

Kingfield Selectmen Meeting Minutes

Monday November 16th, 2015, 6:00 PM Webster Hall 38 School Street

Attendance: Heather Moody, John Dill Brian Hatfield, Leanna Targett, Raylene Tolman, Dee Menear, Val Tucker, David Guernsey and John Goldfrank, Wade Browne, Polly MacMichael and Rob MacMichael

Absent: Raymond Meldrum

Meeting called to order at 6:00pm

Selectman Hatfield makes a motion to accept meeting minutes as written. Seconded by Selectman Dill. All in Favor.

Chairman Moody asks for a motion to recess the selectmen's meeting to open a public hearing. Selectmen Dill moves motion. Seconded by Selectman Hatfield. All in Favor.

Chairman Moody opens public hearing to consider a new application for an on premise liquor license for "Rolling Fatties" which is owned by Robert and Polly MacMichael located at 268 Main Street. Chairman Moody asks for any public comment. Hearing none she closes public hearing at 6:02pm and re-opens the selectmen's meeting. Selectman Dill makes a motion to sign the new liquor license presented for 268 Main Street. Seconded by Selectman Hatfield. All in Favor.

Next item of business is the landscaping at the Veterans Memorial. AA, Targett stated that Brian had asked that be added to agenda again as we had talked about it at least a month ago and it seems that it is time to revisit it. Chairman Moody asks who owns the memorial park. Selectman Hatfield say the veterans. Chairman Moody asks is it possible for us to own it jointly – it's just a question because some of the heartburn we have been having is in order to use town money we cannot maintain something that is not ours, even though I think we'd all like to help maintain the veterans memorial. I wonder what other towns do – is it their memorial is it the veterans or maybe owned by both. Selectman Hatfield asks who owns the cemeteries. Chairman Moody says the town. Selectman Hatfield says but the plots are purchased by individuals. AA, Targett says they must be maintained under the rules of perpetual care. John Goldfrank says that the legion deed may not allow them to do that it would need to be researched where it was gifted to them. I think if they walk away from it 100% it could be an issue. Selectman Dill says we have other things in town like the library that is struggling trying to find someone to volunteer and I assume it is the same with the historical society. John Goldfrank says the legion should be asking the powers to be – the board. Selectman Hatfield says they have asked him to ask the board. Chairman Moody asks Leanna didn't you say we can't spend money on private things. AA, Targett says the statue says that we cannot spend public funds on private property. Selectman Hatfield says that sounds like a no to me. Selectman Dill suggests we look into it further. Chairman Moody suggests looking into other avenues. Selectman Hatfield agrees and says that everyone should. Chairman Moody suggests telling the legion that we would like to but our hands are tied right now. John Goldfrank asks who owns the mower that mows it currently. Selectman Hatfield says James Williamson. John Goldfrank asks if a mower was donated would the legion members be willing to mow it. Selectman Hatfield says he doesn't think it is the lawn mower that is the issue it is the labor part of

it. John Goldfrank asks if you have a lawn mower given to you would enough members be willing to take a turn to mow. Selectman Hatfield says he will suggest that to them but his response to that would be that it is another thing that they will need to take care of, but I do think it is a good idea. Chairman Moody says she will consider it a work in progress.

Next is Mill Street easements – Chairman Moody says we visited this in the past few meetings, we have sent some letters out and we have some back signed she thinks. AA, Targett says she has talked with Pat Buck and she is signing it and dropping it in mail, Marla is stopping by to sign possibly after discussing some more tomorrow afternoon and she believes Greg Powers will sign and put in mail, Mr. Goldfrank is still not ready to sign as he would like to sit down and have a chat with the board.

Chairman Moody recognizes David Guernsey. David says he would like to bring the board up to date with what has happened since the last meeting – obviously for the first time in four years it seems like the landowners are taking this seriously and it seems like they are in favor of it or at least there are no definite no's. As we all know Paul Coburn would have serious implications on the value of his property so we have not asked him to sign anything. There are a couple of things he'd like to mention after talking with John Goldfrank - one being that large trucks use that stub for deliveries and he was concerned without the use of that stub and the other entrance might be deficient. He did check on DOT's plans and the grade on both of those is about 20% different. If you go up on Rt 16 you have a little bit to make a run for it and it doesn't have any pavement on it. If you did close that stub you would need to make some sort of a T turn around so people coming down can turn around and go back without it I don't think that will be a problem for anyone but the 18 wheelers.

Selectman Hatfield asks do we have 18 wheelers down there now. John Goldfrank says we have small tractor trailers. David says he did notice that the associated grocers that was parked in front of Anni's was a dual axel trailer so when it comes to John and there is a problem with delivering down back weather they could just serve Longfellow's from the front or weather they could back down and then just go out straight are all things to consider, he would just like to get all of this stuff out on the table before we get too involved in it. David says he talked to Les Jordan and asked for a ball park figure and he said to pave the first 150 feet or so down there the cost would be around \$5,000.00. On the other end they are going to have to raise the road quite a bit to run the sidewalk which will require it to be stabilized or possibly a retaining wall and he is not certain what that would cost and some stairs which DOT will not pay for and Les said that Justin could weld something for steps and he could provide us a figure pretty easily if we know what we want. He is trying to get a cost on this stuff and what part DOT may cover, obviously not the stairs but as far as the sidewalk they say they will cover 80% weather this is more involved or not is something we would need to discuss with them. We would need to discuss where Mill Street comes up on 16 if we would need to widen the access which I don't think so but Tom Marcotte brought that up. David says one of the things that occurs to him is with the Road Reconstruction committee who didn't want to take any authority or responsibility for this and we had hoped that the VEC might make some agreements with the people involved but it became obvious that it was much more complex and he wants to limit what he does on this, if we can get the easements that minimal improvements and stairs as it is going to be two years before we really need to construct

it, maybe this is the basis for the VEC could pick it up from there if they wanted and if no one agrees to it at least we have the basics started. So basically we have three things we need to do number 1 we need to secure the easement, secondly we need to restrict the public easement on the stub which may be a legal issue as to who has right to it and what action the town may take to restrict those rights and he is uncertain of the cost and we don't own the land the stub is down so it becomes a legal issue.

David says he talked to ACME Engineering since they have more information on that area than any lawyer has and it would cost us half the price and they said they can do all the necessary field work and come up with a plan for under \$2,000.00 but they said if there needs to be more research done at the registry because the sky is the limit then it would be \$80.00 per hour and the lawyer is twice that so they recommended we approach a lawyer Don Fowler or Frank Underkuffler and start working with them and tell the Surveyors what he needs instead of them guessing and spending money on stuff we don't need. David said what he would like the board to consider now is letting David spend some money with the surveyors so they can get some field work done before the snow hits – basically if you feel comfortable that there is enough positive feedback of this in order to get some of that work done. Chairman Moody says she personally doesn't mind spending some money but she wants to see some intent to convey easements all signed and in before we spend any money. David said that is legitimate. Chairman Moody says we need to have pretty much all of them lined up. Selectman Hatfield says he agrees with Heather. Selectman Dill says he agrees as we voted before we would hold off until we had some signed agreements.

Chairman Moody recognizes John Goldfrank. John Goldfrank says he has written down a few notes but first off his son Christopher does not want to get caught up in the politics of what is going on here that being said he will accept whatever the Selectmen choose to do down the road. We are willing to sign a letter for a future easement but there is language in the easement that should be discussed ahead of time, David touched base on some of those areas, one is the turning around for commercial vehicles and the other is improving the area to commercial grade. Another area that needs to be discussed is that this easement should only be a maximum of 20 feet wide for pedestrians and vehicles to travel through our property. I feel that if Maine DOT doesn't agree to the plan that David has drawn up on 10/25/15 which we all like then there is no reason to close the spur and therefore the easements shall become null and void and like other areas in town we would like you to start plowing the parking area on Mill Street.

David says he has some comments on that he thinks the implication he is hearing is that the town is asking these property owners and it is the opposite. When we first started negotiating with the state and we had Wright Pierce to draw up some diagrams we saw how severely restrained parking could be so in that Cooperative agreement we negotiated to remove the Hydrant down there which will be a cost to the Water District and were putting more spaces in front of CSM which is a cost to the town of about \$35,000.00 because CSM is agreeable to having more land taken from them, we got the parking put back in front of Grand Central Station and parking in front of the hotel, the crosswalks we put across with corners so they double up on the safety aspect - basically we are doing this for the businesses and the only reason we are discussing that Mill Street stub is to get 9 more spaces the other option is to leave that stub open and convert to one way down and maybe get a few but this is something he doesn't know. If you could close it

then a side walk would really help to stitch both the sides together between Pat Bucks and the Irregular. David says John you want us to throw in the plowing of your parking spaced but we are doing all this for you guys and to all of a sudden have all these demands placed. With the town asking for it – it is much more conventional than with DOT they will just come in and say “this is what we’re going to do – maybe sit down and discuss a price but were going to lay out a way and do it and it just becomes a matter of the cost of damages. David says in a case like this he would have a very hard time if all the residents down there were against this and for them to say we don’t care about the layout – however if it 3 against one he is not certain what we should do – it makes since to close off spur for more parking in the front.

Chairman Moody says we weren’t even talking about the spur until it was brought to our attention and another thing that hasn’t officially been brought up which soon will is that every landowner down there is required by law to provide a safe lighted way to the parking in the back and that is not being done, and this will help with that because with the stairs on the spur maybe that would give you a lighted way. John Goldfrank says he has been to three or four of these meetings and this is the first time I have had an opportunity to speak about the conditions where it would be collective with an easement – when you have an easement you have to have a lot of language so that everyone is on the same page and it has to be agreed by both parties. He mentioned that Christopher does not or will not give involved with the politics. We are prepared; we have the outside lighting and an agreement with Brent Davenport to take care of our plowing with no burden to the town. I believe the first draft from DOT is better than I thought it would have been since April and David has been working very hard and has some great ideas but when it comes for me to give up the rights of my land we have to have some dialogue, like I said weeks ago we can meet in Executive Session and not hammer out all the issues in public so to speak but this easement has to be precise and I have to know what to expect in return. I am sorry if I did not talk about this language earlier with some of these ideas. Chairman Moody says the last thing you said at the last meeting you said as far as you knew everybody was happy with plowing yourselves. John says I am speaking for me only. My daughter-in-law has approached the other property owners like last year each one contributed a few hundred dollars and we had a contract with Brent to do the plowing, after the last meeting I said to Melissa you may want to start pursuing that avenue. Two of the property owners feel that signing this easement takes care of their plowing and that isn’t the case. If Brent Davenport plows all the parking areas for \$1,000.00 with his truck and his employees he is still making money – what is the cost to the town or what does the town want to charge for plowing – give me a price on that.

Chairman Moody says it doesn’t have anything to do with that it has to do with laws and what is fair to all the tax payers. John says you do plow other people and the thing is it has always been plowed for the stock piling of snow and maybe that is no longer a factor for plowing anymore but moving forward maybe implementing a fee that allows the town to plow it the problem is some of the business owners believe by allowing parking you will plow. Selectman Browne says all we are trying to do is gain public parking on the main street – this downtown is going to lose parking when the state comes in. We are doing the tit for tat thing here, we want as a town to allow for parking on this spur to help the downtown businesses have parking for their business and we cannot do that without giving an easement to the people who have property down there we can’t just shut that off. John Goldfrank says you need to tell the two owners that think otherwise that it

doesn't include plowing the parking areas. Chairman Moody says we did – we told them it would be plowed for emergency purposes.

Selectman Hatfield says the only comment he has to make as far as parking the intent of this easement is to give us more parking based on the premise that our businesses will either expand to where they were someday or get bigger and if we just continue a 20 foot wide strip then what's the point we want to go into this thinking that the businesses will get better a 20 foot strip will not be enough to make a turn around the second thing is the plowing back there it may not be 100% but the intent will be so that we can provide more parking off street for many reasons. John Goldfrank says he believes you should not be considering the parking aspect until after Maine DOT completes their project because we may have unexpected costs so once that project is said and done and paid for then you want to talk about a municipal parking area which is going to require quite the expense.

Chairman Moody asks how did we get onto municipal parking – we are talking about spaces on Main Street – if we offer to DOT that we have this spur that we can close down and we helped to acquire easements to the two parcels that will be landlocked it will be a benefit. John Goldfrank says then why was Brian just talking about parking – we have allowed it for 100 years we are not going to restrict it now. Chairman Moody says the point here is it has nothing to do with plowing or parking down next to the river. The point is to go to DOT with the easements and say let's switch up/change stuff out front of the buildings to gain parking. It is for parking on the main road with maybe some lighting built in down back with the stairs. John Goldfrank says are you saying if you get an easement for pedestrians and traffic that will automatically require lighting. Chairman Moody says we are asking for those two buildings to have permission for ingress and egress. John says it's not for the public. Chairman Moody says no and asks David if she is wrong.

David Guernsey says that is minimal is that we have to provide an alternative for anybody that has a legitimate right to use that stub – and if it's a public easement then the lawyers will probably say you need to provide a route for all the public but basically you don't have to make it a town way it is an easement – there is a lot of stuff in that letter that is not known now for instance one of the things I said in number 3 was to build the necessary pedestrian facilities which I think that is what we need to decide does that mean lights there is other questions raised on what you acquire like how wide the easement is 20 feet is pretty dam narrow to plow without throwing snow on private land. John Goldfrank says have you seen how they plow now it is thrown and Davenport needs to come in and clean it up.

Chairman Moody says so John I take it you are not in favor of closing the spur and gaining the extra parking on Main Street by trading off an easement through your property. John says you need to include Pat Buck and Marla Ferris and Greg Powers through my land plus the beehive and Dennis bare so the easement isn't just about the beehive losing their access the easement should go to all abutting property owners. Chairman moody says she thinks that the owner could get together and figure that stuff out on your own she doesn't think this has to do with the board of selectmen. Polly MacMichael says we will just give you parking on our property and plow it that way there is more on Main Street. Chairman Moody says it seems like a monkey wrench is always thrown into stuff and if one of the owners doesn't want to sign then we just tell DOT we don't have an

agreement to close the spur so they will just have to go back to the original plans. David Guernsey says we don't tell them anything – we have not told them anything yet on this. They will come in another month and show their plans and ask the public for any comment and when someone brings that up I will say we tried it. David said I have no dog in this the only reason we or I am doing this is all we heard about was parking, parking, parking so our committee put parking as the number one priority now suddenly the people who have been screaming about parking don't care about it that's fine it makes our job easier. John Goldfrank says David is totally right.

Selectman Hatfield says the easement to him is as clear as a bell we need an easement to go behind the buildings so that everyone can get in and out and for overflow parking on Main Street should Pat Bucks business turn into a Macys then we need more parking and we don't want to take it from another business we want to have more parking available and to get there is to go around another business to do it and that is it. David Guernsey says it is all addressed in the letter. Chairman Moody says if the land owners all sign the letter then we can give Dave some money to start working on the research with Acme and a lawyer. Selectman Hatfield says he makes that motion. Selectman Browne asks are we going to have a time frame on this because sooner or later we want to tell DOT. Chairman Moody says what if we say by the first of the year. David says if you want to set conditions that's fine if you want to give Leanna authority to ask the surveyor to begin the stuff that's fine – if it takes two months to get the owners to answer I would think that is fine. Selectman Dill says how many easements have we tried. Selectman Browne says several. Selectman Dill says we have written 4-5 easements that have not had any response – why don't they show us the language they want. Chairman Moody tells John Goldfrank if there is an easement that you want then show it to us.

Chairman Moody says we have a motion to authorize Leanna to work with Dave. Selectman Hatfield says he just wants to add that we have 3 that are willing to sign and they we have Mr. Goldfrank to have some dialogue but who already said his son will sign. Chairman Moody says no, John said his son won't fight anything he just won't get involved. Brian says regardless we are almost there we don't need to write another one. Chairman Moody says the motion is for Leanna to spend money with a surveyor up to \$2,000.00 once she has all the letter of intent. Selectman Dill seconds motion. All in favor.

Chairman Moody says next is can the Kingfield days 2016 and the Bicentennial committee December 31st, 2016 can they use the field down near waste water for fireworks – they will be shot back near the river (board reviews map) are we ok with that – they would like approval. Selectman Dill asks can we park at that site. John Goldfrank says spectators will be near the waste water shed and snow shed and maybe the main road. John says he needs to drive to where he is setting up his equipment he did a line test and it will work well. Selectman Browne asks do we normally plow down there. AA, Targett says not normally but after discussing with public works they could plow down there or use equipment if necessary to pen it up. Selectman Hatfield says it concerns him that we would say yes without having a way to notify the owners on Riverside Street of this to get their opinion – is there any situations in that are that we are not aware of that may affect someone. Chairman Moody says this will go in the paper and we will meet again in two weeks to discuss further which is usually what we do when it comes to new business. It is agreed to be put on the next agenda.

Chairman Moody says she is also looking for approval for a permanent sign to be placed by the corn crib. John Goldfrank explains with the bicentennial coming up with 12 months' worth of events the committee thought there should be a sign where they could put up banners for the different events – FABA donated their old sign to the Town of Kingfield it is a nicely made frame with dove tail ends that could be used for future clubs or events or maybe even a back could be put on it for smaller signs. Selectman Browne points out that is already put up. The board agrees that since it is already put up it is approved. Selectman Hatfield makes a motion top not move it from its location. Seconded by Selectman Browne. All in Favor.

DEP Loan Forgiveness – Heather says he has no idea what it is so she will turn it over to Leanna. AA, Targett explains that she has received word from DEP and basically where our request was not part of a “green initiative” we did not receive the loan forgiveness but we could get a loan through Maine Municipal Bond Bank for less than 2% interest for 20 years. However her opinion would be to wait and see what is available in another year as she understands the taxpayers do not like loans. Chairman Moody asked what it is for. AA, Targett explains it was for what is called phase 4 of the waste water upgrades like the truck, muffin monster etc. Board agrees to wait and see what happens and what grant funds may be available in the future.

Board signs an abatement request presented by the Tax Assessor for double billing.

Selectman Browne makes a motion for Executive Session pursuant to 1 M.R.S.A. 405(6)F
Discussion of Confidential Records – recent auction.

Motion to adjourn by Selectman Browne. Seconded by Selectman Dill. All in Favor