



# Lamoine Board of Selectmen

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

## Minutes of January 21, 2010

Chair Jo Cooper called the meeting to order at 7:03 PM

Present were: Selectmen Kermit Theall, Richard Fennelly Jr., Gary McFarland, Cynthia Donaldson, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Road Commissioner Michael Jordan, Lydia's Lane residents Grace Nagiecka, Greg Spring, Travis Jones, and RSU #24 Superintendent of Schools William Webster.

**Agenda** – No changes were proposed to the printed agenda, though there was an addendum added.

**Minutes of January 7, 2010** – Richard had one minor correction to the minutes. Jo moved to approve with the correction. Gary 2<sup>nd</sup>. **Vote in favor was 4-0 (Donaldson abstained).**

**Warrant 14** – Selectmen signed expenditure warrant 14 for \$201,551.53. Stu noted that \$188,000 was for schools and snow plowing. He reported he moved \$90,000 from investments to the checking account to cover the checks.

**Cash & Budget Report** – Cynthia asked if the drop in investment interest is anticipated in next year's budget. Stu said it is – it has dropped from \$25,000 in revenue for the present fiscal year to \$15,000 for FY 2010/11.

**Reminders – Tax Payments Due** – Stu asked if the board wished to send reminders to taxpayers of the second half payments coming due at the end of February. Jo asked what the cost is. Stu said less than \$250. Jo asked if there were complaints received last year. Stu said there was one person who complained about the amount being printed on the mailing label. Richard moved to send the reminders. Cynthia 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Bids on Pit Privy Project** – Selectmen opened the three bids received and read them as follows:

Bidder	Amount
John W. Goodwin Jr.	\$4,310.00
Richard McMullen	\$2,000.00
K. J. Dugas	\$2,900.00

Kermit moved to award the project to Richard McMullen. Richard 2<sup>nd</sup>. **Vote in favor was 5-0.**

**MDOT Radar Trailer Lottery** – Stu asked if the Board wanted to try again to get the speed trailer in town for a couple of weeks. Jo moved to authorize Stu to send a letter to the MDOT entering the trailer lottery. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Business Development** – Jo said the issue of extending the Time Warner cable down subdivision roads has been discussed, and it's an issue in many parts of town. She said the Board is interested in trying to make the town more attractive to business development. She said there have been multiple discussions with Time Warner. Kermit said in his neighborhood, they went to each neighbor to convince them to agree to sign up for cable service if it was extended there. He said persistence paid off. He said Time Warner recently agreed to extend service to Ice House Lane. He said they need to be organized, and the main hiccup in his neighborhood was inclusion of the satellite dishes in the survey. A short discussion followed regarding dishes.

Grace Nagiecka said they've started to organize with her neighbors on Lydia's Lane. She said the roadblock to running cable down their road is the franchise agreement between the town and Time Warner. Travis Jones said the agreement requires 15 homes per linear strand mile, and that's the roadblock. He said he was the only resident on the road since 2006, and he's had to rely on dial-up service, which he called ridiculously slow. He said more cell phone towers are going up, and he's hopeful that Red Zone Wireless might be interested. He said it's very frustrating not to have high speed Internet service.

Jo said the town is looking at a couple of things. She said the franchise agreement is a long way out. She said she went to the Selectmen's meeting in Hancock the previous night and there is a grant program they're looking into for extension of broadband access. She said there is discussion about a letter of support to Axiom Technologies to obtain a ConnectME grant. She said the Board is trying to look for ways to support expansion of broadband. She said broadband access is no longer an "extra" – it's a basic way to be in touch with the world. She said she wasn't sure what action to take except writing a letter. She said the bottom line comes down to cost. A discussion followed regarding the number of homes on Lydia's Lane.

Mr. Jones asked if it is a possibility to revisit the franchise agreement. Stu said the town could always ask and suggested requesting a meeting with Time Warner. Ms. Nagiecka said her son is a college student and the lack of high speed Internet puts him at a disadvantage. She said a lot of technology has changed in the past 7-years. Richard asked if Time Warner replies with that there would be no payback, would the Lydia's Lane residents be interested in sharing the initial cost. Ms. Nagiecka said it's very expensive. Mr. Jones reviewed how the road is set up. A discussion followed on the costs to run cable and the potential discussion topics with Time Warner.

Ms. Nagiecka said it would behoove Time Warner to wire up the road now instead of losing customers. Mr. Jones said the relationship between Time Warner and the wireless companies has been rocky. He said maybe Time Warner would be agreeable to re-working the franchise agreement if the town agreed not to seek a ConnectME grant. Richard asked if the Public Utilities Commission regulated cable TV. Stu said it does not – regulation is by the FCC.

Mr. Jones asked if a meeting is requested, would it happen in the next couple of months. He asked what they should expect. Stu said he would not be optimistic. Jo noted that

when the franchise agreement was approved, the cable TV access channel was a big focus, and that has proven to be a real asset. Mr. Jones asked where they would find out about a future meeting. Stu suggested he check the town website.

Mr. Jones asked what the status is with the Verizon Wireless tower. Stu said an easement agreement is awaiting the Selectmen's signature tonight.

Stu suggested that the Selectmen look into communicating with the Planning Board that perhaps requiring new subdivisions to run cable for high speed Internet be added to the building and land use ordinance. Mr. Jones said he would not have built his home had he known that high speed internet would not be available. Ms. Nagiecka said they would not have moved into their home had they known.

**Shellfishing Ordinance** – Richard said he missed the last meeting because he was told it was happening at a different time and he was not available. He said the meeting turned out to have taken place at the originally scheduled time after all, but he didn't know. Jo reported that the Selectmen in Hancock did not seem to have a positive attitude about the joint ordinance. She said they had a lot of questions, and their impression was that the state hopes that each town will have a special town meeting by the end of March, and that is doubtful. Richard said no one has said anything about special town meetings. He said there was a question when the last meeting he attended wrapped up whether things were ready for town meetings. He said the hope is to start selling licenses in June. He said all towns will have to vote on it, and depending on the timing of their annual town meetings, some may have to hold a special meeting.

Jo said the other issue with Hancock was the requirement for a recreational "peck-a-day" license. She said there was concern that recreational diggers wouldn't be able to get a license on the weekend. Richard said only commercial digging is limited on Sundays. He said it sounds like the Hancock Board might not have the details of the recreational license. He said the fee for a recreational license was discussed and it was felt it should be minimal. He said the reason for issuing the licenses is to be able to quantify the recreational impact on the resource.

Cynthia said Richard did a great job of explaining the situation at the Budget Committee meeting earlier this week. She said someone with knowledge of the program should explain it to each town. Richard said there needs to be enough time to hold a public hearing prior to town meeting to answer all the questions. He said he thinks there is plenty of time if votes come after the end of March. A short discussion followed regarding whether the Town of Hancock is on board with the program.

**Returnables Requests** – Jo said she wasn't sure how the requests are handled. Stu said it's been first come/first served. Jo asked if groups could switch months. Stu said maybe, if the groups are agreeable and the Selectmen approve. Jo said she would fill out a request for the 8<sup>th</sup> grade after the meeting. Jo moved to approve the requests for the next months available for the Historical Society and Cub Scout Pack 88. Kermit 2<sup>nd</sup>.  
**Vote in favor was 5-0.**

**Plowing Contract** – Selectmen reviewed the contract and made a couple of minor changes in the road listing. Jo moved to send the contract out to bid as proposed. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Copier Purchase RFP** – Stu noted the copier was broken, again. Jo said a copier is essential for operations at the town office. There was no objection to sending out for proposals for a new copier.

**Town Report Printing** – Kermit said he would favor using the same printer as last year so long as the cost increase is slight. There was no objection.

**Meeting with RSU 24 Superintendent of Schools** – Bill Webster handed out a sheet that outlined his areas of discussion. He said he had a similar discussion with the Local School Advisory Committee on Monday.

- **Challenges** - Mr. Webster said facing a state curtailment of \$877,000 to start the year was a tough way for the RSU to begin. He said there has been a perceived loss of local control, and it has been a tough climate. He said consolidation has been blamed for a lot, but there are some good stories to tell too.
- **Benefits** – Mr. Webster said the initial budget removed \$200,000 from the central office budgets of the combined systems. He said there had been a lot of duplication of services. He said the RSU identified areas to cut, and there were impacts on individual schools. He said they have retained all teachers and programs, and he outlined the various cuts that have been made. He said the RSU will make it through the year. He said if Lamoine had remained a municipal school department, they would have not benefited from the consolidation savings. He said the benefit of consolidation to Lamoine was about \$44,000, or two teachers. He said he wants to keep the money in the classrooms. Richard said with the levelized payment, there has not been much growth in Lamoine's cost. Mr. Webster said there are fewer students in Lamoine so the per student cost is higher. He said under the reorganization agreement, the surplus from last year has to go back to the towns by June. There was a short discussion about the education fund. Richard asked what the enrollment was at Lamoine's school. Mr. Webster said it was about 110. Mr. Webster said he is seeing a broader group of teachers working together, and that is a good thing educationally.
- **Mission** – Mr. Webster outlined the mission statement of the RSU
- **Audit** – Mr. Webster said the audit should be complete soon, and the monthly payment should be adjusted, probably downward, in March.
- **Budget** – Mr. Webster said the budget process is ahead of schedule compared to last year. He said they are shooting for May 26, 2010 for the RSU budget adoption and June 8, 2010 (the primary election date) for the validation vote. He said the budget meeting would be held at the Hancock Grammar School again. Richard asked if there will be an EPS reduction. Mr. Webster said there would. He asked what the Board has for a sense of the capability of the community to absorb tax increases. He said the RSU Board has cut a million dollars from the budget and they need to cut another \$1-million to offset state cuts next year. He said that does not take inflation into account. He said they're also waiting on

teacher negotiations, and many contracts will expire in the summer and discussions with the teachers have not yet begun. He said it is unlikely that a contract will be settled by August 31, 2010.

Richard said if Mr. Webster is trying to get a sense of where the town is on tax assessments, everyone is hurting. Gary said he would like to see lower costs on our end. He asked about sending students to MDI High School. Richard said he heard on the Local School Advisory Committee meeting telecast that some of the small schools are combining classes. He said as a taxpayer he would be interested in combining classes. Cynthia said Lamoine has a lot of shorefront and virtually no business, and the tax burden falls on the homeowner. Richard said the factored revaluation in 2005 hit the shorefront property owners hard. Jo said Lamoine feels it was a hard sell on consolidation. She said the school was run efficiently and there is a lot of frustration with consolidation.

Michael Jordan said if there is \$1-million more needed in taxes, Lamoine would pick up \$85,500. He asked Stu the impact on a \$200,000 home. Stu said it would be about \$60. Richard said the rate of property tax growth for schools has to be kept in perspective. He said Lamoine has the highest property tax rate growth in the region, and it's growing faster than most other towns.

Mr. Webster said he followed with interest the budget battle with the school a couple of years ago. He said he has the sense there is a dichotomy in town and he said there is one on the RSU Board. He said no one runs for school board with the intent of cutting program and staff. He said that is very painful. He said townspeople are hurting, and there has to be a way to figure out how to provide good education most cost effectively. He said a lot of things have been built into the budget over the years. He said small class sizes do not equal better education. He encouraged townspeople to provide guidance to the RSU representative.

Gary asked if there has been any consideration into consolidation of classes. Mr. Webster said the RSU Board has a minimum class size of 15 as optimal. He said they would look at the data in Lamoine. He said he knows there will be combined classes in other schools. There was a brief discussion of the funding formula. Cynthia asked what the maximum class size is. Mr. Webster said class size of 15-to-20 is optimal. He said there has been no discussion about cutting art or music. He said Lamoine has one day of guidance which it did not have before. He said there has been a lot of discussion about the pending retirement of Principal Val Perkins. Jo said that caused quite a furor. Mr. Webster said that's indicative of the money issues coming up. Richard said under the plan, Lamoine would not be the only town sharing a principal – Hancock would as well. Mr. Webster said he's heard no complaints from Hancock.

Jo said it's difficult. She said things have changed drastically and not positively from an administrative standpoint. Mr. Webster said Lamoine is a small school and the goal is to keep it open because it's an important part of the community.

He said it has to be run most cost efficiently to allow the school to exist. He said there could be a combination of middle school students with other schools. He said the last option on his list is to close a school.

Gary asked if a teaching principal has been discussed. Mr. Webster said administrators have a lot more responsibility than even 10-years ago. He said the classroom being taught by the principal pays a price if something comes up. A short discussion followed.

- **MDI High School Contract** – Mr. Webster provided an update on where things stand with the contract to send high school students to MDI High. He said there is about a \$400/student cost difference along with a 10% debt factor this year. He said only the RSU can negotiate with MDI High, but the towns end up footing the bill. He said there is no way the RSU will approve a contract with the debt service factor in, unless the town gives clear direction to do so. Richard said the MDI Superintendent has said that he might try to get close to the price of the RSU 24 schools for educating students. He said he has no problem with Lamoine students attending MDI High as long as it is on a par value with the RSU 24 costs. He said it's not appropriate for the taxpayers to subsidize those students attending MDI. A short discussion followed on who pays the difference – the community or parents.

Mr. Webster said MDI has presented a draft contract that includes the debt service factor. He said there are advantages to having a contract. He said MDI High is under pressure from the Town of Mt. Desert because of their high per-student cost. A short discussion followed about the MDI High contract and transportation issues. Cynthia said she agrees the town should not pay the 10% debt service factor, but it should pay the difference in the student cost. She said she is concerned that students already attending MDI would be placed at a disadvantage, and there should be plenty of notice if things are going to change. She said it is wrong to ask parents to pay. A short discussion followed regarding who pays and the cost to educate students at non-RSU schools.

Mr. Webster said he would be back in the spring with the budget numbers. Richard asked about state funding. Mr. Webster said it looks like the state will provide about 45% funding. Stu noted that doesn't mean RSU 24 will get 45-percent of its budget from the state –that's a figure for overall state funding.

Stu thanked Mr. Webster for the superintendent's office cooperation on the plowing bill and a joint software purchase. There was a brief discussion about deeding the school land to the RSU. Cynthia noted that Union 92 was collaborating well, and the RSU seems to be building on that strength.

**Letter of Support – ConnectME Grant** – Stu said he had called Axiom Technologies but had yet to hear back. Jo said they were not at the Hancock meeting the previous night. By consensus, the board agreed to table the matter.

**Town Meeting – Referendum vs. Open Meeting** – Jo said she had not had time to read the information on the issue and asked if that could be put off for another meeting. She said she didn't mind talking about it. There was no objection to postponing discussion. Stu noted that at some point a decision will need to be made whether to schedule an advisory vote by the town meeting.

**Town Report Draft** – Richard said he had several corrections and handed them in. Cynthia said she was picky about the Selectmen's report and handed in some changes. Discussion then followed on the referendum vs. open meeting question. Richard noted that he received a paper with signatures favoring town meeting by referendum, but did not bring them with him. He said he had a lot of e-mail on the matter.

**Town Meeting Warrant** – Cynthia asked about the recommendation printed on the library question and said there is some disconnect with the Selectmen actually discussing and recommending budget items. A lengthy discussion followed on which recommendations to include. The consensus seemed to be that recommendations from both the Selectmen and Budget Committee would be included.

**Veterans' Memorial – Military Piece** – Jo said the request to add a piece of military surplus comes from committee member Reggie McDevitt, and he worked diligently to see that the memorial was constructed, and he really wants to have something more. She said the Veterans' Memorial Committee is trying to respect Mr. McDevitt's work, but the committee has not had a formal meeting to consider this matter. She said Mr. McDevitt has researched the process, and it is quite complex, and there might be some cost involved. She said he felt he'd done as much as he could.

Kermit asked how big the piece might be and where could the town place it. Jo said the idea from Mr. McDevitt was to put it near the memorial to draw attention to the memorial. There was a discussion about the application process. Richard said he was not hugely in favor of a cargo truck, but he liked the possibility of a Howitzer. Gary said the Cole Museum might be helpful. Jo said she can't quite visualize the item, but she's trying to support a supporter of the memorial. She said the Veterans' Memorial Committee really needs to come up with a recommendation.

Gary said it appears the committee is looking for feedback. He said it might require town meeting approval, with a promise to maintain the equipment. A short discussion followed about maintenance. Jo said the Veterans' Memorial Committee is not up to the task. She said there is a lot of work involved, and they need more information before it goes to town meeting. Cynthia said the Memorial is handsome in its simplicity and is beautiful the way it is. She said she respects Mr. McDevitt's feelings. Richard said the town meeting would be the one to vote on this. Jo said a lot more information is needed. She said she would ask the Veterans Memorial Committee. Gary suggested the committee could meet with the Selectmen.

**Francis Drive Follow Up** – Stu reported that Code Enforcement Officer followed up the notice of violation with an inspection and found that refrigerators to be rendered non airtight. He said the CEO suggested no action until spring.

**Cell Phone Tower Easement** – Stu reported the cell tower company wanted to use a different path for the power lines to enter the property which follows the access road. He said the easement documents arrived this afternoon. Jo moved to sign the documents, Richard 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed the easements.**

Stu reported he received a call from a tower speculator earlier in the week about the possibility of erecting a 2<sup>nd</sup> tower in town. He said he advised that the Verizon tower had to follow the Building and Land Use Ordinance and the Site Plan Review Ordinance. He suggested it might be time for the Planning Board to look at specific review criteria for towers. Richard added that windmills may also be an area to review. Stu noted the MDI League of Towns is discussion uniform tower requirements, especially on Mt. Desert Island and within view of Acadia National Park.

Selectmen had no objection to communicating that to the Planning Board.

**Next Meeting** – Both Kermit and Jo were not available for the February 4<sup>th</sup> date. The meeting was changed to February 11, 2010. Kermit said he was not sure if he would be able to attend that evening.

**Executive Session** – Jo moved to enter executive session pursuant to 1MRSA § 405(6)(a) to discuss a personnel matter. Cynthia 2<sup>nd</sup>. **Vote in favor was 5-0 at 9:43 PM Out at 10:00 PM**

There being no further business, the meeting adjourned at 10:00 PM.

Respectfully submitted,

Stuart Marckoon, Adm. Asst. to the Selectmen