



Lamoine Board of Selectmen

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Minutes – October 15, 2020

Chair Kathleen Rybarz called the meeting to order at 6:01 PM at the Lamoine Consolidated School gymnasium.

Present were: Selectmen Nathan Mason, Robert Christie, S. Josephine Cooper, Kathleen Rybarz, Gary McFarland; School Board Chair Brett Jones, Planning Board members Richard McMullen, Donald Bamman, Jon Holt, Steven Gabel-Richards and Chris Tadema-Wielandt, Assessors Jane Fowler, Brian Thomas, Terry Towne; Budget Committee member Mark Harris and members of the public Alan Moldawer and Donald Cooper (arrived approximately 7:30 PM)

Agenda Review – Stu said there is a short addendum.

Minutes – October 1, 2020- Gary moved to approve the minutes as written. Nathan 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 10 – Selectmen signed warrant 10 in the amount of \$109,387.07. Stu noted that about \$81,000 was for the school department, and the first plowing bill of the season was on the warrant.

Cash and Budget Reports – There were no questions regarding the reports.

Checking Account Reconciliation Review – Stu reported that he e-mailed the reconciliation files to the Selectmen the previous week. The Board signed the form expressing satisfaction with the reconciliation review.

Meeting with Assessors, Planning Board and Code Enforcement Officer – Kathleen said she would like to give 10 minutes to the Board of Assessors, 10 minutes to the Planning Board and 10-minutes to the Code Enforcement Officer to make presentations. Bob said time restrictions are not necessary, he would like to see the discussion more fluid. Kathleen said this was not an organized event, she was just trying to give some guidelines on how to proceed.

Brett Jones asked if this was a hearing. Nathan said not, it's just a meeting between boards. Kathleen said she was looking to give it some structure, and she would like to be through by 7:00 PM. She said since the assessors began the discussion she would like to hear from them first.

Assessor Terry Towne said the Board of Assessors reviews each permit, and they visit each property by permission to take measurements. He said the Board also reviews a quarter of the town annually. He said they consistently find building permits that don't make sense, and activities that are not permitted. He said the board brings forward their findings but nothing is done. He asked what procedure the Board of Selectmen would like the Board of Assessors to follow when they find alleged violations so that all of the town can be treated fairly.

Board of Assessors chair Jane Fowler said the Assessors can get the tax dollars, but they can't correct improper situations. She gave an example of finding an apartment during the assessment process. She said the town officials all work for the same thing. She said she has never filled out a complaint form, but has said that certain matters should be looked into. She said there is an inequality of how infractions are dealt with.

Assessor Brian Thomas said the intention is not to ruffle feathers, but clearly that has happened. He said the Board of Assessors sees some clear violations. He said the best outcome is to define a procedure to deal with violations. He asked what the Board of Assessors could do when they see what appears to be a violation.

Bob asked if the Board of Assessors tries to inform whoever is responsible for dealing with violations. Mr. Towne said he's made a couple of written complaints, and the Board recently made a list. He gave an example of an expansion that he said did not meet the straight face test, as what they found was 2 to 3 times larger than the previous structure. He said there are several examples of things that keep occurring over and over. He said there should be a transparent process. Bob asked if Mr. Towne was asking for a way to bring issues forward.

Mrs. Fowler said there is a complaint form, but she doesn't want it to seem like the Board of Assessors is complaining. Bob asked if the concern is that the only way to bring something to the Code Enforcement Officer is to make a complaint.

Jo said she cannot believe that things are running amok only in Lamoine and no other towns. Mr. Towne said Lamoine is not obligated to make mistakes that other communities make. Kathleen asked if anything happened in 2010. Mrs. Fowler says it's ongoing. Jo asked how the assessors might suggest it be handled, and said her reference to other towns was to possibly look at other communities to give us ideas on how to handle such matters.

Mr. Towne said the Board of Assessors is asking for procedures and transparency. He said there are larger towns with elected assessors and they work hand in hand with the Code Enforcement Officer. He said it's not unusual for the Assessor(s) and CEO to work as a team. Kathleen said in 2010 the town did have a procedure that was followed. Mrs. Fowler said the Board brought a matter before the town and it took 9-months to get resolved. Kathleen said there was a matter two years ago involving a yurt that no one knew about.

Nathan said the town needs to follow its codes. He asked the Board of Assessors what their charge is. Mr. Towne answered that it is to value property for taxation purposes. Nathan said it's a gray area and not in the authority for the Board of Assessors to be Code Enforcement. He said the Board and the town could lose the trust of residents who might perceive that snoops are being sent out. He said there must be some way for the assessors to make some documentation that can be passed on. He said he would like to avoid the Board of Assessors becoming the Code Enforcement Board.

Mrs. Fowler said the Assessors don't just find issues by going to people's property. She said sometimes they will see advertisements and they will send the appraiser to pick up extra value. A discussion followed on whether complaints should come from a private citizens vs. the elected board.

Mr. Towne said the Board of Assessors sees things as a board, and they establish the tax value and that is legal and equitable. He said they were seeing irregularities and that's the reason they communicated as a board. He said when individuals make a complaint, they become a target. Nathan said it's not the role of the assessors to be code enforcement. He said the assessors would be making a judgment. Mr. Towne said the Board of Assessors is asking to change the word "complaint" into "inquiry". He said the complaint form asks for what section of the town ordinances is being violated. He said that would make the complainant a part of code enforcement. A discussion followed on the propriety of entering onto property.

Kathleen said she would like to give the Planning Board a few minutes. Planning Board chair John Holt read a statement that he had prepared. He said he'd read a fair amount regarding the role of assessors and their responsibilities. He said there is no information on whether assessors have a legal obligation to determine whether something was permitted or violates an ordinance. He asked if there is a legal obligation to report, and if there is no such mandate, it would be prudent to let matters go. He said the public would perceive that the assessors are take the role of the code enforcement officer, and that's troubling. He said there is a professional responsibility for assessors. He said he had similar conflicts when he was a clergyman, and urged the assessors to confine themselves to assessing.

Planning Board member Don Bamman said the Planning Board does not review every permit, and only sees the ones that come before the Planning Board. He said it is the Code Enforcement Officer's job to track such things. He asked if taxpayers have to be fearful of the assessors. He asked when it was appropriate for the assessors to file a complaint or not. He said to add that to the job description of the assessors is inappropriate. He said the Code Enforcement Officer should have more time to inspect projects. He gave examples of inspection requirements in other communities. He said neighbors could file a complaint if there is an ordinance violation such as building without a permit. He asked how the complaint process works. He said it comes down to the CEO and she does a good job, given what she has been given.

Mr. Thomas said it is not the goal of the Board of Assessors to fill the CEO role. He said the Board of Assessors is asking what they are to do with this. He said he's starting to hear "do nothing" and that's disappointing. He said they would like to know the process is when the Assessors see things. He said if it's to pretend they don't see a violation, that's pointless.

Jo said she understands this is a discussion and asked if the Selectmen were supposed to come up with a solution. Kathleen said the board can propose a solution or discuss it further.

Code Enforcement Officer Rebecca Albright said she is hearing that a process should be in place to document possible violations with the Board of Assessors. She said the assessors could meet with her on a periodic basis. She said what is not productive is what has happened. She said she responds to each complaint, and feels like this is a witch hunt. She said the list of complaints from the Assessors was a surprise, and the wording did not need to have the edge to it that it does. She said none of the assessors have come to her with any concern about anything. She said the town recently adopted the new Shoreland Zoning Ordinance, and prior to that adoption, it was under DEP rules. She said some of the comments are not appropriate.

Ms. Albright said she would like to see more open instead of back handed communication. Gary asked if there is a line of communication between the Assessors and the CEO. Ms. Albright said no. Kathleen asked about the inspection frequency of the assessors. Mr. Towne gave a detailed explanation of the annual inspection process.

Nathan said he's not saying the town should not follow ordinances. He said there is a public trust that the Assessors are performing a specific roles. Mr. Fowler said that almost everything they've found has not been in their role as assessors. She gave an example of finding an apartment in a single family dwelling.

Brett Jones said it appears the assessors didn't go behind anyone's back. He said it looks like their trying to find a process to report things that the CEO wouldn't see. He said there are some life safety issues that could be dangerous. He said town officials could work together to find a way to deal with such things. Alan Moldawer said he's hearing public servants who have a concern about code enforcement. Mrs. Fowler said this is not an attack on Ms. Albright.

Bob said he took the oath to uphold the constitution and ordinances, and there must be some better way to ensure safety. He said there seems to be a need for the assessors to communicate directly with people involved. He thanked those present for their participation. Kathleen said she would like to look at the next step. She said the issue can't be solved now. She said perhaps a small group of people could establish a process and come up with a pathway. She said she has a personal issue. She said it's difficult to turn in a neighbor on possible violations. She said her little neighborhood was at war, and it's no fun. She said maybe the town should have some sort of hotline. Jo said she didn't like that idea. Nathan said the discussion is what the assessors' role is and what their charge is. Jo said it's fair to say the assessors have a concern and want to discuss it as a board. She said the Assessors seem to be asking what the process should be. She asked if the Selectmen were doing what was requested, but not coming to any conclusion.

Mr. Holt said the job description of the assessor is written into state law. He said the town should be cautious about writing a local role for the Assessors. He said the town can handle process concerns. Mr. Jones suggested that the Assessors could write a report each year and send it to the Select Board who could decide whether some matters should be referred to the CEO. He said the Selectmen established a policy of

requiring written complaints to eliminate anonymous complaints. He said if people have to put a name on paper, that tends to make frivolous complaints go away.

Jo said it's a difficult balance between safety and health. Mr. Jones added environmental concerns. Ms. Albright said she has been in some situations in other communities that become potentially violent. She said sometimes anonymity is a safety issue. Kathleen said sometimes things should be confidential. A brief discussion followed regarding confidentiality.

Nathan said he'd be willing to continue a discussion at upcoming meetings. Kathleen said maybe someone could come up with a process. Mr. Jones suggested that perhaps an assessor, the Planning Board chair and the CEO could brainstorm on how to develop a process and make a suggestion to the Selectmen. CEO Albright said it doesn't need to be complex – just communicate with her.

Nathan asked the CEO whether when an assessor says there is a violation, does she have the authority to go to a property to investigate. Ms. Albright said she did. Nathan said it's the complaint that gives the authority, and that's part of the issue. A brief discussion followed. CEO said that if the assessors feel there is an issue, they are welcome to talk with her. Mr. Jones said maybe the process needs to be approved by the town. He said it merits discussion.

Planning Board member Richard McMullen said when the Planning Board has some situation they don't know the answer to, they turn to Maine Municipal Association for guidance. .

Kathleen thanks those who participated. She said she would welcome written comments, and she said she was confident that they could come up with some process.

The meeting recessed at approximately 7:00 PM to hold a special town meeting.

The Selectmen's meeting resumed at 7:06 PM.

Budget Goals – Jo noted the county budget got approved last night and is up 4.9%. Stu asked if there were any special projects the Selectmen were looking to include in the 2021-22 budget. Discussions followed on:

- A community center with adequate meeting area. Jo said the COVID-19 situation gives an opportunity to rethink public spaces. Nathan said there is no free space that is not a school function area. A lengthy discussion followed.
- The town hall's foundation and whether it's time to do that project with the money that has been set aside for many years.
- What the school is looking at for facilities.
- Staffing the town hall with more help at the service counter.
- Keeping the budget from increasing property taxes if at all possible.

Election Day – Stu reported that the town received a grant from or organization that appears to be backed by Facebook and will get \$5,000 to assist with the election.

Stu reported that town has received more than 500-absentee ballot requests for the November 3, 2020 Election.

Annual Town Meeting Date – After discussion of possible dates, Nathan moved to set the annual town meeting election for March 9, 2021 and the open town meeting for March 17, 2021. Kathleen 2nd. **Vote in favor was 5-0.**

Liquor Referendum Public Hearing Date – Bob noted that the Lamoine Marketplace is for sale. There was a brief discussion regarding the petition submitted for the referenda to allow for liquor sales. Nathan moved to hold the public hearing on Thursday, February 18, 2021. Gary 2nd. **Vote in favor was 5-0.**

Open Town Meeting Date – As noted above, the annual open town meeting will be March 17, 2021.

Lamoine 150! – Jo said 19 people took part in the historic site scavenger hunt and enjoyed it. She said Penny Walls has made note cards from pictures taken of the sardine displays around town, and is selling the cards to benefit the heating fund. She said the historic books authored by Gordon Donaldson are being distributed and are now available at the town hall. She said the Historical Society is also planning a book comparable to the book produced for the 125th anniversary. She said T-Shirts are selling well, and the radio theater group is producing the “Story of Marlboro” as well as the “Families of Lamoine”. Jo mentioned a possible podcast.

Transfer Station Holiday Hours – Stu noted that Christmas is on a Friday this year. After brief discussion it was suggested that the facility open for half a day on Monday December 28th. Stu said he would consult with Chris Meyer for ideas.

Returnables – Nathan moved to award the returnable proceeds for December 2020 to Lamoine Community Arts. Kathleen 2nd. Vote in favor was 5-0.

Election Grant Acceptance – Gary moved to accept a \$5,000 grant from the Center for Tech and Civic Life. Nathan 2nd. **Vote in favor was 5-0.**

Investments – Stu noted that he corresponded via e-mail with the town’s investment agency in regard to a proposal to purchase corporate investment grade bonds. He said the policy that has been in place since 1996 was safety first, liquidity 2nd, and yield 3rd. He said he is leery of corporate bonds, saying that there is no longer any such thing as “too big to fail”. After a brief discussion, Selectmen urged the town to stay the course set by policy.

Comments – Bob noted that Secretary of State Dunlap said that election wardens are the first line of defense for any improper actions at the polls.

Gary said that the discussion earlier in the meeting regarding assessing and code enforcement was a good start. Kathleen asked if the town should make an inquiry to

Maine Municipal Association. Nathan said the discussion could continue at the next meeting. A brief discussion followed in regard to the earlier conversation.

Kathleen asked about the census. Stu said he understood that it ended yesterday. Kathleen asked if we knew what the participation rate for Lamoine was. Stu said the census has not been in touch with the town about that.

Kathleen noted that an inquiry was made about classifying a piece of land as working waterfront through the Board of Assessors. She said a salmon farm is proposed in Gouldsboro in Frenchman Bay. She said she would like to get notices from the Department of Marine Resources. Stu said that he sent the link to Kathleen earlier in the day.

There being no further business, the meeting adjourned at 8:02 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen