

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
SEPTEMBER 23, 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 Trundy.

**1. Citizens' Forum:**

Cindy Dunham addressed the Board regarding cutting of trees by CMP on Tanglewood Road. She said her understanding of what she expected to happen and what has actually happen are not the same. She was expecting some trees to be cut so the power line could be changed, but didn't realize the plan was to cut all the way to the boundary line and use that particular section of the road as practice for creating drainage. She said this area has not been a big drainage problem.

Dunham said she has several concerns: we as a community have expressed the importance of the rural nature of our Town, the importance of trees to our community and the value of tree lined roads that keep traffic slow and make the pace of life feeling comfortable. Dunham asked if there is a policy and procedures or standards being followed as to how roads get upgraded.

Kinney said each section of each road is taken with its own merits because each one has its own challenges and concerns. There is no one cookie cutter approach.

Barrows said he went to see what had been done so far and didn't see anything that he didn't expect based on conversations he had in the spring with them. He said its good business practice that if you are going to have to cut trees for the power line to also take into account what is needed for the ditch as well, so you only have the crew in there once.

Libby said when the Board visited Tanglewood Road this summer, Gerry went into the woods and spread his arms out and said "this is where is going to cut up to".

Gerry said the Town of Lincolnville, Planning Board and Land Use Committee established rules and regulations for developers building roads that far exceed the road standards that the Town of Lincolnville has used for its own projects. Gerry said if the Town requires a developer to construct a road in such a manner then the Town of Lincolnville when constructing a road needs to meet the same standards.

Dunham said she was glad that Kinney said a cookie cutter approach isn't what the Town needs because when she talked with the worker who was doing the cutting it seemed like his instructions were there's a pin here and a pin here, make your best guess and cut along to that line. Dunham said that seems like a cookie cutter approach. She

said the cutting is not necessarily looking at which specific trees, are going to hold water, are going to last and they are not going to the tree steward to ask are there some trees we should be leaving in this area.

Dunham would like the Board and community to work towards--whether it's through the Conservation Commission, the tree warden, and the land owners--getting to the situation where we identify those trees that might survive the ditching and expansion and that would have the potential of being really big trees. Dunham asked the Board to consider working together with the Conservation Commission and the tree warden. She said the Board and land owners have not communicated as well as they should have. She said her understanding was this area doesn't have a drainage problem. She said she knows that sooner or later the Town will ditch all along the road, but the Town would not start with this area because that's not where there is a problem.

Dunham asked if there are plans to fix where the problems actually are on the road and if the Board can give her a time line when she should be prepared for the next round of cutting and or ditching.

Kinney said the progression of necessary events is to make Tanglewood Road more user friendly; the road is very subject to poor drainage conditions. The reason that more drainage work has never been done there is because of the underground utilities that serve Camp Tanglewood. Until the underground utilities are addressed, the Town isn't going to do much to improve Tanglewood Road.

Dunham said getting this power above ground is what started the whole process.

Kinney said no, what started the whole process was a series of complaints from users of the road about the condition of the road.

Dunn said the impetus that started the ball rolling was from the people who frequent the road and use the road to do their business. Dunn said the level and frequency of those complaints and intensity of those complaints led the Board to try to find a solution, but the big road block has been the fact that there is a power line basically sitting on the surface of the ground. She said this started the whole complicated process of talking with all of the players involved with the camp and coordinating with CMP. It's starting with lots of little steps, so that we can get to the more significant steps.

Trundy said when he first became Selectman, the part he remembers concerning Tanglewood Road was the dispute with some of the land owners about where the road was actually located and what maintenance the Town could do on it without getting onto private property. This prompted the Town to go through a series of steps to gain a right away down through there so we could actually do some maintenance and eliminate that dispute about whether the Town was encroaching on personal property. He said even back then when the Board was talking about whether they wanted to go through the process of getting the right away it was with the vision that we were doing it so the Town could then go in and properly maintain and ditch the road to address the problems

causing the road to mud up to the point where people couldn't use it. He said this has all been a process. As far as a schedule in the future, one of the things that is going to be a consideration is the expense. The Board was challenged by people who live on Tanglewood Road as to what the Town was going to do concerning the conditions on the road; it came down to funding. The Board had conversations around budget time with the Town Administrator and public works. The Board was not in a position to allocate additional funds to rebuild the road, so a small amount of money was earmark from the existing budget to get the process started. Trundy said he sees this as an issue in the future as well. Unless the Town as a whole decides they want to make another substantial investment in a massive rebuild of Tanglewood Road, improvements will have to be piece meal because it's an expensive process. He said we can't set out a time table for when things are going to happen in the future because the process is directly tied to funding.

Kinney said this brings us back to whether there is a time line actually tied to a date. It's key to relocate the power line first before much if any work can be done to the road. He said to go overhead with the power line involves removing trees so as to meet the clearance required by CMP since they are installing the line. Regarding drainage, he said right near where True Road ties into Tanglewood Road, not too far back toward Ducktrap Road, is one of the three culverts that go from the camp side to the Slab City Road side. This is going to be a key spot because it's a fixed elevation to where we have to get the water. The culvert can't be lower because there's no place for water to go on the Slab City Road side. You have a known elevation there, so if you go back towards the Ducktrap Road the water needs to run in the ditch to that point. He said once the power line is relocated then we will be able to remove the stumps and grade that area. Then we will have an adequate vertical separation between the bottom of the road and the bottom of the ditch and the road won't be saturated with water. The water will run from the road into the ditch, down to the culvert and be carried away. He said the ditch will need to be constructed from the bottom of that culvert basically back along the road to make the water run to it.

Dunham said it's somewhat ironic, if we have very limited resources, why the Town would take money and fix an area that isn't broken. She said since the culvert went in at the far end next to True Road there has never been a problem with that stretch of road.

Dunn said she wanted to address the issue about the money. She said the Board was very clear when we first started these discussions about fixing Tanglewood Road that we could make significant positive progress working within the existing constraints of the budget. She said the Town is obligated to take certain steps to satisfy CMP to get power to the camp. She said the work that Dunham is seeing in those steps is largely to get that block of work out of our way so that the Town can then fix the road problem. Dunn said the Town has been sort of held hostage by this substandard power service down to the camp.

Kinney addressed Dunham's comment about the worst part of the road through the swampy area. He said it's hard to dig a ditch in the low spot of the swampy area and expect the water to flow to a higher spot where the water needs to go.

Dunham said she did not want to take up anymore of the Board's time, but did encourage communication between abutting landowners before they hear the chainsaws.

Libby said she thought that's what the Board did when they all met down at the road.

Dunham said they also were told they would be kept in the loop as to when things would be happening and then the next morning the chainsaws were there. She said it doesn't start the process well when every few days you go back and there's a few more trees cut.

Gerry told Dunham he wanted to go over a few things with her. He said he received a call from her yesterday afternoon and decided he needed to go to Tanglewood Road and address the situation. Gerry met Barrows down there and when Barrows left he called Libby and took her down there to show her what was done. He also took some pictures and sent them to the Town Office and the Selectmen. Gerry then met with Dunham and tried to explain to her why the work was done the way it was. Gerry said Dunham had some very good questions and he addressed them. He also asked Dunham to clarify her comment that the landowners were going to be kept in the loop and then the next morning the chainsaws were there.

Dunham said they had been in communication with the Town Administrator and he told them the Town would notify the landowners before s the cutting started, but that it would be awhile.

Gerry said he wanted to clarify if there was some sort of misunderstanding or lack of communication.

Dunham said the Town owns to those pins and to the place where Gerry was standing with his arms out, so she knew at some point there would be cutting. As she drives up and down Route 173 and she sees those big trees right on the edge of those ditches she questions why the Town couldn't leave some trees along the road where the Town ownership and the private landowner's land come together.

Gerry said Dunham discussed possible oak trees that the Town could leave that she tagged and some trees that needed to be taken down. They also talked about the impact of digging around the roots of those trees and that it could kill them. Gerry said they would like to save any trees they can.

Gerry said Dunham also ask him about her access road to her firewood lot and if she had to jump the ditch to get in there. Gerry said he told her husband that the Town would provide a culvert for that.

Dunn said Dunham had mentioned earlier that she didn't want to take up anymore of the Board's time, so Dunn just wanted to thank her for coming in and bringing her concerns before the Board. She said the Citizens' Forum is to have these dialogues.

Dunham thanked the Board for their time.

Kathleen Oliver has lived on the Ducktrap Road for thirty two years and walks the Tanglewood Road three to six days a week. She has seen the road change over a period of time and it is disturbing to her. The road use to be a one lane road when she first moved there and over the years the width of the road has changed, it is now like a two lane highway and cars are going too fast. Oliver found the old trees coming down very sad, they are gifts from nature. She said another thing that has severely impacted the Tanglewood Road is the development that Walter put in and that Paul Crowley has continued to grow. She said the Town should look at the traffic on Tanglewood Road.

Bob Kennedy asked when the Town was going to finish cutting the trees on the Martin Corner Road and if they were going to do both sides of the road.

Kinney said he doesn't know, but he will ask the Road Commissioner.

Will Brown said part of what he had to say was based on his role on the Conservation Commission as opposed to his role as a public citizen. Brown said when he, the Selectmen and some of the landowners were on Tanglewood Road he was sizing up drainage and tree issues knowing CMP would be cutting in that area. He said they all knew there were some big, diseased pine trees and the leaning maple on the other side that needed to come down. They knew there was going to be a pole set close by where the maple was on the west side of the road before True Road entrance. The conversation was about what was going to happen further up the road for the second pole where the old Whitney Road takes off as Tanglewood Road bends around to the right. It was unclear as to where that pole was going to be placed. Will said based on his discussion with CMP as to what they need to do and what they could afford to let slide, it looked like a few pine and the big maple leaning out over the road had to come down, but a lot could be limbed as oppose to trees coming down. Then a permit application for poles came through and his mistake was looking at that permit and thinking there are going to be two poles and that they are going to be located at 3126 feet in on the left hand side of the road. The last he had seen there were no stakes to indicate where those poles were going to be set. Brown thought that from the conversation he had with Richard Bouchard from the camp and the guy from CMP that the second pole was going to be shifted over to the right side of the entrance to Whitney Road closer to the curb. Brown said he should have measured where exactly is 3126 feet because if he had he would have realized it was going on the left side of the road close to where the big oak tree was at the head of True Road. Then a conversation could have occurred if he had taken the time to understand that information, but he let the permit slide through. Regarding whether the trees on the other side of the line really needed to come out is more of an engineering question. Brown said he needs to be doing his job a little better.

Gerry said Tanglewood Camp is paying for the poles for this project and they have very little funds themselves to work with and so maybe that was taken into consideration resulting in a less expensive route for placement of the poles.

Brown disagreed. He said in terms of a straight line to avoid the tree canopy CMP could have chosen to put the pole on the other side of Whitney Road where they would have had a clear passage with less interference with trees.

## 2. **Administrator's Report:**

David Kinney, Town Administrator, reported:

- The Town is looking for another representative to the Five Town CSD Board. This Board has a greater impact on your property taxes than the Board of Selectmen. If you're concerned about education or taxes or both you need to see a Lincolnville Central School Committee Member because they actually make that appointment. Kinney said to call him at the Town Office and he would help someone to get on that board or committee.
- There are also vacancies on the Board of Appeals, Comprehensive Review Committee, Harbor Committee, Lakes & Ponds Committee, Planning Board, Recreation Commission and the Wage & Personnel Policy Board. If interested there is a form on the Town web site or contact the Town Office for more information.
- The Town received a check from East Millinocket for the Dodge Police cruiser and the title was transferred over to them.
- Kinney said he hopes this coming week to receive the check from the Town of Paris for the Ford Police cruiser. The Paris Select Board meets tonight to approve the Treasurer's warrant with the funds for the cruiser.

Gerry asked Kinney how many openings there are on the Harbor Committee and if someone from another municipality could serve on the committee.

Kinney said there was one opening and there was no prohibition for someone to serve on the Harbor Committee from another municipality.

Gerry said he has someone from Isleboro who's interested in being on the Harbor Committee. He asked how the Board felt about that.

Dunn said she thought they would have a relevant opinion of use.

Gerry said he would like to ask the Board to give the Harbor Committee a charge to make the harbor a little bit more business friendly. This could help some of the merchants and restaurants by giving more boats an opportunity to come into the harbor and use some of these facilities in the summer time. Gerry asked how the Board would like to proceed on this issue.

Dunn asked Kinney to put this issue on a future agenda for discussion.

3. **Meetings & Announcements:**

Town Administrator Kinney read the upcoming meetings.

Gerry asked Kinney when a committee member misses multiple meetings how is that handled and is there a procedure or policy regarding this matter.

Kinney said the Town has no policy on that. He said a committee member is a political appointment. If someone doesn't show up the Board could hold a hearing and remove the person for a cause, such as non-attendance. Kinney said one of the roles the committee chair can play is to encourage members to show up to the meetings.

Gerry asked if it would be appropriate for the Chairman of a committee to write a letter and ask their intentions.

Kinney said a letter or a phone call from the Chairman or Town Administrator would be appropriate. Kinney said it's challenging to be on committees and not have the other committee members show up to do the work. He said he would encourage the friendly face-to-face approach.

4. **Upcoming Community Events:** None

5. **Meeting Minutes:**

**Motion by Gerry, second by Barrows, that the Board approve the September 9, 2013 meeting minutes as presented. Vote: 3-0-2 (Libby and Trundy abstained).**

6. **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.**

Bob Kennedy asked the Board if they were planning on discontinuing the Martin Corner Road or closing the road for winter maintenance.

Kinney said the Town is only closing for winter maintenance, but maybe sometime in the future this Board or another Board may have some discussion concerning the possibility of discontinuing the Martin Corner Road, but that's well into the future at this point. Kinney told Kennedy he would get a notice on that because he is an abutter.

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

**Motion by Gerry, second by Barrows, 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 November, December, January, February, March and April. Vote: 5-0.

**7. Fireworks Ordinance Draft Committee Charge:**

**Motion by Trundy, second by Barrows, that the Board approve and sign the Consumer Fireworks Ordinance Committee charge.**

Gerry said it was a waste of time, but thanks for your kind efforts.

Trundy disagreed

Dunn said the Board needs to explore compromises and we can't ignore the situation. She said it's all she hears about from the public. Dunn said she is not a fan of more ordinances or rules, but the Board needs to address this.

Trundy said like any other topic that has been contested in Town the Board has always tried to put the issues out to the citizens so they have the opportunity to vote and decide what they do and don't want.

**Vote: 4-0-1 (Gerry opposed).**

**8. Liquor License Renewal - Chez Michel Restaurant:**

**Motion by Libby, second by Trundy, that the Board approve and sign the liquor license application submitted by Chez Michel Restaurant. Vote: 5-0.**

**9. As Board of Assessors – Abatement Request(s):**

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

**Motion by Trundy, second by Gerry that the Board grant Property Tax Abatement #2013-03 as recommended by the Assessors' Agent for Mark and Vicki Catell in the tax amount of \$201.28. Vote: 5-0.**

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

**10. Purchase and Sale Agreement – Map 28, Lot 78:**

**Motion by Gerry, second by Libby, that the Board approve and sign the Purchase and Sale Agreement between the Town of Lincolnville and Robert and Joyce Collemer for the purchase of the property described as Assessors Tax Map 28, Lot 78. Vote: 5-0.**

**11. Approve and Sign Special Town Meeting Warrants:**

**Motion by Gerry, second by Libby, that the Board approve and sign the Special Town Meeting Warrant for October 15, 2013 at 6PM within the Lincolnville Central School. Vote: 5-0.**

**Motion by Gerry, second by Libby, that the Board approve and sign the Special Town Meeting Warrant for November 5, 2013 at the Lincolnville Central School. Vote: 5-0.**

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

**Motion by Libby, second by Barrows, that the Board approve the Treasurer's and payroll warrants. Vote: 5-0.**

**13. Adjourn:**

**Motion by Libby, second by Trundy, to adjourn the meeting. Vote: 5-0.**

Respectfully submitted,  
Cheryl Ten Broeck  
Administrative Assistant