

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 14, 2009**

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

1. **Motion by Plausse, second by Hardy, to enter into executive session to discuss an application for property tax abatement due to poverty and/or disability pursuant to (Title 1 MRSA § 405(6)(E)). Vote 5-0. (5:35 p.m.)**

Motion by Plausse, second by Trundy, to come out of Executive Session. Vote 5-0. (6:02 p.m.)

Motion by Plausse, second by Parra, to continue the abatement hearing to a time agreeable to both parties to allow time to get more information. Vote 5-0.

2. **Citizen's Forum:**

Richard McLaughlin addressed the Board about the temporary float arrangement installed by Cianbro during the Ferry bridge replacement project. The floats, with inclines and anchored with pilings, are located on the south side of the Ferry slip. Mr. McLaughlin has had feedback from people who would like to see these temporary floats become permanent fixtures in the Harbor, filling a need of providing additional space for pleasure boats. There is a meeting scheduled tomorrow (September 15) with Cianbro regarding the Ferry project, and Mr. McLaughlin is asking the Board tonight if the topic of keeping the floats could be brought up at tomorrow's meeting. Cianbro and/or the DEP may say no, but he feels it wouldn't hurt to ask. Board members asked if Mr. McLaughlin had spoken with the Harbor Committee about this matter, and he advised he had not talked to the Committee as a whole, but had spoken to some individual Committee members.

Motion by Parra, second by Plausse, that the Town Administrator approach Cianbro with this idea and if they seem "warm" to the idea, bring it to the Harbor Committee for consideration. Vote 5-0.

3. **Administrator's Report:**

Town Administrator David Kinney reported:

- The Youngtown Road project is completed.
- The wave screen project is out to bid.
- Stockpiling of winter sand is to begin Monday.
- There is a State pesticide registry now available to alert homeowners/businesses when and where pesticides will be sprayed near them. To sign up for the Registry, people can go to the Board of Pesticides Control's website at: www.thinkfirstspraylast.org. They will then be notified at least 24 hours prior to an application by air or air-assisted equipment.

4. Meetings & Announcements:

Town Administrator Kinney read the meetings and announcements from the agenda. Selectwoman Parra asked to be excused from the September 28th and October 13th Selectmen's meetings; the Board agreed. Chairman Gerry also told her to leave when she needed to this evening.

5. Upcoming Community Events:

Town Administrator Kinney advised that Marguerite Thurlow's funeral will be held Saturday, September 19th, at 1 p.m. at the United Christian Church. He also reported that a bean supper will be held at Tranquility Grange on Saturday.

6. Meeting Minute – August 24, 2009:

Motion by Hardy, second by Plausse, to approve the meeting minutes of August 24, 2009, as written. Vote 5-0.

7. Public Hearing – Winter Road Closing, Martin's Corner Road:

Motion by Plausse, second by Parra, to open the public hearing. Vote 5-0.

Town Administrator Kinney advised the Board that the notice of public hearing had been posted and advertised, per Maine statutes. Chairman Gerry asked for comments from the audience; there were none.

Motion by Parra, second by Plausse, to close the public hearing. Vote 5-0.

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 months of December, January, February, March, and April, or any part of these months, for a period of one year. Vote 5-0.

8. As Board of Assessors – Abatement Application:

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

- Ducktrap Resources, Inc.

Mervyn Taylor, President/Clerk of Ducktrap Resources, Inc., addressed the Board regarding his abatement application for his two-acre vacant, non-shorefront parcel, which has no access or view to Ducktrap River. He explained the value on this lot jumped from \$20,600 in 2006, to \$124,700 in 2007, an increase of six times the value in one year. Mr. Taylor consulted a local Certified Appraiser who told him he was unable to find comparable sales for similar lots during the 2006-2008 timeframe.

Assessors' Agent Vern Zeigler explained to the Board the process used to establish models, which are then applied to properties in Town to establish values. The model used fits 70% of the Town's properties, which does mean 30% of properties do not fit the model. But Assessors' Agent Zeigler explained it is up to the applicant to provide affirmative evidence of just value, and he feels Mr. Taylor has not provided that evidence. And in 22 years of appraisal experience, Mr. Zeigler feels there are qualified appraisers who could provide the information Mr. Taylor is seeking. He went on to explain that the Town of Lincolnville had a revaluation in 2007, the last revaluation prior to that having been done in 1991. So the jump in Mr. Taylor's 2007 value was not a one-year increase.

Board members questioned if an extension of time would allow Mr. Taylor the opportunity to find a certified appraiser who would be able to find comparable values. They understood why he would question such a jump in value, but they also needed more definitive evidence that the value was incorrect.

Motion by Parra, second by Plausse, to table this abatement application for sixty days to ask Mervyn Taylor to come back at that time with a certified appraiser's comparables. Vote 5-0.

- Bitslaw, L.L.C. - Assessors' Agent Zeigler explained to the Board that he discovered a building valuation error in the property owned by Brian Lacombe, and is recommending an abatement in the amount of \$354.51.
- John & Ann Krumrein – Assessors' Agent Zeigler explained in measuring the property owned by the Krumreins, he made a 90 square foot area mistake, and recommends an abatement in the amount of \$37.44.

Motion by Hardy, second by Plausse, to approve the two abatements (Bitslaw and Krumrein), totaling \$391.95. Vote 5-0.

Motion by Hardy, second by Parra, to adjourn as Board of Assessors and reconvene as Board of Selectmen. Vote 5-0.

9. Municipal Building Committee – Fire Station Update:

Bob Fenney, architect for the Fire Station project, advised the Board that the project had received approval for all permits except from the Army Corps of Engineer. The Army Corps of Engineers keeps asking for more information, and he frustratingly feels they are not reading the information he sends in response their requests. He went on to explain that the Municipal Building Committee met earlier this evening and due to the long permit process, the Committee recommends spring construction and starting the bid process in January, after the holidays.

Motion by Plausse, second by Parra, to wait until winter to start the bid process and wait until spring for starting the Fire Station construction, assuming all permits are received by then. Vote 5-0.

10. Center School House Ad Hoc Committee Report:

Diane O'Brien of the ad hoc Center School Committee updated the Board on a meeting the Committee had with Jane LaFleur of Friends of Midcoast Maine. Ms. LaFleur explained the process in getting Townspeople involved with determining potential uses for the Center School House, which could then lead to finding funding for the project. She explained this would be a long-term effort. Diane O'Brien said Mr. LaFleur's schedule fills up quickly, but at this point in time, she has November 9 or November 23rd available to hold a public hearing to get the public's input. The public hearing would cost \$300; a follow-up survey would cost \$800.

Board members who attended the August 25th meeting were impressed with Ms. LaFleur's presentation, but were hesitant to spend Town funds on a non-Town citizens' ad hoc committee. Members felt the project fits within the charge of the Comprehensive Plan Review Committee, and that Committee could obtain authorization to spend Town funds. Board members encouraged ad hoc members to consider volunteering for the Comprehensive Plan Review Committee. Barbara Gould, Chair of the Comprehensive Plan Review Committee, said a subcommittee could be formed within the Committee for the Center School House project. The Comprehensive Plan Review Committee can have five regular members and two alternate members, and depending on tonight's possible appointment, the Committee still needs three more volunteers.

Selectwoman Parra stated she would not want another "Dean and Eugley" six-year situation happen.

Motion by Hardy, second by Trundy, to approve \$300 for planning the Center School House public meeting, through the Comprehensive Plan Review Committee. Vote 5-0.

Town Administrator Kinney said the funds would be paid out of the Comprehensive Plan Review Committee budget.

It was the Board's consensus to hold the public hearing on November 9th, with the Selectmen's meeting to be held from 5:15 p.m. to 6 p.m., and the public meeting with Jane LaFleur to be held 6 p.m. to 8 p.m.

11. Climate Change – Janet Redfield:

Janet Redfield and Greta Gulezian addressed the Board about their deep concern regarding the unusual weather and tremendous rains the Town (and world) has been experiencing. Ms. Redfield had met with Town Administrator Kinney to try to determine how much the Town had spent in repairs due to the extensive rainfall. The storm in April cost approximately \$60,000 in road damage and another \$15,000 to clear debris; the May storm cost \$10,439. Ms. Redfield presented a report she printed from the NOAA website which shows a 67%

increase in deluge rainstorms in the northeast, and listed many examples of how the rain adversely affects all our lives with road damage, bacteria due to runoff, tourism decline, lost crops, tree fungus, etc.

Ms. Gulezian stated a worldwide event in 120 counties will be held October 24th to raise awareness about climate issues. In our area, the Camden Snow Bowl is the location where surrounding towns will participate. People can go to www.350.org to get additional climate information. Ms. Gulezian explained 350 is the safe upper limit for carbon dioxide levels, and that limit has already been surpassed. The women encouraged Board members to attend the October 24th event, and encouraged the Town to use energy efficient lights and other energy savings measures whenever possible.

Bradford Payne then addressed the Board about rising sea levels. He is a member of the University of Maine Sea Grant Project, which is gathering information from three areas of the State. A Project goal is to make people aware of the growing issue, which is evident from extreme storm surges, eroding shoreline, etc. Mr. Payne has a DVD about rising sea levels and would be willing to share it with the Board and the public.

Board members and Town Administrator Kinney suggested showing the DVD on Channel 99, or perhaps have a showing at the Strand or Farnsworth Museum. Mr. Payne suggested that the Land Use Committee and Planning Board also watch the DVD.

12. Cable Television Franchise Agreement Renewal:

Motion by Plausse, second by Hardy, to approve the Franchise Agreement Renewal with Lincolnville Communications, Inc., to provide cable television services to the Community, with the Board's thanks to Mary Ann Mercier, Daina Hill, Marion Swanson, Corelyn Senn, Barbara Hatch, and Town Administrator Kinney for their hours of hard work. Vote 4-0 (Selectwoman Parra had left the meeting).

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

Motion by Plausse, second by Hardy, to appoint Michael Lynch to the Comprehensive Plan Review Committee for a three-year term. Vote 4-0.

14. Liquor License Renewal – Chez Michel Restaurant:

Motion by Plausse, second by Hardy, to approve the liquor license renewal for Chez Michel Restaurant. Vote 4-0.

15. Application for Catered Function by Qualified Catering Organization:

Motion by Plausse, second by Trundy, to approve and sign the Application for Catered Function by Qualified Catering Organization as submitted by Karen Ruth for the October 2, 2009 event. Vote 3-0-1 (Gerry abstained due to working relationship with Cellardoor Winery).

16. Status Update – CMP Tree Trimming Activities:

Town Administrator Kinney explained he had received a phone call from a very concerned citizen about the tree trimming being done on Pendleton Hill by ABC Tree Trimming. He and Board members expressed their deep frustration with ABC Tree Trimming and CMP for not notifying the Town of their intent to trim shade trees within the Town right-of-way, as they had agreed to do. As a result, trees are being cut that should not be cut. The Conservation Commission has requested that all trimming within the Town right-of-way be stopped until a meeting can be held with CMP, the Town, and the Public Utilities Commission. A meeting has been scheduled for Thursday, September 17, but to date, the PUC has not committed to be in attendance. If the PUC does not attend, it was the consensus of the Board that it would be useless to have the meeting. Chairman Gerry suggests that Board members attend the meeting, if it is held, and if they cannot attend, to please write a letter.

17. Njaa Septic System Reimbursement Request:

Due to the poor water quality at Norton's Pond this summer, the Local Plumbing Inspector investigated possible causes, and identified what, he thought, was a failing septic system. He recommended the septic tank be pumped, which cost \$220, and that the homeowner's contact a Site Evaluator for the design of a new system, with a cost of \$300. The Site Evaluator said the system was in good working order. The homeowners, the Njaas, are requesting reimbursement for these costs. Town Administrator Kinney said would not recommend reimbursement for the \$220 since it had been five years since it had last been pumped, and he would recommend reimbursement for the inspection cost.

Motion by Hardy, second by Plausse, to approve the \$300 reimbursement to the Njaas. Vote 4-0.

18. Maine Municipal Association:

- **Attendance**
- **Voting Credentials**

The Maine Municipal Convention will be held October 7th and 8th in Augusta, and Town Administrator Kinney asked if any Board members wished to attend; Selectman Trundy had already spoken to him about attending. In addition to the Convention, each member community of MMA is entitled to one voting representative at their business meeting.

Motion by Hardy, second by Plausse, for Selectman Jason Trundy to be Lincolnville's voting delegate at the MMA business meeting, with Town Administrator Kinney and Selectwoman Parra as alternates if Selectman Trundy cannot attend. Vote 3-0-1 (Trundy abstained).

19. Policy on Treasurer's Disbursement Warrant of State Fees & Revenues:

Past State statutes required a majority of the Board to sign the Warrant before disbursements could be made, and since the Board only met twice a month, the timing of three or more signatures sometimes caused payments to the State to be late.

State statute has been amended this year to allow municipal treasurers to disburse fees/revenues collected by the Town with only one Board member signature, provided a policy is adopted by the Municipal Officers.

Motion by Hardy, second by Plausse, to approve the Policy on Treasurer's Disbursement Warrants for Sending Revenue Collected on Behalf of the State to the Appropriate State Agency as prepared by the Finance Director. Vote 4-0.

Bradford Payne asked to address the Board on two issues now, as he was not present during Citizen's Forum.

First, he wondered if the Town could ask DOT to place signs to stop the "jake brake" shifting along the Beach, as the noise is very loud. Town Administrator Kinney stated the State will not put up signs for no jake brakes, as they are a legal braking system. The Town has put up several signs to discourage truck brake shifting, even though the wording can't suggest they are prohibited from jake braking since the Town has no authority to enforce that wording.

Mr. Payne's second concern was with the H1N1 "Swine" flu epidemic. He stated that Jana Wood, the previous Emergency Management Director, had updated Lincolnville's Emergency Plan, but questions if it now needs additional revisions/updates. He voiced his concern about a communication breakdown between health groups, the Town, hospitals, etc., if a pandemic hits, and questions how people would get food and fuel if there was as quarantine. He suggests that the Town hold a drill to prepare for such a scenario.

Selectman Trudy, a Lieutenant at the Waldo County Sheriff's Office, works next to Dale Rowley, Waldo County Emergency Director, and says there is no one who works harder in that capacity, and feels he has a good handle on the situation. Selectman Trudy didn't feel a drill with just the Town of Lincolnville would be as beneficial as a County drill.

Mr. Payne stated he has heard the Waldo Sheriff say he may not be able to depend on his staff in a pandemic if their families were at risk, as well as not being able to count on the National Guard. Mr. Payne asked if the Town Office would be ready to field an increase volume in phone calls in a pandemic, and feels the Board has a responsibility to get ahead of the curve.

Town Administrator Kinney feels educating the public is key and results in the "best bang for the buck" in preventing a pandemic. As a parent of a school-age child, he knows first hand that the School has been promoting good hygiene practices. Chairman Gerry suggested the Mr. Payne meet with Ron Young, Lincolnville's Emergency Management Director, and he will do the same. After they have both met separately with Ron, they can compare notes. Mr. Payne said he would be willing to spearhead an effort to work with the Emergency Director to evaluate emergency resources.

20. **Treasurer's Warrant(s) – Approve and Sign:**
Motion by Plausse, second by Hardy, to approve the Treasurer's Warrant. Vote 4-0.

21. **Adjourn:**
Motion by Plausse, second by Hardy, to adjourn the meeting (8:20 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant

U:\COMMITTEES\SELECTMEN\SELECTMENS MINUTES\2009\BOS September 14, 2009
DRAFT.doc