

**BOARD OF SELECTMEN
MINUTES OF MEETING
September 28, 2020**

Present (remotely): Chair, Ladleah Dunn, Vice-Chair, Keryn Laite, Jr., Joshua Gerritsen, Mike Ray, and Town Administrator, David Kinney

Chair Dunn read the opening of the agenda regarding the provision for remote meetings during the current state of emergency, including how the public could view and participate in the meeting and that all votes taken during the public proceeding would be taken by roll call.

The quote was provided by Selectman Laite.

1. Listening Session – Potential Park (CMLT property):

The Board conducted a listening session that allowed Lincolnville citizens to voice their concerns or their suggestions regarding the offer from Coastal Mountain Land Trust on the land which is located at 2817 Atlantic Highway, Tax Map 17, Lots 63, 67 and 69 for a potential park.

Dunn started the meeting by explaining this listening session is not just a one-time event and the Board is open to listening to anything that the public has to share regarding the process of our future public park in Lincolnville.

Kinney told the Board that he had several correspondences from Lincolnville citizens and will be providing those to the Board in the future.

Kinney explained that the vote in July, which was approved by a vote of 770-yes and 88-no, to authorize the Board of Selectmen to engage in a land swap with the Coastal Mountains Land Trust (CMLT), whereby the Town releases its interest to CMLT in that certain lot or parcel of land known as the Coleman-Cilley portion of the Gillmor Lot and further describe as the second parcel described in a deed to the Town from Alexander R. Gillmor and recorded in the Waldo County Registry of Deeds in Book 712, Page 805 approximately 68.8 acres in size (current Tax Map 31, Lot 41) and in return, CMLT conveys to the Town by quitclaim deed with covenant its interest in that certain lot or parcel of land located off Route 1 near the Northport-Lincolnville town line and further described in a deed to CMLT from Deep Creek Grazing Association, Inc. recorded in the Waldo County Registry of Dees in Book 4480, Page 255 approximately 4.34 acres in size (current Tax Map 17, Lots 63, 67, and 69), all on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town.

The Board allowed the following individuals an opportunity to voice their concerns:

David Ames, a neighbor to the park, expressed his concerns to the Town Administrator, Kinney by email and attended the Zoom meeting. He explained that back when this

property was owned by Point Lookout, several individuals using the beach area, also us helped themselves to his picnic table, chairs and kayak.

Ames explained that people need to be aware that in Maine, ownership is to low-tide mark and there needs to be adequate signage and people need to realize that the sand beaches are not part of this park, which is his biggest concern.

Christine Leary, who lives near the edge of the park, had concerns about the dangerous intersection, maintaining the park, the park hours, and beach access. She wanted to know if the Board would be reviewing all the concerns and when would the Board be addressing those concerns.

Dunn stated, “The Board will want to take in all of the vested parties, affected parties and the neighbors and we believe strongly in the good neighbor standard and will do our best to filter that through the arduous process of creating policy and potentially an ordinance to address those and hopefully adequately manage them.”

Dunn also told Leary that the Board will continue to listen and address issues and vetting through the legal process and creating policy.

Kinney also added that the Town is starting a running list of things that need to be addressed and after tonight, any additional concerns will be added to that the list.

Alex Cohn, a close neighbor to the park, wanted to know what the Board’s vision is for the property and does the Board feel that this is going to be a “Town” park or a “Maine” park.

Dunn explained that this is the first step and at this time, the Board does not have a definitive vision to share now. This listening session is part of that becoming the Board’s plan.

Dunn also explained that this park would be a town public facility, in the same way, that all our other public facilities are.

Heather Moran, a park neighbor, agreed with Alex Cohn and asked a question regarding liability.

Dunn explained that this question amongst others will certainly be discussed with the Town Attorney.

Gerritsen suggested that once the Board has received all of the public comments, they can be put in a PDF form and placed on the town’s website.

The Board thanked everyone who attended the Listening Session and reminded everyone that this is the beginning stages and if anyone wishes to offer their thoughts or suggestions, please contact the Board or the Town Administrator.

2. Public Hearing – Winter Road Closings:

The Lincolnville Select Board held a Public Hearing to take comments for the Winter Road Closing of the Martin Corner Road from 171 Martin Corner Road to the Moody Mountain Road. The second road closing would be the Morton Road, from 7 Morton Road to the end of the Morton Road.

Kinney noted that he was contacted by a property owner on the Morton Road who would like to construct a turn-around, which he hopes the Town of Lincolnville will be able to use in the future. At this time, we do not have the legal right to do this, therefore, Kinney suggested not closing the road this year but continuing the maintenance.

Laité made a motion to open a public hearing concerning the winter road closing of the Martin Corner Road and the Morton Road pursuant to Title 23 Section 2953. Gerritsen seconded the motion. Vote: Yes, Laité – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

No public input was offered.

Laité made a motion to close the public hearing concerning the possible winter road closing of the Martin Corner and Morton Roads. Ray seconded the motion. Vote: Yes, Laité – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

Laité expressed his concerns and noted that until the owner has followed through with everything that needs to be done, he was not in favor of closing the Morton Road.

Gerritsen made a motion that the 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. Laité seconded the motion. Vote: Yes, Laité – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

3. Public Hearing – General Assistance Ordinance and Maximums:

Laité made a motion to open a public hearing concerning General Assistance Ordinance including appendices A-H. Gerritsen seconded the motion. Vote: Yes, Laité – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

No public input was offered.

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

Kayla Lacombe, Finance Director, told the Board that the State of Maine suggested that the Town of Lincolnville update to the most current ordinance.

Laite made a motion to close the public hearing. Gerritsen seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

Gerritsen made a motion that the Board adopts the August 2020 General Assistance Ordinance as prepared by the Maine Municipal Association along with Appendices A-H with an effective date of October 1, 2020. Laite seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

4. Citizens' Forum:

There were none.

5. Administrator's Report:

- Absentee Ballots: The Town of Lincolnville is still taking absentee ballot requests. The ballots are provided to Town by the State of Maine. By the next Select Board meeting, we will have our ballots and the first batch will be mailed out to those who have requested them. All ballots need to be returned before 8 PM on Election Day.
- Nomination Papers: Nomination papers for the Town of Lincolnville Board of Selectmen are available starting today Monday, September 28, 2020, at the Lincolnville Town Office. Candidates running for Board of Selectmen need to obtain at least 25 qualified signatures from registered voters of the Town of Lincolnville. These nomination papers must be returned and filed no later than 5 PM on Thursday, November 5, 2020. A special election will be held on Tuesday, December 15, 2020, from 8 am to 8 pm at the Lincolnville Central School.

As of today, Jason Trundy and Jordan Barnett-Parker have taken out papers.

- Property Taxes: The first half of the property taxes are due on or before Wednesday, October 7, 2020.

6. Meetings & Announcements:

Kinney read the upcoming meetings and announcements from the agenda

7. **Upcoming Community Events:**

There were none.

8. **Meeting Minutes:**

Laite made a motion to approve the September 21, 2020 meeting minutes with Line 93 amended. Ray seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

9. **Possible Float Storage on Town Property – Lake City Floats:**

Monroe & Goodwin, Inc. has sold the float portion of their business to Tobias & Isabella Wincklhofer, who are doing business as Lake City Floats.

Isabella Wincklhofer attended the meeting seeking the Board's permission to continue to store the floats from Norton's Pond at the Breezemere Park and also to obtain a timeframe as to when they can store the floats and when they need to be removed in the spring, and the cost.

Ray expressed his concerns regarding whether or not the placement of the floats would block the nature trail.

Wincklhofer told the Board that she and her husband would never want to block the trail and suggested that she meet with the Town Administrator to find a better location further away from the nature trail.

Ray was also concerned with the unencapsulated polystyrene being left behind or getting into the pond.

Wincklhofer explained that they purchased the business from Monroe & Goodwin in April of this year, and to her knowledge, nothing was left behind. Most of her customers have switched from the unencapsulated polystyrene to the encapsulated polystyrene floats.

Ray also spoke about all the work done by the Lakes & Ponds Committee to remove phragmites, the invasive plant in that area. He was concerned that by moving the floats, it could spread the phragmites into the pond.

Laite added that last year, when the floats were stored in the parking lot, the floats were extremely close to the nature trail and he witnessed kids climbing all over the floats and he recommended adding signage for liability reasons.

Laite also noted that the floats take up a lot of the parking lot space, which makes it difficult for those who need to park their truck and trailer in the same spot, especially during the winter recreation times.

Laite recommended that Lake City Floats add some kind of signage for liability purposes.

Laite made a motion to authorize the Town Administrator to sign an agreement on behalf of the town that allows the use of town-owned property for float storage by Lake City to include liability signage and set-backs and to increase the storage fees from \$600 to \$700 a year. Gerritsen seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

The Board thanked Winckhofer and congratulated her on their new business.

The Board recommended that Winckhofer meets with the Town Administrator to go over where the floats need to be stored, which can be done once payment is made, the lease is signed, and the insurance information is provided.

10. Discussion regarding sale or transfer of Town-owned property at 33 Beach Road:

Dunn explained that at the Board’s last meeting, we had a presentation from representatives of the Lincolnville Historical Society that they had an interest in acquiring the town-owned property at 33 Beach Road, which the Board suggested adding the discussion to this agenda.

Dunn noted that the Board has the following options available:

- A. Do nothing.
- B. List the property for sale with a real estate agent.
- C. List the property for sale by owner.
- D. Sell the property via auction.
- E. Sell the property via a sealed bid.
- F. Solicit proposals from parties interested in purchasing the property.
- G. Sell the property to the Lincolnville Historical Society or any other entity.

Gerritsen was open to Option G but would like to see a written proposal on specifically how the Lincolnville Historical Society would make the building structurally sound. He also recommended that all of the historical materials would stay dry and safe.

Laite also agreed with Gerritsen regarding choosing Option G, and he recommended seeing a plan on what the plan is when the building will be made safe, and what the plan is to maintain the building.

Ray stated, “It seems as if, what the Warrant Article said was that the voters said, we have an asset here and we are trusting the Select Board to decide to sell it or not. It seems to me, that we should consider if we can get any money for it. I lean towards going with Option F, to solicit proposals from parties interested in purchasing the property and honor the voters.”

Dunn felt that regardless of what we ultimately do with the property, we have two vested parties in that property, The Lincolnville Historical Society and The Lincolnville Improvement Association and the value of the building to them, goes without saying.

Dunn told the Board that before we go with any option A-G, we need to address the lease before the sale of the building.

Dunn also recommended entering into an executive session at the next Select Board meeting to discuss what the legal options are and work on developing a motion to move forward.

Laité recommended since we have a verbal commitment from the Lincolnville Historical Society, we should try to move this process forward as soon as we can and provide a commitment to the taxpayers and go with Option F.

Dunn thanked the entire Board for all their input on this item.

11. Committee Chair and Department Head Updates(s) – Code Enforcement Officer:

Frank Therio, Code Enforcement Officer & Local Plumbing Inspector, provided an update regarding the following activities:

Code Enforcement Activities:

Therio thanked the Board for approving the excellent new Planning Board members. They have shown they have the skills to serve the Town of Lincolnville in the professional manner that is required.

1. Despite the pandemic, citizens are building in such numbers.
2. The price of 2x4's has gone up to \$8.00 apiece.
3. The prices of trusses have gone up thousands of dollars.
4. The pandemic has also added great difficulty in communicating with the DEP- Department of Environmental Protection and NERPA- Natural Environmental Protection Act. Most of those people are functioning from home and adding a great deal of difficulty in communicating.
5. The Searsmont Road Solar Project has been approved.
6. Subdivision upgrade
7. Many of shoreland cabins, are being re-built.
8. Black Horse Inn is going through a change of ownership which may include becoming an event center (weddings, etc.)

The Board thanked Therio for his report.

12. Broadband Committee – Timeline & Charge:

Gerritsen explained that the Broadband Committee had an extensive conversation about when it would be a good time to issue the report and they decided on November 23rd which would give the Committee enough time to collect data and issue the report.

Gerritsen also explained that he had to re-do the entire survey to create a paper mailer, to get the info to fit on one page, which he will send to the Town Administrator tomorrow and mail out as soon as possible.

On September 25, Gerritsen sent an electronic email survey to the Lincolnville Central School parents and as of now, we have 257 respondents.

Gerritsen made a motion to amend the Broadband Committee Charge to extend the deadline for the report to December 14, 2020, and the disbandment of the Broadband Committee. Laite seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

13. Supplemental Charge to Harbor Committee – Qualified Mooring Inspectors:

Dunn requested that the Board have a conversation regarding what makes a qualified mooring inspector and seek some additional clarity regarding what defines a qualified mooring inspector and what a qualified mooring inspection is.

Laite made a motion to charge the Harbor Committee with supplying the Board of Selectmen with supporting documentation to define what criteria would be for proper credentials for mooring inspection individuals and include what a qualified mooring inspection is. Gerritsen seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

14. As Board of Assessors – Abatement Request #2020-004 & Supplemental Tax Warrant:

Ray made a motion that we suspend our meeting as the Board of Selectmen and that we convene as the Board of Assessors. Gerritsen seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

Abatement #2020-04:

Laite made a motion that the Board grants abatement #2020-04 to Cedarholm, LLC in tax amount of \$361.90 to correct an error in the record regarding the homestead exemption. Ray seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

Supplemental Tax Warrant:

Ray made a motion that the Board approves and sign the Supplemental Tax Warrant regarding Account #318 owned by Edward & Doris Moran in the tax amount of \$400.40. Gerritsen seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

Gerritsen made a motion that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen. Laite seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

15. USDA Intergovernmental Review Request – Searsmont Road Solar Project:

Kinney explained that the individuals developing the Searsmont Road Solar Project, which is to install a 4-megawatt ground-mounted unit on the Searsmont Road, received Planning Board approval in August. The developers are seeking partial funding from the USDA Rural Development, which requires an Intergovernmental Review of Federal Programs, requests for loans.

Kinney also added that this is a project that seems to be supported by the community, landowner and it applies to all our ordinances and complies with the Comprehensive Plan.

Ray made a motion that the Board authorizes the Town Administrator to respond on behalf of the Town to the USDA Intergovernmental Review Request for the Searsmont Road Lincolnville Solar Project. Laite seconded the motion. Vote: Yes, Laite – Yes, Ray – Yes, Gerritsen – Yes, Dunn. Motion carried 4-0.

16. Selectmen Update(s):

Laite: He will be attending an upcoming meeting MCSWC Governance Meeting on Wednesday, September 30th, and will report back at the next Select Board meeting.

Ray: No updates at this time.

Dunn: No updates at this time.

Gerritsen: The Broadband Committee invited someone heavily involved with the Downeast Broadband Utility to come and chat with the Committee. At the next Broadband Committee, a member of the Belfast Broadband Committee will be attending.

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

Laite made a motion, second by Gerritsen to approve the Treasurer's and Payroll Warrants. Vote: Gerritsen – Yes, Laite – Yes, Ray – Yes, Dunn – Yes. Motion carried 4-0.

18. Adjourn:

Ray made a motion to adjourn. Gerritsen seconded the motion. Vote: Gerritsen – Yes, Laite – Yes, Ray – Yes, Dunn – Yes. Motion carried 4-0.

Respectfully submitted,

Melissa A. Geary
Administrative Assistant