

## MINUTES

**SELECT BOARD/ASSESSORS' MEETING  
TUESDAY, FEBRUARY 6, 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), John Mountainland, John Gibbons, Steve Migliorini, Bill Stinson, Ellen Harrison, Erik Amundsen, Debra Lowtwait, Argy Nestor, Christine Simmonds, 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, January 2, 2024:**

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

- 4. Approve Treasurer's Warrants dated Tuesday, January 16, 2024:**

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

**Approve Treasurer's Warrants dated Tuesday, February 6, 2024:**

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

- 5. Request to use the TCC lawn for the Art Fair on June 1, 2024:**

TMA Chairman Steve Migliorini asked permission to use the lawn space in front of the yellow school building for their annual art fair on Saturday, June 1, which coincides with the library plant sale. They also asked to use electricity from the building, as last year, for the food truck and the entertainment. The Art Fair will run from 9:00 a.m. to 2:00 p.m. with set up at 7:00 a.m. and cleanup afterwards.

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In answer to Linda, Steve said they would be happy to go to the Common should the lawn space be unavailable. He added they plan for a maximum of 20 artists and artisans, with 10'x10' booth spaces.

Motion that the request to use the TCC lawn for the art fair on June 1, 2024 or a contingency backup plan for the Common with use of power be approved by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Jim Justice

Steve said the only change he could see with a possible venue change (Common) would be rental of a porta-potty, which they would be willing to do. He noted last year Jay was generous enough to let them use the porta-potty by the ballfield. Adam said if they need to close some of the town roads they could do that on the fly at the meeting right before.

Motion passed,  
4-0-1 abstention (Johnston-Nash)

### **6. Approval of New Liquor License at the Pour Farm:**

Bill Stinson said they are reopening the brewery in April. It was temporarily closed in September. They operated for six years on a small brewer's license, which is you can sell the beer that you make but nothing else. He is seeking the additional beer and wine license to enable him to sell other people's beer and wine, including any collaboration they make with other breweries, and to have more choices for customers. In answer to Martha, Bill said he still owns and operates the business – same people behind the bar, and he brought in a brewer from Waterman's Beach Brewing Co. in South Thomaston. Also in answer to Martha, Bill said he had 15 parking spots at the building, and people park on top of the hill.

Motion to approve the new liquor license at the Pour Farm for beer and wine by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Martha Johnston-Nash  
5-0

### **7. Discussion on having “Junior Select Board Member(s)”:**

Jay gave a rundown: he stole this idea from a colleague in Aroostook County. A couple of municipalities have had pretty good success. He noted the school board has a student member on it. He added the student member(s) would have no voting rights. He is deeply involved in the internships for municipalities and has been pushing civics classes, trying to get younger people interested in their government. He said he envisions this at the middle and high schools, they could do an election, and probably one member is sufficient. In answer to Adam, Jay said it would be a student from Union, and ideally all the towns would get involved. It would be up to the school how they wanted to handle it.

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Discussion followed. Martha asked if this person would be on town insurance. Jay said they would have no official role, but anybody on any committee is covered by insurance as a volunteer. Martha confirmed no issue with someone being underage.

Erik Amundsen said he thought it was a great idea and suggested only juniors or seniors due to maturity. He described the interview process used by the school board.

Jay said history says that interviews tend to result in appointing people who are like minded. He thinks they should work for it – get nomination papers and get elected so they know what it's like to get involved at the council level of government. Adam said this would instill ownership; they would feel some responsibility, and it is definitely stressful at times which is a valuable lesson.

In answer to Linda, Erik said the student on the school board might be interested in sharing his perspective with the select board, adding he is very community-oriented. Martha said she would like Jay to draw something up re: policy and procedures.

Motion to have Jay move forward and reach out to the school and talk to them about this junior select board member(s) by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Jim Justice

Adam asked Jay to sketch out roughly how he sees this play out. Jay said he will take the good work other towns have done.

Motion passed,  
5-0

### **8. Approval of \$2,550 grant acceptance for Fire Department:**

Adam clarified with Wayne this is for forestry gear. In answer to Martha, Wayne said this covers 20 people. Adam said four hoses, 20 shirts, and 20 helmets.

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

### **9. Sign Tax Map Maintenance Proposal:**

Jay said this is a yearly contract with CAI Technologies who does all our tax maps, the printing, gives a copy of the tax maps, and puts them in the electronic format. He noted the price has not changed for several years. Martha noted we can't go online and do a search by property or owner. Adam said you can on Knox County which goes through the state server. Wayne said there is a phone app where you can search by address.

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

### 10. Vote to hire Landmark Engineering and proceed with the LWCF Grant:

Jay said we did the prelim, and he got a call from Land Water Conservation to do the 45-minute phone stuff. In a nutshell the property, a weird triangle-type property, is there in perpetuity. Part of the new regulations is to pin those, and they really would like you to expand it to something that is somewhat normal. He said this is not a cheap project; 50% of it is grantable.

Jay continued if we don't do it, we can get an obsolescence permit from them and not have to repair them (courts), but you have to do something else that is equal – he doesn't know what is equal to tennis and basketball courts.

In answer to Jim, Jay said the application is due by June 30. It's a considerable amount. Jay said if this were a new project, he would not recommend touching federal money grants because they are forever; they change the rules anytime they want and you have to abide by them. But, he added, we have these properties: this one and the boat ramp.

Jay continued part of this whole package includes how you select your vendors. To be able to handle all this stuff with environmental and wetland studies, the Army Corps of Engineers, etc. you have to hire an engineering firm to do it. We don't have enough staff time to get it done.

In answer to Martha, Jay said we are looking at approximately \$300,000 in construction costs, with the average price for the tennis and basketball courts \$100,000 per court. Half of that is reimbursable. He said we also have engineering studies, and have to make everything ADA compatible, which means the parking lot has to be redone and redesigned. He added the lot is too steep, noting the whole lot does not have to be ADA compatible but a section does. He said the price will probably be closer to \$400,000 as construction costs are coming in quite a bit higher.

More discussion followed. Jay said optimistically the grant would be awarded this fall, we would go through the whole bid process, and possibly start construction in summer 2025 if we find the right person to do it. He said we have a really good chance at the grant from talking to them, but if not we are still out the engineering costs which are not going to get reimbursed; however, the engineering costs should be less than \$50,000 and probably approximately \$10,000. Jay noted we have the money we talked about for resurfacing, but nobody will come resurface the courts, so we use that money for the engineering costs. He clarified we have no choice no matter what happens to the building; we are on the hook – you could go find another location and have that total square footage, plus that again, or twice that again. Adam confirmed it is also possible they would make us maintain both in that event.

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Adam said if we don't get the federal funding, that changes everything; he reiterated that we set money aside for resurfacing so no need to go to the taxpayers for the \$10,000 engineering. Linda said if the buildings are split, space will be needed for two wells and two septs. Jay said regardless that (court area) space cannot be used. Adam said the town signed on the line committing us forever more than 30 years ago.

Motion to vote hire Landmark Engineering to proceed with the LWCF grant by: Wayne Kirkpatrick  
2<sup>nd</sup> by: Jim Justice

Ellen Harrison said her understanding was that the board would put out bids to get the best price for work on the courts. She had no idea about the parking lots. She did not understand Landmark was a part of this automatically.

Discussion followed, in which Adam said it is still likely we would use someone like Maine Tennis, but we have to jump through hoops with the federal grant and have to get it engineered. It does not have to be Landmark, but we use them for a lot of other stuff in town, at a good rate, and have a good working relationship. If not them it would probably be Gartley and Dorsky or someone like that. We don't get to not have an engineer. Adam also reiterated the parking lot is part of the property involved in the original grant.

Jay summarized we are not even close to the bid process yet. Once the engineering is done and everything approved by LCWF, everyone will get a chance to bid.

Motion passed,  
4-1 opposed (Johnston-Nash)

### **11. Other Business:** None.

### **12. Public Comment:**

Re: the school budget, Erik Amundsen acknowledged Linda attending their meetings. He sent a revised capital improvement list, something like \$12 million, with sources of funds applied for. He said a grant may give up to \$8 million of this \$12 million; we won't know until two weeks from today then figure it out from there.

Re: buses, three buses in question have been taken off the schedules. They have at least three buses to replace those for the time being, until lawsuits against the companies get sorted out. They are working on the schedule. They are short a mechanic and desperately need bus drivers.

Wayne gave kudos to Ryan, saying he was super impressed with what he's done even on the transportation side. He raised the question: has the district ever thought about leasing the buses?

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Adam confirmed with Erik that potential bus drivers will get health insurance and free in-house training to get the required license.

Re: maintenance, Erik said most of it is outsourced. They use Siemens, with whom they have three contracts that have been ongoing for the past few years; all of those are being paid down. They were for lighting and heating situations, control and ventilation systems. He said they had to change the whole ventilation system in Warren, a fairly new school, about eight years ago and replace the roof about six years ago due to shoddy construction. He added the original builder was out of business. He said it does not show up as maintenance on the budget as much, because it's into things like paying off Siemens who also does the financing. He added Siemens is a big company that outsources all over the country and gets the best borrowing rates. He sent info on another similar outfit run by Tom Seekins of Thomaston.

Adam said, re: inquiries about the brick half of the TCC building, when it comes time to start that process it will be public and there will most likely be a town committee. He said he appreciates the enthusiasm of people wanting to work on it, and by mid to late spring there should be more opportunity for input. Brief discussion followed, with Ellen Harrison suggesting planning ahead financially, and vision time is now. Wayne said you can't have a vision until you know what you're going to do with it (the building).

Debra Lowtwait, of Browns Lane in South Union on the other side of the stream from the Pour Farm, said she had spoken with Bill Stinson about noise concerns. She asked that the select board work with the planning board to determine acceptable limitations on outdoor music in the rural district. She said she has also reached out to CEO and learned that the Pour Farm would need planning board approval if music is deemed more than incidental to beer sales; she would say it is because he has music almost every week, typically two nights a week and sometimes three, and just about every weekend all season.

She also said she believes the music itself is noncompliant with existing noise limitations in the Land Use Ordinance which she said she has read thoroughly. She said the limit for commercial activity noise is 55 decibels until 8:00 p.m., referencing 1.10.7 and 2.5.12 in the ordinance. She said 55 decibels is like a clothes dryer or dishwasher or even the level at which she was speaking.

She added the Land Use Ordinance does not appear to provide a means for permitting outdoor commercial entertainment in any of our districts. She said she read that various town authorities are charged with "balancing the rights of landowners to live without undue disturbance from noise among other disturbances." She said her hope was that the select and planning boards can find a compromise that will allow for her enjoyment of a quiet rural neighborhood and also for the continued success of the Pour Farm.

Linda said probably this should have been brought up while Bill was here so he could defend himself, but she saw what Debra was saying. Adam said if they send this to the

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planning board to review the need for a noise ordinance, he would expect her to give her perspective. Debra said there is language about acceptable (noise) limits in more than one place, noting for ordinary activity 40 to 50 decibels is the limit with exceptions for things like the occasional lawnmower.

Debra also said she saw no license for an entertainment venue, special event permit, etc. in the ordinance and believes Bill has been operating outside of what's allowable in this town, adding it is wearing on her as a resident. She said she thinks some measures need to be taken so we can have successful businesses with entertainment that don't compromise people wanting a peaceful quiet life and having a weekend free of live music.

Discussion followed. Planning board member John Mountainland said this is a code enforcement issue, not a planning board issue. Adam said he wanted to look at the ordinance, noting similar issues with a dog kennel as well as music at the fair and Savage Oakes. Debra said Bill said he would try putting music on other side of the building with the building as a buffer. In answer to Wayne, she said the music sometimes but not often goes beyond 8:00 p.m.

Erik noted this town is growing in population, putting people in closer proximity. We should look at our zoning for rural zone, which allows you to do anything basically. He said more things than noise will come up.

Adam advised giving Bill a little time and staying in touch with (CEO) Grant.

### **13. Town Manager's Report:**

Jay said Matthew Russell started at Public Works yesterday. He also said Public Works was just approved to do our own CDL training for Class A and Class B drivers. In answer to Adam, Jay said they reimburse us if they leave – they sign an agreement to work for two years or pay us back that money.

Jay also said the fly car and the fire truck that Jesse talked about will be going out for bid. In answer to Martha, he said Jesse has his budget finished and will probably be scheduled at the next select board meeting.

### **14. Committee Reports:**

#### a. Broadband

John Gibbons said major progress: it looks like a substantial roadblock to one of our key grant sources has been resolved, the MCA grant that was placed in jeopardy when LCI received a second funding source. MCA is on board, the funding agencies in Washington are on board, and there is no perceived conflict at this point.

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He also said the draft MCA grant contract was sent to LCI last week. MCA and LCI are dickering over some of the wording but nothing substantial. They expect the final contract to be finalized this week. That grant contract is the mechanism by which the funding actually starts flowing from MCA to LCI. The next step is to finalize the details and design of the expanded fiber net, then call in the crews to start getting the fiber on the poles.

He also said as soon as that grant funding contract is approved and signed by both sides, LCI will share it with us. The other thing we want them to share with us ASAP is the detailed design of the expanded network that will tell us what roads will be receiving the fiber and which will not. We have been assured that very, very few will not. As soon as that grant contract is signed, we expect to request a meeting with LCI and try to get the details. Bottom line; a key roadblock has been removed, and we think we are right on the verge of visible progress.

In answer to Martha re: how soon we need to put people together to work on our town part of that, John said they will start figuring out what we need and what we'll be doing within one or two months and actually doing it starting in summer.

In answer to Adam, John said they are still going after E-ACAM funding which is not competitive, you can just sign up for it. Adam reiterated they will bring both of those to bear on Union. John clarified E-ACAM is designed for existing phone companies to incentivize them to bring high speed internet to their customers in rural areas. It is administered by Treasury.

In answer to Martha re: additional money per the MCA contract, Adam and Jay said we already approved it. John reminded there has to be a local share. Adam reminded that two years ago the select board took our share of pandemic funds and put it into broadband. John said the key is this is not local taxpayer dollars. The board thanked John.

- b. Green Space – None.
- c. Sestercentennial

Argy Nestor said re: storytelling, by March 1 they will have recorded about 50 Union residents. Parts of their stories will be put into a film. There will be storytelling on February 28 featuring Wayne Kirkpatrick and six others.

Argy asked anyone who wants to tell a story, please let her know. Adam noted his father had a blast. Argy said they have a list of 130 people, and have been recording them in their homes. They have a Maine Humanities Council grant to pay for a filmmaker to take bits of those, and pieces taped at the schools during the artist residencies, and make a (hopefully) 30-minute film.



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Argy added they will do a follow-up workshop (½ day w/kids, whole day adults) talking about who Union is and where we want to be in the next 50 years.

She also said volunteers are needed the Sestercentennial weekend of July 19, 20, 21 as well as committee members. She said the committee is working amazingly hard.

She handed out a draft of the three-day schedule and noted a beard contest on Saturday.

She also gave an update on the bandstand. She said Scot Sabins, Hammond Lumber has donated material for the roof. Michael Colson has donated the cost of paint and latticework replacement; he will do repairs and painting and has the necessary paperwork. She noted they are paying him just for labor. She said Jody, Lanny, Josh White, and Michael are working on the ball and spire at the top of the bandstand. Matt Elwell will look at the railroad ties. Stephanie, who takes care of the planting, is aware of the work which will hopefully be done by the time the plants start coming up.

Discussion followed including how the committee pays for various things which Jay and Adam will look into. Argy confirmed they have partnered with the historical society. Jay confirmed parade items can be paid for with the town funding. Argy said they will make a list of how the select board can help. The board thanked Argy.

### d. Ambulance Advisory

Jay said the budget is done. Adam confirmed it's been approved by the advisory committee.

### e. Thompson Working Group

Steve Migliorini said in early January a revised RFQ for the design and adaptive reuse of the yellow school building into senior rental housing was issued. There is a link to the doc on the Union town website. The working group received a strong letter of interest in the project from an experienced senior housing developer. He added that interested parties have until February 16 to submit questions and ask for any clarifications. The working group has a meeting February 22. The deadline for the RFQ response is February 29.

## 15. Select Board Report:

Adam said it's good to see everyone again after missing the last meeting due to the snowstorm. He also said it's good to see Christine Simmonds in attendance, noting we get more engagement from her local news coverage.

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Linda said they will be doing a free Easter breakfast after sunrise service on Sunday, 7:00 a.m. to 10:00 a.m. at the Masonic Lodge. All are welcome. She is doing it herself; there will be pancakes, French toast, sausage, and bacon. She is looking for contributions of muffins. She said she is good with volunteers, the same ones as last time. Jay said he will do muffins with a reminder and noted he will be doing the Easter Egg Hunt on Saturday. Adam gave a shoutout to the Easter Egg Hunt and said it's a great time.

Linda thanked the road crew, and thanked Jay for cancelling that meeting. She also thanked the transfer station people for being nice and willing to help.

Jay reminded they need five minutes for an executive session.

### **16. Adjourn:**

Motion by: Linda Mountainland

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

5-0

Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Sherry Abaldo  
Secretary