

Minutes of Annual Town Meeting

Deputy Town Clerk Stuart Marckoon called the meeting to order at the Lamoine Town Hall at 9:55 AM.

1. To choose a moderator to preside over said meeting. **Stuart Marckoon nominated Harvey Kelley. Joan Broussard 2nd. A written ballot elected Mr. Kelley 4-0. Mr. Kelley swore his oath of office to Town Clerk Kovacs, and then appointed Stuart Marckoon as Deputy Moderator, who also took the oath of office from Ms. Kovacs. At 10:00AM, Mr. Kelley opened the polls for balloting.**

2. To elect the following Town Officers by secret ballot:
 - a. Selectman & Overseer of the Poor (2 positions, term to end town meeting 2013)
 - b. Assessor (1 position, term to begin July 1, 2010 and end June 30, 2013)

| | Total Votes |
|-----------------------|-------------|
| Selectman/Overseer | |
| Brann, William | 153 |
| Fennelly, Richard Jr. | 154 |
| Theall, Kermit | 131 |
| | |
| Assessor (1) | |
| Fowler, E. Jane | 213 |
| | |
| Votes Cast | 246 |
| # Registered Voters | 1489 |
| Turnout % | 16.52% |

Open Town Meeting

Wednesday, April 7, 2010 6:00 PM

Prior to the resumption of the annual open town meeting, Town Clerk Jennifer Kovacs administered the oaths of office to the following:

Richard Fennelly Jr., Selectman & Overseer of the Poor

William Brann, Selectman & Overseer of the Poor

E.Jane Fowler, Tax Assessor

Town Clerk Jennifer Kovacs and Assistant Town Clerk Diane Carter checked in 111 voters at the open town meeting.

Moderator Harvey Kelley called the open town meeting to order at approximately 6:00 PM.

Mr. Kelley established that he would operate according to the Maine Moderator's Manual.

Mr. Kelley announced the results of the election the previous day.

It was moved and 2nd to allow non-voters/non-residents to speak at the moderator's discretion. The motion passed by a greater than 2/3rds majority on a hand vote.

Prior to the start of business:

Recognize "Citizen of the Year" (Board of Selectmen to present)

The Lamoine Board of Selectmen presented the Citizen of the Year award to Reginald McDevitt.

Award of Land Conservation Award (Conservation Commission to present)

The Lamoine Conservation Commission presented an award to Willem Brutsaert for his land conservation efforts.

3. To see if the town will vote to set the date that property taxes will be due in two equal payments on August 31, 2010 and February 28, 2011, and to fix the rate of interest at 7.00% to be charged on the unpaid amounts beginning September 1, 2010 and March 1, 2011 respectively, and to fix the rate of interest paid for overpayments at 3.00% per annum. **It was moved and 2nd to approve the article as written. Gerald Jordan made a motion to change the date from August 31, 2010 to October 31, 2010 and September 1, 2010 to November 1, 2010 and it was 2nd. A hand vote on the motion to amend failed. The original motion passed as written.**
4. To see if the Town will vote to authorize the Selectmen to sell and/or dispose of any property acquired by tax liens after first offering the property to the previous owners for payment of all back taxes, fees and interest, and if they decline, advertising for sealed bids on same, and stating the lowest bid acceptable, and to allow the Selectmen to authorize the Treasurer to waive automatic lien foreclosures when it is in the best interest of the Town. **It was moved and 2nd to approve article as written. The motion passed on a hand vote.**
5. To see if the Town will vote to authorize the Selectmen to sell and/or dispose of any property or fixtures deemed to be surplus and unusable to the Town and worth less than \$1,000 fair market value, under such terms and conditions as they deem advisable after advertising such items publicly. **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**
6. To see if the Town will vote to appropriate all funds from the money received from the State of Maine for registration of snowmobiles to the Frenchman Bay Riders Snowmobile Club for the purpose of maintaining their snowmobile trails, to be open for the use of the public at all times, and to authorize the municipal officers to enter into an agreement with the Club, under such terms and conditions as the municipal officers may deem advisable, for that purpose. **It was moved and 2nd to approve the article as written. John Holt asked for a definition of public use. There was a discussion on using the trails for cross country skiing and all terrain vehicle use. It was recommended that folks consult with the snowmobile club. The motion passed on a hand vote.**
7. To see if the Town will vote to authorize the tax collector or treasurer to accept pre-payments of 2010/2011 taxes not yet committed pursuant to 36 M.R.S.A. § 506. **It was moved and 2nd to approve article as written. The motion passed on a hand vote.**
8. To see if the Town will vote to authorize expenditures to pay tax abatements and applicable interest granted by the Board of Assessors or the Board of Selectmen during the fiscal year beginning July 1, 2010 in an aggregate amount not to exceed the property tax commitment overlay. **It was moved and 2nd to approve article as written. The motion passed on a hand vote.**
9. To see if the Town will vote to approve an ordinance entitled "Frenchman's Bay Regional Shellfish Conservation Ordinance" **It was moved and 2nd to approve article as written. Douglas Stewart asked what the definition of shellfish includes. Hannah Annis from the Department of Marine Resources said it includes all intertidal shellfish like clams,**

quahogs, razor clams, hen clams, eastern oysters, and European Oysters it does not include mussels. Moderator Harvey Kelley explained how the ordinance is designed to work. Richard Fennelly Jr. talked about the pressure on the flats and pointed out there will be one selectmen from each town to regulate laws. There was a brief discussion on costs of commercial and residential licenses. Ms. Annis said junior and senior recreational licenses would be free of charge. Kurt Strauch asked why the town couldn't have a local organization instead of a regional organization. Selectman Fennelly said that it would be too expensive to pay for a warden to regulate the flats. Marion McDevitt asked if residents will be able to dig in surrounding towns included in the regional organization. Selectman Fennelly said yes residents will be able to dig in surrounding towns. Michael Garrett made a motion to cease discussion it was 2nd. The motion passed on a hand vote. The initial motion then passed on a hand vote.

10. To see if the Town will authorize the Board of Selectmen to enter into an Interlocal Agreement for Administration of the Frenchman's Bay Regional Shellfish Conservation Ordinance. **It was moved and 2nd to pass article as written. The motion passed on a hand vote.**
11. To see if the Town will appropriate from the Harbor Fund \$1,820 for its share of startup costs for the Regional Shellfish Conservation Ordinance for the fiscal year ending June 30, 2010. **It was moved and 2nd to approve article as written. Richard Fennelly Jr. explained that a grant was granted for for startup costs so the town does not need to approve this article. The motion failed on a hand vote.**
12. To see what sum the Town will vote to raise and appropriate for its share of costs for enforcement and administration of the Frenchman's Bay Regional Shellfish Conservation Ordinance. (*The Selectmen & Budget Committee recommend a total of \$2,725.00*) **It was moved and 2nd to pass as recommended. Gerald Jordan asked if the \$2, 725.00 is the annual amount. Richard Fennelly Jr. said that he is hoping that the share of costs for enforcement and administration will be self funded. James Norris made a motion to amend the recommended amount to \$3,000.00 it was 2nd. The motion to amend passed and the motion as amended for \$3,000.00 passed on a hand vote.**
13. To see if the Town will enact a series of amendments to the Lamoine Building and Land Use Ordinance entitled "Aquifer Protection Amendments, April 2010". **It was moved and 2nd to pass article as written. Gerald Jordan asked for an explanation of the basic changes to the ordinance. John Holt said the changes are contained in the 5 pages of the Aquifer Protection Amendment. The motion passed on a hand vote.**
14. To see if the Town will enact a series of amendments to the Lamoine Building and Land Use Ordinance entitled "Home Occupation Amendments, April 2010". **The article was moved and 2nd to pass as written. The motion passed on a hand vote.**
15. To see what sum the Town will vote to raise and appropriate for Administration and to set the salaries of the following elected officers whose salaries will be paid from the Administration Account of the General Fund, and to authorize the Board of Selectmen to establish the rate of compensation for appointed officials.

| Position | Recommended Salary (Budget Committee & Selectmen) |
|------------------------------------|----------------------------------------------------------------------|
| Selectman (Chair) | \$1,600.00 |
| Selectman (non-chair, 4 positions) | \$1,000.00 |
| Assessor (Chair) | \$1,600.00 |
| Assessor 2 | \$1,500.00 |
| Assessor 3 | \$1,250.00 |

(The Budget Committee & Selectmen recommend \$160,557.47 and the salaries as outlined above.) **It was moved and 2nd to pass as recommended. Carol Korty asked why Assessor amounts were different. Assessor Jane Fowler said the amounts were divided up by amount of work and experience. The motion passed on a hand vote.**

16. To see what sum the Town will vote to raise and appropriate for capital projects. (The Selectmen & Budget Committee recommend a total of \$30,611.50, including \$8,116.50 for debt service payment on the 2009 fire truck, \$12,495 to upgrade radios and pagers for the fire department to meet upcoming federal regulations, and \$10,000.00 for an addition to the Revaluation Reserve Fund.) **It was moved and 2nd to pass as recommended. Fire Chief George Smith made a motion to amend the amount to \$29,111.50 it was 2nd. Chief Smith said the department received a grant from the Maine Forest Service in the amount of \$1,500.00 for radio purchases. The motion to amend passed and the motion as amended for \$29,111.50 passed on a hand vote.**

17. To see what sum the Town will vote to raise and appropriate for Code Enforcement, and to authorize expenditure of the state share of local plumbing fees to the Maine Department of Human Services. (The Selectmen and Budget Committee recommend \$19,905.00.) **It was moved and 2nd to approve as recommended. The motion passed on a hand vote.**

18. To see what sum the Town will vote to raise and appropriate for the Planning and Appeals Boards. (The Planning Board, Selectmen and Budget Committee recommend \$800.00.) **The article was moved and 2nd to pass as recommended. The motion passed on a hand vote.**

19. To see what sum the Town of Lamoine will vote to raise and appropriate for the support of social service organizations listed below, which made written requests for funding from the Selectmen, and met the criteria of the Town Meeting Donation Requests Ordinance adopted November 7, 2000.

| Requesting Agency | Requested | Recommended |
|----------------------------------------------|-------------------|-------------------|
| American Red Cross – Pine Tree Chapter | \$500.00 | \$500.00 |
| Child & Family Opportunities | \$400.00 | \$400.00 |
| Downeast Horizons | \$600.00 | \$600.00 |
| Eastern Area Agency on Aging | \$250.00 | \$250.00 |
| Faith In Action – Community Connection | \$600.00 | \$600.00 |
| Hancock County Home Care | \$579.00 | \$579.00 |
| Hospice of Hancock County | \$600.00 | \$600.00 |
| Loaves & Fishes Food Pantry | \$600.00 | \$600.00 |
| Washington/Hancock Community Agency | \$600.00 | \$600.00 |
| Women’s Infants & Children (Downeast Health) | \$600.00 | \$600.00 |
| Yesterday’s Children | \$300.00 | \$300.00 |
| Total | \$6,229.00 | \$6,229.00 |

(The Budget Committee & Selectmen recommend \$6,229.00 as outlined above. The donation requests ordinance requires the Board of Selectmen to recommend no more than 5% of one mill, which is \$12,355.27) **It was moved and 2nd to pass with the recommended amounts. The motion passed as recommended by a hand vote.**

20. To see if the Town will vote to amend the ordinance entitled “Ordinance regarding Town Meeting Donation Requests” to as outlined in a publication entitled “Amendments to Town Meeting Donation Request Ordinances April 2009”, said amendments lowering the maximum donation recommendation and providing for a separate, voluntary donation system to be administered through the tax collection process. **It was moved and 2nd to pass article as written. John Holt said that the ordinance would be an administrative nightmare. There was a discussion about the proposed changes. A hand vote on the motion failed.**

21. To see what sum the Town will vote to raise and appropriate for Parks & Recreation. *(The Parks Commission, Selectmen and Budget Committee recommend \$7,401.00).* **It was moved and 2nd to pass article with the recommended amounts. The motion passed on a hand vote.**
22. To see what sum the Town will vote to raise and appropriate for library services. *(The Selectmen and Budget Committee recommend \$6,270.00. The Ellsworth Public Library has requested funding of \$7,735.00).* **The article was moved and 2nd to raise and appropriate as recommended by the Budget Committee. John Holt made a motion to amend the figure to \$7,735.00. It was 2nd. There was a brief explanation from library trustee Ron Fortier that their request was based on an increase of \$2.00 per card member. The motion to amend passed and the motion as amended for \$7,735.00 passed on a hand vote.**
23. To see what sum the Town will vote to raise and appropriate for Public Safety Expenditures. *(The Budget Committee, Selectmen and Fire Department recommend \$55,800.00)* **It was moved and 2nd to raise and appropriate as recommended. The motion passed on a hand vote.**
24. To see what sum the Town will vote to raise and appropriate for Road Maintenance. *(The Budget Committee and Selectmen recommend \$140,255.00.)* **It was moved and 2nd to approve as recommended. Mr. Marckoon made a motion to amend the amount to \$132,655.00 because of the lower cost of snow plowing. It was 2nd. The motion to amend passed and the motion as amended for \$132,655.00 passed on a hand vote.**
25. To see what sum the Town will vote to raise and appropriate for major road projects including repavement of Asa's Lane. *(The Budget Committee and Selectmen recommend \$93,000).* **It was moved and 2nd to pass as recommended. There was a brief discussion on what major road projects are in the works. Mr. Marckoon said it is only the Asa's Lane paving project and the start date should be in the spring of 2011. The motion passed as recommended on a hand vote.**
26. To see what sum the Town will vote to raise and appropriate for operation of the Local Government Cable TV Channel(s). *(The Selectmen and Budget Committee, and Cable TV Committee recommend \$5,000.00 – operational funds to come from the Cable TV Fund, and any unexpended funds to be closed into the Cable TV fund)* **It was moved and 2nd to pass as recommended. There was a brief discussion on the areas that do not have access to cable and what can be done to encourage Time Warner to expand into those areas. Moderator Kelley said the Board of Selectmen would be the appropriate venue to handle that. The motion passed on a hand vote.**
27. To see what sum the Town will vote to raise and appropriate for waste disposal including operation of the Lamoine Transfer Station, shipment to the Penobscot Energy Recovery Company, recycling contractor, monitoring of wells around the former landfill, and to authorize the Selectmen to continue the contract of disposal of septic sludge. *(The Selectmen and Budget Committee recommend \$99,305.00)* **It was moved and 2nd to pass as recommended. There was a brief discussion about cardboard recycling. The motion passed on a hand vote.**
28. To see which revenues the Town will vote to appropriate for inclusion in the non-education portion of the budget to offset local property taxes.

| Revenue Fund | Amount | Fund Total |
|-------------------------------|--------------|------------|
| <i>General Fund</i> | | |
| Interest on Real Estate Taxes | \$5,000.00 | |
| Automobile Excise Taxes | \$285,000.00 | |
| Watercraft Excise Taxes | \$3,800.00 | |

| | | |
|--------------------------------------------|-------------|---------------------|
| Administration Fees | \$1,000.00 | |
| Tax Lien Charges | \$1,350.00 | |
| Agent Fees | \$5,500.00 | |
| General Assistance Reimbursement | \$1,500.00 | |
| Interest on Investments | \$15,000.00 | |
| Undesignated Fund Balance (Surplus) | \$50,000.00 | |
| | | \$380,150.00 |
| <i>Road Fund</i> | | |
| URIP Program (State Funding) | \$22,200.00 | |
| Use of Road Fund | \$15,000.00 | \$37,200.00 |
| <i>Code Enforcement Fund</i> | | |
| Local Plumbing Fees | \$2,500.00 | |
| Code Enforcement Fees | \$5,700.00 | |
| | \$0.00 | \$8,200.00 |
| <i>Code Enforcement Fund Transfer</i> | | |
| <i>Other Funds</i> | | |
| Local Animal Control Fees | | \$1,500.00 |
| Cable TV Franchise Fees | | \$5,000.00 |
| Capital Projects Fund | | \$10,000.00 |
| Total Offsets to Local Property Tax | | \$442,250.00 |

*Municipal Revenue Sharing will also reduce the tax commitment and is not included in the above figure. (The Selectmen and Budget Committee recommend the revenue figures listed above.) **It was moved and 2nd to pass as recommended. The motion passed on a hand vote.**

29. To see if the Town will vote to establish and/or continue the following funds:

| Fund Balance Account | Balance as of 6/30/09* |
|------------------------------|-------------------------------|
| Code Enforcement Fund | \$ 7,301.26 |
| Fire Truck Reserve Fund | \$ 11,838.72 |
| Road Assistance Fund | \$ 70,561.77 |
| Education Capital Fund | \$ 10,004.46 |
| Animal Control Fund | \$ 3,093.81 |
| Revaluation Reserve Fund | \$ 52,035.82 |
| Insurance Deductible Fund | \$ 4,648.54 |
| Harbor Fund | \$ 10,040.74 |
| Cable TV Channel Fund | \$ 14,656.31 |
| Parks & Recreation Fund | \$ 4,436.83 |
| Capital Improvements Fund | \$ 98,828.80 |
| Land Conservation Fund | \$ 3,089.57 |
| Veterans Memorial Fund | \$ 8,844.71 |
| Conservation Commission Fund | New fund proposed |

*Note that most funds are part of continuing operations, so the balance of 6/30/09 does not reflect any appropriations, expenditures or revenues for the current fiscal year.

(The Selectmen and Budget Committee recommend continuing or establishing the above funds) **It was moved and 2nd to approve the article as written. There was a brief discussion on how much was left in the Veterans Memorial Fund. Mr. Marckoon said about \$100.00. The motion passed on a hand vote.**

30. To see if the Town will authorize expenditure of funds from the Harbor Fund for improvements at the Harbor area as suggested to and approved by the Board of Selectmen, and to authorize the Selectmen to set the compensation of the Harbor Master and Deputy Harbor Master to be paid from the Harbor Fund, and to authorize the Selectmen and Harbor Master to devise a program to rent guest moorings in the town harbor, with fees for such rentals to accumulate to the Harbor Fund. *(The Selectmen and Budget Committee recommend approval as written)*. **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**

There being no further business to transact, Moderator Kelley declared the town meeting adjourned at 8:43 PM.

Respectfully submitted,

**Jennifer Kovacs, Town Clerk
April 9, 2010**