

## 03/01/2023 Sorrento Select Board Meeting Minutes

Attending in person at the Sorrento Community Building were Selectman Jon Mickel, Selectwoman Diana Gazis, Town Clerk Kathi Moore, Tom Bailey, Earl Bierman, Myles Bierman, Susan Clancy-Dougherty, Darla Crocker, Dan Dougherty, Ann Hoffner, Brenda & Harold Page, Marc Perry and Hilly Welch Crary.

Attending via Zoom were Select Board Chair Rob Wilpan, Fire Chief Joey Clark, Code Enforcement Officer Mike Gurtler, Ann Blood, Pat Dougherty, Ronna Freiberg, Richard Mayzel, Amanda Mickel, Lensa Neleski, John Popka, Dean Potashner, Ted Preuss and John Singer.

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

1. APPROVAL OF MINUTES: Rob made a motion to approve the 2/15/2023 meeting minutes as written, seconded by Diana. Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed.

2. ASSESSING AGENT INTERVIEW: The Select Board invited Marc Perry to speak about his qualifications for the position of Assessing Agent. He has been a realtor for 22 years and owns Schoodic Realty, he has been an assessor for 16 years and is currently the assessor for 5 towns. He charges the same price if he was the Assessing agent or the Assessor, it is the same amount of work. Rob made a motion to appoint Marc as Assessing Agent, seconded by Jon. Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed.

3. HARBOR POWER UPDATE: No update

4. HARBOR RAILING UPDATE: Rob reached out to Superior Docks, waiting for a quote and he sent the plans to DC Welding, waiting for quote.

5. CYBER AGREEMENT WITH MMA UPDATE: Rob said there are some items in there that still need to address as far as how we are going to satisfy their requirements and he is working on that.

6. KEARSARGE AVE/WEST SHORE ROAD VEG CLEARING UPDATE: Joey is to go out to see the area and will give an update at the next meeting.

7. DEPARTMENT OF LABOR INSPECTIONS UPDATE: Joey reported that a group called Safety Works was in on Feb 21 to inspect all municipal buildings. There are a few electrical issues that need to be addressed, a few minor updates to paperwork; they are to email a written report within 20 days. Kathi reported that they found a few items at the Town office; an electrician needs to install the two hard wired smoke detectors; the utility closet is too cluttered as access to the attic stairs cannot be blocked; handrails need to be installed on attic stairs. They will be sending her a report as well.

8. TOWN/SVIA RENTAL CONTRACT RENEWAL UPDATE: Rob reported he spoke with Christopher from WCBY; he may have interest in renting the upstairs for an office but has no interest in the downstairs. Rob made a motion to approve the lease agreement with the VIA for \$2000 a year for storing their boats, seconded by Diana. Jon questioned the \$2000 rental amount. Rob said currently the thought is that Christopher will think about avenues of renovating upstairs with the plan of it being ready by next fall, unsure if the Town or WCBY would pay for the cost. It is paneled upstairs but we may need to strip the paneling off and reinsulate; it is infested with rodents. Jon said there is a possible issue leasing to anybody if there is a rodent issue, on rainy days the VIA holds classes in there. The lease agreement needs to say 1) that other than storage the building needs to be unoccupied, 2) the upstairs will be leased separately 3) the VIA needs to provide proof of liability and renters insurance. If we are going to

lease the building at such a low rate this should not cost the taxpayers anything in the event of a loss.  
Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed.

9. CB BOILER WATER FEED REPAIR UPDATE: Jon spoke with Steve today, he has been out straight busy, he will try to fit in our repair by next week.

10. SCANNING MINUTES BOOKS UPDATE: Kathi reported that she replied to the email from Greg at Fogler Library on Feb 16 and cc'd Rob.

#### NEW BUSINESS:

**DOUGHERTY vs TOWN OF SORRENTO:** Rob reported that there was a complaint filed based on action Mike Gurtler took as Sorrento's Code Enforcement Officer and the Select Board has two decisions to make. First - whether or not to support our CEO and move ahead; second is to decide whether or not to give the work of the lawsuit to Dan Pileggi. Mike reported that in December Susan Clancy-Dougherty came to renew a permit that had been issued in January of 2022 by the previous CEO to construct a dwelling unit on map 5, lot 24. He reviewed the info and the Land Use Ordinance, looked at the lot and definition of lot size, reviewed his findings with the Town Attorney and his conclusion was that the lot can only support one dwelling unit and one is already on that lot. He notified the Doughertys that he would not renew the permit. The town does not have an appeals board so the next step is the courts and a complaint was filed with the court disagreeing with Mike's interpretation with the LUO. Jon asked how costly are disputes of this nature, Mike said he cannot answer that. The question is do you want to enforce your land use ordinance, that's what this boils down to, the court may find in favor of the town, or the complainant, do you want to have a LUO enforced or not. Rob said we need to support our CEO and LUO. Rob made a motion to support our CEO and to deny the appeal and move forward with the lawsuit, seconded by Diana. Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed.  
Rob made a motion that we hand this over to Dan Pileggi/Acadia Law to defend the town, seconded by Diana. Vote: Gazis yes, Wilpan yes, Mickel no. Motion passed.

**PROFIT & LOSS:** Rob requested that Kathi send the Selectmen each month via email the Profit & Loss statement converted to Excel.

**JUNKYARD PERMIT FEE:** Kathi reported the Junkyard Permit fee is currently \$100, but the price of the public notice in the Ellsworth American is \$124.95. Jon made a motion that we increase the Junkyard permit fee to \$150, seconded by Diana. Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed.

**REQUEST FOR FD MILEAGE REIMBURSEMENT:** Kathi reported that Lt. Tracy Painter of the Sorrento Fire Dept. submitted a request for mileage reimbursement and at the last meeting it was voted that the Board shall approve all FD mileage reimbursement requests. She has been attending EMT classes in Lewiston since January, goes once a week, Assistant Chief Brian Clement told her she would be reimbursed mileage if she maintains a B average or better. Her request is for 1848 miles for January and February. The IRS rate is 65.5 cents for a total of \$1210.44. There was a lengthy discussion about why the fire department is sending somebody to EMT classes if the town is no longer providing EMT services and sold the ambulance, did they look into closer options first, the fire department is over budget now so where will they get the funds for this, discussion on the mileage rate, is there a contract in place that stipulates she must stay with the Sorrento FD for a certain time frame and reimbursement if she doesn't pass or adhere to the contract, who provides the liability insurance. Joey is to get this information for the next meeting. To be continued.

**EXECUTIVE SESSION:** Rob made a motion that the Select Board enters Executive Session pursuant to M.R.S. Title 1 § 405 6.A. ***Public discussion could be reasonably expected to cause damage to the individual's reputation.*** Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed. At 8:25 pm the Select Board went into executive session. At 9:03 the Select Board returned from executive session. Jon reported there is no motion to make at this time.

At 9:03 Jon made a motion to adjourn, seconded by Rob. Vote: Gazis yes, Mickel yes, Wilpan yes. Motion passed.

Respectfully submitted on 03/05/2023 by Kathi Moore, Town Clerk