



# Lamoine Board of Selectmen

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## Minutes – March 18, 2020

Deputy Town Clerk Stu Marckoon called the meeting to order at 7:00 PM.

Present at the town hall were: Selectmen S. Josephine Cooper, Nathan Mason, Gary McFarland and Administrative Assistant Stu Marckoon. Present via Zoom meetings were Selectmen Robert Christie and Kathleen Rybarz, and members of the public Mark Harris, Carol Mason and Alan Moldawer.

**Board Officers** – Stu opened up nominations for Selectboard Chair. Jo nominated Gary. Bob 2<sup>nd</sup>. There were no other nominations. **Rollcall Vote in favor was 5-0.**

Gary opened up nominations for vice-chair. Kathleen nominated Jo. Gary 2<sup>nd</sup>. There were no other nominations. **Rollcall Vote in favor was 5-0.**

**Agenda** – No changes were proposed to the printed agenda or addendum.

**Minutes, March 4, 2021** – Jo moved to approve the minutes as printed. Nathan 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

**Expenditure Warrant 22** – Selectmen present signed the warrant in the amount of \$135,029.86. Bob and Kathleen each indicated oral approval.

**Cash & Budget Reports** – Stu noted that things are about where they should be at this point in the fiscal year.

**Policies** – Disbursement Policy – Jo moved to approve the annual policy, as revised. Nathan 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

Mileage Policy – Jo moved to approve the annual policy as updated. Kathleen 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

Administrative Fees – Jo moved to approve the fees which were unchanged from the previous year. Nathan 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

Selectboard Procedures – Jo moved to approve the policy which was updated to address states of emergency. Nathan 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

**Shellfishing** – Gary said it appears that Ellsworth no longer wishes to be the administrative community for the Frenchman Bay Regional Shellfishing group. Kathleen said the Joint Municipal Board (JMB) will meet on Monday. She said there are currently 5 licensed commercial clam harvesters in Lamoine. She said the new city manager in Ellsworth is not terribly excited about continuing to administer the program, especially in regard to the Shellfish Warden. She said the Ellsworth City Council has voted to end that administrative support.

Gary asked if any town had offered to take over the administrative services. Kathleen said the JMB has not yet met. She said she would know more after Monday's meeting. She noted that it's coming up on the new shellfish licensing season.

**Road Commissioner – Walker Road** – Stu said he had put a report on a situation on Walker Road and was looking for advice on how to handle it. Bob said he visited the site after getting an e-mail from Stu in regard to the situation. He said it looks like whatever problem might exist is caused by the driveway snow being plowed into the ditch on the culvert inlet side. Stu said he would agree to that. Kathleen moved to send the memorandum to the complainant. Jo 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

**Paving** – Stu reported that the gentleman he had hoped to use to act as a clerk of the works for road paving is not able to do it next summer. He said he spoke with Chip Reeves at Haley-Ward (Formerly CES), and Mr. Reeves said that is right up their alley.

Kathleen asked what the timing is for paving. Stu said it would depend on when town meeting is held. He said if the May 26<sup>th</sup> date comes to be, paving would be funded for 2021/22.

The Board asked Stu to check with Haley-Ward for a price for their services.

**Town Meeting Election** – Selectmen noted the results from the March 9, 2021 municipal election were in their packets. Stu noted that Mr. Harris had received 17-write in votes.

**Thank You Michael Brann** – Selectmen signed a certificate thanking Michael Brann for his service on the Lamoine School Committee.

The board also signed a resolve honoring the Citizen of the Year who will be honored when the town meeting is held in May.

**Recess Date** – Gary noted that the town meeting last evening, which consisted of the Board of Selectmen and Stu recessed the meeting to May 26. Stu said that school budget warrant will be prepared for that date, and the question suggested by the auditor to authorize the transfer from undesignated fund balance to account for the 2019 negative property tax overlay would be on the warrant.

**Sweeping Contract Extension** – Stu reported he spoke with Timothy Richardson of TGP Enterprises who offered to extend the sweeping contract at the same price for two more years. Bob moved to accept the offer. Nathan 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

**PERC/Waste Reduction** – The Conservation Commission had suggested requesting folks cut back on trash during April as the PERC incinerator is closing for several weeks for maintenance and much of the trash would be landfilled. Stu said the potential problem is a waste backup that would overload the transfer station come May. Kathleen suggested an article in the Lamoine Quarterly encouraging more recycling (with flattened cardboard boxes). Bob said it's always good to keep from landfilling trash.

**Stimulus Package** – Stu reported that it appears that Lamoine will receive nearly \$170,000 over the next two years from the Recovery Act. He said he knows very little about the criteria for using the money, but Maine Municipal Association has indicated it could be used for water, sewer and broadband expansion. He said Fire Chief Smith has been hoping to install a water tank at the fire station, and that could possibly qualify.

**Message Board** – Stu said he'd prepared a memo regarding the outside message board where notices are posted. He said the unit is in poor shape as two of the three hinges are broken, and it's likely that the door will break off soon. He suggested a new, pre-made message board and said he'd found a reasonably priced one on line. Jo moved to purchase the new unit. Kathleen 2<sup>nd</sup>. Nathan questioned whether it was really water proof. Stu said the on-line description indicated it is. **Rollcall Vote in favor was 5-0.**

**Other – Broadband** – Bob said he'd heard a discussion on NPR with Senator Angus King regarding an operation to expand wiring. He said in some cases the municipality has laid out the fiber optics and another company provides the services. He said it seems to be some sort of hybrid system. He said we should ask Brian Lippold about it. Stu said he thinks Cranberry Isles did a similar type of project. Jo said the town needs to keep pursuing the broadband expansion as there seems to be a lot of funding available.

**Public Comment** – Mark Harris asked if the Selectboard would provide an explanation for rejecting an offer from the Marlboro neighborhood to pay for an independent survey of the True House's height. Kathleen said the Board was more than willing to pay for such service if it was needed. She thanked Mr. Harris for the offer.

Mr. Harris asked why a surveyor was not contracted to come up with a measurement. Jo said this is an issue that is upsetting to many, and she did not care to address it should she misspeak.

Alan Moldawer asked if the Board conducted an executive session on this matter. Jo said the Board consulted with an attorney in executive session. She said she would not discuss matters discussed in executive session.

Gary said the Board could go back to the meeting minutes to review what took place. Mr. Harris said the last thing he recalled the board saying was that this is not a matter for the Board of Selectmen. He said this is still an outstanding issue. Gary asked if he had spoken with the Code Enforcement Officer (CEO). Mr. Harris said the CEO was ordered to re-measure. He said the situation is very confusing, is still outstanding, and raises lots of questions.

Nathan said the CEO did re-measure. Mr. Harris said the measurement was rejected by the Board of Appeals. Nathan said the last determination was from the original elevation lines, and that is the measurement that is currently being held out by the CEO. Mr.

Moldawer said that would have required a third appeal. There was a discussion about the actions of the CEO.

Nathan said that it appears that Mr. Moldawer disagrees with the information. Bob asked if Mr. Moldawer was disputing the latest measurement. Mr. Moldawer said the Board of Appeals does not have oversight of the CEO. He said again it would have required a third appeal. He said the CEO did not do what the Appeals Board ordered her to do.

Jo said she understands that this is upsetting to Mr. Moldawer and Mr. Harris. She said the CEO had complied with the request of the Board of Appeals and the Selectmen have seen the report. Mr. Moldawer said he would think that the Selectmen would respect the Board of Appeals and oversee the CEO and realize that the Board of Appeals had rejected that measurement. He said the manner in which the CEO measured the building height was rejected and the neighborhood wants to know the height of the house.

Gary said the Selectboard would get information to Mr. Harris on what actions the board has taken. Nathan said the Board of Appeals directed the CEO to do a specific task and he's seen the report. Mr. Moldawer said the CEO didn't do anything. Jo said this is discussing an employee and she is not present, and that is not proper. She said she understands that Mr. Moldawer is frustrated and asked what he was requesting.

Mr. Harris said they would like an appropriate measurement of the True house certified by a professional surveyor. He said that is the only way the actual building height could be determined. He said the CEO had previously said she was unable to physically measure the height of the house. Bob asked if it was the 1<sup>st</sup> or last measurement.

Mr. Moldawer said the original measurement was to the final grade, and contended that the original grade was raised by 5-feet. Bob said Appeals Board Alternate Member Brett Jones calculated that the CEO's measurement was off by about 2-inches at a zoom meeting where this was discussed. He said the Selectboard can go back through the time-line and get back to Mr. Harris and Mr. Moldawer. He moved to look at the minutes regarding the Marlboro community's offer for funding a surveyor. He noted that the Selectboard didn't go in that direction, instead it was agreed to move forward with the CEO's determination based on original grade information. Jo summarized the motion that it would be to look back at the minutes to see what response was given to the offer. Kathleen 2<sup>nd</sup>. **Rollcall Vote in favor was 5-0.**

Stu asked if the board intended to compile the minutes on the matter, and the board indicated that was accurate. Stu said he would do so.

Mr. Harris requested that this be on the next agenda. Gary said when the compilation is ready it will be provided to Mr. Harris and Mr. Moldawer, but he's not guaranteeing that it would be ready by the next agenda.

Lamoine 150! – Kathleen asked about the Lamoine 150! Celebration status. Jo said they're hoping to put together a parade still, and looking for appropriate items to place in a time capsule. Stu noted that the State Park has rejected a request that the celebration and fireworks be at that park. Jo said they're looking at Lamoine Beach and using a shuttle bus.

**Next Meetings** – The board is scheduled to meet on April 1, April 15, May 6, May 20, June 3 and June 17, with the town meeting taking place on May 26.

There being no further business, the meeting adjourned at 7:55 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen