

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
June 28, 2021**

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

Selectman Laite read the quote.

1. **Executive Session – Title 1 MRSA Section 405(6)(A) to discuss a personnel matter with the Road Commissioner:**

**Laite made a motion, seconded by Ray that the Board enters into executive session pursuant to Title 1 MRSA Section 405(6)(A) to discuss a personnel matter with the Road Commissioner. The motion passed on a 4-0-0 vote. (Gerritsen joined the session in progress.)**

Upon returning to open session, **Laite made a motion, seconded by Barnett-Parker that the Town employs Bernard Young as interim Road Commissioner for a weekly stipend of \$200 per week. The motion passed on a 5-0-0 vote.**

The Board thanked Young for helping the Town through this transitional period.

2. **Citizens' Forum:**

There were none.

3. **Administrator's Report:**

David Kinney, the Town Administrator, noted:

- **Committee Vacancies:** There are a number of committee vacancies. If anyone is interested in volunteering, please stop by the Town Office to pick up a Committee Interest Form or visit the Town website for a committee list.
- **Roadside Mowing:** The roadside mowing has commenced.
- **Shoulder work:** The shoulder work has started on Moody Mountain Road and Thurlow Road. The work should be complete by June 29<sup>th</sup>.
- **Land Exchange:** Since the last meeting, the Town has completed the transfer of the Town-owned property along the Ducktrap River to the Coastal Mountain Lands Trust and in exchange for the parcel along Penobscot Bay to the Town. There is currently a closed sign at the park until a few safety issues are addressed.
- **Next Select Board Meeting:** Dunn suggested that the Board meets at the new park before the next Select Board meeting to allow the new members and the Board a chance to get re-acquainted with the infrastructure and make a plan.
- **Mooring Inspections:** All mooring inspection forms are due back to the office on or before July 1, 2021.

**4. Meetings & Announcements:**

Chair Dunn read the meetings and announcements.

**5. Upcoming Community Events:**

Kinney announced there is a new Maine Don't Miss Your Shot Vaccinationland Sweepstakes. A statewide Covid-19 vaccination incentive program that will reward one vaccinated winner with \$1.00 for every person vaccinated in Maine by July 4<sup>th</sup>.

**6. Meeting Minutes – June 14, 2021:**

Laite made a motion, seconded by Ray, that the Board approves the June 14, 2021 meeting minutes as amended (change in line 149 to pro forma). The motion passed on a 5-0-0 vote.

**7. Liquor License Renewal Application – Black Horse Inn:**

Gerritsen made a motion, seconded by Barnett-Parker that the Board approves and sign the liquor license application submitted by ZR Management, LLC doing business at The Black Horse Inn. The motion passed on a 5-0-0 vote.

**8. Qualified Catering Organization Application for Catered Function – The Black Tie Company, September 4, 2021, @ 715 High Street:**

Laite made a motion, seconded by Ray, that the Board approves and sign the Qualified Catering Organization Application for Catered Function as submitted by The Black-Tie Company for an event occurring at the 715 High Street on September 4, 2021, between the hours of 4 PM and 10 PM. The motion passed on a 5-0-0 vote.

**9. Board, Committee and Commission Appointments:**

Lakes & Ponds Committee:

Ray made an amended motion, seconded by Laite, that the Board appoint Karen Federle to the Lakes and Ponds Committee as a regular member with a term expiring June 2022. The motion passed on a 5-0-0 vote.

Comprehensive Plan Review Committee:

The Board took no action since the applicant is a seasonal resident that resides in Lincolnville for 5 months out of the year.

The Board thanked Mr. Levine for attending the meeting.

**10. Discussion concerning possible creation of a Noise Ordinance:**

Barnett-Parker requested that the Board have another conversation regarding creating a Noise Ordinance since there have been discussions of a shooting range, which would be an appropriate discussion regarding noise.

Barnett-Parker is aware that the Disorderly Conduct statute, but he felt that several citizens may not be aware this is an option, or getting a response.

At the last Select Board meeting, the Board decided not to create a Noise Ordinance, due to the Disorderly Conduct statute, which covers loud and unreasonable noises.

Gerritsen read the Disorderly Conduct statute, which explains:

A person is guilty of disorderly conduct if:

1. In a public place, the person intentionally or recklessly causes annoyance to others by intentionally;
2. Making loud and unreasonable noises;
3. Activating a device, or exposing a substance, that releases noxious and offensive odors; or
4. Engaging in fighting, without being licensed or privileged to do so.

The Board recommended if any citizen has concerns with unreasonable noises, please call the Waldo County Sheriff's office.

Ray was in favor of creating a newsletter to help spread the word and educate the community regarding the Disorderly Conduct statute.

Dunn recommended, with the Board's consensus, to task the Town Administrator to put an email on the Google Group to remind everyone, as we move into the fireworks season, about the Disorderly Conduct.

Frank Capria, a Lincolnville resident on the McKay Road, came before the Board to express his concerns with the Waldo County Sheriff's office. He explained that he has called them four separate times regarding parties on the beach and they never showed up. He stated that calling law enforcement is pointless.

Barnett-Parker proposed that the Board reach out as a Town to the Waldo County Sheriff's office to address this issue.

The Board discussed inviting a representative from the Waldo County Sheriff's office to attend a future Board meeting to have a conversation regarding Disorderly Conduct and noise complaints.

Kinney offered to reach out to Sheriff Trafton from the Waldo County Sheriff's office to invite him or ask that he send someone to a future Board meeting to have a conversation.

## 11. Broadband Update:

### Mid-Coast Internet Development Coalition:

Gerritsen told the Board that he, unfortunately, missed the previous meeting.

Barnett-Parker explained that the last meeting was a discussion regarding their Phase I introduction and the Axiom study and a recap of votes which took place for the inter-local agreements.

Barnett-Parker also reported no significant updates, other than the Interim Bylaws.

Kinney explained that the Coalition sent him a copy of the draft Bylaws and recommended that the Town have the Bylaws reviewed by the Town's outside counsel.

Ray recommended that the Town Attorney review the Bylaws.

Laité proposed that the Board wait until there is a second draft and then ask that the Town Attorney review the Bylaws.

### Broadband Committee:

Ray gave the Board an update regarding the last Lincolnville Broadband Committee meeting. The Committee recently met and composed a list of the pros and cons of the following discussion of the Axiom/MIDC feasibility study:

#### Possible options for a feasibility study:

1. Don't have the study.

Pros: Saves money

Cons: Leaves us in the dark.

2. Join the MIDC Axiom study, which still requires RFP and bidding process.

- Pros: "Open to working with each town to modify" carve out info for just Lincolnville
- Pros: If part of MIDC Axiom, Lincolnville would learn more about the MIDC regional utility program.
- Pros: This gets Lincolnville's foot in the door with MIDC.
- Pros: We need to do a study anyway.
- Cons: Lincolnville can get the same info at the same price or even less on our own.

- Cons: No guarantee that MIDC will want to partner with us.
- Cons: We aren't saving money.
- Cons: Uncertainty about MIDC's structure, "obligations" the way they do things.

3. Don't join MIDC Axiom but do our own RFP and bidding.

- Pros: May save money
- Cons: May miss a partnering opportunity.

Ray also noted that the Committee discussed the type of funding and after talking with the Town Administrator, Kinney, anything over \$8,000; it needs to go through the bid process.

Ray stated, "If there is anything in particular that the Select Board would like to see the Committee do, please let the Lincolnville Broadband Committee know."

Dunn felt very confident in the trajectory that the Committee is taking and the questions that the Board is undertaking, and she wanted to see where the Broadband Committee goes with the charge given by the Select Board.

## **12. Engagement of Independent Auditor for FY 21 Audit:**

Gerritsen wanted clarification on how much the audit cost.

Kinney told the Board that the Audit is right around the \$8,000 amount and several years ago we bid this out with the Lincolnville Central School. William H Brewer, C.P.A. did the school audit as well.

Gerritsen also wanted to know when the Auditor last went through the bid process.

Kinney was not sure on the last time it went to bid.

Gerritsen explained he would vote for William H. Brewer, C.P.A. to conduct the annual audit this year, but felt that next year the Board should put this out to bid.

Kinney explained that for FY 22's audit, the Board could solicit proposals.

Kinney offered to contact Superintendent Clark to discuss seeking bid proposals to provide audit services for FY 22.

**Barnett-Parker made a motion, seconded by Laite that the Board authorizes Ladleah Dunn as Chair of the Board to sign the engagement letter with William H. Brewer to conduct the annual audit. The motion passed on a 5-0-0 vote.**

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

Laité: The Mid-Coast Solid Waste Board of Directors met recently in an executive session, which went very well. Five employees are retiring from the facility this month.

Gerritsen: No updates at this time.

Ray: No updates at this time.

Barnett-Parker: No updates at this time.

Dunn: No updates at this time.

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

**Laité made a motion, seconded by Gerritsen, that the Board approves the Treasurer's and Payroll warrants. The motion passed on a 5-0-0 vote.**

**15. Executive Session – Title 1 MRSA Section 405 (6)(C) to discuss the possible disposition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town:**

**Gerritsen made a motion, seconded by Barnett-Parker, that the Board enter into executive session pursuant to Title 1 MRSA Section 405 (6)(C) to discuss the possible disposition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town. The motion passed on a 5-0-0 vote.**

**16. Adjourn:**

Upon returning to open session, **Ray made a motion, seconded by Gerritsen, to adjourn. The motion passed on a 5-0-0 vote.**

Respectfully submitted,

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Melissa A. Geary  
Administrative Assistant