

**BOARD OF SELECTMEN
MINUTES OF MEETING
JUNE 23, 2014**

Selectmen present: Ladleah Dunn, Chair, Rosendel Gerry, Cathy Hardy and Arthur Durity.
(Jason Trundy excused absence.)

The meeting was called to order by Chair Dunn at 6:00 p.m. at Lincolnville Town Office. Dunn officially welcomed the two new members Cathy Hardy and Arthur Durity to the Select Board. The quote was read by Selectman Durity.

1. **Citizens' Forum:** None

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- Kinney welcomed Cathy Hardy and Arthur Durity to the Board and once again thanked Julia Libby and David Barrows for serving on the Board.
- Extended thanks to the Ballot Clerks and Moderator for their service at Town Meeting.
- Town's insurance company did an inspection of the new Town Office last week. Kinney said in a month we will probably get a note from them that will have some action items in regards to their inspection of the Town buildings.
- Town will be putting out bids for winter sand, paving, and the culvert replacement on Slab City Road.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

Cathy Hardy presented a plaque from Big Brothers & Big Sisters of Mid-Maine to the Town of Lincolnville for their participation in their recent Bowl for Kids Sake Event. She said the Gutter Ball Turkeys, one of our teams, was the second highest single fund raising team for the event.

4. **Upcoming Community Events:**

Presentation at the Lincolnville Community Library Wednesday, June 25th at 7 p.m. will be by guest speaker Larry Knight who will tell about two of his ancestors' experiences during the Civil War.

Strawberry Festival on Saturday, July 12th, from 9 a.m. to 1 p.m., at United Christian Church grounds.

5. Meeting Minutes:

Motion by Dunn, second by Hardy, that the Board approve the June 2, 2014 meeting minutes as presented. Vote: 4-0.

Motion by Gerry, second by Durity, that the Board approve the June 12, 2014 meeting minutes as presented. Vote: 4-0.

6. (6:30PM) Special Amusement Permit Application – Cellardoor Winery, September 13, 2014, 4-11p.m.:

Motion by Gerry, second by Hardy, to open the public hearing concerning the Special Amusement Permit Application filed by the Cellardoor Winery. Vote: 4-0.

No public comment received.

Motion by Hardy, second by Gerry that the Board close the public hearing. Vote: 4-0.

Motion by Hardy, second by Durity that after having held a public hearing, that the Board finds that the application submitted by the Cellardoor Winery 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: 4-0.

7. Lincolnville Sewer District – Grant Letter of Support:

Motion by Hardy, second by Gerry, that the Board approve and sign the letter in support of the Lincolnville Sewer District's grant application to the Northern Border Regional Commission. Vote: 4-0.

8. In-Street Pedestrian Crossing Signs for US Route 1 – Nanette Gionfriddo:

Nanette Gionfriddo, Lincolnville resident and business owner, requested that the Board approve the purchase and installation of three In-Street Pedestrian Crossing signs for Route 1 near the Beach area.

Gerry asked what she had in mind for signs.

Gionfriddo referred to signs that are used in Rockland and Camden. She said they are stands that are placed right in the center line of the crosswalks with an added visual aid to let the drivers know this is a crosswalk.

Gerry asked Kinney if the crosswalks are controlled by the State.

Kinney said yes, but the Town has the ability to put an In-Street Pedestrian Crossing Sign within the right away.

Gerry asked if the Town was responsible if someone hit one of the signs and damaged their car.

Kinney said the Town would have some responsibility as owner of the signs.

Hardy said the signs in the middle of the road are a hazard and is not in favor of that idea.

Durity asked Gionfriddo if there are alternatives to these In-Street Pedestrian Crossing Signs.

Gionfriddo said not that she was aware of.

Dunn said the DOT has some fairly strict regulations in terms of what they consider acceptable.

Durity said he was thinking that in the two walkways outside the immediate beach area there are fluorescent yellow pedestrian signs with arrows that point down to the walkways. He said he is not suggesting putting those signs up because it may be offensive down at the beach area, but if there was room to put in signs that would let people know there are pedestrian's crosswalks ahead.

Dunn said she is concerned about putting any sort of device in the median because of vehicles potentially striking it and the signs create a scenario where pedestrians just cross without caution. She is worried that there would be this false sense of security created. She would like to look into some non-offensive other alternatives that would encourage drivers to slow down.

Kinney said whatever we do on the State highway must comply with the Manual on Uniform Traffic Control Devices because that is what people expect to see. He said the other alternative is similar to the fluorescent signs near Dr. Sloan's office in Lincolnville.

Board agreed to have Kinney research other alternatives for signage.

9. **Road Salt Bid:**

Motion by Gerry, second by Hardy, the road salt bid for FY 2015 be awarded to Morton Salt, Inc. at the delivered price of \$55.89 per ton and the picked up price of \$55 per ton and that the Town Administrator is hereby authorized to enter into an agreement with Morton Salt, Inc. under these terms. Vote: 4-0.

10. **Municipal Officials – Resignation(s) and Appointments:**

Kinney stated he was saddened to report for the Town that Cheryl Ten Broeck has submitted her resignation and is looking forward to retirement.

Motion by Gerry, second by Hardy, that the Board of Selectmen accept with regret Cheryl Ten Broeck's letter of resignation and that we wish her well in retirement. Vote: 4-0.

Kinney said the Town has advertised the Administrative Assistant position in the local newspapers, Town website and Maine Municipal Association positions site. The last time we filled an Administrative Assistant's position the Board had the Town Administrator and Finance Director, review the applicants, interview prospective candidates and then make recommendations to the Board. Kinney asked if the Board wants to use this same procedure or do something different.

Gerry suggested a Board member be involved in the hiring process.

Dunn volunteered to participate in the hiring process.

Motion by Gerry, second by Hardy, to appoint David Kinney to the positions of Town Administrator, Town Clerk, Tax Collector, Treasurer, Deputy Welfare Director, Deputy Registrar of Voters, Sexton, Recorder for the Board of Selectmen and Public Access Officer for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Jodi Hanson to the positions of Finance Director, Welfare Director, Deputy Treasurer, Deputy Tax Collector, Assistant Town Clerk and Deputy Registrar of Voters for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Karen Secotte to the positions of Administrative Assistant, Deputy Town Clerk, Deputy Tax Collector and Deputy Treasurer for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Kimberly Jackson to the positions of Administrative Assistant, Assistant Town Clerk, Deputy Tax Collector and Deputy Registrar of Voters for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Cheryl Ten Broeck to the positions of Administrative Assistant, Assistant Town Clerk, Deputy Tax Collector and Deputy Registrar of Voters for the term expiring in June 2015. Vote: 4-0.

Motion by Hardy, second by Durity, to appoint Frank Therio to the positions of Building Inspector, E911 Addressing Officer, Plumbing Inspector and Code Enforcement Officer for the term expiring in June 2015 and Health Officer for the term expiring in June 2017. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Mike Alley to the position of Electrical Inspector for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Richard A. McLaughlin to the position of Alternate Electrical Inspector for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Ben Hazen to the position of Fire Chief for the term expiring in June 2015. Vote: 4-0.

Motion by Durity, second by Hardy, to appoint C. Vernon Ziegler to the position of Assessors' Agent for the term expiring in June 2015. Vote: 4-0.

Motion by Durity, second by Hardy, to appoint William Brewer to the position of Auditing Company for the term expiring in June 2015. Vote: 4-0.

Motion by Hardy, second by Gerry, to appoint Sally Daggett to the position of Town Attorney for the term expiring in June 2015. Vote: 4-0.

Motion by Hardy to appoint Michael Hutchings to the position of Marine Harbor Master for the term expiring in June 2015.

Gerry made a motion to table all the harbor appointments until after the Board can get together and have a workshop with the Harbor Committee, Marine Harbor Master and Deputy Marine Harbor Master.

Hardy asked if there was a date set for this workshop.

Gerry said they could set some future dates in their agenda.

Dunn said this item was not on tonight's agenda, but could be put on a future agenda. Dunn asked for a second on the motion. Dunn asked Gerry if he was amending the first motion.

Gerry said yes.

Durity said nobody seconded the first motion.

Dunn asked if the Board had to clear up the first motion.

Kinney said if the first motion was not seconded it would die for lack of a second and someone can make an alternative motion. **Hardy motion died for lack of second.**

Durity seconded the amended motion.

Dunn suggested the board have this discussion.

Gerry said he thinks this meeting is very important. He wants everyone to be able to attend the workshop.

Hardy agreed, but does not want this to drag on because this is the busiest time of the year down at the harbor.

Durity inquired what happens to the status of the Harbor Master and Deputy Harbor Master at this time if not appointed.

Kinney said all appointments are made through the end of June 2014 or until replaced.

Dunn is concerned that there is not a whole lot of time to get this workshop together. She said the next Harbor Committee meeting is July 3rd.

Hardy said she would have liked to see this workshop held last month.

Gerry would like to do the appointments at the next Selectmen's meeting after the Board has this workshop.

There was discussion between the Board members when the workshop was to be held.

Dunn said to make appointments we would have to hold a public Select Board meeting with a forum.

Kinney said when you get three or more Selectmen together and you are talking about Town business we would issue an agenda with the topic and that way we comply with Maine's Freedom of Access Act and the meeting would be open to the public. He said the Board might want to consider any ideas and written materials they may need in preparation for that meeting.

Hardy asked if at the July 14th Selectmen's Meeting if the Board would have enough time to keep their appointments moving forward if we have the meeting next Monday, June 30th.

Kinney said it would be in the Charter's time frame. He said the preferable way would be to have somebody appointed Harbor Master before June 30th. If the Board decides to table this item and go forward with the meeting we will notice it just like a regular meeting and there will be an opportunity for appointments at the end if the Board so chooses. He said he would research what it is the Board can and can't do.

Michael Hutchings said the issue he has with this is there are things going on right now in his time frame that he needs to make decisions on such as mooring placements and the schooner that is coming to Town. He said he has time restrictions and this puts things in limbo. He said he welcomes the workshop between the Harbor Committee members, Selectmen, and Harbor Master because there is a lot of misunderstanding and misinformation. He said the timing though makes it difficult for him to make these decisions.

Dunn said since this topic was not on the agenda would the Board be amenable to having a brief agenda item at a meeting next Monday to get together some things we would like to know. She said afterward she would work with Kinney to put that information together. She said we can then set a date to meet with everyone after the Harbor Committee's meeting on July 3rd.

The Board agreed to have a Selectmen's meeting on Monday, June 30th at 6:00 p.m. at the Town Office.

Kinney will seek clarification between now and the Board's June 30th meeting on whether an appointment that has expired carries forward until replaced.

Hardy said she is fine with that as long as the appointment carries forward until we have our session to do the appointments for the coming year.

Gerry said at some point it would be a good idea to involve the Islesboro Selectmen in this discussion. The Board agreed by consensus to wait on meeting with the Islesboro Selectmen until everyone here was up to speed on harbor issues.

Dunn said we have an amended motion on the table and it has been seconded.

Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Justin Twitchell to the position of Inland Harbor Master for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Henry Lang, II to the position of Emergency Management for the term expiring in June 2015. Vote: 4-0.

Motion by Durity, second by Hardy, to appoint Heidi Blood to the position of Animal Control Officer for the term expiring in June 2015. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Robert Wiggin to the position of Sealer of Weights and Measures for the term expiring in June 2015. Vote: 4-0.

Kinney mentioned two other items not on the list in the Selectmen's packet. Jasen Wood has expressed an interest in serving as a Lincolnville Central School Committee member in the vacant one year position.

Motion by Hardy, second by Durity, that the Board appoint Jasen Wood to the Lincolnville Central School Committee with a term expiring in June 2015. Vote: 4-0.

Kinney said Richard McLaughlin completed a Community Interest Form to be considered for a Parking Officer. He said the Town had Parking Officers in the past until last June when the Town's people voted to change the Charter and eliminate the Police Department. The Board did not appoint any Parking Officer last year.

Richard McLaughlin said after the State took the land on Route 1 the parking spaces were out of the control of anybody to enforce as to who could or could not park there. He said from about 7:00 a.m. to 8:30 a.m. all those parking spaces are taken up by people who go out to Islesboro for the day. The sign states a four hour parking limit, but nobody is there to enforce it. This is detrimental to the people who want to use the beach and also for the businesses. He says it usually only takes one warning the first time and for a second warning

the person gets a ten dollar ticket and with the third warning the vehicle is towed. McLaughlin said he is volunteering his services to enforce the parking regulations.

Gerry asked if McLaughlin knew of someone who didn't have a business there so that it wouldn't appear to be a conflict of interest in enforcing the parking regulations.

McLaughlin said by restricting that parking you're not telling anybody that they can park for some particular business, they can park for any business or they can park for the beach. He said he doesn't know of anybody that wants to volunteer to do anything for nothing on a daily basis.

Hardy commented that McLaughlin probably had a good idea who the offenders are and asked if he had a way to easily identify them as Islesboro cars that are there for the whole day.

McLaughlin said the only way he can identify them is when he sees them park their vehicle and then walk onto the Ferry and not come back until 4:30 p.m. It's not only Islesboro people it's people working on Islesboro.

Hardy said she has no problem with McLaughlin volunteering to do this because he is looking out for the whole beach to make sure those spaces are available for public use and not taken up for the whole day. She said she applauds him for being willing to do this at no compensation.

McLaughlin said maybe the Town could advertise in the paper to see if anyone is willing to volunteer their time to enforce this.

The Board agreed to add this onto the next Select Board meeting for an agenda item and publicize the position for Parking Officer on Town's web site, email blast and through the Google Group.

11. Board/Committee/Commission – Appointments:

Motion by Gerry, second by Hardy, to appoint Michael Hutchings and Terry Moulton to the Board of Appeals as regular members with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint James Greeley to the Board of Appeals as an alternate member with a term expiring June 2015. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Donald Heald to the Breezemere Park Bandstand Trustees as a regular member representing the Lincolnville Band with a term expiring June 2016. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Donald Heald IV to the Breezemere Park Bandstand Trustees as a regular member representing the Recreation Commission, with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Cecil Dennison to the Cemetery Trustees as a regular member with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Corelyn Senn to the Cemetery Trustees as an alternate member with a term expiring June 2015. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Robert Bateman to the Conservation Commission as a regular member with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Jason Trundy and James Sinclair to the EMS Performance Review Committee as regular members with a terms expiring June 2015. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint MaryAnn Mercier to the Financial Advisory Committee as a regular member with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint Shane Laprade and Brian Cronin to the Harbor Committee as regular members with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Alexander Lyle, Whitney Oppersdorff, Tony Oppersdorff, Karen Good, Richard Lenfest, Jill Glover, Richard Sanderson and Gary Gulezian to the Lakes and Ponds Committee with a term expiring June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Ernest Littlefield to the Megunticook Dam Committee as a regular member with a term expiring June 2017. Vote: 4-0.

Motion by Durity, second by Hardy, to appoint Cecil Dennison, James Greeley, Everett Fizer and Alexander Lyle to the Memorial Day Parade Committee as regular members with a term expiring June 2015. Vote: 4-0.

Motion by Durity, second by Hardy, to appoint Rosendel Gerry to the Memorial Day Parade Committee as a regular member with a term expiring June 2015. Vote: 3-0-1 (Gerry abstained).

Motion by Dunn, second by Hardy, to appoint Arthur Durity to the Mid-Coast Solid Waste Corporation – Board of Directors as a regular member with a term expiring June 2017. Vote: 3-0-1 (Durity abstained).

Motion by Gerry, second by Hardy, to appoint Jay Foster to the Planning Board as an alternate member with a term expiring June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Michael Kremin and Tim Moody to the Recreation Commission as regular members with a term expiring June 2017. Vote: 4-0.

Motion by Gerry, second by Durity, to appoint John Black, Christopher Osgood, Rob Newcombe, Diane O'Brien, William Brown, and Bradford Payne to the Route 1 Advisory Committee as regular members with a term expiring June 2015. Vote: 4-0.

Motion by Hardy, second by Durity, to appoint Rosendel Gerry to the Veteran's Memorial Committee as a regular member with a term expiring June 2015. Vote: 3-0-1 (Gerry abstained).

Motion by Hardy, second by Durity, to appoint Sanford Delano, Everett Fizer, William Brown, Cecil Dennison, Cindy Dunham, Donald Heald IV, and Gary Neville to the Veteran's Memorial Committee as regular members with a term expiring June 2015. Vote: 4-0.

Motion by Gerry, second by Hardy, to appoint Vicki Eugley and Sandra Thomas to the Wage & Personnel Policy Board as regular members with a term expiring June 2017. Vote: 4-0.

Kinney encouraged anyone who may be interested in volunteering to serve on a committee to check out the Town's web site or call him concerning information for openings that will be available on various committees.

12. Declaration of Surplus Items – Floats and Equipment:

Kinney said the new floats have been delivered and installed at Breezemere Park. He said the two wooden floats that are "surplus" can be disposed of by the Board of Selectmen on terms the Board deems in the best interest of the Town.

Motion by Hardy, second by Durity, that the Town Administrator seek sealed bids for the sale of the surplus floats.

Gerry asked if they had done this before with floats.

Kinney said the last float they replaced they put it out to sealed bid.

Gerry questioned whether the floats could be auctioned off with the other surplus items that are in storage.

Kinney said an auction or yard sale is not allowed at the storage facility and the Town had no luck finding an auctioneer that is willing to truck the items away.

Dunn said we have a motion that has been seconded.

Vote: 4-0.

Motion by Hardy, second by Durity, that the Town Administrator be authorized to price and sell the remaining surplus office equipment items and that items with no value that are not sold be disposed of properly. Vote: 4-0.

13. FY 15 Assessors' Agent Contract:

Motion by Gerry, second by Hardy, that the Board approve and sign the Contract for Assessing Services with Fort Halifax Appraisals. Vote: 4-0.

14. Adopt, Renew, Amend or Rescind Board Policies:

Rules of Procedure – Lincolnville Board of Selectmen:

Hardy said she found a typo in the Rules of Procedure Section 2, Line 5: The word “many” should be changed to “may” to read “other action as may be necessary”.

Motion by Durity, second by Hardy, that the Board of Selectmen approve the Rules of Procedure - Lincolnville Board of Selectmen.

Hardy said also on Page 2 under Item 5, D: Concerning disturbances at Town Meetings the Chairman will notify the Police Chief or Constable. Hardy asked if that should be Waldo County Sheriff.

Kinney suggested changing the wording to Law Enforcement because sometimes the State Police cover this zone.

Dunn said we have a motion on the table and seconded.

Vote: 4-0.

Policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits:

Motion by Hardy, second by Gerry, that the Board of Selectmen approve the Policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits dated June 23, 2014. Vote: 4-0.

Policy on Treasurer's Disbursement Warrant of State Fees & Revenues:

Motion by Hardy, second by Durity, that the Board approve the Policy on Treasurer's Disbursement Warrants for Sending Revenue Collected on Behalf of the State to the Appropriate State Agency dated June 23, 2014. Vote: 4-0.

15. Review Proposal Concerning Right-of-Way Appraisal:

Kinney said at the last Selectmen's Meeting they received a proposal for professional services for conducting appraisals concerning roads to potentially be discontinued. Town Meeting appropriated up to \$20,000 for that purpose. The proposed fee exceeds the amount approved by the voters at Town Meeting.

Hardy suggested the Martin Corner Road, Thorndike Road and the Albert Blood Road. She said those three roads as projected by the consultant would be \$21,000. There is approximately \$20,000 in the budget for this amount. Hardy suggested the Town try and

negotiate the agent down to \$20,000. Hardy said if the agency does not agree to this term then the Board should consider taking the other \$1,000 from contingency.

Dunn asked Hardy if she was seeking to make a secondary motion and proposed these specific roads.

Hardy said yes at a cost of \$20,000.

Motion by Hardy, second by Durity, that the Board authorize the Town Administrator to negotiate and enter into an agreement with Quimby Appraisal & Right-of-Way Services, LLC to conduct the before and after appraisals for the parcels adjacent to the following roads as set forth in the proposal for Martin Corner Road, Thorndike Road and the Albert Blood Road with the cost not to exceed the amount of \$20,000. Vote: 4-0.

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

Motion by Hardy, second by Durity, that the Board approve the Treasurer's and Payroll warrants. Vote: 4-0.

17. Executive Session – Consultation with Town Attorney regarding State of Maine, Department of Environmental Protection, et al., v. Richard Rosenberg (Title 1 MRSA § 405(6)(E)) (taken out of order at start of meeting):

Motion by Gerry, second by Hardy, that the Board of Selectmen enter into executive session pursuant to Title 1 M.R.S.A. Section 405(6)(E) with the Town Attorney for consultation regarding State of Maine, Department of Environmental Protection, et al., v. Richard Rosenberg. Vote: 4-0.

Upon returning to open session, **Motion by Gerry, second by Hardy, that the Board of Selectmen proceeds with seeking a Contempt of Court Order as proposed by our Town Attorney to move forward regarding the Department of Environmental Protection, et al., v. Richard Rosenberg. Vote: 4-0.**

18. Adjourn:

Motion by Gerry, second by Hardy, to adjourn. Vote: 4-0.

Respectfully Submitted,
Cheryl Ten Broeck
Administrative Assistant