

**APPROVED
BOARD OF SELECTMEN
MINUTES OF MEETING
MAY 14, 2012**

Selectmen present: Jason Trundy, Chairman, Rosendel Gerry, Vice-Chairman, Stacey Parra, David Barrows, and Julia Libby

The meeting was called to order by Chairman Trundy at 6 p.m. at Lincolnville Central School (Room B-5). The quote was read by Selectman Barrows.

1. Citizen's Forum: None

2. Administrator's Report:

David Kinney, Town Administrator, reported:

- Absentee ballots for the June 12th election are available at the Town Office during normal business hours.
- Congratulations to Diane O'Brien for being the recipient of the Heritage Preservation Award and to Sara Montgomery for receiving the Community Person of the Year Award from the Penobscot Bay Regional Chamber of Commerce.
- We still need a camera operator; anyone interested should contact Town Administrator Kinney.

3. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings, also announcing there is a Municipal Building Committee meeting on Thursday May 24th, 4 p.m., at Lincolnville Central School. Also, the Memorial Day Parade will start at 1 p.m. on Monday, May 28th; anyone interested in serving on the Memorial Day Committee should contact Selectman Gerry.

4. Upcoming Community Events:

There is a Fiddlers' Pig Roast at the Searsmont Community Building on Saturday, May 26th, which will benefit their Historical Society; tickets should be purchased in advance.

5. Meeting Minutes:

Motion by Libby, second by Parra, to approve the April 30th meeting minutes, as presented. Vote 4-0-1 (Trundy abstained).

6. Maine DOT U.S. Route 1 Future Projects(s) – Introductions, Scoping Process, and Match Policy:

Nate Howard, Planner with the Maine Department of Transportation (MDOT), Bureau of Planning, and Daryl Belz, Engineer in the Safety & Scoping Section at MDOT, were present to address the Board about the planning process for Route One improvements north (Windsor Chairmakers to Northport) and south (Route 173 to Camden) of Lincolnville Beach. Nate Howard's PowerPoint presentation illustrated the various steps involved in this initial planning stage, which included goals, project scoping process, typical project timeline, and

MDOT's local cost sharing policy. He explained most of the initial design element for the two areas was done when the Route One reconstruction project at Lincolville Beach was done several years ago. MDOT worked with Lincolville's Route One Advisory Committee on that last project, and looks forward to working with them again, Board members, and the community to obtain input.

Mr. Howard explained several projects would be competing for limited State funding, but hoped Federal funds might also be available since it involved Route One. Legislature would have to approve the work plan; if budgeted, construction would be in 2016-2017. He explained the State pays 100% of the construction, ditch to ditch, including highway drainage, 50% of limited elements (such as lighting), and Lincolville's 20% share would include the walkable areas (sidewalks), and drainage, right-of-ways, and maintenance involved with those walkable areas.

Board members asked: is there current available funding, what is MDOT's vision for Route One, how will the project affect abutting property owners and how will they be educated about the process, and is this Phase 2? Mr. Howard responded there is currently a small budget for this planning phase, but the State now only yearly reconstructs about 15 miles of road instead of the 90 miles it did earlier in the decade. The vision for Route One would now follow the Practical Design for Roads instead of Federal Design Standards. Right-of-way issues definitely affect project costs; abutters would be notified/educated through mailings before surveyors start work, possibly with an open house like Northport was having tonight, and are welcomed to attend all meetings. Basically, this is Phase 2 of the Camden to Northport Route One project. Having a cooperative agreement between Lincolville and the State, specifying what each entity would be responsible for financially, would be an end goal of this initial planning phase.

7. Route 1 Advisory Committee Overview and Brief History, Process, and Successes:

Diane O'Brien and Chris Osgood, Co-Chairs of the Route One Advisory Committee, followed MDOT's presentation. Diane O'Brien gave an historical overview of the Committee's work the last couple decades, explaining the Committee's involvement in the initial Route One project. The Committee served as liaison between the State and the Town, listening to public input, working on grants, and collaborating with the State to achieve very positive end results. The Route One Advisory Committee has been the one constant over the years, while the State and Town have had many personnel changes.

It was the consensus of the Board that the Route One Advisory Committee should schedule meetings with MDOT to refamiliarize everyone with the design (scope), have public meetings with notice, and try to work out a financial agreement. Board member could attend those meetings, but preferred they not be held during their two regular monthly Selectmen meetings. Town Administrator Kinney will work with the Route One Advisory Committee and Nate Howard of MDOT on scheduling Committee and public meetings. After the Committee/State's first meeting, Town Administrator Kinney suggested the Board revisit the Route One Advisory Committee's charge to update it.

8. Board of Assessors:

Motion by Gerry, second by Barrows, to suspend their meeting as Board of Selectmen and convene as Board of Assessors. Vote 5-0.

- **Glenmoor by the Sea (Map 13, Lot 85):**

Assessors' Agent Vern Ziegler explained on March 12, 2012, the Board of Assessors agreed to an additional 60-day extension of the abatement application submitted by Downeast Hospitality Partners, owners of Glenmoor by the Sea; tonight's meeting falls within the 60-day extension.

Tom Dolan of HVS addressed the Board on behalf of the Downeast Hospitality Partners, explaining his company does hospitality consulting and appraising. They feel Lincolnville's assessment of 2.7 million on Glenmoor by the Sea is significantly higher than the purchase price of 1.3 million, and are requesting an abatement in assessed value of \$1,496,000. In support of this abatement request, Mr. Dolan took an income capitalization approach, the end result of his analysis was a market value of \$1,394,426. When asked by Chairman Trundy if what he did is considered an actual appraisal, Mr. Dolan responded it would not be considered an actual appraisal; it would be what a buyer would do before purchasing a property. He said this foreclosed property had been on the market a year at an asking price of 1.8 million. Cathy Beveridge, one of the owners of the property, corrected him by stating the property had been on the market two years, not one.

Chairman Trundy voiced his opinion that the Board needed an appraisal; this income capitalization approach sounded more like speculation of what a property could earn in the future.

Assessors' Agent Ziegler next addressed the Board, reminding Board members that market price is not market value. The burden falls on abatement applicants to prove the assessment is manifestly wrong and is not equitable, compared to similar properties within Lincolnville. Glenmoor by the Sea is oceanfront property and has been assessed using the same factors as the three other oceanfront hospitality properties in Town: The Inn at Ocean's Edge, Cedarholm Garden Bay Inn, and The Inn at Sunrise Point. There are additional hospitality properties in Lincolnville, as listed in Mr. Dolan's analysis, but those do not have oceanfront locations, which is a significant value factor. The four Lincolnville oceanfront hospitality properties have all been assessed using the same land and building schedules. Mr. Dolan's report is an opinion of value, not an appraisal, and does not address the equity factor. Therefore, Assessors' Agent Ziegler recommends denial of the application.

Mr. Dolan responded by saying just because all Lincolnville hospitality properties are overvalued doesn't make the situation right; what is right is market value--a willing buyer for a motivated seller. He said his firm "wrote the book" on how to value hotels and does education for the State of Maine Assessing Institute. He had been advised by Mr. Ziegler that his clients could not use the appraisal done at the time of purchase (April, 2011) because they did not have permission from the appraiser to use it. Mr. Dolan felt that part of the system is a little broken, the Town shouldn't throw a dart at a wall and hope it sticks, and later said he would like to see the written rules regarding obtaining appraiser approval.

Assessors' Agent Ziegler felt the system is not broken, that Title 36 deals with municipal property taxation and says it shall be assessed "in accordance with just value." Maine courts have ruled that tax equity trumps value.

Ms. Beveridge explained that in order to purchase the property, an appraisal was required, but since Camden National Bank had to approve the appraiser, they were named on the appraisal; but Ms. Beveridge paid for the appraisal and it was her understanding that they had permission from David Carey of Boston, the appraiser, to use it.

Mr. Ziegler said the verbiage in the appraisal states it cannot be used by other parties, and Mr. Carey was very specific that “unless our prior written consent is obtained, no third party may rely on the appraisal report.” He continued to say that if the owners are able to obtain permission to use the appraisal from Mr. Carey, it would be his recommendation that it be reviewed by an expert who is in that business, which would be at the Town’s expense. Selectwoman Parra didn’t feel that was a cost the Town could take on. Mr. Dolan asked if a review appraiser from his firm reviewed it for its validity at a cost significantly less than \$10,000, or perhaps at no cost depending on what it is, would that be acceptable; Selectwoman Parra felt that would be a conflict and they would have to go with an independent review.

Chairman Trundy summarized by saying Ms. Beveridge would need to get written permission from the appraiser before the Board could consider its content, or have another appraisal done. Although they had previously stated an appraisal could cost \$10,000, if they can’t get written permission now, it may be worth getting another done for future assessments.

Assessor’s Agent Ziegler explained that the abatement application 60-day extension expires June 2, 2012, and would be deemed denied if the Board does not act on the application by that date. The applicants would then have the option to appeal to the Board of Assessment Review, at which time they can present any and all existing and/or new documentation in support of their abatement request.

Ms. Beveridge and her partner will try to get written permission from the appraiser and then will decide if it’s worth proceeding with the process.

Motion by Parra, second by Barrows, that the Board of Assessors deny the Downeast Hospitality Partners I, LLC, application for an abatement of property taxes for property identified on Tax Map 13 as Lot 85, as the application does not contain support proving that the assessed value was manifestly wrong. Vote 5-0.

- **2012 Ratio Declaration & Homestead Reimbursement:**

Assessors’ Agent Ziegler explained in order to claim our 50% homestead reimbursement from the State, the Town must file the 2012 Ratio Declaration & Reimbursement Application. Lincolnville is within the allowed 10% of the State’s determination for developed parcel ratio, and recommends we declare our ratio at 100%.

Motion by Parra, second by Gerry, that the Board approve and sign the Ratio Declaration & Reimbursement Application, as prepared by the Assessor’s Agent. Vote 5-0.

Motion by Parra, second by Gerry, to adjourn as Board of Assessors and reconvene as Board of Selectmen. Vote 5-0.

9. Recreation Commission Update:

Recreation Commission Chairwoman Dorothy Lanphear updated the Board on the Commission's activities. She reported the ball fields have been treated for grub removal, a new spreader has been purchased, the mowing of the Little League fields has gone very well, an ADA compliant dock/float for Norton Pond has been ordered, a boat float location settlement has been worked out with the Boat Club, the parking configuration will change somewhat at Breezemere, the picnic tables at the Park have been stained, and the YMCA will be utilizing the Park this summer for day camp and will put their canoes in the boating section. She said everyone has been doing assigned tasks and everything is working out nicely.

The Board thanked her for her report and all the Commission's hard work.

10. ConnectME Grant-Letter of Support for Lincolnville Networks, Inc.

Lewis Rector of Lincolnville Networks briefly addressed the Board, explaining they are seeking a grant to improve band width for existing customers.

Motion by Parra, second by Gerry, to approve and sign a letter of support for Lincolnville Network's efforts to secure a grant to expand high speed broadband to additional rural areas of the Town of Lincolnville. Vote 5-0.

11. Norton Pond Septic System Evaluation:

Town Administrator Kinney explained last year the Megunticook Watershed Association hired consulting firm Moody Mountain Environmental in an effort to rectify the water quality issues at Norton Pond. Results indicate the area of concern to be the culvert discharge adjacent to the Park and swim area, which show evidence of human effluent. There are four septic systems in that area, but no obvious signs of system failures. He continued by saying he sought proposals from six consultants to further examine the systems, received two responses, and recommends accepting Gartley & Dorsky's proposal. Voters approved funds at the last Annual Town Meeting sufficient to cover the cost.

Leonard Williams, of 58 Norton Pond Road, expressed concern about pressure testing lines. Town Administrator Kinney responded there would be no pressure testing in lines up to the leach field.

Motion by Parra, second by Libby, that the Town Administrator be authorized to enter into an agreement with Gartley & Dorsky to conduct further investigation into the causes of the high bacteria count at the culvert near Breezemere Park swim area for a fee not to exceed \$3,420. Vote 5-0.

12. Appointment(s) and Resignation(s):

- **Reserve Police Officer**

Motion by Parra, second by Barrows, that Justin Twitchell be appointed as a Reserve Police Officer with the Lincolnville Police Department.

Discussion: Selectman Gerry would like to see people being newly hired by the Town come to Board meetings when they are appointed so Board member can meet them; Board members agreed.

Vote 5-0.

- **Municipal Building Committee**

Motion by Parra, second by Libby, to accept Ben Hazen's resignation from the Municipal Building Committee and instruct the Town Administrator to send Mr. Hazen a letter of thanks for his service. Vote 5-0.

13. Approve and Sign Annual Town Meeting Warrant:

Motion by Parra, second by Barrows, to approve and sign the Annual Town Meeting Warrant for June 12/16, 2012. Vote 5-0.

Selectwoman Parra corrected a statement she had made at a previous Board meeting regarding the Penobscot Bay Regional Chamber of Commerce's budget request for \$1,000; she had said she supported the \$100 amount, but it was actually \$200.

14. Approve and Sign Special Town Meeting Warrant for LCS Budget Meeting:

Motion by Parra, second by Libby, to approve and sign the Special Town Meeting Warrant for May 22, 2012. Vote 5-0.

15. Special Permit For Catering Privileges – Ducktrap Retreat, June 2, 2012 (12:30 P.M. to 10 P.M.):

Motion by Parra, second by Libby, to approve and sign the application for a Special Permit for Catering Privileges for Millennium Weddings, Inc., for June 2, 2012.

Discussion: Millennium Weddings is just doing this one wedding, not running the entire business. Also, Selectman Gerry thought a police officer should be on duty (Police Chief Young was in the audience and acknowledged it was already scheduled).

16. Fill at Former Millington Site:

Town Administrator Kinney briefly explained the Lincolnville Historical Society is seeking permission to place fill in a low non-wetland area at the former Dean & Eugley and Millington site. He had consulted with the Maine DEP and with Lincolnville CEO and the request would not violate any conditions or require additional permits.

Motion by Libby, second by Barrows, that the Lincolnville Historical Society be allowed to place fill on the Town-owned property at the boundary between the former Dean & Eugley site and the former Millington site, provided that no wetland area fill is to occur, that appropriate erosion control measures are implemented, and that the site be neatly graded and seeded as soon as practical. Vote 4-0-1 (Gerry abstained).

17. Review of Draft Social Media Policy:

Town Administrator Kinney briefly explained this item had been cancelled at a previous meeting until there was a full Board and to also add oversight language.

Motion by Parra, second by Libby, to approve and sign the Town of Lincolnville Social Media Policy, as presented in the draft dated May 14, 2012. Vote 5-0.

18. Little League Banner Request:

Town Administrator Kinney explained Recreation Commission member Mike Marden addressed the Board last year and mentioned banner space being sold to raise money. At that time, the Board didn't approve or deny the use of banners, but some supporters of the Lincolnville Little League thought permission had been granted and have sold banners for this season. In response to Selectman Gerry's question, Town Administrator Kinney explained the Inhabitants of the Town of Lincolnville own the fence. Although Chairman Trundy thought the banners seem like a good idea, once you say yes to one, it's hard to deny another; he suggested a policy for oversight is needed for future use.

Motion by Parra, second by Libby, that the Board approve through July 31, 2012, the temporary installation of the Lincolnville Little League fundraising banners at the Little League baseball field and that the Board instruct the Town Administrator to prepare a draft policy concerning such banners and other similar items on all Town property for the Board to consider, prior to the 2013 Lincolnville Little League season. Vote 5-0.

19. Treasurer's and Payroll Warrants – Approve and Sign:

Motion by Parra, second by Libby, to approve the Treasurer's Warrant and Payroll Warrant, and table the Coombs Griffin Trust Warrant. Vote 5-0.

20. Executive Session – (Title 1 MRSA § 405(6)(A)) – Police Chief Performance Evaluation Review:

Motion by Gerry, second by Libby, to enter into executive session, pursuant to Title 1 MRSA § 405(6)(A) to review the performance evaluation of the Police Chief and to establish specific goals and objectives for the Police Chief for the upcoming review period. Vote 5-0.

Board members will not be taking any votes or continuing the televised meeting once their executive session is over.

Motion by Parra, second by Gerry, to come out of executive session and reconvene in regular session. Vote 5-0.

21. Adjourn:

Motion by Parra, second by Gerry, to adjourn the meeting. Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant