

**Board of Selectmen
Meeting Minutes
July 14, 2008**

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

1. Executive Session – Personnel Matters with Police Chief, Title 1 MRSA Section 405 (6)(A):

Motion by McLaughlin, second Hardy to enter into executive session to discuss a personnel matter with the Police Chief pursuant Title 1 MRSA Section 405 (6)(A). **Vote 3-0 (Brown and Plausse joined session in progress).**

Motion by McLaughlin, second by Brown to adjourn from executive session. **Vote 5-0.**

2. Possible Action Concerning Executive Session:

Motion by Plausse, second by Brown to appoint Ronald Young as Police Chief for a 3 year term and to approve a contract with the Police Chief. **Vote 5-0.**

3. Citizens Forum:

Barbara Gould of the Comprehensive Plan Review Commission let the Board know that the adhoc committee for the scenic view map has begun and that some people have already submitted photos of Lincolnville to help the committee. Gould let everyone know that if they have photos that they would like to submit to help they can be emailed to lincolnvilleplace@gmail.com.

Carol Hughes of South Cobbtown Road asked the Board if anything is being done regarding the noise from the Ducktrap Retreat. Hughes told the Board that there have been two events so far and that she phoned the Waldo County Sheriffs office last Saturday because of the noise.

Gerry asked if an officer responded.

Hughes told him yes.

Ron Young, Lincolnville Police Chief, told the Board that a Waldo County Sheriff responded and gave a verbal warning to the person in charge at Ducktrap retreat and that the noise quieted down after that.

Hughes told the Board that the noise still continued.

Gerry asked if she called the Sheriff's office again.

Hughes told him that she did not.

Gerry suggested that if the noise still continues to be bothersome she should call again because at that point they could be issued a summons and he thinks that might help quiet them down.

Plausse asked if there was an agreement shared with the CEO by the Ducktrap Retreat that states that any amplified music would be moved inside after 6PM. He asked that the Town Administrator look into this and if there is he could speak to the persons responsible.

Tracy Colby thanked the Selectmen for the clarifying the Town Attorney's explanation of why the citizen's petition was not valid. Colby also asked that the Selectmen not hold so many executive sessions because she feels that there should be public comment regarding certain matters.

Rosey Gerry asked that if any citizen of Lincolnville is thinking about getting rid of any old things that may have some historical value to Lincolnville that they allow the Historical Society the chance to look at it and perhaps purchase it from them.

4. Administrator's Report:

Kinney stated that the Emergency Management Agency requires that all Selectmen take the ISO 700 course which will be offered on July 30th but can also be taken online.

Kinney let everyone know that there are trees available for transplanting and if anyone is interested they can contact him at the Town Office.

Kinney told the Board that the title search has been completed for the Brown property. Pending a boundary survey the title is satisfactory.

Kinney stated that the parking lot at Breezemere Park is 85% complete. The clearing and wood treatment of the bandstand will take place after Labor Day.

Kinney stated that he spoke to Rhonda Fletcher of the MDOT about the repaving of Routes 52 & 235 today. Fletcher told him that the recycled paving part of the project would probably begin mid August but she would be speaking to Marriners Paving tomorrow and would get a better start date.

5. Meetings & Announcements:

Kinney read the meeting announcements.

6. Upcoming Community Events:

There were none at this time.

7. Meeting Minutes – Selectmen Approval:

Motion by Brown, second by Plausse to approve the meeting minutes of June 23, 2008 as written. **Vote 5-0.**

Motion by Plausse, second by Brown to approve the minutes of June 24, 2008, June 26, 2008 and July 7, 2008 as written. **Vote 5-0.**

8. Harvest Festival (10/18/2008) Request/Update:

Rick Pierson of the Lincolnville Business Group told the Board that the Business Group and Cellar Door Winery would like to get permission from them to hold a parade on October 18, 2008 along Route 1 at the beach. Route 1 would be closed off from Route 173 to Ducktrap Road. Pierson told the Board that the parade would start at 9AM and would not take more than an hour. Pierson stated that they have spoken to Rick McLaughlin about setting up the parade route in his parking area and he was in agreement.

McLaughlin asked if they had spoken to the MDOT regarding the ferry traffic coming off the boat and the use of the parking lot. He told Pierson that he should do this as soon as possible.

Plausse stated that they should speak to the Police Chief, State Troopers, Waldo County Sheriffs and also the Bayshore Baptist Church about using their parking area.

Gerry asked if Pierson could get hold of him later to discuss this in more detail.

Motion by Plausse, second by Brown to give the Lincolnville Business Group and Cellar Door Winery their blessing for the parade as long as they get approval from the Police Chief, Town Administrator and the Chairman of the Board of Selectmen. **Vote 5-0.**

9. Possible Request of the School Committee – Re: Capital Campaign Funds:

Kinney told the Board that it was suggested during the Municipal Building Committee meeting that the Board consider approaching the Lincolnville School Committee regarding the possible return of some of the Town funds previously donated to the Capital Campaign Fund. Kinney told the Board that in 2003 the Board approved the concept of transferring \$300,000 from the Capital Investment Reserve Fund to the Lincolnville Central School Capital Campaign in order for them to get a matching grant from MBNA. Now that the renovations and/or construction are complete the School Committee has been discussing what to do with the remaining \$295,000 in order to see that the funds are not lost within the school consolidation.

Edmund Hartt, School Committee Chairman, told the Board that the State suggests that the School Committee hold out a certain amount of money for repairs to the building.

Hartt told the Board that he thought it would be a good idea for them to attend the next School Committee meeting to speak to them about their request.

Motion by McLaughlin, second by Brown to instruct the Town Administrator to send a letter to the School Committee asking that the Board of Selectmen be placed on their next agenda. **Vote 5-0.**

10. Harbor Ordinance Article IV Piers and Wharves Status Update:

Mike Hutchings, Harbor Master, told the Board that there was a Public Hearing held at the LIA on June 24 for public input regarding Article IV. Hutchings told the Board that there was mixed opinions concerning the article. Hutchings suggested that the Harbor Committee meet with the Town Attorney again to go over his recommendations and the problem with the wording.

Lois Lyman, Planning Board Chairman, that perhaps the draft that the Town Attorney proposed should be presented to the voters in November if there is no resolution to the issue at that point.

Motion by McLaughlin, second by Brown to set a meeting with the Town Attorney, two Harbor Committee members, two Planning Board members, the liaison from the Select Board, the Harbor Master and the Town Administrator to review Article IV and if there is no resolution before August that the draft prepared by the Town Attorney will go to the voters. **Vote 5-0.**

Plausse asked that the Board be given another update at their next meeting.

11. Discussion of Possible Review of Commercial Site Plan Review Ordinance:

Plausse told the Board that he asked that this be placed on the agenda for discussion because of the possible oversight of the Ducktrap Retreat. Plausse told the Board that the Ducktrap Retreat was a change of use from when it was MBNA but they were never required to apply for it.

Lois Lyman told the Board that she agreed that there was an oversight and thinks that there needs to be a better way of handling the situation when there is change of use.

Motion by Plausse, second by McLaughlin to have the Planning Board review the Commercial Site Plan Review Ordinance as soon as possible. **Vote 5-0.**

12. Ferry Parking at the Beach:

McLaughlin stated that at the beginning of the summer season the Police Department put cards on the cars belonging to workers going to Islesboro to tell them they were not to be parking in the Town Parking area. McLaughlin stated that the cards seemed to work but

some people are now parking in the Post Office parking lot. McLaughlin stated that he would like to meet with Islesboro and the MDOT to discuss the problem.

Motion by McLaughlin, second by Hardy to set up a meeting between Lincolnville Board of Selectmen, Islesboro Board of Selectmen and the MDOT to discuss the parking issue at the beach. **Vote 5-0.**

13. Relocation of Boat Flower Planter at Beach:

Kinney explained that to accommodate the new beach bathrooms the Boat flower planter must be moved he said it may be possible to rotate it a little to make room. He has spoken to the Post Master and asked if it would possible to place it in front of the Post Office building. The Postmaster had no problem with the idea but indicated that he would be retiring in September.

Motion by McLaughlin, second by Brown to clean, restore and rotate the boat flower planter to make room for the bathrooms and if it is not feasible to save the boat the Town will replace it will a new boat. **Vote 5-0.**

14. Tucker Brook Road Reconstruction – Contract Signing:

Motion by Plausse, second by Brown to authorize the Board of Selectmen Chairman to sign the contract and issue a notice to proceed. **Vote 5-0.**

15. Award of Roadside Mowing Contract:

Motion by Plausse, second by Brown to award the Roadside Mowing Contract to John Richards in the amount of \$40 per hour. **Vote 5-0.**

16. Cable TV Franchise Agreement Expiration – November 2008:

Kinney explained that the Town's Cable TV Franchise Agreement with Lincolnville Communications, Inc. expires this November. Lincolnville Communications has expressed an interest in renewing the agreement. He told the Board that the Cable Franchise Agreement can be quite complex and intricate.

The Board expressed interest in researching the matter further and asked the audience if there was anyone that would come forward and perhaps help the Board.

Kinney told the Board that any written comments concerning this agreement will be accepted at the Town Office.

Kinney also stated that as a stockholder of the Lincolnville Telephone Company (the parent company of Lincolnville Communications) that he has a conflict of interest and would not be participating with this matter in the future.

Plausse also stated that he had a potential conflict of interest and would recuse himself.

17. Correspondence:

Millard Eugley submitted a letter to the Board concerning the meeting of July 7, 2008 where the Board of Selectmen and the Municipal Building Committee met to review the future of the Town Office.

The Board instructed Kinney to respond to Eugley's letter.

Gerry stated that the Board acknowledges that the Town Office is in need of improvement and from what he remembers it was a 5-0 vote to pursue the issue further.

The Board acknowledged receipt of Tracy Colby's letter and asked Kinney to acknowledge receipt.

18. MMA Vice-President and Executive Committee Elections:

Motion by McLaughlin, second by Brown to nominate John Sylvester for the Vice-President for a 1 year term, Mark Green, Ryan Pelletier and George Richardson for Directors for 3 year terms. **Vote 5-0.**

19. Sight Distance – Rt. 173 and Rt. 1:

Kinney explained that the Board had examined the sight distance available to the south when exiting the Rt. 173 onto Rt. 1 and determined it a safety hazard. Kinney stated that he had contacted the property owner about the hedge. The property owner does not think the hedge is a problem and will not do anything about it. Kinney told the Board that he would recommend that the Board inform the MDOT of their concerns and ask that they seek to take corrective measures.

Motion by Hardy, second by Plausse to have the Town Administrator write a letter to the MDOT regarding the concerns of the Board. **Vote 5-0.**

20. Resignation – Brook Hartshorn:

Motion Plausse, second by Brown to accept the resignation of Brook Hartshorn with regret and to ask the Town Administrator to write a letter of appreciation. **Vote 5-0.**

21. Appointment of Boards/Committees/Commissions:

Gerry stated that he was not prepared to go any further and asked the Board if they would be willing to table the matter until the next meeting.

The Board wished to proceed with the item tonight.

Motion by Brown, second by McLaughlin to appoint Michael Hutchings and William Briggs to the Board of Appeals for a term of 3 years.

Gerry stated that he has an issue with Michael Hutchings being on the Board of Appeals when issues having to do with the harbor may go in front of the Board.

McLaughlin stated that he would have to recuse himself from the issue.

Vote 4-1, Gerry opposed.

Motion by McLaughlin, second by Brown to appoint Donald Heald and Gary Neville as Breezemere Park Bandstand Trustees for a term of 3 years and Tom Nolan and Fred Heald as Breezemere Park Bandstand Trustees for a term of 1 year. **Vote 5-0.**

Motion by Brown, second by Hardy to appoint Cecil Dennison as Cemetery Trustees for a term of 3 years and Everett Fizer and Brett Haining as Cemetery Trustees for a term of 1 year. **Vote 5-0.**

Motion by Plausse, second by Hardy to appoint Brett Haining to the Conservation Commission for a term of 3 years. **Vote 5-0.**

Motion by McLaughlin, second by Brown to appoint Cheryl Cassidy to the Comprehensive Plan Review Committee for a term of 3 years. **Vote 5-0.**

Motion by Plausse, second by Brown to appoint MaryAnn Mercier to the Financial Advisory Committee for a term of 3 years. **Vote 5-0.**

Motion by Hardy, second by Plausse to appoint William Brown and Alexander Lyle to the Gateway 1 Town Response Panel. **Vote 5-0.**

Motion by Brown to appoint Richard A. McLaughlin and Kenneth Weed to the Harbor Committee for a term of 3 years.

Due to a lack of a second Brown withdrew his motion.

Gerry stated that he would like to see some new people on this committee and he thinks that Stacey Parra would help to move the ordinance process along faster.

Motion by Gerry, second by Hardy to appoint Stacey Parra and Richard A. McLaughlin to the Harbor Committee for a term of 3 years. **Vote 2-1-2, Brown opposed and McLaughlin and Plausse abstained.**

Motion by Plausse, second by Brown to table until the next meeting. **Vote 5-0.**

Motion by McLaughlin, second by Hardy to table the Land Use Appointments until the next meeting. **Vote 5-0.**

Motion by Brown, second by Plausse to appoint Ken Bailey, David Barrows, Alexander Lyle, Tony Oppersdorff, Whitney Oppersdorff, Robert Winslow and Ilmarinen Vogel to the Lakes & Ponds Committee. **Vote 5-0.**

Motion Plausse, second by Brown to appoint Ernest Littlefield to the Megunticook Dam Committee for a term of 3 years. **Vote 4-0-1, McLaughlin abstained.**

Motion by Plausse, second by Brown to appoint Stacey Parra to the Mid-Coast Solid Waste Corporation Board of Directors for a term of 3 years. **Vote 5-0.**

Motion by McLaughlin, second by Brown to appoint Stacey Parra to the Municipal Building Committee. **Vote 5-0.**

Motion by Brown, second by McLaughlin to appoint Donald Heald IV to Planning Board for a term of 3 years and Scott Crockett and Jeanne Hollingsworth to the Planning Board for a term of 1 year. **Vote 5-0.**

Motion by Plausse, second by Hardy to appoint Gary Neville to the Recreation Commission for a term of 3 years. **Vote 5-0.**

Motion by McLaughlin, second by Plausse to appoint Stacey Parra to the Regional Planning Committee (School Consolidation). **Vote 5-0.**

Motion by Plausse, second by Brown to appoint John Black, Diane O'Brien, Christopher Osgood, William Brown and Bradford Payne to the Route 1 Advisory Committee. **Vote 5-0.**

Motion by Brown, second by Gerry to appoint H. Bob Plausse to the Wage & Personnel Policy Board. **Vote 4-0-1, Plausse abstained.**

22. Appointment of Municipal Officers:

Motion by Hardy, second by Plausse to approve the Municipal Officers Appointments listing dated June 17, 2008, with the deletion of Brook Hartshorn, as presented by the Town Administrator.

Gerry stated that he would like to see the Town look for a new Attorney and thinks that this would be the perfect time.

Vote 4-1, Gerry opposed.

23. Treasurer's Warrant(s) – Selectmen Approve & Sign:

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

24. Adjourn:

Motion by Plausse, second by Brown to adjourn the meeting at 9:14PM. **Vote 5-0.**

Respectfully submitted,

Kimberly Leonard
Administrative Assistant