

# MINUTES

**SELECT BOARD/ASSESSORS' MEETING  
WEDNESDAY, NOVEMBER 8, 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), Greg Grotton, John Gibbons, John Mountainland, Bill Packard, Steve Migliorini, Abraham Knight, Erik Amundsen, Kathleen Thornton, 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, October 17, 2023:**

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

- 4. Approve Treasurer's Warrants dated Wednesday, November 8, 2023:**

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

- 5. Discussion and Next Steps from November 7 Voting:**

Jay said re: the TCC, he talked to Matthew (Eddy, MCOG) who has contacted developers who were originally interested. Adam confirmed via Jay that Matthew would continue with the working group if the board continues with it.

Discussion centered on having a deadline. Jay said he would ask Matthew about a timeline noting if somebody's interested, the hold is the engineering part which doesn't happen overnight (probably three or four months). Wayne suggested a letter of intent or something like that within six months; if no developers at all are interested, it goes back to the board. Adam noted we can't do anything until we know what is happening structurally.

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Motion that we give MCOG and the working group six months to come up with a letter of intent, and if not, we bring it (TCC) back to the board and decide to let it go by:  
Wayne Kirkpatrick

Adam asked if all working group members were in attendance, and if they would stay the course. Bill Packard said it was clear how four people on the board feel which he respect. He hoped for enthusiasm and backing tonight, noting it hasn't even been 24 hours, and if we all work together we can come up with something.

Steve Migliorini said it was his understanding from Matt prior to the vote that if the articles prevailed, he was going to put out a new RFP, not just make a few phone calls. The whole process was going to start over again with the new criteria as laid out by the warrant articles. Wayne said we should still put some kind of timeline on it.

Abraham Knight suggested a closed-door meeting as soon as possible between the select board, Matt, Jay, and the working committee while we're getting into negotiations. He noted Matthew is doing his workup now.

John Mountainland said he is against a closed-door meeting, and everything the committee does should be out in the public. He agreed a six-month timeline is fair to have a letter of intent or, if none, put it to rest.

Erik Amundsen said we are talking about the yellow building with the RFP, so what about the TCC building at this point in time? The disconnect between those utilities is not a huge deal, as they all go through one corridor. The vote was to preserve that (brick) building for a community center, and also the vote that the select board should not close it just by a vote. One other option is putting the yellow building on the open market with covenants that it has to be for senior housing. He added there are lots of options.

Adam said the utility separation is not a small thing: all the heat is currently in the yellow half which means no plumbing currently active in our half. He said we want to see something before we start putting money out there.

Greg Grotton said he didn't think they could legally have a closed-door meeting with more than three board members present. He agreed with Wayne's motion.

Steve suggested the timeline start on the date of the issuance of the RFP as opposed to this evening.

Martha noted one reason we wanted the vote, which was just yesterday, was to make it clear to potential developers that the town is behind this; to then, the very next night, put on this condition that we're going to narrow that window seems not to be sending the proper message to those developers. We need them to know the town is behind this and wants to make this work. She would like to see what Matt says.

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2<sup>nd</sup> by: Linda Mountainland

Greg asked if there was a stipulation for senior housing. Adam said it's not profitable in any other way due to federal funding. Jay said the article stated senior housing.

In answer to Martha, Wayne restated the motion: we get six months to get any feedback on the RFP, so if there's a letter of intent obviously that's grounds for moving forward, but if we don't get anything then we bring it back to the board and decide what we're going to do. Adam said he would read that six months from when the RFP went out. Wayne concurred.

An attendee asked how the six months was determined and suggested running it by the expert, Matthew. Wayne said he (Matthew) had stated that in two to three months, once the RFP went out, he'd have interest. Adam confirmed he said this on the 18<sup>th</sup>, and it was more an explanation than a deadline. More discussion followed.

Steve asked about the difference between a letter of intent and an actual development agreement, and what happens in between, as Article 5 is triggered by the signing of a development agreement not a letter of intent. Adam this would not affect Article 5.

Jay clarified a letter of intent would be a firm intending to do the engineering and design work and make a proposal. They are saying up front that they are interested in this and going to work on this. Once an agreement has come with the committee and the board, that is when the final documents would be signed triggering Article 5. More discussion followed.

Above motion passed,  
4-1 opposed (Johnston-Nash)

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

Jay said Thursday is the first public hearing on the county budget at 5:00 p.m. He plans on speaking because the county administrator did not fund in this year's budget a position at the EMA office, which is a direct benefit to municipalities. He added if not for that position, at the time of our public works garage fire we would not have had plows or equipment. Their job is keeping track of all the equipment in the county and mutual aid agreements with other towns. He said it's also part of the EMPG program where we get reimbursed for certain tabletop exercises, etc.

Jay gave a quick update on Steel-Pro. He met with them this week. Their timeline remains similar. They're in mid-design. MCOG is engaged. They will start working on some of the grants (most come from the federal government through the state, and to the local level through COG agency). They are working all different fronts. Some stuff they're working on will be confidential until they get it done. He noted Steel-Pro is great to work with and enthusiastic about coming to Union.

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He also said we have some really good programs for them, which will also benefit the old Agway – anybody wanting to expand, somebody who may want to come there – as we can use the same monies for infrastructure grants. He added Steel-Pro is working with an environmental engineer right now, and reiterated MCOG is deeply involved.

Jay said Brian Paparello has retired from public works after many, many years. He received a gift which was on the warrant. We will have a new employee starting in a couple of weeks.

**7. Other Business:** None.

**8. Public Comment:**

Wayne brought up a letter from a lady on North Union Road who buried a premature baby at Lake View Cemetery. She is concerned about the situation with campsites and trailers. He drove up there this morning and talked to Grant this afternoon. There are residents who actually drive through the cemetery to get to their property on the other side. The lady also mentioned guns going off and loud music. Wayne added there is access to that lower field via a side road, and he finds it disrespectful that they drive through the cemetery.

In answer to Linda, Jay said we have a deeded ROW through what used to be the Whittier property to the cemetery. The cemetery is a public way, except after November 15 you're not supposed to have access to driving down the cemetery anyway. He added Grant was out there today.

Consensus was the board will follow up, tabled for now.

Jim noted Veterans Day is coming up this weekend. He said Ocean Job Lots in Rockland, is giving 40% off to veterans if they spend at least \$20, starting tomorrow.

**9. Committee Reports:**

a. Broadband

John Gibbons said LCI had been waiting for MCA on the grant contract for the grant awarded in April. One issue causing delay was negotiation with the federal government, source of the grant money, re: an FCC map purporting to show all across the country where the unserved areas are in each town. He said this map grossly underestimates the number of unserved, as it relies on advertised broadband speeds particularly by the radio sources, satellites, cellular companies, and fixed wireless. Bottom line: the grant contract has not yet been issued.

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Parallel with that, another funding source has appeared: the Universal Service Fund, FCC-administered, aimed at providing telephone service to everybody. It was expanded a few years ago to include broadband in remote areas. A few months ago it changed to fund broadband service levels at 120 megabytes per second down, 20 megabytes per second up.

This funding source is of interest to a number of telecom operators because of how it is disbursed: a monthly funding amount for a period of 15 years. It requires any operator to complete the expansion of network in five years then provides support for 10 years after that to support operations. Tidewater/LCI signed up for it by a deadline the FCC had set. There was a condition the funding cannot be used to run broadband to an address receiving grant funding from another source. MCA has taken the position that since Tidewater signed up for this program, they can't use the MCA grants for the unserved addresses in Tidewater's areas. John added this was all sprung about two weeks ago, adding they (Tidewater) did the best they could to explain it to us, and we agreed to leave them alone for the next few weeks to focus on the details.

John is researching this FCC source and said this is a good kind of funding for an operator like LCI. He added the 120 target service level restricts an operator who takes the funding to build out in fiber over cable.

Adam summarized LCI has been trying to work through the MCA to get funding that was provided by the infrastructure bill last year. It was turning into such a headache that they went with this FCC program instead, whose steady trickle of funding has real appeal for them.

Linda thanked John for all his work and patience.

### b. Green Space

Kathleen Thornton said they need new members on the committee. She asked about writing something for the paper or facebook. Jay, who is the public information officer, asked that she run it by him and offered to put it on his facebook page. He will also check on the website.

She brought up the Green Space Committee becoming a Conservation Commission, which Jay confirmed the town once had. Adam urged caution about state changes with a commission but had no problem putting it on the agenda. Kathleen said probably January would work for a presentation on this.

### c. Sestercentennial

Martha said the committee is continuing to get sponsors for the event next year and moving ahead.

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d. Ambulance Advisory – None.

### 10. Select Board Reports:

Wayne noted the school board bond got voted down which is great. It would be awesome if they let everybody know what their plans are moving forward. Erik Amundsen said they meet next week.

Martha suggested reaching out to the school board and asking that they consider discussion with the select board on what is felt is needed, what isn't necessarily needed, etc. She said they need public input not just a hearing. Erik said he will bring that up.

Adam said he expressed to Danny Jackson, school board chair, that he would like to see workshops held in each town. He felt the bond didn't allow for a clear understanding of the numbers. He brought up the town's line-by-line budget process.

Discussion ensued, including the maintenance budget. Greg Grotton suggested select board briefings which Erik said he would do. Linda brought up school budget priorities.

Jay reminded that select boards really don't have a say in what school boards do, which is why we elect school board members. As he's said publicly, our school board members did not do their job, so it's time for citizens to elect school board members who will do their jobs. He said public information is good and what they need to do; however, he cautioned against diving into stuff that's for other elected officials at every select board meeting. He gave kudos to Brian Race who finally brought the magnitude of the problem to light. He added he was very disappointed at the hearing in Waldoboro about lack of planning.

### 11. Adjourn:

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

Meeting adjourned at 7:46 p.m.

Respectfully submitted,

Sherry Abaldo  
Secretary