

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

Selectmen present: Jason Trundy, Chairman, Rosendel Gerry, Vice-Chairman, Stacey Parra,
and David Barrows

Excused Absence: Julia Libby

The meeting was called to order by Chairman Trundy (5:30 p.m.).

- 1. Executive Session – Consultation with Town Attorney regarding the legal rights and duties of the Board of Selectmen concerning the disposition of the former Center Fire Station (Title 1 M.R.S.A. §405(6)(E)):**

Motion by Gerry, second by Barrows, to enter into executive session pursuant to Title 1 M.R.S.A. §405(6)(E) with the Town Attorney for consultation concerning the disposition of the former Center Fire Station. Vote 4-0.

Upon returning to open session (approximately 6:15 p.m.), motion by Gerry, second by Parra, to come out of executive session. Vote 4-0.

Selectman Barrows read the quote. Chairman Trundy explained that due to illness, Town Administrator Kinney could not attend tonight's meeting. He also explained Selectwoman Libby was excused from tonight's meeting as she is out of town.

- 2. Citizens' Forum (6 P.M.+/-):** None

- 3. Administrator's Report:** None

- 4. Meetings & Announcements:**

Vice-Chairman Gerry read the upcoming meetings. He also announced The Childs Project (iris scans) and National Take-Back Initiative (disposal of prescription drugs) would be held October 29th from 10 a.m. to 2 p.m. at Lincolnville Central School. Vice-Chairman Gerry also announced that students of Camden Hill Regional High School will hold a free breakfast for veterans and spouses on November 11th, and Selectwoman Parra announced that polls will be open from 8 a.m. to 8 p.m. on November 8th, instead of the usual 9 a.m. to 8 p.m.

- 5. Upcoming Community Events:** None

- 6. Meeting Minutes:**

Motion by Gerry, second by Barrows, to approve the October 11, 2011, meeting minutes, as presented. Vote 3-0-1 (Parra abstained).

Since it was not yet 6:30 p.m. and time for the public hearings, the next items were discussed out of order.

12. Liquor License Renewal – Whales Tooth Pub:

Motion by Gerry, second by Barrows, to approve and sign the liquor license application submitted by the Whale's Tooth Pub. Vote 4-0.

13. Waldo County Fire Protection Mutual Aid Compact:

Chairman Trundy stated the proposed Waldo County Fire Protection Mutual Aid Compact had been endorsed by Lincolnville Fire Chief Peasley.

Motion by Parra, second by Barrows, to approve and sign the Waldo County Fire Protection Mutual Aid Compact (dated April 7, 2011). Vote 4-0.

14. Treasurer's Warrants(s) – Approve and Sign:

Motion by Parra, second by Barrows, to approve the Treasurer's, Coombs Griffin Trust, and Payroll Warrants. Vote 4-0.

7. 6:30 P.M. Public Hearing – Special Town Meeting Article(s):

Motion by Gerry, second by Barrows, to open the public hearing concerning the referendum questions that will be presented to the voters on November 8th. Vote 4-0.

Chairman Trundy read the Special Town Meeting Warrant article to be voted on November 8th. He asked for public comment; none was offered.

Selectman Gerry felt this was a great opportunity to forge a working relationship with Habitat of Humanity and to add to the tax roll what was basically a worthless piece of property (located on Greenacre Road). Chairman Trundy briefly explained how Habitat of Humanity of Waldo County had approached the Board a couple months ago, asking them to consider donating Town-owned land to them as a building site. Selectwoman Parra added that Randy Mailloux, who is very involved with Habitat of Humanity, recently received the Citizen of the Year Award in Belfast for his work on this project.

Motion by Parra, second by Gerry, to close the public hearing. Vote 4-0.

8. 6:30 P.M. Public Hearing – Amendments to General Assistance Ordinance:

Motion by Gerry, second by Parra, to open the public hearing concerning proposed amendments to the General Assistance Ordinance. Vote 4-0.

General Assistance Director Jodi Hanson was present to answer any questions. Chairman Trundy asked for public comment; none was offered.

Motion by Parra, second by Barrows, to close the public hearing. Vote 4-0.

Motion by Parra, second by Barrows, that the Lincolnville Board of Selectmen adopt the MMA Model General Assistance Ordinance and Appendixes (A-C), dated September, 2011. Vote 4-0.

9. Disposition and Uses of Former Center Fire Station and Annex:

• **Lincolnvile Boat Club**

Boat Club member Steve Nystrom addressed the Board about what the Boat Club does, the value of the space utilized by the Boat Club at the former Center Schoolhouse, and where the Boat Club is headed in the future. He explained the Club's use the last four years of the white Schoolhouse building has been crucial to the success of the sailing program on Norton's Pond; without the building, the sailing program couldn't exist in that location. He went on to explain the reason the Club rejected the proposed lease of the Fire Station and Schoolhouse is that the lease would end in May, just when their boating season would be starting up. The Club would be carrying the expense of both buildings through the winter with no guarantee they would have continued use during the summer months, their busiest season. Mr. Nystrom stressed, however, the Boat Club would like to work out an arrangement with the Board tonight, if possible.

Chairman Trundy voiced his personal view that he had wanted to see the number of Town-owned properties reduced, preferably by selling them, and the former Fire Station/Schoolhouse was one of those properties. But as groups started expressing interest in revitalizing the Center and utilizing that property toward that effort, he supported that idea and wanted to cooperate in that effort. Therefore, he was surprised and disappointed when the Boat Club rejected the proposed lease and explained the Town was only looking to break even so taxpayers aren't shouldering the burden of maintaining the property. Chairman Trundy, and the Board, appreciates the value of the Boat Club, the Historical Society, and the Community Alliance to the Town of Lincolnvile, but also felt the Board had to be fair to taxpayers and could not be locked into an automatic renewal situation.

Selectman Gerry felt discussing/negotiating face-to-face is always better than sending letters. Gary Neville, Boat Club member, said there were seven Boat Club members in the audience tonight willing to negotiate with the Board now. Chairman Trundy felt the Town Administrator should be present at any discussions, and he felt the middle of a Selectmen's meeting was not the best forum to negotiate details on this complex issue. Boat Club member Rob Newcombe asked if the Board would be willing to sell the property below market value, saying there were probably 100 members between the three groups willing to work toward purchasing the property. Gary Neville said the Boat Club had requested an option-to-buy in the lease, but the Board had said no. In response to Selectmen Gerry and Selectwoman Parra's questions, Rob Newcombe acknowledged the Boat Club, at one point, made an offer in a letter to pay \$30,000 over a period of time for the property, hoping that would at least start a dialogue about purchasing the property. Selectwoman Parra asked if the Boat Club was asking to use the white building this winter for free; they said if the white building is available, they would like to continue using it this winter, but would also like to pursue the idea of purchasing the property and are prepared make a down payment now.

It was the consensus of the Board that Chairman Trundy will talk to Town Administrator Kinney about scheduling a meeting with the Boat Club, the Historical Society, the Community Alliance, along with the Town Administrator and a Board member(s), to negotiate a possible lease of the white building and a possible purchase price of the

property. Gary Neville said he would be contact person for the Boat Club, and Selectmen Gerry felt Diane O'Brien and Jim Dunham should both be at the meeting.

- **Lincolnvile Historical Society/Lincolnvile Community Alliance – Open House 11/5/11**

Diane O'Brien, President of the Historical Society, next addressed the Board about the Historical Society's interest in the former Schoolhouse building only. The Historical Society envisions preserving this historic building, perhaps moving it to the former Dean & Eugley lot, thereby creating an inviting gateway to Lincolnvile Center. She mentioned possibly utilizing the building as a library someday. But Diane O'Brien also stated the Historical Society has no money and would probably need at least a year to raise funds for such a project; she suggested the Board might consider selling part of the Dean & Eugley site to the Society for \$1.

In the meantime, volunteers have worked to clean up the Schoolhouse for an open house to be held on November 5th at 10 a.m., and she encouraged everyone to stop by.

10. Proposal to Serve as Adviser to the Recreation Commission:

Gary Neville was present to discuss his letter, dated October 5th, addressed to the Board and included in the Board's packet. In his letter, Mr. Neville proposes a compensation fee schedule to work with the Recreation Commission as adviser; \$125 to attend Recreation Commission meetings, and \$75 as an hourly rate.

Selectwoman Parra expressed her appreciation to Mr. Neville for coming back with a proposal, but wondered if he would consider compensation on a project-oriented basis, rather than a meeting basis. There are several projects, including a skating rink, a running track, and the Norton Pond boat ramp, which she would like to see realized, and she asked if Mr. Neville would consider developing a per-project price rather than per-meeting price. Mr. Neville said he would be willing to consider that.

Motion by Parra, second by Gerry, to table Item 10 to the next meeting. Vote 4-0.

11. As Board of Assessors – Abatement Requests:

Motion by Parra, second by Gerry, to suspend their meeting as Board of Selectmen and convene as Board of Assessors. Vote 4-0.

Assessors' Agent Vern Ziegler addressed the Board about the three tax abatement applications on tonight's agenda, summarizing the memo he had submitted to them (included in their packets). As stated in the memo, the burden of proof to show the value is manifestly wrong and/or has been assessed differently than other similar properties falls to the taxpayer. He also explained that two of the three applicants used appraisals done for financing purposes and not for abatement purposes; and the one done for abatement purposes did not, in his opinion, prove the assessment was manifestly wrong or assessed differently and unfairly than other similar properties; Assessors' Agent Ziegler is recommending denial of the three abatement applications.

- **Thomas/Blackington (Map 21, Lot 49)**

Steve Thomas and Casey Blackington addressed the Board, explaining Steve Thomas purchased the property in 2005 for \$132,000, sold the property to Casey Blackington in August, 2011, for \$123,000, yet the property is valued at \$146,100. They felt a reduction of \$20,000 in value would be more in line with the two past appraisals done on the property.

Assessors' Agent Ziegler explained the August, 2011, HUD Settlement Statement submitted by the applicants was the only support document he received from them that could be utilized; that HUD statement showed a sale price of \$123,000, a "Gift of Equity From Seller" in the amount of \$7,500, for a total value of \$130,500. In his memo, Assessor's Agent Ziegler questioned if this was a true arm's length sale, and pointed out that market price is not market value.

In addition to an applicant's option of obtaining an appraisal for abatement purposes only, Selectwoman Parra asked Assessor's Agent Ziegler if any of the three property owners had requested him to do an inspection of their properties to verify the current assessment; he responded they had not. If requested he would do an inspection, which could possibly affect values for the next tax commitment. But he also explained if the Board denies tonight's applications and their decisions are appealed by the applicants to the Board of Assessment Review, part of the de novo appeal process could be to start the at the beginning, in which case inspection results could have some bearing on this year's assessment.

Motion by Parra, second by Barrows, that the Board of Assessors deny the Thomas and Blackington application for an abatement of property taxes as the application does not contain support proving that the assessed value is manifestly wrong, but suggested the property owner contact Assessors' Agent Ziegler to inspect the property. Vote 4-0.

- **Wood (Map 34, Lot 110)**

Assessors' Agent Ziegler next explained the Wood abatement application is the same situation as the Thomas/Blackington application in that the appraisal was not done for abatement purposes and was done after April 1, 2011. He continued by explaining the process an appraiser uses for mortgage purposes is different than the process used for abatement purposes, even though the appraised value may end up being the same.

- **Levine (Map 14, Lots 40 F & G)**

Assessors' Agent Ziegler explained this situation was slightly different than the previous two in that the appraisal done was for abatement purposes. The appraiser used two Lincolnville sales, one from 2010 for \$325,000 and the other from 2008 for \$360,000. Due to the limited number of comparable sales, the appraiser also used current offerings of property similar to the Levine's property. However, Assessors' Agent Ziegler said the appraiser did not use a lot on the same road as the Levine's property (Waters Edge Drive) that sold in 2009 for \$600,000, and that lot was smaller in size than the Levine's lot. Assessors' Agent Ziegler also compiled a list of Penobscot Bay Residential Land

Assessments from the Town's database, which demonstrated that all similar waterfront property in Lincolnville is assessed by the same method, using the same base as the Levine's, so he felt the assessment was equitable with similarly situated properties.

Motion by Parra, second by Barrows, that the Board of Assessors deny the Levine's application for an abatement of property taxes as the application does not contain support proving that the assessed value is manifestly wrong. Vote 4-0.

Motion by Parra, second by Barrows, that the Board of Assessors deny the Wood's application for an abatement of property taxes as the application does not contain support proving that the assessed value is manifestly wrong. Vote 4-0.

Motion by Parra, second by Gerry, to adjourn as the Board of Assessors and reconvene as the Board of Selectmen. Vote 4-0.

15. Adjourn:

Motion by Parra, second by Barrows, to adjourn the meeting (7:43 p.m.). Vote 4-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant