



## Lamoine Select Board

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### Minutes – April 21, 2022

Chair Jo Cooper called the meeting to order at 7:00 PM.

Present were: Municipal Officers Nathan Mason, Kathleen Rybarz, Larissa Thomas, S. Josephine Cooper, Gary McFarland; Administrative Assistant Stu Marckoon, School Committee members Brett Jones, Matthew Montgomery, Robert Pulver and Town Attorney Daniel Pileggi

**Agenda Review/Addendum**– Jo moved the discussion with town attorney to the top of the agenda.

**Discussion with Town Attorney** – Dan Pileggi said the board had asked him to talk about intervening in the American Aquafarms permitting process in Frenchman Bay. He said the permit application no longer exists as the Department of Marine Resources has canned it for now. He said it will likely be back, but he's not sure when, so the board has time. He said to intervene, the board will have to show the application will have an impact on the existing uses in the proposed lease site. He said it would be helpful to gather some information.

Nathan asked how the town could prove an economic impact. Mr. Pileggi said just finding out how many of the town's lobstermen fish there is one step. Nathan asked if the town would have to hire someone to conduct a study. Mr. Pileggi said just basic information is all that's needed. He said even if the town were not an intervenor, a town representative and its citizens could still testify at a hearing. Nathan said it's relatively easy to document the number of fishermen affected, but not the environmental impact. Mr. Pileggi said there is plenty of existing data the town can borrow. He said intervention is not critical, as anyone can testify.

**Cell Tower Easement** – Mr. Pileggi said he has reached out to the agent for American Tower who keeps saying he'll get back to him, but so far has not. He said the town still has a lease on the tower. Larissa asked if the easement has to be filed to be in effect. Mr. Pileggi said both sides have to sign the easement and it has to be recorded. Nathan asked if there is a deadline to complete the easement filing. Mr. Pileggi says the easement would be valid until rescinded, but there is a lease in place and that would stay in place until the easement replaces it.

Jo said there might be a question regarding foreclosed property. Stu reported the town has received the down payment for an installment agreement under direction of the occupant and the agreement to be signed this evening was basically the same as one prepared by Mr. Pileggi several years ago.

Larissa asked if down the road the town needs to intervene in a future permit application, would Mr. Pileggi be comfortable representing the town. Mr. Pileggi said he would be happy to help. He noted that Gouldsboro and Bar Harbor are intervening, and towns can consolidate. He said he could provide options when the time is right.

**Minutes – April 7, 2022** – Gary moved to approve the minutes as distributed. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 24** – The Board signed the warrant in the amount of \$356,797.60. Stu noted the school operations warrant was about \$213,000 of that and said he'd moved \$250,000 from the investment management account to cover the expenses. A brief discussion followed on tuition to MDI High School.

**Cash & Budget Reports** – Stu reported all seems well with the finances.

**Tax Acquired Property** – Gary moved to sign the installment agreement with the Heirs of Beverly Watts. Larissa 2<sup>nd</sup>. **Vote in favor was 5-0.** The Board signed the agreement, Brett Jones witnessed the signatures.

**Athletic Fields** – Nathan said use has been limited the last several years and that has seen conditions deteriorate due to the non-use. He said the softball field needs a complete re-do. He said the dugouts are fine, but the infields and grass need work. He said he distributed a proposal from McMullen Landscaping that includes a complete rebuild this year.

School Committee Chair Brett Jones said he would like to see it done right. He said future annual maintenance could go out to bid, and there should be an annual budget. He said if there is continuity and consistency in the maintenance program, the school committee would know what to expect and be able to budget for it. Nathan said he's not sure the school should have to shoulder the entire maintenance budget. He said someone has to oversee the use and maintenance. Mr. Jones said perhaps the town can contribute and the school show that as a revenue. Nathan said he'd like to see the town more involved.

Jo said this could be part of a larger community center plan. School Committee Member Matthew Montgomery asked who makes the contacts and decides what gets done. He said the principal is not comfortable with having that task. He said maybe that could be coordinated with the Recreation Committee and suggested that a coordinator is needed. Nathan asked Mr. Montgomery how the YMCA and City of Ellsworth work on maintenance and use of Demeyer Field. Mr. Montgomery explained that setup. Stu said maybe it would be helpful to have a part time recreation director and this could be one of the tasks. Discussion followed on various options and field uses.

Nathan said scheduling and maintenance are separate matters. He said going forward it looks like the school's student numbers will rise. He said it might be time to discuss hiring a parks and rec manager.

Mr. Jones said the school will be adding another portable classroom in back of the school which will be used for library and music. He said that could be considered community center type space. There was a brief discussion about the location and disposal of the oldest portable classroom in front of the school.

Nathan said fixing up the softball field this spring would cost \$8,500 and it would cost \$1,000 to get the baseball field ready for play. Stu said the board could request a town meeting to use funds from surplus. Nathan noted the Recreation Fund has money too. There was a brief discussion about timing for the special town meeting that will be needed for the school budget and it was determined that would be too late to commit the funding for an immediate fix up. Jo suggested using the Recreation Fund and then asking the town meeting to replenish that from fund balance. Kathleen moved to do so. Gary 2<sup>nd</sup>. Nathan said the maintenance portion needs to go to the town meeting budget. Jo said there needs to be ongoing maintenance funded in the annual budget. Kathleen amended her motion to authorize up to \$14,500 for the projects. Gary 2<sup>nd</sup>. **Vote on the amended motion was 5-0.**

Other School Matters – Mr. Jones noted that there are several memorials noted around the physical plant at the school and said there ought to be something to consolidate the commemorations. Stu noted that he saw something that the school wished to build more of a display for the old bell. Bob Pulver said that project is seeking input from the students. Discussion also took place about the search for a new superintendent, the utilization of the Ellsworth School Business Office, and timing of the school budget.

Aquaculture Moratorium – Kathleen said that American Aquafarms says the rejection of the salmon farm application is just a pause in the project and was expected. Jo asked if the company has the old Stinson Seafood plant in Gouldsboro. Kathleen said they only put a deposit on the facility. She noted that American Aquafarms still plans to do a presentation at the College of the Atlantic. She said the salmon hatchery information would still take 2-to-3 years to complete, and the Department of Environmental Protection has given the application back as well.

Kathleen said she attended the Gouldsboro Planning Board meeting and sent the extensive Aquaculture Ordinance they're proposing. She said if the Board wishes to pause on developing an Aquaculture Ordinance she would understand. She said she didn't think a moratorium needs to happen as nothing is planned yet in Lamoine. There was a brief discussion of the status of aquaculture in Gouldsboro. Kathleen said she is getting the ordinance from Barnstable, Massachusetts. Larissa said the ordinance from Freeport seemed pretty straightforward. A brief general discussion followed.

**Fire Department Restitution Ordinance** – Nathan moved to sign the ordinance that will be presented to a special town meeting. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Community Resilience Grant** – Larissa reported that the Conservation Commission proposed no changes to the grant's wording. She said the commission voted to fund \$2,000 toward a power purchase agreement, though funding would be a strain. She said the town can request letters of support and with the boards permission she would do so. Stu noted the town received \$1,000 from Maine Coast Heritage Trust which the Board could authorize to be used for to put toward the power purchase agreement.

Nathan moved to authorize Larissa to seek letters of support. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0 (Thomas abstained)**

**Employee Reviews** – Stu said the Board in the past has met in executive session with employees beginning at 6:30 PM during the late spring meeting for employee reviews. The Board said they would like to have reviews with the town clerk/tax collector, Stu, the transfer station manager, the Code Enforcement Officer, Facilities Maintenance Director and the Animal Control Officer. There was a discussion on meeting dates, and the Board agreed to postpone the June 2<sup>nd</sup> scheduled meeting to June 9<sup>th</sup>, hold no meeting on June 16<sup>th</sup> and meet on June 30<sup>th</sup> instead. They asked Stu to schedule the employee reviews.

**Reciprocal Agreement** – Stu reported the Town of Trenton inquired about having an agreement to be able to process resident transactions in each town in the event of an emergency. He asked if the Board had any interest. It was asked how often that might happen. Stu said it would be doubtful if it ever happened, but it would be good for both communities to have an emergency backup. The board said they had no objection. Stu said he would communicate that to his counterpart in Trenton.

**Conservation Commission Membership** – Larissa reported that when Diane Nicholls' term expires in June, she does not wish to be reappointed. She said Diana Cassel may also be stepping back. She said she has a possible candidate in mind and will check.

**Returnables** – Larissa moved to award the proceeds of the returnables to Lamoine Community Arts for July 2022. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

**No Mow May** – Larissa reported the Conservation Commission discussed having the event to encourage folks not to mow lawns in May. She said she was going to place that on the town's Facebook page, but then saw an article in the Bangor Daily News about Rockland doing the same thing. She said she would like approval to send out a news release. She said it is a voluntary program to protect pollinators such as bees. Nathan said he had no concerns. Gary said so long as the program is voluntary. No objection was stated by the Board.

**Payment in Lieu of Taxes** – Jo moved to use a \$1,000.00 payment from Maine Coast Heritage Trust to assist with a power purchase agreement proposed by the Conservation Commission. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0 (Thomas abstained).** Board members signed a letter to MCHT thanking them for the payment.

**Landfill Water Monitoring** – Stu reported that Haley-Ward submitted an estimate to conduct the landfill water monitoring for \$4,300 just prior to the meeting. He said that is within budget. Jo moved to accept the proposal. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Other – Needles Eye Road** – Nathan reported he received a call from Bill Haass concerning his driveway culvert on Needles Eye Road and damage from the storm on Tuesday. He said the damage was repaired earlier today. Stu said he'd received the same call and spoke with the contractor who had the ditching project in that stretch of road on Wednesday, who said they had planned to be there today anyway.

Further storm damage – Stu reported a heaved driveway culvert on Walker Road would be repaired by Jay Fowler this coming weekend. He said a stretch of Walker Road really needs to be ditched as there was minor flooding during Tuesday’s storm. He said that would be part of the spring road work package he will submit in coming weeks. He also noted that he had McMullen Landscaping cut a tree out of Clamshell Alley that had fallen across the road on Tuesday.

Seal Point Road Culvert – Larissa noted the patch on the culvert replaced last fall has started to settle and is quite a bump. Stu said that would have to be paved with real pavement this spring.

Community Center – Jo noted that she is retiring from her job as executive director of Friends in Action next week and might be willing to take on the task of working for a community center in Lamoine.

Fire Department Search – Stu reported the fire department was called to search for a person in the water yesterday. He said the boat performed well and searched most of Frenchman Bay from Marlboro Beach to Hancock Point to Porcupine Island and back. The person in the water was a windsurfer who made it back to shore and went home.

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

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Select Board.