



# Lamoine Board of Selectmen

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## Draft

## Minutes – February 16, 2017

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

Present were: Selectmen Kathleen Rybarz, Nathan Mason, Gary McFarland, Robert Christie, S. Josephine Cooper; Administrative Assistant Stu Marckoon

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

Gary thanked the plowing contractor for doing a great job on the town's roadways during the recent spate of snow storms.

**Minutes January 26, 2017** – Kathleen moved to approve the minutes as written. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 15** – Stu thanked the board members who made it in to sign the warrant in the amount of \$39,205.10 before the snowstorm on February 9, 2017.

**Expenditure Warrant 16** – Selectmen signed the warrant in the amount of \$91,215.61. Stu noted roughly \$73,000 was for school expenses.

**Cash & Budget Reports** – Stu reported cash flow is very good as the 2<sup>nd</sup> half property taxes are due at the end of the month and the bank escrow checks came in this week.

**Checking Account Reconciliation** – Selectmen signed the form expressing satisfaction with review of the checking account reconciliation. Bob asked about stale checks, noting that one has been outstanding for quite a while. Stu said he would contact the payee to see if they may have lost the check.

**Property Tax Lien – Foreclosure Status** – Stu reported that one property that he thought would foreclose did not after a chance encounter with the apparent new owner. He said the only other property with a 2014/15 lien will automatically foreclose next week. He said the owner has requested that he inform the Department of Health and Human Services when that happens. He said he has also been in touch with the former owner's daughter in regard to the foreclosure.

**Audit** – Gary noted that the board members each have a copy of the audit in their packets. Stu noted that the undesignated fund balance at the end of June 2016 was very healthy.

**MRC/PERC Ownership Share** – Stu reported that the town has an ownership value of about \$4,900 in PERC and has received information about how to authorize a buyout of its ownership. He suggested that could go on the town meeting warrant with the school budget later in the year. There was a very brief discussion about the town's share of the MRC ownership. Stu said he would explore that further in the coming months.

**Heating Fuel Joint Bid** – The Board said it would favor bidding heating fuel jointly again with Hancock and Sullivan as well as inviting Trenton to join in. They suggesting waiting until after April 1, 2017 to request bids.

**Marijuana Ordinance Referendum – Public Hearing** – Gary opened the hearing at 7:10 PM on the following question to be voted upon by referendum ballot on March 7, 2017: *Shall the Town of Lamoine enact an ordinance entitled “Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Lamoine.”*

Jo inquired about the purpose of the hearing. Stu explained that because the matter is being voted upon by secret ballot referendum, a public hearing is required prior to that vote. Jo noted that a lot of communities are taking similar action on recreational marijuana sales and cultivation, and the public might well be familiar with it. Bob noted that Ellsworth State Representative Louis Luchini sponsored a bill that passed that gives the state time to develop the rules for selling recreational marijuana. He said Maine Municipal Association is holding a forum on the issue in Freeport on February 28, 2017. He asked if there might be some follow up on that. Stu said he imagined that the next issue of the *Maine Townsman* would likely contain an article. He said there might be limited space at the Freeport forum, but he might be able to register Bob to attend. Bob said the whole state is looking at the issue, and he likes to be kept informed.

Kathleen read, and submitted the following statement:

*I oppose this warrant article “Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Lamoine: based on three issues.*

***First. It sends the wrong message*** by closing the door on new entrepreneurial opportunities here in Lamoine.. *This state law will create many potential businesses for agriculture.*

***Second. It limits medicinal product development.*** *I support our veterans with PTSD, addiction treatment and seizure patients of all ages who have found increasing value in this plant as a medicine. The residents of Lamoine should have the opportunity to develop market products for these customers.*

***Third, I support decriminalization.*** *Lamoine could be a leader in developing responsible guidelines that would promote business while providing safety for our residents. It shouldn’t be against our local law here in Lamoine to grow or develop products for legal commercial use.*

***Vote no. If we are going to support our agricultural nature, Lamoine needs to be open to all legal agricultural pursuits.***

There being no further testimony, Gary closed the hearing at 7:14 PM.

**Requests for Returnables Proceeds** – Jo moved to assign the proceeds from the returnables program to East Lamoine Cemetery for July 2017 and to the Lamoine Historical Society for August 2017. Nathan 2<sup>nd</sup>. After a brief discussion regarding the amount of the proceeds, the **vote in favor was 5-0**.

**Town Meeting Warrant** – Stu reported that two articles were corrected following signature; one to put the correct fund balances in the article instead of 18-month old figures, and the other to correct a reference to a previous article. There was no objection to the corrections.

**Citizen of the Year** – Selectmen signed a resolve to honor the Citizen of the Year at the annual town meeting.

**Recycling Analysis** – Stu reported that he had made an error in a previous analysis of recycling last September by pulling figures from the wrong column of recycling deliveries. He explained the updated report, still noting that it's very expensive to recycle, but that the rate had not fallen sharply as first reported.

**MacQuinn et al v. Lamoine lawsuit** – Stu reported this case has apparently been shifted to Business court. Kathleen asked if this was the case regarding the larger boundaries. Stu said the case was filed after passage of the gravel ordinance in 2013 which had increased the setback for gravel mining from 50-feet to 100-feet.

**Small Claims Court Update** – Stu reported that small claims case against Broughman Builders did not go to court on February 6, 2017 as planned, as court was not held that day. He said the new date is March 6, 2017.

**Heating Assistance** – Selectmen briefly discussed a desire from the Heating Assistance Committee that appointments be open ended instead of a 1-year expiration. There was discussion about how many committee members there needed to be. There was no opposition to the open ended appointments. The policy will be reviewed at a future meeting.

**Town Report** – Several board members said they had reviewed the draft and nothing jumped out as being incorrect. Jo said she would look it over some more and get back to Stu with edits. Stu said he would like to get it to the printer ASAP.

**Marlboro Mist II – Consent Agreement** – Stu reported the Duquettes have signed the proposed consent agreement. The Board signed the agreement as well which can then be filed at the Hancock County Registry of Deeds.

**Traffic Light** – Gary noted that Lane Construction installed the light. Nate asked when it went active. Stu said it was sometime around September of 2015.

Stu reported that he had contacted AD Electric and finally heard back from them yesterday. He said they reported several things are wrong with the light, including the traffic detection cameras that are not working and that the light is on recall cycle which is

not correct. They also noted that the brackets for the directional signs do not seem sufficient to hold the signs, and one has broken off in the wind already. He said he has contacted Bruce Mattson of the Maine DOT and received an e-mail back from Mr. Mattson who is trying to trace down where the problems began.

Selectmen discussed the urgency to fix the light properly, especially with the sign issue. Stu said he would follow up with MDOT and review the paperwork from the original installation and acceptance.

**Request from Emera, Maine** – Jo moved to authorize Gary to sign the request from Emera to operate on posted roads as needed for maintenance. Bob 2<sup>nd</sup>. **Vote in favor was 5-0 (Gary signed the form).**

**Frenchman Bay Conservancy** – Stu noted that each Selectman got about six e-mail messages from the organization because when the town's e-mail domain address is used, each Selectman receives the message. Jo said the request to assist with the Conservancy's strategic plan should be an individual choice and not representative of the town.

**Jury Duty** – Stu reported that he has been summoned to jury duty beginning on March 7, 2017. He said he has requested to be excused while teaching a class on March 14<sup>th</sup> and while out of the country the last week of the month.

**Winter Storm Policy** – Selectmen discussed whether there is a need for a formal policy regarding closures during storms and other such events. After the discussion, it was concluded that a policy would probably be a good idea, especially since it has some impact on hourly employees and exempt employees in regard to use of vacation or sick time. Stu said he had started developing a policy and would continue to work on one.

**School – CTV Wiring** – Jo inquired about when the school building would be wired for Cable TV. Stu said the plan was to do it next week. She said the school is doing a play shortly and it would be neat to have that be the first event telecast on the channel.

**Future Meeting Dates** – The Board set the following dates to meet: March 9, 2017 (organizational meeting); March 23, 2017, April 13, 2017, April 27, 2017 and May 11, 2017.

There being no further business, the meeting adjourned at 7:53 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen