

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
January 12, 2015**

**Present:** Chair, Ladleah Dunn, Arthur Durity, Rosendel Gerry & Jason Trundy

**Excused:** Cathy Hardy

The meeting was called to order by Chair, Ladleah Dunn at 6:10 PM at the Lincolnville Town Office.

The quote was read by Selectman Gerry.

1. **Executive Session: Consultation with Town Attorney regarding the legal rights and duties of the Board of Selectmen concerning Road Discontinuance (Title 1 MRSA §405(6)(E)).**

Jason Trundy made a motion that the Board of Selectmen enter into executive session pursuant to 1 M.R.S.A. Section 405(6)(E) to discuss with the Town Attorney the legal rights and duties of the Board of Selectmen concerning possible road discontinuance. Rosey Gerry second this motion. The motion passed on a 4-0-0 vote.

2. **Citizen's Forum:** There were none.
3. **Administrator's Report:** There were none.
4. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

5. **Upcoming Community Events:**

Rosey Gerry explained that the Lincolnville Library will hold free talks by local authors and musicians at 7 p.m. once or twice a month. Past programs have covered everything from beekeeping, composting and solar power to coin collecting and genealogy. Fundraising talks and concerts for a fee of \$10 are held the third Wednesday of the month from September through May. The next event will be held on January 21<sup>st</sup> at 7pm the library will present columnist Tom Sadowski and keyboard player Richard Kinney.

6. Meeting Minutes:

Jason Trundy made a motion to approve the December 22, 2014 meeting minutes as presented. Art Durity second this motion. The motion passed on a 4-0-0 vote.

7. Tree Removal from Town Property – John Calderwood:

John Calderwood came forward to represent Ginny Kenney from 43-45 Norton's Pond Road because of a pine tree that had fallen on her duplex during an early November winter storm. Mr. Calderwood accessed the property lines and it appeared there were a number of Town trees and since the building is close to the Town property line and he felt there were a number of hazardous trees and he has since marked those that he felt were hazardous. Mr. Calderwood walked the property with Town Administrator, David Kinney and Lincolnville's Tree Warden, Will Brown.

Mr. Calderwood wanted permission from the Town to remove the hazardous trees in question and since the owner was out of state, he came forward to ask the Board if the town would be liable if the trees in question come down on Ms. Kenney's house.

Chair, Ladleah Dunn said it was her understanding that the Town of Lincolnville would not be held responsible and Mr. Kinney concurred because the Town is protected by the Maine Tort Claims Act.

Art Durity wanted to know if the trees in question were weak trees or healthy trees that happen to be in proximity and Mr. Calderwood explained a few were dead trees, however it's mostly a proximity issue and a timely thing and 30 years ago they were fine and now some of them are towards the end of their youthfulness.

Jason Trundy stated that David Kinney made a great point in his notes to the Board, regarding this issue, stating that the Town owns property that abuts numerous places and this could be a concern for more than this one individual. Mr. Trundy hesitated to have the Board give carte blanche to go ahead and clear a bunch of trees and ok this request because he was afraid others will come forward with the same request. However, he also wanted the Board to be neighborly and if there is a tree that is posing a substantial risk from a dying or damaged tree, he felt it would be a completely reasonable request to take down those types of trees.

**Jason Trundy made a motion that the Board allow the property owner at 43-45 Norton's Pond Road and/or their contractor to remove any dead, diseased or significantly damaged trees as identified by the Code Enforcement Officer and a representative of the Conversation Commission that are capable of striking a residential structure, provided the owner and the contractor sign indemnification agreements to insure that the Town is not liable for any incidents arising out of third**

party activity and that anyone doing work on the Town's property provide proof of insurance naming the town as additionally insured. Art Durity second that motion. The motion passed on a 4-0-0 vote.

**8. Possible Road Discontinuance(s): Discussion of Proposed Timeline and Process:**

David Kinney, Town Administrator, stated last year's June town meeting approved funding to do appraisals concerning possible road discontinuances and the Board now has the appraisals. The Board now needs to make a decision to either move forward or not with any or all of the roads under consideration. He also explained if the Board wanted to move forward, the next step would be to set a hearing date and the Town staff would notify abutting property owners and the Planning Board of the hearing, the hearing would be held, the Board would determine whether or not to continue with the discontinuance and then create an order with any damages to be paid. The order would then go to the Town Clerk to be recorded, notify the abutters and then on to the Budget Committee and Town meeting for approval of the Order of Discontinuance and any damage awards. Finally the order would be recorded at the Waldo County Registry of Deeds.

Mr. Kinney said there are four roads in the Town being considered for discontinuance and those are the following: Lloyd Thomas Road, Albert Blood Road, Martin Corner Road and Thorndike Road.

After discussion, the Board decided to table this agenda item until the entire Board is present to discuss and they felt it was important to wait until Cathy has returned from vacation so that she may be involved in the decision making process.

**Jason Trundy made a motion to table the road discontinuance until Cathy Hardy is present at the next meeting on January 26<sup>th</sup> Board of Selectmen meeting. Art Durity second this motion. The motion passed on a 4-0-0 vote.**

**9. Snow Removal Expectations for Future Bid Documents:**

David Kinney, Town Administrator, explained the current snow removal, sanding and plowing contract will last through the end of this winter season. He is preparing to go out to bid for the next three winter seasons in order to receive a better price to put in the budget before it goes on the Budget Committee and then on to the voters.

Dunn and Durity suggested sending this out to bid and continue to explore other opportunities to save money and check with other municipalities to find additional savings.

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

Jason Trundy made a motion that the Board approve the Treasurer's and Payroll warrants and Coombs Griffin Trust. Art Durity second this motion. The motion passed on a 4-0-0 vote.

11. Executive Session: Application(s) for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA § 405(6)(F) & Title 36 MRSA § 841 (2)(E)

Jason Trundy made a motion that the Board of Selectmen enter into executive session for purpose of hearing an application for property tax abatement due to poverty and/or disability pursuant to Title 1 MRSA Section 405(6)(F) and Title 36 Section 841(2)(E). Art Durity second this motion. The motion passed on a 4-0-0 vote.

Upon returning to open session, Ladleah Dunn made a motion to deny the abatement application. Jason Trundy second this motion. Vote: 3-0-1 (Gerry abstained).

12. Executive Session: Personnel Matter – Title 1 MRSA Section 405(6)(A): Discussion/Consideration of Employment Administrative Assistant

Jason Trundy made a motion that the Board of Selectmen enter into executive session for purpose of consideration of employment of an Administrative Assistant pursuant to Title 1 MRSA Section 405(6)(A). Art Durity second this motion. The motion passed on a 4-0-0 vote.

Upon returning to open session, Jason Trundy made a motion that the Board hire Cheryl Ten Broeck as a part-time Administrative Assistant at Step 2 on the pay scale and with a six month probationary period. Ladleah Dunn second this motion. Vote: 3-1-0 (Gerry opposed).

13. Adjourn:

Rosey Gerry made a motion to adjourn. Jason Trundy second this motion. The motion passed on a 4-0-0 vote.

Respectfully submitted,

Melissa A. Geary  
Administrative Assistant