

**Board of Selectmen  
Meeting Minutes  
February 23, 2009**

Selectmen Present were: Rosendel Gerry, Chairman, Richard M. McLaughlin, Cathy Hardy H. Bob Plausse and E. Earle Brown

**1. Executive Session:**

**Motion** by Plausse, second by Brown, to enter into executive session with the Town Attorney pursuant to Title 1 MRSA Section 405(6)(E) concerning the Davis et al v. Town of Lincolnville & SBA Towers II, LLC (f/k/a National Grid Communications, Inc.) v. Town of Lincolnville matters. **Vote: 5-0.**

Upon returning to open session, **Motion** by Plausse, second by Brown, to adjourn the executive session. **Vote: 5-0.**

**Motion** by Plausse, second by Brown, that the Board authorize the Town Attorney to file an amicus (Friend of the Court) brief with the Maine Supreme Court as recommended by the Planning Board in the Davis v. Town of Lincolnville matter. **Vote: 5-0.**

**2. Citizen's/Selectmen's Forum:**

Tracy Colby asked for an explanation of the vote taken by the Board. Town Administrator Kinney explained that the Cell Tower case has been appealed by the applicant to the Law Court (the Maine Supreme Court). The Board previously decided not to appeal this case. One of the issues to be pending before the court will be the constitutionality of the ordinance. Therefore the Board is authorizing the Town Attorney to file a friend of the court brief on behalf of the Town as recommended by the Planning Board.

Colby questioned the budget process. Kinney explained that budget requests are sent out in the fall to Department Heads and Committee Chairs. Their requests are compiled and presented to the Board of Selectmen in February. The Board of Selectmen is required by the Town Charter to present their recommendations to the Budget Committee in the month of March. This year that date will be March 24<sup>th</sup>. The School Committee presents its recommended budget to the Budget Committee in April. The Budget Committee makes its recommendations in May. Colby questioned when the public had opportunity to comment. Public comment is allowed at most meetings via Citizen's/Selectmen's forum. McLaughlin stated that the final say is by the people at Town Meeting.

Greg Larsen stated his concern about property taxes and the reassessment. He stated that his income was \$21,000 and he pays \$8,500 in taxes (federal, state and local). He suggested that each Selectmen visit 8 to 10 different houses to get in touch with people about their financial challenges. Hardy stated that Larsen hit the nail on the head about challenges. Plausse stated that he is retired and has had to change his way of living. He also stated Selectmen's goal was to flat fund or lower the municipal share of the property taxes.

Kinney explained that in the current year for each \$1.00 of property tax paid \$0.18 is for municipal services, \$0.13 is paid to Waldo County and \$0.69 for education.

### **3. Administrator's Report:**

Kinney reported:

- Gateway 1 Update: Group has agreed to a one town one vote policy
- LD 208 (Dam maintenance costs): Legislative Committee unanimous "ought not to pass"
- Asked people not to deposit snow into the roadways and to make sure mailboxes are visible as the town will be "winging back" snow banks
- Circuit Breaker program applications available on line or at the Town Office.
- Barbara Hatch applied to serve on the Cable Television Franchise Agreement Advisory Committee and that the Board could either act on this issue tonight or he would put it on a future agenda.

**Motion** by Hardy, second by Brown, to appoint Barbara Hatch to serve on the Cable TV Franchise Agreement Advisory Committee. **Vote: 5-0.**

### **4. Meetings & Announcements:**

Kinney read the meetings and announcements from the agenda and added the MCSWC Board of Directors meeting for February 25, 2009 at 7PM at the Rockport Town Office.

### **5. Upcoming Community Events**

None

### **6. Meeting Minutes**

**Motion** by Plausse, second by Brown, to approve the meeting minutes of February 9, 2009 as written. **Vote: 5-0.**

**Motion** by Plausse, second by Brown, to approve the meeting minutes of February 10/11, 2009 as written. **Vote: 5-0.**

### **7. Moody Mountain and Hope Road Intersection – Follow-up Discussion:**

The Board expressed their continuing safety concerns about this intersection.

**Motion** by Hardy, second by Brown, to invite MDOT to a scheduled visit at the intersection and to allow for citizen's participation. **Vote: 5-0.**

Tracy Colby expressed her concern about liability particularly with town contributing to the cost of the reconstruction.

Sharon Sampson stated that people can't see a car in the gully, her concern about the speed limit and people passing on the left. She believes that the situation is worse not better.

## **8. As Board of Assessors**

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

Vern Ziegler, Assessors' Agent was present to explain the abatements and supplemental requests.

**Motion** by Plausse, second by McLaughlin, to approve the Goldblatt abatement as recommended by the Assessors' Agent in the amount of \$175.50. **Vote: 5-0.**

**Motion** by Hardy, second by Plausse, to deny the Rodenhiser abatement as recommended by the Assessors' Agent. **Vote: 5-0.**

**Motion** by Plausse, second by Hardy, to approve the Sowell abatement as recommended by the Assessors' Agent in the amount of \$3,168.36. **Vote: 5-0.**

**Motion** by Plausse, second by Brown, to approve the Northport LLC abatement as recommended by the Assessors' Agent in the amount of \$11,388.78. **Vote: 5-0.**

**Motion** by Hardy, second by Plausse, to approve the supplemental tax warrant for Crowley Investments LLC in the amount of \$585.15. **Vote: 5-0.**

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

## **9. As Board of Selectmen – Tax Abatement Request**

**Motion** by McLaughlin, second by Brown, to approve the Crowley abatement as recommended by the Assessors' Agent in the amount of \$1,099.80 plus interest and costs. **Vote: 5-0.**

**Motion** by Plausse, second by Brown, to have the Town Administrator contact Representative O'Brien to express the Board's opposition to LDs 277, 349, 360 & 332. **Vote: 5-0.**

## **10. Tree Trimming Activities Update:**

Will Brown, Conservation Commission member, briefed the Board on the status of tree trimming as being performed by a contractor for the Central Maine Power Company. After a rough start the project appears to be moving forward better. A meeting with CMP has been set for Thursday at 9 a.m. for interested parties.

## **15. LD 463:** (taken out of order)

Plausse, Gerry and Brown expressed their opposition to the proposed legislation. Hardy expressed her support. McLaughlin suggested waiting for legislative committee action before taking any action.

**11. InforME Renewal and on-line Boat Registration:**

**Motion** by Plausse, second by Brown, to approve renewing the InforME agreement and adding on-line boat registration. **Vote: 5-0.**

**12. Tax Acquired Property:**

Kinney informed the Board that the Town has foreclosed on a property for non-payment of 2006 property taxes. The property is located on the Greenacre Road and consists of approximately 1.6 acres of land and a dilapidated structure. The property has been insured as required by the Town Ordinance for the Maintenance, Administration and Disposition of Municipal Lien Acquired Property.

Kinney suggested contacting Committee Chairs and Department Heads to seek their input as to whether or not the property should be retained for municipal purposes.

**Motion** by Plausse, second by Hardy, to have the Town Administrator seek such input for the Board to consider. **Vote: 5-0.**

**13. MDOT Catch Basin Snow Removal Request:**

**Motion** by Plausse, second by Brown, to tell MDOT to clean their own catch basins of snow and ice. **Vote: 5-0.**

**14. Thurlow Road Speed Limit Request:**

**Motion** by Plausse, second by Hardy, to request that the MDOT Traffic Engineer review the Thurlow Road speed limit. **Vote: 5-0.**

**16. Treasurer's Warrant:**

**Motion** by Plausse, second by Brown, to approve and sign the Treasurer's Warrant. **Vote: 5-0.**

**17. Adjourn:**

**Motion** by McLaughlin, second by Hardy to adjourn. **Vote 5-0.**

Respectfully submitted,

David B. Kinney  
Town Clerk