



## Lamoine Board of Selectmen Minutes of May 3, 2007

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Cynthia Donaldson, Richard Fennelly Jr., Brett Jones, Chris Tadema-Wielandt, S. Josephine Cooper; Administrative Assistant Stu Marckoon; Veterans' Memorial Committee members Reggie McDevitt, Kathy DeFusco, Ken Fredette, Jay Fowler, Walt & Marion McFarland; Planning Board members Gordon Donaldson, Michael Jordan, Michael Garrett, Stuart Branch; Code Enforcement/Road Commissioner Officer Dennis Ford, Assessor Terry Towne, County Ambulance Representatives John Partridge and Dan Bahr and Lamoine CTV operator Wendy Baker.

The meeting was telecast and recorded on Lamoine Government CTV Channel 7

**Agenda** – Selectmen agreed to briefly discuss the proposed contract extension with County Ambulance though it had not been listed on the printed agenda. Stu noted that a letter was received earlier in the day from David and Mary Henry that might warrant discussion.

**Minutes – April 9, 2007** – Stu noted two typo corrections submitted previously by Chris. Cynthia moved to approve the minutes as corrected. Brett 2<sup>nd</sup>. **Vote in favor was 4-0 (Fennelly abstained).**

**April 19, 2007** – Stu noted that Chris had submitted several corrections. Richard also submitted some written corrections. Jo moved to approve the minutes as corrected. Chris 2<sup>nd</sup>. **Vote in favor was 3-0 (Donaldson, Jones abstained).**

**County Ambulance Contract** – Stu made and distributed the proposed contract extension from County Ambulance. Richard said he had a problem with the language in the first paragraph. He said the way he understands the contract the town would pay roughly \$9,000 a year to County Ambulance to assure that they are there to pick up Lamoine residents. He said the contract says County will do that, unless they cannot. He said he found it distasteful, but they may decide they can't be there. John Partridge of County Ambulance said there may be a possibility that they can't because of a major accident. He said they do make other arrangements in such cases. He said in all the years they've been doing this, he didn't know of any call that was not answered. Richard said he was aware of that.

Chris asked why not put language in that assures the town that County Ambulance would make arrangements with others for coverage. Mr. Partridge

said they could do that. Mr. Fennelly said anything might help. Dan Bahr of County Ambulance said there are physical limitations they face, and the understanding is that they will be there if possible. Richard said he understands acts of God and major disasters. Mr. Partridge stated again that County has always responded, but one never knows when a major disaster might prevent that from happening. He said that's all the paragraph really says. He said if that paragraph were not in the contract and they didn't come, there would be some serious legal problems. He said he did not have a problem with the suggested change. Richard restated his problem with the language. Mr. Partridge said they don't take their responsibility lightly.

Chris asked about the census reference. Mr. Bahr said it means the latest US Census, which in the case of this contract is the 2000 census data. He said County Ambulance would make a change in the first paragraph wording and get back to the Board.

**School Bond Signature** – Stu suggested moving that to later in the meeting as it will take a while.

**Veterans' Memorial Committee** – Jo said she e-mailed a memo to Stu. Stu said he distributed that via e-mail to the Selectmen. Chris said he was confused by the numbers for the cost of a bench. Jo explained that the money figures in the memo are for the actual monument.

Committee member Kathy DeFusco showed off the potential plan for the memorial as well as samples of the stone work. Jo described the plan. A short discussion followed on the merits of locating the memorial on the North side of the Town Hall.

Jo said the committee got a bench donation from the Cole Museum, but the stone doesn't match that proposed in the memorial. She said they got information on matching benches from Weiniger Memorials which is not included in the price. Jo said Jay Fowler has offered to donate the site work. She said another committee member has offered to donate the shrubbery. She said she's pretty confident the project could be done for not more than \$22,000 if benches are included. She said the price depends on the size of the stone.

Jo said the questions to the board are:

- Does the town wish to site a memorial on the north side of the Town Hall? She said the committee looked everywhere, and this seemed to be the most feasible. She said annual maintenance is fairly minimal – scrubbing annually and placing flowers there on Memorial Day. She said she's excited by the design and the price seems very reasonable compared to similar projects.

- Would the town wish to establish a fund for construction of a memorial? She said money from private fundraising could be put into this fund.
- And would the town consider placing seed money into this fund? Mrs. DeFusco said they would like to have the memorial in place for Memorial Day 2008.

Jo said it would take 3-to-6 months from the time the order is placed to have the memorial built. Reggie McDevitt said the committee needs to address whether Maine or Vermont granite should be used. He said Weiniger advised to use Vermont stone. Jo said she was impressed by Mr. Weiniger's drawings and he has lots of experience. She asked if the three questions could be placed on the town meeting warrant. Mr. McDevitt said he had a new proposal for the writing on the memorial. Jo said she was just asking for the general concept.

Chris moved to place the questions on the June 19<sup>th</sup> town meeting warrant. Richard 2<sup>nd</sup>. Brett said if the memorial were placed on the North side of the building, it might eliminate the ability to put an addition onto the Town Hall. Jay Fowler said he would take care of getting out back if needed. A short discussion followed on the most feasible location. **Vote in favor was 5-0.** Stu confirmed that the questions to go to the town meeting are the location, the establishment of the fund, and the amount to raise to place in the fund. Selectmen confirmed that was correct.

**Meeting with Planning Board/Code Enforcement Officer** – Jo said the purpose of the meeting was to touch base with the board and keep open the lines of communications between the boards and to listen to any suggestions the Planning Board might have.

Planning Board vice chair Gordon Donaldson said the board didn't discuss the meeting until two days ago, but felt a top priority was to try to get ahead of the curve on what's happening to the town. He said the 1994 ordinances are not suited to the pressures that have developed. He said the Planning Board has been picking away at that. He asked if the town could do a better job at long range comprehensive planning. He cited cluster housing as an example. He said an updated comprehensive plan would be welcome.

Mr. Donaldson said another priority is improving the handling of administrative traffic. He said people don't understand how to apply for things like subdivisions. He said if there were more of CEO Dennis Ford's time he could sit down with applicants and make sure they're aware of all parts of the ordinance that apply. Jo asked if people often come to planning board meetings without the right information. Mr. Donaldson said they had 3 initial consultations at the Tuesday meeting, and none of the subdivision applicants knew they needed a site plan review.

Jo asked how the workload is. Planning Board chair Stuart Branch said it's picking up after a slow winter and it's busy again.

Jo asked about what mechanism could work to get ahead of the curve. Brett noted the Long Range Planning Committee activity has slowed significantly, but they do plan to meet next month. He said the committee was asked by the Selectmen to look at the comprehensive plan process. Jo asked if the Comprehensive Planning process would address the Planning Board's needs. Mr. Donaldson said yes. Mike Garrett said the town might need to bite the bullet and go with a comprehensive plan update. Brett said he would assume it would take about 5-years to do that. A short discussion followed on the previous comprehensive planning process and that the plan itself provides little guidance.

Jo asked if the Planning Board found the Conservation Commission helpful. Mr. Branch said he has not seen it as helpful on a meeting to meeting basis, and the commission doesn't get into particular areas or developments. He said the commission is good on some education issues, but it does not provide direction on specific applications. Mr. Donaldson said the water studies have been helpful. Mr. Garrett said the land acquisition aspect has also been helpful.

Mr. Donaldson said the Planning Board spends most of its time interpreting the existing ordinances, but the town does not have the staff to revise the ordinances. He said the Planning Board has been doing one about every three years. He said the Shoreland Zoning Ordinance that was just approved was sent to the State, and they told the town what it had to do.

Cynthia said she was not sure if there is enough common awareness of what development pressures exist. She said the town spends a lot of time on the roads, and it would be helpful to find out what is happening with development. Mr. Branch said the board is handling the month to month activity. He said Dennis Ford's idea for a special town meeting once a year has merit. A short discussion followed, and Mr. Ford explained his idea for a specific special town meeting to address ordinances only. Mr. Garrett noted the Selectmen authorized that a year ago, but they've not yet found a date. He said the board keeps finding inconsistencies in the ordinances.

Brett said he was one of the applicants for a subdivision that required site plan review. He said some streamlining might help everyone. Jo asked what else would be helpful. Mr. Branch said Terry Towne had approached the Planning Board about an assessing issue regarding building use without a subsurface wastewater disposal (SSWD) system. Mr. Towne said a lot's value is determined by whether it is usable for residential purposes. He said folks are apparently allowed to use a structure for a residence with a composting type toilet, and that's not addressed in the ordinance. He said it's a different interpretation than he holds. He asked if a person does not have plumbing in a building, do they need a SSWD permit to live in it. He asked how they dispose of waste water.

He noted that carry in/carry out appears to be allowed. He said such buildings don't have a holding tank, and the local ordinance doesn't seem to address this. He said that means a residential use is allowed on a lot that will not support a SSWD. He said some of these units are being used as year round residences.

Mr. Donaldson said the assessors came up with an issue. He said in the past they've come to a public meeting. He said he hopes the Planning Board can communicate more directly on such matters.

Jo said the Selectmen are trying to communicate with the Planning Board to figure out the proper system. She asked if there is a need for a group that just does ordinance. Mr. Towne said the town may need separate planning and permitting boards. Brett suggested a separate ordinance development committee attached to the Planning Board could be formed but asked if the Selectmen wished to have another committee. Jo said she was reluctant to do that. A short discussion followed.

Mr. Donaldson said the Planning Board and the Code Enforcement Officer are most aware of the inadequacies of the ordinances. He said he was thinking more along the lines of additional administrative assistance for the Planning Board, somebody to do some research. Jo said it would help to have in writing what the needs seem to be. Cynthia mentioned there had been a grant recently available for cooperative ventures with other towns and this might be something to look at with Hancock and/or Trenton. Mr. Donaldson said the town had used the Hancock County Planning Commission in the past, but ended membership in that organization as it was not compatible with the town's needs.

Brett asked what the next big ordinance issue is after the Shoreland Zoning Ordinance. Mr. Branch said the Building and Land Use Ordinance and dealing with the growing number of home occupation uses. Mr. Donaldson said the gravel ordinance. Mr. Jordan said cluster housing issues. Mr. Branch said some minor changes could help. Brett asked if the Planning Board was noting the inconsistencies. Mr. Donaldson said yes. Mr. Jordan said in some respects that might be a good job for the Deputy Code Enforcement Officer, but he didn't really want to do it. Mr. Branch said it would help to have a Code Enforcement Officer spend time with applicants to the Planning Board. Mr. Ford said often applicants will circumvent his office and go directly to the Planning Board. He said he tells applicants to meet informally with the Planning Board first because the Planning Board always seems to have something else required beyond the checklist.

Chris asked if meeting with the CEO would be useful and whether it's a waste of time for the Planning Board if an applicant has not first met with the CEO. Mr. Donaldson said that should be required as a first step. Discussion followed on putting together a subdivision process flow chart and having the process start with meeting with the CEO. The discussion also included engineers and code interpretation. Mr. Branch said if the CEO had the time and a meeting was part

of the procedure, that would be a big improvement on the process. He said there is no need for a subdivision coming before the Planning Board if they haven't done the groundwork. He said it should be charted and they should not be on the agenda if they haven't done the work.

Jo asked how that could be implemented. Mr. Donaldson said if an applicant calls, they should be told they must have the paperwork two weeks before the meeting and meet with the CEO. More discussion followed on a flow chart and the process.

Mr. Garrett said having the deputy CEO as a Planning Board member is working well. Mr. Branch said he appreciated the policy change on utilization of the town attorney and that has worked well. Mr. Ford said that home occupations and road entrances should be addressed as a high priority. He suggested a 2<sup>nd</sup> meeting each month just to work on ordinances. A short discussion followed on whether this would be a public meeting.

**Special Town Meeting** – Selectmen reviewed a draft town meeting warrant for June 19<sup>th</sup>. There were no additions other than the Veterans' Memorial articles.

**Roads** – Dennis Ford said he had been in contact with contractors, and Cos Cob is tops on the list. He said the rest is grader work to restore the shoulders. Brett asked if a fire truck could get down Cos Cob. Stu said he would be hesitant to take one down. He said the sooner the work is done the better.

Jo asked if there was any communication from MDOT. Stu said he called to speak with the area foreman, but she has not gotten back to him. He said someone spilled an asphalt type material along Pinkhams' Flats earlier in the day that caused quite a mess and he called MDOT to report it.

Stu reported the cost for paving is higher than budgeted and that's on the town meeting warrant. Jo asked if that included Cos Cob. Stu said that did not – that is part of the emergency repair. Stu noted that a bill from Roger Picard for the paving cost has come in. He said it was for \$1,500 and that's just about how much is left in the major paving budget for the current fiscal year. Selectmen said it was OK to pay the bill.

**Mowing** – Stu asked if the Selectmen wished to have Richard McMullen do the mowing at the town hall and Lamoine Beach again this year. Selectmen said that was OK provided the price increase was not excessive. A short discussion followed on whether this is a contract.

**Salt/Sand Shed** – Stu reported that he had placed Mr. Kiser's proposed contract and a copy of the variance in the materials handed out tonight. Brett said he had concerns whether the proposed site would meet the local ordinance. There was a discussion about the Planning Board process. Cynthia asked whether the

specifications that would be sufficient for Nankervis Trucking would be useful for any succeeding contractors. Stu said yes.

Jo moved to sign the Kiser and Kiser contract. Chris 2<sup>nd</sup>. Richard asked about ownership of the documents. He said normally the documents would belong to the town. Jo said the contract could be approved conditionally. Chris moved to amend the motion that approval would be subject to Kiser's agreement that the town would retain ownership of the documents. Brett 2<sup>nd</sup>. **Vote on the amendment was 5-0 in favor. Vote on the motion as amended was 5-0 in favor.**

**PERC/GAT** – Stu said the town could increase its Guaranteed Annual Tonnage (GAT) to 600 with no problem. Chris said he heard that Pine Tree Waste did not pick up in a timely fashion on April 14<sup>th</sup>. Stu said he was aware of that and talked with Pine Tree. A short discussion followed on the optimum GAT. Richard moved to increase the town's GAT to 610-tons. Brett 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Gott Right-of-Way** – Stu got the map of the proposed right-of-way change and displayed it. Richard asked why Steve Salsbury suggested that RF Jordan and Deerwoldz be consulted. Stu said he would ask Mr. Salsbury what he meant by the Jordan and Deerwoldz references. Brett asked if those two parties might be utilizing the right of way. He said other parties would have to ask the town meeting for permission for a right of way. Mr. Towne asked if Gott would disrupt the landfill with the new right of way. Jo said that's what the town is trying to avoid by moving the right-of-way. Mr. Towne asked if Mr. Gott would be using the right-of-way to access other lots. Richard said he understood Gott would give up the deeded right of way depicted in yellow in return for the much shorter right of way depicted in blue. Brett said the Selectmen asked Gott to do this, as it made sense to tie up the loose end. Mr. Towne asked if there was any potential to overburdening the right-of-way. Chris said not if it's exchanging one right of way for another. Selectmen asked that Mr. Salsbury also prepare the verbiage for the right-of-way.

**Expenditure warrant 21** – Selectmen signed expenditure warrant 21 for \$44,032.48. Stu said the Circle "K" bill is for new panic bars in the town owned portable classroom. Chris asked why Wal-Mart and Home Depot are utilized. Stu said they are closer to the town hall and usually less expensive.

**Cash & Budget Report** – Stu reported excise tax collections have risen dramatically.

**School Bond Signature** – Jo moved to approve the following resolution:

*That in connection with the School Revolving Renovation Fund minor capital project previously approved by Town of Lamoine (the "Governmental Unit") in accordance with*

*applicable law, the Governmental Unit be and it hereby is authorized to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the "Bond Bank") and the Governmental Unit to effect a loan from the Bond Bank in the principal amount of up to \$652,300.00, of which amount \$195,690.00 of principal is forgiven by the Bond Bank, and which Loan Agreement shall be substantially in the form presented at this meeting, and such Loan Agreement hereby is approved in all respects, for the purpose of financing the School Revolving Renovation Fund minor capital project, as previously approved by the voters of the Governmental Unit by referendum election held on January 23, 2007 (the "Project").*

**Richard 2<sup>nd</sup>. Vote in favor was 5-0.**

Jo moved to approve the following resolution:

*That under and pursuant to the provisions of Title 30-A M.R.S.A. § 5772, and Title 30-A M.R.S.A. § 5953-E and § 6006(F), the Chair of the Board of Selectmen and the Treasurer of the Governmental Unit be, and hereby are authorized to borrow in the name and on behalf of the Governmental Unit the sum of up to Four Hundred Fifty-Six Thousand Six Hundred Ten Dollars (\$456,610.00) from the Bond Bank and, in connection therewith, the Chair of the Board of Selectmen and the Treasurer be and they are hereby authorized to issue general obligation securities (bonds or notes) of the Governmental Unit in an original principal amount of up to Four Hundred Fifty-Six Thousand Six Hundred Ten Dollars (\$456,610.00), payable WITH NO INTEREST in ten equal annual installments of principal, and to execute and deliver such general obligation bonds or notes (as so executed and delivered, the "Bond") in registered form under the seal of the Governmental Unit and as attested by the Clerk, which Bond shall be dated on or about May 18, 2007, and be in substantially the form presented to this meeting, with such changes therein not contrary to the general tenor thereof as the Chair of the Board of Selectmen and the Treasurer may approve, the execution and delivery thereof to be conclusive evidence of such approval.*

**Richard 2<sup>nd</sup>. Vote in favor was 5-0.**

Jo moved to approve the following resolution:

*That the Chair of the Board of Selectmen and the Treasurer be, and each of them acting singly hereby is authorized in the name and on behalf of the Governmental Unit to execute and deliver the Loan Agreement, an Assignment of monies transferred by the State of Maine to pay for Project costs, and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the Governmental Unit as may be necessary, convenient or appropriate to effect the transactions contemplated by the foregoing votes and the documents referenced therein, and that the Clerk of the Governmental Unit be and hereby is authorized to attest to the foregoing and attach the Governmental Unit's seal to any of the foregoing.*

Brett 2<sup>nd</sup>. **Vote in favor was 5-0.** Jo signed the various bond documents in the appropriate area.

**Letter from David and Mary Henry** – Brett asked if they were making arrangements for their public meeting. Stu said that was correct. He explained that the Henrys are planning to establish a home for recovering female substance abusers and are looking to find out the mood of the community. Jo said she suggested they talk with the CEO. Stu said he did agree that they could use the town office resources, such as e-mail, to publicize the meeting.

**Harbor Master Meeting** – Stu said Brian Corrigan was unable to attend the May 31<sup>st</sup> meeting. Jo said that could change to June 14<sup>th</sup> instead.

**Next Meetings** – The May 17<sup>th</sup> meeting will be a warrant signing only. Cynthia asked if Selectmen would come into the office to sign the warrant. Stu said it would be ready that morning. He said he posts them on the website. The next regular meeting is May 31<sup>st</sup>.

**Lamoine Quarterly Review process** – Richard said the person who contacted him initially is not here. Mr. Towne said potential bias concerns were expressed to him. He said he knows the nature of the game. He said he wanted a discussion, and only recently realized the Board of Selectmen published the paper, he thought it was a community newspaper. He said he wanted to talk to the Board about making it a community newspaper, something beyond what it is now. Jo said it was initially brought to the board that there was a bias. She said sometimes others submit articles. She said this is another example of Lamoine having high caliber communications compared to other towns. She said Lamoine is sort of spoiled with what we've got. She said having the community write more of it themselves is doable. Stu said that would be great. Jo said the Selectmen would review it before it goes out. Mr. Towne said it might be a good idea to have a response page. Jo asked how to give everybody a fair shot. She said there was an idea to have an on-line capability to post opinions. A short discussion of that followed.

Mr. Towne said he understands both sides. He said he thought someone would feel less threatened by it that if they felt they had the opportunity to respond it might be an opportunity to diffuse bad feelings. Chris said he didn't understand why the people would not come and meet with the Selectmen. Richard said he spoke with the people who contacted him today to remind them. Cynthia said the Selectmen welcome the submission of things. Jo said she agrees with more participation instead of sitting back and complaining of bias. Mr. Towne said he hoped the Selectmen would review it. Richard said the person who called him said they couldn't attend tonight for a good reason.

**Executive Session** – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) to conduct the annual performance review with the Code Enforcement Officer. Chris 2<sup>nd</sup>. **Vote in favor was 5-0.** Out at 10:10 PM.

There being no further business to discuss, the meeting adjourned at 10:11 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.