

**BOARD OF SELECTMEN
MINUTES OF MEETING
JULY 28, 2014**

Selectmen present: Ladleah Dunn, Chair, Jason Trundy, Vice-Chairman, Rosendel Gerry, Cathy Hardy and Arthur Durity.

The meeting was called to order by Chair Dunn at 6:00 p.m. at Lincolnville Town Office. The quote was read by Selectman Hardy.

1. **Citizens' Forum:** None

2. **Administrator's Report:**

- Kinney reported that the three in-street pedestrian signs were purchased and installed. One of the signs was stolen within 48 hours. A report was made to law enforcement.
- The stumping at the end of Tanglewood Road has commenced.
- The replacement of the Meeting House Bridge by MaineDOT's contractor has been postponed until after Labor Day.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

4. **Upcoming Community Events:**

The LIA Blueberry Wing-Ding, August 9th, 7AM to 10:30AM, Lincolnville Beach

5. **Meeting Minutes:**

Motion by Hardy, second by Trundy, that the Board approve the July 14, 2014 meeting minutes as presented. Vote: 5-0.

6. **Taxi-Cab License Application – Edward Murphy:**

Murphy stated that he is moving to Lincolnville and has applied for a taxi-cab license so that he can be a regional provider form Medicare to transport individuals from the area to appointments with their doctors. He stated that he has the ordinance and a 100% clean driving records.

Selectman Gerry inquired if Murphy planned to offer local service as well. Murphy responded that he would “love to” but starting out no and he is limited in what he can earn by Social Security.

Motion by Gerry, second by Trundy that the Board upon receipt by the Town of the applicable fee grants a taxi cab license to Edward Murphy with an expiration date of July 28, 2015. Vote: 5-0.

7. Parking Ordinance Concerns – Pat Shannon:

Shannon expressed her concern about the recent and sudden enforcement of the Parking Ordinance. She was concerned that no notice was given. She received a courtesy card that did not contain what would happen next. She then received a ticket. She stated that she has a limited ability to walk. She has a part-time job on Islesboro and would like to park for free. The Ferry Service is free until summer and then charges \$10 per day. In October the State lot will be free again. She understands that some individuals have a town parking permit and she would like one.

Kinney explained that Harbor Users can obtain a parking permit as set forth in the Harbor Ordinance. Harbor parking is limited to six spaces in the State lot as established when the pier was built and the spaces adjacent to the launching ramp.

Shannon stated that she would like a fair system, more information to be provided, and a process for parking be made available. The system we have now is not equitable?

Selectman Durity inquired how the current system is not equitable.

Shannon explained that her car was parked side by side with another car and the other car was not ticketed while her car was ticketed. She has financial and physical limitations. Shannon likes rules and would like to follow. She is now paying State parking fee to avoid tickets. Others seem to have “deals” with property owners.

Selectman Hardy asked if the Whales Tooth Pub was an option as the pub is closed Monday and Tuesday. Shannon stated that she knows Dorothee Newcombe but she didn't want to ask and is limited in her capacity to walk.

Selectmen Gerry asked if courtesy card, then \$10, then \$25 were spelled out in ordinance. Kinney stated that the ordinance did not specify a warning. By the ordinance the first offense is \$10 and subsequent offenses \$25. The Town in the past had often issued courtesy cards as this usually was sufficient to gain voluntary compliance.

Chair Dunn expressed concern with possible inconsistency in enforcement particularly if arbitrary.

Selectman Hardy said enforcement should be across the board.

Selectman Durity asked if Ms. Shannon would support acquisition of land for parking. Shannon responded that she would.

Selectman Gerry suggested and the Board agreed by consensus to have a sit down with the parking attendants.

8. **Tax Acquired Parcel (Map #22, Lot 31) – Richard Rosenberg:**

Richard Rosenberg stated that he would like to re-acquire the property lost to the Town for non-payment of property taxes.

Motion by Durity, second by Gerry, to table to another meeting when the amount owed could be quantified and the Board could couple that conversation with the Town Attorney to discuss the Board's duties. Vote: 5-0.

9. **Cemetery Trustees Update:**

Cemetery Trustee Chair Cecil Dennison read a summary of the newly amended law concerning the care of Veteran's graves and ancient cemeteries.

Kinney explained that care of municipal cemeteries, of which he is unaware of any Town of Lincolnville owned cemeteries, the Board of Selectmen can set standards of care. For privately owned his understanding is that an ordinance would be necessary.

Dennison suggested the amended law be sent to all cemeteries.

Motion by Gerry, second by Hardy, to inform all parties responsible for cemeteries of the law change and to seek their input on standards. Vote: 5-0.

10. **Future Cemetery Law Revisions – Statewide ad hoc Committee – Corelyn Senn:**

Corelyn Senn, a Cemetery Trustee, explained that she is also serving on a statewide ad hoc committee looking into updating and improving the State Statutes concerning cemeteries. The committee of stakeholders includes the Maine Municipal Association, genealogic groups, Maine Old Cemetery Association and others. Issues of concern include access, guidelines and standards. A cemetery questionnaire has been sent out by the group. This summer vandalism is a concern.

11. **Route 1 Advisory Committee Update:**

Chris Osgood, Rt. 1 Advisory Committee Co-chair, explained that the committee has drafted a response to the MaineDOT concerning the reconstruction of the remainder of U.S. Route 1 through Lincolnville. Over time the MaineDOT policies have changed and unwritten agreements broken. The proposed response suggests waiting for now.

Selectman Hardy asked if Osgood thought this would hold MaineDOT's "feet to the fire" for past agreements even though the money might not be currently available. Osgood replied yes.

Kinney explained that the concept of reconstructing Route 1 has been ongoing for a long time and through many leadership changes. With leadership change of comes policy change. The options are to wait for policy change, raise \$1million + locally for enhancements, or do without. The committee suggests waiting for policy change.

Osgood stated that a lot of federal funds held up due to wars.

The consensus of the Board was to send the letter with the committee Co-chairs as signers.

12. Fernald's Neck Road Agreement:

Motion by Hardy, second by Trundy, that the Board of Selectmen approve and sign the Agreement with Alexander and Gladys Kuli concerning the relocation of a portion of Fernald's Neck Road. Vote: 5-0.

13. Liquor License Renewal Application – Swan's Way Corp.:

Motion by Gerry, second by Hardy, that the Board approve and sign the liquor license application submitted by the Swan's Way Corporation. Vote: 5-0.

14. Waldo County Incident Management Support Agreement:

Motion by Gerry, second by Hardy, that the Board approve and sign the Waldo County Incident Management Support Agreement. Vote: 5-0.

15. Bid Awards (taken out of order after agenda item 11):

Motion by Hardy, second by Trundy, to award the paving contract to All States Asphalt, Inc. of Windham for the unit prices listed in the bid proposal. Vote: 5-0.

Motion by Trundy, second by Gerry, to award the contract for supplying and stockpiling winter sand to Lucas Construction, Inc. of Searsmont for the unit price of \$10.15 per cubic yard. Vote: 5-0.

Motion by Hardy, second by Gerry, to award the contract for the Springbrook culvert installation to Thomas Construction of Lincolnville for the price of \$4,900. Vote: 5-0.

16. Set Public Hearing for Winter Road Closing(s)- Suggested Date: September 8, 2014:

Motion by Trundy, second by Hardy, that the Board conduct a public hearing on closing a portion of the Martin Corner Road to winter maintenance at 6:30PM on September 8, 2014.

17. Martin Corner Road Property Appraisals:

Kinney explained that Quimby Associates has commenced with the start of their appraisal work associated with the possible discontinuance of several town roads. For the Martin Corner Road Ray Quimby suggested that the Board consider moving the point of discontinuance from 171 Martin Corner Road to the bottom of the hill at lot 40. This suggestion is made primarily for two reasons. First, this would eliminate the appraisal costs and any damages for the McKellar lot (#45 on the map). Second, the properties shown in bold on the map have conservation easements placed on them except for the four reserved areas shown. If the Martin Corner Road was kept as a public road to the sharp corner

(approximately 600 feet beyond where it is currently contemplated for discontinuance) the reserved area would still be served by a public road therefore damages minimized or perhaps eliminated. If the Board chose to move the point of discontinuance it would mean the Town would need to continue maintenance and upkeep of this section of roadway. The initial impressions of Mr. Quimby were that it would be worth the Board considering.

Motion by Trundy, second by Gerry, that the Town Administrator be authorized to negotiate a reduction in scope and fee of the contract with Quimby and Associates to move the point of possible discontinuance of the Martin Corner Road to the 90 degree turn at the intersection of lots 40 and 45 thereby eliminating the need to appraise lot 45. Vote: 5-0.

18. Maine Municipal Association – Legislative Policy and Executive Committee Ballots:

Motion by Trundy, second by Gerry, that the Board cast its ballots for Kathy Littlefield and Galen Larrabee for the MMA Legislative Policy Committee and for Stephan Bunker as Vice-President and Cynthia Mehnert, Laurie Smith and Patricia Sutherland as Directors. Vote: 5-0.

19. Treasurer’s and Payroll Warrant(s) – Approve and Sign:

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

**20. Executive Session – Personnel Matter – Title 1 MRSA Section 405(6)(A):
Consideration of Employment Administrative Assistant**

Motion by Trundy, second by Gerry, 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.

21. Executive Session – Discussion or consideration of the acquisition of real property (Title 1 MRSA § 405(6)(C)):

Motion by Trundy, second by Gerry, that the Board enter executive session pursuant to Title 1 MRSA Section 405(6)(C) to discuss the acquisition of real property. Vote: 5-0.

22. Adjourn:

Upon returning to open session, Motion by Gerry, second by Trundy, to adjourn. Vote: 5-0.

Respectfully Submitted,
David B. Kinney
Town Clerk