



Lamoine Board of Selectmen

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Minutes of January 22, 2009

Chair Jo Cooper called the meeting to order at 7:04 PM

Present were: Selectmen S. Josephine Cooper, Brett Jones, Richard Fennelly Jr., Cynthia Donaldson, Kermit Theall; Administrative Assistant Stu Marckoon, Kathleen DeFusco (Veterans Memorial Committee), Carol Korty (Conservation Commission), Griff Fenton, Paul Hodgkins, Fred Stocking (Conservation Commission), Gerry Carriere, Bob Williams, David Schick (Conservation Commission), Michael Jordan (Deputy CEO/Planning Board), George "Skip" Smith (Fire Chief), Nancy Pochan (Conservation Commission) and Annie Crisafulli (Conservation Commission).

Agenda Review – No changes to the agenda were proposed

Minutes of January 8, 2009 – Richard said he found a few typos and handed in written corrections. Kermit moved to approve with the corrections. Richard 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 16 – Selectmen signed warrant 16 for \$46,799.58. Stu noted that bills for the veterans' memorial were added. Brett asked if the dues for Maine Municipal Association are based on population. Stu said he wasn't sure what the formula was. Richard asked about the extra trip for Pine Tree Waste. Stu said he booked it for the weekend following Christmas which is usually a heavy trash day. Richard asked if it was costing a lot more to dispose of recycling. He said he would like to compare the cost of recycling disposal to regular trash disposal. A short discussion followed about recycled cardboard.

Cash & Budget Report – Cynthia asked about the fund balance report vs. the asset balance in the corresponding account. Stu explained that the asset balance is what is physically in the bank. He said the fund balance report is designed to show what current operations and appropriations have for an effect on the fund balance at this point in the year.

Non Resident Snowmobile Registration – Stu said there have been a couple of occasions this year where non-residents wished to register a snowmobile. He said the town agency is not authorized to issue such registrations at this time, but could write to get permission. He said it would not be a big burden on the staff. There was no objection to seeking that permission.

Brush Truck – Fire Department – Jo said the Selectmen are trying to go over what the Budget Committee recommended. Chief George "Skip" Smith said the long range capital needs plan shows the fire department was scheduled to purchase a brush truck next year. He said he initially spoke with the budget committee about it and was asked to come back. He handed out a written budget for the proposed truck. He said the cost of a truck on a Ford F450 chassis with the body would be \$80,523 without a compressed

air foam system (CAF). Jo asked about the CAF. Chief Smith explained that the truck would be a multi-use vehicle which would go on almost every run. Jo asked why the purchase would be moved up a year. Chief Smith said he thinks the Budget Committee saw an opportunity where interest rates are low and the fire department might be able to make a good deal on a truck. He said the chassis price had not been negotiated.

Richard said the maintenance expenses on trucks 405 and 402 were about \$4,000 over 5-years. He said that averaged \$856/year. He said the debt would be \$15,000 a year. He asked whether it's in the best interest of the town to pay the maintenance cost or the debt cost. Chief Smith said the answer is obvious if one looks at it from that point of view. He said there have been several instances where truck 405 just won't go. He said there are battery and glow plug problems. He said it's an old military truck and it's tired.

Jo said she understands what Richard is saying. She said there must be some sort of formula to show when the time is right to replace a truck. Richard said the maintenance costs seem to keep going down. Brett noted that an addition to the truck reserve fund has not been calculated into the budget. He said it didn't seem to make sense to save money in a reserve fund if less money could be used to buy a truck. Chief Smith said the Budget Committee indicated it was more prudent to take advantage of low interest rates instead of setting aside funds in a reserve and watching truck prices increase.

Richard said the Selectmen talked about the need to cut budgeted money for road maintenance this year. He said if it costs \$800 a year for fire truck maintenance that might be the way to go. Chief Smith said there has been some deferred maintenance on truck 402 which needs king pins and bushings which are expensive. Jo said the town needs to think ahead and the idea of the capital projects plan was to not be surprised. She said there has been an effort to manage that carefully. She said the Selectmen looked for places to cut because revenues are down.

Brett said by postponing paving of a mile of road for a year, the town could save \$130,000. He said in the past, the amount set aside for the fire truck fund was not a legitimate number. He said it's hard to get a significant amount in hand, and difficult to beat inflation. Jo asked if Brett felt road paving could really be put off. Brett said it's a valid place to save money. He said if the fire truck was postponed, that would represent \$15,000 in savings vs. \$130,000 for paving.

Chief Smith said the only reason he was present was that the Budget Committee felt that the town could save money by purchasing a truck now. Jo asked why a purchase was needed. Chief Smith said two trucks would be replaced – one is a 1984 that has gone past its good year, and the other is a 1976 that can no longer get an inspection sticker. Jo asked if a brush truck is a smaller vehicle that can go where the big trucks are unable to. Chief Smith said that was correct.

Richard said he had trouble thinking that a truck with 15,000 miles on it is an old truck. He suggested changing out the wiring harness in the truck with electrical problems. Kermit said he didn't think that was cost effective. Chief Smith suggested that a

conversation with George Colwell at Colwell Diesel would help answer maintenance questions.

Richard asked if the chief's personal truck had only 15,000 miles on it, would he spend \$15,000/year for a new one, or \$800/year in maintenance. Chief Smith said he found with his truck used for snow plowing it was more cost effective to buy a new one.

Jo said there seem to be two issues at play. She said there are fleet needs plus the financing issues, and the board has to determine which is the wise way to proceed. Chief Smith said he could not advise on the financial end. Jo said the department has two trucks, and asked if both are used. Chief Smith said they are. Cynthia said the Budget Committee appears to be saying that the town has been putting money aside, so why not buy instead of putting the money in the bank. A discussion followed regarding debt service vs. additions to a reserve fund.

Brett said when a fire truck is needed and it doesn't run, it's a bad situation. A short discussion followed about the reliability of the current trucks, and Brett listed out the work needed on both trucks 402 and 405.

Regional School Unit #24

Hancock "Griff" Fenton said there have been some issues in town regarding the recently approved RSU, and there have been numerous articles in the newspaper. He said Lamoine and the surrounding towns were among the first to vote in the issue, and fiscal information was not fully available. He said he is not sure if the stated savings are real or what the costs will be. He said the vote passed, and asked if it's possible to put the matter on a ballot to reconsider the vote. He listed several reasons and said the voters need the facts. He said it's a very important issue and felt it would be a good idea to put this on the next town meeting ballot.

Brett asked if there is an out for us. Stu said he thinks it is legal for a citizen to request the Board of Selectmen to place an issue on the ballot, but the question has been decided already, and the Board could deny the request on that basis. He said he was blind-sided by this request, and was not sure how the town could get out of the RSU agreement. Mr. Fenton said he could petition, but felt it was better to ask the Board first. Brett said the town has entered into a contract with RSU #24, and wondered if there was a mechanism in the law to give the town an out.

Paul Hodgkins said the town should not have signed onto this. Brett said it was similar to a shotgun wedding. Mr. Hodgkins said it looks like it will cost the town more to do it. Brett said that might be the case. He said it's unlikely teachers will voluntarily reduce their salaries system wide.

Jo said as a Selectman, she's reluctant to put this to another vote. She said the town already decided; there was a lot of information and many meetings, and the ones in Lamoine were well attended. She asked Mr. Fenton if there is information available that

was not available then. Mr. Fenton said there is, without question. Jo said she would like to have that information.

Mr. Fenton said there are many options, including the petition process or having a notary call a special town meeting. He said it's town meeting time, and Selectmen could choose. Jo asked if this would go on a ballot or to open town meeting. Mr. Fenton said he presumed it would be on a ballot, with a public hearing before that. He said he was just requesting reconsideration.

Fred Stocking suggested checking with counsel as to whether the town could go back, and he has a feeling that once the town signs on, that's the end of the process and there is no going back. Richard said he thinks the big issue is the contractual obligation to the RSU. Cynthia said the way the templates were written up they did not include a clear way to extricate from the agreement. She said it needs to be looked at carefully.

Jo said she hears Mr. Fenton's concerns, and doesn't see the point of having a battle. She said she would be concerned if there was information that the town knows what that is. She said she needs more information, including how to proceed. Mr. Fenton said there is a lot of information, but he's not sure how valid it is. He said he just wants the opportunity to have the figures presented. He said the information before the town vote was full of smoke and mirrors because no one knew what the costs were.

Stu said he's not sure if there is any new information. Richard said we knew what the penalties were. He said he's never been a proponent of the consolidation, and never thought there would be any savings. Jo said the Board is not a hostile audience but the Board needs to figure out if there is any new information. Mr. Fenton asked if she had read Mr. Donaldson's article in the newspaper. Brett said the only new information he got from that was about unionization of support staff. He said people probably didn't think much about that, and voter turnout was an indication of that.

Jo said the Board would like to consider this and put the issue on the agenda for the next meeting. Richard said he hoped that Skip Greenlaw would come trotting in at any moment.

Cynthia said the concern about the cost of raising teacher salaries was never specifically answered in the RPC meetings. She said she would like information about that. Richard said the issue is similar to electrical de-regulation when promised savings never materialized.

Meeting with Conservation Commission

Jo said it's been a while since the Selectmen had met with the Conservation Commissioners. She said she would love to hear about the commission's functions, plans, and what's going on.

Conservation Commission Chair Fred Stocking introduced the commissioners to the Selectmen. He said the Commission tries to have a public presentation every 2-to-3

months regarding the town's natural resources. He said in February they plan to discuss drinking water, and in April, native plants.

Mr. Stocking said part of the task is to listen to what the Selectmen and the Planning Board want. He said they have written ordinances and reports, and the most recent concerned cluster housing. He said they have developed their own projects, but they are limited by volunteers and time. He said they were recently concerned about lighting issues and inter-tidal issues. He said they have an ongoing recycling committee. He mentioned the school water testing program and aquifer research.

Mr. Stocking said the Commission approved an aquifer protection ordinance last March. He said the Planning Board has noticed a decrease in the permit work load and is paying attention to that. He said a new project is to produce an open space inventory, which is required by statute. He said they've been through the town tax records to help with that. He said they got a bunch of new habitat maps, and a work session is scheduled for Friday. He said they would like to try to get people to identify the open spaces they use. He said they intend to present an open space report to the Selectmen by the end of the calendar year.

Mr. Stocking mentioned the roadside cleanup program, the sale of compost bins, and the annual conservation award.

Jo said she was interested in the shellfish piece, and asked if the Commission had any ideas. She said there was a lot of interest. Mr. Stocking said the exploratory committee never developed critical mass. A short discussion followed about needing an ordinance and a seeding program. Carol Korty said they have gone to the Taunton Bay meetings, and it was valuable to observe the process where concerned harvesters worked out an agreement. She said the moratorium that had been put in place ended last July, and that allowed various species to make a comeback. She said dragging has been detrimental to the ocean floor, but the clams have come back. She said shellfishing has been complicated by poor public access. A short discussion followed.

Ms. Korty said if the town does come up with an ordinance, there are no wardens to enforce it. She said she favored getting an ordinance passed, and maybe people from town could take advantage of that. Richard said the motivation level of a constable can affect how cost effective such a program can be. He spoke about how other towns do it.

Mr. Stocking said there is an active eel grass restoration taking place across the bay at Hadley Point. He said he would like to see the Lamoine School children participate in that. There was a long discussion about eel grass.

Brett said his first instinct is to say no to an ordinance. He said draggers are brutal on the sea bottom. A short discussion followed.

Jo asked about lighting and shellfish, and whether there was any way for the public to access the information. Ms. Korty said people are welcome to attend the meetings, and there are some materials on hand at the town hall, but nobody ever comes to read them.

She said the minutes are available. Brett said the last set of minutes he saw was from last summer. David Schick, the Commission's secretary, said the commission just vetted the November meeting. He said the Selectmen should have the minutes by the following month. A short discussion followed about information and storage limitations.

Ms. Korty said if people are interested in a particular topic, they should contact a Commission member. She said they do need volunteers. Nancy Pochan said they do need help in particular areas. She said the board can't do everything. A short discussion followed.

Ms. Korty said they are excited that the GET WET program that started in Lamoine has received a 3-year grant to be put in schools throughout the state. Ms. Pochan said there is a land conservation group that is separate from the Commission. Mr. Schick said Gerald and Iris Simon hope to put a trail system on their land within a year which could become a publicly accessible green space. He said the discussions on the Commission are fairly wide ranging, but the number of people is fairly narrow. He said the Commission needs more public input.

Jo said she had no inkling of all that the Commission could address. She said she hoped the information can be available to the Planning Board when they face issues. Ms. Pochan said the Commission's role is educational. A short discussion followed about lighting.

Kathy DeFusco mentioned that there is a "Welcome to Lamoine" packet and conservation commission information could be included in that. Richard asked about the Aquifer Protection Zoning proposal and what engineered systems mean. Michael Jordan explained that an engineered system is similar to a mini sewage treatment plant. Richard asked if any of the items in the proposed ordinance would preclude single family dwellings or require them to seek another permit beyond a basic septic system. Mr. Jordan said the Planning Board is working on changing that language.

Ms. Korty said the Planning Board asked about plantings in discontinued gravel pits, and the Commission has been thinking about that. She said one problem is there is no legal obligation for replanting long discontinued pits. Richard said they naturally re-vegetate over time. A short discussion followed on re-vegetation and on private property issues and forced restoration.

Ms. Korty mentioned that the Commission can have an infinite number of Associate members.

Selectmen signed letters thanking folks who participated in the adopt-a-road program.

Town Report Bids

Cynthia opened the bids and read them aloud as follows:

Bidder Name	Town	B&W Cover Price	Color Cover Price
Regal Printing	Ellsworth	\$2,300.27	+\$158.46
Bangor Letter Shop	Bangor	\$1,994.96	+\$185.38
Pioneer Print Ink	Ellsworth	\$2,824.00	+\$716.00
The Copy Center	Augusta	\$1,432.00	+\$150.00
XPress Copy	Portland	\$750.00	+\$150.00
Downeast Graphics	Ellsworth	\$2,435.40	+\$170.80
Select Print Solutions	N. Brookfield, MA	\$1,671.00	+\$231.00

There was a brief discussion about the Xpress Copy bid, and whether it was accurate. Stu suggested tentatively awarding the bid to Xpress and said he would check to make sure it's legit, and if not, award it to the Copy Center. Jo moved to leave the decision up to Stu as he suggested. Brett 2nd. **Vote in favor was 5-0.**

Town Meeting Warrant – Jo said the Veterans Memorial Committee has been chipping away at the fund raising through sales of bricks, Christmas wreaths, a grant from Wal-Mart and others. She said the check has not yet been received from Wal-Mart. She said the committee voted to ask the Selectmen to place an article on the warrant to forgive the rest of the amount loaned from the capital improvement fund. She said they have raised over \$18,000 for the project, which bring the balance down to about \$5,000 and she hopes it would be lower by town meeting time.

Cynthia asked if Jo was comfortable that all the bills were in. Jo said the only future bills would be for bricks, and they pay for themselves. She said the sale could continue for quite some time, and the proceeds could be used to maintain the memorial. She said she didn't know what the wording of the article would be. Richard said he supported the idea. Brett said it's not really forgiveness – the project would eventually pay for itself through brick sales.

Committee secretary Kathy DeFusco said nothing else remains to be done – just installation of the bricks. Kermit said there was no formal timeline approved for paying back the loan from the capital projects fund. Stu noted the Veterans Memorial Committee is a subcommittee created by the Selectmen. Jo said the town has a beautiful monument. Richard moved to include a forgiveness article. There was no objection from the Board.

Ordinances – Stu said all the proposed changes were in the Selectmen's Packets.

He said the Elections ordinance change is needed to extend the school committee terms until June 30, 2009 and to make provision for election of the RSU Director.

School Lot Delineation – Stu said he changed the language as requested to indicate an actual plan exists.

Fire Truck Purchase – Stu said he used the language from the previous time the town purchased a fire truck.

A short discussion followed in regard to the warrant.

RSU Vote Repeal – Stu asked what information the Selectmen wanted for the next meeting in regard to a possible reconsideration vote. Selectmen said they would like legal information from either the Superintendent’s office or Maine Municipal Association; the costs to the town if it decided to not join after all, and teacher salary costs. A brief discussion followed.

Notice of Violation – Stu reported an Appeals Board meeting is set for February 25, 2009, and town attorney Beardsley has the information. Brett asked about fines. A lengthy discussion followed about when a penalty would be imposed and what kind of consent agreement would be sought or reached. Selectmen said they would like information regarding fines for the next meeting.

Returnable Bottle Program – Stu said he drafted up a program idea regarding returnables dropped off at the transfer station. Richard said competing interests are looking for the same resource. Cynthia reviewed the program, saying it appears that an organization would make out an application; the Selectmen would look it over and determine who gets it, with a month allocated to each group. A short discussion followed regarding bottle drives.

Cell Phone Tower – Stu reported he got an e-mail from Verizon Wireless’s engineer indicating the project might be revived. He said he told the engineer that nothing has changed on our end.

Pole-Flag program – Stu said he sent an inquiry out to the list-serve of the Maine Town & City Management Association and got several replies back. He said the Town of Veazie was able to get permits using the same MMA Insurance policy we have.

Ice Fishing Derby - Stu said he inquired about special event insurance with MMA, and was advised that the town was covered so long as it was not sponsoring events like snowmobile radar timing. He said he responded to an e-mail from the Parks Commission chair about folks giving “tube rides” on the backs of ATV’s and recommended against that.

Snow Removal – RSU – Brett said he spoke with Lamoine School Principal Val Perkins about snow removal, and the RSU will have to take care of that. Richard said he agreed with that premise. Brett said he didn’t think the current contract has language to deal with removal of large piles on-site. There was a brief discussion about where to dump removed snow.

Paving – Brett said if the town postponed paving by a year, it would see real savings, but spend the money down the road. Michael Jordan said that can catch up to the town. Stu said he includes paving each year to stabilize the budget so that there are no hills and valleys.

General Assistance Fair Hearing Authority – Stu reported that the MDI League of Towns is exploring an interlocal agreement to provide a fair hearing authority from a pool of General Assistance Administrators to avoid having to convene a meeting of the Board of Selectmen on short notice. He said he would keep the board apprised of the progress.

Other

- » Brett asked about the money accumulating in the Harbor Fund and if there were any projects being planned. Richard said there was talk about a 2nd streetlight. Stu said fixing the ramp at Lamoine Beach is a possibility.
- » Stu noted that the check to the East Lamoine Cemetery has still not been cashed. Richard asked that a new one be cut and given to him for deposit.
- » Selectmen were encouraged to attend the Planning Board meeting on February 3rd to discuss the ordinance changes. Stu said he would not be able to attend.

Next Meeting – The next meeting is February 5, 2009. Among the agenda items will be discussion of the snow plowing contract, wording on the Citizen of the Year plaque, and the responsibility of a local school advisory committee.

There being no further business, the meeting adjourned at 9:38 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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