

MINUTES
Overseers Meeting
June 8, 2014

Present:

President Josiah Huntoon
Treasurer Bill Cressey
Office Manager Paul Bartels
Tree Warden Jane Phillips
Village Agent: Bill E. Paige
Village Clerk Maureen Einstein

Overseers: Marge Brockway
Steve Flowers
Lee Houghton
Judy Metcalf
Denis Wang
Steve Kazilionis
Maureen O'Keefe

Visitors: Dick Brockway, Bob Smith, Donald Webster, Blair Einstein, Jim Bahoosh

Meeting called to order at 9:00 a.m. by President Huntoon.

Minutes:

Judy Metcalf moved to approve the revised minutes from the May meeting seconded by Marge Brockway - **Voted and approved.**

Warrants were circulated for approval.

Treasurers Report:

Bill Cressey:

1. Bill went over the year to date P&L report and commented on some minor overages.
2. The Working Capital Reports did not yet include the new money market accounts for water and sewer.
3. Bill wants to remove his name from the Intuit software package as the contact. He will put NVC – Paul as the contact.
4. Search Committee: Jo Huntoon recommended Heidi von Bergan and Blair Einstein for the search committee. Heidi requested that John von Bergen replace her in this role. Denis Wang moved to appoint John von Bergen and Blair Einstein to the Nominating Committee for the Annual Meeting, seconded by Judy Metcalf –**Voted and approved.** It was suggested that John be contacted to confirm his willingness to serve in this role as he was not at this meeting.
5. June 29th was set for the Budget meeting.

Village Agent:

Bill E. Paige:

1. The playground needs the old mulch dug up and disposed of and new mulch put down. Bill received a bid of \$4,187 and thought it was too high and is getting more bids for the job. Steve Kazilionis moved to authorize Bill Paige to hire a contractor to move forward on the project with the following conditions: the contractor must use heavy weed barrier,, depth of mulch to be 5", the job must be completed by July 3, 2014, and must not exceed the cost of \$4,187.00, seconded by Denis Wang – **Voted and approved.**
2. Bill reported that the completion of winter cleanup was more than he anticipated and cost more than he thought it would. Steve Kazilionis moved to pay Barb's Landscaping \$518.81 for the additional cleanup, seconded by Marge Brockway **Voted and approved.**
3. The June branch pick-up was completed. All but one or two residents were done.
4. Frank Field wants trees near his property taken down but they look fine. NE Tree Service will evaluate. Birch trees at the top of Bayview Park need work. They may be on Village property, Bill Paige will look into it.
5. Lights on the wharf are still out, Peter Simpson is still working on it..
6. Signs reminding residents to clean up after their dogs are ready to put up, need to know where to put them. Maureen O'Keefe will work on that with Bill.
7. Boat float is in the water but the dock will need some work on its' braces in the fall.
8. Street sweeping has been done. Some streets are better than others, will need to hand sweep aprons.
9. New water line to the wharf is done, it is a summer water line due to all the infrastructure below ground in the area. The line will be drained and blown out each fall to prevent damage by freezing..
10. Sewer covers next to the Yacht Club have been raised.
11. Ditch work at bottom of Park Row is done.
12. During the wharf inspection Bill and Scott found a few loose/broken braces which will be repaired. Bill is still working on a process to document the annual wharf inspection
13. The marker buoys above the sewerage outfall are sinking, apparently due to mussel buildup. Bill will determine if Scott Munroe will do the work to resolve this issue.
14. Bill's truck will no longer pass inspection and is not worth fixing; Bill is not in a position to replace it at this time. The NVC will need to provide a truck to ensure that utility and village work can continue. before the end of August when inspection is due.

Resident's Concerns:

Steve Flowers introduced Mike Boucher as the newly hired police officer. Mike told the board about himself and his experience. Jo Huntoon commented how happy his grandson was the last two years with the police officer. Mike explained that he uses a similar style as Kevan Fortier, last year's officer.

Donald Webster commented on the lawn work done on the parks and said they looked very well kept.

The Overseers approved all requests for the use of the Community Hall with one exception due to a scheduling conflict. Paul will contact the group involved with a proposed solution. The Overseers also voted to waive the insurance requirement for the High Street painting clinic.

Communications:

Maureen O'Keefe attended the last Selectman's meeting and returned with a draft of their road opening policy. The Village will read it and give their input before they finalize it.

The Village will be reposting a notice regarding the ban on fireworks within the Village on bulletin boards and via Dan Websters' website.

Facilities:

Nothing to report

Safety:

Steve Flowers reported that Mike Boucher will start work on June 27th and the new lifeguard Justin Maseychik will begin June 27th. Justin may be able to help us find an additional lifeguard to allow for 7 day coverage this season.

Steve will also be sure that Mike is aware of the Village fireworks regulations.

Speeding has been a major concern for some time. Mike was asked to ticket offenders and skip the warnings as warnings have done little to improve the situation to date.

Surface Runoff:

Lee Houghton reported that the roads are getting back into shape after a hard winter.

Tree Warden

Jane Phillips reported:

- The ash tree in Ruggles Park was replaced with a maple. Dutton's did a good job and left the park in great shape.
- Received an email from George Scholhamer saying there was a tree on Village property on the verge of falling and dragging the back of his house into the water. Judy Metcalf will look into the ownership of the tree. Need to have an arborist check the tree, however regardless of who owns the land, any action regarding this tree is subject to shoreland zoning regulations.

Utilities:

Denis Wang reported:

- Once again, no violations of our discharge license.
- The Birchcrest water main break will cost about \$3,000.00 when it's completed.
- The board was presented with a sewer application for Charles Tinksley at 21 George Street as recommended by the Utility committee. Steve Kazilionis moved to approve the sewer application for Charles Tinksley, seconded by Denis Wang – **Voted and approved.**

Discussions:

Public Policy Meetings:

At the request of the overseers, Judy Metcalf lead a discussion reviewing the laws on rights of public access and public meetings. . Voting by telephone is allowed but Judy noted that neither the law nor the courts have had an opportunity to rule whether the non-present elected official's vote should be counted. This is an issue in the context of close or tied votes; which Judy noted rarely occur with the Village because of the tenor and quality of the discussion around the table which invariably yields a consensus vote of near or total unanimity. Nonetheless, there is a risk in relying on the vote of one who participates by phone. Certainly the law and the Maine Municipal Association recommend that to establish a quorum on those physically present should be considered part of the quorum

She reported that the law was recently amended to be clear that the public meeting rules do not prohibit discussions between less than all the overseers outside the context of a duly noticed public meeting unless it is proven that the INTENT of such conversations is to undermine the public meeting laws.

Email communication between meetings to SHARE information therefore is permissible. But, decisions or recommendations should not be solicited or shared via an email chain discussion. Thus, as an example, an overseer should feel free to say, "as a result of my review of the financial data in anticipation of the meeting, I will have the following several questions to discuss at the next meeting." He cannot say or recommend for example, "as a result of my review of the financial data in anticipation of the meeting, I am opposed to any further....."

The test each overseer should ask himself is "am I sharing a fact or an opinion?" Opinions are policy and ought not to be part of an email communication.

Every such communication is a public record. To assure that the public has access to public records, all email and written communication should be cc'd to the village because the village is the only official repository of all village records. The village has a public access policy to assure that all records of the village, with few statutory exceptions such

as personnel files, are available to the public upon request, at a reasonable fee, and in a timely manner.

Executive sessions are excluded from the the public access rules and are to be used sparingly. They are only appropriate to discuss personnel, to discuss contract negotiations, or for the receipt of legal advise. .

Denis Wang moved to adopt the personnel policy as stated, seconded by Steve Kazilionis – **Voted all in favor.**

Waterfront regulations were discussed. Denis Wang moved to adopt the revised waterfront regulations as amended by Wharfmaster Gordon Fuller, seconded by Steve Kazilionis – **Voted and adopted.**

Purchase of property next to Community Hall:

Overseers discussed how to word the warrant article approved last month arising from resident's request for warrant article to explore whether the village should purchase the property next to the Community Hall. Substantial discussion was had regarding the need for the neutrality of the article to assure that it is clear the Overseers have not recommended or were they opposed to the purchase as a body. Rather, this article is designed to explore all the citizens' views on the propriety of such purchase with Village funds. This is a complex issue which made for a very lively discussion amongst all the Overseers. Among the many issues to be considered: If the villagers vote to authorize the village to pursue this purchase, how would we fund the purchase (village funds, borrowed funds, private funds or some combination), what are the tax implications for villagers (loss of tax revenue and/or increased taxes if the property is purchased with borrowed funds), how should the warrant be written (what will the warrant ask the voters to approve as a purchase price and how would we present funding options), does the NVC charter provide for / allow the purchase of additional lands, and if so, are there requirements to use the land (create a park) or can it be held forever wild? We have significant, upcoming expenses related to the replacement of the north seawall (second phase which was not completed at the time the wharf was repaired) and ongoing road improvements that will require funding, how does the purchase of land factor into these expenses. What are the longer term implications to Village finances?

The comments above are a representative sampling of the discussion but cannot capture every question or concern, nor do they capture the tone of the discussion. As a group the Overseers are struggling with how best to present this to the voters with one exception – Lee Houghton vigorously opposed the concept of purchasing this parcel of land and renewed his objection voiced at last month's meeting to the vote approving adding the question of whether the land should be purchased of this land as a warrant article at the annual meeting.

The budget workshop is scheduled for June 29th at 9:00 am at the Community Hall
The next Overseers meeting will be July 6, 2014 at 9:00 am.

Judy Metcalf moved to adjourn at 11:15 AM, seconded by Marge Brockway **Voted and approved.**

Submitted by Paul E. Bartels