



# Lamoine Board of Selectmen

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## Minutes of February 5, 2009

Chair Jo Cooper called the meeting to order at 7:01 PM

Present were: Selectmen Richard Fennelly, S. Josephine Cooper, Brett Jones, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Teddy Nankervis, Wanda Jordan and Deputy CEO/Planning Board Member Michael Jordan

**Agenda Review** – There were no changes proposed to the posted agenda

**Minutes of January 22, 2009** – Jo noted there were some typos in the draft minutes. Richard outlined a few changes that he wrote out. Cynthia said she also had a couple of changes, and there was a brief discussion about brush truck language. Brett moved to approve the minutes as corrected. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 17** – Selectmen signed warrant 17 for \$158,957.78. Stu noted it was much larger than the version in the packet as the school committee submitted its bill on Monday. He said he had to move \$125,000 from the investment account to the checking account. Cynthia asked about the fire truck bumper repair and insurance coverage. Stu reported it was for the bumper only; no labor bill has yet been received and that insurance had covered the repairs. Cynthia asked about CEO training and whether the class is available to Deputy CEO Jordan. Stu said it would be.

**Cash & Budget Report** – Stu noted he had not done up a recycling analysis yet, but said there was an article in the latest Maine Townsman. Richard asked about the expected levels of various revenues.

**Stale Dated Checks Order** – Stu said a number of checks greater than 6-months old had not yet been cashed. He said one would be applied against the current year tax due, one applied to animal control, a \$2.00 check considered miscellaneous revenue, and two checks recut. Jo moved to approve the order. Richard 2<sup>nd</sup>. **Vote in favor was 4-0; Selectmen signed the order**

**Snow Plowing Contract** – Stu explained that the Selectmen had approved language he had crafted for extraordinary costs in light of fuel price increases and a busier than expected winter. Ted Nankervis said the cost increases are not limited to fuel and storm frequency, but also the cost of salt, sand and steel. He said they were reluctant to extend the contract on the present pricing schedule. Jo noted that prices did rise dramatically. Mr. Nankervis said fuel has dropped, but sand went from \$5/yard to \$7/yard.

Richard asked how much time was left on the contract. Mr. Nankervis said one more season after the current one. He said he is happy working with Lamoine and would like to keep working here. Richard said he would prefer to re-bid the contract once it's over. Mr. Nankervis said the Town of Hancock opted to renew the contract at a negotiated price.

Jo said there could be some formula to come up with that could work out a budgeted increase. Richard asked if the Selectmen have the luxury of negotiating a new contract. Stu said the contracting authority requires that any contract over \$5,000 be bid, but it not clear on extensions or renegotiations. A short discussion of the contracting authority followed.

Richard asked if typically the contractor includes a markup on items they purchase. Mr. Nankervis said it's figured into the contract. He said the increases in sand, salt and steel have eaten into their margin. Jo asked if a price range could be placed in the contract. Stu said that's what was proposed for the price of diesel. Mr. Nankervis said all the costs have gone up a lot, including road salt, which he said has a big impact. Richard said things are starting to get a little busy in terms of adjusting for prices. He said a re-bid would be cleaner when the contract expires. Brett said holding off is smart, given the economy. Jo said she didn't want to kill somebody off – that was the point of having a formula. Richard said a contractor has to take risks, and there are good years and bad years. Jo said it seems like we ought to be able to meet the contractor half-way, and the proposed formula is an effort to recoup some of the contractor's loss. She said she doesn't want to spend money when it doesn't have to be spent. She said the town faces the same issue with unplanned expenses.

Mr. Nankervis said he was fine with the formula on the fuel rates. He said he was concerned about extending the contract. Stu said the request was intended only to possibly start a negotiation. Cynthia said she was concerned about setting a precedent beyond mileage and the number of snow events. Brett said guaranteeing a profit margin for a contractor is problematic. He said it's not the job of the Selectmen to see into the future. Richard said he's not sure how to have that discussion. He said the contractor could build future cost increases into the bid. He said the longer the term of the contract, the more risk the contractor assumes.

Jo asked how long the contract term is. Stu said it's three years and asked if that was a comfortable length for Nankervis. Mr. Nankervis said that was OK, most towns go three years. Jo said times are tough all around, but it's the job of the Selectmen to make sure the roads are safe. Brett said there will come a point when the town is better off hiring its own crew to plow.

Jo asked if the fuel language proposed is doable. Mr. Nankervis said the Town of Hancock just gave them a 10% increase two years before the contract was up. He said he could not renew Lamoine's contract on the terms in this contract. Stu said he expected that they would not, and the purpose was to see if Nankervis wished to keep plowing beyond the contract expiration.

Stu asked where the Board stood in regard to the proposed fuel language for the last year of the contract. Richard said he was OK with it. Jo said the only question she had was in how the "events" were defined. Cynthia said she had the same question. Stu said he defined it in the letter to Nankervis as a calendar day when they plow or sand.

There was a discussion about the number of events to be used to trigger additional payment. The Board and Nankervis agreed to 45-events.

Jo moved to add the language as proposed at 45-events to the contract. Richard 2<sup>nd</sup>. Cynthia noted that it would be effective the next year of the contract. Both Jo and Richard agreed. **Vote in favor was 4-0.** Stu said he would draft up the contract for signature at the next meeting.

Stu noted that he'd had a few calls recently about mailboxes being hit. Wanda Jordan said it was alright to continue giving out their phone number. She said it's not intentional, and they try to work with the mailbox owners. She said they also have calls from time to time about people complaining that the end of their driveways are being plowed in.

Stu asked about the ice buildup on some of the roads. Ms. Jordan said they've been trying to scrape that down, but the cold weather has made it nearly impossible.

Stu asked about plowing out the driveway to the Anderson Garage. Mr. Nankervis said they used a front-end loader to remove the build up from the state plow. Selectmen suggested that Fire Chief Smith be asked to add that to his hydrant plowing. Stu said he would ask and get a price.

**Reconsideration of RSU Vote of 12/9/08** – Stu said he prepared a report and the bottom line is that it cannot be done without Legislative action by the state. Richard asked if that has been communicated to Griff Fenton who was present at the last meeting. Stu said he had posted the report on the town's website and had directed Mr. Fenton to that. There was a short discussion of whether SAD law kicks into effect when aspects of the RSU laws don't address something.

**Local School Advisory Board** – Cynthia said she had checked the part of the RSU Plan that speaks to the local advisory committees, and it's utterly confusing. She said the school board talked about the issue at its last meeting. Jo said the Selectmen should get together with the school board.

Brett said the town will have a representative on the RSU. He said if there is a local advisory committee, he would like it to have some teeth. He said if the RSU board dismisses any local action, it could be demoralizing. There was a discussion about the need for a local advisory committee, local control of schools, and the responsibilities of the RSU director.

Stu said the issue of secondary tuition needs to be discussed with the school committee in regard to including additional funding in the coming budget. The board indicated it would like to meet with the school committee, possibly at the first meeting in March. Brett said even if the school committee is not interested, he would like to see a local advisory committee formed.

**School Gym** – Richard said he was concerned about a possible effort to expand the gym. He asked if that can happen with the RSU plan coming into effect in July. Brett said the idea was to look at the funds the Jina's Gym project had raised, and to complete any plans prior to the RSU takeover. He said the idea was to have a project approved and funded only. Richard asked what would happen if the project were started, but grew bigger than the fund – who would be stuck with the extra funding. Brett said there are two engineering firms looking at a project – Oak Point Associates and Jim Kiser. He said there is a lot of infrastructure involved, and he doesn't know where the project stands. Richard said he doesn't want to see the town have to fund something if it's under funded.

**Returnable Bottle Program** – Richard said he went through the program and sent down a list of tracked changes. He went through the proposed changes individually, stating that the purpose was to clarify the program. Stu said if there were no other changes proposed, he could have a copy of the program and an application ready for signature at the next meeting.

**Fine Process** – Brett said the report Stu put together on the process made for interesting reading. Richard asked if the sections from the Code Enforcement Officer's (CEO) Manual were verbatim. Stu said he simply cut and pasted them. There was a brief discussion about the maximum fine in the Resource Protection Zone.

Cynthia said the reason for her asking about the process is that nothing has come to the Board of Selectmen for action. She said it appears the process is that the CEO gives a notice of violation and a demand for correction according to a plan. She said if the CEO suggests a fine, then it would come to the Board. A short discussion followed about the process.

Deputy CEO Mike Jordan said the plan submitted to the Planning Board on the Simons subdivision was wrong. He said the situation may not be as cut and dry as it appears. He said no resource protection area was marked on the plan.

**Town Meeting Warrant** - Richard said he would like to change article 23 (the fire truck purchase/loan article) and allocate \$25,000 from the Capital Reserve Account and lower the amount to borrow. There was no objection. Stu noted there might be some income from Verizon Wireless as soon as this summer.

Cynthia said there were some spelling changes needed and a reformatting needed in the revenue article.

Brett asked about the land conservation fund and the effort of a private group for land acquisition. A short discussion followed about the fund and donations received, and the level of funding for that program.

Brett said he would like to postpone paving for a year to save \$130,000 so that there would be no tax increase next year. Stu said that would postpone a tax increase for a year. A short discussion followed about offsetting all paving by a year vs. the tax

increase amount. Stu noted that there are some revenues from the state and the road fund that are intended to partially offset the paving cost.

Cynthia asked that the capital improvement list be included in the next Selectmen's Packet.

It was decided to leave the paving article on the warrant and let town meeting decide whether to fund it or not.

**School Lot delineation** – The consensus of the Board was that the smaller lot as proposed by Herrick and Salsbury was preferred. Cynthia asked if there were any setback minimums from the exit doors on the fire station side of the school.

**Citizen of the Year Plaque** – There was no preference stated on the appropriate wording. Stu and Brett said they would get together on it.

**Town Report** – Selectmen reviewed the town report as drafted, and a few changes were suggested, especially to the Selectmen's report.

**DMR Request for Information** – Stu said he was not sure that he fully understood what the Department of Marine Resources (DMR) wants in their request for clam flat identification, but thinks it has to do with red tide closures. Richard said the DMR could figure out where the clams are themselves. Stu suggested the request be forwarded to the Conservation Commission. Jo said that sounded like a good idea.

**On-Line Boat Registration** – Stu said InforME will be offering on-line boat registrations which would be a good customer service. There was no objection to participation.

**Vacation Dates** – Stu said he would like to take vacation weeks July 13<sup>th</sup> and December 28<sup>th</sup>. There was no objection from the board.

**Cable TV Update** – Stu reported the new CTV equipment has been installed and this meeting is the first to air with the new system that automatically can switch on the cameras and sound. He reported that he was successful in contacting Maine AIRS and they were pleased that their sound could be used on the cable channel. He said he's been accessing that by Internet, but that has seemed to slow down internet access for the entire office. Brett said that is quite likely because of the bandwidth required. There was a short discussion about Time Warner and the amount of band width that is allocated for the town.

Cynthia noted she might not be present for the February 19<sup>th</sup> meeting, noting it's school vacation week.

There being no further business, the meeting adjourned at 8:55 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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