



Lamoine Board of Selectmen

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Minutes – July 14, 2016

Chair Gary McFarland called the meeting to order at 7:01 PM.

Present were: Selectmen Kathleen Rybarz, Gary McFarland, Nathan Mason, Robert Christie, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Ken Smith, Doug Britton (PERC), Michael Maines (PERC) and Carol Korty.

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

Minutes- June 30, 2016 – Kathleen moved to approve the minutes as written. Nathan 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 1 – Selectmen signed expenditure warrant 1 in the amount of \$175,028.37. Stu noted that \$125,000 was moved from the investment management account to the general checking account.

Date to sign Warrant 2 – The Selectmen agreed to sign warrant 2 on July 28, 2016.

Cash & Budget Reports – Jo inquired about road maintenance. Stu reported that much of the remaining budget will be encumbered for projects that were previously approved but not yet completed.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with review of the checking account reconciliation which had previously been e-mailed to them.

Excise Tax Report – Stu reported the amount collected for the fiscal year ending June 30, 2016 is the largest amount in town history.

Encumbrance Orders – Jo moved to approve and Nathan 2nd and it was **Voted 5-0** to approve the encumbrance order as follows:

Account Name	GL #	Amount	Purpose
Solid Waste – Maint (camera)	5-01-07-06	\$2,000.00	Security System – Transfer Station
Comprehensive Planning	5-05-11-00	\$7,500.00	To continue fund
Marlboro Beach Road	5-09-09-10.30	\$1,200.00	Shoulder, Ditch Repairs
Asa's Lane	5-09-09-10.25	\$1,500.00	Shoulder Repairs
Shore Road	5-09-09-10.22	\$1,000.00	Ditching Repairs
Buttermilk Road	5-09-09-10.21	\$2,500.00	Shoulder repairs
Birchlawn Drive	5-09-09-10.38	\$500.00	Culvert Reset
Maxwell Ave	5-09-09-10.36	\$300.00	Tree Removal
Lorimer Rd.	5-09-09-10.37	\$500.00	Ditching
Needles Eye Road	5-09-09-10.26	\$2,000.00	Shoulder Repair
Seal Point Road	5-09-09-10.31	\$1,500.00	Fix shoulder, broken pavement
Walker Rd.	5-09-09-10.24	\$2,000.00	Shoulder repairs

Mill Road	5-09-09-10.23	\$2,500.00	Reset culver, fix shoulders
Berry Cove Rd.	5-09-09-10.32	\$1,000.00	Grading
Gully Brook Rd.	5-09-09-10.33	\$1,500.00	Heavy Grading
Previously Encumbered and Expiring – close into appropriate fund			
Item	Close To	Amount	Reason
Town Office Front Door	General Fund	\$217.14	Completed
Gully Brook Road Trees	Road Fund	\$25.00	Completed
Needles Eye Road	Road Fund	\$3,298.75	Completed
Comprehensive Planning	Encumbered	\$6,746.17	Carry Forward – not done yet
Paving – Needles Eye	Road Fund	\$16,773.62	Completed

Solid Waste Future – Ken Smith reported that he had reviewed the documents from PERC and the MRC. He said he suspects MRC will have some issues that are unclear in their document resolved. He said the issues with the PERC document have been resolved. He said if PERC should close, communities could use the Casella landfill. He said the termination clause in the PERC contract is unclear, but they have revised some language. He said the town attorney should review the contract. He said he has a suggested warrant article from PERC.

Mr. Smith said a financial assessment of the PERC contract is tough to complete, but not impossible. He said keeping PERC open will preserve 55-to-65 jobs and it would be less expensive than trucking trash to a landfill. He said PERC wanted to have 180,000 tons of trash committed by February, 2018, and the town could need a backup option if PERC ceases operations. He said the Waste Management landfill in Norridgewock is willing to accept trash for a tip fee of \$64.36 through April 1, 2019. He said an attorney should also review that agreement.

Mr. Smith said he would recommend a pair of articles – one to authorize continuing with PERC after 3/1/18 and one for an option to utilize Waste Management if needed.

Jo asked what the \$64.36 was. Mr. Smith said it was the per ton fee to dump trash at Norridgewock. Carol Korty asked how long the PERC contract would be in effect. Mr. Smith said 10 or 15 years. Ms. Korty asked what happens if it turns out the MRC option is less expensive. Mr. Smith said it's still a 10 or 15 year contract.

Nathan asked about PERC's need for 180,000 tons of trash. Mr. Smith said it includes both residential and commercial. Bob asked more questions about tonnage. Mr. Smith explained that some municipalities feel they can control the destination of commercial trash through flow control ordinances. Mr. Britton said PERC has signed on a majority of the area's commercial haulers. A brief discussion followed.

Mr. Smith said Fiberight will not have the capacity for a larger plant. Mr. Maines said the Department of Environmental Protection would act upon the Fiberight permit tomorrow. A brief discussion followed on whether a permit rejection would end the Fiberight effort or not.

Gary thanked Mr. Smith for his work. Bob noted there was a split in Blue Hill and Surry on where their shared transfer station's trash would go.

Stu asked about a warrant article. Mr. Smith said he would send one. Bob noted that PERC is holding an open house at the Orrington facility on Saturday. Stu asked the Select Board how it wished to proceed. The consensus was that Mr. Smith would submit materials, Stu could contact the town attorney to have it reviewed, and possibly a special open town meeting could consider things in October.

Welcome to Lamoine Packet – Stu noted that he included a section on public assistance as requested. Jo asked for one minor editorial change. After a brief discussion, there was no objection to the proposed new document. Carol Korty suggested that school students receive the document which started a brief discussion.

Appointment Policy – Nathan noted the Appointment Policy passed by a previous board was a guideline when it was created. He said he would prefer using the word “may” instead of “shall” in places. Kathleen asked what the rationale was for not letting the public know about a vacancy. A brief discussion followed in regard to transparency. Nathan noted the Board is the body that decides whom to hire, and a brief discussion followed on that. Nathan said he would like to see section VII (b) amended, replacing the word “shall” to “may”. Carol Korty said she understood the policy was to advertise for all open positions. A lengthy discussion followed.

Jo moved to amend the policy, section VII (b), last sentence, to read: “*Such vacancy may be advertised in the same manner as the elected position notice in paragraph “a” above. It is the preference that open positions be advertised, if possible.*” Nathan 2nd. **Vote in favor was 4-1 (Rybarz opposed).**

Legal Matters – Stu reported there was no updated information on the consent agreement with Broughman Builders, but he would follow up with the town attorney.

Kathleen reported she and Stu attended the mandated mediation session in the MacQuinn et al v. Town of Lamoine suit regarding the gravel ordinance. She said the mediator remarked that it was the shortest session he’d ever conducted, as neither party could offer any sort of settlement.

MMA Ballot – Jo moved to vote for all members of the executive board for Maine Municipal Association as listed on the ballot. Nathan 2nd. **Vote in favor was 4-0 (Christie abstained).** Selectmen signed the ballot for return.

Transfer Station Incident – Gary briefly outlined a reported confrontation between a transfer station user and the facility manager that occurred on July 9, 2016. Stu reported that apparently there would be no criminal charges filed, but a workers compensation claim was submitted. Jo asked how much could be discussed as this is a personnel matter. Stu suggested to discuss this with the affected employee in executive session. After much discussion about timing, it was decided to hold that session on Thursday, July 28, 2016 at the town hall beginning at 6PM. It was noted the Comprehensive Planning meets at 6:30 PM.

Meth Making Incident – Gary reported that a resident found evidence of methamphetamine manufacturing on a snowmobile trail off Asa's Lane. A brief discussion followed on just where the items were located. Gary said he spoke with a state police sergeant who noted that if one is found, there is usually more than one operation going on. He urged people to report any suspicious items to police, and not to touch it. Stu noted that he attended a session at Maine Coast Memorial Hospital earlier in the day that dealt with drug abuse. He said the hospital plans to increase treatment options, and the Ellsworth Police Department is developing a program that will encourage drug users to turn in their illicit materials and seek treatment. He said he also spoke with the local Drug Enforcement Agency commander who said Lamoine is on their radar now. Nathan said he was concerned if this happened at Bloomfield Park. He said the Parks Commission thinned out the area around the park which made things more visible. Jo said it's frustrating.

Water Access – Kathleen said she's concerned about access to the waterfront, especially Jordan River. She said the clam resource is very valuable, and Lamoine may be one of the top three clam producing communities in Maine. She said there is money available from the state with a 50% match to increase waterfront access. She said a couple of land owners have property up for sale along the Jordan River. She said it would be beneficial to have a parking area, with maybe a restroom facility and fresh water. She said she would like to propose a public/private partnership to explore access to the western side of town. She said she would like to form a committee of interested people, possibly Dick Fennelly and the Shellfishing group.

Jo asked who would put the idea forward, and what the private source might be. Kathleen said it possibly be through fundraisers. Jo suggested that the process start with the Conservation Commission. Kathleen said she has talked with the Conservation Commission and they are interested. Nathan said there is a fund for land acquisition. Jo said she would be more comfortable with the Conservation Commission taking the lead on this project, as opposed to the Board of Selectmen. Kathleen said time is limited to access state funding.

Bob said waterfront access is a major discussion item on the Comprehensive Planning Committee. Carol Korty said the Conservation Commission is concerned about not moving ahead on anything unless they've been asked to do so by the Planning Board or Selectmen.

Jo moved to authorize Kathleen to meet with the Conservation Commission in regard to this matter. Bob 2nd. **Vote in favor was 5-0.**

Property Tax Rate – Stu reported the Board of Assessors made the tax commitment earlier in the day, and the rate will be 10.1 mills, the same as the previous year.

Next Meetings – The board will hold a special meeting on July 28, 2016 at 6PM at the town hall to discuss a personnel matter in executive session. The next regular meeting will be August 18, 2016, then September 8 and 22, 2016, and October 13 and 27, 2016.

Stu reported that he planned to take August 4, 2016 off, and would be out of the office from August 9, 2016 through August 13, 2016 at the Maine Town & City Management Association Management Institute, and out on the 17th of August at the Maine Municipal Tax Collectors & Treasurers' Association class.

There being no further business, the meeting adjourned at 8:25 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen