

**BOARD OF SELECTMEN
MINUTES OF MEETING
MARCH 22, 2010**

Selectmen present: Rosendel Gerry, Chairman, H. Bob Plausse, Cathy Hardy, and Jason Trundy (Selectwoman Parra-excused absence)

The meeting was called to order by Chairman Gerry at approximately 6:00 p.m.

The quote of the day was read by Selectman Plausse.

1. Citizen's Forum:

Cathy Hardy addressed the Board as a private citizen, encouraging Lincolnville citizens to be aware of and get involved with the CSD budget process. There is a CSD budget meeting tomorrow night, and she encouraged people to attend and let their budget concerns/comments be known to the CSD Board; Edmund Hartt and Michael Kosowsky are Lincolnville's representatives on that Board.

2. Administrator's Report:

David Kinney, Town Administrator, reported:

- Nomination papers are available at the Town Office for anyone interested in running for the Board of Selectmen, the LCS School Committee, CSD School Committee, or Budget Committee. Nomination papers must be returned by April 26th with no less than 25 or more than 100 signatures.
- The wave screen project is slowly progressing.
- There may be some gravel roads that still have mud issues. Town Administrator Kinney asked Townspeople to be patient and asked them to let the Town Office know of any really bad spots. Chairman Gerry inquired about the Tanglewood Road issue. Town Administrator Kinney said he needs to finish the RFP, and hopes it will be done in time to be on the Board's next agenda.

3. Meetings & Announcements:

Town Administrator Kinney read the meetings and announcements from the agenda. He also mentioned that April 30th is the deadline for names going in the Town Report of those property owners who have not paid their real estate taxes.

4. Upcoming Community Events:

Chairman Gerry announced there will be a benefit concert for Partners for Enrichment on April 3rd at 7 p.m. at Lincolnville Central School, and encouraged everyone to attend.

5. Meeting Minutes:

Motion by Plausse, second by Trundy, to approve the minutes of March 8, 2010, as written. Vote 4-0.

6. Lakes and Ponds Committee:

Sandy Lyle, Chairman of the Lakes and Ponds Committee, addressed the Board about hazardous situations at Lincolnville beaches due to high bacteria counts. Currently, the Town can only issue advisories when bacteria counts are high; there is no mechanism in place to close public beaches. The Lakes and Ponds Committee would like to see an ordinance adopted which would allow the health officer to close beaches when the bacteria count is high. Mr. Lyle explained that fish were not affected by the high bacteria counts due to their feeding method, based on some research done by Lake Warden and Lakes and Ponds Committee member Ken Bailey. Mr. Lyle also explained this issue just recently came before the Lakes and Ponds Committee, so they have not had much time to research this, but due to the approaching summer season, the Committee felt it should given urgent attention. Board members felt research into existing ordinances used by other areas would be helpful.

Motion by Plausse, second by Hardy, to instruct the Town Administrator to work with the Lakes and Ponds Committee to research this issue to come up with an adequate article for an ordinance to be reviewed at a public hearing and Town Meeting. Vote 4-0.

Town Administrator Kinney stated that if an ordinance was voted by referendum, it would have to be ready by mid-April; if voted on the floor at Town Meeting, the ordinance would need to be ready by mid-May. Board members expressed concern that this be done right as opposed to quickly, and that all beach areas be treated in a consistent manner; i.e., Lincolnville Beach, Ducktrap, and Norton Pond. Lakes and Ponds member Whitney Oppersdorff thought drafting an ordinance would not be a complicated process as they could tap into resources of the Congress of Lakes Association for information and existing ordinances.

The parking lot expansion issue at Breezemere Park was then addressed. When questioned by Board members, Mr. Lyle said the Lakes and Ponds Committee have “on occasion” met with the Recreation Committee, but have not had regular common meeting times. They do have a meeting scheduled for April 19th with the Recreation Committee to discuss the parking issue.

Motion by Plausse, second by Trundy, that the Lakes and Ponds Committee meet with the Recreation Committee, and if they come to some agreement, the Board of Selectmen should get a proposal from the Recreation Committee for the parking area. Vote 4-0.

Whitney Oppersdorff explained that although everyone understands the need for an expanded parking lot at Breezemere Park, they need to get a handle on where the pollution is coming from. The area of greatest pollution at Norton Pond is in the stream from the wetlands. There will be testing done from the stream backward to determine where the pollution is originating. If the contaminants are coming from the parking lot area, then they will know the wetlands are not filtering the pollutants. They will also be mindful of the type of fill used in a parking lot expansion, so as to not introduce further contaminants, such as phosphorous,

into the Pond, in hopes of preventing another algae bloom, as well as making the water safer for swimmers.

Selectman Plausse requested that the Board get a written update after the April 19th meeting with the Lakes and Ponds Committee and the Recreation Committee; Sandy Lyle said an update would be submitted the Board.

7. Municipal Building Committee:

Architect Bob Fenney was present to address the Board regarding his proposed contract for the Fire Station project. He explained that architects have errors and omission insurance to cover design errors which could cause a building to collapse. Currently, Mr. Fenney's errors and omissions insurance coverage is \$500,000 per occurrence, which he felt would be sufficient for the Fire Station building. Since roads do not fail, he felt the \$500,000 coverage would be enough to cover any major failures. The cost to increase the coverage would be \$16,000. Board members agreed that \$500,000 was sufficient.

Motion by Plausse, second by Hardy, that the Board authorize the Board Chairman to sign the proposed contract with Robert C. Fenney Architect for the Lincolnville Firehouse project. Vote 4-0.

Mr. Fenney continued to address the Board, explaining the recent Fire Station bid process. Approximately twenty contractors bought bid specification plans; twelve submitted bids, with 100 subcontractors bidding on the project. The lowest bidder was Catalano Construction, submitting a bid of \$737,000, which was \$50,000 cheaper than the next lowest bid. A representative of Catalano Construction met with the Fire Department, the Municipal Building Committee, and Mr. Fenney, and explained Catalano Construction owns its own site work equipment and could do the site work at cost in order to submit a lower bid to get the project, which would keep the Catalano crew working. Mr. Fenney continued to explain he has checked with other towns who have worked with Catalano Construction, as well as having checked his suppliers and subcontractors. Reports were favorable, with only minor problems cited in Hallowell. The Municipal Building Committee and Fire Department are recommending the project be awarded to Catalano, although there are still some details to be worked out, such as insurance bonding, upgraded boiler, and paving. Mr. Fenney said the site is still very wet so it would probably be May before work could begin.

Motion by Plausse, second by Trundy, to instruct Bob Fenney to continue to negotiate with Catalano Construction on the Lincolnville Firehouse project. Vote 4-0.

Finally, Mr. Fenney addressed the subject of Clerk of the Works for the Fire Station project. He explained to the Board that he spends much more time overseeing the critical construction phase than many architects, feeling it helps to avoid "tearing-out" issues. One-quarter of his fee is devoted to overseeing that critical construction phase, which works out to 60 visits over a four-month period; a full-time Clerk of the Works would be a costly additional expense. This issue has been discussed with the Fire Department and Municipal Building Committee, and both groups are in agreement that it would be acceptable for Bob Fenney to oversee the

construction without hiring a full-time Clerk of the Works. Mr. Fenney also mentioned he keeps a log and takes many photographs of a project.

In light of the favorable bids received for the Fire Station project, Board members discussed if they should take advantage of lower building costs and interest rates by re-examining the subject of a new Town Office/expansion. Although Board members recognize the harsh economic realities for taxpayers, they also feel they could get a bigger “bang for their buck” right now. The Town currently has \$400,000 saved towards a Town Office project.

Selectmen Trundy and Selectwoman Hardy had concerns about spending more money than was already saved, and would want to move cautiously forward in determining a course of action. Selectwoman Hardy also felt a new Town Office should be in the center of Town, and not “plunked” on Town-owned property that is away from the center of Town. Selectman Plausse agreed that a location should be in the center of Lincolnville. Chairman Gerry was more interested in a new structure as opposed to renovating the existing building. He felt there would be rental/sale opportunities for the existing Town Office.

Architect Bob Fenney said two items that would have a great bearing on a town office project would be the size of a meeting room and the site. Selectwoman Hardy had recently attended a meeting at the Bank of America building (Bay Room) in Belfast and thought that size room would be a perfect size meeting room for Lincolnville.

Town Administrator Kinney said the Board had three options: do nothing and evaluate the pros and cons of doing nothing; renovate and/or expand the existing Town Office; or build a new, efficient building. Work that has been done in the past by the Municipal Building Committee regarding the Town Office would need updating and refinement.

Selectman Trundy felt the Town Office issue would be a good item to discuss at a Selectmen’s workshop.

Motion by Plausse, second by Hardy, that the Town Administrator prepare a draft charge to the Municipal Building Committee for the Board’s consideration at their next meeting. Vote 4-0.

8. Police Department Matters:

Motion by Plausse, second by Trundy, to accept the resignation, with regret, of Officer Eastman and thank her for her service to the community. Vote 4-0.

Police Chief Ron Young explained there is \$10,000 in seatbelt, OUI, and speeding grant monies available, but has applied for only \$6,600 in grants due to the lack of manpower. There are currently three part-time officers. However, one of those part-time officers is starting a new job so will probably have fewer hours available to work for Lincolnville. Chief Young would like to advertise and interview applicants before bringing recommendations to the Board. That way, he can weigh the various levels of work

experience, training, and availability of applicants to determine the number of part-time hires it will take to do the job.

The Police Chief and Town Administrator will proceed with advertising and interviewing candidates before bringing recommendations to the Board.

Police Chief Young then demonstrated a “traffic calmer,” which wirelessly displays the speed that vehicles are traveling. This top-of-the-line model is on loan from All Traffic Solutions and costs about \$5,200. The Chief hopes to use grant monies to purchase one of these “traffic calmers.”

Town Administrator Kinney next explained to the Board that several changes are needed to the existing Special Detail Policy in order to address grant-funded details versus private details. Grant-funded details can have different requirements than private details.

Motion by Plausse, second by Hardy, to approve the revised Special Detail Policy dated March 22, 2010. Vote 4-0.

9. Liquor License Renewal – Lobster Pound Restaurant:

Motion by Hardy, second by Plausse, to approve and sign the liquor license renewal application submitted by the Lobster Pound Restaurant. Vote 4-0.

10. Draft Land Use Committee Charge – “Complete” Construction:

Motion by Plausse, second by Trundy, to approve the supplemental charge to the Land Use Committee dated March 22, 2010. Vote 4-0.

11. Draft Correspondence – Tax Acquired Property:

Motion by Plausse, second by Trundy, that the Board authorize the Town Administrator to send the letter, with grammatical corrections, concerning the lien acquired property at 13 Rosenberg Road, dated March 22, 2010, to Richard Rosenberg. Vote 4-0.

12. As Board of Assessors:

Leonard Langer, attorney at Gray & Associates, L.L.C., as Receiver for Ducktrap Properties, L.L.C., requested that this item be withdrawn at this time.

Motion by Plausse, second by Hardy, to table Item 12. Vote 4-0.

13. Treasurer’s Warrant(s) – Approve and Sign:

Motion by Plausse, second by Trundy, to approve the Treasurer’s Warrant, the payroll Warrant, and the Fire Station warrant, as presented. Vote 4-0.

14. **Adjourn:**

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

Respectfully submitted,

Diane Bacon
Administrative Assistant