

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
NOVEMBER 9, 2009**

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

- 1. Motion by Parra, second by Plausse, to enter into executive session in consultation with the Town Attorney – Town of Lincolnville vs. Richard Rosenberg (Title 1 MRSA § 405(6)(E)). Vote 4-0.**

**Motion by Plausse, second by Trundy, to come out of Executive Session. Vote 4-0. (6 p.m.)**

**Motion by Trundy, second by Parra, that the Board of Selectmen authorize the Town Attorney, with the assistance of the Town Administrator, to collect an award of attorney's fees in a Judgment obtained in a land use action against Richard Rosenberg, as set forth in an Execution issued by the District Court on October 30, 2009; including authority to seek a Turnover or Sale Order in accordance with title 14 MRSA §4651-A(7) and Title 14 §3131. Vote 4-0.**

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

Tracy Colby, of Moody Mountain Road, asked the Board of Selectmen to reconsider their decision to not put draft minutes on the Town's website. Although she understood the Board's reasoning that they didn't want draft minutes misconstrued before final minute approval was given, she felt there are usually very few substantive changes made to draft minutes. She also said for those citizens who cannot watch televised Selectmen's meetings because they do not have cable, it takes several weeks for the approved minutes to get posted on the Town's website. And if citizens request draft copies at the Town Office, they are charged for them. The Freedom of Information Act says the public can have access to draft minutes.

The Board instructed Town Administrator David Kinney to put this item on the next Selectmen's agenda for discussion.

- 3. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Lincolnville had a 70% voter turnout for last week's election. He thanked election workers and also thanked Chairman Gerry and his assistant for the help they gave putting away election materials.
- The Property Tax and Rent Refund applications are available at the Town Office and on-line and encouraged citizens to apply.
- Dog licenses are due by December 31, 2009, and can be done at the Town Office or on-line.
- A citizen requested, via the Town Administrator, that the Board of Selectmen review their rules of procedure.

**4. Meetings & Announcements:**

Town Administrator Kinney read the meetings and announcements from the agenda. He also announced that the Waldo County Budget meeting will be held Friday, November 20, 2009, at 6 p.m. at the Maine District Courthouse.

Selectwoman Parra said she would like the Board to discuss the topic of having Town meetings on holidays.

**5. Upcoming Community Events:**

Chairman Gerry announced there will be a Veteran's Breakfast, put on by the students, at the Camden Hills Regional High School this Veteran's Day, Wednesday, November 11<sup>th</sup>, which he thinks starts at 7:30 a.m. There will also be a Veteran's Program at the American Legion Hall Wednesday afternoon at 3 p.m. Chairman Gerry also announced that a fundraiser will be held this Saturday, November 14<sup>th</sup>, at 6:30 p.m. at the Blue Goose in support of the Fiddler's Camp; Tim Ferrell will be playing.

Marion Swanson announced that the Lincolnville Thanksgiving Dinner will be held on November 22, 2009, at noon, at the Lincolnville Improvement Association Building. The Dinner is put on the local churches and there is no cost to the public.

**6. Meeting Minutes:**

**Motion by Plausse, second by Parra, to approve the October 26, 2009, minutes, as written. Vote 4-0.**

**7. Tanglewood Road – Request for Road Right-of-Way Delineation:**

Town Administrator Kinney explained that for several years, Charles Stearns has complained that the Town has been encroaching on his family's property when the Town does work to Tanglewood Road. Town Administrator Kinney and Doris Weed have searched Town records for a road description, but have not found any definitive research. Recently, the contractor hired by the Town to do maintenance work on Tanglewood Road was stopped by Charles Stearns, saying he was trespassing.

Richard Stearns, who is Executor of his Father's Estate, addressed the Board, explaining that decades ago, Tanglewood Road was a single-lane road with turn-outs. Over the years, however, each time the Town graded the road, it "flared" out a little bit more with each grading. Over a twenty-year period, the Road is much different in size than it use to be. He feels if the Town wants to make Tanglewood a two-lane road, it should have it surveyed, then buy the land from the Stearns family so they would not continued to be taxed on it. The ditching work that was going to be done recently would have meant more encroachment on their property.

Charles Stearns further explained to the Board that in 1953 when his father purchased the property, a survey was done. One of the points of reference used on the survey was the house, and the house has never been moved. He feels that since the Stearns family already has an existing survey showing the boundary lines of the Stearns property, he feels it should be the Town's responsibility to have another survey done if it doesn't want to rely on the existing survey. He continued to explain that Central Maine Power Company installed an

underground power line to get power to the camps, and now when any road maintenance is done, no one will go near the side with the power line, so the work is always done on the lower side, encroaching more and more on their land. His brother, Randy Stearns, stated that the survey was recorded at the Waldo County Registry of Deeds on January 29, 1953, and if the deed and survey are correct, the boundary line is two-thirds the way across the Road, which illustrates how much the Road location has moved since 1953. He also felt no additional work should be done to the Road until this issue is resolved. When questioned by Selectman Trundy, Charles Stearns said he would like the Road to go back to a one-lane road as it use to be. Selectman Plausse felt keeping it a one-lane would be a safety issue.

Town Administrator Kinney said up to this point, no unbudgeted funds have been expended, except for his time and Doris Weed's time in searching Town records for a description. He suggested Knud Hermansen might be a valuable resource to utilize, as he has been helpful in the past with other road issues. Town Administrator Kinney also stated the Town is not looking to install culverts on Tanglewood Road, just to grade to keep the water from running down the Road. He felt the 1953 Stearns survey is "one piece of a big puzzle."

Resident Paul Crowley said he has lived on Tanglewood Road for eight years, and also owns additional property further down the Road. The pins to his property are very close to the Road; his subdivision was surveyed by Danny Small. He said it sounds like there are conflicting surveys, and getting advice from Knud Hermansen would be helpful in resolving this issue. He also stated he felt the Town should adhere to the same road standards as it wants in subdivisions; Tanglewood is a road with a lot of traffic, which can't be ditched on one side, which needs base improvement, has no great amount of graveling being done to it; maintenance of this substandard road is long overdue. If research finds the Town is trespassing, then the Town should buy the land, and he hopes the Selectmen will come up with a plan of action. Mr. Crowley also expressed his view that the Town should demand that the University of Maine, which runs Camp Tanglewood, should be made to remove the power line and that lack of funds should not be accepted as an excuse not to remove the power line. When asked by Selectwoman Parra, Mr. Crowley stated the last work done by the Town on Tanglewood Road did not encroach on his property.

**Motion by Parra, second by Plausse, that the Board meet with Knud Hermansen to discuss the option to establish, or re-establish, the Road right-of-way and that we move forward with removal of the soil and vegetative matter preventing the water from escaping the road for vehicles during winter use. Vote 4-0.**

The Board will let the Stearns family know of any meetings when this issue will be discussed.

Road Commissioner Bernard Young reiterated that the work to be done to prepare for winter is very minor work; no ditching, just removing the ridge in the Road.

**8. Follow-up on Request for Change to Town Web Site – Tax Information:**

Town Administrator Kinney reported that he had consulted with James Arseneau, the Town's IT Technician, about blocking tax information on the Town's website from search engines. It will be relatively inexpensive (less than \$100) for Mr. Arseaneau to put search engine blocks in place and Town Administrator Kinney presumes he will be shown how it is done so

he can do it in the future to other Town website pages. Mr. Grieco, who requested the change, was in the Town Office last week and was told this issue was on tonight's agenda.

**Motion by Parra, second by Trundy, that we provide access to public information by providing searcher access through our website first rather than through a search engine, and have David work with the programmer to make that happen. Vote 4-0.**

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

**Motion by Parra, second by Plausse, to approve the Treasurer's Warrant. Vote 4-0.**

**10. Lincolnvile Center 2020 Workshop:**

**Motion by Plausse, second by Trundy, to adjourn to the Lincolnvile Center 2020 Workshop being held in the Walsh Common. Vote 4-0.**

Respectfully submitted,

Diane Bacon  
Administrative Assistant