

**BOARD OF SELECTMEN
MINUTES OF MEETING
August 27, 2018**

Present: Ladleah Dunn, Keryn Laite, Jr., David Barrows, John Fishman, Josh Gerritsen and Town Administrator, David Kinney

The quote was read by Selectman Gerritsen.

1. Executive Session:

Gerritsen made a motion that the Board of Selectmen enter into executive session to discuss the legal rights and duties of the Board of Selectmen with regards to ordinance enforcement pursuant to Title 1 MRSA Section 405(6)(E). Laite seconded the motion. The motion passed on a 5-0-0 vote.

2. (6PM) Public Hearing – Proposed Town Charter Amendments:

Laite made a motion that the Board open the public hearing concerning the proposed charter amendments. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

Administrator Kinney provided a brief background concerning the proposed changes.

Garry Schwall, Budget Committee Chair, spoke in favor of the amendments.

Rosendel Gerry questioned the bid amount change. Kinney explained that when the Charter was re-written in 2002 that the Charter Commission proposed that the amount requiring a bid in Section 7.14 of the charter be changed to \$8,000 and this is what the voters approved. That created an inconsistency within Section 4.02. The proposed amendment will correct that inconsistency.

No other public comment was received.

Laite made a motion that seeing no other interested persons wishing to be heard that the Board close the public hearing. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

Gerritsen made a motion that after having held a public hearing that it be ordered that the Town Clerk be directed to place the amendment to Sections 4.02 and 7.02 of the Town Charter on the November 6, 2018 ballot and it be further ordered that

the Town Clerk be directed to, at least two weeks before the election, to 1) have the proposed amendments printed; 2) make copies available to the voters in the Town Clerk's office; and 3) post the amendments in the same manner that proposed ordinances are posted. Laite seconded the motion. The motion passed on a 5-0-0 vote.

3. **Citizens' Forum:**

There were none.

4. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- North Cobbtown Road: The work on the North Cobbtown Road continues.

5. **Meetings & Announcements:**

Town Administrator, Kinney read the upcoming meetings.

6. **Upcoming Community Events:**

There were none.

7. **Meeting Minutes:**

Laite made a motion to approve the August 13, 2018 meeting minutes as presented. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

8. **Board, Committee and Commission Appointment(s):**

Gerritsen made a motion that the Board appoint Patricia Shannon to the Cemetery Trustees with a term expiring in June 2021. Fishman seconded the motion. The motion passed on a 5-0-0 vote.

The Board thanked Shannon for attending the meeting and volunteering her time.

Laite made a motion that the Board appoint Sid Eudy to the EMS Performance Review Committee with a term expiring in June 2019. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

The Board thanked Eudy for attending the meeting and volunteering his time.

Gerritsen made a motion to appoint Andrea Palise to the Recreation Commission with a term expiring in June 2021. Fishman seconded the motion. The motion passed on 5-0-0 vote.

The Board thanked Palise for attending the meeting and for volunteering her time.

The Board decided to table the appointment of Tandra Cadigan to the Lakes & Ponds Committee until Cadigan is able to attend a meeting.

Laité made a motion to appoint Barbara Biscone as an alternate to the Land Use Committee with a term expiring in June 2019. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

Laité made a motion to appoint Jay Foster as an alternate to the Land Use Committee with a term expiring in June 2019. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

The Board thanked Biscone and Foster for volunteering their time.

The Board decided to table the appointment of Janis Kay to the Land Use Committee seeking clarification of the references on the Community Interest Form.

9. Ducktrap Park – Vehicles in intertidal zone:

Kinney reported it was brought to his attention by Sergeant Matt Talbot of the Maine Marine Patrol, that several individuals have been driving their vehicles into the intertidal zone, at the mouth of the Ducktrap River at Howe Point Road.

Talbot was unable to attend the Board meeting, but felt it was not an environmentally friendly or responsible thing to do. Talbot suggested that the Board consider placing physical barrier's such as rocks or boulders which could be spaced at the top of the embankment.

Kinney noted that the following options available to the Board are as follow:

1. Do nothing and allow current historical practice to continue. No motion necessary.
2. Table the matter until Sergeant Talbot or another Marine Patrol representative is available to attend a Board meeting.
3. Assign the drafting of an ordinance to a committee.
4. Have the rocks installed.

Dunn suggested that the Board table this discussion until Sergeant Talbot is available to attend a future Board meeting.

Dunn also suggested that Kinney research the preliminary costs for several large rocks and the cost to place them.

Laité made a motion that this matter be tabled until a representative of the Maine Marine Patrol can be present to discuss this matter further with the Board. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

10. Recreation Commission:

- **Budget Amendment (String Trimmer):**

Recreation Commission Chair, Lesley Devoe came before the Board seeking funds to purchase a string trimmer to use at Breezemere Park, before the end of this year.

Dunn expressed the following concerns: who will use said equipment, will training be required, will the Town need to budget for repairs, and will protective equipment be used.

Devoe explained that Lake Warden, Dale Dougherty would be using the equipment and he would volunteer his time to do the work.

Devoe suggested maybe passing on the request for the string trimmer this year.

- **Discussion of ball field maintenance and Sports Fields recommendations:**

Kinney explained that he and Keryn Laité, Jr. meet with Lesley Devoe and Stephanie Thostenson from the Recreation Commission along with a representative of Sports Fields, Inc. regarding the maintenance issues at the ball fields.

The group asked for the estimated costs associated with getting the fields in good condition and the recommended an estimate for next fiscal year.

The estimate was presented the Board with a timeline from Sports Fields, Inc which provides a work task timeline and estimates for maintenance to be done at the ball fields.

Kinney suggested at this point, that the Board appoint someone from the Board to take the lead to work with the Recreation Commission and the Lincolnville Central School.

Laite volunteered to take the lead and work with the Recreation Commission and the Lincolnville Central School, but did not want to step on Thostenson's toes, but would work with her, if she needs his help.

Dunn asked, "Does the Board, in general, agree that this work needs to be done?"

The Board was in agreement that the work needs to be done.

Gerritsen stated that Sports Fields, Inc uses pesticides to kill weeds, which he explained is illegal in other states, and should not be used.

Fishman was in agreement with Gerritsen.

Dunn noted that there is approximately \$4600 remaining in available Field Maintenance Funds, which doesn't come close to touching what is outlaid within the fiscal year.

Dunn also noted, "With or without the sub-set conversation of chemical application, she asked where the funds are going to come from?"

Kinney stated, "Now that the Recreation Commission has a quorum, it may be appropriate amongst us, to say this was a recommendation from someone, and now that several of the Board members have voiced their concerns regarding pesticides applications, dollars, etc. We have ample time to create a plan to do the fall work before the fall, that will allow those that can sit and digest and brainstorm and come back with their recommendations and a plan."

Dunn spoke in favor of charging the Recreation Commission with a further breakdown and analysis of what all this is that is being put on the ball fields and if there is an alternative to pesticides.

Gerritsen made a motion to appoint Keryn Laite, Jr. to be the liaison to the Recreation Commission to come up with a plan. Barrows seconded the motion. The motion passed on a 4-0-1. (Laite abstained.)

11. Discussion concerning the possible regulation of freshwater moorings:

Dunn explained that at the July 23rd Board meeting, Aaron Boetsch presented the Board with his concerns surrounding the proliferation of private moorings at the public boat launching ramp on the Camden side. At that meeting, the Board decided to table the discussion for a future Board meeting when all five Board members were present.

Dunn explained that the Board has the following options:

1. A moratorium could be sought from the voters at a special town meeting that would in effect stop any new moorings from being placed legally.
2. The Board could take on the assignment of drafting an ordinance.
3. The Board could set forth policy direction and assign a committee to prepare the first draft of such an ordinance for Board review and consideration.
4. The Board could set forth a policy direction and assign staff to prepare the first draft of such an ordinance for Board review and consideration.
5. The Board could seek input from committee's such as the Lakes & Ponds Committee, Recreation Commission, lake association, etc.
6. The Board could also choose to take no action.

Dunn suggested the Board put out a charge to several town committee's such as the Lakes & Ponds Committee and the Recreation Committee and seek input from the Megunticook Watershed Association.

After further discussion the Board by consensus determined that the Town should consider a moratorium and wanted to know a timeline. Kinney stated that if the Board was satisfied with a warrant that could be prepared for the next Board meeting on September 10th and then a Special Town Meeting could be held.

Dunn also asked Kinney to collect some preliminary information on where the other surrounding towns stand on this issue.

Gerritsen asked Kinney to find out why the Town of Naples has an ordinance.

12. Discussion of Non-exclusive Cable TV Franchise Agreement:

Kinney discussed that nearly 10 years has passed since the Town of Lincolnville's current non-exclusive cable tv franchise agreement was approved and that agreement expires in November.

Kinney recently reached out to the Lincolnville Communications, Inc., who is the current provider of cable TV services. Lincolnville Communications, Inc is interested in another franchise agreement.

Kinney read the following information from Lincolnville Communications:

“The technology has changed so much as the delivery of TV these days. We are looking at products now that will be less expensive and give the customer more choices. I will be in contact with you as soon as we finalize what we will be offering in the future”

The options will be:

- Board review
- Establish an ad hoc committee, which was done 10 years ago.
- Other

No action was taken by the Board at this time.

13. Approval of Amendments to EMS Contract with NEMHS:

Kinney provided a summary that back in June the Board approved an agreement with Northeast Mobile Health Services, to continue to provide EMS services to the Town of Lincolnville. The Town of Hope did not approve the agreement at that time and sought several changes. Changes have been made to the agreement and the Towns of Camden, Rockport and Hope have all approved the revised agreement.

Laité made a motion that the Board authorize the Board Chair to sign the agreement with between Northeast Mobile Health Services and the Town of Lincolnville to provide Emergency Medical Services for Fiscal Year 2019 in the amount of \$54,463. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

14. Waldo County Budget Committee Ballot:

Laité made a motion that the Board cast its Waldo County Budget Committee ballot for Joshua Gerritsen. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

15. Request to MaineDOT to create speed limit for Greenacre Road:

Kinney received a request from Troy Curtis, a resident on the Greenacre Road, asking that the Town of Lincolnville set up a speed limit sign on the Greenacre Road.

Kinney noted that he was surprised to learn that there are no speed limit signs on the Greenacre Road.

Kinney then reached out to the MaineDOT Region Traffic Engineer concerning appropriate signage. MaineDOT has not determined a speed limit for this road. MaineDOT would conduct a speed determination study if requested by the Select Board.

Barrows made a motion that the Board authorize the Board Chair to write to the MaineDOT regional traffic engineer requesting that a speed limit be created for the Greenacre Road. Fishman seconded the motion. The motion passed on a 5-0-0 vote.

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

Fishman made a motion that the Board approve the Treasurer's and Payroll warrants. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

17. Executive Session to Title 1 MRSA Section 405(6)(C) to discuss the possible acquisition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town:

Gerritsen made a motion that the Board of Selectmen enter into executive session for purpose of discussion of consideration of the acquisition of real property pursuant to Title 1 MRSA Section 405(6)(C). Laite seconded the motion. The motion passed on a 5-0-0 vote.

Upon returning to open session, Fishman made a motion to appoint Joshua Gerritsen to work with the Town Administrator to further explore the possible acquisition of real property and report back to the Board at a future meeting. Laite seconded the motion. The motion passed on a 5-0-0 vote.

18. Executive Session to Title 1 MRSA Section 405(6)(C) to discuss the possible acquisition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town:

Gerritsen made a motion that the Board of Selectmen enter into executive session for purpose of discussion of consideration of the disposition of publicly held properties pursuant to Title 1 MRSA Section 405(6)(C). Laite seconded the motion. The motion passed on a 5-0-0.

Upon returning to open session, Fishman made a motion that the Board authorize the Town Administrator to solicit proposals from real estate professionals for the purpose of listing for sale the Town owned property at 7 Morton Road. Laite seconded the motion. The motion passed on a 5-0-0.

19. Adjourn:

Barrows 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