

**BOARD OF SELECTMEN
MINUTES OF MEETING
September 13, 2021**

Present: Chair, Ladleah Dunn, Vice-Chair, Keryn Laite, Jr., Josh Gerritsen, Mike Ray, Jordan Barnett-Parker, and Town Administrator, David Kinney

Selectman Barnett-Parker read the quote.

1. Citizens' Forum:

There were none.

2. Administrator's Report:

David Kinney, the Town Administrator, noted:

- Culvert: The culvert replacement on the Ducktrap Road should start later this week, weather permitting.
- Executive Session: Kinney suggested adding an executive session to the end of the agenda by including this request to agenda item # 22 to discuss the possible disposition of real property.

3. Meetings & Announcements:

Administrator Kinney read the meetings and announcements.

4. Upcoming Community Events:

There were none.

5. Meeting Minutes – August 23, 2021:

Laite made a motion, seconded by Ray, that the Board approves the August 23, 2021 meeting minutes as presented. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

6. Public Hearing – Liquor License Youngtown Inn:

The Board welcomed the new owners of the Youngtown Inn and thanked them for attending the meeting.

Laite made a motion, seconded by Gerritsen, that the Board opens a public hearing concerning the liquor license application being sought by Kamino, LLC doing business

as the Youngtown Inn. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

No public input was offered.

Laite made a motion, seconded by Barnett-Parker, that the Board closes the public hearing. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Barnett-Parker made a motion, seconded by Gerritsen, that after having held a public hearing that the Board grant the liquor license request by Kamino, LLC doing business as the Youngtown Inn. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

The Board thanked the owners of the Youngtown Inn and wished them great success.

7. Public Hearing – General Assistance Ordinance & Maximums:

Kinney noted that the Town of Lincolnville is obligated, by the State of Maine, to have a General Assistance Program; therefore, an ordinance is needed to govern how the program is applied, so the Town can seek reimbursement from the State.

Laite made a motion, seconded by Barnett-Parker, that the Board opens a public hearing concerning the 2021 General Assistance Ordinance including appendices A-H. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

No public input was offered.

Gerritsen made a motion, seconded by Laite, that the Board moves to close the public hearing. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Laite made a motion, seconded by Ray, that the Board adopt the September 2021 General Assistance Ordinance as prepared by the Maine Municipal Association along with Appendices A-H with an effective date of October 1, 2021. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

8. Request for support for new guard rail on State Rt. 173 – Lincolnville Historical Society:

Christine Leary, came before the Board on behalf of Diane O'Brien, the Lincolnville Historical Society, and the Lincolnville Improvement Association, requesting that the Board consider contacting the Maine Department of Transportation to request that they add a new guardrail on Rt. 173 on the Beach Road, which is roughly 90 feet up the Beach Road on the right-hand side from the Lincolnville Historical Society.

Leary stated, "There is a ravine where the creek comes in, and if you were to park your car on that road, which many people park along this road if you open your car door and step out, you would be in the ravine. This is not a long space but is very, very dangerous and I encourage the MDOT to come take a look at it and decide what to do."

Dunn mentioned that since Rt. 173 is a state road, this is a call that the MDOT needs to make; therefore, the Board can ask the Town Administrator to draft a letter of support from the Select Board.

The Board concurred that the right thing to do was ask Kinney to send the MDOT a letter.

The Board thanked Leary for bringing this to the Board's attention.

9. Lake City Floats – Land Lease for Float Storage:

Isabella Wincklhofer attended the meeting seeking the Board's permission to continue to store the floats from Norton's Pond at the Breezemere Park.

Laite requested signage in the storage area to alert kids to stay off the floats.

Wincklhofer explained that a sign was installed last year, but has since been removed. She offered to place a new sign on the floats or whatever the Board would prefer for signage.

Laite recommended the stored floats do not interfere with the nature trail or the snowmobile trails.

Laite requested a conversation with the Boat Club because they don't stack their floats, which creates less room for everybody else.

Dunn suggested that the Select Board revisit this conversation at a later date.

Wincklhofer explained that her husband has offered to stack the Town's floats when he has his backhoe at the location.

Ray expressed concerns from the Lakes & Ponds Committee regarding some of the unencapsulated polystyrene which was left behind on the ground when the floats were removed.

Wincklhofer told the Board that her husband brought a dumpster to the location and cleaned up the mess and she encouraged the Board to call her in the future if this happens again, and she would make sure to clean this up.

Ray also expressed concerns from the Lakes & Ponds Committee regarding the removal of the phragmites, which they have left in a pile under a tarp, which will eventually compost. The Lakes & Ponds Committee asks that Wincklhofer leave them be.

Wincklhofer wanted clarification on the location of the phragmites and reassured the Board, these floats would not interfere with the Lakes & Ponds work on the phragmites.

Kinney noted that the contract in the Board's packet, was from last year and if the Board wishes to add or make any changes, now would be the time to make those changes.

Ray recommended adding a section in the agreement to include that the phragmites not be disturbed.

Kinney offered to add that into the contract agreement.

Dunn proposed that before shaping any specific language, she felt it was important that the Select Board have a conversation with the Lakes & Ponds Committee first.

Kinney asked Wincklhofer how much Lake City Float's would charge the Town to bring in the Town-owned swimming float before the lake freezes.

Wincklhofer offered to bring this said float in during the same time the other floats from Norton Pond are taken up for the season and she offered to put the float back in the spring, at no charge to the Town of Lincolnville.

The Board thanked Wincklhofer for agreeing to take care of the Town's float at no charge.

Barnett-Parker made a motion, seconded by Laite, that the Board authorize the Town Administrator to sign an agreement on behalf of the town that allows the use of town-owned property storage by Lake City Floats on essentially the same term as last year. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Dunn also recommended that the Board invite a representative from the Thunder Valley Lawn Mower Drag Races Association, to attend a future Board meeting to have a proactive conversation regarding whether or not they plan to hold future events at Norton Pond to help solve any parking issues in the future.

The Board concurred.

10. Pole Location Permits – Youngtown Road & Slab City Road:

Laite made a motion, seconded by Gerritsen, that the Board approves and sign the Location Permit (CMP Job #10300749199) for a new pole to be located adjacent to the Youngtown Road. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Laite made a motion, seconded by Gerritsen, that the Board approves and sign the Location Permit (CMP Job #10300814523) for two new poles to be located adjacent to the Slab City Road provided that pole # 706 HS be located at least 12 feet from the edge of

the road. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

11. Broadband Update:

Broadband Committee:

Ray reported that the Broadband Committee has one more meeting before the Charge ends and the plans are to work on the final report which is due at that time and if the Board decides to continue the Charge, the plans are to participate in the selection of consultants chosen to do the feasibility study.

Ray explained that the Select Board was given a copy of the draft RFP which was submitted to David Kinney, Town Administrator for his comments and he felt the way it looks is that Kinney's comments can be easily incorporated.

Gerritsen announced he was very happy with the RFP and was in agreement with Kinney's comments. He was in favor of removing the section that states: "LCI charges \$90/month."

Gerritsen also agreed with #2, which talks about having a positive statement versus a negative statement and he was happy with the scope of work as long as the Board includes the charges for both iterations of the Broadband Committee to give the people issuing proposals some idea of what was asked of the Committee to accomplish.

Laite felt it was important to see the next draft to allow him the time to read it over before he would be ready to go.

Dunn was in agreement with Laite and felt it was important to see a completed document in its entirety and she wanted to get this right.

Gerritsen encouraged the Board to move forward with seeking proposals, especially since things are moving very quickly and the price of fiber is becoming more expensive every month and consultants are already slammed with doing feasibility studies. He was concerned that the longer the Town waits, the more the Town of Lincolnville is going to be behind in line and he was good with the RFP changes.

Barnett-Parker made a motion, seconded by Gerritsen, that the Broadband Committee be authorized to seek proposals utilizing the current draft RFP and adjustments made by the Town Administrator. Vote: Laite – No, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – No. Motion carried 3-2.

Dunn wanted to know how the Town is going to pay for this.

Barnett-Parker reminded the Board that there is currently \$5,000 sitting in a Capital Reserve Broadband Fund.

Kinney told the Board that they may want to ask, within the RFP, that a sample or draft contract be sent so there would be some knowledge about how these unique methods of payments or compensation could be understood and he reminded the Board that whatever contracts the Board signs; they need to have the ability to pay for.

Barnett-Parker stated, "It feels like we are kicking the can down the line and I have to say, it has gone beyond frustration and every time we have a discussion, there are reasons found for us to delay a decision. It is disappointing to me that we continue to kick this down the line instead of taking it seriously instead of giving it the attention that it needs."

Dunn told the Board that her request, moving forward, would be that the Board receives information in a more timely and complete fashion because she felt this is a weighty endeavor. She also discussed the fact that the first Broadband Committee was unable to complete their charge and the second Broadband Committee is still trying while figuring it out.

Dunn added that her reluctance and hesitance has nothing to do with the conversation of Broadband or access for the Town's citizens, it is about the fact that the Select Board is charged with a large list of responsibilities to replace Broadband and if the Board took that same approach to any of the other Town responsibilities, the Town would be run rather poorly.

Dunn stated, "I did not want anyone to get the idea or imply that I am being obstructionist to the concept, I am wedded to the process, that's it. I am not arguing the merits of all the work or the clarity that has been brought up by the discussion tonight, that's all."

Steven Koltai, a Lincolnville resident and a member of the Broadband Committee, came before the Board to express his frustration with the fact that the Town of Lincolnville has not yet agreed on proposals. The Town of Lincolnville has not decided to request a feasibility study proposal.

Koltai announced that he would not be prepared to continue to work on the Broadband Committee if the Board decided not to request a proposal tonight, which he felt would send a message to him that this is not a priority for this Board and he urged the Board to take into account, where the Town of Lincolnville is, in terms of where the Town stands with everyone else in the neighboring communities and how far behind the Town is.

The Board thanked Koltai for his input.

Continuation of Charge:

The Board felt that it was important for the Broadband Committee to be granted a time extension to give the Committee time to work with the Town Administrator and come up with a new proposed framework.

The Board also expressed the urgency from the Broadband Committee to submit documents and have a conversation with the Town Administrator so that information would be included in

the next Select Board packet on September 27. Therefore, the Board will be able to have a clear and definitive direction to move forward, before the Broadband Committee dissolving.

Mid-Coast Broadband Coalition:

Barnett-Parker explained that internet service providers are marking territory to prevent smaller towns from being able to move forward with their old plans, which is why it is extremely important, moving forward there is a tactical war out there and the smaller towns, like Lincolnville, aren't making out very well.

12. As Board of Assessors:

Laite made a motion, seconded by Barnett-Parker, that we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Municipal Valuation Return:

Laite made a motion, seconded by Barnett-Parker, that we approve and sign the 2021 Municipal Valuation Return as prepared by the Assessors' Agent. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Abatement #2021-01:

Barnett-Parker made a motion, seconded by Ray, that the Board grant abatement #2021-01 to Nathan & Elizabeth Neville in the tax amount of \$448.47 to correct an error in the land assessment. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Abatement #2021-02:

Gerritsen made a motion, seconded by Barnett-Parker, that the Board grant abatement #2021-02 to James & Kathleen Andreoni in the tax amount of \$16.61 to correct an error in the building assessment. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Supplemental Tax Warrant:

Gerritsen made a motion, seconded by Ray, that the Board approve and sign the Tree Growth Withdrawal Penalty Commitment regarding Account #1732 owned by Michael Kosowsky and Jennifer Drawbridge in the tax amount of \$3,740.00. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Barnett-Parker made a motion, seconded by Laite, that the Board of Assessors and reconvene as the Board of Selectmen. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

13. Solar Array Purchase – Discussion of Need for Committee Charge:

The Town of Lincolnville is a beneficiary of having a Solar Array at the Lincolnville Fire Station that powers municipal buildings, and was done by a Power Purchase Agreement with ReVision Investments, LLC.

Kinney explained that the PPA provides the Town of Lincolnville with the option to purchase the Solar Array, which enhances the Town's savings. In 2016, the Solar Array Purchase Committee gave their recommendations to the Select Board, that the Town purchase the solar array sooner rather than later.

The Town has since been setting aside funds for the purchase of the solar array, and those funds should be available to the Town at the beginning of 2022.

Kinney felt it was important to revisit the recommendations of the Solar Array Purchase Committee before the Board makes the final decision.

Laite made a motion, seconded by Gerritsen, to have the Town Administrator prepares for the Board's consideration a committee charge seeking to re-verify the recommendation to purchase the solar array as soon as it is available to the Town. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

14. Discussion regarding Conversion of Town Instruments to Gender Inclusive Language:

Gerritsen reported that Representative Vicki Doudera of Camden sponsored LD 1522, which eliminates references in State statute to Selectmen and Overseers of the Poor, is something that he felt was a good policy and he recommended changing the name from the Lincolnville Board of Selectmen to the Lincolnville Select Board and change Overseers of the Poor to Board of Overseers.

Gerritsen made a motion, seconded by Ray, that the Town Administrator works with the Town Attorney to outline the steps necessary to make the Town Charter, the Town Ordinances, and Town policies to be consistent with the State Statute languages and be gender-neutral/inclusive. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

15. ARPA Non- Entitlement Communities – Documents:

Kinney announced that there is information coming in daily regarding the American Rescue Plan Act and there are currently a couple of tracks that the Town is following. The first one is the more procedural track to get the Town in line to accept the funds and the other is how the Board will determine how the funds will be spent.

Kinney explained the following three items would require action from the Board:

1. Designating an authorized representative and contact person to act on behalf of the municipality

2. Agree to the Award Terms and Conditions Agreement.
3. Agree to the Assurances of Compliance with Civil Rights Requirements.

Laite made a motion, seconded by Barnett-Parker, that the Board designate David Kinney as the authorized representative and contact person to act on behalf of the Town with respect to the Local Fiscal Recovery Program and/or the American Rescue Plan Act of 2021. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Ray made a motion, seconded by Gerritsen that the Board agrees to the Assurances of Compliance with Civil Rights Requirements and instruct the Town Administrator to sign the assurances as our Authorized Official. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Gerritsen made a motion, seconded by Barnett-Parker, that the Board agree to the Assurances of Compliance with Civil Rights Requirements and instructs the Town Administrator to sign the assurances as to our Authorized Official. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Barnett-Parker made a motion, seconded by Ray, that the Board moves to authorize the Town Administrator to sign the acknowledgment of the receipt of \$20,000 from Waldo County and to agree to the conditions set forth. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

16. Discussion of Drinking Water Well Replacement:

Laite made a motion, seconded by Gerritsen, that the Board authorize the Town Administrator to engage the services of Reilly Well Drilling and any necessary auxiliary contractors for the replacement of the road salt contaminated well and that funds for this work be the Public Works – Highways and Bridges account. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

17. Review Draft Remote Meeting Policy:

The Board was given a copy of the Draft Remote and Hybrid Meeting Policy.

Kinney told the Board that this is the tool that allows the Board to have remote meetings and complies with the law and gives the public the understanding that there will be the possibility of remote meetings.

Kinney explained that the Board is unable to adopt this policy, without previously having a Public Hearing, so once the Board is satisfied with the language, the Board would make this publicly available and then hold a Public Hearing to allow the public to answer questions and if any changes needed to be made, then those changes could be made before adopting the policy.

The Board announced there will be a Public Hearing at the next Select Board meeting on September 27th meeting.

Ray proposed pushing this along and asking the public to give the Board their input, and then the Board could do any modification needed.

Barnett-Parker spoke in favor of a complete hybrid model where anybody could get involved in local government and if a Select Board member can't attend a meeting, there would be a way that the Select Board member or the public could attend remotely.

Gerritsen spoke in favor of allowing the public the option to Zoom, which encourages participation for those who can't attend in-person meetings before this goes to a Public Hearing.

Kinney reminded the Board that the Zoom option is possible. However; he explained that the Board needs to determine who will do it, and at what cost.

Kinney stated, "I want the Board to know that every avenue that increases accessibility, it increases your cost, which is fine and we will pass that on to whoever pays the bill and we can set up a system to make that happen."

Dunn announced that the Board needs to know what that dollar amount is that is associated with this decision before we make that call.

Gerritsen felt that the only hybrid meeting should be for the Select Board meetings.

The Board decided to table their discussion until they more information on some of the challenges before they move ahead.

18. Maine Municipal Association Annual Business Meeting & Voting Credentials:

Kinney presented the Board with a memo from the Maine Municipal Association regarding their annual business meeting which will be held on Thursday, September 30, 2021, at 1:45 PM at the Augusta Civic Center as well as live-streamed on the MMA website.

Kinney recommended that if any Board member was interested in attending, please let him know.

The Board was also presented with MMA Voting Delegate Credential Form.

The Board decided that based on the short notice from MMA, they were not able to be voting delegates.

19. Public Facilities Director – Authorization to Advertise:

Barnett-Parker made a motion, seconded by Ray, that the Board authorize the Town Administrator to proceed with seeking candidates for the position of Public Facilities

Director. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

20. Selectmen Update(s):

No Select Board updates at this time.

21. Treasurer’s and Payroll Warrant(s)-Approve & Sign:

Laite made a motion, seconded by Barnett-Parker, that the Board approves the Treasurer’s and Payroll warrants. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

22. Executive Session – Title 1 MRSA Section 405 (6)(C) to discuss the possible disposition of real property:

Laite made a motion, seconded by Barnett-Parker, that the Board enter into executive session pursuant to Title 1 MRSA Section 405(6)(C) to discuss the possible disposition of real property where premature disclosure of the information would prejudice the competitive bargaining position of the Town. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

23. Adjourn:

Barnett-Parker made a motion, seconded by Garretson, to adjourn. Vote: Laite – Yes, Gerritsen – Yes, Ray – Yes, Barnett-Parker - Yes, Dunn – Yes. Motion carried 5-0.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant