

**BOARD OF SELECTMEN
MINUTES OF MEETING
DECEMBER 13, 2010**

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

The meeting was called to order by Chairman Gerry at 5:45 p.m.

Motion by Parra, second by Plausse, to enter into executive session with the Town Attorney for the purpose of discussing a proposed Consent Order regarding the Bornstein property, pursuant to Title 1 MRSA Section 405(6)(A). Vote 5-0.

Motion by Plausse, second by Parra, to come out of executive session and reconvene in regular session. Vote 5-0.

Motion by Parra, second by Plausse, to approved the proposed Consent Order regarding Bornstein with a penalty of \$500. Vote 5-0.

At Chairman Gerry's request, a moment of silence was observed for David Mahonan, grandson of Mrs. Dyer of Lincolnville, and for Julie Turkovich's mother.

1. **Citizen's Forum:** None

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- Dog licenses are due by the end of December and can be obtained at the Town Office or on-line.
- A contract has been signed for the replacement of the failing Beach Road septic system, and the work will be completed within 20 days from December 10th.
- There was little damage from today's storm.
- The slab for the Beach bathroom is in; he is still working on the remainder of the building.

When questioned by Selectman Plausse, Town Administrator Kinney explained the Beach Road property owner with the failing septic system could not get a traditional bank loan, so the Town stepped in due to the health issues involved. Even though the Town has an assessment option available to recoup the costs, the home owner has offered to enter into an agreement to repay the money.

Town Administrator Kinney responded to Chairman Gerry's question about the Tanglewood Road status by saying he is waiting on the title work.

3. Meetings & Announcements:

Town Administrator Kinney read the meetings and announcements from the agenda. He also announced the Selectmen will be interviewing potential town attorneys on Monday, December 20th, at 4 p.m. at the Lincolnville Central School Conference Room.

Chairman Gerry questioned the practice of announcing committee meetings. Town Administrator Kinney said it is done, pursuant to the Board's Rules and Procedures. Since meetings are posted on the Town's website and are listed in Diane O'Brien's newspaper column, Board members will discuss the pros and cons of announcing meetings at their January 10th meeting.

4. Upcoming Community Events:

Board members wished the public a happy holiday season.

5. Meeting Minutes:

- **Motion by Hardy, second by Plausse, to approve the November 22, 2010, minutes as written. Vote 4-0-1 (Trundy abstained).**

6. Liquor License Renewal – Youngtown Inn:

Motion by Plausse, second by Hardy, to approve and sign the liquor license application submitted by the Youngtown Inn. Vote 5-0.

The quote of the day was read by Selectwoman Parra.

7. As Board of Assessors – Farmland Withdrawal Commitment:

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

Motion by Parra, second by Plausse, that the Board of Assessors approve the Farmland Withdrawal Penalty Commitment for Leroy and Carol Underhill in the tax amount of \$53.09, as recommended by the Assessors' Agent. Vote 5-0.

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

The next agenda items were taken out of order.

12. Photocopier Lease:

Town Administrator Kinney briefly explained the Town can save approximately \$200 per month by signing a five-year lease now with IKON, rather than waiting until the end of the lease cycle in June, 2011.

Motion by Parra, second by Plausse, to authorize the Town Administrator to execute a five-year photocopier lease with IKON to replace the Town Office photocopier. Vote 5-0.

13. Personnel Policy Clarification – Christmas Eve:

Selectwoman Parra stated she was on the Wage and Personnel Policy Board and was the one who had suggested the Christmas Eve half-day paid holiday. However, she intended, but failed, to include the wording “except if Christmas falls on a weekend”.

Motion by Parra, second by Plausse, to clarify the Personnel Policy to include the half day before Christmas, except if Christmas falls on a weekend. Vote 5-0.

14. Treasurer’s Warrant(s) – Approve and Sign:

Motion by Parra, second by Plausse, to approve the Treasurer’s Warrant, the Payroll Warrant, and the Fire Department Building Account Warrant. Vote 5-0.

There was a three-minute recess prior to the Dangerous Building Hearing.

8. 6:30 P.M.- Dangerous Building Hearing for property located at 572 Hope Road, Tax Map 5, Lot 37 – Symington/Chase Home Finance, L.L.C.

Town Attorney Terry Calderwood addressed the Board about 572 Hope Road, explaining this hearing, pursuant to Title 17, M.R.S.A., Section 2851, is the time for evidence to be presented to prove that the building located on Tax Map 5, Lot 37, is a dangerous building, and is also the time for anyone who feels the building is not a dangerous structure to present evidence supporting that opinion.

Town Administrator Kinney presented Exhibits A through K, which included the property location description, the inspection report filed by Stephen Thomas listing the many deficiencies in the structure, and several photographs showing standing water, mold, removed doors, and insect infestation.

Town Attorney Calderwood introduced Attorney Paul Thelin, who represents Chase Home Finance, L.L.C. Mr. Thelin stated his client does not yet own the property as the foreclosure is not finalized. His client has had some cost estimates done and does not disagree with the evidence presented tonight. Although Chase Home Finance may ultimately determine it would cost more to remediate the many deficiencies than to demolish the structure, Attorney Thelin hoped the Board’s decision tonight will allow enough time for his client to decide what to do.

Town Attorney Calderwood said there seems to be no opposition to the Board declaring this a dangerous building, and suggested 90 days would be a reasonable timetable to remediate the situation. If remediation efforts were not accomplished at the end of the 90 days, the Board could order the destruction of the structure and recoup its costs through a tax lien procedure. Anyone objecting to the Board’s written Order would have 30 days to file their objection with the Court.

Selectman Trundy felt this issue has dragged on forever and would like to see it resolved sooner rather than later. He also felt if all problems, not just the urgent, big structural/water

problems, aren't completely addressed by Day 91, the structure should be torn down. Both attorneys thought if the Board made the timeframe for remediation too short, especially with the size of the financial institution involved, it might not produce the results the Board is hoping for.

Town Administrator Kinney offered wording from the State Statute, including structurally unsafe, unstable, molding, and fire hazard, that the Board might consider in their Order as remediation conditions.

Selectwoman Parra suggested foundation correction, roof structure with proper ventilation, window replacement, chimney, watertight, unsanitary conditions need to be remedied, mold remediation, and bug/insect removal need to be remediated within 90 days or the structure will be demolished. If those items are remedied within 90 days, the conditions in the entire inspection report must be remedied before occupancy would be allowed.

Motion by Parra, second by Plausse, that the Municipal Officers of the Town of Lincolnville have determined that the building located at 572 Hope Road, Tax Map 5, Lot 37, owned by Symington and in the procedure for foreclosure by Chase Home Finance, is a dangerous building, pursuant to Section 2851. Vote 5-0.

Motion by Parra, second by Plausse, pursuant to that previous motion of ordering this building to be a dangerous building, that we draft an Order, including the following, which would incorporate the building report with exhibits of Stephen Thomas dated of April 21, 2009, and April 28th, 2009, including completing the following in 90 days: making the foundation structurally sound; replacing the roof and fixing the structure with proper ventilation; replacing the windows; making the building watertight; removing any unsanitary conditions inside the building, including mold remediation and bug removal and anything else, as needed, including fixing water damage. If these are not completed within 90 days, that the Board pursue demolition of this building. If these items are completed within 90 days, we will not allow occupancy of this building until every item in this report has been completed. Vote 5-0.

Town Attorney Calderwood will prepare the Order for the Board's signature.

11. Visual Resource Assessment RFP – Comprehensive Plan Review Committee:

Town Administrator Kinney explained the Board wanted to see the RFP drafted by the Comprehensive Plan Review Committee for a visual resource assessment; the draft was included in the Board's packet. Board members felt the RFP was well written.

Motion by Parra, second by Hardy, to approve the RFP as written. Vote 5-0.

9. Gateway 1 Workshop Facilitator (January 31, 2011 Workshop):

Motion by Hardy, second by Parra, that Jane Lafleur be hired as facilitator for the Gateway 1 January 31, 2011, workshop. Vote 5-0.

Since the Board of Selectmen is also the Gateway 1 Grant Oversight Committee, the agenda for tonight's workshop (Item 10) is being attached to these minutes.

10. Gateway 1 Grant Oversight Committee Workshop:

Jane Lafleur of Friends of Midcoast Maine and Eric Galant of Mid-Coast Regional Planning Commission were present to discuss details of the Gateway 1 grant funded project. Ms. Lafleur explained it is most important to get the community engaged to solicit input and build consensus on future core growth areas, rural densities, scenic sites, and transportation corridors. The grant contract calls for ten workshops and four meetings with the Grant Oversight Committee; the Board of Selectmen are currently serving as the Oversight Committee. (Chris Osgood pointed out that many Route One residents are here only in the summer and suggested one of the workshops be held then.) Eric Galant will assess Lincolnville's current Comprehensive Plan's similarities/differences with the Gateway Plan, based on community input offered at upcoming workshops. He will then draft amendments that would make Lincolnville's Comprehensive Plan and Land Use Ordinance compliant with the Gateway Plan, if that is the desire of the community. The contract expiration date is October 31, 2011.

Jane Lafleur explained the role of the Oversight Committee as being that of "worker bees". The work is labor intensive and involves identifying community groups, listing contacts, sending post cards, fliers, writing press releases, setting up meeting rooms, etc. Ms. Lafleur will provide boiler plates of post cards, fliers, etc., but it will be up to the Oversight Committee to see these communications reach all of the Lincolnville community. The Oversight Committee identified Town organizations/groups (Stakeholders) that should be contacted and indicated which member of the Oversight Committee would contact each group. The final list will be typed up by Ms. Lafleur and given to the Oversight Committee. Audience members who also participated in tonight's workshop included Lois Lyman, Paul Crowley, Bob Winslow, Mike Ray, Karin Wormer, Will Brown, and Marion Swanson. (Selectwoman/Oversight Committee member Cathy Hardy was excused from the meeting at 7:50 p.m.)

Dates were discussed for three workshops (workshop agendas are attached with these minutes). Workshop 1 was scheduled for January 27, 2011, at Lincolnville Central School, Walsh Common, from 6:30 to 9 p.m. Ms. Lafleur will email the list of what needs to be done to the Oversight Committee ahead of time, but Committee members should arrive that evening by 6 p.m. to get quick instructions, help set up, etc. Oversight Committee members should consider who will be presenters at the workshops; will they do it or ask someone from the community? She also said scribes at the workshops must write all comments/input down, not reword comments or omit ideas that do not agree with their personal view.

(In regard to Item 9, it was noted that due to a scheduling conflict, Jane Lafleur cannot attend the previously scheduled workshop on January 31, 2011, to discuss the Interlocal Agreement, but she suggested Kim Vogel, Roger Moody, or Deb Burrell as possible facilitators for that meeting.)

Workshop 2 is scheduled for February 17th, 6:30 to 9 p.m., at Walsh Common, and Workshop 3 for March 24th, 6:30 to 9 p.m. Eric Galant will take input from the workshops to see what amendments/changes in Lincolnville's Comprehensive Plan and Land Use Ordinance would be needed in order to comply with Gateway 1. He said many of Lincolnville's existing Comprehensive Plan items already meet Gateway 1 suggestions.

Selectman Trundy said he wants to make sure we educate the community on Gateway 1's impact on Lincolnville, positively and/or negatively, and he hopes that information will be discussed early on in the workshops; Ms. Lafleur said Workshop 3 would address that.

Ms. Lafleur next asked all in attendance at tonight's workshop to group around her map of Lincolnville and asked Paul Crowley, with input from all, to divide the Town into various neighborhoods.

Ms. Lafleur to summarize the meeting and distribute work products to the Town.

- 15. Adjourn:**
Motion by Parra, second by Trundy, to adjourn the meeting. Vote 4-0 (Hardy absent).

Respectfully submitted,

Diane Bacon
Administrative Assistant