

## **11/02/2022 Sorrento Select Board Meeting Minutes**

Attending via Zoom were Select Board Chair Rob Wilpan, Selectman Jon Mickel, Selectwoman Diana Gazis, Town Clerk Kathi Moore, Fire Chief Joey Clark, E-911 Addressing Officer Ann Blood, Tom Bailey, Susan Clancy-Dougherty, Dan Dougherty, Pat Dougherty, Barbara Fauth, Malachy Flynn, Ann Hoffner, Rick Knowlton, Amanda Mickel, Ted Preuss, Trina Wellman and Wendy Worrell.

The meeting was called to order at 7 pm by Rob Wilpan.

**PRESENTATION BY HARRIS LOCAL GOVERNMENT:** Chadd Coombs, Chris Sanborn and Will Coffin from Harris Local Government made a presentation to the Select Board on cloud based hosting vs on premises server for the new TRIO municipal software. The additional cost is \$3750 for startup and \$3000 yearly maintenance fee. They discussed pros and cons of both options. Jon made a motion to purchase the cloud based hosting package with Harris, seconded by Diana, unanimous vote, motion passed.

Jon read the 10/19/2022 meeting minutes and amendments were made. Rob made a motion to approve the minutes as amended, seconded by Jon, unanimous vote, motion passed.

**UPDATE ON RADAR SIGN RETURN:** Jon said after reviewing his notes the restocking fee withheld by TrafficLogix is in line with what he was quoted by the Sales Rep so there is no need to contact the vendor.

**UPDATE ON TOWN ELECTRIC ISSUES:** Versant contacted Rob; they are fine with putting the new pole in its original location or in the ground at a higher level on the South side of the parking lot, or running wire underground going to the shelter. It was agreed that going underground would cost too much and the best option would be for a new pole at the south side of the parking lot. Rob will get 2 quotes, 1 from Versant and 1 from Winkumpaugh Line Construction.

**UPDATE ON DOCK RAILINGS:** Rob sent Henri an email asking for a quote on railings.

UPDATE ON CATCH BASIN ON WAUKEAG AVE: Joey is trying to get a day freed up from his work schedule to get this done before the ground freezes.

UPDATE ON OCEAN AVE EROSION REPAIR: Jon heard from MMA legal and is waiting for something in writing from them. The attorney said that emergency repairs to town roads done by the Town or somebody else is not a big concern, the biggest concern is public safety. Rob is still trying to get information about adding soil and vegetation between the rocks along the rip rap and will report back.

UPDATE ON METAL DETECTOR PURCHASE: Joey got an estimate for the metal detector and GPS and is going to email it to the Select Board for their review. Tabled.

UPDATE ON INVENTORY OF TOWN ROADS: Joey is working on this, his plan is to inventory every cross pipe in the road, length, size and location position of where it is. Jon added it would be good to identify which roads may have erosion issues; this would help in outlining the projected cost of road maintenance annually so that over the next 10 years so the Board can be aware of the funds needed to raise and appropriate annually.

UPDATE ON VILLAGE GREEN OWNERSHIP: Jon spoke with MMA legal, specifically about the Village Green and the question about liability vs town liability and ownership. They recommend anyone with liability concerns to have a real estate attorney do a title search. The MMA attorney referenced an opinion given by one of his colleagues a little over a year ago at the request of Rob and until further info can be obtained, he agrees with that opinion. Jon just saw that opinion for the first time as part the email reply from MMA. To summarize the opinion, the Town shouldn't be concerned with the liability and initially the title search doesn't seem to be that big of deal because a deed could be obtained based on the amount of time that that area has been maintained by the town. MMA is to outline their conversation by email, when Jon gets that he will share with the Board.

UPDATE ON SHORELINE PROPERTIES: Jon asked MMA Legal about the town's interest in maintaining these areas of the shoreline; it is their opinion that we should enlist the help of a real estate attorney for title searches to figure out exactly what properties the town owns vs what we have an easement on and that

would clarify where we should be using the funds raised by public donations vs SHIP funds. Certain areas along Ocean Ave, where some of the projects might be outside of what we would have for an easement and if those are privately owned parcels, are cause for concern. We should wait for MMA Legal's reply in writing before deciding what action to take as a Board. They also recommend that things like this are best put to a public vote; it's wise to do a special town meeting once we identify exactly what support we are looking for from the community, what questions need to be answered and where we are going to source those. Rob added we will be discovering more details of town property in the future, we can tie it all in and approve an attorney at some point. We need to look into some of these issues but with the budget right now is not the time.

TAN UPDATE: Kathi said Andrea from Machias Savings will stop by office on Friday morning 11/04 with loan paperwork to sign.

#### NEW BUSINESS:

Rob contacted the Fogler Library at UMO. In early 2023 they will be scanning and archiving online the Town's old books that contain minutes and warrants, at no cost.

Jon said that the selectboard received an email from Ann Blood, looking for clarification as our E-911 officer, about easements, rights of way and what a private road is. If we, as town employees, accept a road name and purchase a sign for it are we not accepting it as a road, if so what is the accessibility? Rob said we don't own the roads, we have right of way. The roads that go to people's house are private. Jon asked MMA Legal about these roads that go to the water; regarding Bay View Ave with a portion still existing, another portion renamed, another portion involved in the 3033 filing. The road was accepted in its entirety by the Town so it is impossible to vacate in its entirety. Regarding the liability of municipal officers and municipalities, they have no liability. Along the lines of private easements, MMA Legal requested a list of town roads and what we maintain as public ways. There is a concern with Treasure Island Road and the short section of road asked in the snowplow contract to "donate". We need to take a look at that. They advised we cease that request immediately. Jon made a motion that we modify the snowplow contract to no longer include the section of Treasure Island Road that we have asked TR Construction to donate. Rob said he

can't consider that motion without knowing the ramifications of it, we need a full plan. Jon said it's not a town road; we need to stop maintaining it and we don't need a plan. Someone in the audience asked if there was already a person who maintains the rest of the road and why can't they maintain the Town's section. Joey said the section of road 2/10 of a mile, from Pomola to the first set of pillars, is a town road and the reason why the road is plowed to the causeway is for a place to turn around, the plow truck would have to back up from there otherwise. Jon said it's the opinion of MMA Legal that we should not be caring for that section of road. The town cannot, for liability concerns, maintain a private way. Rob suggested that we pay a contractor for the town portion and Treasure Island Road Assoc. pay for their portion. Jon said he asked that question and it is acceptable, but he got a hard no because the contract is not written that way, we are asking for a "donation". We are paying the contractor to maintain a section of a private road and the contract is asking for a donation. He was told in no way, shape or form should the town be involved in any process of maintenance for a private way. It was agreed for Jon to send MMA Legal a copy of the plow contract for their review and will share their written recommendations. Also, Jon is to contact the contractor that plows the rest of the Treasure Island Road to see if they would take on the portion that the Town currently plows. The money for that would be a % coming off of Josh's contract. Jon will contact Josh as well.

Rob made a motion to adjourn at 8:37 pm, seconded by Diana, unanimous vote, motion passed.

Respectfully submitted on 11/16/2022 by Kathi Moore, Town Clerk.