



## Lamoine Board of Selectmen

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### Minutes of January 20, 2011

Selectman Richard Fennelly called the meeting to order at 7:00 PM

Present were: Selectmen William Brann, Cynthia Donaldson, Gary McFarland, Richard Fennelly Jr., Administrative Assistant Stu Marckoon (Selectmen S. Josephine Cooper had informed the board she would be unable to attend due to a conflicting event).

**Agenda Review** – There were no changes to the printed agenda and no addendum.

**Minutes of January 6, 2011** – Several minor corrections were submitted. Cynthia moved to approve the minutes as corrected. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 14** – Selectmen signed warrant 14 for \$197,002.40. Stu noted that most of the cost is the school bill. Richard asked about the cost of the flood in December. Stu said there were no costs in Lamoine associated with that storm, but one in November cost about \$97 to fix a clogged culvert, and that bill was on the warrant. He noted that \$135,000 was moved from the investment management account to checking to cover the costs.

**Cash & Budget Report** – Richard noted that those municipal expenditures that were paid in full sort of skew the budget tracking. Stu noted that even with those, the town expense budget is running well behind the percentage of the year that has passed. A brief discussion followed.

**Hodgkins Trust** – Stu reported the Parks Commission is very interested in utilizing the funds from the Hodgkins Trust for the privy project at Bloomfield Park, and would like to get going on that this spring. He said the Budget Committee had recommended funding for the project in the 11/12 budget, and the Selectmen endorsed the project. He said an article would be needed at the March town meeting to shift it from the 11/12 budget to the 10/11 budget and to utilize the funds from the Hodgkins Trust. Selectmen had no objection to placing that article on the warrant. Bill asked if the budget committee would be advised. Stu said he would e-mail them, but doubted it would require a special meeting.

**Foreclosed Property** – Stu said the town meeting sets up the process for disposition of foreclosed property, and the next step would be to offer the subdivision lot to the previous owner, and in this case the subdivision developer, for all back taxes, fees and interest. Richard said the town is obligated to do that. There was a brief discussion about what utilization the property could have, including vernal pools.

**Investment Management** – Richard noted that some of the investments are earning some decent interest. Stu reported that the town didn't lose money on investments last month.

**Audit** – Stu said the FY 2010 audit was with the materials left with the Selectmen this evening. There was a discussion about the audit's undesignated fund balance figure

that does not coincide with the trial balance figure. Stu said he would check that. He noted that there was no management letter outlining recommended changes, and that's very positive. He said the amount of fixed assets fell sharply due to the statutory transfer of school property to RSU 24, even though no deed transfer has taken place. There was a brief discussion about the impact of the asset value reduction.

**Cable TV Matters** – Richard said this was Jo Cooper's request to discuss. Stu said he spoke with Jo and her concern was that there are some unrealistic expectations of the cable channel. He noted there was a problem with the playback of the previous meeting, and that was corrected. He said it's a pretty complex system to run, and it's not his highest priority. Richard said it's clear that people are watching the channel. Cynthia said Lamoine has a state of the art system, and asked how much more equipment might be needed. Stu said the money is coming in nicely from franchise fees, and the next project was to wire up the school for transmitting capabilities. A short discussion about wiring the school followed.

**Well Testing** – Stu noted that another resident in the neighborhood of the closed landfill has contacted the Maine DEP about testing their water. He said he did not agree to have the town test it unless ordered by the DEP. He said the e-mail correspondence is with the materials handed out tonight.

Stu also noted that the DEP does not require that the water filter system go out to bid. He said the only company on the list supplied by the DEP was Norlens in Orrington. He said he would like to get an estimate for the system from Norlens.

Cynthia asked how it was determined which wells to test when the landfill was closed. Stu said the DEP did that, and this well could not be tested because the home was vacant. Cynthia expressed concern in that the well probably should have been tested from the beginning. Bill asked how much testing costs. Stu said it's currently about \$450/well. Richard said it seems reasonable for the town to spend the money if this is one of the wells that should have been tested at the start. Stu asked who should make the determination – he said the DEP should probably be the one. Richard said that seems fair. Stu said he would indicate a willingness to test if the DEP instructs the town to do so. There was no objection to getting an estimate from Norlens.

**Recycling Processing Contract – Ellsworth** – Stu reported he and Jo met with the city manager and finance director in Ellsworth the day before. He said they wanted some figures regarding the number of trips and amount of recycling and that has been supplied. He said the Acadia Disposal District contract pays a base price plus 25% of the recycling revenue. He said Ellsworth does not take glass, because there is no market. He said the town awaits an offer. There was a brief discussion about recycling figures.

There was a brief discussion about Coastal Recycling and the issue of bringing the recycling to that facility. Selectmen said they would like to see what Coastal could offer. Stu said he would do that, and maybe have a more formal agreement proposed.

Cynthia asked for clarification of what the Board did in this regard last meeting. Stu said the board authorized the beginning of a negotiation with Ellsworth. Cynthia said that didn't mean contract approval. Stu said no, the Board would have to approve a final contract. Bill asked if Ellsworth is interested. Stu said they definitely are. He said it's a potential revenue stream for Ellsworth and potential savings for Lamoine

**Town Report** – The Board briefly reviewed the draft of the town report and offered some edits. Stu reported he has a lot more complete now that the audit report is in.

**Town Meeting Warrant** – Stu reported the Planning Board has proposed a number of changes to the Building and Land Use Ordinance and a change to other ordinances to let the Board of Selectmen set the fees. He said that would likely require several articles, though the Planning Board felt one article could take care of the fee issue. Richard asked what the deadline is. Stu said he anticipates having the warrant signed by February 3<sup>rd</sup>. The Board went on to review the various articles in a draft warrant.

**Job Descriptions/Policies** – Selectmen indicated they could use a new copy of the proposed job descriptions and general office policy for the next meeting. Cynthia remarked that there are an awful lot of job descriptions. Stu said he thought that was necessary in case some of the jobs are held by someone other than himself in the future. Cynthia suggested taking the references to the cross positions out and have each job description stand on its own. There was a very brief discussion about the editing process vs. the discussion process.

**Shellfishing Closure** – Richard said the memo with the graphic of the closure area presented to the Conservation Commission was well done. Stu said he believes the Conservation Commission met with Jim Norris and Paul Davis the previous night, but he did not hear the conversation.

Richard said the closed area will not fix itself if there is no work done to resolve the issue. Cynthia said she was confused about how the discussion was left at the last meeting. She said there was some indication that volunteers might look for the point source. Richard said no clear resolution was reached. He said the Department of Marine Resources (DMR) said the town could contact the Department of Environmental Protection in the past, but that option is no longer available. He said the expectation is that the Code Enforcement Officer is the party responsible for correcting malfunctioning systems. He said he does not understand the extent that the CEO is allowed to go onto private property. Stu said it could require a search warrant. Richard said the CEO could walk along the high water mark. He said the Shellfishing Conservation Committee is motivated to use diggers and their required time to seek out the break-outs. He said he didn't think the Selectmen have the jurisdiction to force diggers to conduct such a survey. He said if something is found, it could be passed along to the CEO for processing.

Cynthia said she was concerned by Martin's Cove and there was a discussion about who could test the waters. Stu asked what the municipality's role is at this point.

Richard said the CEO is responsible, but if he can't access private property, that's a problem. Stu said the CEO can act on a complaint.

**Marlboro Cemetery** – Gary said he's not yet organized a cemetery association meeting. He said the cemetery association has been an official organization since 1971. He said he intends to have a meeting within the month. Richard offered to help with by-laws if needed.

**UM Architecture Offer** – Stu said upon reviewing the information from the University of Maine, it appears to be a much larger scale design than he had anticipated. Richard asked if the overhang at the town hall entrance would be dealt with. Stu said it's proposed for the 11/12 budget.

**Solid Waste Bids** – Cynthia asked if the letter sent to the bidders for solid waste and recycling transportation was a usual method of operation. Stu said because the Selectmen did not pick the apparent low bidder, he felt a more in-depth explanation was in order. He said he expected phone calls after the bidders got the notification, but none came in.

**Next Meetings** – Richard said the schedule puts the next meetings as February 3 and 17, then March 3<sup>rd</sup> with town meeting March 15<sup>th</sup> and 16<sup>th</sup>, and an organizational meeting on the 17<sup>th</sup>. He asked if February 3 was the town meeting warrant signature date. Stu said that was his plan.

There being no further business, the meeting adjourned at 8:02 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.