

**BOARD OF SELECTMEN
MINUTES OF MEETING
February 11, 2019**

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

The quote was read by Selectman Fishman.

1. **Executive Session – Consultation with Town Attorney pursuant to Title 1 MRSA Section 405(6)(E) to discuss the legal rights and duties of the Board of Selectmen with regards to Interlocal Agreements and Policies:**

Laite made a motion that pursuant to Title 1 MRSA Section 405(6)(E) that the Board of Selectmen enter into executive session to discuss the legal rights and duties of the Board of Selectmen with regards to Interlocal Agreements and Policies. Barrows seconded the motion. The motion passed on a 4-0-0 vote (Gerritsen joined the session in progress).

2. **Citizens' Forum:**

Greta Gulezian, Lincolnville resident, came before the Board and gave a brief introduction to Pickleball, which is held at the Lincolnville Central School on Saturday mornings from 9-11am. If anyone would like more information, please contact Greta Gulezian.

3. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- **Budget:** Kinney reported the budget reviews will start at 6PM on February 12th at the Lincolnville Town Office.

4. **Meetings & Announcements:**

Town Administrator, Kinney read the upcoming meetings.

5. **Upcoming Community Events:**

Kinney announced there will be a Lincolnville Sewer District meeting on Tuesday, February 12th at 6:15PM at the Lincolnville Improvement Association building.

6. Meeting Minutes:

Gerritsen suggested making three minor corrections:

Line 30 substitute “form” in the place of “from”

Line 69 substitute “site” in the place of “sight”

Line 171 substitute “as” in the place of “a”

Laité made a motion to approve the January 28, 2019 meeting minutes with the minor corrections. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

7. Committee Chair and Department Head Update(s):

- **Finance Advisory Committee:**

Linwood Downs, from the Financial Advisory Committee gave the following update to the Board:

Reserve Levels:

- The Committee made a recommendation to keep the Town Reserves at 25% of the operating budget or 90 days of expenditure, which translates to roughly \$2.125 million.
- At the end of the fiscal year, Lincolnville had approximately \$2.7 million in unassigned reserves and roughly \$1.7 million in assigned reserves, for a total increase of approximately \$280 thousand from the previous year.
- Of the assigned reserves, “Capital Reserve Funds” are roughly \$1.5 million and are being held in various investments for various assigned purposes. There is another \$158,000 assigned for “other purposes”.
- Bottom line, right now we have reserves that are roughly equal to 126 days worth of expenses, which is up about 6 days from the previous fiscal year.

Reserve Investments:

- The Town of Lincolnville has been a client of First Advisors now for 10 years, and they charge the town .55 of 1% management fee. However as of the beginning of this year, the fee has been decreased to .50 of 1%.
- As of December 31, 2018 the reserves investment allocation for the Cash or Fixed Income is roughly 75% and 25% of our reserves could be allocated to Equity Funds, Stock or Index Fund type investment.
- The overall return, net of fees this year was -1.2% compared to 6.5% last year.
- Since First Advisors started managing the Town of Lincolnville's money, the Town has earned an average of about 3.7% per year.
- The Committee recommended the Town stay with First Advisors.

The Board thanked Downs for his report.

- **Update from Solar Array Purchase Committee:**

Cindy Dunham, from the Solar Array Purchase Committee, came before the Board and gave the following presentation:

- Last year the Select Board asked the Committee to weigh the pros and cons of possibly purchasing the Solar Array.
- The Committee (Gary Gulezian, John Williams, Kathleen Williams, Greta Gulezian, Richard Glock, James Dunham, Richard Smith, Bob Olson and Janet Redfield) researched both the pros and cons and costs to operate and maintain the system.
- Dunham explained that the next question is whether or not the Town should buy the system.
- The first option would be to purchase the system in year 2022 at a one-time expense of roughly \$61,165. If the town purchases the system, the Town would become responsible for the maintenance, repairs and replacement.
- The projected savings would be around \$224,000 over a 34 year period if purchased in 2022.
- The second option would be to continue leasing the system through the Power Purchase Agreement that the Town currently has.
- The Committee recommended setting aside a three-year budget for fiscal year beginning:
 - July, 2019 the amount of \$20,500
 - July, 2020 the amount of \$20,500

- July, 2021 the amount of \$20,500

The Board thanked Dunham and the Committee for their thorough report.

- **Lakes & Ponds Committee:**

Gary Gulezian, Chair of the Lakes & Ponds Committee, came before the Board and gave the following presentation:

Background:

- In November of 2017, the Town of Camden adopted an ordinance to eliminate the use of unencapsulated polystyrene in docks and floats for both fresh and salt water. The ordinance requires that any new or repaired dock or float be free of unencapsulated polystyrene and be prohibited from use after five years from the ordinance's date of adoption. Camden's Conservation Commission contacted the Town of Lincolnville, through its Lakes and Ponds Committee, requesting that Lincolnville consider adopting a similar ordinance.

Evaluation:

- The Lakes and Ponds Committee evaluation of this issue included reviewing the environmental impacts of unencapsulated polystyrene; conduct a detailed field survey of its use in our lakes and ponds; consult with lake association representatives on the associations' activities related to this issue; investigate the costs to retrofit or replace docks and floats; consider and recommend options for addressing the issues of unencapsulated polystyrene in Lincolnville.

The Problem:

- Polystyrene is not biodegradable. It takes hundreds of years to degrade and can break-down into smaller pieces, which are eaten by smaller animals.
- The other issue is aesthetics.

Gulezian presented the Board with the Town of Camden's Unencapsulated Polystyrene Ordinance. The Lakes and Ponds Committee conducted a survey last summer, of all the unencapsulated polystyrene docks and floats, which totaled 347

between all the lakes and ponds and of those 93 were with unencapsulated polystyrene, 244 were without unencapsulated polystyrene, and 10 were undetermined types of floats.

After completing the survey, the Committee came up with the following options:

1. Retain Status Quo
2. Increase Public Education and Outreach
3. Town Ordinance for New and Replacement Docks and Floats
4. Tow Ordinance for Both New and Existing Docks and Floats

The Lakes and Ponds Committee recommends Option 3, with the addition of annual lake and pond surveys to assess progress in the replacement of unencapsulated polystyrene foam. The survey information would be used to determine whether additional regulatory actions would be needed after the first two years.

The Board thanked Gulezian and the Committee for their report.

8. Hearing – Possible extension to Inland Waterway Mooring Moratorium:

Kinney announced that the Inland Waterway Mooring Moratorium Ordinance is set to expire on February 23, 2019 and the Board after conducting a hearing can decide whether or not to extend the moratorium for an additional 180 days. Kinney also reported that at the last meeting the Board heard an update from the Inland Waterway Mooring Committee concerning their progress and their request for an extension.

Gerritsen made a motion that the Board open a hearing on potentially extending the Moratorium on Inland Waterway Moorings. Laite seconded the motion. The motion passed on a 5-0-0 vote.

Richard Glock, Lincolnville resident wanted clarification on the definition of Inland Waterways is in Maine.

Kinney noted that the Inland Waterways is any body of fresh water which exists in Lincolnville.

No other public comment was offered.

Gerritsen made a motion to close the hearing on extending the Moratorium on Inland Waterway Moorings. Laite seconded the motion. The motion passed on a 5-0-0 vote.

Laité made a motion that having held a hearing that the Board find that the problems giving rise to the need for the moratorium still exists and that reasonable progress is being made to alleviate the problems and that Moratorium Ordinance on Inland Waterway Moorings therefore be extended for an additional one hundred and eighty days until August 22, 2019. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

9. **Request for Harbor Donation:**

At the last Select Board meeting, Kinney reported that the Town of Islesboro had made their harbor donation in the amount of \$15,000, and that a thank you letter had been sent.

Kinney went on to say that the Town of Islesboro is approaching their budget season, he asked the Board if they would like to send them a request for the coming year.

The consensus of the Board was to keep the request at the current level of \$15,000 for the coming fiscal year.

Dunn also recommended that the Board attach a sub-question regarding whether or not the Town of Islesboro is any closer to setting a date for the Sub-Committee, which should help inform them on future requests.

Laité announced that by early 2020, he would like get started on something to do with the pier, and the Board should convey this to the Town of Islesboro.

Kinney told the Board that he recently met with Matthew Nixon with the State of Maine Department of Marine Resources, regarding the Maine Coastal Program, which is a state program, charged with studying 10 public facilities in Penobscot by for resiliency.

The 10 public facilities chosen for this project are the following:

1. Rockland – Public Fish Pier
2. Camden – Public Landing
3. Belfast – Belfast Public Landing/Breakwater
4. Searsport – Hamilton Wharf
5. Castine – Town Dock
6. Stonington – Stonington Lobster Co-Op
7. Vinalhaven – Fish Plant Pier
8. North Haven – Pulpit Harbor Pier
9. Lincolnville – Municipal Fish Pier

10. South Thomaston – Town Landing

Dunn explained, “I read about these opportunities and think there’s no better time than now to give Kinney the direction to go for it and look at what the feasibility of some of these projects are. If we’re going to talk about spending all of our money in replacing a piece of infrastructure, that we may or may not need to replace, why aren’t we having a comprehensive conversation about the frustrations of the facility and look at affording it.”

Gerritsen made a motion to direct Kinney to explore dredging so that people can use the dingy dock 100% of the time and to explore rebuilding the boat ramp. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

The Board also gave Kinney the go ahead to send the \$15,000 request to the Town of Islesboro.

10. **LD 290- An Act to Prohibit Motor Vehicle Use in the Intertidal Zone:**

On August 27, 2018, 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.

Then on October 9, 2018 the Select Board conducted a site walk at Ducktrap and the Board decided that this was not a local issue and directed the Town Administrator to send a note to our Representative Zeigler alerting him that this was occurring.

Zeigler introduced legislation on behalf of the Town to the State of Maine to prohibit motor vehicles from driving onto the intertidal zone.

The Committee on Marine Resources will hold a public hearing on February 12, 2019 in Augusta. Selectman Gerritsen offered to attend and testify on behalf of the Lincolnville Select Board.

Fishman made a motion that the Board authorize Selectmen Gerritsen to testify on behalf of the Lincolnville Board of Selectmen in front of the Marine Resources Committee in support of LD 290 – An Act to Prohibit Motor Vehicle Use in the Intertidal Zone. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

11. Authority to Post Roads for Seasonal Weight Limits:

Laité made a motion that the Board of Selectmen authorize the Road Commissioner to post the roads for weight limits as he deems to be in the best interest of the Town and further that the Board authorizes the use of our signature stamps on these postings. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

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

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

13. Executive Session:

Gerritsen made a motion that pursuant to Title 1 MRSA Section 405(6)(C) that the Board of Selectmen enter into executive session to discuss the possible disposition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town. Fishman seconded the motion. The motion passed on a 5-0-0 vote.

14. Adjourn:

Gerritsen made a motion to adjourn. Laité seconded the motion. The motion passed on a 5-0-0 vote.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant