

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

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

1. Tour of Fire Station Construction Site

Board members toured the Fire Station construction site at 5:15 p.m.

Motion by Parra, second by Hardy, to go into executive session for the following purposes (Vote 5-0):

- 2. Executive Session (Title 1 MRSA §405 (6)(E)) – Consultation with Town Attorney concerning the legal rights and duties of the Board of Selectmen concerning the Aho Trust Property, Heal Road**
- 3. Executive Session (Title 1 MRSA §405 (6)(E)) – Consultation with Town Attorney concerning the legal rights and duties of the Board of Selectmen concerning the dangerous building statue, RE: Chase Home Finance LLC/Symington, Hope Road**
- 4. Executive Session (Title 1 MRSA §405 (6)(E)) – Consultation with Town Attorney concerning the legal rights and duties of the Board of Selectmen concerning a land use regulation matter.**

Having completed discussion on the executive session items, the Board recesses.

Chairman Gerry stated the Board was back from recess (approximately 6:40 p.m.)

The quote of the day was read by Selectman Trundy.

Motion by Plausse, second by Trundy, to come out of executive session. Vote 5-0.

Selectwoman Parra suggested, and Board members agreed, to discuss Item 10 next, out of order.

10. Alan Hinsey, KWRED (Knox/Waldo Regional Economic Development Council) concerning the possible realignment of the boundaries of the Federal Economic Development Districts in Maine

Alan Hinsey, Executive Director of the Knox/Waldo Regional Economic Development Council, updated the Board about the possible realignment of the Federal Economic Development Districts in the State of Maine. He explained the Federal Department of Commerce's Economic Development Administration requires each state to be divided into Economic Development Districts, and each district has a Comprehensive Economic Development Strategy document which makes them eligible for Federal economic

development funding. Maine is divided into six districts, the largest being the Eastern Maine Development Council (EMDC), which is the district that currently services Lincolnville. Most of the districts were formed in the 1960's, but there is a newly formed district, the Mid Coast Economic Development District (MCEDD), which includes Brunswick, Harpswell, Sagadahoc County, and Lincoln County. Mr. Hinsey supported the concept of a Midcoast district, suggesting it makes sense for the communities in the Gateway 1 Corridor, from Brunswick to Stockton Springs, to be part of the MCEDD. He explained the advantages/disadvantages for Lincolnville joining MCEDD and leaving EMCD. He also explained that the Governor makes the recommendations for final district realignment, so it would be better to have the realignment decisions made before a new governor takes office, which would then require more time for a new administration to get up and running.

Roger Moody, who is a Knox County Commissioner, a member of the EMDC Board of Directors, and a member of the Knox/Waldo Regional Economic Board of Directors, also addressed the Board, stating that although Knox County Commissioners have not taken a formal vote to date, he believes the Commission is in favor of joining the MCEDD.

Town Administrator Kinney questioned the financial ramifications of Lincolnville joining MCEDD. Mr. Hinsey stated it wouldn't be free, but he did not believe Lincolnville would be doubled billed if Waldo County stayed with EMCD and Lincolnville wanted to join MCEDD, but a funding formula will have to be established.

Although Board members expressed views that it seemed to make sense for Lincolnville to be part of the MCEDD, they also thought more discussion was needed and asked that this be put on their next agenda.

11. Water Resource Committee – Formation of Lincolnville Sewer District

Town Administrator Kinney explained that the Water Resource Committee met with the Maine Rural Water Association to discuss the next steps for the formation of a Lincolnville Sewer District. The Board must hold a public hearing, tentatively scheduled for August 9th, and then an election, tentatively scheduled for August 26th at the Town Office, for the approximate 60 registered voters living within the bounds of the proposed sewer district.

Board members expressed concerns for the cost to the Town if the district goes defunct, as well as the cost to district residents who do not want to join the district. Town Administrator Kinney explained there is no defunct; if the trustees don't find the funding for the district, the district won't be created. He also explained that his understanding is if residents within the district have a working septic system, they will not be forced to join or pay. He hopes the consultants can provide more detailed answers at the public hearing to any questions residents/Board members may have.

Motion by Plausse, second by Hardy, to approve and sign the Order of the Board of Selectmen of the Town of Lincolnville for Referendum Vote and Public Hearing Pursuant to 30-A MRSA Section 2528(5) and Private and Special Law 2010, Chapter 32. Vote 5-0.

Motion by Plausse, second by Parra, that the Board approve and sign the Municipal Officer's Notice of Public Hearing on Secret Ballot Referendum Issue. Vote 5-0.

Motion by Plausse, second by Trundy, to approve and sign the Warrant for Referendum Election for August 26, 2010. Vote 4-1 (Parra opposed.)

12. Parking Ordinance Discussion & Public Hearing Notice

Town Administrator Kinney explained he took a survey of businesses from Frohock Bridge to Spouter Inn concerning the five parking spaces in front of the Post Office. The varied survey results were included in the Selectmen's packet. Town Administrator Kinney recommends making the spaces four-hour parking while incorporating bus use, which would require specific sign language.

Generally, Board members felt the four-hour limit would be good for those spaces, but also felt the buses should be accommodated. Parking Officer Dick McLaughlin said the morning bus pickup, around 8:30 a.m., could be accommodated by signage that says no parking before 9 a.m.; the 5 p.m. bus usually does not have a parking problem on the other side. Signs could specify no parking in those five spaces from 11 p.m. to 9 a.m.

Board members and Dick McLaughlin also commented on how large campers take up many spaces when they park in the parking lot.

Motion by Parra, second by Plausse, that the Board set a public hearing for the proposed Parking Ordinance amendments for 6:30 p.m. on Monday, July 26, 2010, as discussed. Vote 5-0.

14. Bid Award(s)

Paving: Motion by Parra, second by Plausse, to accept the Bituminous Concrete Paving Bid of Marriners, Inc., of Rockport. Vote 5-0.

Roadside Mowing: Motion by Plausse, second by Trundy, to award the roadside mowing contract to J. L. Richards of Searsmont for the price of \$45 per hour. Vote 5-0.

Winter Sand: Motion by Plausse, second by Parra, to reject all bids. Motion and second was withdrawn.

Motion by Plausse, second by Parra, for the two lowest bidders to resubmit their bids, and if there is another tie, the Board will draw lots. Vote 5-0.

Gravel: Motion by Plausse, second by Hardy, that the Board approve the bid of Dave's World, contingent upon the gravel meeting the gradation requirements as set forth in the bidding documents, and also moves that should the gravel to be provided by Dave's World fail the gradation requirements, that the Town Administrator be authorized to contract with the next lowest bidder whose material meets the Town's specification. Vote 5-0.

Selectwoman Parra asked that Executive Session items be addressed next.

2. **Executive Session (Title 1 MRSA §405 (6)(E)) – Consultation with Town Attorney concerning the legal rights and duties of the Board of Selectmen concerning the Aho Trust Property, Heal Road**

Motion by Parra, second by Plausse, to direct the Town Administrator to send a letter to the Aho Trustees that they shall remove the debris and other materials from the Heal Road location and properly dispose of them and take and remove any unregistered, uninspected, and inoperable vehicles by July 26, 2010, and to authorize the Town Attorney to collect the costs incurred, including attorney fees, since the beginning of this procedure. Vote 5-0.

3. **Executive Session (Title 1 MRSA §405 (6)(E)) – Consultation with Town Attorney concerning the legal rights and duties of the Board of Selectmen concerning the dangerous building statute, RE: Chase Home Finance LLC/Symington, Hope Road**

Motion by Parra, second by Plausse, to authorize the Town Attorney to send the owner of the Symington property, pursuant to Title 17 MRSA, Section 2851, of a dangerous building procedure. Vote 5-0.

4. **Executive Session (Title 1 MRSA §405 (6)(E)) – Consultation with Town Attorney concerning the legal rights and duties of the Board of Selectmen concerning a land use regulation matter. No action taken.**

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

6. **Administrator's Report**

David Kinney, Town Administrator, reported:

- The new Fire Station exterior walls have been erected and placement of roof trusses began today.
- The Tanglewood Road survey should be back on the next meeting agenda.
- The Dawson property bid is coming.

7. **Meetings & Announcements**

Town Administrator Kinney read the upcoming meetings from the agenda. He also stated the Cemetery Trustees are looking for volunteers to serve as trustees. He also announced that the Wage and Personnel Policy Board will meet on Monday, July 19th, 4 p.m., at the Town Office.

8. **Upcoming Community Events**

Selectwoman Parra thanked all those involved with the Strawberry Festival.

9. Meeting Minutes

Motion by Hardy, second by Parra, to approve the June 21, 2010, minutes as written.

Discussion: Selectman Plausse corrected the time of the bus arrival to 8 a.m. in Item 13. Another correction was needed in Item 9, Planning Board appointments; Selectman Plausse did not state that John Stephens was employed by Paul Crowley. That information was mentioned during the discussion, but not by him.

Motion by Parra, second by Plausse, to approve the minutes with the corrections. Vote 5-0.

13. Board/Committee/Commission Appointment

Motion by Plausse, second by Hardy, to appoint Karen Womer to the Comprehensive Plan Review Committee for a one-year term, ending on June 30, 2011. Vote 4-0-1 (Gerry abstained).

Motion by Plausse, second by Hardy, to appoint Patricia Shannon to the Wage and Personnel Policy Board, for an appointment to expire June 30, 2013. Vote 5-0.

Town Administrator Kinney explained that at the last meeting when appointments were made to the Land Use Committee, the appointments were made for three-year terms. However, only two of those appointments should have been three-year terms and one for a one-year term.

Motion by Plausse, second by Parra, to appoint Jay Foster and Jeanne Hollingsworth to the Land Use Committee for three-year terms, and Scott Crockett for a one-year term. Vote 5-0.

Town Administrator Kinney explained that no one chose to run for the Lincolnville School Committee School Board, and Yvonne Walker was the only person to receive enough write-in votes, but she is already on the School Committee. Jodi Hanson had four write-in votes and was willing to serve another year; her completed Community Interest Form was included in the Board's packets.

Motion by Hardy, second by Plausse, to appoint Jodi Hanson to the Lincolnville School Committee, with a term expiring in June, 2011. Vote 5-0.

Town Administrator Kinney then explained that Ladleah Dunn had been appointed to the Board of Appeals and Planning Board, which are incompatible offices. Ms. Dunn chose to accept the Planning Board appointment and declined the Board of Appeals appointment.

Motion by Plausse, second by Parra, to rescind the appointment of Ladleah Dunn to the Board of Appeals. Vote 5-0.

15. Town Meeting Date Discussion

Chairman Gerry requested this item to be on tonight's agenda. He felt this should be put on the November ballot so the people could decide if they want Town Meeting to be held during the day or in the evening. Town Administrator Kinney thought this would have to be a nonbinding vote, since State statute specify the Selectmen will decide when Town Meeting will be held. Surveys, a nonbinding referendum, or a table at the election to poll voters are possible ways to gauge the preference of Townspeople regarding this matter.

Town Administrator Kinney will research the binding/nonbinding issues and report back to the Selectmen at their next meeting.

16. Board of Assessors

Motion by Parra, second by Plausse, to suspend their meeting as Board of Selectmen and convene as the Board of Assessors. Vote 5-0.

Abatement Request: Motion by Parra, second by Plausse, that the Board of Assessors approve the property tax abatement for J & R Richards Co. (Account #P33) in the amount of \$31,000 in valuation and \$362.70 in tax, and that they sign the abatement as prepared by the Assessors' Agent. Vote 5-0.

Tree Growth Penalty Commitment: Motion by Parra, second by Plausse, that the Board of Assessors approve the Tree Growth Penalty Commitment in the amount of \$10,748.75 for the property owned, or formerly owned, by Parker Johnson, identified on Tax Map 21 as Lot 151, as recommended and prepared by the Assessors' Agent. Vote 5-0.

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

17. Public Access, Inspection, and Copying Policy

Motion by Parra, second by Plausse, that they approve and authorize the Chairman of the Board of sign the Public Access, Inspection and Copying Policy, dated July 12, 2010. Vote 5-0.

18. MMA - Vice-President & Executive Committee Ballot

Motion by Parra, second by Hardy, to vote for Clint Deschene, Town Manager of Hermon, for Vice-President of the MMA Executive Committee for a one-year term, and for Michelle Beal, Marston Lovell, and Robert Yandow as Directors of the MMA Executive Committee, for three-year terms. Vote 5-0.

19. Treasurer's Warrant(s) – Approve and Sign

Motion by Hardy, second by Plausse, to approve the Treasurer's Warrant and the Payroll Warrant, as presented. Vote 5-0.

20. **Adjourn**
Motion by Plausse, second by Hardy, to adjourn the meeting (7:55 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant