

March 12, 2013

Minutes of Annual Town Meeting

Deputy Town Clerk Stuart Marckoon called the meeting to order at the Lamoine Town Hall at 7:55AM.

1. To choose a moderator to preside over said meeting. **Joan Broussard nominated Harvey Kelley. Stuart Marckoon 2nd. A written ballot elected Mr. Kelley 3-0. Mr. Kelley swore his oath of office to Deputy Clerk Marckoon, and then appointed Stuart Marckoon as Deputy Moderator, who took the oath of office from Moderator, Mr. Kelley. At 8:00AM, 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 2016)
 - B. Assessor (1 position, term to begin July 1, 2013 and end June 30, 2016)
3. To vote by secret ballot referendum on the following, question: The State of Maine has adopted a statewide building code known the Maine Uniform Building and Energy Code or "MUBEC". Municipalities with a population of less than 4,000 have the option to inspect and enforce compliance with MUBEC on all construction projects. Please select one of the options below:
 - A. The Code Enforcement Officer/Building Inspector **WILL NOT** enforce and inspect all construction projects for compliance with the Maine Uniform Building and Energy Code and the Planning Board is instructed to prepare amendments to the Building and Land Use Ordinance to reflect this.
 - B. The Code Enforcement Officer/Building Inspector **WILL** enforce and inspect all construction projects for compliance with the Maine Uniform Building and Energy Code and the Planning Board is instructed to prepare amendments to the Building and Land Use Ordinance to reflect this.

The voting results were as follows:

Selectman	Total Votes
Johnson, Bernard	109
Mason, Nathan	109
Norris, Christopher	103
Write-In	11
Assessor	
Fowler, Jane	175
Write In	2
Advisory Question	
Will NOT Enforce	94
Will enforce	93
Turnout	202
Registered Voters	1463
Turnout %	13.81%

Moderator Harvey Kelley declared Mr. Johnson and Mr. Mason the winners of the Selectman's contest, Mrs. Fowler the winner of the Assessor's office, and the "Will Not Enforce" option as prevailing on the advisory question.

Open Town Meeting

Wednesday, March 13, 2013 6:00 PM

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

Bernard Johnson, Selectman & Overseer of the Poor
Nathan Mason, Selectman & Overseer of the Poor
E. Jane Fowler, Tax Assessor

Ballot Clerks Kathleen DeFusco and Carol Korty checked in 141 voters at the open town meeting.

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

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

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

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:

The Lamoine Board of Selectmen presented the Citizen of the Year award to Richard Fennelly Jr.

The Lamoine Conservation Commission presented an award to Gerald and Iris Simon for their land conservation efforts.

The town acted on the following resolve: "To see if the town will acknowledge the importance of its children's very early years; welcome all young children born or residing in Lamoine; and wish for them the blessings of healthy development; a nurturing family and neighborhood; a community that values them; a quality education; and support for them and their families." **It was moved and 2nd to pass resolve as written. The motion passed on a hand vote.**

4. To see if the town will vote to set the date that property taxes will be due in two equal payments on August 31, 2013 and February 28, 2014, and to fix the rate of interest at 7.00% to be charged on the unpaid amounts beginning September 1, 2013 and March 1, 2014 respectively, and to fix the rate of interest paid for overpayments at 3.00% per annum. **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 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.**
6. 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 article as written. The motion passed on a hand vote.**

7. 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 article as written. The motion passed on a hand vote.**
8. To see if the Town will vote to authorize the tax collector or treasurer to accept pre-payments of 2013/2014 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.**
9. 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, 2013 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.**
10. Shall an ordinance entitled “Lamoine Gravel Ordinance 2013” be enacted which shall repeal and replace all prior versions of this ordinance? (An attested copy of the ordinance is on file in the town clerk’s office). **It was moved and 2nd to approve article as written. John Holt Planning Board Chair, asked for support of the ordinance. He explained the handout that was provided and thanked the planning board members for all their work. Perry Fowler expressed his concerns with the buffers and setbacks and how it will affect land values. He said he would like to see the article not pass so the board can revisit ordinance and adjust setbacks. Brett Jones briefly talked about gravel extraction. Michael Jordan commented that if the ordinance passed it would affect the small gravel owners not the big gravel companies. Jay Fowler asked for a written ballot to pass article. The motion passed on a counted vote of 78 yes 61 no.**
11. Shall an ordinance entitled “2013 Amendments to the Lamoine Site Plan Review Ordinance” be enacted? (An attested copy of this ordinance is on file in the town clerk’s office). **It was moved and 2nd to approve article as written. John Holt asked for approval of the ordinance. The motion passed on a hand vote.**
12. Shall the Town vote to approve a set of amendments to the Frenchman Bay Regional Shellfishing Conservation Ordinance and the Frenchman Bay Regional Shellfishing Conservation Interlocal Management Agreement regarding membership of the joint municipal board and the power to make minor amendments. (An attested copy of the amendments is posted with this warrant and incorporated herein). **It was moved and 2nd to approve article as written. The motion passed on a hand vote.**
13. Shall the Town authorize the Municipal Officers to appoint a committee to begin the process of updating the 1996 Comprehensive Plan, said committee to develop an initial budget no later than December 31, 2013 for inclusion in the annual town meeting warrant in 2014? **It was moved and 2nd to approve article as written. The motion passed on a hand vote.**
14. 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 and Budget Committee recommend \$3,000.00*) **It was moved and 2nd to pass as recommended. 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	\$1,500.00

(The Budget Committee & Selectmen recommend \$189,403.70 and the salaries as outlined above.) It was moved and 2nd to pass the article as recommended. The motion passed on a hand vote.

16. To see if the Town will appropriate from funds received from the Allen and Leurene Hodgkins Memorial Trust an amount not to exceed \$1,000 to complete a shelving project in the Lamoine Town Hall Vault during fiscal year 2012/13. *(The Budget Committee recommends a "yes" vote. As of June 30, 2012, the fund contained \$14,693.31. Revenue received in the current fiscal year is \$8,626.44. There was \$8,000.00 previously appropriated from this fund for this project, leaving \$15,319.75 available).* **It was moved and 2nd to pass as recommended. The motion passed on a hand vote.**

17. To see if the Town will vote to appropriate \$230,000 to purchase a new fire tanker/pumper truck, using \$9,000 from the Fire Truck Reserve Fund, \$25,000 to be donated by the Lamoine Volunteer Fire Department, Inc., and to authorize the Selectmen to borrow up to \$196,000 over 5 years for the remainder. *(The Budget Committee recommends the town approve the fire truck purchase as proposed)*

MUNICIPAL TREASURER'S FINANCIAL STATEMENT
(30-A MRSA § 5404(1-A & 5772(2-A))
Town of Lamoine

1. Total town indebtedness:

a. Bonds Outstanding and unpaid as of January 1, 2013:	\$14,000.00
b. Bonds authorized and unissued:	\$0.00
c. Bonds to be issued if this question is approved:	\$196,000.00
Total	\$210,000.00

2. At an estimated maximum interest rate of 3.5%, the estimated cost of this bond issue will be:

Five(5) Years (2014-2019)	
Principal:	\$196,000.00
Interest	20,580.00
Total	\$216,580.00

3. Validity. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service or the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance. **It was moved and 2nd to pass as recommended. The motion passed on a hand vote.**

18. To see if the Town will accept a gift of \$7,000 from the Lamoine Volunteer Fire Department, Inc. to use to pay the balance of the loan on the 2010 Brush Truck in combination with town raised funds during FY 2012/13. *(The Budget Committee and Selectmen recommend a yes vote)* **It was moved and 2nd to pass as recommended. The motion passed on a hand vote.**

19. To see what sum the Town will vote to raise and appropriate for capital projects and debt service payments. *(The Selectmen and Budget Committee recommend a total of \$62,860 including \$48,060 for debt service payment and bond counsel for a new fire-tanker/pumper truck, \$800 for purchase of a new laptop computer for use by the Code Enforcement Officer, \$3,000.00 for a new roof and other maintenance upgrades at the town storage garage at 252 Lamoine Beach Road, \$1,000.00 to be added to the Land Conservation Fund,, and \$10,000.00 to be added to the Revaluation Reserve Fund.)* **It was moved and 2nd to pass as recommended. The motion passed on a hand vote.**
20. To see what sum the Town will vote to raise and appropriate for Code Enforcement, including operations of the Planning and Appeals Boards, 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 \$16,460.00.)* **It was moved and 2nd with the recommended amount. The motion passed on a hand vote.**
21. 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
Child & Family Opportunities	\$400.00	\$400.00
Down East AIDS Network	\$600.00	\$600.00
Downeast Horizons	\$600.00	\$600.00
Friends In Action – Community Connection	\$600.00	\$600.00
Grand Auditorium	\$600.00	\$600.00
Eastern Maine Home Care	\$579.00	\$579.00
Hospice Volunteers of Hancock County	\$600.00	\$600.00
Lamoine Historical Society	\$600.00	\$600.00
Loaves & Fishes Food Pantry	\$600.00	\$600.00
Maine Coast Memorial Hospital	\$600.00	\$600.00
Washington/Hancock Community Agency	\$2,001.00	\$600.00
Women's Infants & Children (Downeast Health)	\$600.00	\$600.00
Yesterday's Children	\$300.00	\$300.00
Total	\$8,680.00	\$7,279.00

(The Budget Committee & Selectmen recommend \$7,279.00 as outlined above. The donation requests ordinance requires the Board of Selectmen to recommend no more than 5% of one mill, which is \$12,822.58) **It was moved and 2nd to pass the article as recommended by the budget committee. Carol Smith made a motion to increase the amount to \$7,879, adding \$600 for Maine Coast Memorial Hospital. There was a brief explanation of Maine Coast's prescription medicine program. Carol Smith said the program served 58 Lamoine residents who received \$149,500.00 worth of prescriptions. Selectmen S. Josephine Cooper said all agencies need the money but the cap was set at \$600.00 so that is what was asked for. She said she was not in favor of the motion. Heather Fowler briefly spoke about the benefits of the prescription program and how much it helps. Hubene Brodie asked why the Grand Auditorium was listed as a social service organization. Frederick Stocking said it's a nonprofit agency and it meets the criteria for a donation request. The motion to amend passed and the motion as amended for \$7,879 passed on a hand vote.**

22. To see what sum the Town will vote to raise and appropriate for Parks, Recreation and Cemetery Maintenance. *(The Parks Commission, Selectmen and Budget Committee recommend \$8,421.00).* **It was moved and 2nd to raise and appropriate \$8,421.00. The motion passed on a hand vote.**

23. To see what sum the Town will vote to raise and appropriate for library services. *(The Selectmen and Budget Committee recommend \$7,128.00. The Ellsworth Public Library has requested funding of \$7,128.00).* **It was moved and 2nd to raise and appropriate \$7,128.00. The motion passed on a hand vote.**
24. To see what sum the Town will vote to raise and appropriate for Public Safety Expenditures. *(The Budget Committee, Selectmen and Fire Department recommend \$60,315.50)* **It was moved and 2nd to raise and appropriate \$60,315.50. The motion passed on a hand vote.**
25. To see what sum the Town will vote to raise and appropriate for Road Maintenance. *(The Budget Committee and Selectmen recommend \$157,650.00.)* **It was moved and 2nd to raise and appropriate \$157,650.00. The motion passed on a hand vote.**
26. To see what sum the Town will vote to raise and appropriate for major road projects including re-pavement of a portion of Walker Road and the Lamoine Transfer Station. *(The Budget Committee and Selectmen recommend \$88,320.00).* **It was moved and 2nd to raise and appropriate \$88,320.00. 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 \$99,005.00)* **It was moved and 2nd to raise and appropriate \$99,005.00. The motion passed on a hand vote.**
28. To see what sum the Town will raise and appropriate for the purposes of secondary education tuition and debt service, and insured value factor payments to non-RSU 24 facilities for those students in grades 9-12 attending non-RSU 24 secondary schools. *(The Budget Committee recommends \$70,018.65).* **It was moved and 2nd to raise and appropriate \$70,018.65. The motion passed on a hand vote.**
29. 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	\$8,000.00	
Automobile Excise Taxes	\$272,000.00	
Watercraft Excise Taxes	\$3,400.00	
Administration Fees	\$750.00	
Tax Lien Charges	\$4,200.00	
Agent Fees	\$5,600.00	
General Assistance Reimbursement	\$2,250.00	
Interest on Investments	\$11,500.00	
Rental Income – Cell Phone Tower	\$12,000.00	
Undesignated Fund Balance (Surplus)	\$100,000.00	
		\$419,700.00
<i>Road Fund</i>		
URIP Program (State Funding)	\$21,500.00	
Use of Road Fund	\$20,000.00	\$41,500.00
<i>Code Enforcement Fund</i>		

Local Plumbing Fees	\$2,000.00	
Code Enforcement Fees	\$7,000.00	
<i>Code Enforcement Fund Transfer</i>	\$3,000.00	\$12,000.00
<i>Other Funds</i>		
Local Animal Control Fees		\$1,500.00
Use of Capital Projects Fund		\$3,000.00
Total Offsets to Local Property Tax		\$477,700.00

*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 approve as recommended. The motion passed on a hand vote.**

30. To see if the Town will vote to continue the following funds:

Fund Balance Account	Balance as of 6/30/12*
Code Enforcement Fund	\$11,303.76
Fire Truck Reserve Fund	\$9,546.10
Road Assistance Fund	\$59,271.58
Education Capital Fund	\$9,352.06
Animal Control Fund	\$4,046.95
Revaluation Reserve Fund	\$74,178.72
Insurance Deductible Fund	\$5,640.33
Harbor Fund	\$13,152.43
Cable TV Channel Fund	\$25,466.80
Parks & Recreation Fund	\$5,735.59
Capital Improvements Fund	\$65,651.16
Land Conservation Fund	\$4,221.11
Veterans Memorial Fund	\$5,573.92
Conservation Commission Fund	\$277.33
Flag Display Maintenance Fund	\$127.54
Allen & Leurene Hodgkins Fund	\$14,693.31

*Note that most funds are part of continuing operations, so the balance of 6/30/12 does not reflect any appropriations, expenditures or revenues for the current fiscal year.

(The Selectmen and Budget Committee recommend continuing the above funds) **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**

31. 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. Expenditures are not to exceed available amounts in said fund. **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**

32. To see if the Town will authorize expenditure of funds from the Cable TV Fund for operation of Lamoine's Cable TV channel as suggested to and approved by the Board of Selectmen, and to authorize the Selectmen to set the compensation of the Cable TV Operations Manager. Expenditures are to be deducted from and Revenues are to be added to the Cable TV fund. Expenditure amounts are not to exceed available amounts in said fund. **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**

33. To see if the Town will authorize expenditure of funds from the Veterans' Memorial Fund as recommended to and approved by the Board of Selectmen for the purposes of maintaining the

memorial, not to exceed the available amount of the fund. **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**

34. To see if the Town will authorize expenditure of funds in the Conservation Commission Fund as recommended to and approved by the Chair of the Conservation Commission for commission projects, said funds not to exceed the available amount of the fund. **It was moved and 2nd to approve the article as written. The motion passed on a hand vote.**

Following the final article there was a brief discussion regarding the planning board working with the small gravel business owners and to continue working on the gravel ordinance. Jay Fowler thanked the town for its support.

There being no further business to transact, Moderator Kelley declared the town meeting adjourned at 7:51 PM.

Respectfully submitted,

Jennifer Kovacs, Town Clerk