

**REGULAR TOWN COUNCIL MEETING  
AGENDA  
SEPTEMBER 14, 2009  
7:00 PM**

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1. **Call to Order.**
2. **Approval of Minutes of August 10, 2009.** If no objections are registered, Council Chair shall approve the same as written.

3. **Approval of Warrant.**

SUGGESTED MOTION: Move to approve and sign Warrants # 10 through #16 in the amount of \$183,315.43.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

4. **Chairman's Comments.**

5. **Monthly Reports.**

6. **Open Forum.** *Open Forum Etiquette: This is the portion of the agenda where the public can speak to any items on the agenda that do not have a public hearing. Please stand and state your name before stating the nature of your business.*

7. **Special Acknowledgements:**

The Town Council recognizes Shawn Cahill for his life saving efforts to save a swimmer who was in trouble on July 15, 2009.

8. **CONSENT AGENDA:** All items marked with an asterisk (\*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these Items unless a Council Member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

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| 19. Confirmation of Election Warden.   | 27. Acceptance of Skate Half Pipe   |
| 20. Order Polls Open   | 28. Award Mower Bid   |
| 21. Direct Registrar of Voters to Sit/Deliver Voting List                    | 29. Approve Liquor License Application for Michael Chan dba Wing Wah Restaurant |
| 22. Sign Warrant for Northern Penobscot Tech Region III Referendum Election. | 30. Authorize Friends of Lincoln Memorial Library Book Sale                     |
| 23. Confirmation of Election Warden  | 31. Appointments to the Comprehensive Plan Committee                            |
| 24. Order Polls Open   | 32. Appointments to the Airport Advisory Committee                              |
| 25. Direct Registrar of Voters to Sit/Deliver Voting List                    | 33. Appointments to the 2010 Homecoming Committee                               |
| 26. Sign Warrant for Municipal Election                                      | 34. Appointment to the Recreation Committee                                     |

SUGGESTED MOTION: Move to approve the Consent Agenda items #19 through #34.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**9a. Approval of Order No. 2009-03 Proposed Charter Amendments, Sections 701 and 801. (0101)**

SUGGESTED MOTION: Move to approve Order No. 2009-03, 2009 Proposed Charter Amendments, as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**9b. Public Hearing – Proposed Charter Amendments, Article VII, Section 701 and Article VIII, Section 801.**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed placing on the ballot of the question regarding Charter amendments to delete language referring to School Administrative District (M.S.A.D. #67) and replacing with Regional School Unit No. 67 in Article VII, Section 701, and amending Article VIII, Section 801, by increasing the single capital improvement limit.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**9c. Placement on Ballot of Charter Changes.**

SUGGESTED MOTION: Move to place on the ballot and refer to the voters at a referendum election to be held on November 3, 2009, the following questions:

QUESTION NO 1. Shall the Town of Lincoln approve the charter amendment to Article VII, Section 701, as reprinted below?

SEC. 701. Municipal Elections.

The regular election for the choice of members of the Town Council, the Lincoln members of the Board of Directors of the Regional School Unit (R.S.U. No. 67), ~~School Administrative District (M.S.A.D. #67)~~, and the Board of Directors of the Lincoln Sanitary District shall be held on the Tuesday following the first (1<sup>st</sup>) Monday in November commencing in 1995. The term of office of incumbent councilors and directors shall be extended to the Tuesday following the first (1<sup>st</sup>) Monday in November.

NOTE: The language that has a line through it will be deleted from the Charter and the language underlined will be added to the Charter. This change will take effect January 1, 2010.

QUESTION NO 2. Shall the Town of Lincoln approve the charter amendment to Article VIII, Section 801 as reprinted below?

SEC. 801.      Overrule of Action of Council.

All ordinances shall be subject to overrule by referendum.

All orders or resolves appropriating ~~\$200,000.00~~ \$100,000.00 or more for a single capital improvement and all orders or resolves authorizing general obligation bond issues of ~~\$200,000.00~~ \$100,000.00 or more for capital improvement, must be approved by the voters in a referendum.

NOTE: The language that has a line through it will be deleted from the Charter and the language underlined will be added to the Charter. This change will take effect January 1, 2010.

MOTION: \_\_\_\_\_      SECOND: \_\_\_\_\_      VOTE: \_\_\_\_\_

**10a. Order Authorizing Purchase of Sweeper Referendum. (0101)**

SUGGESTED MOTION: Move to adopt Order No. 2009-01 to Authorize the Appropriation of Funds in the amount of \$200,000, including issuance of General Obligation Bond(s) or Note(s) or Lease Purchase Agreement in the Name of the Town of Lincoln in a Principal Amount not to Exceed \$168,000 for the purpose of Financing the Acquisition of a Street Sweeper, as attached.

MOTION: \_\_\_\_\_      SECOND: \_\_\_\_\_      VOTE: \_\_\_\_\_

**10b. Public Hearing – Street Sweeper.**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed placement on the November 2009 ballot of the Order authorizing the Appropriation of Funds in the amount of \$200,000, including issuance of General Obligation Bond(s) or Note(s) or Lease Purchase in the Name of the Town of Lincoln in a Principal Amount not to Exceed \$168,000 for the purpose of Financing the Acquisition of a Street Sweeper.

MOTION: \_\_\_\_\_      SECOND: \_\_\_\_\_      VOTE: \_\_\_\_\_

**10c. Placement on Ballot of Street Sweeper Referendum.**

SUGGESTED MOTION: Move to place the following question on the November 3, 2009 Municipal Ballot:

Question 3: Shall the Order #2009-01 of the Lincoln Town Council authorizing the appropriation of funds in the amount of \$200,000, including issuance of General Obligation Bond(s) or Note(s) or Lease Purchase of the Town of Lincoln in a principal

amount not to exceed One Hundred Sixty-eight Thousand Dollars (\$168,000) for the purpose of financing acquisition of a street sweeper be approved?

Summary: Article VIII, Section 801, of the Charter of the Town of Lincoln, Maine requires all appropriations for a single capital improvement or General Obligation Bonds issued in excess of One Hundred Thousand Dollars (\$100,000) to be referred to the voters of the Town for their approval.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**11a. Order Authorizing Purchase of Fire Truck Referendum. (0101)**

SUGGESTED MOTION: Move to adopt Order No. 2009-02 to Authorize the Appropriation of Funds in the amount of \$225,000, including issuance of General Obligation Bond(s) or Note(s) or Lease Purchase Agreement in the Name of the Town of Lincoln in a Principal Amount not to Exceed \$225,000 for the purpose of Financing the Acquisition of a Fire Truck, as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**11b. Public Hearing – Fire Truck.**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed placement on the November 2009 ballot of the Order authorizing the Appropriation of Funds in the amount of \$225,000, including issuance of General Obligation Bond(s) or Note(s) or Lease Purchase Agreement in the Name of the Town of Lincoln in a Principal Amount not to Exceed \$225,000 for the purpose of Financing the Acquisition of a Fire Truck.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**11c. Placement on Ballot of Fire Truck Referendum.**

SUGGESTED MOTION: Move to place the following question on the November 3, 2009 Municipal Ballot:

Question 4: Shall the Order #2009-02 of the Lincoln Town Council authorizing the appropriation of funds in the amount of \$225,000, including issuance of General Obligation Bond(s) or Note(s) or Lease Purchase of the Town of Lincoln in a principal amount not to exceed Two Hundred Twenty-five Thousand Dollars (\$225,000) for the purpose of financing acquisition of a fire truck be approved?

Summary: Article VIII, Section 801, of the Charter of the Town of Lincoln, Maine requires all appropriations for a single capital improvement or General Obligation Bonds issued in excess of One Hundred Thousand Dollars (\$100,000) to be referred to the voters of the Town for their approval.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**12a. Public Hearing – Municipal Code Procurement Ordinance, Section 1101(C). (0104)**

SUGGESTED MOTION: To open a public hearing for the purpose of hearing oral and written comments on the proposed amendment to the Municipal Code, Section 1101 (C) Procurement Ordinance as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**12b. Move to Amend Municipal Code Procurement Ordinance, Sect. 1101(C).**

SUGGESTED MOTION: Move to adopt the proposed amendment to the Procurement Ordinance by adding Section C: Debit Card Purchases as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**13a. Public Hearing – Municipal Code – Land Use Ordinance, Section 1311.4.VI. (0105)**

**NOTE:** The Planning Board approves of this change.

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed amendment to the Municipal Code, Land Use Ordinance, Schedule of Uses, section 1311.4.VI, Table of Uses Recreational Activities in the RR2 zone to allow campgrounds with Planning Board Approval.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**13b. Amend Municipal Code – Land Use Ordinance, Section 1311.4.VI.**

SUGGESTED MOTION: Move to amend the Municipal Code, Land Use Ordinance, Schedule of Uses, Section 1311.4.VI, Table of Uses Recreational Activities in the RR2 zone to allow campgrounds with Planning Board approval.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**14a. Public Hearing – Municipal Code – Shoreland Zoning Ordinance Section #1313 (0105)**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed amendment to the Municipal Code, Shoreland Zoning Ordinance, Section #1313 as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**14b. Amend Municipal Code – Shoreland Zoning Ordinance Section #1313. (0105)**

**NOTE:** The Planning Board approves of this change.

SUGGESTED MOTION: Move to amend the Municipal Code, Shoreland Zoning Ordinance Section #1313 as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**15a. Public Hearing – Liquor License for Shooters Billiards Bar and Grill. (0101)**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed approval of the malt, spirituous and vinous liquor license application of David Guthrie Sr. dba Shooters Billiards Bar & Grill.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**15b. Approval of Liquor License Application – Shooters Billiards Bar & Grill.**

**NOTE:** The Police Chief has no concerns with the approval of this application.

SUGGESTED MOTION: Move to approve the malt, spirituous and vinous liquor license application of David Guthrie Sr. dba Shooters Billiards Bar & Grill.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**16a. Public Hearing – Special Amusement Permit for Shooters Billiards Bar and Grill. (0101)**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed issuance of a Special Amusement Permit to David Guthrie Sr. dba Shooters Billiards Bar & Grill.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**16b. Issuance of Class C Special Amusement Permit – Shooters Billiards Bar & Grill. –**

**NOTE:** The Police Chief has no concerns with the issuance of this permit.

SUGGESTED MOTION: Move to issue a Class C Special Amusement Permit to David Guthrie Sr. dba Shooters Billiards Bar & Grill.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**17a. Public Hearing – Victualers License – John Freeman dba Rib Truck. (0101)**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed issuance of a Victualers License to John Freeman dba Rib Truck.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**17b. Issuance of Victualers License – John Freeman dba Rib Truck.**

**NOTE:** The Code Enforcement Officer has no concerns with the issuance of this license.

SUGGESTED MOTION: Move to issue a Victualers License to John Freeman dba Rib Truck.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**18a. Public Hearing – Victualers License – Barbara Kimball dba Lincoln Café. (0101)**

SUGGESTED MOTION: Move to open a public hearing for the purpose of hearing oral and written comments on the proposed issuance of a Victualers License to Barbara Kimball dba Lincoln Café.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**18b. Issuance of Victualers License – Barbara Kimball dba Lincoln Café.**

SUGGESTED MOTION: Move to issue a Victualers License to Barbara Kimball dba Lincoln Café pending Planning Board approval on September 21, 2009.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*19. Confirmation of Election Warden. (0101)**

SUGGESTED MOTION: Move to confirm Diana Hill as Warden and Gilberte G. Mayo and Lisa Goodwin as Deputy Wardens for the October 6, 2009, Northern Penobscot Tech Region III Referendum Election.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*20. Order Polls Open. (0101)**

SUGGESTED MOTION: Move to order the polls open from 9:00 AM through 8:00 PM according to Title 21A, MRSA Article II, Section 626, for the October 6, 2009, Northern Penobscot Tech Region III Referendum Election.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*21. Direct Registrar of Voters to Sit/Deliver Voting List. (0101)**

SUGGESTED MOTION: Move to direct the Registrar of Voters to sit and register voters and make corrections to the voting list from 8:00 AM to 12:00 Noon on September 30,

2009, October 1, 2 and 5, 2009 and while the polls are open on October 6, 2009 according to Title 21A, MRSA, Section 122, Subsection 6A, and also to instruct the Registrar to deliver a supplemental voting list to the Town Clerk prior to opening polls.

**\*22. Sign Warrant for Northern Penobscot Tech Region III Referendum Election. (0101)**

SUGGESTED MOTION: Move to sign the Warrants for the Northern Penobscot Tech Region III Referendum Election scheduled for October 6, 2009.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*23. Confirmation of Election Warden. (0101)**

SUGGESTED MOTION: Move to confirm Diana Hill as Warden and Gilberte G. Mayo and Lisa Goodwin as Deputy Wardens for the November 3, 2009, State Referendum and Municipal Elections.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*24. Order Polls Open. (0101)**

SUGGESTED MOTION: Move to order the polls open from 9:00 AM through 8:00 PM according to Title 21A, MRSA Article II, Section 626, for the November 3, 2009, State Referendum and Municipal Elections.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*25. Direct Registrar of Voters to Sit/Deliver Voting List. (0101)**

SUGGESTED MOTION: Move to direct the Registrar of Voters to sit and register voters and make corrections to the voting list from 5:00 PM to 6:00 PM on October 26, 2009, and 8:00 AM to 12:00 Noon on October 27, 28, 29 and 30, November 2, 2009 and while the polls are open on November 3, 2009 according to Title 21A, MRSA, Section 122, Subsection 6A, and also to instruct the Registrar to deliver a supplemental voting list to the Town Clerk prior to opening polls.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*26. Sign Warrant for Municipal Election. (0101)**

SUGGESTED MOTION: Move to sign the Warrants for the Municipal Elections scheduled for November 3, 2009.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*27. Acceptance of Skate Half Pipe. (0601)**

SUGGESTED MOTION: Move to accept the donation from Alan Grant of commercial half pipe for use at the future skate park. Value estimated at \$ 250.00.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*28. Award Mower Bid. (0406)**

SUGGESTED MOTION: Move to award the cemetery mower bid to Ware's Power Equipment in the amount of \$5,599.20 for the purchase of a 2007-X320 eXmark HP23KC523 Commercial mower. Funds to be charged as follows: \$4700.00 Capital \$899.20 Reserve Acct – CEM 1110.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*29. Approve Liquor License Application for Michael Chan dba Wing Wah Restaurant. (0101)**

SUGGESTED MOTION: Move to approve the malt, spirituous and vinous liquor license application of Michael Chan dba Wing Wah Restaurant.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*30. Authorize Friends of Lincoln Memorial Library Book Sale. (0700)**

SUGGESTED MOTION: Move to authorize the Friends of the Lincoln Memorial Library to hold a book sale on the grounds of the library on Saturday, October 3, 2009 from 9:00 am to 3:00 pm, weather permitting.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*31. Appointments to the Comprehensive Plan Committee. (0105)**

SUGGESTED MOTION: Move to appoint Diana Johnston and Harry Epp to the Comprehensive Plan Committee.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*32. Appointments to the Airport Advisory Committee. (0706)**

SUGGESTED MOTION: Move to appoint William Thornton and Jeffery Miller to the Airport Advisory Committee for three terms.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*33. Appointments to the 2010 Homecoming Committee. (0103)**

SUGGESTED MOTION: Move to appoint Don Worcester, Joni Smith, Eugenia Dill,

Brenda Jipson, Jeannine Gardner and Greg Shorey to the 2010 Homecoming Committee.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**\*34. Appointment to the Recreation Committee. (0601)**

SUGGESTED MOTION: Move to appoint Amon Rolerson to the Recreation Committee for a three-year term.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**35. Authorize “Fall Into Wellness” Family Fun Event. (0103)**

SUGGESTED MOTION: Move to authorize “Fall Into Wellness” Family Fun Event at the Veterans Memorial Square parking lot on Sunday, October 11, 2009 to be sponsored by the 2010 Homecoming Committee.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**36. Award Public Works Crawler/Dozer Bid. (0406)**

SUGGESTED MOTION: To award the Public Works Crawler/Dozer Bid to Nortrax with trade-in in the amount of \$ 73,900.00 for a 2009 John Deere 450J.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**37. Residency Ordinance. (0100)**

SUGGESTED MOTION: Move to authorize the Town Manager to proceed with preparations to amend the Residency Ordinance.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**38. Authorize Signing of Pole Attachment Agreement. (0100)**

SUGGESTED MOTION: Move to authorize the Town Manager to enter into a Pole Attachment Agreement with Fair Point Communications.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**39. Resolution Opposing Excise Tax Initiative. (0100)**

SUGGESTED MOTION: Move to adopt the resolution in opposition to the State’s November Ballot question No. 2 seeking to decrease the automobile excise tax, as attached.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**40. Resolution Opposing Tabor II Initiative. (0100)**

SUGGESTED MOTION: Move to adopt the resolution in opposition to the State's November Ballot question No. 4 seeking to modify current State law on tax and expenditure limitations on State and Local government.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**41a. Executive Session – Personnel Issues. (0100)**

SUGGESTED MOTION: Move to retire into Executive Session pursuant to Title 1 MRSA 405(6)(a) for the purpose of discussing Personnel Issues.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_ VOTE: \_\_\_\_\_

**41b. Appoint Interim Town Clerk.**

SUGGESTED MOTION: Move to appoint \_\_\_\_\_ as Interim Town Clerk.

**42. Future Agenda Items.**

**43. Adjourn.**