

**BOARD OF SELECTMEN
MINUTES OF MEETING
June 30, 2014**

Selectmen present: Ladleah Dunn, Chair, Jason Trundy, Vice-Chairman, Rosendel Gerry, Cathy Hardy and Arthur Durity.

The meeting was called to order by Chair Dunn at 6:00 p.m. at Lincolnville Town Office.

1. **Citizens' Forum:** None

2. **Discussion concerning upcoming Harbor Workshop:**

Dunn said she would like a consensus whether or not the Board wants to take questions, opinions or comments at any point in time regarding this agenda item from the public. It was her opinion that this was an opportunity for the Board to suggest their ideas and put them down on paper for the upcoming workshop.

Durity asked if public comments would be allowed at the workshop.

Dunn said that was for the Board to decide. She asked if the Board wanted to have a discussion and then open it up for comments and questions.

Trundy said after they put down their ideas the public may have some input that they may want to discuss.

Gerry said the Board does not want to get into a lengthy discussion. This is not a public hearing.

Dunn said the Board will have their conversation and then the public will have the chance to add their comments.

Gerry presented to the Board his questions and concerns brought to his attention.

1. Open up the Harbor facilities to expanded public use and to enhance the business climate at the beach, including commercial fishing. Request the 2013-2014 Harbor Master work to accomplish these goals.
2. Lincolnville's Comprehensive Plan sets numerous goals for the Lincolnville Harbor to benefit the Town. Request the appointed Harbor Master work diligently to accomplish these goals specified in the Comprehensive Plan.
3. Work toward immediately making all mooring spaces available to people who have been on a mooring waiting list for years.
4. Selectmen should choose the Harbor Master on that person's willingness to work cooperatively with the Selectmen and the Townspeople.
5. Concerning Town appointed positions the Selectmen need to choose individuals who support the Town Charter and the goals of the Town as expressed in the Lincolnville Comprehensive Plan.
6. Town Charter has a conflict-of-interest provision. The Selectmen need to address even the perception of a conflict of interest.

7. Selectmen need to thoroughly review the 2003 Harbor Study Committee report, the Coffin report on the Town Harbor, the sections of the Town Charter concerning the harbor and the Comprehensive Plan goals for the harbor. Selectmen need to also review the record keeping process for the harbor.
 - Mooring rental lists and receipts
 - Mooring rental waiting list
 - Inspection dates on each mooring
 - How are moorings identified, do they have numbers, GPS coordinates, etc.?
 - Are records kept for each one and are the records, or duplicates thereof, available at the Town Office? If someone wanted to find a certain mooring and the Harbor Master was unavailable would that information be accessible at the Town Office? Should a mooring locations map be posted at the harbor?
 - Where is the account books kept. How is the budget developed and written? These all should be public records.
8. Has there ever been an economic study done to see what the overall harbor could be used for to help all the business at the beach?
9. Selectmen, Town Administrator and Harbor Master need to listen and respect all the hard work the Harbor Committee is putting into making the harbor a better asset for the Town. Under no circumstances should we (the Town) tolerate disrespectful remarks or threats directed at the Harbor Committee or its individual members.
10. Request that the Harbor Master be willing to take the Select Board and Town Administrator for a tour of the harbor, both on foot and by boat, to enlighten the Select Board about how the management of how the harbor works from his end.

Durity said there are three deliverables he would like to see come out of this workshop. Each of them addresses what has turned out to be a very confusing situation for him. He said the confusion is in the conversations he has with the public concerning the harbor, which seems to have impressions that aren't based in fact. He said in reading the Harbor Ordinance and Title 38 seem to be actually wrong. Durity would like the workshop to clarify the misconceptions.

Durity said there are three things he would like to see come out of the workshop:

1. A fact-based report by an independent third party on the best and highest use of the harbor. There is possibly money for this in the Comprehensive Plan Committee budget.
2. A Strategic Plan that sets a concise goal for the harbor area, a strategy for achieving that goal and a list of tactics that support the strategy. These tactics should be measurable and have deadlines.
3. Using the above strategic plan as a guide, and noting that neither Title 38 nor the Town's Harbor Ordinance prohibits the municipal officers from setting additional rules, regulations and goals for the harbor, a list of policy goals established by the Select Board and implemented by the Harbor Master. These goals should be measurable and have deadlines.

Hardy said looking at the use of the moorings and the allocations of moorings she was surprised to see that there were five moorings in the Harbor Master's name. Only two of

those are being used for his fishing boat and the shack at the harbor. The other three are being used as rentals. She said she asked Kinney if the Town ever looked into that to get a clarification whether this was a legal use. She said his comment to her was that he was not aware that specific question had been identified.

Kinney said it's very hard for him to turn the hands of time back eight or nine years in his mind to remember each question asked and answered at the time. He said after the Harbor Study Committee did its report, reported back to the Selectmen and the Harbor Ordinance came out of that study. The Selectmen, Town Administrator, Harbor Committee, Harbor Master and harbor users spent a fair amount of time crafting the existing ordinance. The ordinance does have transitional provisions to allow for the continued use of those moorings.

Hardy had the following questions:

1. How are moorings identified, and is it the responsibility of the boat owner.
2. Is there a record kept of whose number is on what mooring and do they have GPS coordinates.
3. Validate the currency of the mooring waiting list as it stands now.
4. Hardy said in the Harbor Committee report there is a recommendation to take care of the waiting list back log and that twelve moorings are added in the outer harbor incrementally per year. Hardy inquired whether those were added as a onetime thing or has this been done every year.

Dunn agreed with Hardy that they need to look at the mooring situation and why we have a mooring waiting list. The ordinance does not set limitations on how many moorings we can have in the outer harbor, which is geographical vast. Dunn said it appears to be an arbitrary waiting list. Dunn said people who are either borrowing moorings for an afternoon or putting their boat on a mooring for a week sometimes can't find the mooring because it wasn't labeled.

Dunn said in the Harbor Ordinance there is a discrepancy between how we track moorings. Under Section 2. Moorings in the Harbor Ordinance it refers to designating the harbor user number to each mooring, but in Section 2. Under E. it states all moorings shall have registration numbers clearly visible. She said this adds to confusion, does it mean State registration number. This needs to be simplified for mooring identification and paperwork.

Dunn said all the harbors she has worked in over the years have a binder at the Harbor Master's desk or located at a centralized location such as the Town Office. She said the binder contains information on mooring numbers, the owner, what gear is attached to the mooring, when it was inspected last and its location.

Hardy asked if the mooring balls in the harbor are uniform as to what they look like.

Dunn said they are more of a mix, but as harbor use increases in different harbors there is a push to standardize. She said we need to have a conversation concerning this issue. Dunn said moorings get moved around in the harbor and she would like to see that those GPS coordinates are updated. She asked if they are in a digital file and if so why we don't have a

digital map. Dunn said her understanding is there's a member of the Harbor Committee who has this technology and has volunteered her time to create a digital document for the Town.

Gerry said the Board needs to make a decision on setting a date for the workshop and ask the Harbor Master, before we go into a workshop, to set a date to tour the Harbor with the Selectmen.

Dunn said she would like to do the Harbor tour before the workshop.

Gerry asked Kinney if the Board could set a policy for all Harbor Committee meetings to be televised and recorded.

Kinney said the Harbor Committee Chair asked him if that was possible and he said as long as the Town Office meeting room was available it's easy enough to set up. He said if the Board wants to announce all committee meetings are to be televised let him know.

Dunn said Islesboro is a significant user of the Harbor and we need to have a discussion surrounding their major occupation of parking spaces in Lincolnville's parking lots. She also had concern about the Islesboro traffic across the pier, the implications should they have medical emergencies and cannot use the Ferry and do we need to make some informal request for funds from Islesboro. Dunn said basically there is a lot of wear and tear across Lincolnville's property and so we need to have that conversation with the Islesboro Selectmen. Dunn said it was her understanding that Islesboro donated \$500 this year.

Kinney said it was several thousand dollars.

Dunn said we need to have a little bit more constructive conversation, so it's not an arbitrary number that is being asked for.

Hardy said she would appreciate a harbor tour.

Dunn said it is her understanding there is a time limit on the contractual agreement for the Municipal Fish Pier regarding the funds that were assigned for the building of the pier.

Kinney said he believes its thirty years.

Dunn said the agreement says Municipal Fish Pier and it's her perception and other citizens that it is a fish pier. However, it is increasingly becoming everyone's pier given that we are going to need to put significant contributions into the rebuilding and maintenance of that structure. We will have to go to the taxpayers and ask for more money, so how we look at that is important and we need to honor the use and the rights of the fishermen who are an important part of this community. She said this workshop will be a great opportunity to address that.

Durity inquired whether his suggestion for a fact-based report was an action that comes later or sooner in terms of at least considering it.

Dunn said the difficult part is she is the sole member of the Comprehensive Plan Committee. She said there isn't a committee to move on that charge from the Board of Selectmen should they as a Board chooses to charge the Comprehensive Plan with that report.

Durity asked if the Board had the right to spend that budget.

Dunn said yes they could assign funds.

Durity asked if the Board were to consider this, when in the process would we proceed.

Dunn said it would be a time intensive process, maybe six months.

Hardy said she was interested in the Town's unwillingness to have any commercial activities going on at the Town-owned piece of land down at the harbor. The people who granted the piece of property to the Town had expressed their wishes that no commercial activities take place down there. Hardy said in reading the letter from the Town Attorney concerning the wish versus a requirement, in that language, the wording has been deemed to be "precatory" meaning that the language expresses the wish or request of the grantors, but not a command or requirement of the grantors. She said the way she understands this is if the Town were to decide that land could be used for commercial purposes that we do have the right to do that.

Kinney said there is a difference between a requirement and a wish and the previous Boards chose to follow the wishes of the grantors.

Mike Hutchings, Harbor Master, said he is more than willing to work with the Board and any committee. He said they went through a lot of these same issues before and the Harbor Ordinance was a result of previous studies. He said Sundays were good for him for a boat tour with the Selectmen. Hutchings commented that it would take a tremendous amount of time to sort through all of the items and questions outlined at tonight's meeting. He said he would like to see the harbor appointments made so things can move on.

The Board set the date for the boat tour with the Harbor Master for Sunday, July 13th at 7:00 a.m.

Gerry suggested Wednesday, July 16th for the workshop.

Hutchings said he has determined the mooring location for Ray Williamson and Seth Anderson's schooner.

Dunn said the Harbor Committee, Mike Hutchings and Kendall Smith will receive, for the upcoming workshop, a consolidated and organized version of the ideas and questions that the Board discussed at tonight's meeting. Dunn asked Laprade if he would like three dates for the workshop that he could bring to the committee.

Shane Laprade, Chair of the Harbor Committee, said the Board should provide three options for dates for the workshop.

The Board provided three dates for the upcoming workshop for the Harbor Committee to decide from: Wednesday, July 16th, Thursday, July 17th and Wednesday, July 23rd at 6:00 p.m.

Dunn added dinghy tie up space as an item for the workshop.

Dunn requested the items brought forth by the Board tonight be given to the Harbor Committee for possible additions from the July 3rd Harbor Committee meeting.

Hardy added that the goals of the Comprehensive Plan should be reviewed at the workshop.

3. Municipal Officials – Appointment(s):

Hutchings said he wanted to add insight to what the Board was getting ready to discuss. He said if there are some issues with the Harbor Master or the deputy that are valid he would step aside. Hutchings said he doesn't believe there are issues with his performance, but they could talk it through.

Gerry said he is not in a position tonight to make harbor appointments. He said the appointments they are discussing tonight are for the parking attendants. Gerry told Hutchings he is still the Harbor Master.

Hutchings said by waiting on these appointments it has created a cloud of suspicion in his and other people's mind.

Dunn said it was the Board's consensus that we wanted to get through this workshop and make sure we were all really clear about what you're signing up for and that you are 100% on board with what the Board might lay out.

Trundy said he has a problem in not appointing the Harbor Master and Deputy Master unless there is a very specific reason why the Board is not going to do that. He said if there is a feeling by this Board that at some point over the last ten years they were not performing their duties then there should have been discussions going on well before the night of appointments.

Gerry said he is still not willing to make these appointments tonight. There is that possibility that there could be a conflict of interest.

Trundy said if there is something that needs to be addressed in order for this Board to feel comfortable in making those appointments then that should be item number one on our agenda for the next Select Board meeting.

Dunn said she agrees with Trundy that these conversations should have been happening well before this date, however they are happening now. She said nothing about Hutchings

status as Harbor Master changes whatsoever. Dunn said the conversations that we might have could add responsibilities to the job. She said it's fair that if you change the nature of the job that both parties can enter into and agree to the terms of the job. She said it's unfair to appoint someone to a position that a job description essential has not been nailed down.

Gerry asked if the Board could move onto the parking attendant appointments.

Hardy said she would like to move on and has a couple of thoughts on the positions.

Hardy said it was nice to see that two people, Robert Payne and Donald French, volunteered for this position. She said it might be good to appoint two people who could alternate off or do certain days of the week.

Gerry agreed with Hardy and has no problem with appointing both candidates, but thinks the Town should have a job description for this position.

Hardy suggested changing the name from Police Personnel-Parking Officer to Parking Attendant.

There was discussion of what areas would be covered in Lincolnton.

Dunn said she was not sure of the wording in the job description so the volunteers were not driving all over Lincolnton all day long.

Kinney said the authority to appoint someone to enforce the Parking Ordinance is within the Parking Ordinance itself, which has regulations at the beach and beyond.

McLaughlin questioned the issue of towing vehicles. He asked if the volunteers would have that authority.

Kinney said he believes they are authorized in the ordinance, but the ordinance allows for first offense a ten dollar ticket and second offense a twenty five dollar ticket and third offense the vehicle is subject to towing as long as it is posted. He said he would coach the Parking Officers if you are going to tow somebody we want to make sure we are on good firm ground.

Kinney also stated that we are about voluntary compliance and then usually warnings suffice.

Robert French introduced himself to the Board and expressed his willingness to volunteer for the Parking Officers position.

Motion by Hardy, second by Trundy, that the Board appoint Donald French and Robert Payne as the duly authorized designees for the enforcement of the Parking Ordinance. Vote: 5-0.

4. **Adjourn:**

Motion by Gerry, second by Trundy, to adjourn. Vote: 5-0.

Respectfully Submitted,
Cheryl Ten Broeck
Administrative Assistant