

TOWN OF EDGECOMB
Minutes of the Selectmen's Meeting
August 30, 2010

PRESENT: Jack Samarian; Stuart Smith; Jessica Chubbuck, (selectmen); Jennifer Elkins (secretary)

The meeting was called to order at 6:00 p.m.

A motion was made to approve the minutes of the August 16, 2010 meeting as read. Seconded. Passed 3-0.

Executive Session with Priority Group

Jack informed the group of an executive session this morning with Priority Group in order to discuss as a committee. There will be a public hearing on October 25th to consider development issues and the Gateway District, and to allow the community to hear potential options.

PUBLIC COMMENT:

250th anniversary of Lincoln County

Representative Jonathan McKane presented a document that he and Les Fossil co-sponsored commemorating the 250th anniversary of Lincoln County, for the Town to display as it wishes.

Executive Session protocol

Jarryl quoted the Executive session procedure. She can find no record of any vote or meetings. She asks that the Selectboard follow the law and make any votes public record.

Pledge of Allegiance

Larry Omland asked if the Selectboard would consider saying the Pledge of Allegiance prior to the meetings, as other Towns do. Jack said he would certainly consider it.

Motor Vehicle and Voter registration program

Larry asked if Edgecomb was not pursuing using the Motor vehicle and voter registration programs due to the added expense of adding an addendum to the trio system. Stuart informed him that the Tax Collector and Town Clerk are elected positions and as such the request/decision to do so would have to come from Deb or Claudia.

New Shellfish Ordinance committee member

Jesse Smith-Pinkham introduced himself as a new Shellfish Ordinance committee member; Stuart will complete an appointment sheet and Claudia will swear him in at the next meeting on September 13, 2010.

Stuart moved that the Selectboard appoint Jessie Smith-Pinkham to the Shellfish Ordinance committee. Seconded. Passed 3-0.

NEW BUSINESS:

Special Town Meeting

There will be a special Town Meeting on September 8th at 7pm to appropriate and authorize the Town to borrow funds to finance the new Fire Station. The Town has applied for a Maine Municipal Bond Bank and a USDA Loan; since both are over \$250,000 there will need to be a bond. It is an appropriate and legal process that the Town requires, and similar to the Cross Pt Road Bond; it requires a special town meeting. The bond will continue for the life of the loan.

Special Selectmen's Meeting September 8th

Directly following the Special Town Meeting on September 8th there will be a Selectboard meeting to respond to and vote on the bond issue.

Lincoln County Heating and Energy Assistance Program

The Lincoln County Heating and Energy Assistance Program wants to make sure that people who have heating needs will come forward and contact the Wiscasset office at 882-9228. The contact information will be posted.

Schedule for Woodard and Curran

The Selectboard received a letter from Karin Smith stating that she is withdrawing her application to the Planning Board at the advice of her lawyer, Dyer Goodall and Denison, who told her it was ok to go ahead and work the pit. Many sections of the Land Use Ordinance were quoted in the letter with the notable exception of one. Stuart said that the pit has been inactive for over 12 months, actually around 30 years, so the Planning Board would in fact be required for approval, as it deals with change of use, resident's access and road maintenance issues. Stuart stated that Woodard and Curran was hired to do the engineering/surveying of the road, the cost of which would then be passed on to the developer who would then complete the work on the road. Karin Smith, and/or Hanley Construction on her behalf, ripped down posted signs last Friday; Scott Griffin reposted today. Stuart informed Hanley today (who thought he had approval) that there is no approval and there is in fact a weight limit posted on the road. Abutter Cheryl Cunningham informed the board that at 5:10pm and 5:15pm gravel trucks went by her house, at which point she pulled her car across the road and called the police. She then spoke with Stuart and Scott, told police the road was posted and that Hanley knew it was posted and that he was not to haul gravel. Jack then received a call from Karin Smith hoping to work things

out. Jack told her the Selectboard will review the lawyer's letter, have our attorney review, and proceed legally.

Stuart commented that the Town can impose impact fees for the impact that a business has on town roads; the Selectboard's position is that the study should be done by our engineers.

Jack French said from the Planning Board's viewpoint the application has been withdrawn, and Stuart agreed the enforcement now lies with the Selectboard. The use of CEO, LPI, courts, or generating a letter is sometimes enough to resolve issues. Jack F. suggested that someone should analyze the letter. Jim Cunningham asked about the impact fee; the Dodge road has been stove all-to-pieces due to trucks. Is the road capable of handling the impact this business will have, as the trucks weighs more than posted weight limits allow. Larry Omland pointed out that from an Emergency Services point of view there will be concern for heavy rescue, confined space rescue, and deep digging issues. Edgecomb's Fire Department is not equipped, and if expanded training is necessary then the business should pay.

Stuart suggested the Selectboard send an official letter to Karin, her lawyer, and Hanley Construction saying that if they are found in violation then the violation starts as of today. Jessica asked if they can cover legal fees too. The letter will also state that Karin Smith has been notified there is to be no hauling and the reasons why she has to go back to the Planning Board, section 3.2.3 article 6, and will cite section 7 of Article 1 for penalty for violation, directed to enforce either legally or equitably. Jack F. said the Code Enforcement Officer must be the one to serve notice. Nothing can be done while process is taking place. When this action does not stop work, the Selectboard is authorized to enforce in the various ways stated in document.

Scott Griffin reported that, while there was some confusion on Hanley's part regarding whether it was Jack S. or Jack F. that he had spoken to, that Hanley believed he had been given the go-ahead. Jack S. stated clearly that he had not spoken with Hanley for several months and that Stuart had actually been the one to speak with him when he was told not to haul any gravel. Scott Griffin, having been on site three times, requested clarification on what he was supposed to be doing. The Selectboard informed him that Karin Smith has no right to haul gravel until they have approval from the community and the Planning Board. Jack French commented that since Smith's lawyer said it was ok it will take our lawyer to go to court to stop the process. Larry asked if they can be fined for violating the posted weight limit and Stuart replied that the Road Ordinance needs to be put back on the agenda.

Stuart moved that the Selectboard contact John Cunningham from Eaton Peabody to engage his services in drafting the letter to Karin Smith, her lawyer, and Hanley. Second. Passed 3-0.

Fire Station Land

Jack French, Chair of the Planning Board, got a call from John Hansen Architect, who had gone through the Land Use Ordinance and questioned what the Planning Board was going to do about

