

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
January 26, 2015**

**Present:** Chair, Ladleah Dunn, Cathy Hardy, Arthur Durity, Rosendel Gerry, Jason Trundy

The meeting was called to order by Chair, Ladleah Dunn at 6:00 PM at the Lincolnville Town Office.

The quote was read by Selectman Jason Trundy.

1. **Citizen's Forum:** There were none.

2. **Administrator's Report:**

David Kinney reported:

The Lincolnville Town Office will be closed on January 27 due to inclement weather and he advised the public to call ahead and check if the office is open on January 28<sup>th</sup>. Mr. Kinney also reported the public can call 211 which will provide a listing of local shelters or 911 for an emergency.

Wave Screen project went out to bid along with the snow removal contract for the next three year period.

Kinney reported there are vacancies on the following committees and if anyone is interested they may pick up an application at the Lincolnville Town Office or go to the town website: Board of Appeals, Board Assessment Review, Cemetery Trustees, Comprehensive Plan Review Committee, Conservation Commission, Land Use Committee, Planning Board and Recreation Commission.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

4. **Upcoming Community Events:**

Rosey Gerry reported that on Saturday, January 31<sup>st</sup> there will be an annual benefit at the Appleton Library Souper Supper and Cake Auction at the Appleton Village School from

5pm to 7:30pm and proceeds will go to support the yearly operating expenses at the Appleton Library.

Lois Lyman reported that on Friday, January 30<sup>th</sup> there will be a Contra Dance at the Lincolnville Community Building from 7pm to 10:30pm.

5. **Meeting Minutes:**

**Jason Trundy made a motion to approve the January 12, 2015 meeting minutes as presented with a minor correction. Art Durity second this motion. The motion passed on a 4-1-0 vote. (Cathy abstained as she was excused from that meeting.)**

6. **Waldo County Sheriff Jeffrey Trafton:**

Jeffrey Trafton, newly elected Waldo County Sheriff, explained he and Lieutenant Jason Trundy will be visiting all 26 towns in the County over the next year and he wanted everyone to know that they have a new sheriff and to allow the public to put a face with a name.

Sheriff Trafton brings 31 years of law enforcement experience serving as Troop Commander for the Maine State Police, Chief of Police for the City of Belfast for six years, and was the Chief Deputy with the Waldo County Sheriff's Office. His major focus during the next four years will be domestic violence, partnering with New Hope for Women and in addition to that, he will also focus on customer service to the public to ensure that his patrol staff follows up on all complaint calls.

Sheriff Trafton also stated he will be focusing on traffic patrol and will work with towns to help with specific roads that need additional patrol coverage. The Sheriff's Department has an Electronic Sign Board that records the time, the date, and the average speed of a vehicle at any given time, which will allow a computer graph print out. This piece of equipment was purchased with money from a grant.

Sheriff Trafton stated the Waldo County Sheriff's Department provides a School Resource Office for Regional School Unit #3 (RSU-3) which is filled by Deputy Nick Oettinger and is based out of the Mount View High School.

Cathy Hardy thanked Sheriff Trafton for attending the meeting and giving an overview to the public and since Lincolnville no longer has a police department, she felt it would be helpful for the public to understand the coverage and type of things that the Sheriff's Department does for the community. Hardy also asked Sheriff Trafton if it would be possible to use the Electronic Sign Board from the Waldo County Sheriff's Office, to compile traffic data on Youngtown Road, which would allow the Board an opportunity to report back to the concerned group of residents of Youngtown Road.

Hardy explained she would like to see the Lincolnville Central School have the opportunity to take advantage of some of the programs that Officer Oettinger offers at Mount View and wanted Sheriff Trafton to pass that along.

**7. Report of the Financial Advisory Committee, Linwood Downs, Chair:**

Linwood Downs, a representative of the Financial Advisory Committee, explained the basic charge of the Financial Committee originally was to come up with a policy for reserve levels for the town and the budget for the overall assets and balance sheet and decide how to invest the town's reserve funds. This committee was formed back in the early 2000's and one of the recommendations that the committee made to the Board was to develop or allow the town reserve to approach about 25% of the annual Town budget. The Committee recommended that the Town have some type of an emergency reserve, unallocated reserve fund of about 25% of that particular budget. The purpose of the reserve is in case there is some type of emergency or some incase there is some type of tax draw off because of evaluation changes in real estate issues or some other reason the Town will have funds to operate. Essentially at a 25% reserve on the Town Budget represents about 90 days worth of operating expenses. Mr. Downs was happy to report that right now the Town budget is approximately \$7.9 to \$8 million overall budget, which includes not only municipal services, but also school budget and the County Tax.

Mr. Downs felt that the Town of Lincolnville seems to be in a great place from a reserve perspective from having sufficient capital to make sure that the Town of Lincolnville can operate smoothly on a month to month basis.

**8. Planning Board Suggested Amendments to Land Use Ordinance-Lois Lyman:**

Lois Lyman explained the first thing that the Planning Board decided to do was to:

1. Eliminate the Access Management Ordinance because it's completely redundant to the State's Ordinance.
2. Allow CEO, Frank Therio permission to issue permits for Shoreland Zone applications that are outside the 100-foot setback. Lyman explained that the Town receives a number of Shoreland Zone applications a year and once they come in, Mr. Therio gives the numbers and figures of what the applicant is doing to the Planning Board and this is a process that the Planning Board feels that Mr. Therio could be doing this because most towns allow the CEO to issue Shoreland Zone permits.
3. Changes to Section 15.A.4, "Maximum height of buildings" which would increase the standard maximum height from 34 to 45 feet in the General District. Lois explained that Mr. Therio stated that most towns don't have a 34ft. height restriction and the Town of Lincolnville is losing a lot of tax money because of this restriction.

4. In the Site Plan Review Ordinance, improve and reorganize wording that allows a minimal review of changes of use that will probably have little or no impact on the review standards.
5. Remove two provisions requiring Site Plan Review for multi-unit Residential sites such as apartment buildings or condominiums which are covered under Subdivision Review.
6. Update the Land Use Table on page 17 the filling & earth-moving line.

**Cathy Hardy made a motion that the Board send this language to the Town Attorney to review the proposed Land Use Ordinance Amendments as to form, function and legality and the Town Administrator prepare a warrant article for these amendments for consideration by the voters at the June Town Meeting. Art Durity second this motion. The motion passed on a 5-0-0 vote.**

**9. Possible Road Discontinuance(s) : Discussion of Proposed Timeline and Process:**

Chair, Ladleah Dunn explained at the last meeting there was a discussion which resulted in what essentially ended in a split vote and she asked if the Board had any additional comments or questions. There were none.

Lys McLaughlin Pike came forward to explain that she was very upset about the possibility of closing the Thorndike Road because this has been a town road for many decades and it would be a substantial hardship for her as she rents this property. The other road that she would be impacted by closing is the Martin Corner Road. The majority of the proposed closing of this road goes through her property. She has a conservation easement that governs the majority of this property. At some point she is hoping to see a new house on this property. She expressed that she was not happy with the possible discontinuance of this road.

Dunn stated at this point in the discussion, the Board is talking about discontinuing maintenance, in most cases, and in some cases discontinuing the public easement should the Board choose, and that the Board was deciding to put this forward to a public hearing so that the public can voice their thoughts on whether it moves forward to let the voters to decide at Town meeting.

Mr. Sanderson started by saying his driveway comes off the Albert Blood Road, and Albert Blood Road is on the Thomas property and his driveway comes off that. He pays to get his driveway plowed, graded, graveled and he sands it himself. In the 38 years that he has lived at this property, he has never called the Town to come in and do work on this road.

Mr. Sanderson explained he appreciated the discussion at the last meeting, that there is a social contract between the townspeople and the Town Administration, in terms of what residents are being told about the conditions of a road before a decision is made prior to buying a home. Mr. Sanderson also stated he would not have purchased his home had he

known because he would not have been able to afford it, if the road was not a public road and maintained by the Town because it's a ¼ mile long. This is a large road to maintain, in terms of distance. He would understand this discussion if the Town was in dire straits with the budget and he stated that was not his understanding.

Mr. Sanderson stated that the Board has spent roughly \$30,000 already to appraise damages and it was his understanding there will be an additional \$60,000 in damages, if the Board decides to go ahead with these discontinuances. He also felt the Town will likely be looking at property tax losses, which are yet to be determined, because some of the appraisals have been brought down because of the problems this creates for the homeowners. He felt this could cause future loss of property tax income on new construction or developments if the roads are privatized as future builders would be less likely to build on a private road verses a public road.

Mr. Sanderson stated there were two important errors that he would like to see addressed and corrected on his appraisal. The first has to do with the number of rooms in his home, which were fewer rooms than he actually has and the second issue is the square footage listed on his home, which is much less than the actual square footage he has. He wanted these addressed and felt this would likely make a difference in the final figures.

Mr. Sanderson felt this decision, to discontinue these roads, was a bad business decision, likely spending over \$100,000 of tax payers' money, in the short run, in hopes of making up for it in the future.

Mr. Sanderson asked David Kinney to clarify the public access to these properties. David explained that the road could be discontinued, yet the public easement retained. Mr. Kinney stated if the townspeople vote to discontinue the road and retain the public easement, then basically what we have given up is the duties and responsibilities of the Town to maintain the road and this does not prevent the public, if the public easement is retained, from utilizing the same access points in the past.

Mr. Sanderson asked Mr. Kinney if the public be able to travel across his property without permission if the road is discontinued. David stated if the road is discontinued and the public easement is retained, then the public has an easement across the property where the public road existed.

Mr. Sanderson asked David if the public has an easement now across his property because he was not aware of this, other than his voluntary agreement. David stated the public has the ability to travel the Albert Blood Road as it exists today. If the public easement is retained the public can still travel across the easement and he stated what is being discontinued is the Town's maintenance responsibility.

Mr. Sanderson reiterated that the Albert Blood Road should not be discontinued for the reasons that he outlined and reminded the Board that several years ago when discontinuation came up with a number of roads, including the Albert Blood Road, the Board voted to listen

to the merits of the case of each road and each family individually and he hoped that the Board would consider these roads individually as well.

Jason Trundy stated he won't vote to take this to a Town vote because of the monetary side of it because he would not expect the public to come up with an additional \$60,000 to discontinue these roads.

Art Durity stated his argument is that this is a social contract and these people have entered it in good faith and yes, there is a legal way out for the Town; however he explained it is not the right thing to do.

Chair Dunn explained with any issue where the public is putting their money in the pot and when it is going toward a public resource should have the right to speak towards where their money is going. She felt that the public, not a small group of individuals, should have the right to decide where the tax money goes and she was in favor to take this to a Town vote.

Diane Sanderson requested that the Board list each road separately on the warrant and not as one single item; so that each road can be voted on independently by the townspeople and David explained this would be required.

**Rosey Gerry made a motion that the Town Administrator give best practicable notice to all abutting property owners and to the Planning Board of the Board of Selectmen's February 23, 2015 meeting when the Board will consider the proposed discontinuance of the Albert Blood Road.**

**Rosey Gerry made a motion that the Town Administrator give best practicable notice to all abutting property owners and to the Planning Board of the Board of Selectmen's February 23, 2015 meeting when the Board will consider the proposed discontinuance of the Lloyd Thomas Road.**

**Rosey Gerry made a motion that the Town Administrator give best practicable notice to all abutting property owners and to the Planning Board of the Board of Selectmen's February 23, 2015 meeting when the Board will consider the proposed discontinuance of the Martin Corner Road.**

**Rosey Gerry made a motion that the Town Administrator give best practicable notice to all abutting property owners and to the Planning Board of the Board of Selectmen's February 23, 2015 meeting when the Board will consider the proposed discontinuance of the Thorndike Road. Cathy Hardy second these motions. The motions passed on a 3-2-0 vote. (Art Durity & Jason Trundy opposed)**

Ladleah Dunn read the notes from Town Administrator, David Kinney: Future steps at or after the February 23<sup>rd</sup> meeting would include: a decision on whether to order the discontinuance and the damages to be paid, an Order of Discontinuance to be filed with the Town Clerk, the Notice of Discontinuance and Order of Discontinuance sent to abutting

property owners, Town Meeting approval of the Order and the damage awards and then for the Town Clerk to record the Certificate of Road Discontinuance in the Waldo County Registry of Deeds.

Cathy Hardy wanted to add that before the meeting on February 23 she wanted to ask the Town Administrator to address with the appraiser, the discrepancies that the Sanderson's raised with their evaluation and more completely vette references, past situations and end results and be prepared to share that at the next meeting on February 23.

Cathy also wanted David to call other towns in Maine that used this appraiser to see what those towns went through with Ray Quimby, a Certified General Appraiser, of Quimby Appraisal & Right of Way Services, LLC.

Art Durity felt this should have been done prior to hiring Ray Quimby and not after the fact.

Lys McLaughlin Pike asked the Board if she could see a copy of the appraisal and the Board explained she was welcome to see a copy of this appraisal at the Town Office.

**10. As Board of Assessors – Abatement Requests:**

Rosey Gerry made a motion we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Art Durity second this motion. The motion passed on 5-0-0 vote.

Jason Trundy made a motion that the Board grant Property Tax Abatement #2014-10 as recommended by the Assessors' Agent for Richard Rosenberg, Account #1014 in the tax amount of \$119.35. Cathy Hardy second this motion. The motion passed on a 5-0-0 vote.

Jason Trundy made a motion that the Board grant Property Tax Abatement #2014-11 as recommended by the Assessors' Agent for Richard Rosenberg, Account #1016 in the tax amount of \$525.45. Cathy Hardy second this motion. The motion passed on a 5-0-0 vote.

Cathy Hardy made a motion that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen. Art Durity second this motion. The motion passed on a 5-0-0 vote.

**11. Authority to Post Roads for Seasonal Weight Limits:**

Rosey Gerry made a motion that the Board of Selectmen authorize the Road Commissioner to post the roads for weight limits as he deems to be in the best interest of the Town and further that the Board authorizes the use of our signature

stamps on these postings. Jason Trundy second this motion. The motion passed on a 5-0-0 vote.

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

Cathy Hardy made a motion that the Board approve the Treasurer's and Payroll & Coombs Griffin Trust warrants. Jason Trundy second this motion. The motion passed on a 5-0-0 vote.

13. **Executive Session: Annual Performance evaluation of Town Administrator – Title 1 MRSA Section 405(6)(A):**

Rosey Gerry made a motion that the Board enter executive session to conduct the annual performance evaluation of the Town Administrator pursuant to Title 1 MRSA Section (6)(A). Jason Trundy second this motion. The motion passed on a 5-0-0 vote.

14. **Adjourn:**

Upon returning to open session, Rosey Gerry made a motion to adjourn. Jason Trundy second this motion. The motion passed on a 5-0-0 vote.

Respectfully submitted,

Melissa A. Geary  
Administrative Assistant