



Lamoine Board of Selectmen

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Minutes – December 15, 2016

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

Present were: Selectmen Nathan Mason, S. Josephine Cooper, Kathleen Rybarz, Robert Christie, Gary McFarland; Administrative Assistant Stu Marckoon, Assessor Terry Towne, Code Enforcement Officer Rick Gallegos, Planning Board Chair John Holt, and Aaron Dority of Frenchman Bay Conservancy.

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

Minutes – December 1, 2016 - Kathleen moved to approve the minutes as presented. Jo 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 11 – Selectmen signed the warrant in the amount of \$105,929.44. Stu reported he had to transfer \$80,000 from the investment management account into the checking account to cover the payments, noting that the school payroll and accounts payable warrants were added earlier in the day.

Cash & Budget Reports – Jo asked about the amount of revenue from the rental to the cell tower company. Stu reported that the checks come in at the end of the month, and they're actually where they should be.

Foreclosure Notices – Stu reported there are about 15-property owners who received notices of impending automatic foreclosure, and no surprises were on the list.

Audit – Stu reported that the auditor was awaiting a decision from the school committee regarding to compensated absences in the school department, and once that determination is made, the audit would be ready shortly thereafter.

Marlboro Beach Acquisition – Terry Towne handed out a survey map created in 2008. He said that he was working as a private citizen, and said the Norris family has expressed a desire to turn over land at Marlboro Beach to the town. Mr. Towne said the Frenchman Bay Conservancy is working with him on this project. He explained the survey and said the 2.75 acres proposed to become town property is appraised at \$85,000, which is close to the assessed value. He said the offer from the Norris family is to sell it for \$45,000, and take part as a charitable donation. Mr. Towne said his vision was to raise money for the purchase in town, and noted the town has about \$10,000 in a land acquisition fund. He said Frenchman Bay Conservancy would help with fund raising, which is something they normally do. He said the land is unique, and is used by bird watchers, commercial clam and worm diggers, and for recreation. He said to accept the land, the town meeting would need to approve and to use some land conservation funds. He said there should be an article on the annual town meeting warrant. He said the Norris family would like to see this completed by the end of the summer.

Gary asked if the Norris family has given the town a time limit. Mr. Towne said the family wishes for the process to be done, and they're willing to be patient. He said it would be a good deal for the town, and it's a very gracious offer for public use. Bob asked to clarify what land was being offered. A brief discussion followed.

Gary said it appears the net move would be to draw up an article for the town meeting. He said it might possibly have to be a two part question – one to authorize the expenditure and one to accept the land. Aaron Dority of Frenchman Bay Conservancy says they've had a committee discussion but they have not gotten beyond saying it's a great project and they're interested in proceeding. He said he would be happy to be the point of contact for the organization.

Stu asked if the Conservancy has done things like this in other communities. Mr. Dority said they've done this sort of thing in Sullivan. A discussion followed on what the deadline would be for a town meeting warrant. Stu said he'd like to have the warrant language by January 10th.

Bob moved to place a property worded article on the annual town meeting warrant for March 2017. Kathleen 2nd.

Nathan asked if there would be any restrictions placed on the deed from the Frenchman Bay Conservancy. Mr. Dority said he would be happy to talk with the town about that. He said the seller had no restrictions. He said there are some traffic issues at the beach. Mr. Towne said having that discussion with the Conservancy will help will fund raising. Nathan asked when it would be appropriate to have that discussion.

Jo asked about how difficult it would be for the town to manage the property. A brief discussion followed about management requirements and deed restrictions. Mr. Dority said the conservancy would not support anything to prohibit public access to the property, but there may be some benefit to trying to preserve vegetation on parts of the land. Gary asked if Mr. Dority could discuss any covenants with the Board on January 12th.

John Holt asked if the primary concern of the conservancy was fundraising or property management. Mr. Towne said it was easier for the conservancy to handle donations. A brief discussion followed. Mr. Dority said he had looked at a layout of the beach area and he felt there could be an improvement on the current traffic pattern. Mr. Towne said it would be up to the town to management the property. Stu said he is concerned that the town doesn't employ enough staff to do that. A brief discussion followed.

Bob said this is a good opportunity to have Marlboro Beach be part of the town's parks system, and perhaps it's a good idea to discuss that with the Conservation and Parks Commissions. He said that would give an opportunity to discuss what the concerns might be. Stu said he would invite the Parks and Conservation Commissions to the January 12th Selectmen's meeting. Nate said he's concerned by how much land the town might acquire and remove from the tax rolls. **Vote in favor was 4-1 (Mason opposed).**

Shoreland Access Subcommittee – Kathleen said the committee is working as a sub-committee of the Conservation Commission. She said they have developed a website and knew about the Marlboro Beach acquisition project and will work with them. She said the committee would meet next on December 30th. She said they would link their website with the town's website at some point. Stu said he was concerned where the sub-committee authority came from. Kathleen said it was formed by the Conservation Commission and includes Larry Libby, Doug Stewart and Jeff Cosulich. Jo asked if it's an education committee. Kathleen said they're working with and helping Mr. Towne with the Marlboro project. Jo asked if the goal is to find other access. Kathleen said that might be a long term goal, but they're focusing on the Marlboro Beach project for now.

Letter to Hancock County Planning Commission – Stu said the town has annually signed a support letter to the commission for a grant. Jo moved to authorize the chair to sign the letter. Kathleen 2nd. **Vote in favor was 5-0, Gary signed the letter.**

Zero Sort Recycling – Stu reported the options offered by Pine Tree Waste are even more expensive than the current program. There was a brief discussion about the cost and utilization of the current recycling program. John Holt said he is frustrated that the recycling options are so limited. Stu asked what was missing. Kathleen said glass. There was a brief discussion about the glass exclusion.

Gravel Permitting/Code Enforcement/Filing – Stu said he's not sure where previous code enforcement officers have stored the gravel inspection records. He said current CEO Rick Gallegos, who has just started on the job, has not performed the inspections for 2016. Planning Board chair John Holt said he's located some inspection records, but part of his frustration is that the pit inspections were never brought to the Planning Board or filed with a particular pit record file. He said some internal frustrations led to consider whose job it is to establish and maintain a file. Jo said there does not appear to be any process for storing the gravel pit information.

Nate suggested that the Planning Board should review the inspections. Mr. Holt said he agreed. CEO Rick Gallegos says he's started a binder for each pit and explained what information he plans to store in each binder. He said if he finds earlier reports, it would put them in the binders. Mr. Holt said he has looked through 15 to 18 years of permitting information and that is now in file drawers in the vault. Stu said he gives a big thanks to Mr. Holt for tackling that job.

Nate said inspections are done at the same time of year, and those should be presented to the Planning Board. Bob asked what constitutes an inspection. Both Mr. Holt and CEO Gallegos explained what criteria are included, and a brief discussion followed.

Mr. Holt said that after the 2013 ordinance change, the inspection process never really got rolling. He said the ordinance identifies who is responsible, and the onus is on the CEO and afterwards falls to the Administrative Assistant. He said he takes responsibility for the state of filing. A discussion followed on the sheer volume of paper involved for each pit permit.

Jo said the Board has a complaint before it and asked Kathleen whether tonight's discussion satisfies that the town has a plan to deal with the lack of inspections. Mr. Gallegos said he would like to think that the town has a plan. He said Mr. Hold planned to assist him with the first few inspections, and the next ones are due by June 1, 2017. A discussion followed on how the Planning Board visits each pit every three years in the licensing process.

Mr. Gallegos said there was some discussion about increasing the number of hours for Code Enforcement and that seems prudent. Stu said the budget includes time for inspections and other CEO needs. A brief discussion followed.

Stu said one of his goals for placing this item on the agenda was to set a date for the Selectmen, Planning Board and CEO to sit down together to discuss the expectations for the Code Enforcement Officer. After some discussion Mr. Gallegos, the board and Mr. Holt set February 9th for that discussion.

Gary asked if the discussion satisfied the complaint by Kathleen regarding the inspections. Kathleen said she thought so. She said she wanted to generate a formal discussion about the process.

Ordinance Fees – Gary noted the current fee schedule set in 2011 was in the packet for tonight. Kathleen said she requested the agenda item. She said there is a big difference in some pit sizes, but most of them are fairly small. She noted the last schedule was adopted in 2011. She said she has studied fees in both Hancock and Ellsworth. She said they seem to do a square foot fee calculation. She said it takes a little longer to do a gravel pit inspection. She said a sliding scale after a base fee and charging per acre might be in order. She said the town seems to be a bit behind in updating fees. A lengthy discussion followed on why there are fees contained in the ordinances, and what ought to be regulated.

Stu requested that any proposed fee changes be submitted to him for compilation for a future meeting.

Returnables – Jo moved to award the revenue generated from the returnables left at the Lamoine Transfer Station in January 2017 be assigned to the Conservation Commission and those in February 2017 be paid to the Lamoine Community Arts program. Bob 2nd. **Vote in favor was 5-0.**

Lamoine Quarterly – Stu reported that he has 5-pages drafted and will get it done the week after Christmas and distributed for editing to the board.

Recreational Cheering – Stu reported that space has become an issue at the Lamoine School and the rec cheering program was looking at using an off-site location. He said the Family Bible Church has offered but the town's insurance carrier has an issue with an indemnity agreement. He said the issue remains under study.

Recreational Marijuana – Stu reported that Maine Municipal Association has generated language for both a moratorium and an ordinance, and asked if the Board wished to have the town meeting consider something, and if so, what might that be. Kathleen said she would like to see any decision made by a referendum vote instead of at open town meeting.

Mr. Holt asked what was driving the questions. A very lengthy discussion followed over the merits of selling recreational marijuana for adult use, and allowing social clubs that allow for use. Bob asked what the urgency was. Jo said she doesn't like to have the town vote on a moratorium in reaction to a business proposal.

Nathan moved to place an ordinance to prohibit recreational marijuana retail sales establishments and social clubs that "serve" recreational marijuana on the March 2017 town meeting warrant. Jo 2nd. **Vote in favor was 3-2 (Rybarz, Christie opposed)**. An informal poll following the vote indicated that all favored the question being placed on a referendum ballot.

PERC/MRC – Stu reported that both PERC and the Municipal Review Committee have settled a lawsuit that has some implications for the town in regard to its ownership share of the Orrington incinerator. He said he hoped to have some more information for a future meeting.

Next Meeting Dates – Gary listed the following dates for regular meetings:
January 12, & 26, 2017
February 9 & 16, 2017
March 7, 8, 9, 2016 (town meeting election, open meeting, organizational meeting.)

Budget Workshop – Stu remarked that though there was some discussion about setting aside money to look at reconfiguring the Transfer Station, none has been included in the FY 2017/18 budget. He noted that the final fire truck payment ends after that fiscal year. He reported the Budget Committee meets on Monday the 19th and will likely make their recommendations at that meeting.

There being no further business, the meeting adjourned at 8:55 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen