

**BOARD OF SELECTMEN
MINUTES OF MEETING
December 10, 2012**

Selectmen present: David Barrows, Chairman, Rosendel Gerry, Jason Trundy, and Ladleah Dunn. (Julia Libby joined the meeting at 6:05 p.m.).

The meeting was called to order by Chairman Barrows at 6:00 p.m. at Lincolnville Central School (B-5). The quote was read by Dunn.

1. Citizens' Forum:

Arlene Leighton addressed the Board regarding the DCP Searsport Tank/Terminal. She invited the Board to continue to consider the letter of July 30th to the Town of Searsport and to have an open dialogue with Searsport regarding the DCP LPG storage and distribution center. She said she sent David, and for anyone else interested the links to the hearings from Nov. 26 to Nov. 30th at <http://penobscotbay.blogspot.com>. She said she would especially like people to listen to Harlan McLaughlin's testimony that comes up on Nov. 30th and is right before the first break. Harlan's family has lived in Searsport for centuries and he really got to the heart of the matter of how a town can be overwhelmed by a corporation and how a corporation can dictate to the town. He said it really puts the corporation's needs before those of the town. Leighton said there will be people and businesses in Searsport that will be economically hurt by this tank. In the most recent issue of the Free Press, the owner of the Anglers Restaurant in Searsport felt that his business would be adversely affected. Leighton said she will come before the Board next year with a few other issues, one regarding the Democracy School that is going to be happening in Belfast in March on nature and community based ordinances. If anyone is interested in that she could get them more information. The other issue for our children and grand children is getting the towns ready for climate change. The Tank is interconnected with the rights of communities, nature and what we may be facing in the next ten to thirty years. Leighton thanked the Board for their time and wished them a wonderful holiday.

2. Administrator's Report:

David Kinney, Town Administrator, reported:

- Kinney reported that they were still having technical difficulties with the audio for broadcasting the Selectmen's meeting, but still have video.

Gerry asked Kinney if he had a chance to do anything on an alternative town office.

Kinney reported that he started a check list of desired features and has been contacted by a representative of one location that would like us to consider renting their facility.

3. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings.

4. Upcoming Community Events:

Gerry announced there is a Christmas Program at the Lincolnville Library on Wednesday Dec. 12th, at 7:00 p.m. There will be a talent show and refreshments. There is no charge.

5. Meeting Minutes:

Motion by Trundy, second by Dunn, to approve the November 26, 2012 meeting minutes as presented. Vote: 5-0.

6. Set 2013 Harbor Fees:

Kinney said the Harbor Committee met in November as required by the Harbor Ordinance to recommend fees for the upcoming year. They looked at a number of fees from other towns and made the recommendation that the fees remain the same as the current year with the addition of a landing craft launching ramp permit.

Gerry asked what that actually involves.

Kinney said that last year a summer residence was being built on one of the islands off Islesboro and the landing craft was coming to and from the beach loading and unloading and occupying the ramp and creating some challenges there in terms of prop wash under mining the ramp. Kinney said they came to an agreement with the land craft owner to have funds placed in escrow in case they did some long term damage to the ramp. Kinney said he believed they were done with that project.

Mike Hutchings said that project is done, but he found out another project is going to be starting up on Islesboro. It will be about a year and half long project, but they probably won't be using landing craft on that ramp because they can access through the ferry. Mike said the landing craft fee is so we have some control and the price of it is structured the same as tour boat fees for passenger boats.

Hutchings said this gives us control since there is excessive use on that ramp.

Trundy asked how much we had them put in escrow.

Kinney said \$10,000.

Trundy asked if we set this up so they pay the \$1,200 a year to use the ramp, would we also ask for something in escrow if someone else had that type of a plan or is this in lieu of that.

Kinney said this was in addition to. If we had someone who was going to use the ramp multiple times a day we would approach them about some sort of damage protection.

Trundy asked if we had something in our ordinance that gives us the ability to do that or do we work it out on a case by case basis.

Kinney said the ordinance does not specifically address it, but when we discussed the matter with the Town Attorney she said you can make all kinds of agreements with

people to use your facilities if there is a fear or cause for concern that there may be damage.

Trundy asked if it would benefit the town to consider putting something into the ordinance that required an escrow account for someone who was doing extended use.

Hutchings said he thought that something in the ordinance would be a good idea, but he also said that if we have a permit we have something we can revoke if it's misused.

Trundy said he thought it would be good if the Harbor Committee could look at that and see what some other towns have done.

Kinney said there is a lot of protection in terms of the town; the State statute basically is the Master of the Harbor.

Hutchings supported Kinney's statement by pointing out that if a situation gets to a point where it's unsafe and a detriment to the facility there are provisions in the State statute that say you have to stop.

Trundy said he likes the idea of the escrow accounts.

Gerry asked Hutchings when he thought the other project was going to start.

Hutchings said it was in the design phase right now and it might go out to bid this spring or early summer with a construction start mid or late fall.

Kinney said that this project is actually on the island of Islesboro, so they will be able to move a lot of the materials by the ferry.

Gerry asked what the fee is right now if someone wants to take their small twelve foot boat off the ramp. Is there a fee for a Lincolnville resident to launch their watercraft?

Kinney said for the casual user it's free.

Hutchings said you can get a seasonal pass, which is ten dollars and that allows you to park adjacent to the launching ramp or State lot.

Motion by Trundy, second by Gerry, that the Board set the 2013 Harbor Fees the same as the 2012 Harbor Fees and a new landing craft fee of \$1,200 per year be established for use of the launching ramp by a landing craft and that the Harbor Committee explore new language for the ordinance to offer additional protection to the town for those types of incidents. Vote: 5-0.

7. Report of the Harbor Master – Guest Mooring Usage, etc.:

Hutchings said the town moorings get a lot of use by transient traffic and are in good shape. People can only stay four hours, but some people ask if they can stay overnight and the harbor master says they can and that we accept donations. We have received donations over the years. One guy who is a contractor donated \$500 because he used the town mooring for a week or so because his mooring was messed up. We have three town guest moorings.

Hutchings said we have projects we need to fund. We have a wave screen that is half finished. We didn't receive any harbor improvement grant money. The federal government has not handed out any money lately. There were two projects going on, Seal Island and a mansion being constructed on Islesboro. That resulted in six or seven boats making two trips a day. We had to finally designate a pedestrian loading area. There was quite a lot of friction at first. Also, trucks were trying to turn in a limited space. As a result, the deck on the pier has been worn down. The launching ramp needs some work, but we are covered on that one.

Gerry asked how many moorings are in the harbor.

Hutchings said that there are 48 moorings. People keep their sites. You can have a year of dormancy, after that it is "use it or lose it". Some moorings are multi use moorings and have a different fee schedule. People need to keep their boat on the mooring a certain amount of time during the year. The mooring list is where the friction occurs. There are eight residents that use them commercially. Fishermen use is weather related. From 5:00 AM to 7:00 AM in the morning it can be gridlock. The facility generates a lot of income for the community, so we need to maintain it. It was a half million dollar structure when it was built. We could put aside so much money a year. Up until now we have done a good job with getting fees and grants.

We get overwhelmed with contractors using the facility. Next time we will be able to handle it in a more orderly manner. We don't have a full time harbor master. We were fortunate that during hurricane Sandy we didn't have any serious damage.

Trundy said the Board recognizes the need for maintenance and the need to put some money away for maintenance and working with Capital Needs.

Hutchings said the decking replacement could be done relatively cheaply, but the wave screen needs heavy equipment and must to be done by a contractor.

Dunn asked how long the wave screen will hold up.

Hutchings said it could go tomorrow. The longer we let it go the more the safety risk. The wave screen is the top priority. The decking can more easily be done. The permits will run out soon.

Libby asked what the expected the cost will be.

Kinney said that between the inner and outer parts of the wave screen about \$150,000.

Hutchings said we have about \$52,000 in an account for this, but we can't generate enough money from fees to cover the rest.

Dunn said that she saw the screen at about 12 knot winds out of the south and on one side it's chop and on the other side calm. It makes a huge difference.

Hutchings said the town is responsible if the wave screen falls down and gets in the way of the ferry.

There was some discussion about the impact of large tankers transiting the bay for the tank and the effect on other shipping activity. Hutchings said hopefully the Coast Guard will give people who need to operate in the bay clearance to be closer to the large vessels. That would solve a lot of issues. It's 38 miles from where vessels first meet land. It will disrupt all the traffic. The vessels get a 2 – 3 miles zone around them.

8. Lincolnvile Center Post Office – Post Office Structure Plan (POS Plan):

Kinney said that you have all seen the survey sent to your boxes. It is a survey to see how post offices are run in terms of hours. The survey only gives you four options, but does not include leaving the hours of operation alone. The options all refer to reducing hours of operation from a little to a lot. The Board has decided that in their experience surveys just don't work out and would not do one again.

Gerry said that he would like the selectmen to send a letter asking them not to close our post office in Center. He would also like to see a letter go to our local representatives and to our US senators saying the same thing. He said the post office at the beach has limited hours because it opens at 9:00 AM, closes at noon, opens at 1:00 PM and closes at 4:00 PM. Each postmaster can set their own hours. The one at the beach is not as user friendly as the one in the town Center.

Kinney said that one of the options is to close the post office and relocate its service to another nearby post office.

Dunn said that she thinks that it is really important for people to let their wishes be known about the post office because the surveys will not be that useful. At the meeting that they propose, and don't advertise, it will require a lot of citizen advocacy.

Gerry said he thinks a letter needs to go to our US senators stating that we want the Center post office to stay open. He said that this is not the first time, the last time this came up he fought it tooth and nail.

Trundy said that the Postal Service loses millions of dollars a year. It is like the small schools that were once scattered everywhere. We consolidated and consolidated because it made fiscal sense to do that. He said that the post office is about 20 years behind the schools in doing this. It was neat that there was a one room schoolhouse in Lincolnvile Center that kids went to, but it wouldn't make any fiscal sense in today's society. He said as he travels around the state he sees small post offices serving a handful of people.

It doesn't make sense to have a post office in the Center and one six miles away at the beach. He thinks the post office needs to consolidate operations to financially survive in the future.

Gerry said that some people have a post office box in the Center and won't want to drive to the one at Lincolnville Beach.

Trundy said that you are going to have a hard time convincing me that driving to the post office at the beach is all that far. He said that he understands that some people would be upset to have to drive and if you gave out my phone number I'd get a dozen phone calls about it saying adamantly that you've got to keep it open. The post office is going to have to be fiscally responsible by deciding that something has to give. Trundy said that he is not going to vote to send a letter to the senators, but if others want to they can send their own letter or attend one of the hearings to voice their opinion. He doesn't think it is fair for the taxpayers to spend billions of dollars every year to keep open a massive number of post offices all around the country. Trundy said he is also not interested in spending a buck to mail a letter to make up the billion dollars.

Gerry said that he was listening to Trundy, but the survey is about a service, one of our services from the government. We have politicians who would like to run it as a business, but it was designed to be a service for the citizens of the United States of America. We could argue about spending billions of dollars, but it is a service not a business. We might find if we looked into it that the post office in the Center is making more than the one at the beach. I don't know that. There is always a lot of foot traffic at the one in the Center. I'm afraid to lose the one in the Center. He wanted to hear from other Board members.

Libby said that she feels they need to be fiscally responsible. If they are not making money across the United States and are billions of dollars in the hole, then if they closed some and cut some service at others then they could be more fiscally responsible.

There was a discussion about how Mid-Coast Solid Waste operates. They try to raise as much funds as possible to cut down on the tax burden on the citizens. Trundy said the postal service needs to try to be fiscally responsible and find ways to maintain the service, even as the need has gone down. That may require closing some facilities. At some point something has to give or we are going to have to absorb the cost in our taxes. He would rather see closures and downsizing.

Dunn said she was in a huge post office in Florida, almost like a mall, and she doesn't know what they are selling. She worries that the rural post offices are being targeted while the bigger ones have more money and staff. She feels there would be a lot more weight if all of the concerned citizens have their individual voices heard. She is also no fan of the beach post office due to hours and attitude. She is a fan of the small post office in general.

Barrows said that even if you close small post offices how much difference would it make on the 65 billion dollar debt; maybe a half billion. The survey does not mention

any dollar value that will be saved. He would like to know what will be saved by closing the small post offices. It will not go anywhere deep enough. You will need to look at the efficiency of the large post offices.

Gerry said he is not opposed to looking at privately run post offices. He had a couple of questions for Kinney. He notes that the town has a mail box in front of the town office, but sees one or two town employees going to the post office every day. Why is that?

Kinney said that we try to get mail to the post office rather than put it in the box outside of the town office so there is less delay for people getting mail from the town.

Gerry asked if we would use the beach post office.

Kinney said no because he's not going to put staff in a car and send them on a 40 minute round trip drive. Kinney said that from a strictly town office perspective we would rather see the Center kept open and the beach post office hours cut because it's convenient for us. Kinney said as a box holder I don't want it closed because of the personal convenience. If you read between the lines, we will have the lobby open the same hours, but the counter will have fewer hours. Kinney said that he has additional surveys. He noted they wanted the surveys back by Christmas Day.

Gerry said that his poll of the select board seems to indicate that the majority of the board does not support a letter to the senators.

Libby said that she felt that it will have more impact if done by individuals.

Barrows said that he does not know if you can get enough individuals to do it and we are hired to look out for their interests.

Dunn said she would like to find out more about the financial realities before she jumps on a letter. She would like to find out for example why the Center is being targeted instead of the beach.

Kinney said that part of the reason for the focus on the Center instead of the beach is because the beach does all of the deliveries around town. The Center is a leased facility while the beach is owned by the post office. In their long range plan, their thinking may be that if we try to close the Center we'll get hammered, so maybe just reduce hours for now. If traffic at the Center is trending downward then the beach becomes more profitable. It becomes a progression towards locking the door. That may be the most prudent thing to do; it's a matter of debate.

Gerry said that the town has been asked to fill out the survey, so what does the Board want to do with the four choices.

Kinney said that the town was not asked to fill out the survey. The survey was sent to post office box holders. If you don't have a box you can go to the counter and they will give you one to fill out.

Gerry made a motion that a letter be sent to our US senators that the post office in Lincolnville Center not be closed, or at least they should consider that option. It was seconded by Barrows.

Kinney asked if the motion is not to close or not to alter the hours.

Gerry responded that his motion is not to close.

Kinney said that right now they are not talking about closing it.

Gerry said that then he would like the motion to say not to alter the post office in the Center. It was agreed that it will probably be a long time before action is taken. Gerry said that he was the one that asked that this item be put on the agenda.

Motion by Gerry, second by Barrows, to send a letter to our US senators asking that the post office in the Center not be altered. Vote: 3-2 (Trundy and Libby voting in opposition).

9. **Disposition of South Cobbtown Road property:**

The board felt that the property should be disposed of in a way that makes the most money. Kinney explained that if parties come to the town wanting to buy it before it is listed with a real estate broker, they can get it for the negotiated price with a reduced commission, since they expressed interest before it was listed. There are two parties who have already expressed interest in buying it.

Trundy said it might be better to list it ourselves and sell it and avoid the real estate commission.

Kinney said maybe we should list it in the paper for a month and sell it by owner. He said that we auctioned off property up the road and got \$19,600 for an acre lot.

Gerry said that he would like to see the town advertise it first rather than go through a real estate broker. Gerry asked if it can be posted on the town website.

Kinney said yes. He said that you can put whatever price you want on it and I will bring the offers to the Board.

Gerry asked if everyone has seen the property. All said that they had except Dunn.

Dunn said that real estate brokers incur the cost of advertising and can cast a wider net. She would advocate for a realtor at some point.

Kinney said that if we list with a broker that we will need to decide who to list it with.

Trundy said that local people may make an offer upfront to make it worth our while to sell and let an attorney handle the sale. Trundy said try it for 30 days on our own first. They talked about the price and decided on \$25,000 given the comps.

Motion by Gerry, second by Trundy, that the town property on South Cobbtown Road be listed with a price of \$25,000 on the town website and newspapers. Vote: 5-0.

10. Authorization for Court Action – Land Use Violation(s):

Motion by Gerry, second by Trundy, that the Town Attorney be, and hereby is, authorized and directed to take any and all action – including, without limitations, filing suit in state court for the land use violations recently identified by the CEO and pursuing contempt of court proceedings for land use violations identified by the CEO in 2011 that have not yet been cured – that is necessary and appropriate to enforce the Town of Lincolnville’s Land Use Ordinance with respect to property owned by Richard Rosenberg located at Rosenberg Road, Levenseller Pond, which property is depicted as Map 22, Lots 28, 29, 30, and 31. Vote: 5-0.

11. Appointment of Registrar of Voters:

Motion by Gerry, second by Libby, that the Board appoint Karen Secotte as Registrar of Voters to a two year term commencing on January 1, 2013. Vote: 5-0.

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

Motion by Trundy, second by Libby, that the Board approve and sign the Treasurer’s Payroll and the Coombs-Griffin Education Trust Warrants. Vote: 5-0.

13. Adjourn:

Motion by Trundy, second by Gerry, to adjourn the meeting. Vote: 5-0.

Respectfully submitted,

Cheryl Ten Broeck
Administrative Assistant