



Lamoine Board of Selectmen Minutes of August 18, 2005

Chairman Jo Cooper called the meeting to order at 7:01 PM

Present were: Selectmen Josephine Cooper, Perry Fowler, Brett Jones, Richard Fennelly Jr., Cynthia Donaldson (arrived 7:05); Administrative Assistant Stu Marckoon, John Wuorinen, Donna Theall, Gerald & Dennis Ford, and Michael Garrett

Agenda Review – No changes to the agenda or the addendum were requested.

Minutes of July 14, 2005 – Brett moved to approve the minutes of July 14, 2005 with minor changes as passed in by Richard. Jo 2nd. **Vote in favor was 3-0, Fowler abstained, Donaldson not yet present**

Expenditure Warrant 3 – Jo asked about the encumbered funds. Stu said that was the spending approved for the prior fiscal year but the work was not completed until the current fiscal year by Richard King. Stu said he had to transfer \$60,000 from the investment management account to cover the warrant and the upcoming school payroll. Selectmen signed the warrant.

Cash & Budget Report – There were no questions regarding the written report.

Checking Account Reconciliation – Selectmen signed a statement expressing satisfaction with the review of the checking account.

Cable TV – Donna Theall of Cove Road said cable TV lines run down toward Lamoine Beach but end about ½ mile from her house. She said she's asked Adelphia to extend the lines, but they have rules and she understands that. She said other towns are fully wired and said with the upcoming sale to Time Warner the town could renegotiate the cable TV franchise agreement. Stu said he attended a meeting with Time Warner the previous week and was told renegotiation is not possible. A short discussion followed on renegotiation vs. extending the lines. Jo said the Selectmen could write a letter and encourage further extension. Discussion followed about the density requirement. Brett said a letter from the Selectmen would be good. Stu said he spoke with Shelly Winchenbach of Adelphia who was willing to visit to review where things stand. Jo said a lot of people want cable TV service, especially for the high speed internet service. Mrs. Theall said a push from a higher authority might help.

After-The-Fact Permit – Jo said the purpose of the agenda item was to discuss ways to deal with the problem. Cynthia said the process concerns her. She said the Planning Board has ordinances and she can't understand how this was laid out. She said a person applying for a permit knows they need a permit to proceed with a project. She said it's peculiar that a person would ask for a permit then go ahead and do the project without obtaining one. CEO Dennis Ford said he didn't know if the ordinance might need a change. Jo said perhaps a fine for starting without a permit could be built into the

ordinance. Brett said there ought to be some latitude, but there ought to be a penalty that hurts. Dennis said it might be worded in such a way as to be discretionary to the Selectmen, but there would be a fine assessed. Richard suggested a fine schedule in the ordinance. Dennis suggested it might be a percentage of the estimated costs.

Brett said the purpose of a fine is to ensure compliance. He said there are other ways to seriously penalize, including a stop work order and requirement that it go before the Planning Board which would delay a project. Dennis said perhaps he could contact the town attorney to see what could be done. Jo suggested Maine Municipal Association or the State Planning Office. Cynthia asked if developing an ordinance change is the Planning Board's job. Jo said the Selectmen could develop a change and let the Planning Board have input. Cynthia said evidently the ordinance is not clear, and someone needs to write language to clarify that a penalty takes place if one builds without a permit. Dennis encouraged input from an attorney to make sure whatever language that's built in is proper. Richard suggested looking at ordinances from other communities.

Mike Garrett said the Planning Board is working on the Shoreland Zoning Ordinance with major changes. He said there was no reason why the Planning Board could not prepare some language. Dennis said it's best to suggest changes a little bit at a time. Stu noted the ordinance contains some pretty loose language. Cynthia said she finds it stunning to think that the person in question didn't know they needed a permit to proceed.

Road Names – Perry moved to approve naming the following roads:

- Glen Mary Road
- Tall Pine Drive
- Tilden Way
- Alanna Lane

Jo 2nd. **Vote in favor was 5-0, Selectmen signed the road naming orders.**

Revaluation Update – Stu reported the new valuations are ready. He said notification would be mailed out the next day – and that he was waiting for envelopes to arrive from the Post Office. Richard asked for an explanation of the minimum and maximum mil rate. Stu said the minimum is that which the town meeting votes for the property tax needed to fund the town budget. He said the maximum is a 5% overlay in state statute. A short discussion followed on the mil rate which is preliminarily set at 7.3 mills. He said hearings will be held the week after next.

Communications from MDOT – Perry asked to combine the agenda item with a similar item on the addendum. Stu said the town received two letters from MDOT Commissioner David Cole. Jo said she appreciated Mr. Cole's response to both David Henry and Erin Beauvais. She said in the letter to Miss Beauvais that it stated that the Selectmen must initiate any sidewalk or bike path. She suggested that the Board do that, though it would be more expensive. She said it would also be an important safety move. Brett asked where the bike lane would run. Jo said probably from Lamoine Beach to the rebuilt section of Route 184. She asked if the Board could write a letter to the MDOT. Richard said he couldn't see the downside to that.

John Wuorinen noted the two recent serious accidents. He said he lives on that stretch of road and notices people driving at very high speeds and said he is scared for the

bicyclists. He said he would encourage the board to be aware of the problem instead of waiting for another mishap. Jo said the way people drive is often scary. She said she feels strongly that it is incumbent on the board to make an effort to make the road safer for all. Stu said he could draft a letter for the next meeting.

Brett asked about what enforcement options exist with the Sheriff's Department. A short discussion followed regarding law enforcement and speeding.

Plowing Route 184 – Stu said he received a call from Randy Gray of the MDOT on Wednesday. He said the State plans to contract out the plowing of Route 184. Stu said he told Nankervis Trucking about that. He said Mr. Gray also said the town could submit a bid and subcontract it out. Selectmen had no interest in that option.

Change in Paving Plan – Stu said Mr. Gray also told him the plan to use the ground pavement from High Street in Ellsworth to recycle asphalt apparently will not take place. He said MDOT was unable to get a Pug Mill to recycle the material, and instead has only 150-tons of pavement to use to shim the road before putting on a surface coat.

A short discussion followed about further writing efforts to MDOT.

Downeast TRIAD/House Numbers – Stu said the offer from the Downeast TRIAD is to supply house numbering signs at a reasonable cost. Jo noted that numbers are supposed to be visible from the road. She said it appears to be a pretty good deal. Stu said he could call Sheriff Clark about further details in the program.

Letter from Marie Langlois – Stu said he referred the letter to Dennis Ford and the Board of Appeals. Dennis said he looked in on the Seal Point Lobster Pound the other day and saw trees planted in the buffer zone and a pile of lumber that looked like it would enclose the generator area. He said in regard to the sound test, he has nothing to do with that. Jo asked if someone would respond to Ms. Langlois' letter. Cynthia said it seemed like a reasonable request that the items stipulated by the Appeals Board be done. She said the response should come from the Board of Appeals.

John Wuorinen said it's not the first time the request has been made. Brett said Stu could respond from the Selectmen that Ms Langlois' letter was forwarded to the appropriate people.

Town Hall Staffing- Stu said he made a suggestion that existing part time staff each adopt a board to look last November, but no action was taken one way or the other. He said the staff time was built into the budget. Jo said she would be happy to delegate the matter to Stu to see that it happen the best way possible. Richard noted the one-month break between Selectmen meetings was very nice. Stu said he agreed with that. Cynthia asked for clarification on how the four extra hours a week would work. Richard said it's incumbent to keep it within the budget.

Red Cross Hero Nomination(s) – Stu said there are phone numbers to call to nominate heroic acts to the Red Cross. Brett said Stu should be included if the board were to make any nomination. A short discussion followed on whether the nomination would come from the Board or on an individual basis. There was no action either way. .

Ballot Irregularities – Stu said a letter arrived via e-mail from Bob Sharkey denying involvement with mailing out copies of the official ballot. Stu said he spoke with District Attorney Michael Povich who advised he's waiting for an answer from the Secretary of State's Office regarding what crime might have been committed. Jo said she would all the Secretary of State (her brother) to make sure the DA gets an answer.

Bangor Hydro Meeting – Jo said the meeting has not taken place yet. Stu said he heard it might regard a transmission line that would cut between the Hancock substation and Route 3 in Trenton. He said that information came from the Hancock County Planning Commission. Richard said with the board's blessing he would call the gentleman from Bangor Hydro. The board had no objection.

Department of Labor response update – Stu said he prepared the answer to the Bureau of Labor Standards citation and spoke with a gentleman from that agency the day before. He said everything seems to be satisfied provided they perform fire extinguisher training and schedule a hazardous materials awareness class soon.

FEMA/Hazard Mitigation – Stu said he wasn't sure if there were any projects in mind, but one possibility is a 2nd culvert run under Needles Eye Road where there has been a beaver problem. Perry said that shouldn't be done until it's time to replace the existing culvert. Richard noted there was a lot of debris on Lamoine Beach Road that came from the Latona Spring road. Stu said that's a private road. Dennis said there is an area of Marlboro Beach Road that washes out that might need a retaining wall to cure the erosion problem. No action was taken in regard to applying for a mitigation grant.

Letter to Lamoine Grange – Stu read aloud the letter he drafted asking whether the Grange has any interest in using land at Lamoine Corner for a Veterans' Memorial. Selectmen signed the letter. Jo offered to be the Board's liaison for the project should it proceed.

Vacation – Stu reminded the Board that he was on vacation the next week.

Threatened Litigation – Stu referred to a memo distributed to the Board that evening. He said the matter has been referred to the Board of Appeals as Theresa Rohner has filed an appeal of the Simons Subdivision which constructed a road a few feet from her mobile home. He said it appears to be a dispute between surveyors and someone made an error. He said the town's only part appeared to be in neglecting to send a certified letter to Ms. Rohner's father (who owned the land) notifying him of the subdivision application.

Surplus Property Authorization Form – Jo signed the form for the State Surplus Property Program.

Long Range Planning Committee – Stu said the committee met earlier in the week and felt that members who had not attended the last 5-meetings be removed from the committee. He asked how to do that. Mr. Wuorinen said the committee was concerned about having a quorum. Jo said those members should be thanked and informed that they're no longer on the committee. Brett said if any are interested in staying they could. Selectmen agreed to have Stu write the letters.

Kayak Business operating at Lamoine Beach – Stu said he received a complaint from a resident who lives adjacent to Lamoine Beach that a kayaking company was using that area as a base of operations. Richard said he’s seen the kayaks while lobstering, and it appears that the business is just loading and unloading at the boat ramp area. He said there doesn’t appear to be any downside from that. Perry said he doesn’t have a problem with that happening as long as no one is impeding traffic and public use. Jo asked if the Parks Ordinance covers that question.

Other – Long Range Planning Committee – Brett said the Committee wished to have him continue as chair and he is willing so long as it’s OK with the Selectmen. Jo asked what would be wrong with that. There was no objection from the Board.

Brett said they hope to wrap up the formulation of a survey at their next meeting and send out a notice with the tax bills in September saying that the survey will be handed out at the November election. He said he’s also devising an on-line survey, and while that might not be completely anonymous, it would be built in such a way as to dissuade ballot stuffing.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6)(A) to discuss a personnel matter. Perry 2nd. **Vote in favor was 5-0.** In at 8:25 PM, out at 8:38 PM.

More Other – Jo noted the letter from Ellsworth City Planner Michelle Gagnon in regard to the aquifer study. It was agreed to refer that to the Conservation Commission.

Next Meetings – The next regular meeting will take place September 8, 2005 with meetings to follow on September 22nd, October 6th, October 20th, and November 10th. The 2nd November meeting would fall on Thanksgiving Night, and the board had no desire to do that.

There being no further business, the meeting adjourned at 8:50 PM.

Following adjournment Stu informed Selectmen who had remained that he intended to work part time for a radio station starting October 1st in addition to his work as Administrative Assistant to the Board.

Respectfully submitted

Stu Marckoon, Adm. Asst. to the Selectmen