

**BOARD OF SELECTMEN
MINUTES OF MEETING
September 12, 2016**

Present: Chair, Ladleah Dunn, Arthur Durity, David Barrows, Cathy Hardy, Keryn Laite, Jr., Temporary Town Administrator, Jodi Hanson and Town Attorney, Sally Daggett

The quote was read by Selectman Barrows.

1. Hearing and action:

Cindy Gerry asked to have her hearing in public session.

Board member Durity felt that because he is the Chair for the Mid-Coast Solid Waste Corporation Board of Directors, it was in the best interest of the Town of Lincolnville and the Mid-Coast Solid Waste Corporation that he withdraw from the discussion and voting and with the Board's permission he asked to retire to the public during deliberation. The Board was in agreement.

Sally Daggett, Lincolnville's Town Attorney gave an overview of the following procedures:

At the August 22nd meeting the Board voted to put this on as an agenda item and schedule a hearing and send notice to Cindy Gerry, as well as the newspaper, regarding potentially removing Cindy Gerry from the Board of Directors of the Mid-Coast Solid Waste Corporation.

A notice was emailed to Gerry on August 25 and mailed to her the very next day. A notice was also published in the Camden Herald on September 1st giving Gerry the option to have the proceeding in public session, which she indicated she wanted.

The notice that was provided to Gerry regarding why the Board of Selectmen considered removing her from the Board of Directors of the Mid-Coast Solid Waste Corporation because the Board felt that her continued service was not in the best interest of the Town of Lincolnville. However; the Board would allow Gerry to present any information that she wanted to present and the Board allowed for public comments with time restrictions.

Chair Dunn stated, "The Board of Selectmen on May 9th gave a favorable recommendation on warrant article 19 and at the annual town meeting overwhelmingly voted in favor of article 19 at the Mid-Coast Solid Waste Board of Directors meeting on the 27th. Gerry voted in support of Fiberight, thereby failing to respect the votes of the Board of Selectmen and the town meeting, furthermore has demonstrated an inability to work with town officials."

Cindy Gerry told the Board that at this point she did not have a lot to say.

Gerry reported that she was visited at her home, after a town meeting, and was told to either vote to support the ecomaine contract or resign from the Board. At that time, she thought she was going to be able to do that, but that she would say the reasons were that she was visited and was told how to vote.

Gerry noted that when the time came to vote, she felt there were a lot of people at the town meeting who was a minority and their interest was pursuing something with Fiberight.

Gerry also feels that Fiberight is the best choice for the Town of Lincolnville and that her vote for Fiberight would not have changed the outcome and the people of Lincolnville deserved representation.

Public Portion:

Resident Caitlyn McCray stated “I’m struggling to understand why we’re having this conversation because Lincolnville was able to make their vote and they made it loud and clear. The problem is three of our partnering towns stood in opposition to us and that puts the question back. To my mind, since we’re not building our own transfer station anytime soon, good governance and representation means look to the next best option and working together to find a solution to keep Mid-Coast Solid Waste Corporation together, with an open mind. I wonder how in good conscience we can advocate removing someone who has done just that. At no point can I see, has the will of the people of Lincolnville been silenced. The call was for another vote, that’s it. If disagreeing with members of our Select Board on what those next steps could be is grounds for dismissal, then I think we need to be really clear about what Lincolnville expects of its representatives when they come on. If they have to vote as their told if they have to vote as a mandate, that’s one thing going into the position, but that needs to be made very clear. As a town I feel that we owe it to each other to encourage thoughtful and independent leadership that takes the whole of the situation in mind and I’d hate to think that we’re not on board with that as a town.”

Barrows made a motion to close the public portion of the hearing. Laite seconded the motion. The motion passed on a 4-0-1. (Durity abstained)

Board discussion:

Board member Hardy explained that it was our decision as a Select Board to support ecomaine and it was the town vote to support ecomaine at the town meeting. Our contention was and is that as a representative on the Mid-Coast Solid Waste Board, we would expect the representative to follow the town’s peoples vote and the Select Board’s recommendation.

Cathy Hardy made a motion that the Board remove Cindy Gerry as a member of the Mid-Coast Solid Waste Corporation Board of Directors because her continued service is not in the best interests of the Town; specifically, municipal solid waste disposal in an important issue for the Town both environmentally and financially and she has not

followed the recent votes of either the Board of Selectmen or Town Meeting in that regard, and she not evidenced a willingness to work with Town officials on the issue of municipal solid waste disposal for the Town; and declare a vacancy on behalf of the Town of Lincolnville on the Mid-Coast Solid Waste Corporation Board of Directors, which vacancy the Board of Selectmen will fill at a later date. Barrows seconded the motion. The motion passed on a 4-1-0 vote. (Durity abstained)

Town Attorney, Sally Daggett read the following letter to Cindy Gerry:

“I am writing to inform you that the Board of Selectmen conducted a hearing on September 12, 2016 to consider removing you as a member of the Mid-Coast Solid Waste Corporation Board of Directors. Notice of this hearing was provided to you by email dated to you on August 25 and my letter was mailed to you on August 26. Notice of the hearing was also published in the Camden Herald on September 1st. On Monday night’s hearing the Board initially presented some concerns about whether your continued service on the Mid-Coast Solid Waste Corporation Board of Directors was in the best interest of the town. The Board heard you respond to the Boards concerns and received comments from the general public as well. After receiving that input and following deliberation by the Board by a vote of 4-0.”

Hardy made a motion that the Board authorize the Chair of the Board of Selectmen to send a letter on the Board’s behalf summarizing the results of tonight’s hearing to Cindy Gerry and thanking Ms. Gerry for her service to the Town of Lincolnville. Laite seconded the motion. The motion passed on a 4-0-1 vote. (Durity abstained.)

2. Citizens’ Forum:

Resident Rosey Gerry updated everyone on the recent passing of two Lincolnville residents this past week, John Ianelli and Jean French. He asked for a moment of silence in their honor.

3. Administrator’s Report:

Jodi Hanson, Temporary Town Administrator, reported:

- Harbor Stakeholders Meeting: The purpose of the meeting was to conduct a site walk at the beach, followed by a public meeting at the Lincolnville Improvement Association building to give the public an opportunity to ask questions on how to improve the waterfront.
- Audit: The Annual Audit will be conducted on September 20-22nd.
- Paving: Hagar Enterprises will begin paving on September 26th on the Proctor Road, Masalin Road and the Thorndike Road.

4. Meetings & Announcements:

Chair Dunn read the upcoming meetings.

5. Upcoming Community Events:

Cindy Dunham reported that there will be a Happy Hour at Andy's Brew Pub to benefit the Lincolnville Community Library on Thursday, September 15th from 4PM to 7PM. The band King Pirogi will entertain with lively music and a raffle to win a gift certificate to Beyond the Sea Book & Gift shop.

Gerry reported that the Lincolnville Library will hold its Fall Concert Presentation on September 21, 2016 at 7PM. This month's author is Sid McKeen and the band is Meteora. Tickets are \$10 each and all proceeds to benefit the Library.

6. Meeting Minutes:

Barrows made a motion that the Board approve the August 22, 2016 meeting minutes with Hardy's amended changes. Laite seconded the motion. The motion passed on a 4-0-1 vote. (Durity abstained)

Barrows made a motion to approve the August 29, 2016 meeting minutes as presented. Hardy seconded the motion. The motion passed on a 4-0-1 vote. (Durity abstained)

7. Committee Chair and Department Head Update(s):

Route 1 Advisory Committee:

Chris Osgood, Chair of the Route 1 Advisory Committee, stated he was asked by the Town of Camden to support a speed study on Route 1 and Camden has asked if Lincolnville would join them for this study from the town line to Viking Lumber.

Osgood explained there are no illusions about how well the study will work towards lowering the speed limit to 45MPH, since it's rare that a speed study results in a lower speed limit. However; he wanted Lincolnville to support Camden's efforts as they are gradually working together on that stretch of Route 1.

Osgood recommended either a letter, an email or a phone call to MDOT giving them a yes that the Town of Lincolnville is willing to participate in the speed study.

Barrows made a motion that the Board allow the Chair to work with the town administrator to draft an email with that language to protect the Town of Lincolnville. Durity seconded the motion. The motion passed on a 5-0-0 vote.

CODE OFFICER ACTIVITIES:

Frank Therio, Code Officer came before the Board and gave an update.

There was an increase in code enforcement activity from early March until present in 2016. There were 25 more building permits in 2016 than at the same time frame in 2015. (82 to 57)

1. Many General Store meetings with architects, Fire Marshall requirements, contractors.
2. Worked with Gartley & Dorsky multiple times on the 16 lot Harbour Pointe II subdivision.
3. Training all new Planning Board members. Created timeline plan for controlling Harbour Pointe.
4. Supported Planning Board on all cabin 30% activities while working with architects
5. Multiple tree issues in shore land zone. Removing dangerous trees, diseased and dying. Just removal for views. Also violations of same. It is important to educate home owners and contractors on the need for tree and vegetation control in the 100 ft. buffer.
6. Many research issues for appraisers, real estate agents and new home owner potential buyers.
7. Some citizens would like to see more stringent controls over non hazards/health issue trash and noise. Today the tools we have are junkyard laws and a local ordinance preventing material to be located in the first 15 feet back from the road.
8. Discussed many shore land issues and what if issues with citizens.
9. Addressed multiple business and vendor questions for functioning in Lincolnville.
10. Worked on many complaint issues such as noise, rats, tree cutting, erosion control, etc.

It is important that we put increased focus on ordinance updates, specifically:

Marijuana controls
Back lots
Certificate of occupancy

ADDRESSING OFFICER:

There were 8 new addresses in 2016 at this time as compared with 3 in 2015. Mention Waldo Way.

The State's 9/11 addressing installed a computerized system for address activity.

LICENSED PLUMBING OFFICER:

There were 7 more plumbing permits at this time in 2016 than in 2015.

1. Seven septic system replacements in 2016 and 3 in 2015.
2. Investigated multiple designs of wastewater system for improvement of same. Made recommended changes for longer system life by removing water softeners from septic systems.

HEALTH OFFICER:

1. Investigated multiple complaints of health issues and resolved same. Keep local citizens informed of health concerns in the yearly Town report as well as postings on the Town bulletin board.
2. Working on existing rodent problem.

MAINE HEALTHY BEACHES:

Maintained required certification in Maine Healthy Beaches program and posted beaches as necessary and monitored as needed. This is the 14 year The Town has participated with the State.

The Board thanked Mr. Therio for his thorough report.

8. Solar Energy Project – Recommendation from ad hoc Energy Committee:

Cindy Dunham, Chair of the Energy Committee, stated that the Energy Committee started discussing the possibility of this Solar Energy Project back in February when they reviewed the current town electricity needs to see if there was a way to conserve electricity and if there would be a town location to house the solar array to cover future electricity needs.

In August the Energy Committee asked Town Administrator, David Kinney to put out an RFP, which created a timeline that he thought, was ambitious, but realistic.

The RFP was for a solar energy-generating facility to be sited on just under 16 acres of town land adjacent to the fire station on Route 52. The buildings that would be powered by the facility would include the fire station, the town office, the sand/salt storage building and the Breezemere Park bandstand. Also included would be town buildings along Route 1 at the beach, including the fire station, as well as lighting at the beach, the harbor and the town pier.

The town would lease the land which is located on the south side of the center fire station away from the wetland for the solar array to the solar provider. The agreement would be for the town to purchase energy at a discounted rate from the solar provider for 20 to 30 years.

Dunham explained that on August 31, the review committee met to look over the three proposals that were submitted, and a week later, the group unanimously chose ReVision Energy.

Dunham stated, “ReVision provided the most flexible financing packages, with a buyout option in year seven. We know from experience with other local projects, including the library, that ReVision is a mission-driven company that has extremely positive customer service and support and is committed to a health and sustainable future for Maine. ReVision provided the most experience with similar projects, including 10 municipalities.”

Dunham also stated, “She said that references talked about their depth and integrity, and that while ReVision is still viewed as a local Maine company, it is a large firm with enough people involved in it to feel confident they will be here for 20-30 years, which is the potential lifespan of the agreement.

Gary Gulezian said that ReVision's proposal had some options to consider, including how much the town would pay for each kilowatt hour of electricity in the PPA, and then how much the town could buy the equipment for in the sixth year.

Gulezian said that paying a lower KWH rate would cause a higher buyout cost. There are three options. If the town paid 11 cents/KWH, the equipment buyout would be \$63,000. If the town paid 13 cents/KWH, the equipment buyout would be \$57,000 and if the town paid 15 cents/KWH the equipment buyout would be \$54,000.

Gulezian stated “The option we are recommending is 13 cents/KWH, which would be about half a cent less than what the town is currently paying for electricity.”

ReVision is willing to pass on savings to the town because, as the owner and operator of the equipment, it gets to take advantage of federal tax credits and depreciation at the highest rate the first year, significantly lowering the cost, if the town decided to buy it in the sixth year.

Gulezian stated, “Now, if we are to buy the array outright right now from ReVision, without an agreement, it would cost \$126,000.”

Gulezian said that based on projections, by going with 13 cents/KWH, the town would be paying less each year for electricity than going with the utility company. The assumption, based on projections, is that utility companies increase rates at 2.5 percent, and ReVision's rate of escalation in price is 2 percent per year.

Gulezian also stated “The price paid to ReVision will always be less, based on the projection, and that will continue for the life of the agreement, which would be 20 years with the possible extension of five years twice, which could take it to 30 years.”

Gulezian said that ReVision has come up with a warranty, where if Net Energy Billing were to go away, ReVision will look at what the rules are and look at the benefits to the town would have been and apply those lost benefits as a credit to the town and what we are paying for over the next year.

Gulezian also stated, “So essentially, their warranty works to make us whole on what we would have gained for the Net Energy Billing Policy.”

Gulezian explained that from year 1-30, the town's current electricity spending is about \$400,000. By adopting the 13 cents/KWH plan and the town will spend a little over \$250,000 at

the end of 30 years. There could be even more savings if the town opts to buyout the equipment after six years.

Dunaham thanked the Board and explained that the committee realizes this project is on a tight time line and apologized for any additional stress. However; their goal was to provide the best energy option for the town that this project is an excellent opportunity.

Dunham stated, "We believe that by moving in this direction, we are moving toward a more renewable and cleaner energy source for the town. We would like to ask for a special town meeting on Sept. 26, with the purpose to seek approval to purchase electrical power through solar generation under a PPA, and approval of a license or lease agreement to locate the solar array on town property adjacent to the fire station."

Rick McKittrick, a Lincolnville resident and retired attorney, urged the Board of Selectmen to have the potential agreement carefully reviewed. He did not believe that holding a special town meeting for citizen approval of the plan in general would require an execution of an agreement.

McKittrick stated, "I think a time line should not be a real obstacle if the Board of Selectmen is philosophically ready to move forward."

Dunn stated, "Just from a basic time line, working backward, breaking ground to doing the installation, there wouldn't need to be any dollar outlay from the town? I don't see the Power Purchase Agreement, or a right of way language."

After a lengthy discussion and with Mr. Kinney's absence, the Board recommended that chair Dunn work the Energy Committee and have a vetted contract for the Board to review at its next meeting on September 26.

John Luft stated that his company would work to get a contract to Dunn by the end of the week and it would include a PPA, as well as a land lease agreement.

Dunn finished by stating, "We are just going to have to be creative with the powerhouse that David was. I'm frustrated that we just can't let you run with it, but I also think we can figure this out."

9. Set the date of the Pubic Hearing on the MCSWC contract with ecomaine warrant article, which public hearing is required by 30-A M.R.S.A. Section 2528(5):

Hardy made a motion that the Board set a date of Monday, September 26, 2016 beginning at 6:30PM for a public hearing on the Mid Coast Solid Waste Corporation contract with ecomaine warrant article that is to be voted on by secret ballot on November 8, 2016. Laite seconded the motion. The motion passed on a 5-0-0 vote.

10. Board, Committee and Commission Appointment(s):

Hardy made a motion that the Board appoint Curt Speed as a regular member to the Harbor Committee with a term expiring June 30, 2019. Durity seconded the motion. The motion passed on a 5-0-0 vote.

Hardy made a motion to appoint Doris Weed as a Deputy Registrar of Voters and Deputy Warden, Jodi Hanson as Deputy Warden and Karen Secotte as Deputy Warden all with a term expiring June 30, 2017. Laite seconded the motion. The motion passed on a 5-0-0 vote.

11. Liquor Licesnse Renewal Application – Chez Michel:

Durity made a motion that the Board approve and sign the liquor license application submitted by Chez Michel Restaurant. Hardy seconded the motion. The motion passed on a 5-0-0 vote. Hardy seconded the motion. The motion passed on a 5-0-0 vote.

12. Winter Road Closing Hearing (6:30PM)

Hardy made a motion to open a public hearing concerning the winter road closing of the Martin Corner Road pursuant to Title 23 M.R.S.A. Section 2953. Durity seconded the motion. The motion passed on a 5-0-0 vote.

No public comments followed.

Durity made a motion to close the public hearing concerning the winter road closing of the Martin Corner Road. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

Dunn made a motion that following a public hearing pursuant to Title 23 M.R.S.A Section 2953(2), and due deliberation, it is the opinion of the Municipal Officers of the Town of Lincolnville that Martin Corner 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 November, December, January, February, March and April. Durity seconded the motion. The motion passed on a 5-0-0 vote.

13. As Board of Assessors – Abatement Request:

Durity made a motion that the Board suspend the meeting as the Board of Selectmen and that convene as the Board of Assessors. Durity seconded the motion. The motion passed on a 5-0-0 vote.

Hardy made a motion that the Board grant Personal Property Tax Abatement #2016-01 as recommended by the Assessor's Agent for Andy's Brew Pub in the tax amount of \$503.88. Durity seconded the motion. The motion passed on a 5-0-0 vote.

Durity made a motion to adjourn the meeting as the Board of Assessors and reconvene as the Board of Selectmen. Laite seconded the motion. The motion passed on a 5-0-0 vote.

14. Utility Pole Location Application – Thurlow Road:

Hardy made a motion that the Board approve and sign the Location Permit for Work Order #10100472750. Laite seconded the motion. The motion passed on a 5-0-0 vote.

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

Durity made a motion that the Board approve the Treasurer's and Payroll warrants. Barrows seconded the motion. The motion passed on a 5-0-0 vote.

16. 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