

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

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

1. Citizen's/Selectmen's Forum:

There were no comments.

2. Administrator's Report:

Kinney let everyone know that if they are not able to get to the polls on Election Day, the Town Office has absentee ballots available. Also available at the Town Office are free gun locks and the property tax/rent refund applications.

Kinney asked if anyone is aware of any street signs that are missing to please notify the Town Office because he will be placing an order soon for new signs.

Kinney stated that the wood treatment at the bandstand should be complete this week or next.

Kinney let the Board know that winter sand stockpiling has commenced and that Route 235 is moving ahead as scheduled.

3. Meetings & Announcements:

Kinney read the meeting announcements.

4. Upcoming Community Events:

Kinney, Pastor Dave and Gerry gave some upcoming events.

5. Meeting Minutes - Selectmen Approval:

Motion Plausse, second by Brown to approve the meeting minutes of September 22, 2008 as written. **Vote 4-0.**

Motion Plausse, second by Brown to approve the meeting minutes of September 29, 2008 as written. **Vote 3-0-1, Hardy abstained.**

6. Public Hearing – General Assistance Ordinance Amendments:

Motion by Plausse, second by Hardy to open the Public Hearing in order to discuss the General Assistance Ordinance amendments. **Vote 4-0.**

There was no discussion.

Motion by Plausse, second by Brown to close the Public Hearing. **Vote 4-0.**

Motion by Plausse, second by Hardy to adopt the MMA Model General Assistance Ordinance and Appendixes A-C. **Vote 4-0.**

7. Public Hearing for November Referendum Ballot Questions:

Motion by Plausse, second by Hardy to open the Public Hearing in order to discuss the November Referendum Ballot questions. **Vote 4-0.**

Article 2 – Fire Station Land

There was no discussion.

Article 3 – Fire Station Building

Jeanne Hollingsworth asked if an explanation of the ballot question could be placed near or at the polling place so if voters have any questions they could review the information.

Kinney told her that it can not be placed at the polling place because it may be considered influence by the state statutes.

Hollingsworth asked if the information could be placed on the local Lincolnville channel.

Kinney stated that he would see that it is placed on the TV and let everyone know that the information will be on the town website.

Article 4 – Sale of Center Fire Station

Paul Crowley told the Board that he is in favor of selling the center fire station but thinks it may be more prudent to wait until the real estate market improves.

Pastor Dave asked if there were any specifics on the buildings.

Kinney told him that he could get those at the Town Office.

Jay Foster asked if there were any potential hazards with the property.

Kinney told him that he is unaware of any environmental issues at this time.

Hollingsworth asked if the public will still have access to the well.

Kinney told her that by the article the terms of the sale would be up to the Board.

Article 5 – Harbor Ordinance Amendments

Paul Crowley thanked the Board for the excellent work they have done on the ordinance.

Tracy Colby told the Board that she had two neighbors who voted absentee that did not understand Article 5, 6, & 7 so they voted no on all of them. Colby thought that perhaps some information about the articles should be available so people can read up on the issues before hand.

Article 6 – Board of Appeals Authority, RE: Piers and Wharves

There was no discussion.

Article 7 – Land Use Ordinance Redistricting, Limited Residential to Limited Commercial

There was no discussion.

Article 8 – Land Use Ordinance Amendments, Parking Lot Placement

Paul Crowley asked for an explanation.

Kinney reviewed the amendment for everyone.

Motion by Plausse, second by Brown to close the Public Hearing. **Vote 4-0.**

8. Public Hearing for Winter Road Closing(s) – Martin Corner Road:

Motion by Plausse, second by Brown to open the Public Hearing in order to discuss closing a portion of Martin Corner Road for winter maintenance. **Vote 4-0.**

There no discussion.

Motion by Plausse, second by Brown to close the Public Hearing. **Vote 4-0.**

Motion by Plausse, second by Brown that following a public hearing pursuant to Title 1 MRSA § 2953 (2), and due deliberation, it is the opinion of the Municipal Officers of the Town of Lincolnville that the Martin Corner Road from 171 Martin Corner Road to its end at the Moody Mountain Road is so located with reference to population, use and travel thereon, that it is unnecessary to keep it maintained and open for travel during the months of December, January, March and April or any part of these months for a period of 1 year. **Vote 4-0.**

9. Gateway 1 Update:

Kinney told the Board that Chris Osgood was unable to attend tonight but sent an email for the Board to review. The next meeting will be held on Tuesday, November 18th at 6PM to be held in the Walsh Common and the attendance of the Board is requested.

10. Presentation of Results: Law Enforcement Survey:

Kinney told the Board that out of the 1676 surveys that were distributed we received 745 of them back which is 44.45%. Kinney told the Board that in their packets they have the comments typed verbatim to what was sent in except for the expletives.

Hardy thanked the Town Office staff for the quick turn around with the surveys but asked if it was possible to delete the names of people who were commented on from the record.

At the Board's direction Kinney is to remove the names from the comments posted on the website. Original surveys and comments are public record and available to view at the Town Office.

Hardy stated that there were 36 comments regarding the confusion of last June's ballot and some comments regarding the confusion of the survey stating that the town wrote the survey a certain way to make it come out in favor of the Police Department. Hardy stated that she thinks the townspeople are still divided on this issue.

Brown stated that he counted the comments and found 151 in favor of the Department, 119 not in favor of the Department and 98 had no answer.

Gerry stated that the Board sat here and reviewed and agreed on the questions that were to be sent out on the survey.

Jay Foster asked the Board what they will be doing with the results of the survey.

11. Appointment of Additional Ballot Clerks:

Motion by Plausse, second by Brown to appoint Ruth Felton, Marion Swanson, Michael Ray and Barbara Gould as Ballot Clerks for the November 4, 2008 election. **Vote 4-0.**

12. Request for Funding – Interfaith Fuel Fund:

Kinney told the Board that the Town received a request from the Interfaith Fuel Fund for a donation to help families in Waldo County. Kinney told the Board that this expense was not budgeted for in the last budget.

Plausse stated that he thinks the request should be given to the Budget Committee.

Hardy stated that if the town was to donate money to help families she would rather see it help Lincolnville residents.

Kinney stated that perhaps Interfaith Fuel Fund should use the same process as any provider agency to make a request for next year's budget.

Motion by Hardy, second by Plausse to instruct the Town Administrator to draft a letter and include the instruction for them to apply for funding as a provider agency. **Vote 4-0.**

13. Request for nominations MRC Board of Directors:

Kinney told the Board that the municipal oversight Board for the Penobscot Energy Recovery Company is seeking nominations to serve on the Committee. If the Board knows anyone interested they can nominate them for consideration.

The Board had no suggestions.

Out of order (Item #10):

Jeanne Hollingsworth if the Board intended on answering Jay Foster's question regarding the Police Survey.

Gerry stated that he thinks the information will help the Police Department when moving forward in the budget process.

Hardy stated that she thinks that there are enough people who would be interested in the Charter question going before the voters again.

14. Board/Committee/Commission Appointment(s):

Motion by Plausse, second by Hardy to appoint Daina Hill to the Cable TV Franchise Agreement Advisory Committee and Andy Young as an alternate on the Board of Appeals. **Vote 4-0.**

15. Possible Modifications to Wage & Personnel Board Committee Charge:

Kinney explained to the Board that the Committee has requested a change to their committee charge which would exclude the Town Administrator's Employment Agreement from the charge.

Tracy Colby told the Board that she served on the Committee for two years and she recommended getting the opinion of the Town Counsel regarding whether the Committee should review the Town Administrator's Employment Agreement or if it should be done by the Selectmen.

Kinney stated that Town Counsel told the Board that the Town Administrator's Employment Agreement should be handled by the Selectmen and this is the reason for the amendment.

Colby stated that the Wage & Personnel Policy Review Board is to just review the policies regarding wages & personnel. The Committee should not be make decisions regarding anyone's contracts and she recalls that McLaughlin agreed with her at one point and moved to remove the words salary, benefits, job descriptions and contract from number 1 on their charge.

Hardy asked Kinney to check to motion and get back to the Board.

Motion by Plausse, second by Brown to exclude the Town Administrator's Employment Agreement #4 contract on the charge. **Vote 4-0.**

16. Follow-up on Capital Campaign Request:

Kinney stated that the Board attended the last School Committee meeting and the School Committee told them that if they could find a legal way of giving the money back they would consider it.

Gerry stated that the Chairman of the School Committee told the Board that there was approximately \$270,000 still in the fund but there is actually approximately \$290,000 in the account.

Brown stated that we are not able to proceed until we get the money.

Motion by Plausse, second by Brown to authorize the Town Administrator to hire Sally Daggett of Jensen, Baird, Gardner and Henry to assist the Town with this effort. **Vote 4-0.**

17. Request of the Cable TV Franchise Agreement Advisory Committee:

Kinney stated that the Cable TV Franchise Agreement Advisory Committee has requested that they be given authorization to engage an attorney who specializes in franchise agreements so that if necessary they can seek legal counsel on the matter.

The board did not think the Committee should have authorization until they have something solid that needs legal counsel.

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

Motion by Plausse second by Brown to approve & sign the Treasurer's Warrant. **Vote 4-0.**

19. Adjourn:

Motion by Plausse, second by Hardy to adjourn the meeting at 7:25PM. **Vote 4-0.**

Respectfully submitted,

Kimberly Leonard
Administrative Assistant