



Lamoine Board of Selectmen

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Minutes – January 10, 2019

Chair Nathan Mason called the meeting to order at 7:02 PM.

Present were: Selectmen Robert Christie, Gary McFarland, Nathan Mason, Kathleen Rybarz, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Conservation Commission Chair Larissa Thomas, Lori Tilden, Thomas Dodd and Code Enforcement Officer Rebecca Albright

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

Minutes – December 13, 2018 – Kathleen moved to approve the minutes. Gary 2nd. **Vote in favor was 4-0.** (Selectman Cooper had not yet arrived, after arrival, she submitted on minor typographical error to correct).

Expenditure Warrant 14 – There were no questions about the warrant that was signed individually on December 27, 2018 in the amount of \$103,342.81.

Expenditure Warrant 15 – Selectmen signed the warrant in the amount of \$145,682.72. Stu noted that approximately \$111,000 was for school department expenditures. Nathan asked if the bill for the traffic light was about the same as it has been. Stu said it was.

Cash & Budget Report – Nathan asked how excise tax collections are. Stu said it's a slow time of year, but it's still slightly ahead of projection. He said collections pick up between April and June.

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

Foreclosed Property – Stu said Mrs. Tilden was present to discuss her tax lien situation from 2016/17. Mrs. Tilden said the lien exceeds \$1,000 and she's got about two more weeks to pay. She asked if the town could provide leniency and if she could get some more time. She said she was cutting it close. Jo asked what kind of time she was requesting. Mrs. Tilden said a couple more paychecks. She said she can pay about 75% of the amount due. Jo asked if she could pay \$500 and then another \$500. Stu said state statute does not grant authority to allow an extension of automatic foreclosure, but with some creative bookkeeping, the town could discharge the lien with an account receivable agreement. Mrs. Tilden explained the various circumstances that led to her being unable to pay before the automatic foreclosure date.

Stu said that possibly the Selectmen could create an agreement with Mrs. Tilden that establishes a short term account receivable agreement. Jo moved to authorize the treasurer to enter into an agreement with Mrs. Tilden not to exceed 60-days in order to discharge the tax lien and to create an account receivable. Gary 2nd. **Vote in favor was 5-0.** Stu requested that Mrs. Tilden come see him next week to finalize the agreement.

Shoreland Zoning Matter – Nathan asked where things stand with K&T Rentals. Code Enforcement Officer Rebecca Albright asked what the Selectmen were looking for. Nathan said that at the last meeting it appeared there was no violation.

Thomas Dodd introduced himself as the licensed forester that K&T had hired. He said he owns a home in Lamoine. He reviewed a plan that had been previously submitted to the Board of Selectmen.

Mr. Dodd said K&T had taken a mulcher and went on their property in the Sunset Bay Subdivision and mulched trees. He explained the map of the affected area and how the square footage of the area was determined. Mr. Dodd handed out a chart and said he used a drone in October 2017 to take pictures of the area and made a comparison to the Shoreland Zoning area.

Mr. Dodd said he concluded there was no violation in the 75-foot zone, and no regulation in the 75-foot to 250-foot zone, but there were a couple of what he classified as minor violations on a couple of lots. He said he could find no evidence that any tree greater in size than 2-inches had been removed. He said he did not look under the wood chips for stumps. CEO Albright said she did not observe anything of that size.

Mr. Dodd explained that the mulcher could handle any tree only up to 4-inches in diameter. He said there were a lot of drying trees on the lot, and it's not a violation to chew that up. He said a house lot can be cleared 75-feet from the shore, but the house must be set back at least 100-feet. He said a land owner can clear 25% of a lot, or up to 10,000 square feet. Kathleen asked about the 10% lot coverage rules.

CEO Albright said 80% of the 100-foot setback must be vegetated. Mr. Dodd said K&T cleared out a lot of material, but there was no violation. He said he considered the crown opening on the lots as the house lot and explained a set of tables that were in the handouts. He said that all the clearing for the house lots was less than the maximum allowed in the Shoreland Zoning Ordinance.

Mr. Dodd said that the minor violations he found require some remedial action, and that the basis for the plan he drew up to replant, monitor and maintain trees. He said it's a pretty complete plan. He said the mistake that was made was not to consult with the Code Enforcement Officer ahead of time.

Kathleen said the Shoreland Zoning Ordinance regulates the opening of viewsheds. She asked if that was addressed, and a brief discussion followed. CEO Albright said she has asked the Planning Board to amend the Shoreland Zoning and/or Building and Land Use tables to require a consultation before cutting in the Shoreland Zone. She said the current ordinance say it is allowed, but there is no consultation requirement. She said she's had several complaints about cutting since starting in the job in late 2017. She said currently, a landowner is not obligated to call before cutting.

Bob said he knew there was a significant fine imposed for clearing in the Shoreland Zone near Tunk Lake. He said he appreciates the recommendation from the Code

Enforcement Officer provided it's not a burden. A discussion followed on Shoreland clearing regulation and the role a forester plays.

CEO Albright said the regulations are not as strict as one might think. Mr. Dodd said the landowner may bring the CEO in after drawing up a plan.

Larissa Thomas said she was present when the clearing was happening, and could quibble with some of the detail that Mr. Dodd presented. She said she was gratified to see the revised plan.

Stu asked what the next step is for the town. Mr. Dodd said if his clients follow the plan and the town inspects, everything should be OK. Stu asked who inspects. Mr. Dodd said it would be the Code Enforcement Officer. Stu asked how the town can memorialize acceptance of the plan and monitoring the activity. Bob asked if a consent agreement would be in the realm of possibilities for this matter. Nathan asked K&T is in violation. CEO Albright said there are minor violations. Nathan asked if they are still operating on the initial notice of violation. CEO Albright said yes. Nathan said if they violate the forester's plan, then they are still in violation.

Code Enforcement Budget – Nathan said that when the board and CEO Albright spoke way back, she said she needed to work more hours. He asked how the extra hours are being filled. CEO Albright said she has been doing a lot of inspections. She said she would also like to empty out the vault and put much of the material stored in there into the map and lot files. Nathan asked if she needed the same amount of hours in the winter. He said the discussion a few months ago was left open ended. He said the town wants to pay for the hours that the CEO is working.

CEO Albright suggested that maybe two 6-hour days would be sufficient instead of 8-hour days. Stu asked about possibly adjusting the agreement on the local share of plumbing fees.

Kathleen said the Board is not saying to the CEO to not do the project she's suggesting. CEO Albright said she's been working on a project with the Planning Board to better define the flood plain and resource protection areas in the Shoreland Zoning Ordinance. A brief discussion followed regarding the floodplain ordinance changes.

Bob said during previous CEOs evaluations that the Selectmen seemed to have no real control on the position. A brief discussion followed. Jo said the Selectmen will have to ask the town for additional funding to get through the current fiscal year.

CEO Albright said there are some code enforcement matters that have not been attacked for a long time. She noted that just today she received some new maps, and it's a big effort to try to determine where some of the zones area, and gray areas are creating a problem.

Gary asked what the time line might be to clear up some of those gray areas. CEO Albright said she's not sure. Stu asked what the final project might be. CEO Albright

said it would be something to clarify what a wetland is, and things like that. A lengthy discussion followed regarding hours and CEO needs.

Kathleen recalled a Shoreland cutting issue at Blunt's Pond that required monitoring.

A discussion followed about CEO hours around the holidays.

Comprehensive Plan – Nathan said it appears the Comprehensive Plan document is ready to put before the voters. Bob said the committee held a second public hearing after some errors turned up. He said the corrections have been given to the consultant and a finished product will be ready in time for the town meeting. He said the committee has requested that it be placed on the warrant. Nathan said he wasn't sure the town would ever get to this point. Kathleen said the committee did a good job.

Speed Monitoring Sign – Stu said he'd picked up the speed monitoring sign from the MDOT earlier in the day after taking a class on how to set it up and program it. He said he'd like to have one of the local welders make a stand for it to allow for easy setup. Discussion followed on where to place the sign.

Budget 2019/20 – Nathan asked if the recreation committee had submitted a budget. Stu said they had. He said the only significant increase was to purchase a set of soccer goals, and the funding for that would be offset by an appropriation from the recreation fund.

Draft Town Meeting Warrant – There was discussion about the recreation committee budget. Stu reported the Planning Board has advised that a Shoreland Zoning Ordinance update will not be ready. He said that an article will be needed to appropriate more funding for the current Code Enforcement Budget. There was a brief discussion on how to word the snowmobile fund article to make it more easily understood.

Stu reported Harvey Kelley is all set to moderate the meeting.

Town Report – Printer - Stu said he'd obtained an estimate from Xpress Copy to print the report with 25-more copies than last year due to demand. There was no objection to the estimate.

Cover - Stu presented a mock cover with the new ladder truck on front. There was some discussion about getting a better picture of the new truck but no objection at this time about it being the cover.

Dedication – Stu presented a draft of the in memory of section for review.

Selectmen's Report – Stu presented a draft of the Board of Selectmen's Report for review.

Community Center Meeting – The board briefly discussed the planned meeting for Monday, January 21, 2019 at the school to discuss beginning the Community Center exploration. Stu said he would send out a general notice via e-mail as a reminder.

Lamoine 150! – Jo reviewed a time line document and presented a written marketing plan for the events that start in September. She said the committee is very active and has lots of ideas. She said a logo contest starts soon, and the committee is drawing up guidelines for that. She praised the committee members. She said her intent was to give an idea of what the committee is doing. She said the committee will likely need help on the parade, and maybe some fireworks planning. She asked if the Selectmen wished to play any roles. A brief discussion followed.

Resignation – Nathan moved to accept, with regret, the resignation of David Legere as an alternate on the Planning Board. Gary 2nd. **Vote in favor was 5-0. Selectmen signed a letter accepting Mr. Legere's resignation and thanking him for his service.**

Stu said he would advertise for a replacement using e-mail, Facebook, the town's website and the bulletin boards.

Audit – Selectmen received the FY 2018 Audit report. Stu said there was nothing spectacular about last year.

Dues – Maine Municipal Association – Stu reported the dues to belong to MMA are up just under 15-percent. A brief discussion followed.

110 Needles Eye Road – There was a brief discussion about a fatal motor vehicle accident that killed resident Terry Bragdon. Stu reported that he spoke with Mr. Bragdon's property custodian and at this time there is no role for the town to play.

50th Wedding Anniversary – Selectmen signed a certificate of commendation marking the 50th anniversary of Jay and Jane Fowler who will mark the event the next day.

Other – Nomination Papers – Kathleen inquired about who has taken out nomination papers for the March Election. Stu reported the incumbent Selectmen and School Committee members are circulating papers, but no one has taken out papers for the Assessing Board opening.

Solar Project – Larissa Thomas inquired about where things stand for a solar project. Stu explained that the Selectmen have included a re-design for the transfer station in the 2019/20 budget, and that one of the ideas will be to include a solar array at the facility.

Next Meetings – The next meeting will be on January 21, 2019 at 7PM at the school for the community center meeting. The regular meeting will be January 24 at 7PM, February 7 and 21, and March 21.

There being no further business, the meeting adjourned at 8:59 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen