



# Lamoine Board of Selectmen

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

## Minutes – January 16, 2020

Chair Bob Christie called the meeting to order at 7:05 PM.

Present were: Selectmen Robert Christie, Gary McFarland, Kathleen Rybarz, Nathan Mason, S. Josephine Cooper (arrived 7:07 PM); Administrative Assistant Stu Marckoon, Joint Municipal Board Representative Richard Fennelly Jr., Lamoine's Little Kids representatives Amy Duym and Cynthia Donaldson.

**Agenda Review** – There were no additions or deletions to the agenda, and no addendum.

**Minutes – January 2, 2020** – Kathleen moved to approve, Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

Jo arrived at the meeting

**Expenditure Warrant 16** – Selectmen signed the warrant in the amount of \$160,986.41. Stu reported about \$109,000 of that was for school costs. He said there were a few salt bills on the warrant, and noted that plow contractor Richard McMullen has used a lot of material, though the winter has been fairly snow free (until today).

**Cash & Budget Reports** – Stu noted that the school department budget has only expended 15% though the year is more than half complete. He said tuition bills have yet to come in.

**Foreclosure List** – Selectmen reviewed the list of potential impending foreclosures. Stu said the town might end up with one property as he's not heard from any responsible party.

**Excise Tax Quarterly Report** – Selectmen reviewed the report. Stu noted that the town collected \$420,000 for calendar year 2019, up from \$398,000 from 2018.

**Shellfishing – Enforcement** – Lamoine's joint municipal board (JMB) representative Richard Fennelly Jr., passed out a couple of handouts. He said the JMB has been working for a few months on changing enforcement of the regional Shellfishing ordinance as the City of Ellsworth no longer wishes to employ the shellfish warden. He said the issue might be resolved as the Ellsworth City Attorney has reviewed how to use an independent contractor instead of an employee. He said there would need to be changes to the interlocal agreement, and he handed out suggested changes and explained them.

Nathan asked how the shellfish warden would be compensated. Mr. Fennelly said the administrative community (Ellsworth) would issue a request for proposals. He said there would be no supervision from any of the municipalities. Stu remarked that someone ought to be supervising the warden.

Nathan asked how the warden would enforce the ordinance. Mr. Fennelly said the plan is to remove authorization for arrest and firearms, so there is much less liability. He said the warden would be authorized to write a summons. Nathan asked who would enforce the summons. Mr. Fennelly said the warden would prosecute their own cases. He said there is language drafted for an independent contractor agreement.

Bob asked what the chances are that anyone qualified would apply for this contract. Mr. Fennelly said any contractor would have to pass a state background check and take courses yearly. He said the shellfish conservation group met last night and harvesters were encouraged to talk to people they know who might be interested. He said this is happening pretty quickly, and the Ellsworth City Council will be voting soon.

Stu said this does not pass the smell test of the warden not being an employee but an independent contractor. Mr. Fennelly asked if the town of Lamoine would employ a shellfish warden. Stu said the town does not have a police department which has been required in the past. A brief discussion followed about the need for a sponsoring police agency with the firearms and arrest authority removed.

Nathan asked about oversight, and more discussion followed. Nathan said the County Sheriff ideally would be the hiring agency.

Mr. Fennelly said the clam industry has finally rebounded from tough times locally thanks to regulation. He said the ordinance, though has experienced enforcement difficulties. He said there is concern by the diggers that without adequate enforcement, the flats would get hammered.

Kathleen asked if the cost to the towns would change. After a brief discussion, Mr. Fennelly said it should not cost any more than it currently does. He said the ideal contractor would have two people patrolling the area 20-hours a week. He said the current shellfish warden costs the City of Ellsworth about \$50,000/year.

Mr. Fennelly said whatever happens will likely depend on the City of Ellsworth. He read from the regional ordinance about the amendment process and said he did not think the Selectmen had to take any action as the representatives to the JMB could amend the ordinance. Bob said he agreed.

**Playground @ Lamoine Beach** – Cynthia Donaldson said the effort to install a play structure at Lamoine Beach seems to be stuck between a rock and a hard place. She said they are looking for ideas. She said her group is ready to purchase the play structure, but when it came to filing out the building permit, they realized the property owner is the State of Maine. She said that would seem to require permission from the State to go ahead before purchasing the structure, and that has proven to be very difficult. Stu said he had been in touch with someone at the Bureau of Parks and Lands, they referred it to their supervisor and it seems to be stuck at that level.

Amy Duym noted that the town has installed a kiosk and an outhouse at the park in the past and asked if the town went through the same process. Nathan asked if the town's liability insurance covers the proposed play structure. Stu said only if the town causes the injury.

Discussion turned to contacting the town's State Representative, Brian Hubbell. Selectmen discussed having the Board act as the agent for the Lamoine Beach Park lot and moving forward. Nathan moved to have the town Board of Selectmen sign for permit work. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.** Jo moved to delegate to Cynthia Donaldson the ability to apply for the necessary permits on behalf of the Selectmen. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.** It was noted the Code Enforcement Officer would be in on Tuesday.

**Parks Commission** – Stu noted that Doug Jones plans to retire from the Parks Commission in April. He said one person has already indicated a desire to serve.

**Lamoine 150!** – Cynthia Donaldson said that Jo did a fabulous job the night before on leading the presentation on Lamoine's neighborhoods. Jo said the cribbage fest the previous Sunday was a success. Stu noted that Nathan's daughter Sydney clobbered him in the first match.

Jo said the next event is February 8, 2020 at the Grange featuring poems and stories. After that, on February 11, 2020 the actual date that 150-years prior that Governor Joshua Chamberlain signed the bill creating Lamoine, residents are being urged to take pictures to submit to the 150! Committee for a "Day in the Life" of Lamoine. There was a discussion on how to submit the photos. Stu asked about publicity.

Jo said that on Sunday, March 1<sup>st</sup> there will be an official birthday party at the school.

**Solar Project** – Stu said there was a conference call this past Monday and he wrote a memo. He said there is not a lot going on at the moment. Bob asked if the project was in jeopardy. Stu said the company is waiting for a wetlands delineator to start working on the plans.

**Community Center** – Stu said there was a memorandum from the Community Center Study Committee in the packet. Nathan said it looks like the committee would like to meet with the Selectmen. After a discussion, Selectman asked that the committee and the School Committee be invited to meet on February 20, 2020. Stu said he would send out invitations.

**Ortho Imagery** – Stu said he would pass along the invitation to the Board of Assessors. Selectmen had little interest in participating in the program.

**Code Enforcement** – Stu noted that the alleged violator who started a slab without a permit on Shore Road has now obtained a permit. He reported that the Shoreland Zoning Violation in Bar Harbor Highlands has gone to court and the alleged violator has

been in touch with the town attorney and Code Enforcement Officer and has directions what needs to be done to come into compliance.

**Blunt's Pond Property Donation** - Stu said there has been no update since the communication from Frenchman Bay Conservancy received the day of the previous meeting.

**Citizen of the Year** – Selectmen discussed several options for the Citizen of the Year honor by number. Kathleen moved to present the 2019 award to option #4. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0 (Jo abstained).** It was noted that the Selectmen should present certificates for exemplary service to the members of the Comprehensive Planning Committee at the town meeting as well.

**Specimen Ballot** – Selectmen proposed no changes to the proposed election ballot for March 3, 2020.

**Town Meeting Warrant** – Stu noted the latest draft includes an article authorizing the board to enter into a property line agreement with Marion McDevitt when that materializes. He said the Conservation Commission does not intend to present an award this year. Kathleen asked what happens if the cost for shellfish enforcement goes up. Stu said that would have to go to a special town meeting.

**Town Report** – Selectmen reviewed the proposed cover, their report and the choice of a printer, and OK'd all without objection.

**Information Technology Position** – Stu said he seems to be spending an increasing amount of time dealing with technology matters for which he's not really qualified. He said he would be interested in writing up a proposal for a part time IT employee, and running by the Tech Committee. Selectmen had no objection to that for the next meeting. A potential candidate was briefly discussed.

**Vacation Request** – Nathan moved to approve a request for a vacation from Stu for late March. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Request from Trenton Resident** – Jo reported she was approached by a Trenton citizen regarding the school district withdrawal process. She said she e-mailed that to Stu earlier in the day. Stu said he would provide the resident with the names of those who led Lamoine's withdrawal from RSU 24.

**Code Enforcement Officer Correspondence** – Bob questioned an e-mail sent out by CEO Albright regarding the latest appeal and said one sentence at the end was uncomfortable to read. There was a very brief discussion about the timing and appropriateness of it.

**Next Meetings** – The next regular meeting will be on February 6, 2020. Stu said he would likely need a warrant signed in 2-weeks and will contact the board to come in to sign. He said the town meeting warrant and report will be ready for final approval at the

regular meeting. Bob noted that the community center issue will be on the agenda for February 20<sup>th</sup>.

There being no further business, the meeting adjourned at 8:20 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen