

# MINUTES

**SELECT BOARD/ASSESSORS' MEETING  
TUESDAY, APRIL 2, 2024  
WILLIAM L. PULLEN MUNICIPAL BUILDING MEETING ROOM  
ONLINE NON-INTERACTIVE ON TOWN HALL STREAMS  
6:30 p.m.**

**Select Board present:** Jim Justice, Adam Fuller, Martha Johnston-Nash, Wayne Kirkpatrick, and Linda Mountainland

**Others present:** Jay Feyler (Town Manager), Kathleen Thornton, Ellen Harrison, John Mountainland, Erik Amundsen, Greg Grotton, Pat Hood, John Gibbons, Steve Migliorini, Argy Nestor, Tracy Weed, Ruth Ann Senff-Wiemer, and others

- 1. Call Select Board Meeting to Order:** at 6:30 p.m. by Adam Fuller
- 2. Pledge of Allegiance**
- 3. Approve Minutes of Tuesday, March 19, 2024:**

Motion by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Martha Johnston-Nash  
5-0

- 4. Approve Treasurer's Warrants dated Tuesday, April 2, 2024:**

Motion by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Martha Johnston-Nash  
5-0

- 5. Approve the Canine Control Ordinance amendment for Town Meeting:**

Jay said this is what the board decided on awhile back: no more than one kennel license of 10 dogs permitted per property which includes personal pets. His assumption is the existing kennel that we have will be grandfathered. He said he received a phone call from them and advised them to contact their attorney, as he cannot give legal advice. Since kennels have to be relicensed every year, there is a possibility we have to run it through our town attorney. Jim mentioned boarding which is a different category and permit said Martha, Jay, and Adam. Jay clarified the board has to vote to put this on the warrant and then it goes to the voters, because it's an ordinance change.

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Motion that we put the amendment to the Town of Union Canine Control Ordinance referring to the kennel licensing of a maximum of 10 dogs on the warrant by: Martha Johnston-Nash

2<sup>nd</sup> by: Jim Justice

Adam said we are basically adding a sentence to the Canine Control Ordinance: “no more than one kennel license of 10 dogs is permitted per property including personal pets,” which is in line with state regulations. Martha said someone might want to split their property in order to have more dogs. She clarified with Jay the planning board doesn’t do animal control ordinances.

Above motion passed,  
5-0

### **6. Approve a new member for Sestercentennial Committee:**

Motion to approve Cindy Wright for the Sestercentennial Committee by: Jim Justice

2<sup>nd</sup> by: Wayne Kirkpatrick

5-0

### **7. Update on Tax Acquired Properties:**

Jay said the Supreme Court last fall declared that tax acquired properties is unlawful taking if you did not return the excess funds back to the owner. So now we have to go through this whole process, which has not been vetted out yet, to sell a tax acquired property. He added this is probably fair, and it (towns retaining excess funds) was something he never liked his whole time in government.

He also said this goes back to King John. The bad thing is we don’t know what the courts are going to do for property that we have tax acquired already, and how far back they’re going to go retroactive. The assumption is a minimum of five years, which is what the foreclosure law is today (meaning they have 5 years to contest the way it was done/make sure all the steps were done right).

He said the advice is to do nothing with your tax acquired property – make no changes to them now. Each property will be a little bit different. It’s possible the board votes not to foreclose on a property. He added if we have to go back and search records from more than 10 years ago, it’s going to be extremely expensive. It will come down to lower court cases. Discussion followed.

Kathleen Thornton said it’s been two and a half years since the town acquired the Coggins Hill property. She also said that, according to the version she read of the Supreme Court decision, it only applied if the town sold the property; then any proceeds beyond the town’s expenses have to go to the owner. She agreed with Jay it was unfair for towns to make money off somebody’s hard times. She reminded that the board voted

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not to put an easement on the Coggins Hill property but rather a deed restriction – which would have to be voted in by the people, and could be voted off if we had to get the property back. She noted the (previous) owner hasn't challenged it at this point, and reiterated she saw nothing in the ruling about property that the town kept.

Jay said most attorneys believe most towns keep their properties and do not sell them, and believe it's included, as there is still equity. Adam said he doesn't see how that changes our long term goals with the Coggins Hill property at this time, and we will see what the courts say. More discussion followed.

In answer to Martha, Jay said we don't yet have a warrant article. In answer to Linda, Adam said he thought the Green Space Committee could continue its work on deed restrictions and as Wayne had mentioned designing the use of it going forward.

Kathleen said she hopes to have a Green Space Committee update soon. She asked about the town-owned property on Bump Hill. Jay said it's tax acquired; he will look in the book at the property across from the dump site, but said all the other properties were tax acquired. Adam said the only ones that aren't are the Common and Ayer Park.

### **8. Other Business:**

Re: tennis and basketball courts, Adam said Catherine Meyer reached out to add it to the agenda but he did not catch Jay in time. He told anyone interested to come comment under Other Business.

Ellen Harrison – Parks and Rec member, active pickleball and tennis player, community member since 1985 – said she lives in the village and always thought of this area as an extension of the Common. She said she was last here February 6, when the Land and Water federal grant was being discussed, and when she understood \$20,000 was set aside for a parking/engineering study for the courts area and in front of the yellow building. She said she understands the sum was changed to \$9,000, because it didn't include the courts area, because we were not applying for the grant which was news to her.

She asked the board to reflect and consider where we are going, a vision. She mentioned costs (approximately \$150,000 for the town's 50% with the matching grant) and using the Pullen Fund, additional funds such as Maine Heritage, and other grants. She said there had been a long period time with no repairs of any major consequence to the tennis courts, which could amount to 45 years of neglect. She brought a map with the courts, Prior Park, Little League field, potential rec center in the brick building, some type of senior housing in the yellow building, and the town office reiterating this area is part of the community heart. She added she did not see throwing it all onto 17 as part of a corporation as a good thing.

Jay said the courts are some of the oldest and best shape in the state. They have been resurfaced twice since he's been here, in the last 15 years. He said the reason they've

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fallen apart is the companies will not resurface them, they want to rebuild them; underneath has eroded and failed over the years like any other raised property.

Adam clarified at the last meeting the cost was to do the survey on the courts. He said Jay brought the option of having the survey and the engineering done on the courts, which we'd need if we apply for the grant, with the survey being roughly \$4,000 and the engineering roughly \$5,000. His impression was the board was concerned about the cost of the grant –using the lower number \$300,000, we're responsible for \$150,000. He said it was also looking like the town would have to front that money then be reimbursed.

Adam continued it's an issue as we don't have an expense account, and would have to appropriate the full amount from the voters then go after the grant reimbursement. That cost is scary. We don't typically make expenses in the hundreds of thousands on an annual basis; we typically set up a reserve account, let that kitty build up, and work towards those purchases. He concluded the board did not have an appetite to be on the hook so voted just to do the survey – we do need to know those lot lines. He added a goal would be to set up a reserve account and start setting money aside for the courts. Re: new facilities on 17, he said that may come with time but doesn't negate these courts and these resources, so we need to look at starting to preserve those better. He said he felt the courts were not heavily used until pickleball picked up.

Extensive discussion followed with input from Ellen, Erik Amundsen, Pat Hood, and Greg Grotton. The gist was taking care of the courts vs. tax burden. Martha cautioned about seeking grants for repairs, noting many are for new projects.

Jay said they could ask the Pullen Committee to commit so much every year and put it in a reserve account. Erik said they gave the library \$100,000, new construction, for the children of Union. Adam urged Ellen to start the ball rolling with the grants. Ellen said that can't be started without the board.

Linda asked if the repair cost is \$300,000 or \$500,000. Jay said the estimates, rough and nine months ago and with no engineering, were around \$400,000. Now they are saying it's probably gone up about \$50,000 due to construction costs. He reminded half is reimbursable, but we are probably getting close to half a million. Linda said if we get the money and noted this could take taxes up a mil rate which is about \$350,000. She suggested getting a fund going and discussing it at the budget committee meetings.

Adam said a number of factors are in play and echoed several people who said they would like to know what's happening with the TCC. For now he suggested aggressively trying to raise some funds and starting a reserve account. He noted how aggressively we fund will affect the time frame. He noted last week he argued for the engineering, and had told Catherine if the board doesn't have an appetite for \$5,000 it's kind of a moot conversation for \$350,000. He said now the courts are getting a lot of use, we should look into trying to repair them.

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Pat Hood, Parks and Rec, said he will connect with Jay to get a better understanding of how the grant works and sequential order. He said he was under the impression we may have some funds or seed money. Adam said money was put in a reserve account last year, maybe \$30,000 for resurfacing potentially; they could take that and turn it into a start. He said they had to spend some on engineering and a survey confirmed by Jay.

Adam continued we should start the process, start a reserve account, look at what grants we can go for, and talk to the Pullen Committee – but not apply to be on the hook with the federal program until we have some of that lined up. Pat will follow up. Ellen further discussed grants and said having what Pat is talking about will ally with their grant pursuits and make them more successful.

Jay reassured Ellen that the courts will not be made into a parking lot. He said that is in perpetuity. He added if they ever move the property they need to almost double or triple the amount of property. He said he would never urge the Land and Water Conservation Fund to move it to another property because it's forever, like Ayer Park.

Jim mentioned the Pullen Fund helping to fix up the ballfield which was in bad shape about 15 years ago. He suggested writing a letter to the Pullen Fund explaining what is needed and to grow a fund.

Adam said the board is not against the courts but is against lump sum spending.

### **9. Town Manager Report:**

Jay said we are hoping for TCC news – no word yet from the developer. A deadline is coming up in the next couple weeks for any warrant articles.

He said in July we are going to have a tabletop exercise for the Sestercentennial, which is almost mandatory for anyone doing anything with traffic control, etc. He has been talking with Knox EMA about some of the issues that could happen. He said we typically do the tabletop exercise as close to the event as possible.

He reminded budget committee meetings are Monday, Tuesday, and maybe Wednesday. The Pullen Committee meets on April 10; Jim, Martha, and Adam will attend.

He said fiber is being laid today, and he just sent a check and signed a contract today. He added he is quite impressed they are starting so quickly.

He also said Matt's last day is April 19. We are going to do something for him probably on April 18.

He added the egg hunt was absolutely fantastic. He thanked people for taking pictures and helping. He said the Pitzis from David Robbins Homestead were there and donated some money to it. Linda said there were at least 50 kids there, and it was fun to watch.

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### 10. Public Comment:

Erik Amundsen said their (school board) budget meeting finished up at 10:00 p.m. last night. They are down to about a 7.1% increase. The full board will look at it again. He added due to the fact that 80% of their budget is employees, they are limited as to what they can cut. In answer to Adam, Erik said the information will be online, and meetings are online. He repeated a lot of things are mandated that you can't do much about.

Re: Green Space Committee, Kathleen wanted to clarify the Coggins Hill property was foreclosed on March 17, 2021 so over three years ago. If we vote on a warrant article in 2025 it'd be roughly four years. Adam reiterated by the time we have that ready to vote there will be some clarity from the courts. In answer to Adam, she said the committee will try to have a meeting in the next few weeks.

### 11. Committee Reports:

#### a. Broadband

John Gibbons said now that there are visible signs of progress, the committee's focus is on getting ready to publicize what's going on to the townspeople, and the level of detail that the townspeople expect. They are working with Tidewater to develop an easy-to-read road map that describes where the fiber is now with their current network, where it's going with the grant supported expansion, and what else there is going to be after the expansion is completed. He expects to be able to report on that in the next couple of weeks.

He said they expect Tidewater to start putting pressure on them to help get early signups for service for the expanded fiber. There are good reasons for this. They plan to request starting fairly soon a series of regular status meetings re: Tidewater's activities and what the committee is doing to publicize and assist in getting early signups. Bottom line: things are moving. The board thanked John.

In answer to Martha, John said they don't need people helping yet. Adam said a lot of what they're doing is the pre-prep. There will be a lot of logistics stuff. Maybe you have a date for being hooked up. Is conduit there? Who do you contact to get digging done? He said getting this is a potential role the committee could use help with.

#### b. Green Space – Above.

#### c. Sestercentennial

Argy Nestor thanked committee members Ruth Ann Senff-Wiemer and Tracy Weed for being here tonight. She said the committee is doing an amazing job.

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She said she'd shared that part of the closing will be Corporal Cobb and the 20<sup>th</sup> Maine. Last night Don Grinnell gave them an update: they have found 168 Union Civil War soldiers, though on the monument there are only about 14 names. They can't figure out why and are still doing research.

She said during the closing ceremony, the 20<sup>th</sup> Maine will muster up and come down the hill from the Old Town Hall just as they did, then the community will be there to kiss their soldiers goodbye as they march down the hill. She added today they learned there will be a bugler player from the high school who will play Taps.

She said they need somebody from the town who will reaccept the monument. The select board as a whole was suggested. Adam said they could fill that hole. Argy said they'll be doing a detailed script.

Argy also said she'd sent grand marshal information for the board to vote on.

She said the hats are done, and t-shirts will be in the next couple of months. They will do some popups around town to let people know what's happening and start selling hats and t-shirts.

She said they will start putting out press releases. Once a week is the goal. They would love a quote from each board member and Jay, via email.

She said the coins will be here in two weeks and look fabulous. Tracy has done a lot of good work on that. They're in color this year, hopefully available soon. The price will be \$20 each.

She also said they were measuring the Common and noticed the monument is looking sad. Tracy has a call out to Bruce Libby. Adam said they can probably figure something out about getting it cleaned. Jay said re: cemeteries, they haven't done any cleaning in three years due to no help. Argy brought up student volunteers as in the past. Jay doubted they would be able to use cleaning materials. He said Bruce does a good job if you can get him.

Linda wanted to confirm that politics is allowed in the parade. Argy said absolutely, yes. Wayne reiterated his belief that everybody should be in the parade. Argy said no one from a political party has reached out to be in the parade or requested to participate in any of the celebrations. She added the only person invited was the Governor, and we have invited all our political delegation at the state and federal level to participate. Everyone is welcome.

Argy also said May 1 is the parade deadline.

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Re: parade route, Pat said he and Ruth Ann met with Jesse. The parade will come down Common Road, turn left on 235, and enter the exit of the fairgrounds. The idea is that using 235 or Depot Street will allow more viewing area vs. going down the hill on Common Road where there are fewer spots for safe observation of the parade. He said he drafted a route plan, which the board has, noting DOT requires sign off by the board, and the police agency that covers the town in this case the sheriffs' department.

Pat also said they had initial discussions and concerns about using 235. His thought from law enforcement was potential collateral damage shutting it down. He said if the board agreed 235 is an appropriate route, the safety mechanism in place for that is they would partner with the Town of Warren, and they stop traffic at the intersection where you would turn on Beth's Market on Western Road. That would allow us to post whoever, fire department or police officer, probably by Ayer Hill. Pat said he will try to get a variable sign message board for 235 and put the public on notice.

Wayne brought up potential Rt. 17 bridge work with a detour down Common Road. Pat said he understands if that's a go they will reevaluate. Tracy referred to the DOT website. Jay said he'll have an answer tomorrow; he reached out to the engineer and secured another sign from Knox County Management. Adam said they just got funding about a month ago for bridge and doubts it will be that fast.

Pat noted his route plan is a draft. It does not talk about turning traffic around in Warren, it has it at Ayer Hill. He said commercial traffic can make a right hand swing and head back to Beth's Farm Market without a problem but not so Ayer Hill. He said the committee will start posting signs about road closure on this particular day from about 11:30 a.m. to 12:30 p.m. then back to normal. It will also be posted on social media.

In answer to Adam, Argy said we have 275 parade participants. Ruth Ann said we have 30-31 groups but quite a large band and numbers within groups. She said we have local businesses food vending on the Common and Reggie's at the fairgrounds. Dorman's ice cream is included.

Wayne confirmed the parade ends at the exit of the fairgrounds. Tracy said they will disperse into the fairgrounds. Jay said people will be able to enter and exit via the fairgrounds entrance.

In answer to Jim, Argy said hats are \$20 each and t-shirts are \$20 each.

The board thanked Pat, Argy, and the Sestercentennial Committee.

- d. Ambulance Advisory – None.



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e. Thompson Working Group – None.

### 12. Select Board Report:

Linda brought up the Sestercentennial Committee's budget request with the thought that they should have enough money without having to get another \$10,000 from the town. Adam said items will be debated line by line, or by department if no contentious items, in the upcoming budget meetings.

Linda also asked if people would be allowed to rent tables at the Sestercentennial. Jay reminded anything political you have to let them all come. Martha and Tracy said they had not looked at tables or vendors other than food. Adam said reach out ahead of time as there is limited space. Argy referred to the email on the Facebook page and town website. She added the committee is paying rent for the fairgrounds space and does not have use of the entire fairgrounds. Linda said the gentleman who contacted her is willing to pay.

Re: parade marshal, Martha said she really liked name one. Jay said they will circle names. They will also just write on paper the Spirit of America awardee.

Adam thanked all for the debate and discussion.

Jim said he noticed some Sestercentennial funds have not come in yet and wanted to know if the committee would want more money from the town if they run short. Tracy said they do not anticipate that. Argy confirmed those are committed funds at this time.

### 13. Adjourn:

Motion by: Jim Justice  
2<sup>nd</sup> by: Wayne Kirkpatrick  
5-0

Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Sherry Abaldo  
Secretary