

**BOARD OF SELECTMEN
MINUTES OF MEETING
DECEMBER 14, 2009**

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

- 1. Motion by Plausse, by Parra, to enter into executive session to consult with Attorney Hermansen to discuss the legal rights and duties of the Board of Selectmen concerning Tanglewood Road right-of-way, pursuant to Title 1 MRSA § 405(6)(E)).**

Motion by Parra, second by Plausse, to come out of Executive Session. Vote 5-0. (6:05 p.m.)

Motion by Plausse, second by Hardy, to authorize Attorney Knud Hermansen to work with the Town Administrator to prepare a request for survey proposals concerning the Tanglewood Road right-of-way. Vote 5-0.

At the request of Chairman Gerry, a moment of silence was observed in memory of Joy Glock and Dr. Jerry Pendleton.

- 2. Citizen's/Selectmen's Forum: None**

- 3. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Dog licenses are due by December 31, 2009, and 2009 dog owners have been contacted by phone by Town Office staff to remind them of the deadline. There are about 134 previously licensed dogs that are still unlicensed for 2010, and there are 35 dogs that have received rabies shots that have never been licensed; after the December 31 deadline, dog owners will be charged an additional fee. Selectwoman Hardy suggested those 35 dog owners be contacted before December 31st.
- There are still Circuit Breaker applications available at the Town Office and on-line at the Maine Revenue Service website, and Town Administrator Kinney encourages residents to apply.
- The Town Administrator's evaluation is due after the first of the year by the Board, and he asked if the Board wanted the evaluation form revamped. Some Board members did have specific thoughts on the form, so Town Administrator Kinney will send each Board member a copy, along with samples from other towns. Selectwomen Parra and Hardy will work on revamping it.

Chairman Gerry commended the snowplowing and sanding crews on doing a great job during the recent storms. He also wanted to remind the public not to leave frozen snow mounds/piles in the roads as they plow their driveways. Town Administrator Kinney stated it is against the law to push snow into the Town right-of-way. Chairman Gerry felt it's usually private homeowners doing this, not commercial plowers. Selectwoman Hardy suggested keeping a list of habitual abusers.

4. Meetings & Announcements:

Town Administrator Kinney read the announcements and meetings from the agenda. He also expressed Town's gratitude and appreciation to the Lincolnville Improvement Association for donating the Christmas lights on the tree at the Beach, to Rob Newcomb and Ron Young for their assistance on the ground in hanging the lights, and to Paul Crowley for assisting in the air with his platform lift truck (not once, but twice) making sure all the lights were working.

5. Upcoming Community Events: None

6. Meeting Minutes:

Motion by Parra, second by Trundy, to approve the November 23, 2009, minutes, with the change in Item #7 (Request to Consider an Engine Brake Ordinance). Marion Swanson had stated one truck driver uses his brakes on purpose when he sees the signs, not all truck drivers. Vote 5-0.

7. Discussion of Possible Winter Carnival:

Dave Munson of Spring Brook Drive addressed the Board about having a Winter Carnival, February 20, 2010, at Norton's Pond/Breezemere Park. He explained that about a dozen residents have met to discuss/organize the event, and he hoped to get the Board's thoughts, input, and approval for the concept and date. Some of the proposed activities would include: ice skating, ice fishing, chili contest, sledding, snow sculptures, snow games, and food sales (proceeds to benefit the 8th grade at Lincolnville Central School). The volunteer group also hopes to include speakers/participation from a snowmobile club, and will also contact the Parks & Rec Committee, Fire Department, Police Department, Lake Warden Ken Bailey, and the Bandstand Trustees for input.

Although there are many details to iron out, including parking, trash removal, and liability, but Board members thought the concept was a great idea. Town Administrator Kinney will check into the Town's insurance policy for event liability. He also tentatively thought that since Lincolnville voters had given authority for the Selectmen to accept donations and expend those donations for the intended purpose, a fund could be set up to handle donations/expenses for the event. When questioned about conflicting events that same weekend, Dave Munson said after checking the calendar for area events and combining school vacation week, February 20th seemed the best date. If the Board gave preliminary approval tonight, the group could move forward in setting more formal arrangements.

Motion by Plausse, second by Parra, to approve the Lincolnville Winter Fest for February 20, 2010, with the stipulation that the group return on January 11, 2010, to see that all the details are worked out to the satisfaction of the Board, and to see that all the liability issues have been worked out. Vote 5-0.

The Town Administrator will explore liability issues from the Town's end, and Selectwoman Hardy said it would be helpful to have a list of volunteers and their duties.

8. Harbor Matters:

- **2010 Harbor Fees:** Harbor Master Mike Hutchings addressed the Board, stating a Harbor Committee meeting was held in November and the Committee discussed 2010 harbor fees. It was the Committee's recommendation that the 2010 harbor fees not increase, but stay the same as 2009.
- **Guest Mooring Usage/Condition Report:** Harbor Master Hutchings said the Town's three guest moorings get a lot of use and are a good asset for the Town. He feels that three guest moorings are an adequate amount, at this point in time.

Harbor Master Hutchings commented that the ferry shutdown with MDOT went smoothly, was not disruptive, and the job was finished on time. He also informed the Board that the wave screen project starts January 15, 2010, and should be completed in a month's time. The Harbor Committee will continue to seek available working waterfront monies/grants; there is little SHIP money available now. Overall, it was an uneventful summer. When questioned by Selectwoman Parra about the Selectmen's queries mentioned in the minutes of the November 27th meeting, Harbor Master Hutchings and Town Administrator Kinney thought it referred to the Capital Needs Committee and Comprehensive Plan Committee requests.

Motion by Plausse, second by Parra, to approve the 2010 Harbor Fees as recommended by the Harbor Committee. Vote 5-0.

9. Land Use Committee Update:

Land Use Committee Chairman, Bob Winslow, addressed the Board about the back lot/flag lot ordinance language being proposed by the Committee. This proposed language would give the landowner more flexibility within the bounds of the Land Use Ordinance. He went on to explained that after reviewing similar language from the Camden and Rockport ordinances, the Committee developed this proposed language to suit Lincolnville's needs. The Committee felt it wise, however, to have the language reviewed by an expert, such as Eric Gallant of the Midcoast Regional Planning Commission, to avoid "chaos."

Town Administrator Kinney said as a member of the Midcoast Regional Planning Commission, Lincolnville gets a limited amount of service from the Commission. Board members were concerned that limited funds would have to be spent to have an expert and the Town Attorney review the language; hopefully only one review is needed.

The next Land Use Committee meeting is scheduled for December 30 at 6 p.m., and the public is welcomed to come and voice opinions about the proposed language.

Motion by Parra, second by Plausse, to have Town Administrator Kinney pursue to see if a review by Midcoast Regional Planning Commission is covered under our membership, and if there is a cost, maybe have Town Attorney Terry Calderwood review it instead. Vote 5-0.

10. As Board of Assessors – Abatement Applications:

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

Assessor's Agent Vern Ziegler summarized the abatement timeline regarding Ducktrap Resources, Inc., represented by Mervyn Taylor, explaining the Board had previously granted him an extension to hire an appraiser. After reviewing the report submitted by the appraiser hired by Mr. Taylor, Assessor's Agent Ziegler feels the appraisal is supportable, defensible and credible evidence of just value. The report lists six comparable sales, with additional descriptive facts regarding the property, resulting in an estimated value of the property to be \$25,000. Assessor's Agent Ziegler recommends the Board reduce the property value from \$124,700 to \$25,000, and grant an abatement in the amount of \$1,166.49.

Motion by Hardy, second by Plausse, to approve Abatement 2009-10 for Ducktrap Resources, Inc., in the amount of \$1,166.49. Vote 5-0.

Selectwoman Hardy commended Mr. Taylor for taking the steps through the process to get this issue resolved. Mr. Taylor thanked the Board for granting the abatement request, stating this has been an educational process for him. He wondered if when the revaluation was done, did anyone question why some properties doubled or tripled in value? Assessor's Agent Ziegler said spreadsheet comparisons were done for increases and declines, hearings were held by the revaluation company, and he spent that fall and winter meeting with taxpayers and answering questions. In a town with 2,100 properties, it would be expensive to pay additional staff to review each of the revaluation company's findings, so the Legislature had put the process in place that Mr. Taylor just completed.

Assessor's Agent Ziegler then explained Abatement Applications #2009-07, 2009-08, and 2009-09, which totaled \$1,753.83.

Motion by Plausse, second by Parra, to approve Abatement Application 2009-07, for Libby, in the amount of \$937.17, due to an error in the building valuation. Vote 5-0.

Motion by Plausse, second by Hardy, to approve Abatement Application 2009-08 for Thomas, in the amount of \$118.17, due to an error in building valuation. Vote 5-0.

Motion by Plausse, second by Trundy, to approve Abatement Application 2009-09, for Hefner, in the amount of \$698.49, due to a land valuation error. Vote 5-0.

Michael Keating addressed the Board about the property he and his wife, Sherry Stanley, bought on Norton Pond. Mr. Keating explained that when they bought the property in January, 2009, the condition of the 450 square foot structure was in desperate shape, had no well, and had a one-bedroom septic system. Although the property was valued at \$145,900, they paid \$72,500. Since buying it, they have received building permits for approximately \$5,000 in improvements. Another property on Norton's Pond, located at Map 3, Lot 61 and owned by Bill Glover, was assessed for \$80,000 in 2004. There has been another recent sale, but Mr. Keating could not find the new owner's name in order to get the assessed value. Mr.

Keating and Ms. Stanley are asking that the value of their property be reduced for the current tax year to match other similar properties on the Pond.

Initially, Assessor's Agent Ziegler recommended to the Board of Assessor's in his letter dated December 8, 2009, that they deny an abatement to Sherry Stanley and Michael Keating since they did not provide affirmative evidence of just value. After hearing the description of the property at tonight's meeting, which was not mentioned in their abatement application, Mr. Ziegler would like to take a look at the property and recommends granting an extension so he can inspect the property. Mr. Keating said he has photos of the way the structure looked on April 1, 2009, before improvements were made.

Motion by Plausse, second by Hardy, to grant an extension to March 8, 2010, to Michael Keating and Sherry Stanley. Vote 5-0.

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

11. Proposed Fire Station Site – Wetland Mitigation Plan:

Town Administrator Kinney explained that in order to fill in approximately 19,000 to 20,000 square feet of wetland to build the new Fire Station, the Town needs to "preserve, create, or enhance" existing wetlands. The DEP had designated four acres of enhanced wetlands on the site, while the Army Corps of Engineers wanted a somewhat different wetland area, although portions of both areas overlapped. So the two areas have been combined, totally 5.307 acres, and described in the Declaration of Covenants and Restrictions. The Municipal Building Committee is recommending the Board sign this Declaration. Establishing this enhanced wetland area is the final step towards obtaining the Army Corps of Engineers permit for the new Fire Station. Once the permit is in hand, the bid process can begin.

Selectwoman Hardy questioned how the Fire Department felt about the Declaration of Covenants and Restrictions, and also questioned the requirement that the Town Administrator submit a status report annually for five years to the DEP and Army Corps of Engineers on the growth of trees, etc. Town Administrator Kinney said that three members on the Municipal Building Committee are integral members of the Fire Department, so he doesn't think the Fire Department has any objections. Town Administrator Kinney doesn't have a problem submitting the yearly report to the DEP and thinks the State preferred an employee of the Town, versus a volunteer.

Motion by Plausse, second by Parra, that the Board deems it in the best interest of the Town to approve and sign the Declaration of Covenants and Restrictions for the Town-owned property on Camden Road (Tax Map 20, Lot 14). Vote 5-0.

12. Resignation – Planning Board Secretary:

Motion by Plausse, second by Hardy, to accept, with regret, the resignation of Dawn Furbush. Vote 5-0.

Motion by Hardy, second by Plausse, to authorize the Town Administrator to immediately advertise the position, interview prospective candidates, and bring forth a hiring recommendation to the Board at the earliest possible moment. Vote 5-0.

13. Board, Committee and Commission Appointment(s):

Motion by Parra, second by Plausse, to appoint Terry Moulton to the Comprehensive Plan Review Committee as a regular member with a term expiring June, 2011. Vote 5-0.

14. Board Representative/Designee for Board of Assessment Review Hearing:

Motion by Plausse, second by Hardy, that the Board authorize the Town Administrator, with Chairman Gerry, to attend the Board of Assessment Review Hearing on behalf of the Selectmen, or if Chairman Gerry can't make the meeting, Selectwoman Stacey Parra can take his place. Vote 5-0.

15. Discussion of Town-Owned Properties:

Town Administrator Kinney explained that a list of all Town-owned property was included in the Selectmen's packet, per their request. There are three properties on the list indicated with a star (old Center Fire Station on Main Street, Hanson/Munroe parcel on Hope Road, and the Rankin Lot on Sand Hill Road) that could be sold. Town Administrator Kinney recommends holding off on the Fire Station property until the new Fire Station is built; but the other two properties could be sold. With Town approval, the Dawson property (discussed at a previous meeting) could also be sold. Fire Chief Hazen informed Town Administrator Kinney that the Dawson structure will be placed on the Fire Department training calendar sometimes after the holidays.

Chairman Gerry and Selectwoman Parra would like to see the properties put up for public auction as soon as possible.

Motion by Parra, second by Plausse, to schedule a public hearing for February 8, 2010, in preparation to have the Dawson property, along with the Hanson/Munroe and Rankin properties, ready for spring auction. Vote 5-0.

16. FY 11 Budget/Town Meeting Schedule:

Town Administrator Kinney had prepared a draft Budget/Town Meeting Schedule for the 2010/2011 Fiscal Budget. Board members felt the proposed dates/calendar looked fine.

17. Update on Dangerous Building Status – 21 Heal Road (Tax Map 5, Lot 49):

Town Administrator Kinney explained that a little progress has been made at cleaning up 21 Heal Road, but the situation is certainly not remedied.

Motion by Hardy, second by Plausse, to move forward as originally planned. Vote 5-0.

18. Approved Waldo County Budget:

Selectman Plausse, Lincolnville's representative on the Waldo County Budget Committee, explained that the 2010/2011 Waldo County Budget increase is 1.05%, totaling \$7,457,316. That budget includes \$3,000,000 for the Legislative cap on the jail and a 3% increase for County employees. Health benefits were stable for this year, but next year the costs will go up. Selectman Plausse praised the County Commissioners for "cutting the budget to the bone," and said there were spirited discussions during the budget process, resulting in the 1.05% increase.

Selectwoman Hardy thanked Selectman Plausse for representing the Lincolnville Board of Selectmen on the Waldo County Budget Committee.

19. Treasurer's Warrant(s) – Approve and Sign:

Motion by Plausse, second by Parra, to approve the Treasurer's Warrant(s). Vote 5-0.

20. Adjourn:

Motion by Plausse, second by Parra, to adjourn the meeting (7:25 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant