



# Lamoine Board of Selectmen

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## Minutes – August 19, 2021

Chair Gary McFarland called the meeting to order at 7:00 PM

Present were: Selectmen Nathan Mason, Robert Christie, Gary McFarland, Kathleen Rybarz, S. Josephine Cooper (arrived 7:02 PM); Administrative Assistant Stu Marckoon, Planning Board Chair John Holt, Conservation Commission Chair Larissa Thomas and Parks Commissioner Jeff Cosulich

**Agenda Review** – Selectmen agreed to move up the discussion of the Marlboro Beach management plan on the addendum to after the Planning Board chair discussion.

**Minutes – July 22, 2021** – Bob moved to approve the minutes as presented. Kathleen 2<sup>nd</sup>. **Vote in favor was 3-0 (Mason abstained, Cooper not yet present)**

**Expenditure Warrant 4** – The Selectmen had signed the warrant in the amount of \$246,181.64 two weeks earlier. Stu noted that the largest payment was for paving, which he said was very close to the amount of material estimated.

**Expenditure Warrant 5** – Selectmen signed the warrant in the amount of \$864,155.84. Stu noted that \$750,000.00 was a transfer to the investment account.

**Checking Account Reconciliation – July 2021** – Selectmen signed the statement expressing satisfaction with their review of the checking account reconciliation which had been e-mailed prior to the meeting.

**Cash & Budget Reports** – Stu reported that property tax collections are going very well. He reported that the FY 2021 school budget expenditures were reduced significantly after the school voided two checks for a portable classroom. The school expenditure are now under budget for the year.

**Tax Liens** – Stu reported that a discrepancy with a tax collection for a property sold by the LBC Properties has been rectified and the lien on a resident discharged. He said LBC Properties still owes taxes. Gary said he would see to it that it is paid.

**Encumbrance Order** – Stu explained that the fire department ladder truck had an oil leak prior to the end of the fiscal year which was costly to repair. He said Colwell Diesel repaired it after the first of the new fiscal year, and the high estimate was \$5,000.

Stu said the other item on the order is uncompensated vacation time. He said that was part of his contract with the Board, and would be paid on the first payroll in September.

Nathan moved to approve the encumbrance order. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Planning Board – Shore Access** – Planning Board chair John Holt reported that the Board met with Jim Boyle of Maine Woodland Properties on August 9<sup>th</sup> who is planning

to purchase 7 properties owned by the Miro family. He said there was a preliminary discussion regarding subdivisions. He said the parcels do not include the former Miro house, which is owned by Harold MacQuinn, Inc. He said the initial discussion was about an 11-lot subdivision proposal.

Mr. Holt said the Comprehensive Plan emphasized shore access, and currently there is none on the Jordan River. He said numerous worm and clam harvesters utilize the area to get to the shore. He said he raised the public access provisions with the developer. He said the Building and Land Use Ordinance provides that the Planning Board may require open space which can be utilized by the general public. He said he would like the Selectboard's sense of how this might work. He said there is no specific proposal to discuss yet. He said there might need to be some funding for a road and road maintenance.

Nathan asked what the developer's attitude was toward the discussion. Mr. Holt said the developer took lots of notes. He said they are using a surveyor in Machias to lay out a plan. Gary said the Selectboard has discussed shore access in that area in the past, and whether a strip might be available for purchase. He said he would support access for clam and worm harvesters. He said the MacQuinn Company has allowed the harvesters to park on their property, but it would probably be wise to allow parking on the river side access if it existed.

Jo said she favors having public access, but questioned whether the town could require it. Mr. Holt said Section K of the subdivision requirements allow for open space. Nathan said he would like to review the ordinance language. He said taking property is a gray area with him, but the town needs shore access. He said if the developer were receptive to it, the town might be able to work with them. Gary asked whether public open space is mandatory in the ordinance. Mr. Holt said that depends on the number of proposed lots. Jo said she also wished to review the public access part of the ordinance. A brief discussion followed.

Jo remarked that creating a little park has its own issues. Mr. Holt said there is a potential for several uses. Jo said the town should make sure it's within its rights and perhaps have an attorney review things. Nathan said he'd like to see what the developer might offer. Kathleen noted that it might be an advantage to the developer as shore access might make the lots without shore front more valuable. Bob asked what path the harvesters use now. Mr. Holt explained which path they use to get to the shore of the Jordan River.

Mr. Holt said they Planning Board might meet with the developer further in either September or October. Kathleen offered to help raise funds for a road. Nathan asked about how wide a road should be.

**Marlboro Beach Management** – Conservation Commission chair Larissa Thomas said she understands the Board of Selectmen just received their proposal and probably has not had time to read it. Nathan asked if the plan is to revegetate an area of the beach that traffic has eroded. Mrs. Thomas said that would occur naturally. She said it

occurred to her after the town acquired the property that the longevity of the beach is threatened. She said a GIS expert that spoke recently modeled the potential sea level rise and said storms could impact the beach, which she said is an important area for the town. She said it could be a significant loss, and traffic patterns at the beach make it more susceptible to storms. She said she asked the Conservation Commission if traffic flow should be restricted, and they met with the Parks Commission. She said the two boards came to a consensus on recommendations.

Mrs. Thomas said she did some historic research with aerial photographs. She said the driving paths are relatively recent-appearing around 1970. She suggested the beach should revert back to a light traffic use area. She said the committees are recommending uses of signs, posts and ropes to cordon off the areas to revegetate. She said it would still allow for full beach access. She said they are requesting authorization from the Selectmen for the preservation plan.

Nathan noted that people drive down to the beach and turn around to leave. He asked if there would still be room to turn around. He said pressure on all the town parks has increased. He said he's not opposed to the preservation idea. Mrs. Thomas said there would still be some east/west corridors on which to drive. A brief discussion followed.

Jo said the plan would be an improvement to the beach. Kathleen said some fill might be needed for revegetation. Mr. Cosulich said the other revegetation at the beach happened quickly and didn't require any fill. Bob said he appreciates the effort by the commissions. Jo asked what action the Conservation Commission was seeking. Mrs. Thomas said to authorize the management proposal. Jo moved to do so. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.**

**COVID-19 Recommendations** – Selectmen reviewed a communication from health officer Cece Ohmart regarding the resurgence of the virus and the Delta variant. Nathan said he thinks that the Governor would likely mandate mask use again soon. Jo noted that the virus is spreading around the county quickly. She said people in Ellsworth are getting sick. Bob said each person has their own experience with the virus recently. He said it's likely to be with us for a while. He said the town and school did a marvelous job in the past year and a half keeping safe. There was a discussion about remote meetings, which are no longer legal. A public hearing is set for next meeting on a remote meeting policy.

The discussion turned to masks and requiring them at the town hall and transfer station swap shop & bottle room. Jo moved to put a sign on the door recommending mask use. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Ambulance Contract** – Selectmen noted that the contract auto renews annually with a 3% increase. After a brief discussion, there board opted not to ask for a new contract.

**Heating Fuel** – Stu said he still has not heard from the Superintendent's office regarding fuel. He said if nothing develops, he would call Acadia Fuel for a price. He said they delivered propane the other day.

**Cell Tower Lease Sale** – Stu reported that attorney Pileggi will be at the September 2<sup>nd</sup> meeting to update on what’s happening.

**Broadband Expansion** – Stu reported that he communicated the discussion from the previous meeting with Spectrum’s Shelley Winchenbach and copied Brian Lippold on it. He said there has been no communication from either since. Jo noted the county government has a big focus on broadband and was impressed with Lamoine’s efforts.

**Fire Truck** – Stu reported the Budget Committee will meet with the fire chief on August 30<sup>th</sup>.

**Lamoine 150!** – Jo reported the celebration is done, but the committee is gathering items for the time capsules. She said the committee will hold a final meeting sometime soon. She said the events were very fortunate with the weather last Saturday. She said the parade and the party were a lot of fun. Kathleen said she watched the parade video. Jo characterized the events as genuine and “down home”. She said they had to wait out a thunderstorm for the party in back of the school, but it was a great party, the music was fantastic and the area was perfect. She said the fireworks were great. She said a lot of people attended. There was a discussion about parking. Stu remarked that numerous people had stopped by the office to remark on how good the fireworks show was.

Jo said that Cynthia Donaldson is the real “heroine” of the event with great planning. She said people had a great time, and there were two years’ worth of events, so there was a lot of ownership of the celebration, which made it more meaningful. She remarked that the State of Maine seemed to borrow some of the ideas for it’s bi-centennial from Lamoine’s events.

Gary said a mask should go into the time capsule. Jo said that is already planned. She said people at the Saturday event filled out predictions for 2045 on index cards. Brief discussions followed about the committee finances and the time capsule.

**Other MRC-Fiberight** – Bob noted that given the recent news regarding trying to reopen the Fiberight plant in Hampden, Lamoine made a good move in staying with PERC. Kathleen noted a recent article in the Quightside Journal out of Southwest Harbor interviewed Ken Smith about Lamoine’ stance. She said the town is one of a very few offering recycling.

**Census** – Stu noted that Lamoine’s census numbers apparently are out, and the town’s population grew about 7%. He said the table published in today’s Ellsworth American is incorrect, and used Trenton’s numbers. He said the population is now just over 1,700.

**American Aquafarms** – Kathleen said she’s gotten petitions from local fishermen urging the Selectmen to take a stand regarding the proposed salmon farm in Frenchman Bay. She said that can go on a future agenda.

Speed Sign/Road Rage Incident – Bob thanked the town for moving the speed monitoring sign to a spot near the state park. He noted that a lobster war appears to have started and a recent incident characterized as road rage in North Lamoine is concerning. He said the community of lobstermen in town while expressing concern about access at the state park also seems to have a lot of animosity toward one another and they often drive way too fast. A discussion of the incident on Douglas Highway earlier in the week followed. Nathan noted that sometimes violent behavior between lobster fishermen has been going on for decades.

**Next Meetings** – The board will meet next on September 2<sup>nd</sup>, the 16, October 7 & 21, and November 4<sup>th</sup>. Stu said he's likely on vacation for November 18<sup>th</sup>, which would normally be the meeting date.

There being no further business, the meeting adjourned at 8:29 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen