

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
SEPTEMBER 26, 2011**

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

The meeting was called to order by Chairman Trundy (5:15 p.m.).

1. **Executive Session – Consultation with Town Attorney regarding the possible renovation of Town Office (Title 1 M.R.S.A. § 405(6)(E)):**  
**Motion by Parra, 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 legal rights and duties of the Board regarding the possible renovation of the Town Office. Vote 5-0.**
2. **Executive Session – Hearing on Two Applications for Property Tax Abatement Due to Poverty and/or Disability (Title 1 M.R.S.A. §405(6)(F) & Title 36 M.R.S.A. § 841(2)(E)):**  
**Motion by Parra, second by Barrows, to enter into executive session for the purpose of hearing two applications for property tax abatements due to poverty and/or disability pursuant to Title 1 MRSA §405(6)(F) and Title 36 §841(2)(E). Vote 5-0.**

Upon returning to open session (6 p.m.), **motion by Parra, second by Gerry, to come out of executive session. Vote 5-0.**

Selectman Gerry read the quote.

Selectwoman Parra stated no motion is being made in regards to Executive Session Item 1.

Regarding Item 2, **a motion was made by Parra, second by Gerry, to grant Abatement A in the amount of the difference between the Circuit Breaker refund that the property owner is to receive and the 2009 tax bill, pursuant to Title 36, Section 841(2). Vote 5-0.**

**Motion by Parra, second by Libby, to deny Abatement B, pursuant Title 36 M.R.S.A. 841(2). Vote 5-0.**

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

4. **Administrator's Report:**

Town Administrator David Kinney reported:

- The technical issues resulting in no audio for the last Selectmen's meeting was not due to a cable problem but due to his setup of the equipment; he apologized for his error. In response to Selectman Gerry's question, Town Administrator Kinney said he had not contacted the cable company about a switch that shuts off the cable.
- Governor LePage politely declined the Town's invitation to attend the Lincolnville Center Walkthrough due to previously scheduled commitments.

- Town Administrator Kinney walked the Greenacre Road parcel with representatives of Habitat for Humanity; they felt the parcel would be a suitable site for them, so the process moves forward for a ballot vote.
- Nick Hodgkins, from DEP, offered to meet with the Board if they had specific VRAP or brownfield questions regarding the Dean & Eugley site.
- Town Administrator Kinney spoke with Jason Bird of the Midcoast Economic Development District about an application they are submitting for site assessment funds; they did not think the Dean & Eugley site would qualify since an assessment has already been done there.
- The Maine Municipal Convention is next week, but Town Administrator Kinney will not be attending on Thursday; Selectwoman Parra will be attending. Town Administrator Kinney asked if Selectwoman Parra could be appointed as the Town's voting representative.

**Motion by Gerry, second by Libby, to allow Selectwoman Parra to represent the Town of Lincolnville at Maine Municipal Association's annual business meeting. Vote 4-0-1 (Parra abstained).**

- Winter sand stockpiling should be starting before the Board's next meeting.

**5. Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings and corrected the date for the Lincolnville Center Walkthrough to October 11th. Selectmen Barrows and Gerry, along with Town Administrator Kinney, plan to attend the Walkthrough.

**6. Upcoming Community Events:**

Town Administrator Kinney read the Community Events listed on the agenda.

**7. Meeting Minutes:**

**Motion by Parra, second by Barrows, to approve the September 12, 2011, meeting minutes, as presented. Vote 5-0.**

**8. Discussion of Possible Open House for Former Center School-LHS/LCA:**

Town Administrator Kinney had received a request from the Lincolnville Community Alliance (LCA) and the Lincolnville Historical Society (LHS) to address the Board about having a cleanup day and open house at the former Center Schoolhouse. He also had received an email from Diane O'Brien, President of the Lincolnville Historical Society, regarding the historical value of the former Center Schoolhouse and their suggestion to move it to another site, possibly the Dean & Eugley site. Town Administrator Kinney also reported he had distributed an email copy to Board members from Jackie Watts, who could not attend tonight's meeting, but who was in support of Diane O'Brien's email.

Cindy Dunham of the Lincolnville Community Alliance addressed the Board to request permission to hold a cleanup day and open house at the Schoolhouse, which they felt would give their group a better sense of how the broader community sees the building. When asked by Selectwoman Libby about funds for moving the structure, Ms. Dunham said LCA and LHS would not be requesting Town funds for that project. Both groups are suggesting

moving the Schoolhouse to a slab on the Dean & Eugley site as a possibility, and if the Selectmen thought moving the building was conceptually a good idea, Lincolnville Community Alliance would develop a business plan to reach financial goals to fund this project.

When asked about insurance issues with a cleanup and open house, Town Administrator Kinney explained a Town-sanctioned volunteer cleanup would be fine, but it should be sponsored by the Town rather than a LCA or LHS event.

The Board was fine with a cleanup and open house, the earlier the better, especially for the cleanup. Town Administrator Kinney will meet with Cindy Dunham and LCA to figure out a date for the event.

**9. Hearing Pursuant to 30-A MRSA §4356(3) to Consider Extension of Moratorium Ordinance on Methadone Clinics:**

**Motion by Parra, second by Barrows, to open the public hearing, pursuant to Title 30-A Section 4356(3) to consider extension of the Moratorium Ordinance on Methadone Clinics and Medical Marijuana Dispensaries and Cultivation Facilities. Vote 5-0.**

Town Administrator Kinney summarized the timeline applicable to moratoriums. The effective date of the Moratorium Ordinance approved by Lincolnville voters was April 11, 2011, and a moratorium can last only 180 days, unless an extension is approved by the Selectmen. An extension can be granted after notice and hearing, provided the problem for the moratorium still exists and that reasonable progress is being made to alleviate the problem. The consultant (the Town Attorney) has drafted the proposed language, the Fire Chief and Police Chief have reviewed the draft, and the Land Use Committee is currently working on the draft; Chairman Trundy felt both prerequisites for an extension have been met.

Mike Ray questioned the status of LD1, part of which initially prohibited retroactive moratoriums. Town Administrator Kinney did not know the outcome of that portion of the legislation, but did not think it affected this moratorium; if it passed, it may affect future moratoriums.

Selectman Gerry said he moderated the recent Warren Special Town Meeting regarding the moratorium issue, and the overall consensus was Warren wished they had been proactive like Lincolnville is being.

No public comment was offered.

**Motion by Parra, second by Gerry, to approve the extension of the Moratorium Ordinance on Methadone Clinics and Medical Marijuana Dispensaries and Cultivation Facilities as prepared by the Town Attorney. Vote 5-0.**

**10. Hearing Pursuant to 30-A MRSA §4356(3) to Consider Extension of Moratorium Ordinance on Medical Marijuana Dispensaries and Cultivation Facilities:**

*See Item 9.*

**11. Release: Adam Durkee Property:**

**Motion by Parra, second by Gerry, that the Board approve and sign the proposed Release for Adam Durkee regarding the Consent Agreement between the Town and Mr. Durkee, dated November 22, 2010. Vote 5-0.**

**12. Board, Committee, and Commission Appointment(s):**

**Motion by Libby, second by Barrows, to appoint Stacey Parra and Rosey Gerry to the Municipal Building Committee, with terms expiring June, 2012. Vote 3-0-2 (Parra and Gerry abstained).**

**13. Municipal Buildings Committee Follow-Up Items:**

**Motion by Parra, second by Libby, to charge the Municipal Building Committee with creating a timeline of events and best estimate of total project costs for renovating and expanding the existing Town Office in accordance with the Public Facilities and Services Goal #1 of the Comprehensive Plan and that the Committee report its findings to the Board by no later than November 28, 2011.**

Discussion: Selectman Gerry felt strongly that before voting in favor of that motion, he would like the Board to have an on-site inspection of the Dean & Eugley site, which the Board agreed to do at its last meeting. He expressed his preference for building a new town office at the Dean & Eugley site which would meet the Town's needs for the next 20+ years and which would help revitalize the Center, rather than renovating the current Town Office which would be disrupting for employees. He felt current low interest rates would help the Town to get the biggest bang for its buck.

All other Board members were willing to look at the Dean & Eugley site, but they all expressed serious reservations about utilizing that site for a new town office. They, too, wanted the end result of the Town Office project to meet the Town's needs for 20 to 30 years, but felt the lot size and environmental issues facing the Dean & Eugley site made the existing Town Office site the more financially responsible option. They also felt this issue has been discussed for years; some Municipal Building Committee members have become frustrated to the point of resigning from the Committee. So Board members felt it is time to move forward with the most financially responsible solution which, they felt, was renovating the current Town Office. Selectman Gerry again reiterated he's not necessarily opposed to the motion, but could not vote in favor of it now before the Board inspects the Dean & Eugley site one more time.

**Vote 4-1 (Gerry opposed).**

The Board will meet at 5:15 p.m. prior to their next meeting on Tuesday, October 11<sup>th</sup>, at the Dean & Eugley site. Town Administrator Kinney will invite the Municipal Building Committee to attend; the public is also invited to attend. It was suggested the current conceptual drawings be revisited and stakes be placed in the ground ahead of time at the

Dean & Eugley site, as well as possibly having a representative of the DEP there to answer questions.

**14. Town-Owned Property Discussion:**

Board members then addressed disposition of several Town-owned properties. In response to Selectwoman Parra's question if the South Cobbtown Road parcel could be put on the November warrant, Town Administrator Kinney said it could not.

Greenacre Road (Map 34, Lot 218):

**Motion by Parra, second by Barrows, that on November 8<sup>th</sup> if the donation of the Greenacre Road parcel to Habitat for Humanity is defeated, the Board should put this parcel up for sale. Vote 5-0.**

209 Main Street (Map 5, Lot 101):

**Motion by Gerry, second by Barrows, to table this property.**

Discussion: Board members expressed various views, including that selling this property before deciding the disposition of the Dean & Eugley site is "putting the cart before the horse," the Schoolhouse had significant historic value, and the disposition of this property, whatever it may be, should move along quickly.

**Vote 5-0.**

Hope Road (Map 21, Lot 57):

**Motion by Gerry, second by Barrows, to sell this parcel.**

Discussion: Selectwoman Parra pointed out the snowmobile trail goes through the middle of this parcel and questioned if wording could be added to the deed to allow the snowmobile trail on this parcel, although the trail location would have to be moved to one of the sides. Town Administrator Kinney will check with the Code Enforcement Officer about setbacks for a trail and will check with the Town Attorney about a recreational easement. It was suggested that perhaps the Snowmobile Club could do something to the trail prior to this winter.

**Amendment to motion by Gerry, second by Barrows, to include in the original motion that a recreational easement be added to the deed to allow a snowmobile trail. Vote on motion, with amendment: 5-0.**

South Cobbtown Road:

Town Administrator Kinney explained the only way to sell this property now is to follow the procedure set forth in the Ordinance for the Maintenance, Administrator, and Disposition of Municipal Lien Acquired Property. Selling the property back to the property owner for back taxes or selling the property by sealed bid would probably not gain the best return for Town. Clearing the title to give a warranty deed would maximize the return, but that would require voter approval.

The general consensus of Board members was to move towards placing this property on an upcoming Special Town Meeting warrant to clear the title.

Gillmor Lot (Map 31, Lot 41) and the Sprague Hastings Lot (Map 33, Lot 31):

Town Administrator Kinney explained the State of Maine had a title abstractor do research into our tax records to determine how the Town acquired this property. The previous Town Attorney had written a lengthy letter regarding his research on the title status, and Town Administrator Kinney suggested having the new Town Attorney review that research/letter to see if there is something relatively simple the Town could do to clear the title, such as seeking a declaratory judgment or approaching the heirs. Perhaps the State would have more interest in purchasing the property with a clear title.

James Dunham, Chairman of the Conservation Commission, explained State funds have already been earmarked to purchase parcels such as this, but with the newly elected administration, there hasn't been much movement with those funds due to backlog. He was pleased to hear the State had sent the abstractor and said he would contact Scott Dickerson, who has direct contact with the State, to try to determine where things stand with the State funds.

Town Administrator Kinney will have the Town Attorney review the former Town Attorney's research and ask for her recommendations on clearing the title.

Rankin Lot (Map 35, Lot 90):

It was the general consensus of Board members to keep this property as it has more value to the Town for possible future wetlands mitigation than as a potential marketable property.

Regarding those properties to be put up for sale, Board members agreed using a real estate agency for the sales would be easiest, and to ask Assessors' Agent Vern Ziegler for a marketable number for each property.

**15. As Board of Assessors – Assessors' Initiative Abatement(s):**

**Motion by Gerry, second by Parra, to suspend their meeting as Board of Selectmen and convene as Board of Assessors. Vote 5-0.**

**Motion by Gerry, second by Parra, that the Board of Assessors approve tax abatement numbers 2011-06 through and including 2011-08, as recommended by the Assessors' Agent. Vote 5-0.**

Selectwoman Parra pointed out these abatements were corrections to clerical errors.

**Motion by Gerry, second by Libby, to adjourn as the Board of Assessors and reconvene as the Board of Selectmen. Vote 5-0.**

**16. Municipal Review Committee, Inc. - Board of Directors Nomination:**

**Motion by Gerry, second by Parra, to nominate James Guerra to serve on the Municipal Review Committee, Inc. Board of Directors. Vote 5-0.**

**17. Camera Operator Position:**

Chairman Trundy pointed out that this is Marion Swanson's last Selectmen's meeting and thanked her for her years of dedicated service as camera operator for the Selectmen, Planning Board, and Budget Committee.

Town Administrator Kinney then explained the Chairwoman of the Planning Board preferred to have a camera operator rather than using a hand-held device to operate the camera; Town Administrator Kinney agreed with the Planning Board Chairwoman. Marion Swanson also agreed that a person should be hired as opposed to using a hand-held device to work the cameras. She suggested the evening meetings might be more conducive to an older person's schedule. Town Administrator Kinney pointed out the Town does not discriminate regarding age in the hiring process.

**Motion by Parra, second by Barrows, to have the Town Administrator advertise the position and to have him work with the Wage & Personnel Policy Board to develop a job description for the Board to approve. Vote 5-0.**

**18. Appoint Election Warden for November 8, 2011:**

**Motion by Parra, second by Libby, to approve the appointment of David Kinney as Election Warden for the November 8, 2011, Election. Vote 5-0.**

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

**Motion by Libby, second by Barrows, to approve the Treasurer's, Fire Station Construction, and Payroll Warrants. Vote 5-0.**

**20. Adjourn:**

**Motion by Parra, second by Libby, to adjourn the meeting (7:30 p.m.). Vote 5-0.**

Respectfully submitted,

Diane Bacon  
Administrative Assistant