



Lamoine Board of Selectmen

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Minutes of March 7, 2013

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

Present were: Selectmen Richard Fennelly Jr., Cynthia Donaldson, S. Josephine Cooper, Gary McFarland; Administrative Assistant Stu Marckoon, Pam Ouellette and friend, Mark Deckers, Selectman candidates Bernie Johnson, Chris Norris and Nate Mason.

Agenda Review – There were no changes proposed to the printed agenda or addendum.

Minutes of February 21, 2013 – Cynthia moved to approve the minutes as written. Gary 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 17 – Selectmen signed the warrant in the amount of \$392,873.16. Stu noted that \$200,000 was a transfer to the investment account, and \$172,000 was for the RSU 24 bill.

Cash & Budget Report – Stu noted the excise tax line has started to pick up a bit. Richard asked about the number of plowing events and whether the escalator might kick in this year. Stu said it is higher than last year, but still around 30 or so. A brief discussion followed. Jo asked if the town office entrance project was finished. Stu said a can of paint might still be needed.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation that was e-mailed earlier in the week.

Tax Acquired Property Sale - Stu reported that 7-bids had been received prior to the deadline. Cynthia asked for an explanation of the tax acquired property process. Stu explained that once a tax lien has been unpaid for an 18-month period, the ownership automatically forecloses to the municipality. He said town meeting gave the authority to the Selectmen to offer the property first to the prior owner for payment of all back taxes fees and interest, and if they decline to offer it for sale at auction, which was done in this case.

Jo noted that Pamela Ouellette, the former owner, had called each Selectman to express interest in getting the property back. She said the town is not in the business of taking people's property. She noted that Stu spoke with Ms. Ouellette several times during the foreclosure process. Ms. Ouellette said she was not notified of the impending foreclosure. Stu said that he had sent the required notice by certified mail and it was not claimed. He said when he got notice from the post office that the mail was not claimed he sent the same notice via first class mail and the letter was not returned. He said he

did the same thing with the letter offering the property for sale for all back taxes, fees and interest and received a call from Ms. Ouellette during that time. A discussion of notification dates followed.

Jo noted the Selectmen do have the right to accept or reject any and all bids. The board then proceeded to open the bids and read them as follows:

Bidder	Amount
T. Banach	\$18,575.00
N. Mason	\$5,150.00
E. Grohoski	\$16,415.00
J. Blackburn	\$3,507.00
M. Deckers	\$5,800.00
E. King	\$3,972.69
P. Ouellette	\$3,000.00

Jo said she was uncomfortable with the situation. She said it was an unfortunate series of events, and she's not sure whether the higher price makes that much of a difference to the town. Richard said had the property not been put out to bid, the Board would not have to go through this process. Gary said he's not interested in taking people's property, but the board did follow procedure. Jo said the board has the option of making a decision that has nothing to do with the price. Richard said if the bids had not been opened, he would be more inclined to favor that option. Cynthia said the advertisement was written that the board could accept any bid, but it is not written anywhere that the highest bid must be accepted. Richard said that could open a door of concern. Jo said her concern is for the former landowner. Gary said he tended to agree that the award does not have to be tied to the price.

Jo said she is concerned that taxpayers are favorably affected, but this situation is not intended to offset property taxes. Cynthia said the situation is uncomfortable for all of the board. Jo moved to award the bid to Pamela Ouellette for \$3,000.00. Cynthia 2nd.
Vote in favor was 3-1 (Fennelly opposed).

RSU 24 Withdrawal - Gary reported that the RSU Withdrawal committee met last week and they are working to reorganize the next move. He said the committee is working to figure the repayments due to the RSU and from the RSU. He said the Lamoine committee plans to attend the Ellsworth withdrawal committee meeting next Tuesday night. He said signing an agreement with RSU 24 hinges politically on the next move by the City of Ellsworth. He said he might know something more in time for a report to the town meeting.

Gary said the committee cannot say that they are close to signing a proposed withdrawal agreement, but they are working toward that. He said the process has taken 8-months and if it takes much longer, another extension will be needed. He said they still hope a vote can be scheduled for June.

Gary said it was asked at a previous meeting how many other towns have withdrawn, and he believed the number to be 5-or-6, but another 30 are in the process. Stu noted the Glenburn and Veazie had indeed completed the final withdrawal vote.

Richard asked if there were any cost comparisons yet available. Gary said they're still gathering figures and those will be available before any final vote. He said the committee plans to hold two informational forums in addition to the required public hearing prior to the town meeting vote. He said they are now on the 15th draft of a withdrawal agreement.

Jo asked if the school organization for Lamoine would hinge on what Ellsworth and Hancock do. Gary said it wouldn't because the town would have to come up with figures based on what it would cost to stand alone as a school department. He said the withdrawal committee could not come up with all the various scenarios. He said going it alone is not advisable but it's what the committee has to base its figures on. Richard asked if the town said yes to withdrawal and the other communities did not, Lamoine would have to go it alone no matter what. Gary said that would be correct.

Jo asked if there will be figures in a timely fashion. Gary said yes. He said teacher contracts must be handled along with several other contracts that have to be honored. Richard asked if that would mean double contract payments for a while. Gary said only for the contract amounts that Lamoine is liable for. He said Lamoine would have to hire a Superintendent – that cannot be avoided. He said if the vote should pass in June, the legal withdrawal date would be June 30, 2014.

Richard asked about Superintendent's staff. Gary said there would be some administrative costs. Chris Norris asked if the town withdrew from the RSU, would that affect the extracurricular sports programs. Gary said that shouldn't change and a brief discussion followed.

Gary noted that Lamoine's portion of the RSU bill is 8.1%. He said if Lamoine withdrew, the cost would likely exceed that 8.1%, so it would help to align with another town. Richard asked if Lamoine were to go alone, would special education costs be entirely borne by the community. Gary said that was correct. Richard asked if the insurance would cost more. Gary said that was correct – it would be like running the school prior to joining the RSU. He said he hoped to have a little more information for town meeting.

Jo said it's a lot of work for the committee. Nate Mason asked if anything has been done by the Legislature in regard to the voter turnout requirement. Gary said not that he knows of – he planned to call State Representative Richard Malaby. He said the law requires a 50% plus 1 turnout, and if the turnout is not high enough, the withdrawal could not go through. Stu said it would probably have to be an emergency piece of legislation to be in effect for the possible June vote. A brief discussion followed on the potential legislation.

Other – Gary noted that the three candidates on the ballot for Selectmen were present at the meeting. Each of the candidates introduced themselves to the current board.

There was a brief discussion about running for office and that the present board is pleased to have candidates for the open seats.

Town Meeting – Stu reported that he sent a .pdf file of the power point for town meeting which is better looking than the printout because the background pictures are shown. He also noted that only three absentee ballots have been cast.

State Budget Resolve – Stu noted that just prior to the previous meeting the Town of Hancock sent a resolve expressing concern about the governor's proposed budget and the board wished to discuss it at tonight's meeting. A discussion followed on where the proposed resolve language had originated.

Richard said he was of the opinion that such resolves don't have much impact – they just use up paper. Jo said she was reluctant on such resolves. Cynthia said stating what one thinks is important. Richard said he has already done this as a private citizen. Cynthia said it's not so much about effectiveness as it is about making a statement as a municipal officer. Richard said he did feel strongly about the state shifting costs to municipalities. He said it irritated him that if the state is acting irresponsibly and then shifting that cost to the towns. He said he's not received a lot of feedback on the issue.

Cynthia moved to sign the resolve. Jo 2nd. She said she didn't want to spend a lot of time on it. **Vote in favor was 3-1 (Fennelly opposed).**

Open Space Report – Stu noted that the Conservation Commission has completed its open space report. Cynthia said she found it to be interesting reading and fabulous work. She said she would also like to see a map of what property around town is municipally owned.

Hodgkins Scholarship – Stu reported the scholarship applications are now available and there is about \$19,700 available for distribution. He said he would post a link on the town's website.

Department of Marine Resources Shoreline Survey – Stu reported the DMR is conducting a shoreline survey in Lamoine to identify malfunctioning septic systems. Richard said he would like a copy of the letter to bring to Monday's meeting of the Joint Municipal Board for Shellfishing.

Overweight Permit – Stu reported Haslam Septic has obtained a permit to operate on posted roads in Ellsworth for emergency septic maintenance. He said Buttermilk Road is posted, and asked if there was any objection to granting the same permission. The board did not object.

Other – Richard suggested that appointment of a member of the joint municipal board be placed on the next agenda. He said that the town meeting is voting on the article to change the ordinance to allow for a non-municipal officer to be appointed. He said he would be willing to serve and feels strongly about the joint board. Richard noted that the joint board should adopt its budget on Monday.

Thank yous – The board expressed its gratitude to Richard for his service over the past 8-years. Stu said he would circulate a card to thank Nancy Jones for filling in while town clerk/tax collector Jennifer Kovacs was on maternity leave. Nancy's last day will be tomorrow.

Next Meetings – Jo said the next meeting is Town Meeting on March 12 & 13 followed by the organizational meeting on March 21, 2013. Cynthia noted that she will be unable to attend the March 21st meeting.

There being no further business, the meeting adjourned at 8:06 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen