

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 27, 2010**

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

Chairman Gerry opened the meeting at 6 p.m. Selectwoman Hardy read the quote of the day.

Selectman Plausse offered condolences to Chairman Gerry on the death of his sister, Velma Gamage, and asked for a moment of silence.

1. Citizens' Forum: None

2. Administrator's Report:

David Kinney, Town Administrator, reported:

- The Fire Department received a \$20,000 grant for turnout gear, and Town Administrator Kinney thanked Fire Chief Hazen and the Fire Department for obtaining the grant.
- The Fire Station project is still progressing nicely and may be completed earlier than the October 26th completion date, possibly around October 15th. Town Administrator Kinney guessed the Fire Department would be in the new building by the end of the October. Chairman Gerry asked about an open house; Town Administrator Kinney said the Fire Department would like to have a dedication to Hazel and Roger Heald in the spring and possibly do something this fall. Board members felt there are many Lincolnville residents who would like to see the new building, and suggested an event be held on a Saturday afternoon, possibly November 13th or November 20th, which the Town Administrator will suggest to the Fire Department.
- The Town received a Workers Comp dividend in the amount of \$1,514 from our insurer due to our lack of claims.
- There are vacancies on the following committees and interested volunteers should contact the Town Office: Gateway 1 Grant Oversight Committee, Board of Appeals, Board of Assessment Review, Capital Needs Committee, Cemetery Trustees, and the Lincolnville Sewer District Board of Trustees.
- The TRIAD Sign Grant Program deadline has been extended. Waldo residents 70 and over can get a number sign free of charge; those under 70 can get a sign for \$12.50.
- The Take Back Initiative held this past Saturday was very successful. Anyone who missed the Saturday drop-off who still has unwanted prescription drugs should call Police Chief Young.
- Winter sand stockpiling started today and will hopefully be completed by the end of the week.
- Town Office staff participated in mandatory election training last week.

- Absentee ballot applications for the November election can be requested any time. When questioned by Selectwoman Hardy about the absentee ballot applications she has been receiving in the mail, Town Administrator Kinney explained several years ago Maine went to “no excuse” absentee balloting, so now you don’t need a reason to request an absentee ballot. Although the increase in absentee ballots means more work for the Town Office, he encouraged everyone to vote rather than not vote. If time permits, Town Administrator Kinney hopes to process absentee ballots during election day rather than wait until polls close.
- A subgroup of the Norton Pond Association, called Save Norton Pond, met with the Town Administrator, the Code Enforcement Officer, and Ken Bailey last week to discuss water quality issues, and he felt the meeting went very well. There is a follow-up meeting tomorrow with the Code Enforcement Office and Ken Bailey about programs and how they can utilize the talents of that group. Selectman Plausse, who also attend last week’s meeting, also felt it was a good meeting and said the group has valid concerns about pollution and where it’s coming from. His initial feeling is that the Town currently provides funds to the Lakes and Ponds Committee and the Megunticook Watershed Association, and he thinks any programs and additional funds should go through those groups rather than another group, but he wanted to hold off final judgment until after the follow-up meeting.
- Lincolnville’s paving bid specification had a completion date of September 25th, but no paving work has started. Town Administrator Kinney has spoken to Mike Marriner several times since September 1st, and has been told they are still working on their State job, which hopefully will wrap up soon, weather permitting. State specifications call for an October 16th completion date, but we had put a relatively early completion date in our specs. He believed the contract allows for damages of \$250 per day until the work is completed. Marriners Paving did not ask for an extension.

Some Board members expressed their frustration at this situation, and felt if Marriners had a valid reason for being late, they would have asked for an extension; they are evidently just assuming no penalty will be enforced, but Board members felt it should. Selectman Trundy asked if there were contract provisions for terminating the contract if the work isn’t done. Town Administrator Kinney he said he thought the Town could elect to get out of the contract if the work was not completed on time; it’s a unit price and we reserved the right to change the quantity, so we could change the quantity from 2000 tons to 0. We could then hire another paving company to do the work which, at this late date, would probably be in the spring.

Selectman Plausse brought up Non-Agenda Item #14, the Highway Simplification Study Update, which was included in their packet. He explained the State would like towns and cities to take over, entirely, many of the secondary feeder roads, and the State would supposedly reimburse towns and cities by increasing the tax on gasoline; but, he said, the State does not live up to its reimbursement promises. Selectman Plausse would like to have all of Lincolnville’s current Legislators and candidates come to a Board of Selectmen’s meeting to express their positions on this Study or, at the very least, we should write letters to them asking them to state their position on

this matter, as well as write letters to candidates for governor to ask their stance on this issue. He pointed out there are meetings on this topic in the very near future: October 7th the Sounding Board working group will be meeting and on October 13th, MMA's Legislative Policy Committee will be discussing the Study. Selectmen Plausse wants them to know Lincolnville is very concerned, that this "could break us", and we are not ignorant of the situation.

Town Administrator Kinney explained during the last Legislative Session, as part of the highway budget, Legislature asked for a highway simplification study. Several groups and subgroups formed to accomplish this task, which developed a "Fix and Swap" Proposal for minor (Routes 235 and 173) and major (Route 52) collector roads. In this proposal, the State would take over summer and winter responsibilities for major collector roads, and once minor collector roads have been brought up to standards by the State (only needing routine maintenance for the next ten years), the Town would be responsible for winter and summer maintenance and any future capital improvements to the roads. Currently, Lincolnville plows Routes 173 and 235, but under this proposal, we would also be responsible for summer maintenance (culverts, potholes, etc.) and future capital improvements.

The Working Group, comprised of eight municipal officials appointed by MMA's Executive Committee, and seven public/private members appointed by MDOT, is suppose to report back to the Legislature in January; the new Legislature in January could decide to adopt, or not, their recommendations. The funding schedule currently calls for Lincolnville to get an additional \$20,000 from the State for maintenance responsibilities, and MMA's estimate is Lincolnville would not incur \$50,000 to \$60,000 worth of costs by not plowing and sanding Route 52, which Town Administrator Kinney thought was an overestimation.

Board members reiterated Selectman Plausse's concerns, fearing capital improvements to roads would be devastating to taxpayers at \$1,000,000 per mile, according to State figures, doubted the State would live up to reimbursement promises, and doubted the State's standards for minor roads as lasting ten years before major work was needed.

Motion by Plausse, second by Parra, to send a letter to our representatives, senators, candidates for governor, the Maine Municipal Working Committee, and Chairman of the Maine Municipal Association regarding tonight's discussion, including a request that they respond to the letter. Vote 5-0.

3. Meetings & Announcements:

Town Administrator Kinney read the upcoming meetings from the agenda.

4. Upcoming Community Events:

Town Administrator Kinney read the upcoming Community Events from the agenda. Marion Swanson also read an announcement about the upcoming Fall Festival being held this Saturday from 9 a.m. to 3 p.m. at Lincolnville Beach. The parade will start around 10:30

a.m., and activities will include two large inflatables for children, the Shriner's Go-Karts, a treasure hunt, baked goods, and much more.

Chairman Gerry announced the Festival at Cellardoor Winery is this weekend; the barbeque is \$10, and the dinner is sold out.

Chairman Gerry also announced there will be a Hootenanny at the Camden Snow Bowl on Saturday, October 9th, sponsored by the Five Town Communities That Care and West Bay Rotary. There will be lots of excellent music, games, vendors, and the cost is \$9.

Chairwoman Parra announced the Eighth Grade Class will hold a pumpkin sale at Lincolnville Beach on Saturday, October 9th, from 9 a.m. to 1 p.m.

5. Meeting Minutes – September 13, 2010:

Motion by Plausse, second by Trundy, to approve the September 13, 2010, minutes as written. Vote 4-0-1 (Hardy abstained).

6. Stephens Property Gift Update – Jim Dunham:

Town Administrator Kinney heard back from the Town's insurance carrier regarding liability coverage costs on the Stephens Property. Based on photos/information sent to the carrier (and coverage would be subject to an actual inspection), the liability coverage would cost \$223 annually for the property, covering the large structure only, with a \$5,000 deductible. (The smaller structures are worth less than \$5,000.) The buildings would also have to be secured, with local contractors estimating it would cost \$20,000 for the large building to be stabilized and secured, and \$4,000 to \$5,000 for the smaller buildings.

Jim Dunham, Chairman of the Conservation Commission, addressed the Board about the meeting that was held on September 15th regarding the Stephens property. Representatives from the Conservation Commission, Land Use Committee, Planning Board, Historical Society, Snowmobile Club were in attendance, as well as the Town Administrator. Representatives from the Recreation Committee and the Comprehensive Plan Review Committee could not make that meeting, but would be interested in attending future meetings.

Mr. Dunham said attendees had a good conversation about the pros and cons of the Town accepting this gift and summarized the discussion by saying he felt the sentiment was to accept the gift, but it would be prudent for the Town to put conditions on the acceptance which would honor the family's intentions and would serve the community of Lincolnville. He said the Town/Committee could work with the State in developing conditions and uses for the property, which might lead to Lincolnville eventually giving the property to the State. The State has expressed interest in the property in the past, and due to financial, management, and access considerations, it might make more sense for the State to own the property rather than Lincolnville. Mr. Dunham also mentioned that Scott Dickerson, Director of Coastal Mountains Land Trust, has also been invited to the next meeting, which will be held on Wednesday, October 6th, at the LIA Building.

Selectmen Trundy questioned what the group's thoughts were regarding the Town accepting the property first and then giving it to the State, versus the family giving it directly to the State. Mr. Dunham said he thought it was because the Stephens Family came to the Town and because Eddie Stephens had such a connection to Lincolnville, although he didn't think the group would be opposed to giving it directly to the State. The Town may be in a better position to honor the family's intentions through the conditions set on the property prior to giving it to the State.

Selectmen Plausse expressed respect for the Committee, the Dunhams, and the research they had done on the property. He has changed his mind regarding this gift two or three times, but now feels in light of the hard economic times and necessary Town budget cuts, he cannot justify spending any money on this project. He would like to see the Town work with the Stephens Family, through this ad hoc committee, but he would like to see the gift go directly to the State, and not have Lincolnville be the "middleman". Selectwoman Parra liked the direction the Committee is headed, working on conditions and then giving the gift to the State. Selectman Trundy liked the "gentle" fashion the Committee is taking regarding the Family, but also shares Selectman Plausse's concerns regarding spending money on the project. Although Selectwoman Hardy totally agrees with not spending \$20,000 to stabilize the property, she would like the Committee's thoughts on how the property could be used to benefit the community, like the Snowmobile Club, Boy Scouts, etc., then the Board could weigh the benefits/disadvantages to the gift. If there are benefits to the Town, she would like to see the Town become involved first before it goes to the State. Chairman Gerry felt the property should go to the State, doesn't think the Town should spend any money on it, and didn't think the Town accepting it now only to sell it down the road honored the intention behind the gift. Town Administrator Kinney paraphrased the Committee's discussion, saying it had a two-pronged thrust: first, Eddie Stephens had an affinity for Lincolnville, which his family is trying to preserve through this gift to the Town, as opposed to the State; and, second, if the family has conditions and the Town has conditions on uses for the property, accepting the gift could preserve those conditions before giving it to the State.

It was the Board's consensus to hear the ad hoc Committee's input from their October 6th meeting regarding ideas for conditions and how Lincolnville might utilize the property, to be reported at the October 12th Selectmen's meeting, so the Board can then make a decision at that meeting regarding the gift. The Town Administrator can then relay the Board's decision regarding the gift, with or without conditions, to the Stephens Family. In the meantime, Jim Dunham will see Board members get minutes of previous meetings for their review.

7. Town Attorney Search Discussion:

Town Administrator Kinney had drafted a Request for Proposals for Legal Services, utilizing RFP's from other towns, which he included in the Selectmen's packet. Selectwoman Hardy suggested wording be included to cover Lincolnville taking advantage of MMA's legal service, which is available to us as an MMA member; Town Administrator Kinney will add wording to cover that situation. Selectman Trundy asked where the RFP will be sent, and Town Administrator Kinney suggested casting the net "far and wide", advertising the position for firms/attorneys who specialize in municipal issues. When interviewing

candidates, Board members can inquire how travel time will be billed, etc., before making a final decision.

Selectwoman Parra offered comments on Rockport's experience with hiring a Town Attorney from a Portland law firm, and said they have found no disadvantages to that scenario. Between emails, phone calls, and the occasional on-site meeting, Rockport has been very satisfied with their out-of-town legal representation.

Motion by Plausse, second by Parra, to have the Town Administrator seek proposals, pre-screen the proposals received, provide a summary of the proposals and all of the proposals to the entire Board for review and "short-listing", have the entire Board conduct interviews of "short-listed" candidates, conduct negotiations with the desired counsel, and then have the Board appoint their choice of Town Attorney. Vote 5-0.

8. Resignation – Officer Cartier:

Board members had very high praise for Officer Cartier's work in the Lincolnville Police Department, and although they wished him well with this new opportunity, they hated to see him leave.

Motion by Plausse, second by Trundy, to accept Robert Cartier's resignation with regret. Vote 5-0.

9. Liquor License – Special Permit for Catering Privileges – Karen Ruth/Trillium Caterers, 10/1/10, Cellardoor Winery, Youngtown Road:

Motion by Hardy, second by Parra, to approve and sign the liquor license application submitted by Karen Ruth/Trillium Caterers. Vote 5-0.

10. Request to Rescind Outdated Policies:

When questioned by Selectwoman Parra, Town Administrator Kinney explained Lincolnville has a Sex Offenders Policy, but the Board doesn't have to approve that Policy; the Police Chief does it.

Motion by Parra, second by Plausse, to rescind the Constables Policy and the Sex Offender Notification Policy (dated March 27, 2000). Vote 5-0.

11. Appoint Election Warden for November 2, 2010:

Motion by Plausse, second by Hardy, to approve the appointment of David Kinney as Election Warden for the November 2, 2010, Election. Vote 5-0.

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

Motion by Parra, second by Plausse, to approve the Treasurer's Warrant, the Payroll Warrant, the Fire Station Construction Warrant, and the School Construction Capital Campaign Warrant, as presented.

Discussion: Selectwoman Parra questioned why \$2,395 for cleaning and coating the School's gym floor is being paid from the Capital Campaign Account. She felt that is routine maintenance and should be budgeted by the School annually, and also felt paying for routine maintenance expenses from the Capital Campaign Account was not the intended use for that money. She would like Board members to strongly think about this for discussion at their next meeting and also possibly send a letter to the School Board expressing the Board's displeasure with the use of the Capital Campaign Account for maintenance items. Selectman Plausse asked that depending on the Town's vote regarding the RSU, that all the monies from this account go to someone else.

Vote 4-1 (Gerry opposed).

13. Adjourn

Motion by Parra, second by Plausse, to adjourn the meeting (7:30 p.m.). Vote 5-0.

Respectfully submitted,

Diane Bacon
Administrative Assistant