



Town of Eddington

906 Main Road Eddington, Maine 04428

**SELECTMEN'S MEETING
THURSDAY
APRIL 2, 2015
6:30 P.M.**

MINUTES

SPECIAL TOWN MEETING

CALL TO ORDER: Russell Smith called the Special Town Meeting to order at 6:30 P.M.

ROLL CALL: All of the Selectmen were present except Peter Lyford.

ARTICLE 1. Russell asked for nominations of a moderator for tonight's meeting.

I nominate Bruce Pratt **By Gretchen Heldmann/Motion 2nd, Vote: Motion passed.**

Bruce Pratt was sworn in as Moderator.

Mr. Pratt called the meeting to order and explained that Town residents will be allowed to speak for 3 minutes at a time and asked that they step up to the microphone to speak. He will try to recognize everyone once before people are allowed to speak a second time.

Motion that non-residents be allowed to speak as there are a few of them in this room tonight.

By Wilbur Libby, Motion was seconded, Vote: Motion did not pass

ARTICLE 2. Mr. Pratt read Article 2, "Shall the Town vote to approve an Addendum to the Zoning Ordinance titled Mineral Extraction Operation Addendum with Retroactive Application. (A Copy of which is on file at the Eddington Town Office and Website.)"

Moved and 2nd, Discussion:

David Johnson, Rooks Road, stated that he thinks what they are trying to do is wrong on many levels. He said we have a set of Ordinances in place which people refer to when they are thinking of locating or expanding in Town. These people do their site work, review the Ordinances to see if it fits their business plan and spend time and money preparing the plan to bring to the Board. We have a set of Ordinances that we put out and we have no other option but to approve that plan if it fits within our Ordinances. He feels that is not what has happened in this case and that it is almost criminal and unethical. He urges a No Vote on Article 2.

Bill Chapman, of Chapman Oil spoke. He has serviced this town for 40 years. He said that his wife and himself own 25 acres of land on the Bradley Road and that if this Ordinance passes, his land will be gone for any type of mineral excavation, loam that he wants to take off or stockpiling that he wants to do because of the setbacks. He finds it hard that our Planning Board has the expertise that has higher standards than the State of Maine, Federal Standards and other Towns mentioned in the Bangor Daily News Article. He said that one of the members of the Planning Board stated in the article that they have more expertise to come up with the rules and regulations that they have come up with. He recommends a NO Vote and to Rewrite them.

Joan Brooks, Main Road, Selectmen Chairperson, said she was happy to see so many people here and wished they would come to the regular Town Meeting. She would like to urge everyone to vote on fact and not on fear.

Motion that we vote by written ballot

By Joan Brooks/ Charles Grover Jr 2nd. Vote: Motion Passed

David Peppard, Jarvis Gore Drive, said he has a couple questions: Has the Town Attorney been following this update and what is the Town's liability if this were to pass? Mr. Pratt turned the meeting over to Charles Gilbert, the Town's Attorney. Though he is a nonresident, Mr. Pratt said that he believed that because he is the Town's Attorney, he is exempted from that. Mr. Gilbert said that yes he has reviewed to some extent the work of the Planning Board. Given the fact that the moratorium was expiring, things got a little compressed at the end. He was given a couple of early drafts and made comments on them and because of those, some changes were made. He said that there has been some level of review. In regards to the second part, anybody in America can sue anyone else and suing and winning are two different things. His view is that it is too early to predict with certainty any particular result that a court may or may not give. He doesn't think that anybody here should be influenced by what may or may not happen. He said there has already been one lawsuit out of this that is still pending. There may be a second and will be dealt with when this occurs. He said that it is premature to offer any definitive opinion of what might or might not happen. Mr. Peppard said that in past years he was a Town Manager and had a similar situation in the Town that resulted in a moratorium and the Town ended up paying substantially. He feels it is very wrong like David Johnson said to be building this thing around an application that was done by the rules at the time. He thinks the Addendum needs to be defeated and start at square one and do it right. Mr. Pratt asked Mr. Peppard if when he was Town Manager if it was a Mineral Extraction Ordinance and Mr. Peppard answered that no it wasn't.

Rusty Gagnon, Main Road, spoke in regards to the previous speaker. She was brought up to do the right thing and make a decision based on the right thing. You do not base it on what you are afraid the bully is going to do. She does not believe in bullies and does not respect bullies. She will make her decision based on what is best for her town and the property value of her neighbors. Therefore she will be voting yes.

Jason Melanson, 48 Hill Street, said that if you live in Maine, you know Maine is known for 3 things; lobsters, timber and quarries. What is going on here nothing different as happens in any other town. The State of Maine has the strictest DEP regulations and rules of any other state and that is why it is so hard for businesses to get going in this state. He does not understand why they would shut down something like this when we need jobs.

Jim White, Main Road, has a residence at the bottom of the hill that they are talking about digging on and he has some facts to share. His insurance company, Allstate, told him that if he has a problem after this project goes in, to see Hughes Bros., and don't see them. He has been told that his property value of his house will be affected by this. Why should he turn around and absorb the risk of my foundation or my structure and the property value of my house because they want to dig rocks up on the hill. He has a 30-year mortgage and they are talking about being up there for a long time. There are a lot of people in here with 30-year mortgages, why should their savings be at risk because they want to dig rocks up there. To him the long term view is that everybody's value of their properties should be protected. He has not heard anyone say they are going to indemnify damage to properties or any decrease in values of properties. All he has heard is how much time Hughes has put into it. A lot of people have put a lot of time into paying these mortgages.

Bob Cicone, Main Road said that he urges everyone to vote yes. He said the place where they want to put this quarry has some beautiful homes. The field that is up there will not be of any use to anyone and is one of the most pristine places in our town. He resents the fact that an outside concern is going to come in here and take our minerals. He does not think it is right. They are going to get dust, a few explosions a year and silica problems and it is not what Eddington is all about.

Hilma Adams, Main Road, said that she has been a resident of the town since 1958. She thinks it is important to let everyone know that she was born in a quarry, swam in a quarry, ice skated on a quarry, the stone that was around the spring that we drank our water from was from the quarry and the traffic went down by her house. She was located at the header of the quarry where the pink granite came from that is in the Washington Monument. Her father and grandfather were paving cutters, 2 of her uncles owned quarries. She wanted everyone to know that on her next birthday she will be 79 and you do not die because you live near a quarry.

Pam Dorr, 63 Grandview Drive, said that she is a little concerned because she thought that when this first started out about the quarry, there was concern about the dust, cracking foundations, and the health of the citizens of Eddington. Any meeting that she went to, about ¾ of the people were against the building of the quarry. So the Planning Board went and did what they were supposed to do and came up with an Ordinance. Now her understanding is that because they came up with an Ordinance sort of affects people personally that own land, there is no longer concern of those items. She is still concerned with those things and will vote yes.

Frank Arisimeek, Main Road, Some residents spoke in opposition of Mr. Arisimeek speaking because they said he was not a resident. Mr. Pratt asked if he was a registered voter in Eddington and was told that he is on the Town's voter list. These residents continued to oppose his speaking and Mr. Pratt explained that if he is listed on the Eddington Voting List as a voter it would be that he is a resident. If what he is saying is not true, that would be perjury and that would be up to someone other than the moderator to decide. Mr. Arisimeek said that he has an active quarry that was approved over a year ago. Mr. Pratt had to remind the audience that they could speak after Mr. Arisimeek, but if they did not remain quiet while he spoke, they would be removed. Mr. Arisimeek said people think this is all about a quarry and it is actually about Land Ordinance Use. It affects a lot of people with property in Town who could have their rights taken away from them.

Bruce Pratt asked if anyone else wanted to speak and because there was no response, he called for the vote on Article 2, He explained to the audience that they needed to mark the blue ballot with either a yes or no vote to "Shall the Town vote to approve an Addendum to the Zoning Ordinance titled Mineral Extraction Operation Addendum with Retroactive Application." Russell Smith asked the Moderator to go over to the ballot box with him to inspect the box before he locks it before everyone casts their ballots. Mr. Pratt announced that the Ballot Box is empty and then instructed the rows to proceed to the ballot box to vote.

After all of the ballots had been cast, Mr. Smith opened the ballot box and Pat Wilking, Theresa Clair and Denise Knowles counted the votes. Each pile of votes was recounted by a second person of the group. Mr. Pratt thanked everyone for being articulate and civil during the meeting. Bruce called the meeting back to order because he had the results of the vote.

Vote: 1 blank vote, 139 yes votes, 56 no votes.

Bruce Pratt read Article 3 "Shall the Town vote to approve changes to the Zoning Ordinance with Retroactive Application. (A copy of which is on file at the Eddington Town Office and Website)".

Moved and 2nd. Discussion:

Mr. Pratt asked if there was any discussion, being none, he called for the vote, All those in favor please show by raising your hand. It was then questioned if it was going to be a written vote for this article also. Mr. Pratt referred to the Attorney because it was his understanding the motion for written ballot only referred to the first Article and each one was separate and would require a motion.

Motion that this not be a written ballot

By Joan Brooks, Motion 2nd. Discussion:

Charles Gilbert, Town Attorney, said that the motion could be made but he was not sure what percentage of the votes had to be in favor of the motion. Mr. Pratt said he thought it was 2/3's. Having not been instructed to do differently, Mr. Pratt asked for a vote on this motion.

Vote: Yes vote wins to make the vote on Article 3 a hands vote

Mr. Pratt read Article 3 again and then asked for vote on previous motion.

Vote: Yes votes win, Motion passes

Mr. Pratt said that Article 4 called for Adjournment.

Moved and 2nd. Discussion:

No discussion.

Meeting Adjourned at 7:20 pm

Respectfully Submitted,

Denise M. Knowles,
From the recording

C. BAKER 

Joan Brooks 

