

**BOARD OF SELECTMEN
MINUTES OF MEETING
July 10, 2017**

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

The quote was read by Selectman Barrows.

1. Citizens' Forum:

Lincolnville Business Group members, Erin Shirley and Garry Schwall, spoke about the American flags that the group purchased and attached to the light poles on Route 1 at the Lincolnville Beach. These flags would be displayed from Memorial Day to Labor Day and on other special occasions such as Veterans Day and National Wreaths Across America Day.

The Lincolnville Business Group received a call from the Town Administrator, David Kinney; last week because the group had not received permission from the Select Board to install said flags on town property.

Schwall and Shirley apologized and explained that they were not aware that there was a formal procedure to get permission.

The Board was concerned with the potential damage to the paint on the light poles that these flags may cause and the Board wanted to know if the group was willing to fix any potential future paint issues.

Schwall stated the Lincolnville Business Group would be willing to take ownership to beautify the town and would take care of any maintenance.

Dunn noted that she did not see an issue with the flags as long as the Lincolnville Business Group would agree to take ownership of liability, should any of the light poles become damaged from the flags. She also recommended that there be a start date to put the flags out each year and an end date to take the flags down.

Dunn recommended that the Lincolnville Business Group be placed on a future agenda to ask the Select Board for permission to put the flags on the poles, once in April and again in the fall and discuss the upcoming holiday season.

Kinney stated that he asked the Lincolnville Business Group to remove the flag holders and the flags for several reasons. The first reason was because of selective free speech,

because if you allow one type of flag, you need to allow other types of flags. The second reason is there is some liability associated with this. If a flag were to fall off and hit a car or a pedestrian, someone will need to be responsible for this. Kinney also wanted to know who will be assuming responsibility for this issue the town or is the Lincolnville Business Group taking responsibility and are they insured.

Kinney noted that there are many towns in Maine that have flags out on their main street, but those towns are required to purchase insurance coverage.

Kinney mentioned that there may still be an avenue. The Business Group could possibly donate the flags to the town and if the town accepts the donation, the town could then accept the responsibility for them.

Dunn asked if Shirley and Schwall would be willing to go back to the Lincolnville Business Group and ask if the group would be willing to donate the flags to the Town of Lincolnville, then ask that the Lincolnville Business Group be on the next Select Board agenda to develop an agreement to assist the Town of Lincolnville with the care and maintenance of the American flags to be displayed from a start date to an end date.

The Board asked that the Lincolnville Business Group remove all of the flags at the Beach for now due to the liability to the Town of Lincolnville, at least until the next Select Board meeting.

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- Culvert: The Slab City Road culvert project started this morning and should be finished by September 1st. Residents of the Slab City Road can still get from the Belfast Road to the Mass Pike Road and from the other side of the project; you can access the road all the way from the Beach Road to the brook. Emergency Service providers (law enforcement, fire and ambulance) were all notified in advance.
- Thurlow Road: The State of Maine has hired a contractor to do some additional remediation work at 133 Thurlow Road.
- Harbor: The incline is almost finished, the float is still on schedule for the end of July and the speed buoy is in.

3. **Meetings & Announcements:**

Kinney read the upcoming meetings.

4. **Upcoming Community Events:**

- There will be a Megunticook Watershed Association Annual Meeting on Tuesday, July 11, 2017 at Camp Bishopswood in Hope.
- There will be an open house at the Penobscot Energy Recovery Company - PERC on Saturday, July 22, 2017 from 10AM to 2PM in Orrington. There will be educational displays and a special “touch-a-truck” display featuring heavy equipment, trucks, and police, fire and rescue vehicles. There will also be a tour of the facility where you can see the Terminator – PERC’s new Komptech 6000s slow-speed grinder.

5. Meeting Minutes:

Barrows noted an error on lines 64 & 65 regarding the motion. The motion stated Barrows made the motion and Barrows seconded the motion. Laite seconded the motion and the minutes were corrected.

Dunn requested that the meeting minutes reflect the discussion regarding whether or not any citizens at the Lincolnville Beach would be willing to share any of their security camera footage, regarding the stolen crosswalk signs. Minutes were corrected.

Laite made a motion to approve June 26, 2017 meeting minutes with amended documentation as presented. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

6. Update on School Water Damage and Repair – Rebecca Stephens, School Committee Chair:

Paul Russo, Principal of the Lincolnville Central School and LCS School Board Committee Chair Becky Stephens, presented the Board with an update on the water damage to the front side of the gym. In recent weeks, it became apparent that the water damage was more extensive and will be more costly than originally anticipated.

Stephens recently attended a meeting with the Board Chair, Town Administrator and Superintendent to discuss the timeline and a general idea of the expense of this project.

Russo gave a brief update on the water damage and repairs at the Lincolnville Central School. The siding that was originally placed on the building has been discontinued because it was malfunctioning on a number of different buildings, which the school was unaware of this issue, until recently.

Russo noted that there were some issues back in 2010 regarding the siding. The school hired a local contractor and one of the issues was with warped siding and the school thought the issue was resolved at that time. However, in the middle of last summer, Russo noted that this issue became apparent again. After that a Facilities Committee

meeting was held, and the committee recommended that a complete review of this issue take place.

Russo then reported the Facilities Committee's recommendation to the School Board Committee and the School Committee concurred and then some destructive testing was done and that was when the water damage was discovered.

Russo told the Board that the Lincolnville Central School retained Cordjia Capital Projects Group, LLC to draw up bid specs in order to get a bid out and get the work done. Cordjia then came back with the proposal, but the issue then was how to put together a basic bid.

Russo stated, "If we don't know what is going on behind the scenes, there will be bid alternates, so there will be change orders and people were nervous sending people in blindly. Then the decision was made to do some more destructive testing and found that it was like an algae blossom, it had gone crazy. The damage was far greater than what was anticipated."

In a memo from Cordjia, they recommended the following:

- A new conventional metal framed wall be erected, insulated and sheathed as a nailing base for the new siding, trim and window reinstallation. Installation of a weather resistive barrier with an internal drainage and venting system should be installed before the installation of new horizontal lap siding on the replacement wall system. All flashing areas should be detailed to allow any water penetrating the siding and trim to be drained and vented without affecting the sheathing or insulation. They also recommended that the choice of replacement siding should take into consideration the ability of the siding to resist water absorption and resist deterioration to weather.
- The upper 6 feet of SIPS roof panels should be replaced and the entire standing seam metal roof will need to be replaced with new standing seam roofing panels, trims and flashing of the same color and profile as the existing standing seam roofing. The two rows of existing snow guards are serviceable and will require removal and re-setting on the new metal roof panels.

Russo noted that this issue needs to be fixed; we don't have a choice, but wanted the people of Lincolnville to be aware of this issue at the school.

Russo also noted that the estimated cost will be just under \$150,000. The Lincolnville School Committee recommend saving some money by not replacing the 10 windows and not replacing the SIPS panels and putting on a different siding.

The school contacted their insurance company which they are still waiting to hear back from them. Russo felt that there will likely be a cause of action.

Laite asked, “Where are we with the statute of limitations, as far as the liability with the contractor, who originally did the work?”

Russo replied, “We are looking into that and we are aware this could be an issue because the statute of limitations with the builder ends after six years, but it is not clear to us if that is correct, so we are looking to get as much information as we can.”

Laite also asked if Cordjia was the only game in town.

Russo stated that there would certainly be competition. However; Cordjia came on board after the energy audit was done and found that the building was way out of balance. We found that Cordjia seemed to be a group of engineers that looked at the building as an envelope with interrelated systems. They were able to identify inefficiencies which resulted in a yearly savings of about \$14,000 a year.

Gerritsen wanted to know what new product will be used to replace the old siding.

Russo stated that the new material is called NuCedar, which is essentially waterproof.

Dunn commended the School Board Committee and Russo’s for taking on this critical project with the thought of controlling the cost as much as possible up front.

Dunn stated, “In the document that is before us now, there are a total of five contracts, which one has already been paid, so there are four remaining contracts, which is just shy of \$32,000. What is it going to cost to launch them and get you guys rolling and into the project or will there be more future costs from Cordjia?”

Russo stated that there are not anticipated costs that he was aware of.

Dunn asked if the \$190,000 + that is in the Capital Campaign Fund would cover the cost of the project, should the insurance company not pay for it.

Dunn also wanted to know what the options would be, if the insurance company does not pay or another funding source was not found.

Kinney stated the other option would be to adjust the budget that they have or go back and ask for the Board’s approval to have a special town meeting to ask for more money.

The Board thanked Russo and Stephens for attending the Board meeting and presenting this issue to the Board and the taxpayers of Lincolnville.

7. Discussion of re-securing pier decking – Nick Heal, Harbor Committee Chair:

Harbor Committee Chair, Nick Heal stated that if the Town of Lincolnville is unable to financially replace the pier decking now then he recommended reattaching the existing decking to the structure beneath, at least until the decking can be replaced.

Heal suggested using stainless steel screws on the ramp and then whatever is scheduled to be replaced within the next year or two, using GRK 6” screws or galvanized lag bolts.

Laite had concerns with screwing lag bolts into the decking on the existing pier because there will be an issue with trying to retrieve the lag bolts, when it comes time to replace the decking.

Laite was inclined to have someone put screws into the loose boards to reduce any danger at the pier.

Laite is still looking for a prioritized list from the Harbor Committee and the Harbormaster, in terms of what else needs to be done at the pier.

Kendall Smith, Assistant Harbormaster suggested re-nailing the spots that need attention for now, since this deck will need to be replaced within the next year.

Laite made a motion to instruct the Harbormaster and the Harbor Committee Chair to work with the Town Administrator to research and purchase nails to re-nail the decking as needed as a temporary fix, as soon as possible and report back to the Board with findings and timelines. Gerritsen seconded the motion. The motion passed on a 5-0-0 vote.

8. Discussion of Possible Public Forum concerning Lincolnville Harbor Evaluation, Planning and Feasibility Study – final Report:

Gerritsen felt that it would be a good idea to have a public forum to get the thoughts of the public regarding the harbor study. He wanted to hold a public forum after the Board has a workshop with the Harbor Committee, and go from there.

Laite stated, “I think that holding a public hearing is always a good thing, but I think that the Board would be better served with the process of having the Harbormaster and the Harbor Committee go through that and then meet with the us to collectively discuss that and then consider a public forum. The reason I say this because this Board has had a lot of public forums regarding this topic and now that we finally have a report in front of us, we need to digest it and take our direction from the Harbormaster and the Harbor Committee. If we have a lot of questions, then I think we should consider a public forum. I think we have the answers that we have been looking for and now we need to bring it together and move forward in the right way, which is a balance between the public and the commercial fishermen.”

The rest of the Board concurred with Laite and felt that there has already been a ton of public discussion and it is time to move this forward.

Gerritsen made it clear that this is what he said and he absolutely wants to have a discussion with the Harbormaster and the Harbor Committee first before having a public forum.

Gerritsen also noted that it would be a good gesture to the public that the Board values the public's thoughts and input again after meeting with the Harbormaster and the Harbor Committee.

9. Discuss Possible Meeting with All Committee Chairs:

Dunn noted there has been a number of a circumstance over the last year or so that Chairs may or may not fully understand what their roles and responsibilities are for their committee, in relationship with the Select Board.

Dunn also stated that each chair should receive a copy of the Boards, Committee and Commissions Roles which outlines the following:

- Charter
- Other Policies
- Public Proceedings
- Notice Requirements
- Non-Public Proceedings and Executive Sessions
- Role of Committee Members
- Role of the Chair
- Recorder of Committee Minutes
- Role of the Town Administrator
- Guidelines on How to run an Effective Meeting
- Making a Work Plan for the Committee

Dunn also suggested that the Board have a workshop session with all committee chairs to basically have an in house training session to establish an expectation of professionalism and performance with all of the committees.

10. Board, Committee and Commission Appointments:

Emily Flaherty submitted a Community Interest Form to serve on the Board of Appeals, but was not asked to attend this Select Board meeting. The Board decided to table this agenda item until Emily Flarerty has been contacted and asked to attend the next Select Board meeting on July 24, 2017.

Barrows made a motion to appoint Scott Harrison to the Planning Board as a regular member with a term expiring in June 2020. Fishman seconded the motion. The motion passed on a 5-0-0.

The Board thanked Scott Harrison for volunteering to be on the Planning Board.

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

Laité made a motion that the Board approve and sign the Treasurer's, Payroll and the Coombs Griffin Trust. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

12. Executive session pursuant to 1 M.R.S.A. Section 405(6)(C) to discuss the possible disposition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town.

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

Barrows made a motion to instruct the Town Administrator to contact the Kenney's and thank them for their offer but we would like to decline. Laité seconded the motion. The motion passed on a 5-0-0.

13. Adjourn:

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

Respectfully submitted,

Melissa A. Geary
Administrative Assistant