

**BOARD OF SELECTMEN
MINUTES OF MEETING
April 3, 2017**

Present: Chair, Ladleah Dunn, Arthur Durity, Keryn Laite, Jr., Rosey Gerry, David Barrows, and Temporary Town Administrator, Jodi Hanson

The quote was read by Selectman Laite.

1. Citizens' Forum:

There were none.

2. Review RFP for Harbor Facilities Maintenance:

Gerry stated he realizes how much work goes into putting together an RFP and it's not an easy job by any means. He recommended that even though this is a draft, he would like to see it revised by condensing the RFP and making it user friendly.

Laite noted that with the job descriptions coming out, it is important that our department heads focus on the task at hand. In this case it would be the harbor and the overall operation of the harbor. Is it the Harbormaster's responsibility to mow the lawn or plow the snow down by the harbor? If there are people that mow other areas for the town, then that should be included in the town's contract, as well as the snow removal.

Laite suggested making the RFP a little easier to read.

Durity proposed that this RFP be written in the first place and the intent was for maintenance of the pier, floats, gangways and the town moorings, in terms of the mechanics of it. It was not intended to cover mowing, snow and ice removal, since a contractor would be more appropriate for each of those.

Barrows stated as far as what we asked for, we got what we asked for.

Kinney explained that the challenge from writing an RFP, when you can't define the scope, is to include everything that could happen.

Kinney noted that he is more than game to break it apart, put it back together, add things or subtract things at the Board's direction.

Dunn said that there are enough edits and she would be happy to volunteer as one of the Select Board members to break away and have a mini study group and bring it back to the Select Board, so that we can get it to the Harbormaster and the Harbor Committee for their thoughts.

Laité also volunteered to be a part of that study group with Dunn.

Gerry made a motion to have Chairman Dunn and Vice Chair Laité to work with the Town Administrator on doing a little more refining for another draft RFP for the Harbor. Durity seconded the motion. The motion passed on a 5-0-0 vote.

3. Parking Attendant Job Description:

Gerry wondered if the job description came from another town.

Kinney stated that he put together the job description and used the template from the Wage & Personnel Board.

Gerry noted that this information was helpful and it would be extremely difficult to do the parking attendant job without a job description.

Gerry also noted that if there is an issue on the beach with an animal and since the animal control officer does not live in town, by the time you contact her, the animal is no longer on the beach.

Kinney said that the Parking Attendant could be the town's ambassador assisting others with regulations and information. The Board could also make the Parking Attendant a Deputy Animal Control Officer or assistant.

Durity recommended that under (Necessary Special Requirements-Possess a valid appropriate State of Maine motor vehicle operator's license) that the word State of Maine be removed. The Board agreed.

Barrows made a motion to that the Board approve the job description for the Parking Attendant as modified. Durity seconded the motion. The motion passed on a 5-0-0 vote.

Durity recommended starting the hiring process now.

The rest of Board recommended waiting until after town meeting to start the hiring process.

4. **Discussion of Items for possible inclusion in the Town Meeting Warrant:**

Kinney explained that if there are items that need to be included in the referendum balloting, which will be done on Tuesday; those decisions really need to be made this week, if not by next week at the latest.

- **Property at 276 Greenacre Road:**

The Town Meeting in 2011 authorized the Board of Selectmen to do what was necessary to donate this property to Habitat for Humanity of Waldo County, Inc. Last year, Habitat for Humanity sent the Town of Lincolnville a letter stating that they were not interested in this property. Therefore, now the only thing the Board is authorized to do with the property is to donate it to Habitat for Humanity. This is a tax acquired parcel and prior to 2011, the town removed the structure on the parcel. At this point, in order to move forward with disposing differently with what was approved in 2011, a new voter approved article needs to be passed.

Kinney suggested an article similar to what was used in 2012, using the necessary language to “unring the bell” on what was previously approved. At this point it is best to do something with the property instead of letting it sit there doing nothing for another year.

Laité suggested to “unring the bell” first and then move forward at a later date.

Kinney suggested that we present something at town meeting to recognize that Habitat for Humanity declined the offer and that the Board would like to go with Plan B, which is whatever the Board deems as the best interest of the Town of Lincolnville. If that is approved at town meeting, then the Board would have a discussion about clearing the title.

Kinney also mentioned there are several options to clear the title and sell it, hold a public auction or a sealed bid.

Kinney explained he does not need a motion, just a consensus of the Board to have an article prepared to “unring the bell” and get a little more leeway for the Select Board and then draft an article.

Kinney mentioned this could be done by a floor vote.

The Board gave Kinney the thumbs up.

- **MCSWC/PERC “Put Option”:**

Kinney explained that the Town of Lincolnville is a part owner of the Penobscot Energy Recovery Facility (PERC) which our agreement with those folks expires at the end of this calendar year. MRC has negotiated a \$1.5 million buyout by PERC of the MRC’s ownership interest. We have 1.23% of the MRC ownership interest comes out to \$72,443.15.

The towns that have an ownership interest in PERC can select a “Put Option” where they agree to this amount of money and PERC ownership agrees to this amount of money and after we vote to accept and sell our shares back, we will get our money.

The other option would be to negotiate our own deal with PERC, and if that fails, then we would end up hiring an appraiser. Needless to say, that would not be worth it.

There are two articles that are being recommended by MCSW.

1. The first article: To accept the “Put Option” which is our share of the \$72,443.15, coming back to Lincolnville.
2. The second article: Is for the Lincolnville share of that \$72,443.15 along with the other three towns shares, to remain with MCSW to go towards paying for the closer of the Jacobs Quarry landfill.

Kinney stated that since the Jacobs Quarry will need to be filled in the next 6-7 years. When that time comes it will cost approximately \$2.4 million to cap it. Currently there is \$1.3 in the Closure Reserve Account Fund and MCSW is asking that the monies that come back (\$72,443.15) be transferred to MCSW for the future closer.

Barrows recommended going with the Put Option and we should put the money back into the closure fund.

Laité and Dunn also recommended going with the Put Option.

Kinney stated that the suggestion from MCSW was to have this on the open portion of Town Meeting so that an explanation could be given, so people are informed.

Laité made a motion that the Town Administrator include the two proposed articles advanced by the Mid-Coast Solid Waste Corporation in

the draft Town Meeting warrant as floor votes for our consideration. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

- **Harbor Ordinance Amendments:**

Barrows made a motion that the Board include the proposed 2017 Amendments to the Town of Lincolnville Harbor Ordinance to be included on the Town Meeting warrant for a vote by secret ballot on Tuesday, June 13, 2017. Laite seconded the motion. The motion passed on a 5-0-0 vote.

- **Lincolnville Sewer District Request:**

Kinney gave the Board a draft of the Ordinances which was provided by the Sewer District. At this point, the Board does not need to make a decision on putting this on the Town Meeting warrant. However, Kinney suggested that the Board ask questions, which may help the Board decide whether or not to put this on the warrant.

Durity told the Board he is still interested in seeing the two documents that he requested at two previous meetings. This is the contract that the district would sign for the USDA loan.

Durity also requested, without objection from any of the other board members, was for the district to supply a memo from their lawyer outlining the liability.

Durity also request a revised operating budget based on some of the items that he noted last time.

Durity felt that the proposal looked good, even though he still has outstanding questions. He was stunned that the Board has not spent more time discussing this issue.

Barrows recommended giving the Sewer District the ok to go ahead and build it, dig the holes, and put the system in and get it going. Then come back to the Board when it's done and say with hard figures, this is what the Sewer District needs for help with operating expenses.

Barrows stated, "I have a hard time budgeting something, at this point now, when we don't know what it is. Do they really need \$190,000 or do they really need three times that? I think we would be better off to help them after it is built rather than before it is built."

Dunn said that Barrows brings up a good point that it would be nice to verify whether that is a risk or not.

Kinney said that he was fairly certain that the Board could ask the Sewer District, who could ask their USDA loan officer that very question and find out in a matter of minutes.

Kinney noted the original request from the Sewer District was an attempt to get this before the voters in June. By their schedule the district was hoping to break ground in the fall of this year.

Gerry said that our town attorney confirmed that if we made a payment to the Sewer District, that we would not be on the hook.

Kinney replied, "You're not going to be the owners of the Lincolnville Sewer District, any of their assets, or any of their decisions. They have an elected body that oversees their decisions. The Town of Lincolnville would be making a gift of monies to somebody else, for whatever purpose we gift them the money. It would be an unconditional gift."

Kinney also said that all budgets are an educated best guess of expenses for a fixed period of time for some time in the future. You will never have 100% of the information upon which to base a decision and now you have a groups best educated "put together" of what their expenses are going to be. There are a lot of unknowns, but there are always a lot of unknowns with construction. The question now is, does the Board have enough information now to make a decision to move this forward to the voters?

Gerry thanked Jennifer Temple for her memo to the Board. He like that the memo said, "That you will campaign door to door and schedule talks to meet with every individual on the system."

Gerry would like to see this move forward, whatever it takes for the best interest of the Town of Lincolnville. If this Board votes to move this forward, it would be important; the Board has done everything possible to make this pass.

Gerry noted that the Board is in a tough position, where the five Board members are to make a decision for the entire Town of Lincolnville.

Dunn said that this has been a very truncated timetable, unlike the budget process, were there are multiple dedicated meetings; the Board has only had three opportunities to meet on this topic.

Laité stated that one of the biggest things the district should know up front is what the participation is going to be, in the district, and going door to door is the best way to do that.

Laité said, “This is clearly obvious that this sewer system is needed, but whether or not this succeeds or fails, the Town of Lincolnville is going to be responsible.”

Kinney discussed the fact that this is an important decision, not only for the Board, but ultimately for the community. It won’t get to the community until the majority of the Board is satisfied that they can move it forward to the voters.

Dunn stated, “The Board’s job is to decide whether or not the Board chooses to put this forth to the voters. There are situations in town, where we appropriate a large amount of money for infrastructure, that most of the town does not have the privilege of using. This is not a unique circumstance. However; what is unique, if the Board chooses to gift monies, in whatever amount to the Sewer District, we don’t have to worry about RFP’s for maintenance and we don’t have to worry about management. It is essentially something that directly benefits our citizens that with only financial input, not that it is insignificant, but another entity will run it for us, which if it is a success, that is an incredible gift.”

Dunn said that the Federal Government would have thought that the Sewer District had merit, based on the fact that they are willing to put forth taxpayers’ money, in the form of a grant towards the project.

Dunn also stated, “For me it really comes down to conservative terms. I think we would be remiss if we didn’t give the voters an opportunity to have a conversation about this. I would prefer to see language, should we put something before the voters, which requires an annual check in with the voters, or even a three year check in with an annual check in thereafter. Three years would certainly allow the Sewer District to get up and running, get some financial history and then be able to have a conversation.”

Dunn wanted the Board to seriously consider putting this before the voters, with carefully worded language that allows the Board to have financial accountability both from the Board and the Sewer District’s part.

Kinney said that if the Board wants to budget annually for a donation to the Lincolnville Sewer District and include them in the budget worksheet that is sent out. The challenge to come would be what information does the Board need, on an annual basis, to make a decision and would this be a make or break proposition.

Kinney reported that by the material provided by the Sewer District, there was a project schedule that said that the first bid station would be in June and the second would be in August.

Paul Crowley, Lincolnville resident, stated, "I suggest that you put a warrant article before the voters, asking the voters to authorize the Select Board to donate up to \$19,000 a year to the Sewer District for the next ten years, subject to a review by the Select Board each year at the Select Board's discretion. This way you don't have to go back to the voters time after time."

Crowley also mentioned that timing is of the essence here and something has to be put on for June and it would be insane not to take advantage of this grant and this loan to build this much need facility.

Durity said that after looking at the Sewer District's budget, he did not believe that there was a best guess yet or even good on those numbers and he encouraged the Board to do more due diligence to insist on more work, to get a stronger picture of the finances.

Durity said if those things are satisfied, he would vote to send this forward in any form that the rest of the Board desires.

Kinney said that anything that the Board wants on the referendum ballot, for Tuesday, June 13th, needs to be determine a week from today, to send it to the printer. If the Board would rather have a floor vote, then the Board has another two weeks.

The majority of the Board felt that it would be more advantageous to put this to a floor vote.

Kinney reminded the Board to be cognizant of the fact that we are heading to a relatively limited space for Town Meeting in June. The Board may want to reconsider having the Town Meeting in a small space or at least have a backup plan to change the location to a larger facility.

Kinney told the Board that he recently had a conversation with Kirsten Hebert, Executive Director of Maine Rural Water Association, which is a group that helps water and wastewater utilities throughout the State of Maine, primarily in rural areas. They did assist us in the formation of the district and did some early work for the district and they have an engineer that works with them, who is available to the Town of Lincolnville at no charge.

Paul Crowley finished by stating, “It sounds like you are going to have to make a decision next week on whether or not you are going to put this on the warrant. Given that time constraint, I think it would be unrealistic to expect that you are going to iron out all the question you might have about this project, which is another reason why I think it is important to ask the voters to authorize you to make a decision in the future about how much you are going to donate each year. That way that gives more time between now or between next week and the actual time for the first donation, to sort that stuff out. It is realistic over some months to expect to get answers to most questions. Most of them are financial projections, they are best guesses. I would encourage you to be prepared next week to vote to put this in front of the voters. I don’t agree with the idea of having this at an open Town Meeting instead of on the ballot.

- **Community Development Block Grant:**

Kinney stated we had previously worked with the District to obtain a Community Development Block Grant from the Department and Economic & Community Development. The folks working with the Sewer District, mainly Rodney Lynch, who has been working with them on this grant, tells us that there needs to be a warrant article that accepts the grant with specific language from the Department of Economic & Community Development.

There were no objections from the Board to place this on the town warrant.

- **Housekeeping Items:**

- **Article 25.** To see if the Town will vote to appropriate all of the money received from the State for snowmobile registrations to go to the Lincolnville Mountain Goats Snowmobile Club for the purpose of maintaining the snowmobile trails and to authorize the Board of Selectmen to enter into an agreement with the Club under such terms and conditions as the Board of Selectmen deems advisable for that purpose.
- **Article 26.** To see if the Town will vote to authorize the Board of Selectmen and Treasurer, on behalf of the Town, to accept gifts, real estate, and certain funds that may be given to the Town during the upcoming fiscal year.
- **Article 27.** To see if the Town will vote to authorize the Board of Selectmen and Treasurer to apply for grants and spend them for what their purpose is.
- **Article 28.** To see if the town will vote to authorize the Board to apply alone or with the Town of Northport for exclusive rights to take alewives from Ducktrap River in Lincolnville during the upcoming fiscal year.

- **Article 29.** To see if the Town will vote to fix the annual rate of interest at 7% for payment of taxes after the semi-annual property tax installment dates for the upcoming fiscal year real and personal property taxes.
- **Article 30.** To see if the Town will vote to fix the annual rate of interest at 3% to be paid by the Town for abated taxes that have previously been paid.
- **Article 31.** To see if the Town will vote to authorize the Tax Collector to accept pre-payment of property taxes, with no interest to be paid on same.
- **Article 32.** To see if the Town will vote to authorize the Board of Selectmen to make final determinations, after notice and hearing, regarding the winter closing of roads and final determinations.
- **Article 33.** To see if the Town will vote to authorize the payment of tax abatements approved by the Board of Selectmen/Assessors.
- **Article 34.** To see if the Town will vote to authorize the Board of Selectmen to dispose of Town-owned personal property with a value.

5. **Adjourn:**

Durity made a motion to adjourn. Laite seconded the motion. The motion passed on a 5-0-0 vote.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant