



# Lamoine Board of Selectmen

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## Draft

### Minutes – July 2, 2020

Vice chair Gary McFarland called the meeting to order at 6:33 PM.

Present were: Selectmen Gary McFarland, Robert Christie, S. Josephine Cooper, Nathan Mason (arrived 6:43 PM), Kathleen Rybarz (arrived 6:50 PM); Administrative Assistant Stu Marckoon, and Animal Control Officer Shannon Byers.

Gary moved to enter executive session at 6:34 PM pursuant to 1MRSA §450(6)(a) for the purpose of conducting a job performance review and contract negotiations. Jo 2<sup>nd</sup>. **Vote in favor was 3-0. Out at 6:53 PM.**

ACO Byers signed a contract.

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

In addition to those listed above, joining the meeting via zoom conference were consultant Brian Lippold, and Technology Committee members Brett Jones, Justin Zinke and Merle Bragdon.

**Minutes – June 18, 2020** – Bob said there was one word that needed to be changed in the draft minutes. Nathan moved to approve the minutes with that change. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Broadband Expansion** – Consultant Brian Lippold said several companies, including Axiom, GWI, Premium Choice or Pioneer would be interested in expanding service to unserved parts of town. Nathan asked if there have been any dollar figures proposed for municipal contribution. Mr. Lippold said not yet, but maybe soon. Jo asked if the Premium Choice option is a good one. Mr. Lippold said it builds fiber to the home, and 1 GB is the only option, which is very good service. Nathan asked if they require a percentage of subscribers to proceed. Mr. Lippold said they've not said anything yet. He said it takes a year or two. He said the Town of Surry went with Premium Choice, and they have about a 50% subscription rate. He said the goal here is to look for the lowest capital cost, the fewest amount of guarantees and to minimize the town risk. He said Pioneer uses the same model.

Merle Bragdon asked if this expansion would just run in the unserved areas. Mr. Lippold said that was the plan, but there would be some overbuild with Spectrum/Charter lines. He showed a series of coverage maps and build out plans, and there was a lengthy discussion of various buildout scenarios.

Brett Jones asked if there was any potential revenue that would come to the town if it made an investment in the infrastructure. He asked if that would mean increased service pricing. Discussion followed on the public/private partnership and franchise fees. Mr. Lippold suggested waiting to see what offers come in. Mr. Jones asked if all the companies provide fiber optics. Mr. Lippold said that was correct. Mr. Bragdon asked if the length of homes off the main road was an issue. Mr. Lippold said it's a factor, and a brief discussion followed.

Stu asked what happens next. Mr. Lippold suggested applying for a broadband planning grant through Maine Community Foundation. He said the applications are due on July 15, 2020. He listed off several other grant opportunities. Nathan moved to pursue the Maine Community Foundation Grant. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 28** – Selectmen signed the warrant for FY 19/20 in the amount of \$100,796.44. Stu said the bulk of the expenditures were for the school department and that full time contracted staff has their pay divided into 27-pay periods, and the final pay period of the fiscal year was a double pay.

**Expenditure Warrant 1** – Selectmen signed the warrant in the amount of \$32,270.01. Stu said heating fuel and town meeting approved social service and other one-time payments were on this warrant.

**Cash & Budget Report (FY 19/20)** – Stu reported that revenues were ahead of projections, but the waste disposal budget will be overspent. He said that would be discussed later under the special town meeting item.

**Checking Account Reconciliation** – Selectmen signed the statement expressing satisfaction with the checking account reconciliation which had been sent by e-mail earlier in the day.

**Encumbrance Order** – Selectmen signed the order following a motion from Jo, a 2<sup>nd</sup> from Nathan and a **5-0 vote in favor.**

**Encumbrance Order**  
**Fiscal Year ending June 30, 2020**  
**Dated July 2, 2020**

We, the undersigned Selectmen of Lamoine, hereby approve this order to encumber fund for projects approved and funded during the fiscal year ending June 30, 2019 but not yet completed. The following accounts shall be recorded as indicated below affecting the Encumbrance Account (GL #2-01-03)

New Anticipated Expenses			
Account Name	GL #	Amount	Purpose
Crack Sealing	5-09-09-10.13	\$8,100.00	Crack Seal Walker Road.
Administration	5-01-01-62	\$11,850.00	Cupola Repairs
Roads-Shore Road	5-09-09-10.22	\$4,000.00	Replace 2 cross culverts
Roads – Mill Road	5-09-09-10.23	\$2,500.00	Replace cross culvert
Roads – Birchlawn	5-09-09-10.38	\$2,400.00	Various culvert & ditching
Adm – Equipment	5-01-01-50	\$900.00	Scanner (elections, assessing)
Previously Encumbered and Expiring – close into appropriate fund			
Item	Close To	Amount	Reason
Cupola Repairs	3-01-01	\$1,140.00	Estimate carried forward
Adm- Chairs	3-01-01	\$756.49	Chairs all purchased
Roads – Shore Road	3-09-01	\$1,464.92	Replaced by above

Comp Plan	3-01-01	\$500.00	Plan finished
Berry Cove Rd.	3-09-01	\$268.00	Work not completed
Fire Department	3-01-01	\$1,464.92	Purchased from approved budget
Tree Removal	3-09-01	\$1,012.50	Paid from approved budget
<b>Carried Forward</b>			
Item	GL #	Amount	Reason
Administration	5-01-01-62	\$1,860.00	Cupola Repairs (Bell removal)
Gully Brook Road	5-09-09-10.33	750.00	Still needs grading

Ordered July 2, 2020 by:

/s/ S. Josephine Cooper  
/s/ Gary McFarland  
/s/ Robert Christie  
/s/ Kathleen Rybarz  
/s/ Nathan Mason

Acknowledged by: /s/ Stuart Marckoon, Treasurer

**Quitclaim Deed** – Jo moved to sign a quitclaim deed to Benjamin Morren for tax map 4 Lot 52. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Tax Acquired Property – Map 4 Lot 53** – Stu reported that Debra Suzy, who had submitted the lone offer, has requested that the property be deeded to Roy Sprague who has purchased the property adjacent to that from her and has reimbursed her for the payment on this lot. Jo moved to place Roy Sprague's name before the upcoming special town meeting. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Map 4 Lot 45-1** – Selectmen received 19 bids on this property and opened and read them as follows:

Bidder	Town	Amount
Reginald Sanborn	Lamoine	\$120,000.00
Jessica Lofton	Sullivan	\$34,225.15
Richard & Mary Nangle	Hancock	\$25,000.00
Sebastian Holler	Hancock	\$30,111.00
Roy Sprague	Lamoine	\$42,625.91
Anthony Higgins	Lamoine	\$20,100.00
Bill Johnston	Lamoine	\$41,000.00
Michael Walls/Marie Overlock	Lamoine	\$28,999.99
Christopher Poirier	Waterville	\$22,500.00
Sabrina Cummings	Lamoine	\$58,751.00
James Linscott	Hancock	\$41,575.00
Yvonne Wilkinson	Gouldsboro	\$45,300.00
Pine Tree Real Estate LLC	Waldoboro	\$10,100.00
Holly Andrews	Lamoine	\$60,350.00
Nicole Grohoski	Ellsworth	\$36,111.00
R. Todd Goodell	Bar Harbor	\$49,000.00

Matthew Jordan	Lamoine	\$75,121.00
Diwas Thapa	Bar Harbor	\$32,551.00
Steven Rowley	Ellsworth	\$41,200.00

Nathan moved to award the property to Reginald Sanborn for \$120,000. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Personnel Contracts** – Jo moved to sign the contract with Animal Control Officer Shannon Byers. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

Nathan moved to sign the contract with Transfer Station Manager Chris Meyer. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

Nathan moved to sign the contract with Facilities Maintenance Director Michael Hodgkins. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

Nathan moved to sign the contract with Code Enforcement Officer Rebecca Albright. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Annual Town Meeting** – Nathan remarked that it seemed very long, but it succeeded. He said the people in attendance seemed to appreciate socializing to some extent.

Stu said Kathleen had e-mailed him earlier in the week expressing concern about how the Shoreland Zoning Ordinance vote was handled. He suggested checking with MMA Legal to see if any further action might be needed. There was no objection.

Following a brief discussion, the board said they felt like the night went well.

**Comprehensive Plan** – Kathleen signed the documents to send to the State of Maine for submission of the final Comprehensive Plan adoption. The board thanked the committee for its many years of service.

Jo moved to decommission the Comprehensive Planning Committee. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Special Town Meeting** – A warrant for a special town meeting for July 23, 2020 at 7:00 PM at the Lamoine Town Hall was signed by all five Selectmen. The town meeting will deal with awarding sale of two pieces of tax acquired property and appropriating \$7,000.00 from undesignated fund balance for the FY 19/20 waste disposal budget. There was a brief discussion of how to hold the town meeting if more than two members of the public wish to attend.

**Code Enforcement Matters** – Stu reported that a complaint about possible damage to a well from a septic installation appears now to be a non-issue.

A notice of violation issued by the Code Enforcement Officer on May 7 Lot 16-1 has been appealed to the Board of Appeals.

**Paving Plan** – Stu reported that he spoke with Roger Picard about the town's paving plan to let him know funding was approved at the June 24, 2020 town meeting. He said Mr. Picard has planned to open bids on July 7<sup>th</sup>. He said it's a bit late in the season to be lining up paving projects, so it might happen next spring instead. Stu said there is a culvert underneath the section of Shore Road that is planned for paving that should probably be replaced, and he's asked Randy Kelley to do that while he has two others as well. There was no objection.

**Land Donation** – Stu reported that he spoke with Aaron Dority of Frenchman Bay Conservancy about the donation from Judy Whitcomb and Katherine Dudzinski and they hope to connect with the Selectmen via zoom at the next meeting.

**Lamoine Quarterly** – Stu said he's got the quarterly done and it's ready to send to the printers. He asked the Selectmen to look it over and let him know ASAP if any changes are needed, as he'd like to get that to the printer on Monday. Bob said the paper was quite interesting.

**MacQuinn – Supreme Court Decision** – Stu reported that the Maine Supreme Court turned down the motion to reconsider filed by MacQuinn's attorney Ed Bearor. He said the Town Attorney, Dan Pileggi, indicated that this should be over.

**Shellfish Joint Municipal Board** – Stu said that Richard Fennelly Jr. sent an e-mail and indicates he would like to step down as the town's representative on the Frenchman Bay Regional Shellfishing board. He said Mr. Fennelly has asked to meet with the Selectmen at their next meeting.

**Excise Tax Quarterly Report** – Stu reported the town collected a record \$408,525.12 in excise tax for the just completed fiscal year. He said he was not sure that the budget of \$360,000 would be met due to the pandemic, and April saw very low collections. He said from mid-May through the end of June, it has been extremely busy for auto registration activity in the town office, with June nearly double that of the typical amount in past years.

**Correspondence from Dawn Nuding** – Stu noted the Selectmen received an e-mail from Mrs. Nuding earlier in the day asking that they brainstorm about if and what sort of town response ought to happen regarding a discussion on racism at the previous meeting. Jo suggested maybe this ought to be a discussion for the school department as it's an educational sort of matter. Stu asked if there was a particular response the Board wanted to send to Mrs. Nuding. Jo said to thank her for her comment, and that the Board of Selectmen might not be the proper venue and that the school might be more appropriate. Kathleen noted that Lamoine Community Arts had an event that addressed the issue. Jo said the church might be another appropriate venue.

**Other Matters** – Bob said he found the article in the Lamoine Quarterly that Gary and Gordon Donaldson wrote about quarantines in the past quite interesting.

Gary thanked the fire department for heading up a small parade past his mother's home for her 90<sup>th</sup> birthday. He said she really enjoyed it.

Bob noted that there is a new park manager at Lamoine State Park, and the local park staff is impressed.

Stu said he's concerned about potential fireworks at Lamoine Beach on July 4<sup>th</sup>, as they are not allowed. He said with local fireworks plans canceled, there is a potential for problems. He said he'd received several calls about whether fireworks were allowed and what the local fireworks rules are (there are none). It was suggested the Sheriff's Department could be contacted.

Kathleen noted that for a couple of weekends a rock band has been playing on Lamoine Beach Road from 2pm to 10pm. There was a brief discussion.

**Code Enforcement Matter** – Kathleen said she would recuse herself from the discussion, as she is the object of a code enforcement complaint. Stu said a written complaint was left for the Selectmen and Code Enforcement Officer on June 29. He said the complaint had to do with creating of a 2<sup>nd</sup> dwelling unit at Kathleen's residence which is rented out as a short term rental. He said there are numerous rentals in Lamoine over Air B&B, and that the Code Enforcement Officer was planning to consult with the Planning Board for clarification of the rules. He said the town does not regulate short term rentals, but there are rules in place for the number of dwelling units per lot. He said it's a bit uncomfortable for town staff to have to deal with a possible violation in which one of the elected officials may be involved.

Nathan said the CEO should investigate, no matter how uncomfortable it might be. Jo said this sounds like a bit of a neighborhood dispute and a brief discussion followed.

Stu said it's possible the Selectboard might have become involved at some point as it comes up in the violation process. Bob said he was stunned to find out how many short term rentals are going on while the Comprehensive Planning Committee was working on the issue. He said it has a big economic impact on the town.

**Other (continued)** - It was noted the Sheriff's Department has placed their speed trailer by the school. Stu said the town's speed trailer has not yet been deployed – he hasn't had enough time to get out of the office to get it set up.

There being no further business, the meeting adjourned at 8:38 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen