



Lamoine Board of Selectmen

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Minutes of April 19, 2012

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

Present were: Selectmen William Brann, Gary McFarland, Richard Fennelly Jr., S. Josephine Cooper, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Deputy Code Enforcement Officer & Assessor Michael Jordan, and Local School Advisory Committee member Gordon Donaldson.

Agenda Review – Michael Jordan suggested taking the RSU 24 vote matters ahead of the MUBEC issue as he intends to stay until the end of the meeting anyway. Gordon Donaldson said he was present as a Local School Advisory Committee member to address questions about the upcoming RSU 24 withdrawal vote.

Minutes – April 5, 2012 – Richard said he found one minor error. Jo moved to approve the minutes with that correction. Richard 2nd. **Vote in favor was 4-0** (McFarland abstained).

Expenditure Warrant 20 – Selectmen signed warrant 20 in the amount of \$193,547.31. Stu reported \$173,000 was the school payment, and another \$3,200 or so was for motor vehicle registrations. He said he did the annual water testing yesterday resulting in payments to the UPS store for shipping and the Lamoine General Store for ice. Richard asked about the pump on the fire truck, noting it appears it was fixed. Stu said it was and thanked firefighters Doug Jones and Joe Young for traveling to Island Falls to retrieve the truck. Bill asked about the bill for magnets. Stu said they were for two new signs at the transfer station that attach to the roll-off recycling containers.

Cash & Budget Report – Stu reported excise tax collections were pretty good earlier today.

Investment Reports – Selectmen noted that the reports from The First Advisors and the Hodgkins Trust Fund were posted on the town's website.

Sweeping Bids – Selectmen opened the bids as follows:

Bidder	Price
TGP Enterprises (Downeast Supervac)	*\$3500
TGP Enterprises (Downeast Supervac)	*\$2300
Richard McMullen	\$4000
George Crawford	\$4000
Richard Snyder	\$1750

*The higher price for Downeast Supervac was to pick up and remove the sand; the lower price was to push off the road.

A brief discussion followed on the experience of the bidders. Jo moved to award the bid to Mr. Snyder contingent on receipt of proof of insurance. Bill 2nd. **Vote in favor was 5-0.**

Small Harbor Improvement Grant – Stu said he spoke with Jay McIntosh of Lamoine State Park to see if there was any interest in pursuing a grant application with the DOT on any project at the boat ramp. Richard said he would contact George Powell to see if there are things that might qualify for funding. Stu said he would follow up with Mr. McIntosh and thought a state/local partnership might be seen favorably.

Invitations – The Selectmen were invited to tour the Acadia Gateway Center in Trenton on May 4th as it officially opens. Richard asked what the building was. Stu reported that it's the new headquarters for the Island Explorer Bus system, and it's mighty impressive.

Stu reported an Elected Officials Workshop is being put on by Maine Municipal Association on June 28, 2012 in Bar Harbor. He encouraged board members who've not attended in the past to do so.

RSU 24 Withdrawal Vote – Gordon Donaldson said the Local School Advisory Committee decided someone ought to attend the Selectmen meetings to keep communications going through the special town meeting referendum. He handed out updated information which he said was the next edition based on the information that surfaced after the last school forum meeting this month. He said there is a correction that needs to be made in regard to per-student spending.

Richard asked if the per-student spending increase is due to declining student numbers. Dr. Donaldson said partly and partly due to other towns receiving EPS funding from the state while Lamoine does not. Richard said that state funding is rolled into the RSU on behalf of each town and is an offset to running the RSU and plays into the formula for the RSU assessment. He said it seems immaterial that Lamoine no longer receives state funding, as the state funding received by the RSU is spread across all member towns.

Dr. Donaldson said it doesn't work that way. He said the money does not flow into the RSU coffers and then the remainder of the budget is split up. He said the money starts at each town, and Lamoine is not eligible for any state funds, while two towns down, they are. He said the state aid calculation is done by individual towns. He said the money does go into one pool and can get redistributed through the state funding formula so that Lamoine could benefit, but the figures show we are not, based on the per-student cost.

Richard said he was told by RSU 24 Business Manager David Bridgham and Jim Rier at the State Department of Education that Lamoine and Ellsworth are the beneficiaries of the RSU setup. Dr. Donaldson said he would like to see the figures. He asked what happened to the response to the letter from the Selectmen to the RSU asking for how much is benefitting Lamoine kids. He said the key question is whether Lamoine is getting more benefit than the town is paying in. He said he's not seeing that. Richard said he can't understand any motivation to be told about the benefit if that is not the

case. He said it might be beneficial if some of the Selectmen and the Local School Advisory Committee met with Mr. Rier to get the facts and figures.

Jo said the Selectmen received information from the RSU via e-mail. Stu said it was not very useful – it was mostly the copy of the annual audit.

Richard said he would like to nail down how the formula application is calculated based on population and valuation. He asked if Dr. Donaldson knew how it works. Dr. Donaldson said he wasn't sure, and a brief discussion of the formula followed.

Richard asked about programming, and why the Local School Advisory Committee has not forwarded any requests to the town for funding additional programs that might not be offered by the RSU. He asked why the town is chasing withdrawing instead of asking for funding. Dr. Donaldson said it's more complicated than asking for specific programs. He said he sees this as taxation without representation. Richard said the town is represented. Dr. Donaldson said 70-percent of the town's property taxes are represented with one representative. He said the RSU Board is not responsive to the needs compared to the previous school committee, when decision making was done close to where it applied. He said some citizens think the town can do better on its own. Richard said better can be a lot more costly. Dr. Donaldson said it could be less costly. A discussion followed regarding representation.

Jo said it's difficult when you can't get the information. Gary said the Selectmen can't get the figures out of the RSU 24 office. Dr. Donaldson said there were good questions regarding the education quality issue raised at the previous forum. He asked Stu if he could re-send the financial information provided by the RSU.

Cynthia asked Richard about his conversation with Mr. Rier, and whether the assertion that Lamoine and Ellsworth were "making out" had to do with the RSU picking up the debt in both communities. Richard said he didn't know, but that Mr. Rier said that in a very assertive way. He said he would be happy to arrange a meeting with Mr. Rier. Cynthia said she would like to have a set list of questions prior to any meeting.

Dr. Donaldson noted there was a petition circulating in Ellsworth. Stu reported that the city council in Ellsworth voted to put the withdrawal question to voters on June 12th, the same day that Lamoine and Hancock are voting.

Dr. Donaldson asked if there were other questions to put into the mill for the school forum on May 7, 2012. He asked Selectmen to get the questions to Stu, and the next Local School Advisory Committee meeting is April 30, 2012.

Fire Department Boiler – Stu reported the Fire Chief tells him that the Chief Engineer for the department is working on a set of specifications for the new boiler. He said he would keep pressing for a set of specs to go out to bid.

Town Hall Gardens – Stu said he drafted up a specification of work to be done on the flower beds at the town hall. Richard said he'd prefer to see just the landscape timbers

replaced and produced a local flyer with prices. Cynthia said she would volunteer to help with a walking area around the flag pole. Stu and Cynthia agreed to try the project themselves.

MUBEC Concerns – Deputy Code Enforcement Officer Michael Jordan said the issue came up more than a year ago in regard to Lamoine’s enforcement of Maine’s Uniform Building and Energy Code (MUBEC). He said nothing in the state law has changed except that the enforcement threshold has increased from a population of 2,000 to a population of 4,000. He said the way the town’s ordinances are written require Lamoine to comply with MUBEC by September 28, 2012.

Richard asked what had changed in Lamoine’s ordinance to require compliance. Mr. Jordan answered that nothing had changed, but noted sections of the ordinance make it a requirement to comply. He cited the section that requires wall covering prior to obtaining a certificate. He said wall coverings are a part of MUBEC and said the inspection would have to be to MUBEC standards, forcing the town to abide by the code. He said a certificate of occupancy is required, which also requires that the town abide by the MUBEC code.

Mr. Jordan said Gary was going to get hold of a gentleman to come talk with the Selectmen. Richard said he thought the board said it’s not required that the town enforce MUBEC and the Selectmen were not going to go down that road. He said if the town can’t issue a Certificate of Occupancy, it shouldn’t. Mr. Jordan said that would require an ordinance change, and read more excerpts from the building and land use ordinance. Richard said because something is contained in the Lamoine ordinance does not obligate the town to enforce to MUBEC. A discussion followed.

Jo asked if the Planning Board has looked at this. Mr. Jordan said the Planning Board only wants to play with gravel pits. He said a questionnaire that was sent out last year did not address the MUBEC questions, though he had suggested it.

Richard said if the issue is a certificate of occupancy that could be put before the town and left to the town to decide it. Jo said she would like an authoritative opinion, and she’s not sure where to go for an answer. Richard said towns with a population of less than 4,000 are not required to enforce MUBEC. Gary said it sounds like some parts of the Lamoine Ordinance are the same as the MUBEC requirements, but they are not the same. He said the gentleman he knew charges \$50/hour and felt other towns could be brought in on the discussion, as well as the Planning Board. He said the consultant suggested that Lamoine get on his schedule. He said he’s not sure how to handle setting up a meeting.

Richard asked where Hancock is in the process. Mr. Jordan said they rewrote their ordinance to remove the conflicts with MUBEC. Jo said the town needs some people working to clarify things. A short discussion followed.

Stu suggested sending the town's ordinance to the consultant for review and suggested changes. Jo said Mr. Jordan could highlight his concerns. Mr. Jordan read some more from the ordinance and more discussion followed in regard to MUBEC.

Jo said Mr. Jordan's concerns were excellent, and asked that he highlight the areas of the ordinance that raise concerns so that the town could get an opinion. She said she didn't want to leave the town responsible for something it doesn't want to be responsible for. Richard said his first question would be is whether MUBEC is applicable to towns under 4,000 population or whether towns of that size are just not required to inspect for MUBEC standards. A short discussion followed.

Jo asked if Gary could get hold of Michael Lessard, the consultant. Mr. Jordan asked why he was the only one who cares about this matter, and not the regular Code Enforcement Officer. A brief discussion followed.

Budget Committee Resignation – Jo moved to accept with regret the resignation of Hubene Brodie from the Budget Committee. Richard 2nd. **Vote in favor was 5-0.** Jo said she would like to talk with Mrs. Brodie about some concerns that were raised in her letter of resignation. She said she was surprised to read them, and would like to better understand what she was referring to.

Road Projects – Jo moved to approve the list of spring road projects submitted by the Road Commissioner. Richard 2nd. **Vote in favor was 5-0.**

Returnables Request – Jo moved to assign August 2012 to the Lamoine Grange. Gary 2nd. **Vote in favor was 5-0.**

Mowing Estimate – Selectmen expressed no objection to the price increase to mow the various lawns from Richard McMullen.

Next Meetings – The Selectmen meet next on May 3rd and 17th. Jo said she has some conflicts on both nights, and cannot make the 3rd. The June meetings are scheduled for the 7th and 21st. Selectmen agreed to meet on July 12th.

Other – Cynthia said it would be useful to be able to retrieve information from previous meetings through an electronic search process. A brief discussion followed.

Stu reported that he has inquired from the Secretary of State's office whether there has been any standard set for voting machines. He noted that in the previous gubernatorial election the three teams of ballot clerks were up until 4:30 AM counting, and it was brutal. He said the requirement that each lot be counted twice is burdensome. Bill asked about the potential cost. Stu said he suspects in the \$3,000 range, which is doable and if there is something that is available, he would suggesting asking the next special town meeting to fund it.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §401(6)(a) for the purpose of conducting the annual job performance review and

contract negotiations with the Administrative Assistant. Richard 2nd. **Vote in favor was 5-0 at 8:12 PM. Out at 9:03 PM**

There being no further business, the meeting adjourned at 9:03 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.