

**Board of Selectmen
Meeting Minutes
August 11, 2008**

Present were: Rosendel Gerry, Chairman, Richard M. McLaughlin, E. Earle Brown, H. Bob Plausse and Cathy Hardy.

1. Executive Session – Consultation with Legal Counsel concerning the Legal Rights and Duties of the Board of Selectmen, Title 1 MRSA 405 (6)(E):

Motion by Hardy, second by McLaughlin to enter into executive session to consult with legal counsel concerning the legal rights of the Board of Selectmen pursuant Title 1 MRSA (6)(E). **Vote 5-0.**

2. Executive Session – Consultation with Legal Counsel concerning Town of Lincolnville v. Richard Rosenberg, Title 1 MRSA Section 4-5 (6)(E):

Motion by Plausse, second by Brown to enter into executive session to consult with legal counsel concerning Town of Lincolnville v. Richard Rosenberg pursuant Title 1 MRSA Section 405 (6)(E). **Vote 5-0.**

3. Executive Session – Personnel Matters with Police Chief, Title 1 MRSA Section 405 (6)(A):

Motion by Brown, second by Plausse to enter into executive session to discuss a personnel matter with the Police Chief pursuant Title 1 MRSA Section 405 (6)(A). **Vote 5-0.**

4. Executive Session – Consultation with CEO pending enforcement matter – RE: Meyer/Camlake LLC, Map 27 Lot 28, Title 1 MRSA Section 405 (6)(H):

Town Administrator reported no action required. No executive session held.

Motion by Plausse, second by Brown to adjourn executive session and return to open session. **Vote 5-0.**

Motion by Plausse, second by Brown to have the Town Administrator prepare a draft fact sheet and questionnaire regarding the Police Department. **Vote 5-0.**

5. Citizen's Forum:

There was no comment from the audience.

6. Administrator's Report:

The auditors were here last week. The audit should be complete in September.

Property Tax and Rent Refund applications are available at the Town Office.

Kinney let the Board know that the Breezemere parking lot is near completion.

Kinney let everyone know that the Selectmen's minutes were placed on the Town website.

Plausse stated that he would rather wait for the minutes to be approved until posting them to the website in case there may be mistakes in the draft minutes.

Hardy stated that she thinks that as long as they say draft it would be fine to post the minutes to the web.

Kinney stated that the draft minutes were clearly marked "DRAFT".

Motion by Plausse, second by Brown to place only the approved minutes to the website. **Vote 3-2, McLaughlin and Hardy opposed.**

7. Meetings & Announcements:

Kinney read the meeting announcements.

8. Upcoming Community Events:

Kinney read the upcoming community events.

9. Meeting Minutes – Selectmen Approval:

Plausse stated that he would like to add that "he would not support the Town borrowing t funds for the addition to the Town Office" to the end of the Citizen's Forum on page 1 of the minutes.

Motion by Plausse, second by McLaughlin to approve the minutes of July 28, 2008 as amended. **Vote 5-0.**

10. As Board of Assessors:

Vern Zeigler, Assessors Agent, told the Board that before they adjourn as the Board of Selectmen they would need to set the tax payment due dates. The suggested dates are October 8, 2008 with interest beginning October 9, 2008 and April 8, 2009 with interest beginning April 9, 2009.

Motion by McLaughlin, second by Brown to set the tax payment due dates for October 8, 2008 and April 8, 2009 with an interest rate of 11% that would begin on October 9, 2008 and April 9, 2009. **Vote 5-0.**

Motion by Plausse, second by McLaughlin to convene as the Board of Assessors. **Vote 5-0.**

Zeigler reviewed the commitment papers with the Board and asked if they would please make a motion to accept and sign the appropriate paperwork.

Motion by Plausse, second by Brown to approve and sign the Assessors' Certification of Assessment as presented by the Assessor's Agent. **Vote 5-0.**

Motion by Plausse, second by McLaughlin to accept and sign the 2008-2009 Municipal Tax Assessment Warrant, the Certificate of Commitment and the Certificate of Assessment as presented by the Assessor's Agent. **Vote 5-0.**

Motion by Plausse, second by Brown to adjourn as the Board of Assessors and reconvene as the Board of Selectmen. **Vote 5-0.**

11. Harbor Ordinance Article IV Piers and Wharves Status Update:

Kinney told the Board that there was a meeting with the Harbor sub-committee members and he thinks that most of the issues were resolved at that meeting. Kinney stated that the draft should be available later this week and everything should be complete in time for the voter's approval in November.

Plausse asked that this item be placed on the next agenda.

12. Consideration of Modification to Rules of Procedure – Selectmen's Discussion:

Gerry asked each Board members opinion.

Plausse stated he would like to see anything that would like to be discussed by a Board member placed on the agenda.

Hardy stated that she had no problem with adding selectmen's discussion to the agenda.

McLaughlin told the Board that he was willing to try it and thought that they had decided to try it a couple of times at the last meting.

Brown stated that the Board members basically speak freely during the meeting and have no problems just bringing an issue up during the meeting and does not feel that the selectmen's discussion is needed.

Gerry agreed with Brown.

Motion by Plausse, second by Brown not to reinstate the Selectmen's Discussion. **Vote 5-0.**

McLaughlin thought that instead of it being Citizen's Forum perhaps it could be Citizen's/Selectmen's Forum and that would give anyone who wished to speak the opportunity.

Motion by McLaughlin, second by Hardy to change the agenda's to state Citizen's/Selectmen's Forum. **Vote 3-2, Plausse and Gerry opposed.**

13. Boards/Committees/Commissions: Resignations & Appointments:

Kinney told the Board that earlier in the day he had received a call from Leo Mills of the Harbor Committee asking that his resignation be withdrawn.

Plausse asked what his reasoning was.

Kinney explained that Mills would like to see some final issues, which are close to being resolved, complete before submitting his resignation.

Plausse stated that he has had a few calls regarding this situation and feel that the Committee is trying to pull something over on the Board.

Brown told the Board that he thinks the Ken Weed would be a good candidate for Chairman of the Harbor Committee.

Gerry stated that he submitted his resignation and he could reapply if he wished to be on the Board.

Motion by McLaughlin, second by Brown not to accept Leo Mills' resignation from the Harbor Committee. **Vote 2-3, Gerry, Hardy and Plausse opposed.**

Motion by Plausse, second by Hardy to accept Leo Mills' resignation from the Harbor Committee.

It was suggested that legal counsel be advised before proceeding.

Plausse withdrew his motion and Hardy withdrew her second.

Motion by Plausse, second by McLaughlin to table the item until the next meeting and seek legal counsel. **Vote 5-0.**

Kinney told the Board that Kim Vogel has submitted her resignation from the Comprehensive Plan Review Committee.

Motion by Hardy, second by Plausse to accept Kim Vogel's resignation from the Comprehensive Plan Review Committee with regret and to ask the Town Administrator to send a letter of thanks. **Vote 5-0.**

14. Bid Awards: Winter Sand and Wood (For Sale):

Kinney told the Board that Bernard Young, Road Commissioner, had expressed that he would like to keep the contract local and that Fuller Construction and Lucas Construction have helped the town out during the winter months when we have run out of sand.

Motion by Plausse, second by Brown to award the Winter Sand bid to Monroe Sand & Gravel in the amount of \$9.80 per yard.

McLaughlin asked how much more it would be if the bid was awarded to Fuller Construction which were the next lowest bidder.

Kinney told him that it would be an additional \$350.00.

Vote 4-1, McLaughlin opposed.

Motion by Plausse, second by Brown to award the wood to Rick Kelly for a bid amount of \$150.00. **Vote 5-0.**

15. Hawking & Peddling License Application – Northeast Ice Cream:

Plausse stated that he has a problem with the Hawking and Peddling Ordinance and thinks it should include having background checks and badges. Plausse stated that you hear all kinds of stories about people who drive these ice cream trucks and would have a problem issuing the license without these things.

McLaughlin stated that the beach area is no place for him to peddle because there is no van parking and you worry about kids crossing Route 1 to get to the truck.

Motion by McLaughlin, second by Plausse to deny the application according to Section 5.

McLaughlin withdrew his motion and Plausse withdrew his second.

Motion by McLaughlin, second by Hardy to approve the Hawking/Peddling License for Northeast Ice Cream but restrict them from doing business as stated in Section 5 of the Ordinance and to have the Police Chief run a background check. **Vote 5-0.**

Motion by Plausse, second by McLaughlin to authorize the Town Administrator to draft an amendment to the Hawking & Peddling Ordinance to authorize the Police Chief to run background checks on all applicants and that name tags be issued with the permit as authorized by the Board of Selectmen. **Vote 5-0.**

16. Results of Request of School Committee – Re: Capital Campaign:

Gerry stated that the Board met with the School Committee and are now waiting on their decision.

17. Proposed Municipal/State Agreement – Knight’s Hill Bridge (Rt.52):

Kinney told the Board that the MDOT is planning on replacing Knight’s Hill bridge on Route 52 next summer. MDOT has asked if the Board would allow them to close the road for a two week period. Kinney stated that traffic would be diverted down Slab City Road while the road is closed. He had spoken to the Road Commissioner and the school bus company and neither of them had a problem with this scenario as long as it took place before school began for the year.

Motion by McLaughlin, second by Plausse to authorize the Chairman of the Board to sign the agreement with the MDOT to close Route 52 for a two week period in 2009.
Vote 5-0.

18. Treasurer’s Warrant – Selectmen Approve & Sign:

Motion by Plausse, second by McLaughlin to approve and sign the Treasurer’s Warrant.
Vote 5-0.

19. Adjourn:

Motion by Plausse, second by Brown to adjourn the meeting at 8:44PM. **Vote 5-0.**

Respectfully submitted,

Kimberly Leonard
Administrative Assistant