



# Lamoine Select Board

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

## Minutes – June 12, 2023

Chair Larissa Thomas called the meeting to order at 6:02 PM.

Present were: Select Board Members S. Josephine Cooper, Larissa Thomas, Gary McFarland, Nathan Mason, Kathleen Rybarz and Administrative Assistant Stu Marckoon.

**Executive Session – Hodgkins Scholarships** – Gary moved to go into executive session pursuant to 1 MRSA §405(6)(f). Jo 2<sup>nd</sup>. **Vote in favor was 5-0 at 6:02 PM. Out at 6:52 PM.**

Nathan moved to award scholarships totaling \$24,000 to ten applicants for the Allen & Leurene Hodgkins Scholarship Fund. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

### REGULAR MEETING

Chair Larissa Thomas called the regular meeting to order at 7:01 PM.

Present in addition to the Select Board and Administrative Assistant were Mark Tripp, Amy Morley, Mark Harris, Valerie Sprague, Kathryn Gaianguest, Michael and Lynn Duquette, Pamela Hoogerhyde, Cynthia Donaldson, William Flynt, Aaron and Carolyn Cullum, Suzanne Purcell, Jon and Gina Chorover, Kevin Strange, Rebecca Morrison, Joanna and Bradley Sands, Marcy Razum, Gordon Henley, Lynn Napier, Karen Davis and Carol Lange.

**Minutes – May 22, 2023** – Larissa said she sent one minor typographic correction. Kathleen moved to approve the minutes as corrected. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Treasurer's Reports** – **Expenditure Warrant 26** – There were no questions regarding the warrant that was signed on June 5, 2023 in the amount of \$239,926.06.

**Expenditure Warrant 27** – The Board signed the warrant in the amount of \$46,900.98. Stu reported there were no school expenses on the warrant. Nathan asked if the payment to RJD was the final revaluation payment. Stu said there is one more due. There were questions about the payment for the traffic light repair, flags the Town of Trenton has placed on the traffic light utility poles, and the fire truck pre-emptors.

**Cash & Budget Reports** – There were no questions regarding the written reports.

**Checking Account Reconciliation** – The Select Board signed the statement expressing satisfaction with the reconciliation that was e-mailed prior to the meeting.

**Unpaid Property Tax Notices** – Stu reported the town office sent out 133 notices of unpaid taxes prior to placing liens on the properties sometime after July 1, 2023. He

said that prompted many folks to pay their 2022/23 taxes. It was asked how that compared to the previous year. Stu said he had not compared yet.

**Request for Moratorium** – Amy Morley said her group called Growing Lamoine Responsibly is working with an attorney from Murray Plumb and Murray and the attorney is with them on a laptop computer via zoom. The Select Board said there was no issue with the attorney listening in. Ms. Morley asked if the board had a chance to review the material she had sent to the office via e-mail earlier in the day. Jo said she had picked up her packet in the middle of the day.

Ms. Morley said she provided a copy of a proposed moratorium ordinance that was drafted based on other moratoria from the Towns of Gouldsboro and Machias. She said she also sent two letters from the law firm to the Planning Board. She said she represents the group Growing Lamoine Responsibly. She said she didn't think she needed to convince the Select Board that the group wants to have the Planning Board pause its work on the proposed glamping resort and consider the rules.

Ms. Morley said the Comprehensive Plan recommended that the town consider removing hotels from the allowed land uses in the Rural and Agricultural Zone. She said she asked a Planning Board member why this hasn't been done and was told the Board has not had time. She said the Planning Board found the [Clear Sky Resort application](#) complete, but the developer did not submit Department of Environmental Protection (DEP) approval, which the Planning Board said would be a condition of completeness. She said the Planning Board confirmed that no application has been submitted to the DEP, and the agency said it would take 150 to 230 days to process an application. She said the ordinance allows for DEP approval to be a condition of completeness. She then read an excerpt from one of the letters from their attorney.

Ms. Morley said the Planning Board is causing more work for themselves. She said if the Planning Board begins its review on June 19<sup>th</sup>, it's turning a legal corner. She said the proposed moratorium would be for 180-days. She said the DEP takes longer than that to process permits. She said she confirmed with the DEP that local approval is not required for them to process a permit. She said CPEX had claimed they obtained pre-approval from the DEP.

Ms. Morley said they are requesting that a town meeting be called on June 19<sup>th</sup> to vote on a moratorium ordinance that is retroactive to December 2022. She said they collected 157 signatures and asked for a show of hands from those in attendance who had signed the petition. She said they need an emergency town meeting, but they have trust in the Planning Board.

Jo said she saw the petition. She said the board has to meet some legal requirements to call and post notice of a town meeting. Stu said there is no such thing as an emergency town meeting that he is aware of. Kathleen said a town meeting warrant must be posted a certain number of days prior to the meeting. Larissa said she would want the town attorney to review and to have some input from the Planning Board.

Ms. Morley said she called the Ellsworth American and they're willing to hold the ad deadline for a town meeting until tomorrow for this week's paper. Stu said that cannot happen. Jo said she was able to read the material earlier today but the rest of the board only got it this evening. She said the board also got some information from Maine Municipal Association about moratoria. Gary said he would like to read things over and to have the town attorney look at it. Ms. Morley asked if the Board has to meet to involve an attorney. Nathan said he's not opposed to meeting with an attorney.

Stu noted that the moratorium ordinance is retroactive to December 2022, and that is more than 180-days ago. Ms. Morley said the 180-moratorium does not refer to retroactivity. Jo asked if the citizens' group can justify the reasons for the moratorium. She said there are two possibly valid reasons; it's to either prevent an overburden on the community or to adopt ordinances because there are inadequate existing ordinances. She asked if that justification is possible. Ms. Morley listed the general effects on water and wastewater/septic noted at the Planning Board public hearing. She said that could pose a threat to quality of life. She said the amendment to the Building and Land Use Ordinance recommended in the Comprehensive Plan did not anticipate "glamping".

Jo said the Board needs its attorney to look at the language in the proposed moratorium before it's placed on a warrant. She said the citizens' group has the signatures, and asked why the Select Board would block that. Larissa said she is content to contact attorney Dan Pileggi. Nathan so moved, Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

Ms. Morley asked if the Select Board could make a recommendation to the Planning Board to not begin its review of the application. Larissa said that is not the Select Board's role. Jo said she would be reluctant to do that. Kathleen noted the Planning Board has also requested use of the town attorney.

Mark Tripp said he would like to know when a special town meeting could be scheduled. Jo said while she is sympathetic to the petitioners, the town meeting process must be followed. Valerie Sprague asked why the Select Board can't give a recommendation to the Planning Board. Nathan said the Planning Board will meet and have its own discussion. Stu said the Planning Board will be told that a petition was presented to the Select Board requesting a moratorium. Mark Harris asked if there will be an opportunity to address the Planning Board. Stu said the public had that opportunity last Monday.

Michael Duquette said the Planning Board didn't respond. Kathleen clarified the Planning Board's role. She said they are not the answer folks. Stu said the process could be loosely compared to a court trial where the prosecutor and defense counsel make their arguments to a jury which then deliberates. He said the Planning Board in this case is the equivalent of a jury. A brief discussion followed.

Ms. Morley said the Planning Board waived the DEP approval requirement. Stu said the Planning Board did not waive the requirement, but made DEP approval a condition of completeness. A brief discussion followed.

**Appointed Officials** – The Board reviewed the list of officials whose terms expire on June 30<sup>th</sup>. It was noted the current Planning Board chair plans to retire from the board, as well as members of the Parks Commission and Conservation Commission. Stu said he would contact the remainder of the list that he has not contacted to see if they wish to continue.

**Contracts** – Jo moved to sign employment contracts with Code Enforcement Officer Rebecca Albright and Facilities Maintenance Director Michael Hodgkins for the next year. Gary 2<sup>nd</sup>. **Vote in favor was 5-0; the Board signed the contracts.**

**Route 3/204 Traffic Light** – Stu noted the light is finally working correctly. He said Frazier Traffic Signals replaced the traffic detection module on May 31<sup>st</sup> and it worked for a few hours and failed the next morning. He said he called and they responded that evening and put in a new cable to the cameras, and that seems to have done the trick.

**Paving Bids** – The Board opened and read bids from two contractors as follows:

B&B Paving \$91.50 per ton, total of \$260,775  
Northeast Paving \$143.00 per ton, total of \$407,550

Jo moved to award the paving bid to B&B Paving. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Additional Road Projects** – Stu outlined several projects on Needles Eye, Walker and Shore Roads and recommended that McMullen Landscaping and Construction do the work. Larissa asked that Maine DOT be alerted regarding crumbling pavement on Route 204, Partridge Cove Road caused by poor ditching. Stu said he could do that. Gary moved to award the additional road work to McMullen. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Request by Planning Board to use Town Attorney** – Nathan moved to approve the request. Jo 2<sup>nd</sup>. It was clarified that attorney Pileggi was not available, Stu would ask for alternates. **Vote in favor was 5-0.**

**Banking Proposal** – It was noted the Board received an unsolicited proposal from a local bank to move town business to that bank. Stu said the town already has the services offered at its current bank and had not solicited for proposals. There was no interest from the board in changing banks.

**Land Purchase** – Stu said the attorney's office was seeking permission for him to sign on behalf of the town to complete the land purchase. Jo so moved, Gary 2<sup>nd</sup>. **Vote in favor was 5-0.** Stu noted that bids on the bond are due at the next meeting.

**Facilities & Infrastructure Committee** – Stu noted the committee hasn't met in a while and will meet later this month.

**Committee on Aging** – Jo reported the Sunshine Tea & Talent Show was a big hit. She said the committee met last Friday with the Mt. Desert Nursing Association, a home

health agency. She said they will meet with the Conservation Commission next month. She said there has been a lot of interest in what the committee is doing.

**Comprehensive Plan Implementation Progress** – Jo thanked Kathleen for printing off the task list from the plan. She said there is a concern about some of the tasks being a little overwhelming. She said there are some tasks for the future and some that seem immediate. Kathleen said the Planning Board has to take up things and ought to review their assignments on the list.

Jo said maybe an ordinance group ought to be formed. A brief discussion followed. Stu noted that Larissa provided a list of what the Conservation Commission was tasked with and what had been done. Jo said that was impressive. She said she wonders if the Select Board needs to note where more help is needed and how to proceed. Kathleen said some former Comprehensive Plan Committee members plan to meet in the future to see where things stand. Larissa said there are items that are aspirational and others which are more practical, and it might be a good idea to prioritize those lists. Jo said she liked that approach and she could do some homework. Kathleen said she would try to identify items that are critical to bring back next time.

**Letter from Schoodic Ambulance** – Stu reported the town received a letter from Schoodic Ambulance which is apparently run by the Town of Gouldsboro saying that if that ambulance responds mutual aid to Lamoine, there would be a bill of between \$400 and \$600. He said the town does not have a contract with Schoodic Ambulance and he sent an e-mail to the Gouldsboro Town Manager, Eve Wilkinson. He said she replied that she would have either the police chief or ambulance director get back to him. He said the town contracts with Northern Light and would have no say in what mutual aid company would respond to Lamoine.

**Board of Assessors** – Stu inquired how the Select Board would like to recognize the elected Assessors who will end their service to the town on June 30, 2023 when the board disbands. The Select Board said they would like a nice certificate thanking the assessors for their service. Stu noted that RJD Appraisal is sending out the new valuation letters this week and scheduling hearings for the last week in June. He said they have a projected mill rate of about 8.7.

**Returnables Request** – Nathan moved to award the proceeds from the returnables to the Lamoine Historical Society for this month. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0.**

**PERC Status** – Stu reported the PERC trash to energy plant goes up for auction on July 12<sup>th</sup>. There was a brief discussion about waste management for the town and it being something to explore in the near future.

**Citizen Complaint** – The town received a complaint regarding a Douglas Highway property that has a lot of refuse stored outside the home. After a brief discussion it was agreed to respond to the complainant that until the Local Health Officer determines there is a risk to public health, there is no action for the town to take.

**New Fire Truck Status** – The Board observed a copy of an e-mail from the fire truck body manufacturer saying they cannot honor the bid price for the new truck because a chassis has not yet been delivered. He said he's not sure when the chassis will arrive. A brief discussion followed.

**Other Business** – Kathleen noted that the Legislature is still working on housing bills. She said she plans to attend the Planning Board meeting regarding those rules. She also noted that the tax stabilization program is under discussion in the Legislature, and the lawmakers are likely to be in their special session until July.

Stu noted that there will likely be some legislation having to do with disposal of tax acquired property following a US Supreme Court ruling.

Larissa reported the pollinator gardens are planted at the town hall, school and transfer station. She said thanks go to Madison Jones, Tiara Woods, Joanne Dodge, Iris Simon, Mary Jude and Faith Perkins for their participation in the projects.

**Next Meeting Dates** – The Board decided to meet on June 26, July 10, July 31 and August 21.

There being no further business, the meeting adjourned at 8:45 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Select Board