

**BOARD OF SELECTMEN
MINUTES OF MEETING
March 27, 2017**

Present: Chair, Ladleah Dunn, Arthur Durity, Keryn Laite, Jr., Rosey Gerry, David Barrows, and Temporary Town Administrator, Jodi Hanson & Town Administrator David Kinney

The quote was read by Selectman Gerry.

1. Executive Session – Discussion with the Town Attorney Pursuant to 1 MRSA Section 405 (6)(E) to discuss the Legal Rights and Duties of the Board of Selectmen relating to Harbor Management:

Laite made a motion to enter into executive session to discuss with the Town Attorney Pursuant to 1 MRSA Section 405 (6)(E) to discuss the Legal Rights and Duties of the Board of Selectmen relating to Harbor Management. Barrows seconded the motion. The motion passed on a 4-0-0 vote. (Durity was absent for the vote only.)

2. Executive Session – Discussion with Town Administrator and Temporary Town Administrator regarding future plans for returning to full-time duties pursuant to Title 1 MRSA Section 405 (6)(A):

Gerry made a motion to enter into Executive Session – Discussion with Town Administrator and Temporary Town Administrator regarding future plans for returning to full-time duties pursuant to Title 1 MRSA Section 405 (6)(A). Laite seconded the motion. The motion passed on a 4-0-0 vote. (Durity was absent for the vote only.)

3. Citizens' Forum:

There were none.

4. Administrator's Report:

Jodi Hanson, Temporary Town Administrator, reported:

- Nomination Papers: All nomination papers are available at the Town Office and due back by May 1st by 5pm.

Board of Selectmen:	2 Positions for 3 year terms
Lincolnvile Central School Committee:	2 Positions for 3 year terms

CSD School Committee:	1 Position for a 1 year term
Budget Committee:	3 Positions for 3 year terms
	1 Position for a 1 year term

David Kinney, Town Administrator, reported:

- Five Town CSD Meeting: They will meet on Wednesday, March 29th at 6PM with Town Managers and Select Boards.
- Bids: Slab City culvert replacement bid opening on Wednesday, March 29 at 2pm at the Town Office.
- Parking: Kinney gave permission for a resident to park a moving van in the Beach Parking Lot on March 30th.

5. Meetings & Announcements:

Chair, Dunn read the upcoming meetings.

6. Upcoming Community Events:

There were none.

7. Meeting Minutes:

Durity made a motion to approve the March 13, 2017 meeting minutes as presented. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

8. Liquor License Renewal Application:

Durity made a motion that the Board approve and sign the liquor license application submitted by the Inn at Ocean's Edge. Gerry seconded the motion. The motion passed on a 5-0-0 vote.

The Board thanked Jesse Henry for attending the meeting.

Durity made a motion that the Board approve and sign the liquor license application submitted by Cellardoor Winery. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

The Board thanked Bettina Dalton for attending the meeting.

9. Harbor Mooring Fee Issue:

Owen Weyers came before the Board to request that his Harbor Mooring late fee be waived, since he was in Florida for the last three months.

The Board reminded Mr. Weyers that all Harbor Fee's were due by March 10, 2017 and if payment is not received by that deadline, it is considered late and his fee would not be waived.

10. Lincolnton Sewer District Update:

Gary Neville, Lincolnton Resident, filling in for Paul Lippman, came before the Board to present an update on the Lincolnton Sewer District.

Neville presented the following facts:

1. The Lincolnton Sewer District is a stand-alone entity.
2. The Lincolnton Sewer District is a group of volunteers with Paul Lippman as the chairman.
3. They selected a well known engineering company to assist them – Woodard & Curran of Bangor/Portland, Maine.
4. They have attorneys, Ed Collins of Rockland to assist with contracts, ordinances, and legal issues; Jim Saffian from Pierce Atwood, bond counsel and grant management.
5. They have developed a concept design with survey and geo-technical work and detailed estimate of the cost for construction.
6. They have applied for grants and low interest loans.
7. They have received a grant for 1.75 million dollars which is 52% of the total project estimated cost.
8. They have received a loan guarantee for 1.6 million, which is 48% of the total. The grant and loan require construction to start this year – 2017.
9. Between these two, the grant and the loan, the project is fully paid for, but this project must start this year.
10. The request from the Town is for assistance helping with the loan interest payment costs for the first 10 years as more users sign on to be part of the Sewer District. They are asking the Town to assist with up to 1/3 of the loan interest payment.
11. The grant & loan application process seeks projects with reasonable user fees. If the user fees are too high, the agencies are not as interested in the project. The user fee for Sewer District is \$635/year. The first year connection fee is also \$635 with the landowner responsible with getting the piping to the edge of the road.
12. The existing sewer system (LBSF) serves 8 customers and is privately owned.
13. The proposed new Sewer District will serve at least 66 customers.
14. The facility will be built to handle all of these customers plus room for further expansion and/or improvements of existing properties.

Neville also presented the following slideshow:

Why should this be supported?

- The current sewer treatment system is limited to only a few properties and is near the end of its life.
- A new system will service the beach/Route 1 properties long into the future.
- Support will provide for community infrastructure to enhance property values, growth & historic maintenance.
- Responsibility to environmental/marine protection.
- Users governed by LSD user ordinance, no administrative burden to the town.

Lincolnvile Comprehensive Plan March 2006:

- Wastewater disposal in the Lincolnvile Beach varies from overboard discharges to subsurface wastewater treatment, adding to the continued closure of the shellfish area in the Beach area. There is a concern about water quality, as the area of town is heavily dependent on tourism, drawn in part by public access to Pen Bay. The need for adequate wastewater treatment is increasing.

Continued Source: Lincolnvile Comprehensive Plan March 2006:

- Since 1993, the State Department of Marine Resources began water quality testing in tidal area of Lincolnvile with the goal of designating part of the area as a shellfish resource.

Implementation strategies for Town Water Resources:

Goal # 1: To maintain and seek to improve water quality in Lincolnvile's lakes and ponds: "Encourage the voluntary correction of malfunctioning septic systems on waterfront property through education and a town application to the Small Community Development Grant Program.

Goal # 2: To support the recommendations of the Water Resources Committee resulting from the Feasibility Study to evaluate the Community's overall public water and public wastewater needs.

1. Seek alternative options with Beach area as area of greatest need.

2. Investigate grants and funding.
3. Work with Rt. 1 Advisory Committee, MDOT, DEP to determine feasibility of WW system at Beach with existing system.
4. Work with Engineering firm.
5. Pursue funding cycles and requirements.
6. Maintain copy of Feasibility Study.
7. Encourage Board of Selectmen to continue to monitor the need for public water and wastewater treatment.

Neville also reported that over the last 12 years the Lincolnville Beach was closed to swimming 12 days due to contaminated water test results, which was provided by the Maine Healthy Beaches Program.

In a letter from Keri Kaczor the Maine Healthy Beaches Coordinator, she reported the following:

- In an effort to improve water quality and identify pollution sources, intensified monitoring and sanitary survey work was conducted throughout the watershed focusing primarily on human sources. This work indicated widespread bacterial contamination especially along the populated US Route 1 Corridor and along the lower section of Route 173.
- To complicate remediation efforts, the regions neighboring Lincolnville Beach (including the lower reaches of Frohock Brook) are historically tidal wetlands with unsuitable soils and limited space for subsurface wastewater disposal systems. For example, a nearby restaurant's septic system is inundated with water during flooding and astronomically high spring tidal conditions. Additionally, subsurface wastewater disposal systems in this area threaten drinking water supplies. The local businesses and private property owners rely on residential wells that are located in very close proximity to their neighbors' "grandfathered" septic systems, located on lots that are too small to provide appropriate setbacks and adequate safety.

According to the Maine DEP publication, a well maintained subsurface wastewater system works efficiently for 15-25 years. Within the Lincolnville Sewer District, 51 out of 68 or 75% of the potential properties are in need of a new system.

Funding request to the town:

- When estimating the expected revenue and costs, the LSD will be self supporting after 10 years, with a total of \$190,357 contribution by the town. Over ten years, that is \$19,035.70 annually.

- If revenue realization exceeds the projections, less support might be necessary, thus shortening the time or the amount that the town would contribute to the LSD.

In Summary:

- Replacing the system before failure.
- Providing a system with more capacity and more reliability for the area residents and businesses is healthy for the economy.

The Bottom Line:

- Request to assist the LSD in debt repayment.
- Amount from the Town - \$19,035.70 per year for 10 years for a total of \$190,357. This is the maximum that would be requested.
- The annual amount could possibly decrease and possibly last less than the projected 10 years.
- Entire contribution goes toward debt payment, to build a sewer treatment facility that will service all LSD properties in the future.
- All operating costs and reserves will be covered by the users.

The Board opened the discussion up to the public.

Bob Plausse from Whitney Road started by saying he was not opposed to the District or the system, because that area needs it, but he wanted to know if the town were to help out, would that make it a private/public system, and who is on the hook for the money?

Jennifer Temple, Trustee of the District, responded by saying, “As far as the Town of Lincolnville’s obligation, in the Charter by the State of Maine, which established the Lincolnville Sewer District, it says that the Town and the District are separate and the Town of Lincolnville has no obligation.”

Temple also stated, “As far as the user fee, would you have to pay if you didn’t hook-up. When the pipes are run a stub will be left at every property. At some point, should a user need to hook in, they can and they won’t have to wait, it will be there ready and waiting. Within the Ordinances of the Lincolnville Sewer District, there would be a provision where the property would be assessed and the owner would be paying to have the availability at the time of need. It would not be the equivalent of what you would pay if you were using the sewer. It would be something like 49% of an EDU, so the EDU is \$635, so it would be just under ½ of

the EDU. Also within the ordinances, it would give us the right and opportunity, as Trustees, to hear hardship cases.”

Plausse wanted to know if a resident does not want to hook up to the system, will they be charged for it anyway, if they are in the district.

Gary Neville responded, “That is not correct. If you don’t want to hook up, you don’t have to pay.”

Neville noted that the maximum amount of properties that can hook up to this system would be 66.

Erin Shirley, owner of the Spouter Inn Bed & Breakfast told the Board she has concerns about her neighbors up hill and septic seepage and systems that are failing that could contaminate her groundwater and her well. She did not want her neighbors losing their homes and historic buildings or losing their businesses because when their systems fail, they don’t have the space to put a new system in.

Shirley also stated, “My husband and I will be paying more to use this system, but we gladly consider doing this, because it is what is best for all the things that we have seen tonight and it’s best for our business in the long run. Unfortunately, getting rid of sewer is expensive. I’m thinking of this as looking out for my neighbors and my community, and we don’t know when the system is going to go. I can’t imagine if our septic system went in the middle of the summer, when we have an inn full of people, or if I have a contaminated well, then my business is gone and my property is rendered useless. I look forward to this being something that I can support.”

Jesse Henry, Lincolnville business owner, commented that the larger prospective on work that the Lincolnville Sewer District has been doing is kind of a town asset. The beach is one of the many vibrant, fantastic and valuable assets that the town has and he felt that this is a fantastic initiative. He also commended the Lincolnville Sewer District for spearheading this endeavor to this stage.

Paul Crowley, Lincolnville resident, stated, “I was starting to get confused with the status of the Lincolnville Sewer District back when it was formed, that it was actually formed by the Town of Lincolnville and the Select Board appointed the actual trustees. My concept is that this is not a private club; this is a public corporation, similar to the school. The Selectmen don’t control the school, you have a school district and this is a sewer district. The Sewer District is not entitled to town funding. The Lincolnville Sewer District has done a remarkable job, which I certainly never thought possible, to acquire the grants that they have and to arrange for financing and make the kind of process that they have. This is an organization to benefit the public and benefit the town. We are now up against a time horizon, where decisions need to be made and they need to move forward.”

Crowley encouraged the Board to look favorably on this proposal and put it before the voters.

Jennifer Temple read the following letter that she wrote to the Board:

Last fall, after selling our business, Clean Bee Laundry in Camden, I decided to make time to get involved in Lincolnville. I joined the Lincolnville Sewer District as a trustee and have been working with Paul Lippman and Niel Wienges to move this project forward.

Please believe me when I tell you that I have read, researched and thought about this project quite a bit. I've thought about it from as many perspectives as I could imagine. As an entrepreneur, I can tell you that the numbers make sense and the overall gain far outweighs any risk.

Eight years ago, I purchased a business and turned it around using planning and numbers. I ran it above board and tracked everything. In doing so, I was able to increase my customer base, retain my staff and turn a profit every single year.

The wastewater treatment facility involves businesslike aspects of costs and revenues, hard numbers that need to be projected and we've done that. We've made reasonable estimates of expenses based on historical data and similar models. We've made conservative estimates on revenue based again on how other districts have historically performed. Unlike most businesses, we've secured enough financing to build.

I am here to put forth my best educated assessment of this project for my neighbors, the town residents and the State of Maine who granted the charter for this district. I believe that moving forward will provide the district and, in turn the entire town, with the most affordable solution to improving the quality of the water and the preserving the beach for my neighbors, my town and most importantly, for future generations.

Chair Dunn closed the public discussion and opened the discussion up to the Board.

Durity stated if we decide to push this forward, and if the town approves it, it's an endorsement of this plan. The Board needs to be confident that the plan is fully realized.

Durity also stated, "When the numbers work, my inclination is to support, but I want to see those numbers work."

Durity asked that a copy of the Lincolnville Sewer District Ordinances be given to the Board at the next meeting.

Dunn asked, "What is the mechanism by which the town is going to gift this money and is it on an annual basis or is it in fact a lump sum?"

Neville replied, "My understanding is that the \$19,035.70 is per year for ten years and it won't increase and is not on the operation side at all. If the district is behind more than that the first year, they will go to a bank or a private individual and get a loan to carry them through to the next year."

Neville also stated, "It won't be the Town of Lincolnville having a lot of legal expenses. The Sewer District would take care of the mechanics, writing it all up."

Durity said the question is, can we encumber future Select Board members with this obligation.

Kinney replied, "I believe the voters can encumber future voters if the article were prepared appropriately. There isn't a town meeting that can't undo what another town meeting has already done."

Gerry wanted to know that if this project were to fail, who are the 66 users going ask to pick up the pieces and would the town be liable.

Neville noted that the district could go bankrupt and based on the numbers; the town would be liable for a little over a 1/2%. The best option would be to have the Sewer Districts attorney write out something that is totally acceptable and do all the legwork, that the town attorney would be happy with, that would state no liability to the town.

Gerry recommended moving forward and he would love to see the attorney's paperwork.

Laite also wanted to see the verbiage.

Laite noted that no one is questioning that the Lincolnville Sewer District hasn't done a lot of work. If this moves forward, he wanted a follow up from the district, on the amount of contamination, one to three years out, compared to now.

Gerry stated that the Board needed more than two days to review the book of information from Woodard & Curran regarding the proposed wastewater treatment facility.

Dunn noted that she too needed more than two days to review and read through the information from Woodard & Curran and the information that was given to the Board is fantastic.

Dunn recommended that one of the Select Board members become a Lincolnville Sewer District Liaison, which could benefit future conversations.

Dunn finished by saying that at this point, there needs to be some more clarification on a few points and she also wanted the town attorney to review the warrant language.

11. Coresponse from the Town of Camden's Route 1 Committee:

Kinney received an email from Bob Falciani, from the Camden Route 1 Advisory Committee, requesting the status of whether or not the Town of Lincolnville would be moving forward with the request regarding the Scenic Highway designation for Route 1.

The Board received a draft letter that the Route 1 Advisory Committee put together to send to Senator Michael Thibodeau seeking support.

The Board recommended removing the third paragraph of the letter and with the change, the Board was in favor of sending the letter of support to Senator Michael Thibodeau.

Durity made a motion to adopt the letter as submitted and edited by the Board supporting the Scenic Highway application and to be sent to State Senator Michael Thibodeau. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

12. Review of Rt. 1 Advisory Committee Charge:

Dunn made a motion to suspend activities of the Route 1 Advisory Committee until such time, the Board can meet in a workshop forum with the Route 1 Advisory Committee and the Board of Selectmen to begin to draft the new charge for the Route 1 Advisory Committee. Laite seconded the motion. The motion passed on a 5-0-0 vote.

Dunn suggested reaching out to all members of the Route 1 Advisory Committee to inform them of the Select Board's wishes to meet in a joint workshop session with them and that until such time all activities be suspended.

Dunn recommended that the Town Administrators draft a clear letter to the Route 1 Advisory Committee and look to have a meeting date shortly.

13. Discussion of Incline Repair or Replacement:

Kinney explained that during one of the last snow storms, it caused major damage to one of the gangways at the pier. Rockport Steele removed a portion of the deck that needs to be repaired with a verbal estimated of \$3,500 to repair it.

Kinney also explained that prior to that event, there was a conversation with Islesboro Board of Selectmen about an emergency stretcher and the dock.

Durity reported, “We have received two quotes to replace the gangway that is currently out of commission, however this one is wider. The overall width is 5’6” and comes in two grades- a standard commercial (\$7500.) and a heavy duty (\$11,264.) The difference from this new one and the existing one is the new one would not have a trap slide, so the full width of the gangway would be available for emergency evacuators from Islesboro. This would still leave two gangways at the pier with trap slides to accommodate the commercial fishermen.

Durity noted the gangway’s extra width presents somewhat of a challenge, in terms of the extra weight, and also the extra volume of space that it will take up on the deck of the float.

Select Board member, Gabe Pendleton, recommended that the Town of Lincolnville go with a 12’x30’ float and go with a heavier duty construction, which will stand up better to the elements and will be sturdier. Pendleton gave an estimated cost for this float of \$12,500.

Durity explained that Islesboro stated they would participate financially and given the cost of these things, although not yet determined, it is likely to exceed the total collected Harbor Fees this year.

Dunn noted that the ramp that is currently out of service has been repaired multiple times and she felt this was a no-brainer.

Durity said, “In this quote, I asked them to include two welded on eyes, so that if in the future, based on the harbor study, we decide to put one of those guillotines to be able to lift this off the float in rough weather, we have that option and it would be built in. The numbers do reflect having the lifting eyes.”

Dunn said, “It is my understanding from the emergency access standpoint, is it is the functional working space between the interior handrails, which is the critical point, which is why the 5’ wide is designated. This gives adequate access between all the railings.”

Laité made a motion to instruct the Town Administrator along with the Harbor Master to seek quotes comparable to quote #2026 from Superior Docks for a 32'x5' wide aluminum gangway and associated float dimension 12'x30'. Gerry seconded the motion. (No vote)

Laité made a motion to amend the first motion to include prices on a 40' gangway as well. Durity seconded the motion. The motion passed on a 5-0-0 vote.

14. Establish Town Meeting Date, Time and Location:

Kinney explained that for the last four years, the Town Meeting has been held on a Thursday evening, two days after election and this year that date conflicts with the Lincolnville 8th grade graduation, which makes the school unavailable for Town Meeting.

Kinney noted that the Town Meeting can be moved to a different day or to a different location. The Tranquility Grange and the Center Community Building are both available for June 15th.

Gerry was not in favor of changing the date of June 15th.

The Board decided to keep the Town Meeting day on June 15th but change the location to the Community Building.

15. Public Input – Draft FY 18 Municipal Budget:

No Public Input.

16. Board of Selectmen – Draft FY 18 budget Deliberations & Recommendations:

Kinney reported that unfortunately the MCSWC Manager made an error, but the good news is the error is in favor of the four towns that belong to the MCSWC, so our assessment is going down from \$93,699 and the corrected and amended assessment is \$84,508.

- Town Office Building: The Board recommended cancelling the FY 2018 Request for Wireless Internet. The Board agreed by consensus.
- Public Works: Transfer Station: The Board recommended changing the FY 2018 Request for Mid-Coast Solid Waste Corporation from \$93,699 to \$84,508.
- Public Works: Harbor: The Board recommended that adding \$4,500 for a Camera System and changing the General Maintenance Unanticipated damage/storm damage repair to Storm Damage Repair.
- Boards and Committees: The Board recommended removing \$2,000 from the Route 1 Advisory Committee line.

Dunn made a motion that after tonight's changes have been incorporated that the FY18 Municipal Budget be forwarded to the Budget Committee with our recommendations for their consideration. Laite seconded the motion. The motion passed on a 5-0-0 vote.

17. Road Treatment Insurance Coverage:

Kinney explained that the Town's insurance carrier is offering optional Road Treatment Coverage. This provides coverage for road salt contamination to private wells with salt and the insurance company needs an answer. The cost to the Town for this coverage for the upcoming year would be 364.50, which is 54 miles @ \$6.75 per mile.

The Board declined the coverage this year.

18. Schedule "Road Tour" of Town Properties:

- 7 Morton Road: Kinney explained this 1.27 acre parcel tax acquired property has a cleared title. The assessed land value is \$46,100 and assessed building value of \$57,900.
- 276 Greenacre Road: Kinney explained the Town foreclosed on this property a number of years ago and then Habitat for Humanity's asked if the Town of Lincolnville had any properties to donate and this was the property that was offered. This then went to town meeting and the town voted to approve the donation. Roughly five years later, Habitat for Humanity finally said they were not interested in the property after all. The 2016 assessed value is \$19,900 for this piece of land, but does not have a cleared title.

Kinney gave the Board options to either follow the ordinance procedure for disposition, seek approval from voters for alternate means of disposal or the town could maintain ownership.

The Board was in favor of getting both properties back on the tax roll.

Kinney will provide the Board with clear options and present them at the next Board meeting.

19. Review RFP for Harbor Facilities Maintenance:

Dunn made an amended motion to table the Review FRP for Harbor Facilities Maintenance for the April 3th meeting. Laite seconded the motion. The motion passed on a 5-0-0 vote.

20. Parking Attendant Job Description:

Dunn made an amended motion to table the job description for the Parking Attendant Job Description for the April 3rd meeting. Laite seconded the motion. The motion passed on a 5-0-0 vote.

21. Treasurer's and Payroll Warrant(s) & Coombs/Griffin Trust– Approve and Sign:

Durity made a motion that the Board approves the Treasurer's and Payroll Warrant(s) & Coombs/Griffin Trust. Laite seconded the motion. The motion passed on a 5-0-0 vote.

22. Adjourn:

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

Respectfully submitted,

Melissa A. Geary
Administrative Assistant