



# Lamoine Board of Selectmen

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## Minutes – April 25, 2019

Chair Bob Christie called the meeting to order at 6:30 PM.

Present were: Selectmen Robert Christie, Gary McFarland, Kathleen Rybarz, S. Josephine Cooper; Administrative Asst. Stu Marckoon, Planning Board Chair John Holt, Code Enforcement Officer Rebecca Albright.

**Executive Session** – Bob moved to enter executive session pursuant to 1 MRSA §405(6)(a) for the purposes of a personnel matter – job performance review & contract negotiation. Gary 2<sup>nd</sup>. **Vote in Favor was 4-0** - Out at 7:00 PM.

Chair Bob Christie called the regular meeting to order at 7:01 PM. In addition to the parties present for the executive session, Conservation Commission chair Larissa Thomas was present for the regular meeting.

**Agenda Review** – No changes were made to the printed agenda.

**Minutes – April 4, 2019** – Kathleen moved to approve the minutes as presented. Jo 2<sup>nd</sup>. **Vote in favor was 4-0**

**Expenditure Warrant 23** – Selectmen signed the warrant in the amount of \$10,534.26. Stu remarked that the warrant had no school expenses and was the smallest warrant to be approved in quite some time.

**Expenditure Warrant 22** – Selectmen had signed that warrant individually the previous week in the amount of \$119,752.37. There were no questions regarding the warrant.

**Cash & Budget Report** – Selectmen had no questions about the budget report. Stu reported excise taxes were ahead of projection, and he said expenses were on track with the amount of the year that had passed.

**Foreclosed Property** – Map 9 Lot 4 - Stu reported that the party in an installment sale for Map 9 Lot 4 has requested an extended time to fulfill the payments. He said the gentlemen did not have the cash to make the final payment due in March, but has been extremely diligent about paying \$200/week. He said he would recommend extending the agreement for about 7-more bi-weekly payments. He said he recommends that the installment agreement be pushed out until July and that the assessors put it back on the tax rolls in the name of the Heirs of Beverly Watts as tenants in possession. Gary moved to do so, Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

Map 13 Lot 43B – Stu reported that he has not heard anything further from the former property owner in regard to entering an installment agreement. He said that he did hear from a neighbor that the owner is attempting to sell the property, which will be difficult, because the Town owns it through the automatic foreclosure process. He said he has drafted a letter to the former owner, Mrs. Mason, giving her until the next Selectmen's

meeting to make contact and execute the installment agreement. Jo moved to sign the letter. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

Map 14 Lot 51 – Stu reported that the Department of Health and Human Services discharged the lien filed on this lot shortly after he wrote to the support enforcement division to report that their lien had been placed after the automatic foreclosure date. He said that he spoke by phone earlier in the week to the woman who had co-owned the property with her ex-husband, and she said to let the property go. He said he's heard nothing from her ex-husband, and so is now recommending that the property be placed up for bid. Gary moved to do so, Jo 2<sup>nd</sup>. Stu said he plans to advertise the bid in the Ellsworth American with a bid minimum of \$2,800.00 and bids due by May 23, 2019. **Vote in favor was 4-0.**

Map 14 Lot 59-1 – Stu reported that he has placed the final approval for sale of this property to the high bidders at the previous meeting on the special town meeting warrant for May 15, 2019.

**Code Enforcement Matters – MacQuinn – Court Decision** – Code Enforcement Officer Rebecca Albright said several residents reported to her that Map 3 Lot 33 was being mined by Harold MacQuinn, Inc. following the Business and Consumer Court decision that denied the permitted expansion. She said she was not sure if the court decision takes effect immediately or if things have to wait for the Board of Appeals to make the ruling the court required. She said she called Maine Municipal Association Legal Services and attorney Richard Flewelling indicated that the court decision is in effect immediately, as the Appeals Board process could take weeks. She said she asked Stu if she could talk with the town attorney and did so very briefly, and attorney Dan Pileggi echoed the MMA opinion that if something is going on, the CEO should do something.

CEO Albright said she visited the operation and was familiar with how things are laid out, and she studied the map. She said it is apparent that MacQuinn had cut a lot of trees. She said the cut area was approximately 70-feet by 100-feet, and they have cut into the earth. She said she sent out a stop work order and a Notice of Violation. She said the town got a phone call on Friday (the 19<sup>th</sup>) sometime after closing from MacQuinn attorney Ed Bearor. She said the message from Mr. Bearor was that MacQuinn could work where they were working, as that was not the expansion area. She said she read the decision and visited the site on Tuesday. She said more material had been dug out, and there was some sort of green flagged line. She said the digging seems to have slowed. She said she is requesting permission to speak with town attorney Pileggi about the case.

Bob asked if since issuing the Notice of Violation on April 17, 2019 she had witnessed further work. CEO Albright said that was correct. Jo asked what the next step would be; whatever Attorney Pileggi advises? CEO Albright said that's correct, but she doesn't want to eat up a lot of cost, but this is a big deal. Bob asked if she was looking to Attorney Pileggi in regard to finding if MacQuinn was in violation. CEO Albright said she was. Gary said he would like to see the CEO get the legal information and come back to

the Board of Selectmen, and moved to grant permission for the CEO to consult with the town attorney. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

Failure to request inspection – CEO Albright said there have been recent cases on Lupine Lane and Boulder Cove where contractors have called to get setback inspections prior to starting construction. She said she did an inspection at Boulder cove and found fill infiltrating a natural stream. She said this has been a consistent problem. She said she has prepared brightly colored flyers to go with the actual building permits emphasizing the required inspections.

Bob inquired about a complaint about a building that allegedly exceeded the maximum height allowed and asked if there was any action the Selectboard had to take. CEO Albright said she and Planning Board Chair Holt measured the building twice and determined that the height was 34-feet. The maximum in the code is 35-feet, but there is an issue of potentially confused semantics in the definition of building height in the Building and Land Use Ordinance. A discussion followed regarding the definition and how the project was presented on the various permit applications.

John Holt said the Planning Board ought to help clarify building height. Discussion followed in regard to how the maximum height was determined originally based on the highest fire department ladder, and the impact of building height on the view-shed.

CEO Albright said she was not sure if there is any violation to cite, but there could be potential fines for failing to receive the inspection when it's required.

**Special Town Meeting** – Stu reported that the school budget was approved by the Budget Committee the previous night. He said he's drafted the warrant with two matters prior to the school budget questions to include approving the sale of tax acquired property and to approve acceptance of the land gift around Blunt's Pond.

Kathleen said she'd like to see the town meeting issue some sort of advice to the Selectmen in regard to whether the Selectmen should pursue rebuilding Route 184 in conjunction with the MDOT plan discussed at the previous meeting. Stu suggested that perhaps that could appear as an advisory referendum question on the school budget validation ballot in June. Bob reported he spoke further with the engineer from MDOT who told him they plan to put a skim coat of pavement on the areas of pavement that are really bad this summer. Further discussion followed. Bob said he wouldn't mind seeing the question on the same warrant as the validation ballot.

Gary moved to sign the warrant for May 15, 2019 as drafted. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0, Selectmen signed several copies of the warrant.**

Stu reminded the Board that a moderator is needed for the town meeting, as he is ethically barred from seeking political office. Jo said she would be willing to do it in a similar fashion as last year.

**Town Attorney Use Policy** – A very brief discussion was held on the police regarding use of the town attorney. Stu reported that an Appeals Board member contacted one of the attorneys without seeking permission, and that the Planning Board chair had made e-mail contact with the other town attorney in regard to the MacQuinn matter discussed earlier with the Code Enforcement Officer. Planning Board Chair Holt said he did not hear back from the town attorney and that he had sent e-mail to the attorney and agent for MacQuinn suggesting that they should not be digging in the disputed area following the court decision.

**Street Sweeping Bids** – Selectmen opened the bids and read the results as follows:

Bidder	2019	2020	2021
TSP Enterprises-push off	\$2000	\$2100	\$2150
TSP Enterprises-pick up	\$2500	\$2600	\$2700
George Crawford	\$4000	\$4000	\$4000
McMullen Landscape	\$3200	\$3400	\$3600

Jo moved to award the job to TSP Enterprises with the pick-up plan. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Land Donation** – Conservation Commission chair Larissa Thomas reported the Commission endorses the proposed gift of land around the pond.

**Solar Farm** – Mrs. Thomas said the Conservation Commission was interested in a mailed solicitation from Next Grid seeking sites like the landfill. She said she could not see a downside. After a brief discussion, Jo said she'd like to see if anyone has used that company and what the experience has been. There was discussion about what kind of approval would be needed. Stu suggested another advisory question on the June 11, 2019 ballot. After more discussion, Gary moved to place an advisory question about leasing the landfill area and seeking proposals for a solar energy farm. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Lamoine 150!** – Jo said plans are moving along and logo entries are due by May 2, 2019. She said she expects to have a lot to report next month. Bob noted that Maine's 200<sup>th</sup> birthday is the same year. Jo said the committee is talking with the state bicentennial folks about having fireworks at the state park.

**Recommendation from Technology Committee** – Stu reported the Technology Committee is recommending a reimbursement to the school of up to \$450.00 for purchasing lights. Kathleen moved to approve, Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Photocopier** – Stu presented five options provided by A-Copi to replace the aging photocopier. Selectmen reviewed the list and Jo moved to proceed with the purchase of a brand new black & white with color option photocopier identified as option 3. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Land Donation – updated** – It was noted that the proposed donation of land around Blunt’s Pond also comes with a \$5,000.00 cash donation to be put into a Stewardship Fund.

**Traffic Light** – Stu reported that the MDOT signs mounted on the Route 3/204 light have been blown around by the wind and face the wrong direction again. He said he called the City of Ellsworth to find out who they utilize for such maintenance. He said Jason Ingalls tells him they plan to have Electric Light Company do some significant light/sign maintenance work soon and invited Lamoine to piggy-back onto that project. There was no objection from the board.

**Transfer Station Entrance** – It was noted the entrance to the Lamoine Transfer Station off Route 184 has some pretty significant pot holes. Stu said he has contacted Richard McMullen to come up with a price to properly repair the holes. There was no objection.

**Appointment – Recreation Committee** – Gary moved to appoint Ashley Mawhinney to the Recreation Committee as an alternate member with a term to expire June 30, 2022. Kathleen 2<sup>nd</sup>. Stu noted that she is a resident of Hancock, but comes highly recommended from the Rec Committee. **Vote in favor was 4-0.**

**Employee Review Schedule/Next Meetings** - The meeting schedule is as follows:

Date	Meeting Start	Employee	Review Start
4/25/19	6:30 PM	Rebecca Albright	6:30 PM
5/9/19	6:30 PM	Chris Meyer	6:30 PM
5/23/19	6:30 PM	Jennifer Kovacs	6:30 PM
5/23/19	6:30 PM	Stu Marckoon	After Regular Meeting
6/6/19	6:00 PM	Shannon Byers	After Regular Meeting
6/20/19	6:30 PM	Rick Gallegos*	6:30 PM

There being no further business, the meeting adjourned at 8:10 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen