

Town of Lamoine, Maine



Established 1870

Lamoine Board of Selectmen Minutes of November 3, 2005

Chairman Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., Josephine Cooper, Perry Fowler, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Planning Board Secretary Michael Garrett, Parks Committee members Christa Brey, Bill Fennelly, Tom Barr, Kerry Galeaz, Steve Valteau, Code Enforcement Officer Dennis Ford, Harbor Master Gerald Ford, Asst. Town Clerk Kathy DeFusco, and Cable TV Techs Nick Pappas and Jeff Higgins

Agenda Review – Stu noted the only additional item was acceptance of the audit. There were no other additions or changes proposed.

Minutes – Richard had one minor correction to the minutes as proposed. Jo moved to approve the minutes with the correction. Perry 2nd. **Vote in favor was 5-0.**

Meeting with Parks Committee re: Ordinance – Parks Committee member Kerry Galeaz said the committee wanted the Selectmen to have a look at what they've proposed and felt it was time to present it to the town. He said they've fine tuned it and have presented some minor changes. Cynthia asked if the committee wanted to go through the changes. Brett asked what the significant changes were.

Parks Committee Chair Christa Brey said the committee met with the Selectmen and Dennis and made some larger changes, including new sections 3 and 4. Kerry said the Sheriff's Department suggested adding the names of the specific parks to the ordinance. Christa said they combined the definitions of vehicle and motorized vehicle.

Cynthia asked about the wording that says "until further notice". The committee said that should have come out. Kerry said that was originally put in for possible future park acquisitions. He said it would come out.

Jo asked about section 7. Christa said they added the hours of operation. Cynthia said this is the first place where the park is referred to as Blunt's Pond, and asked if it should be Bloomfield Park. Christa said it should. She asked if there were any questions about the hours. Jo said it looks good. Christa explained the reason for the hours. She said the big issue they had with section 7 was trying to get people to not drive on the beach if it's not necessary. A short discussion followed about the Marlboro Beach area. There was a discussion about the boat ramp at Lamoine Beach, and the road that worm diggers use at Lamoine Beach.

Jo said she's reluctant to cut off traditional access. Richard said commercial shellfish harvesters traditionally drive to the beach. Christa said the committee wants to try to discourage other activities than shellfishing. Kerry said the fishing activities would use the designated boat launch area, and a discussion followed. Brett suggested signage. Kerry said shell fishermen can drive where there are trails and existing roads. A short discussion followed on where mussels are unloaded at Lamoine Beach and Marlboro Beach. Richard said the committee wants to make sure it doesn't get the town into a bind. A short discussion followed.

Dennis Ford suggested defining recreational vehicles and commercial activities separately. Steve Valteau asked at what point it becomes not acceptable to drive on the beach. Jo said there needs to be something reasonable. Tom Barr said federal law prohibits 4-wheelers from being on the beach. Kerry said maybe more investigation is needed to clarify. Jo said the town might need that enforcement tool, but it needs to be reasonable. She said she didn't want to prevent people from earning a living.

Christa said section K which refers to pets has changed. She said it was an issue this summer. Stu said it's an issue every summer. Christa said the next section says state supersedes this ordinance. She read the section regarding the permitting process. Brett asked what would happen if a school class wished to look at the stars at night at the beach – would that be allowed. Christa said as long as the group made application the committee could OK that. She read the permit fee section and the effective date section.

Kerry asked if there were any ideas on how to regulate driving on the beach without cutting off fishermen. Richard said he thought Dennis Ford's idea was good to distinguish between commercial and recreational use. A short discussion followed.

Jo thanked the Parks Committee for its work. Christa said once they work on the commercial/recreational vehicle issue they would bring the ordinance back to the board. Jo said once the ordinance changes are finalized the Board could schedule it for town meeting. She said if the committee could plan on a presentation at the town meeting it would be helpful.

Application for Tax Abatement – D & B Coleman

Stu said the Assessors do not yet have a recommendation on an abatement amount. He said they plan to meet with Maine Revenue Services next week. Jo said the issue would be tabled again. A short discussion followed on the lot the Colemans recently sold to the Small Woodlot Owners Association of Maine.

Town Meeting Date

Stu suggested the regular town meeting be held on March 7th and 8th. Jo so moved. Brett 2nd. **Vote in favor was 5-0.**

Regular Special Town Meeting for Ordinances

Stu said CEO Ford suggested the idea. Dennis said it would be a meeting separate from the regular town meeting just to take up changes in the ordinances as needed instead of

coming up with complete new documents every few years. He said there are changes that could be presented a little bit at a time yearly as amendments. He said every 5 or 10 years all the various amendments could be combined into the main ordinance. He noted it took 3-years to straighten around the Building and Land Use Ordinance. Jo asked if the amendments would be in effect. Dennis said yes if passed by the town meeting. He said the idea is to keep the amendments up to date. A short discussion followed.

Brett asked if this could be done at the regular town meeting. Jo said she's not sure why you need a special meeting unless it's taking up too much time at the regular town meeting. Dennis said it would be easier to focus on the ordinance changes. He said ordinances do consume quite a bit of time at the regular town meeting.

Mike Garrett said it makes good sense to him. He said the potential audience, though, is pretty slim but the audience at the regular town meeting isn't all that big a percentage of the town. He said making some minor changes to the ordinances each year makes a lot of sense. Brett asked if the Planning Board intends to make minor changes each year. Mike said yes. Richard said attendance at a special meeting is an issue. Jo said it could be perceived the town is trying to slip through changes by having a special meeting. Dennis said he thinks a meeting devoted to ordinances would help people focus better.

Mike said when the town is looking to implement changes it is up to the voters to attend. Jo said as long as the business and process are clearly stated and advertised she has nothing against a special meeting devoted to ordinances. She said she's not against pulling it out of the regular town meeting. Dennis said the Planning Board is working on Shoreland Zoning changes for this year and that should go to the regular town meeting, and then start from there out doing the special meeting. He said the cable TV system helps people get informed.

Cynthia asked if the proposal was to have a town meeting every April or whenever for ordinance changes. Dennis said yes. He said that way people could plan on that, and if there were no changes needed, no meeting would be needed. He said it would help the town keep up with state changes. Mike said the Shoreland Zoning Ordinance was last changed in 1993. Jo asked how to make sure this happens. She asked if that could be communicated to the Planning Board. Mike said the Selectmen could look to the Planning Board to schedule a meeting in April. A short discussion followed on the timing and what's next after the Shoreland Zoning Ordinance changes.

FEMA

Stu reported to receive future funding from FEMA that the town has to become NIMS compliant. He said he has a draft resolve from Bar Harbor that can be acted upon at the next Selectmen's meeting.

Cable TV Meeting

Stu reported officials from Adelphia/Time Warner will visit Lamoine on November 10th to meet with him. He said he would let Donna Theall know. Brett said he would like to attend.

Voter Access

Stu said he's called Superior Lines to paint the curb, but they've not called back. He said Glenn Crawford is working on extending the railing up and for a railing on the building. He said there needs to be railing further down the ramp, and suggested a wooden rail. He said he could call Ralph Murphy on that. Selectmen agreed, but said they would like to know the costs. Stu said he could find those out, but reminded the board the costs had been encumbered from the previous year budget.

Expenditure Warrant

Selectmen signed expenditure warrant 8 for \$764,084.25. Stu noted \$700,000 was a transfer to cash management, \$13,500 for snow plowing and \$32,000 for the school payroll.

Cynthia asked about solid waste figures. Stu said the amount sent to PERC has dropped about 25%. He said the October figures were about the same as last year, which was about the time Pine Tree Waste adjusted its pickup to not include commercial trash.

Jo asked if there was any way to find out how much snowplowing will be in the future. Stu said we've got one more year after this with Nankervis. A short discussion followed on capital purchases. Stu said the trash transportation contracts are up at the end of June and it would be good to get that bid out soon.

Cash & Budget Report

There were no questions.

Budget

It was noted the next Budget Committee meeting is November 14th. Solid Waste and Roads will be the agenda items.

Public Discussion

Jo opened up the meeting for public input, including phone calls. None were received.

Audit Report

Stu said he distributed copies of the annual audit to the Board. Jo and Stu signed the management representation letter to Jim Wadman, CPA.

Survey

Brett said the on-line version is ready to go. A short discussion followed on how that works. Brett asked if Stu could do up a schedule of folks to hand out surveys at the polls next week.

Next Meeting

The next Selectmen's meeting is scheduled for November 17th.

Other

Cynthia said she was excited the new mailbox has been placed in front of the town hall.

Selectmen signed a card expressing sympathy to Town Clerk Jennifer Kovacs on the death of her father.

There being no further business, the meeting adjourned at 8:00 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.