

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
OCTOBER 15, 2013**

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

The meeting was called to order by Chair Dunn at 6:00 p.m. at Lincolnville Central School (C-1). The quote was read by Libby.

1. **Citizens' Forum:** None

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- Kinney extended apologies to the Board and the community for his error in not having the Special Town meeting warrant posted in adequate time for the Town Meeting tonight. He will present a revised Special Town Meeting warrant for October 28<sup>th</sup> to the Board later tonight for them to sign.
- Dog licenses for 2014 are now available online through the Town's web site or at the Town Office during normal business hours. Dog licenses need to be renewed by the end of December. Fees for dogs are \$11.00 and \$6.00 for a dog neutered or spayed. There will be a late fee charge after the end of January.
- The Town will be doing some work on Tanglewood Road to remove stumps and rocks adjacent to the road near the Stearns property that interfere with proper snow removal.
- Tanglewood Camp is still waiting for the installation of the overhead power line before we do any additional work at that end of the road.
- Absentee Ballots for the November 5<sup>th</sup> election are available at the Town Office during normal business hours.
- Town Office project is proceeding on schedule. Paving was done last week and they have striped the parking lot. Finishing touches are going on inside. Kinney said open house will be on November 9<sup>th</sup> and asked the Board to officially set a time for 10AM. The Board agreed.

Gerry asked Kinney if the work involving the removal of stumps and rocks near the Stearns property would be posted on the Town's web site.

Kinney said the Town doesn't typically post all the places they are working, but he could.

Gerry said because of the issues with the tree cutting that is taking place on Tanglewood Road posting the information would clarify where the work is being done. He said it might save the Town and Selectmen from getting phone calls from the public. Dunn agreed.

Kinney said he would post the information on the Town's web site.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

4. **Upcoming Community Events:**

October 16<sup>th</sup> at 7PM there will be a show at the Lincolnville Community Library. Author Mark Tufo from Swansville will be the guest speaker. The group Meteora will also be performing. Tickets are \$10.00 and proceeds go to the Library Fund.

Saturday, October 19<sup>th</sup> the Waldo County Hospice Volunteers Benefit Auction will take place between 5-7PM at the UMaine Hutchinson Center in Belfast.

Tuesday October 22<sup>nd</sup> at 6:30AM gather at the end of Maiden Cliff Road for a hike to the top of the cliffs.

Saturday, October 26<sup>th</sup> the new library will hold an open house at 3PM.

5. **Meeting Minutes:**

**Motion by Gerry, second by Barrows, that the Board approve the September 23, 2013 meeting minutes as presented. Vote: 5-0.**

6. **Special Town Meeting Warrant – October 28, 2013:**

**Motion by Gerry, second by Barrows, that the Board approve and sign the Special Town Meeting Warrant for October 28, 2013 at 6PM within the Lincolnville Central School. Vote: 5-0.**

7. **Report of the Cemetery Trustees:**

Cecil Dennison had a request from the Cemetery Trustees to present a couple of articles to the Board. He said the Cemetery Trustees of Lincolnville maintain thirteen cemeteries, seven which are done by volunteers. They are still looking for three missing cemeteries that are out there somewhere. Because of the Maine Old Cemetery Association's awareness and protection programs and conservation projects most towns have already taken care of their cemeteries. The passage of LD274 made changes to the cemetery law. Dennison and Kinney testified along with four others he enlisted in favor of the law. It was passed and signed into law by the Governor and is now Public Law Chapter 421. Dennison said it was quiet impressive, there were 141 'yeas' and one 'nay'. The Trustees recommend to the Board that the Town Administrator be asked to write a letter to Mr. David Pattullo, the owner of the land where the Kendall Cemetery is located, because they have not been allowed access. They also suggested Kinney send him a copy of the old and the new cemetery law and the requirements of maintaining all ancient and Abandoned Burying Grounds. The Trustees would request a plan for a conservation project to include stone resetting and safe stone cleaning, at Pattullo's expense, a competition date and date for inspection as required by the new State mandate. Dennison suggested verbiage in the letter saying that the Cemetery Association would be happy to do any of the conservation project should the land owner no longer be willing to assume the responsibilities.

Dennison said the Trustees received a request from an archaeologist to do some digging in an abandoned cemetery within the Town of Lincolnville. State Law says excavation in a cemetery is prohibited. Dennison said the archaeologist has done some background work and said that the information he has found from the Maine Historic Preservation Commission in Augusta states that it is not off limits to an archaeological dig. He said the Maine Old Cemetery Association has not been able to find any exceptions to the law. Dennison recommended we have our Town Administrator contact our Town Attorney to advise us on this matter.

Trundy ask what this digging was all about.

Dennison said this archaeologist attended their September 12<sup>th</sup> meeting. Dennison said he would like to dig deep enough to see if the coloration of the soil changes. If there was a burial you would see a rectangle of different colored soil. That proves there was a burial at the site. The archaeologist was going to divide the area into sections and then every five meters dig a test pit to see if there were graves.

Trundy asked if there were no stones available.

Dennison said only field stones with no markings.

Gerry asked if he was a State archaeologist.

Dennison said yes, but at this time he is not working for the State, he is working as a minister.

Gerry said he knows this archaeologist and he is very meticulous in what he does.

Corelyn Senn said the archaeologist is looking for Native American artifacts and he is not convinced there is a cemetery there. She said when he came before the Trustees we made a motion and voted not to give him permission to excavate without at least doing a ground penetrating radar (GPR) study first. Senn said he sent them this law, which she has not looked up either, that talks about an archaeologist being able to dig to discover grave shafts. She pointed out to him that everything it allowed had to do with understanding a cemetery better not understanding Native American artifacts better. She said he has moved on to do other projects. Senn thought it would be good to get some money to do another GPR study to find out if this area really is a cemetery.

Senn said that was the background of what he wants to do and he did a very nice presentation to the Trustees. The Trustees were pretty well convinced because of disallowing some other digging that we didn't want to give him permission to dig.

Gerry questioned if the Trustees didn't want him to dig without talking to the Town first.

Senn said no, without knowing totally that there were not graves there, we did not want him digging among graves. She said he wanted to do test trenches, which could come through the middle of a grave and they were not comfortable with that.

Senn said Dennison is asking the Board to talk to the Town Attorney concerning this issue. Senn said she was just reporting on the background of what the archaeologist was asking for and what the Trustees told him.

Dunn asked the Board if they wanted to have Kinney send any kind of correspondence at least on the first talking point of informing the land owner.

Gerry said yes concerning the land owner and if Kinney is going to be talking with the Town Attorney he might as well ask the question concerning the archaeologist's request.

Libby agreed and noted the Board would then have the answer for any further request.

Dunn said she wasn't aware the attorney was involved in the first issue informing the land owner regarding the new cemetery law that was passed and signed by the Governor.

Trundy said the first topic was specifically to have the Town Administrator draft a letter and to include the current cemetery laws. He doesn't see the need to contact the attorney regarding this issue.

Dunn asked Dennison if it's the general consensus of the Trustees that they are not interested in having this individual come and dig in this site.

Dennison said he came before the Board because it was not within the jurisdiction of the Cemetery Trustees to grant permission for him to dig in any cemetery because it's their understanding that it's against State law. The archaeologist's response was that he found evidence otherwise and it seemed to Dennison he still wanted to pursue the project.

Trundy said if we just don't respond back because he already has been told by the Trustees that he cannot dig, then we don't need to call the attorney. We can just leave it as a dead issue. If he moves on we don't have to worry about the attorney fees. Trundy said if he pushes the issue and wants to dig then at that point the Board would have to call the attorney for advice. Trundy ask if Dennison had a contact number for this individual. He thought our Town Administrator could reach out to this individual and share with him the general feeling of the Board. Trundy said he is personally not impressed with the idea of someone digging around in a cemetery.

Dunn said if he had a funded project with a specific intent and goal and is truly interested in the project then she could see the Town involving the Town Attorney. But at this point she can't see incurring the expense of the people of the Town of Lincolnville to hire the Town Attorney to pursue this topic.

Trundy said the Town Administrator could convey to him that the Board is not keen on the idea of him digging in this area.

Senn said he was already onto another project that he has been discussing with her, but he doesn't know where yet.

Dunn asked Kinney if he would contact this individual and conveying the Board's sentiments.

Kinney said he would.

**Motion by Libby, second by Barrows, that the Board instruct the Town Administrator to inform the property owner adjacent to Kendall Cemetery of the amended cemetery statute to determine whether the Town or the property owner will assume the responsibilities set forth in the Statute. Vote: 5-0.**

**8. Board, Committee, and Commission:**

**Motion by Gerry, second by Barrows, that the Board appoint Shey Conover to the Harbor Committee with a term expiring June 2016. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board appoint Betty Johnson to the Wage & Personnel Policy Board with a term expiring June 2016. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board appoint Karen Good to the Lakes & Ponds Committee with a term expiring June 2014. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board appoint Fire Chief Ben Hazen to serve on the Consumer Fireworks Ordinance Committee. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board appoint Whitney Oppersdorff of the Lakes and Ponds Committee to serve on the Consumer Fireworks Ordinance Committee. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board appoint Scott Crockett of the Planning Board and Land Use Committee to serve on the Consumer Fireworks Ordinance Committee. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board appoint Karen Good and Donald Heald IV as Lincolnville residents and/or property owners to serve on the Consumer Fireworks Ordinance Committee. Vote: 5-0.**

**Motion by Gerry, second by Barrows, that the Board accept with regret William Briggs' resignation and offer our thanks for his service. Vote: 5-0.**

Kinney announced there were still vacancies on the Board of Appeals, Board of Assessment Review, Comprehensive Plan Review Committee, Land Use Committee, Planning Board and Recreation Commission.

**9. Online Property Tax Payment via InforME:**

Kinney said we have been trying to assist residents to accomplish their local government business by making more things available online through the Town's web site. One of the things heard, particularly from seasonal residents, is they would like to be able to pay their property taxes online by credit card. We now have the ability to do this through InforME, the State's eGovernment portal that was established by the State Legislature to assist in eGovernment services. The Town has used InforME for a number of years for rapid renewal for motor vehicle and trailer registrations. Kinney said they just started offering a property tax payment option. The program is set up using the same method as if someone came into the Town Office and wanted to pay by credit card. The user is charged the fee, which is 2.5% with a minimum of a dollar.

**Motion by Gerry, second by Trundy, that the Board authorize the Town Administrator to enter into an agreement with InforME to accept credit card property tax payments. Vote: 5-0.**

Kinney said there are certain circumstances where individuals are not eligible to use the online tax payment service including: accounts with a prior tax year, delinquent accounts, accounts that are in dispute or under protest, and accounts with an outstanding lien or under foreclosure.

**10. Liquor License Renewal – Glenmoor by the Sea:**

**Motion by Gerry, second by Trundy, that the Board approve and sign the liquor license application submitted by the Glenmoor by the Sea. Vote: 5-0.**

**11. As Board of Assessors:**

**Motion by Gerry, second by Trundy, that we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board grant Property Tax Abatement #2013-04 as recommended by the Assessors' Agent for Angela Domenichelli in the tax amount of \$335.92. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board grant Property Tax Abatement #2013-05 as recommended by the Assessors' Agent for Terry Moulton in the tax amount of \$29.92. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board grant Property Tax Abatement #2013-06 as recommended by the Assessors' Agent for North Chester Dean LLC in the tax amount of \$448.24.**

Kinney said there was a typo on the amount of \$448.24. The correct amount should be \$488.24.

**Motion amended by Gerry, second by Libby, that the Board grant Property Tax Abatement #2013-06 as recommended by the Assessors' Agent for North Chester Dean LLC in the tax amount of \$488.24. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board approve the supplemental tax warrant for Account #447 Scott & Erin Crockett as recommended by the Assessors' Agent in the tax amount of \$335.92. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board approve the Farmland Withdrawal Penalty Commitment for Account #2297 Terry Moulton as recommended by the Assessors' Agent in the tax amount of \$2,282.71. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board approve the 2013 Municipal Valuation Return. Vote: 5-0.**

**Motion by Gerry, second by Libby, that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen. Vote: 5-0.**

**12. Confirmation of Appointment of Election Warden for November 5, 2013:**

**Motion by Libby, second by Gerry, that the Board approve the Town Clerk's appointment of David Kinney as Election Warden for the November 5, 2013 Election. Vote: 5-0.**

**13. Disposal of Surplus Town Property:**

Kinney said there are three categories that he would deem as surplus property. Town Meeting has approved the disposition of all the police department equipment, that's the first two categories and the voters also approved an article allowing the Selectmen to dispose of anything that they deem to be less than a thousand dollars in value. Kinney was open to suggestions on how best to dispose of these items. He would prefer not to move items back to the renovated Town Office. Kinney said, concerning the firearms, he suggested the Town seek out some prices from licensed firearms dealers and place these items on consignment, which gives the Town a paper trail, or sell the firearms directly to a licensed dealer.

Gerry said he had just toured Donald Healds' shop and he is fully licensed. Gerry suggested the Board let Heald put the firearms on consignment.

Dunn agreed, and said she would prefer the business stay in Lincolnville.

Kinney asked if anyone was knowledgeable about what the firearms might be worth.

Gerry said he did not know, but Heald could give an appraisal and he would be very honest and fair.

Kinney said he will ask Heald to give the Town his best estimate of what he can sell the firearms for and what his commission would be. Kinney said he will then bring the information back to the Board to make their decision.

Kinney said regarding the law enforcement equipment these items would be useful to only law enforcement agencies.

Gerry suggested Trundy could help Kinney determine a price for these items.

Trundy said he would be willing to take a look at the items.

Kinney ask the Board if he should make a list of all the equipment and sell it to law enforcement agencies.

Libby and Gerry agreed that whatever Kinney and Trundy decided was fine with them.

**Motion by Gerry, second by Libby, that Trundy and the Town Administrator move forward to make a list of Law Enforcement equipment and sell to a Law Enforcement Agency. Vote: 5-0.**

Kinney said the Town has miscellaneous office equipment that was moved out of the old Town Office that is currently being used or in storage. He said the items might have value to someone, but don't have a lot of value to the Town. He said the Town could try to sell the lot as a whole or we could conduct a "garage" sale.

Gerry asks if we have offered these items to other Town departments, such as the Fire Department, other Town facilities or committees.

Kinney said a portion of the Police Department equipment was given to the Fire Department. Kinney said he would certainly give the Road Commissioner, the school, the Fire Department and any other department first dibs on these items.

Libby asked if the library would be interested in maybe a desk.

Dunn said if the cost of physically selling the items to individuals outweighs their overall value then maybe it would be worthwhile having local organizations, such as the library or another group that may be interested in those items, hold a garage sale for their own benefit.

Kinney said there are probably enough items of value to the Town and the taxpayers that it would be worth having some sort of garage sale.

Trundy suggested the Town get an account with one of the local auctioneers so they can include the items in their general auction. The auctioneer will take a certain percentage.



The Board agreed and Kinney said he would pursue this course of action.

14. **Treasurer's and Payroll Warrant(s) – Approve and Sign:**  
**Motion by Trundy, second by Libby, that the Board approve the Treasurer's Coombs-Griffin Trust, and payroll warrants. Vote: 5-0.**
15. **Adjourn:**  
**Motion by Gerry, second by Trundy, to adjourn the meeting. Vote: 5-0.**

Respectfully submitted,  
Cheryl Ten Broeck  
Administrative Assistant