

**BOARD OF SELECTMEN
MINUTES OF MEETING
JANUARY 24, 2011**

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 5:15 p.m.

Motion by Parra, second by Plausse, to enter into executive session to discuss the following:

- 1. Executive Session - Application for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA §405(6)(F) and Title 36 MRSA §841(2)(E). Vote 5-0.**
- 2. Executive Session – Personnel Matter – Title 1 MRSA Section 405(6)(A) with Robert MacDonald.**

Motion by Parra, second by Plausse, to adjourn from executive session and reconvene in regular session. Vote 5-0.

Motion by Parra, second by Plausse, to deny the Property Tax Abatement Due to Poverty and/or Disability. Vote 5-0.

3. Recognition of Police Officer Ryan Nickerson:

Chairman Gerry presented Police Officer Ryan Nickerson with a special recognition plaque for his exemplary service to the Town of Lincolville and commended him for quickly administering CPR and saving the life of a 101 year-old woman who was not breathing. Town Administrator Kinney also reported the Town had recently received a letter from the Terrorist Screening Center in Washington, D.C. commending Officer Nickerson for following appropriate protocol during the course of his duties, which resulted in a positive match to a suspected terrorist. Chairman Gerry said the Town of Lincolville is very fortunate to have excellent Police personnel in Chief Young and all its officers.

Selectwoman Hardy read the quote of the day.

4. Citizen's Forum: None

5. Administrator's Report:

David Kinney, Town Administrator, reported:

- Emergency services, such as the Fire Department, requested that all residents have their house numbers by the road so emergency personnel can quickly find proper locations. He said old rural route box numbers on mailboxes should be replaced with current house numbers and also said street number signs, on posts, can be purchased from TRIAD for \$15.
- Residents and snowplowers should not push/blow/shovel snow into the streets. Chairman Gerry commented on snowmobiles riding on snow banks, pushing snow

into the streets. Chief Young believed it falls under the same rule as traveling down the roadway to the quickest means possible within 600 yards of the next trail, and said snowmobilers riding on the side of the road is probably better than riding on snowbanks, while taking the shortest route to a trail.

Chairman Gerry also stated he really likes the Lincolnville Police Department newsletter. Chief Young commended Karen Secotte for the excellent job she did putting the newsletter together.

- Dog licenses are due in one week; after that time, an additional fee will be charged. There are still over 100 unlicensed dogs in Town.
- The Town Office now accepts credit cards. Customers will be charged an administration fee, which is 2.5% of the total being charged, with a minimum fee of \$1.

6. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings.

7. Upcoming Community Events:

Chairman Gerry emphasized the importance of the “What’s down the road for Lincolnville?” workshop on January 27th and urged everyone to attend.

8. Meeting Minutes:

Motion by Plausse, second by Hardy, to approve the January 10, 2011, minutes as written. Vote 5-0.

9. Capital Needs Committee Report:

Capital Needs Committee Chairman Steve Young addressed the Board about the Committee’s recommendations for the upcoming budget. The Committee, comprised of Linda Learnard, Sandra Thomas, Rob Newcombe, Vicki Eugley, and Chairman Young, have four recommendations: \$20,000 for the Fire Truck Reserve Fund; \$50,000 for the Town Office Building Reserve; \$6,000 for the Police Cruiser Fund; and \$250,000 for the Road Paving Program. Chairman Young also read from the Committee’s report that they strongly recommend the Town “look into selling Town acquired property this is deemed to have no future municipal purpose and borrowing the remaining amount needed, to take advantage of the current low building and labor costs, as well as interest rates”.

Due to the time, Item 9 was temporarily interrupted due to the Public Hearing.

10. (6:30 P.M.) Public Hearing: Special Amusement Permit – Cellar Door Winery:

Motion by Plausse, second by Trundy, to open the public hearing concerning the Special Amusement Permit Application filed by the Cellardoor Winery. Vote 5-0.

No comments from the audience were offered.

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

Motion by Plausse, second by Hardy, that after holding a public hearing, the Board finds that the application submitted by the Cellardoor Winery complies with the standards set forth in the Ordinance Governing the Issuance, Suspension, and Revocation of Special Amusement Permits for the Town of Lincolnville and the permit be granted. Vote 5-0.

9. Capital Needs Committee Report (continued):

Capital Needs Committee Chairman Young finalized his comments by saying the Committee is always looking for new members. Meetings are held in fall or early winter, prior to the budget process.

11. Gateway 1 ISC Resignation Appointment:

Motion by Parra, second by Plausse, that the Board accept with regret Chris Osgood's resignation from the Gateway 1 Implementation Steering Committee and that the Board extend their thanks to Chris for his effort on behalf of the Town. Vote 5-0.

12. Fire Chief Appointment:

Motion by Parra, second by Plausse, to appoint Jason Peasley as Fire Chief, with a term expiring in June, 2011. Vote 5-0.

13. Controlled Burn Agreement:

Town Administrator Kinney explained per the Fire Chief's request, a controlled burn or training agreement was drafted and has received review approval from the Fire Department, legal counsel, and the Town's insurance carrier.

Motion by Plausse, second by Hardy, that the Board approve the use of the Agreement for all controlled burns and the Board delegate the Town Administrator to approve such agreements on behalf of the Town. Vote 5-0.

Selectwoman Parra asked the Town Administrator to include controlled burn information in his Town Administrator's Report, when timing permits.

14. Discussion of Possible Weather/Storm Policy:

Town Administrator Kinney explained there is currently no official policy regarding closing the Town Office due to weather-related events or emergency conditions, and he is seeking the Board's clarification on the issue. Town Administrator Kinney has made the decision twice this winter to close the Town Office during storms; employees were paid for those closure days. During the storm on January 12th, the Town Office remained opened; employees could choose to go home and use their vacation or personal time. Town Administrator Kinney asked Town Office employees to write down their thoughts on the issue; their memos were included in the Board's packets.

Selectman Plausse expressed his view that the Town Administrator should make the determination if the Town Office should close or not; if the Office stays opened but

employees choose to go home, they should use vacation or personal time. If the Town Office is closed, employees should get paid. Other Board members expressed similar views as Selectmen Plausse. Selectwoman Hardy said she does not travel to work when it's stormy, but plans ahead to bring work home with her, and she gets paid; she suggested Town Office employees could do the same with Town Administrator Kinney's approval.

Motion by Plausse, second by Parra, to give authority to the Town Administrator to make the determination if the Town Office should be closed due to stormy weather or emergency conditions. Vote 5-0.

Selectwoman Parra felt additional clarification was needed in the policy if an employee chooses on their own not to come in; if the Town Office stays opened but employees choose not to come in due to bad weather, they should use vacation time; if the Town Office closes, employees should be paid. As a Town of Rockport employee, she personally uses vacation time to stay home to avoid travelling in bad weather and believes many other towns have similar practices.

Town employees Jodi Hanson, Karen Secotte, and Diane Bacon expressed views that when the weather is as bad as it was January 12th, the Town Office should be closed for the safety of the employees, regardless of how far or near they lived from the office. Since the Board's decision tonight gives the Town Administrator closure authority, they would have faith in and rely on the Town Administrator's judgment and common sense to close the office when weather conditions warrant.

Town Administrator Kinney explained until tonight, he didn't feel he had the authority from this Board, or any other Board, to close the Town Office. Selectman Trundy explained his hesitation in setting specific closing criteria is due to specific criteria may not cover all circumstances and may be misconstrued, and he felt the Town Administrator's good judgment and common sense should prevail.

Karen Secotte requested when the Town Office stays opened and Waldo County closes, an announcement be made on Village Soup that the Town Office is open; residents assume that because the County is closed, the Town Office is also closed.

15. Tanglewood Road Update:

Town Administrator Kinney reported that Town Attorney Daggett is recommending the Board hold a public hearing on February 14th at 6:30 p.m. to review the survey by Gartley & Dorskey concerning the Tanglewood Road right-of-way; property owners would be notified of the public hearing. Town Attorney Daggett will be present at the meeting to explain right-of-way options available to the Board.

Selectwoman Parra would like time with the Town Attorney prior to the meeting to make sure she has a clear understanding of the issue. Other Board members agreeing, Town Administrator Kinney will ask Town Attorney Daggett to meet with them at 5:45 p.m. that evening, prior to the start of the meeting.

Motion by Plausse, second by Parra, that the Board hold a public hearing concerning the right-of-way of Tanglewood Road at its February 14, 2011, meeting at 6:30 p.m. Vote 5-0.

- 16. Treasurer's Warrant, Payroll Warrant, and Fire Station Construction Warrant:
Motion by Parra, second by Hardy, to approve the Treasurer's Warrant, the Payroll Warrant, and the Fire Station Construction Warrant. Vote 5-0.**

Motion by Plausse, second by Parra, to enter into executive session for the purpose of conducting the annual performance evaluation of the Town Administrator pursuant to title 1 MRSA Section 405(6)(A). Vote 5-0.

- 17. Annual Performance Evaluation of the Town Administrator – Possible Executive Session – Personnel Matter – Title 1 MRSA Section 405(6)(A):**

- 18. Adjourn:
Motion by Parra, second by Hardy, to adjourn the meeting (9:10 p.m.). Vote 5-0.**

Respectfully submitted,

Diane Bacon
Administrative Assistant