



# Lamoine Board of Selectmen

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## Minutes of March 5, 2009

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

Present were: Selectmen S. Josephine Cooper, Richard Fennelly Jr., Cynthia Donaldson, Brett Jones (Selectman Kermit Theall was out of town and unable to attend); Administrative Assistant Stu Marckoon, Anne Stocking (Lamoine Historical Society), Michael Jordan (Deputy CEO), Gary McFarland (Selectman candidate), Peter McDevitt (Selectman candidate) and Robert Sharkey.

**Agenda Review** – Jo welcomed the two candidates for Selectman. Cynthia said she would like to add an item regarding a sculpture symposium for the end of the meeting. Jo said she would like to take a request from the Historical Society out of order to accommodate Mrs. Stocking.

**Minutes of February 19, 2009** – Richard said he had some minor corrections, as did Cynthia. Jo moved to approve the minutes as corrected. Richard 2<sup>nd</sup>. **Vote in favor was 4-0**

**Expenditure Warrant 19** – Selectmen signed the warrant for \$509,893.03. Stu reported most of the warrant was for a \$350,000 transfer from checking into the investment management account, and over \$91,000 for school operations and capital expenditures. Cynthia asked about the education capital expense. Stu said it was for the renovation project and the town will get bond money from the Maine Municipal Bond Bank to cover it. Cynthia asked about the bumper bill from Michael Jordan. Stu said it was the labor portion of putting the bumper on the fire truck.

**Cash & Budget Report** – Brett asked Stu if he had any excise tax projection. Stu said he had not done one formally, but there are a couple of factors that will affect excise tax, including the economy and the possible passage of a referendum question in November. The Board said that might be a good exercise. Stu said he could easily compare this year to last year. There was a brief discussion about boat excise and interest revenues.

**Checking Account Reconciliation** – Selectmen signed the statement expressing satisfaction with the checking account reconciliation report.

**Historical Society Fiscal Agent** – Anne Stocking said the Lamoine Historical Society was notified that it received a grant from the Maine Community Foundation. She said the money would be used to hire a consultant to look at the East Lamoine Meeting House, which is on the National Historic Register. She said the goal is to determine if it can continue to be used for storage, or just for meeting space and for recommendations for renovations, including inside plaster work.

Mrs. Stocking said they applied to the state for a grant, but the state handed over the process to the Maine Community Foundation, and the Foundation granted the Lamoine

Historical Society \$2,500 with a required \$2,500 match. She said the money would be going to one consultant. Stu asked if the fiscal agent is required to be a 501(C)(3) entity. Mrs. Stocking said either that or a town.

Richard said he could see no downside of acting as a fiscal agent. Stu asked what would be required of the town. Mrs. Stocking said the town would get the check and distribute the funds as needed; it would not be much work.

Cynthia moved to approve the request that the Town of Lamoine be the fiscal agent for the Historical Society Grant. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Contract – Paving** – Stu reminded the Board this item had been tabled from last meeting. He said he spoke with Roger Picard of Pavement Management Services, and he had no problem with the contract being contingent on town meeting funding approval. Brett said he would be more comfortable if Mr. Picard would initial the change made to the pre-signed contract.

Jo moved to sign the contract and a letter explaining the contingency of town meeting approval. Brett 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Cell Tower Contract** – Stu reported the new contract is basically the same as the one approved by Selectmen last year. He said the differences were spelled out in a cover letter from Verizon's attorney, and that the location on the town lot is slightly different.

Jo moved to sign the revised contracts. Richard 2<sup>nd</sup>. **Vote in favor was 4-0, the contracts were signed.**

**County Ambulance Contract** – Stu said the offer from County Ambulance would extend the existing contract by two years. He said the price would increase 75-cents a person in the two year extension. He said he would recommend talking with County Ambulance. Brett said the payment per-capita is designed to guarantee service, but it doesn't necessarily guarantee service in a dire emergency. He said the cost for the town to implement its own ambulance service would be enormous. Richard said he doesn't like it, but there is not a huge amount of choice. Stu noted the City of Calais just opted out of a shared ambulance service with many other towns and will provide its own service. Brett said other area fire departments with first responders have a huge number of calls and it's a big commitment. Richard said that, as much as he doesn't like being forced into a deal, it's the least expensive alternative. Jo said the Board would table the matter until they can meet with County Ambulance.

**Mailbox Damage** – Jo asked resident Robert Sharkey if that was why he was present. Mr. Sharkey said that was one of the reasons. Jo said the town seeks to treat everyone the same way. Richard said when the issue came up, he wanted to determine what the town's liability was. He said the research shows that because a mailbox is in the right-of-way, it's not a town liability if one is damaged. He said mailboxes are erected at the owner's peril, and the town is not obligated to do anything. He said some towns do

replace mailboxes as a courtesy, but those tend to be towns that have their own public works departments.

Jo said the position by the Selectmen has been to have affected people contact the plowing contractors. She asked Mr. Sharkey if he had done that. Mr. Sharkey said he had not. Stu said he did call back Mr. Sharkey after the complaint had come in, but got no answer and no answering machine picked up.

Cynthia asked if anyone had any idea how Nankervis Trucking responds to calls. Stu said when they were in last, they said they try to work with the affected people. Brett asked to find out what they typically do. Richard said in the summer months, vandals will often damage mail boxes.

Cynthia said she liked Brunswick's idea of posting detailed mailbox instructions on the town's website. Jo said that could be published in the Welcome to Lamoine packet too. She asked Mr. Sharkey if his mailbox was destroyed or just knocked off the post. Mr. Sharkey said he'd put the post in concrete, and the mailbox took a hard wallop and was cleared out. A short discussion followed.

Jo said she didn't know what the Board wants to do. Brett said he would like to hear what Nankervis has to say. Mr. Sharkey said he wasn't as concerned about the mailbox issue as he was with the plowing job. He said road conditions on Seal Point Road and Partridge Cove Road are horrible compared to other roads in town. Richard said he agreed that he had seen some troubling plowing practices. A short discussion followed.

**Bottle Donations** – Stu said he spoke with Stacey Curtis and sent him a copy of the approved program, but he'd not heard back. He said he would try to follow up with Mr. Curtis tomorrow.

There was a discussion as to what qualified as a beneficiary group and its affiliation with Lamoine. Selectmen agreed the policy was on a first come/first served basis. Richard asked how many applications have come in. Stu said there are two thus far. There was a brief discussion as to whether Downeast Horizons had a true affiliation with Lamoine. Jo suggested that the month of March be assigned to Downeast Horizons pending clarification on its affiliation with the town, and that April be designated for the Veterans Memorial Committee. There was no objection from the Board.

**Harbor Grant Program** – Stu suggested that perhaps it would make sense to see if an engineering study could be done on the ramp at Lamoine Beach to determine how to properly fix it. Richard said he would like to see that. Brett noted the rebar is coming up and the ties are breaking apart. Stu suggested that the town could contact the program administrator. There was no objection, followed by a short discussion of a sand problem at the beach ramp.

**Recycling Report** – Stu noted the state report was in the Selectmen's packets. Brett asked what CDD stood for. Stu said it was construction/demolition debris. Richard asked if the actual recycling amounts were in yet. Stu said he got them from MRRA, but

has not received payment yet. Richard said he'd like to see the town get credit for the cardboard it actually recycles. Stu said Pine Tree Waste co-mingles everything on its run, but the price was so much lower than the other competitors that it made no sense to seek the revenue from the cardboard.

**Building Use Policy** – Stu said he cleaned up some language for the final draft. Richard said the Board was at the point that it should be implemented. Brett said he thought it had already been approved. Cynthia asked who would be considered having to pay rent. There was a discussion about various groups.

Richard moved to approve the policy. Brett 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen present signed the policy.**

**E-mail Retention Policy** – Richard said he would like to give the proposal a better look, and Selectmen took the time to read the proposal over. There was a discussion about the retention period for various types of e-mail. Jo said she would like to see old DVD recordings of the various meetings donated to the Historical Society to keep archived. A short discussion followed.

**Water Extraction Moratorium** – Stu reported the Town of Hancock may vote on a water extraction moratorium at the suggestion of the Planning Board. He said such an effort could come before the Selectmen at any time. There was a discussion about the need and the impact about such a moratorium.

**Local School Advisory Committee** – Stu reported he drafted up an ordinance to establish a School Advisory Committee. He said he would be meeting with School Superintendent Omar Norton to finish editing it on March 19<sup>th</sup>, the same day as the next Selectman's meeting.

**Complaint by Robert Sharkey** – Mr. Sharkey relayed to the Board a rather lengthy complaint against Brett. Brett asked if this had anything to do with Town Business and asked that Mr. Sharkey's statement be ended. Jo said she would listen. Mr. Sharkey completed his statement and said he wanted to make a formal complaint and that he would obtain a restraining order against Brett.

Brett asked what this had to do with town business. Mr. Sharkey read from the general office policies. Jo said the policy refers to conducting town business, but Brett was acting as a private citizen. After more discussion Brett said he was upset with the chair for allowing Mr. Sharkey to make an editorial on a private matter. There was a lengthy discussion about what the proper action should have been at a public meeting on such a matter.

**School Lot Delineation** – Cynthia said the Board should have spoken with the Planning Board prior to moving forward with breaking off the fire station lot from the soon to be RSU property. She said it was a communications issue. Stu said he handed out the plan to the Planning Board as requested – it came following the Selectmen's meeting and Tuesday's meeting was the first Planning Board meeting since the town got the plan

from Herrick & Salsbury. Deputy CEO Michael Jordan said the Planning Board realizes it has to be done, but there is no way the Planning Board could authorize it. Brett asked why the Planning Board would have to authorize it. He noted that he had requested that the Planning Board be part of the process when he met with the School Committee to come up with an agreed line.

**Sculpture Symposium** – Cynthia explained that a 10-year project by sculptors is running in the Schoodic area, and Lamoine made the cut this year, meaning it will get one of the major sculptures produced. She said some funding would come through the Bureau of Parks and Land as the sculpture would likely be placed at Lamoine State Park. She said some private fundraising would also be pursued, but most of the funding will come from the Park. She explained how the program works and said it's a wonderful thing.

**School Lot Delineation Revisited** – Mr. Jordan suggested that since the Selectmen will have a couple of meetings prior to the open town meeting, it would be helpful to get input from an attorney on the lot delineation issue. Selectmen agreed.

**Candidates Night** – Stu noted the Lamoine PATRONS have not yet set a date for Candidates' Night. Brett said he's seen some e-mail from the PATRONS that it's being worked on.

**Next Meetings** – Jo outlined the regular meeting schedule as follows:

- a. March 19, 2009
- b. April 2, 2009
- c. Annual Town Meeting – April 7 & 8 2009
- d. April 16, 2009
- e. May 2009 – Meet on 5/7/09, 5/21/09

There being no further business, the meeting adjourned at 8:35 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.