

**BOARD OF SELECTMEN
MINUTES OF MEETING
JULY 22, 2019**

Present: Chair, Ladleah Dunn, Keryn Laite, Jr., David Barrows, Jon Fishman, Josh Gerritsen, and Town Administrator, David Kinney

The quote was read by Selectman Laite.

1. Executive Session – Consultation with Town Attorney pursuant to Title 1 MRSA Section 405(6)(E) regarding pending litigation – Adams, et al.v. Nationstar Mortgage; Department of Housing and Urban Development; Town of Lincolnville, Maine Department of Environmental Protection; and Justin Humes

Gerritsen made a motion that pursuant to Title 1 MRSA Section 405(6)(E) that the Board of Selectmen enters into executive session for consulting with the Town Attorney regarding pending litigation – Adams, et al. v. Nationstar Mortgage, et als. Laite seconded the motion. The motion passed on a 4-0-0 vote.

2. Citizens' Forum:

None offered.

3. Possible Action Regarding the Executive Session Matter:

Laite made a motion to authorize the resolution of pending litigation matter of Debra Bragg Adams, et al. v. Nationstar Mortgage, LLC, et al., Superior Court (Waldo County) Docket No. RE-2019-04 on substantially the same terms as contained in the proposed settlement agreement and to authorize the Town Attorney to take such further action as necessary and appropriate related to the same. Barrows seconded the motion. The motion passed on a 4-0-0 vote.

4. Administrator's Report:

- Roadside mowing: The roadside mowing has been completed. The next job will be mowing at the fire station, which is required by the environmental permits from when the station was constructed.

- **Culverts:** The Town will be starting a couple of culvert replacements on the Youngtown Road, before the start of the paving project.

Laité asked if Kinney would check on the removal of the snowmobile trail signs near the Lincolnville Fire Station.

Selectman Fishman joined the meeting already in progress.

5. Meetings & Announcements:

Town Administrator, Kinney read the upcoming meetings.

6. Upcoming Community Events:

There were none.

7. Meeting Minutes:

Laité made a motion that the Board approves the June 24, 2019 meeting minutes as presented. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

8. Independence Day Follow-up and Future Planning – Donnie Heald:

Donnie Heald, 926 Beach Road, came before the Board to have a follow-up discussion regarding the Lincolnville Beach 4th of July Beach Blast. He explained that he plans to work directly with the Select Board to make this a successful yearly event.

Next year, Heald plans to increase the number of portable toilets at the beach, post no parking signs along the Beach Road, and advertising the shuttle service.

The Board thanked Heald for all his hard work putting this event together.

9. Committee Chair and Department Head Update(s):

- **Veterans Park – Status and Sidewalk Discussion:**

Last fall, the Town Administrator, David Kinney, Gary Neville, and Jay Foster met and discussed the potential for sidewalks from where the walkway leaves off at Norton Pond

to where the Boat Club is now. The Boat Club would like the Board to move faster rather than slower.

Jay Foster explained that the Veterans Memorial Committee is almost at the point of turning the park over to the possession of the Town of Lincolnville. The issue is the area from the front of the park itself to the roadway, in terms of sidewalks.

Foster also stated that the issue with the Boat Club is it's a safety issue when the kids from the Boat Club that cross the crosswalk in front of the library to Breezemere Park.

Gary Neville, from the Lincolnville Boat Club, explained that the Boat Club uses handcarts to load the boats to carry them to Norton's Pond and launch them each time, which causes a safety issue. The Boat Club is requesting that a 6 ft wide paved sidewalk be installed from the crosswalk to the Norton's Pond Road.

Dunn reported that since there is no money in the budget to install a proper sidewalk at this time, she suggested that the Board have a future conversation regarding the cost implications and long-term planning of sidewalks in the Town of Lincolnville, and roll this into the next budget season.

Kinney suggested that it would be possible between now and the next Select Board meeting that the sidewalk location be staked out, for the Board to see, and invite the other parties to attend. The meeting and workshop could start there. The Board took no action on this suggestion.

Dunn made a motion to direct the Town Administrator to work with the leaseholders of the property utilizing the obstructionist logs to have a conversation with the Boat Club to come to a reasonable compromise regarding the safe transit of that property. Laite seconded the motion. The motion passed on a 5-0-0 vote.

10. Request for Holding Tank Approval:

Gerritsen made a motion that the Board signs the Application/Agreement for Holding Tank Installation as submitted by Judith Gilbert for the property located at 30 Camden Road. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

11. Review Department Head and Committee Chair Reporting Schedule:

At the last Select Board meeting, the Board decided to table this discussion to allow the Board more time to check in with several department heads.

Dunn suggested that the Board invite the Town Electrical Inspector, the Road Commissioner, and the Megunticook Dam Committee, to attend a future Board meeting.

Laité recommended that the Board hold a workshop with the Cemetery Trustees.

Dunn made a motion to direct the Town Administrator to communicate to both our Department Heads and our Committee Chairs that the Board will be expecting no less than quarterly activity reports, however substantial they may be. Laité seconded the motion. The motion passed on a 5-0-0 vote.

12. Appointment of Municipal Officials:

Dunn noted that there are certain individuals on the Town Official Appointment Papers list that she was not willing to make an appointment for, until a meeting is scheduled to have a review with the following individuals, before their appointments.

Those individuals are:

- Electrical Inspector: Mike Alley
- Road Commissioner: Bernard Young
- All the Harbor Masters: Mike Hutchings – Marine Harbor Master, Kendal Smith – Deputy Marine Harbor Master & Justin Twitchell – Inland Harbor Master

Fishman made a motion that the Board appoints individuals listed to positions and terms shown on the sheet titled Town Official Appointment Papers and dated July 8, 2019, with the exceptions of the Electrical Inspector, Road Commissioner, Marine Harbor Master, Deputy Marine Harbor Master, and the Inland Harbor Master. Gerritsen seconded the motion. The motion passed on a 5-0-0 vote.

13. Board, Committee and Commission Appointments:

David Kelley, a Lincolnville resident, came before the Board and explained that he has requested to be on the Harbor Committee. He feels that everyone should contribute to the community that they live in.

Gerritsen made a motion that the Board appoints David Kelley as a regular member of the Harbor Committee with a term expiring June 2021. Laite seconded the motion. The motion passed on a 4-0-1 vote. (Dunn abstained.)

The Board thanked Kelley for volunteering his time to be on the Harbor Committee.

Dunn made a motion to reappoint all of those on the Board Committee & Commission Interest in Re-appointment list dated July 19, 2019, except those who didn't express an interest in being re-appointed, and with the exception of any Megunticook Dam Committee members until such time that the Board has had a chance to meet with that individual. Fishman seconded the motion. The motion passed on a 4-0-1. (Dunn abstained.)

14. Review of Preliminary Facilities Use Policy and Application:

Kinney reported that based on the recent request to use the beach parking lot during an Independence Day event, the Board suggested drafting a policy for all future applicants.

Kinney provided the Board with several sample applications and policies from other surrounding towns, along with a draft Public Facilities Use Agreement.

Kinney proposed that the Town Administrator be able to sign the Public Facilities Use Agreement unless the Board wanted to review and approve each one.

By consensus the Board decided to have the Town Administrator have the authority to sign the agreement.

It was proposed that the form list all the locations that Town has and provide the Board with copies of what restrictions are on each of the said locations and create an encompassing list, along with a fee structure. Other items to consider in the next draft include alcohol use, solid and liquid waste, clean up fee, refundable deposit. The Town Administrator to rework the draft for additional Board review.

15. Authorization for Town Administrator to sign closing documents for 7 Morton Road property:

Gerritsen made a motion that the Board authorizes the Town Administrator to sign on behalf of the Town the Closing Statement and the Quit Claim Deed Without Covenant/Release and any other documents necessary to sell the town-owned

property at 7 Morton Road to Elizabeth Dunn for the price of \$35,000. Barrows seconded the motion. The motion passed on a 4-0-1 vote. (Dunn Abstained.)

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

Fishman made a motion that the Board approves the Treasurers and Payroll Warrants. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

17. Adjourn:

Barrows made a motion to adjourn. Fishman seconded the motion. The motion passed on a 5-0-0 vote.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant