

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 9, 2013**

Selectmen present: Ladleah Dunn, Chair, Rosendel Gerry and David Barrows. (Excused absence for Julia Libby and Jason Trundy).

The meeting was called to order by Chair Dunn at 6:00 p.m. at Lincolnville Central School (C-1). The quote was read by Gerry.

1. **Citizens' Forum:** None

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- Town Office Project is moving forward. Interior painting has commenced and they started putting in suspended ceiling grid today. The earth work people are supposed to be back before the end of the week and will start in the back and work their way around the building cleaning up as they go. We're on track for completion mid to late October.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

4. **Upcoming Community Events:** None

5. **Meeting Minutes - August 26, 2013:**

Motion by Gerry, second by Barrow, that the Board approve the August 26, 2013 meeting minutes as presented. Vote: 3-0.

6. **6:30PM Public Hearing: Winter Road Closing – Martin Corner Road (portion of):**

Kinney said there was an error on the date for the Notice for Public Hearing for the winter road closing of Martin Corner Road. He made the mistake of typing Monday, September 19th instead of Monday, September 9th. Kinney said he has corrected the Public Hearing announcement for the Board to reschedule the Public Hearing for their next meeting on Monday, September 23rd at 6:30PM.

Motion by Barrows, second by Gerry that the Board reschedule the Public Hearing for Winter Road Closing for a portion of Martin Corner Road for Monday, September 23rd at 6:30PM. Vote: 3-0.

7. **Road Discontinuance Procedure:**

Kinney said enclosed in the packet is an excerpt from the Maine Municipal Association's Municipal Roads Manual concerning disposing of a municipal road, a memo prepared previously by the Town Attorney concerning the road discontinuance process, a draft memo from the Assessor, Vern Ziegler, concerning damages and a list of Town roads with only one residence on them.

Kinney said the largest hurdle is the potential to have to pay damages to a property owner for discontinuing a public road.

Dunn asked Kinney if he had any numbers on how much it would cost to secure and use the services of an appraiser.

Kinney said it would be specific on the number of properties, length of road impacted and if the resident has any other access opportunities. He said he talked with an appraiser, but until the Town can tell him which road and which properties are impacted it is very hard to give a quote, but the cost will probably be in the thousands for each road.

Barrows said the Town would need to appropriate money to hire an appraiser because we don't have an appropriation in the budget for this expense. Barrows asked Kinney if we need to go to Town Meeting for approval to spend funds.

Kinney said the Town has a little bit of contingency money available and the Town can expend funds for matters of a legal nature. Kinney said if this was something the Board wanted to pursue he could seek some RFPs from appraisers for whichever roads the Board wanted to proceed with and receive the proposals back in time for the budget process.

Barrows said he would like to know what the Town has spent over the last ten years in maintenance for all the roads on the list.

Gerry said if someone were to build in the field on the Martin Corner Road in the next ten years it could cost thousands of dollars to bring that road up to standard. Gerry said he would like the Board to send a letter to the abutting land owners on each of the roads to see if they might be interested in accepting the discontinuance and taking on the maintenance.

Barrows said he has talked to a neighbor of his on one of these roads and she is not very pleased with the idea of taking over all the maintenance.

Gerry asked Kinney the procedure for closing these roads to winter maintenance if the Board didn't close them completely.

Kinney said that would release the Town of the burden of plowing and sanding. He said the authority to close a road to winter maintenance has been given to the Board by Town Meeting. The Board does have to make certain findings to close a road to winter maintenance due to use and other things.

Gerry said there are other citizens who have expressed concern about the Town maintaining what they consider a private driveway. Gerry would like the Board to find out what it would cost for damages to compensate the single residence on these roads.

He said it may be a little money up front, but over a period of twenty years it would be a savings in maintenance cost.

Kinney agreed it would be less expensive to discontinue roads today than maintain the roads forever.

Dunn said it certainly wouldn't hurt to float the idea out there.

Gerry said it will be the Town's people who will make the final decision whether or not to discontinue any of these roads. He said it would be helpful to get some idea of what the appraisals of damages might cost the Town. The Board then could decide whether they wanted to proceed.

Kinney said his understanding is the properties involved would be appraised with the property located on a town road versus a private road. The question is: what is a property worth on a town road and what is the same property worth on a private road? It's that difference in value as a result of the discontinuance that equals the damages. Kinney said it could be a substantial amount. He said on top of the dollars there is the human impact that citizens will have to take into account when casting their vote.

Dunn said the Town has cut funds and is not doing proper maintenance on some of the paved roads. She said the Board needs to address where their priorities are in terms of maintaining Town roads. Dunn doesn't think the Board should take money from the current year budget, but rather develop a clear plan in terms of what, if anything, the Board wants to do to appropriate funds with support from the Town.

Gerry said he was willing to take funds from 'contingency' to have appraisals done for Albert Blood Road, Thorndike Road, a portion of the Martin Corner Road, Lloyd Thomas Road and the Miller Corner Road. He said you need an amount to present a proposal at budget time.

Kinney said there's a difference between talking to an appraiser to find out what it would cost to do the appraisal versus talking to the appraiser to find out what the damages might be for each one of those properties. The Board could put together a request for proposals and send it out to appraisers that are qualified to do the work. Once the Board receives the proposals they can decide if it's too much money or call a Special Town Meeting to appropriate some funds.

Motion by Gerry, second by Barrows, that the Board have the Town Administrator to seek proposals from appraisers to determine damages for road way discontinuance on Albert Blood Road, Thorndike Road, a portion of the Martin Corner Road, Lloyd Thomas Road and the Miller Corner Road. Vote: 3-0.

8. As Board of Assessors – Abatement Request(s):

Motion by Barrows, second by Gerry, that we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Vote: 3-0.

Motion by Gerry, second by Barrows, that the Board grant Property Tax Abatement #2013-01 as recommended by the Assessors' Agent for Rubenstein Electric, Inc. in the tax amount of \$47.60. Vote: 3-0.

Motion by Gerry, second by Barrows, that the Board grant Property Tax Abatement #2013-02 as recommended by the Assessors' Agent for GE Credit Corporation of Tennessee in the tax amount of \$10.88. Vote: 3-0.

Motion by Gerry, second by Barrows, that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen. Vote: 3-0.

9. Police Cruiser Bid

Motion by Gerry, second by Barrows, that the Board accept the bid of the Town of East Millinocket in the amount of \$16,700 for the purchase of the 2012 Dodge Charger Police Cruiser and authorize the Town Administrator to sign any paperwork necessary for the sale.

Dunn said she did a little bit of research and the price seemed a tad low.

Kinney said that the Town is going to get pennies on the dollar. He thinks people that voted to dispose of the cruiser probably were aware of that. Kinney had spoken with a police chief that was very interested in the cruiser at one point and said the Town should jump to accept a price of \$16,700. That Town ultimately decided to buy new instead of bid. Kinney spoke with another chief who informed him it was worth more.

Vote: 3-0.

Motion by Gerry, second by Barrows, that the Board accept the offer of the Town of Paris in the amount of \$3,005 for the purchase of the 2007 Ford Crown Victoria and authorize the Town Administrator to sign any paperwork necessary for the sale. Vote: 3-0.

10. Fireworks Ordinance Draft Committee Charge:

Kinney said, as instructed by the Board, he has attempted to put their thoughts into a charge for a consumer fireworks ordinance committee. He said it was open to amendment or change by the Board.

Dunn suggested the Board table this article until the other Board members could comment on the charge.

Gerry said the Town Administrator did a good job putting together the charge, but he was not going to vote for it.

Dunn said if Gerry was not going to vote for it it's by default a 'no-go' item.

Barrows ask Gerry if he would consider passing over this article until the next Board meeting and Gerry agreed.

Motion by Barrows, second by Gerry, that the Board postpone this article until the next Board meeting on September 23rd. Vote: 3-0.

11. Consideration of Special Town Meeting Warrant(s):

Kinney said the Lincolnville Central School is receiving additional state revenues, but they are also receiving additional cost obligations from the State of Maine. The school put together an article to amend the budget for adoption at a Special School Budget Meeting. If adopted, the amended budget needs to be validated via referendum election similar to what the Town does in June for the school budget adopted in May. The validation referendum could be part of the November 5th ballot process and sometime during the thirty days prior we would need to have the Special Town Meeting to adopt the article telling where those monies are coming from and where they will be expended.

Kinney said the other issue is the gift from the Lincolnville Volunteer Fire Department, Inc. of funds to purchase a piece of property on the Beach Road for a future fire station. He said that could be voted upon at either the Special Town Meeting when we do the school budget or could be voted on by secret ballot in November. If the Board wants to have the article voted on by secret ballot in November a public hearing will have to be held sometime prior to the November election.

Dunn asked if the Board included this article with the School Budget amendment meeting would that serve as the public hearing.

Kinney said no public hearing is necessary as the “open” town meeting serves as the public hearing as well as the time for voting. Kinney suggested that the Special Town Meeting be held on Tuesday, October 15th at 6PM before the Selectmen’s meeting.

The Board agreed to hold the Special Town Meeting on Tuesday, October 15th and to include the fire department article as part of the this Special Town Meeting warrant.

Motion by Dunn, second by Barrows, that the Board authorize the Town Administrator to sign the Lincolnville Volunteer Fire Department gift offer letter. Vote: 3-0.

12. Liquor License Application by Qualified Catering Org. – 9/27/13, Cellardoor Winery:

Motion by Barrows, second by Dunn, that the Board approve and sign the Application for Catered Function by Qualified Catering Organization as submitted by Trillium Events, Inc. for September 27, 2013 for between the hours of 5:30PM and 11PM. Vote: 3-0.

Motion by Barrows, second by Dunn, that the Board approve and sign the Application for Mainely Bartenders for September 28, 2013 for between the hours of 4PM and 11PM. Vote: 3-0.

13. Animal Control Officer – Job Description:

Motion by Gerry, second by Barrows, that the Board approve the job description for the Animal Control Officer. Vote: 3-0.

14. Town Office Open House and Closing for Relocation:

Kinney said the Town Office Project is in the final stages and should be wrapping up in the next six weeks. Kinney would like to make some plans for an open house prior to moving back into the new Town Office. He suggested November 2nd and would like any thoughts the Board may have concerning the open house.

Kinney suggested having the open house mid to late morning with a ribbon cutting ceremony and a walk through the building with refreshments.

Gerry said he would like the open house to be on November 9th because he would really like to participate and will be away the weekend of November 2nd.

Dunn and Barrows agreed to hold the open house on November 9th.

Kinney said the Town Office needs to be closed to the public for the relocation because the computer and telephone systems have to be taken down and the vendors have suggested they need two days. Kinney said he would like the Boards concurrence to close the Town Office on November 15th and November 18th and reopen on Tuesday, November 19th.

The Board unanimously agreed with these dates.

15. Holding Tank Installation Review:

Motion by Gerry, second by Barrows, that the Board sign the Application/Agreement for Holding Tank Installation as submitted by Mark and Tracy Lerner. Vote: 3-0.

16. MMA Voting Delegates Credential Form:

Kinney said the Maine Municipal Association Convention will be held October 2nd and 3rd at the Augusta Civic Center. He said the Town is a member of the organization and MMA has a bylaw change that's being proposed. If someone from the Town of Lincolnville wants to participate in any voting they need to be delegated so by the Board.

Gerry asked the Town Administrator if he was interested in going.

Kinney said if the Board wanted to delegate him and he was available he would attend the MMA business meeting and cast any votes on behalf of the Town.

Motion by Gerry, second by Barrows, that the Board appoint David Kinney as our official voting delegate. Vote: 3-0.

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

Motion by Barrows, second by Dunn, that the Board approve the Treasurer's, Payroll, and Capital Campaign warrants. Vote: 3-0.

18. Executive Session - Application(s) for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA § 405(6)(F) & Title 36 MRSA § 841(2)(E)):

Motion by Barrows, second by Gerry, that the Board of Selectmen enter into executive session for purpose of hearing an application for property tax abatement due to poverty and/or disability pursuant to Title 1 MRSA Section 405(6)(F) and Title 36 Section 841(2)(E). Vote: 3-0.

Upon returning to open session, **Motion by Gerry, second by Barrows, that the Board grant a poverty abatement to the applicant in the amount of the 2012 second half taxes, any interest and any costs. Vote: 3-0.**

19. Executive Session – Discussion or consideration of the disposition of publicly held property identified on Tax Map 29 as Lot 25 (Title 1 MRSA § 405(6)(C)):

Motion by Gerry, second by Barrows, that the Board of Selectmen enter into executive session for purpose of discussing and considering the disposition of publicly held property identified on Tax Map 29 as Lot 25 pursuant to Title 1 MRSA Section 405(6)(C). Vote: 3-0.

Upon returning to open session, **Motion by Gerry, second by Barrows, that the Board accept the \$22,500 offer from Wesley and Emily Dean for the purchase of a parcel of land identified on Tax Map 29 as Lot 25, that the Town Attorney prepare a purchase and sale agreement including the Dean's contingencies, and the Board Chair be authorized to sign the Purchase and Sale agreement on behalf of the Board. Vote: 3-0.**

20. Adjourn:

Motion by Gerry, second by Barrows, to adjourn. Vote: 3-0.

Respectfully submitted,

Cheryl Ten Broeck
Administrative Assistant