

**BOARD OF SELECTMEN
MINUTES OF MEETING
MARCH 25, 2013**

Selectmen present: David Barrows, Chairman, Rosendel Gerry, and Ladleah Dunn. (Julia Libby and Jason Trundy were absent)

The meeting was called to order by Chairman Barrows at 6:00 p.m. at Lincolnville Central School (B-5). The quote was read by Gerry.

1. Citizens' Forum:

Arlene Leighton passed out a paper to the Board with information on reasons why the Town of Lincolnville should write a letter to the Army Corp of Engineers regarding the DCP, LLC, Searsport LPG Terminal. Also attached were two letters written by Selectmen from the Towns of Islesboro and Stockton Springs. Leighton asked the Board to consider writing a letter to the Army Corp of Engineers asking them to require a full Environmental Impact Statement. Leighton said based on some of the information from the industry itself it's kind of a bait and switch, they say it's for Maine they say it's for import, but it's looking more like an export terminal than an import terminal and what that means is an exponential growth of more propane traffic on the roads, rails and ships plying the Bay. Leighton asked if the Board couldn't write the letter tonight could they put it on their agenda for the April 8th meeting.

Gerry asked if the Selectmen from Northport had responded in any way.

Arlene said the citizens have, but not the Selectmen.

Will Brown supported everything said by Leighton. Brown wanted to confirm the importance of the Army Corp of Engineers involvement. Their original charge was to go beyond looking only at the safety and environmental issues of a potential import terminal. Part of their charge was to take into consideration other alternatives that might come up in the future if anything changed. Brown said the Army Corp did not look at those, they took a very light look at it as an import terminal and did not question these other things, which are rapidly becoming apparent. Brown said it looks like export is the way this project is heading and it's much more dangerous.

Gerry asked which Town officials from what towns had responded.

Leighton said Belfast, Islesboro and Stockton Springs have responded. For other towns, as their Selectmen's meeting come up this issue will be brought before them.

Barrows said he has nothing personally against sending the letter to the Army Corp of Engineers, but asked if they have approved the project why would they go back and look at it again. He asked, are we beating our heads against the wall.

Leighton said they have approved the project, but she looks at this as we are all a community of Penobscot Bay.

Gerry and Barrows would like to discuss this issue with the other two Selectmen before making a decision on the letter.

Dunn agreed that she would also like to have the other Selectmen here in the discussion. Also, if there's any additional information such as precedent regarding the Army Corps of Engineers reevaluating an application.

Barrows asked Kinney to put this on the April 8th agenda for the next Selectmen's meeting.

Chris Osgood said he thought the letter from Islesboro was even, sober, straight forward and well done. He thinks this is something that should be on the agenda and worth discussing and supporting it. Osgood said he lives on Penobscot Bay and we are all paying attention to this, it's really scary.

The Board asked that the item be on the next agenda.

Gerry announced that he is running for Selectman.

2. Administrator's Report:

David Kinney, Town Administrator, reported:

Nomination papers are available for:

- A seat on the Board of Selectmen
- Two seats on the LCS Committee
- Two seats on the Five Town CSD Committee
- Four seats on the Budget Committee

Papers can be picked up at the Town Office during normal business hours. You need to have a least 25 signatures, no more than a hundred and papers must be returned to the Town Office by 5:00 p.m. on April 29th.

The Board agenda for the last couple of meetings has included the EMS issue. He has been working on this and would like to extend thanks to the Camden Town Manager, Hope Administrator and Rockport interim Town Manager because together they came up with a pretty good product. There was a lot of good insight from the various parties; everybody brought something to the table.

3. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings.
Planning Board meeting for March 27th has been cancelled.

4. Upcoming Community Events:

Gerry said Saturday's auction was a giant success with around 300 to 500 people attending. Gerry said thanks everybody that contributed to the event.

Kinney said on April 13th there will be a benefit dinner at the Lincolnville Central School for Andy O'Brien. The Masons are having an Easter breakfast on Sunday, March 31st from 7:00 a.m. to 9:00 a.m. at King David's Lodge on Howe Point Road in Lincolnville Maine.

5. Meeting Minutes:

Motion by Gerry, second by Dunn, that the Board approve the March 11, 2013 meeting minutes as presented. Vote 3-0.

6. Recreation Commission – Spring Update:

Donald Heald IV said spring thaw is upon us and we will be getting access back to the water. The Recreation Committee discussed having the Board review what the Committee has done, especially regarding the Breezemere Park public swim area, boat launch and sail boat club. Heald said they had a really good summer last year; a lot of people used the facility. We would like to have a joint meeting regarding this year's plans so that abutters can express their concerns to the Select Board and the Recreation Committee.

Gerry asked when he would like to have this meeting.

Heald said anytime in April. The notice needs to be given and a location and time set. The Recreation Committee wants to start the year on a good footing and avoid any conflict with abutters. Heald said he would like to see the Selectmen, the Recreation Committee, boat club, abutters and anyone else interested attend the meeting.

Kinney suggested having the meeting at the next Recreation Committee meeting on April 3rd.

Heald said he had no problem with that.

7. Route 1 Advisory Committee Update:

Chris Osgood and Diane O'Brien, the Route 1 Advisory Co-Chairs, addressed the Board to report on their meeting with Maine DOT Commissioner Bernhardt and the Director of Transportation Systems Planning Herb Thomson. They let the Commissioner know that DOT had agreed to go along with the Committee's design. Then DOT wrote a letter to the Town, just after they indicated they were going to approve the Committee's plan, asking that the Town pay 20% of all the 'extras' beyond basic construction. They pointed out that DOT was not acknowledging that our design was done at a time when DOT was planning to build 12' wide travel lanes and 10' foot wide shoulders typical of a federal highway type project, which is considerably more expensive than what they are now proposing as their minimum design. Osgood said there is room for us to negotiate with them over those differences. They pitched back to us the basic standard DOT approach about how funding is done, who pays for what, and it still didn't sound so hot

for us. Then we got to do a little back and forth and reminded them that we had completed our end of one of the multiply deals we made with them. By the time we left there, the Commissioner was acknowledging that DOT is going to pay for most of the extra 20 %, but we have to do something. The first thing we did was to make a recommendation to the Historic Preservation Commission to consider the sidewalks from the Ducktrap Bridge all the way up to Viking Lumber be designated as 'historic' along with Ducktrap Village. Because if the sidewalks are considered historic, there's a very strong likelihood that federal funding will cover all of that 20%, so that takes that off DOTs shoulders.

Diane O'Brien said the letter from Christi Mitchell at the Maine Historic Preservation Commission says that in their judgment, based on the information and photographs reviewed to date, there is a historic district in the Ducktrap village area that is eligible for nomination to the National Register of Historic Places. They said there's a concentration of buildings with architectural significance dating from c. 1796 to c. 1850. They also assessed the historic significance of the remaining, original concrete sidewalks between Craver Lane and Howe Point Road funded by the Village Improvement Society and installed beginning in 1917. These concrete pad sidewalks are the only known example of their type installed in the early 20th century in a rural context along a designated state route. In their opinion these sidewalks meet the National Register of Historic Places criteria for evaluation.

Osgood said the next step is that DOT will look at Route 1 through Lincolnville starting at the Town line going to Northport to designate sections, probably five, to decide who is paying for what in each section. The Committee needs to work with DOT regarding these decisions and get the agreement in writing.

O'Brien mentioned that there is talk around Town about sidewalks. She said we hear interest in having sidewalks in the center, in the beach area, and maybe other areas. The Committee suggests that the Selectmen think in terms of some kind of a sidewalk fund.

Osgood said one of the reasons we're having the successes that we're having is we continue to work with consultant Brian Kent. We would like to continue to hire him to help with the discussions about the five sections. Brian is really key and plus the DOT knows him well.

Jim Sinclair asked how much is the 20% and how much is the sidewalk portion of it. He also asked if there was a projection on the usage of these sidewalks, because whether we pay for it or the state or the federal government pays for it the questions will be is the cost justified. Somebody is going to pay for it whether you pay for it with your federal or state taxes.

Osgood said the DOT came back to us last fall with a number of 2.38 million dollars for the total Town share including sidewalks. However, if you take out the portions that they already agreed to do, which is basically from Shag Rock to Ducktrap Bridge and the

sidewalks from Shag Rock to Viking Lumber, then you're faced with doing granite curbs from Shag Rock to Viking and probably on Ducktrap on the east side of it you want granite curbs and sidewalks there. Osgood said the figure would be considerably less. Osgood said Lincolnville Beach has become a pedestrian area and gets a lot of use and that's part of why the traffic slows down going through there. Osgood said usually where you have sidewalks you have improved business centers. O'Brien said the people who use the sidewalks are the people of Lincolnville.

8. 6:30PM Public Hearing: Special Amusement Permit Application – Cellardoor Winery:

Motion by Gerry, second by Dunn, to open the public hearing concerning the Special Amusement Permit Application filed by the Cellardoor Winery. Vote 3-0.

There were no public comments.

Motion by Gerry, second by Dunn, that the Board close the public hearing. Vote 3-0.

Motion by Gerry, second by Dunn, that after having held a public hearing, that the Board finds that the application submitted by the Cellardoor Winery complies with the standards set forth in the Ordinance Governing the Issuance, Suspension and Revocation of Special Amusement Permits for the Town of Lincolnville and the permit be granted. Vote 3-0.

9. Liquor License Renewal – Cellardoor Winery:

Motion Gerry, second by Dunn, that the Board approve and sign the liquor license application submitted by the Cellardoor Winery. Vote 3-0.

10. Appointment(s) & Resignation(s):

Motion by Dunn, second by Gerry, that the Board appoint Benjamin Hoops as an Alternate member of the Land Use Committee with a term expiring June 2013. Vote 3-0.

Motion by Dunn, second by Gerry that the Board appoint Benjamin Hoops as a regular member of the Planning Board with a term expiring June 2014. Vote 3-0.

Motion by Dunn, second by Gerry that the Board hire Carole Mathews as Administrative Assistant at Step H (hire) on the pay scale and with a six month probationary period. Vote 3-0.

Gerry asked Kinney when a committee member misses multiply meetings how is that handled. He said we have one Harbor Committee member that moved away and another member that hasn't attended a meeting for a long time.

Kinney said if someone doesn't show up the Board could hold a hearing and remove the person for a cause, non attendance, or you could ask them if they are not going to show

up at the meetings would they resign so the Board could put a person on the committee who would attend the meetings.

Gerry asked if it would be appropriate for the Board to have the Town Administrator write a letter to those two members and say they haven't attended the meetings and ask what their intentions are.

Kinney said yes.

Dunn said there are a couple of committees where there are members that haven't come to any of the meetings and asked if we could also include that situation. Dunn said there are so many needs being requested of committees, so they need active, engaged individuals.

Kinney said one of the roles the committee chair can play is to encourage members to show up to the meetings.

Barrows asked the Board if they want the Town Administrator to contact all the chairs of all the various committees and ask them for a list of non attendees.

Kinney said in June for a number of our Boards and Committees, typically a third of the membership, member terms are ending. We ask committee chairs to ask their members if they are interested in reappointment. We make the general announcement in upcoming meetings that if you are interested in any Board and Committee to fill out a community interest form, which is available on our web site and at the Town Office.

Gerry asked Kinney to contact Shane Lydon and ask what his intentions are concerning membership on the Harbor Committee.

- 11. Fee Schedule – Subdivisions, Access Permit, Commercial Site Plan Review and Wireless Communications:**
Motion by Gerry, second by Dunn, that the fees for the Land Use and Development Schedules for the upcoming year be set at the same amount as the current year.
Vote 3-0.

12. South Cobbtown Road Property Update:

Kinney said the Boards counter offer was met with interest, but to date he has not received a response. Kinney said we have it advertised on our Town web site and it has been in the newspaper. Kinney asked if the Board wants to consider a real estate agent.

Gerry said he would prefer to wait and put this on the April 8th agenda. The other Board members agreed.

Paul Crowley reminds the Board about a successful raffle that was held on the Barbara Tarantino gift property some years ago to help fund the school. The raffle raised three to

four times what the property was actually worth. Crowley urged the Town to pick a worthwhile project that would attract some donations/game of chance sort of interest and to use that property to hold another raffle for another worthwhile project. Some of the things that come to mind are funds to do something in Breezemere Park, sidewalks in Lincolnville Beach, boat ramp and floats for skiffs at Lincolnville Beach. Crowley said we can find all kinds of worthwhile projects in Town that are in need of some funding. Crowley said we could do an essay contest.

Gerry said he thought the raffle was a good idea and the Board could bring this up for discussion at the next Selectmen's meeting.

13. Tanglewood Road Update:

Kinney was able to meet with representatives of Camp Tanglewood, CMP, Lincolnville Telephone, and the State of Maine Bureau of Parks and Lands concerning the underground utilities adjacent to the Tanglewood Road. Kinney said the meeting was very productive and CMP is geared up to prepare some different options for the camp. CMP is very cognizant about tree issues in the Town of Lincolnville. They do not want to expend their time and energy in designing and pricing options for overhead installation if the Town will prevent them from cutting the necessary trees. Kinney said it looks, based on a preliminary CMP design, the cutting or trimming would be pretty minimal. The challenge comes in providing adequate drainage, so the Town may need to remove vegetation on the camp side of the road.

Gerry said he looked at the swamp area along Tanglewood Road and did not see anything that he thought would impact that area. Coming back from the curve down to Crowley's house there are a few large trees, but he thinks it could be engineered such that some of the larger trees could be saved. Gerry said he would like to see the area when the snow is gone. He said from the Dunham's driveway towards True Road is a touchy area.

Will Brown of the Conservation Commission said that in just the section from Dunham's driveway to the bend at True Road and then around the corner the one plan, which is just a sketch, from CMP that I've seen proposes three poles. CMP would take off from the last pole just beyond Dunham's where there is a large pine tree, which is rotted through the base of it. Brown said going across the road were they want to place their first pole is about in the area where I think the culvert is that goes under Crowley's land. There is a large maple that hangs out over the road and should be removed. Brown said if they stay on that side of the road he thinks they're going to avoid a lot from there on for the last two poles going around the bend and then do the underground connect. Brown said he thinks we can't really tell anything until we can all get in there and take a look after the snow is gone. He knows there are trees that need to be dealt with.

Gerry asked where the Town's responsibility ends across from True Road.

Kinney said we go beyond True Road; our survey went to True Road, but the Whitney Road right-of-way is well established. The Town did not survey where we didn't need to go.

Kinney said what he would like to get from the Board tonight is to say we understand that CMP is trying to avoid cutting trees, but there are definitely challenges regarding trees along the way that have to be addressed. This should encourage CMP to come look at the situation, because they don't want to spin their wheels.

Dunn said we are capable of coming to some sort of compromise and coming up with creative and smart solutions to fix the road. We can come up with a plan where the necessary trees are cut and the trees that can be saved we can plan to do that.

Crowley said he doesn't see many quality trees involved in this. He said he doesn't understand why CMP needs three poles, because the last pole is right off the end of, what used to be Mike Freeman's house, the last house on Tanglewood Road. He said the next pole would be less than a pole length. He thinks they only need one more pole to get the project onto the State Park.

Gerry said we are not talking about a square ditch here. We are talking about a nice sloping ditch, but you do need to get back a ways to get proper drainage without building a square ditch. We need to be able to mow the ditch.

Kinney said it's another one of those compromises; do you take more trees and flatten out your side, front and back slope in the ditch, so maintenance is easier.

Gerry asked Kinney what he was looking for from the Board tonight.

Kinney said he wants everyone to be aware that CMP is trying to price this project as reasonably as possible for the park, which means avoiding cutting trees. We want to let CMP know that we're not going to throw up unreasonable obstacles in their path in terms of vegetation removal for the utility lines.

There was discussions back and forth on tree removal and pole placement between the public and Town Administrator.

Kinney said what the Town would like to do is if we have trees that we need to have removed; we would like to do this before CMP puts the over head power up. Have CMP come in and put the poles in after we've taken out the trees we need to and even get some ditching done. Kinney said CMP is trying to keep this as cost effective as they can for the camp.

Motion by Gerry, second by Dunn, that the Board move forward in allowing the Town Administrator to contact CMP and to move ahead with this project with the

understanding that this is part of the process in dialogue between all of the concerned parties will continue. Vote 3-0.

14. Emergency Medical Service Update:

Kinney said he wants the public and the Board to know we are seeking proposals for Emergency Medical Services working in conjunction with the Towns of Camden, Rockport and Hope. Kinney said one of the things that was suggested and the other communities are working on is to put together an EMS Review Team. The Managers and Administrators of the four Towns are recommending a Select board member from each of the communities to work with the Managers and Administrators in reviewing these and either a second Select person or a member of the community.

Gerry said he thinks Kinney's direction is a good one. He said he thinks it's important to have someone on the Select board involved in this and a community member to work with Kinney and the Select person. Gerry stated his preference not to be the Select board representative.

Kinney encouraged the Board to make an announcement tonight seeking anyone that might be interested in being on an EMS proposal review committee. He said that they should let us know so we could appoint them at the next Selectmen's meeting on April 8th. Kinney said if anyone wants to read the RFP it's on the Town's web site and Camden's web site.

The Board was in agreement with Kinney.

15. Town Office Project Update:

Kinney said in the Board's packet is the Fire Marshal's permit, building permit and the plumbing permit. Town Office Project is out to bid. Bid opening is set for April 3rd.

Kinney said he has worked closely with the Lincolnville Fire Department and they have offered their space to us to set up a temporary Town Office. Kinney said he would like to get a temporary mobile office trailer to set up behind the station. We can run a power line out there and lines for the telephone and computer.

Gerry asked Kinney who would be in the trailer.

Kinney said most likely the Code Enforcement Officer, Assessors' Agent and the Police Chief. Kinney said he is looking for an office trailer, like DOT uses at construction sites. They come prewired, so you just run the power to them. Kinney said we would be using the training room and trailer from April to November. The trailer would cost about \$180 a month.

Kinney said to facilitate the move, he suggested the Town Office be closed to the public on Monday, April 22nd, so we can commence on Friday afternoon to make the telephone and computer system switchovers and testing. The temporary office should be up and running on Wednesday, April 23rd.

Motion by Dunn, second by Gerry, that the Town Office be closed on Monday, April 22nd for the purpose of relocating staff and equipment to the temporary office site and that the public be made aware of the closing as well as the new temporary location. Vote 3-0.

Kinney asked the Board to consider moving its April 22nd meeting date to April 29th since we have five Mondays in April. After we get the bids back, we intend to do some value engineering with the preferred contractor. To facilitate getting all that done and hopefully having a contract ready to sign, we would like to have that extra week in April.

Motion by Gerry, second by Dunn, that the Board reschedule its April 22nd meeting to April 29th. Vote 3-0.

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

Motion by Dunn, second by Gerry, that the Board approve the Treasurer's and Payroll Warrants, Capital Campaign and Coombs-Griffin Education Trust Warrants. Vote 3-0.

17. Adjourn:

Motion by Gerry, second by Dunn, to adjourn the meeting. (8:05 p.m.) Vote 3-0.

Respectfully submitted,
Cheryl Ten Broeck
Administrative Assistant