

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
January 10, 2022**

**Present:** Vice-Chair, Keryn Laite, Jr., Mike Ray, Josh Gerritsen, and Town Administrator, David Kinney

**Absent:** Chair, Ladleah Dunn and Jordan Barnett-Parker

The quote was read by Ray.

**1. Citizens' Forum:**

Charles Boetsch, a Lincolnville resident, wanted to be the first person to welcome the new Public Works Director, David Roundy, Jr. and he is looking forward to working with him in the future.

Boetsch also came before the Board with concerns regarding the condition of the Wentworth Road and he wanted to know why the town's sander would pull in and turn around and back down a private road, using taxpayer money.

In the past, Boetsch explained that the Town of Lincolnville held an executive session, which resulted in a letter to Boetsch stating that the Wentworth Road is public to his garage because it had been maintained for 30 years.

Boetsch stated, "The road, as far as being able to travel over it, was as a result of a subdivision, that was built outback and there is a survey because of the subdivision and I have that survey, if anyone is interested, which shows where the town road ends and where the maintenance of town road ends. My concern is that town tax money is being spent on a private road and I would like the Board to look into where the town road ends and what would be agreeable with the landowners."

Boetsch gave the Board the option to buy that section of road, which is 165 feet, which is a possibility but if not, he would like the Board to come up with where the town road ends, and he would like an answer or feedback.

The Board thanked Boetsch for bringing this to their attention.

Boetsch announced that he called on a Lincolnville Board member with a question and received an instant response.

**2. Administrator's Report:**

David Kinney, the Town Administrator, noted:

Dog License: Please register your dog by the end of January to avoid a state-mandated late fee of \$25.00 per dog. Renewals can be processed online through the Town's website, and until January 31<sup>st</sup> at the Town Office during regular business hours.

Harbor Bills: The harbor bills will be mailed out on January 14<sup>th</sup> and will be due back on or before March 11, 2022. On March 12, 2022, a late fee, double the applicable fees will be applied.

New Facilities Director: Kinney welcomed the Town's new Facilities Director, David Roundy, Jr. to his first day on the job.

**3. Meetings & Announcements:**

Administrator Kinney read the meetings and announcements.

**4. Upcoming Community Events:**

There were none.

**5. Meeting Minutes:**

Gerritsen made a motion, seconded by Ray, that the Board approves the December 27, 2021 meeting minutes as presented. The motion passed on a 3-0 vote.

**6. (6:30PM) – Public Hearing Liquor License Application – Lincolnville Center General Store:**

Gerritsen made a motion, seconded by Ray, that the Board opens a public hearing concerning the liquor license application being sought by the Lincolnville General Store doing business as the Lincolnville Center General Store. The motion passed on a 3-0 vote.

No public input.

**Ray made a motion, seconded by Gerritsen, that the Board closes the public hearing. The motion passed on a 3-0 vote.**

Kinney told the Board that he received an email from Board member Barnett-Parker asking that the Board consider tabling this action until he can attend the next meeting.

Gerritsen also recommended waiting until all five of the Board members are present to make a discussion on January 24<sup>th</sup>.

Laite spoke in favor of voting on this agenda item tonight since it will go through a rigorous situation with the Lincolnville Planning Board and those questions will be answered by Planning Board.

Ray made a motion, seconded by Gerritsen, that after having held a public hearing that the Board grant the liquor license requested by the Lincolnville General Store doing business as the Lincolnville Center General Store, pending Planning Board approval. The motion passed on a 3-0 vote.

The Board thanked Briar Lyons, owner of the Lincolnville General Store.

7. **Liquor License Renewal Application – Whales Tooth Pub:**

Ray made a motion, second by Gerritsen, that the Board approves and sign the liquor license application submitted by Whales Tooth Ventures, LLC doing business as the Whales Tooth Pub.

8. **Inland Waterways Ordinance:**

Kinney explained that back in 2018, a Lincolnville resident came before the Board with concerns regarding inland waterway moorings on Megunticook Lake on the Camden side. This individual was concerned that this same issue may become an issue in Lincolnville.

The Board then put together an Inland Waterways Mooring Committee and sought a moratorium at Town Meeting, to prevent any locally placed moorings or additional ones.

The Committee worked to create a draft ordinance that would address the placement of moorings in inland waterways, which then went to the Town Attorney who then gave her suggested changes to make it compliant with state statutes.

Kinney also explained that the committee's first draft of the ordinance did not comply with the state statute and was then rewritten by the Town Attorney, which did not meet the committee's expectations.

The committee has since redrafted the Attorney's draft and they are now requesting direction to move forward.

Kinney read the following options available are:

1. Send the new committee draft for legal review.
2. Proceed to a public hearing and potential vote on the last legally sufficient ordinance.
3. Arrange for a workshop with the Board, the committee, and the Town Attorney to essentially start over with a discussion of the goals and objectives as well as the legal restrictions existing currently.
4. Abandoning the effort to create a new ordinance.

Ray explained that it would be a shame to discard 42 months' worth of work.

Gerritsen stated, “The work that has been done is useful and we have it to come back to if it becomes an issue but since there isn’t an issue and there have been several years of no huge problems, we should drop it now.”

Jay Foster, Chairman of the Inland Waterways Committee, explained that the committee’s final draft was to require a one-time fee registration of a mooring through the town office.

Gerritsen agreed with putting this request in front of the voters to add a one-time registration payable at the town office.

Ray suggested that the Inland Waterways Committee present a copy of the draft to the town attorney for review and then present said draft to the voters.

Foster stated, “What you asked us to do, we did, and I believe we have met the charge and I think we completed our charge when we submitted the ordinance draft two years ago before it went to the town attorney for vetting. I think what has happened since then is it has been blown to the point where it has become potentially burdensome to the town to correct a problem that in our opinion doesn’t exist.”

After the Board’s discussion, Laite was inclined to side with the Town Administrator to suspend this at this time and the Town would be ready to go in the future, should something become an issue.

The Board thanked Foster and the Inland Waterways Committee for all their work.

**Gerritsen made a motion, seconded by Ray, that the Board move that as the circumstances necessitating the committee appear to have passed without detriment to public health or safety that the Board disband with our thanks to the ad hoc Inland Waterway Mooring Committee and that we cease to explore the ordinance to locally regulate inland waterway moorings. The motion passed on a 3-0 vote.**

#### **9. Town Office Re-opening Plan Update:**

Ray asked that the Board re-visit the Phased Reopening of the Lincolnville Town Office especially with all the recent changes in the news and all the municipal offices being closed or masks required in various towns.

Ray talked to the Maine Municipal Association’s legal department and the Town Manager of Rockland, where their council has required that masks are mandatory.

Ray suggested that the Town of Lincolnville re-do the signs which is consistent with the new CDC recommendations, which came out on December 20, 2021, which recommends all people wear a mask and he was hopeful that the staff feels good about that recommendation.

Laite asked if Kinney was ok with the recommendation.

Kinney told the Board that he is good with whatever the Board wants to do and he felt that the town office staff prefers that a customer wear a mask when they enter the office, but he also had concerns with customers that refuse to wear a mask.

Kinney explained it wouldn't hurt to update the signs to ask that the customer wear a mask, which can't hurt.

The Board thanked Ray for bringing this to their attention.

**10. Discussion of Firefighter Blanket Accident Insurance Coverage:**

Kinney told the Board that Board member Barnett-Parker asked if the Board would delay this discussion until a full Board is present.

Ray and Gerritsen felt that since this isn't time-sensitive, it seemed appropriate to wait until Barnett-Parker is present to help make a decision.

The Board by consensus decided to table this discussion until the next Board meeting on January 24<sup>th</sup> when there is a full Board.

**11. Broadband Update:**

Gerritsen reported that the Broadband Committee is having quorum issues; therefore the meeting has been rescheduled until January 20, 2022.

Kinney asked if the Board was still interested in continuing to have a standing agenda item each meeting to discuss Broadband Updates.

Laite suggested that this decision be made when the entire Board is present.

Gerritsen explained that the ARPA interim final rule is now the final rule, which clarifies how the Town of Lincolnville can spend these funds, including Broadband.

**12. ARPA Update:**

Kinney reported that the Town of Lincolnville has received an additional sum of \$136.57 in American Rescue Plan Act funds, which is related to the pro-rata reallocation of unclaimed Federal NEU funding, bringing the total amount of ARPA funds to \$255,237.33. Already allocated by the Board is \$12,500 for the Broadband Feasibility Study.

**13. Follow-up Discussion of Drinking Water Well Replacement:**

Kinney reported that back in September, the Board authorized the replacement of drinking water well, which was contaminated by road salt, the well has been replaced. Now there is an issue with high iron and manganese levels higher than EPA limits and higher than the original well water, which can be addressed by the installation of a filtration system.

Kinney provided the Board with two estimates but he recommended that the Board authorize seeking the third estimate from another company.

Laite explained that he is ok with purchasing a filtration system to get this water adequate for human consumption, especially since the previous well did not have this issue.

Laite recommended, to keep this from becoming an ongoing issue, there needs to be some documentation for sign-off and that the town is off the hook for yearly maintenance of said well.

**Gerritsen made a motion, seconded by Ray, that the Board move to authorize the Town Administrator to seek a third estimate for a water filtration system and also be authorized to enter into an agreement with the lowest priced responsive and responsible vendor. The motion passed on a 3-0 vote.**

**14. Selectmen Update(s):**

Laite: No updates at this time.

Ray: No updates at this time.

Gerritsen: No updates at this time.

**15. Treasurer's and Payroll Warrant(s)-Approve & Sign:**

**Ray made a motion, seconded by Gerritsen, that the Board approves the Treasurers and Payroll warrants. The motion passed on a 3-0 vote.**

**16. Executive Session – Property Tax Abatement Due to Poverty and/or Disability pursuant to Title 1 MRSA Section 405 (6)(F) & title 36 MRSA Section 841 (2)(E):**

**Gerritsen made a motion, seconded by Ray, that the Board enter into executives session pursuant to Title 1 MRSA Section 405 (6)(F) & title 36 MRSA Section 841 (2)(E). The motion passed on a 3-0 vote.**

**17. Adjourn:**

**Ray made a motion, seconded by Gerritsen, to adjourn. The vote passed on a 3-0 vote.**

Respectfully submitted,

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Melissa A. Geary  
Administrative Assistant