

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
SEPTEMBER 13, 2010**

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

Excused Absence: Cathy Hardy

Chairman Gerry opened the meeting at 6 p.m. Selectwoman Parra read the quote of the day.

**1. Citizens' Forum:**

Town Attorney Terry Calderwood informed the Board he will be retiring to Tennessee the end of this year. For the past thirty years, he has served as Lincolnville's Town Attorney and has enjoyed working with this Board, past Boards, and the Town Office staff. Over the next several months, he will work towards a smooth transition with a new Town Attorney.

Chairman Gerry thanked Attorney Calderwood for his excellent work on Lincolnville's behalf, and wished him well. Selectman Plausse praised Attorney Calderwood for being a "class act", saying on the rare occasions when the Selectmen disagreed with him, there was never any bitterness. Selectman Plausse couldn't recall any instance of a case being lost by Attorney Calderwood when representing Lincolnville, and commended his thorough research practices. Attorney Calderwood will be missed.

Marion Swanson read a small portion of a recent editorial in the Herald Gazette which praised the Board of Selectmen for encouraging citizens to get involved with Gateway 1. She felt the editorial overall was very good, and wanted to share the positive comments about the Board with the Board and the public.

Lesley Devoe, a Norton Pond Road resident, addressed the Board as a messenger from Norton Pond residents, who are all very concerned and upset about the condition of Norton Pond. There have been many swimming advisories posted this summer due to high bacterial counts, and she is very worried the Pond will turn "green". She said property values on Norton Pond have gone down and renters are not coming; the Norton Pond situation is a critical matter. Residents are angry and at gatherings talk about possible legal action against the Town. Ms. Devoe realizes community perception is not necessarily community reality, and she feels the Town needs to convey to people that they are working on this problem. She said the Town seems to be taking aggressive action towards the people on Norton Pond, but the evidence shows the runoff may be coming from outside the Pond area.

Ms. Devoe continued to explain that the Megunticook Watershed Association (MWA) has taken a lead role in water quality testing and has spent \$6,000 in that effort. The MWA now needs to fundraise because most of their funds have been depleted, and she hoped the Town could contribute money towards monitoring the water quality.

## **2. Administrator's Report:**

David Kinney, Town Administrator, reported:

- The Town has sent letters to residents of three target areas on Norton Pond regarding septic systems and the poor water quality: the Narrows area, the subwatershed area near Lesley Devoe, and north by the inlet. One septic system in the Narrows area is being replaced, and the Town Administrator and Code Enforcement Officer have received very good cooperation from property owners when they have visited sites and have flushed dye in the systems. A subwatershed map has been created with dates of when septic systems were installed, based on records available at the Town Office. The Town Administrator stated if you live in the watershed area, you will get a visit from the Town; the age of the system does not determine visits. In response to Lesley Devoe's questions about water sample locations and the Town's responsibility for funding, Town Administrator Kinney said most water samples are taken at public access points. Every day that the Code Enforcement Officer works for Lincolnville (2½ days a week), he continues to check sites, revisiting properties when owners were not home on the first visit. Town Administrator Kinney further explained that legally the Town is not required to do anything; morally, the Town has doubled the money given to the Megunticook Watershed Association, and there are contingency monies available if the Board feels more money should be used. With the budget cycle approaching, this might be the time for the Town to consider taking over the quality water monitoring role, rather than MWA, and budget funds accordingly.

*Due to the time, the Public Hearing (Item 6) will be held and the Town Administrator's Report will continue after the public hearing.*

## **6. 6:30 PM Public Hearing – Winter Road Closing, Martin Corner Road:**

**Motion by Plausse, second by Parra, to open a public hearing concerning the winter road closing of the Martin Corner Road, pursuant to Title 23, Section 2953. Vote 4-0.**

No comments were offered from the public.

**Motion by Plausse, second by Trundy, to close the public hearing concerning the winter road closing of the Martin Corner Road. Vote 4-0.**

**Motion by Plausse, second by Parra, that following a public hearing, pursuant to Title 23 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 winter months of December, January, February, March, and April, or any part of these months for a period of one year. Vote 4-0.**

## **2. Administrator's Report: (continued)**

Selectman Plausse questioned how many systems beyond the Pond that are draining into the Pond is Ms. Devoe aware of, but Ms. Devoe had left the meeting at that point. Town Administrator Kinney reported that the Department of Marine Resources is currently going door-to-door at the Ducktrap Watershed to try to locate sources pollution affecting shellfish areas.

Town Administrator continued his Report:

- Storm drains on Route One are being tested; readings have been high around Frohock Stream.
- The new auditors were at the Town Office two days last week, and will be back again this week, and he thinks it is going fairly well.
- The Fire Station is proceeding nicely in terms of wiring, insulation, sprinklers, and sheet rocking. The contractor hopes to finish in early October, ahead of schedule.
- Today the public works crew finished replacing cross culverts on the roads we are going to resurfacing this year. The hand crew should be in this week and the machine crew should be in later this month.
- The University of Maine is looking for a Capstone project, where their civil engineering students do a design and permitting requirements for a specific project. Town Administrator Kinney suggested they study the "bridge" under Slab City Road at the outlet to Coleman Pond; that spot has overtopped a couple times in the last year.
- The subject of credit cards being accepted as a form of payment at the Town Office is still being researched. There are three options being studied; customers would be charged a convenience fee, which would range from 2.3% to 3%. The Board will be presented with a recommendation at a coming meeting.
- On August 28<sup>th</sup>, a shelter exercise was held at Lincolnville Central School; 50 meals were served and people slept in the building overnight. There were a few lighting glitches, but that's the point to having drills.
- He attended a preconstruction conference at the State Ferry slip about replacement of the fenders. Some concrete patch work will be done this fall, but the majority of the work will be done over the winter months, before April, 2011.
- The TRIAD Sign Program is ongoing. Residents 70 and over are eligible to receive a free reflective sign and post, installed, once they complete an application; applications are available at the Town Office.
- On Saturday, September 25<sup>th</sup>, the Take Back Initiative will be held at Lincolnville Central School, from 10 a.m. to 2 p.m. People can bring any unused, old, not-needed prescription drugs, at no charge, to the School for proper disposal by the Maine Drug Enforcement Agency.
- Circuitbreaker applications for 2009 taxes are now available on-line and in the Town Office. The deadline to apply is May 31, 2011, but he encouraged people to apply now.

Selectman Plausse asked about the search procedure to replace Town Attorney Calderwood. Town Administrator Kinney said he will put that subject on the Board's next agenda for discussion, so a request for services can be comprised.

Chairman Gerry asked about the status of the Tanglewood Road survey. Town Administrator Kinney said he will put a “bee in the bonnet” of the Town Attorney, who is researching clarification of a couple statutes pertaining to this issue. Chairman Gerry would like this matter move forward.

Chairman Gerry also commented that the corner of Deantown Road and Youngtown Road has a spot that we keep graveling, but it keeps washing out after a bad rain, and he wonders if it is contributing to the Ducktrap water issues. He asked if rip rap could possibly be put down. Town Administrator Kinney and Road Commissioner Young will inspect the area.

**3. Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings from the agenda.

**4. Upcoming Community Events:**

Town Administrator Kinney announced there will be a supper this Saturday, September 18<sup>th</sup>, at 5 p.m. at the Grange.

Marion Swanson announced the Lincolnville Improvement Association will meet Thursday at 6 p.m. at the LIA Building; there will be a pot luck supper. A representative from the Maine Cooperative Extension will be the speaker; everyone is invited. She also announced that the Lincolnville Women’s Club will meet on September 21<sup>st</sup> at noontime for pot luck lunch. And on Saturday, October 2<sup>nd</sup>, the Fall Festival will be held at Lincolnville Beach. The parade starts at 10:30, but lineup will start 10 a.m. by Mike’s Align. People can contact Selectman Plausse if they want to be in the parade. Marion encouraged anyone with antique cars, tractors, etc., to be in the parade.

Chairman Gerry announced a Reunion Walk will be held Sunday at 1 p.m., commemorating the 43-mile walk held ten years ago. The walk will start at Ducktrap Landing and will end at the Grange, where there will be a pot luck supper and slide show. People can drop off food at the Grange after 11:30 a.m. Chairman Gerry also explained that if walkers want a lift midway during the walk, there will be people at various points along the way to give offer rides back to cars or to the Grange.

**5. Meeting Minutes – August 23, 2010:**

**Motion by Parra, second by Plausse, to approve the August 23, 2010, and August 30, 2010, minutes as written. Vote 4-0.**

**Motion by Parra, second by Plausse, to approve the September 2, 1010, minutes as written. Vote 3-0-1 (Trundy abstained).**

**7. Municipal Officers’ Declaration of Lincolnville Sewer District Vote Results:**

**Motion by Plausse, second by Parra, that the Board of Selectmen declare that the results of the referendum balloting for the creation of the Lincolnville Sewer District, per the Town Clerk’s Return of Votes Cast, were 30-Yes and 22-No, and that a copy of these results be filed with the Secretary of State. Vote 4-0.**

Selectwoman Parra read the announcement that interested individuals who are registered voters living with the District and interested in serving on the Lincolnville Sewer District Board of Trustees should complete a Community Interest Form. Town Administrator Kinney stated the election results and a Community Interest Form were mailed to all District registered voters. Community Interest Forms should be returned to the Town Office by October 5<sup>th</sup>. Once the Board of Selectmen appoint three Trustees, that will be the last official duty of the Town of Lincolnville for the Sewer District.

8. **Liquor License Renewal Application – Swan’s Way Corporation:**  
**Motion by Plausse, second by Parra, to approve and sign the liquor license application submitted by the Swan’s Way Corporation. Vote 4-0.**
9. **Liquor License Renewal Application – Chez Michel Restaurant:**  
**Motion by Plausse, second by Parra, to approve and sign the liquor license application submitted by the Chez Michel Restaurant. Vote 4-0.**
10. **Consideration of Dangerous Building Hearing – Chase Home Finance, L.L.C.:**  
**Motion by Plausse, second by Parra, that the Board hold a dangerous building hearing pursuant to Title 17, M.R.S.A., Sections 2851-2859 for the property owned by Chase Home Finance, L.L.C. at 572 Hope Road, and the Board instruct the Town Administrator, Town Attorney, and Health Officer take all necessary actions, including notifications to the property owner, of the hearing. Vote 4-0.**

Town Administrator Kinney stated Selectwoman Hardy had called him to say she would not be at tonight’s meeting, but supported the proposed motion, and reiterated she would like to see the Bank give the property to the Town.

11. **Consideration to Authorize Town Administrator to Cast Uncontested Municipal Organization Ballots on Behalf of Board of Selectmen:**  
**Motion by Parra, second by Plausse, that the Board authorize the Town Administrator to cast ballots on behalf of the Board of Selectmen for any uncontested municipal organization-type ballots. Vote 4-0.**
12. **As Board of Assessors – Abatement Requests to Correct Errors in the Records:**  
**Motion by Parra, second by Plausse, to suspend their meeting as Board of Selectmen and convene at Board of Assessors. Vote 4-0.**

**Motion by Plausse, second by Trundy, that the Board of Assessors approve the property tax abatement #2010-01 for Steven Young (Account #1783) in the amount of \$23,000 in valuation and \$285.20 in tax and that we sign the abatement as prepared by the Assessors’ Agent. Vote 3-0-1 (Parra abstained).**

**Motion by Plausse, second by Parra, that the Board of Assessors approve property tax abatements #2010-02 through #2010-06 for the following:**

**Irmgard Duffell, Account #1780, \$17,000 in valuation, \$210.80 in tax;**

**Robin Barton, Account #1778, \$20,400 in valuation, \$252.96 in tax;**

**George & Nancy Keating, Account #76, \$110,000 in valuation, \$1,364.00 in tax;**

**Northport, L.L.C., Account #PP149, \$100 in valuation, \$1.24 in tax;**

**Shawn Hickey & Bridget Kimball, Account #1651, \$5,400 in valuation, \$66.96 in tax;**

**and that they sign the abatement as prepared by the Assessors' Agent. Vote 4-0.**

**Motion by Plausse, second by Trundy, to adjourn their meeting as Board of Assessors and reconvene as Board of Selectmen. Vote 4-0.**

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

**Motion by Parra, second by Plausse, to approve the Treasurer's Warrant and the Payroll Warrant, as presented, and to have one Selectmen stop in the Town Office to sign the Payroll Warrant. Vote 4-0.**

**14. Adjourn:**

**Motion by Parra, second by Trundy, to adjourn the meeting (7:10 p.m.). Vote 4-0.**

Respectfully submitted,

Diane Bacon  
Administrative Assistant