

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

**Present:** Chair, Ladleah Dunn, Arthur Durity, Rosendel Gerry & Jason Trundy

**Excused:** Cathy Hardy

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

The quote was read by Selectman Durity.

1. **Citizen's Forum:** There were none.

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

The following nomination papers are available at the Town Office for the following positions:

Board of Selectmen	2 positions for 3 year terms
Lincolnville Central School Committee	2 positions for 3 year terms
Five Town CSD School Committee	1 position for a 3 year term
Budget Committee	3 positions for 3 year terms

Nomination papers must have at least 25 signatures but no more than 100 signatures and must be returned to the Lincolnville Town Office by 5pm on April 27, 2015.

The Maine Floodplain Management Program and FEMA will jointly host a public open house meeting in Waldo, Lincoln & Sagadahoc counties on New Flood Insurance Rate Maps/Flood Insurance Changes and the Waldo County meeting will be on April 29, 2015 from 2-4 and 6-8pm at the Hutchinson Center in Belfast.

The Town Office computer system will be shut down on April 15th, for system maintenance and will be unable to process any transactions so please call ahead to make sure that the system is up and running and fully functional.

3. **Meetings & Announcements:**

David Kinney, Town Administrator read the upcoming meetings.

4. **Upcoming Community Events:** There were none.

5. **Meeting Minutes:**

Jason Trundy made a motion to approve the March 30, 2015 meeting minutes as presented. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.

6. **Discussion concerning Traffic Calming Measures for Fernald's Neck Road – Ian Stewart, Coastal Mountains Land Trust:**

Ian Stewart came before the Board to discuss the possibility for implementing some traffic calming on the Fernald's Neck Road. He explained Coastal Mountain Land's Trust became the owner of the Fernald's Neck Preserve in 2007 which was previously owned by the Nature Conservancy. In the spring of 2014, Coast Mountains Land Trust hosted a neighborhood meeting to discuss issues related to motor vehicle use on the Fernald's Neck peninsula in Lincolnvile, including traffic volumes, speeding and parking.

Mr. Stewart said, "Since the Town of Lincolnvile owns the road and I am not a traffic engineer and I don't pretend to know what the Town of Lincolnvile would consider putting on the road, I have put together some things that could be done out there. I'm trying to address the best summary of ideas and I'm trying to address, both our concerns and the neighborhoods concerns, particularly in the summertime. This could be addressed by letting people know when they enter the Fernald's Neck Road because this would give people information on how far the preserve is, because they are not given reassurance that they are heading to the right place."

Also in a memo to the Board by Coast Mountains Land Trust the following key problems were outlined:

1. **Speed:** Vehicle speed along Fernald's Neck Road was of primary concern at the meeting. Cars traveling the Fernald's Neck Road, especially those filled with swimmers during the hottest months of the summer, frequently exceed the posted 25 MPH speed limit.
2. **Dust:** During the driest months of the year, excessive dust from the road is a problem, related to the speed and volume of motor vehicle traffic.

3. Unauthorized parking: During the busiest part of the year, primarily July, August and September, cars sometimes park along the end of the Fernald's Neck Road near the three residences located nearest the Fernald's Neck Preserve. These overflow cars sometimes end up in neighbors driveways or on their lawns.
4. Navigation: Many visitors to the Fernald's Neck Preserve experience confusion when attempting to access the property. Due to an abundance of informal and non-coordinated signage, even those driving at an appropriate speed do not clear sense of where they are or should be going. This can lead to cars turning around in inappropriate locations.
5. Young's Neck vs. Fernald's Neck Road: Overall, neighbors at the meeting agreed that the primary issues of concern pertain to the Fernald's Neck Road and not the Young's Neck Road.

Mr. Stewart also recommended additional speed limit signs and the key to this would be putting in 1 to 3 seasonal speed bumps, along the Fernald's Neck Road, between May 15<sup>th</sup> and September 15<sup>th</sup>.

The Land Trust is very happy to be a partner; to come up with the ideas for this and help to pay for some of the project.

Mr. Durity wanted to know what the Town's liability with speed bumps on a public road would be.

Mr. Kinney said, "The law concerns itself with defects to a public road, which conceivably a speed bump or a speed hump and if there is a traffic ordinance, you can make all sorts of things, legal obstacle. Traffic calming measures of speed humps are used throughout this country as traffic calming measures and they also have or had one in Rockland in front of the ferry service on Main Street."

Mr. Kinney recommended that the Board of Selectmen adopt a Traffic Ordinance, after having a notice and a hearing, as this would give the Board a little more protection toward legal challenges.

Mr. Kinney asked Mr. Stewart to clarify that this was not a request to add signage on the Camden Road stating Fernald's Neck Preserve next left or right. Mr. Stewart confirmed that the Land Trust is not interested in promoting more access to the Fernald's Neck Preserve.

Trundy asked that Mr. Kinney put together some samples of some Traffic Ordinances for the Board to review.

Chair Dunn suggested that the Board put this discussion on a future agenda to allow concerned parties to attend the next Board meeting on April 27<sup>th</sup>.

7. **Application for Special Amusement Permit – Lobster Pound Restaurant/Andy’s Brew Pub:**

Jason Trundy made a motion that the Board opens the public hearing concerning the Special Amusement Permit Application filed by the Lobster Pound Restaurant and Andy’s Brew Pub. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.

No public comment was offered.

Jason Trundy made a motion that the Board close the public hearing concerning the Special Amusement Permit for the Lobster Pound Restaurant and Andy’s Brew Pub. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.

Mr. Kinney asked Ms. McLaughlin to specify a start time and an end time as it was not specified on the application.

Ms. McLaughlin stated it would start at 7pm and end by 10pm.

Jason Trundy made a motion that the after having held a public hearing, that the Board finds that the application submitted by the Lobster Pound Restaurant and Andy’s Brew Pub Winery complies with the standards set forth in the Ordinance Governing the Issuance, Suspension and Revocation of Special Amusement Permits for the Town of Lincolnville, provided that the indoor music cease by 10PM, the Outdoor music cease by 10pm and the permit be granted. Art Durity seconded the motion. The motion passed on a 3-0-1 vote. (Gerry abstained)

Rosey Gerry thanked owner Patricia McLaughlin for attending the meeting and coming forward to help answer any questions the Board may have for her, regarding their Special Amusement Permit.

8. **Public Hearing and Action on Proposed Discontinuance of a portion of the Fernald’s Neck Road:**

Mr. Kinney started by explaining that the Town was approached last year by Alex Kuli concerning the possibility of relocating a portion of the Fernald’s Neck Road. This possibility was taken to a Town meeting to engage the sentiment of the people and the people authorized the Board to enter into an agreement with Mr. & Mrs. Kuli regarding the road and what would be required of each party. To date this is on task and have complied with everything in the agreement and the agreement calls that after the new portion is constructed, that it needs to survive at least one Maine winter. Thereafter, the parties shall cooperate in the process of bringing forward to a Town Meeting vote such warrant article(s) as is or are necessary to have the voters (a) accept as a town way a 50-foot wide right of way known as Fernald’s Neck Road from its intersection with Youngs

Neck Road, including the newly relocated portion of Fernald's Neck Road, and running southerly to the T-shaped turnaround as shown on the Plan, and (b) discontinue that portion of Fernald's Neck Road shown as "PORTION OF FERNALD'S NECK ROAD TO BE DISCONTINUED W/NO PUBLIC EASEMENT RETAINED" on the Plan.

The new portion of the road has been constructed and it's wintered over and keeping with our agreement, to discontinue the approximately 400 feet of road and we are required by statute to have a Public Hearing and if the Board approves the order, the order will go before the voters to discontinue the road and accept the other relocated portion of the road.

**Rosey Gerry made a motion that the Board move to open the public hearing concerning the discontinuance of the Fernald's Neck Road. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.**

Attorney Marti Cooper came before the Board representing V O & Jacqueline Harkness as well as the Cole family. They are both situated at the far end of this road, which is currently public.

Attorney Cooper asked Mr. Kinney to clarify where the proposed discontinuance is on the map. Mr. Kinney stated it is a portion of the Fernald's Neck Road for a length of approximately 400 feet shown as "EXISTING FERNALD'S NECK ROAD RIGHT-OF-WAY OVER LAND OF KULI TO BE DISCONTINUED W/ NO PUBLIC EASEMENT RETAINED."

Mr. Kinney stated that the acceptance would be where the Youngs Neck Preserve branches off and goes all the way through the land of Katherine Cole.

Attorney Cooper explained that Kinney indicated that he had a conversation with the Town Attorney who recommended that it would have to be by two different warrant articles and it couldn't be all in one.

**Jason Trundy made a motion that the Board close the public hearing. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.**

**Jason Trundy made a motion that the Selectmen order the discontinuance of the approximately 400 foot length of the Fernald's Neck Road gravel road shown as "EXISTING FERNALD'S NECK ROAD RIGHT-OF-WAY OVER LAND OF KULI TO BE DISCONTINUED W/NO PUBLIC EASEMENT RETAINED" on the plan entitled "Alex Kuli Road Relocation, Right-of-Way Plan" dated March 6, 2015 and prepared by Gartley & Dorsky Engineering and Surveying, Inc., which plan is on file at the Lincolnville Town Office, and that the following damages be paid to the abutting property owners: Alexander S. Kuli - \$0.00;**

Gladys B. Kuli - \$0.00. Rosey Gerry seconded the motion. The motion passed on a 4-0-0 vote.

Jason Trundy made a motion that the Selectmen issue and file with the Town Clerk an Order of Discontinuance that accurately reflects the action taken by the Selectmen to discontinue a portion of the Fernald's Neck Road, and that the Selectmen send property owners best practicable notice of this action without delay. Rosey Gerry seconded the motion. The motion passed on a 4-0-0 vote.

9. Winter Road Maintenance and Beach parking area snow removal:

Jason Trundy made a motion that the Board award the winter road maintenance contract to Farley & Son, Inc. for the bid amount of \$4,943 per mile and accept the Farley & Son, Inc. offer of incorporate snow removal from additional parking areas at the beach at no additional cost to the Town. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.

Rosey Gerry asked if there was a resolve on the actual start time as far as 30 minutes instead of 1 hour and wanted to know if that was ever resolved.

Mr. Kinney stated that in his mind, the bid specification that went out, stated 30 minutes and the draft contract said 30 minutes and the he was anticipating 30 minutes.

Mr. Gerry stated that was great and that was exactly what he wanted to hear.

10. Correction to Board of Appeals Appointment (Alternate vs. Regular):

Jason Trundy made a motion that the Board approve and countersign the Warrant and Notice of Election Calling Five Town Community School District Budget Validation Referendum. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.

11. Scheduling May and June Board Meetings:

The Board decided to go with Mr. Kinney's suggestion that the May 25<sup>th</sup> meeting and the June 8<sup>th</sup> meeting be combined into one meeting which will be held on June 1<sup>st</sup> and if the need arises for a special meeting, one can be scheduled.

12. Set Public Hearings for June referendum questions:

Mr. Kinney suggested that the public hearings be held on May 11, 2015 at 6pm (the same evening as the Board's regular meeting) and that the Board's meeting will be held after the public hearing concludes.

**13. Board Calendar Options:**

The Board decided to go with the color monthly calendar option and would like this printed on a monthly basis and included in their Select Board packets.

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

Jason Trundy made a motion that the Board approved the Treasurer's and Payroll warrants. Art Durity seconded the motion. The motion passed on a 4-0-0 vote.

**15. Adjourn:**

Jason Trundy made a motion to adjourn. Rosey Gerry seconded the motion. The motion passed on a 4-0-0 vote.

Respectfully submitted,

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Melissa A. Geary  
Administrative Assistant