

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
JULY 23, 2012**

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

The meeting was called to order at 6 p.m. by Chairman Barrows at Lincolnville Central School in Room B-5. Chairman Barrows asked for a moment of silence in remembrance of Ken Bailey. The quote was read by Selectman Gerry.

**1. Citizen's Forum:**

Jay Foster reminded individuals of the Planning Board vacancies.

Rosey Gerry stated that the Let's Move It! Campaign was successful in raising \$5,953.

**2. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Roadside mowing has commenced.
- Wellman paving will be purchasing mix from Lane Construction a State certified plant.
- The switch to the new Town web site is in process but the site is currently down.
- Selectman Gerry asked about the paving of State Route 173. Kinney responded that the initial plan was to re-surface from Drake Corner to Route 1 but it now appears that in addition the section from the Belfast Road to the Searsmont town line will also be done, although no one from the State has confirmed this for us.

**3. Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

**4. Upcoming Community Events:**

Selectman Gerry reported the Strawberry Festival was a success.

**5. Meeting Minutes:**

**Motion by Libby, second by Trundy, to approve the July 9th meeting minutes. Vote 4-0-1 (Dunn abstained.)**

**6. Lincolnville Fall Festival – Rick Pierson**

Rick Pierson, Organizer, reported:

- The event date of September 22<sup>nd</sup>
- Parade 10AM start, hopeful for up to 150 Model A's, Shriner's, puppets, etc.
- Open 9AM to 3PM
- Free rides, events
- Looking to shut down Route 1 about 9:30AM, detour may create a challenge with who to do it (in the past Lincolnville PD)?

- An hour long parade +/-
- Long term they hope to offer fireworks (not this year)

Selectman Trundy inquired about parade staging area and parking. Pierson indicated that Model A's will stage at Point Lookout, others at Bayshore Baptist Church and along the road. Parking signs and shuttle along Route 1.

Selectman Libby asked if Chief Young had been contacted about traffic control and stated that the members of the Lincolnville Fire Department might be able to assist with traffic control. Pierson stated that Chief Young has been contacted and is available to assist as they see fit. Pierson is unaware of who to contact for the LFD. Libby offered to coordinate contact with LFD.

Selectman Gerry suggested that Ocean Falls Lane might be worth pursuing as a staging area.

#### **7. Beach Usage – Richard McLaughlin**

McLaughlin expressed his concern for watercraft on Lincolnville Beach. He owns part of the beach, as does the Town and his son Rick also owns a portion. McLaughlin stated that his concerns are: Use of the beach by a landing craft, commercial use of the beach for income purposes, a take off point to Warren Island, the ice cream truck, animals on the beach, and watercraft lessons on the beach.

Town Administrator Kinney explained that the landing craft issue was promptly addressed with the craft owner and operator by Harbor Master Hutchings. Further Kinney explained that the Harbor Master, the Code Enforcement Office, and the Police Chief reviewed the operation of the hand carried watercraft from the beach. No local ordinance or State statute appears to be violated by the activities at the beach. The activities also appear consistent with the deed restrictions.

Amy Leclerc stated that Thorfinn Expeditions has never conducted lessons on the beach and conducts no commercial operation from the beach. The shop is in a perfect location and questioned whether a client could rent a board, run across the street and use the beach. She owns 5 boards and shares with others. Ms. Leclerc stated that she has been approached a half dozen times by a woman named Patty in a white car and she feels harassed by Patty. She would like to know if their activities are breaking the law.

Gerry questioned the hawking and peddling of ice cream. Kinney stated that to the best of his knowledge no ice cream vendor has a hawking and peddling license. After questioning by Gerry, McLaughlin stated that ice cream man is usually at the beach between 4-6PM on Wednesdays.

Tracy Colby questioned safety of ice cream truck operation

Paul Crowley asked where the property lines are and stated that a portion of the beach belonged to the State (McLaughlin stated that the State does not own the beach property). He suggested having the Town Attorney review the deed as commercial use might have

different meaning to lawyers and judges. Also suggested buoys are used to delineate the swim area from boating area.

Dunn asked if Rick McLaughlin felt misused. McLaughlin stated that Rick doesn't mind use of the beach.

**Motion by Trundy, second by Libby, to ask the Harbor Committee to look at the issue, specifically motorboats & buoys. Vote 5-0.**

Gerry suggested catching up with the ice cream truck.

Dunn asked if Leclerc was okay with current use. Barrows responded yes as long as commercial operations are not being conducted and the current ordinances are followed.

#### **8. Municipal Building Committee Update**

Jay Foster gave a brief overview of two remaining options (new or renovation/addition). The designs are not final and the committee is continuing space & size discussions. Project on track for November vote.

Amanda Austin of 2A Architects stated that the no cost estimates are available but are in the works. The estimates will be prepared for the August 13<sup>th</sup> meeting. Austin reviewed the plans with the Board. 2A is still working on adjacencies of space, reuse of furniture, etc. Plans will change as the project progresses. Option 1 (new) is larger than Option 2 (renovate/expand) due to vault and storage. Option 2 adds onto one side of existing building. 2A gathering input from committee, staff, and Board for next round of revisions.

Gerry stated that both options attractive yet still a work in progress. Final project could be larger or smaller.

Austin stated that Option 1 needs additional evaluation regarding extending parking, road, utilities and reuse of existing Town Office.

Dunn inquired about the timeframe. Austin stated that the timeline set forth calls for the Selectmen to choose an option on August 13<sup>th</sup> that would then be further refined for the September 10<sup>th</sup> meeting of the Board and potentially a November vote.

Dunn asked about options if Board has sticker shock. Austin stated that there would be options and perhaps a revaluation of space needs.

Paul Crowley concerned about sticker shock, tripling the building size, and PD space.

Libby suggested that the Town needs to build something that will meet the Town's need and last a good long time without the need to revisit in the short term.

Foster was concerned about the tripling of space comment and noted that if the meeting room was eliminated the space less than doubles in size.

Trundy asked what would or could occur if a movement to change the PD arose. Kinney responded that the warrant for November 6<sup>th</sup> could be revised. Even after a November vote plan changes can be made.

Gerry suggested that he constructed a garage for 4 employees and that only 1 works there now. No extra space is available, every nook and cranny is filled and encouraged the group to spend the time and find out the needs.

Libby stated that the Camden First Aid was built 10 years ago and although it appeared spacious when they first moved in they could use more room.

Barrows was hopeful that this project would last Town for 35-50 years as 25 years ago Town built too small a space.

Foster hoped that the Town can address PD and stated that the PD status shouldn't be tied to this project.

Cathy Hardy stated that what may or may not come on PD, the plans presented are good.

#### **9. Community Priorities for Local Law Enforcement at Current Staffing Level**

Eryn McCloskey expressed a concern about response time. She related two incidents one where she waited 45 minutes for the Sheriff's Department and another where she waited less than two minutes for LPD. Her family has lost cats. She suggested spending time out patrolling. The school zone is an important area. She is not comfortable with her younger sister biking to school and she has concerns for her younger brother's safety as people ignore the 25 MPH speed limit in their neighborhood.

Cathy Hardy stated that she had provided material for the Selectmen's packet. She suggested that as the summer population doubles or triples that patrol on Friday nights and Saturday evenings would be her preference.

Chief Young reported the statistics from the State Police safety check conducted the previous Saturday evening in Lincolnville Center. 146 vehicles checked, 3 OUIs and a drug arrest. He reiterated that guidance and community input is helpful.

Tracy Colby questioned child safety and how many children actually walked to school. She stated that when she attended school they had crossing guards that were older kids to help the younger kids cross the streets safely. Colby stated that with 40 hours per week the Chief will be spread out.

Gerry asked if the safety checkpoint was LPD initiated or State Police. Chief Young responded that the State Police had a grant to conduct the safety checkpoint and as a courtesy they invited LPD to participate.

Cathy Hardy asked if Lincolnville could apply for grants for Waldo County. Grants are designated to an agency or Department.

Gerry stated that the Chief will be stretched thin however a presence in and around community events was important so that the Chief could be seen and involved. Gerry also stated that he wasn't going to tell the Chief where and when to be somewhere. Young responded that if organizers could call him with advance notice and specifics of events that would be helpful.

Libby suggested that the Board be careful on micromanaging.

Kristi Hardy-Gilson stated that she voted in favor of reducing the force. The items listed in the newspaper were "icing". She suggested that public safety and traffic safety were a priority. Further she suggested looking at existing data to examine trends.

#### **10. Ride Along Program**

Town Administrator Kinney reported that according to the Town Attorney a properly worded release goes a long ways to reduce or perhaps eliminate any liability with a ride along program.

Cathy Hardy reviewed the material she submitted for the Board's packet including that the Town of Camden does not allow ride alongs while the communities of Rockport, Rockland, and Belfast do with certain restrictions and releases/waivers. The City of Belfast's program is most similar to ours. She suggested that with only 40 hours per week that public safety be the priority over ride alongs.

Kristina Barrows stated that for someone attempting to get into law enforcement a ride along program is very helpful as it gives you the opportunity to determine if you really want to get into law enforcement.

Gerry stated that perhaps ride along requests should go through the Town Administrator. He has received a lot of calls about how come the cruiser was here or how come so and so was in the cruiser. 99% of the time he has received a legitimate answer.

**Motion by Gerry, second by Libby, to suspend the ride along program effective July 23<sup>rd</sup> except for town officials.** Libby stated her second would allow for discussion.

Dunn questioned what are town officials? Employees?

Libby suggested that perhaps those taking law enforcement classes be allowed.

Trundy stated that in his opinion Gerry's motion was too limiting. He suggested having Town Administrator, Police Chief, and Town attorney take a look at this issue and come back to the Board.

Gerry suggested that he Chief would use good judgment. The Chief could call AAA or a wrecker for someone if their car was broken down and that person could ride along in the wrecker.

Trundy stated that he has done the job and that giving people rides at times was part of the nature of the job. An officer has to be reasonable and responsible.

Chief Young stated that he understands the concern and that policies are out here and available.

Tracy Colby suggested not delegating this issue to a committee. The Board should be doing this. Any ride along should be for police business.

Paul Crowley stated that of course if it was 20 below zero the Chief should give a person a ride home. He stated that what we want is to avoid joyriding or use for political purposes. He stated that Police should do what police are supposed to do but that the Board should put limits.

Trundy stated that he could not support the motion as presented and would like to see a policy prepared for the Board to consider. Gerry suggested that Trundy could perhaps offer a motion.

Gerry offered to withdraw his motion and Libby her second. **Motion withdrawn.**

**Motion by Trundy, second by Gerry to suspend the ride along program unless it is for police business and that the Police Chief and Town Administrator prepare a draft policy for Board review. Vote: 5-0.**

11. **Board, Committee, and Commission – Resignation(s) and Appointment(s):**  
**Motion by Libby, second by Trundy, to accept the resignation of Dorothy Lanphear from the Recreation Commission. Vote 5-0.**

**Motion by Gerry, second by Trundy, to accept with regret the resignation of Diane Bacon.**

Gerry state that Diane was exceptional town employee and he was disappointed to see her leave. She was non-biased, and was a good and honest person. Barrows stated that she was an excellent employee and he was sorry to see her leave.

**Vote 5-0.**

**Motion by Gerry, second by Trundy, to appoint Sandra Thomas to the Wage & Personnel Policy Board, with a term expiring June, 2014. Vote 5-0.**

**Motion by Gerry, second by Libby, to appoint Justin Twitchell as Inland Harbor Master, with a term expiring June, 2013. Vote 5-0.**

12. **Maine Municipal Association Ballots**

**Motion by Trundy, second by Dunn, to cast the MMA Legislative Policy Committee ballot for Joe Brooks and Galen Larrabee. Vote 5-0.**

Motion by Trundy, second by Libby, to cast the MMA Vice-President and Executive Committee Ballot for Peter Nielsen, John Butler, Jr., Michael Crooker, and Marianne Moore. Vote 5-0.

13. **Liquor License - Catering Privileges: The Dogfish Company, Inc. @ Ducktrap Retreat,** Motion by Libby, second by Trundy, that the Board approve and sign the application for a Special Permit for Catering Privileges for The Dogfish Cafe for July 28, 2012 for the hours of 4PM until 11PM. Vote 5-0.
14. **Septage Disposal Contract**  
Motion by Gerry, second by Libby, that that the Board approve and sign the agreement with Moore's Septic of Swanville for the disposal of residential septage at an annual cost of \$2,875 per year. Vote 5-0.
15. **Rules of Procedures**  
Gerry suggested that the Board pass over this item and Town Administrator provide language that would in effect end all discussion of an item once the Board had voted.
17. **Treasurer's and Payroll Warrant(s) – Approve and Sign (Taken out of order):**  
Motion by Trundy, second by Libby, to approve the Treasurer's Warrant and the Payroll Warrant. Vote 4-0.
16. **Executive Session - Application(s) for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA § 405(6)(F) & Title 36 MRSA § 841(2)(E))**  
Motion by Gerry, second by Trundy, that the Board of Selectmen enter into executive session for purpose of hearing an application for property tax abatement due to poverty and/or disability pursuant to Title 1 MRSA Section 405(6)(F) and Title 36 Section 841(2)(E). Vote 5-0.

Upon returning to open session, Motion by Gerry, second by Libby, to deny the abatement request. Vote: 5-0.

18. **Adjourn:**  
Motion by Gerry, second by Trundy, to adjourn the meeting. Vote 5-0.

Respectfully submitted,

David Kinney  
Town Clerk