

**BOARD OF SELECTMEN
MINUTES OF MEETING
JANUARY 13, 2014**

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 6:00 p.m. at Lincolnville Town Office. The quote was read by Selectwomen Libby.

1. Citizens' Forum:

Richard Lenfest serves on the Lakes and Ponds Committee and for the last couple of years has been one of the vendors at the Lincolnville Farmers Market. With the Lincolnville Community Alliance giving up the lease on the building at 6 Heal Road and a couple of vendors deciding they had other things to do during the winter, that has left him the only vendor for the Farmers Market. Cindy Dunham has given Lenfest the authorization to become new management for the Farmers Market. He said that he and Dunham agreed that calling the market, in the future, the 'Center Farmers Market' would be a good idea. He knows Lincolnville has interest in refurbishing the area of the center. Hopefully they will be able to attract some new vendors and some of the other vendors that have been in the farmers market in the past. Lenfest said he is interested in providing Lincolnville with a viable farmers market.

He has been in touch with Randy Fein who is going to lease the building, but they haven't come to any definite conclusions. Jeremy Howard has given Lenfest the authorization to use the building on Saturday mornings through the end of February, at which time Randy Fein will be picking up the lease. Lenfest assumes Fein will work with him and that she wants a farmers market just as Jeremy Howard did. Lenfest assumes they will work out the details for a small area in the building for the months that the farmers market is not outside. He looks forward to being outside by early May until the 1st of October. After that there will be space inside for a few vendors to operate through the winter. Lenfest said most of his products have been related to maple syrup and maple sugar to sweeten pies and other bake goods. He also sells eggs and anything else he thinks will attract business. He said he hopes the people of Lincolnville will come out and continue to support the farmers market.

2. Administrator's Report:

David Kinney, Town Administrator, reported:

- That dog license renewal was due by the end of the year. A late fee of \$25.00 per dog will be imposed after the end of January. There are 168 dogs that remain unlicensed. The public can license their dog on line through the Town's web site through the end of January. After the end of January you have to come into the Town Office in person to license the dog and pay the late fee.
- The State is doing a survey of personal and business damages from the ice storm. They are trying to determine whether the ice storm qualifies as a disaster State-

wide, so the public and businesses can get reimbursed for some of the expenses. The public can report damages by calling 211 and provide the necessary information which is what the damages are and estimated cost to repair them.

- In December the Town sent out a request for proposal for appraisal assistance to assist with the possible discontinuance of Town roads. Kinney said they received zero responses although eight requests were sent out and the project advertised. Since that time he has been in contact with a couple of appraisers to try to see if we could get some cost estimate. Hopefully he will have something a little more positive to report at the next Selectmen's meeting.
- We have resolved the heating system difficulties in the Town Office thanks to Seacoast Energy Solutions. The generator has also been repaired under warranty.

3. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings.

Gerry asked Kinney if he or Kim Jackson is going to email the Board regarding what budget meetings they need to attend.

Kinney said it would be in their list, but he would also email the information to the Board.

Gerry asked if Central Maine Power has done anything on Tanglewood Road regarding hooking up power.

Kinney said Central Maine Power hasn't done anything since they put in the poles. The last conversation he had with Richard Bouchard, from the camp, was that Central Maine Power would probably be stringing the wire overhead, but wouldn't be making the actual physical connection until the frost leaves the ground.

4. Upcoming Community Events: None

Gerry asked how the winter sand and salt is holding up.

Kinney said he talked with the Road Commissioner today and they have plenty on hand, but whether it will be enough depends on what the winter weather does between now and spring. He said they purchase salt on an as needed basis. He said the Town is within budget so far. He said that there will be an increase in the budget for the upcoming season so more sand can be stock piled than we did this year. He said it looks as though we are pretty close to where we left off at the end of last winter right now. So what we put in the barn in the fall is almost exhausted.

5. Meeting Minutes:

Motion by Libby, second by Barrows, that the Board approve the December 30, 2013 and January 6, 2014 meeting minutes as presented. Vote: 5-0.

6. Fernald's Neck Road – Alex Kuli:

Alex Kuli lives at 175 Fernald's Neck Road. They moved here in November, but have owned the house for the last three years. Fernald's Neck Road leads to the preserve run by the Coastal Mountain Land Trust. The road starts off as a paved road, coming off Rt. 52 for about half a mile then turns into a dirt road where it splits off into Young's Neck Road and Fernald's Neck Road. The part of Fernald's Neck Road he is concerned about is the part of the road that's not paved, the part that goes out to the preserve. He said there are three residents on that road. Besides the Kuli residence, there are the Harkness' and the Coles. Kuli proposes to move the last 600 feet of Fernald's Neck Road so that it doesn't come as close as it does currently to their house. The problems are dust and traffic. Kuli presented handouts to the Select Board and Town Administrator to review as he explained the situation.

He said the problem with the road currently is that there is a blind spot right at the end of his driveway. There is a slight hill that comes up from the road and as a result there is a blind spot drivers can't see and neither can people in his front yard that want to cross the road. They can't see traffic that might be coming up the hill. There is a lot of dust from the traffic to the preserve in the summer time. They can't even open their windows during the day and have to wait until evening to air the house out. People also tend to drive faster than the speed limit. Kuli included map 26 in their handout and circled the part of Fernald's Neck Road about which he is concerned. He said the next thing in the handout behind the tax map is a picture of the rise he was talking about that creates a blind spot where traffic coming up the road can't see what's up above the hill and traffic going down the road can't see what's coming up.

Kulis' solution to the situation is to relocate the road. He said there is a garage on the left as you go up the hill and right before the garage is a good spot to go off and curve around the field and come up at the end of Fernald's Neck Road right before the section that goes into the preserve parking lot. He said there would be about 600 feet of road that would be discontinued and the new section of the road would be about 1100 feet long. There should be no problem with the 250 foot setback from the lake. Kuli said in talking with the previous owner Doug Messler he learned they had proposed to do something similar back in 2007. The plan was presented to the Selectmen and was approved at that time. He said Messler never did anything about it because he decided to sell the property after finishing the renovation.

Gerry and Kinney said they have no recollection of that and they both were in office at that time.

Dunn said the earliest records we have indicate that in 2003 a prior owner, Doug Sensenig, began to explore the possibility of relocating the road. She said they have no record of any Board approval.

Kuli said the people he spoke to do design, landscaping and site work and they mentioned that they had presented the plan to the Select Board and had met with some of the people in the Town administration. He was led to believe they had gotten approval.

Gerry said the plan never came before the Select Board, but maybe was presented to the Land Use Committee or the Planning Board.

Kinney said he would have to explore that information.

Kuli said the last two pages in the handout are the designs that they made at that time.

Gerry asked who owned the property behind the garage and up to the stone wall that abuts the preserve. He also asked if this was something that Kuli was seeking to finance.

Kuli said he owned all of the land up to the stone wall and would pay for the road construction. Kuli said another problem that comes up on this road is there is no place for the snowplow trucks to turn around. He said one of the things he could do is to make a turnaround spot at the end so it would make it a lot easier for those vehicles to do their work.

Gerry said the new road would have to be brought up to Town standards. Kuli agreed.

Libby, after reading through the materials, asked if her understanding was correct that this would have to be approved at a Town meeting.

Kinney said yes because it would involve discontinuance of an existing Town road, which the Town has some rights to and the acceptance of a gift of another portion of land, which the Town would then acquire rights to. The Board of Selectmen has no authority to give Town land away or to accept such a gift. The Town would have to decide where the road would go, what the standards would be, cost involved and when the work would start. That whole package would come before the Board to decide whether to move forward and then it would have to go to a Town meeting vote to accept the change. Kuli met with Code Enforcement Officer Frank Therio last week to make sure that before a lot of time and effort is invested that the concept seemed at least something we ought to explore further.

Kuli said he has not spoken with his neighbors the Coles or the Harkness because he didn't know if this was even feasible or not.

Barrows asked if the Central Maine Power poles had to be moved. He said that may be an issue they will need to talk to Central Maine about. He said if Central Maine Power doesn't incur the expense of moving the poles that may cause a problem later when the poles need work done and they are on his land, because basically we would be giving away the property the poles sit on.

Kuli said the construction doesn't affect any of the poles, but said he hadn't thought about that situation.

Kinney said a public easement might be required. He said there are a lot of small details that would have to be explored including that one.

Dunn said the utilities certainly could impact Kuli and the abutters.

Trundy said when he read through what Attorney Calderwood put together originally it made it sound like there were a couple of options. One was the creation of a new road that would be gifted to the Town and discontinuance of the old road. It almost made it sound like there was another option, which was for the Town to simply discontinue the road completely.

Kinney said he wasn't sure if that was in Attorney Calderwood's letter or his notes. If the property owners wished to discontinue the existing town road then they could build the new section of private road to whatever standard they wanted.

Trundy said if Kuli after speaking with his neighbors and the conservancy had their agreement to request the Town to discontinue the road, the Board could put this before the voters. If the town vote was to discontinue the road and turn it back to the landowners, then Kuli could move forward with the relocation of the road where he wanted it.

Kinney said there would be challenges to that approach because if we discontinue the road then there would have to be some sort of understanding between the other people that access property beyond Kuli's property to ensure that they have the legal ability to get to their property.

Dunn said that also needs to include the general public so that they can have access to the conservation lands.

Kinney said yes, but the conservation lands are owned by someone and the owner could say that they are willing to work with Kuli and the two other property owners to accept the road as long as they had proper access. They then will be responsible in perpetuity for the upkeep and maintenance of the road. We also would want at the end of the Town road means to be able to turn public and Town vehicles around.

Trundy said from a selfish point of view for the Town that's the cleanest approach. In his opinion, if the four property owners could get together and come up with some sort of agreement amongst themselves on how they want to construct the road with their own access and deal with the utilities then they could come back to the Board and ask the Selectmen to bring the discontinuance of the road to the voters. He said that his would limit our time and involvement. Trundy said if Kuli is willing to coordinate with his neighbors and incur the costs of planning and building the road, then he doesn't know why the Town needs to be involved in the entire drawn out process.

Kuli stated that Young's Neck Road is currently a private road, however there is a preserve on Young's Neck and a parking lot on Young's Neck Road about a quarter of a mile from the place where Young's Neck and Fernald's Neck split. He asks if the people that own the road would be the residents along that road.

Trundy said Kuli should discuss with the four property owners how he would like to move the road in front of his property and arrive at a legal agreement to provide the public an easement or right away to the preserve. He said they need to all agree to the terms of how they would maintain the road and who would be responsible for what. Trundy said if the four of them could come to a written agreement about the trust structure and the maintenance of that road in the future then they could bring that information before the Board and this issue could go before the voters at Town Meeting. The Town would not plow or maintain the road any longer, so it would be the responsibility of the residents on that road.

Dunn said she knows that in other towns that have private roads they form road associations.

Dunn asked Kinney to briefly detail what discontinuance can potentially mean.

Kinney said from the Town's perspective if we discontinue a Town road we basically say the Town is done doing anything to the road and it goes back to the people who have a stake in the road. The Town will not grade, cut brush or grass, plow or sand the road in the winter. That maintenance responsibility then becomes the resident's responsibility.

Kinney said it sounds as though the Board is at least supportive of the concept and he will continue to work with Kuli to try to accomplish his goal and something that's good for the Town as well.

The Board members agreed that the concept was the discontinuance of Fernald's Neck Road. The Board agreed that if the four property owners cannot come to an agreement then Kuli could come back to the Select Board to talk about relocating the road.

The Board agreed to have the Town Administrator work with Kuli on this issue.

7. Consideration of Bench Gift Offer:

Kinney was approached by Peter Gabriel who would like to donate a bench at Lincolnville Beach in memory of his late wife. Gabriel has offered to pay the cost of materials and installation.

Motion by Gerry, second by Trundy, that the Board accept Mr. Gabriel's donation of a memorial bench and instruct the Town Administrator to work with Mr. Gabriel to facilitate its purchase and installation. Vote: 5-0.

8. Maintenance Trimming Activity by Central Maine Power:

Kinney said five years ago Central Maine Power came and did a major trim of vegetation above, below and beside the power lines. They were on a five year cycle and are coming back to do maintenance trimming in the same areas of Lincolnville. The specifications haven't changed, it's still eight feet each side of the wire(s), fifteen feet above the wires and to the ground below. Lucas Tree will be doing the work this time, last time it was ABC.

Will Brown and Kinney met with the representatives of Lucas Tree as well as the arborist from Central Maine Power. They seemed to be cognizant of the concerns. The last time they cut most of what they are going to cut in terms of big things near the power lines and now it's back to what's grown into that area since. Kinney said there are a couple of programs available to home owners and if they wish to discuss them with Central Maine Power you can sign up to be on their contact list. The public can do this online. Chairman Dunn also informed Kinney of something called the 'no spray' agreement, whereby a homeowner agrees to take responsibility for cutting the vegetation to Central Maine Power specifications.

Gerry asked if in those conversations with Will Brown and Kris Spiegel if there was any discussion about removing vegetation that fell on the power lines as a result of the ice storm and if they plan to remove it.

Kinney said he does not think they had any discussion specifically about ice storm damage, but they did discuss if Central Maine Power was going to come back and do a ground cut later. Central Maine said they would.

Gerry asked Kinney if he could get an answer from Central Maine Power if they plan to come back and do a cleanup.

Kinney said he would look into that.

Dunn said the property owner can call Kris Spiegel directly at 458-7274 if they had anything specifically on their property or right away that they have questions about.

9. Web Streaming and Archiving of Local Government Broadcasts:

Kinney said they have been talking about better ways to disseminate information to the public. He said we've been exploring opportunities to stream live broadcasts of Board of Selectmen and Planning Board meetings and make these available on the Town's web site. The Public could watch these meetings from their mobile device or home computer. Kinney demonstrated two such systems used in the Town of Camden and Biddeford for their Select Boards. Kinney said there is a substantial cost associated with this system. He said any meeting that is broadcast we can archive on the web and people can watch it at their leisure.

The Board was supportive of this system.

Dunn asked Kinney if he will put together a proposal.

Kinney said he will put something in the budget.

10. Waldo County Municipal Association – Revenue Sharing Letter:

Dunn said the Board has received a letter from the Waldo County Municipal Association regarding Revenue Sharing and ask what the Board's thoughts are on this document.

Trundy said he thought Kathy Littlefield made some good points in the letter regarding revenue sharing and that her recollection of a lot of these programs goes way beyond his time. Trundy doesn't necessarily want to sign his name to something that he can't really speak to although he shares many of her feelings. He said if the Board has particular thoughts that they would like to send along with Littlefield's letter he would be interested in having the Town Administrator write something from the Board in support of Littlefield.

The Board was in agreement with Trundy.

Dunn asked Kinney if he had any thoughts on this issue.

Kinney said this is a policy issue for the Board, but he would be happy to write our local delegation with specific Lincolnville items versus a general Waldo County letter.

Dunn was concern because Littlefield wrote urgent.

Kinney said the legislature is back in session and they are working through the various bills that were carried over and on new bills that were introduced this session. One effort charged a committee with trying to find \$40,000,000 in other savings so that they could then fund the last \$40,000,000 of statewide Revenue Sharing. They are also looking at a potential reduction of all Revenue Sharing and that's why Littlefield wrote urgent.

Kuli said he understood that each municipality contributes a certain percentage of its tax revenue to the State.

Kinney said to a certain extent we are a little entity of the State. The Town collects certain fees for the State of Maine like vehicle registration and license fees. Revenue Sharing is by State Statute 5% of sales taxes, income taxes and corporate taxes and is supposed to be returned to the municipalities based on a cost share funding formula. The purpose set forth in the statue is to reduce the property tax. There is property tax, sales tax, and income tax and they are supposed to be somewhat balanced. He said over time there has been less and less reliance on income and sales tax and more reliance on the property tax. Property tax is certainly for every municipality in the State of Maine the

largest source of income. The State recognizes that property tax is also one of the most regressive taxes because it's simply based on the fact that there's value in the land. The State tried with Revenue Sharing to reduce the property tax burden and put more of the burden on the income and sales tax that's because those are, in theory, more progressive. What has happen with this administration and the prior administration is they have amended the law so that it's no longer 5% revenue to the towns; it's been less and less each year. He said it was proposed in this past legislative session to eliminate Revenue Sharing. We would have been zeroed out for this year, but that didn't pass. Lincolnville is receiving about \$90,000 in Revenue Sharing this current year. The State is looking in this next year of their budget to zero it out and in that case Lincolnville would receive nothing. Kinney said if revenue is reduced by \$90,000 the Town has several choices: increase the property tax burden; create new user charges; increase existing user charges; cut \$90,000 in expenses; or some combination.

Motion by Gerry, second by Barrows, that the Lincolnville Board of Selectmen direct the Town Administrator to draft a letter to our Legislative Delegation concerning Revenue Sharing stating their position. Vote: 5-0.

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

Motion by Trundy, second by Libby, that the Board approve the Treasurer's Coombs-Griffin Trust, Capital Campaign and Payroll warrants. Vote: 5-0.

12. Adjourn:

Motion by Dunn, second by Libby, to adjourn the meeting. Vote: 5-0.

Respectfully submitted,
Cheryl Ten Broeck
Administrative Assistance