

Minutes
OWLS HEAD BOARD OF SELECTMEN
Tuesday January 22, 2019
224 Ash Point Drive, Owls Head, Maine

1. Call the Meeting to Order

Chairman Thomas R. Von Malder called the meeting to order at 4:00 PM. Present were selectmen Linda Post and Gordon Page. Also present was Joan Linscott, recording secretary and members of the public (see attached list).

2. Approve the Minutes

a.) Approve the minutes of the January 7, 2019 Selectmen's Meeting

Motion: Linda Post to approve the minutes. Gordon Page seconded.

VOTE: 3 in favor – 0 opposed

3. Old Business

a.) Discuss the plowing on Cooper's Beach Road with Bill Leppanen Road Commissioner and Jake Barbour

A written letter from Bill Leppanen, Road Commissioner was passed out since he could not attend. (see attached copy)

Representing Jake Barbour, Inc. was James Martin. Also attending was Don Blackman the Public Easement Road Representative.

Thomas R. Von Malder – If JBI does not plow and sand the lower end of the Cooper's Road that places JBI in breach of their contract, since the contract requires this road be plowed and sanded as any other Town road.

James Martin, JBI - Jake does not feel comfortable doing the end of the Coopers Beach Road with the posts that are in place there.

Gordon Page – What does the contractor do about mailboxes that are placed next to most of there easement roads.

James Martin, JBI – Almost all of these type of roads have mailboxes clustered at the beginning of the road so not an issue.

Don Blackman - At this time Mr. Edwards has a suit against him and was told by his attorney not to go near the property.

Gordon Page – Was hoping Mr. Edwards would be here he would like to be able to sit down and have a conversation with him.

David Gravison – “Are the posts the only problem?” It seems that the Town in its’ court case only asked for 10 feet of roadway and that was all that was granted to them, so they need to stay off the rest of the roadway. And the Town is actually plowing snow onto the Edward’s property. The “Town stole what was once a private driveway. It was private down there for many years.” Why doesn’t the Town get permission from the person who owns the lot before the Edwards property to turn around there, then it would not be an issue.

Thomas R. Von Malder – What about the house that is beyond the Edwards property? Who would be responsible if there was a fire or other emergency down there and the road was blocked with no way to get the rescue vehicles there, the Town would be held responsible. That the Town can not provide emergency protection to its residents is not acceptable.

Gordon Page - Did the court order the posts to be removed?

Linda Post – Those were not in place at the time of the court case they came after. Feels we need to hire someone with a pick-up to plow that end of the road. Is the lower road currently plowed from the weekend?

James Martin, JBI – No it was not done during the past storm.

David Gravison – Was down at the end of the Coopers Beach Road today the road is not plowed or sanded and due to splash over it is also now covered with about 5” of ice.

Thomas R. Von Malder – Feels that JBI is in breach of their contract and maybe we need to find someone else.

David Gravison - “Please do not go so far as to fire Jake.” Why not get Jake to plow the end of the Cooper’s Beach Road last and do it with a pickup?

Linda Post – That was brought up before but Jake is not going to plow and sand with a big truck one part of the road then go back and get a pickup to do the rest. We should just hire someone with a pickup to plow that end of Coopers Beach Road. We could ask Bill Dale if we could deduct a portion from the contract with JBI to pay whoever we hire.

Don Blackman – He lives right on Osprey Lane just up the road from the end of the Cooper’s Beach Road. His company does proved plowing and would be willing to help the Town out if something can be worked out so that he is not getting sued should something happen.

Thomas R. Von Malder – Feels we should hire Don Blackman tonight. Could have Bill Dale do a contract similar to the one he did for Jake to hold Don harmless in case of a suit from the Edwards.

Don Blackman - Needs to run it by his attorney first.

Frank Ross, Fire Chief – Would Don also sand the road?

Don Blackman – Can work something out.

Thomas R. Von Malder – Have Joan contact Bill Dale on this issue.

Motion: Gordon Page - To engage Don Blackman to plow the lower end of Cooper's Beach Road and have him held harmless.

Linda Post – Amended the motion to read to have Attorney Bill Dale do a contract stating that the Town will be responsible for any legal costs or damages incurred should the need arise in regards to the posts. Gordon Page seconded.

VOTE: 3 in favor – 0 opposed

VOTE ON THE AMENDED MOTION: 3 in favor – 0 opposed

4. New Business

a.) Jeanie Wilson residing at 51 Bayside West wishes to discuss the condition of roads and the M.D.O.T.'s failure to fix the State Roads.

Jeanne Wilson – Used to live in Winter Harbor and they got up a petition to M.D.O.T. to get their roads fixed and due to the petition the State moved them up by two years on the repair schedule. She has spoken several times to Mr. Lutrell of the City of Rockland about the condition of the road known as South Main Street but M.D.O.T. is waiting for Rockland to complete sewer and drainage work first. She was told that the piece of road in Owls Head from North Shore Drive up to Primo will be done in 2021. Can the Selectmen move M.D.O.T. along any faster?

Linda Post – Road Commissioner Bill Leppanen would know more since he has been in contact with M.D.O.T. on all of this.

Gordon Page – You should contact our representative in Augusta and speak with her on this.

Jeanne Wilson – Would the Selectmen support a petition if there was one?

Linda Post – Most certainly the Board would support it.

Jeanne Wilson – Also concerned that there does not seem to have any signs up for those people riding bikes along the bike lanes. There is a fear someone riding on the Ingraham’s Hill area could be hit.

b.) Approve the scope of work for the newly formed Owls Head Cable Franchise and Broadband Options Advisory Committee

Motion: Linda Post to approve and sign the scope of work for the newly formed Owls Head Cable Franchise and Broadband Options Advisory Committee. Gordon Page seconded.

VOTE: 3 in favor – 0 opposed

c.) Approve the request of Town Treasurer Pam Curtis for vacation time

Motion: Linda Post to approve vacation time from March 7th to the 14th. Gordon Page seconded.

Thomas R. Von Malder - This is more than a week.

Linda Post – She does not work on Fridays anyway.

VOTE: 3 in favor – 0 opposed

d.) Accept the resignation of Jeanne Johnson from the Conservation Commission

Motion: To accept this resignation with regret and to send a letter of thanks. Gordo Page seconded.

VOTE: 3 in favor – 0 opposed

e.) Appoint Stuart Rich and Jim Devery to the Conservation Commission

Motion: Gordon Page to appoint Stuart Rich to the unexpired term of Jeanne Johnson in 2020 and to appoint Jim Devery to a three year term expiring in 2022.

VOTE: 3 in favor – 0 opposed

5. Adjustments to the Agenda

There were no adjustments to the agenda

6. Public Comments

Dick Carver – Would recommend that the Selectmen check with Bill Dale on the width of the Cooper’s Beach Road. Also would like the Board to know that the Bid Specs done by Gartley & Dorsky for the Harbor Project have been sent to the State for review.

7. Other Business

There was no other business.

8. Approve and Sign the Municipal Warrants

Motion: Linda Post to approve and sign the warrants. Gordon Page seconded.

VOTE: 3 in favor – 0 opposed

9. Executive Session

a.) 1 M.S.R.A. § 405 (6)-A - To discuss a Personnel Matter

Motion: Thomas R. Von Malder to go into executive session to discuss a Personnel Matter at 5:22 PM. Gordon Page seconded.

VOTE: 3 in favor – 0 opposed

Motion: Linda Post to come out of executive session at 5:56 PM. Gordon Page seconded.

VOTE: 3 in favor – 0 opposed

No action taken on the executive session

10. Adjourn the Meeting

Meeting Adjourned at 6:00 PM