



Lamoine Board of Selectmen

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Minutes – December 3, 2015

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

Present were: Selectmen Heather Fowler, Bernie Johnson, Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Planning Board Chair John Holt, Code Enforcement Officer Millard Billings and Bruce Gillett (Selectman Nathan Mason was unable to attend).

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

Minutes – November 12, 2015 – Heather moved to approve with one minor change. Bernie 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 12 – Selectmen had no questions regarding the warrant that was signed individually prior to the meeting in the amount of \$183,196.36

Expenditure Warrant 13 – Selectmen signed expenditure warrant 13 in the amount of \$83,605.99.

Cash & Budget Report – Jo asked about the revenue section of the report. Stu said he bases the estimated amounts, for the most part, on the percentage of the year that has passed.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the reconciliation documents e-mailed to them prior to the meeting.

Foreclosure Notices – Stu reported he had sent out notices of impending automatic foreclosure to 16 property owners. So far two have paid.

Bureau of Labor Standards Inspection – Stu reported the state inspector showed up unannounced on November 16, 2015 and conducted a thorough inspection of the transfer station, town hall, fire station and the school. He said the fire department will likely be cited for air pack inspections that have not been done. He said he expects a written report.

Shellfishing Enforcement – Gary said the Board has received a copy of a list of recommendations from the Shell Fishing Conservation Committee. Bernie asked if Dick Fennelly could provide an update. A brief discussion followed.

Code Enforcement – Violation - A brief discussion began as to whether this discussion should be held in executive session. Bernie asked if the question is whether CEO Billings should pursue further action on a violation. Gary said it is difficult at best to determine whether material removed in violation of an ordinance has been properly returned to scarified land. Mr. Billings said he cannot confirm or deny, but he has a suspicion and cannot prove what he thinks might have happened.

Jo asked if the town needs to have a consent agreement. Mr. Billings gave an example of such an agreement. Jo said the purpose of such an agreement is to make sure everything is as it should be and asked if an agreement could get some promise to not perform similar actions prior to obtaining the permit.

Bernie asked about proving what had happened. Mr. Billings said he didn't know how much material was pushed into a pile and how much of that was returned to the land. Bernie asked what the town would look for from the landowner or the contractor. Mr. Billings says generally the enforcement burden is on the landowner. A brief discussion followed.

Bernie asked if things look like they did before the alleged violation took place. Mr. Billings says it appears to be different. Bernie asked if when the grass grows back, might it look the same? Mr. Billings said the Maine DOT had requested that a loam pile be moved because of drainage considerations. He said he doesn't know how much there was or exactly where the loam went. Gary asked if the driveway and culvert are still there. Mr. Billings said they were.

Mr. Billings said one advantage of a consent agreement is that the area would actually get re-seeded. Gary asked who the agreement would be with. Mr. Billings answered both the property owner and the contractor, and it could be worded so that the property owner allows the contractor to work on the land. Jo said she thinks a consent agreement is needed.

Mr. Billings said it sends a bad message if there is no follow through to a violation notice. He said the first step is to draft an agreement to see if the parties might agree. Jo asked if that's something the town attorney could do. Stu said he thinks he and Millard can try a first draft. A brief discussion followed regarding a site inspection. Millard said the only thing that appears to be needed is actual seeding of the disturbed area.

Heather asked if there was anything before the Planning Board. John Holt said there is a pre-application that came before the board, but nothing formal as of yet. He said stripping 10,000 square feet plus violates the site plan review and soil removal provisions of the ordinances. Bernie said a Notice of Violation was done. Heather asked about the pre-application. Rev. Holt said to get a site plan review permit a person would normally file a pre-application as sort of an informal communication. He said the Planning Board has nothing further. He said the work was done, a complaint filed, and the pre-application came in, but no new application was filed. He said the contractor spread some of the loam, but the rest of the pile is gone. He said enforcement is difficult unless the Code Enforcement Officer had the authority to measure the piled. He said no one can verify how much was removed or returned.

Bernie asked what the purpose of the project was. Rev. Holt said it appeared to be to sell topsoil. A brief discussion of the permitting process followed. Rev. Holt said the town can't just say "oh well, there it goes". He said part of the area seems to be reseeding itself. Mr. Billings said the back area is already growing grass. He said the

town could spend a lot on attorney fees and get nowhere. Bernie said it seems like a fairly miserable situation.

Rev. Holt asked about a fine. Jo asked what he would suggest. Rev. Holt said unless there is some pecuniary punishment, it's likely to happen again. Jo asked if the fine, so to speak, is to re-spread the loam. Mr. Billings said it's fairly pointless to re-spread. He said some sloping is needed in the front area and the rest should be re-seeded. Rev. Holt suggested that a DEP permit should have been required.

Gary asked if there should be more work done. Mr. Billings said better sloping would take care of a ponding issue. He said he thought they planned to fertilize and re-seed the affected area. Jo said there needs to be some sort of a reason for the agreement, and the threat of a cost if they don't re-seed and slope.

Bernie said he would like to have Stu and Mr. Billings draft something for the Board to review, and suggested the Board members look at the area when they drive by. Jo said there does need to be some sort of consequence when the ordinance is violated. Discussion followed on the motive for the active, and a possible fine. Gary summarized, saying the content of the agreement should include re-seeding, sloping work, and a fine. Heather moved to request Mr. Billings and Stu to draft a consent agreement. Bernie 2nd. **Vote in favor was 4-0.**

Needles Eye Road Complaint – Stu said he'd received a complaint about a property on Needles Eye Road about people living in a garage without plumbing facilities. He said he spoke with the property owner in question who denied that was happening and invited the town to look if they wished. Selectmen took no action on the anonymous complaint.

Needles Eye Road – Beaver Issue – Stu reported that a trapper contacted by Maine Game Warden Phil Richter has trapped a large beaver that was persistently blocking the twin culverts on Needles Eye Road. A brief discussion of the situation followed.

Letter for Hancock County Planning Commission – Jo moved to sign a support letter for the Hancock County Planning Commission for a grant application. Gary 2nd. **Vote in favor was 4-0, Selectmen signed the letter.**

Transfer Station Fire – Stu reported the work was pretty much done – the only thing left was to find an air conditioner for the office. Jo suggested the Habitat for Humanity Re-Store. Stu said the Selectmen should authorize transfer of \$1,000 from the insurance deductible fund to apply to the expenses of repairing the transfer station. Heather so moved, Jo 2nd. **Vote in favor was 4-0.**

Nomination Papers – Stu reminded the Board that nomination papers will be available on December 14, 2015. There was a brief discussion about those whose terms expire, including Selectmen Mason and Johnson, Assessor Jane Fowler, and School Committee members Brett Jones and Bob Pulver.

Heating Assistance Committee – Stu reported Ruth Wilbur had offered to serve on the committee, replacing Walter Grenier who resigned. Heather moved to appoint Mrs. Wilbur, Jo 2nd. **Vote in favor was 4-0.**

Furnace – Stu reported that Osborne’s Plumbing and Heating installed a new furnace the previous day, replacing the furnace that was installed in 2014 and repeatedly failed. The most recent failure was last weekend. Selectmen signed a letter to Osborne’s thanking them for the prompt service and for standing behind their product.

Volunteer Recognition – Stu mentioned that volunteer board members and others should get some recognition for their service. He suggested an informal gathering to present some certificates and perhaps have some light refreshments. Selectmen agreed and hope to do that during one of the meetings in January.

Traffic Light – Route 3/204 – Stu reported Lane Construction dropped off the keys to the light control box and he plans to meet with them tomorrow to get trained on how to reset the light.

Budget Workshop – Selectmen discussed several budget items, including a proposal from the Board of Assessors in regard to revaluation, the fire chief’s proposed salary, volunteer recruitment and retention. The Selectboard said they would like to meet with the fire department members in the near future to express their appreciation and talk about retention. The Board would also like to meet with Richard McMullen regarding an extension of the plowing contract. A discussion followed about various budget lines, and the Ellsworth Library.

Next Meetings – Gary listed the scheduled meetings, including December 17, 2015 (later changed to December 14, 2015 due to a scheduling conflict), January 14 and 29, 2016, February 11 and 25, 2016 with the town meeting on March 8 and 9, 2016, with a Selectmen’s meeting scheduled for March 10 and 24, 2016.

There being no further business, the meeting adjourned at 8:33 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen