



Lamoine Board of Selectmen

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Minutes of August 21, 2008

Chair Jo Cooper called the meeting to order at 7:05 PM

Present were: Selectmen Brett Jones, Cynthia Donaldson, Richard Fennelly Jr., Chris Tadema-Wielandt, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Deputy CEO Michael Jordan, Kathleen DeFusco, and Stephen Salsbury

Agenda Review – Stu said he had one other matter to discuss at the end of the meeting but had not done up an addendum.

Minutes – July 17, 2008 – Richard outlined several changes to the minutes to add language and present the changes in writing. Brett moved to approve the minutes with the added language. Chris 2nd. **Vote in favor was 5-0.**

July 31, 2008 – Stu noted that Chris had supplied a couple of minor changes. Richard moved to approve with the changes. Brett 2nd. **Vote in favor was 4-0 (Donaldson abstained)**

August 7, 2008 – Stu noted that Chris had supplied some minor corrections. Brett moved to approve with the corrections. Richard 2nd. **Vote in favor was 5-0.**

Warrant 4 – Stu noted the payment for the Veterans' Memorial was on the warrant. Cynthia asked about the bills from Hutchins Brothers and Marks Printing. Stu explained they were for receipt books and absentee voter envelopes respectively. Selectmen signed expenditure warrant 4 for \$46,860.75.

Cash & Budget Report – Richard asked about the expected expenditure percentage. Stu said it's not a very sophisticated estimate – just a percentage of the year that has gone by multiplied by the budget.

Excise Tax Report – Chris asked about the \$0 for October through December. Stu said because that has yet to occur, explaining the report is going by calendar year and is presented to illustrate the comparison to previous quarters. There was a brief discussion about excise tax collections.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with their examination of the checking account reconciliation.

Gott Right of Way – Jo asked Steve Salsbury what the status was. Mr. Salsbury said Gott has been attempting to acquire a permanent right-of-way over the Smith pit property, but has only been able to obtain a 10-year lease from the Smiths. Jo asked if that was why Gott was not willing to give up the right of way around the capped landfill. Mr. Salsbury said that was accurate.

Brett said the problem was that Gott was using an area where they don't have a right of way. He said the town should either be paid for use of that area or swap the right of way. He said the issue has been strung out for a long time and needs to be resolved. Mr. Salsbury said he understood. Jo said she didn't want to force Gott to use the other right of way as neither the town nor Gott would want that. Mr. Salsbury said without the other right of way, they would have no legal access to their property in back of the landfill area.

Richard asked if Gott was building a new access road on the westerly side of their pit. Mr. Salsbury said they do have a road that loops around. He said their grinder/crusher would be moved to the end of that road and trucks would access that area from the shop area entrance. Richard asked how long Gott has been using the current road. Mr. Salsbury said at least 6-years. There was a brief discussion about the length of time, and it was determined the 6-year use was for the path through the town owned land to Gott's land north of the Smith pit, and that the entrance to the Smith pit from Route 184 through town owned land had been used for many decades.

Jo asked Mr. Salsbury what he would suggest. Chris said he was concerned by the lack of communication from Gott/Salsbury. He said the Board asked in May what the plans were for a trade. Mr. Salsbury said his client was still negotiating with the Smiths in May. Brett said he recalled that Gott had expressed the interest in the right of way swap because it was more convenient for Gott and it protected the landfill cap for the town. He said he understands the reasoning but that was of no concern to the town. He asked how access should be addressed. Chris asked if there was a timetable to obtain what Gott desires. Richard asked if there was a date certain and current access were cut off, would that hasten the effort by Gott. Mr. Salsbury said they would use the former road bed around the landfill. He suggested maybe the Town and Gott could agree on a lease. He said they did not want to lose the access that they have in perpetuity. Richard said the town wants to keep that access and use what's being used now. Brett said he was interested in a lease offer and does not want trucks going up around the landfill area.

Stu said he would suggest that any lease agreement include maintenance of the pavement apron around the transfer station as has been the informal practice for many years. Jo said she'd like to have a time certain to revisit the issue. Brett

suggested that the lease be tied to the Smith lease term. Chris said it's not as good as what the board was asking for, but it's better than nothing or having Gott use the landfill road. Mr. Salsbury said he would come up with something and attend the Selectman's meeting on September 18, 2008.

Bangor Hydro Pole Permit – Jo said there was no reason to deny a permit for Raccoon Cove Road for two utility poles. Chris asked if there was a way to determine where the pole would actually sit. There was a short discussion about the placement of the poles in relation to the travel portion of Raccoon Cove Road. Jo moved to sign the permit. Richard 2nd. **Vote in favor was 5-0.** Selectmen signed the permit.

School Issues – Town Meeting Results – Stu reported the validation vote two days earlier finally passed. Jo said she didn't want to go through that process again.

Consolidation Update – Cynthia apologized for the e-mail snafu. She said there is a meeting next Thursday (the 28th) and the budget committee for the RPC has been working on the state template. She explained there was a summer teacher pay issue with Union 96 that is being worked into the budget.

Richard asked about the mechanism for the allocation of costs, including student population and valuation. A brief discussion followed about the EPS formula and aggregation of costs and revenues. Cynthia said there was a question about how much music and art there will be offered. There was a brief discussion about a master curriculum plan, learning results, and course offerings. Cynthia said a standard curriculum troubled her because it lops off special things about particular places. There were discussions about extra-curricular activities, debt sharing, whether the other communities in the proposed RSU would approve, and the effort to repeal the consolidation mandate.

RPC Representative – Jo moved to accept the resignation of Richard Davis Sr. from the Regional Planning Committee. Brett 2nd. **Vote in favor was 5-0.**

Jo noted an e-mail from Mr. Davis suggested that his wife be appointed in his stead. Cynthia said that Kathleen Rybarz should move from alternate to full representative, and that the new appointee take the alternate slot. Brett moved to appoint Ms. Rybarz as the new full RPC Representative. Chris 2nd. **Vote in favor was 5-0.** Cynthia noted that Ms. Rybarz has done an incredible amount of work, and attended the MDI sessions as well as the proposed RSU 7 meetings and is serving on the budget committee. Jo said the town is fortunate she's willing to do that.

Jo asked about the timing, and how much of a commitment one would be looking at. Cynthia said the appointment should be until June 30, 2009. Jo said whomever is appointed as the alternate should attend as many meetings as possible because it's a complex issue. Cynthia said Sheryl Davis has been taking a great interest in this all along.

Jo moved to appoint Sheryl Davis as the alternate RPC member. Richard 2nd. Chris asked whether the qualification is that Mrs. Davis has been attending the meetings, and a short discussion followed. **Vote in favor was 5-0, the appointment paper was signed.**

Dangerous Building – Stu said town attorney Tony Beardsley had been in touch with Brian Young who owns the building and reports there is a contract with RF Jordan to remove the structure. Brett and Cynthia said they would like to know the time certain that it would be done. A short discussion followed about the town being too nice. Chris said the town should be reimbursed for the town attorney fees and expenses. He suggested that if the Code Enforcement Officer had been more aggressive in following up, this would not be a problem. Stu said he would follow up with Mr. Beardsley on an expected date and whether his fees could be collected from Mr. Young.

Chris asked Michael Jordan whether he, in his role as Deputy CEO, has any day to day dealings or if he just steps in when the CEO is not present. Mr. Jordan said he steps in when CEO Ford is not available. He said he keeps in touch with town affairs via the website. Chris asked if the line for Bradford Auto has been established. Mr. Jordan said he didn't know. He noted the vehicles are back further. Stu said he thinks the CEO had agreed with the landowner on what the landmarks would be, and that should be set down on paper.

Planners – A short discussion followed on whether town supplied planner books would be a good idea, and what the price would be. Selectmen agreed to order 50 of them for distribution to key board members.

Policies – Small Amounts of Uncollected Property Tax- Selectmen discussed the draft proposal and what happens with interest amounts of less than \$1.00. The board agreed to take home the proposed policy for markup and suggest any changes prior to the next meeting.

Bulletin Board Use – Chris handed in suggested changes to that draft policy. The board agreed to take that home as well for markup.

Building Use – Cynthia said she brought up the issue again after Stu had e-mailed the board about the request and his approval by a modular home dealer

to use the salt/sand shed area for temporary, overnight parking. She said there ought to be some sort of formal procedure for use of such a facility, and asked whether it ought to be bundled with the proposed building use policy that was discussed but tabled months ago. A discussion on policy in general followed.

Contract with Animal Control Officer – Jo asked if there were any substantive changes. Stu said Chris had made a number of semantic changes and corrections. Richard said the dates on the final version were different than the draft, and if there was any problem with the contract being retroactive. Chris said the Board was ratifying the contract as in force on July 1, 2008. Stu said he would strike the date on the signature page which Michael Arsenault had already signed. Chris moved to sign the contract, Richard 2nd. **Vote in favor was 5-0, the contract was signed.**

Bloomfield Park Road – Stu said that project is waiting for execution of an easement. Chris said he was waiting for a proper sketch of the area, and an answer as to whether the Branches own what they think they do. He said he needed to talk to Ray Silsby and has been trying to contact him. He said he's drafted the documents necessary and has a description for the final road layout. He said the issue is a missing triangle and he hopes to resolve that next week. Richard asked if the portion closer to Asa's Lane has been cleared up. Chris said he's prepared that. Selectmen briefly studied a map of the area and discussed the layout.

Town Hall Renovation Project – Stu said he did not get a chance to drive to Bangor to get pictures of the work AA Randall has done, but was impressed by the references, especially from the President of Washington County Community College. Richard said he was concerned about overlooking the \$3,000 exclusion of a fire alarm system and he was inclined to say tough luck to the contractor. He said it was not the fault of the Selectmen. A short discussion followed about whether the system was required to meet NFPA standards and audio cabling.

Jo move to award the job to AA Randall as bid. Richard 2nd. **Vote in favor was 5-0.** Selectmen said they would like to meet with the contractor at the next meeting.

Paving – Stu presented a letter from Lane Construction to Roger Picard explaining about the dilemma of rapidly rising asphalt costs. He asked the Board how they wanted to proceed. Chris asked how much additional the cost increase as outlined by Lane would be. Stu said at 1,500 tons, it would be \$40,500. Selectmen said input should come from Mr. Picard about the ramifications and alternatives. Richard suggested meeting Lane halfway on the

price increase, and the fallback could be that the town does no paving, or only up to the amount of money available. There was a discussion about the oil market and which roads to drop if need be.

Jo said the consensus of the board is to see if Lane and the town could split the difference on the increase and go as far as we can with the budget, and that Stu is authorized to negotiate that directly through Mr. Picard.

Phone System – Stu suggested that a phone system from an office supply store such as Staples be obtained. There was no objection from the Board.

Stu said he looked into business class phone service from Time Warner and the cost was much less expensive than the current provider. There was a brief discussion, and Selectmen said it was OK to pursue the Time Warner option.

Other Business – Stu said an e-mail message came from Donald Tozier and a letter came from Mr. Tozier's lawyer in regard to the abatement request from the St. Pierre's earlier in the year. Selectmen said they wanted to respond directly to Mr. Tozier's lawyer and comply with his information requests.

Tax Commitment – Stu reported the Assessors are just about ready to commit taxes, and there is likely to be a disagreement on a couple of tree-growth applications and denials.

Next Meetings – Jo noted the meeting schedule was outlined on the agenda as follows:

- a. August 25 & 27, 2008 (6:30 PM – Job interviews, Asst. Clerk/Tax Collector)
- b. September 2008
 - i. 9/4/08 – Policy Reviews
 - ii. 9/18/08 – Meet with Budget Committee
- c. October 2008
 - i. 10/2/08 – Update job descriptions, staffing plans
 - ii. October 16, 2008
- d. November 2008 – Meet on 11/6/08, 11/20/08
- e. December 2008 – Meet on 12/4/08, 12/18/08
- f. January 2009 – Meet on 1/8/09, 1/22/09
- g. February 2009 – Meet on 2/5/09, 2/19/09

There being no further business, the meeting adjourned at 8:58 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.