



# Lamoine Board of Selectmen

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

## Minutes of May 7, 2012

Chair Jo Cooper called the meeting to order at 8:11 PM at the Lamoine Consolidated School gym. This meeting was rescheduled from May 3, 2012 due to the lack of a quorum able to attend that meeting. The meeting was recorded by Lamoine Cable TV for playback later on the cable channel.

Present were: Selectmen S. Josephine Cooper, Cynthia Donaldson, Gary McFarland, Richard Fennelly Jr., Administrative Assistant Stu Marckoon, RSU 24 Superintendent Suzanne Lukas, RSU 24 Business Manager David Bridgham, Deputy Code Enforcement Officer Michael Jordan. (Selectman William Brann had notified the board that he was unable to attend).

**Agenda Review** – The RSU 24 superintendent and business manager were present to discuss the 2012-13 school budget. The RSU 24 withdrawal question had been discussed at a school forum prior to the Selectmen’s meeting.

**Minutes of April 19, 2012** – Cynthia had one minor correction to the draft (“o” to “of”). Gary moved to approve the minutes as corrected. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 21** – Selectmen signed warrant 21 in the amount of \$48,770.57.

**Cash & Budget Report** – Stu reported excise tax collections have started to pick up and after today’s business, the amount is less than \$20,000 behind the anticipated collections for the year. He said many more vehicles come due in May and June and he’s seen a lot of new car plates on the road recently.

**RSU 24 Budget** – RSU 24 Business manager David Bridgham handed out printouts of the proposed budget for 2012/13. He noted the presentation format is similar to the old Union 92 presentation. He said often schools refer to “falling off the cliff” because of cuts in state and federal subsidy. He said the RSU anticipated the drying up of those funds and has been able to step down the budget for the next year to some extent. He said the RSU board has been working since last September on the budget, and it looks like the total local appropriation will increase 3.8%.

Mr. Bridgham explained the EPS formula and the local additional funding formula which will have to be reconfigured in 2015. He said Lamoine’s share of property taxes for the budget is proposed to decrease by roughly \$13,000.

Mr. Bridgham ran through the various cost centers in the handout, and said the food service program may become self sufficient in the near future. He said the total budget is \$1.5 million less than the combined budgets of the various districts when the RSU formed in 2009. He noted that there is no federal funding for the coming year, and the balance forward amount is down, and that, in total, the district has lost \$3-million dollars in state and federal funding. He said if the savings are added up over the 3-years of the

RSU's existence compared to the cost of education in all parts of the school unit in 2009, there will have been a savings of \$8.6 million dollars.

Cynthia asked why Lamoine is so different from other municipalities within the RSU. Mr. Bridgham said the way valuation and student population impacts each town has been favorable to Lamoine. RSU 24 Superintendent Suzanne Lukas said Lamoine is a minimum state receiver, so no state funds are being lost, keeping the tax rate relatively stable. Mr. Bridgham said the student population in Lamoine is decreasing. He went on to explain the history of the cost center pages from the handout.

Mr. Bridgham said there are some projects planned for the Lamoine School building, including a new intercom and monitored fire alarm system along with a new hood in the kitchen. He said the RSU has received approval for a \$2.9 million dollar construction bond for energy savings and air quality. He said engineers have been in every building and have put together a plan to utilize that money. He said that will affect every building in the school district, and the hope is to get that out to bid this summer. He said they're waiting for bond counsel, and the impact of the potential withdrawal votes may have an impact on the bonding capabilities. He said one of the RSU goals is to get a handle on energy use and air quality. A brief discussion followed.

Ms. Lukas said the RSU has struggled with fuel and health insurance costs, and they've absorbed cost increases attributable to bus drivers. Richard asked if the RSU has looked at increasing the deductible for health insurance along with an HRA account. Ms. Lukas said the collective bargaining agreements may preclude that, but they are monitoring the situation. A brief discussion followed.

Ms. Lukas said the RSU is in the strategic planning process and collecting data over the first 3-years of the RSU's existence in an effort to come up with a 10-year plan. She said she is very impressed by the RSU having come here from Southern Maine. She said the RSU is involved in some cutting edge programs.

Mr. Bridgham reminded the Selectmen that the RSU 24 budget meeting is set for May 23, 2012 at the Mountain View School in Sullivan.

**MUBEC** – Stu reported he printed off a sheet of training slides for Code Enforcement Officers and a statute page regarding the Maine Uniform Building and Energy Code (MUBEC) at the request of Deputy Code Enforcement Officer Michael Jordan. Mr. Jordan said his purpose was to show that the state has adopted MUBEC and anything built has to be built to MUBEC standards. He said enforcement is the confusing issue. He said a town cannot make up its own code, and cannot pick and choose which portions of MUBEC to enforce. He said the town either has to adopt MUBEC or not enforce any building code. He said the Lamoine Building and Land Use Ordinance (BLUO) states, for example, that walls have to be covered, and that standard is included in the MUBEC standard. He said that should not be in the Lamoine BLUO.

Richard said he understood Mr. Jordan's point. Mr. Jordan said Section 3 of the Lamoine BLUO says the town has a building inspector and that the inspector must abide

by state standards. He said that needs to come out – the town should only be enforcing land use and plumbing standards.

Cynthia said she was confused. She said the town has not changed its ordinance to be in sync with MUBEC and asked if that means the town is obligated to do what MUBEC says. Mr. Jordan said he believed that was the case. He read the scope section of the Lamoine BLUO dealing with the building inspector.

Richard said the exemption in the statute does not mean the town has to enforce MUBEC. He said Mr. Jordan seemed to be making his job more difficult because he has to inspect to the state standard and not the town code. He said he needs to understand what the correct answer is to the question that if the town is not required to enforce MUBEC is the building inspector required to inspect to MUBEC standards. Mr. Jordan said several things need to be removed from the ordinance. Richard asked what the process is to begin to remove those, and if it starts with the Planning Board. Mr. Jordan said ultimately it is the decision of the Selectmen. Richard asked if the Planning Board is comfortable enough to identify the areas that need changing. Gary asked if this has been put before the Planning Board. Mr. Jordan said he mentioned it last August, but the Planning Board has been focused on potential changes to the Gravel Ordinance. He said the town has not been surveyed to see if it wishes to fall under MUBEC.

Richard asked if it would be helpful to hold a workshop with the Planning Board. Jo said she understands what Mr. Jordan is saying, and she wanted to know if it is necessary to remove language from the BLUO. Richard asked whether it makes any difference to have the language in the BLUO if the town is not enforcing it because the population is less than 4,000. Mr. Jordan said he didn't believe this had to be on the fast track to fix. He said there was something about a deadline of July 1<sup>st</sup>. He said the problem comes with issuing a certificate of occupancy and there is a potential for lawsuits if the town is unable to issue one.

Richard suggested that perhaps the construction permit application could state that the town is not required to enforce MUBEC. He asked if Mr. Jordan could prepare a list of the areas the BLUO needs to be changed. Mr. Jordan said he's highlighted those areas. A discussion followed on presented the suggested changes to the Planning Board at its next workshop later in the month.

Richard asked if a request should be sent from the Selectmen to the Planning Board or if it should go through Mr. Jordan to the Planning Board. There was consensus the Selectmen should communicate directly with the Planning Board. Cynthia said a list from Mr. Jordan would be helpful. Jo said the Selectmen would communicate the potential list of changes to the Planning Board. Richard suggested that communication could be completed prior to the May 15, 2012 workshop.

**Small Harbor Improvement Grant** – Stu reported he has received no further guidance from Lamoine State Park. Richard reported he has not had communication from George Powell on the matter. Stu said the deadline is Friday, and since there has been no communication, a letter of intent will not be sent.

**Fire Department Boiler** – Stu reported the final draft of the specs for the boiler was distributed with the Selectmen’s material this evening and he and the chief engineer of the fire department had gone over it extensively. Selectmen had no objection to sending this out to bid as specified.

**Website – Search Capability** – Stu said this was a follow up from an inquiry the previous meeting. He said when he googled particular items, they came right up to the meeting minutes where it was discussed, and it seemed to work well. A brief discussion followed.

**Illegal Dumping** – Stu reported someone apparently disposed of a swimming pool water filter system on the former landfill road. Selectmen asked if the road was gated. Stu said it is, but the disposal area was before the gate. He asked if the board wished to have this reported to the forest service – there didn’t seem to be any traceable evidence and it had been there for a while. He said it would take just a few minutes to pick up and dispose of at the transfer station. Selectmen advised to just pick it up and dispose.

**Commercial Trash Hauler Application** – Stu reported that he had not received an application from Russell Boynton Jr. and that his suspension ended at the end of April. He said he would remind Mr. Boynton.

**Administrative Assistant Contract** – Selectmen said they had not had a chance to look over the proposed contract and would prefer to review it at the next meeting.

**Checking Account Reconciliation** – Selectmen said they had no questions regarding the reconciliation of the checking account that was e-mailed on May 1<sup>st</sup>. Stu said he did not print the acknowledgement form to bring to the meeting.

**Returnables** – Jo moved to assign the proceeds from the returnables left at the transfer station to the Pee Wee Cheering team for September 2012 and the Frenchman Bay Riders Snowmobile Club for October 2012. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Paving** – Stu reported that Lane Construction won the bid for \$79.20/ton, which was significantly less than what was budgeted. He said Jay Fowler is finishing up preparation on Shore Road, and paving may be ready to do this week. Jo moved to sign the contract with Lane. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.** Jo signed the contract.

**PERC – GAT Trade** – Stu recommended that the guaranteed annual tonnage the town is obligated to send to the PERC plant remain at 600-tons. Selectmen agreed that no trade was needed.

**Boston Post Cane** – Stu reported that the cane holder, Merrill Boynton, passed away the previous week and the cane has been returned to the town hall. He said the next in line is June Davis who will attend the June 7, 2012 meeting to receive the cane.

**Legislative Policy Committee – Maine Municipal Association** – There were no takers for the nomination.

**Town Hall Garden** – Cynthia said she hoped to use 8<sup>th</sup> graders who donated their time in an auction for yard work to complete some work on the town hall gardens. She said she has been in touch with Selectman Brann's son who is one of the team, and it will get done.

**Next Meetings** – Jo read the meeting schedule from the agenda, including the next meeting on May 17, 2012, and a public hearing on the RSU 24 withdrawal question on May 30, 2012.

There being no further business, the meeting adjourned at 9:15 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen