

**SELECTMEN'S MEETING  
TUESDAY  
MARCH 4th, 2014  
6:00 P.M.  
Minutes**

**CALL TO ORDER & FLAG SALUTE:** The meeting was called to order by Chairman, Joan Brooks, at 6:00 p.m.

**ROLL CALL:** All Selectmen were present, except C. Grover, Jr. ( excused absence )

**MINUTES:** Meeting of January 28<sup>th</sup>, 29<sup>th</sup> & February 25<sup>th</sup>, 2014.

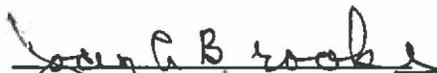
A motion was made, seconded and passed to approve minutes as printed.

**C. Baker, Jr /P. Lyford**

**Vote 4-0.**

**PUBLIC ACCESS:** Larry Langille, representing Hughes Brothers and the company's Attorney, Andrew Hamilton, expressed concern with the Moratorium Ordinance that was being discussed at the meeting. Langille spoke about how the company has been told repeatedly not to worry; they shouldn't have concerns with the proposed Moratorium Ordinance, because it wouldn't have any affect on their current application. Langille mentioned the public hearing from the previous week, hearing that the Moratorium would include wording to affect applications retroactively. This was upsetting to Hughes Brothers as they have put a vast amount of resources to work, as well as energy and time going forward with their application. Hughes Brothers does not see the need to have the Moratorium make applications retro active, to go back and shut them down, as they have been very willing to work with the planning board, giving them time to make things more stringent.

Jim White, resident of Eddington, wants to see the Moratorium. In his opinion, if the town doesn't do it, then they would wind up with two sets of rules, causing nothing but grief for the town if others come to the board with an application for a quarry at a later time. White does not doubt the sincerity of Hughes Bros.; he feels that if they really want to work with the town during this project, they shouldn't have a problem with the moratorium, giving everyone the same set of rules to comply by.

  
Joan Brooks, Chairman

  
Charles Baker, Jr., Selectmen

  
Peter Lyford, Selectmen

  
Charles Grover Jr., Vice-Chairman

  
Donn Goodwin, Selectmen

Attorney, Andrew Hamilton, read from two excerpts of transcription from the public hearing. One was regarding Susan Shane's explanation of how the current application would be reviewed under the current ordinance. The other was regarding planning board member Frank Higgins questioned how the draft ordinance was written specifically to be retro active to any application coming before the board that may have been approved in the last 45 days. He believed the way the draft was written stretched the rules of fairness.

Attorney Hamilton also added that he does not believe Maine law supports a moratorium being made retro active, and that the town will then have a questionable moratorium ordinance. Hamilton urged the board to send it back to the planning board vs. advancing to town meeting, with an improper ordinance.

Frank Arisimeek - This moratorium will not affect the application which has already been approved to me and David Butterfield, of up to 5 acres, correct? David and I still have access to Fox Lane and can sell rock to whomever we chose, correct? Joan Brooks explained that if his application was approved more than the 45 day retro period, then yes, you are fine. Joan Brooks added that as far as she understands, David and Frank are covered under the current ordinance for their 5 acres.

Ralph McLeod - Pointed out that the townspeople were strongly in favor of the Moratorium at the recent Public Hearing. They are who you represent, not the lawyers or the Hughes Co. If it takes two extra months to get rules and regulations in place, it shouldn't make a big difference; you are doing so to protect the town against loss of revenue or property values.

Mark Deroche, resident on Stoney Ridge Road, is in favor of the quarry project, thinks the town needs some diversity in business, therefore informed Mr. McLeod that he didn't speak for the entire town.

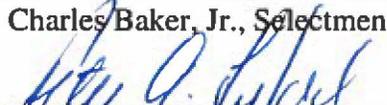
David McCluskey, resident on Coffey Hill Way, referred to a recent issue in the Town of Bucksport regarding a 19 acre quarry application, which was turned down by selectmen, ended up a court case and has since resulted in a 26 page addendum to the mineral extraction section of their town's ordinance.

Rusty Gagnon, resident on Main Rd., agrees with diversity, however, not on business that could jeopardize quality of life or the health of children, with the school in close proximity to the project.

Ray Wood, Jr. resident on Coffey Hill Way, pointed out that tonight's vote by selectmen was simply to move the ordinance forward as written or to send it back to the planning board. It is not for deciding on its acceptance, as that will be done by the townspeople at a special town meeting.

  
Joan Brooks, Chairman

  
Charles Baker, Jr., Selectmen

  
Peter Lyford, Selectmen

  
Charles Grover Jr., Vice-Chairman

  
Donn Goodwin, Selectmen

**NEW BUSINESS:** Moratorium Ordinance - A discussion ensued between the Selectmen, with some input from Planning Board Chairman, Tom Vanchieri, regarding the 45 day retro active wording. Selectmen Donn Goodwin wanted to send it back to Planning Board to delete the 45 day Retro Active section. Tom Vanchieri reminded the board of an executive session between the two boards, the town's attorney, and the questions were asked during it in order to help them decide on how to proceed with wording of such moratorium ordinance. Joan Brooks explained that decisions could not be made in executive session, only questions asked of what they could or could not do.

Joan Brooks asked for a vote.

**Donn Goodwin made a motion to send the ordinance back to the Planning Board to have the 45 days section taken out.** With no second to the motion, the motion failed.

A motion was made to accept the Moratorium Ordinance as written by Planning Board.

**P. Lyford / C. Baker      Vote      3 - 1.** (D. Goodwin opposed)

*\*Atty, Andrew Hamilton spoke to Selectmen regarding the motion to approve an ordinance based on information discussed in an executive session that was not proper and this may be the basis for claim under the Freedom of information Act, at a later date.*

Public Hearing Date - April 1<sup>st</sup>, 2014

Special Town Meeting Date - April 8<sup>th</sup>, 2014

**TIME & PLACE** - To be announced, whether it's at the Municipal Office or the Elementary School.

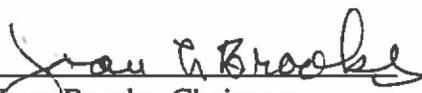
**WARRANTS:** Sign warrants of February, 2014 - Motion made, seconded and passed to sign by **C. Baker, Jr. / D. Goodwin      Vote      4-0.**

**PUBLIC ACCESS:** Jim White asked Hughes, what was the downside, had there not been a moratorium drafted. How do I make this worse by protecting myself?

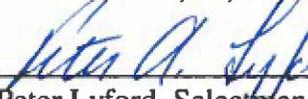
Landowners Brian Butilier and Nichole Mcleod asked questions regarding Frank Arisimeeks current permit and requirements from the state D.E.P. Russell said Frank can not go over the 1 acre without getting D.E.P. permit.

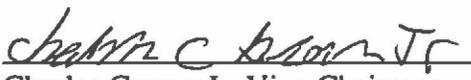
**ADJOURNMENT:** A motion was made, seconded and passed to adjourn at 6:50 p.m.

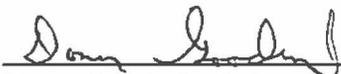
**C. Baker, Jr. / D. Goodwin      Vote 4-0.**

  
Joan Brooks, Chairman

  
Charles Baker, Jr., Selectmen

  
Peter Lyford, Selectmen

  
Charles Grover Jr., Vice-Chairman

  
Donn Goodwin, Selectmen