

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
OCTOBER 12, 2010**

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

The meeting was called to order by Chairman Gerry at 6 p.m. Selectman Trundy read the quote of the day.

**1. Citizen's Forum: None**

**2. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Absentee ballots are available at the Town Office.
- Dog licensing starts Friday, October 15<sup>th</sup> and licenses should be obtained by the end of the year to avoid additional fees.
- Town Attorney Terry Calderwood is sending a letter soon regarding Tanglewood Road; an appraisal will be needed, so an RFP for appraisal services may be ready for the Board's next meeting.
- The Fire Station project is wrapping up. Final grading should be done this week prior to paving; many minor items inside and out will be finalized before completion.
- The winter sand is "in the barn".

**3. Meetings & Announcements:**

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

**4. Upcoming Community Events:**

Chairman Gerry announced Fiddlin' Tim Farrell and Everard Dodge are doing a Johnny Cash show this Saturday, October 16<sup>th</sup>, 7 p.m., at the Waldo Theater (located in Waldoboro).

Chairman Gerry also announced that on Friday, October 22<sup>nd</sup>, at daylight, there will be a hike up Maiden Cliff Road, off Youngtown Road, and also on Saturday, October 23<sup>rd</sup> at 2 p.m., to commemorate the Great Disappointment of 1844.

**5. Meeting Minutes:**

**Motion by Plausse, second by Parra, to approve the September 27, 2010, minutes with the correction of adding the word "some" at the beginning of the second paragraph of the Marriners Paving item in the Administrator's Report (Line 74). Vote 5-0.**

**6. As Board of Assessors:**

- **Abatement Request: Doolen, Map 6, Lot 9A**

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

Assessors' Agent Vern Ziegler addressed the Board about the abatement request submitted by Michael and Lori Doolen, for their property located at 40 Richards Road. The Doolens also submitted an appraisal with the abatement request, which estimated the value of their property on June 29, 2010, at \$223,000. (The Doolens were not present at tonight's meeting.)

Assessors' Agent Ziegler had several issues with the abatement request, which he stated in a memo to the Board and reiterated tonight: the appraisal report was prepared for the Department of Veterans Affairs for a mortgage finance transaction and there was no letter from the Department of Veterans Affairs releasing their interest and reassigning the report to any other user; Maine law requires property to be valued as of April 1<sup>st</sup> – the effective date of the appraisal is not April 1; the appraiser stated to Mr. Ziegler the report was not done for tax abatement purposes and could not be used for property tax abatement; the assessed \$240,000 value on the property falls within the 10% deviation range allowed in Title 36 M.R.S.A., §848-A. Assessors' Agent Ziegler recommended denial of the abatement request.

**Motion by Plausse, second by Hardy, to deny the abatement request submitted by Michael and Lori Doolen as the application does not contain support proving that the assessed value was manifestly wrong and that the Board provides written notice of this decision to Mr. and Mrs. Doolen. Vote 5-0.**

**Motion by Parra, second by Plausse, that they adjourn the meeting as Board of Assessors and reconvene as Board of Selectmen. Vote 5-0.**

**7. Stephens Property:**

James Dunham, Chairman of the Conservation Commission, addressed the Board about the October 6<sup>th</sup> ad hoc group meeting held to discuss the proposed Stephens' property gift to the Town of Lincolnville. Mr. Dunham said it was a good meeting with many representatives present to discuss the pros and cons of the proposed gift. He had summarized the group's findings in a memo, which he read and gave to the recording secretary. The memo, in part, stated "*the net result was that our committee felt the Town was not in a position to receive this property. We, therefore, voted to recommend that the Board considers and approves the following: 1. Thank the Stephens family for their generous offer and encourage them to transfer the property to Camden Hills State Park, Bureau of Parks and Lands, State of Maine; 2. Work with the Lincolnville Historical Society and the Schoolhouse Museum to establish an exhibit recognizing the lives of Eddie and Ellamae Stephens and their unique place in Lincolnville history; 3. Place an article in a future Town Meeting Warrant to seek voter approval to forgive any property taxes due in recognition of the gift of land.*"

Board members expressed their thanks to James Dunham and the ad hoc group for a job well done. They agreed with the ad hoc group's recommendations, except for the recommendation regarding forgiving property taxes. Selectwoman Hardy suggested the State be asked to pay the taxes for the land they might receive, made a motion to that effect, and then withdrew the motion. While Board members liked Selectwoman's suggestion to ask the State to pay the taxes, they felt that suggestion might be premature since they didn't know at this point if the Stephens Family would be interested in donating the property to the

State. James Dunham offered the information that one individual at the October 6<sup>th</sup> meeting, during an informal conversation, suggested raising funds to cover the taxes, and Mr. Dunham would be willing to contact that individual about that effort. But until we know if the Stephens Family is interested in donating the property to the State, some Board members felt that, too, would be premature.

**Motion by Parra, second by Plausse, that the Board of Selectmen extend its thanks to the Stephens Family for their generous offer, that we decline the gift, that we encourage the Stephens Family to consider donating the property directly to the State of Maine for inclusion within the Camden Hills State Park, that the Town work with the Lincolnville Historical Society and the Schoolhouse Museum to establish an exhibit recognizing the lives of Eddie and Ellamae Stephens and their unique place in Lincolnville history. Vote 5-0.**

Regarding the draft letter to the Stephens Family included in the Board's packet that Town Administrator Kinney had prepared, Selectwoman Hardy felt the second sentence seemed a bit harsh and suggested wording which explained the reasons behind the Board's decision, including naming the many Town boards involved in the ad hoc group, the insurance liability issues, and the estimates from local contractors to stabilize and secure the structures.

**8. Lincolnville Sewer District Board of Trustee Appointments:**

Town Administrator Kinney explained the *Act to Create the Lincolnville Sewer District* requires the Board of Selectmen to appoint the first Lincolnville Sewer District Board of Trustees. The Board of Trustees will be comprised of three individuals, with 1, 2, and 3-year staggered terms, who are residents and registered voters of the District. Four Community Interest forms had been submitted, copies of which were included in the Selectmen's packets. Only one applicant mentioned his preference of terms.

Chairman Gerry opened the meeting up for public comments. Richard A. McLaughlin of 12 Lily Lane and owner of McLaughlin's Lobster Shack voiced his many concerns about the newly created District. He said this is the fifth taxing authority he is subject to, has already spent hundreds of thousands of dollars to clean up the pollution on Lincolnville Beach, and questions the wisdom of digging up Route One after the recent reconstruction project. He feels the Town of Lincolnville has abandoned its responsibility, and now this Board of Trustees will have more power than the Selectmen and Planning Board, including the power of eminent domain. Rick McLaughlin voiced his support for his father, Richard M. McLaughlin, and for Frederick "Tom" Crowley.

Bradford Payne seconded Rick McLaughlin's remarks and voiced his deep concern about the control this three-member Board will have. He said there was a strong minority vote in the election that decided the District, and he would like to see a "no voter" on the Board of Trustees to represent that strong minority.

Richard M. McLaughlin distributed a letter to Board members, which he read. He spoke of his long history protecting the waters and beaches in Lincolnville, and has spent over \$550,000 in that effort. He feels the "*solution is to get as many properties in compliance by*

*offering an alternative to their current disposal problems without forcing financial hardships”* and he believes that goal can be achieved with a sewer district that “works for everyone”. Mr. McLaughlin also stated his concern about the number of trustees and with the power of eminent domain the trustees have. He would like to see five trustees instead of three, which a change in the legislation could accomplish, and to see a majority vote of the qualified voters of the District to take property by eminent domain.

Paul Crowley asked the names of the four candidates. Selectwoman Parra read portions of the Community Interest forms received by Frederick T. Crowley, Stephen LaForge, Paul Lippman, and Richard M. McLaughlin. Paul felt all were very well qualified, but voiced two concerns. He said this District should be a team effort and the trustees should be people in favor of the District, not “no vote” people; and he had heard rumors that Richard McLaughlin hopes to sell the current LBSF facility to the new District, which is a conflict of interest, which disqualifies him under the Town Charter.

Richard M. McLaughlin responded by saying the Lincolnville Beach Sewer Facility (LBSF) is a corporation; it is not his entity. It’s not his property to sell, and he has no other interest in it other than being a user. He felt Mr. Crowley was way off base.

Richard A. McLaughlin said just because some voted against this (District), doesn’t mean it doesn’t exist; by law it does exist. A study was done which had step by step recommendations for solutions to take care of pollution on the Beach. He reiterated his concern about tearing up newly constructed Route One to get to areas that aren’t priority trouble areas.

Paul Crowley wanted to clarify the topic of his land near the District. He explained that at a past community event, Paul Lippman casually asked him if he had any land suitable for a subsurface sewage disposal system, and Paul Crowley responded he did have land. But he clarified tonight by saying he has given no thought about selling his land, and it’s unclear to him if his land is even in the District. He said “he has no dog in this fight.” as far as wanting to do business with these trustees, but if the sewer system becomes available and the costs are reasonable, than perhaps he may want to use it like anyone else.

Richard M. McLaughlin voiced his opinion that a no vote against the District didn’t mean you were against the project, but just the way it’s currently presented.

**Motion by Plausse, second by Parra, to appoint Richard M. McLaughlin to a three-year term as Trustee of the Lincolnville Sewer District, term to expire October 12, 2013. Vote 5-0.**

**Motion by Plausse, second by Parra, to appoint Frederick T. Crowley to a two-year term as Trustee of the Lincolnville Sewer District, term to expire October 12, 2012. Vote 4-1 (Hardy opposed).**

**Motion by Parra, second by Hardy, to appoint Paul Lippman to a one-year term as Trustee of the Lincolnville Sewer District, term to expire October 12, 2011. Vote 5-0.**

Town Administrator Kinney will send a thank you note to Stephen LaForge for his interest in serving on the Board of Trustees. Selectwoman Hardy thought Mr. LaForge's grant writing experience would have proven useful as a trustee, and believes he would be a big asset for the Town.

Selectman Plausse pointed out the District will have to have another election prior to October 12, 2011, to fill the one-year term vacancy which expires one year from today. When questioned by Bradford Payne about public meetings, Town Administrator Kinney stated as long as the Board of Trustees notifies him of meetings, the Town would be very happy to announce and post meeting dates. Richard M. McLaughlin said it is important that the public is aware of all the meetings and that public input is heard, and asked the Town Administrator's guidance and assistance in that effort.

**9. Norton Pond Watershed Update:**

Town Administrator Kinney described the Town's efforts in assessing Norton Pond water quality, in cooperation with the Megunticook Watershed Association. Dye testing has been completed for the season in the Narrows and the Devoe culvert watershed, and he and Code Enforcement Officer Therio received 100% cooperation from everyone they spoke with. The Town Office and Post Office were also dye tested. So far, no definitive septic failures have resulted.

The Megunticook Watershed Association is currently seeking donations to continue water quality testing. When questioned by Chairman Gerry, Town Administrator Kinney said all these efforts would continue until a solution is found to the problem or until people throw up their hands in frustration. He continued by saying Maine Healthy Beaches says we need to create a data set that can be analyzed; he sees the monitoring program being long-range and going into next year.

When questioned by Selectman Plausse, Town Administrator Kinney explained that monies from past Code Enforcement budgets had been donated to the High School's Partners in Monitoring program that Rob Lovell supervised; Rob Lovell no longer works at the High School and the program is now defunct.

**Motion by Plausse, second by Parra, that the Board authorize a donation in the amount of \$500 to the Megunticook Watershed Association Partners in Monitoring from the Code Enforcement water quality monitoring budget. Vote 5-0.**

**10. Discussion of Property Assessed Clean Energy Program (PACE):**

Town Administrator Kinney explained that earlier in the year when a Lincolnville citizen asked the Board to consider the Property Assessed Clean Energy (PACE) program after the Legislature had approved it, the rules/details had not yet been worked out. Efficiency of Maine Trust has now developed model ordinances for towns to use. Towns can choose to raise funds to finance loans and administer the PACE program, or towns can choose to allow Efficiency of Maine Trust to administer the Program and the town would only have education and outreach roles. Town Administrator Kinney further explained the PACE

program is, in essence, a loan program. Through the Home Energy Saving Program, a homeowner can have an efficiency audit done. If energy deficiencies are found, the homeowner could work with a contractor to correct the deficiencies, and the PACE program would give homeowners another financing option to correct energy deficiencies. However, PACE loans are only available if the homeowner's municipality has adopted a PACE ordinance.

When asked by Chairman Gerry, Board members were in favor of a program that would assist residents at no costs to the Town. Selectwoman Parra questioned recording responsibilities if Lincolnville decided not to raise funds to finance loans, and Town Administrator Kinney said Dana Fisher of Efficiency of Maine explained towns that did not raise funds to finance PACE loans would only have education and outreach roles, but legal counsel could confirm that upon review.

**Motion by Plausse, second by Parra, that we fill out the application, send it to legal counsel, that it be under the guidelines of Efficiency Maine Trust to administer the program, that the Town have absolutely no legal, financial, or any other requirements other than outreach and education. Vote 5-0.**

**11. Discussion of Municipal Property Tax Deferral for Senior Citizens Program:**

Town Administrator Kinney explained Legislature passed a law to allow municipalities, if they adopt an ordinance, to create a program that would allow homeowners 70 years of age and older, under certain conditions, to defer payment of taxes for an indefinite period of time. Interest is charged on deferred taxes, and deferred taxes and interest must be paid when the taxpayer dies, or another person becomes owner of the property, or the tax-deferred property is no longer occupied by the taxpayer as a principal residence. Town Administrator Kinney's concerns with the program include administration, determining eligibility, funding, and receipt of payment. Although it might be a great program in concept, he felt we would be asking taxpayers to fund someone else's taxes until that homeowner dies or the property is sold. He hasn't found any community that has adopted this program yet, but he wanted the Board to know its existence.

**Motion by Parra, second by Hardy, to table this item until more information is available in the future, and it can be brought back to the Board for consideration. Vote 5-0.**

**12. Set Public Hearing for General Assistance Ordinance Maximums:**

**Motion by Parra, second by Plausse, that the Board conduct a public hearing on Monday, October 25, 2010, at 6:30 p.m. in the Lincolnville Central School to consider amendments to the General Assistance Ordinance including Appendices A through C. Vote 5-0.**

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

**Motion by Hardy, second by Plausse, to approve the Treasurer's Warrant, Payroll Warrant, and Fire Department Warrant. Vote 5-0.**

**14. Malfunctioning Subsurface Disposal System Repair, Title 30-A MRSA §3428 & §3444:**

Town Administrator Kinney explained a property owner has a failing septic system but does not have the funds to pay for a new system outright. The Code Officer knows of a program where the Town can fix the system and charge the property owner a special tax or enter into an agreement for repayment with the property owner. Town Administrator Kinney does not recommend either option and feels the homeowner should prove to the Town they cannot get funds from other sources before the Board considers this program.

Selectman Plausse suggested the homeowner may qualify for the Maine State Housing Authority Loan for Homeowners. Selectwoman Hardy questioned if the system is in the Norton Pond Watershed; Town Administrator Kinney responded although distant, it is in the Norton Pond watershed. Selectwoman Parra asked if the DEP has been contacted as an emergency situation since it is leaching into the watershed. Town Administrator Kinney said this is not a "flowing failure" going directly into Norton Pond, so he was not sure if the DEP would consider it an emergency. Most Board members felt the property owners should exhaust all other resources first and that the Town should be the last resort option.

**15. Capital Campaign Follow-Up:**

As a follow-up to the last meeting when the School warrant was signed, Selectwoman Parra explained she had concerns about maintenance items being paid from the Capital Campaign account. She isn't questioning the School Board and their judgment and has respect for them, and said no letter is needed. But she has long-term concerns about how the capital campaign funds are utilized; general maintenance should be budgeted as a maintenance expense within the School budget and not as a capital expense; she doesn't want to see happen to this School as happened to the last school, and would like the Board to monitor expenditures.

Selectman Plausse expressed his continued concern that we don't know yet if we will always own this School building, or if we will have any say on the function of the building down the road. Every dime spent now as a capital expenditure could end up going to another town in the near future, and it bothers him that we might lose control over the building. Selectwoman Parra explained the funds will be transferred with the same stipulation that is in policy; however, a super majority vote could change the policy.

Chairman Gerry acknowledged Tom Crowley, who arrived late to the meeting. Mr. Crowley was informed he had been appointed to the Lincolnville Sewer District Board of Trustee for a two-year term. Mr. Crowley was very honored to be appointed, will serve with objectivity and transparency to evaluate all opportunities.

**16. Executive Session – Title 1 MRSA §405(6)(A) – Personnel Matter with Town Administrator:**

**Motion by Parra, second by Plausse, that the Board of Selectmen enter into executive session for the purpose of discussing a personnel matter concerning the Town Administrator, pursuant to Title 1 MRSA, Section 405(6)(A). Vote 5-0.**

**Motion by Parra, second by Plausse, to come out of executive session. Vote 5—0.**

**17. Adjourn:**

**Motion by Parra, second by Plausse, to adjourn the meeting (8:30 p.m.). Vote 5-0.**

Respectfully submitted,

Diane Bacon  
Administrative Assistant