

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
AUGUST 26, 2013**

Selectmen present: Ladleah Dunn, Chair, Julia Libby, Vice-Chair, Rosendel Gerry, Jason Trundy and David Barrows.

The meeting was called to order by Chair Dunn at 6:25 p.m. at Lincolnville Central School (C-1). The quote was read by Trundy.

**1. Martin Corner Road Inspection with Road Commissioner Young:**

Dunn said the Board had just returned from a road inspection from the Martin Corner Road with Road Commissioner Bernard Young.

**2. Citizens' Forum:**

Nancy Weed, Superintendent from School Union #69, introduced herself to the Board of Selectmen. She said she met with Kinney, the Town Administrator, and it was very enlightening and positive; he gave her a brief history. She said everyone's been very welcoming. She thanked the Board for their time.

**3. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Police cruisers are out to bid. He emailed the information to Police Chiefs and a few other towns that had expressed an interest. The bids are due back on Wednesday, Sept. 4<sup>th</sup> at noon and will be discussed on the Board's next meeting agenda.
- The Town has received a new vote tabulating machine provided to the Town by the State of Maine. Karen Secotte and Kinney have received training on the new machine. The State decided to take some of their grant money and purchase machines for every town, so that voting machines state-wide would operate in the same fashion. Kinney said the machine has some new features that are better than our old machine and some things that he doesn't think are quite as good. Kinney said he will do a 'test drive' in November. The State is going to have a bond issue and several questions on the ballot in November and if the Town has any local issues the Town will utilize the machine then.
- The status of the Ducktrap properties was an issue at the last Selectmen's meeting. The State is in the process of soliciting proposals to appraise the two pieces of property and the Board will be part of the selection process when those proposals come in.
- Kinney said that at the end of last week the Town began cutting trees at the end of Tanglewood Road where the overhead power line will be installed. In preparation for paving, the Town replaced the culverts on the Masalin and Tuckerbrook Roads.

- Regarding the Town Office, the outside and inside are coming along very nicely. They are installing the mechanical equipment, the heating system and the ventilating system in the building. The electric wiring is installed. The drywall is up and they have started to tape and mud it. As soon as that's done, they will start painting and installing in the floors. Kinney said it looks as though the Town Office will be done by mid to late October. He will schedule an open house either late October or early November. After the November election and open house Town employees will move back into the Town office.
- State-wide there's a free pesticide disposal day coming up for the public. Give us a call at the Town office or check out the Town's website for the information. The State requires preregistration by Sept. 27<sup>th</sup>. There will be four different drop-off locations throughout the State on different days.
- The outlet to Coleman Pond has been reconstructed with the fish way. This allows fish access up into the pond.
- The 2013-2014 tax bills went out. The first half payment is due October 9<sup>th</sup>.
- If anybody wishes to go to a Freedom of Access training there will be one in the Town of Rockport this Thursday, August 29<sup>th</sup> at 7:00 p.m.

Gerry asked Kinney to update the Board concerning the hedges on the corner of Slab City Road and Ducktrap Road.

Kinney said he got a complaint today about the Town trimming along the side of the road to increase visibility so people could see the stop sign, which wasn't well received by the home owner. Kinney said the Road Commissioner was going to go down to speak with the home owner, but he hasn't gotten an update on that.

4. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

5. **Upcoming Community Events:** None

6. **Meeting Minutes:**

**Motion by Trundy, second by Barrows, that the Board approve the August 12, 2013 meeting minutes as presented. Vote: 5-0.**

Dunn asked the Board if they needed to discuss the Martin Corner Road any further.

Kinney said he didn't know what some of the Board members were discussing while riding in the other vehicles.

Dunn said for the other Board members not riding with her in the vehicle on the Martin Corner Road there is one particular section coming up from Moody Mountain Road that's in pretty rough shape. The Board drove in on that section where it turns back down

to Martin Corner Road. The Board wanted to survey the scene to see the state of the road.

Kinney said that is the road the Board will hold a public hearing on in two weeks to consider its closure to winter maintenance.

Gerry said he would like the Board to consider presenting a warrant to discontinue the Martin Corner Road in its entirety. He said he knows there is a conservation easement, but if someone builds on that road the Town is going to be responsible to bring that road up to code and it's going to be very expensive. He would like the Board to permanently close the road. He said it's time to make decisions about some of the other roads in Town that are people's private driveways that the Town is paying to maintain. The roads go nowhere except to these people's houses.

Dunn asked Kinney to put this issue on an upcoming agenda when the Board discusses the seasonal closure of Town roads. She said maybe we could have some numbers to look at and then we could have an expanded and informed conversation about this issue.

Trundy asked Kinney to explain the process to discontinue roads.

Kinney said to discontinue a road requires a vote of the legislative body. The Selectmen have to determine what portion of any road it wishes to discontinue and also if there are any damages that have to be paid to someone. If a person's property abuts a road and the property will be devalued by its discontinuance then it could be a 'damage issue'. On the other hand, you can actually add value to a property by discontinuing a road. Kinney said there are hearings that are held in advance of discontinuing a road and certain statutorily required notices that have to go to the people that abut the road because of their vested interest. If damages will occur then the issue of compensating the property owner is presented at Town Meeting and if the voters approve it the damages get paid. Kinney said you can discontinue roads and maintain the public easement so the public has the right to still use the road or the public can vote to discontinue the road without the public easement.

Libby asked who ascertains the damages to the property.

Kinney said the Board can do that or hire an appraiser to do that work for them.

Gerry said he was only interested in roads where there is only one house.

**7. Northeast Mobile Health Services Update - Dennis Simmons, Rockport Division Commander:**

Dennis Simmons, Division Commander for Northeast Mobile Health Services in Rockport, extended his apologies for missing the last Selectmen's meeting. He had marked the meeting on his calendar for Tuesday night instead of Monday. He said he

wanted to update the Board on the new management team they have in place. He said their team is Larry Arbour, who is their supervisor, and Debbie Tooley, who is the deputy supervisor. The three of them will be running the day-to-day operations.

Simmons said the transition from Camden First Aid to Northeast went very well. Having all the systems in place such as dispatch and integrating most of the Camden First Aid folks into Northeast made the transition pretty seamless. He said he paired most of the Camden First Aid folks up with current Northeastern employees, so that they could share their knowledge. He said there have been only minor issues. The feedback they have been getting from the Town is positive. He said there were a couple of minor personnel issues that have been resolved.

Simmons said, as of yesterday, we responded to a total of 32 incidents for the Town of Lincolnville. Of those, six were intercepts for Islesboro and two were standby events, one of which was the LifeFlight of Maine swim last weekend across the bay, which went very well. Forty people swam across the bay and they didn't have to transport anyone. Northeast had twenty-four 911 calls to the Town of Lincolnville with an average response time of fourteen minutes. He said they have nine full time paramedics and two per diem paramedics, four full time advanced EMTs and one per diem. They have six full time EMTs and two first-responders that live in Lincolnville. They are staffing three rigs, one twenty four hours a day, one twenty hours a day and one eighteen hours a day. They added a fourth rig that is available for a call crew, if needed, and that truck has been called upon almost every day for the last two weeks. Northeast responded to almost three hundred calls for the month of July and they are almost over that number for the month of August.

Northeast is still negotiating on several different properties, all in the immediate area, for the location of a permanent base. The response times to the Town of Lincolnville will not be adversely impacted. Simmons said the EMS Performance Review Committee is being worked on. Kinney received a draft proposal from Kevin McGinnis on that and it was sent back with some request that is being worked on. He said they want to have the Committee established so that they can hold their first meeting in October to review their first quarter.

Gerry asked out of the three hundred calls how many of those were transports.

Simmons said roughly half.

Libby congratulated Simmons and was glad Northeast was doing a good job and was busy.

8. **EMS Review Committee:**

**Motion by Libby, second by Barrows, that the Board appoint Jason Trundy and James Sinclair to the EMS Performance Review Committee with a term ending June 2014. Vote: 5-0.**

9. **Consideration of a Consumers Fireworks Ordinance Committee Charge:**

Kinney said at the last Selectmen's meeting there was discussion about the possibility of developing an ordinance regarding consumers fireworks. The direction given to Kinney was to see if this fell into any one committee's jurisdiction by an existing committee charge or the Town Charter. Kinney said it appears that none of the current committees are suited for this task. The closest would be the Land Use Committee due to their experiences with ordinances, but they are more involved with districts and subdivision ordinances. Kinney said the Board could assign the task to an existing committee, create an ad hoc committee to address the issue or take on the drafting itself.

Dunn said at the last meeting there were a lot of different ideas expressed and one of those was requiring individuals to get a permit from the Town, which is not expressly allowed by the State Statute. She thought that it is implied that there is no legal provision for a Town to do that. She asked Kinney to follow up on that.

Kinney said our substitute Town Attorney said its well within home rule to adopt an ordinance that requires a permit for consumer fireworks; if that's something the community wishes to do.

Trundy asked, in those communities that have done that, who they utilize to issue those permits, is it town office staff.

Kinney said it depends on what the goals of the community were when they developed their ordinance. He said a number of them had the public go through the fire department because they wanted the fire department to be aware if there was a fireworks display that could cause a fire. Some towns chose to go through the Town Office so that if someone came in and got a permit the staff could post it on their website or send out an email notice. There are also a number of communities that chose to prohibit the use during class four or five fire days.

Dunn asked Kinney if this is a revenue opportunity for towns.

Kinney said if it's not prohibited by the State statute; it's allowable under home rule to charge a fee.

Gerry asked who is going to police this. He said if someone wants to find out if a neighbor has obtained a permit to display fireworks and wants to check with the Town Office, but the office is closed how would that work.

Whitney Oppersdorff said she represents the Coleman Pond Association as well as the Lakes and Ponds Committee. She said there was an article in the Bangor Daily News that quotes her saying she found the noise on Coleman Pond every night objectionable. She said she had some information to share with the Board on chemicals that fall into the lakes and ponds from fireworks. She also had information from the Maine Audubon Society, which asked the legislature, on Monday, March 11, 2013, to prohibit the use of fireworks except for the fourth of July.

Oppersdorff found that fireworks are prohibited in Maine State Parks. Inland Fisheries and Wildlife prohibits them within one mile from nesting areas of the endangered piping plover. She said she is trying to get Maine Audubon to let her know if the nesting loon count is down and how fireworks have affected them. There has not been a nesting pair of loons on Colman Pond this year. The Coleman Pond Association did a 'Firewise' assessment with the Maine Forestry Service and discovered that the fire roads around Coleman Pond are inadequate for fire trucks. Oppersdorff said she hoped the Board would establish a committee and share her research with them.

Gerry asked what the outcome of the March 2013 legislative meeting was.

Oppersdorff said she didn't know.

Annette Henkin and her husband, Gary, expressed their concern about fireworks to the Board. She said their experience is that the fireworks go off continuously and they have become alarmed because the fireworks go up into the sky and then either fall into the trees or the pond. They are very concerned about the fire issue. She said the other issue that concerns them is the cleanliness of the pond.

Gary Henkin commented that the noise and the fireworks display doesn't just occur for a minute or two or ten it's continuous.

Dunn asked if they could quantify the frequency which the fireworks are being shot off; is there any certain pattern.

Henkin said it can be three nights in a row, then two nights without. It alternates, there's no consistent pattern. He said what is consistent is their duration. He said if anybody shooting these fireworks off can guarantee that nothing will catch on fire, then he would like them to explain that, he doesn't think that's possible. He said this is a liability issue waiting to happen.

Trundy said there are people in town and on our Board who are opposed to the idea of more regulation. Some people feel that the State law is sufficient and on the other hand there are some who would like to see an all out ban on fireworks. Trundy said he falls somewhere in the middle. He said with all the materials presented to us by our Town Administrator and looking at some of the other things towns have put into their

ordinances there's a lot to consider about whether we should or shouldn't have an ordinance and what's reasonable. He said there will be a lot of questions concerning enforcement, and how wildlife and water quality is affected. Trundy said if we put an ad hoc committee together we should have somebody from the fire department on it. He said that somewhere in the 'middle' a reasonable ordinance could be past, but to get there we need to create an ad hoc committee with some representatives who are willing to put aside their individual biases.

Dunn suggested a workshop forum rather than trying to pull together a group of citizens. The Board could hear all sides of the issues and have the opportunity to look into some of the research of what has been done and tap into some of the scientific approaches that quantify the impacts from the use of fireworks.

Trundy's concern about going that route is that he doesn't want community members showing up and saying the Board of Selectmen put this ordinance together to tell us what we can and can't do. He said he would like to have some citizens involved who are willing to put the community's interests above their own.

Gerry's concern is if the Board forms a committee the people who will come forward are the ones that have an issue with the fireworks making it really difficult to find an unbiased group.

Trundy suggested that representatives include someone from the Land Use Committee, who has experience in putting these types of things together, from the Lakes and Ponds or the Watershed Association, from the fire department and include citizens not currently on a committee. He said the committee would then be made up of individuals from various groups with various opinions. The Board could direct the committee as to what it is expecting back and those directions could be very specific. Trundy said he doesn't look at this committee any differently then he looks at any other committees in Town. When people on other committees work together they have to find a happy medium, they have to talk, share points of view, listen and be respectful of somebody else's opinion. Trundy said keeping this to just the Board and not opening it up to more public input is not the best way to go.

Kinney said if the Board's desire is for an ad hoc committee, he can at least put together the parameters of a committee charge with some options for the Board to pick and choose what they like and dislike. He said once the charge is complete that would be the time to go out and seek volunteers to serve on the committee. Kinney said this is not going to be a short, simple process; this is going to take a fair amount of time for the committee members to familiarize themselves with what is being done state-wide. The committee could research what other communities have done and their experience; and consider scientific and anecdotal things along with public input. Kinney said there may be areas within the Town that might have different regulations.

Gerry said if the Maine Forest Service has set the fire danger high then he thinks fireworks should be banned anywhere in Lincolnville during that period. Gerry said he is a non-ordinance person and we have too many ordinances already in Lincolnville.

Dunn said to put restrictions on fireworks beyond what the State has already laid out during periods of high fire danger would require an ordinance.

Gerry said the Fire Chief has the authority to announce a ban on fireworks and so does the State Forest Ranger.

Oppersdoff said the Lakes and Ponds Committee has a September 24<sup>th</sup> meeting and she is planning to bring up this issue. She said the committee could look into information that they could share with the Board beyond what she has already given them. She said the committee could gather material and make a recommendation to the Board or just provide the Board with the information if the Board thinks that is a good idea.

Dunn said she doesn't think more information is ever a bad idea. She said the Board has settled on a core group of issues between the things your committee has brought up and from discussion at our last Board meeting. She said the Board has a clear idea of what fireworks present in terms of disturbance, annoyance and potential environmental impacts. Dunn said the Board's goal should be to get a very clear idea of what is known, what is supposed, and what's predicted and from this try to make some realistic compromise.

**Motion by Trundy, second by Libby, that the Board asks the Town Administrator to prepare a sample fireworks committee charge for the next meeting. Vote: 4-0-1 (Gerry opposed).**

**10. Waldo County Budget Committee Ballot:**

**Motion by Libby, second by Trundy, that the Board casts its District 1 Waldo County Budget Committee ballot for Thomas Flacke from the community of Morrill. Vote: 5-0.**

**11. Proposed Revision to Paving Plan:**

David said the Town of Lincolnville has had a paving plan for resurfacing town roads for more than ten years. This year's plan was cut back in order to save some cost in the budget. He said due to the bids received we have enough money within the paving budget to add one of the two roads back into the paving plan. The Road Commissioner and Kinney are recommending that Stan Cilley Road be added back into the program for this year.

**Motion by Gerry, second by Barrows, Recommends that the Board add the Stan Cilley Road to the Paving Program this year.**

Trundy said he agrees as long as the Town doesn't exceed the existing budget.

Kinney said he believes the Town has enough money within the existing budget, but part of the challenge is when you call paving companies in January and ask what the paving price is going to be in August. It will depend on what the price of asphalt and diesel fuel will be at that time and the companies always guess conservatively.

Gerry said he is concerned about the infrastructures of the Town roads and if the Town has the money we should use it.

Trundy asked for clarification on the motion.

Gerry said he would include Trundy's amendment that the cost doesn't exceed the current budget.

**Motion by Gerry, second by Barrows, Recommends that the Board add the Stan Cilley Road to the Paving Program this year with an amendment that the cost doesn't exceed the current budget. Vote: 5-0.**

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

**Motion by Libby, second by Barrows, that the Board approve the Treasurer's and Payroll warrants. Vote: 5-0.**

**13. Concealed Weapons Permit Application(s)-Possible Executive Session(s) Title 25 MRSA Section 2006:**

**Motion by Libby, second by Gerry, that the Board of Selectmen enter into executive session for purpose of reviewing a concealed weapons permit application pursuant to Title 25 MRSA Section 2006. (No vote taken).**

**Motion by Libby, second by Barrows, that the Board of Selectmen enter into executive session for purpose of reviewing a concealed weapons permit applications pursuant to Title 25 MRSA Section 2006 with an amendment to include Item 14 for purpose of consideration of employment of an Animal Control Officer pursuant to Title 1 MRSA Section 405 (6)(A). Vote: 5-0**

**14. Executive Session – Personnel Matter – Title 1 MRSA Section 405(6)(A):**

**Upon returning to open session, Motion by Libby, second Barrows, that the Board of Selectmen approve applications "A, B, & C" for a permit to carry concealed firearms and authorize the Board Chair to sign the permit. Vote: 5-0.**

**Motion by Libby, second Barrows, that effective September 1, 2013 the Board appoint Heidi Blood as Animal Control Officer with a six month probationary period and her compensation be set at \$291.67 per month plus mileage. Vote: 5-0.**

15. **Adjourn:**

**Motion by Barrows, second by Trundy, to adjourn. Vote: 5-0.**

Respectfully submitted,  
Cheryl Ten Broeck  
Administrative Assistant