



Lamoine Select Board

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Minutes – January 6, 2022

Chair Gary McFarland called the meeting to order at 7:03 PM following a special town meeting.

Present were: Selectmen S. Josephine Cooper, Robert Christie, Gary McFarland, Kathleen Rybarz, Nathan Mason (arrived approximately 7:40 PM); Administrative Assist Stu Marckoon, Jon VanAmringe, Margaret Stewart, Mark Harris, Carol Mason, Brian Thomas and Shelly Coyne.

Minutes – December 16, 2021 – Bob and Jo submitted minor typographical corrections. Bob moved to approve as corrected. Jo 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 15 – The board had individually signed the warrant prior to the meeting in the amount of \$97,103.75. There were no questions regarding the warrant.

Expenditure Warrant 16 – The board members present signed the warrant in the amount of \$83,926.32. Stu noted that approximately \$72,000 was for the school department.

Cash & Budget Reports – Jo noted that the expenses are lower than projected and asked if anything in particular was lower. Stu said the projection is for the percentage of the fiscal year passed, and not all the budget lines have even expenditures through the year.

Checking Account Reconciliation – Selectmen present signed the statement expressing satisfaction with the reconciliation that had been e-mailed prior to the meeting. Bob asked about uncashed checks to Versant. Stu explained that Versant changed their mailing address but didn't adequately inform bill-pay customers last summer. He said the town is up to date on the power bills, but the checks were never forwarded to the new address in Philadelphia.

Foreclosure Notices – Gary noted the list of impending automatic foreclosures was in the materials tonight. Stu reported he sent out the notices by certified mail on Tuesday.

Request for the town to seek intervenor status – American Aquafarms – Brian Thomas said that Stu had asked him to attend to explain the implications of becoming an intervenor in this matter. He said an intervenor becomes an opposing party during a public hearing. He said the Department of Marine Resources (DMR) has a list of items for applicants to meet to become an intervenor, and the reasons for applying have to be tailored to that. He said being an intervenor would obligate the town to prepare testimony for the DMR criteria. Gary asked Mr. Thomas if an attorney is needed. Mr. Thomas said yes, and the attorney acts as a coordinator. He said the attorney can't present testimony, but lays out the case through witnesses such as experts and those impacted. He said it's sort of like a trial, but evidence rules don't apply.

Mr. Thomas said he has a concern about when to apply for intervenor status. He said the DMR has to let those applying whether they have such status only 5-days prior to the hearing. He said if the town applies, it would be committed to build a case to apply. Jo asked if it's up to the intervenors to provide experts. Gary asked if the application for intervenor status is to the DMR. Mr. Thomas said that was correct. He said it's likely that it'll be public information as to who would apply, and it's also likely that a number of entities will apply. He said the DMR would likely consolidate intervenors into groups. He said he applied for a "friends" group on a different matter, but was not approved. He said the group has to prove they would be harmed.

Carol Mason asked who would represent the town to take the lead, and whether they would have to go up against the DMR. Gary said the DMR holds the hearings. Mr. Thomas said they also decide on the permit. Mrs. Mason asked about the time frame. Gary said we have not seen one. Jo said the town meeting has not yet decided whether to authorize intervenor status.

Margaret Stewart inquired about the cost. Gary said the town has no idea, but Gouldsboro authorized spending \$100,000. Mrs. Stewart asked if donors could help with the cost. Gary said that has not been discussed. Mark Harris said a number of organizations already have experts lined up. He asked if the town could join other opposing organizations instead of putting up money. Mr. Thomas said that is possible. He said the DMR would have to determine intervenor status. He said there are 3-options; they could say "No"; they could lump the town in with other groups as a single intervenor, or they could grant intervenor status as a stand-alone entity, which he said is unlikely.

Stu asked if Lamoine joined others, would the town be obligated to share costs with others. He said that would potentially be a cost beyond the town's control. Mr. Thomas said the DMR doesn't want to hear the same testimony over and over. He said it would be up to a group of towns to coordinate the testimony. He said there would likely be plenty of public testimony from lobster fishermen. He said there is no real obligation to fund opposition.

Stu asked if it might be as simple as sending a resolve supporting efforts of other towns. Bob said he presumes Gouldsboro has a larger stake in this because of where the salmon would be transported. Kathleen said Gouldsboro authorized the money to review their ordinances; there was nothing about intervening. She said the facility is in Gouldsboro.

Bob said some citizens asked the Selectboard to intervene. He asked what the town's standing is and said Lamoine has a unique resource, and the proposed salmon farm has got to have an impact. He said it might be wise to consider the criteria Mr. Thomas had put in memorandum form. He mentioned a previous effort to place a salmon farm off Lamoine many decades ago. He said there is a lot of recreational boating on the Lamoine shore. He said it might be worth intervening to be able to cross examine witnesses. He said there are lot of people opposed.

Mrs. Stewart asked if she could get a copy of the memo from Mr. Thomas. Copies were made and distributed to the audience.

Jo asked about application preparation and research time and whether it's a big deal. Mr. Thomas provided a copy of a blank application. He said the town would have to show how the proposed project would directly impact the community. A brief discussion followed. Mr. Thomas said when expert witnesses are involved, that's where the dollar signs appear. He said the town would need to provide information about what its testimony would entail. Mr. Harris asked if the town could reference expert witnesses other groups such as an organization he belongs to would use. Mr. Thomas said the town wouldn't even know if it's an intervenor until 5 to 7 days before the hearing. He said the application has to give the DMR an idea of what the town's case would be. Mr. Harris said Frenchman Bay United has modeling and asked if that could be used. Kathleen said the town could say its clam flats would close more often.

Jo asked if there is any restriction on the town accepting money from outside sources to pay for expert witnesses and the like. Stu said he wasn't sure, but said, for lack of a better phrase, the town should be careful who it gets into bed with. Jo asked if the town could start a fund. Stu said the town meeting has that right, but feared it could get messy. Jo said it would be nice to have a mechanism to alleviate potential costs. (Selectboard member Nathan Mason arrived at this point).

Stu asked Mr. Thomas what his thoughts are at this point. Mr. Thomas said it's highly unlikely that the town would be granted independent intervenor status. He said Lamoine is affected to a lesser degree than other towns. He said the town could support to whatever extent the town wishes to the efforts of other towns. He said he's not sure what that might cost. He said it's a good question to find out if there are other ways to express dissatisfaction with the proposal.

Jo said it's a difficult process from a timing standpoint. She said some citizens such as lobstermen, are directly impacted. She said it's very frustrating that there is not another way for the town to have an impact on the permitting process. Mr. Thomas said if someone wanted to help, they could pay an expert witness directly without going through the town.

Mr. Harris asked if there was any downside to reaching out to others who are opposed to the project to offer to work together. Gary said he didn't know of any legal downside. Stu said he could bring the issue up at the League of Towns meeting later in the month. Kathleen offered to talk with Bar Harbor and Sorrento. She said it's difficult, because all towns are unique.

Mrs. Stewart said she thinks it is important that Lamoine do this to show American Aquafarms that "nobody wants this". She said folks could participate in other towns' meetings to show support. Gary thanked Mr. Thomas for his attendance and input.

Request to seek intervenor status – Acadia Aqua Farm LLC – Kathleen asked if any of the people who sent e-mail to the Selectboard was present. There were none. She

said the lease application had a preliminary meeting this week, and the deadline to register to intervene is on January 25th. Jo asked what the project was. Stu said it appears to be a shellfish aquaculture lease on the Bar Harbor side of the town line in Eastern Bay. He said timing is an issue, and one of the applicants is a resident of Lamoine, so this potentially would pit residents against each other. The board reviewed the correspondence in their materials.

Jo asked who the Friends of Eastern Bay were. Kathleen said she's not a member, but they are people who live around the bay, including some Lamoine residents. Jo said the town meeting has not granted authorization for the town to seek intervenor status. She said the board could set the request aside.

Bob said the project might have an impact on lobstermen and recreation boating navigation. He asked what the request was for. Kathleen said it was to have the town become an intervenor. She said time is tight. Mr. Thomas said citizens can testify at the hearing against an application. Kathleen said she could e-mail the requesters to explain. Nathan noted the project is located in Bar Harbor.

The meeting recessed for a couple of minutes as most of the audience departed.

Regional Shellfishing – Kathleen said she was excited to see the data from the Department of Marine Resources. She said Lamoine was the top clam harvest town in the region from 2010 to 2016. She said it goes in cycles.

Kathleen said she attended the Ellsworth City Council meeting last week, and the city voted to stay in the 7-town agreement. She said the data shows that conservation has made a big improvement in clamming. She said young people need to get into the industry. She said the Regional Shellfishing group will meet on January 19th to hear from biologists about how the region is doing.

ARPA Funding Update – Stu said the town meeting just prior to this meeting authorized the Selectboard to expend ARPA funds. He asked how the board wished to proceed. He noted that Hancock County has offered to match up to \$30,000, so that would increase the previous proposal by \$11,000.

Nathan said he would like to impact the most people possible. Jo said she'd like to reimburse firefighters to the maximum that can be done. Stu said he could come up with another proposal. Nathan said he would like to apportion to as many as possible. A discussion followed. Jo asked Stu to see what he could come up with.

Fire Truck Loan Bids – Stu reported he'd received three bids via e-mail prior to the deadline. They were as follows:

Financial Institution	Interest Rate	Interest over 5 Years
Bangor Savings Bank	2.20%	\$19,799.81
Camden National Bank	2.05%	\$18,450.00
Machias Savings Bank	2.65%	\$23,863.07

Nathan moved to award the bid to Camden National Bank. Kathleen 2nd. **Vote in favor was 5-0.**

Code Enforcement – The board reviewed a memorandum from CEO Rebecca Albright in regard to an unrestored section of MacQuinn property next to the Kittridge pit. Stu reported that MacQuinn’s attorney has asked her to meet with Mr. MacQuinn, and the CEO said she was willing to do so, but it’s unlikely that anything will revegetate at this time of year. He said there is no action for the board to take at this time.

Town Meeting – March 2022 – It was noted that the deadline for nominating petitions is tomorrow. Stu reported that two have returned papers for Selectboard, two for School Committee and one for Assessor. He said there are still several sets of papers circulating.

Warrant Draft – Jo asked if the intervenor article was on the warrant. Gary said it is article 8. Stu noted that he came up with slightly different wording than Sorrento’s to make it simpler and clearer. Jo said she wants to review it for signature next meeting.

Citizen of the Year – Two choices were presented to the board. Jo moved to present the award at town meeting to choice 1, Nathan 2nd. **Vote in favor was 5-0. (The winner will be honored at the annual town meeting).**

Town Report – The board expressed satisfaction to a slightly modified cover. Nathan moved to accept the estimate from Xpress Copy to print the report. Kathleen 2nd. **Vote in favor was 5-0.**

Website Hosting/Design Proposal – The board favored sending the proposal to the technology committee. Gary said the price seems pretty reasonable. Discussion followed on how much time Stu spends on maintaining the current web site.

Other Matters – Stu reported that he may have to close the office on Monday as he might have to get his father home from a health care facility in Camden, and the town clerk is out.

Bob noted that one year ago today the insurrection took place at the US Capitol. He said as a veteran and sitting on the Selectboard, he is aware the country has made a lot of mistakes, but he was struck and affected by the situation. He said he is concerned about the constitution and democracy and civil discourse. He said that the Selectboard represents what the constitution provides for, and he has been grateful for the opportunity to serve, noting his term will end in March. He said this type of government is something that has to be restored on a national level.

Next Meetings – The next regular meetings are planned for January 20, February 3, February 17, and March 3. Election Day is March 8, Open Town Meeting is March 16, and the organizational meeting for the new board will be March 17.

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

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectboard