

When I met the Trues, I was well aware that they were in the middle of a contentious neighborhood situation. The Trues were acutely aware of this situation and told me that they were, more than anything, trying to prevent any trouble by being totally transparent. As noted previously, the Trues' application was one of the most thorough and detailed non-commercial application I have received in my career. We agreed that his building plan was compliant, and he built to that plan.

Based on what I have heard attorney Collier say, and I quote, from the October 31st, 2019 meeting,

*"You don't tell her how she does her job. You don't run her affairs.
Your job is to interpret the ordinance."*

I also think that the board understood this advice, as witnessed by their comments relative to the meeting minutes (attached).

Based on this direction, I do not believe that the BOA has any jurisdiction to direct how I do my job, only how to interpret the ordinance.

As a courtesy, the house was measured twice. There is no evidence in the record of a violation.

I am very discouraged about the continuous hate and discord that has dominated all of the appeals board meetings. It is futile, nonproductive and absolutely unnecessary.

Please understand, Board of Appeals, that the message you are sending out, is that private citizens' legally vested rights are not important in this town. The homeowner is definitely guilty until, if ever, proven otherwise.

----- Forwarded message -----

From: **JON E. VAN AMRINGE** <vanamringe@aol.com>

Date: Thu, Oct 31, 2019 at 5:36 PM

Subject: Re: Findings - Conclusion - Moldawer v CEO

To: Mike Jordan <mrmike6996@gmail.com>

Cc: Stu Marckoon <town@lamoine-me.gov>, griff44@aol.com <griff44@aol.com>, griff.fenton@yahoo.com <griff.fenton@yahoo.com>, Jay Fowler <jayafowler65@gmail.com>, Karen Hood <Hoodsie63@gmail.com>, Brett Jones <brett@5foot2.com>, Larissa Thomas <lthomasme@gmail.com>, Rebecca CEO <lamoineceo@gmail.com>, Stu Marckoon <marckoon@roadrunner.com>

Mike ...

Thanks for the Draft Minutes and clarification.

Following is the second motion as approved:

Jon made the motion "I move to remand this matter to the CEO for reconsideration." Jay second Vote 4-0-1 (Griff abstained)

With this information, my recollection seems to agree with that of Brett — "reconsideration" not "remeasurement"

Thanks to all ...

Regards,

jon

On Oct 31, 2019, at 3:14 PM, Michael Jordan <mrmike6996@gmail.com> wrote:

Hi all

Attached is the minutes of the 10-29-2019 meeting

Mike

On Thu, Oct 31, 2019 at 2:32 PM JON E. VAN AMRINGE <vanamringe@aol.com> wrote:

Stu ...

My thanks as well for your efforts. I concur with Larissa's changes. Attorney Collier however did suggest a second motion directing the CEO to remeasure the building in accordance with the findings of the BofA. I made this motion, 2nd by Fowler. Vote was 4-0 with Fenton abstaining. Atty Collier or Secty Jordan should have the specific language of this second motion. Otherwise there was no direction to the CEO.

On 6 SEP, Atty. Collier indicated a change of address:

Email: james@collierfahey.com
Mailing Address: P.O. Box 171, Bar Harbor, ME 04609
Office Location: 315 Main St., Unit #1, Bar Harbor, ME 04609
Telephone Number: (207) 376-9121

Thanks in advance.

Regards,

jon

On Oct 31, 2019, at 1:39 PM, Brett Jones <brett@5foot2.com> wrote:

Note to all: I just spoke with Stu regarding this draft. I mentioned that my understanding is that we remanded this issue back to the CEO without any direction on next steps or actions. The boards determination was that the measurements were performed incorrectly, in that they did not take into consideration the original grade. The attorney specifically advised that we do not provide direction to the CEO.

I think Stu is presently waiting on the specific motion language from the attorney.

On 10/31/2019 11:41 AM, Town of Lamoine wrote:

Dear Appeals Board,

I met with Chairman Fenton this morning and he asked if I would draft up a findings / conclusion document in regard to the recently concluded Moldawer case. I have attached my attempt at this as a starting point. As noted yesterday, prompt notification is required to the parties.

Please look over the document, reply with suggested edits back to the town office to avoid e-mail meetings that violate the FOAA. I will not be offended by any suggested changes!

On behalf of the Selectmen (and the entire town), thank you for the attention that you have devoted to this matter. It has not been an easy case.
Stu Marckoon, Adm. Asst. to the Selectmen

—
Brett Jones

<BOA Minutes 10-29-2019.docx>