

**BOARD OF SELECTMEN
MINUTES OF MEETING
JULY 13, 2009**

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

Motion by Parra, second by Hardy, to enter into executive session with legal counsel, pursuant to 1 MRSA § 405(6)(E), regarding:

- 1. SBA Towers II, LLC (formerly Grid Communications) v. Town of Lincolnville;**
- 2. Town of Lincolnville v. Richard Rosenberg;**
- 3. Legal Rights and Duties of the Board of Selectmen concerning Special Amusement Permits;**
- 4. Legal Rights and Duties of the Board of Selectmen concerning Dangerous Building(s)/Symington Property.**

Vote 5-0.

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

Motion by Plausse, second by Hardy, to take no action on the settlement offer from SBA Towers II, LLC, and allow it to go through the legal system for a decision by the Court. Vote 5-0.

5. Citizen's Forum: No comments were made by citizens.

6. Administrator's Report:

- David Kinney, Town Administrator, congratulated Town Office Receptionist Karen Secotte on the birth of her granddaughter, Madeline Marie.
- Town Administrator Kinney stated the Knights Hill Bridge on Route 52, north of the Center, would be closed from July 15, 2009 to July 29, 2009 while the Maine Department of Transportation does replacement work on the Bridge. Traffic enforcement will be stepped up on the detour routes.
- The Youngtown Road project starts tomorrow with layout work and brush cutting. Town Administrator Kinney reported to the Board that he has not come to a conclusion regarding trees with the neighbor. The oak tree within the right-of-way, only four feet from the edge of the payment, already is split. It is Administrator Kinney's recommendation to continue discussions with the property owner and to remove the trees within the right-of-way. Chairman Gerry stated as a "tree person" who today spent six hours doing tree work in the Center, and one who is a protector of trees, also feels this tree should come down.

Motion by Plausse, second by Hardy, that any trees in the right-of-way should come down. Vote 5-0.

- Town Administrator Kinney reported to the Board that the low bidder for gravel did not have an acceptable quality of gravel when the tests came back, with too much clay content, so he went to the second low bidder. Unfortunately, the quality of that gravel was too sandy and not acceptable. So he went to the third low bidder, Lucas Construction from Searsmont, who had an acceptable quality of gravel, per the specifications.
- There was another partial washout of the culvert from the last rain storm on Masalin Road. When repairing the damage, asbestos shingles were found buried on the side of the Road. The DEP was notified, an asbestos abatement company was hired to remove the shingles on Friday, and the road is put back together now.

7. Meetings & Announcements:

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

8. Upcoming Community Events: None to announce.

9. Meeting Minutes:

Motion by Plausse, second by Hardy, to approve the meeting minutes of June 22, 2009, as written. Vote 5-0.

Motion by Plausse, second by Parra, to approve the meeting minutes of June 23, 2009, with the correction of the date in the heading to June 23, 2009. Vote 5-0.

Chairman Gerry reminded Board members that he would like them to come back with thoughts and ideas about suggested projects and goals for the upcoming year.

10. Fire Station Update – Bob Fenney

This item will be taken out of order since Mr. Fenney was not yet at the meeting.

11. Conservation Commission – Town Forest/Conservation Easements:

Jim Dunham, newly elected Chairman of the Conservation Commission, addressed the Board about two Town-owned parcels of land by Ducktrap River: the Gillmor Lot and the Sprague-Hastings Lot (commonly known as the Town Forest). At their June 25th meeting, the Conservation Commission discussed the possibility of the Town selling conservation easements to both parcels, with their future uses managed by the Town under the terms of the easements. In the Commission's memo dated July 2, 2009, to the Board of Selectmen, the Commission felt the conservation easements "will provide permanent protection of the land and the river, consistent with Critical Natural Resources Goal #2 of the 2006 Comprehensive Plan, and furthering the long-standing role of the Town in working with the Ducktrap Coalition." Mr. Dunham further explained a Forest Management Plan was done on the

Gillmor Lot in 1999, so perhaps some foresting of that parcel could be done, and/or perhaps some trails for hikers could be made since it is also close to the Tanglewood properties.

Town Administrator Kinney suggested that perhaps the Land for Maine's Future Board would like to purchase these two properties outright, like their proposed purchase of approximately 20 acres from the Cilley Farm, located further up Ducktrap River.

Chairman Gerry explained that after the 1999 Forest Management Plan was done, the Town decided to harvest some of the timber. Just before the work was to start, the Town changed its mind and the project was called off; he didn't see the Town allowing timber harvesting now. Chairman Gerry also stated it would take a road of about 3,000 feet to harvest timber, which would be quite a challenge and expense, and permission would be needed for a wood yard. He also stated he liked trails, but commented on the last trail project the Conservation Commission worked on, from the School to Dean & Eugley, which never materialized. Chairman Gerry stated that since one-third of the Town of Lincolnville is already held in some sort of trust, perhaps it might be a bigger advantage to selling the whole piece.

Scott Dickerson, Executive Director of Coastal Mountain Land Trust, addressed the Board, explaining that both parcels have questionable right-of-ways with quitclaim deeds, are great distances from Town roads, and have no passages across the stream. The 1999 potential production of harvesting was valued then at \$9,000; getting a road built to harvest would be an expense. There are several possible options for these parcels, the sale of the entire title being one of them, which would realize the most capital for the Town.

Selectman Plausse suggested getting the public's input with a public hearing. He felt it would be ideal if the Land for Maine's Future Board bought the entire thing—it would be a win, win situation for all, as the property would be protected while the Town would benefit financially. He questioned if Coastal Mountains Land Trust would be interested in these parcels; Mr. Dickerson replied they would be very interested.

Chairman Gerry stated he would like to see the Conservation Commission “put in black and white” all the option possibilities (easements, selling entire parcels, timber harvesting, gravel hauling, etc.) and come back to the Board with their thoughts, figures, and suggestions, which would better prepare them to answer questions at a public hearing.

Town Administrator Kinney stated he would have a copy of the Gillmor map made for Jim Dunham.

12. Cilley Farm Parcel – Land for Maine's Future Possible Acquisition:

Scott Dickerson explained to the Board that the Land for Maine's Future Board will be voting tomorrow, July 14,th in Walpole whether or not to fund the purchase by Inland Fisheries and Wildlife of approximately 20 acres of the Cilley Farm by Ducktrap River. Any interested Board members are welcomed to attend the meeting. He went on to explain that the Land for Maine's Futures Board was established with a bond issue to purchase conservation easements/properties for its natural and recreational value. Coastal Mountains

Land Trust is a non-profit, independent organization also devoted to conserving land for its beauty and recreational value. He continued to explain that sometimes Coastal Mountains Land Trust gets funds from Land for Maine's Future Board for purchase of easements/properties, while Coastal Mountains Land Trust many times provides surveys, appraisals, etc., for Land for Maine's Future Board.

10. Fire Station Update – Bob Fenney: (out of agenda order)

Bob Fenney was present to update the Board on the Fire Station project. He hopes that both DEP and Army Corps of Engineer permit applications will be approved by the end of the month, plans and specifications are coming into the "home stretch," and drawings will be done by the end of the week. In summary, hopefully everything will be ready to go out to bid in two weeks.

As mentioned at the last Board meeting, Mr. Fenney needs to know if the Board wants to put restrictions on limiting the radius of bidders. Town Administrator Kinney explained that the Municipal Building Committee took an informal poll of its members, and the majority of those members felt there should be a restriction of a 100-mile radius of Lincolnville.

Selectwoman Parra asked if the Board would still have discretion to approve a bid from a contractor who was slightly outside the 100-mile radius. Mr. Fenney stated his opinion that once you set a restriction, you should stick to it and not waiver from it, but it would be up to the Board if someone was "on the line." Mr. Fenney went on to explain that he holds a mandatory site meeting for contractors so he can address project details/questions all at once, rather than answer the same question many times. There will be a specification bid package available for public inspection, but if contractors decide to bid, they must buy a bid package for approximately \$100. He is not looking to make money on the package, but has to cover the expensive copying costs. When questioned by the Board, Mr. Fenney felt there would be 15-20 bidders within the 100-mile radius, based on the interest shown to date.

Motion by Plausse, second by Trundy, to keep the bid process within a 100-mile radius of Lincolnville. Vote 5-0.

The Town Administrator will notify Board members when the final plans are ready so they can come in individually, if they wish, to look at them. Board members do not want to hold up the process by scheduling a formal review of the plans.

13. One-line Tax Records – Request to Consider Limiting Information:

Chairman Gerry explained Lincolnville resident Jackie Watts has concerns about street addresses being listed with the property tax information on the Town's website and would like to see addresses blocked. It was the Board's consensus that there is a great deal of information already on the internet that could easily provide people with that same information.

Motion by Plausse, second by Trundy, to leave the process as is. Vote 4-0-1 (Parra abstained).

14. Board/Committee/Commission Appointments:

Board of Appeals:

Motion by Hardy, second by Trundy, to appoint Andrew Young and William Labombarde each for three-year terms and Betty Johnson and Terry Moulton for a one-year term.

Amendment to Motion by Plausse, second by Parra, to appoint Andrew Young and Betty Johnson for three-year terms and William Labombarde and Terry Moulton for one-year terms. Vote 4-0-1 (Parra abstained).

Motion by Hardy, second by Trundy, to appoint Andrew Young and Betty Johnson for three-year terms and William Labombarde and Terry Moulton for one-year terms. Vote 4-0-1 (Parra abstained).

Board of Assessment Review:

Motion by Plausse, second by Parra, to appoint Marion Swanson and Betty Johnson for three-year terms.

Amendment to Motion by Gerry, second by Hardy, to also appoint Paul Crowley to a two-year term. Vote 4-0-1 (Plausse abstaining).

Motion by Plausse, second by Parra, to appoint Marion Swanson and Betty Johnson for three-year terms, and Paul Crowley for a two-year term. Vote 5-0.

Breezemere Park Bandstand:

Town Administrator Kinney explains that Lesley Devoe and Thomas Nolan are the only two eligible for 3-year terms.

Motion by Hardy, second by Parra, to appoint Lesley Devoe for a three-year term and Frederick Heald and Thomas Nolan for one-year terms. Vote 5-0.

Cable TV Franchise:

Motion by Parra, second by Hardy, to appoint Mary Ann Mercier, Corelyn Senn, Marion Swanson, Daina Hill, and Barbara Hatch for one-year terms. Vote 5-0.

Capital Needs Committee:

Motion by Hardy, second by Trundy, to appoint Vicki Eugley and Steven Young for three-year terms. Vote 4-0-1 (Parra abstained).

Cemetery Trustees:

Town Administrator Kinney stated that Brett Haining and Everett Fizer requested to be alternates.

Motion by Plausse, second by Trundy, to appoint Margaret Miller and Dwight Patten for three-year terms and Everett Fizer and Brett Haining for one-year terms. Vote 5-0.

Conservation Commission:

Motion by Parra, second by Hardy, to appoint Richard Glock for a three-year term, Robert Heald for a two-year term, and Robert Bateman for a one-year term. Vote 5-0.

Comprehensive Plan Review Committee:

Motion by Parra, second by Hardy to appoint Andrea Norfleet for a three-year term. Vote 5-0.

Chairman Gerry encouraged the Board to try to find people for this important committee.

Financial Advisory Committee:

Motion by Plausse, second by Trundy, to appoint Linwood Downs for a three-year term. Vote 5-0.

Selectman Plausse reiterated the importance of finding qualified individuals with a financial background to serve on this Committee.

Gateway 1-Town Response Panel:

Motion by Parra, second by Plausse, to appoint Alexander Lyle for a two-year term, and Christopher Osgood and William Brown for three-year terms. Vote 5-0.

Harbor Committee:

Motion by Hardy, second by Gerry, to appoint Shane Lydon and William Norfleet for three-year terms.

Amendment to Motion by Plausse, second by Parra, to appoint Charles Hackett and Shane Lydon for three-year terms. Vote 2-3 (Gerry, Parra, and Hardy opposed). **Amendment Failed.**

Selectwoman Hardy explained her motion, saying Shane Lydon and William Norfleet are young blood with good experience. Chairman Gerry agreed. Selectman Plausse felt it was not right to appoint someone who is not yet a Lincolnville resident and it was not right not to appoint Charles Hackett.

Motion to appoint Shane Lydon and William Norfleet for three-year terms. Vote 3-2 (Plausse and Parra opposed.)

Land Use Committee:

Motion by Hardy, second by Trundy, to appoint Lois Lyman and Robert Winslow for three-year terms, and Jeanne Hollingsworth and Scott Crockett for one-year terms. Vote 3-1-1 (Gerry opposed, Parra abstained).

Lakes & Pond Committee:

Town Administrator Kinney stated this is an ad hoc committee and there is no cap on the number of members.

Motion by Trundy to appoint the list as is. Motion was not seconded.

Motion by Plausse, second by Gerry, to appoint Kenneth Bailey, David Barrows, Alexander Lyle, Tony Oppersdorff, Whitney Oppersdorff, Robert Winslow, Ilmarinen Vogel, Richard Lenfest, and Thomas Egan for one-year terms. Vote 3-1-1 (Trundy opposed, Parra abstained).

Megunticook Dam Committee:

Motion by Plausse, second by Parra, to appoint Matt Lawson for a three-year term. Vote 5-0.

Municipal Building Committee:

Motion by Hardy, second by Trundy, to appoint Jay Foster, Rob Newcombe, Michael Eugley, Ben Hazen, Millard Eugley, and Paul Crowley for three-year terms. Vote 3-2 (Plausse and Parra opposed).

Planning Board:

Motion by Gerry, second by Hardy, to appoint Lois Lyman and Robert Winslow for three-year terms, and Scott Crockett for a one-year term. Vote 4-0-1 (Parra abstained).

Recreation Committee:

Motion by Parra, second by Plausse, to appoint Brett Haining and Troy Curtis for three-year terms. Vote 5-0.

Route One Advisory:

Motion by Parra, second by Hardy, to appoint John Black, Richard McLaughlin, Richard Ballou, Chris Osgood, Rob Newcombe, Diane O'Brien, Will Brown, and Bradford Payne for one-year terms. Vote 5-0.

Wage & Personnel Policy Board:

Motion by Plausse, second by Gerry, to appoint Walter Simmons and Donna Heal for three-year terms, Thomas Egan for a two-year term, and William Labombarde for a one-year term. Vote 4-1 (Parra opposed).

During discussion, prior to the vote, Selectman Plausse said in order to avoid the appearance of conflict of interest, he felt Selectmen and Budget Committee members should not be members of the Wage & Personnel Policy Board, and he would like to see a policy written that Town Counsel could review. Town Administrator Kinney will work on bringing a policy to the Board of Selectmen for review.

Water Resources Committee:

Town Administrator Kinney explained this committee has been defunct for about three years. Steve Levy of Maine Rural Waters Association gave a presentation and suggested a new committee be formed. Administrator Kinney said the old committee had seven or nine members, and the new committee could have as many members as the Board wishes.

Motion by Parra, second by Hardy, to wait until July 27th until all the applications are in from applicants before making appointments to this committee. Vote 5-0.

15. Bid Award-Road Salt and Liquid Calcium Chloride:

Motion by Parra, second by Plausse, to award the Road Salt bid to Mid-Atlantic Salt, L.L.C., for the bid price of \$68.78 per ton delivered and \$70 per ton picked up. Vote 5-0.

Motion by Parra, second by Hardy, to reject all bids and authorize the Town Administrator to purchase this product on an as needed basis and at the best available price at the time. Vote 5-0.

16. Special Town Meeting Warrant for July 27, 2009 – Approve and Sign:

Motion by Plausse, second by Hardy, to approve and sign the July 27, 2009, Special Town Meeting Warrant. Vote 5-0.

17. As Board of Assessors – Assessors’ Initiative Abatement:

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

Town Administrator Kinney explained that an error in dimensions had been made on the residence owned by Charles and Margaret Peet. As a result of the error, the Peets were overassessed \$32,300 in 2008, which resulted in being overtaxed \$377.91.

Motion by Hardy, second by Plausse, to approve the abatement (2008-24). Vote 5-0.

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

18. MMA Executive Committee Ballot:

Motion by Parra, second by Hardy, to vote for Mark Green for Vice President and, Mathew Arnett, Joyce Maker, and Peter Nielsen for MMA Executive Committee Members. Vote 5-0.

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

Town Administrator Kinney explained there is a Fire Station Construction Warrant for \$766 paid to Bob Fenney, who paid a DEP application fee from his personal account in order to avoid delays in the permitting process. There is also a School Construction Warrant for

approximately \$15,000 for computers and \$2,000 for repairs to the security system. The School Committee discussed having a meeting with the two Boards to discuss the opinion of the Attorney General regarding appropriate uses of the remaining funds from the Capital Campaign, but then ultimately decided to have the Superintendent meet with Dave and Chairman of the Board.

Chairman Gerry voiced his opinion that he would like to hold on the school portion until the School Board and Board of Selectmen meet.

Motion by Parra, second by Hardy to approve and sign the Warrants, except for the school construction work. Vote 4-1 (Plausse opposed).

20. **Adjourn:**

Motion by Plausse, second by Parra, to adjourn the meeting (8:35 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant