

The Arrowsic Arrow

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VOTER REGISTRATION UPDATE

Arrowsic's Voter Registrar, Maybelle Sturgeon, reminds residents that in order to keep a current voter registration list as mandated by state and federal laws, the town needs to update its voter files. Any new residents, or residents wishing to record name or address changes, should contact Maybelle Sturgeon at 443-8797, or drop in during Wednesday office hours at Town Hall (3:30-5:00)

NOTICE FROM SELECTMEN

Selectmen would like to compile an Arrowsic Business Directory for a future issue of the Arrow. If you are a resident of Arrowsic who owns and operates a business (not necessarily in Arrowsic) and want to be listed send your business card or your name, address, company name and address, phone number, plus a brief description of your business. Please send by October 15.

PARENTS TAKE NOTE

Please keep children out of the recycling bins. It can be dangerous.

ATTENTION HUNTERS!

The 1995 Maine stamps are now available from town clerk. Duck will cost you \$2.50, Pheasant, \$16; Muzzle loader, \$11.

I appreciate and thank you for all of the support I received in the recent election for selectman. I will do my best to serve all of you well for the next three years. Please feel free to call me with questions, concerns or comments at 443-1677, but please call before 8 p.m. -- this Cinderella is gone long before Midnight.

Melissa Textor

FROM THE LADIES AUXILIARY OF THE ARROWSIC FIRE DEPT...

The Ladies Auxiliary would like to thank everyone who bought tickets on our lobster raffle. The lucky winners were: Barbara Bryant (1st prize of 12 lobsters) and Jeff Stone (six lobsters). Thanks to the generosity of Stanly King we were able to have an additional drawing and the winners of that drawing were Margaret Brennan (6 lobsters) and Gloria Yeaton (6 lobsters). Everyone was pleased with their lobsters. Again we would like to thank everyone for their support.

CONSERVATION COMMITTEE NOTES

The Conservation committee met in July. Joan Richardson reported that she had written to the Dept. of Marine Resources and informed them that the fishway was clear for alewives to pass from Spinney Mill Creek to Sewall's Pond. John Wood

and Mrs. McKensey are still engaged in talks aimed at allowing people to cross Rte. 127 across her land to access Sewall Pond.

RECYCLING/SOLID WASTE COMMITTEE NOTES

Arrowsic has signed a new contract for trash hauling with T & R Associates, who submitted the winning bid last July. The two year contract began August 1, and will include weekly trash pickup during the summer months (Memorial Day through Labor Day) and biweekly pickup the rest of the year.

MIXED PAPER UPDATE

Our recycling plans are in a state of flux (more news next issue) so those of you who have been saving up your mixed paper in the hope that soon we'd have a recycling bin for it, the wait may be longer than anticipated. We suggest you burn the cereal boxes, six-pack cartons, and envelopes until further notice.

FOUND: A woman's watch, Timex Indiglo, found near the town hall last summer. Call 443-4660

ARROWSIC RESIDENT HOSTS INFORMAL TALK ON NGO FORUM

Eloise Vitelli has returned from the NGO Forum on Women in Beijing, one of 20 Maine women to attend the international event. She will be offering an informal talk at her home on Sunday, October 8, at 6 p.m. Please bring finger food to share. RSVP at 443-4660

EDITORIAL

As you can see from this mammoth issue of the Arrow, there is still quite a bit of fallout from the last town meeting. What bothered many residents wasn't the content of the meeting but the tone, the atmosphere. Ugliness would be an appropriate description. Beginning with the letter circulated by the subjects involved in the court action, and the comments made during the follow-up meeting in which a letter from four boards was presented, the hostility and sense of personal attack were apparent. Not very nice.

Second, the election for selectperson had the appearance of a farce. In politics, appearances count, and with an overflow crowd and members of the VFD handing out ballots in the parking lot, with no attempt being made to insure that those voting were actual residents, well, it leaves a sour taste. In a small town like ours, it's pretty easy to load the town hall and sway votes. Many towns hold elections for town officials separately from town meeting. Residents vote in booths just as they do for general elections. Perhaps Arrowsic should do the same, if for no other reason than to prevent the rumors and sense of conspiracy that shrouded the elections this summer.

Distrust of big government may be the latest fad, but in a town like ours, government isn't some nameless, faceless bureaucrat. It's a neighbor. The attitude of distrust and ridicule doesn't play well in a small town like Arrowsic. It's ugly and demeaning and our elected officials, whoever they may be and whatever political philosophy they espouse, deserve better.

bob kalish

FROM THE CODE ENFORCEMENT OFFICER....

Common mistakes you should avoid:
--An accessory structure is not a deck or other addition to your house. It is a separate structure such as a shed, garage, barn, boathouse, etc. If it is not in the shoreland (within 250 feet of high water or a great

pond or wetland) an accessory structure of 200 sq. ft. or less does not require a permit but must meet setback rules and heights for your area. Also, an addition to your house of 100 sq. ft or less does not require a permit if the structure is not in the shoreland but it must meet setback rules and heights for your area.

--A little-known state law does not allow construction within 25 feet of a known cemetery. Since there are a number of small, private cemeteries in Arrowsic, you should be aware of this.

--Roads and driveways in Arrowsic require a Conditional Use Permit as do earth-moving or filling in certain situations.

To be safe, before starting a project of any kind contact me so you don't end up with a fine for not having a permit. I can be reached at 443-2114.

Dave Foster, Code Enforcement Officer

FROM THE FIRE DEPARTMENT...

The Ladies Auxiliary has donated an Air Pack to the fire department. This equipment allows a firefighter to enter a smoke-filled structure safely.

The yearly Yard Sale and Food Sale of the Arrowsic Fire Department Boosters is scheduled for **Saturday, September 30 (rain date Oct. 1)** beginning at 9 a.m. at the Town Hall. Any last minute donations can be brought down that morning. Thanks to all who have

donated.

In honor of National Fire Prevention Week, the Fire Department is hosting an **open house on Monday, Oct. 9 at 5:30 p.m.** There'll be food, door prizes, fire safety literature and the announcement of the winners of the coloring contest for Arrowsic students grades K-6. In addition, surrounding towns will be displaying their latest trucks. The Fire Department is still looking for undercover storage for the winter for their 1847 Hand Tub "HECLA." Anyone with space in a garage or barn please contact Dave Foster at 443-2114.

FALL CLEAN UP SET FOR OCT 13 AND 27...

T & R Associates has agreed to pick up large items from Arrowsic residents during their regular trash runs on Oct. 13 and 27. Residents should place items they want hauled away with their regular trash at their regular spot. Payment is to be made on the spot by the individual resident. According to a T & R spokesperson, pickup costs for sofas or furniture is about \$5, tires are about \$2, construction materials come to about \$7 for a full hopper. Payment is between individual residents and trash hauler, the town has merely arranged for the convenient pickup. NOTE: Sheetrock can be composted, so you may want to think twice before putting it out for pickup.

The following letters have been received by the Arrow and are published in their entirety, arranged somewhat chronologically.

Dear Selectpeople:

I write as a single citizen to inquire, question, and suggest some matters about and responses to the Pilarski case and news of your recent decision in that case. I do so without the knowledge or encouragement of anyone else. I also write out of hearsay information about your actions, since I was unable to attend the latest meeting, July 24, of the Selectpersons.

If my information is correct, I am deeply disturbed at news that you have voted to forgive Mr. Pilarski for his double violation of Town Ordinances governing building permits and property setbacks in our zoning.... So my first question is this: if this information is accurate, by what town ordinance have you been authorized to grant this consent decree? It seems to many of us that one individual has been allowed to set himself above the community rules by which, up til now, we all live. Please enlighten us on this vital question.

Second, I have heard that your board voted to forgive Mr. Pilarski both fines levied by the District Court and have assessed him only half the town's legal fees. Is this accurate? If so, I must, as a taxpayer of Arrowsic since 1973, protest that my money is being spent to reward a violator of the ordinance under which I and 500 out of the 501 residents of Arrowsic are currently living. This, in specific violation of a re-authorization I and others voted for at the town meeting of the 75-foot setback regulation. This seems to me and others an obvious injustice perpetrated upon the citizens of Arrowsic. Can you explain, in public and print, why this decision and result have occurred?

Finally, I wish respectfully to suggest some remedies in the Pilarski case which may not be too late to be made by your board:

a. How do you plan to deal with the likely fact that others -- builders and lawyers in particular -- will cite this Pilarski decision as precedent to permit, or force the town, to allow other blatant disregards of town ordinances respecting permits and zoning?

b. I hope your final decision will clearly state that Mr. Pilarski broke two ordinances. Any further action should stem from this simple judgement, which I trust you will honor.

c. If, in the cause of compromise between your public and private interests in this case, you decide to fine Mr. Pilarski, I devoutly hope you will assess him the full costs of the town's legal fees. If you do not do so, you will encourage the deepest distrust of your fairness and faithfulness as our selectpersons.

d. Again in the he interest of some compromise, you have fined Mr. Pilarski the full cost of the town's legal expenses, you should also assess a modest but real fine on each of the two violations of record. I leave it to your discretion to decide on a fair fine.

Respectfully,

Albert E. Stone
Spinney Mill Rd.

The following letter from four Town Boards was presented to the Selectmen at their July 24 meeting, which was attended by some 30 townspeople.

July 24, 1995

To the Selectmen:

On July 5, 1995, members of the Planning Board, the Zoning Board of Appeals, the Road Commission and the Conservation Commission met with you, at your request, to discuss the Pilarski case. After much discussion, nine members of these Town boards recommended unan- imously that you uphold the zoning ordinances and enforce the judgement of the Sixth District Court, requiring Mr. Pilarski to bring his garage into compliance.

We were therefore dismayed to learn that at your July 10 meeting, a majority of you decided to give Mr. Pilarski a consent agreement, to be drafted by his lawyer, and to allow him to pay only half of the Town's legal fees.

We urge you to rethink this decision, which we believe will prove to be a serious mistake. Please consider:

---You have sworn to uphold the Town's ordinances. Section 4.5 of the Zoning Ordinance charges you with enforcement, and spells out the procedure followed in the Pilarski case.

Do you have the right to waive enforcement of a provision of the Zoning Ordinance?: We are unaware of any provisions in Arrowsic's ordinance giving the Selectmen such authority.

---At last month's Town meeting, a clear majority of the Town voted not to change the setback requirement as requested by the Pilarskis. Enforcement was left in your hands.

If you waive enforcement in this case, how can you hope to enforce any of the Town's ordinances in the future?

---The Sixth District Court found that the Pilarskis' failure to obtain a building permit was "willful", warranting a substantial penalty. Do you disagree and, if so, on what grounds?

The Town has spent 30 years developing and approving these ordinances. Please do not let a single case compromise the long term interests of all the people of Arrowsic.

Sincerely,

Phine Ewing, chairman
Conservation Commission

Grace Stone, chairman
Zoning Board of Appeals

James Stump, chairman
Road Commission

John B. Wood, chairman
Planning Board

The following statement was sent in response to Al Stone's letter by Selectman Brian Scott.

Position Statement re: Pilarski case settlement - Town of Arrowsic July 26, 1995

The decision to settle the Pilarski garage issue through a consent agreement was based on the following:

1. Impact - there were no abutting landowners whose land rights or values were being affected, there was no safety concern about the garage being too close to the road.
2. Financial burden - we thought that there would be an extreme financial burden created by the

court decision -

- a. legal fees for the town of Arrowsic have so far totaled approximately \$5200
- b. the cost of relocating the garage
- c. the Pilarskis own legal fees

3. Alternative Placement - There is some question that the proposed alternative site is situated in a wetlands area. It would also have required that a new driveway be built, adding even more to the cost.

4. Origin of Violation - Due to the Pilarki's previous dealing with the Codes Enforcement Officer re: other building permits, we had reason to believe that the Pilarski's failure to obtain a permit for this project was simply a misunderstanding that they tried to rectify as soon as they knew of the problem. We (and they) acknowledge that a mistake was made, but we wanted to work through this problem and help if possible, rather than "punish" our neighbors for a mistake.

5. Will of the Town - we thought that the townspeople made it clear at the annual Town Meeting that they wanted this issue to be dealt with in a more harmonious way than it had been up to that point and that they did not approve of the lawsuit that had been instituted by the town against one of their neighbors.

6. Divisiveness - we thought that this issue was causing a great rift among the people of Arrowsic and we wanted to settle the issue as positively and quickly as possible and move on to other things.

7. Precedent Setting - we thought that the only precedent that would be set would be that involving a virtually identical case. We did not believe that because an exception was made in this case, we would be inundated with requests for other exceptions. It is possible that people will try to use that reasoning, but we believe that we can deal with each case individually, based on its own merits.

8. Fines - a fine of \$2500 will be imposed. This in itself will pose a hardship for the Pilarskis who also have to pay all of their own legal fees (for a lawsuit they did not initiate or intend to cause).

Town of Arrowsic Selectmen

Brian Scott

Melissa Textor

Selectman Pat Harcourt was asked why her name was not on the position statement regarding the Pilarski case. The following is her dissenting opinion on the decision to settle the issue with a consent agreement.

Pilarski Case Settlement - Minority Position

My name is not on the July 26 position statement because I did not agree with the decision to settle the Pilarski garage issue with a consent agreement. The reasons are:

1. Impact - The impact of the Town entering into a consent agreement to allow a violation is serious and long lasting. It makes it more difficult for Selectmen to enforce the ordinances, which is their job. It makes it more difficult for the Planning Board and the Zoning Board of Appeals, because what are their jobs now? It has created confusion and has torn the town apart because what about the majority of people who abide by the rules? What value do rules have now? Is it according to who the governing selectmen are?

2. Financial burden - The Town bent over backwards to allow the Pilarskis to bring the garage into compliance by extending the time period and waiving the fines. When they chose not to compromise but to get a lawyer to work on their case, they had to know that it was going to cost money. They were willing to take the gamble. It's not up to the Town to assume the responsibility for the expenses they incurred trying to get their way.

The District Court, an objective body, reviewed the Pilarskis' financial status before setting the penalties. If the Town Meeting had voted for the Pilarskis' ordinance change, the Court would have fined them \$5000 for the 2 violations plus the Town's legal fees. But fines shouldn't have even entered into it because the Town Meeting voted down their warrant article to change the setback requirement. That meant that they had to bring the garage into compliance and pay the Town's legal fees which were \$3200 at the time of Town Meeting. The Pilarskis weren't happy with that May 17 court decision and wanted a new trial, which would have cost even more. If it was such a financial burden, how could they afford that?

3. Alternative Placement - The only claim that there are wetlands comes from the Pilarskis. I have to rely on Charlie Collins, who testified in court on the alternate site for the garage. Charlie knows that property very well because he worked on it; he put in the the septic system and the pad for the trailer. He would know more about wetlands and have more experience than Mr. Pilarski. It's Charlie's business.

4. Origin of Violations -Why did the Court see the Pilarskis' previous dealings with the CEO on obtaining a building permit as knowledge of the requirement for a building permit? If you got a building permit for an addition, why wouldn't you know you needed one for a garage? Why would you sign a contract without reading it when the contract says you have to get a building permit? And, if there was no other site on that property for a garage, as the Pilarskis say, where would they have put one if they had tried to obtain a building permit?

Should we all just go ahead and do what we want without taking responsibility for the consequences? Should the Town stop trying to enforce the rules we voted in, because to do so is to "punish our neighbors"?

5. Will of the Town - What was clear at Town Meeting is that the majority chose to uphold the Town ordinance and voted down the Pilarskis' warrant article to change it. After Town Meeting, the Selectmen met with members of 4 Town committees, who, after 2 hours of discussion, unanimously agreed that the May court decision should be upheld. At a subsequent Selectmen's meeting on July 24, the overwhelming majority of the 30 citizens who attended also felt we should uphold the court decision.

6. Divisiveness - I agree that this issue has created a great rift in town. It began with the Pilarskis' letter which was inflammatory, smeared people and pointed fingers at Town officials. At Town Meeting, these attacks continued and obscured the facts. That is what created divisiveness. I'd like to see this issue behind us and get on with things but that doesn't always mean giving people what they want. The real losers here are the 99.9 percent of the people who make an effort to live by the rules and the selectmen and town officials whose job it is to enforce them.

7. Precedent Setting - We had been advised by both Maine Municipal Association and our Town Attorney against entering into a consent agreement because it sets a precedent which makes it difficult to enforce the ordinances in the future. We haven't set any guidelines on when and how to do consent agreements, so it's totally arbitrary. People will now choose to go right to the Selectmen, where there are no rules.

8. Fines - Up until the current decision, the Town had followed the proper procedure dictated by

our ordinances in trying to settle this case. We gave the Pilarskis every chance to comply with the ordinances. They are the ones who chose not to negotiate and said they would take their chances in court.

Now, with the consent agreement, the Town has turned its back on the May 17 court decision and will allow the garage to stay where it is. The Pilarskis will pay a \$2500 fine for the 2 violations payable at \$100 a month over 25 months. They will not pay the Town's legal fees as had been ordered by the Court (standard in these types of cases). This means the Town will have to cover those fees through taxes. Is this fair to the rest of the town?

Patricia Harcourt
Selectman Town of Arrowsic

To the Editor:

This week a number of local people saw a Position Statement re: Pilarski case settlement, dated July 26, 1995, in which two of our Selectmen explained their decisions on the subject. The statement was sent to one person though the issues it addresses concern us all.

The statement was intended as a rationale of their decisions though it read more like a defense of the Pilarskis as victims, ironically, of bureaucracy.

The signature of the third Selectman was conspicuously absent from the document. We are left to assume the following:

- A. The third Selectman had no knowledge of the statement.
- B. She knew of the statement but declined to sign it, letting the majority rule.
- C. She actively opposed the statement and would not have signed it in any case.

In any event, local residents have again been ill-served. If the statement was intended to calm the waters, it does just the opposite. It is another example of the divisiveness that seems to have overtaken this town, people and officials alike. If there are any victims here, they are surely the people of Arrowsic.

Dean and Joan Richardson