

**BOARD OF SELECTMEN
MINUTES OF MEETING
NOVEMBER 12, 2013**

Selectmen present: Ladleah Dunn, Chair, Julia Libby, Vice-Chair, Rosendel Gerry, Jason Trundy and David Barrows.

The meeting was called to order by Chair Dunn at 6:00 p.m. at Lincolnville Central School (C-1). The quote was read by Libby.

1. Citizens' Forum:

Tracy Colby asked when the discussion will be brought up again concerning road closures.

Kinney said when the Town receives the proposals back from appraisers to do the appraisal work.

Colby asked what the process would be and would there be notification for people who live in the neighborhood of those roads as well as people who own property on those roads.

Kinney said if the Board chooses to move forward, once they see the cost of appraisals, one of the steps set forth in the statute is to notify abutters to those roads as well as provide a general public notice for anybody else that might travel those roads.

Colby asked if once the Town appraises the value of the land if the Town then purchases that land.

Kinney said if a road is discontinued there is the possibility that the land can be devalued. He said if the Town discontinues the road they are required by statute to pay the difference in damages to the property owner.

Colby asked if that would reduce the property's value on the tax rolls.

Kinney said yes if the value was significantly lower.

2. Administrator's Report:

David Kinney, Town Administrator, reported:

- Kinney extend thanks to the election workers that worked last Tuesday on election night with the ballots and the set up and take down of the polling place. He said it went pretty smoothly even with the new voting machine; although it's a little bit slower in processing the ballots. Kinney said they had 20% of the registered voters come to vote.
- Special thanks go to the Lincolnville Boat Club because when they brought in their float they also brought the Town's swim float into the dock. The floats will be coming out of the water soon.

- Kinney also wanted to extend thanks to the Lincolnville Business Group for providing refreshments for the open house at the Town Office on Saturday.
- Dog license renewals are due by the end of the year. The public can register their dogs online through the Town's web site or at the Town Office during normal business hours.
- The Town is now able to accept online tax payments.
- Town Office will be closed Friday, November 15th and Monday November 18th to allow staff to move back into the Town Office. It will reopen on Tuesday, November 19th at 8:30 a.m.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

4. **Upcoming Community Events:**

Fall presentation and concert at the Lincolnville Community Library on Wednesday, November 20, at 7:00 p.m. Author Dennis Lopez will be a guest speaker and there will be a performance by Sea Train. Advance reserve tickets are \$10.00.

5. **Meeting Minutes:**

Motion by Libby, second by Barrows, that the Board approve the October 28, 2013 meeting minutes as presented. Vote: 5-0.

6. **Gateway 1 Update - Will Brown:**

Will Brown said he has been continuing on with the Gateway 1 project, but the number of other towns involved have shrunk because of other individual projects. The towns that have been actively involved over the past couple of years are Edgecomb, Newcastle, Damariscotta, Thomaston, Rockland, Rockport, Camden, Lincolnville and Belfast. Searsport and Stockton Springs got wrapped up with the LPG tank and were focused on that situation. He said they are trying to get all of the towns on the original list, the twenty one towns from Brunswick to Stockton Springs, interested in getting back on board. Brown said that in dealing with the Route 1 corridor and related safety issues you also have to think about the peninsulas and the towns that are off the peninsulas because what happens on Route 1 affects them as well. They are still pursuing the 501C-3 non-profit organization idea with Friends of Mid-Coast Maine. Brown said they are also working on drafting bylaws because that's something they would be required to do. He said at their December meeting they will be getting closer to a point where they will be able to send the bylaws out to the other towns. Brown said as Gateway's efforts are gearing up after a summer of only a couple of meetings it would be helpful to have a second person as an alternate. He requested that the Board consider Chris Osgood as an alternate representative for the Town. Brown said at this point there will not be any decisions made that involve spending money.

7. **Beach Road Property (Future Fire Station Site) – Tree Harvesting Concerns:**

Krystal Coombs read a statement, prepared by Will Brown, to the Lincolnville Selectmen. The content of the letter addressed the land purchased for the future Fire Station on Beach Road. The concerns are how the design plans, preparation of the site and the building will adhere to the town ordinances. The letter states that it would be

incumbent on the Town and the Fire Department to recognize that they have chosen to move into a residential neighborhood that wishes to remain in place.

Sandy Lehman said her concerns are that the trees and woodlands on the property are so pretty and that was one of the reasons she bought her house next door to the property. She said part of Beach Road is so gorgeous and quiet and the abutters want to be considered when the Fire Department Station is built because their homes and livelihoods are there. She would like to see a lighting plan that doesn't disturb the darkness because they like to see the stars at night. Lehman said the Beach Road is the entrance way into Lincolnville Center, so they want that area to be as nice as possible to welcome people into the Town. Lehman asked if a title search had been done on the property. She also asked if there's a conservation easement on that land, which is what she was told when she bought her property. She said there may be wetlands in back. She said that the placement of the building is going to be important. Lehman trusts the Fire Department's decision that they need to move to a bigger space. She said she is sure they have done their due diligence. She said at the last Special Town Meeting it seemed like it was the abutters against the Fire Department. That's not what we wanted to convey. She said she hopes they can all work together.

Krystal Coombs requested that the Board approve the formation of a Beach Road Property Management Committee. The committee would review any and all work that would be done prior to the site review. The committee could include two neighbors, a Fire Department representative, Tree Warden, Conservation Commission representative and a liaison from the Selectmen. She said the residents and abutters feel this is a necessary way to go. Coombs said there were procedural irregularities in the way the Special Town Meeting was conducted. She said there was no checking of the registered voters or any distinction made between non-voters and voters by the moderator. She said the moderator is supposed to be elected by written ballot. Coombs said we don't feel that we've been heard. There was no microphone for the public to use. Coombs said that she was told by a Selectman that in this Town what the Fire Department wants the Fire Department gets.

Kinney said he would clarify two issues: one we certainly elected the moderator by written ballot. Kinney called the meeting as the Clerk and read the greeting. He also called for nominations of the moderator. Bob Duke was nominated as moderator and sworn in by the Clerk. Kinney said when you have only one person nominated, we ask for three ballots to be cast and then collected and counted. He said in terms of procedural irregularities the Moderator runs the meeting the way he chooses once elected. If the public has an issue with the moderator it should be addressed immediately with the Moderator. Kinney said it's sometimes challenging for people who don't participate in Town Meetings every time to understand what's going on.

Coombs said the rules do not specifically say the moderator shall separate non voters, but it states it's highly recommended especially for controversial issues. She said they would like to make sure they have adequate representation and notification.

Libby asks Kinney if they always have register voters sign in at every Town Meeting.

Kinney said no, it's the Moderator's discretion.

Coombs said in the meetings she has attended they generally ask if there is anyone at the meeting that is not a resident.

Trundy asked Coombs to clarify what she was requesting for the committee. He asked when the group would be formed and what she expected their role to be in the process. Trundy said any project that we do in Town has to go through a Planning Board review process. He asked where she saw this committee in that process.

Coombs said in the Selectmen's packet there is an email that she sent to Lois requesting to speak before the Planning Board and she was denied because there has to be something submitted before the Planning Board. Her concerns are that there will be some cutting or clearing on the site before there is anything submitted to the Planning Board and once its cut it's gone. She said we don't want anything cut until there's something concrete as to what is going to happen to the land because right now it's owned by the Town for a designated purpose.

Trundy said when he read the email he gathered that the group is asking for some commitment from this Board, but from what he understands even if this Board makes a commitment another Board or this Board could break it at some time in the future. He said it would only be a verbal agreement. Trundy said he is confused about what she is asking of the Board for the committee she described and how that fits into her concerns about wood being cut prior to the Planning Board review.

Coombs said that the committee would enable everyone to be on the same page.

Gerry said that for any timber harvesting a person has to fill out an intent-to-harvest form and file it with the State of Maine, which in turn comes to the Code Enforcement Officer. He said no one can just go on site and start cutting without filing the form.

Trundy said it does not make sense that the Town would move to harvest wood on that piece of property unless it was part of the project. He understands the resident's desire is to be part of the process if, in fact, it comes to clearing trees on the land. He said what he doesn't understand is what it accomplishes if the Board creates a committee with all these different representatives.

Coombs said it starts with the trees, but the committee would be going through the entire site review process.

Dunn said they are looking to duplicate a process that already exists. Dunn said if you look at the Land Use Ordinance there is a step-by-step, very detailed process that the Planning Board must go through, including physical visits to the site. She said all abutters are notified in advance of those meetings. There are lots of opportunities for

dialogue and no decisions are made outside the perimeter of the Land Use Ordinance. Dunn said it's a very open and inclusive process before anything actually happens to the property itself. Dunn said Coombs is asking for absolutes that no one can promise her. She said the problem is Coombs is trying to put in a box all of the "what ifs" and there is no secret agenda by anyone here.

Coombs said she agrees, which is why we feel a committee would be able to, not oversee, but to be involved and not to duplicate.

Dunn said that's what the Planning Board is for, and there are openings on the Planning Board.

Gerry said as a Town Official he feels that Coombs is saying to the Board that she doesn't trust the Planning Board to do what it's appointed to do. He said that at some point the Town will apply for a permit for a Commercial Site Plan and that the Planning Board will review it. The Planning Board will then hold a hearing for public input. Gerry asked Kinney if that was correct.

Kinney said if someone proposes to build a fire station, then yes.

Dunn said the reason she got involved in Town politics was because of confusion with the Land Use Ordinance and the Planning Board and her response was to start going to the meetings to get involved and be informed. She said it was great that Coombs and the others were at the Selectmen's meeting to participate. Dunn said the public has to trust in the system and its response to participation. She said the way this is done in Lincolnville is a true exercise of democracy. Dunn said Coombs is asking for duplication of a successful system. She said she hears where Coombs is coming from, but should abutters in every future project where their property may be affected in some way be allowed by the Board to form an ad hoc committee to represent their interests.

Gerry said Coombs is not willing to trust a committee that has been appointed to do the very things that she is asking to have done.

Coombs said they came here to ask to have a committee formed, but acknowledged that none of us have been in front of the Selectmen before. She apologized for not knowing exactly how everything works, and asked if the request was being denied.

Dunn said at this point we are just having a discussion so that the Board can understand what you are asking for. If there is a motion, and that motion is seconded, any seconded motion would have to be voted on by a majority to pass. Dunn said she is trying to understand the necessity to create duplicate system within a system that has already proven to function well.

Coombs said her reason for asking for this was because she found out that there is a 'gray area' regarding the Planning Board site review plan before anything happens. She

said she didn't know about the timber harvesting and other things. She said she feels kind of squashed.

Gerry said he felt he and the Town were being attacked and there was no trust in the elected Town officials.

Coombs said she was questioning irregularities at the Town meeting with the Moderator. She said that things weren't done like they were in the past. She questioned the procedures, but that it was not an attack and that's what this whole Board is for.

Dunn said she can appreciate where Coombs is coming from because she is self-employed and being on the Board is a sacrifice. She said she understands that most people are just concerned with taking care of their daily lives and there isn't the time to think about and deal with a lot of Town issues. Dunn said there has to be a little bit of faith and trust in your elected representatives in that we are doing the best possible job for the Town. The same can be said for the Planning Board, who are the ones charged with exactly what you are asking for, that is their job. Dunn said there is no gray area. The 'gray area' that you are grappling with is the juncture of yours feelings about everything, which are real and valid for you, however your lack of experience with the Town process is that 'gray area' and that's not the Town's responsibility to resolve. Dunn said Coombs was doing all the right things by participating in the system. There is a steep learning curve and the Board is here to help with those confusing areas. There are also the Board of Selectmen and Planning Board minutes on the Town's web site. Dunn said there is a process as with everything and the Board is following that process.

Trundy said being a Selectman in Lincolnville is the first time he has held any political office. He said before that he was the person at work and taking care of his family and didn't take the time to be involved in Town business. Trundy said he has been a Selectman for six years and he is amazed at the number of people who are convinced that this Board and previous Board of Selectmen somehow spend their time sitting around conspiring on how the Board can control the Town. Citizens have made comments to him that the Board is doing things in secret and conspiring with other groups to try to accomplish things. Trundy said it makes Selectmen a little hyper sensitive when the public comes in to make those kinds of comments. He said it's frustrating for him because the Board sits as a forum every two weeks to discuss issues, hold public hearings and meetings so they can involve the public. He said he has voiced his frustration in the past concerning the variable attendance with regular and even Town meetings. Trundy said if the public senses frustration from the Board sometimes, when you are talking with us, part of that probably comes from years of being pecked at by people who think the Board is doing all these crazy things. His frustration is that, from the Board's point of view, everything is as transparent as possible. Trundy said for the time he has been a Selectman this Board as been very receptive to most people's requests. He doesn't see the common sense in creating an ad hoc group for something that hasn't even moved forward yet. He echoed Dunn's comments that there is a process in place and there is nobody on this Board that has some secret agenda.

Libby said when the new fire station was built next to her she had several meetings with the Fire Department and David Kinney. They showed her the plans and asked if she had any concerns. She said they discussed lighting and buffering. She said she doesn't think anyone will be left out of the loop.

Coombs asked Libby if that was because she had an existing relationship with the Fire Department.

Libby said no.

Dunn said they are required to notify abutters.

Coombs said the Planning Board is not the Fire Department.

Dunn said that was correct.

Libby said she thinks the Fire Department would do the same for Coombs and other abutters; it doesn't have anything to do with her relationship with the Fire Department. Libby said there also will be public hearings. She said she agrees with Dunn and Trundy that's the Planning Board's job and the public can go to the meetings and be heard.

Coombs suggested the Lincolnville Bulletin Board as a source for posting Town meetings and other Town information.

Dunn asked if the Board wishes to address anything that Coombs has brought up so far.

There were no other comments.

Dunn said it was so refreshing to actually see bodies sitting in the chairs in front of the Board.

Coombs asked if abutters will receive notification on intent-to-harvest or any other plans.

Dunn said Coombs needs to remain proactive.

Coombs said the Town has to get approval from the voters to build the fire station. She asked what comes first, the site plan review or Town approval of the building.

Kinney said right now the Town has no money to develop a site plan, survey, building plan or submit an application to the Planning Board. He said at some point in the future he anticipates either a Town meeting to fund a survey or architect to come up with a plan. Or, perhaps the Lincolnville Volunteer Fire Department will come to the Board of Selectmen to say they would like to go the next step in the process of developing this site to build a fire station. Maybe they would gift the money to the Town to plan and design

the project. Kinney said to build the fire station will require a decision that will have to be made at a Town Meeting. Kinney said it will be a long, open process.

Coombs asked if the Town could vote to approve building a fire station before the site plan review is done.

Kinney said this Board will have to authorize a plan to go to the Planning Board. It will have to be something they are willing to, at some point, put forward at a Town meeting. It will also require that at a Town meeting funds be approved for this Board to come up with the plan. He said there are two different tracks this could go. Kinney said the Fire Department could come before the Selectmen and say, in a year or two, that the beach station no longer suits their needs and they would like to move forward on its replacement. They could request the Town to accept money to hire an architect to work with the Town to create a plan and with that know what the cost will be to do the project. The Select Board will discuss if it's in their authority to accept the gift and if not it will go to Town Meeting. Kinney said the Town can approve accepting the money to build a building, but the Town couldn't build the building until the site plan review was done.

Lehman said they are really overwhelmed by this coming at us and their concerns are about their property values. Lehman felt she wasn't heard at the last meeting where they voted to accept the money. She talked but felt the meeting was very dismissive of their opinions. The atmosphere felt like 'us versus them' and it really left a bad taste in her mouth. She said she appreciates the Board putting their time and effort into what they do here. She said she would like the Board to guarantee them that they will get notification of meetings that have anything to do with this project.

Dunn said if it's required by the Land Use Ordinance to notify abutters the Planning Board would do that. Dunn said checking with the Town Office, coming to Selectmen's meetings and taking note of when the different committees are meeting are all good solutions. Dunn said small towns like Lincolnville with a small staff don't have the resources to constantly keep everyone informed of everything in which they might have an interest. Dunn said stop by the Town Office or give Kinney a call to check on meeting schedules.

Lehman asked if there was a way to do emails.

Kinney said the Town is working on being able to create an email list where the public can sign up for certain notification from us. He said if you go to our Town web site and click on 'notices' you will see this feature. We are still trying to work the bugs out but it's coming.

Dunn said because Lehman is showing a really active interest in knowing what's going on she suggested that she check with the Town Office regarding meetings.

Libby said the public can also check on the Town's web site.

Dunn said being in a small town makes it possible for the public to easily have those conversations with all involved.

Tracy Colby said she appreciates this group for being proactive. She said historically there's bad communication and by no fault of the Selectmen. She said she has served on that table and on the Budget Committee and its meeting after meeting and going over the same information and you can't understand why everybody doesn't know what's going on. She gave two examples of what she considered poor communication: one was the Moody Mountain Road project and the other was about the Nolan property that surprised everybody. Colby suggested a neighborhood projects announcement for the Town's web site. She also asked that the draft minutes of the Selectmen's meetings be posted on the Town's web site and clearly marked 'draft'. These are a couple of ways that can be implemented to improve communication.

Libby said even if the Board did all of this extra communication, it is still the citizen's responsibility to seek out this information whether posted at public locations or on the Town's web site.

8. Boards, Commission, and Committee:

Motion by Gerry, second by Libby, to accept with regret the resignation of Shane Lydon from the Harbor Committee. Vote: 5-0.

Motion by Libby, second by Barrows, to appoint Justin Blake to the Harbor Committee with a term expiring June 2015. Vote: 5-0.

Motion by Trundy, second by Libby, that the Board designate Chris Osgood as our Alternate member to Gateway 1. Vote: 5-0.

Motion by Gerry, second by Libby, to appoint Terry Moulton to the Board of Appeals as a regular member with a term expiring June 2014. Vote: 5-0.

9. Proposed Contract Confirmation and Amendment of Time – Sale of Ducktrap River properties:

Kinney said the Board had a contract with the State of Maine through Inland Fisheries and Wildlife for the sale of two parcels; of Town own property, adjacent to the Ducktrap River. The Town's original agreement with the State of Maine to purchase the two properties adjacent to the Ducktrap River has expired. The State of Maine is proposing to re-confirm the agreement and extend the closing date to February 24, 2014.

Motion by Libby, second by Barrows, that the Board re-confirm the agreement with the State of Maine for the purchase of two Town own properties and extend the closing date to February 24, 2014.

Vote: 5-0

10. As Board of Assessors – Abatement #2013-07:

Motion by Gerry, second by Libby, that we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Vote: 5-0.

Motion by Gerry, second by Libby, that the Board grant Property Tax Abatement #2013-07 as recommended by the Assessors' Agent for Gerald H. Chalmers in the tax amount of \$14.96. Vote: 5-0.

Motion by Gerry, second by Libby, that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen. Vote: 5-0.

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

Motion by Libby, second by Trundy, that the Board approve the Treasurer's Coombs-Griffin Trust, Capital Campaign and Payroll warrants. Vote: 5-0.

12. Adjourn:

Motion by Libby, second by Trundy, to adjourn the meeting. Vote: 5-0.

Respectfully submitted,
Cheryl Ten Broeck
Administrative Assistant