



Lamoine Board of Selectmen

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Minutes – March 23, 2017

Chair Jo Cooper called the meeting to order at 7:02 PM.

Present were: Selectmen Kathleen Rybarz, Nathan Mason, Robert Christie, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Kathie Gaianguest, Deborah Kane, Burnie Gordon, Selena Norwood, and County Commissioner Chair Antonio Blasi

Agenda Review / Addendum – Stu reported that Mr. Gordon and Ms. Norwood were present to discuss an item on the addendum and suggested that be moved up to accommodate them. Kathleen said Mr. Blasi and Ms. Gaianguest were present to discuss another item on the addendum. There were no objections to taking those matters out of order.

Minutes – March 9, 2017 – Kathleen moved to approve the minutes as written. Bob 2nd.
Vote in favor was 4-0.

Expenditure Warrant 19 – Selectmen signed the warrant in the amount of \$149,427.12. Stu reported that two payrolls were on the warrant as he would not be in town next week. He noted that the school department made up over \$106,000 and the March plowing bill was on the warrant.

Cash & Budget Report – Stu reported the town will see a more than \$4,000 windfall in excise tax thanks to the recent sale of the Trenton Bridge Lobster Pound.

Disposal of Tax Acquired Property – Stu explained that the town automatically foreclosed on a piece of land formerly owned by Robert and Rose Haslam. He said Mrs. Haslam has turned down acquiring the parcel for all back taxes fees and interest, but expressed a desire that the property stay in the family. He said Mrs. Haslam's daughter, Deborah Kane, was present tonight, and that Ms. Kane and Mrs. Haslam's daughter-in-law Patti Haslam had discussed retaining the property. He said the town meeting article is silent in regard to the Board of Selectmen offering property to family members who have no actual financial interest. He said the town gave the authority to offer back to the former owner or put the property out for bid. He said the town meeting would have to approve of any transfer of the acquired property other than to the former owner.

Deborah Kane said her mother could not give the property to her because of a health situation involving her father. She said her parents had expressed a desire to have her own the property. Kathleen said this gets complicated. Bob asked if the Selectmen could consider offering the land to Ms. Kane. Stu explained the town meeting article and suggested that if it were, the sale price would be \$2,485.00. Bob asked if Ms. Kane was agreeable to that price. Ms. Kane said she was, and that her sister-in-law was agreeable to her solely purchasing the land. Nathan moved to offer the tax acquired land to Ms. Kane for \$2,485.00. Kathleen 2nd. After a brief discussion the **vote in favor was 4-0**. Stu explained to Ms. Kane that this would be placed on the special town meeting warrant along with the school budget and other articles most likely in May. He

said if the town meeting approves, then Mrs. Kane would pay the town and the town would file a quitclaim deed with the Registry of Deeds.

Complaint – Non Conforming Permit in Shoreland Zone – Stu reported that the town received a complaint from Assessor Terry Towne that a non-conforming residence on Lorimer Road had been demolished and apparently was in the process of being rebuilt. He said the Planning Board is required to approve such situations, but the Code Enforcement Officer had issued a permit to the property owners which included verbiage that indicated a demolition was approved. He said the Code Enforcement Officer is out of town until April 3rd, so he wrote to property owners Burnie Gordon and Selena Norwood immediately to advise them of the complaint. He said they were present tonight.

Ms. Norwood said they questioned the CEO several times to make sure they were doing things correctly. Mr. Gordon said the CEO even put the demolition in writing on the permit.

Bob asked how big the foundation was. Mr. Gordon said 25' x 35', and the project is not altering the footprint. The Board briefly reviewed the permit and some calculations.

Jo said the missing link appears to be the Planning Board. Bob asked how close the deck was to the water. Mr. Gordon said about 60-feet. He said they have not touched the deck. Bob said the assessor understands the non-conforming section of the Shoreland Zoning Ordinance, and that triggered the complaint. Mr. Gordon said he understood that the project could be 30% larger and that he was not trying to get away with anything.

Nathan said the Selectmen are not questioning Mr. Gordon's side; the town needs to figure out what happened on its side. Mr. Gordon said they never would have torn down the building if they would not have been able to rebuild. Kathleen asked if the Selectmen could back up the permit holders and send this to the Planning Board. Bob said he would like to make it comfortable for the permit holders to proceed, but some information must be gathered. Jo said the town had to deal with the complaint, and that was why they wanted the permit holders to know that it had come in. She said the Board has to figure out the next step.

Bob asked how big the lot was. Mr. Gordon answered less than 1-acre. He said it was brought up that the corner of the house was too close to the next lot. Kathleen and Bob looked at a picture of the property on Google Earth on her laptop computer.

Jo asked what the next step ought to be. Nate asked if this should go next to the Planning Board. Jo said the Selectmen could refer this to the Planning Board. There was a brief discussion about how to resolve alleged violations and the Selectmen informally agreed that no clock is ticking in regard to a fine.

Bob asked if the permit holders were at the point of starting construction. Mr. Gordon said they had planned to start rebuilding this week. He said they would at least like to cover the foundation.

Nathan moved to refer this to the Planning Board and ask them to deal with the matter at their April 3, 2017 meeting. Kathleen 2nd. Bob asked to clarify that this could come up under other matters for the Planning Board. **Vote in favor was 4-0.**

Request for Ordinance or Moratorium to Regulate Helicopter Operations – Stu reported that the Friends of Lamoine had sent an e-mail requesting that the Board draft an ordinance or ask the town meeting to impose a moratorium so that an ordinance could be drafted to regulate the altitude of commercial tour helicopters. He said he e-mailed Maine Municipal Association's Legal Services Department and included the response in the packet material tonight, and that towns have no authority to regulate aircraft operations.

Nathan asked if anyone had discussed the matter with the aircraft operator. Stu said only the Federal Aviation Administration has regulatory authority. Kathie Gaianguest of Friends of Lamoine said the National Park Service limits helicopters to no lower than 2,000 feet. Stu said that was by a Congressional act.

Ms. Gaianguest said it was just brought to her organization's attention that a commercial tourist helicopter was approved to operate at the Hancock County Airport. She said they started to do some research and there could be some real issues with helicopters. She said Lamoine is an attractive peninsula and the aircraft would likely fly over often. She said helicopters are very loud and they disturb her.

Nathan said perhaps the Friends of Lamoine could speak with the operator. Jo read the e-mailed response from MMA. Stu said he would e-mail a copy of the response to Ms. Gaianguest.

County Commission chair Antonio Blasi reported that he opposed the matter before the Hancock County Commissioners. Bob asked if there was a flight plan filed. Mr. Blasi said the matter was approved as a sub-contractor for the scenic tour airplanes. He said they did not indicate how many helicopters would be operating. Bob asked if it could be reconsidered and said he has concerns about helicopters as well, and the commissioners should be aware there is some community concern. Mr. Blasi said he attempted to express that at the commissioners' meeting on March 7th.

Bob said the town is unable to do anything with an ordinance. He said that's up to the FAA and the County Commissioners. A brief discussion followed about the federal airport funding impact.

Jo said the next step is to try this from another angle. Mr. Blasi said this was on the commissioners' agenda, and other counties have tried to regulate helicopter noise. Stu said that was for heliport location only, not operating altitude. Discussion followed regarding commissioners' actions. Mr. Blasi asked that the agendas the county clerk

sends to the town office be posted. Stu said that is not the job of the town office to post – it is up to the county commissioners to post their own meetings. A brief discussion followed.

Jo said she didn't see how the town could approach this request. Ms. Gaianguest asked if a concern could be sent back to the county commissioners. Jo said the board might be able to do that. Ms. Gaianguest said she would like to request a special hearing on this. Jo said she had no objection to writing to the county commissioners. Bob noted that there was no public hearing on the commissioners' decision, and it would have been nice to have one.

Stu asked how the board wished to respond to the Friends of Lamoine. Jo said that the Friends of Lamoine could be told that the board considered their request and inquired about it with MMA Legal Services and the town has not authority to regulate.

Nathan asked if there is a hot button issue for the towns that a quick e-mail from the county commissioners would be useful. Stu agreed that he could set up an automatic forward of the many e-mails from the commissioners to be forwarded to the Selectmen.

Paving Goof – Stu reported that he screwed up the budget estimate for paving by estimating the mileage to be paved about a mile less than actuality. He said the Selectmen have all sorts of options and recommended that a special town meeting be asked to fund the mileage from a combination of the road fund and undesignated fund balance. Jo moved to place an article to fund \$84,250 on the next town meeting warrant. Nathan 2nd. **Vote in favor was 4-0.**

Traffic Light Maintenance – Stu reported his inquiry into traffic light maintenance plans found that communities service them when needed. After a brief discussion Stu agreed to contact King Electric which has its headquarters right next to the light to check structural matters annually.

Paving Contract – Nathan moved to sign the paving consulting contract with PMS LLC. Bob 2nd. **Vote in favor was 4-0.**

MacQuinn et al v. Town – Stu reported the case is before the Business and Consumer court. Kathleen asked where that is. Stu said the next matter takes place by phone, but he thinks the court is based in Portland.

Small Claims Court – Stu reported he e-mailed an offer from the defendant that the matter be settled for \$2,000 and said the board would have the option to accept such a settlement. There was no motion to do so. Board members are free to attend the small claims court hearing on April 3, 2017.

New Committees – Selectmen reviewed a proposed Electric Sign Committee and decided that the Board could come up with a request for proposals and have plenty of public input when the time comes to pick a sign design.

The Board also reviewed a proposal to form a Community Center Committee and accepted that proposal as written. They suggested that members bring names to the next meeting(s) and also run it by the Board Chair/Department Heads meeting in May. Appointment would be in the summer of 2017.

Closing Policy – Stu reported no one offered any changes to the policy proposed at the previous meeting. Bob moved to approve the policy, Jo 2nd. **Vote in favor was 4-0. Selectmen signed the policy.**

Emergency Operations Plan – Stu reported he drafted an updated plan and sent it to the county EMA office for review. He said they did a nice review, but also have a new template for such plans. He said he would work on that later in the spring.

Staffing – Stu reported that Town Clerk/Tax Collector Jennifer Kovacs will be in charge at the office next week as he's on vacation and the Code Enforcement Officer is out of town as well. He said Jennifer was instructed to contact Jo if anything urgent needed to be dealt with.

Lamoine Quarterly – Stu said the draft is done and encouraged the board to review it and e-mail changes. He said it would be published after he returns to the office.

Returnables – On a motion from Nathan and a 2nd from Kathleen to award the returnable proceeds for October 2017 to Girl Scout Troop 796, Selectmen **voted in favor 4-0.**

Request of Conservation Commission to apply for Coastal Grant – Stu reported that request was withdrawn as the town would not qualify because it does not have a current state approved Comprehensive Plan.

Land Donation – Jo moved to OK the revised deed donating land to the town by Ken Smith as approved by town meeting. Bob 2nd. **Vote in favor was 4-0, and the Board thanked Mr. Smith for his generosity.**

Condolences to Selectman McFarland – Selectmen signed a card expressing sympathy to Gary McFarland and his family over the loss of his father, Walt.

Future Meetings – Selectmen did not add any meetings beyond the printed schedule and did not object to the invitation memo drafted by Stu for the Board Chair/Department Heads meeting.

There being no further business, the meeting adjourned at 8:22 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen