



Lamoine Board of Selectmen

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Minutes – June 7, 2018

Chair Nathan Mason called the meeting to order at 6:04 PM.

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

Executive Sessions – Bob moved to enter executive session pursuant to 1MRSA § 405(6)(a) for the purpose of job performance reviews. Gary 2nd. **Vote in favor was 5-0.** Out at 6:37 PM.

Bob moved to enter executive session pursuant to 1MRSA § 405(6)(f) for the purpose of processing Hodgkins Scholarship Applications. Gary 2nd. **Vote in favor was 5-0.** Out at 6:52 PM

Chair Mason called the regular meeting to order at 7:00 PM.

Present in addition to those listed above (the town clerk left after her performance review) were Paul MacQuinn, Carol Korty, John Holt, Brett Jones, Jon VanAmringe, Jay Fowler, Ed Bearor, Katie Foster, Don Bamman and Fred Stocking.

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

Minutes – May 16, 2018 – Kathleen moved to approve the minutes as written. Gary 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 25 – Selectmen signed the warrant in the amount of \$109,190.69. Stu noted that no investment funds had to be transferred to cover the checks.

Cash & Budget Reports – Jo noted the extra printout on use of legal fees which significantly exceeds the budgeted line amount and noted the administration budget will be quite tight as a result.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation for May 2018.

Lien Foreclosure – Stu reported there still has not been any payment under the installment agreement between the heirs of a foreclosed property and the Selectmen. There was no objection to sending a certified letter to the heirs.

Cell Phones – There was a brief discussion about the plan to upgrade the town issued cell phones. Stu said the language in the agreement with Verizon Wireless is confusing at best, and while he signed the documents, he clarified in the e-mail that he sent back

that it's the understanding the phone upgrades are at no charge and there would not be a service fee increase.

Paving Contract – Jo moved to sign the paving contract for Seal Point Road with Vaughn Thibodeau & Sons. Gary 2nd. **Vote in favor was 5-0.**

Jo moved to authorize pavement placement prior to July 1, 2018 but payment be delayed until after the start of the 2018/19 fiscal year. Nathan 2nd. Stu noted that the paving consultant, as has been the case for several years, wished to start as soon as possible. **Vote in favor was 5-0.**

Certification – Stu reported that he has obtained lifetime certification status from the Maine Municipal Tax Collectors and Treasurers' Association.

Request to meet with town attorney regarding Appeals Board case – MacQuinn v. Planning Board – Kathleen said she had e-mailed Appeals Board chair Griff Fenton regarding getting the minutes of the last several Appeals Board meetings prepared and available for the public. She said the Appeals Board has not approved minutes since February. Stu reported that current board secretary Michael Jordan had sent some via e-mail that he's not had a chance to post yet. Appeals Board member Jon VanAmringe reported that Mr. Fenton has the DVD recordings of the various meetings and is working on minutes himself. He said there is a full record available through the recorded meetings which people can access on the town's website. He said the Appeals Board recognizes the frailty of its setup.

Kathleen said she noticed that Appeals Board members remained inside the town hall after the meeting adjourned and talked with each other. She requested that the board not continue to meet after adjournment. Mr. Van Amringe said the discussion was not related to any matters before the board. He said they talked about the Red Sox, cars, and the school. He said the Appeals Board is aware of the open meeting rules and would vacate if there was any appearance of an open meeting violation. Kathleen said the video recorded two members and the appeals board attorney continuing to discuss the case after the meeting adjourned and the public left the room.

Kathleen said she requested the agenda item to discuss the next steps of the MacQuinn case with town attorney Pileggi. Jo asked if the Selectmen were supposed to decide something. Nathan asked why the Selectmen need to meet with an attorney. Kathleen said it was to clarify the role of the Board of Selectmen in this matter. Nathan asked if the Selectmen would be questioning what the Board of Appeals has ruled. Kathleen said attorney Pileggi felt the appeal of the Site Plan Review denial should have gone to Superior Court.

Gary asked if the town would be suing itself. Kathleen said no, the appellant should have pursued the Site Plan Review appeal in Superior Court, not the Board of Appeals. Nathan asked if any suit has been filed. Kathleen said no.

Bob asked about an e-mail from attorney Pileggi. Stu said Mr. Pileggi had sent an e-mail. Bob said it appeared the e-mail expressed the Mr. Pileggi felt it would be helpful to give a brief presentation on what the town could expect. A brief discussion followed.

Nathan asked if the Board of Selectmen felt there was a need to meet with an attorney at this time. Gary said the Board of Appeals has not finalized a decision. Kathleen said there has been no final decision.

Appeals Board member Jon VanAmringe said the board met a week ago but not this Tuesday. He said the attorney had not been prepared to write the draft decision for the Site Plan Review. He said the Planning Board does not have the written decision for either the Gravel or Site Plan Review appeals. He said the Gravel decision is ready for chair Griff Fenton's signature. He said they will meet on June 19th. He said there as another issue raised by the attorney for Friends of Lamoine asking to delay the June 12th meeting because he was not in town. He said the Appeals Board is just finalizing the wording of the decision. He said there was nothing to deliberate, and he would be happy to explain the decision.

Nathan asked if the Planning Board has received anything on this matter. Planning Board vice-chair Donald Bamman said they have not, but they do know what the findings of facts are on the gravel ordinance. Appeals Board member Brett Jones asked whether Mr. Pileggi, who is advocating for the Planning Board, is the proper attorney with whom to meet. Mr. Jones asked what role the town would take if a private lawsuit was filed, other than to defend the Appeals Board decision. Nathan said the town is not yet on to the next steps.

Kathleen said the Board of Appeals will meet before the next Board of Selectmen's meeting. She said the public has not had a chance to seek the Appeals Board's work. She said Mr. Pileggi represents the Planning Board and could explain procedurally how the ordinances work.

Mr. VanAmringe said the minutes would be available for the June 19, 2018 Board of Appeals meeting. He said the findings of facts and conclusions of law would be done on June 19th as well.

The Board of Selectmen took no action.

Comprehensive Planning Update – Comprehensive Planning Committee chair Fred Stocking held up a packet of papers and said the draft of the plan has been in hand for about two weeks from the consultant. He said they are still updating the draft, and editing it for the next round with the consultant. He said they hope to have something ready by the end of July, depending on the summer schedule.

Mr. Stocking noted that the original budget for the plan was \$15,000. He said the consultant has cost \$9,000.00 thus far and will need another \$4,000.00 to finalize things. He submitted a letter of understanding to the Board of Selectmen. Kathleen moved to approve the agreement with consultant Frederick Taintor for \$4,000.00. Nathan 2nd.

Vote in favor was 5-0. Nate signed the letter. There was a brief discussion about the town and state approval process. Jo said she really appreciates the committee's work.

Swap Shop Issue – Selectmen discussed an issue with an individual who utilizes the swap shop at the transfer station and has behavioral issues both on and off premises. He asked if the Selectmen had any guidance. Nate asked if the person could be banned from using the swap shop. Stu said there is nothing in place to allow for that. After a brief discussion, the board requested that a policy be drafted in the future.

Recycling & Compaction – There was a discussion about ways to accommodate the volume of recycling at the transfer station by maybe adding a 2nd container or mechanical compaction. Stu noted the facility manager Chris Meyer is using an MSW dumpster to segregate cardboard from the collection bin supplied by Eco Maine. He said resident Ken Smith is working on some specifications for compaction.

Ordinances Signed – Selectmen signed the updated Building and Land Use Ordinance and Gravel Ordinance which reflect changes approved at the May 16, 2018 special town meeting.

Resignation – Nathan moved to accept the resignation of Eric Novella as an alternate member of the Budget Committee. Gary 2nd Stu noted that he had informed Mr. Novella to show up at this meeting if he wished to continue service on the board to which he was appointed last year, but had not shown up for more than 3-consecutive meetings. He was not in attendance tonight, and by policy is considered to have resigned. **Vote in favor was 5-0.**

Connect ME Grant – Stu reported the town did not get grant funding to wire up the Woodcock Lane area for Cable TV/Internet access. There was discussion of the school project and meeting with the town of Hancock to discuss Eagle Point.

Honor Graduates – Selectmen signed commendations for the following high school honor graduates:

- Britney Andrews (Ellsworth High School)
- Makenzie Cowles (MDI High School)
- Elizabeth Dalton (MDI High School)
- Jacqueline Goebel (MDI High School)
- Mackenzie Hanna (MDI High School)
- Casey Willard (MDI High School)

Thank you to the Girl Scouts – Gary reported the three scout troops planted flowers at the Veterans' Memorial, took care of wreaths in the winter, and placed Veterans' flags at the two major cemeteries. He said they deserve recognition for their service. Selectmen signed cards to each troop, thanking them.

Memorial Day – Gary noted the Veterans' memorial at the town office is marking its 10th anniversary this year. Bob thanked Gary for putting together the Memorial Day

Ceremony for August 30. He noted the State Police Honor Guard presented the colors this year.

Smoking Policy – Stu reported Healthy Acadia dropped off a brochure a couple of days earlier asking about reviewing the town’s smoking policy Bob moved to accept the offer, Gary 2nd. **Vote in favor was 4-1 (Mason opposed).**

Sunscreen dispenser – Nate said he had some concerns about the ramifications about placing a sunscreen dispenser at Lamoine Beach. Jo said she’d like to know more about it. A discussion about issues surrounding an offer for a dispenser followed. Gary moved to refer the proposal to the Parks Commission with concerns noted. Nathan 2nd. **Vote in favor was 5-0.**

Additional Hours – Code Enforcement – Stu said the pressure on the Code Enforcement Officer from the public between permits, inspections and possible violations had made the job one that needs more than 8-hours a week. He said CEO Albright will become available for more hours. Nate asked how many more might be needed and a discussion followed. The Board said they would like to meet with Ms. Albright.

ISO Fire Ranking – Stu reported the ISO has issued its final report for fire insurance ranking, and Lamoine is a 6 within five miles of the fire station and a 10 beyond that limit.

Fire Station Trees – Bob noted that the trees between the fire station and the neighboring home have been successfully removed.

Next Meetings – The Board will meet on June 21, 2018, beginning with employee reviews in executive session at 6:30 PM. The board will also meet on July 12, August 9, and September 13 and 27.

There being no further business, the meeting adjourned at 8:17 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen