

# MINUTES

**SELECT BOARD/ASSESSORS' MEETING  
TUESDAY, AUGUST 15, 2023  
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), Heidi Blood (ACO), Jerry Brooks, Bill Lombardi, Paul Bruno, John Shepard, Linda Shepard, Abraham Knight, John Mountainland, Anna Farley's mom, Lawrence Nash, John Gibbons, Catherine Meyer, Ellen Harrison, Argy Nestor, 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, August 1, 2023:**

Motion by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Linda Mountainland  
4-0-1 abstention (Justice)

- 4. Approve Treasurer's Warrants dated Tuesday, August 15, 2023:**

Motion by: Jim Justice  
2<sup>nd</sup> by: Martha Johnston-Nash  
5-0

- 5. Discussion on updating the ACO ordinance:**

Jay said this was basically to limit the number of dogs one can license, to 10 dogs. His and Grant's understanding of state law is that puppies are not counted. Adam said there have been a lot of complaints about noise from the dog breeding in East Union.

ACO Heidi Blood said since she took over about six years ago, they did one amendment that includes the current dog ordinance. It basically edited the old ordinance from "provocation" to "no provocation." It worked well for a year or two. Then they started receiving complaints of dogs continually barking at all hours. Her recommendation to Jay was to look at limiting the number of dogs that can be on one particular property. Her suggestion of 10 came from the state kennel license which limits 10 dogs per kennel license.

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Adam read aloud the five definitions of nuisance. Martha brought up violations and prohibitions, including barking dogs disturbing the peace punishable by first offense \$100, second offense \$150, third offense \$200 in any two year period. Heidi said those fines were not being paid by the violator. Adam said they started to process collection of that in the court. Heidi said that has to happen through the town attorney as it is a local ordinance. Adam said in the past fines were paid as soon as they started legal proceedings, and the business has grown since then affirmed by Heidi.

Further discussion included state vs. local ordinances. Adam suggested looking at cottage industries in future zoning. In answer to Martha, Adam said the penalty for having more than 10 dogs would be additional fines. Heidi added there are state laws on the books re: 10 dogs per kennel license.

Jay said our ordinance is not exact about a breeding kennel. She advertises as Happy Tails Kennel and Grooming. Heidi said there is a breeding license on file at the state level. Jay said she is licensed by the state but has not gotten a permit from the town.

In public comment, Bill Lombardi said he found this ordinance inadequate for the situation and cited details.

After more discussion, Jay noted civil suits have been effective. He also recommended upping the fees.

Paul Bruno said this was a one-sided situation re: his daughter's business and has been for three years.

In answer to Martha, Jay said this business is allowed in the district which is residential. Re: being grandfathered, Jay said that would be a town attorney question.

Planning Board Chair Jerry Brooks said the planning board approved a grooming business back in 2020. Jay said they believed a breeding kennel did not come before the planning board, and the original permit has conditions such as no overnight boarding, no offensive nuisance or noise generated, and change signage and/or digital by deleting the word "kennels."

More discussion ensued including comment from John Shepard, who noted when incentivized she can properly control the dogs. He also expressed concern there is no planning board approval for a breeding kennel.

Abraham Knight, Adam, and Jerry talked about zoning. Jerry said conditions of the permit are being violated. Jay brought up sound mitigation. Wayne said it's not the dogs, it's seems to be the person that owns the dogs since the barking stops when the ACO contacts her. Heidi mentioned deteriorating relations with the business owner.

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John Mountainland compared the situation to a liquor license, which can be revoked after three violations. Jim said owning a business is 24/7 so he blamed the owner. In answer to Linda, Heidi said these are hunting dogs.

Martha summarized: 1) the grooming license is in violation; and 2) she has not come forward to the town to get a kennel license. Adam wanted to review state regulations on kennels. Martha wanted to continue the discussion at the next meeting. Jay said the CEO knows there are violations, and he is required by law to notify the business owner and normally offer her the opportunity to come up with a remedy and come before the planning board to apply for a breeding kennel. The select board cannot override that.

Anna Farley's mom said sometimes it's her dogs barking that gets Anna into trouble.

Motion to table by: Martha Johnston-Nash  
2<sup>nd</sup> by: Jim Justice

Lawrence Nash suggested the ordinance be amended to require a kennel license from the Town of Union.

Adam added, to Mr. Bruno and Anna's mom, that their daughter's comments are welcome including by email or drop off at the town office, and he will be more than happy to read them into the record.

Motion passed,  
5-0

**6. Chief Thompson report to the Board:** Next meeting.

**7. Town Manager's Report:**

Jay said we got a workers comp rebate for the first time in a couple years, from Maine Municipal, approximately \$3,000.

A couple Fridays ago, Stacey and he met with the auditor. The usual auditor is no longer working for the firm and never finalized some stuff, so they went all the way back to when there was an elected treasurer where they found most of the long term errors. Those should all be finalized by Monday; the 2022 audit should be done with reclassification of those funds. Stacey will be the first treasurer to have it all balanced, and she has done great work.

Next week, weather permitting, chip seal will be done on North Union Road, Clarry Hill Road, and Clarry Lane. This is the last year of our long term contract with All States, so we will have to renegotiate. In mid-September they will start working on Robbins Road for eventual paving. Notices went to residents. In answer to Adam, Jay said Packard's Excavation is doing the buildup.

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### 8. Other Business:

Jay said September 12 is clerk's networking day, and October 4 is Maine Municipal's convention (treasurers and clerks).

Motion to close the town office on September 12 and October 4 by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Linda Mountainland  
5-0

Jay added the MMA convention, October 4 and 5, is also for select board members. The agenda is online. Application forms should go through the town office.

### 9. Public Comment:

In answer to Ellen Harrison, Jay said hot rocks are chip seal – rock chips with rubberized asphalt, which will be by the tennis courts for a few days. Adam said last time people used the courts and parked by the TCC, noting the pile of rock is as big as the room.

Lawrence Nash said we have an Aging in Place Committee. Part of their mission is to make life tolerable for old people. With winter and dark coming earlier, he'd like to see Public Comment moved back nearer to the beginning of the meeting. Adam noted the current placement is a compromise and has been more productive.

Catherine Meyer said re: vandalism on the courts – trash, broken bottles, ripped up tape – she has requested permission to paint lines. She has talked and given prices to Pat Hood, Parks and Rec, but not gotten an answer back. She asked about getting cameras. Wayne suggested she pick up the trash. She said she made a police report. Adam said there is currently no internet connection there; it can be revisited later in the TCC/TIF process.

Abraham Knight said the only solution is paying taxes to having someone police it and clean it up, citing Camden's skate park and Union's history with the skate park concept. Adam said they ran into the same issue re: Ayer Park bathrooms. It could be put to the voters. This is the first he's heard about the vandalism.

Catherine said as a taxpayer she does not want taxes to go up. She wanted to bring this to the board's attention. Linda confirmed the TCC still has electricity.

Catherine also said she was looking for the letters for the TCC sign to post "Pickleball 9 to 11." Martha will talk to Tabatha, saying they were in the office of the brick building. Adam got board consensus that Catherine is good to post that when she gets the letters.

Ellen brought up the \$30,000 for court repair/maintenance. Adam thought it was toward resurfacing and wanted to go over the wording. She thought they should be able to use some of that money while waiting for Vermont Tennis, etc. if they are actually repairing

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court surface. Adam said it would depend on accounting and it should still go through Parks and Rec. Discussion ensued including Catherine's expenses.

Adam clarified the process: go to the appropriate department/committee. Request the funding. They will meet and decide. Once they approve, they have the office order the tape or whatever – they do not usually purchase things themselves, because the town does not pay tax, and it goes on a company card; that is how we track it. In answer to Catherine, Adam said the town manager will give Parks and Rec a better rundown on how purchases go.

John Mountainland asked about private citizens doing work on town property. Adam said they asked about filling the cracks. Jay said we have volunteer insurance and Parks and Rec Committee members are covered under it. Adam reiterated if you are a member of Parks and Rec, you can volunteer your time to work on the facilities in town. Martha said it would make sense for Catherine to be on the committee. More discussion ensued.

Jay noted everything needs a purchase order for 1) tax; 2) auditing purposes; and 3) we need a W-9 re: workers comp and other insurances. Adam said go through Parks and Rec because it's their account.

Catherine brought up a \$294 spigot on the bandstand that used to have low maintenance hosta. Adam said someone asked about new plantings there and the board said yes. Jay said the water has been there for years and just needed a new pipe. Catherine handed the board a copy of the 1977 Land Water Trust. Discussion ensued.

### 10. Committee Reports:

#### a. Broadband

John Gibbons said the kickoff meeting with LCI is scheduled for next week. They plan to have a substantive report at the next select board meeting.

#### b. Green Space – None.

#### c. Sestercentennial

Chair Argy Nestor said Sestercentennial is booming and handed out wooden nickels. They have given out about 1,000 of them and printed 2,500. The wooden nickels are one of the key things letting people know about the Sestercentennial.

They have a float that's been in three parades, including the Lobster Festival where they gave out about 500 wooden nickels. They had an exhibit at the 4H fair, where they had more wooden nickels as well as at the Matthews Museum, upstairs, and the Vose Library. There are also displays at the Vose Library and the historical society. They are selling hats for \$20.

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They put together a timeline with activities happening throughout the year. They will provide the timeline at the next select board meeting. Sponsorship letters to businesses go out in September.

She said they still need volunteers to lead the raft race and cornhole. Wayne said talk to Kathy Lunt about the latter.

She said the bandstand is looking a little shabby, and maybe we can address that before this big celebration. Also, the Kahns donated a bunch of pictures to the historical society, and a few show the time capsule: a baby-sized vault with a metal box inside it. They are trying to figure out if the vault is sealed; if the seal is broken, what does that mean; and can it be reused. Any info welcome.

Next meeting is Monday at 6:00 p.m.

d. Ambulance Advisory – None.

### **11. Select Board Reports:**

Wayne said soon we will no longer have a dispatch center. Jesse is the lead guy on the RCC and said it comes down to money. He thought as a town we should step up, delve into it, and have a little pushback on the county to see if we can help out. Brief discussion followed.

### **12. Adjourn:**

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

Meeting adjourned at 7:43 p.m.

Respectfully submitted,

Sherry Abaldo  
Secretary