



Lamoine Board of Selectmen

606 Douglas Hwy
Lamoine, ME 04605
(207) 667-2242
town@lamoine-me.gov

Draft

Minutes – July 23, 2020

Chair Kathleen Rybarz called the meeting to order at 7:07 PM following the Special Town Meeting.

Present were: Selectmen S. Josephine Cooper, Robert Christie, Kathleen Rybarz, Nathan Mason; Administrative Assistant Stu Marckoon, Joint Municipal Board member Richard Fennelly, Reginald, Tarnya and Caleb Sanborn.

Also present via Zoom were Katherine Dudzinski, Judith Whitcomb, Aaron Dority and Iris Simon.

Selectman Gary McFarland attempted to log into Zoom, but was unable to do so.

Agenda Review – Nathan asked to move up the land donation item prior to the treasurer's report. There was no objection.

Minutes – July 2, 2020 – Jo moved to approve the minutes as presented. Nathan 2nd.
Vote in Favor was 4-0.

Blunt's Pond Land Donation – Frenchman Bay Conservancy (FBC) Executive Director Aaron Dority introduce the land donors, Katherine Dudzinski and Judith Whitcomb. He said the purpose of meeting with the Selectboard was to wrap up the land conservation project on the addition to Bloomfield Park. He said the Easements to FBC has closed, and his organization holds those easements, and the land will be conveyed to the Town of Lamoine. He said there is an article about the donation in the latest FBC Newsletter.

Dr. Whitcomb said they would like name the donated area Whitcomb Woods and put up a sign. She said the FBC is watching over the area. Mr. Dority said there is an area on the property where trash has been dumped, and they hope to partner with the town to clean up the trash. He said FBC and the town's Parks Commission had a nice get together last winter.

Iris Simon thanked the parties for the donation. Dr. Whitcomb said when her father bought the land the idea from the seller, Dr. Emery, was to keep it wild. Mr. Dority said the land will be made available to the town. Dr. Whitcomb said she intends to keep the land on which Latona Spring is located and told the history of the spring. She said she wanted people to be able to use it easily and safely. Jo noted that when she first moved to town, her family used the spring before a well was installed.

Stu asked about the deed to the property. Mr. Dority said an attorney will conduct the closing and explained the next step is to close on the deed. He said attorney Allison King would take care of that. Both Nathan and Jo thanks Dr. Whitcomb and Mrs. Dudzinski for their donation.

Expenditure Warrant 3 – Selectmen signed the warrant in the amount of \$67,004.31.

Expenditure Warrant 2 – Prior to the meeting, Selectmen had individually signed warrant 2 in the amount of \$205,018.12.

Cash & Budget Reports – Stu noted that as expected, the Waste Disposal budget for FY 19/20 had exceeded the original budget, but the town meeting prior to this meeting increased that budget to adequately meet the expenditures.

Encumbrance Order – Nathan moved to sign an encumbrance order as follows.

Encumbrance Order
Fiscal Year ending June 30, 2020
Dated July 23, 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
Administration	5-01-01-62	\$2,000.00	Install Window in Back Room
Administration	5-01-01-62	\$2,500.00	Rebuild Back Door Ramp
Fire	5-01-05-114	\$4,500.00	Repair Ceiling, Walls, Floor Paint
Total Encumbered		\$9,000.00	

Jo 2nd. **Vote in favor was 4-0.**

Meeting with Richard Fennelly Jr. – Kathleen said she was sorry to receive a resignation letter from Mr. Fennelly who is the Lamoine Representative (and current chair) of the Joint Municipal Shellfishing Board (JMB). Mr. Fennelly reminded the Selectboard that the last time he met with them, they were trying to arrange for enforcement of the Shellfishing Ordinance on a contract basis. He said the JMB put out an RFP for two part time, contracted wardens, but only had response from one, the current warden, Michael Hall. He said the joint board would like a 2nd warden, as Mr. Hall currently has no backup.

Mr. Fennelly said he has held his position for 10-years now, and it's time to retire. He said he met with the JMB, but no one wants to be the chair. He said it's a lot of work, and if his replacement is not willing to be the chair, the JMB would split up the duties. He said he would like to get done as soon as possible, but is willing to help whoever steps in. Kathleen asked if it has to be a Lamoine resident. Mr. Fennelly said the Selectboard could chose anyone. He said few JMB members have shellfish harvesting experience, so it might be helpful to find someone with familiarity with harvesting. He said there are some strong personalities on the JMB.

Kathleen asked if every town has a representative. Mr. Fennelly said yes, and explained the JMB and Conservation Committee setup and some of the personalities involved. Jo

said she was sure the Selectboard would accept Mr. Fennelly's resignation reluctantly, and expressed appreciation for his service. She said he had put a lot into the job and has paid close attention to the joint shellfishing effort. Bob said Mr. Fennelly's advocacy for the town on the JMB has gone above and beyond the call of duty. He said it will be a challenge to find a new member and asked if they could call on Mr. Fennelly for guidance.

Jo noted that things were in a shambles when Mr. Fennelly started. Mr. Fennelly said the flats were depleted, but with rolling conservation closures, flats in the region are now open year round for diggers. He said the number of commercial diggers has decreased to 60, and fewer young people are digging. A brief discussion followed.

Mr. Fennelly said the Chair of the Conservation Committee has not been following the process, and that came to a head last fall when a change was made to a conservation closure, so he wanted to let the Selectboard know there needs to be a caution. Nathan asked if Mr. Fennelly had anyone in mind to take his place. Mr. Fennelly he did not know of anyone who wants to serve. He said he was one of the three original members remaining on the JMB, the others being Mike Hodgkins and Gary Edwards.

Stu said he could put the word out and would ask the Lamoine Conservation Commission if they might have a suggestion. Mr. Fennelly said the City of Ellsworth is the Administering municipality and the information about shellfishing is on their website. Stu asked if Mr. Fennelly had a date in mind when his resignation would be effective. Mr. Fennelly said it would be in a reasonable period of time. He said the JMB meets when there is business to transact, and they might meet soon. Kathleen said it would be good to ask the Conservation Commission for a suggestion.

Sale of Tax Acquired Property (Map 4 Lot 45-1) – Reginald Sanborn, the high bidder among the bids received at the previous meeting on the property at 176 Needle's Eye Road, said he was not aware that the USDA held a mortgage on the property. He said he took out a home equity loan to make the purchase, but discovered that because of the mortgage, his son cannot get a loan in order to purchase the property from him. He asked the Selectmen to reduce his bid price. He said his wife had contacted the prior owner's daughter, and if the town could reduce the price by \$28,000, it would allow him to pay the USDA loan. Tarnya Sanborn, said it's still a risk with the USDA. Nathan said he's not opposed to the idea. Jo said she wanted to be fair, and even with the price reduction, it's still the high bid by a significant amount. Jo moved to accept the offer at \$92,000 from Reginald Sanborn. Bob 2nd. Nathan asked if this would foul up the bid process, and a discussion followed. **Vote in favor was 4-0.**

Map 4 Lot 53 – Jo moved to sign a quitclaim deed to Roy Sprague, as approved by the town meeting prior to this meeting. Nathan 2nd. **Vote in favor was 4-0.**

Map 4 Lot 45-1 – Jo moved to sign a quitclaim deed to Reginald Sanborn to be released upon receipt of payment. Kathleen 2nd. **Vote in favor was 4-0.**

Tax Commitment – Stu reported that when figuring the 2019/20 property tax commitment, there was an error on his part by not subtracting out the homestead exemptions from the taxable property amount. Kathleen said that resulted in a lower tax rate than should have been levied in the previous fiscal year. Stu said that was correct. He said the error was not repeated for the current year commitment.

FY20/21 – Stu reported the tax commitment for the current fiscal year has been completed and the mill rate is 11.6, which is up from the previous year's rate of 10.9. He said part of the increase can be attributed to the error in calculation in the previous year, part is due to a larger budget approved by town meeting, and part is an increase in the homestead exemption amount. There was a brief discussion about a fuel tax reimbursement request submitted to the state which has been approved.

Stop Sign Request – Walker Road – Stu reported that a resident on the corner of Walker and Needles Eye Road requested that the current yield sign be replaced by a stop sign. Nathan so moved, Jo 2nd. **Vote in favor was 4-0.**

Harbor Float – Stu reported that Harbor Master David Herrick received an estimate of \$5,000 to replace a piling for the finger docks at Lamoine State Park. He said it really should be a state park matter as it's their setup, but the Harbor users who pay mooring fees benefit from the repair. Nathan suggested checking with the park manager and putting the matter on a future meeting agenda. No further action was taken.

Paving – Jo moved to approve a contract with Wellman Paving. Nathan 2nd. **Vote in favor was 4-0 (Stu will sign the contract).** Stu reported paving is slated for the week of August 10th.

Concern regarding parking on Mud Creek Road – Stu reported that he'd received a few concerns about parking near the "S" turn on Mud Creek Road where a soccer field has sprung up, including one from a Deputy Sheriff at a recent traffic accident. Jo said she thought it was cool that the fields are being used for soccer, but she understands the concern about cars being parked along the road, and the worry is about children darting out between cars into traffic. Stu said the deputy had suggested that if a parking area were established off Mud Creek Road, the situation would be a lot better.

Nathan offered to speak informally to the property owner. There was a brief discussion about the safety issue.

Solar Energy – Stu reported that Sunpower has given up for now on establishing a solar energy project on town owned land around the former landfill.

Cupola Repair – Stu reported that Mid Maine Restoration still has the cupola repair on its work list, but the COVID-19 situation complicated matters for the spring. He said the owner assured him they will get to the project.

Lamoine 150! – Jo reported new logo T-shirts will be here soon. She said the history book authored by Gordon Donaldson will soon be printed, and they hope to distribute

one to every household by handing them out at the transfer station. She said there will be a special edition T-Shirt featuring the sardine logo label from years ago. She said the parade idea for 2020 has been scrapped as there is not enough time to put that together. She noted that a radio drama recreating the first town meeting is posted on the Lamoine 150! Facebook Page and the town's website. She said the sardine display has been a lot of fun, and very positive event for all ages.

Emergency Operations Plan – The Selectmen discussed an e-mail from the Hancock County Emergency Management Agency regarding the new plan, which had not been sent for review. Stu reported he adjusted the on-line version of the article regarding the plan after a concern from the county EMA director and that he sent the plan electronically to EMA.

MMA Legislative Policy Committee Nomination – After a brief discussion, Kathleen said she'd be willing to serve on the LPC for Maine Municipal Association. Selectmen signed her nomination/ballot.

Maine Community Foundation Broadband Grant – Stu said he's prepared information for a grant from the Ellsworth based Maine Community Foundation to assist with broadband expansion. He said he would like to have consultant Brian Lippold prepare and submit it, as he will be on vacation next week, and it's due by August 1st. There was no objection.

Other Matters – Racial Equality- Kathleen said following the discussion about racism at the previous two meetings, she and her husband obtained books about the subject and suggested making a lending library of sorts, and similar to what is in place at the school. She said they've ordered 10 books and have four more coming, and they're a good resource on the issue. She said she would like to have a little outdoor library set up somewhere. Bob said he appreciated the effort being put forward. He said the Selectmen are elected to set policy, and discussed one of the books offered by Kathleen. There was a lengthy discussion about possibly locations, including the Grange hall. Kathleen said the effort was to make information available and not to preach.

Kathleen said the Town of Bar Harbor has denied a request from American Cruise Lines to anchor this summer. She said that could possibly lead to a request to use Lamoine State Park as a docking area. She said the Town of Hancock is to vote on allowing cruise ships.

Executive Session – Kathleen moved to enter executive session pursuant to 36 MRSA § 841 (Poverty Abatement). Bob 2nd. **Vote in favor was 4-0 at 8:52 PM. Out at 8:55 PM.**

Next Meeting – The Board will meet next on August 13, 2020 at 6:30 PM, beginning with an executive session on a poverty abatement. Selectmen asked Stu to send a reminder of the earlier meeting time.

Stu reminded the Board that the Board of Appeals will meet tomorrow evening.

After a very brief discussion about face masks, the meeting adjourned at 9:03 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.