



Lamoine Board of Selectmen Minutes of January 26, 2006

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

Present were: Selectmen Cynthia Donaldson, Perry Fowler, Richard Fennelly Jr., Brett Jones, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Bill DeRoss (Pine Tree Waste), Jim Dunning (Pine Tree Waste), Christa Brey (Parks Commission), Kerry Galeaz (Parks Commission), Donna Thorburn (Conservation Commission), Merle Bragdon (Cable TV Tech) and Tony Beardsley (Town Attorney – arrived 7:45 PM)

Agenda Review – There were no additions or changes to the agenda, though the Selectmen said they would hold an executive session with the Town Attorney around 8PM.

Minutes of January 12, 2006 – Richard moved to approve the minutes with minor corrections submitted in writing by both he and Cynthia. Jo 2nd. **Vote in favor was 5-0.**

Parks Ordinance – Parks Committee Chair Christa Brey said the major changes to the ordinance are to combine the definition of motorized vehicles and vehicle definitions, and to add commercial fishing activities to approved activities to coincide with beach access. She said Section 1 should add alternates to the language. Richard noted a capitalization need in the preamble. Jo asked if this was the same as the Selectmen had seen before. Mrs. Brey said yes. Richard asked if the regulations would be on the proposed kiosk sign. Kerry Galeaz said it was their intention to put section 7 on the kiosk(s).

Stu said the Budget Committee had recommended building only one sign for next year – that at Lamoine Beach. He said he'd received a negative comment about the proposed \$25 permit fee. Mr. Galeaz asked the Selectmen how they felt about the proposed fee. Richard said he thinks it's a bargain, but he understands how the taxpayers feel. Discussion followed that the fee should relate directly to the impact on the park, and possible language to allow for fee waivers. Discussion on the waiver indicated that it would set a poor precedent as all organizations would seek the waiver. Mr. Galeaz asked who came up with the threshold of 25 people. Stu said that was part of the original ordinance developed by the Conservation Commission.

Perry suggested setting a time limit threshold when a permit would be required. A short discussion followed. Jo said she is not a fan of lots of regulation, but wants a reasonable fee. Mr. Galeaz asked what the intent of a special events permit is. Stu said the burden seems to be more on obtaining a permit in a timely fashion than the cost. He related a story of a couple who wanted to hold a wedding at Lamoine Beach but gave only a couple days notice.

Brett said the question seems to be the number of people attending and the fee. He said giving a body in town authority to set the fee might work. The Selectmen did a straw poll, and four of the five favored the 25 person limit. Jo said it might make sense to take the fee amount out of the ordinance and have the Selectmen authorized to set the fee in consultation with the Parks Commission. Stu asked if there was a desire to set a time used threshold. The Commission and Selectmen felt that it would be better to have any group using to contact the town regardless of how long they intend to use the park(s).

Jo thanked the parks commission for their work on the ordinance. Brett said the commission should submit its idea for a fee schedule to the Selectmen if the ordinance passes.

Ms. Brey reported to Stu the proposed town report looked good to her. A short discussion followed on the process at town meeting.

Solid Waste Transport Bids

Selectmen opened envelopes from three bidders and read them as follows:

Bidder	Year	MSW Bid	Extra Trips	Recycling Containers	Recycling Pulls
Harris Downeast	06-07	\$46,020	\$385	\$3,024	\$296
	07-08	\$47,401	\$385	\$3,115	\$296
	08-09	\$48,823	\$385	\$3,209	\$296
	09-10	\$50,208	\$385	\$3,305	\$296
	10-11	\$51,796	\$385	\$3,404	\$296
Pine Tree Waste	06-07	\$27,456	\$270	\$155/mo	\$274
	07-08	Above +cpi	Above +cpi	Above +cpi	Above +cpi
	08-09	Above +cpi	Above +cpi	Above +cpi	Above +cpi
	09-10	Above +cpi	Above +cpi	Above +cpi	Above +cpi
	10-11	Above +cpi	Above +cpi	Above +cpi	Above +cpi
Mark Wright	06-07	\$37,112	\$485.50	\$18,570	+\$358/trips >30
	07-08	\$38,225	\$500.00	\$19,127	+\$358/trips >30
	08-09	\$39,372	\$515.00	\$19,701	+\$358/trips >30
	09-10	\$40,553	\$531.00	\$20,292	+\$358/trips >30
	10-11	\$41,769	\$546.00	\$20,901	+\$358/trips >30

Richard asked Bill DeRoss of Pine Tree Waste which Consumer Price Index (cpi) would be used. Mr. DeRoss stated the CPI from the Bureau of Labor Statistics for the Northeast Index. A short discussion followed.

Jo said the decision seems pretty easy. Stu asked Mr. DeRoss if the company is open to discuss the contract should the destination for recyclables change. Mr. DeRoss said they're open for discussion, but there is no advantage to his firm if the destination were a place other than Bangor. A short discussion followed on utilizing Coastal Recycling vs. the Bangor Recycling through MRRA.

Jo moved to award the bid to Pine Tree Waste. Richard 2nd. **Vote in favor was 5-0.** Stu asked Mr. DeRoss who would draw up the contract. Mr. DeRoss said he would prefer to have the town do it. Stu said he would be glad to.

Executive Session – Jo made the following motion: “I move that the board enter executive session to discuss a legal matter pursuant to 1 MRSA, Section 405, subsection 6(E)”. Richard 2nd. **Vote in favor was 5-0 at 7:48 PM.** Out at 8:30 PM – The telecast was interrupted during executive session. The Board consulted with the Town Attorney in regard to the Pine Grove Estates subdivision matter.

Contract with Pavement Management Services – Cynthia noted the contract did not contain a duration. Stu said the contract is by the job. There was a short discussion about getting out of the contract should the budget fail. Jo moved to approve the contract. Perry 2nd. **Vote in favor was 5-0.**

Cellular Phone Tower – Stu said a gentleman working for a company siting towers for Cingular was in the office last week. He said the man was interested in either the church, historical society, or the town-owned land by the Transfer Station. He said he was encouraged that the gentleman had looked at the land by the landfill as a possible site. He said he expects to hear back in another week or two if they are interested. Brett said it’s an exciting possibility and a win-win situation. There was a brief discussion about dead cell-phone spots in town.

Salt/Sand Shed – Perry said he measured the grades at the Anderson property to see if he could come up with something. He said there would be the potential to sell 7,500 yards of gravel if it were dug out for the shed. He said he could not come up with a shed cost of less than \$100,000. He said the income potential from the gravel is low.

Richard said he did an extensive amount of work and had prepared a spreadsheet based on other town costs and present values. He said based on the need for 3,000 cubic yards of material, the cost would be about \$296,900, based on the average present day construction cost of \$98.97 per cubic yard. There was a discussion of the costs and engineering costs which he estimated would be about \$10,000. Brett asked about how to figure the return on the investment. Richard said the shed would have to save \$14,000 a year on the contract to get any kind of payback. He said it might break even over a 20-year span or do better if there was a greater than \$14,000/year payback. Perry noted that the town could spend another \$10,000 on the contract and not build a shed.

The Board discussed possible alternate locations, including the hole next to the Town Office and the lot across the street. Brett said the town should either build a shed or leave storage matters to the contractor. Jo asked if this is a decision to be made purely on costs or whether there are other factors such as the environment to consider. She asked how many salt/sand piles there could be over time. A discussion of the building size needed followed.

Brett said if the town can realize it would be less expensive with a plowing contract and a town provided shed, the town should proceed with building a shed, otherwise the town should not build a shed. He said the contractors are responsible for proper storage, and it's simply a money issue. Richard said another issue goes beyond the cost of the structure: tying up money on this project and preventing funding for something down the road. A short discussion followed on the finance limits for the town. Stu noted those are set in the Comprehensive Plan.

Stu asked what the Selectmen wished to ask of the Town Meeting, if anything. He said there's currently an article in the draft warrant to ask for an engineering appropriation, and the town has saved for a shed for many years. Jo asked what kind of forum could get input from voters on whether a shed would be a good idea. Richard said voters should see what the cost would be and the impact on taxes. Jo asked if it's also an environmental issue. She said there are a limited number of places in town a salt/sand shed could be placed, and that's part of the discussion. Richard said the state hasn't found the issue is important enough to force the town to do something. Jo said she favors putting the issue on hold for a year. The board favored finding out what the difference in costs would be if the town were to provide a shed when the next plow contract is bid. A short discussion followed about the timing of the next plow contract bid. Stu said he would remove the article from the town meeting warrant.

Draft Town Meeting Warrant – Selectmen reviewed the draft of the town meeting warrant article by article. There were brief discussions about the need for a revaluation in the future, and coming up with an effective presentation for the land sale article and the LD-1 override article.

Expenditure Warrant 14 – Selectmen signed warrant 14 for \$170,926.92

Other – Cynthia asked whether Stu had found anything more about liability issues on the foreclosed trailer. Stu said he'd not called MMA yet.

Cynthia asked if the Conservation Commission had received the grant they were seeking. Stu said he had not heard.

Perry said he'd received several complaints about stones in the winter sand. He noted there seems to be more of them this year, but probably because the winter has been such that there is a lot of sand on the roads.

Richard said he would like to discuss town meeting voting via referendum vs. open town meeting for major maintenance and capital purchases in excess of \$20,000. He said it was clear from the survey that people want to retain the open town meeting and therefore the normal budget items should remain for voting at the regular open town meeting. A brief discussion followed on town meeting formats. Jo said she would prefer to discuss the matter at a later date.

Cynthia asked if the issue of Bangor Hydro's tree trimming notice could be put on a future agenda.

Brett asked if ownership of Map 1 Lot 52 had ever been cleared up. Stu said Tony Beardsley had been given the file years ago and nothing has been produced. Selectmen said they would like an update from Tony.

Next Meeting – The next regular meeting will be February 9, 2006.

There being no further business, the meeting adjourned at 9:40 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.