

**Board of Selectmen
Meeting Minutes
September 8, 2008**

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

1. Citizen's/Selectmen's Forum:

Tracy Colby asked for an explanation of Article 3 regarding the Police Department from the June Town Meeting.

Kinney explained that the elimination of funds and charter change did not occur simultaneously therefore the Police Department still remained in place.

Colby stated that how she understood it is that the vote stays in place for one year. She wondered why the Town Attorney did not clarify this at the Town Meeting.

Gerry told Colby that no one asked the Town Attorney so he had no reason to bring it up.

Colby told the Board that she thought the police survey was a great idea but unless there is 100% return the Town will not know the true results. She asked the Board to consider placing the charter question on the upcoming November ballot in a way that the voters can understand what they are voting on.

McLaughlin stated that to his knowledge there is already a petition circulating and once that is submitted it would be placed on the ballot.

Hardy stated that she would like to urge everyone who received a survey to return it to the Town Office.

2. Town Administrator's Report:

Kinney told the Board that there was a storm event last weekend and the Town came through fairly well.

Kinney let the Board know that Route 52 would be closed on Tuesday, for possibly three days, to replace the culvert by Wayne Heal's house.

Kinney let the Board know that he was yet to receive any volunteers for plowing of LIA and asked what the Board would like him to do.

The Board suggested leaving it out there for another two weeks in hope that someone will come forward.

Kinney let the Board know that Bandstand has been power washed and the wood treatment should start relatively soon after it had dried.

Kinney told the Board that crack sealing was done on Greenacre Road and Slab City Road.

Kinney let the Board know that John Richards is suppose to come in and speak to him soon about using his facility to fuel the fire trucks.

McLaughlin stated that he had spoken to him it does not sound like he is interested in doing that.

Kinney stated that the Town received a dividends check for \$3,508 from Workers Comp because of our excellent record.

3. Meetings & Announcements:

Kinney read the Meeting Announcements.

4. Upcoming Community Events:

Kinney read the upcoming Community Events.

5. Meeting Minutes – Selectmen’s Approval:

Motion by Hardy, second by McLaughlin to approve the meeting minutes of August 25, 2008 as written. **Vote 3-0.**

6. School Consolidation Update:

Edmund Hartt gave the Board an update for the School Consolidation and told them that there is possibly an alternate organizational structure for Lincolnvile. Hartt told the Board that they are still working on it and would let the Board know more once they are further on in the process.

Mike Kosowsky reviewed the financial aspect of the consolidation. Kosowsky told the Board that if they do not submit a plan then our schools will lose subsidy from the State or if a plan is submitted but voted down then Lincolnvile would be penalized \$90,000 a year. With the alternate organizational structure it shows Lincolnvile paying approximately \$30,000 a year more.

The Board thanked them for coming in.

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

Rick McLaughlin, Harbor Committee member, told the Board that the Harbor Committee discussed the proposed draft and are all in agreement that the changes are fine except they would like the Planning Board to get a written opinion from the Harbor Committee when they are handling appeals.

Lois Lyman, Planning Board Chairman, stated that the Board has no problem with that request.

Ken Weed, Harbor Committee, told the Board that there were a few typos corrected but besides that the document was sound.

Mike Ray, Planning Board, thought the Board should place it on the warrant for November because it is already a liability for the Town.

Jesse Henry, Inn at Oceans Edge, told the Board that he is troubled after reading the draft. He stated that there are no provisions in the Ordinance for ADA requirements for non-public piers and wharves. He told the Board that the Inn has no plans to apply for a pier at this time but if they or another establishment did in the future there are some serious safety issues with the ordinance. Any business must follow the ADA requirements and he does not think this ordinance is satisfactory for this purpose.

McLaughlin stated that perhaps Henry could come up with some language regarding the safety issue for after the election.

Lyman told the Board that when Gary Neville, Prock Marine, spoke to the Board he told them he was concerned about safety issues. She told the Board that she would be happy to work with Henry on language for the ordinance.

McLaughlin told the Board that he thinks the Harbor Committee safety was their #1 concern.

Ray stated that the Harbor Ordinance is tied in with the Federal and State Ordinances.

Paul Crowley stated that ADA requires that local, state and federal government do not discriminate against the handicapped. Crowley stated that he doesn't think the Harbor Committee is concerned with safety issues at all.

Hardy told the Board that maybe they should consider hiring someone who knows the rule and regulations that has a non-bias opinion to help with the ordinance.

Gerry stated that the Town does have to take Jesse Henry's concerns into consideration.

Motion by McLaughlin, second by Gerry to forward the recommendations of the Harbor Committee and Planning Board to the Town Attorney for review. **Vote 2-0-1, Hardy abstains.**

Motion fails.

Gerry stated that he doesn't understand why the Harbor Committee, Planning Board and public can't work together to get this matter resolved.

Motion by McLaughlin, second by Hardy to table the item until the meeting of September 22, 2008. **Vote 3-0.**

14. Municipal Building Committee Update: (Taken out of order)

Mike Eugley, Municipal Building Committee Chair, reviewed the process the Municipal Building Committee has taken to get to where they are today.

Bob Fenney, Architect, told the Board that he put together some preliminary cost estimates for the Fire Department and The Town Office expansion and would like to review the Fire Station first. The total cost, including a contingency of \$47,000, for the Fire Station is \$1,073,776 which the Lincolnville Volunteer Fire Department will pay for without expense to the tax payers. The total cost for the Town Office expansion, including a contingency of \$20,000 is \$552,188.

If the Town Office is to move forward, Kinney explained there are three logical options in which to choose from, the first being to pay out of pocket with existing Town funds, the second would be to borrow the entire amount and the third would be a combination of the first and second.

Hardy stated that she doesn't understand why we would need a 60 person meeting room when we have the use of the school and asked how much it would save if that was eliminated from the estimate.

Fenney told her that it would save approximately \$83,000.

Reed Mathews stated that he feels that we have this great space here at the school and there would be no need for the meeting room. Reed also stated that the way the economy is the taxpayers really don't need anything else to raise their taxes.

Donald Heald IV stated that there is no good reason to have a meeting room when this facility is offered to us and because of the economy this is really not the time to be spending money.

Mike Ray stated that if they were just to bring the Town Office up to ADA standards they would be losing 30% of their space and he feels that an addition would be the way to go but without the meeting room.

Parra told the Board that Jay Foster told her at the Municipal Building Committee meeting the Town is never going to be in the position they are now regarding the financial aspect of it.

Paul Crowley stated that after doing some research he has come to realize because the Town Office was built prior to 1992 the Town is not required to meet the ADA standards and the Town would not be violating the law if they improvements were not done.

Bob Fenney told the Board that he would have to look into this.
Owen Weyers told the Board that he does not think that we need anymore municipal spending and that over the past few years the School & County budgets have gone up 60% but the Municipal budget has increased 124%.

McLaughlin asked the Board if perhaps they should put the building on the ballot with and without the meeting room option.

Parra stated the Municipal Building Committee would not support that decision.

Crowley suggested hiring a lawyer that specializes in ADA.

Gerry stated that he appreciated the 20 or so people that actually came to the meeting and the Board will have the Town Administrator place the proposed Town Office expansion on the agenda for the next meeting.

Motion by Hardy, second by McLaughlin to place the Fire Department articles on the November ballot. **Vote 3-0.**

8. Boards/Committees/Commissions – Resignations(s) and Appointment(s):

Motion by McLaughlin, second by Hardy to accept with regret Peter Thomas's resignation from the Land Use Committee and to have the Town Administrator send a letter of thanks. **Vote 3-0.**

Kinney explained that there are not enough people for the Land Use Committee so the Planning Board members have agreed to combine the two Committees with the Boards approval.

Motion by McLaughlin, second by Hardy to appoint Jay Foster, Lois Lyman, Donald Heald IV, David Ray, Robert Winslow as regular members and Jeanne Hollingsworth and Scott Crockett as alternate members to the Land Use Committee with their terms to coincide with their Planning Board terms. **Vote 3-0.**

Motion by Hardy, second by McLaughlin to appoint Vicki Eugley to the Wage & Personnel Policy Board with a term expiring June 2011. **Vote 3-0.**

9. Tucker Brook Road Reconstruction Update & Paving Request:

Kinney told the Board that Lane Construction Corp. (the paving subcontractor) contacted has written a letter requesting that the Town consider increasing the compensation for the paving of the road due to the increase in liquid asphalt prices since the bid was first accepted. Our project engineer from Dirigo Engineering does not recommend granting the request.

Motion by Hardy, second by McLaughlin not to grant the request by Lane Construction Corporation. **Vote 3-0.**

10. Cable TV and Ad hoc Committee Charge:

Kinney told the Board that Mary Ann Mercier has volunteered to serve on the Committee and will be providing the Board with others who may be interested.

Motion by McLaughlin, second by Hardy to appoint Mary Ann Mercier to the Cable TV Franchise Agreement Advisory Committee and approve the committee charge. **Vote 3-0.**

11. As Board of Assessors – Assessors initiative Abatements:

Motion by McLaughlin, second by Hardy to suspend the Board of Selectmen’s meeting and convene as the Board of Assessors. **Vote 3-0.**

Motion by Hardy, second by McLaughlin to approve the seven abatements as recommended by the Assessors’ Agent. **Vote 3-0.**

Motion by Hardy, second by McLaughlin to adjourn Board of Assessor’s meeting and reconvene as Board of Selectmen. **Vote 3-0.**

12. Liquor License Renewal Applications:

Motion by McLaughlin, second by Hardy to approve the Liquor License renewal Applications for Chez Michel Restaurant and Swan’s Way Corporation. **Vote 3-0.**

13. Agenda for September 29th Meeting with Islesboro Selectmen:

Kinney told the Board that Marnie Diffin, Islesboro Town Manager, informed him that the Islesboro Selectmen will be coming over on the last boat on the 29th for the meeting and wondered if the Board could provide them with an agenda or give them some issues they wish to discuss.

McLaughlin stated that he would like to talk about the issue with the State and Town parking and the fact that there is not enough parking for all the workers that go across to the island every day.

Kinney also stated that the Islesboro Selectmen wanted to discuss the town floats. Kinney has asked the Harbor Master to attend the meeting. The Board agreed to discuss the floats with the Islesboro Selectmen at this meeting.

15. Review of Draft Special Town Meeting Warrant:

The Board reviewed the draft Special Town Meeting Warrant.

Motion by McLaughlin to have a second draft of the Harbor Ordinance amendments incorporating Planning Board and Harbor Committee comments. **Vote 3-0.**

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

Motion by McLaughlin, second by Hardy to approve and sign the Treasurer's warrant. **Vote 3-0.**

17. Adjourn:

Motion by McLaughlin, second by Hardy to adjourn the meeting at 10:28 PM. **Vote 3-0.**

Respectfully submitted,

Kimberly Leonard
Administrative Assistant