



Lamoine Board of Selectmen

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Draft

Minutes – April 4, 2019

Chairman Robert Christie called the meeting came to order at 7:00 PM.

Present were: Selectmen Robert Christie, Nathan Mason, Gary McFarland, S. Josephine Cooper, Kathleen Rybarz; Administrative Assistant Stu Marckoon, Fire Department members Captain Michael Jordan, Chief George “Skip” Smith, Lt. Joseph Young; John Devin of the Maine DOT, Comprehensive Planning Committee Chair Fred Stocking, Conservation Commission Chair Larissa Thomas, Aaron Dority of Frenchman Bay Conservancy, Planning Board Chair John Holt, Karen & David Hood, and Beth and Kevin Murphy.

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

Minutes – March 21, 2019 – Nathan moved to approve the minutes as printed. Kathleen 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 21 – Selectmen signed the warrant in the amount of \$95846.05. Stu noted that \$71,000 was for school purposes.

Cash & Budget Report – There were no questions regarding the cash & budget reports.

Checking Account Reconciliation – Selectmen signed the document to acknowledge the reconciliation which had been e-mailed to the Board on Monday.

Excise Tax Report – Stu noted that the 1st quarter for calendar year 2019 was a bit lower than the same period the year before. He said the report is a bit of a reflection of the economy.

Foreclosed Property Agreement – After a motion by Jo, a 2nd from Nathan, and a **5-0 vote in favor**, Selectmen signed an agreement with the owner of a property on Chickadee Lane with a lien payoff schedule.

Map 14 Lot 59-1 – Stu reported the two abutters to the lot on Bay Road had submitted offers. Jo opened a letter from Terry Towne and Diana McDowell with an offer of \$1,511. Bob opened an offer from Eugenia Kolkas and Eric Davidson with an offer of \$3,000. Kathleen moved to sell the tax acquired lot to Dr. Kolkas and Mr. Davidson. Jo 2nd. **Vote in favor was 5-0.** Stu explained that town meeting will have to give final approval.

Map 9 Lot 4 – Kathleen moved that the Selectmen send a letter to the tenant at the property that was tax acquired last year informing them of a violation of the installment agreement. Gary 2nd. Stu said he would suggest that the Board of Assessors place this back on the tax rolls and assess it to the tenant in possession. **Vote in favor was 5-0.**

Meeting with Maine DOT re: Route 184/204 Options – John Devin, an engineer with MDOT was present to explain the Municipal Partnership Initiative (MPI) to help improve state highways. He said the state offers a 50% share up to \$500,000. He said for small towns, rebuilding a state road is a struggle. He said the MDOT simply does not have enough money to properly take care of roads similar to that route. He said there a lot of roads like 184 and 204.

Mr. Devin reported the Maine Legislature is currently working to make some rebuilding more palatable by increasing road maintenance funding. He said if the town chose to pursue the MPI, he would develop the application, but the Town would hire an engineer to design and oversee the locally administered project. He said any project would have to have a 10-year useful life.

Mr. Devin said the most reliable way to have a 10-year road is to reconstruct it. He said that would take quite a while for Route 184. He said there is not enough money to go around, and said the highways are prioritized. He said there needs to be some public involvement in the process and Route 184 is limited by its right of way. He said parts of the road have a 3-rod right of way and some sections are 4-rods wide. He said Route 204 is similar in design.

Mr. Devin said there is some MPI funding left for 2020 construction. Stu said the MDOT has \$500,000 to use in a planned culvert replacement and ditching project on the two roads for the summer of 2019 and then light paving in 2020.

Mr. Devin said the MDOT is not forcing the town to do anything. He said the program is administered on a first come/first served basis. He said there are only a couple of towns on the list for 2021 projects right now.

Nathan asked what \$1-million would buy. Mr. Devin said reconstruction typically costs \$1.4-million per mile. He talked about options like reclaiming and said again that reconstruction would qualify for a 10-year service life. He said the winter was particularly bad this year. He said the “skinny mix” pavement applied to the roads has been peeling off, not just in Lamoine but in most parts of the state. He said for long term projects there is a contractor shortage and a lot of planning for projects is required.

Nathan said \$500,000 is a lot of money and he would hate to see it last only 5-years. Mr. Devin said there are a lot of miles that could use reconstruction. A lengthy discussion followed about the roads’ condition. Nathan said the bottom line is that the roads are dangerous. Bob said that’s Lamoine’s focus. He said he can’t imagine how the fire department responds to calls with the poor road conditions.

Mr. Devin said there is another program where businesses contributed 1/3 of the cost, the town pays 1/3 and the state pays 1/3. He said it has a higher cap. A brief discussion followed.

Gary asked how many years it would take to reconstruct Route 184 under this program, since it would cost more than \$1-million per mile. Mr. Devin said if it is a reconstruction,

it would last much longer, and the project must be done within 36-months of signing the agreement. He briefly explained the timeline, and discussed funding sources. He said some towns actually take over maintenance of reconstructed roads, and gave Hermon as an example.

Stu said the town does not employ an engineer. Mr. Devin said he has a list of qualified engineers. He suggested talking to an engineer ahead of time to develop a work scope. Gary asked what an engineer typically charges. Mr. Devin said usually a percentage of the entire cost. He said this is a tough decision for a town. He then explained the road corridor priorities for the state, and noted that Lamoine's state roads are the lowest priority.

Kathleen asked if there are any funds available because the road leads to a state park. Mr. Devin said there are no special programs. He suggested looking at the corridor priority on the state website and handed out colored priority maps. He said road conditions and safety are listed in the criteria and comparisons can be made to other towns.

Stu asked how dump trucks are figured into the traffic count, saying he learned years ago that one loaded dump truck is equivalent to about 80,000 cars. A brief discussion followed. Bob asked if other communities have done the business partnership program. Mr. Devin said Lincoln and Hermon have in his region.

Bob said the Board has some things to consider, and said they might reach out with more questions. Mr. Devin said he would be happy to e-mail links to Stu for further study. Kathleen asked about the timing for 2020 projects. Mr. Devin suggested there be no rush. Kathleen said she was inquiring whether town meeting should be consulted.

Mike Jordan asked what the state plans to do on the roads. Mr. Devin said preparation for a light capital paving is planned. Stu said that would be the same that was done on Mud Creek Road two summers ago.

Land Donation – Aaron Dority of Frenchman Bay Conservancy said he was pleased to be back before the town with another land donation proposal which will be significantly larger than Marlboro Beach. He said the two parcels from Judith Whitcomb and Katherine Dudzinski total 41.5 acres. He said the parcels do NOT include Latona Spring. He said the family wished to keep the spring open and he encouraged them to retain that. He said the donation has been a long time in the making, and they were interested in keeping a buffer around Blunt's Pond. He said Frenchman Bay Conservancy would hold a conservation easement on the land and monitor activity.

Gary asked about the snowmobile trail which crosses the land. Mr. Dority said that would continue to be allowed. A brief discussion followed. Nathan asked about other recreational use on the land. Mr. Dority said there would be public access over the land. Nathan asked what limitations there might be. Mr. Dority said motor vehicles would possibly be prohibited. He said it's hard to say what an easement would say. Kathleen asked if a nature trail with guidepost signs would be allowed. Mr. Dority said that would

be permissible and could be crafted into the easement. Nathan asked what it might look like 100-years from now. Mr. Dority said the intention is for public use.

Fire Chief George Smith said the fire department has wanted to utilize the pond for fire protection. He asked if an underground line to the state road would be allowed. A brief discussion followed regarding the route that might take. Kathleen noted the town owns Bloomfield Park and the Snowmobile club land and asked if expansion of the parking area might be allowed. Mr. Dority said yes.

John Holt asked about the formal status of Bloomfield Park Road. A brief discussion followed regarding the right of way. Mr. Dority said the Conservancy could try to clarify that. Stu asked about the timeline. Mr. Dority said they anticipate a donation in late summer. He said there would be plenty of time to ask questions. Stu asked what role the town would need to play. Mr. Dority said the town should decide whether it wishes to own the land, and how to manage it. Stu asked if that would require a town meeting vote to accept. Mr. Dority said it probably would.

Nathan said the town would be losing some value from the tax rolls. Mr. Dority said he researched that and the land is not a very big part of the town's overall assessed values. He said if Frenchman Bay Conservancy owned it, they would enroll the property into open space which would generate a significantly reduced value. He said there would be no significant difference in tax value regardless of whether the town or FBC owned it. Nathan asked if there would be more limited use if FBC owned the land. Mr. Dority said either way it would likely be about the same. He said there may be a desire to have a name associated with the donated area.

Fire Station Use – David Hood said he wrote a letter regarding someone living at the fire department full time. He said he brought that up to Stu and was told it was in return for work being done. Stu said he never said any such thing.

Bob said he wanted to clear up the matter. Mr. Hood asked why taxpayers are taking on the burden of housing someone in the fire station. Bob said sometimes firefighters are present at the station and asked Fire Chief George "Skip" Smith for input.

Chief Smith said since volunteer fire departments were established in the 1750s by Benjamin Franklin, firefighters have hung out at the fire station. He said there is no one living at the fire house and there are no provisions to do so. He said the upstairs is a meeting room with a kitchen. He said the fire captain Michael Jordan does spend a lot of time at the station. He said that a few years ago he rebuilt sections of the front end of the apparatus bay that had rotted, and that he has done a lot of free work for the department. He said if there was a limit of how much time someone could spend at the fire station, the town would be missing the entire idea of a volunteer fire department. He said if someone is present at the fire station, when calls come in, trucks can be ready to go. He said the town is money ahead when volunteers are at the station.

Nathan asked if Mr. Hood thought someone is still living in the fire station. Mr. Hood asked if Nathan was saying that no one lives at the fire house. Nathan said he's not seen anyone living there, and he's at the school next door quite often

Bob said he was asked to revisit the issue from last meeting. He said he wanted to discuss the matter with the fire chief when there was some question of inappropriate activity at the station. He asked if there was any policy about people being in the fire station. Chief Smith said members are extended the invitation to use the fire station. He said sometimes it's just to sit around and "shoot the bull". Bob asked if that is part of a written policy. He said some have told him that when the fire station was built, people burned out of their homes could live in the fire house. Chief Smith said that wouldn't be legal. Kevin Murphy said that was discussed when the fire station was built. Chief Smith said the building would have to be sprinkled.

Mr. Murphy said when he goes by the fire station at 4:00 AM, Captain Jordan's vehicle is frequently there. He said he was curious about what is going on. Capt. Jordan said from February of 2017 to May 2018 he was rarely at the fire station as he was house sitting for a friend. He said when he's there he often uses the Wi-Fi and hangs out there between errands involving his girlfriend. He said he works on the fire station during his off hours, and frequently works early in the morning or late at night. He said sometimes he will stay overnight if particularly stormy weather is expected and that's at the request of the chief. He said there is nothing to sleep on at the station, only a chair, and that's not terribly comfortable.

Bob asked if there should be a policy regarding fire department members being around the station. Chief Smith said he disagreed that there should be some written policy. He said the more times members are in the building, the better off the town is. He said it's good training, and a written policy would not be right. Jo said she agreed with Chief Smith and said the town is fortunate to have people put in time at the fire station. She said there is a lot to firefighting and a policy about being in the fire station doesn't fit.

Nathan said the Fire Chief is the building manager, and he's responsible for the people using it. Jo said there is a command structure to the fire department. Nathan said it would be common courtesy for a fire department member to let the chief know if they would be staying the night. Chief Smith said he knows when someone is staying overnight. He said there are a lot of people in and out of the fire station on any given day, and he trusts the fire department members. He said no one spends the night at the fire station unless they ask.

Beth Murphy asked if the fire station is insured for people living there. Stu said the town carries property and casualty coverage on the building, workers comp insurance, general liability and public officials liability insurance. Gary asked if there potentially could be activity at the station 24-hours a day. Chief Smith said unless there's a way to prevent a fire happening at any time, the station is potentially active 24/7.

PERC Rates – Stu reported the per ton rate at PERC is going up from \$75.00 a ton to \$76 and change.

Pavement Management Services Contract –Jo moved to sign the contract with Roger Picard. Gary 2nd. **Vote in favor was 5-0.**

Photocopier – Stu said the gentleman from the current copier company dropped off a brochure for a copier that is coming off lease, but he didn't have a price yet. There was a brief discussion about color copying capability

Bids – Stu reported the street sweeping and roadside mowing bid agreements have expired. Selectmen did not object to sending out invitations to bid as drafted.

Fire House Lighting – Stu reported that Gilman Electric surveyed the fire station and Efficiency Maine will approve new fixtures installed. The town would pay \$1,248 for the \$4,581 project. Chief Smith asked if that includes installation. Stu said yes, it's the same program as the town hall. Nathan moved to approve the plan. Gary 2nd. **Vote in favor was 5-0.**

Animal Control Incident – Stu reported that he had e-mailed the Board about an animal control complaint on Birchlawn Drive last week. He said the Animal Control Officer came to the alleged offender with a summons and had a Deputy Sheriff with her, as the situation was less than pleasant.

Ordinances Signed – Selectmen signed the official copies of the Building and Land Use Ordinance and the Harbor Ordinance that were approved at the annual town meeting on March 20, 2019.

Lamoine Quarterly – Stu said he's still working on the paper, he's got nearly 4-pages done and will e-mail the draft to the Selectmen for editing prior to sending it for printing.

Personnel Reviews – Selectmen asked Stu to schedule reviews with paid personnel as to fit the best convenience of employees and scheduled meetings. Planning Board Chair John Holt requested that he would like to be involved with the review of the Code Enforcement Officer as the Planning Board works with her. He said he has experience and insight into her activity, but he's not part of the hiring authority, but he would like input. Nathan said if the CEO does not want him in attendance, he could write a letter to the Selectmen. After a brief discussion, the Board concluded that it be up to the CEO whether the Planning Board chair should be in attendance for her review.

Board of Assessors Meeting – Stu said the Assessors have agreed to attend the April 25th Selectmen's meeting, but would like to be high on the agenda.

Emera Request – Posted Roads – Stu said he spoke with Emera and told them the local roads are not posted. He said the Emera representative noted that. No action was taken on the request to allow operation on town posted roads.

Memorial Day Activity – Gary said there will be a ceremony at the Veterans' Memorial on Memorial Day at 10:00 AM.

Electronics Recycling – Bob said he spoke with the Conservation Commission chair who said they held an electronics collection day in 2018 and it's an every two year event. He noted that the Ellsworth Noontime Rotary holds an event annually at Home Depot in which Lamoine residents may participate.

MacQuinn v. Planning Board Verdict – Stu reported that a judge issued a decision in the appeal of the MacQuinn v. Planning Board case, and remanded the case to the Board of Appeals with instruction to uphold the Planning Board's denial of a Site Plan Review permit. He said the Appeals Board has requested the use of Attorney Diane O'Connell for guidance. Nate moved to approve. Gary 2nd.

Bob asked what it meant by remand. John Holt explains that the court puts the issue back to the appropriate body to make the decision the court has ordered. Larissa Thomas asked where the town gets its pool of attorneys. Stu said there is no formal process, but for many, many years Tony Beardsley had represented the town. When Tony retired, the cases were shifted to Dan Pileggi who is now with a differently named firm. He said when Mr. Pileggi has a conflict, he has recommended Diane O'Connell. He said generally the alternate recommendation comes from the attorneys. He said the attorneys are not on any sort of retainer.

Vote in favor 5-0.

Shore Access – Kathleen said she had initially asked if the Board would ask the town attorney for clarification for a recent state Supreme Court decision regarding rockweed harvesting in the intertidal zone. She said the minority opinion seems to invite a lawsuit to allow the public to walk across the intertidal zone on private property. She said it seems to relate to the town a little, but there doesn't seem to be a need at this point to need the town attorney's guidance.

Other – Solar Panels – Michael Jordan said there hasn't seemed to be any action on a request to put a solar operation out for bid. Conservation Commission Chair Thomas said the town anticipates a redesign of the transfer station and intended to include solar power for that. Kathleen noted the town meeting approved the funding for an engineer to redesign. Mrs. Thomas asked if there was a timeline. Stu said with the help of Ken Smith, an RFP for engineering will soon be in the works.

Next Meetings – Bob asked about the signing of the next expenditure warrant being on Wednesday April 17th. Stu said that's when it would be ready, as he will be out of town on the 18th. The next regular meeting will be on April 25, 2019 then planned for May 9 and 23, and June 6 and 20 with the meeting on June 6 starting with the Hodgkins Scholarship committee at 6PM.

There being no further business, the meeting adjourned at 8:52 PM.

Respectfully submitted,
Stu Marckoon, Adm. Asst. to the Selectmen