

**BOARD OF SELECTMEN
MINUTES OF MEETING
APRIL 29, 2013**

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

The meeting was called to order by Chairman Barrows at 6:15 p.m. at Lincolnville Central School (B-5). The quote was read by Gerry.

1. Groundbreaking Ceremony – Town Office:

Barrows commented on the groundbreaking ceremony at the Town Office and said it all went well.

2. Citizens' Forum:

Cecil Dennison said he had heard some complaints about the deplorable conditions at the Hillside Cemetery and some people would like to see something done about it before Memorial Day. Dennison asked if the Selectmen would like to recommend something or have the Town Administrator ask the CEO if something could be done. Dennison asked if the Selectmen could take a ride up to the cemetery and take a look.

Gerry asked where this was located and what the problem was.

Dennison said the cemetery was on Heal Road. He said basically there's a dump from one end of the cemetery to the lower side of the fence line. He said the neighbor has a storage building full of trash bags. The back wall has collapsed and all the trash has fallen against the fence and is now spilling into the cemetery.

Gerry asked who oversees the Hillside Cemetery.

Dennison said there is an association of two people and they would like to turn the cemetery over to the Town of Lincolnville.

Gerry asked Kinney if the Town had been approached by anything like this before.

Kinney said we have had issues at or near that place before. The exterior was cleaned up. But if trash is now making its way back into the cemetery there are issues for either the health officer or for the CEO if the building is falling down and creating a dangerous situation.

Gerry suggested the Town Administrator ride by the cemetery and report back to the Board.

Kinney said he would take a ride by the cemetery after the meeting if it was still light out, if not he would drive by in the morning on his way to work.

3. Administrator's Report:

Kinney said we have relocated the Town Office to the Fire Station until the end of November. He said he needed to talk to the Board about their next meeting on May 27th, which falls on Memorial Day. The next night, Tuesday, May 28th, is the night of the Five Town CSD Budget meeting. Kinney suggested tentatively meeting on June 3rd.

The Board agreed with that date.

Kinney said he was saddened to report that the person we hired for Administrative Assistant has been stricken with a medical issue and has had to decline the position. Kinney said he is working his way down the list and has re-advertised the position as well. He was also informed that one of his employees will be serving jury duty in the month of June.

Kinney said he would like to thank everybody involved in the moving process, including the staff and particularly Roman MacDonald. Roman, our custodian, used his own truck to move materials to storage.

4. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings.

5. Upcoming Community Events: None

6. Meeting Minutes:

Motion by Trundy, second by Libby, that the Board approve the April 8, 2013 meeting minutes as presented. Vote 5-0.

7. Contract Award – Town Office Project:

Kinney said since the Board's last meeting we have worked through the contract language between the Town Attorney, architect and contractor. He recommended that the contract for the Town Office project be awarded to The Penobscot Company of Rockport, Maine for a contract sum of \$539,551.55.

Motion by Gerry, second by Dunn, that the Town Administrator be designated by the Board of Selectmen for the Town Office project as the Owner's Representative and that he be authorized to sign the Agreement with The Penobscot Company, Inc. of Rockport, Maine for a contract sum of \$539,551.55. Vote 5-0.

8. Safe Routes for Lincolnville Discussion – Jim Dunham:

Jim Dunham representing the Lincolnville Community Alliance (LCA), Conservation Commission (LCC), a group of concerned citizens, and also representing the Bicycle Coalition of Maine, said he is considered a community spoke, which means doing advocacy work to make the community safer for pedestrians and cyclists. Dunham said

that in the last year there have been a number of places where groups are gathering and more people are walking in the center of Town. He said he sees school children walking both sides of the road along narrow shoulders to get to school. He noted that traffic does not always abide by the speed limit.

Dunham said last fall a group of citizens met to talk about options to make it safer for pedestrians to walk and ride bikes. He said they had some good discussions and everyone was charged with an assignment including: contacting DOT and Mid-Coast Regional Planning Office, and talking with people on other commissions in Town including the Recreation Commission, Town Comprehensive Plan Committee and the LCS parent/teacher organization. They found that all of those groups had some concerns. Dunham said they have some maps and ideas of what they would like to do. He said DOT regulations and standards control what can happen along State roads going through the center of our Town and can make doing something fairly complex.

Dunham said the 2006 Comprehensive Plan recommended that the Public Works Department investigate building a sidewalk in the Center. He said, however, our committee wants to do something simple and affordable soon to make it safer for people. Dunham used a map of the Center of town to show the route that the committee is considering. It has gold stars where there are activity areas and where people are congregating, at least within the immediate village area. He said activity areas include the church, the Community Building, the former Grandpa Hall where the Community Library is located, the general store that will be opening this year, the Lincolnville Boat Club, Historical Society and Breezemere Park. Another star is located at the beginning of a foot path over to the Town property that would connect to an existing Town trail leading eventually by the parking area of the school where the ball fields are located. He said there are no sidewalks in the school area. The committee would like to see something happen, so they want to explore ideas with the Board.

Elizabeth Hand who is part of the Lincolnville Community Alliance (LCA) and the Lincolnville Conservation Commission (LCC) has been involved with the Safe Routes group. She said two years ago the LCA starting talking about what they would like to see happen in the Center, but at that time there was not much activity happening. Now, two years later there is a lot happening. Hand passed out a map of the Center from Mid-Coast Regional Planning Office. She said once the general store opens there's going to be more traffic in the Center. As of 2011 the amount of traffic in the Center at the crossroads near the store and Route 235 was over 2800 vehicles a day. She said we need to start thinking about how we can better accommodate pedestrians in the Center.

Hand said she asked the Board of Selectmen last year if they could go to the DOT to inquire about getting a stop sign at the intersection of Route 52 and 173. It turns out that the DOT does not recommend using a stop sign as a traffic control method because they do not think that it's very effective, especially in an area where drivers are used to going right through. DOT says that people will not stop and speed up and go through there deliberately. She said some of the other methods of traffic control and calming are crosswalks, speed bumps and 'Children at Play' signs. DOT does not have anything

positive to say about these approaches on their web site. Hand said the one thing that might be relatively easy and economically more feasible would be in-street pedestrian crossings signs of various sorts.

Hand said the committee would like to request that the Board of Selectmen contact DOT to see if they would send a representative to meet with the members of the Safe Routes group and the Board to talk about options for traffic calming. She said the DOT recommends that towns have a traffic ordinance because any request to the DOT to put in any kind of signage or traffic control has to come from the municipalities. DOT requires the Town to discuss traffic controls with the Town's people. After which the Board would vote whether or not they wanted, for example a stop sign. Then the Town would petition the DOT to get the sign.

Dunham said he could get in touch with the Bicycle Coalition of Maine. They work closely with DOT to help communities establish safer routes. He said the only way DOT is going to act is if the Selectmen think it's a good idea. He said their group would need some guidance on which committee in Town would be responsible, whether it would be the Comprehensive Plan Committee or the Recreation Committee. Dunham said he would like to get something done sooner rather than later.

Trundy asked Dunham if he had an idea of what that is.

Dunham said crosswalks, signage, and narrowing traffic lanes tend to make people slow down. Dunham said he thinks even a sign that says 'Welcome to Lincolnville Center' or 'Entering Lincolnville Village' would help.

Hand said prior to installing a crosswalk the Town has to have a traffic ordinance.

Dunn asked Kinney how it worked with the crosswalks on Route 1 when we didn't have a traffic ordinance.

Kinney said we insisted during the design process and DOT put them in with the agreement that we would maintain them.

Gerry suggested the Board give Kinney an assignment to research a traffic ordinance.

Kinney said DOT use to have at least a crosswalk policy where they wanted you to have a place to go once you cross the street either a sidewalk or a path.

Trundy said it would be beneficial if somebody from DOT would meet with the Safe Routes group to explain what can and can't be done.

Dunn said once Kinney gets information from DOT it needs to be decided which committee will be responsible to work on the ordinance, whether it should be the Lincolnville Community Alliance, Conservation Commission or Safe Routes Group.

Kinney said it will depend on what DOT tells them. If it requires writing an ordinance then the Board will decide what is needed in the ordinance and pick a committee to undertake the writing.

Motion by Gerry, second by Dunn, that Lincolnville become bike and pedestrian friendly and further that the Town Administrator contact DOT to provide a representative to work with the Safe Routes Group and the Selectmen to start the process. Vote 5-0.

9. Liquor License Renewal Application – Inn at Sunrise Point:

Motion by Gerry, second by Libby, that the Board approve and sign the liquor license application submitted by the Inn at Sunrise Point. Vote 5-0.

10. Five Town CSD Budget Meeting and Validation Referendum Warrants:

Kinney said the Five Town CSD will hold their annual budget meeting on Tuesday, May 28th at 7:00 p.m. at the Camden Hills Regional High School. Kinney said whatever budget is determined that night needs to be validated by another vote on Election Day Tuesday, June 11th. To hold that referendum election on Tuesday, June 11th the Board needs to countersign the warrant calling for it.

Motion by Trundy, second by Dunn, that the Board approve and countersign the Warrant and Notice of Election Calling for the Five Town Community School District Budget Validation Referendum. Vote 5-0.

Kinney said they offered to have someone from the Five Town CSD come to a Board meeting and explain the budget. Kinney noted that Lincolnville's share is diminished this year slightly (\$30,596.30).

The Board decided not to have someone from Five Town CSD come to the next Board meeting to explain the budget.

11. Review Draft Annual Town Meeting Warrant:

Kinney presented the Board the draft Town Meeting Warrant. He stated that the final draft should be signed the final at the next meeting. Kinney said the Lincolnville Central School budget is adopted at a budget meeting and then it is validated by ballot on Election Day. He said if you want to continue that ballot process there's article 4, which will continue it for another three years. If you vote 'no' the Town will go back to having the school and Town budget set at the same time. Article 5 is the Charter Change Amendment. Articles 6 through 21 incorporate the Board's budget recommendations. Articles 22 through 32 are "housekeeping" articles that appear every year. Articles 33 and 34 are amendments to the Land Use Ordinance. Article 33 addresses the timber harvesting ordinance the Town adopted a couple of years ago. The statewide timber harvesting standards become effective after at least 252 municipalities adopt the standards. Kinney said the recommendation is that the standards now be removed from our ordinance and that interested parties be referred to the Maine Forest Service. Article 34 seeks to clarify the role of the Board of Appeals.

Gerry said June 15th is going to be a challenging day for everyone. He asked Kinney if it was up to the Moderator to control speaking time at the Town Meeting.

Kinney said once a Moderator is elected for Town Meeting the control of the meeting falls to the Moderator. The Selectmen sit up front to answer any questions addressed to them by the public. The Board's duty by the State Statute is to put together the warrant that sets forth the articles, and set the date and time for the Town Meeting. The Moderator receives the warrant and conducts the meeting.

Gerry said he would like the Board to send a memo to the Moderator suggesting the Moderator limit the amount of time the public can speak. Gerry said there are issues that will take up a lot of time and having speakers repeat the same thing is time consuming.

Libby agreed and wonders if the Moderator could limit how many times a person can speak.

Kinney said the Moderator is given a lot of discretion, but the Town Meeting is a citizen's opportunity to participate in their local government. Town Meeting is the citizens chance to tell their elected Selectmen what they want and how they want it.

Trundy said he thought the Moderator did a good job moderating at Town Meeting last year. Trundy said we need to prepare ourselves to be at Town Meeting for a while and block off the day. There will be citizens there with opinions and they are going to want their opportunity to speak and if you don't allow people the ability to speak at Town Meeting they are going to be resentful.

Kinney said you have to allow the Moderator to moderate the meeting.

12. **Treasurer's and Payroll Warrant(s) – Approve and Sign:**
Motion by Libby, second by Trundy, that the Board approve the Treasurer's and Payroll Warrants and Coombs-Griffin Education Trust Warrants. Vote5-0.
13. **Executive Session – Discussion or consideration of the disposition of publicly held property identified on Tax Map 29 as Lot 25 (Title 1 MRSA § 405(6)(C)):**
Motion by Trundy, second by Libby, that the Board enter executive session pursuant to Title 1 MRSA Section 405(6) (C) to discussion the disposition of publicly held property identified on Tax Map 29 as Lot 25. Vote 5-0.
14. **Executive Session – Discussion or consideration of the disposition of publicly held property identified on Tax Map 33 as Lot 31 (Title 1 MRSA § 405(6)(C)):**
Motion by Gerry, second by Libby, that the Board enter executive session pursuant to Title 1 MRSA Section 405(6) (C) to discussion the disposition of publicly held property identified on Tax Map 33 as Lot 31. Vote 5-0.
15. **Executive Session – Discussion or consideration of the disposition of publicly held property identified on Tax Map 31 as Lot 41 (Title 1 MRSA § 405(6)(C)):**

Motion by Gerry, second by Libby, that the Board enter executive session pursuant to Title 1 MRSA Section 405(6)(C) to discussion the disposition of publicly held property identified on Tax Map 33 as Lot 31. Vote 5-0.

16. Adjourn:

Upon returning to open session, **Motion by Trundy, second by Dunn, to adjourn.**

Vote: 5-0.

Respectfully submitted,
Cheryl Ten Broeck
Administrative Assistant