

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
AUGUST 11, 2014**

Selectmen present: Ladleah Dunn, Chair, Jason Trundy, Vice-Chairman, Rosendel Gerry, Cathy Hardy and Arthur Durity (joined executive session in progress).

The meeting was called to order by Chair Dunn at 5:30 p.m. at Lincolnville Town Office.

1. **Executive Session:**

**Motion by Gerry, second by Trundy, that the Board enter executive session pursuant to Title 1 MRSA Section 405(6)(E) for the purpose of discussing the legal rights and duties of the Board concerning the disposition of recently acquired tax acquired property. Vote: 4-0 (Durity joined session in progress).**

2. **Executive Session:**

**Upon returning to open session, Motion by Gerry, second by Trundy, that the Board of Selectmen enter into executive session for purpose of consideration of employment of an Administrative Assistant pursuant to Title 1 MRSA Section 405(6)(A). Vote: 5-0.**

Upon returning to open session, the quote was read by Selectman Trundy.

3. **Citizens' Forum:**

Jay Foster, Alternate Planning Board member, expressed concerns with the Planning Board quorum and made a plea for the public to consider volunteering. Selectman Gerry stated that with the permission of the Board he would send out an email to the Lincolnville Google Group/Bulletin Board seeking interested individuals. No objection registered.

Corelyn Senn expressed her concern for the old stone walls adjacent to the North Cobbtown Road that she thought might have been damaged by recent roadway ditching and widening. Kinney said this was the first he'd heard of it but would get out and take a look. The road is not being widened. The Town is clearing the ditches to keep the water out of the road.

Selectman Gerry reported that the Veterans' Memorial Committee has met and they are looking into a sidewalk extension, meeting with the MaineDOT on parking and that loam will need to be brought in.

4. **Administrator's Report:**

Kinney reported that the spring brook culvert under Slab City road was completed. Paving will be done under a separate contract.

The paving contractor has commenced with their work today.

Chair Dunn questioned Tanglewood Road progress. Kinney stated that the Road Commissioner has stumped the area and will clean up the ditch before proceeding.

5. **Meetings & Announcements:**

Kinney read the announcements.

6. **Upcoming Community Events:**

Gerry announced a free four band concert to be held on Mass Pike.

Tom Crowley asked if the Harbor Workshops were public. The answer was yes these are open to the public but the public might not be able to speak.

Rich Osgood asked if the decision on whether or not the public would be allowed to speak could occur tonight. It was determined that the decision on this matter would be determined at the workshop.

7. **Meeting Minutes:**

Motion by Hardy, second by Trundy, that the Board approve the July 28, 2014 meeting minutes with Hardy's amendments correcting errors within item #11. Vote: 5-0.

8. **Public Hearing: Special Amusement Permit – Lobster Pound/Andy's Brew Pub:**

Motion by Hardy, second by Trundy, to open the public hearing concerning the Special Amusement Permit Applications filed by the Lobster Pound Restaurant and Andy's Brew Pub. Vote: 5-0.

No public comment offered.

Motion by Hardy, second by Gerry, to close the public hearing. Vote: 5-0.

Motion by Hardy, second by Trundy, that after having held a public hearing, that the Board finds that the application submitted by the Lobster Pound Restaurant and Andy's Brew Pub complies with the standards set forth in the Ordinance Governing the Issuance, Suspension and Revocation of Special Amusement Permits for the Town of Lincolnville and the permit be granted. Vote: 5-0.

9. **As Board of Assessors:**

Motion by Gerry, second by Hardy, to suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Vote: 5-0.

Motion by Gerry, second by Hardy, that the Board of Assessors approve the July 30, 2014 meeting minutes as presented. Vote: 5-0.

Assessors' Agent Vern Ziegler explained the abatement request.

Motion by Hardy, second by Trundy, that the Board grant Property Tax Abatement #2013-09 as recommended by the Assessors' Agent for Christine & Ralph McDermott in the tax amount of \$1,258.00. Vote: 5-0.

Assessors' Agent Vern Ziegler explained the commitment papers. Assessor Gerry inquired about the mil rate. Ziegler responded that this year if what is being proposed is approved the mil rate will be 15.5 per thousand. The rate is up as the amount of property tax dollars to be collected is up and the taxable valuation has decreased.

**Motion by Gerry, second by Trundy, that the Board of Assessors approve and sign the Assessors' Certification of Assessment, the 2014 Municipal Tax Assessment Warrant, the Certificate of Commitment and the Certificate of Assessment to be Returned to Municipal Treasurer as prepared by the Assessors' Agent establishing the tax rate for the fiscal year July 1, 2014 to June 30, 2015 at 0.0155 mils on the dollar and the due dates of October 8, 2014 and April 8, 2015 with interest at 7 percent per annum to be paid on any unpaid portion commencing on October 9, 2014 and April 9, 2015. Vote: 5-0.**

**Motion by Gerry, second by Durity, to adjourn the meeting of the Board of Assessors and reconvene as the Board of Selectmen. Vote: 5-0.**

**10. Parking Ordinance Enforcement:**

Selectman Hardy inquired as to whether the parking attendants had a set schedule. Bob Payne said that he and Don French were alternating weeks. French added that they are trying to avoid a predictable pattern. Further he stated that he is non-discriminatory as he doesn't know who owns what car. Payne stated that some people just "don't get it". To date he has issued 42 warnings and 7 tickets. French stated it appeared most violators were going to Islesboro and parking near the Lobster Shack. Payne suggested that making the tickets the same amount would be easier for record keeping purposes. French suggested the tickets be printed on mailing envelopes.

Selectman Gerry asked if the parking attendants wore safety vests. Payne said he did. French had no problem wearing one but hasn't been offered one. Gerry asked about other expenses. Payne joked that he had spent \$2 for chalk.

Payne and French commented on the signage.

**11. Document & Service Fee Policy:**

**Motion by Trundy, second by Durity, to approve the Document and Service Fee Policy as presented. Vote: 5-0.**

**12. Lloyd Thomas Road Appraisals:**

Kinney states that with the change made to the Martin Corner Road that \$5,000 was now available. The Board could add the Lloyd Thomas Road property appraisals at \$5,000. The Miller Corner Road property appraisals would be \$8,000.

**Motion by Hardy, second by Gerry, that the Board of Selectmen instruct the Town Administrator to alter the agreement with Quimby Appraisal & Right of Way Services, LLC to include the appraisals for the properties adjacent to the Lloyd Thomas Road for the amount of \$5,000.**

13. **Updated Flood Insurance Rate Map and Flood Insurance Study:**

Kinney explained that this agenda item is primarily for public notification of the appeal process or if the Board wishes for the Town to file an appeal. If the Town is to file an appeal, scientific or technical data needs to be submitted before the end of the 90-day appeal period. An examination of the preliminary maps by the Code Enforcement Officer yields no obvious mapping errors. If the maps are finalized individual “appeals” can still be made via what is referred to as a Letter of Map Revision.

Kinney also anticipates that for next June at Town Meeting an amendment to the Town’s Flood Plain Ordinance may be necessary so that the ordinance is current, thereby allowing those who wish to purchase flood insurance.

14. **Local Ballot – November 2014:**

Kinney explained that in order to meet the statutory deadlines for ballots and to program the vote tabulating machine we need to know by August 22<sup>nd</sup> any local items for the November ballot. He was unaware of any local item requiring a referendum vote.

Gerry asked about the road discontinuance questions. Kinney said this was unlikely as our contract for appraisals doesn’t end until mid-October.

15. **Liquor Licenses:**

**Motion by Gerry, second by Trundy, that the Board approve and sign the liquor license application submitted by Downeast Hospitality doing business as Glenmoor by the Sea. Vote: 5-0.**

**Motion by Trundy, second by Hardy, that the Board approve and sign the Application for Catered Function by Qualified Catering Organization submitted by the Mainely Bartenders for an August 22<sup>nd</sup> event at the Cellardoor Winery. Vote: 5-0.**

16. **Appointments:**

**Motion by Trundy, second by Hardy, that the Board hire Melissa Geary as Administrative Assistant at Step 1 on the pay scale and with a six month probationary period. Vote: 5-0.**

Trundy explained that he missed the meeting when the Harbor Master and Deputy Harbor Master appointments were considered. He stated that he is a black and white person and hasn’t heard a justifiable reason not to reappoint. The lack of reappointment reinforces a negative image. The Board has heard numerous complaints about hidden agendas and this feeds the perception.

**Motion by Trundy, second by Durity, that the Board appoint the current Harbor master and Deputy Harbor Master to the positions.**

**Durity offered an amendment to appoint with the following:**

- 1) **Full enforcement of the Harbor Ordinance,**
- 2) **Improve Islesboro relationship,**
- 3) **By March 2015 provide options for additional bait box storage,**
- 4) **Avoid perception of a conflict of interest by submitting to bid all work, and**
- 5) **Implement the Harbor Committee recommendations and the workshop goals.**

Trundy suggested that ordinance enforcement required discretion and reasonable decisions.

**Hardy seconded the amended motion.**

Harbor master Hutchings sated that an operating procedure was necessary. To bid everything isn't going to work, not enough money in the budget. Things break constantly.

Durity suggested to follow guidelines but not so rigid. He would like to "professionalize it" (he stated that this was the wrong word but couldn't come up with another). Durity stated that it wasn't about the Harbor Master. There is a larger dialogue and items come at a cost.

Rich Osgood suggested that the Islesboro impression seemed to be that with a \$25,000 donation at the time of construction came some rights to the pier. Federal and State monies built the fish pier.

Gerry stated that now was not the time to discuss harbor issues. Now is the time to discuss Harbor Master appointments.

Osgood state that voting on the amended motion would be a boo-boo.

Gerry suggested that previous discussions agreed to wait on appointments. He is "most ignorant about the harbor" and appreciated the tour. He has never had a cross word with the Harbor Master, doesn't know where this is going but won't vote without a clear conscience. He is happy to continue until the Board has things straightened out. He is not voting in support of anything until problems work out at workshop.

Dunn suggested that is flawed and not being strictly enforced.

Hutchings said that ordinance is bent at time and he has challenges with lack of guidance.

Trundy stated that reworking the ordinance has nothing to do with not re-appointing. Fine to create expectations with Harbor master but appointments should be completely separate.

Tom Crowley a 40 year observer and 10 year user of harbor stated that harbor is evolving, believes the current Harbor Master has doing a good job, has local knowledge and expertise. He suggested making the appointment and then working on measurable goals. He state that words like "avoid" and "improve" are not measurable.

Kendall Smith said that he has been in every nook and cranny along the coast. He thinks we are holding it together well but he feels like he is being looked down upon. In his opinion some better harbors have less.

**Hardy withdrew her second of the amendment. No other second made. Chari Dunn stated that the motion failed for lack of a second.**

Trundy stated that his original motions stands.

Hardy said to let the workshop stand and then consider appointment.

Trundy stated his belief that appointment should be separate from the process. He doesn't believe we'll get through the workshop agenda at the next meeting.

Hutchings stated that in his opinion this will be a long process and whether appointed tonight or not he will stick it out.

**Vote: 1-4 (Trundy in favor).**

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

**Motion by Trundy, second by Hardy, that the Board approve the Treasurer's and Payroll warrants. Vote: 5-0.**

**18. Adjourn:**

**Motion by Trundy, second by Hardy, to adjourn. Vote: 5-0.**

Respectfully Submitted,  
David B. Kinney  
Town Clerk