

**BOARD OF SELECTMEN
MINUTES OF MEETING
AUGUST 10, 2009**

Selectmen present: Rosendel Gerry, Chairman, Stacey Parra, Vice-Chairman, H. Bob Plausse, Cathy Hardy, and Jason Trundy

Motion by Plausse, second by Parra, to enter into executive session regarding:

- 1. Application for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA § 405(6)(F) & Title 36 MRSA § 841(2)(E));**
- 2. Consultation with Police Chief Young Concerning Employment Applications Title 1 MRSA § 405(6)(F) & Title 30-A § 2702);**
- 3. Consultation with Cable Television Franchise Advisory Committee Concerning Franchise Agreement (Title 1 MRSA § 405(6)(C).**

Vote 5-0.

- 4. Motion by Parra, second by Plausse, to come out of Executive Session. Vote 5-0. (approximately 6:47 p.m.)**

Motion by Plausse, second by Parra, to appoint Kevin Littlefield, Holly Eastman, and Brian Lunt as part-time patrol officers. Vote 5-0.

Motion by Hardy, second by Plausse, to deny Abatement A, pursuant to Title 36, MRSA, § 841 (2)(E). Vote 5-0.

5. Citizen's Forum:

Mike Ray asked if the Board was going to start meeting with committees for discussion, reviews, and updates. Town Administrator Kinney said some committees have specifically requested to be put on the Selectmen's agenda the last several meetings to discuss specific issues, and he has considered those committee reviews. Selectwoman Parra stated meeting with committees was one of her top goals for the upcoming year, and she wants committee volunteers to know their work is appreciated and feels the Selectmen should hear from them.

6. Administrator's Report:

Town Administrator David Kinney reported:

- As a follow-up to the Board's authorization for the Town to lease a cell phone for the Town Administrator, Administrator Kinney said it would probably be worth investing a little more money for options with the cell phone to utilize email, Outlook Express, etc. The expense would be approximately \$500 a year.

Motion by Plausse, second by Parra, to go with Town Administrator Kinney's recommendation to lease a cell phone with the extra options for approximately \$500 a year. Vote 5-0.

- Town Administrator Kinney reported that the “Circuitbreaker” forms (Property Tax and Rent Refund Applications) are on-line, and the Town Office has some available as well. The deadline to file the form is June 1, 2010.
- The Fire Department Station plans are available for public inspection at the Town Office. He had no new permit information except that the Fire Marshal has given the project verbal approval. Administrator Kinney said they continue to be in contact with DEP concerning the Fire Station’s permit approval status, while trying not to be pests.
- The Slab City Road/Black Brook culverts were installed last week. The paving should be done this week, as well as the cross culverts on Youngtown Road. The road from Youngtown Inn to the Beach Road should hopefully be done by the end of August, once the culverts are replaced.
- The Beach bathroom project will be on the Planning Board’s August 26th agenda.
- Health and Human Services representatives were at Norton’s Pond today with Health Officer Frank Therio to explore the recent high bacteria counts. Health and Human Services feels it is water fowl feces causing the problem, not failing septic systems, and will be writing a letter stating their opinion. Town Administrator Kinney said it has been a baffling situation.
- Town Administrator Kinney reported there had been some vandalism to the Breezemere Park Bandstand. The damaged railings had been reinstalled. There had also been some vandalism incidents at the concession stand by the ballfield. Administrator Kinney urges parents to monitor their children.

Chairman Gerry has received a request for a no-parking sign in front of the Bandstand (on the Norton Pond Road side) so the Lincolnville Band could load and unload instruments.

7. Meetings & Announcements:

Town Administrator Kinney read the meetings and announcements from the agenda.

8. Upcoming Community Events:

There is a public supper this Saturday, August 15, at Tranquility Grange.

The Board decided to take Item 12 out of order.

12. Board of Assessors:

Assessors’ Agent Vern Zeigler addressed the Board about the Fiscal Year 2009-2010 tax commitment. He explained the total taxable valuation for the Town of Lincolnville is \$457,306,600, and he is recommending the mil rate be set at .0117, the same as last year. This is significant since the State’s aid to the Town has decreased from 13.7% last year, to 10.9% this year. He also explained the Homestead Exemption will remain at the same

amount this year as last (\$13,000) because the Legislature did not act quickly enough, but it will be next year to \$10,000 per exemption. The amount of overlay proposed is about the same as last year. The Town's overall value stayed about the same, with personal property value losses (one at about \$500,000) and real estate put into open space and tree growth, offset by new construction.

Motion by Plausse, second by Hardy, to suspend as Board of Selectmen and convene as Board of Assessors. Vote 5-0.

Motion by Plausse, second by Parra, to certify that we have assessed a tax on the estate, real and personal, liable to be taxed in the Municipality of Lincolnville for the fiscal year July 1, 2009 to June 30, 2010, at .0117 mils on the dollar, on a total taxable valuation of \$457,306,600. Vote 5-0.

The Board signed the prepared Assessors' Certification of Assessment, the 2009-2010 Municipal Tax Assessment Warrant, the Certificate of Commitment, and the Certificate of Assessment to be Returned to the Municipal Treasurer.

Assessors' Agent Zeigler ended by saying taxpayers can go on-line to www.maine.gov/revenue and can click on tax assistant programs.

Motion by Plausse, second by Hardy, to adjourn as Board of Assessors and reconvene as Board of Selectmen. Vote 5-0.

9. Meeting Minutes:

Motion by Plausse, second by Parra, to approve the meeting minutes of July 27, 2009, as written. Vote 4-0-1 (Trundy abstained/absent from that meeting).

10. Land Use Committee Update:

Bob Winslow of the Land Use Committee addressed the Board about the Committee's draft proposal for amending the Land Use Ordinance, Section 18 (Commercial Site Plan Review) for changes of use at businesses in Lincolnville. In Mr. Winslow's letter to the Board, he explained the Committee "attempted to address two situations"; the first when an existing business that has never been through CSPR, changes to a degree that could be of concern to nearby residents, and the second situation being when an existing business that has received CSPR approval in the past, changes in a way that triggers full review of those changes (and only those changes). Board members felt the Land Use Committee had done a good job in reviewing these situations, but also encouraged the Land Use Committee to look at other rules that affect businesses moving to Lincolnville and how they could be made "user friendly". Mr. Winslow asked that the Board generate a "hit list" of topics the Selectmen would like the Land Use Committee to work on, and would prefer a list of ideas/thoughts from the Selectmen via the Town Administrator.

Planning Board Chairman Lois Lyman stated although the Selectmen can give charges in the direction they would like the Committee to head, she didn't feel they could go against the

Comprehensive Plan, which had been voted on by the Townspeople. She also hoped new members could be found to join the Land Use Committee, since most of the current Land Use Committee members are also Planning Board members.

It was the general consensus that when the Land Use Committee has finalized the proposed change of use amendment wording, it could proceed to the Town Attorney for review.

Winslow also addressed the Board about a wind generation ordinance. The Land Use Committee had reviewed several existing wind power ordinances from other towns and the State of Maine wind power ordinance model. He said he felt wind power was the “latest and greatest” thing that people are working on, and felt it would be prudent to have an ordinance in place for safety reasons, getting ahead of the curve. He said most of the ordinances are similar, dealing with height restrictions, safety zones, etc., in limited commercial, large commercial, and personal categories. There is nothing in the current Land Use Ordinance to deal with wind mills.

Some Board members expressed views that they are not sure that a wind power ordinance is needed at this time. They would like to see the State of Maine model before charging the Committee with this project. Bob Winslow said he would get copies of the State model to Board members. Lois Lyman asked the Board to think about the Land Use Committee’s next charge, if it’s not wind generation.

11. Board/Committee/Commission Appointment(s):

Motion by Parra, second by Plausse, to appoint Selectman Jason Trundy to serve on the Midcoast Solid Waste Corporation Board for a three-year term. Vote 4-0-1 (Trundy abstained.)

Motion by Hardy, second by Parra, to appoint Dorothy Lanphear to serve on the Budget Committee. Vote 4-1 (Plausse opposed.)

Motion by Hardy, second by Parra, to appoint Dorothy Lanphear as an alternate, for a one-year term, to the Recreation Committee. Vote 5-0.

Selectwoman Hardy asked if it would be a conflict of interest for a Selectman to serve on the Recreation Committee. Town Administrator Kinney said his quick answer would be yes, but would check it out further if she would like; Selectwoman said it wasn’t necessary.

12. As Board of Assessors: previously discussed out of order.

13. Set Public Hearing Date for Winter Road Closing(s) – Suggested Date: September 14, 2009:

Motion by Parra, second by Plausse, to set September 14, 2009, at 6 p.m., as a public hearing date for winter road closings. Vote 5-0.

14. **Treasurer's Warrant – Approve and Sign:**

Motion by Plausse, second by Hardy to approve the Treasurer's Warrant, with a correction of name from Diane Bacon to Diane O'Brien. Vote 5-0.

15. **Adjourn:**

Motion by Plausse, second by Hardy, to adjourn the meeting (7:52 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant