Slip. It was stated that would be a MSFS policy.*

- d. Sidewalks** – *Landmark gave an estimate of \$400 for drawings and \$150 for modifications for the VH Co-op Parking Lot. There was a consensus of the Board that it is not needed.*

There was a consensus of the Board to have Andy redraft a contract with Robert Indiana clarifying Eminent Domain and sending it via Certified Mail.

- e. Tick Study - Summer '16** – *There was a consensus of the Boards to propose adding money to next year's budget. ICMS and Vinalhaven Land Trust have already stated they will work together with the Town on this.*

- ## **9. REPORT OF MEMBERS**
- *Emily Lane stated she received a complaint on a tree that was weed whacked at Robert's Cemetery. It was stated that there should be a policy of no trees being planted in any of our cemeteries. Andy to look to see if we have a policy in place.*

- 10. REPORT OF TOWN MANAGER** – *We have received several complaints on the Thorofare Floats. A new railing is needed, Andy to put a work order in for that this week. Need to add repairs and possibly another float to next year's budget. It was also stated that the Parking Lot floats need repairs as well.*

It was stated a 7-day notice to "Quit and Surrender" the property was sent to Jason Marriner. Jason stated he wanted to do whatever it takes to keep his property. Motion by Eric Gasperini that the property to be returned to Jason Marriner if the following is done by October 5th, 2015 - Back Taxes are paid in Full; Approved Septic Design; Land Owner approval; and Contract with contractor with 50% deposit paid. Second by Emily Lane. Vote 3-0-1 – Brandon Osgood Abstained.

There was a consensus of the Board to put the fuel out to bid.

Motion by Eric Gasperini to waive the \$126.50 landfill fee from the Auction. Second by Brandon Osgood. Vote 3-0-1 – Pam Alley abstained.

Truck loan FRP's will be sent out this week.

- 11. SPEAKERS FROM THE FLOOR** – *Joe Lazaro asked about the Engineering of the Co-op parking Lot.*

Jason Marriner suggested putting a sky cam on the standpipe.

- 12. Executive Session pursuant to 36 M.R.S.A § 841(2) Property Tax Abatement** – *Motion by Eric Gasperini to enter into Executive Session at 7:55 PM pursuant to 36 M.R.S.A § 841(2) to discuss a Property Tax Abatement. Second by Emily Lane. Vote 4-0-0. Motion carried.*

Motion by Eric Gasperini to come out of Executive Session at 8:07 PM. Second by Brandon Osgood. Vote 4-0-0. Motion carried.

Motion by Eric Gasperini NOT to abate taxes for the application provided to the Board. Second by Brandon Osgood. Vote 4-0-0. Motion carried.

- 13. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) to discuss a legal matter** - *Motion by Eric Gasperini to enter into Executive Session at 8:08 PM pursuant to 1 M.R.S.A. § 405 (6) (E) to discuss a legal matter. Second by Emily Lane. Vote 4-0-0. Motion carried.*

Motion by Eric Gasperini to come out of Executive Session at 8:25 PM. Second by Brandon Osgood. Vote 4-0-0. Motion carried.

Motion by Eric Gasperini to file a Notice of Violation pursuant to Local Ordinance under Rule 80K. Second by Emily Lane. Vote 4-0-0. Motion carried.

- 14. ADJOURN** – *Motion by Eric Gasperini to adjourn at 8:26 PM. Second by Pam Alley. Vote 4-0-0. Motion carried.*

Next Board of Selectmen's Meetings: **Monday, October 5th, 2015 at 6:30 PM (Special Meeting)**
Tuesday, October 13th, 2015 Immediately Following Special Town Meeting

Respectfully Submitted,

Darlene M. York, Town Clerk