

**BOARD OF SELECTMEN
MINUTES OF MEETING
July 13, 2015**

Present: Chair, Ladleah Dunn, Arthur Durity, Rosendel Gerry, Cathy Hardy & Keryn Laite, Jr.

The meeting was called to order by Chair, Dunn at 6pm at the Lincolnville Town Office.

The quote was read by Selectman Laite.

1. Executive Session:

Motion by Gerry, second by Hardy, to enter into executive session pursuant to Title 1 M.R.S.A. Section 405(6)(E) with the Town Attorney for consultation regarding State of Maine, Department of Environmental Protection, et al., v. Richard Rosenberg. The motion passed on a 5-0 vote.

2. Citizen's Forum:

- Jay Foster, Alt member of the Lincolnville Planning Board explained that the next Planning Board meeting will be the first one, in many years, that will be without Lois Lyman in attendance. Lois has done a fantastic job and over the last 5 or 6 years she has been the Chairperson of the Planning Board and has worked for the Town of Lincolnville for approximately 15 to 16 years and has also served on Land Use Committee. For all the years that she served on the Planning Board, she has been an advocate for improving our ordinances, condensing our ordinances, and making them easier for the code officer and the applicants to understand.

Mr. Foster also stated, "I wanted to take this opportunity to say thank you and a job well done."

- Rosey Gerry recognized Sally Laite, a lady who has done a lot for the Town of Lincolnville and has taken care of a lot of things; one of those was Petunia Pump and he requested a moment of silence for her.

3. **Administrator's Report:**

- The Wave Screen project is coming to an end and a final inspection will be done on Wednesday afternoon, July 15th. It looks as though there will be four additional piles at an additional cost of \$16,233, which is a lot of money, but it turns out to be less expensive than the additional piles that was done during phase 1. We are going to max out our grant agreement with the State and additional funds will come from the Harbor Improvement Account.
- Please be aware that a week from tomorrow, July 21st the Maine DOT will be closing RT. 173 for a culvert replacement between 926 Beach Road and 938 Beach Road.

4. **Meetings & Announcements:**

Mr. Kinney reported on the following meetings.

5. **Upcoming Community Events:**

There were none.

6. **Meeting Minutes:**

Durity made a motion that the Board approve the June 22, 2015 meeting minutes as presented. Hardy seconded the motion. The motion passed on a 4-0-1 vote. (Dunn abstained).

7. **Liquor Licenses Catered Events – Mainely Bartenders:**

Durity made a motion that the Board approve the Application for Catered Function by Qualified Organization as submitted by Mainely Bartenders for an event occurring on July 31, 2015 from 5PM to 9PM as submitted in their application. Hardy seconded the motion. The motion passed on a 5-0-0 vote.

Durity made a motion that the Board approve the Application for Catered Function by Qualified Organization as submitted by Mainely Bartenders for an event occurring August 8, 2015 from 4PM to 8PM as submitted in their application. Hardy seconded the motion. The motion passed on a 5-0-0 vote.

8. **Board, Committee and Commission Appointments:**

Durity made a motion to table the Board, Committee & Commission Appointments until the next meeting on July 27, 2015. Hardy seconded the motion. The motion passed on a 5-0-0 vote.

9. Lakes & Ponds Committee Update:

Sandy Lyle, Chair and Whitney Oppersdorff, Vice-Chair of the Lakes and Ponds Committee came forward and provided an inventory of public access points on all of the Lincolnville lakes and ponds and Mr. Lyle read the following:

1. Coleman Pond

100% of this pond lies in Lincolnville.

The public access is on lot 38, Richard's Road, which is owned by the Town of Lincolnville. In 2011, the Lincolnville Lakes and Ponds Committee in conjunction with the Conservation Commission recommended that public access be limited to hand-carry only (canoes and kayaks) restricted hours (sunrise to sunset) and seasonal restrictions (May to October).

The Lakes and Ponds Committee recommends that the potential public access arrangements are sufficient given the pond's size, use and character.

2. Levenseller Pond

10% of this pond lies in Lincolnville.

Six small parking areas dot the western shoreline of the pond along Route 173. Together, the parking areas can accommodate about 20 vehicles. Small watercraft (non-motorized) can be launched from two of the parking lots.

The Lakes and Ponds Committee recommends that current public access arrangements are sufficient given the pond's use, size and character.

3. Megunticook Lake

50% of this lake lies in Lincolnville.

Public access is from two large launching sites located in the Town of Camden at Barrett's Cove and Bog Bridge.

The Lakes and Ponds Committee recommends that current public access arrangements for Megunticook Lake are sufficient and satisfactory.

4. Moody Pond

100% of this pond lies in Lincolnville.

The public can access the pond through a 100-foot long access trail that originates at the Moody Mountain Road pull-off. The pull-off can accommodate two vehicles.

The Lakes and Ponds Committee recommends that current public access arrangements are sufficient for Moody Pond given its size, character and uses.

Small non-motorized watercraft is all that is allowed on the pond.

5. Norton Pond

100% of this pond lies in Lincolnville.

Public access for this pond is through Breezemere Park created by the Town of Lincolnville.

The Lakes and Ponds Committee recommends that current public access to Norton Pond would be sufficient and adequate given its size and uses, but the parking area restrictions should be addressed to make parking more user-friendly and functional for all.

Dunn and Hardy recommended that during the next Lakes & Ponds Committee they could write down some recommendations on ways to improve the parking situation.

6. Pitcher Pond

50% of Pitcher Pond lies in Lincolnville.

The only public access to Pitcher Pond is at the parking area beside the Dam on Cobbtown Road. This access area, which can accommodate four vehicles, is owned by the Pitcher Pond Improvement Association (PPIA), and serves as public access. A gate with a combination lock was erected at the ramp in 2003. This was intended to protect the pond from invasive aquatic plant species. There is an 800 number posted on the gate which allows boaters information about invasive species. To ensure access the combination has remained unchanged. Canoes and kayaks can easily be carried around the gate. The gate remains open from October to May. The ramp has been upgraded in the past four years. There are several private properties that have ramps and can give permission to launch boats over their properties. The PPIA has not cited any complaints from residents of Lincolnville regarding their ability to utilize the PPIA ramp.

The PPIA would likely welcome the Town's interest in providing any low impact development, such as a picnic site, at the access point.

The Lakes and Ponds Committee recommends that the current public access is adequate given the size and use of the pond.

Uses of Lincolnville's Lakes and Ponds:

The uses of these bodies of water are similar: swimming, canoeing, kayaking, paddle boarding, shore and boat fishing, ice fishing, etc. Snowmobile access via marked trails exists and seems to be adequate. In addition, all Lincolnville ponds offer opportunity for ice-skating, cross-country skiing, snowshoeing, winter bicycling, etc. Access is adequate.

State Restrictions:

No jet skies on any of the Lincolnville lakes and ponds. The state restricts the use of motors on Levenseller Pond.

Hardy asked concerning Pitcher Pond access when someone calls the 800 number; she wanted to know who answers that phone.

Patricia Shannon came forward to explain that she is the live person that returns all phone calls to the 800 number with a message that states all calls will be returned within a 24 hour period of time. She checks it at 7AM each morning and again at 7PM. The purpose of giving people the combination to the locks is to retrieve information about who's getting on the pond and what they are launching and she is able to obtain their name and address and she will send them a packet of information about invasive species.

Laite said, "I'm reading where it says, the gate remains open from October to May, but yet you still have to call to get in."

Ms. Shannon stated that the gate is only open from October to May (during the winter) and you don't need a code to get in during those months.

Gerry said, "To be clear again, in reality, there is no public access to Pitcher Pond, because it's owned by a private organization and the private organization allows, but as far as the Town of Lincolnville having public access to that, it does not."

Ms. Shannon confirmed that the Town of Lincolnville does not own a boat launch site on Pitcher Pond.

Hardy asked, "How many people are here tonight from the Lakes & Ponds Committee?" Dunn counted roughly a half dozen people that were in attendance from the Lakes & Ponds Committee.

Hardy asked how many of those that are representing the Lakes & Ponds Committee, would like to have public access on Coleman Pond and of those that didn't raise their hand, she wanted to hear from them because one of the charges in the Comp Plan, is to identify themselves and state why they had not raised their hands to support public access for Lincolnville's Lakes and Ponds.

Whitney Oppersdorff came forward to explain that Coleman Pond is 225 acres and is a very shallow pond with an average depth of 14 feet and motorboats have to keep within 200ft. headway around the pond. There are no limits to the horsepower and motorboats and the reason it needs to be controlled is because if invasive aquatic plants get in, it will be all over.

Jane Root, a resident of 123 Richards Road, explained that the Town acquired a piece of property on the Richards Road, actually is in front of us, and she did not have an issue with anyone canoeing or kayaking and accessing it. She wanted consideration with people using the land in front of her house and how that would work and the use of the road itself and how that would work with liability.

Dan Brakewood, resident of 103 Richards Road, stated he was not opposed to kayaks and canoes either but has a lot of concern about that particular property and the Town did not go out and say, "This is the right place for public access". All of the good public access to the other lakes and ponds are all off public roads and easy to find. He was against the Town using a piece of property that is a 1/2 mile down a private road and dangerous during the summertime with children running up and down the road.

Mr. Brakewood stated that there may not be any property for sale now, but at some point there will be another in the future and he encouraged the Town of Lincolnville to be patient and wait for the right piece of property to become available.

Mr. Brakewood explained that he sent Mr. Kinney a letter, outlining the concerns with using a private road to enable public access and he suggested that he would be very interested in acquiring that piece of property, as the abutting landowner. These monies could be used if the Town is interested in starting a fund that it could use to potentially acquire a different piece of property that would be more suitable for public access to Coleman Pond.

Dunn stated that the on the Board's behalf, the Lakes & Ponds Committee has been working towards identifying appropriate access to Coleman Pond.

Hardy stated, "I felt that the report was incomplete, in that, one of the things that we specifically had asked the Lakes & Ponds Committee, was to come back with this recommendations to the Board of Selectman with parcels of land that

would be good public access and there wasn't anything in the report that addressed that.

Hardy asked the Lakes & Ponds Committee, if the Committee had to put a dot on Coleman Pond, somewhere, what would be the Committee's best case scenario for public access be, to give the Board some kind of direction and identify the best possible locations.

Mr. Lyle said, "I apologize because I don't think that we the Committee took it that way or understood it that way."

Ms. Oppersdorff said, "I think what we are delinquent in, is we have not said, and maybe this is what you want, and I would like clarification, every year that we have found particular pieces of property that are for sale on Coleman Pond or that we haven't found anything and is this what you would like.

Hardy stated she is still looking for appropriate locations or most ideal location.

Pat Shannon finished by explaining she was reacting to the comment about access to Pitcher Pond being questionable. She stated that Pitcher Pond exists, at this point, because the Pitcher Pond Improvement Association owns and maintains the dam and the fish ladder and should the Town of Lincolnville wish to purchase the dam and maintain it and the fish ladder and that area, the PPIA would probably entertain that motion.

10. Floodplain Management Ordinance Amendment:

Kinney reported the Federal Government decided that the Town of Lincolnville needed to amend the Floodplain Maps and the Ordinance. The State Emergency Management Agency drafted the Town a Floodplain Management Ordinance to replace the old one and we took what they gave us and put it in front of the townspeople in June and it was approved. He also explained that someone then reviewed it and found out that one panel of maps, which goes with the ordinances, specifically panel 636E was inadvertently left out of the Ordinance and the Federal Emergency Management Agency said, "We're going to suspend Lincolnville's ability to participate in the National Flood Insurance program. Mr. Kinney then contacted them to see what needed to be done to and the State Emergency Management Agency told Mr. Kinney that if you can change it by the end of July and instruct your code enforcement officer not to issue any permits in the Floodplain area of 636E between now and when the town is able to adopt this ordinance.

Hardy made a motion that the Board approve and sign the Special Town Meeting Warrant calling for the meeting to be held on Wednesday, July 29, 2015 at 7:30PM

in the Lincolnville Town Office. Durity seconded the motion. The motion passed on a 5-0-0 vote.

Hardy made a motion that the Board sign the letter to the Code Enforcement Officer instructing him to not issue any permits in the flood plain identified on Panel 636E until after the July 29th town meeting vote. Durity seconded the motion. The motion passed on a 5-0-0 vote.

11. As Board of Assessors – Farmland Withdrawal Penalty:

Hardy made a motion that the Board suspend their meeting as the Board of Selectmen and convene as the Board of Assessors. Gerry seconded the motion. The motion passed on a 5-0-0 vote.

Mr. Kinney reported that Two Brooks, LLC wishes to withdraw from the Farmland Program in order to do so they are required to pay a withdrawal penalty to remove the parcel from Farmland for the upcoming tax assessment. The penalty is in the amount of \$2,502.03 and is due on or before August 12, 2015.

Durity made a motion that the Board of Assessors to approve the Farmland Withdrawal Penalty Commitment. Hardy seconded the motion. The motion passed on a 5-0-0 vote.

Hardy made a motion to adjourn their meeting as the Board of Assessors and reconvene as the Board of Selectmen. Gerry seconded the motion. The motion passed on a 5-0-0 vote.

12. Grant Committee Charge:

Hardy reported that she and Mr. Kinney came up with the following areas of interest for a Grants Committee:

- Description and Purpose
- Qualifications for Committee Membership
- Membership
- Areas of Interest to include (but not limited to)
- Meetings
- Charge

Hardy also stated that she would like to have the Board move forward to approve it tonight and the plan would be to have Mr. Kinney send out letters to the known grant writers in town and anyone interested in joining in on the Grants Committee, and have a meeting within the next couple of weeks.

Gerry made a motion that the Board approve and sign the Grants Committee charge. Durity seconded the motion. The motion passed on a 5-0-0 vote.

13. Norton Pond Road Status Update:

Last fall, Assessors' Agent, Vern Ziegler and Town Administrator, David Kinney were approached by some neighbors on the Norton Pond Road about the Town's right-of-way. Mr. Boetsch came to a Board meeting two weeks ago and talked about the signage that went up along the Norton Pond Road between the road and Breezemere Park. Mr. Kinney researched back and in March of 1983, the voters at Town Meeting, voted to accept a portion of the Norton Pond from Route 52 to the entrance of the Town's recreation lot, a distance of approximately five hundred feet and the town has been maintaining since that time. At this point, we have had comments and concerns regarding the signage that has been erected there.

Mr. Kinney suggested that the Board inform the neighboring property owners about what has been recovered and suggest that we work with them through our Parking Ordinance, if necessary to address the parking along the side of the road. Mr. Kinney believes the road belongs to the Town of Lincolnville.

Gina Sawyer, a year-round resident at 13 Norton Pond Road, discussed her concerns with the high volume of vehicles parking along the Norton Pond Road, which makes it difficult at times, to get out of her own driveway.

Ms. Sawyer was also concerned with parking on both sides of the road because of the safety of the campers in the event of a fire or a need for an ambulance; the emergency vehicles would have a difficult time getting down the road, especially when large buses park along the road. She recommended signage in the upper parking lot letting people know that it is a public parking area.

Gerry explained that prior to this meeting, Ms. Sawyer called him because she was wondering, for her own satisfaction, if the Town could provide any documentation on how they acquired it, and she was unclear if her father sold it for \$1.00 or if the Town took that by eminent domain and do we have any information surrounding that at all.

Mr. Kinney stated that he would like to know more about it as well and thus far, have been able to obtain a warrant in the minutes, stating that they voted to pass it. The Board knows that after a period of time, of the Town maintaining it and using it, the Town can't get rid of it, even if we wanted to.

Gerry said, "I think what Ms. Sawyer is asking the Board is that she would be willing to remove her no parking signs, if the Town would put up some signage and because she is really concerned about the unsafe traffic."

Ms. Sawyer stated she was still surprised that it's not her property and Kinney explained that she owns the property upon which the road sits and we believe that the Town has some rights across a portion of Ms. Sawyer's property and portion of what used to be the Millington's property, which the Town now owns, for a distance of approximately 500 feet from Route 52.

Dunn stated that we can all sympathize with the Sawyer's and that it is a dangerous situation and it's not appropriate for the Sawyer's to be boxed-in to their property because of a public access, however there is a process that the Town needs to go through.

Hardy recommended taking immediate action on proper signage in the upper back parking lot, to make sure that the public knows it is a designated parking area for Norton Pond and a simple call to the YMCA and the biking company that parks along the road and ask that they park in the parking lot and not on the road.

Dunn stated that the first order of business would be to amend the Parking Ordinance to put the signage up.

Mr. Kinney said, "I will, unless there is disagreements from the Board, draft up the language and we will get the notice ready, you do have to have a notice and a hearing, before you can adopt a change and move along with this."

Gerry wanted to know if Ms. Sawyer would need to take down her "no parking signs" immediately and Mr. Kinney said that is up to the Board. The Board recommended that the signs come down until the Parking Ordinance is changed or updated.

14. Improvement to Gravel Roads:

Mr. Kinney explained the Town has been raising money over the last couple of years for paving, and recently transferred monies, from the Capital Improvement to the Gravel Road account and in the packet was a list of the gravel roads that will become paved.

Mr. Kinney met with Road Commissioner, Bernard Young and they both came up with some recommendations as to how to spend the money. Their preference would be to take a gravel road and bring it to a paved road standard and start with the roads that are ready to be paved. Mr. Kinney recommended starting with the Proctor Road (on remaining portion of the gravel road) and the gravel portion of the Masalin Road (to the top of the hill).

Mr. Kinney also recommended focusing on creating good drainage on the Tanglewood Road, which we have been talking about for long period of time, and we should be able to accomplish all of these with the funds that are currently available.

Gerry suggested that the Board consider combining the work on the Masalin Road and the Proctor Road and ask that the Mr. Kinney draw up some bid specs for the work that needs to be done and put this out to bid. He also suggested that the work proceed from the True Road end to the back corner of the Tanglewood Road and put in the proper culverts, removing the vegetation.

Gerry made a motion that the Board combine Proctor Road and the Masalin Road and that we do the suggested work to pave. Hardy seconded the motion. The motion passed on a 4-1-0 vote. (Durity opposed).

Durity explained that he does not object to upgrading the roads. He does not want to see these roads paved.

Gerry made a motion to approve the work for drainage on the Tanglewood Road this year. Hardy seconded the motion. The motion passed on a 5-0-0 vote.

15. Paving Bid Award:

Hardy made a motion that the Board award the 2015 paving contract to Hagar Enterprises, Inc. of Damariscotta for the bid prices stated in their bid provided that Hagar Enterprises, Inc. provide the work in full compliance with specifications including providing the required performance bond and that if the bond isn't provided within to specified 10 days that the Town Administrator be authorized to terminate the contract award and award the contract to Wellman Paving, Inc. of Winterport for the bid prices stated in their bid proposal. Durity seconded the motion. The motion passed on a 5-0-0 vote.

16. Engagement of Auditor:

Hardy made a motion that the Board authorize Ladleah Dunn as Chair of the Board to sign the engagement letter with William H. Brewer to conduct the annual audit. Durity seconded the motion. The motion passed on a 5-0-0 vote.

17. Maine Municipal Association Executive Committee Ballot:

Gerry made a motion that the Board vote for the proposed slate of MMA officials for the office of Vice-President and Executive Committee. Durity seconded the motion. The motion passed on a 5-0-0 vote.

18. August Board Meetings:

Gerry made a motion that the Board hold its second August meeting on August 31st instead of August 24th. Durity seconded the motion. The motion passed on a 5-0-0 vote.

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

Hardy made a motion to approve the Treasurer's & Payroll Warrant(s) & Coombs- Griffin Education warrants. Durity seconded the motion. The motion passed on a 5-0-0 vote.

20. Adjourn:

Gerry made a motion to adjourn. Durity seconded the motion. The motion passed on a 5-0-0 vote.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant