

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 24, 2012**

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

The meeting was called to order by Chairman Barrows at 6:00PM at Lincolnville Central School (B-5). The quote was read by Libby

1. Citizen's Forum: None

2. Administrator's Report:

- David Kinney, Town Administrator, reported:
- The auditors came to the Town Office last week. David expects the Selectmen will receive the final report in November.
- Circuit Breaker Program applications for Property Tax and Rent Refund are available at the Town Office during normal business hours. The average refunds are for up to \$500. He encouraged people to apply and pointed out that applications can be completed on line thru the Town's Website.

3. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings.

4. Upcoming Community Events:

There will be a Flu Shot Clinic held on Saturday, Sept. 29th, 9:00AM to 12:00PM at Tranquility Grange Hall.

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.

5. Meeting Minutes:

Motion by Gerry, second by Libby, to approve the September 10, 2012 meeting minutes as presented. Vote 5-0.

6. Request for Clarification of Duties – Richard Rosenberg:

Mr. Rosenberg has been before the Board of Appeals three times and has paid his fees of \$75 for each appeal. Mr. Rosenberg said that the Board of Appeals said the duties rest with the Selectmen and he wanted to know if they had the power to act on this decision. He disagrees with the meaning and intend of the Land Use Ordinance. Mr. Rosenberg was told by the town attorney that he could take this issue to the Maine Supreme Court. Mr. Rosenberg said he did not have the time or the money to do this. In his most recent case Mr. Rosenberg stated that he is building a houseboat not a house. He stated that the Board of Selectmen had

the power to seek changes and clarification of the ordinance and he suggested they do so without going to the Town Attorney. He bid the Board farewell and thanked the members for their time. Chairman Barrows thanked him for coming. The Board took no action.

7. Breezemere Park Bandstand Use – Tom Nolan:

Tom Nolan, resident of Lincolnton, addressed the Selectmen concerning a sailboat float that is right in front of his property and blocks his view of the lake. Mr. Nolan and his wife have lived on Norton Pond since 1989 and are year round residents. Mr. Nolan has been a very active member of the community and listed some of his contributions to the town over the years. Mr. Nolan was an active member of the Tranquility Grange and received a grant to help with paint and shingles for the Grange, to improve the kitchen and an access ramp. He also worked with the State Historical Society to make the Grange a Historical site on the State and Federal registries. Mr. Nolan was the Grand Master for the Grange; he was seven years on the Budget Committee; five years on the Planning Board; three-year term as the Waldo County Budget Committee Member; one year term as Selectman; and on the Land Use and Comprehensive Plan Review Committees. Mr. Nolan helped raise money for the Breezemere Park Bandstand. The float holds five to six sailboats and sits on the West Side of North Pond. When it was first put there it was right in front of his house blocking their view. Mr. Nolan approached the Selectmen and talked with Gary Neville and Andy Oliver concerning this matter, all agreed it was inappropriately placed and that it should be moved more to the West. They moved it to the other side of the swim area and it stayed there for about two years. Gary Neville said he would meet with Mr. Nolan and discuss the matter, but he never did. Now the float is back in front of his property. Mr. Nolan said the neighbors should at least be addressed. When the bandstand was being considered Don Heald went to the neighbors and discussed what his plans were and where the bandstand was going to be put and there were some objections to the placement and so he moved it back. Some people objected to the size of it and he made it smaller. Tom feels that public feedback is needed. Don Heald IV from the Recreation Committee came out a few days later to meet with Mr. Nolan and said the boat club refuses to move the float even though there are no sailboats in it at this time. Kinney went out and took pictures, but Mr. Nolan didn't hear anything back. Mr. Nolan feels as a taxpayer, property owner and active member of the community that he and his wife have been treated shabbily. Mr. Nolan said this is costing him money in terms of the value of his property. He had a real estate assessment made and it came in much lower than previously and he believes it's because of the float.

Mr. Nolan voiced his concerns regarding the graduation party held at Breezemere Park Bandstand on September 1st. Mr. Nolan was disturbed by the noise from the music and fireworks. Mr. Nolan and his wife were invited to come over for food and a glass of wine. He stated that under the guidelines alcoholic beverages are not allowed and amplified music is not permitted except thru a special permit issued by a Bandstand Trustee. He was very concerned about the sparks from the fireworks landing on the side of his house and on top of his roof. Mr. Nolan does not plan to follow up on this, but expressed his concerns that rules and regulations should be observed.

Gerry asked Kinney if the bandstand guidelines were written before he took office and he said yes. Kinney said that there was no application to fill out. The public contacts the Town Office and Jodi contacts a trustee and there is a \$100 fee is collected for the use of the bandstand and also \$100 security deposit is made and returned, if no damage occurs, after the event. A trustee can grant amplified music from 6:30PM to 9:30PM. Gerry asked who polices these events. Kinney stated that it is basically an “honor” system.

Tom assumes one of the parents is responsible to make sure no alcoholic beverage is served. Tom said the first meeting concerning the Breezemere Park Bandstand Use was in the year 2000, and there has not been another meeting since then.

Gerry said we should revisit this issue and need an update on the guidelines because things change. Fireworks use to be illegal and now they are allowed and we should address this issue.

Kinney said he went to a Recreation Commission Meeting in July or August and one of the Recreation Commission members had spoken with Mr. Nolan and he came away thinking that the boat club float location, while not perfect, was okay with Mr. Nolan. He also said Mr. Nolan mentioned about moving a dumpster, which was done. Kinney came away thinking that the float was not ideally located, but was not a hot button issue any longer.

Mr. Nolan stated that Kinney came to his house and saw his state of mind.

Kinney said yes and he had spoken with the Recreation Commission member who has been assigned to Breezemere Park and said he spoke with Mr. Nolan and he thought that there still may be an issue with the float. At the next Recreation Commission meeting the chair of the Recreation Commission said that he had spoken with Mr. Nolan and there wasn't an issue with the float any longer, but there was an issue with the dumpster and also an issue with the trailers banging when coming up the ramp. Kinney came away from that meeting with the assumption that the boat club float was no longer an issue. Kinney apologized to Mr. Nolan because he said his understanding is contrary to what he was telling the Board tonight.

Libby asked Mr. Nolan when the real estate people came out did they say the value had dropped because of the float. Nolan said no. Libby stated they she thought that with the economy and the way the real estate market is would have an effect on the assessed value of the land.

Gerry thanked Mr. Nolan for his time and wanted to thank Tom and his wife for all the things they have done for the Town. Gerry remarks were supported by the rest of the Board.

- 8. Board, Committee, and Commission – Appointment(s):
Motion by Gerry, second by Trundy, to appoint David Munson to the School Committee with a term expiring June 2013. Vote 5-0**

Motion by Gerry, second by Trundy, to Appoint Terry Moulton to the Mid-Coast Solid Waste Corporation Board of Directors with a term expiring June 2015. Vote 5-0

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

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

Additional item brought before the Selectman: Kinney said that before they adjourn unfortunately he dropped the ball; he had put an application in the wrong folder instead of agenda folder so the application Trillium Caterers who had applied to for a catering license for the event at the Cellardoor Winery this weekend was not on the agenda. Kinney stated that he hoped that the Board would not penalize them for his error and approve the applications.

Motion by Gerry, second by Libby, to approve the Catering Event Liquor License for Trillium Caterers. Vote 5-0

10. Adjourn:

Motion by Gerry, second by Libby, to adjourn the meeting (7:05 p.m.). Vote 5-0.

Respectfully submitted,

Cheryl Ten Broeck
Administrative Assistant