

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 14, 2015**

Present: Chair, Ladleah Dunn, Arthur Durity, Rosendel Gerry, Cathy Hardy & Keryn Laite, Jr & Town Administrator, David Kinney

Absent: Arthur Durity

The meeting was called to order by Chair, Dunn at 6pm at the Lincolnville Town Office.

The quote was given by Selectman Gerry.

1. **Citizens' Forum:** There were none.

2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- **Tanglewood Road:** Progress is moving along on the ditching project which is almost done. Mr. Kinney thanked both Jim & Cindy Dunham for allowing the Town to put a culvert from one side of the road to the other, which will discharge onto their property. Gerry encouraged the Board to drive down and take a look at the work.
- **Paving:** This paving project that was postponed mainly because of inclement weather will start tomorrow morning and should only take two days.
- **5 Town CSD:** The meet and greet that was to take place at the next Board meeting will be postponed until early November.
- **Condolences:** Mr. Kinney recognized Pastor Dave Pouchot for all of his work behind the scenes helping the citizens of Lincolnville and never seeking attention. He will be greatly missed.

3. **Meetings & Announcements:**

David Kinney, Town Administrator read the upcoming meetings.

4. **Upcoming Community Events:**

- The Lincolnville Community Library presents Author Richard Grant as guest speaker and *Meteora* in concert on Wednesday, September 16, 2015 at 7p.m.

5. **Meeting Minutes:**

Hardy made a motion that the Board approve the August 31, 2015 meeting minutes. Gerry seconded the motion. The motion passed on a 4-0-0 vote.

6. Liquor License Renewal Application – Chez Michel:

Hardy made a motion that the Board approve and sign the liquor license application submitted by Chez Michel Restaurant. Gerry seconded the motion. The motion passed on a 4-0-0 vote.

7. Discussion concerning the Lincolnville Improvement Association Building Lease:

Brian Cronin, Vice President of the Lincolnville Improvement Association read the following letter to the Board regarding the Lease for the Old School House at 33 Beach Road. The goal is to re-leave ourselves of any cost of ongoing maintenance to the old Lincolnville School House.

The following shall be a request for a new disposition between the Lincolnville Improvement Association and the Town of Lincolnville concerning our annual, lease arrangement for the rental of the Old School House building located at 33 Beach Road in town of Lincolnville. In order to clearly articulate this position change, it is felt that the following history of this relationship should be represented:

In 1916, a group of local folks started a meeting in various homes for the purpose of organizing around the need to improve their community through various projects. In this same year, the group initially adopted the name of the Village Improvement Society and later in 1947 the group decided on calling itself The Lincolnville Improvement Association as it remains today. The purpose of this group was to raise money for its first major project which was to create a concrete sidewalk at the beach going north to Duck Trap Road. In 1928 the sidewalk was completed for a sum of \$300 and parts of it remain today on the west side of Route 1 in this same area. The first meetings of the group were held in the Community Hall at the beach where the Lobster Pound Restaurant exists today. When the Community Hall later burned down, the Lincolnville Association moved into the first floor of the Old School House Building (OSHB) owned by the Town and where it has held its monthly meetings up to the present. The early group created a constitution, elected officers, chose committees and duties were assigned.

A period of nearly 100 years has therefore endured in the relationship between the Lincolnville Improvement Association (LIA) and the Town of Lincolnville with the current version of the LIA becoming a legal 501 C3 non-profit Corporation in 2011. The purpose of the LIA today is quite consistent with that mission established by the initial group on 1916 and is represented in the following Article II of its by-laws: “The purpose of this organization shall be to unite the people of the community in such

projects as may improve the appearance of the town; and to provide a more vigorous community life for residents and prospective residents.”

The more recent accomplishments of the LIA is to provide three, one thousand dollar scholarships to worthy high school seniors living in Lincolnville; providing flowers and beautification for the Beach area and providing the financial support in creating the annual Christmas party which takes place at the Lincolnville Beach and Old School House Building.

A most important part of the historical relationship between the LIA and the Town over these past 100 years has involved the assumption that the physical upkeep of the Old School House Building (OSHB) would be undertaken by the LIA, while having the opportunity granted by the Town to utilize the first floor premises of the OSHB rent free. The nature of this aspect of the relationship, which might up to this point, be characterized as “reciprocal trade” was somewhat changed on July 1 of 2011 when the Town enacted a singed lease arrangement which legally allows the LIA to rent the afore mentioned premises for an annual rental amount of one dollar. At first glance, this situation would appear not to be very much different than the previous disposition of our relationship to the Town, only in its legal and more formal representation.

During the last six years however, the LIA in the manner of its reciprocal understanding has expended an amount of nearly \$15,000 for various but necessary capital improvements to the OSHB. These improvements include the rewiring of the building up to code, painting of portions of the building’s exterior and a complete overhaul of the kitchen facilities. Obviously, there have been many other smaller expenses that have added up to the recent total and does not include utilities and insurance costs which comprise the afore mentioned list. Two very important aspects of our relationship to the building has changed over the years. The first involves the age of the building itself which extends significantly over 100 years. The other involves the increased age of our membership, which can no longer provide the in kind work and services so easily offered in the past.

Because of this significant outlay of monies the LIA has had to recently reduce the most important portion of our scholarship mission to the Lincolnville community from three scholarships to one. It must be stated then that as a result of attempting to fulfill our implied obligations to the building we have significantly depreciated our mission to the Community. The very purpose of our organization then has lately been usurped by our willingness to engage in the capital needs of the building.

Consequently the LIA has reached a point where we have no other recourse but to declare a kind of declaration of independence in order to sustain the very existence of our organization. As a way to rectify this imbalance previously stated, the LIA is proposing that our use of the OSHB continue, as in the past, for its once per month meetings from May to October, but to end our “desire” to confront the major capital projects necessary to support the ongoing existence of the building. It is further

proposed that the lease that would be written as of July 1, 2016 need not be materially changed only to be understood that the Condition 8 of the proposed lease indicated as "Alterations" would be construed as the sole responsibility of the Town of Lincolnville. Only minor repairs and replacement to the interior portion of the building would be considered by our organization in an amount not to exceed one hundred dollars.

Mr. Cronin said, "The last paragraph of our memorandum is really an error. In fact, in our assessment of the lease itself, we somehow did not scrutinize that in fact, article 9 has indicated that we are responsible for the ongoing repairs, maintenance and utilities of the building. For us to realize our objective, that article in statement 9 would have to be either removed or modified. In fact, while we were clearly trying to attempt to remove ourselves from the responsibility of all of the maintenance of the building, we would continue in our responsibility of the utilities. This is a combination of the oil heat, (roughly \$3000 a year) the electric utilities (roughly \$600 to \$700 a year) the insurance of the building (roughly \$450 a year) and payment to the custodian (roughly \$700 a year) which comes to roughly \$4850, which is half of our existing budget. Further, we would continue our responsibility as the manager of the building and would be responsible for the rental and use of the building, and monitor any assessment of any physical needs."

Hardy summarized by saying that Mr. Cronin was asking the tax payers to assume the burden for the maintenance and the ongoing maintenance projects to keep the building, rather than the LIA Group raising the funds, as in the past.

Hardy and Laite recommended that a building inspection or assessment be conducted to give the Board an idea of what may need to be done in the future.

Dunn thanked the LIA Group for their proactive approach with starting this conversation and not the middle of budget season.

Hardy recommended that Code Officer, Frank Therio and Assessors' Agent, Vern Ziegler, inspect the LIA building and she recommended a five to 10 year maintenance plan.

Hardy also recommended that the LIA Committee work with the Grants Committee being formed to write a grant to try to supplement their ongoing budget, as this would be the perfect example that we could take on and seek funding from other sources before the Board would vote to pass the cost on to the taxpayers.

8. 6:30PM Public Hearing-Winter Road Closing:

Gerry made a motion to open a public hearing concerning the winter road closing of the Martin Corner Road pursuant to Title 23 Section 2953. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Chair, Dunn asked to hear from any proponents. There were none.

Chair, Dunn asked to hear from any opponents. There were none.

Chair, Dunn closed the public portion of the hearing, no Board discussion followed.

Gerry made a motion to close the public hearing concerning the winter road closing of the Martin Corner Road. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Hardy made a motion that following the 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 November, December, January, February, March and April. Gerry seconded the motion. The motion passed on a 4-0-0 vote.

9. Route One Advisory Committee Update:

Chris Osgood, Chair of the Route One Advisory Committee asked the Board the following questions.

1. Sign contract with Rodney Lynch to assist Route 1 Advisory Committee?

Mr. Osgood stated it was his understanding that the Board's contract would require Mr. Lynch to have general liability insurance. During the beginning process of getting Mr. Lynch on board, Mr. Osgood recommended that the Board suspend the need for insurance until Mr. Lynch was able to do some serious work, which may be down the road a couple of years.

Dunn was surprised that based on Mr. Lynch's hourly rate that he doesn't carry his own insurance. Dunn recommended that this go through the proper budgeting procedure and not pushed on the Board in the middle of the season because the Town taxpayers have not budgeted money for this particular project.

2. Set up a sidewalk/curb fund to help Route 1 Advisory Committee raise additional funds possibly needed for sidewalk and curb construction?

Mr. Osgood explained that if the Committee was able to do some kind of fundraising and if the Committee raised \$500.00, then Mr. Lynch could start working sooner rather than later.

The Board understood Mr. Osgood's approach, however this is not the normal process used in terms of funding things and in terms of having a committee doing the

fundraising, at the expense of the taxpayers. The Board decided that because the funds from the State of Maine are not available, they agreed not to put the burden on the taxpayers of Lincolnville. The Board also had an issue with endorsing any kind of fundraising committee that would be doing this project without a firm plan as to what the funds would be used for.

Dunn suggested that Mr. Osgood come up with a solid plan prior to approaching anyone for private funding and suggested that a draft outline be provided to the Board on what Mr. Osgood intends to raise the funds for in the name of the Town of Lincolnville on behalf of the Route 1 Advisory Committee, then come back and report that information to the Board of Selectmen.

Dunn was not comfortable moving forward with a motion.

3. Approach Camden Selectmen to begin a discussion of road shoulder design options for Camden and Lincolnville's sections of Route 1?

Mr. Kinney recommended putting together, in terms of the shoulder concerns, what the Lincolnville Route 1 Advisory Committee's concerns are with the designs for Lincolnville and how that would translate to Camden and formulate that into a get together letter. Mr. Kinney suggested that he and Mr. Osgood work on that together and report back to the Board of Selectmen at a later date.

10. Countersign Warrant and Notice of Election – Five Town CSD Special Budget Validation Referendum (Budget Meeting: October 21, 2015 and Validation Referendum: Nov. 3, 2015):

Gerry made a motion that the Board sign the Warrant and Notice of Election calling a Five Town Community School District Special Budget Validation Referendum for November 3, 2015. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

11. As Board of Assessors – Abatement Requests:

Hardy made a motion that we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Gerry seconded the motion. The motion passed on a 4-0- vote.

Gerry made a motion that the Board grant Property Tax Abatement #2015-02 as recommended by the Assessor's Agent for John and Kathleen Williams in the tax amount of \$364.14. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Gerry made a motion that the Board grant Property Tax Abatement #2015-03 as recommended by the Assessors' Agent for Andrew Young in the tax amount of \$287.56. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Gerry made a motion that the Board grant Property Tax Abatement #2015-04 as recommended by the Assessors' Agent for Philip and Marsha Shibles in the tax amount of \$101.12. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Gerry made a motion that the Board grant Property Tax Abatement #2015-05 as recommended by the Assessors' Agent for Janet and Roger Fradenburgh in the tax amount of \$47.40. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Hardy made a motion that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen. Gerry seconded the motion. The motion passed on a 4-0-0 vote.

12. Resignation – Planning Board:

Hardy made a motion to accept with regret the resignation from the Planning Board of Dorothy Lanphear. Gerry seconded the motion. The motion passed on a 4-0-0 vote.

13. Set Public Hearing – Possible Parking Ordinance Amendments:

Hardy made a motion that the Board sign the public hearing notice establishing a public hearing for October 13, 2015 at 6:30pm concerning possible amendments to the Parking Ordinance. Laite seconded the motion. The motion passed on a 4-0-0 vote.

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

Hardy made a motion that the Board approve the Treasurer's and Payroll warrants. Laite seconded the motion. The motion passed on a 4-0-0 vote.

15. Adjourn:

Gerry made a motion to adjourn. Hardy seconded the motion. The motion passed on a 4-0-0 vote.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant