

**BOARD OF SELECTMEN
MINUTES OF MEETING
OCTOBER 26, 2009**

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

- 1. Motion by Parra, second by Plausse, to enter into executive session to discuss an Application for Property Tax Abatement Due to Poverty and/or Disability (Title 1 MRSA § 405(6)(F) and Title 36 MRSA § 841). Vote 5-0.**

Motion by Plausse, second by Trundy, to come out of Executive Session. Vote 5-0. (6:11 p.m.)

Motion by Plausse, second by Parra, to deny the Poverty Tax Abatement Due to Poverty and/or Disability request. Vote 5-0.

Chairman Gerry stated that longtime Lincolnville resident Keryn Laite had died Thursday afternoon, and called for a moment of silence.

- 2. Citizen's/Selectmen's Forum: None**

- 3. Administrator's Report:**

David Kinney, Town Administrator, reported:

- Absentee ballots are available for the November 3, 2009, Election, and can be obtained at the Town Office, or requested by telephone or on-line.
- Dog licenses are available and due by December 31, 2009.
- Circuit Breaker Program applications are available at the Town Office or on the Maine Revenue Service website, and Town Administrator Kinney encouraged citizens to apply.

- 4. Meetings & Announcements:**

Town Administrator Kinney read the meetings and announcements from the agenda. The Midcoast Solid Waste Corporation Board of Directors meeting has been rescheduled to November 4, 2009 at 7 p.m.

- 5. Upcoming Community Events:**

Town Administrator Kinney announced the Lincolnville Annual Craft Fair will be held Saturday, November 7, 2009, 9 a.m. to 2 p.m., at the Lincolnville Improvement Association Building on Beach Road.

- 6. Meeting Minutes:**

Motion by Plausse, second by Trundy, to approve the September 28, 2009 minutes, with an amendment (Page 2-correcting the admission ticket price from \$10 to \$100 for the Cellardoor Winery Vin Fest). Vote 4-0-1 (Parra abstained).

Motion by Plausse, second by Trundy, to approved the October 13, 2009, minutes as written. Vote 3-0-2 (Hardy and Parra abstained.)

Motion by Plausse, second by Trundy, to approve the October 19, 2009, minutes as written. Vote 5-0.

7. Public Hearing – General Assistance Ordinance:

Motion by Plausse, second by Parra, to convene the public hearing on the General Assistance Ordinance. Vote 5-0.

Town Administrator Kinney explained that each October the Town receives revisions (set by the Department of Human Services) to the Appendixes of the General Assistance Ordinance, which Jodi Hanson, Lincolnville's Welfare Director, uses to determine eligibility. There was no public input.

Motion by Parra, second by Plausse, to close the public hearing. Vote 5-0.

Motion by Parra, second by Hardy, that the Lincolnville Board of Selectmen adopt the MMA Model General Assistance Ordinance and Appendixes (A-C). Vote 5-0.

8. Gateway 1 – Action Plan and Start-up Agreement:

Evan Richert, a consultant working on the Gateway project, and Chris Osgood, Lincolnville's Gateway Steering Committee member, were present to explain the current status of the Gateway 1 project. Along with his PowerPoint presentation, Evan Richert explained that the project has been in a four-year planning stage, and is ready to go into an implementation phase. In July, the Steering Committee endorsed the proposed Action Plan for the Gateway 1 Corridor Coalition. The Action Plan, with a Start-up Agreement, is being submitted to each of the 20 communities from Brunswick to Stockton Springs; to date, twelve communities (the minimum needed by the October 31, 2009 deadline to move forward with the implementation phase) have signed the Start-up Agreement, while Wiscasset and Northport have declined to sign the Start-up Agreement. Mr. Richert explained that by signing the Start-up Agreement, communities agree to appoint an Implementation Steering Committee member and alternate, and within one year, communities will provide an opportunity to their legislative body to append their Comprehensive Plan to incorporate the Gateway Action Plan or appendixes. He further explained that each community who signs on can apply for grant money from the \$500,000 funding earmarked for this initial implementation phase of the project, which monies could be used to hire a consultant to help blend the Action Plan into their Comprehensive Plans.

The Implementation Steering Committee will formulate an inter-jurisdictional agreement between the communities, the State Planning Office, and the Maine Department of Transportation which will set priorities for MDOT funding within the Corridor (which, Mr. Richert explained, was a huge step for MDOT to agree to), and will also provide technical assistance and outreach to project communities/town planning boards to review projects and assess regional impacts. MDOT will provide staffing for technical assistance and project funding. If the Gateway 1 project moves forward from the implementation phase to the corridor coalition phase in 2010 and beyond, additional funding (1.3 million) and technical support from MDOT can be accessed by those communities in the Gateway 1 project.

Selectwoman Hardy thanked Chris Osgood and Will Brown for their time and effort spent on this project on the Town's behalf. She was concerned, however, that the Board had just received this large Gateway document last week, and to her knowledge, the Lincolnville Planning Board and

Land Use Committee have not seen it yet; she felt their input would be helpful. She also asked what happens if Wiscasset is not on board and the Corridor group does forward, how would that impact the plan? Mr. Richert said he felt Wiscasset would be at a disadvantage because they won't be at the table with the corridor communities when planning projects with MDOT; but he said big capital improvement projects would not be "shoved" down Wiscasset's throat, either. He went on to say this Start-up Agreement is an interim agreement and is not binding. Discussions and reviews by planning boards and land use committees will take place in the upcoming year.

Due to the scheduled continuation of last week's public hearing on CMP's tree trimming in Lincolville, the Gateway 1 discussion was temporarily suspended until after the 7 p.m. public hearing is over.

**10. Continuation of Public Hearing – Proposed Tree Trimming by Central Maine Power Company
Motion by Plausse, second by Hardy, to convene the continued public hearing on CMP's tree trimming in Lincolville. Vote 5-0.**

Town Administrator David Kinney stated he had sent copies of last week's motions and minutes to CMP. He went on to explain that Wes Davis, Kris Spiegel, Richard Lermond, and Will Brown had met this week to review the tree trimming rework.

Lincolville Tree Steward Will Brown explained that during the past week, the above-named group had walked, or driven, by each tree on the rework list, while Kris and Wes made notes. The work to be done is minor, not major work. CMP will adhere to the discussed work plan and will present it to ABC; ABC will adhere to the plan; CMP will be the communicator with ABC. Mr. Brown said if all parties adhere to the discussed plan, it will help build the trust level again. He said the "proof is in the pudding"; if ABC adheres to the plan, it should be fine.

When questioned by Board members concerning work schedules, lag time, issues if ABC deviates from the discussed plan, Wes Davis responded by saying he could develop a road-by-road schedule that could be available to the Town Office. He said they listened to the comments made at last week's public hearing and are trying to respond to them by tightening the communication with Will and David, by having an English-speaking crew member to communicate with residents, and by making sure the contact log is up-to-date. CMP hopes to reduce lag time by getting out initial communications earlier in the process, in hopes it will give residents more time to be proactive in signing up for the contact list. Mr. Davis said it would take seven to ten days to organize the data discussed this past week with Will Brown and Richard Lermond, and then it would take about three to four weeks to get the work done. The deadline imposed by the PUC to finish the work is December 31, 2009.

When questioned about cutting beyond the current plan, Mr. Davis said the Town would be notified when work on "hot spots" is required. He also explained that Ruth McDonald would continue to follow the procedure of sending pole location requests to the Town, which Town Administrator Kinney explained is forwarded to Will Brown for input, and then is forwarded to the Board for action.

Will Brown cautioned that ABC needs to be made aware of environmentally sensitive areas in the North Cobbtown Road area when they work on power lines that leave the road to supply power to camps.

The public hearing was opened up to public comment.

Reed Mathews questioned the level of competency of ABC and asked how was it being monitored? They may have been low bidder, but did that mean they were competent to complete the work? Mr. Davis responded by saying there are many techniques within the specification process for utility work that ABC is suppose to adhere to, and CMP's audit process should point out when work is not done correctly.

Elizabeth Hand of Lincolnville Center had spent several hours this past week talking to DEP, Department of Inland Fisheries and Wildlife, and looking at Habitat Programs maps. She alerted these State agencies of the environmental impact ABC has had in the area. She also stated permits were not obtained when new poles were installed, as required. Ms. Hand hopes that more training will be made available to ABC because once these environmentally sensitive areas are disrupted, they do not always recover. Ms. Hand mentioned the Maine Reliable Program that will affect surrounding towns (not Lincolnville) and suggested that the Lincolnville Board of Selectmen share Lincolnville's tree trimming experiences with area towns before work starts in neighboring towns. John Carroll said that program is in the permitting stage now and construction is scheduled to begin in late spring or summer, 2010.

Whitney Oppersdorf asked about the traffic safety issues for residents maneuvering around the ABC trucks; will cones, flagmen be used? Mr. Davis reaffirmed that strict MDOT rules on flagging will be used, which rules are enforced by State Police and OSHA.

Town Attorney Paul Gibbons reminded attendees that Will has spent a great deal of time and energy taking photos of work that has already been done and of areas where work is yet to be done to verify that the work going forward will be done correctly. If not, the Town can notify the PUC. He added that if the lowest bidder of a project is not skilled or learned, more supervision will be needed, which means it doesn't become cost effective to choose that lowest bidder.

Richard Glock inquired how long CMP's contract is with ABC, and Mr. Davis responded four more years.

Deborah Winter of 129 High Street asked if her shade spruce is acceptable. Kris Spiegel responded that the work done was needed and within the specs, but they still need to determine what needs to be done going forward. Ms. Winter stated she had tried to call Kris three different times, but never heard back from him.

James Dunham stated he was never notified prior to work being done even though he asked to be, and wanted to know if he is on the contact list. Mr. Davis took his telephone number and said he would let him know.

Paula Schuessler of Youngtown Road questioned if Will Brown will continue to watch the work being redone, or is he just relying on these "improved communications." She also asked how clean is ABC suppose to leave the site. Will Brown responded that he would try to watch as much as

possible, while still trying to earn a living. He will depend on receiving Kris's notification, but he also encouraged residents to be aware and call the Town Office or David Kinney if there's a problem. He also reminded attendees that by statute, a resident can ask the crew to stop work if there's a problem that needs to be talked out. Mr. Davis responded to the cleanup question by saying if limbs are over three inches in diameter, they are left for the landowner. If the landowner doesn't want them, he/she should contact Kris Spiegel. Smaller debris will be cleaned up in a timely fashion, although it may not be the same day that the initial cutting is done. He also stated culverts are not supposed to be plugged with leftover debris.

Michael Kosowsky asked if new work is on the list; Mr. Davis responded that it is on the list.

Chairman Gerry thanked Will Brown, Richard Lermond, and Paul Gibbons for their efforts in resolving these issues.

Motion by Plausse, second by Parra, to conclude the continuation of the public hearing. Vote 5-0.

There was a brief intermission while many attendees left the meeting room.

8. Gateway 1 – Action Plan and Start-up Agreement – Continuation:

Selectmen Plausse asked if there is coordination between Lincolnville's Comprehensive Plan and the Gateway Plan. Chris Osgood responded by saying there is nothing binding if Lincolnville signs on now. There will be grant funds for planning/coordination; comprehensive planning takes a tremendous amount of time and energy, requires more time and expertise than volunteers sometimes have, and could be done by professionals with grant funds. He brought up the point that many area towns will be looking for professional planners from the same pool of planners, at about the same time, so Mr. Osgood suggested that if the Selectmen know a professional planner they prefer to work with, they might want to work on this sooner rather than later.

Selectwoman Parra wanted clarification and asked if the Board approves this Start-up Agreement tonight, are they bound to the Gateway concept? Mr. Richert responded they are not, that the Implementation Steering Committee will develop an inter-jurisdictional agreement that will ask communities to adopt the Gateway 1 Corridor Plan as part of their Comprehensive Plan, which will require a vote of the Town's legislative body.

Selectwoman Hardy voiced her concerns about local mobile connector roads being impacted and stated she wants to see the rural character of Lincolnville preserved. Mr. Osgood said it is important for the next Lincolnville Comprehensive Plan to specify how much "build up" connector areas, such as Route 52, would or would not have. The more curb cuts on Route One, the more traffic flow will go inland. Mr. Richert felt if nothing is done as in past decades, "the Route 52's" will be heavily impacted, but the Corridor Plan, as outlined, should help to minimize increased traffic on feeder roads.

Motion by Plausse, second by Parra, to approve the Start-up Plan with the Gateway 1 project. Vote 4-1 (Hardy opposed.)

11. Conservation Commission – Recommendations Concerning Town Lands Abutting Ducktrap River: (taken out of order)

Conservation Commission Chairman Jim Dunham explained that in response to the Board of Selectmen's July request for the Commission to consider all the options for the Gillmor property and the Sprague-Hastings property, the Conservation Commission had many meetings and conversations about what could be done with the two Town-owned parcels. It was the Conservation Commission's recommendation that the Town sell the two Town-owned properties on the Ducktrap River to the State of Maine. This would provide protection as natural resources, while providing revenue to the Town. A title search and appraisal would have to be done.

Selectman Plausse felt the two parcels are financially useless and that it would make sense to sell the property.

Motion by Plausse, second by Hardy, to set November 23, 2009, as a public hearing date for Commission and public input on selling these properties. 4-1 (Parra opposed).

Selectwoman Parra voiced her concern about spending funds to determine the value of the properties, only to find the value is less than the cost of the appraisal or title search. Town Administrator Kinney said Coastal Mountain Land Trust sometimes helps with those types of costs. Commission member Brett Haining explained that a title search would be needed first in order to do an appraisal.

12. Tanglewood Road – Request for Road Right-of-Way Delineation:

Town Administrator Kinney explained that there have been issues with one of the owners on Tanglewood Road who claims the Road encroaches on his property, or the Stearns family property. Letters have been written to no avail to Richard Stearns, Personal Representative of the Parents' Estate, and to Charlie, his brother, the last two years suggesting he/they come before the Board to discuss this matter. Recently a Town contractor was told by Charlie to stop working on the Road because he was encroaching on private property; the contractor stopped work. Town Administrator Kinney said the Town will need to continue to maintain the Road as usual until the Stearns family comes before the Board to try to resolve this issue.

Motion by Hardy, second by Trundy, that the Board of Selectmen instruct the Road Commissioner to take whatever action is necessary to maintain Tanglewood Road in a safe, passable, and convenient manner to the traveling public. Vote 5-0.

Selectmen Plausse stated he feels the family should have a survey done if they think there's a problem.

13. State Referendum Questions Directly Impacting Local Government Services:

• Question 3: Citizen Initiative Concerning School District Consolidation:

Michael Kosowsky, Chairman of the Five-Town CSD, told the Board that at the last CSD Director's meeting, they approved a proclamation to repeal the school consolidation law. He further explained that if the law stays as is, the Five-Town CSD could be penalized \$600,000 for not reorganizing; if they do reorganize, they stand to lose \$375,000 in subsidies, plus they would have to make their teacher contracts consistent with town in the district, which could result in a total cost to reorganize of \$500,000.

Motion by Hardy, second by Plausse, that the Board of Selectmen approve and sign the resolution in favor of Question 3 on the November referendum ballot. Vote 5-0.

- **Question 2: Citizen Initiative Concerning Excise Tax:**

Town Administrator Kinney read Question 2 on the November 3rd ballot. He went on to explain that the Town of Lincolnville collects about \$350,000 in excise tax, all of which remains local and reduces the property tax commitment. If Question 2 passes, the Town would have to cut services, raise taxes, or a combination of the two to compensate for the lost revenue.

Selectman Plausse said he didn't mind acting on Question 3 because the Town had previously acted upon it, but he felt that voting was between the "voter and the pen" and the Board should not be influencing one way or the other.

Motion by Hardy, second by Parra, that the Board of Selectmen approve and sign the resolution in opposition to Question 2 on the November referendum ballot. Vote 4-0-1 (Plausse abstaining).

- **Question 4: Citizen Initiative Concerning Changes to Tax Cap:**

Town Administrator Kinney explained that the Town currently operates under LD1 tax cap, and the passing of Question 4 would change the way the cap is calculated for local and State governments, and would require a referendum to exceed the limits set with the new formulas. It is estimated that it costs the State of Maine \$800,000 to \$1,000,000 to hold an election, and it costs the Town of Lincolnville about \$750 to \$1,000 for an election.

The Board took no action.

9. **Wave Screen – Contract Award:**

Town Administrator Kinney explained that three bids were received for the wave screen replacement project at Lincolnville Harbor. He further explained that \$16,700 in additional grant funds have been secured.

Motion by Parra, second by Plausse, that the Board authorize the Town Administrator to sign on behalf of the Town Modification #1 as offered by MDOT, increasing the maximum amount by \$16,700, from \$80,000 to \$96,700. Vote 5-0.

Motion by Parra, second by Plausse, that the Board authorize the Town Administrator to sign on behalf of the Town the Notice of Award to CPM Constructors of Freeport, Maine in the amount of \$148,999, and further authorizes the Town Administrator to sign any other contract documents associated with this project. Vote 5-0.

14. **Liquor License Renewal – Whales Tooth Pub:**

Motion by Hardy, second by Parra, to approve the liquor license renewal for Whales Tooth Pub. Vote 5-0.

15. **Appointment of Additional Ballot Clerk(s):**

Motion by Plausse, second by Parra, to appoint Lois Lyman as a ballot clerk. Vote 5-0.

16. **Request for Change to Town Web Site – Tax Information:**

Town Administrator Kinney received a request to change the way tax information is posted on the Town's website in order to afford taxpayers more privacy and security. He explained there are various options the Town could consider, including hiring a vendor to write a code which would keep most search engines from accessing our website, or another possibility is setting up a separate database so people could come to the Town's website first and then access the information; however no monies were budgeted for possible solutions. Some Board members felt there may be valid privacy/security issues to consider, but voiced concern how much unbudgeted Town money should be spent to resolve the issue.

Motion by Parra, second by Plausse, to table this item until the Town Administrator gathers more information on options. Vote 5-0.

17. Board, Committee & Commissions: Appointments & Resignation:

Motion by Parra, second by Plausse, to accept with regret the resignation of Cheryl Cassidy from the Comprehensive Plan Review Committee. Vote 5-0.

Motion by Plausse, second by Trundy, to appoint Peg Miller to serve on the Budget Committee until June, 2010. Vote 4-1 (Hardy opposed).

Selectwoman Hardy explained when she votes on committee appointments, she tries to get a feel for balance on a committee, so the committee is not weighted one way or another. Don Hewitt was a fiscal conservative on the Budget Committee and she felt a replacement should have similar fiscal philosophies. Selectwoman Parra pointed out that citizens can run on the ballot for the Budget Committee.

Motion by Parra, second by Plausse, to appoint Jill Glover to the Lakes & Ponds Committee as a Norton Pond representative. Vote 5-0.

18. As Board of Assessors – Property Tax Abatements Applications & Extension Agreement:

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

Town Administrator Kinney referred to a memo written by Vern Zeigler, Assessors' Agent, regarding an abatement to correct two property tax accounts: one for Wendy Guinon for \$241.02 and a second for Sheryl Small for \$694.98, for an abatement totaling \$936.

Motion by Parra, second by Hardy, to approve the abatement for a total amount of \$936. Vote 5-0.

The memo then addressed a property abatement request by William McCarriston, which Assessors' Agent Zeigler recommended the Assessors deny.

Motion by Parra, second by Plausse, to deny the abatement request for William McCarriston, Map 21, Lot 13E. Vote 5-0.

The final issue addressed in Vern Zeigler's memo concerned increasing a previously agreed-upon extension for Ducktrap Resources (Mervyn Taylor) from November 13, 2009 to December 14, 2009.

Motion by Hardy, second by Parra, to extend the deadline to December 14, 2009, and to thank Mr. Taylor for following up and getting back to them. Vote 5-0.

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

19. Application for Utility Pole Location Permit – Thurlow Road:

Motion by Plausse, second by Hardy, to approve and sign the utility location permit for the Thurlow Road as submitted. Vote 5-0.

20. Treasurer's Warrant(s) – Approve and Sign:

Motion by Plausse, second by Hardy, to approve the Treasurer's Warrants. Vote 5-0.

21. Adjourn:

Motion by Plausse, second by Hardy, to adjourn the meeting (8:57 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant