

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
MAY 23, 2011**

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**Selectmen present: Rosendel Gerry, Chairman, H. Bob Plausse, Cathy Hardy, and Stacey Parra.**

**Excused Absence: Vice-Chairman Jason Trundy**

The quote of the day was read by Selectman Plausse.

**1. Citizen's Forum:**

Andy Oliver, representing the Lincolnville Boat Club, addressed the Board to reiterate the Boat Club's interest in the former Center Fire Station; without the storage room it provides, the Boat Club would be "up the creek." Board members said they definitely are aware of the Boat Club's interest in the space; so far, any discussions/proposals Jim Dunham and the Lincolnville Community Alliance have had with the Board regarding the Center Fire Station have included continued storage space for the Boat Club.

Ken Bailey of the Megunticook Watershed Association (MWA), who is also Inland Harbor Master for Lincolnville, updated the Board about the Norton Pond bacteria issue. Four to five meetings have been held this past winter and early spring with residents, Town officials, and consultants. He explained there will be two monitoring programs this season. Moody Mountain Environmental has been hired by the MWA for its expertise in trying to locate the sources of the bacteria, in addition to the Partners in Monitoring program which will again test, on a weekly basis, local swimming areas; results are then emailed to the Town Administrator, Code Enforcement Officer, and Ken Bailey.

Paul Leeper, owner of Moody Mountain Environmental, explained in trying to pinpoint the bacteria source locations, he will be concentrating on the tributaries to Norton Pond more than the actual swimming areas; DNA marking tests will eventually be used to determine which warm-blooded species is the bacteria source.

**2. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Absentee ballots are available at the Town Office during normal business hours.
- The Circuitbreaker Program deadline is May 31<sup>st</sup> and he encouraged residents to apply to this underutilized State program.
- The Beach bathroom project is underway; the structure is up and the interior of the roof will be stained.
- The structure at 276 Greenacre Road has been removed; use of the lot has yet to be determined.

- CMP has started the smart meter installation in Lincolnville. Kay Rand of Central Maine Power told Town Administrator Kinney that the PUC ruled that if people want to opt out of having the smart meter installed, they will be charged an upfront fee of \$40 and a \$12 monthly fee. If people choose to have the smart meter installed but have the digital transmitter disconnected, there will be an upfront fee of \$20 with a \$10.50 monthly fee.
- This is the first day of the Click It or Ticket Program, which will run through June 5<sup>th</sup>. He encouraged everyone to wear seatbelts.
- As an emergency item, Town Administrator Kinney asked that Ruth Felton and Lois Lyman be appointed ballot clerks.

**Motion by Plausse, second by Hardy, that Ruth Felton and Lois Lyman be appointed ballot clerks. Vote 4-0.**

Selectman Plausse brought up the issue of electing an out-of-town moderator versus a Lincolnville resident moderator for Town Meeting. After much thought, he decided he does not want to see an out-of-towner moderating Lincolnville's Town Meeting; he feels Ric McKittrick does a good job, legally a moderator has a right to speak to an article, and he feels last year Ric handled stepping down to speak to an issue in an appropriate manner. Selectwoman Parra agreed, saying she feels it's no different than Selectmen or Budget Committee members voicing their personal opinions on an issue.

Chairman Gerry disagreed, saying it gives the appearance of not good conduct, and he would rather see someone who has no vested interest in Lincolnville affairs conducting the meetings. Selectwoman Hardy thought Ric does a good job, but also thought there was an issue last year; she had offered the name of a potential moderator from outside Lincolnville. She asked if Town Administrator Kinney had lined anyone up yet; Town Administrator Kinney responded he had not. For the benefit of the audience and viewing public, Town Administrator Kinney explained that although a moderator is nominated, elected, and sworn in just prior to polls opening on election day, most town clerks feel it is prudent to have someone on hand that morning who is capable and willing to serve.

Selectman Plausse said he will nominate Ric McKittrick on June 14<sup>th</sup>, if he is willing to serve; Chairman Gerry said he will nominate Kate Silsby. Town Administrator Kinney encouraged anyone willing to serve as moderator to come to the Lincolnville Central School gym on Tuesday, June 14<sup>th</sup>, at 9 a.m.

### **3. Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings, also announcing the Memorial Day parade will start at 1:30 at the former Center Fire Station and end at Lincolnville Central School.

### **4. Upcoming Community Events:**

Selectman Plausse reported that the Old Timers Luncheon was held today at the Lobster Pound, with 90 people in attendance.

5. **Meeting Minutes:**

**Motion by Plausse, second by Hardy, to approve the May 9, 2011, minutes, with the following amendments: Line 34, remove “the” before Floyd; Line 49, add “he” before “was disappointed”; Line 59, period at end of sentence should be inside quotation mark; Line 83, “o f” needs space eliminated between letters; Line 137, maintenance should be capitalized; Line 158, should be “is” going to...; Line 203, delete “only” before “on June 13<sup>th</sup>”. Vote 4-0.**

6. **Lincolnvile Sewer District Request:**

Paul Lippman, Trustee of the Lincolnvile Sewer District, read the first three paragraphs of an email sent from Sewer District Trustee Thomas Crowley to Town Administrator Kinney, requesting “the Town of Lincolnvile add a “rider” or endorsement to the Town’s existing liability policies that would include the trustees until the Lincolnvile Sewer District begins to raise or collect its own revenues. Further, insomuch as is possible within the membership rules of the MMA, we would also like to be included as members under the Town of Lincolnvile’s membership.”

Since Townspeople voted that the Sewer District was a separate entity from the Town, Selectwoman Parra suggested Town Attorney Daggett review the wording of the article passed to make sure we are not opening the Town up to something, considering the vote; and if Town Attorney Daggett feels it’s okay, Town Administrator Kinney can get costs from the Maine Municipal Association for the requested liability insurance, as well as including the Sewer District in our MMA membership. Selectwoman Parra said money for postage, printing, etc., would have to go on the next budget. Town Administrator Kinney will report his findings to the Sewer District Trustees.

7. **Mortensen Septic Easement:**

**Motion by Plausse, second by Hardy, to approve and sign the easement deed to Patricia Mortensen as prepared by the Town Attorney allowing for the installation of a wastewater disposal system on Town-owned property pursuant to the authority granted the Board of Selectmen at the Town Meeting held on November 24, 2008. Vote 4-0.**

8. **French-Williams Septic Easement Follow-Up:**

Town Administrator Kinney explained at a previous meeting, the Board had requested Len Williams to determine that no other option other than a Town easement was available to him regarding relocating a replacement septic leachfield. Mr. Williams hired David Studer, who determined no other option was available to the Williamses, and who designed a replacement system for him.

Len Williams explained he and his wife are the owners of the cottage at 58 Norton Pond Road, and a stream runs through that property and into Norton Pond; his septic leachfield is only 45 feet from the stream and 85 feet from his neighbor’s well. Testing of the stream in October of 2010 resulted in some elevated enterococci readings. There are structures above him that also feed into the stream, but Mr. Williams would like to line up an easement from

the Town should Paul Leeper determine his leachfield is a source of bacteria. When questioned by Board members, Mr. Williams explained his existing system was installed early 1996; if the easement is granted, his intention is to not immediately replace the leachfield, but will replace it when it fails; the requested easement would not interfere with his neighbors' easements; he has no apprehension about his other system elements, such as his tank; and the requested easement would put his system in compliance by locating his leachfield 100 feet from the stream and 100 from his neighbor's well.

**Motion by Parra, second by Plausse, that all costs associated with this application including, but not limited to, the required soils test, easement survey and legal description, plumbing permits, and construction be borne by the applicant; that prior to issuing approval, the Town requires that the applicant have a land survey completed with the area necessary for the construction and future maintenance of the septic system properly marked and a description of this survey written; that after the survey is complete, the site will be inspected by representatives of the Town to insure that no more land area than necessary is being requested; that the written description be given to the Town Attorney for preparation of the easement document; that the applicant receive an invoice for the Town's costs associated with the Attorney's work; and that after you have completed the above and paid the associated legal fees, including the estimated recording costs, the easement will be presented to the Board of Selectmen for their approval. Vote 4-0.**

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

**Motion by Plausse, second by Hardy, to approve the Treasurer's Warrant, the LCS Coombs Trust Warrant, and the Payroll Warrant. Vote 4-0.**

Selectwoman Hardy quoted Jimmy Buffett from Changes in Lattitudes, Changes in Attitudes: *"Oh, yesterdays are over my shoulder, so I can't look back for too long. There's just too much to see waiting in front of me, and I know that I just can't go wrong."*

Board members thanked Selectwoman Hardy for her service to the Town.

**10. Adjourn:**

**Motion by Hardy, second by Parra, to adjourn the meeting. Vote 4-0.**

Respectfully submitted,

David B. Kinney  
Town Clerk