

**Minutes of the Meeting of the Northport Village Corporation  
Board of Overseers**

*September 26, 2021 – Hybrid live meeting in Community Hall and virtual via Zoom*

**Attendees:**

President: Janae Novotny  
Treasurer: Wendy Huntoon (virtually)  
Clerk: Beanie Einstein  
Village Agent: William Paige

**Overseers:**

Brady Brim-Deforest  
Lisa Fryer (virtually)  
Steve Kazilionis  
Vicky Matthews  
Judy Metcalf  
Michael Tirrell  
Jeffrey Wilt

**Meeting Called to Order:** 8:04 a.m.

**Agenda Review:** President Janae N. asked those in attendance who would be making public comments regarding tree issues in Bayside. Don Webster (27 Rogers Lane) & Dan Webster indicated they would be addressing the proposed planting of a new tree (Katsura) in lower Bayview Park. Alan Gnutti (11 Broadway) said he would be addressing the new plantings of trees in Ruggles Park.

**Approval of Minutes:** Judy M. made a motion to approve the minutes of the August 15, 2021 meeting. Brady Brim-Deforest seconded the motion.

**Voted:** Unanimously passed.

**Public Comments:**

Don Webster thanked members of the Tree Committee and former Tree Warden, Vicky Matthews and current Tree Warden Lisa Fryer for preparing and submitting the Canopy Grant to the State of Maine. Webster stated his objections: 1) Placement of the tree does not conform with the Village's own Tree Ordinance or past practices of replacing trees; 2) Abutters were not properly informed and 3) Projected size of the mature tree will negatively impact his view of the bay. Dan Webster, Don's nephew stated that he understood that it is almost impossible to please everyone, but he felt there was a lack of communication with the abutters in Bayview Park.

Alan Gnutti spoke with regard to replacing the ash trees in Ruggles Park that are not in any present danger. The village should be concerned with treating those trees for Emerald Ash Borer blight before planting new trees in Ruggles Park.

Chris Maseychik, 5 North Avenue, submitted photos to the Overseers, to peruse at their leisure, about the compromised egress on lower North Avenue.

Vicky Webster, 15 George Street, wanted to have an NVC tree behind her property addressed.

Dan Webster, Shore Road, thanked the Overseers for providing attendees with meeting handouts, and stated that they should have been provided to everyone prior to the meeting.

**Village Agent:** Please see attached Village Report. Bill Paige asked that the washing out of Vicky Matthews' Griffin Street driveway be referred to the Infrastructure Committee.

Bill P. asked permission from the Overseers to move the kayaks out of Ruggles Park so Farley could reseed the area. He stated that the kayaks should be moved before Indigenous People's Day.

Jeffrey W. moved that the Overseers grant the Village Agent and the Waterfront Committee permission to use the slope on the north shore seawall area for the kayaks currently still in Ruggles Park. Motion seconded by Vicky Matthews.

**Voted** – Unanimously passed

The Village Agent requested that the Overseers authorize expenditure of \$14,000 for necessary wharf repairs identified in an annual inspection by Pinnacle Hill Marine Engineering. In addition to this estimate for wharf repairs, Scott Monroe estimates \$12,000 as the total cost for putting in the floats in the spring, removing them this fall and related float repairs.

Bill P. stated that there had not been any significant dock maintenance since 2018. The wharf is in serious need of repair of the brace work, spring floats, new bearings welding & replacement rollers. Prock Marine has given an estimate of \$14,000. Brady B. asked if the estimate included materials. Steve K. stated that he felt comfortable that it would include materials, as historically, Prock's estimates included materials.

Steve K. made a motion to approve purchasing supplies and beams not to exceed \$7,000, seconded by Judy.

**Voted** - Five in favor of the motion; Vicky Matthews and Brady Brim-Deforest opposed.

After much discussion with the Treasurer and Overseers the decision on any Wharf work was tabled until the October meeting, at which time, more up-to-date financials should be available. Bill P. was asked to seek an estimate from Prock Marine for the bracing material authorized by the President and Treasurer.

**Treasurer's Report:** Wendy Huntoon referred to her Treasurer's Report of 9/12/21 which was updated 9/26/21 (see attachment). All Overseers and Officers must sign the final Bond document. It will be forwarded to Lisa F., as she was not present at Sunday's meeting. This document is due back to Eaton Peabody by mid-October at the latest.

Steve Kazilionis stated that some SLR invoices related to the seawall and dating as far back as January have not been paid. Steve K. made a motion that the Overseers authorize payment to SLR in the amount of \$8921.98. The motion was seconded by Judy M.

**Voted** - Unanimously passed.

Judy M. indicated that all invoices have to be approved by the Committee Chair before they are passed on for payment.

**Finance Committee:** The Committee met September 6, 2021. The only action item to assure that the vendors are informed about the NVC monthly invoice accounts payable and warrant process so they have a reasonable expectation of when they would get paid. Judy M. said she would be recommending that when we go back to live meetings that the Overseers go back to live endorsements of warrants as the electronic signing interrupts their workdays and delays approval.

Finance Committee Members: Fred Lincoln, Bill Easty, Wendy Huntoon and Judy Metcalf. The September 6 meeting was also attended by Dan Webster and Jim Coughlin.

**Governance Committee:** An Ad Hoc committee has been formed for the Parking Ordinance implementation. The Governance Committee will be looking at public access policies in the future.

Vicky Matthews questioned the timing of the meetings and whether the Overseers had to meet in person and what was the current State policy. Janae N. said the Emergency Authorization that allowed the Overseers to meet totally on Zoom had expired. With this expiration, the Overseers were back to the NVC rule, which requires a physical quorum and presence in order to conduct business. Four overseers must be physically present and the other three may participated by Zoom, if needed, and the public can continue to join these meetings in person or by Zoom.

**Tree Committee:** Lisa Fryer, Chair & Tree Warden, read the Tree Ordinance in its entirety. She explained how the Project Canopy Grant is implemented: NVC pays for trees, upfront, and is reimbursed later, after all grant conditions have been met. The Committee is on a time schedule for planting under the Grant. Brady B. inquired about an amendment to the grant that Dan Webster had mentioned. John Hoy, a Tree Committee member who is the contact person for the Grant, responded that an amendment could be possible. Lisa F. agreed, however, if a proposed amendment

were denied, we would lose all the funding and not be reimbursed for trees we have already purchased. John Hoy, 3 Sea Street, said that the emphasis is on maintaining and/or planting trees. The goal is to plan for the future demise of the older trees. John H. said he felt there are a psychological and a philosophic component to the discussion. The psychological component is that we all care about our trees. The philosophic component is that we really need to keep a view of settings and we need to look forward as well as backward. For example, the planned Tulip tree and Elm tree plantings in Ruggles Park are really looking forward. The beautiful trees in the park are well along in age, and we need to be aware of how they will come down, whether by insect, old age or a storm. The saplings that are ready to be planted will give us a five-year head start.

John H. said that the Katsura tree can have many trunks or single trunks. The one that is planned for lower Bayview Park has a single trunk. It can be trimmed and pruned in the upcoming years. The Project Canopy Grant allows us to invest in the future. Lisa F. said that Vicky Matthews had paved the way with a plan to prune trees. Our arborist, Grant Tree Service, will be putting together a proposed long-term plan for maintaining our trees and village plantings.

John H. thanked the Websters for their contributions through the years and all of the volunteers on Committees. Judy M. thanked the Tree Committee and volunteers for the inclusivity of the work they had done and said it had been very inspirational.

Discussion ensued about the placement of the tree in Bayview Park. Michael T. stated that the intent of the Tree Committee is that the trees will be appropriately pruned on a continual basis. It was not about planting a tree and being done, but planting, grooming, pruning and maintaining our trees.

Judy M. asked if the Overseers were looking for a motion to approve or decline the planting. Janae N. said the Overseers had already approved the Project Canopy Grant, as written, and the Overseers also had endorsed the plantings at a previous meeting. Jeffrey W. wanted to clarify that the Tree Committee's work related to the Project Canopy Grant had already been approved by the Overseers. Janae N. asked the Overseers whether they thought any further action was needed. Hearing no motion, Lisa F. continued with her report.

Vicki Webster, 15 George Street, was concerned about the village tree behind her house. The Overseers have previously given Polly Ireland permission to remove the tree. Many dead branches have been trimmed, but the tree remains. Lisa F. stated she sent Vicky Webster an email stating that Ms. Ireland's arborist and the Village arborist, Grant's Tree Service had looked at that tree and both were in agreement that the tree did not pose any immediate danger. Judy asked what that time frame was. Lisa F. stated that the arborist has said three years.

Judy M. asked if there was a definition of “no immediate danger;” did that mean it was not going fall tomorrow or not going to fall in the next six months. Lisa F. stated that the Village arborist felt it would be fine for three years.

Vicky M. questioned the time frame for the removal of the Village tree. Vicky M. was uncomfortable with the wording “in a reasonable period of time,” and she felt there were two choices: 1) Ask Ms. Ireland to take down the tree within a certain period of time or 2) Give Vicky Webster the authorization to take the tree down if she is willing to pay for it and she is concerned about her property. Vicky M. stated that she was more in favor of the first option. Janae N. said to address these options at this meeting was not needed as the Village arborist has said that the tree is fine for three years.

Judy M. responded that if they heard from Ms. Ireland’s arborist that it was safe she would be concerned. However, they were hearing today from the village arborist and because of that Judy agreed they should keep the onus on Ms. Ireland for a reasonable time frame for removal of the tree. Lisa F. said she will continue to monitor this tree and will address this matter in the spring.

A resident at 46 George Street had a concern about a Village tree hanging over her roof and touching her home, especially on stormy nights. She is willing to pay for pruning this tree. She will give the Office proof of insurance for the arborist. Lisa F. informed the resident that she would need approval of the Overseers at their meeting September 26.

Lisa F. made a motion to grant permission to allow the resident at 46 George to pay for the pruning of the Village tree. The motion was seconded by Vicky Matthews.

**Voted** – Unanimously passed.

Lisa F. reported that a resident, Peter Spollett, 34 Clinton Street, is concerned about a Beech tree that is decayed and dying. Bill P. will determine whether it is a village tree. The Tree Warden/Committee will be in contact with Mr. Spollett.

Lisa F. said she has contacted Hawks Tree Service to look at the Ash trees at the bottom of Auditorium Park. Hawks is finishing their spraying for browntail moths for other communities that were hit hard with browntail moth, so Hawks will be getting back to the Tree Committee with a quote for Ash Borer treatment.

Jeffrey W. asked for a process clarification, as Don Webster wanted an opportunity to speak and Jeffrey W. wanted him to understand the process during an Overseers meeting. Janae N. reiterated the process, that the Overseers’ take public comments at the beginning of their business meeting, and that there is an opportunity at the end of their business meeting for members of the public to speak. No public comments are taken during the meeting.

**Utility Committee:** The Committee met on Friday, September 17. Two applications for new sewer connections need to be approved for 751 & 743 Shore Road.

Judy M. made a motion that the two applications for sewer connections be approved for Dan Webster's properties at 751 & 743 Shore Road. The motion was seconded by Jeffrey W. Prior to the vote Steve K. inquired about the number of sewer connections remaining in the Village. Judy indicated that all then-existing lots of record + 10% were approved in the past. Presently, we have the capacity of approximately 27 more connections after these two are approved. In the future the Committee's recommendation will be that existing lots of record will take priority over subdivided lots.

**Voted** – Unanimously passed.

Judy M. explained that IDEX Lab is the only lab in Maine that produces the test for enterococci. The DEP and many treatment plants believe that these tests for measuring enterococci were either very sensitive or simply wrong. We have had some positive tests that are being reported to the DEP. All other tests have been compliant. NVC has been working very collaboratively with the DEP. The process of gathering samples for these tests has not changed. All other tests have shown that we have been compliant.

The Northport Planning Board has approved the steps for the new wastewater treatment plant. Janae N. took Dick Brockway's model of the building to the Planning Board Meeting. Dick Brockway and Rob Sherman will do the work in the spring.

**Infrastructure Committee:** Steve K., Chair, said that the committee needs to assess and reprioritize roads, etc. What do the Overseers want to address as their number one priority? Examples of priorities may be the Parking Ordinance concerning signage, North Avenue, etc. Perhaps, Cradle Park should go to the end of the list.

Park benches are an area of concern. A bench in Ruggles Park should be removed as it is missing boards, a metal protrusion sticking out and is very unsafe. Janae N. & Beanie E. will approach the owner of the memorial bench and see if he wants to replace it. The Board gave Bill Paige permission to remove same bench after the owner has been approached. Going forward, NVC will need to decide what we want to do with the remaining benches regarding maintaining, etc. Some of the memorial benches that need repair were originally donated by families that are no longer in Bayside. Judy M. will look at the tax records to see if the families still have a family connection in Bayside. If so, NVC will reach out to them to see if they want to maintain their bench.

Sea Wall Update - Some residents have inquired about putting a railing down the boat ramp. Per Jeffrey W. this discussion will take place in October at the Waterfront Committee Meeting.

**Safety Committee:** Michael T. reported that subcommittee was formed to look at speed bumps, speed humps, safety signs, etc. Lisa F. reported that the committee is looking around to other communities to see how they are handling these issues and what options they are using.

**Waterfront Safety Committee Meeting:** The next meeting for the Committee is scheduled in October and they will review a railing at that meeting. Jeffrey W. said the committee has rebranded themselves as the Waterfront Committee. Janae N. pointed out that the Bylaws refer to Waterfront Safety Committee.

**Communications:** Lisa F. and Michael T. will continue to meet on a weekly basis regarding the website. She encouraged the Overseers to check the website to make sure their meetings/minutes are hyper-linked.

Brady B. proposed that the NVC obtain a .gov domain. Cost is zero, and all time and effort is subsidized by the federal government. Michael T. asked how we got to NVC.org and wondered if we could obtain a more intuitive address, i.e., baysidevillage.gov. Brady B. will work with the Communications Committee and get back to the Overseers at their October meeting.

**Ad Hoc Playground Committee:** Brady B. is working on schedules and plans a mid-October meeting with the Committee. They have received information for options for new ADA equipment and will bring results back to the Overseers. They have currently received \$13,405.00 in donations. They expect to increase fund raising in the 4<sup>th</sup> quarter of this year.

**President's Report:** A copy of the 2021 meeting schedule was agreed upon and is an Attachment to these minutes with the President's Report.

An Ad Hoc Parking Ordinance Implementation Committee has been established with Vicky Matthews, Chair, Michael Tirrell, Judy Metcalf, Dan Webster, Elaine Moss & Bill Paige.

Janae N. agreed to Mike Lannan's request to continue as NVC Liaison to Maine DEP regarding the Nordic Aquafarms fish farm project.

Brady Brim-DeForest has agreed to accept an appointment as Village Technology Officer.

Janae N. will continue to send out an updated list of committee members when she has received committee membership information from each Overseer regarding the committee(s) they chair.

Janae N, Jeffrey W. and Bill P. met the Municipal Officers (formerly Selectmen) of the Town of Northport. They all felt it was a productive meeting and have agreed to

meet quarterly. One of the Town Officers suggested an interest in considering specific funding requests from NVC that could benefit the whole town rather than a blanket request for a certain amount of money. Town Finance Officer mentioned that in the past the Town had allocated some harbor funds for Bayside.

The Broadband Committee and Planning Board for the town of Northport have openings and would welcome members from our community.

Janae N. received a request to metal-detect in Bayside Parks. Judy M. stated that it has been allowed in the past as long as they restore any digging that is done. Bill Paige suggested we should put a depth on the digging concerning Utilities. It was agreed that digging should be limited to 12 inches.

Vicky Matthews was approached by a neighbor regarding a "Noise Policy" in Bayside. Michael T. said it would be easier to control "hours," not decibels of "noise." This matter was referred to the Governance Committee to determine if NVC has the authority to enact an ordinance.

**Comments by Meeting Attendees:**

Dan Webster thanked the Overseers and Committee members for time and service volunteering. However, Dan W. felt the abutters in Bayview Park were not properly informed regarding the planting of the Katsura tree in the park. He also expressed grave concern for his sister, Vicky Webster, regarding the tree on NVC property behind her house. NVC should exercise their due diligence concerning trees on NVC property and the potential liability an exchange of property may cause.

Hearing nothing further, President Janae N. asked to entertain a motion to adjourn the meeting, seconded by Vicky M. The meeting was adjourned at 11:12 a.m.

Respectfully submitted,

Maureen Einstein, Clerk