



## Lamoine Select Board

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### Minutes – December 16, 2021

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

Present were: Select Board Members Robert Christie, Kathleen Rybarz, S. Josephine Cooper, Gary McFarland, Nathan Mason; Administrative Assistant Stu Marckoon, Margaret Stewart, Larissa Thomas, Mark Harris, Shelly Coyne, Nat & Ruthann Fenton, Joshua and Thomas Duym.

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

**Minutes – December 2, 2021** – Bob noted a couple of corrections that were needed on the draft minutes and moved to approve the minutes as corrected. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 14** – Selectmen signed the warrant in the amount of \$149,565.58. Stu noted the expenditures were mostly for school and snow plowing. It was noted that no transfers from investment management have been needed so far this fall.

**Cash & Budget Reports** – Stu reported the printed report was in tonight's materials. Jo asked about encumbered funds and how long the town has to spend them. Stu said they're available for the fiscal year and if the project doesn't get done, the funds close into the appropriate fund balance, or could be re-encumbered.

**Audit Update** – Stu reported the crew from James Wadman CPA was in the office Tuesday and worked quickly on their annual field work. He said the school department has told the auditor that they will not be ready until the City of Ellsworth's audit is done.

**Town Meeting Warrant** – Jo moved to sign a special town meeting warrant for January 6, 2022 to be held at 7PM at the town hall. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.** The board signed several copies of the warrant. Stu noted the meeting is to authorize the Selectboard to expend ARPA funds.

**Salmon Farm Proposal** – Kathleen presented a petition signed by 14 Lamoine based fishermen expression opposition to a proposed salmon raising operation by American Aquafarms. She said Josh Duym could help further explain it. She said she would like to let people present talk about their concerns. She said she would like to see Lamoine vote at the annual town meeting in March on a similar article that Sorrento has passed. Jo said she would like to see the petition. Kathleen said the language is the same that Bar Harbor received and is in the materials for tonight. She read the wording of the petition.

Jo said the petition just says that the signers are opposed to the project. She asked if they are requesting something. Kathleen said people present tonight can talk about it. She said they're not asking for any action. Bob asked if we are considering requesting to seek intervenor status. He said Gouldsboro has hired an attorney to work on that. Nate said this amounts to a "meet and greet". Jo asked if there is an article for the town

meeting warrant. Kathleen said it was one of the attachments she sent by e-mail. She made a photocopy of the Sorrento article. Nathan asked who wrote the Sorrento article. Kathleen said it was one of their Selectboard members, Robert Wilpan. She said Bar Harbor has also passed something. Jo said she just wanted to understand what was requested. She said she's comfortable with seeking intervenor status, but is unsure that the board can ask that on behalf of the town. She said she would prefer to put this to a town meeting vote.

Conservation Commission Chair Larissa Thomas asked what the time line is for intervening. Kathleen said the Department of Environmental Protection (DEP) permit is already in process and she doesn't expect that agency to act until March. She said the Department of Marine Resources (DMR) application has not yet been accepted as complete. She said it may not be until next summer. She said the company's salmon egg source has not been acceptable to DMR. Gary said he spoke to someone at DMR and a public hearing has not yet been planned.

Kathleen said she wanted the intervenor question to go before as big a town meeting as possible, which would be the annual meeting in March. Stu asked what the legal costs might be. Mrs. Thomas said her husband is an attorney and she didn't think the cost needed to be all that high, and the town could share costs with other communities. Kathleen said State Representative Lynne Williams has offered to file for intervenor status for Bar Harbor at no cost. She said she expected the legal fees would be between \$1,000 and \$2,000. A brief discussion followed regarding outside funding sources.

Mark Harris said he believes the goal is to place the question on the town meeting warrant, and he appreciates that direction. He said if Lamoine is considered an intervenor, it would have considerable impact. Margaret Stewart said she was here to learn what the process is to get this to the town. She said she assumes that other towns have done the same thing. Josh Duym said the town has a responsibility to the bay to be unified with the other communities. Nat Fenton said his family has lived on the bay for a long time, and this is not just Gouldsboro's problem. He said the salmon waste would not leave Frenchman Bay, and it's an enormous problem. He said he hopes there would be support from all the towns on the bay, and this could be devastating.

Gary thanked those in the audience for their concern. **Jo moved to put the matter on the town meeting warrant for March. Kathleen 2<sup>nd</sup>.** Stu said there are a couple of wording issues to change.

Nathan said he would like some more information that would be nice to know before moving to the town meeting. He said he would favor talking to know about the details of seeking intervenor status before taking this to the town meeting. Bob said he would also like some legal advice. He recalled a salmon farm proposal from 1987. He said clear and concise wording is needed, and the board may need to add some legal support.

Tom Duym asked if any other reasons were stated by other towns. Gary said there is nothing that has come to Lamoine. Kathleen said Bar Harbor is looking into this, and

several committees are working on it. Mrs. Thomas said the request from Nathan is spot on, and she could ask her husband who has experience in an intervenor matter how many hours he spent. Nathan said he would like to hear that. Gary said Mr. Thomas could contact Stu.

Mrs. Stewart asked if each town has to be a separate intervenor. Gary said that's correct to his knowledge. Stu said after seeing that Gouldsboro has budgeted \$100,000 in attorney fees, he would not want Lamoine in the position to pay their bill. Gary said Lamoine works well with its neighbors, and Gouldsboro's approach may be different. He said the decision is up to the state, and basically in the hands of one person. Kathleen said DMR has asked that all people opposed and all in favor work together, so it's not totally separate. Nathan said he would like more information and moved to table a decision. There was no 2<sup>nd</sup>.

Stu asked what information the board might be seeking, and from whom would they seek it. Nathan said there are a lot of questions he has. Jo said it's the board's responsibility to put something before the town meeting. Nathan said he would move to talk to an attorney to find out what intervenor status means. There was no immediate 2<sup>nd</sup>. Bob said it's all about standing. Stu said seeking intervenor status means the town has to show a potential economic impact, and the research on that could be costly.

Jo asked what constraints there are on questions to put before the town. Stu said the question has to be legal, and said this most likely is. Nathan said he wouldn't vote tonight without knowing some information. Bob said there could be a vote to ask a town attorney on how to word it. A brief discussion followed.

Mark Harris said the board might want to put out information to the town on what is involved in becoming an intervenor. Jo said the board has to be careful, because its role is not a political one. Nathan again moved to table the vote until the board has a chance to discuss it with a town attorney, but there was no second. A brief discussion followed.

Josh Duym said the process is designed to be difficult and expensive. He said timing is important in order to be in step with neighboring towns. Jo said the board needs to agree on the correct wording of an article and needs to make sure this is legal, which it probably is. She said the board is only being asked to put something before the town. Gary said he favors putting the matter of seeking intervenor status to the town. Bob said pending legal advice, he would like to have an opportunity for the town to decide. **Vote in favor of the original motion was 4-1 (Mason opposed).**

**Gary moved to ask an attorney to attend the next meeting to find out more information about intervenor status.** Nathan said the "horse is out of the gate". Jo 2<sup>nd</sup>. **Vote in favor was 5-0.** The board indicated they would possibly like to discuss it with Brian Thomas, as he has some experience with intervenor status.

**ARPA Funds** – Gary noted there was information in the packet that the Hancock County Commissioners would match up to \$30,000 in premium pay. Stu said the town meeting on January 6<sup>th</sup> would be the next step.

**Returnables Request** - - Nathan moved to award the proceeds from returnables at the transfer station to the Lamoine Grange in May 2022. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Web Page Design** – Stu reported that he met with Kristy Overlock of the Ellsworth American regarding the web site and was waiting for a proposal. He suggested that when that comes in, it be referred to the Technology Committee.

**Conservation Commission/Grant Opportunity** – Conservation Commission Chair Larissa Thomas reported that she attended a webinar on the Governor’s Climate Action Plan and explained the program. She said there is a potential for the town to benefit, but we have to enroll. She said the Conservation Commission could handle the process but needs the endorsement from the Selectboard in order to apply.

Mrs. Thomas said the program covers different climate mitigation issues such as solar, heat pumps, broadband; there are 72 items in total. She said grants are capped at \$50,000. She said the state is looking to distribute the money widely and diversely, and the town is in a good position because it has a Conservation Commission. She said she can do the grant writing with buy in from the Selectboard. She said she asked about the transfer station redesign and the potential for solar. She asked what is on the town’s “wish list”.

Mrs. Thomas said the town would have to do a self-assessment and hold a community workshop. She asked if the board felt it was worthwhile to pursue. Jo asked if this is an immediate or a long-term goal. Mrs. Thomas said there is not much town owned infrastructure, but that is covered. Jo asked if mitigation for severe storms is covered. Mrs. Thomas said it was. Nathan asked if it’s only municipal expenditures. Mrs. Thomas said a consultant could administer a program, but she’d prefer not to spend money on a consultant. Stu asked if matching funds were required. Mrs. Thomas said none are, unless a project is not part of the list of 72. Gary asked about broadband, and a brief discussion followed.

Kathleen said she could see something about the road at Marlboro Beach, maybe heat pumps for the town office, and something for Cold Spring Water Company. Mrs. Thomas said there are two deadlines, March and October. Nathan said he had no issue with pursuing the program. Gary said the board will await a proposal.

**Appointment – Technology Committee Alternate** – Kathleen moved to appoint Kristy Overlock as an alternate member of the Technology Committee. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Lamoine Quarterly** – Stu reported he is drafting the January issue of the Lamoine Quarterly and what’s done so far in in tonight’s material. He said when it’s ready, he’ll e-mail the draft and look for comment prior to publishing.

**Budget** – Gary noted the Budget Committee recommendations are contained in the minutes that are in tonight’s materials. Bob said he would like to see the board stipend

increase in the future, and said he is not running for re-election in March. He said it's an uncomfortable position to take. Stu said that could be a discussion for the 2023/24 budget.

**Town Report** – The board reviewed a draft of the town report cover. There was positive feedback on the proposal. The board would like to discuss a citizen of the year nomination at the next meeting.

**Comments** – Bob asked when AT&T might be added onto the cell tower. Stu said he thinks there might be a hold up with the FAA, as comments were due in November. He said he's not sure of the construction timetable.

Jo said that the agency she runs could have been eligible for a \$50,000 award as she was the founder, but the recipient cannot be an elected official.

Stu noted there are several potential candidates for the municipal elections in March, noting that six are circulating nominating petitions for school committee and three for Selectboard.

Stu noted that our superintendent of schools, Katrina Kane is also the interim superintendent for the Ellsworth School Department following the sudden resignation of Daniel Higgins. He said he's not sure if that will have any impact on the audit timing.

Nathan noted that we have a new Navy sailor in town as his son graduated last weekend and was assigned the Pensacola. He noted that Ivan Andros also graduated from the Army basic training last weekend. Congratulations were given all around.

The board will meet next following the special town meeting on January 6, 2022. Gary listed out the future meeting dates through March 2022.

There being no further business, the meeting adjourned at 8:43 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.