



Draft

Lamoine Board of Selectmen

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Minutes – November 19, 2020

Chair Kathleen Rybarz called the meeting to order at 7:02 PM.

Present were: Selectmen S. Josephine Cooper, Robert Christie, Kathleen Rybarz (via Zoom), Gary McFarland, Nathan Mason; Administrative Assistant Stu Marckoon and (via Zoom) Alan Moldawer.

Agenda Review – There were no changes to the printed agenda, and no addendum.

Minutes – November 5, 2020 – Kathleen said she had submitted several corrections/clarifications to the draft minutes to Stu earlier in the day. Stu said he's incorporated those into the final draft and suggested approval of the minutes as amended. Nathan so moved, Gary 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 13 – Selectmen signed the warrant in the amount of \$151,526.37 (Kathleen had signed earlier in the day). Stu noted that \$125,000 or so was for school expenses, and the East Lamoine Cemetery payment for Veterans' graves care was on the warrant.

Cash & Budget Reports – Stu noted that excise tax collection remains strong, and he was shocked that Municipal Revenue sharing is still meeting the state projection.

Transfer Station Design – Stu reported that Chip Reeves was not yet ready to meet with the board as he's still waiting for information from Versant Power.

Code Enforcement – Stu reported that Code Enforcement Officer (CEO) Albright did not plan to be present. The board said they would like to meet with her at the next meeting either in person or via Zoom if possible.

Appeals Board Follow-Up (Moldawer v. CEO) – Stu reported that the CEO's action in regard to the Appeals Board decision was distributed via e-mail to the parties involved yesterday (11/18/2020).

Bob noted the last paragraph of the memo said that the CEO lacked the equipment and training to do a full survey of the building height. He asked if there had been some communication about an offer to pay for a surveyor. Kathleen said the town had received that following the Board of Appeals Decision. Bob said he didn't know if that compromises the town's position. He said if it's going to be done, it should be done by a licensed surveyor. Stu said the Appeals Board asked the CEO to re-measure. He said she had measured the height of the foundation and building and that hasn't changed, and that one side of the building is at the original grade.

Alan Moldawer said that was not accurate. He said it has been more than a year since the Board of Appeals determined that the CEO had misinterpreted the language in the Building and Land Use Ordinance and directed the CEO to re-measure to the correct interpretation of the ordinance interpretation. He said she raised objections and noted

that she doesn't have the expertise required. He said the neighbors have offered to pay the town's costs to do a proper measurement. He said the CEO now contends that the ocean side of the house is at the original grade, and there is no evidence of that. He said it's important for this to come to an end for everyone's sake. He said Mr. True (the home's owner) knows how tall his building is. He said the CEO has declined to ask Mr. True for the height, the neighbors are willing to pay for a licensed surveyor to know the height and whether it violates the code.

Mr. Moldawer said the appeal period has not run on the Board of Appeals Ruling. He said the Appeals Board made a ruling on October 27th, and suggested that the town wait until the appeal period expires.

Bob said this has been going back and forth for a long while. He said if there is a way to assess the actual height by a professional, he would be in favor of doing that, and taking up the offer of the people who've volunteered to use their assets to do that. He said there was a change in the site, but the telephone pole that is a reference point, is still there, and it was mentioned. He said it would be helpful to decide whether to pass the buck or wait. He said the Appeals Board asked for it to be re-measured.

Jo asked what happens after that – do we just know how high it is. Kathleen said the measurements would be given to Rebecca. Nathan asked what the appeal period might be. Stu said the only ones that could really appeal would be Mr. Moldawer, who prevailed, or the town and/or CEO, as the case was Moldawer v. the CEO. Mr. Moldawer contended that the Trues could also appeal the Board of Appeals decision.

Jo asked what was trying to be accomplished. Kathleen said the Board of Appeals is trying to get information. Mr. Moldawer said if it is determined the building is too high, the CEO or Selectmen could decide what action to take.

Kathleen said a survey of the original grade exists in the condominium plan. Jo said she has no objection to the neighborhood paying for the survey. Gary asked if the Board of Selectmen can authorize the measurement to be taken. Nathan said the Board of Appeals authorized the CEO to re-measure, and she says she can't do it to the original grade. Jo said it would be cleaner to have a professional do it.

Stu said the town would potentially need an administrative search warrant to go onto the property to take measurements. Mr. Moldawer disputed that and a brief discussion followed. Jo said it would be smart to do everything "right". Kathleen asked if legal advice is needed regarding getting a survey. Mr. Moldawer said a surveyor would not be required to go onto the property.

Jo moved to consult with an attorney whether a private surveyor could measure the building height on behalf of the town. Nathan 2nd. **Vote in favor was 5-0.**

The Selectmen asked if the CEO could be requested to attend the next Selectmen's meeting.

Monitor Installation – Stu said the Technology Committee meets on Tuesday to discuss the monitor installation in the meeting room. He suggested authorizing up to \$1,500 for the project from the CTV fund. Gary so moved, Bob 2nd. **Vote in favor was 5-0.**

Broadband expansion – Stu said he submitted the grant application to the Island Institute and awaits a decision.

Kathleen said she attended a meeting with ConnectMaine which was asking for feedback. She said their priorities did not include wiring “the last mile”. She said there was more discussion on broadband speed. She said there did not appear to be much hope for the un-wired areas of town.

Roads – Buttermilk Road – Stu said there was a slight shoulder washout near Haslam Septic that probably could be solved by making the residential entrance smaller and installing a ditch and culvert under the entrance, but that should wait until spring.

Needles Eye Road – Stu reported beavers have built a dam by the inlet to the twin culverts under this road and he has obtained a permit from the Department of Inland Fisheries and Wildlife allowing removal of the dam. He said he’d asked Perry Fowler to remove the dam while he’s working on a small ditching project in that area. Stu said the game warden also contacted a trapper to remove the beavers

Gary moved to proceed with Stu’s recommendations on both matters. Nathan 2nd. . Bob suggested the beavers could be relocated to the Tunk Lake area. Stu said the trapping process generally results in a beaver’s demise. **Vote in favor was 4-0 (Christie abstained)**

COVID-19 Update – Kathleen asked if the discussion was in reaction to the Governor’s actions today. Stu said no, though he believed the Governor imposed a curfew on some businesses earlier in the day. He said that the infection rate has spiked both in Maine and nationally. He said that he and the town clerk seem comfortable with the protections put in place at the town hall, and business has cut back substantially since the election. Jo said society is in a better place than it was in March with mask use being more prevalent. Bob asked about the transfer station. Stu said the Swap Shop will be closed. He said he’d not really thought about the normal trash and recycling disposal as it’s outside and people do not linger by the containers.

Budget

Health Insurance – Stu explained that the proposed change to the policy regarding health insurance benefits is because of the change in his family’s situation as his wife has retired and will not be covered by health insurance through her employer after December 31st. He said that currently the town offers only the POS-C program through Maine Municipal Employers’ Health Trust (MMEHT), and that he would like the option to enroll in a different offering, the PPO-2500 high deductible plan.

Stu reported that the Budget Committee discussed health insurance on Monday and opted to wait for the discussion with the Board of Selectmen before recommending a budgeted amount. He said the Budget Committee also suggested finding out what other towns offer for benefits, and he sent an inquiry to the Maine Town and City Management Association and received many responses. He said the school department pays \$1,000 for the teachers health insurance benefit, and that was what he is recommending be adopted by the Selectmen.

Nathan asked how long that amount has been in effect for the school. Stu said he didn't know but could ask. Bob said that would be good to know, because his Medigap insurance premium recently increased.

Kathleen said options offered for all employees should be the same. Stu said all the plans through MMEHT have a single, family, spouse and employee & child option.

Stu said he'd drafted a resolve to offer the PPO-2500 plan in addition to the POS-C plan and to set the town's share at \$1,000 / month regardless of the employee's choice. After a brief discussion, Bob moved to approve the resolve and Kathleen 2nd.

Jo asked if this is something that would be updated annually. Stu said the Selectmen can change the policy whenever their desire as to the town's contribution amount.

Vote in favor was 5-0. Selectmen signed the resolve, Kathleen said she would swing by the office on Friday to sign.

Administration Budget – Stu said the Budget Committee had favored reducing the amount allocated for Facilities Maintenance further based on the actual costs, and to reduce the Property and Casualty Insurance line based on actual costs and projections. He said between the health insurance policy just approved and the other two reductions, the proposed increase for administration would be less than 1%.

Roads – Stu said the biggest question in his mind on the road budget was what, if anything to schedule for paving. He said Buttermilk Road is in the worst condition, but it's currently not too bad. He said the road gets the most traffic and the western portion was crack sealed, but deteriorating. He said normally Marlboro Beach, Maxwell and Lorimer would come up for paving in the coming year, but they're still in good condition. Jo noted some holes have developed on Marlboro Beach Road. After discussion, the Selectboard opted to include paving for Buttermilk Road in the 2021-22 budget.

Stu said he would like to contact David Walker in Hancock about possibly overseeing the paving project. There was no objection from the Board.

Capital Projects/Fund Additions - Stu said he'd included funding and a corresponding revenue for community center planning and a revaluation in the capital improvement budget. He said Superintendent of Schools Katrina Kane had e-mailed the Board about the school's plans to fund architectural services and including a community center in the discussion. He said he's not talked with the Assessors about a revaluation, but sales

and values are starting to get out of sync. After discussion, the Selectboard asked to leave both the community center and revaluation lines in both the revenue and expense budgets.

Revenues – Stu noted that had projected a significant drop in Municipal Revenue Sharing, and an increase in surplus use to \$150,000 thanks to a very good year in 2019/20 and the significant unexpected revenue from sale of tax acquired property. There was no objection.

The next Budget Committee meeting will be on November 30, 2020 at 6:30 PM.

Other Matters

- Bob noted that two goats and a dog showed up in his neighborhood and the situation was resolved without needing intervention from the Animal Control Officer.
- Stu noted that the school plans a significant community light display. Jo said the Lamoine 150! Committee will do something.
- Stu reported that the Fire Department had received a \$25,000 grant facilitated by Maine Savings FCU and would use the funding to install a washing machine and dryer for turnout gear.

There being no further business, the meeting adjourned at 8:16 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen