

**TOWN OF ARUNDEL, MAINE
BOARD OF SELECTMEN MEETING**

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**Monday August 24, 2020
ML Day Library
7PM**

- I. Call to Order
- II. Approval of Agenda
- III. Public Forum – Public comment on non-agenda items
- IV. Approve Minutes of August 10, 2020
- V. Committee and Board Reports
- VI. Manager’s Report
 - Status of Municipal Building/Expenses
 - MTA/Ramp proposal
 - Keep Maine Healthy Grant
 - Loader & Bobcat Purchase
 - Apartment Construction w/o permit
- VII. Business
 - Masons proposal/ Time Capsule
 - Brimstone/Limerick Road Intersection
 - Tax Rate Setting
- XI. Other Business and Adjournment
 - Approval Payable Warrant
 - Adjournment

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

BUSINESS MEETING August 24, 2020

EXECUTIVE SUMMARY

BOS Members: The purpose of this summary presented is to give you some information over and above just the mentioning of the subject matter on the agenda. It is my hope that this information assists you in your decision making.

MANAGERS REPORT

- Municipal Building Progress: I will provide an update on the construction efforts at the Municipal Building and provide expenses to date.
- Turnpike Access ramps: The MTA will be reviewing their files and will be scheduling a meeting with you folks on the data they uncover.
- Keep Maine Healthy Grant: We have been approved process of securing funding is now ongoing.
- Loader & Bobcat purchase: Paperwork has been completed will be returned to Community Leasing Partners.
- Apartment Construction w/o/permit: We have discovered that an apartment has been completely constructed without a permit and has an individual residing in said apartment. I will provide to you what steps presently have been taken by the CEO with the property owner and see how you wish for us to proceed.

BUSINESS

- Masons / Time Capsule: I was approached by Dan Fink who as a Mason is proposing the placement of a time capsule at the new Municipal Building. Dan will be at your meeting to further explain.
- Brimstone/Limerick Road Intersection: Drummond and Woodsum have proposed another alternative then the taking of property at the intersection which is an easement deed. I have included the materials for your review and further discussion.
- Tax Rate Setting: The Tax Assessor is working on and filling out the proper paperwork. I have discovered a discrepancy in the Anticipated Revenue which I hope I can have corrected before your meeting on Monday.

OTHER BUSINESS AND ADJOURNMENT

- (a) Account Payable and Payroll Warrants: Provided at Meeting for review.

**TOWN OF ARUNDEL
BOARD OF SELECTMEN**

Monday August 10, 2020
ML Day School Library
7 PM

Members present: Selectmen Tom Danylik, Phil Labbe, Dan Dubois, Jason Nedeau, & Velma Hayes

Others: TM Trefethen, TC Nedeau, John Bell, Roger Taschereau

Call to Order: Chairman Hayes called the meeting to order @ 7:00PM

Approval of Agenda: *MOTION Dubois second Nedeau “approve agenda as amended” passed 5-0. (added discussion on FEMA Award Letter & Lease Resolution)*

Public Forum: Chairman Hayes read a post praising the Public Works Department and Fire Department that appeared on Arundel Chatter. Roger Taschereau discussed the steps of infrastructure upgrades undertaken by the MDOT on Log Cabin Road.

Approval of Minutes: *MOTION Dubois second Danylik “approve minutes of July 27, 2020 as presented and reviewed” passed 5-0.*

Committee & Board Report: General Discussion on RSU #21 reopening and the decision to be made this evening at the School Board Meeting.

Managers Report: Status of Building; Manager provided an update on the aspects of the project and the progress made to date.

Limerick/Brimstone Road Survey; Materials shared with the Board we are still waiting for the new owners information.

Keep Maine Healthy Grant; Manager applied for some electro static spray machines to assist in COVID-19 safety measures. No decision yet made.

Turnpike Access Ramps; Mentioned we were approached by MTA on the ramps on Limerick Road. Much discussion on these sites as to sight lines turn radius and actual ownership of properties. Lots more questions than answers, more to follow.

FEMA Award Letter; Fire Department applied for and was granted a Award of \$5,816.48 to purchase PPE's and other personal safety equipment for working emergency staff.

DAR Letter; Chairman Hayes read a proposed resolution by the Daughters of the American Revolution hoping to get the Town to act and recognize September 17th thru the 23rd as Constitution Week. ***MOTION Dubois second Danylik "endorse the proclamation and approve the signature of the Chairman of the Board to the document" passed 5-0.***

Business: Pending Appointments ***MOTION Dubois second Labbe "approve the appointments of James Lowery and Jens-Peter Bergen to the Planning Board and Rae Reimer and John Bell to the Board of Appeals" passed 5-0.***

Letter of support/AHS: ***MOTION Nedeau second Dubois "review and sign the letter of support for the Arundel Historical Society" passed 5-0.***

Lease Resolution: ***MOTION Dubois second Labbe "I move that the resolution entitled "Resolution to Authorize Lease Purchase of a Wheel Loader and Skid Steer Loader in the Principal Amount of \$189,554.00" be adopted in form and presented to this meeting. Passed 5-0 (see attachment).***

Other Business and Adjournment: Payable & Payroll Warrant: ***MOTION Nedeau second Dubois "approve warrants as presented and reviewed" passed 5-0***

ADJOURNMENT ***MOTION Nedeau second Labbe "to adjourn" passed 5-0 @ 8:06PM***

Respectfully submitted,

Keith M. Trefethen
Town Manager



2p
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After recording return to:
Shepard & Read
93 Main Street
Kennebunk, ME 04043

Space Above This Line For Recording Data

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Happy Hour, LLC**, a Maine limited liability company in good standing, whose mailing address is P.O. Box 142, Kennebunkport, ME 04046, *FOR CONSIDERATION PAID*, hereby grants to **Elizabeth Weimert**, whose mailing address is P.O. Box 657, Moody, ME 04054-0657, with *WARRANTY COVENANTS*, the real estate, together with the building and any other improvements located thereon, situated in Arundel, York County, Maine; being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

IN WITNESS WHEREOF, **Happy Hour, LLC** has hereunder set its hand and seal as of this 29th day of June, 2020.

MAINE R.E. TRANSFER TAX PAID



WITNESS
Bruce M. Read

Happy Hour, LLC


By: Michael Hirschy
Its member duly authorized

STATE OF MAINE
York County, ss.

June 29, 2020

Personally appeared the above-named Michael Hirschy, in his capacity as the duly authorized member of Happy Hour, LLC and acknowledged the foregoing instrument to be his free act and deed, both individually and in his said capacity.

Before me,


Bruce M. Read, Attorney at Law
Maine Bar #3006

Exhibit A
To Warranty Deed

Happy Hour, LLC, Grantor
to
Elizabeth Weimert, Grantee

877 Limerick Road, Arundel., Maine

EXHIBIT A

A certain lot or parcel of land with the buildings and improvements thereon, situated in Arundel at the junction of the Old Limerick Road, so-called, with the Brimstone Road, so-called, bounded and described as follows:

Beginning at an iron pipe sunk in the ground in the Southwesterly side of the Old Limerick Road, so-called, said iron pipe being 260 feet Southeasterly from the Easterly corner of land of T. M. Michniewich; thence South 60° 50' West by other land of Luther E. Spencer, a distance of 103.3 feet to an iron pipe sunk in the ground; thence turning to the left an included angle of 122° 28' and running still by other land of said Spencer, a distance of 54.3 feet to an iron pipe sunk in the ground in the Northerly side of the Brimstone Road, so-called; thence Southeasterly by said Brimstone Road 162 feet, more or less, to the above mentioned Old Limerick Road; thence Northwesterly by said Old Limerick Road a distance of 157 feet, more or less, to the point of beginning.

Meaning and intending to convey, and hereby conveying, the same premises conveyed to this Grantor by Warranty Deed from Michael Hirschy dated May 16, 2020 and recorded in the York County Registry of Deeds in Book 18250, Page 748.

After Recording Return to:
Zdunczyk Law Office, LLC
PO Box 771
Kennebunk, ME 04043-0771

→
2pgs

NANCY E HAMMOND, REGISTER OF DEEDS



Blk 18250 PG 748
Instr # 2020021296
05/20/2020 12:03:11 PM
Pages 2 YORK CO

**WARRANTY DEED
(Maine Short Form)**

MICHAEL HIRSCHY, of Kennebunkport, Maine, for consideration paid, grants to **HAPPY HOUR LLC**, a Maine limited liability company with a mailing address of PO Box 142, Kennebunkport ME 04046, with Warranty Covenants, a certain lot or parcel of land situated in the Town of Arundel, County of York and State of Maine, bounded and described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN.

16 IN WITNESS WHEREOF, **MICHAEL HIRSCHY** has set his hand and seal this day of May, 2020.

Witness

MICHAEL HIRSCHY

NO R.E. TRANSFER TAX PAID

STATE OF MAINE
YORK, ss.

May 16, 2020

Then personally appeared the above named **MICHAEL HIRSCHY** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public

Jeffrey S Zdunczyk
Notary Public, Maine
My Commission Expires
March 20, 2023

SEAL

EXHIBIT A

A certain lot or parcel of land with the buildings and improvements thereon, situated in Arundel at the junction of the Old Limerick Road, so-called, with the Brimstone Road, so-called, bounded and described as follows:

Beginning at an iron pipe sunk in the ground in the Southwesterly side of the Old Limerick Road, so-called, said iron pipe being 260 feet Southeasterly from the Easterly corner of land of T. M. Michniewich; thence South $60^{\circ} 50'$ West by other land of Luther E. Spencer, a distance of 103.3 feet to an iron pipe sunk in the ground; thence turning to the left an included angle of $122^{\circ} 28'$ and running still by other land of said Spencer, a distance of 54.3 feet to an iron pipe sunk in the ground in the Northerly side of the Brimstone Road, so-called; thence Southeasterly by said Brimstone Road 162 feet, more or less, to the above mentioned Old Limerick Road; thence Northwesterly by said Old Limerick Road a distance of 157 feet, more or less, to the point of beginning.

Being the same premises conveyed to Michael Hirschy by Deed of Sale by Personal Representative by Dolores Cluff, Personal Representative of the Estate of Jeanne A. LeBarge, dated December 16, 2019, and recorded in the York Registry of Deeds in Book 18123, Page 876.

EASEMENT DEED

ELIZABETH WEIMERT of the Town of Arundel, County of York, and State of Maine, whose mailing address is 877 Limerick Road, Arundel, Maine 04046 (the "Grantor"), for consideration paid, grants to the INHABITANTS OF THE MUNICIPALITY OF ARUNDEL, a body corporate and politic located in the County of York, and State of Maine, whose mailing address is 468 Limerick Road, Arundel, Maine 04046 (the "Grantee"), With Quitclaim Covenant, the perpetual right and easement to enter with persons, equipment and machinery from time to time upon that portion of the of the Grantor's property described in Schedule A attached hereto and made a part hereof (the "Easement Area") for the purpose of maintaining, repairing and replacing any and all improvements and installations currently located within the Easement Area including, but not limited to, pavement, curbing, drainage pipes and ways, utility poles and installations, signage, landscaping, and other traffic related improvements and installations, together with the right and easement to install, maintain, repair and replace such additional improvements and installations of like kind from time to time as the Grantee may determine in its discretion are necessary or convenient, said right and easement to further include the right of the Grantee and members of the general public to use said Easement Area for vehicular and pedestrian travel.

The Easement Area comprises a portion of the property described in a Deed from Happy Hour, LLC to the Grantor dated June 29, 2020, and recorded in the York County Registry of Deeds in Book 18292, Page 729.

The rights and easements granted herein shall be binding upon, and shall inure to the benefit of, the Grantor and the Grantee, and their respective heirs, successors and assigns, as the case may be.

IN WITNESS WHEREOF, ELIZABETH WEIMERT has hereunto set her hand and seal this ____ day of _____, 2020.

WITNESS:

ELIZABETH WEIMERT

STATE OF MAINE
COUNTY OF YORK, ss.

_____, 2020

Personally appeared the above-named ELIZABETH WEIMERT and acknowledged the foregoing instrument to be her free act and deed.

Notary Public/Maine Attorney at Law

Print name

My commission expires _____

Schedule A

A certain lot or parcel of land located on the southwesterly sideline of Limerick Road, so-called, and on the northeasterly sideline of Brimstone Road, so-called, in the Town of Arundel, County of York, and State of Maine, shown on the plan entitled "Plot Plan, Land of Elizabeth Weimert, Limerick Road & Brimstone Road, Arundel, Maine" dated August _____, 2020, by BH2M, Inc., a copy of which is attached hereto, said parcel being more particularly described as follows:

Beginning at a pk nail found in the pavement at the intersection of the southwesterly sideline of said Limerick Road and the northeasterly sideline of said Brimstone Road as shown on said aforesaid Plot Plan;

Thence N 61° 39' 22" W along the northeasterly sideline of said Brimstone Road a distance of 35.50 feet to a capped iron rod to be set (PLS #2190) and remaining land of Elizabeth Weimert;

Thence N 46° 58' 51" E along the remaining land of Elizabeth Weimert a distance of 22.69 feet to a capped iron rod to be set (PLS #2190) and the southwesterly sideline of said Limerick Road;

Thence S 24° 22' 56" E along the southwesterly sideline of said Limerick Road a distance of 35.50 feet to the point of beginning.

The above described parcel contains 382 square feet. All bearings refer to magnetic north as observed in 2011.

[Plot Plan, Land of Elizabeth Weimert, Limerick Road & Brimstone Road, Arundel, Maine]