

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
APRIL 12, 2010**

Selectmen present: Rosendel Gerry, Chairman, Stacey Parra, Vice-Chair, H. Bob Plausse, Cathy Hardy, and Jason Trundy

The meeting was called to order by Chairman Gerry at 6:00 p.m. The quote of the day was read by Selectman Parra.

**1. Citizen's Forum: None**

**2. Administrator's Report:**

David Kinney, Town Administrator, reported:

- There is an emergency item for tonight's agenda regarding the Ahos, which could be discussed at the end of the meeting.
- The Tanglewood Road RFP was mailed to 15 local surveying firms; Town Administrator Kinney hopes to have a recommendation for the Board at their next meeting.
- The wave screen project is progressing slowly; it is about two-thirds done.
- Research is showing title to the Gillmor and Sprague-Hastings lots is not as clear as we would like and, therefore, these items will not be ready for the June Town Meeting.
- There are two free Electronic Waste Collection Days on April 24<sup>th</sup> and May 1<sup>st</sup>, sponsored by West Bay Rotary Club. Discarded electronics can be brought to the former Rockport Elementary School East from 9 a.m. to 2 p.m.
- Interest is being charged on unpaid 2009 real estate taxes. Taxes not paid by April 30<sup>th</sup> will result in the property owners' names being printed in the Annual Town Report, per State statute.

**3. Meetings & Announcements:**

Town Administrator Kinney read the meetings and announcements from the agenda.

**4. Upcoming Community Events:**

Marion Swanson announced the Lincolnville Women's Club meeting will be held April 20<sup>th</sup> at noon at the LIA Building. Liz Hand will be the speaker. She also announced the Women's Club will hold May Day breakfast on May 1, from 7 – 10 a.m., at the LIA Building.

Town Administrator Kinney announced there will be a free Bluegrass/Folk Music Jam Session at the Lincolnville Central School, 9 a.m., on Saturday, April 17<sup>th</sup>.

**5. Meeting Minutes:**

**Motion by Plausse, second by Hardy, to approve the minutes of March 22, 2010, as written. Vote 4-0-1 (Parra abstained).**

**Motion by Plausse, second by Trundy, to approve the minutes of March 23, 2010, as written. Vote 5-0.**

**6. Municipal Buildings Committee:**

Town Administrator Kinney reported that the Fire Station project is ready to be awarded. The Municipal Building Committee, the Lincolnville Volunteer Fire Department, Inc., and Architect Robert Fenney all recommend the project be awarded to Catalano's Construction for the contract price of \$745,727. Architect Fenney briefly explained that the contract price is \$8,000 more than the bid due to some requested changes by the Fire Department. The groundbreaking ceremony was held at 5:30 this afternoon. Catalano's Construction can sign the contract once the insurance and bonding papers come in.

**Motion by Hardy, second by Parra, that the Board of Selectmen award the Fire Station construction contract in the amount of \$745,727 to Catalano's Construction, Inc., of Thomaston, Maine, and that the Board authorize the Chairman of the Board to sign the contract on behalf of the Town. Vote 5-0.**

**Motion by Plausse, second by Parra, that the Board of Selectmen approve the supplemental charge to the Municipal Building Committee, dated April 12, 2010. Vote 5-0.**

**15. Treasurer's Warrant(s) – Approve and Sign: *(taken out of order due to a brief delay in the meeting)***

**Motion by Parra, second by Plausse, to approve the Treasurer's Warrant. Vote 5-0.**

**7. Conservation Commission Report:**

Jim Dunham, Chairman of the Conservation Commission, updated the Board about a "multi-use" trail being constructed by the State of Maine at Camden Hills State Park in Lincolnville, and which he felt could more accurately be described as a carriage trail. Jim Dunham explained that after several members of the Commission and Lincolnville Historical Society hiked the multi-use trail to Cameron Mountain and up to Zeke's trail, they had many areas of concern which were addressed in a letter to Will Harris, Director of Bureau of Parks and Lands in Augusta, a copy of which was included in the Selectmen's packet. These areas of concern include scarring of trees and significant root removal and tearing, stone walls being covered with material, erosion of material from the ditches and trail into streams and brooks, disposal of slash, brush, and debris at the trail's edge, possible infringement of work onto private property, the rationale for expanding upper Cameron Mountain trail, stone well integrity and concerns about remaining historic roadbed, and road construction over ledge areas. The Conservation Commission requested that all work cease until a meeting of interested stakeholders can be held, hopefully by the end of April. He said the State is listening, has stopped work, and wants to see the work is done right. Once the meeting is scheduled, Jim Dunham will advise the Board/Town Administrator of the time and place.

Board members praised the letter written to the State by Jim Dunham, feeling it expressed valid points without being confrontational. Chairman Gerry expressed his frustration at the fees residents now have to pay to use the Park trails. He has also received several emails from Christine Anderson, who hikes the trails frequently, expressing her concern about the work being done.

Conservation Commission member Will Brown left colored photos of the work area with Town Administrator Kinney.

**8. Land Use Committee:**

Town Administrator Kinney stated the Land Use Committee is holding a public input session on Wednesday, April 14<sup>th</sup>, at 6 p.m., to discuss an amendment for change of use of a facility. Unless there are significant changes as a result of public input, the Land Use Committee is ready to present this amendment to voters for approval.

Town Administrator Kinney then explained a draft has been written to Section 21.B of the Land Use Ordinance to address building exception exemptions. Board members expressed confusion about the amendment, and Town Administrator Kinney explained that if the amendment is passed, it would allow certain routine house maintenance/repairs, such as painting, re-siding, masonry repairs, etc., to be done without first obtaining a permit. If the amendment is not passed, then routine house repairs would require a permit.

**Motion by Plausse, second by Parra, to instruct the Town Clerk to include an article in the draft Annual Town Meeting Warrant with proposed amendment to Section 21 of the Land Use Ordinance, and that recommendations of the Land Use Committee and Planning Board are sought. Vote 5-0.**

Town Administrator Kinney next explained that there are high and moderately high wetland areas in Lincolnville that should be included in the Resource Protection District, according to the Mandatory Shoreland Zoning Act and the State of Maine Guidelines for Municipal Shoreland Zoning.

**Motion by Plausse, second by Parra, that the Board approve the Land Use Committee supplemental charge dated April 12, 2010, concerning the Mandatory Shoreland Zoning and the Resource Protection Districts.**

**9. Discussion of the Need for a Cemetery Ordinance:**

Town Administrator Kinney advised Board members of an incident last fall regarding the Lincolnville sexton, which has brought to light several issues regarding cemeteries in Lincolnville. In the process of digging a grave at the Maplewood Cemetery, the sexton encountered ledge, so dug to avoid it. In doing this, he encroached on a cemetery lot owned by another individual. An amicable solution is being worked out. However, the incident brings to light the fact some problems that should be addressed. Although the Town Charter requires the Board to appoint a sexton, it does not specify the sexton's duties, nor does the Charter outline the duties of the cemetery trustees.

Cecil Dennison, Cemetery Trustee, explained there are approximately six cemeteries in Lincolnville run by associations, with rules and regulations of their own. However, as Cemetery Trustees, the Town Charter states the Trustees shall “oversee the maintenance and upkeep of the Town’s cemeteries.” State statute also governs the Town’s responsibility regarding veterans’ graves.

Maplewood Cemetery Association member Bradford Payne expressed his concern about cemetery recordkeeping, and questioned if the sexton’s duties includes keeping accurate cemetery records for the Town. He explained the Maplewood Association usually is not contacted before a burial is made, and has very little control over the lots except when they are first purchased.

Town Attorney Terry Calderwood addressed several cemetery issues in a letter to the Town Administrator, dated April 2, 2010. He listed three options available to the Board, which included developing a formal cemetery ordinance to present to voters which would detail the duties and responsibilities of the sexton, the relationship between the sexton and the Cemetery Trustees, and the responsibility of the Town for operation and maintenance of the cemeteries; amend the Town Charter through a vote at Town Meeting to specify the duties and responsibilities of the sexton and the organizational relationship of the Cemetery Trustees; or amend the Town Charter to delete the position of sexton by a vote at Town Meeting, separating the sexton’s private business from a Town activity and detail the duties and responsibilities of the Cemetery Trustees in the Charter.

Although Town Administrator Kinney favored developing a cemetery ordinance, he felt the Board should first understand what the Town’s role is regarding private cemeteries, abandoned cemeteries, active cemetery associations, sexton’s duties, etc., before tackling an ordinance or trying to interpret input from several cemetery associations. It was the consensus of the Board that this topic should be discussed at a Selectmen’s workshop, with the Town Attorney present, and suggested an evening workshop on the first or third Monday. Town Administrator Kinney will schedule a workshop with the Town Attorney and the Board.

Cemetery Trustee Cecil Dennison also announced that volunteers are needed for spring cemetery cleanup over the next two weekends.

**10. Town-Owned Land Sale – Discussion of Future Town Meeting Possibilities:**

Town Administrator Kinney had sought input from local realtors, as the Board had requested, regarding the possible sale/value of Town-owned properties at 276 Greenacre Road, Hope Road, and off Sand Hill Road. The Board already has authorization to sell the Fire Station property, and the Sprague-Hastings and Gillmor lots are being researched for sale by the Conservation Commission.

**Motion by Plausse, second by Trundy, to instruct the Town Clerk to include articles in the draft Annual Town Meeting Warrant seeking the authorization to sell the Town-owned properties identified as Tax Map 34, Lot 218; Tax Map 21, Lot 57; and Tax Map 35, Lot 90. Vote 4-0. (Selectwoman Parra had left the meeting to attend another meeting.)**

**11. Liquor License Renewal Application – Inn at Sunrise Point:**

**Motion by Hardy, second by Plausse, to approve the Liquor License Renewal Application for the Inn at Sunrise Point, L.L.C. Vote 4-0.**

**12. Board/Committee/Commission Appointments(s):**

**Motion by Hardy, second by Trundy, to appoint Paul Crowley as an alternate member to the Land Use Committee, with a term expiring June, 2010. Vote 4-0.**

**13. Structure Demolition – 276 Greenacre Road:**

Town Administrator Kinney explained that the Town-owned structure at 276 Greenacre Road is very close to collapsing and is located very near buffer trees and shrubs belonging to abutters. For those reasons, the Fire Department does not want to burn the structure as a drill exercise.

**Motion by Plausse, second by Hardy, that the Town Administrator seek competitive bids for the demolition of the Town-acquired structure at 276 Greenacre Road. Vote 4-0.**

**14. As Board of Assessors:**

**Motion by Plausse, second by Trundy, that the Board suspend their meeting as Board of Selectmen and convene as Board of Assessors. Vote 4-0.**

Town Administrator Kinney explained that the tax abatement received from Gray & Associates, L.L.C., was not filed within the 185-day deadline, pursuant to State statutes. After the Board of Assessors had previously tabled this item, the Assessors' Agent did not receive any additional correspondence from Gray & Associates regarding a withdrawal of the abatement request. As a result, Assessors' Agent Vern Ziegler recommends denying the abatement request, per his memo dated April 9, 2010.

**Motion by Plausse, second by Trundy, that the Board of Assessors deny the abatement application received on March 3, 2010, filed on behalf of Gray & Associates, L.L.C., for property at 23 Whitney Road in Lincolnville and that the Board sign the Notice of Action on Application for an Abatement of Real Property Taxes as prepared by the Assessors' Agent. Vote 4-0.**

**15. Emergency Item: Aho Property on Heal Road:**

Town Administrator Kinney explained he has an emergency item concerning the Aho property on Heal Road, considers it an emergency because we are due in court on Tuesday, April 20 on this matter, and today he received correspondence from the Ahos.

**Motion by Hardy, second by Plausse, to consider the Aho matter an emergency item on tonight's agenda. Vote 4-0.**

**Motion by Plausse, second by Trundy, that the Board authorize the Town Attorney to prepare and submit on their behalf a Consent Order with Gary and Patricia Aho that would set a deadline of June 30, 2010, for the removal of the dangerous building conditions that exist at 21 Heal Road (Tax Map 5, Lot 49) and that the Consent Order be agreed to by Gary and Patricia Aho before the April 20, 2010, court hearing or the Consent Order offer be withdrawn. Vote 4-0.**

Town Administrator Kinney stated part of the site has been cleaned up, but there is still a "fair amount of work" to be done. Gary and Patricia Aho had been in Florida and were hard to contact, but they are back in Lincolnville now and are reachable.

**16. Adjourn:**

**Motion by Plausse, second by Trundy, to adjourn the meeting. Vote 4-0.**

Respectfully submitted,

Diane Bacon  
Administrative Assistant