

Kingfield Selectmen Meeting Minutes

Monday December 7th, 2015, 6:00 PM Webster Hall 38 School Street

Attendance: John Dill Brian Hatfield, Wade Browne Leanna Targett, Raymond Meldrum, David Guernsey, James Boyce, Angela Boyce, Diane Christen and John Goldfrank

Absent: Heather Moody

Meeting called to order at 6:00pm

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

Co-Chair Dill moves onto November financials. Selectman Hatfield asks if there are any major changes in the financials. AA, Targett says no. Co-Chair Dill says we have already spent half in administration and we are only 5/12th through. AA, Targett says some of it will be reimbursed from the TIF as it was for paying Eaton/Peabody. Co-Chair Dill says it reads that there is a write off for sewer and taxes and states that those must be from the property we own. AA, Targett says correct – we were advised to do that by the town’s attorney and auctioneer. Selectman Browne says I am assuming we are over in cemeteries from mowing. AA, Targett says that we had to fix the big mower so part is equipment repair. Selectman Browne asks if we should move that up to the equipment repair line. AA, Targett says she would like to convince the board to separate cemeteries out into its own budget like animal control – so the plan was to show most of everything coming out in cemeteries this year. Co-Chair Dill says wastewater looks good. AA, Targett says some of that budget will be reimbursed as well when we take from the line of credit for the wastewater upgrades. Selectman Browne says that the rec department looks like it has a negative balance. AA, Targett says it is not actually negative it is just that the budget is being spent with the money that was already in the account as we did not fund it this year; there is about \$11,000.00 still in the account.

Co-Chair Dill moves onto old business – Mill Street. David Guernsey says at the last meeting you were pretty firm that you did not want to spend any more money on studying the situation unless the property owners were for it, we sent them the letter and asked them to return a commitment. Since that time one person has signed, one person said they would consider it pending more information, one person didn’t want to give up the easement as there unless there was some value there and one person initially signed and found out the town wasn’t going to plow the parking lot this year and then had Leanna in a pretty nasty session and basically rescinded and then there is a fifth person who isn’t even being asked for anything started screaming about taxes increasing. Unfortunately I think this particular project is being held up by a whole lot of other things that have gone on and I don’t think it is well understood what we are trying to do. Nonetheless I am certainly not going to stand up here and say that you should spend \$20,000.00 in legal and survey fees in order to come up with an easement document to present to people to try to explain it. I think you are in a position of having to negotiate with people for purchase of the property. The values aren’t that much for the road sitting close to the river most of it is on the existing sewer district easements. I don’t think any appraiser will find much value but to try to

negotiate with somebody when you have no fallback other than saying forget it – it becomes a waste of money trying to prepare the documents the only thing left is to basically come up with a plan to do the work and try to reach an agreement but if not we need to talk about eminent domain so that we can take the steps to move forward. There is another theory that should be mentioned is that this is used as a prescriptive easement and where the town has been maintain it for 20 years then the town has the authority to take it by prescription – I don't recommend it for a couple of reasons. Number one is that it is a murky area where there are a lot of factual issues and at most I would like to quote from MMA – municipal officials may find that it is cheaper and faster to take the road by eminent domain then to litigate the issue of prescriptive easement. I think pretty much any lawyer would agree with that. So I think you're basically faced with what I personally think is a loss of 12 parking spaces around that block would really have a serious impact on the downtown and those businesses but that is immaterial. I think the choice you are faced with is whether or not you want to treat it as a municipal project like a sewerage system and used eminent domain to go forward with something we are going to do for the good of the town or not. I have written a draft letter that says before you make that decision you want to hear from these people and you want to put them on notice that your no longer counting on a cooperative agreement where the town has them donating the land if they don't want to do it make the decision then. It is easier that or make a decision right now that you don't want to do it or to go forward with it. I've gone about as far as I can go without someone to come up with a firm legal and engineering plan costing \$10-20,000.00 without some end of the road and I can't ask for that. Selectman Browne says to him we have tried to do everything we can do to try to make this happen to try to get more parking for the loss of parking down there and for the people who are not willing to come together to try to do something then it's almost like a too bad so sad thing – just let the state come in and do what they want to do and the town is just going to go with what is happening there. It only affects the businesses that are down there which ultimately does affect the town but how much more can we ask, beg or steal – whatever you want to use for a word to try to make something happen when they don't care if that happens or not.

David Guernsey says I can't make that decision that is what you guys are here for I can just present options with what the current situation is. If you want to put them on notice of what the decision is I think that would be appropriate so that they know. If you wanted to put them on notice weather were going to put it on the agenda for the next meeting – it is the board option. I do think failing that the next thing is when DOT comes in with a public hearing you can ask them these questions. John Goldfrank says I think I the challenges you have from the business owners is that they are absentee owners and the letter that was sent to them was confusing. I have attended the meetings and followed the process and I understand the intentions of the letter but they have misinterpreted the summer and winter maintenance. I think some of them don't understand that the pedestrian park would be a total rebuilding of the spur would be pedestrian friendly with steps. Selectman Browne says we can't understand what they have to say or not because of what you just said and we can't assume what they might say.

David Guernsey says three of these people are not for it, now I was in a meeting with Marla and we got nowhere and two others were harsh to Leanna now if they can read or listen to the fact that parking spaces are going from 28 spaces down to 16 which is in the beginning of the letter if they can't read that and know enough to ask some questions I am not sure what to do. The selectmen have done everything that I have suggested. They have sent a written a letter which if

it was confusing or misleading than I apologize for that but all they had to do was ask questions. John Goldfrank says I think they are reading into it. David says I can't help that. I don't know what your recommendation is going to be – if you can get those people together and say hey this is a big deal for us and we need to do something. John says here is the challenge for the selectmen – some of the board changes every few years and the challenge to me is that this group of business owners is not cooperating and we may lose parking but what about 10 years from now when it could be different business owners trying to make a go in Kingfield and if people can't stop by those businesses whoever they might be because there isn't convenient parking then we have to make little steps for the future of Kingfield if Kingfield is going to survive and be successful. Someday years from now I envision that we will have a wonderful municipal parking lot on Mill Street but the challenge right now is getting a simple little easement for traffic flow. So when David talks about eminent domain are we talking just the spur or is David talking about it for the whole Mill Street area. David says he is basically talking the easements from the four land owners which you could say now is a prescriptive easement needing to be made into a public way. John says what if you did the eminent domain for the spur where we don't know if there is any ownership and we give the beehive an easement.

Raymond Meldrum says it seems to me like this Mill Street is on the agenda about as often as the monthly minutes for quite some time and we haven't really gained anything and we have sent out more letters than I normally get junk mail and we've gotten no response from anybody. The people who we are working towards to help the most are fighting us the heaviest and as far as I am concerned I feel that we should decide right now that we will terminate any further negotiation's and see what happens when DOT is here. We have already done quite a lot for the town by getting parking behind Diane Keoskie's as she was agreeable and it certainly is not very far from her side of the street to Pat Bucks across the way so I don't think that is a major problem so that is where I stand. As far as I am concerned we terminate any further discussion which I make as a motion. Co-Chair Dill asks for a second – then notes there is lack of a second.

Selectman Hatfield says he is focusing on the process right now and the negotiations. We have attempted this and David has made a suggestion to send out a second letter which essentially gives them one more opportunity to come forward or we move forward to what we want to do next and I see the gain is to get 28 parking spots and I agree with what John said about the future should Diane sell her property and we lose 8 parking spots or whatever the math is in the town by MDOT and now we reduce our parking considerably. So what I am stuck on is how do we decide how we want to proceed. Do we want to have a public hearing and talk about and have testimony for taking the spur by public domain or do we make a decision right here based on five votes. I don't know the answer to that. Selectman Meldrum asks how many more letters are we going to send out. Selectman Hatfield says we can send another and if this is the last one than it is the last. Selectman Meldrum says we have sent out a bunch of them and all we have gotten for response is nothing. Selectman Hatfield says we have sent two that he is aware of and this would be the third. Selectman Meldrum says yes just since you have been on board but we have been dealing with this for years. John Goldfrank says I am under the impression there is only one person who is a hold out on that initial letter. AA, Targett says two fell apart today. John Goldfrank says it's all about plowing isn't it. AA, Targett says yes.

Co-Chair Dill says it seems to me we started out trying to find additional parking and David has worked hard to do this and we thought we found some but we haven't been able to get beyond

that. We do have the eminent domain option and I don't know that we want to do that tonight by any means – maybe that is for town meeting. Selectman Browne says it wouldn't be just for the spur though it would be to go around the whole thing. Co-Chair Dill says yes I would want to do the whole thing. David says it would have to be a town meeting vote however in order to get prepared for this the selectmen would have to authorize the funds to do this correctly to have a meaningful vote.

Co-Chair Dill says he agrees with Brian to some extent that down the road we may want that but I would like us to say we have had enough of this and let's put this off until April. I realize it is just putting it off and that gives us a chance to think – I wasn't going to plow anything down back but Leanna informed me we were going to do it for safety so we are going to plow one time per storm and the rest of it is if the owners want to make space for their tenants then they can otherwise I don't know where they are going to go. David says I would remind you though if you wait until spring or April this may be a moot thing because DOT may have finished their plans, now they won't be doing construction for a few years and you may be able to reopen it but it is going to be a lot harder than versus doing it now and I don't feel comfortable going to DOT with some hypothetical – you need to go to them with a commitment. Co-Chair Dill says that is a good point and he didn't think about DOT but I'd like to go a month without this being old business. David says he agrees. Selectman Hatfield says it is being carried out too long and I don't know what the history is but I agree it needs to be put off. If we agree to send this draft letter that David wrote and add to it how many parking spaces we will lose without so that the landowners could read that and put a suspense date that if we don't hear from you within 30 days we would then consider authorizing money to be spent to enable us to go through this process of eminent domain and at that meeting we would have that vote – and a public hearing before that. John Goldfrank says there was an April preliminary plan from DOT and it was colored and showed a few spots that would be lost if we don't close the spur and the second plan was kind of confusing and may have confused people, I personally believe we are going to lose more parking spaces if the spur stays open. With that particular plan if you look at it with the parallel parking across the entrance of the spur is highlighted in blue and David made a plan in October. David says I did the color in blue – MDOT's is black and white. John says in reality I think we are losing more spaces than David colored in. David says he colored in blue the spaces that he thought we would lose which brings the count down to 18. There is a little bit of wiggle room you might get with DOT on that but regardless if you close the stub you could gain 8-9 spaces back. David says I am done and maybe it's time for the owners down there to come to the board with a petition.

Selectman Hatfield says he wants to respond to what David just said that maybe it's time that they come to us and with what I just proposed it applies pressure to them that they are going to have to react one way or another or choose not to react at all. The other thing is that we said there are 28 parking spots that will be reduced down to 16 so losing 12 parking spots – is the 28 gained by closing the spur. David says no, 28 are what exist there today. Brian says so if we close the spur what will we gain. David says the way I look at it which he doesn't want to be held to you would gain another 9 over the 16 DOT has planned so the figure is back up to 25. Brian says so we could lose 3 or 12. David says yes. David says he is not certain on that it would be DOT's call because there is a little rounded area near Bare's property and with the right of way of that would make much difference of 1 or 2 spaces. David says it is complex but it is his best guess – we would want to ask not tell or yell at DOT. Poor Leanna has had her fair share of yelling with this. John

Goldfrank says he is questioning if Dennis Bare thinks that by closing the spur he is losing the pedestrian area to the back of his building. I tried to communicate with him but he is not responding to tell him the town will have a plan that will be very pedestrian friendly to get from the parking down below to the front of the buildings. He actually owns no parking at all yet he is resistant to this plan at this point. I don't think he understands what the good intentions are coming from this board. Co-Chair Dill says we have tried to do this for a long time now and it just seems as those these people which aren't that far away – maybe ½ hour ride to get three out of four here and 1 hour and 15 mins for the other we look around and around and around and they are not here.

Selectman Browne says I guess it keeps going back to I am not sure why the town should care so much if those businesses don't. I am not saying all of them but some, whether they are participating owners or not we have sent them a lot of material and whether they read it or throw it in the round file it is not up to us but we are going out of our way to get some more parking in town that is probably going to be lost with the state coming through and how much more does the town want to put in for effort to try to assist those place down there or not and I almost agree with Raymond with this whole process it is getting old and we keep coming back and throwing something else back out again and again. John Goldfrank says you need to care about the future of this community. Selectman Browne says it is nothing with the future – we have no idea about the future. John says for those businesses to be prosperous and grow then we need it now. Selectman Browne says absolutely – where would you like them to grow – there is nothing left to grow downtown. John says if you get beat down enough just stand back up again if you don't I understand that but I am not losing my optimism that this can work out in time. David knows I have been the most outspoken critic here but you have to look at what is the best for the future of the community and preserving parking is what it is all about. Our store fronts could change over the years and be vibrant businesses.

Co-Chair Dill says there is already an easement down there for the sewer line and the water crosses with the exception of John's lot – I was just wondering what happens with the easements there now if you do eminent domain. David says let's say I do not believe the cost of land acquisition would be a huge consideration but the cost of political stigma attached to eminent domain is not something I like myself but it's the cleanest way to do it. You get an independent appraiser to provide the fair appraised value and if they don't like it they can get a right of appeal but the only other appeal is to say I don't think it is a legitimate public purpose and that doesn't stand much chance. If the town decides something as a legitimate own use then it has the right of eminent domain to make it happen. Co-Chair Dill says the only time we used eminent domain is with sewer. Diane Christen says yes it was the Doerr property.

Selectman Hatfield says we need to come together as a board if we want more parking downtown or not. Selectman Browne says he doesn't think that is a board decision – we've already been trying. Selectman Hatfield says it is a board decision in our world because we need to be unified when DOT comes in and says we are going to cut back parking this much. We say whatever or we need more parking and here is our solution so design it this way. The plan will then get designed that way and I don't know if David agrees with that. David says fundamentally yes now we made some provisions for some other parking by Annis and in front of CSM and they didn't put that in their plan and we took them to task for it and they are adding spaces back in front of Grand Central Station and I am not sure how it will all work out because one of the problems is we sent

them a letter and they responded to us but their letter doesn't agree with their plan so I am waiting for them to come up with a revised plan of what they are going to actually present to the people. We basically said their next step is to come before the people of the town and say this is it. I have been very leery to have oral conversations with them it has been just the written letter and I have tried to make it as cut and dry as I can so there is no question of who said what. What I was hoping is that we could present this Mill Street parking solution to them at the public hearing and show them what we are working toward and we would like them to plan it in their further design even though we wouldn't have it completed in time.

Selectman Dill says we don't know when the public hearing will be. David says it was supposed to be in November and before that last spring and they had problems with some of the soils along the river and so they said November and I didn't want to push them figure the more time we had for these negotiations but it seems like it is coming to an end if it hasn't already. John Goldfrank says something to consider if we are playing this Mill Street game one owner has signed a document willing to give over all their land to the town for the Village park and that person thought because I am giving you all my land then you will plow it. Since we have that letter why not plow him this winter and those that did not cooperate don't plow. When you plow that one person to show the other holdouts that with cooperation we will honor that. Selectman Browne says it goes back to using town funds on private stuff. John says this person said he would give an easement for his property. He was not against this. Selectman Browne says they are now. John says because he felt that he gave his land and doesn't understand why it's not being plowed. Selectman Browne says he understands that but you weren't here today to witness the chewing Leanna took so I don't think that is going to be in the game plan anymore.

Co-Chair Dill says we have discussed this for 25 minutes what would the board like to do – change the letter a little bit and put a date by on it and go from there which was Brian's suggestion, but I don't know if that works in with what Raymond had or not. Selectman Meldrum says no my suggestion is totally different. Selectman Hatfield says the third and last one since I have been here is my motion. Co-Chair Dill says what would you change on this letter. Selectman Hatfield says I would add the potential for parking with what we would loose and gain and that we want to hear from them in 30 days. Selectman Browne says then what do we do nothing or take by eminent domain that is what we're kicking around right now. Selectman Hatfield says the negotiation process is over and then we have to come to terms on whether we need the Mill Street stub needs to be closed to gain more parking. If we decide we want those extra spaces then we would go forward with the process. AA, Targett says in 30 days. Selectman Hatfield says after the 30 days – if they all agree then it is a no brainer. Selectman Browne asks David what his thoughts are. David says he is not certain he follows it – if he understands what Brian is saying the last paragraph already says that you will decide what is best for the town at an upcoming meeting instead of giving them an extra 30 days to come up with any comments. He doesn't mind adding something more on the spaces.

David says I feel that the people would get one more notice that we are moving on with whichever way you want to go. I don't think there needs to be a notice that there is going to be another ½ dozen attempts at this or pleading with them and saying well plow your parking area if you agree. I think it is never ending but we are not in a position to move forward without spending some money. You send last meeting you didn't want to spend money unless there is an end game. Selectman Meldrum says we have been beating on this thing since last winter and I don't see any

reason to go any further. Making a decision on eminent domain is another whole area to discuss but I don't see the purpose of giving them one more last time, and one more. Selectman Hatfield says he agrees but sending this letter warns them that it may be taken by eminent domain may be the tool that we use which would be in writing that this is what is next and that is much better to get it in writing than a telephone call. Selectman Meldrum says I hear what you are saying but I have not heard a second. No Second made.

John Goldfrank says David let's say we don't close the spur because there is no cooperation and years after the road is reconstructed using TIF funds all of a sudden there is a change of heart can you then go and close that spur and redo that whole section. David says I think you would have to sit down DOT and I am not sure how they will design that road to make it easy to close the spur. I suspect DOT would be tickled pink to have any access like that closed but the town would be 100% of that whereas now they will pay 80% of sidewalks and they may pay that for this – so it is a substantial amount of money to do later.

Co-Chair Dill says why don't we move on we don't seem to have a motion that is seconded and we have other items on the agenda. Selectman Browne says table it and bring it back next meeting and we will either kick it or not – we can't just keep kicking it down the road. David says he is going to send the results to the road reconstruction committee and indicate there was no motion and the board will presumably deal with it as they see fit. Selectman Browne says hopefully in two weeks we will have a final answer for this.

Co-Chair Dill moves onto old business – fireworks for bicentennial 12/31/16 and Kingfield Days July 2016 which would happen down in the wastewater field. Selectman Browne says Brian was concerned about people having issues with it down on Riverside Street and not being aware that it was going to be there as we can see we have sent out notices on other things and people are obviously to it. Is it a concern or not. AA, Targett says she has not heard from anyone. Co-Chair Dill says we did not hear anything about pops doing it last year, I know one of my neighbors takes their dog to Carrabassett because it does bother the dog, and there are animals and people that fireworks bother. Selectman Browne says he is in favor of it but I want to make sure people know it is going to happen. Maybe send out a flyer far enough ahead of time, whether they read it or not it is not up to us. Co-Chair Dill says yes so they can make arrangements if necessary. Selectman Browne says yes and plan accordingly. Diane Christen says it lasts for 20 minutes. Selectman Browne makes a motion to allow it to happen and make sure we put out enough notice for everyone to know we have approved this so they understand what is going to happen. Selectman Meldrum seconds the motion. John Goldfrank says we don't have a fireworks ordinance in this town do we. AA, Targett says no. All in favor. AA, Targett signs acceptance documents for Diane Christen to allow them to be in field.

Animal Control Officer Co-Chair Dill says we have one applicant which is Paul White as we all know Mark is resigning as of December 31st and we have run the ad in the Irregular for 2 weeks. Selectman Hatfield makes a motion to hire Paul. Seconded by Selectman Browne. All in Favor. Selectman Hatfield asks is there any training that he needs. AA, Targett says yes there is a 40 hour course offered in the spring and he will need 8 hours of continued education each year. Mark has already filled him in on all of this and I will reiterate.

Next item is review of an abatement Co-Chair Dill asks AA, Targett if she wants to comment on this – it reads abated due to deed errors property should be attached to 33 Winters Hill. Was that a separate piece of property. AA, Targett says the deed that came in recently was as if the previous owners had kept the strip of land abutting the cemetery so the tax assessor set up a new tax account. After further research as it was a non-conforming lot it was discovered that the property was to be attached to 33 Winters Hill. So we are abating the new account which is approx. \$200.00 and could do a supplemental but it amounts to \$3.67 which is not worth the paperwork and time. Selectman Browne makes a motion to sign abatement. Seconded by Selectman Hatfield. All in favor.

Co-Chair Dill says next item is to review and accept the lien check list that we discussed was needed. Board reviews checklist. Selectman Browne makes a motion to sign lien checklist effective immediately. Seconded by Selectman Meldrum. All in Favor.

Co-Chair Dill then reads a letter for Board support of the Appalachian trail as follows: Dear Maine Appalachian Trail Club: Kingfield enjoys a vibrant four-season tourist industry, which is supported by hikers from all over the world who come here to experience world class hiking on trail systems that run throughout Maine's western mountains. Being designated as an Appalachian Trail Community will increase Kingfield's viability and economic health, strengthen our awareness of the A.T., and offer our young people an opportunity to learn proper trail stewardship and ethics through the Trail to Every Classroom programs. The Kingfield Board of Selectmen, therefore, offers its enthusiastic support for this initiative. Selectman Browne makes a motion to sign support letter. Seconded by Selectman Meldrum. All in Favor.

Selectman Meldrum makes a motion for Executive Session pursuant to 1 M.R.S.A. 405(6) A - Personnel Matters to discuss employment of staff member. Seconded by Selectman Browne. All in favor.

Motion to hire Travis Targett year round and guarantee a minimum of 32 hours a week to keep with all town benefits and to start back to work for the town during next predicted snow fall. Seconded by Selectman Browne. All in favor.

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