

## Minutes of the Annual Town Meeting

**March 11, 2014**

Deputy Town Clerk Stuart Marckoon opened the annual town meeting at 7:55 AM at the Lamoine Town Hall.

1. To choose a moderator to preside over said meeting. ***It was moved and 2<sup>nd</sup> to select Harvey Kelley as moderator. Three ballots were cast and the vote for Mr. Kelley was unanimous. Deputy Clerk Marckoon administered the oath of office to Mr. Kelley. Mr. Kelley appointed Mr. Marckoon as the Deputy Moderator and administered the oath of office to him. Kathleen DeFusco, Marion McDevitt, and Joan Broussard were appointed as ballot clerks by Town Clerk Jennifer Kovacs and Deputy Clerk Stuart Marckoon administered their oaths.***
2. To elect the following Town Officers by secret ballot:
  - a. Selectman & Overseer of the Poor (1 positions, term to end town meeting 2017)
  - b. Assessor (1 position, term to begin July 1, 2013 and end June 30, 2017)
  - c. School Committee Member (1 position to begin immediately and end at town meeting 2016 (2 year term))
  - d. School Committee Member (1 position to begin immediately and end at town meeting 2017 (3 year term))**The Voting results were as follows:**

Selectman	Total Votes
Christie, Robert	185
Fowler, Heather	193
Others	0

Assessor	
Towne, Terry	325
Others	3

School Board 3-year	
Peacock, Valerie	338
Others	1

School Board 2-year	
Pulver, Robert	332
Others	1

# Ballots Cast	380
# Registered	1450
Turnout Percent	26%

**Moderator Kelley certified the results, declaring Mrs. Fowler, Mr. Towne, Mrs. Peacock and Mr. Pulver to be elected in their respective offices.**

**March 12, 2014** – Deputy Moderator Stuart Marckoon convened the open town meeting portion of the Annual Town Meeting at 6:00 PM at the Lamoine School. There were 40 registered voters present. Prior to the meeting, the Selectmen publicized that due to a winter storm warning being in effect during

the scheduled meeting time, a motion would be offered to adjourn the town meeting to a date certain. Moderator Marckoon asked if there were any motions. Selectman S. Josephine Cooper moved to adjourn the annual town meeting until April 10, 2014 at 6:00 PM at the Lamoine Consolidated School. The motion was seconded by Selectman Gary McFarland. Chris Tadema-Wielandt inquired whether the persons in attendance were registered voters. Deputy Moderator Marckoon said they were. There was no further discussion, and the motion to adjourn to April 10, 2014 passed on a hand count.

## **Open Town Meeting**

Thursday, April 10, 2014

Ballot Clerk Kathleen DeFusco checked in 118 voters at the open town meeting.

Moderator Harvey Kelley called the open town meeting to order at approximately 6:10PM.

Mr. Kelly announced the results of the election from March 11, 2014.

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

It was moved and 2<sup>nd</sup> 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 Cynthia Donaldson.

The Lamoine Conservation Commission presented an award to Robert and Georgianna Pulver.

1. To see if the town will vote to set the date that property taxes will be due in two equal payments on August 31, 2014 and February 28, 2015, and to fix the rate of interest at 7.00% to be charged on the unpaid amounts beginning September 1, 2014 and March 1, 2015 respectively, and to fix the rate of interest paid for overpayments at 3.00% per annum. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
2. 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 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
3. 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 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
4. 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 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
5. To see if the Town will vote to authorize the tax collector or treasurer to accept pre-payments of 2014/2015 and 2015/16 taxes not yet committed at 0% interest for overpayments pursuant to 36

M.R.S.A. § 506. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**

6. 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, 2014 in an aggregate amount not to exceed the property tax commitment overlay. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
7. To see if the Town will vote to amend the Lamoine Gravel Ordinance adopted in March 2013 as follows: Section 7 Administration, Subsection G Appeals – delete present wording *The decision of the Planning Board may be appealed to the Lamoine Board of Appeals. The appeal shall be in writing and submitted within thirty (30) days of the decision of the Planning Board, and shall be accompanied by the required fee as established by the Lamoine Board of Selectmen.* And replace with:
  1. ***Any decision of the Planning Board may be appealed by any party of standing to the Lamoine Board of Appeals. The appeal shall be in writing and submitted within thirty (30) days of the date of the written decision of the Planning Board and shall be accompanied by the required fee as established by the Lamoine Board of Selectmen.***
  2. ***A hearing shall be conducted by the Board of Appeals, which shall act solely in an appellate capacity. Following a hearing, that shall not be de novo, but shall be limited to a review of the record developed before the Planning Board, and the parties' arguments based on that record, the Board of Appeals may reverse the decision of the Planning Board only upon a finding that the decision is clearly contrary to specific provisions of the applicable ordinance. Upon reversal, the matter shall be remanded to the Planning Board for further proceedings consistent with the Board of Appeals' ruling.***

**It was moved 2<sup>nd</sup> to approve article as written. A brief discussion on the meaning of de novo. The motion passed on a hand vote.**

8. To see if the Town will vote to amend the Lamoine Gravel Ordinance adopted in March 2013 as follows: Section 8 PERFORMANCE STANDARDS Subsection A Set-backs Subsection 1 - Delete this paragraph: *For a period of three (3) years from effective date of this Ordinance, the 100-foot buffer strip between the boundary of the Gravel Pit and an abutting parcel boundary may be reduced to not less than fifty (50) feet with written permission of the current abutting property owner. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel. After said three (3) year period, reduction of the 100-foot set-back by an abutting parcel owner shall not be permitted.*

Remaining sentence becomes subsection a.

Add subsection b as follows:

- b. ***Excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the Parcel boundary when conditions stated in A.2., A.3., and A.4., are met and if the following conditions are met:***
  - 1) ***the Parcel or part thereof on which the Gravel Pit is located had been granted a Site Plan Review Permit for a Gravel Pit;***
  - 2) ***the owner of the abutting property grants written permission for the excavation to occur. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel;***
  - 3) ***excavation within the buffer strip may not exceed the 2.5-1.0 slope as required and described in Section 8.D.1.a (Restoration);***
  - 4) ***the area within the buffer strip anticipated to be excavated during the life of the Permit must be specified in the application and will be considered as part of the Pit; and***

- 5) reclamation of the area designated in (4) above must be completed prior to the expiration of the Permit.**

It was moved and 2<sup>nd</sup> to approve as amended. John Holt briefly explained amendment on behalf of the Planning Board. A brief discussion followed on setback requirements on new gravel pit owners. Catherine DeTuede made a motion for a written ballot it was 2<sup>nd</sup>. The motion failed on a counted hand vote 41 yes 62 no. The article passed on hand vote.

11. To See if the Town will vote to amend the Lamoine Gravel Ordinance adopted in March 2013 as follows: Section 8 PERFORMANCE STANDARDS, Subsection D Restoration, Subsection 3 Performance Guarantee – Delete the following language: *Each permit holder shall pay to the Town of Lamoine \$0.05 (5 cents) for every cubic yard of material excavated and removed from the permitted area as disclosed in the Annual Report made to the CEO (see paragraph H. below). Such payment shall accompany the Annual Report. The amount paid shall be deposited by the Town in an escrow account bearing the permit holder's name and tax ID number. The sole purpose of the escrow account shall be to provide funds to cover the total costs of all required Restoration activities specified in the reclamation plan. Money may be withdrawn from the escrow account to pay for restoration work only after such work is completed to the satisfaction of the CEO. The permit holder is liable for all additional costs associated with reclamation if the funds available in the escrow account are insufficient to cover the actual costs of reclamation. Should the owner/operator fail to complete required Restoration work, a lien in an amount three times the estimated cost to complete required Restoration shall be recorded against the Parcel.*

And replacing the deleted language with the following:

- a. Each permit holder shall pay to the Town of Lamoine \$0.05 (5 cents) for every cubic yard of material excavated and removed from the permitted area. Such payment shall be made annually in an amount based on the number of cubic yards excavated and removed in the previous 12 months as disclosed in the Annual Report made to the CEO (see paragraph H. below). Such payment shall accompany the Annual Report.**
- b. The amount paid to the Town shall be held in a Gravel Pit Restoration account, the sole purpose of which shall be to accumulate and provide funds to pay the costs of required Restoration activities specified in the reclamation plan. The account shall keep record of which permit holder made payments and for which Gravel Pit the payments were made.**
- c. Money shall be withdrawn by the Town Treasurer from the Gravel Pit Restoration account to pay for restoration work only after such work is completed to the satisfaction of the CEO. The CEO shall submit a written request to the Town Treasurer, noting the amount of payment to be made, the payee, and the Gravel Pit where restoration took place, and describing the work performed. A copy of the report shall be placed in the appropriate Gravel Pit permit file. The amount withdrawn may not exceed the amount credited to the Gravel Pit on which the Restoration work is undertaken.**
- d. The permit holder is liable for all additional costs associated with reclamation if the accumulated funds available are insufficient to cover the actual costs of reclamation.**
- e. Should funds remain after a Gravel Pit is fully restored as required by this Ordinance, such funds shall be paid to the permit holder at the time such reclamation is completed.**
- f. Should the owner/operator fail to complete required Restoration work, a lien in an amount three times the estimated cost to complete required Restoration shall be recorded against the Parcel.**

It was moved and 2<sup>nd</sup> to approve article as written. Gordon Donaldson explained the amended article. Richard Fennelly asked why the lien amount is three times the estimated cost for restoration. Chris Tadema-Wielandt explained that the cost is high so that restoration is completed and the Town is not held accountable for cost if the owner does not complete restoration. Small discussion on interest and accounts. The motion passed on a hand vote.

12. To see if the town will vote to adopt the Building and Land Use Ordinance March 12, 2014, repealing and replacing the Building and Land Use Ordinance dated March 16, 2011. A copy of the proposed ordinance is on file with the Lamoine Town Clerk's Office. **It was moved and 2<sup>nd</sup> to pass article as written. The motion passed on a hand vote.**
13. To see what sum the town will vote to raise and appropriate for the purposes of beginning an update to the Comprehensive Plan most recently passed by the Town of Lamoine in 1996 and to Authorize the Board of Selectmen to appoint a committee to prepare said Comprehensive Plan. *(The Selectmen, Budget Committee and the Comprehensive Plan, Planning Committee recommend \$7,500.00 and to authorize appointment of said committee)* **It was moved and 2<sup>nd</sup> to pass as recommended. 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 2<sup>nd</sup> 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.

<b>Position</b>	<b>Recommended Salary (Budget Committee &amp; Selectmen)</b>
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 \$191,552.82 and the salaries as outlined above.)*  
**It was moved and 2<sup>nd</sup> to pass 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 \$10,000, for a heating system replacement at the Lamoine Town Hall. **It was moved and 2<sup>nd</sup> to pass as written. The motion passed on a hand vote**
17. 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 \$47,211.00 including \$42,211 for debt service payment on the 2013 fire-tanker/pumper truck, \$4,000 to purchase a copier for the Town Office, and \$1,000 to add to the Land Conservation Fund),* **It was moved and 2<sup>nd</sup> to pass the article as recommended. The motion passed on a hand vote.**
18. 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 \$18,265.00.)* **It was moved and 2<sup>nd</sup> to pass the article 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 – Eastern Maine	\$600.00	\$600.00
Community Health & Counseling Services	\$1,690.00	\$600.00
Down East AIDS Network	\$600.00	\$600.00
Downeast Horizons	\$600.00	\$600.00
Eastern Area Agency on Aging	\$250.00	\$250.00
Emmaus Homeless Shelter	\$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
Open Door Recovery Center	\$600.00	\$600.00
Washington/Hancock Community Agency	\$600.00	\$600.00
Women's Infants & Children	\$490.00	\$490.00
<b>Total</b>	<b>\$10,209.00</b>	<b>\$9,119.00</b>

*(The Budget Committee & Selectmen recommend \$9,119.00 as outlined above. The donation requests ordinance requires the Board of Selectmen to recommend no more than 5% of one mill, which is \$12,796.03)*

**It was moved and 2<sup>nd</sup> to pass the article as recommended by the budget committee. Carol Smith made a motion to increase the amount to \$9,719, adding \$600 for Maine Coast Memorial Hospital. There was brief explanation of Maine Coast's prescription medicine program. Carol Korty asked how the article could be amended for more than the \$600.00 cap. Stuart Marckoon explained the voters can amend the figure to whatever they choose but the Budget Committee and Selectmen can only recommend \$600.00. The motion to amend passed and the motion as amended for \$9,719 passed on a hand vote.**

20. 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 \$11,628.00).*  
**It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.**

21. To see what sum the Town will vote to raise and appropriate for library services. *(The Selectmen and Budget Committee recommend \$7,199.00. The Ellsworth Public Library has requested funding of \$7,199.00).*  
**It was moved and 2<sup>nd</sup> to pass article as recommended. The motion passed on a hand vote.**

22. To see what sum the Town will vote to raise and appropriate for Public Safety Expenditures. *(The Budget Committee, Selectmen and Fire Department recommend \$62,265.50)*  
**It was moved and 2<sup>nd</sup> to raise and appropriate \$62,265.50. The motion passed on a hand vote.**

23. To see what sum the Town will vote to raise and appropriate for Road Maintenance. *(The Budget Committee and Selectmen recommend \$167,100.00.)* **It was moved and 2<sup>nd</sup> to raise and appropriate \$167,100.00. The motion passed on a hand vote.**

24. To see what sum the Town will vote to raise and appropriate for major road projects including re-pavement Needles Eye Road. *(The Budget Committee and Selectmen recommend \$156,450.00).* **It was moved and 2<sup>nd</sup> to raise and appropriate \$156,450.00. The motion passed on a hand vote.**

25. 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*

**\$104,650.00) It was moved and 2<sup>nd</sup> to raise and appropriate \$104,650.00. Michael Jordan asked when the contract expires with perk. Stuart Marckoon said 2018. The motion passed on a hand vote.**

26. 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.

<b>Revenue Fund</b>	<b>Amount</b>	<b>Fund Total</b>
<i>General Fund</i>		
Interest on Real Estate Taxes	\$8,500.00	
Automobile Excise Taxes	\$280,000.00	
Watercraft Excise Taxes	\$3,500.00	
Administration Fees	\$750.00	
Tax Lien Charges	\$4,000.00	
Agent Fees	\$5,600.00	
General Assistance Reimbursement	\$1,750.00	
Interest on Investments	\$7,000.00	
Rental Income – Cell Phone Tower	\$12,360.00	
Undesignated Fund Balance (Surplus)	\$30,000.00	
		<b>\$353,460.00</b>
<i>Road Fund</i>		
URIP Program (State Funding)	\$24,000.00	
Use of Road Fund	\$20,000.00	<b>\$44,000.00</b>
<i>Code Enforcement Fund</i>		
Local Plumbing Fees	\$2,000.00	
Code Enforcement Fees	\$7,500.00	
	\$3,000.00	<b>\$12,500.00</b>
<i>Code Enforcement Fund Transfer</i>		
<i>Other Funds</i>		
Local Animal Control Fees		<b>\$1,500.00</b>
<b>Total Offsets to Local Property Tax</b>		<b>\$411,460.00</b>

\*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 2<sup>nd</sup> to pass article as recommended. The motion passed on a hand vote.**

27. To see if the town will vote to increase the maximum property tax levy limit established by State law, in the event that the municipal budget approved at this town meeting results in a tax commitment in excess of the maximum property tax levy otherwise allowable, such that the increased maximum property tax levy hereby established will equal the amount committed. (By state law, the vote on this article must be by written ballot). *(The Selectmen and Budget Committee Recommend approval.)* **It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a written ballot 72 yes 7 no.**

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

<b>Fund Balance Account</b>	<b>Balance as of 6/30/13*</b>
Code Enforcement Fund	<b>\$24,952.88</b>
Fire Truck Reserve Fund	<b>\$205,750.23</b>

Road Assistance Fund	\$69,180.25
Education Capital Fund	\$9,552.04
Animal Control Fund	\$5,347.94
Revaluation Reserve Fund	\$95,945.61
Insurance Deductible Fund	\$6,509.61
Harbor Fund	\$16,806.47
Cable TV Channel Fund	\$39,432.28
Parks & Recreation Fund	\$7,943.58
Capital Improvements Fund	\$57,196.65
Land Conservation Fund	\$5,235.01
Veterans Memorial Fund	\$5,733.13
Conservation Commission Fund	\$677.58
Flag Display Maintenance Fund	\$644.57
Allen & Leurene Hodgkins Fund	\$14,319.75

\*Note that most funds are part of continuing operations, so the balance of 6/30/13 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 2<sup>nd</sup> pass as recommended. The motion passed on a hand vote.**

29. 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 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
30. 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 2<sup>nd</sup> 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 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 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
32. 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 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**

**There being no further business to transact, Moderator Kelly declared the town meeting adjourned at 8:00PM.**

**Respectfully submitted,**

**Jennifer Kovacs, Town Clerk**