



Lamoine Board of Selectmen

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

Minutes of June 12, 2014

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

Present were: Selectmen Gary McFarland, Heather Fowler, Bernie Johnson, S. Josephine Cooper, Nathan Mason; Administrative Assistant Stu Marckoon, Assessors Jane Fowler, Michael Jordan, Planning Board Chair John Holt, Kathleen DeFusco, Trenton Selectmen Mark Remick and Richard VanderZanden, Conservation Commission members Carol Korty, Larry Libby; Lois Libby, Kathy Gaianguest, Kathleen Rybarz and David Sanderson

Agenda Review – There were no changes proposed to the written agenda.

Minutes – May 22, 2014 – Nathan moved to approve the minutes as written. Bernie 2nd.
Vote in favor was 5-0.

Expenditure Warrant 23 – Selectmen signed the warrant in the amount of \$242,541.25. Stu noted that both the final RSU payment for the year and the school tuition bill were on the warrant which was about \$200,000. He said the school tuition bill was about \$40,000 less than budgeted. Jo asked about the bill from Richard McMullen for the transfer station. Stu said that was preparation work for paving which was done this week. Stu said he would have to move about \$200,000 to cover the expenditures and would do so before mailing out the check to RSU 24.

Cash & Budget – Stu noted that excise tax collections had now exceeded the budgeted amount for the year.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the reconciliation of the town's checking account which had been e-mailed to them the previous week.

Authorization to Open Checking Account and Apply for Tax Identification Number – Stu explained that the soon to form Lamoine School Department has requested that the treasurer obtain a TIN/EIN and open a checking account. Jo moved to authorize Stu to do so. Nathan 2nd. **Vote in favor was 5-0, an order indicating the authorization was signed.**

Meeting with Trenton Selectmen – Gary said the Selectmen from Trenton had requested to meet with the Lamoine Board regarding a traffic light at the intersection of Routes 204 and 3 (the "cheese house" intersection). He said apparently the Maine Department of Transportation (MDOT) requires the host community to pay for electricity and other costs. Trenton Selectman Mark Remick said maintenance and insurance costs must also be covered locally. He said there is a lot of support for a light at that intersection, but the rub is who will pay for it. He said the light would benefit only a small percentage of Trenton residents, and there is some feeling that the presence of another light on Route 3 would push traffic onto other roads in Trenton.

Trenton Selectman Richard VanderZanden said they found more traffic used the Oak Point Road when the first traffic light was installed. He said he felt a roundabout might work better at this intersection, but it would probably cost more. He said a light is not of significant benefit to Trenton. He said the Trenton Selectmen have discussed other options, and there is significant support for the proposed light even though there are some disadvantages. He said Trenton would support what Lamoine wants to do with a traffic signal, but Lamoine should come up with a check.

Jo asked what the cost was for the light at Oak Point Road. Mr. VanderZanden said it could be \$30,000 a year, but they're still looking into that. Stu said it should be nowhere near that, and a figure of \$1,000/year was mentioned at the recent MDOT public hearing. Jo said she would support a joint meeting between the Trenton and Lamoine Boards of Selectmen. Nathan asked if this might put more traffic onto Buttermilk Road as people would turn onto Jordan River Road to avoid the light. Stu noted there is already a light at the end of Buttermilk Road. Heather asked about the number of accidents at the "Cheese House" intersection. Stu said the MDOT reported it was not a significant number of serious crashes. Bernie asked about the effect on property values. Mr. Remick said that is not known. Mr. VanderZanden said there were some minor takings at the Oak Point intersection, and values depend on ones' perspective.

Jane Fowler said for 5-to-6 weeks in the summer she tries to turn left at the intersection and often waits for 15-minutes to get out. She said Buttermilk Road's intersection is now safer and with a traffic light, the "Cheese House" intersection would be much safer. Bernie noted that a lot of people use Mud Creek and Jordan River Road as a bypass to get from Route 1 to Route 3.

Mr. VanderZanden said since the light was installed at Oak Point Road, the intersection has become safer. Selectmen discussed when the two boards could meet. Stu asked if the boards would like to review a draft agreement prior to setting a date. There was a brief discussion and no opposition to that idea. Mr. VanderZanden suggested that Lamoine post the map of the proposed intersection rebuild for a while. Gary said they would try to get the map and some idea of the costs. Stu said he would try to draft up an interlocal agreement and would check with Ellsworth and Bar Harbor about electrical contractors.

Election Results – June 10, 2014 – Gary read the results of the two simultaneous town meeting referenda as follows:

Building & Land Use Amendment (Gravel)

Yes	450
No	268

School Budget Validation

Yes	584
No	124

Ballots Cast	722
# Registered	1466
Turnout %	49.25%

Selectmen signed the amended Building and Land Use Ordinance to be filed with the Town Clerk.

Honor Graduates – Selectmen signed certificates honoring the following Ellsworth High School graduates who have graduated with honors:

Mihaela Young
Zackery Lewis
Kristy Eaton
Sara Willis

Road Name – Riley’s Way – Jo moved to assign the name Riley’s Way to a road that is servicing two buildings at the SW Boat Works complex. Heather 2nd. **Vote in favor was 5-0.**

Simon’s Trail Grant – Gary noted the State of Maine had approved a grant for construction of a parking lot at the Simon’s Trail. Conservation Commission chair Larry Libby said they had received a contract and the Bureau of Parks and Lands has asked the Selectmen to sign the contract. Jo asked if the Conservation Commission wanted authority from the Selectmen to sign. Mr. Libby said his name was not on the contract, but the Board of Selectmen was indicated. Jo moved to sign the grant contract. Bernie 2nd.

Stu asked who the project supervisor would be. Mr. Libby said the Conservation Commission would handle that. He said he wasn’t sure if an engineer could keep track of it. Stu asked if this project has to go out to bid. Mr. Libby said that it does. Stu asked who would draw up the specifications for the bid. Mr. Libby said the town office should do that. Nathan asked about insurance. Stu said the contractor would be required to provide proof of insurance during construction. Nathan asked who would supply liability insurance following construction. Mr. Libby said that might be covered by the Frenchman Bay Conservancy. Gary asked Mr. Libby to get back to the Board of Selectmen on that issue. Mr. Libby said he hoped the paperwork could move forward. **Vote in favor was 4-0 (Mason abstained). Both Gary and Mr. Libby signed the contract.**

Heather asked if the Conservation Commission would allow gravel to be put into the proposed parking lot.

Gravel Permit Violations – Consent Agreements – Stu reported attorney Dan Pileggi can meet with the Selectmen on June 26. He said the attorney asked if the Selectmen were comfortable with the basic idea of what was in the initial draft. Gary said the Selectmen should meet with the attorney.

Planning Board chairman John Holt asked if a letter e-mailed from Steve Salsbury was a public document. Stu said it was and made a copy. Rev. Holt asked what the consent letter had to do with. Jo said it was with water testing. Gary said the Board wants to discuss the matter with the town attorney. Rev. Holt asked when the notice of violation letters were sent, and whether the notices stop enforcement of the gravel ordinance. Stu reminded the chair that such questions would be better addressed by the town attorney.

Kathy Gaianguest asked if the consent agreement(s) become a public document. Gary said the matter would be discussed with the town attorney. Ms. Gaianguest asked if the public would have any chance to discuss the consent agreement. Stu reminded the chair that such matters fall under the discussion between the board and the town attorney. Gary said the matter would be discussed with the town attorney.

Heating Fuel – Joint Bid – Stu reported that Gouldsboro has asked to join in the joint bids for heating fuel this year, along with Sullivan and probably Hancock. There was a discussion about including the Hancock and Lamoine schools in the bid. Jo moved to pursue the joint purchase of heating fuel. Nathan 2nd. **Vote in favor was 5-0.**

Municipal Mutual Aid Agreement – Stu explained that with the addition of Ellsworth to the MDI League of Towns, an updated mutual aid agreement should be signed in the event of some sort of catastrophe happening in any of the towns. Jo moved to sign the updated agreement. Gary 2nd. **Vote in favor was 5-0. Selectmen signed the signature block for the agreement.**

County Charter Resolve – Stu explained that many towns have started asking the Hancock County Commissioners to study whether a charter might be a good idea for County Government operations. Jo, who sits on the County Budget Committee, said there are several questions about the way the county government conducts business. There was a brief discussion. Heather moved to sign a resolve to former a charter commission. Gary 2nd. **Vote in favor was 5-0.**

Heating Assistance Fund – Stu said he e-mailed the One Hancock group about having the Washington/Hancock Community Agency's THAW fund administer any local heating aid program and got a luke warm reception. He said he obtained the City of Ellsworth program guidelines. Jo said she was uncertain how a similar program could operate in Lamoine. She said it works well for Ellsworth. She said she was unclear how it would be administered. Gary asked if Stu could draft up a policy for Lamoine. Heather said she would like to see the Town be able to help Lamoine citizens. Nathan asked if this would be a one-time deal only. Stu said he expects that would be the case. Kathy Gaianguest said the fuel buyers' group is concerned about this program and hit might be a source for donations. Stu said he would draft up a policy.

Personnel Contracts – Stu reported that the contract with the Code Enforcement Officer is ready to be signed, and the only changes were dates, money and the addition of a couple of weeks off. Carol Kory asked if Mr. Jordan could work days other than Tuesdays. Jane Fowler said the best bet is to contact Mr. Jordan through the town

office. Mr. Jordan said he will contract the person looking for him as soon as he is available. A brief discussion followed on contact options. Jo moved to sign the contract with Mr. Jordan. Gary 2nd. Heather asked about a policy involving the laptop computer when it's not in the building. Both Stu and Mr. Jordan said the computer does not leave the building. **Vote in favor was 5-0, Selectmen signed the contract.**

E-mail – Jo asked about the town's e-mail. Stu said the domain (lamoine-me.gov) is still down for e-mail purposes but the lamoine-me@roadrunner.com address is functioning. He said Brett Jones has been trying to get together with Time Warner to fix things, but has not been able to reach the correct person at Time Warner. He said it is very frustrating.

Animal Control Officer Contract – Stu said he has not reviewed the contract offer with Michael Arsenault yet. Selectmen asked to wait on approval so that the review can take place.

Administrative Assistant Contract Update – Jo moved to sign the update for the final year of Stu's contract. Gary 2nd. Nathan asked when Stu might take the 21 days of vacation owed. Stu said it's not looking good anytime soon. After a brief discussion, Selectmen voted **5-0 in favor and signed the document.**

Request for Special Town Meeting – Stu reported the fire department budget will be overdrawn due to the rot problem at the fire station. He suggested a special town meeting for July 17, 2014 to ask for town meeting approval to appropriate money from surplus to cover the overage. There was no objection, Stu will draw up the warrant for next meeting.

Other – Carol Korty asked what kind of fuel would be used for the new heating system at the town hall. There was a discussion explaining that the request for proposals was for no specified fuel type. There was also a discussion about potentially using heat pumps.

Heather asked about the woman who wanted to make the gravel pit issue a study for her conflict resolution class. Stu said she had dropped that idea after finding it was a little more complex than first thought.

Kathleen DeFusco thanked the Selectmen for their support for the "Cheese House" traffic light and taking the issue seriously.

Board Openings – Stu reported that a Planning Board member and a Parks Commission member had indicated they did not wish to be reappointed. He said he would advertise for members.

Next meetings – The Selectmen will hold regular meetings on June 26, July 17, August 14, September 11 and September 25.

Litigation – Stu reported that the town had received notice that the Ames Family Trust has filed suit and the town attorney wished to know whether he is authorized to accept service. Gary moved to authorize Dan Pileggi to accept service. Nathan 2nd. Heather Fowler asked to get an electronic copy of the petition that was submitted for the recent vote on the Building and Land Use Ordinance amendment. **Vote in favor was 5-0.**

Stu said Mr. Pileggi's firm had once represented the Ames Family Trust on another matter and has requested the Selectmen waive any conflict of interest. He noted that the attorney for Ames has also represented the town on another matter. Jo moved to waive the conflict of interest. Heather 2nd. **Vote in favor was 5-0.**

The Board will meet with Mr. Pileggi in executive session next meeting.

Transfer Station Hours – July 4, 2014 – Selectmen discussed and approved closing the transfer station on Friday, July 4th and being open instead on July 3rd. Stu said he would notify the attendant and publicize the hours.

Town Hall Property Line/Fence – Stu reported the abutting property owner to the town hall has erected a fence along the northern property line. Jo said the fence detracts from the Veterans' Memorial. She said there seems to be confusion that the no trespassing signs are no parking signs.

Other – Mrs. DeFusco said the new policy regarding poll watchers seemed to work well during voting on Tuesday. Stu reported there were just a couple of instances of advertising violations – one that someone had planted a campaign sign in one of the gardens at the town hall overnight and the other being a vehicle plastered with support for one of the Sheriff candidates was parked across the street from the entrance. He said the vehicle operator moved when requested.

Executive Session – Gary moved to enter executive session pursuant to 1MRSA §405(1)(a) for the purposes of performing the annual evaluation of the town clerk/tax collector. Heather 2nd. **Vote in favor was 5-0. In at 8:40 PM Out at 9:07 PM.**

Contract – Gary moved to sign a 1-year contract with Jennifer Kovacs, tax collector & town clerk. Heather 2nd. **Vote in favor was 5-0.**

There being no further business, the meeting adjourned at 9:08 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen