



Lamoine Select Board

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

Minutes – July 13, 2023

Chair Larissa Thomas called the meeting to order at 6:30 PM. (Due to an error, the meeting was not live-streamed, recorded, or televised).

Present were: Select Board Members Larissa Thomas, S. Josephine Cooper, Nathan Mason, Gary McFarland, Kathleen Rybarz; Administrative Assistant Stu Marckoon, Town Attorney Daniel Pileggi, Steve Salsbury, Planning Board Members Stewart Workman, Richard McMullen, Chris Tadema-Wielandt; Frank Donnelly, Mike & Lynne Duquette, Kathie Gaianguest, Steve Rauch, Susan Purcell, Mark Harris, Amy Morley, Aaron & Carolyn Cullum, Nicole Cardano, Pamela Hoogerhyde, and School Committee Chair Brett Jones. Tina Meserve of Revision Energy attended via Zoom.

Larissa acknowledged the sudden passing of just retired Planning Board Chair John Holt and his exceptional service and dedication to the town.

Agenda Review – No changes were proposed to the agenda.

Meeting with Planning Board/Town Attorney – Moratorium Hotels/Motels, Glampgrounds and Resorts – Larissa asked town attorney Dan Pileggi about item 6c in the petitioned ordinance which has to do with retroactivity and whether it's OK to generally define a retroactive period instead of a specific set of dates. Mr. Pileggi said the use of retroactive is misleading, but the proposed ordinance applies to all future and pending applications, and that is acceptable. He said the idea appears to be to make it apply to pending applications. Larissa asked about the length of time. Mr. Pileggi said the moratorium is 6-months in length and can be renewed by the Select Board for an additional 180-days. He said if the town decides to regulate or amend the current ordinance, the Board would not have to renew the moratorium ordinance.

Nathan asked if the term "glampground" is a recognizable term. Mr. Pileggi said it would not have been his choice of words, but if the petition signatures are certified, the town is stuck with it. Stu said there were enough signatures certified.

Jo asked if Mr. Pileggi found anything problematic with the latest proposed ordinance. Mr. Pileggi said the Select Board does not have to sign the ordinance as approved – and it should be submitted to a town meeting. He said he had concerns with the initial proposed ordinance, and the latest one has cured those issues.

Planning Board member Richard McMullen said the board members present were here to see what might take place. He said they might have questions at their August 7th meeting.

Jo asked what the time frame is. Mr. Pileggi said until such time as the town takes a vote on the proposed moratorium ordinance the Planning Board must do its thing. He said state statute (MRS Title 30-A §2522) requires that the article be included in the next town meeting or a special meeting called within 60-days.

Nathan asked if the various “Whereas” sections in the proposed ordinance are challengeable. Mr. Pileggi said the petitioners set forth their reasons for the moratorium in that section. He said the Select Board is constrained to call the meeting. Larissa asked if the “whereas” statements could be legal challenges for the future. Nathan asked if they would require the town to have to do studies. Mr. Pileggi said they are the meanings of concern from the petitioners, and they may or may not have to be addressed with quantifiable data.

Nathan asked if because of the definition of Glampground, could the company change the proposal to something different? Mr. Pileggi said if the altered proposal doesn’t meet the definition in the moratorium, it would not apply to that project. He said the current proposal would fall under the proposed moratorium. Larissa asked if they applied for something different, would they have to apply again. Planning Board Stewart Workman said they would have to start over with a change of use. Mr. McMullen said the Planning Board has a conditionally complete application before it. Petitioner Amy Morley said that even though “campground” was not included in the proposed moratorium ordinance, that would not prevent the Planning Board from working on the campground ordinance.

Jo said the Select Board has an obligation to respond to the petition. Mr. Pileggi said the limited role for the Select Board is to send this to a town meeting. He said a public hearing is required, and there needs to be adequate time to post the town meeting warrant. Jo said she would like to have the meeting as soon as possible. Stu said dates depend on whether the town meeting would be an open meeting or by referendum. Ms. Morley said she didn’t realize that a public hearing was required if the question was submitted by petition. Jo said she would like to have an open town meeting. A discussion followed about possible dates. Mr. Pileggi said a 7 day notice is required for the public hearing and a 10-day posting is required ahead of a special town meeting.

After the discussion, Jo moved to hold the public hearing on Tuesday, August 1, 2023 at 6:30 PM at the Lamoine School Gym and an open special town meeting on Tuesday, August 15, 2023 at 6:30 PM at the School Gym. Kathleen 2nd. **Vote in favor was 5-0.** Stu said the board needs to meet soon to sign the hearing notice and the town meeting warrant. It was agreed to hold a special Select Board meeting next Tuesday, July 18, 2023 at 7PM.

Planning Board Procedure – Mr. Pileggi reminded those Planning Board members present that it should proceed on the Clear Skies application as if nothing has happened. He said he would attend the August 7, 2023 meeting.

Land Purchase – Mr. Pileggi advised that unless the town has approved a general warrant article that approves selling property, a town meeting vote would be needed to split off land from the upcoming purchase. He said the town could execute a short term lease until the town meeting decided on that matter. He said the board should define what the town is leasing. Jo asked how the warrant article should be worded. She noted that it has not been surveyed yet and wondered how much detail should be in the article. Mr. Pileggi said it could be approximate and doesn’t have to be specific. Jo asked if the price should be in the article. After a brief discussion, Mr. Pileggi said he

would be glad to draft an article. He said the Select Board could negotiate a lease to expire either after one year or on closing. He said that does not require town meeting approval.

Mr. Pileggi said they are waiting for some documents from the seller to set a closing date. Jo moved to request that Mr. Pileggi draft up an article to allow the town to sell a portion of the land. Nathan 2nd. **Vote in favor was 5-0.**

Minutes – June 26, 2023 – Larissa said she sent one clarification to Stu a few days ago. Stu said that is incorporated into the minutes. Gary moved to approve the minutes as edited. Jo 2nd. **Vote in favor was 5-0.**

Comprehensive Plan Implementation – Planning Board – Larissa explained that a lot of tasks in the Comprehensive Plan were tasked to the Planning Board. Jo said it would probably help to have the list and copies were made and distributed. Larissa said the Select Board is looking for feedback from the Planning Board on implementation. Jo said the Select Board is looking at the Comprehensive Plan as a roadmap for its goals. She said there is a lot of overlap in the plan regarding what the Planning Board is responsible for implementing. A discussion followed on the strategies for implementing the plan.

Jo said one idea was to form a work group to assist the Planning Board with its assigned tasks. Kathleen mentioned that there is a new state mandate to address housing issues and a grant is available for a consultant. Stewart Workman said that was brought up a few meetings ago but there were no guidelines to go by. Kathleen said the deadline for compliance is next July. Brett Jones said he read them and they don't make sense for small towns. A brief discussion followed.

Larissa asked who does consulting. Stu said the Hancock County Planning Commission. Jo said there are several consultants. She said losing John Holt is a hard loss for the Planning Board. Mr. Workman said they're sailing without a captain at the moment. He said the Planning Board should probably go through some stuff and get organized. Larissa said it would be helpful to the Select Board to hear whether the Planning Board wants help with the consulting part. Richard McMullen said it would be great to have someone help draft up an ordinance to look at. Mr. Jones said it would be beneficial to have a planner who has rural experience. Brief discussion followed on the opening on the Planning Board, the moratorium ordinance, and action by the Planning Board.

Solar Contract – Larissa thanked Tina Meserve of Revision Energy for attending via Zoom. She said that Stu raised a few issues with the contract. Stu said those have been corrected. Jo said the contract is extremely comprehensive. Larissa said there was a request for electronic signatures in lieu of hard copies. A brief discussion followed about how to sign. Jo moved to sign the contract as revised tonight while all are present. Gary 2nd. **Vote in favor was 5-0, the Board signed the contract.**

Larissa reported that folks from the Governor's office will be here on Tuesday to look at the heat pump installations, and it would have been nice to have a solar array to look at. Mrs. Meserve thanked the town for making a long term commitment that benefits the town financially and environmentally. She said once the contract is fully executed, Revision will apply for the interconnection with Versant. She said she's optimistic that can happen.

Larissa asked what the target date is. Mrs. Meserve said 10-months to a year. She said the Legislature has made changes to net energy billing laws and they might want to move faster. Mr. Jones asked if the interconnection was for the school or the salt sand shed. Mrs. Meserve said it was for both. Kathleen asked about the proximity of 3-phase power. Mrs. Meserve said the size is small enough that it doesn't need 3-phase. Stu asked how she wanted the signed contract returned. Mrs. Meserve said to scan the signature page and drop the full contract in the mail.

Larissa asked Mr. Jones if the school board could be present when the Governor's office attends next week. Mr. Jones said he would be happy to.

Expenditure Warrants – There were no questions regarding [Warrant 29 for FY 2023](#) and [1 for FY 2024](#).

The Board signed Warrant 2 in the amount of \$185,078.55. Stu noted that Dave's World is on that warrant for the remainder of the heat pump project. Larissa asked if Stu could send the invoices to her for the grant's quarterly report.

Cash & Budget Reports – Stu reported he has produced reports for both [FY 2023](#) and [FY 2024](#). Jo asked about the athletic fields. Stu said there have been no bills for FY 24 yet.

Excise Tax Quarterly Report – There was a brief discussion about the report. Stu noted that FY 23 was the 2nd best year on record, but well below the record year of FY 21.

Checking Account Reconciliation – The board signed the statement expressing satisfaction with their review of the reconciliation that was e-mailed prior to the meeting.

Tax Commitment – Stu reported that Assessor Matt Caldwell had finished the tax commitment calculation earlier in the day and the mill rate this year will be 8.6, just a tenth of a mill lower than initially projected during the revaluation.

Code Enforcement Officer's Contract – The Board reviewed a proposal from CEO Rebecca Albright regarding compensation. Stu noted that the discussion initially was about increasing plumbing permit fees, and that proved problematic as an ordinance change would be required. Gary moved to approve the proposal for a \$4/hour increase. Kathleen 2nd. **Vote in favor was 5-0.**

Board Openings – There was a lengthy discussion about the Planning Board opening created by John Holt’s retirement, and whether an alternate would move up to a full position. It was agreed to publicize a general opening. There was a lengthy discussion about filling positions on the Recreation Committee. Stu noted that there have been no meetings scheduled by the committee. Jo moved to reappoint Michelle Stoll to the Recreation Committee. Nathan 2nd. After further discussion the **vote in favor was 5-0**.

Ms. Gaianguest asked how many Rec Committee openings were for 2 years and how many for 3-years. A brief discussion followed on that and the pool of potential Planning Board members and the potential perception of bias.

Land Purchase – Stu reported he had received the loan proceeds check from Machias Savings Bank and deposited that.

Heat Pumps – Stu reported the installation is complete and he has signed the Efficiency Maine documents for the rebates.

Town Hall Steps – The board agreed the new steps installed two days ago look fabulous. Stu said he’s asked Arthur Ashmore Electric to hook up the heater and that should be done sometime in August.

Paving – Stu reported that B&B Paving hopes to get the roads paved in mid-August, depending on the rain.

Comprehensive Plan Implementation – Jo said that the plan should be kept in mind for this year’s goals. She said where the Planning Board is in transition, another meeting could be planned for the future on moving forward.

Committee on Aging – Jo said they meet tomorrow with representatives from the Conservation Commission. She said the Comprehensive Plan mentions an aging committee. She said walking is one of the issues under discussion; from organizing simple events to visibility. She said everything seems to fall under the Committee on Aging, so they have to set priorities and focus. Mr. Jones noted that a sidewalk was discussed many years ago and there was a discussion about creating walking paths.

Facilities & Infrastructure – Mr. Jones said the committee has requested what the space needs would be for a municipal office. There was a brief discussion about where the minutes of the last meeting might be. Mr. Jones said the committee is discussing what combination of projects might make sense. He said they’re looking at the Smith property and the needs for physical space, a town office, fire department and community center. He said they have to put together some meaningful numbers. He said they plan to meet with a contractor to get an idea about costs. Jo said parking needs to be a consideration. Mr. Jones said they’ve not yet set a next meeting date.

Maine Municipal Executive Board Ballot – Jo moved to cast the Board’s votes for the ballot as proposed. Nathan 2nd. **Vote in favor was 5-0**.

Cistern Update – Mr. Jones gave an update on changed plans for water supplies for the new portable classroom and fire station.

Other- There was a brief discussion about a shoulder repair on Route 204 (Partridge Cove Rd.)

Gary said Cold Spring Water has also suffered a great loss with John Holt's passing. Stu reported the company has asked Chuck Weber to be the licensed operator and Shannon Byers will take over the treasurer's job.

Next Meeting – The board set the following meeting dates:

July 18, 2023 – 7PM – Special Meeting

July 31, 2023 – 7PM – Regular Meeting

August 1, 2023 – 6:30 PM – Public Hearing at the School

August 15, 2023 – 6:30 PM – Special Town Meeting at the School

August 21, 2023 – 7PM – Regular Meeting

September 7, 2023 – 7PM – Regular Meeting

September 21, 2023 – 7PM – Regular Meeting

There being no further business, the meeting adjourned at 8:33 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Select Board