

**APPROVED WITH CORRECTION  
BOARD OF SELECTMEN  
MINUTES OF MEETING  
JUNE 25, 2012**

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Selectmen present: David Barrows, Chairman, Rosendel Gerry, Jason Trundy, and Ladleah Dunn

Excused Absence: Julia Libby, Vice-Chairman

The meeting was called to order by Chairman Barrows at 5:30 p.m. at Lincolnville Central School in Walsh Common (the meeting was not televised).

- 1. Executive Session – Consultation with Town Attorney regarding the legal rights and duties of the Board of Selectmen concerning Town Meeting action(s) (Title 1 MRSA § 405(6)(E)).**

**Motion by Gerry, second by Trundy, to 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 Town Meeting action(s). Vote 5-0.**

**Motion by Trundy, second by Gerry, to come out of executive session and reconvene in regular session. Vote 4-0.**

- 2. Citizen's Forum (6PM+/-):**

Cathy Hardy, 21 Hope Road, thanked the people who turned out for the Annual Town Meeting. Contrary to rumors that those in attendance were criminals, drug dealers, and alcoholics, she is none of those and works for Big Brothers Big Sisters, an organization that does very good work.

The quote was read by Selectman Trundy.

Jeanne Hollingsworth, of Marriners Drive, requested that the Board revisit changing the Annual Town Meeting to a week night rather than a Saturday. She feels it would be a healing move for Lincolnville and show respect for those many voters who wanted it changed.

Tracy Colby, of Moody Mountain Road, remembers it as a straw vote that was taken at the polls at a well attended election, but felt many who voted never attend the Annual Town Meeting and didn't really care one way or the other if it was changed. Those who make the bulk of their income in the summer find it very difficult to give up a day's income on a Saturday.

Tracy Colby then had questions regarding private citizens riding in the Police cruiser, asking what is the liability for Lincolnville, what are the confidentiality ramifications, and how are

private citizen rides in the cruiser arranged? Town Administrator Kinney and Police Chief Ron Young responded that any private citizen can request a ride-along through Police Chief Young, who vets each person, and who would be required to sign a liability waiver prior to riding in the cruiser. Regarding confidentiality, the same information people hear on a scanner is what a ride-along might hear. Chief Young encouraged citizens who wanted to learn more about the Police Department; he feels a ride-along is a good educational tool.

Paul Crowley supported the previous three comments, and said he had received calls that Bob Plausse was recently seen riding in the cruiser and is concerned the cruiser is being used for political reasons. Town Administrator Kinney responded by saying someone had brought that same rumor to his attention, he checked with Chief Young, and Mr. Plausse had not been in the cruiser.

**3. Administrator's Report:**

David Kinney, Town Administrator, reported:

- The Route One Advisory Committee had recently met with MDOT. Town Administrator Kinney characterized the meeting as successful and positive, saying the State would like to pick up “design-wise” where they had left off.

**4. Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

**5. Upcoming Community Events:**

Selectman Gerry announced the Strawberry Festival will be held July 7<sup>th</sup>, which will include a parade and festivities.

**6. Meeting Minutes:**

**Motion by Trundy, second by Gerry, to approve the June 4, 2012, meeting minutes, as presented. Initial Vote 4-0; Selectwoman Dunn subsequently changed her vote by abstaining since she was not yet on the Board on June 4<sup>th</sup> (Final Vote: 3-0-1).**

**Motion by Trundy, second by Gerry, to approve the June 16, 2012, meeting minutes, as presented. Vote 4-0.**

**7. Proposed DCP Midstream LPG Tank/Terminal at Mack Point/Searsport – Arlene Leighton:**

There was a lengthy two-hour discussion concerning the proposed DCP Midstream LPG Tank/Terminal at Mack Point in Searsport, with numerous audience members addressing the Board.

At 6:30 p.m., Chairman Barrows temporarily stopped discussion on Item 7 to discuss Item 8, which was advertised as starting at 6:30 p.m.

**8. 6:30PM: Public Hearing Liquor License Down East Hospitality Partners 1, LLC d/b/a Glenmoor by the Sea:**

**Motion by Trundy, second by Gerry, to open the public hearing concerning the liquor license application filed by Downeast Hospitality Partners 1, LLC, doing business as Glenmoor by the Sea. Vote 4-0.**

No comments were offered by the public.

**Motion by Trundy, second by Dunn, to close the public hearing. Vote 4-0.**

**Motion by Trundy, second by Gerry, that after having held a public hearing that the Board approve and sign the liquor license application submitted by Downeast Hospitality Partners 1, LLC, doing business as Glenmoor by the Sea. Vote 4-0.**

**7. *Discussion on Item 7 resumed.***

The following Lincolnville residents spoke in favor of the Lincolnville Board of Selectmen writing a letter to the Searsport Planning Board, expressing Lincolnville's concerns for what those audience members considered to be serious regional issues for all the surrounding communities associated with the proposed DCP Midstream LPG Tank/Terminal at Mack Point, Searsport, and for the need for Lincolnville to have access to information regarding the proposed project: Arlene Leighton, Jeffrey Leighton, Will Brown, Tony Oppersdorff, Whitney Oppersdorff, and Rick McKittrick. Arlene Leighton read a letter signed by her and Jeffrey Leighton and endorsed by 21 Lincolnville residents. She stated Ann McKittrick and Susan Silverio also endorsed the letter and asked that their names be included. Later in the meeting, Rick McKittrick and Reed Mathews also asked that their names be added as endorsing the letter. These Lincolnville residents cited numerous safety concerns on land and sea regarding potential gas explosions, the increased tanker traffic and potential for accidents on Penobscot Bay and tanker truck accidents on Route One, as well as the financial implications to Lincolnville to cover the costs of our mutual aid commitment in the event of an incident. They encouraged the Board to make written communication with Searsport to establish Lincolnville's standing in this matter.

Islesboro residents Steve Miller and Kim Tucker also addressed the Board, explaining some of the reasons the Islesboro Board of Selectmen felt it imperative to have input in this process and why they are encouraging surrounding communities to express their concerns and establish standing in this matter. They felt it was not Islesboro getting involved in Searsport's business, but that Searsport was involving Islesboro (and all surrounding communities) by committing the mutual aid agreement in this process.

Waldo County Emergency Management Director Dale Rowley also addressed the Board and the audience, explaining he has just started looking into the emergency planning aspect for the DCP Midstream project. The requirement for a safety plan falls under the USEPA Risk Management Program; he did not see a plan requirement in the Searsport ordinance, only a requirement that certain town officials (Fire Chief, for example) be notified. Numerous questions were posed from audience members regarding safety issues on the water and land,

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explosion affects on surrounding facilities/structures, power outage ramifications, earthquakes affecting the facility, the exclusion zone, the capability of Waldo County EMA to handle a gas explosion at the facility, etc. He answered those questions within his expertise and referred people to the appropriate agency (Coast Guard and Marine Patrol) for those he was not qualified to answer. He stated 75% of his work is preparedness; in the course of working on the Mutual Aid Agreement, he cited some of the manpower and equipment numbers that currently exist within Waldo County for fire and police; in a severe emergency if the Waldo County Emergency Operations Center was utilized, his agency is pretty well manned with County employees. He will try to obtain the current safety protocols from the existing Tampa, Florida LPG facility.

Some audience members asked questions, but did not voice an opinion. Jay Foster pointed out that the Searsport Planning Board can only review DCP's application as it meets, or doesn't meet, the current Searsport Land Use Ordinance requirements, and questioned who determines "standing." Jeanne Hollingsworth suggested if Lincolnville has standing, we could ask questions at a public hearing; if we miss the public hearing, we've missed our chance to ask questions.

Paul Crowley felt the concerns raised tonight should be brought before the appropriate review authorities, i.e., the Searsport Planning Board, the U.S. Coast Guard, etc., and didn't feel Lincolnville should spend time and resources on this.

Board members had read the materials in their packets and stated many good points were raised tonight, but also questioned if many in the attendance had a "sky is falling" urgency that may not be warranted. They would like clarification from the Town Attorney as to what "standing" means legally and if it could make Lincolnville liable in any future litigation costs. Board members agreed there were many conversations that need to take place and questions that need to be answered, especially in light of the mutual aid involvement, in order to assess what risks and impact this project would realistically have on Lincolnville.

**Motion by Trundy, second by Dunn, that the Town Administrator draft a letter summarizing the concerns shared tonight and outlining the discussion, forwarding with it the packet information and the minutes of tonight's meeting, explaining in the letter the Board of Selectmen is concerned about the impact on Lincolnville and requesting a dialogue with Searsport. Vote 4-0.**

**9. Conservation Commission – Proposed Trail:**

Conservation Commission member Will Brown addressed the Board about the proposed connector footpath from Breezemere Park to behind Lincolnville Central School. He explained there would be no cost to Lincolnville for the work, materials, or maintenance of the 2,400 square foot path. The path would consist of wood chips, which would not make it ADA compliant; the Commission feels it would be high and dry enough to use year-round. The projects falls behind the earmark to require more permitting from the DEP, and the Commission is seeking conceptual approval from the Board so they can start weed whacking to determine the best location; only small bushes may have to be cut, but no trees would be cut.

**Motion by Gerry, second by Trundy, to give conceptual approval for the trail. Vote 4-0.**

The Conservation Commission will come back to the Board before starting Stage 2 of the project.

**10. Municipal Building Committee Update:**

Town Administrator Kinney reported the “Negotiating Committee,” a subcommittee of the Municipal Building Committee, is recommending the consulting firms of Gartley & Dorsky for the civil/site design and environmental permitting with Phase 1, and the firm of 2A architects, LLC, for the Town Office addition/new construction design portion of Phase 1. Town Administrator Kinney read the figures associated with each agreement.

In response to Tracy Colby’s question about utilizing previous plans that the Town had already paid for, Town Administrator Kinney said 2A architects will have all the previous material to review and utilize, if possible.

**Motion by Trundy, second by Gerry, to authorize the Town Administrator to sign the agreement with Gartley & Dorsky to provide the civil/site engineering services and environmental permitting services, as set forth in the agreement dated June 22, 2012. Vote 4-0.**

**Motion by Trundy, second by Gerry, to authorize the Town Administrator to sign the agreement with 2A architects, LLC, as set forth in an agreement dated June 17, 2012, revised to June 25, 2012. Vote 4-0.**

Amanda Austin of 2A architects and Will Gartley of Gartley & Dorskey were present and introduced themselves, each saying they are looking forward to working with Lincolnville, along with the DEP, to be part of the solution for Town Office needs. Municipal Building Committee Chair Jay Foster was pleased that the Board of Selectmen went along with their recommendation, felt the negotiations were successful, said this would be an open process, and felt these firms would be good partners in moving forward.

Jeanne Hollingsworth again suggested an efficiency study be done to determine staffing needs before buildings needs are established. Paul Crowley said he initially thought consulting an expert was a good idea, but since the Comprehensive Plan Review Committee’s involvement with an expert, which resulted in delayed work product of poor quality, he would not vote for hiring another; he’d rather work with the architect.

**11. Municipal Officials - Appointments:**

**Motion by Trundy, second by Gerry, to appoint the individuals listed to the positions and terms shown on the sheet entitled, Recommended Appointments (6/22/12). Vote 4-0.**

Selectman Trundy stated the list excludes all part-time reserve officers except for those involved as parking officers and inland harbor master.

**12. Board/Committee/Commission Appointments:**

Motion by Gerry, second by Trundy, to appoint David Munson as a regular member on the Conservation Commission for a three-year term. Vote 4-0. This motion was subsequently withdrawn by Selectmen Gerry and Trundy.

**Motion by Gerry, second by Trundy, to appoint Stacey Parra as a regular member for a three-year term to the Wage & Personnel Policy Board. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Lesley Devoe as a regular member (neighbor) for a three-year term, Frederick Heald as an alternate member (Lincolnvillle Band) for a one-year term, Dorothy Lanphear as an alternate (Recreation Commission) for a one-year term, and Thomas Nolan as an alternate member (neighbor) for a one-year term to the Breezemere Park Band Trustees. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Margaret Miller and Dwight Patten as regular members, for three-year terms, and Brett Haining as an alternate member for a one-year term as Cemetery Trustees. Vote 4-0.**

**Motion by Gerry, second by Trundy, to appoint Richard Glock as a regular member, for a three-year term, and Elizabeth Hand and David Munson as alternate members for one-year terms to the Conservation Commission. Vote 4-0.**

**Motion by Gerry, second by Trundy, to table the Recreation Commission appointment. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Betty Johnson and Andrew Young as regular members for three-year terms, and James Greeley and Terry Moulton as alternate members for one-year terms to the Board of Appeals. Vote 4-0.**

**Motion by Trundy, second by Dunn, to appoint Betty Johnson as a regular member for a three-year term to the Board of Assessment Review. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Lois Lyman as a regular member for a three-year term and Jay Foster as an alternate for a one-year term to the Planning Board. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Vicki Eugley and Steven Young as regular members for three-year terms to the Capital Needs Committee. Vote 4-0.**

**Motion by Trundy, second by Barrows, to appoint Ladleah Dunn and Patricia Shannon as regular members for three-year terms, and Karin Womer as a regular member for the remaining two years of a three-year term on the Comprehensive Plan Review Committee (expires June, 2014). Vote: 3-0-1 Dunn abstained.**

Town Administrator Kinney explained that as a Selectwoman, there are some committees Ladleah could not serve on, such as Planning Board. But since the Comprehensive Plan Review Committee is advisory in nature, there is no conflict and she could serve on it.

**Motion by Trundy, second by Gerry, to appoint Linwood Downs as a regular member for a three-year term to the Financial Advisory Committee. Vote 4-0.**

**Motion by Gerry, second by Trundy, to appoint Shane Lydon and Steve Nystrom as regular members for three-year terms to the Harbor Committee. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Jill Glover, Kim Hendrix, Richard Lenfest, Alexander Lyle, Tony Oppersdorff, Whitney Oppersdorff, and Richard Sanderson as regular members for one-year terms to the Lakes & Ponds Committee. Vote 4-0.**

**Motion by Trundy, second by Gerry, to appoint Paul Crowley and Shane Laprade as regular members for three-year terms to the Land Use Committee. Vote 3-0-1 (Dunn abstained).**

**Motion by Trundy, second by Gerry, to appoint Matt Lawson as a regular member for a three-year term to the Megunticook Dam Committee. Vote 4-0.**

**Motion by Trundy, second by Barrows, to appoint Cecil Dennison, Rosendel Gerry, James Greeley, and Karen Secotte as regular members for one-year terms to the Memorial Day Parade Committee. Vote 3-0-1 (Gerry abstained).**

**Motion by Trundy, second by Dunn, to appoint Paul Crowley, Jay Foster, Rosendel Gerry, John Ianelli, Dorothy Lanphear, Rob Newcombe, and Stacey Parra as regular members for one-year terms to the Municipal Building Committee. Vote: 3-0-1 (Gerry abstained).**

**Motion by Trundy, second by Barrows, to appoint John Black, Will Brown, Richard M. McLaughlin, Robert Newcombe, Diane O'Brien, Christopher Osgood, and Bradford Payne as regular members for one-year terms to the Route One Advisory Committee. Vote 4-0.**

**13. Committee Vacancy Announcements:**

The following committees have vacancies: Cemetery Trustees, Recreation Commission, Board of Assessment Review, Planning Board, Wage & Personnel Policy Board, Capital Needs Committee, Comprehensive Plan Review Committee, Lakes & Ponds Committee, Land Use Committee, and Memorial Day Parade Committee. Interested citizens should fill out a Community Interest form.

14. **FY 12 Audit Services Engagement Letter:**

Motion by Trundy, second by Gerry, to authorize the Chairman, on behalf of the Board, to sign the engagement letter with William Brewer, CPA, to conduct the Fiscal Year 2012 audit. Vote 4-0.

15. **FY 13 Assessors' Agent Contract:**

Motion by Gerry, second by Dunn, to approve and sign the Contract for Assessing Services with Fort Halifax Appraisals. Vote 4-0.

16. **FY 13 Budget Amendments:**

Town Administrator Kinney briefly explained at the Annual Town Meeting on June 16<sup>th</sup>, voters did not approve the funding as recommended by the Board of Selectmen and Budget Committee on three articles.

**Motion by Gerry, second by Trundy, that the Board establishes the budget for Protection: Police Department – Part Time Wages at \$0, FICA & Medicare at \$3,576, Uniforms/Accessories at \$980, Professional Development at \$500, Police Cruiser Maintenance at \$3,000, and Police Cruiser Gasoline at \$4,760. Vote: 4-0.**

**Motion by Trundy, second by Gerry, that for Administration and Finance employees the Board of Selectmen adopt the Fiscal Year 2012 pay scale with no change (a zero percent increase) for the upcoming 2013 budget year and that we keep the merit based step system in effect. Vote: 4-0.**

**Motion by Trundy, second by Gerry, that the Board establishes the budget for Administration and Finance - Accrued Benefits line at \$0, Full Time Wages at \$226,549, FICA & Medicare at \$17,331, Retirement at \$9,062, Insurance at \$73,841. Vote 4-0.**

**Motion by Trundy, second to Barrows, that the Board set the Budget for Municipal Support: Penobscot Bay Chamber of Commerce at \$1,000. Vote: 3-1 (Gerry opposed).**

17. **Morton Road Property:**

Motion by Trundy, second by Gerry, that the Town Attorney be, and hereby is, authorized and directed to take any and all action, including, without limitation, the filing of suit in State court, that is necessary and appropriate to quiet the title to the tax-acquired property formerly owned by John and Rebecca Stephens and located at 7 Morton Road (Tax Map 34, Lot 150). Vote 4-0.

18. **Camera Operator:**

Board members agreed to table this item to the next meeting.

19. **Adopt, Renew, Amend, or Rescind Board Policies:**

• **Rules of Procedure – Board of Selectmen**

Board members agreed to table this item to a future meeting.

- **Policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits**  
Motion by Trundy, second by Gerry, to approve the Policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits, dated June 25, 2012. Vote 4-0.
- **Policy on Treasurer's Disbursement Warrant of State Fees & Revenues**  
Motion by Trundy, second by Gerry, to approve the Policy on Treasurer's Disbursement Warrants for Sending Revenue Collected on Behalf of the State to the Appropriate State Agency, dated June 25, 2012. Vote 4-0.

20. **Surplus Float:**

Motion by Gerry, second by Dunn, to declare the recently replaced float as surplus and instruct the Town Administrator to seek bids for its sale. Vote 4-0.

21. **Treasurer's, Capital Campaign, and Payroll Warrant(s):**

Motion by Trundy, second by Barrows, to approve the Treasurer's Warrant, the Capital Campaign, and the Payroll Warrants. Vote 4-0.

22. **Adjourn:**

Motion by Trundy, second by Gerry, to adjourn the meeting (8:55 p.m.). Vote 4-0.

Respectfully submitted,

Diane Bacon  
Administrative Assistant