

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
JANUARY 25, 2010**

*A Special Town Meeting was held at 6 p.m. on the Small Community Loan Program Financing Agreement. The Selectmen's meeting started immediately following the Special Town Meeting (approximately 6:18 p.m.).*

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

The quote of the day was read by Selectman Plausse.

**1. Citizen's Forum:**

Andy Young, of Cobbtown Road, briefly explained that a "gray" area regarding building permits in the Land Use Ordinance was raised last week at a Board of Appeals meeting. He asked the Board to charge the Land Use Committee with looking into the wording regarding building permits. Jay Foster said the Land Use Committee would need more specifics.

**2. Administrator's Report:**

David Kinney, Town Administrator, reported:

- LD 1601, an *Act to Create a Lincolnville Sewer District*, received a unanimous "ought to pass" from the Utilities Energy Commission, and will soon be presented to the entire Legislature for consideration.
- The Town has received the Army Corps of Engineer permit for the new Fire Station, which means we should be on track for spring construction.
- We have not been able to serve Mr. and Mrs. Aho with a summons regarding their dangerous building, so that is currently on hold until they are served.
- A temporary paid volunteer will take Planning Board minutes at the same rate of as the previous secretary until a new recording secretary is hired. The Board agreed to this temporary arrangement.
- There are currently about 96 unlicensed dogs in Lincolnville, and starting Monday, February 1<sup>st</sup>, it will cost additional money to license dogs. Town Administrator Kinney also announced there will be a free rabies clinic at the Belfast Boathouse on Saturday, January 30<sup>th</sup>, from 11 a.m. to 1 p.m., sponsored by the Waldo County Humane Society.

Selectman Bob Plausse said he had met with the Chairman of the Conservation Commission. The Conservation Chairman would like the Board of Selectmen to set up a formal meeting with the Commission and/or the Rec Committee and/or Harbor Committee and/or the Capital Needs Committee to formalize a plan for Ducktrap. The Town Administrator will schedule that meeting.

**3. Meetings & Announcements:**

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

**4. Upcoming Community Events:**

Town Administrator Kinney again mentioned the free rabies clinic at the Belfast Boathouse on Saturday. Chairman Gerry also announced that there will be a Souper Supper at the Appleton School Saturday night to benefit the Appleton Town Library. He also announced the death of Judy York; a service will be held at the Community Building Saturday afternoon at 2 p.m.

**5. Meeting Minutes:**

**Motion by Plausse, second by Parra, to approve the January 11, 2010, minutes, as written. Vote 5-0.**

**6. Possible Winter Carnival Follow-up:**

David Munson, Winter Carnival organizer/spokesman, briefly listed the planned activities for the February 20<sup>th</sup> Winter Carnival. Events include skating, hockey, sledding, snow sculptures, games, and a chili cook-off. He will email an event list to the Town Administrator, who can distribute it to the Board and the Town's insurance carrier.

Selectwoman Hardy questioned if there was any coordination of events between the Winter Carnival and the Cellardoor Winery's Winter Festival, which is seeking a Special Amusement Permit from the Board tonight. David Munson said they didn't know of the Cellardoor Winery's plans until they were well into their own planning, but they did consider other local events in February; the 20<sup>th</sup> seemed the best date.

**7. Comprehensive Plan Review Committee Update:**

Barbara Gould, Chairwoman of the Comprehensive Plan Review Committee, was present to request approval from the Board to expend some of the Committee's funds to hire assistance to complete the Gateway 1 grant.

**Motion by Plausse, second by Hardy, to grant approval for the Comprehensive Plan Review Committee to utilize some of its funds to hire assistance to complete the Gateway 1 grant application. Vote 4-0. (Selectwoman Parra had briefly left the meeting.)**

**8. Items 8 and 9 will be taken out of order at 7 p.m.**

**10. As Board of Assessors:**

**• Continuation of Abatement Hearing: Stanley & Keating, Poland Road**

**Motion by Plausse, second by Hardy, to suspend their meeting as Board of Selectmen and convene as Board of Assessors. Vote 4-0.**

Town Administrator Kinney explained that Assessors' Agent Vern Ziegler had inspected the property of Sherry Stanley and Michael Keating, who had previously addressed the Board of Assessors at its December 14<sup>th</sup> meeting. Vern Ziegler reported to the Board, via memo, that after inspecting the property, he agrees there were errors in the property record card in both quality and condition of the camp. Correcting the errors would result in a property value decrease of \$16,600, or \$194.22 in taxes. Sherry Stanley and Michael Keating, who were in agreement with Vern Ziegler's findings, did not attend tonight's meeting.

**Motion by Hardy, second by Plausse, to approve the Abatement Application No. 2009-11, in the valuation amount of \$16,600 (\$194.22 in tax), per the Assessors' Agent recommendation. Vote 4-0.**

**Motion by Plausse, second by Trundy, to adjourn their meeting as Board of Assessors and reconvene as the Board of Selectmen. Vote 4-0.**

**11. Septage Disposal Contract – Moore's Septic, Inc.:**

**Motion by Plausse, second by Hardy, to approve the contract with Moore's Septic Inc., of Swanville, for \$2,875. Vote 4-0.**

**Emergency Item: Per Board of Selectmen's Rules of Procedures:**

Town Administrator Kinney reported that under the Board's rules of procedures, the Board can vote to discuss emergency items. He further explained that he was just notified via letter from the Town Attorney of a Monday, February 1, court date regarding the collection of legal fees in the Rosenberg case. Mr. Rosenberg is offering to pay \$4,000 down, and \$500 monthly until the \$10,730.49 is completely paid. The Board should decide if they want to add this item to tonight's agenda as an emergency item and, if so, they should decide to accept or reject this offer.

Selectwoman Hardy asked when the original decision was made by the Court and asked if Mr. Rosenberg had attempted to pay anything to date. The original decision was August 27, 2009, and Mr. Rosenberg had not made any attempt to pay anything to date. She voiced her frustration that he had made no attempt to pay, until now. Chairman Gerry understood her frustration, but felt we ought to take what we can get now.

**Motion by Plausse, second by Hardy, to treat this as an emergency item. Vote 5-0.**  
*Selectwoman Parra had rejoined the meeting.)*

**Motion by Plausse, second by Parra, to accept a proposal by Richard Rosenberg to pay a money judgment set forth in a Writ of Execution dated October 30, 2009, together with costs on that judgment in accordance with the proposal set forth in a letter from the Town Attorney to the Board of Selectmen dated January 25, 2010; and to authorize the Chairman of the Board of Selectmen to execute an Agreement for that purpose, prepared by the Town Attorney; upon execution of that Agreement by the Town and Richard Rosenberg, the Town Attorney shall be authorized to dismiss or withdraw the Disclosure Subpoena pending in the District Court. Vote 4-1 (Hardy opposed).**

**Emergency Item: Per Board of Selectmen's Rules of Procedures:**

Town Administrator Kinney stated he had just received the Board of Assessment Review's abatement decision concerning the issuance of a poverty abatement. Board members felt no discussion was warranted.

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

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

9. **Presentation by the Citizen's for Value in Education (taken out of order):**

Alex Armentrout, a Rockport resident and member of the Citizens for Value in Education, addressed the Board about VIE's goal of providing the best possible education for our children at the lowest possible cost. He stated he is a strong advocate of education and feels schools are terribly important, but he is very concerned about the growing cost to run our schools. In reviewing the history of school growth over the years, there has been a significant shift of budget allocation: municipal versus school. VIE provided spreadsheets to the Board with expenditure comparisons of other Maine school districts to ours, and the Group feels there is room for improvement in some areas. He explained that for FY 2010, 70% of Lincolnville's budget will go to fund the schools, as will the Town of Rockport's budget. The CSD anticipates a cut of \$1.5 million from State education subsidies, which means the Town of Lincolnville's share to make up that loss of revenue would equal \$228,000.

Rockport Board of Selectman Chair, Bob Duke, also addressed the Board about this budget concern. As chair of school budget public hearings in the past, very few questions are raised by citizens. And though it shouldn't be the role of the Board of Selectmen to be involved with school budgets, the Selectmen have to advocate for the residents who are not speaking up. He hopes all the area town select boards will join in the conversation with the school at upcoming meetings to encourage the school to absorb the State cutbacks.

Alex Armentrout reiterated the VIE's approach is to work with the schools, not fight with them, and hopes Lincolnville will join in the upcoming discussions with the CSD and SAD.

*Since the public hearing on the Cellardoor Winery's Special Amusement Permit Application was advertised for 7 p.m., the Board temporarily suspended the VIE agenda item until after the public hearing is finished.*

8. **7 P.M. – Public Hearing Concerning Special Amusement Permit Application: Cellardoor Winery for 10 A.M. to 4 P.M. on February 20, 2010:**

**Motion by Plausse, second by Parra, to open a public hearing to hear public comment concerning the Special Amusement Permit Application for the proposed February 20<sup>th</sup> event pending before the Board, as filed by the Cellardoor Winery. Vote 5-0.**

Cellardoor Winery owner, Bettina Doulton, was present to explain that their Winter Festival activities for February 20<sup>th</sup> from 10 a.m. to 4 p.m., will include live music in the barn, sledding, horse-drawn carriage rides, dog sledding, snowshoeing, ice sculpting, skating, and a brunch. She said they are asking people to bring a food item or good used clothing to help those less fortunate.

When asked by Selectwoman Hardy about the conflict with the other Winter Festival planned on the same day, Ms. Doulton said she didn't realize there was another event going on when this event was initially planned, she is willing to work with anyone and would be happy to post a link to the other Winter Festival events on the Cellardoor website. Board members

commended both groups for planning these winter events for Lincolnville, and suggested next year they could coordinate different dates.

**Motion by Parra, second by Plausse, to close the public hearing concerning the Special Amusement Permit. Vote 5-0.**

**Motion by Plausse, second by Parra, to approve the Special Amusement Permit, as presented. Vote 5-0.**

**9. Presentation by the Citizen's for Value in Education (continued):**

Selectwoman Parra asked Alex Armentrout why the school bond could not be refinanced. He explained it had been refinanced prior to the call date set in the terms of the bond, but could not be refinanced now since the call date had passed. Selectwoman Hardy suggested that the expenditure spreadsheets be made more lay-friendly, which would make the analysis more helpful. Mr. Armentrout said there are areas, such as special education, vocational education, administrative costs, and operation and maintenance, where VIE feels cost cutting measures could be made. The Board would like to see the summary of notes/articles by VIE, and Mr. Armentrout will send those to the Town Administrator to pass on to the Board. Since tonight's meeting was now being held in the dark due to loss of power from the storm, the Board asked Mr. Armentrout if he could return on February 8<sup>th</sup>; he said he would.

**13. Adjourn:**

**Motion by Plausse, second by Parra, to adjourn the meeting (approximately 7:17 p.m.).  
Vote 5-0.**

Respectfully submitted,

Diane Bacon  
Administrative Assistant