



Lamoine Board of Selectmen

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Minutes – May 7, 2020

Chair Kathleen Rybarz called the meeting to order at 7:01 PM via the Zoom internet meeting application.

Present via Zoom were: Selectmen Kathleen Rybarz, Nathan Mason, Gary McFarland, Robert Christie, S. Josephine Cooper; Administrative Assistant Stu Marckoon and guest Kevin Kelly and Cathy Smeal. The meeting was also televised on the local CTV channel and live-streamed on Town Hall Streams.

Agenda Review/Addendum – Stu said he'd e-mailed an addendum prior to the meeting and that Mr. Kelly and Ms. Smeal were present on an item high up on the agenda. Kathleen noted that Lamoine 150! was not on the agenda. No other changes were proposed to the printed agenda.

Minutes – April 16, 2020 – Nathan moved to approve the minutes as written, Jo 2nd. A roll call vote was **5-0 in favor**.

Expenditure Warrant 24 - Stu reported warrant for \$109,677.39 was fairly long and contained two payrolls. He said he had to move \$75,000 from the investment management account to cover the checks. He mentioned that Mike Jordan had repaired several shingles that blew off the salt/sand shed. Kathleen asked if the fire department had put the storage units at the salt/sand shed. Stu said not yet, as the auction is not going to happen this summer. Jo moved to approve the warrant, Gary 2nd. A roll call vote was **5-0 in favor**.

Cash & Budget Report – Stu noted that expenses are where they ought to be. He said revenues are a different story as excise taxes have dipped because of the COVID-19 outbreak. He said excise collections are a bit better than expected with online registrations. He said interest income was very good and the town should end the fiscal year with about \$1.3 million in the bank. There was a very brief discussion about excise tax and state registration policies.

Checking Account Reconciliation – Stu said that was e-mailed earlier in the week. Jo moved to approve the review, Gary 2nd. A rollcall vote was **5-0 in favor**.

Chicken/Rooster – Possible Ordinance – Kathleen noted Cathy Smeal and Kevin Kelly were present and thanked them for attending in response to a letter they'd received. Mr. Kelly said he had listened to the video of the meeting which his neighbor, Mr. Kaemerer had appeared. He said it's not the noise level that is being complained about, as lawnmowers and chainsaws are much noisier. He said the complaint seems to be that it is their rooster. He said the structure they keep the chickens in is located about 250-feet away, and they don't let the birds out until later in the morning.

Mr. Kelly said the letter they'd received indicated keeping a rooster in the neighborhood is a poor choice. He said the other neighbors have not complained about hearing the rooster. He said the rooster is very much a pet for Ms. Smeal.

Mr. Kelly said the Town of Lamoine has a very low population density compared to a community like Cape Elizabeth which has a rooster ordinance. Kathleen asked if Mr. Kelly lived there. He confirmed he did, as did Ms. Smeal.

Mr. Kelly said Lamoine is a rural community with a lot of wildlife, including predators which is why the chickens go inside at night. He said it's not densely packed compared to other towns. He if the town pursued a noise ordinance on smaller residential lots it would potentially bar people from mowing lawns or having a family barbecue. He said that seems a bit extreme.

Ms. Smeal said the relationship with their neighbor has deteriorated and she has tried to make accommodations to try to lessen the impact, but she doubted that anything would help. Kathleen asked about when the roosters first showed up. Ms. Smeal said they had chickens for 4-to-5 years and the rooster came from a friend about 6-months after the chickens arrived. She said the rooster is her pet. She said she's not the only one with a rooster in the neighborhood.

Mr. Kelly said there have been other issues that his neighbors have complained about and this seems personal. Ms. Smeal said she was sorry the Board had to deal with this. Kathleen asked if the chickens are fenced in. Ms. Smeal said they "free range" when she is home. Mr. Kelly said they had to get rid of the first group of chickens as they were trained to go where food was. Ms. Smeal said this rooster is their third as the first two fell victim to predators.

Kathleen said Mr. Kaemerer had said they had moved the coop to the other side of their lot. Ms. Smeal said a neighbor sold them the coop and didn't put chickens in it until they moved it. Mr. Kelly said the coop is situated where it has been for five years. Ms. Smeal said nothing will make her neighbors happy. She invited the Selectmen to visit.

Kathleen asked if there is any resolution to the neighbor issue they could propose. There was a brief discussion about the neighbor relationship. Ms. Smeal said they have several disagreements with their neighbors. She said that if others complained she would get rid of the rooster, but no one has.

Kathleen thanked Mr. Kelly and Ms. Smeal for meeting with them. Ms. Smeal said other neighbors wanted to speak tonight. Kathleen said written comments are welcome. Kathleen said the board would digest the information for now.

Nathan said the Selectmen have no intention of banning noise from chainsaws and weed whackers. He said he appreciated hearing the other angle of the story, and encouraged them to have the neighbors contact the Selectmen. Ms. Smeal said they would wait and see what the next step is with the Selectmen.

Disposal of Tax Acquired Property – Stu said a lot of bids were submitted and with the permission of the Selectmen opened the envelopes and posted the bids on the “chat” feature of zoom meetings as follows:

Name(s)	Amount Bid
Yvonne Wilkinson	\$9,800.00
Donna & Kermit Theall	\$12,000.00
Chad Erwin	\$4,000.00
Christopher Poirier	\$5,800.00
Jimmy Lipham	\$1,901.00*
Jerry Blackburn	\$2,010.00*
D&S Adventures, Inc.	\$4,500.00
Charles Longstaff	\$5,509.00
Benjamin J. Morren	\$12,501.00
Matthew Jordan	\$7,550.00
Chris Luck	\$5,650.00

*No deposit check enclosed

Nathan moved to award the bid to Benjamin Morren. Jo 2nd. Kathleen said we should notify the 2nd place bidder that they had the next highest bid. Stu said he would notify all bidders about the outcome. He said this was subject to town meeting approval. By a rollcall, the **vote in favor was 5-0**.

Stu noted that Ben grew up in Lamoine and dropped the bid off at his home the other night.

Bob said he was having trouble seeing the video of the meeting, but he could hear the audio just fine.

Map 4 Lot 53 – Stu said this is a small triangular piece across the street from Map 4 Lot 52. He said with the permission of the Selectmen he would write to the abutting landowners offering it for the minimum back taxes, fees and interest. There was no objection.

Map 4 Lot 45-1 – Stu said he’d talked with the town attorney regarding the USDA mortgage on the property and he did ask. He said the town attorney advised that unless it’s the heirs, the USDA has chosen not to redeem the property. He said he’s drafted a letter to the previous owner’s daughter to offer the property to her, and showed it on the screen. He said the offer would be to sell the property for \$7,200, expect a cashier’s check for \$1,500 by June 4th. Kathleen asked how large the property was. Stu said there is a house on it, and the size is 1.1 acres. He said the letter asked Ms. Leslie to remove any personal items if the property goes up to auction. Nate moved to send the letter, Gary 2nd. **Rollcall vote in favor was 5-0**.

Municipal Operations Plan – Town meeting – Stu said the open town meeting came on the same day as the Governor banned meetings of more than 10-people so the Selectmen gathered and recessed until May 26, 2020. He said that 10-person restriction

remains. He said the Selectmen can gather on May 26th and adjourn without action, and do a new town meeting. He said it looks like it will be a while before meetings of more than 50-people will be allowed. He said that on July 14th there will be a statewide primary and referendum vote. He said the town has never voted by referendum for the town meeting articles, but he has prepared ballot questions.

Jo said it's a practical plan and she's not opposed to it. She said she was concerned about the referendum not allowing for discussion but the public hearing will allow that opportunity, but not for any amendments. She said she is concerned that this what happens going forward, and would be completely against that. Nathan said he agreed.

Kathleen said the school budget is left out, and we were hoping to both at the same time. Stu said he asked Maine Municipal Association legal about that. He said he was advised that there is no provision to vote by referendum on a school budget. He said he's not sure what the school department plan is. He said he's concerned about getting a tax commitment out in a timely fashion. Jo said she's concerned about that too.

Stu said he prepared a rough draft of ballot questions, including combining the budget questions into just two questions (revenues and expenses). He said if it's broken out by each budget, the ballot will be much longer. Jo said it's already pretty long. Kathleen said the proposed three pages seems pretty reasonable. Jo said it's a doable plan, but wants it highlighted in the minutes that this is a **onetime deal**. Gary said he would agree with trying to do the referendum. Nathan said opening gatherings of more than 50 won't happen until at least July.

Bob asked if the public hearing would be by Zoom. Stu said that could be done by invitation. He asked if there could be a trial run on zoom to test what a public hearing would be like. A brief discussion followed on running a practice hearing. The meeting paused briefly when Kathleen's internet connection failed. During the absence, there was discussion about having a limited in-person hearing, either at the school or in the town hall (Stu said he would prefer the town hall from a technological standpoint).

Jo noted the Ellsworth City Council in their chambers but the councilors are separated in the chambers. She noted that Gary's mother attended her first Zoom meeting earlier in the day when the Lamoine 150! Group met. Gary said he took a picture.

Stu recapped the discussion. Kathleen asked if people who wanted to talk could come to the town hall. Stu said that was the idea and they would be let in one person at a time.

Stu said if the board wants to go the referendum route, the town clerk would need the questions to prepare ballots. He said the board would sign a town meeting warrant in June to match the questions on the ballot. Nathan asked if the Selectmen would need to meet on May 26th. Stu said that would have to happen to adjourn and do a new town meeting. He suggested a vote to submit the potential referendum questions to the town clerk would be needed. He said the budget item might have to be changed pursuant to an item on the addendum.

Stu said Downeast Community Partners submitted a request to be included for \$700 in funding. He they thought it had been submitted last fall, but the town office never received it. He remarked that the organization has been instrumental in the pandemic response. Jo said she would be in favor of that. Nathan asked if the Selectmen had the power to change that. Stu said under the plan, the Selectmen would sign a whole new town meeting warrant. He said adding \$700 to the budget would make difference in the tax rate. Bob moved to add the \$700 to the budget. Nathan 2nd. Jo said this was an unusual situation and this would be a onetime action. **Vote by rollcall was 5-0 in favor.**

Jo said she reviewed the ballot questions, and the name for the tax acquired property sale would have to be added in. She moved to go ahead with the questions as proposed and to be updated. Bob 2nd. **Rollcall vote in favor was 5-0.**

Reopening Town Hall – Stu said he wrote a fairly lengthy plan on reopening the town hall effective on Monday May 11. He said facilities maintenance director Mike Hodgkins will install Plexiglas this coming weekend. He said the plan is no more than 2 customers in at a time. He said he would put up a barricade to prevent moving past the service counter area. He said there are gloves and sanitizer, and things are well prepared. Kathleen asked if there is a space underneath the glass. Stu said there was. Nathan asked if there is an operating policy. He said that's imperative. Jo said she would recommend using gloves and cleaning hands. He said he would come up with something for Jennifer and himself. Nathan said he's had to write them for the insurance company to try to prevent lawsuits. Stu said he would call MMA Risk Management. Jo said she wants to protect Stu and Jennifer and people coming in. A brief discussion followed. Jo suggested a supply of clean pens. Gary asked if there would be a mask requirement. Stu said the Plexiglas should eliminate that need. Kathleen asked if the door would be unlocked. Stu said he would put a sign on the door with a 2-person limit. Jo suggested a 6-foot line on the floor. Stu said he's got some tape he can place on the mats. Nathan said there are 2,400 lawsuits against businesses that were not following their operating policy. Jo asked if there are people blatantly ignoring signs. Nathan said there are people who don't are. Stu said most of the business has been done on line but there are 5-to-10 transactions through the door on a busy day and there has been no controversy, but it's a pain.

Stu said he would consult with the insurance carrier on the type of policy. Kathleen asked if a plan had to be submitted to the government site. Stu said he did not believe so, and he's printed the plan from the CDC office.

Kathleen asked if Stu would be leaving during the afternoons. Stu said he's been working most days all day, and he and Jennifer work in different offices most of the time. Kathleen asked if there should be a vote. Jo moved to approve the reopening plan. Nathan 2nd. **Rollcall vote in favor was 5-0.**

Operations Update – Stu said he laid out what is going on in the other town departments. He noted the transfer station has been tight on space at the end of Saturday and they had to close early the previous Saturday because there was no space available. He said there is a backup dumpster from DM&J which isn't nearly as good.

Kathleen asked if Chris Meyer was back. Stu said he is. He gave praise to backup operator Brandon Robitaille who did a bang up job filling in. Jo asked if filling up was a result of people hanging out at home. Stu said there was likely a lot of spring cleaning.

Emergency Operations Plan – Stu thanked Kathleen, Larry Libby, Kathy Gaiainguest and Jeff Cosulich for helping to edit and update the plan. Kathleen said the biggest change was to include cell phones, as they had not been in the plan. She said there were a few statements about flooding because of storms that have occurred, as well as wind storms.

Jo said it's good to do, and it should be on the calendar to update it more often. She said the current pandemic shows how important these things are. Kathleen asked if it's usual to review annually. Stu said every 3-to-5 years for an update is the usual course of operations. Kathleen said the 2020 Census should be in next year to update. (A brief discussion followed about the response to the census effort).

Jo moved to approve the updated plan. Bob 2nd. **Rollcall vote in favor was 5-0.**

Road & Public Works – Stu said the paving program contract will be the last one as Roger Picard of Pavement Management Services is retiring. He said the town should get the contract template for future bidding. He said there is a chance the town might not pass the budget. Kathleen asked if the price of oil will have an impact on the bid. Stu said he hopes the cost to pave will be lower than usual. He said Mr. Picard is going out to bid shortly. Jo moved to sign the contract. Nathan 2nd. **Rollcall vote in favor was 5-0.**

Spring Road Work – Stu said his plan should take most of the remainder of the road budget. He said the only thing that was not on the plan was removing tree mess on the sides of some of the roads. He said he would like to have Greg Gleason clean those up. There was no objection to proceeding with the plans.

Mowing- Stu said McMullen is offering the same price they've charged for years. Nate moved, Jo 2nd. **Rollcall vote in favor was 5-0.**

Parks Commissioner Appointment – Stu said Lori Jordan has agreed to fill out Doug Jones' term. Nathan moved to appoint Mrs. Jordan, Gary 2nd. **Rollcall vote in favor was 5-0.**

Citizen of the Year Honors – Stu suggested the chair present at the Vets Memorial, as open town meeting is unlikely this year. After a brief discussion about Memorial Day it was decided to make this part of the Memorial Day ceremony.

Memorial Day – Gary talked about holding the annual ceremony using a radio transmitter with people being in their cars. Stu said his PA is loud enough to avoid using a transmitter (weather permitting). Gary said he's got a speaker lined up, and if the speaker is not available, he would speak. Kathleen asked if the citizen of the year presentation could be combined with this. It was agreed Memorial Day would be a fitting

time for that. Kathleen said her granddaughter is due the day before, so she's not sure if she'll be around. Stu said he would contact the recipients' mothers to plan on it.

Teacher Retirement – Stu said he spoke with Brett Jones who noted that teacher Carol Duffy is retiring after 43-years. He said Mr. Jones wanted to know if the Selectmen wanted to get in on the celebration. Selectmen said they would. Nathan noted that his youngest daughter is a little disappointed that she won't get Mrs. Duffy as a teacher.

Fire Department Drive-bys – Stu said the fire chief approved of the plan to have fire trucks drive by the home of someone having a special celebration like a birthday. He said it's gotten good press and they've done 4 to 5 in the past two weeks, and the next one is tomorrow night.

Incident at Gravel Pit – Stu said there was an explosion felt in many towns that may have originated at the Goodwin pit in Marlboro on May 3rd. He said a caller said that target practice using explosive targets was taking place in the pit area. He said the Code Enforcement Officer was informed with a complaint that access to pit was not secured, and that they company immediately secured the gate.

Harbor Master – Stu said one of the poles that hold the floating piers at the State Park broke and that Harbor Master David Herrick has asked if the harbor fund could fund replacement. He said he's asked for an estimate.

Lamoine 150! – Jo said the committee met earlier in the day by Zoom. She said the plans for the April and May events were set aside, and they're doing a fun Sardine display. She asked if the Selectmen would participate and they've extended the time period to June 15th. She said a lot of people who want to participate need more time. She said there is an amazing amount of creativity. She said there were 70 up already, and the goal is 150. She said they hope to document it so it can be kept and the pictures are posted on the Lamoine 150! Facebook page and the town website. She said they hope to do a video. Jo reported that the plans in August have changed and they hope to have some sort of display. She said it has been a lot of fun.

Jo reported the parade planned for August is unlikely and instead of a big parade, there might be a different type of parade event and postponing the fireworks until 2021. She said the parade may be having the townspeople be the parade and drive by a certain site with whatever display they might want. Kathleen suggested people play their favorite songs in cars as they drive by.

Jo said the merchandise items include another logo T-shirt, and one idea that came up is a facemask with the logo on it. She said they're looking into it, which would be quite a way to commemorate the current pandemic. A brief discussion followed.

Census 2020 – Kathleen said she was surprised that the return was only about 50%. Stu said that was among the highest in Hancock County and he's not sure if the plan includes going house to house at this point. He recounted helping an elderly resident complete her census on line by phone. He said the process didn't take very long.

Nathan noted the printed questionnaire just came out and more people would feel more comfortable with that.

Other – Nathan said he would like to do in person meetings if possible. Stu said the public would have to be limited, but the town hall has enough space to be socially distance. He said he's ordered another webcam to set up on a laptop. Kathleen said she might not be able to meet in person before her granddaughter is born, but can meet via zoom.

Bob thanked Stu for dropping off written packets to the Selectmen's homes. He said he would be happy to volunteer for things around town. Stu said he might need help putting up flags on Veterans' graves in the cemeteries. A brief discussion followed.

Kathleen reminded the board that an executive session is planned for Monday, May 11, 2020 at 1PM for a personnel issue. Stu said he's arranged for a room at the school that is large enough.

Jo commended Kathleen for the way she handled the discussion on the rooster matter.

Stu said he would bring items to sign to the Monday meeting, and Kathleen reminded members to bring masks.

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen