

DRAFT
BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 10, 2012

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

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 Selectman Trundy.

1. **Citizen's Forum:** Arlene Leighton wanted to make sure that the selectmen received Islesboro's letter dated August 29th about the Good Harbor Assessment, which relates to the DCP Midstream LPG Tank/Terminal at Mack Point in Searsport. She asked for assurance that the selectmen will work with the Good Harbor Consultants. The selectmen said that they agreed they will. Ms. Leighton expressed her concerns and said we need to look at this as a regional issue because things happen that you don't expect.

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- Ducktrap Retreat application for a catering and liquor event for Saturday, Sept. 15th, came in late. In order for the Board to consider it the Board would have to determine it to be an "emergency" item.
- The contractor has finished paving on Martin Corner Road.
- Circuit Breaker Program applications, for Property Tax and Rent Refund, are available at the Town Office during normal business hours. Refunds are for up to \$1,600. He encouraged people to apply and pointed out that applications can be completed on line or paper copy.
- Fall and winter are coming and the road crews have done the first mowing of the road sides. David stated that it would be helpful if the citizens could clean out the ends of their driveway culverts so when it rains it doesn't wash out their driveways.
- David also introduced Cheryl Ten Broeck to the Board as the new Administrative Assistant.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

The Cemetery Trustees meeting has been canceled for Thursday, Sept. 13th.

4. **Upcoming Community Events:**

Waldo County TRIAD is having an auction this Friday, Sept. 14th, at the Belfast Masonic Hall on White Street behind the Shrine Club. The viewing and food starts at 5:00PM and the auction starts at 6:00PM.

Prescription Drug Collection is being held on Saturday, Sept. 29th, 10:00AM to 2:00PM at the Town Office. Please bring any unwanted Prescriptions to drop off for proper disposal.

The Old Timers Luncheon on Monday, Sept.17th, will be at the Lobster Pound at 11:30AM.

5. Meeting Minutes:

Motion by Libby, second by Gerry, to approve the August 27th, 2012 meeting minutes as presented. Vote 4-0-1 (Trundy abstained).

6. Waldo County Budget Committee Ballot:

Motion by Gerry, second by Libby, to vote for David Barrows to serve as District 1 Waldo County Budget Committee Member. Vote 4-0-1 (Barrows abstained).

7. MMA Voting Credential Form:

The annual Maine Municipal Association Convention will be held in early October at the Augusta Civic Center. David Kinney stated that no one was interested in attending the Convention and the item was not acted on.

8. Liquor License Renewal Application – Chez Michel Restaurant:

Motion by Gerry, second by Libby, to renew the liquor license filed by Chez-Michel Restaurant. Vote 4-0-1. (Gerry abstained).

9. 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 Trundy, that the Board grant Property Tax Abatement #2012-02 as recommended by the Assessors' Agent to Avis Rainfrette in the tax amount of \$64.86. Vote 5-0.

Motion by Gerry, second by Libby, that the Board approve and sign the Supplemental Tax Warrant as recommended by the Assessors' Agent to Roger & Rebecca Schaffer as owners in the amount of \$64.86. Vote 5-0.

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

Additional Item brought before the Selectmen by David Kinney -- David Kinney received via FedEx an application for a liquor license for a catering function at Ducktrap Retreat in the Dog Fish Café for a wedding reception on Saturday, Sept. 15th, from 5:00PM to 11:00PM. It was noted that there have not been any complaints about noise this year. It was decided that due to timing that this was an emergency item so that the Board could act on it.

Motion by Trundy, second by Libby, to approve the Liquor License for Dog Fish Café. Vote 5-0.

Gerry asked if anyone found the MMA Town Office Staff Size Survey results interesting. David Kinney summarized the survey for the Board. Maine Municipal Association as part of

their annual salary survey for the last couple of years has asked for staffing changes. They did surveys in 2010, 2011 and 2012 and found that the larger municipalities had higher proportional reduction in staff numbers compared to small municipalities. However, 78% said that staff size has remained the same. The survey is available at the town office.

- 10. 6:30PM Public Hearing: Special Amusement Permit Amendment – Cellardoor Winery: Motion by Trundy, second by Libby, to open the public hearing concerning the proposed amendment to the Special Amusement Permit held by the Cellardoor Winery. Vote 5-0.**

David mentioned that the Cellardoor Winery will be having music on Sept. 28th, at 6:30PM and would like to amend their existing permit so that the music can play until 11:00PM instead of 10:00PM. They are expecting a good crowd for their event.

No comments were made by the public.

Motion by Libby, was seconded, that the Board close the public hearing. Vote 5-0.

Motion by Trundy, second by Libby, that after having held a public hearing, that the Board finds that the amendment 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 amendment be granted. Vote 4-0-1 (Gerry abstained).

- 11. 6:30PM Public Hearing: Winter Road Closing – Martin Corner Road (portion of): Motion by Trundy second by Gerry, to open a public hearing concerning the winter road closing of the Martin Corner Road pursuant to Title 23 Section 2953. Vote 5-0.**

No member of the public needed explanation about the proposal and no public comments were made.

Motion by Gerry, second by Libby, to close the public hearing concerning the winter road closing of the Martin Corner Road. Vote 5-0.

Motion by Trundy, second by Gerry, that following a public hearing pursuant to Title 23 MRSA & 2953(2), and due deliberation, it is the opinion of the Municipal Officers of the Town of Lincolnville that the Martin Corner Road from 171 Martin Corner Road to its end at the Moody Mountain Road is so located with reference to population, use and travel thereon, that it is unnecessary to keep it maintained and open for travel during the months of December, January, February, March and April or any part of these months for a period of 1 year.

Motion by Trundy, second by Gerry, to close a portion of Martin Corner Road. Vote 5-0.

- 12. Consideration for Special Town Meeting Order and Warrant for November 6th, 2012:**

Kinney stated that we verbally received good news from DEP that a Site Location of Development Act permit will not be required for the anticipated town projects be it the town office renovation/expansion, the running track or the move of the schoolhouse due to the fact that the site is governed jointly by the school committee and the Selectmen. The DEP decision will save the town approximately \$72,000 in costs. Amanda and Brian from 2A Architects working together with Gartley & Dorsky put together a revised memo that brought the project cost, to be voted on in November, down to \$703,000. Subtracting out the monies that have previously been appropriated or in reserve results in \$220,000 to be borrowed. Amanda and Brian also put together a memo outlining some of the additional things that could be changed within the building, ranging from \$285 bulletin boards to \$3,000 dollars of insulation in the attic. Kinney mention there were four members of the Building Committee at the meeting.

Cathy Hardy from 21 Hope Road had a question on the \$220,000 long term bond issue. One suggestion was made that this could be a one-time payment instead of financing over a long period of time. She asked Kinney if this was a ten-year plan. Kinney said it was for a 20-year borrowing, but could be any term the Board desired. Cathy commended 2A Architects on the work they have already done to scale back the cost. Cathy would like to see the cost more on the range of \$100,000 to \$150,000. Cathy asked Amanda if they had any idea of job cost. Amanda stated there was really no way to know what the cost would be. Amanda said that the total cost has more to do with competitive bidding and less to do with the economy. Cathy challenged the Budget and Capital Needs Committee put a cap on the cost and cut wherever they can to offset costs.

Kinney said that most of the request that the Capital Needs Committee receives is for an anticipated future long term expense that has been designated (like a fire truck) versus the Capital Investment Reserve which is basically undesignated for purchases. The Capital Needs Committee recommends that requests come from a department head or committee chair. The harbor is another example where they have recommended specific monies be designated versus trying to build up a fund of undesignated capital. This Capital Investment account existed prior to Kinney's arrival. Kinney's preference is to have a reserve fund that is designated to a specific purpose so it is clear when the people vote for the fire truck fund where that money is going to go. He also said that if we were to set aside monies for any future capital project we should established a reserve fund for that project.

Trundy ask how much flexibility does the town have on the terms for loans.

Kinney said the article as written leaves it to the Board of Selectmen working with the Treasurer to determine how long they want to borrow the money for. He addressed the Selectmen by saying if you know you want a different term I would encourage you to change the numbers to be as close to what you think you want.

Thomas Wilhelm, Chair of the Budget Committee, mentioned that if the renovation of the town office goes through then the useful life of the building should be twenty years so we wouldn't need to have much of a capital reserve. We could do a specific capital reserve

instead of a general one. Tom also asked how much information was out there concerning the building project.

Kinney said it has been on the Board's agenda every week since June and that the Municipal Building Committee and the Board would be working disseminate information prior to the vote.

Cathy Hardy inquired if there was a chance we could use the Lincolnville Central School as the temporary town office when the renovation starts in the spring instead of using a trailer.

Kinney said that ideally the foundation work would start in April and the project would last at least eight months, but they could explore the idea with the school of using space. However, the logistics of moving communications and data systems will not make this very doable.

Paul Crowley stated that he thought we had a pretty good plan for the new town offices, but his only concern was the cost. He is worried about borrowing so much money. Paul is looking at \$92,000 for site work and feels this cost should be around \$50,000, but does not include paving in this figure. Paul suggests we should hire local people to bid on doing the site work. He suggested that we should invite people in town to bid on the site work before the project begins. He thinks that this could save \$30,000. Paul asked if the \$7,000 is the cost of obtaining the performance bond. Amanda from 2A Architects answered yes. Paul asked what the cost of borrowing is.

Kinney said the costs were pretty minimal, he talked to the town attorney and their thinking is it would be less expensive for the town to go to a commercial bank than to try to issue an actual bond.

Paul Crowley says sometimes with bonds you are not allowed to pay them off earlier. He said that local banks will offer good rates. Paul also would like to see the cost down to around \$150,000 to be borrowed. He would like to see one more effort to try to get costs down.

Gerry asked about the time line for getting this article to the voters.

Kinney said that if the town chooses to put this forward to the voters on November 6th, which is election day, you have to back up the statutory time period because you must have absentee ballots available thirty days prior to November 6th. Also this requires an order to the Town Clerk within 45 days.

Gerry asked the other Board members and Kinney what are the pros and cons for having this article on November 6th as opposed to a Special Town Meeting say a month later.

Trundy said he feels the Board has been working very hard on this and would like to see this go on the November 6th ballot. He said that we have more public representation at the

November elections and sees this as a “pro”. He also added that he likes the idea of a loan we can pay off early.

Gerry said that if we had a little more time they could find an opportunity to save more on cost, which he sees as an advantage. He mentioned this for discussion purposes.

Dunn said that if we postpone the vote that we may lose on interest rates and we should strike while the iron is hot.

Paul Crowley thinks it should go to the voters on November 6th.

Dunn would like to see a pamphlet go out to voters with information concerning the building project.

Jay Foster would like to see the article on the ballot on November 6th, and thinks there is not much more we can do to get this cost down on the building. He suggested we need to get the community involved in getting the site development cost down. Maybe people could donate their time to do work on the site. Jay would also like to have public hearings and send out a pamphlet to the voters so that they are informed before they go to the polls.

Libby agreed with Jay that they have already reduced the size of the building enough.

Trundy agreed and stated that the floor plan is a common sense design.

Gerry asked Jay if he was thinking of more than one meeting and Jay said yes.

All agreed that it was a good idea to make sure that the voters are well informed.

Amanda Austin listed cost savings that could still be made for materials. These came to around \$15,000, but there was a feeling among the selectmen that all the frills have been removed and there is not much room for further cost savings unless we want the structure to look like an FHA house. There was a consensus that the siding on the existing town office is in rough shape and should be replaced.

There was a long discussion about the need for contingencies for the building construction. Kinney gave examples from his own experience as to why contingencies are needed.

Amanda Austin from 2A Architects said that 10% is considered a standard for contingencies. She said that it would be possible to get it down to 8%. Less than 8% would be out of the norm. Amanda reviewed the Aug. 30th memo concerning possible modifications to the building.

The Selectmen expressed that it would be better to have an adequate contingency built into the project rather than to go back to the voters and ask for more money later because unexpected expenses occurred because of unanticipated problems.

In order to ensure adequate public input it was decided to hold a public hearing at least 10 days prior to the referendum vote on November 6th.

Motion by Trundy, second by Libby, I move to approve a Special Town Meeting Order and Warrant for November 6th, 2012 to raise \$220,000 for the new town office building. Vote 5-0.

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

Motion by Trundy, second by Gerry, to approve and Sign the Treasurer's and Payroll Warrant(s). Vote 5-0

14. Executive Session – Application(s) for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA & 405 (6)(F) & Title 36 MRSA &841 (2)(E):

Motion by Gerry, second by Trundy, that the Board of Selectmen enter into executive session for purpose of hearing an application for property tax abatement due to poverty and/or disability pursuant to Title 1 MRSA Section 405(6)(F) and Title 36 Section 841(2)(E). Vote 5-0.

Upon returning to open session, Motion by Gerry, second by Trundy, to adjourn the Executive Session. Vote: 5-0.

Motion by Trundy, second by Gerry, to deny the tax abatement request pursuant to Title MRSA Section 841(2). Vote: 5-0.

15. Adjourn:

Motion by Gerry, second by Libby, to adjourn the meeting. Vote 5-0.

Respectfully submitted,

Cheryl Ten Broeck
Administrative Assistant