

**BOARD OF SELECTMEN
MINUTES OF MEETING
JULY 9, 2012**

Selectmen present: David Barrows, Chairman, Julia Libby, Vice-Chairwoman, Rosendel Gerry, Jason Trundy.

Excused absence: Ladleah Dunn

The meeting was called to order at 6 p.m. by Chairman Barrows at Lincolnville Central School in Room B-5. The quote was read by Selectwoman Libby.

1. **Citizen's Forum:** None

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- The Salmon Federation of Maine hopes to build a fishway this fall in Black Brook, leading up to Coleman Pond. There was a meeting last week, which he attended, with several regulatory agencies regarding the project; there will be a public meeting late summer or early fall.
- The LCS ballfields will be treated for weeds on Wednesday; Material Safety Data Sheets will be available at the Town Office.
- The School bond was refinanced through Maine Municipal Bond Bank, resulting in a savings of \$205,595.64. Hopefully the road bond will be refinanced in the future.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

4. **Upcoming Community Events:**

Selectman Gerry reported the Strawberry Festival was a success.

5. **Meeting Minutes:**

Motion by Trundy, second by Gerry, to approve the June 25th meeting minutes with the addition of the word Annual Town "Meeting" on line 35. Vote 3-0-1 (Libby abstained.)

6. **Application for Liquor License – Cellardoor Winery:**

Motion by Libby, second by Trundy, to approve and sign the liquor license application submitted by the Cellardoor Winery. Vote 3-0-1 (Gerry abstained).

7. **Application for Liquor License for Catering Privileges: Rollie's Bar & Grill:**

Motion by Trundy, second by Libby, to approve and sign the application for a Special Permit for Catering Privileges for Rollie's Bar and Grill for July 14, 2012, for the hours of noon until 11 p.m.

Town Administrator Kinney explained Rollie's Bar and Grill did not specify the hours of the event on the application; he tried contacting them but did not receive a response, so he is suggesting the hours of noon to 11 based on the next application, which did specify hours.

Vote 4-0.

Motion by Trundy, second by Libby, to approve and sign the application for a Special Permit for Catering Privileges for Rollie's Bar and Grill for September 22, 2012, for the hours of noon until 11 p.m. Vote 4-0.

8. Municipal Building Committee Update: Building Condition Report & Programming Assessment:

Amanda Austin of 2A Architects gave an overview to the Board on Phase I of the work contracted by the Town with 2A Architects on the Town Office project; the Building Condition Report Programming Assessment Report she and her partner (and husband) Brian compiled was included in the Board's packets. Ms. Austin explained in developing the Report, they used information from the RFP, they verified existing Town Office conditions/measurements, reviewed information gathered in past years, and interviewed Town Office staff for input. From these various informational sources, a list of reoccurring space/building deficiencies were apparent, which she read to the Board. The Report Program Analysis shows the existing building with 4,690 gross square feet, and the proposed building program estimates an additional 2,699 square feet is needed; she briefly gave an overview of the proposed program space. Ms. Austin stated the Report was compiled at current staffing levels; if Board members anticipated staffing levels to change, that information would be important. She asked for the Board's input/comments regarding their findings, in particular the garage/storage space.

Selectman Gerry pointed out the Town Administrator's square footage is being reduced and also pointed out the toilet space; Ms. Austin responded that due to ADA requirements, they recommend two toilets: one female and one male. Selectman Gerry questioned the 468 square feet for a garage/storage; at \$125 per square foot, that adds \$59,000 to the project, which he didn't agree with. Chairman Barrows questioned how many cruisers are garaged and felt if included, it might be a reason for voters not to approve the project. Selectman Trundy said it's not uncommon for cruisers to have access to a garage bay, but in light of the divided community feelings about having a police department, he doubted voters would approve of a garage. He did like that the Report was based on current staffing levels so voters will not think additional staff is a goal.

Ms. Austin said there are different ways now to plan for future expansion needs and questioned if the garage/storage space should be included in possible future site planning. Selectman Trundy didn't have a problem with keeping the garage/storage space in mind as possible future expansion as the process moves forward, but didn't want to include it on the list in this phase. Town Administrator Kinney could see some advantage to having some storage on the first floor for voting booths and signs, and suggested including a footprint in this planning stage for possible future expansion years down the road might be the way to go.

It was the consensus of Board members that due to the divided sentiment in Lincolnville regarding a police department, voters would not approve the Town Office project if a garage was included.

Motion by Trundy, second by Gerry, that the Board approve the proposed program list, minus the garage space, with the understanding that all of the square footages for the proposed program are estimates and are subject to change, based on the final design and any revisions to the program requirements. Vote 4-0.

Ms. Austin said in keeping with the project schedule, they will prepare schematic floor plans for the next Board meeting, which is the next step in the process for presenting a final plan to the Board for possible inclusion on the November warrant.

9. Discussion of Police Department Ride-Along Program:

Town Administrator Kinney included several forms from various towns that have a ride-along policy; Camden prohibits ride-alongs.

Discussion ensued regarding the pros and cons of ride-alongs in the police cruiser. Questions by Board members included what benefit does Lincolnville gain from ride-alongs, what current procedure/paperwork is required, is a log kept, do liability waivers hold up, and what happens in the case of an emergency.

Police Chief Young explained ride-alongs are a useful educational tool for community members of all ages to experience first-hand the procedures used by the Police Department, allowing them to better understand why law enforcement does what it does. He explained each person requesting a ride-along must sign a waiver, a date and time are scheduled, the cruiser and its capabilities are explained in the parking lot before the ride-along begins, and he lets riders know what to expect during the ride-along. If an emergency developed during a ride-along, he would assess the situation and, if possible, drop the rider off someplace safe so he could proceed to the emergency; if that's not possible, he would let Waldo County dispatch know he couldn't respond at that point in time. Currently a log book of cruiser passengers is not kept, but he could start keeping one.

The main concern expressed by some Board members and some audience members was the liability issue for Lincolnville. In addition to a serious liability concern, Cathy Hardy and Richard Rosenberg did not feel giving seniors a ride to an appointment or children a ride to Camp Postcard were wise uses of taxpayer funds and limited police resources and urged the Board to stop this practice.

Town Administrator Kinney explained when Chief Young was hired, Board members encouraged good community relations. Selectman Trundy said law enforcement is a trade "drenched" in liability, and since past and present Boards have expressed a community relations expectation, we should now trust Chief Young's judgment; if he took a stand-off approach, "he's damned if he does and damned if he doesn't." Although she was not opposed to establishing a log, Selectwoman Libby also felt we needed to trust Chief Young's judgment, saying the First Aid Association does ride-alongs. Initially against ride-alongs due to the liability issue, Chairman Barrows is feeling better about this, saying the good

outweighs the bad, but said the log is a good idea. Although Selectman Gerry understands interacting with the public is part of the Chief's job, Selectman Gerry went on record as being opposed to ride-alongs, saying he was tired of being overseer of the police cruiser.

Jay Foster suggested a policy should be established, putting documentation in place stating intent to help avoid negligence. Selectman Gerry suggested Attorney Daggett could be consulted to see what might be done to protect the Town, liability wise.

Motion by Gerry, second by Libby, to suspend the Ride-Along Program now because of the liability issues involved until a time that a policy may be derived and approved by the Select Board.

Discussion: When questioned by Selectman Trundy, Selectman Gerry responded that his plan would have been to suspend this practice all together, but in spirit of cooperation, he thinks the Town should get the Town Attorney's advice and/or develop a policy. Town Administrator Kinney said from an administration perspective, the Town Attorney will look to him for guidance on what the Board would want in a policy, such as age limits, etc.

Karen Secotte suggested the Fire Department should be included in a possible policy since they also participated in the free ride to School event. Selectman Gerry felt when the Fire Department does their thing, it's a more controlled situation and didn't foresee the Fire Department taking seniors in the truck.

Vote 2-2 (Gerry & Libby in favor; Trundy and Barrows opposed) – the motion did not pass.

According to the Board's Rules and Procedures, a tie vote can be reconsidered within 30 days of the original decision.

Selectman Trundy suggested putting this item on the next agenda when there is a full Board. In the meantime, the Town Attorney should be consulted about reducing liability and coming up with ideas/options used by other police departments which might help reduce liability. Selectwoman Libby hopes more proponent citizens will attend to express their views in order to hear views from both sides.

10. Discussion of Possible Future Meeting to Discuss Community Priorities for Local Law Enforcement at Current Staffing Level (Suggested Date: July 23, 2012):

Town Administrator Kinney said since the staffing levels of the Police Department have changed since the Town Meeting, a discussion should be held regarding the Board's expectations of Chief Young, and suggested the discussion take place at their next meeting on July 23rd. Selectmen Trundy suggested people email their thoughts to the Town Office regarding this matter.

Motion by Trundy, second by Libby, that at the Board meeting of July 23rd, we allow time for the public to address the Board concerning the community priorities for local law enforcement at currently funded staffing level. Vote 4-0.

11. Board, Committee, and Commission – Resignation(s) and Appointment(s):

Motion by Gerry, second by Trundy, to accept with regret the resignation of Barbara Gould from the Comprehensive Plan Review Committee. Vote 4-0.

Motion by Gerry, second by Trundy, to appoint Cathy Hardy to the Municipal Building Committee, with a term expiring June, 2013. Vote 4-0.

Motion by Gerry, second by Trundy, to appoint Shane Laprade to the Planning Board, with a term expiring June, 2015. Vote 4-0.

Motion by Gerry, second by Trundy, to appoint Everett Fizer to the Memorial Day Committee, with a term expiring June, 2013. Vote 4-0.

Motion by Gerry, second by Trundy, to appoint Michael Cummons, Jr., to the LCS School Committee, with a term expiring June, 2013. Vote 4-0.

Motion by Gerry, second by Trundy, to appoint Don Heald (IV) for a term as a regular member on the Recreation Commission, if available; if not, then appoint him as an alternate member. Vote 4-0.

Motion by David Barrows, second by Trundy, to appoint Tracy Colby to the Wage and Personnel Policy Board, with a term expiring June, 2015. Vote 3-1 (Gerry opposed).

12. Roadside Mowing Bid:

Motion by Trundy, second by Libby, to award the roadside mowing project to J. L. Richards Earthwork at the hourly rate of \$45 per hour. Vote 4-0.

13. Winter Sand Bid:

Motion by Gerry, second by Trundy, to award the contract for the winter sand supply and stockpile to Porter Construction at a price of \$8.75 per cubic yard, provided their material is of adequate supply as determined by the Road Commissioner and quality is satisfactory when measured against the specifications, and if material fails in either aspect that the Town Administrator and Road Commissioner be authorized to award the contract to the next low bidder that fully complies with the specifications in terms of quality and quantity. Vote 4-0.

14. Road Salt Bid:

Motion by Gerry, second by Libby, that the road salt bid for FY 2012-2013 be awarded to Harcros Chemicals, Inc., at the delivered price of \$57.67 per ton and the picked up price of \$57 per ton and that the Town Administrator is hereby authorized to enter into an agreement with Harcros Chemicals, Inc., under these terms. Vote 4-0.

15. Paving Bid:

The summary of the paving bids received was included in the Board's packet. Since the Town Administrator was not familiar with the low bidder, Wellman Paving, he asked for additional information from them, which was received today. References checked out for Wellman in terms of their work, however Wellman is proposing using mix from Ron

Thibodeau's plant in Prospect, which is not a State certified plant. Scott Preston was present and explained they prefer to use the Thibodeau plant due to fewer contractors sharing the plant, and since their mix is at State specifications. Wellman Paving has used Thibodeau's mix for many towns and they have had no issues. Thibodeau has no interest in doing State work, which is a requirement to remain State certified.

Town Administrator Kinney explained he is not concerned in terms of equipment size and quality with Wellman. But there is a comfort level dealing with a State certified plant; the State keeps check on the mix in their certified plants, which is reassuring for a small town like Lincolnville. There is no bonding with this project. Pavement challenges can show up years down the road; there is no failsafe, but using mix from a State certified plant gives him more reassurance.

Mr. Prescott will talk to Lane and possibly Marriners about their mix and will let the Town Administrator know if he can honor his bid using a State certified plant.

Motion by Trundy, second by Gerry, to award the paving contract to Wellman Paving at his bid price if he uses asphalt from a State certified plant; if he cannot honor his bid price using a State certified plant and needs to retract, the contract should be awarded to the next low bidder, Ferraiolo Corporation at their bid price of \$76. Vote 4-0.

16. Camera Operator:

Motion by Gerry, second by Trundy, that the Board hire Tim Swenson for the position of camera operator with a six-month probationary period at a rate of pay of \$20.82 for the first two hours and \$10.41 for each additional hour. Vote 4-0.

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

Motion by Trundy, second by Gerry, to approve the Treasurer's Warrant and the Payroll Warrant. Vote 4-0.

Before the meeting ended, Dorothy Lanphear asked to address the Board. She said due to a recent incident when she was verbally abused by Recreation Commission member Don Heald, she was not comfortable working with him on the Recreation Commission any longer. Since the Board reappointed him to the Recreation Commission tonight, she now submits her verbal resignation from the Commission tonight.

18. Adjourn:

Motion by Gerry, second by Trundy, to adjourn the meeting (8:50 p.m.). Vote 4-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant