



Lamoine Board of Selectmen

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Minutes of April 3, 2014

Chairman Gary McFarland called the meeting to order at 7:00 PM.

Present were: Selectmen Jo Cooper, Gary McFarland, Bernie Johnson, Nathan Mason, Heather Fowler; Administrative Assistant Stu Marckoon, Harvey Griffin, School Committee member Michael Brann, Code Enforcement Officer Michael Jordan, Steve Salsbury, Lynne Hutchinson and Val Sprague

Agenda – No changes were proposed to the printed agenda. There was no addendum.

Minutes of March 27, 2014 – Gary proposed one spelling correction to the minutes. Bernie moved to approve the minutes as corrected. Nathan 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 19 – Selectmen signed the warrant in the amount of \$180,966.57. Stu noted the bulk of the warrant was the RSU 24 payment of over \$167,000. Nathan asked about the school transition budget. Stu reported it was about 38% expended.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation which was e-mailed to the Board on April 1, 2014.

Excise Tax Report – Stu printed off the quarterly excise tax report. He noted that the past couple of weeks had seen a marked increase in excise tax activity and that the revenue report now showed the town in the black.

Disposition of Tax Acquired Property – Gary recalled the board spoke with former property owner Harvey Griffin last week and that \$6,287.21 was owed. He said a motion to sell the property back to Mr. Griffin last week ended with a tie vote. He said no other action was taken that evening. Jo said she was concerned that Nathan wasn't present when the vote was taken and agreed to revisit the matter on tonight's agenda. Nathan said he had read the minutes of the meeting.

Harvey Griffin said the property had been owned by his family since the 1940's and he would hate to lose it. Jo said a tax bill is due every year and everyone in town makes an effort to pay. She said non-payment does not help attempts to lower tax rates. She said she was concerned about setting a precedent if the property were sold back to Mr. Griffin after going ahead with the foreclosure process. She said her concerns from the previous meeting have not changed.

Heather said she took what Mr. Griffin said last week into consideration and hopes she doesn't see him under the same circumstances in the future. She said it appeared to be a lapse in judgment. Mr. Griffin said it was. He said he'd never had to pay property taxes before and didn't realize how serious it is and that the process had gotten away from. He said he didn't know he'd gotten so far behind. A brief discussion followed about not opening certified mail.

Bernie said he understood Jo's concern about setting precedent. He said the town hasn't evicted anyone and put it up for auction, so if the precedent is showing a little compassion, he's fine with that. A brief discussion followed.

Nathan said the goal is to collect property taxes. Heather said the eviction process could take a long time. Gary said eviction would not be pleasant. Nathan said if a person can't pay the property taxes, the town can take the property. Stu reminded the board that a poverty abatement process exists and echoed Nathan's point that the goal is to collect taxes and that the lien process is a tool to be used for that.

Bernie moved to accept payment from Mr. Griffin of \$6,287.21 by Monday, April 7, 2014 and to issue a quit claim deed contingent on receipt of the payment. Nathan 2nd. **Vote in favor was 4-1 (Cooper opposed).** Selectmen signed the quit claim deed.

Public Hearing Notice – Selectmen signed a notice of public hearing to be held on May 22, 2014 following the school budget town meeting regarding the referendum question on a proposed change to the Building and Land Use Ordinance to be voted upon June 10, 2014. A brief discussion followed on the timing of the school budget town meeting.

Request to delay enforcement of a condition (well installation) of several gravel permits – Gary said there is no violation of the condition to install wells at numerous pits until May 1, 2014. He said the Code Enforcement Officer could write a notice of violation giving the permit holders 30-days to comply and at that point the Selectmen can take no action. Stu requested that the conversation back up a bit. He said at the previous meeting the Board had asked that the matter be referred to the town attorney. He said there were no specific questions proposed last week, so he had drafted up a set of questions. He read them as follows:

1. *What is the process for a notice of violation when the time comes for the wells to be installed and they are not?*
2. *Does the CEO issue a notice with a requirement that the wells be installed by a date certain?*
3. *When can the town impose fines?*
4. *May the Selectmen request that the CEO delay issuing a notice of violation?*
5. *Can/Should the CEO issue a stop work order simultaneously with a notice of violation?*
6. *If the Selectmen issue a request to delay a notice to the CEO, is the CEO obligated to honor the request.*
7. *Are the Selectmen obligated to enforce the conditions of the permits issued by the Planning Board immediately?*
8. *May the Selectmen seek some sort of compromise on the permit conditions – i.e. install one well at each pit to monitor water quality by a date certain, and subsequent separation measurement wells by a different date certain.*
9. *Are the Selectmen able to enter into a consent agreement that does not expressly meet the permit conditions?*

Heather said the questions seem to follow what was discussed at the previous meeting. Gary said the Board needs to know what it can or cannot do. Bernie said it seems like Mr. Salisbury (the representative for the pit owners) was looking for some compromise with the Board. He said in his opinion there would be a little wiggle room if the pit

owners came with something done toward condition compliance. He said the Planning Board was of the opinion last week that the May 1st deadline was concrete.

Jo said the Board needs to understand what the process would be after May 1st. Gary said the Board could not take any action until after May 1. He said he agreed with the list of questions that was read earlier, and asked if there were any other questions.

Nate asked if the pit owners intended to install any wells. Mr. Salsbury said not at this point. He said they are waiting for the town to come up with whatever plays out with the gravel work group. Jo said she didn't think that would stop the enforcement process. Mr. Salsbury said he vehemently disagreed with that.

Gary said the gravel work group meeting on Monday was canceled due to a sudden snow storm and perhaps the next meeting would be extended a bit longer than the 1-point-5 hour time limit. Jo said her question would be is whether the Selectmen have the authority to set aside a town meeting passed ordinance. She said she liked the concept of the work group, but cautioned about squeezing too much into one meeting. Stu said he would add the question from Jo into the question list that he read earlier.

Nate moved to send the set of questions to the town attorney. Heather 2nd. **Vote in favor was 5-0.**

Generator – Stu said there were three components to the project – the generator itself, the wiring, and installing propane tanks. He said the estimates he received totaled \$8,217 for a 15Kw generator. Gary said Colwell Diesel gave the estimate on the generator, Arthur Ashmore electric of Lamoine on the wiring, and Dead River for the propane tank installation. He said the money would come from the Cable TV fund as agreed. Heather moved to accept the three estimates and proceed with the project. Jo 2nd. **Vote in favor was 5-0.**

Returnables request – Loaves and Fishes Food Pantry submitted the request. Jo said the program is for Lamoine organizations, and there are many worthwhile organizations that are not based in Lamoine that have been turned down. There was a brief discussion about Loaves and Fishes. Michael Jordan said it really should be Lamoine Baptist Church as they are one of the sponsoring organizations for the food pantry. Jo said the board should not set aside the policy. Bernie said it might be better to get a request from the Lamoine church instead. Stu printed off the pertinent section of the policy and read the pertinent section aloud as follows:

Eligibility Standards

To be an eligible beneficiary, the receiving non-profit organization or entity must:

- 1. Present a completed application to the Lamoine Town Treasurer.*
- 2. Present evidence that it is directly affiliated with the citizens of the Town of Lamoine, an affiliate of the Lamoine Town Government or Lamoine Consolidated School, or that its' purpose is to provide a direct benefit to the Town or its' citizens, in whole or in part.*
- 3. Be a non-profit organization or entity, or an affiliate of a non-profit organization, an affiliate of Lamoine Town Government, or the Lamoine Consolidated School.*

The intent of this paragraph is to ensure that the Town of Lamoine or its' residents, in whole or in part, benefit directly from the participating non-profit organization or entity.

Nathan moved to not accept the request from Loaves and Fishes and suggest that the Lamoine Baptist Church apply instead. Heather 2nd. **Vote in favor was 5-0.** Selectmen asked to place the returnables policy on a future agenda.

Goals – Jo said she requested to discuss goals a little further. She asked what the goals were in regard to being a Board of Selectmen. She said one of her goals is to increase revenues. She said another major goal revolves around communications and the Cable TV System. Stu said the Cable TV Committee is meeting on April 16, 2014 at 6:00 PM. Jo said she would like to see the kids at school involved and have equipment installed at the school. There was a discussion about the possibilities for programming. Jo said she would also like to see the possibility of streaming meeting programs on the Internet, and a discussion followed regarding that.

Other Revenue Possibilities – One topic was the development of a business resource listing of Lamoine businesses. Michael Brann said he was hearing some contradictory information. He said while the Selectmen want to increase revenues, the largest industry in town, gravel extraction, was being heavily regulated. He said the pit owners would not echo the sentiment that Lamoine encourages businesses. A lengthy discussion followed.

School-Ballfield – Nathan asked if operation of the sports fields behind the Lamoine Consolidated School could fall under the purview of the Parks Commission. He said the fields need some attention and a discussion followed. There was discussion about the school and the parks commission collaborating about the ballfields.

Other – Gary noted the Ellsworth School Department has hired Daniel Higgins as the new superintendent.

Next Meetings – The annual town meeting will resume next Thursday, April 10 at 6PM at the school. The Selectmen will meet again on April 24 at 7PM. The Board will meet on May 8 and 22, the latter date being the special town meeting date beginning at 6:30 pm followed by a public hearing on the June 10, 2014 referendum question. The June meeting dates are on the 12th and 26th.

Executive Session – Heather moved to enter executive session pursuant to 1MRSA §405(6)(a) to discuss a personnel matter (meet with newly appointed transfer station manager). Bernie 2nd. **Vote in favor was 5-0 at 8:20 PM. Out at 8:40 PM.**

There being no further business, the meeting adjourned at 8:40 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.