

2009

# Minutes of the Annual Town Meeting, April 7, 2009

Jennifer Kovacs, Town Clerk

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April 7, 2009

## 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 2<sup>nd</sup>. A written ballot elected Mr. Kelley 8-0. 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 2012)
  - b. Assessor (1 position, term to begin July 1, 2009 and end June 30, 2012)

<b>Selectman &amp; Overseer (2)</b>		
	Votes	% of Ballots
<b>Cooper, S. Josephine</b>	203	56.55%
Jones, Brett	141	39.28%
McDevitt, Peter	154	42.90%
<b>McFarland, Gary</b>	181	50.42%
<b>Assessor</b>		
<b>Jordan, Michael</b>	187	52.09%
Sharkey, Colene	147	40.95%
# of Ballots	359	
# of Registered Voters	1,454	
Turnout %	24.69%	

## Open Town Meeting

Wednesday, April 8, 2009 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:

S. Josephine Cooper, Selectman & Overseer of the Poor  
Gary McFarland, Selectman & Overseer of the Poor  
Michael Jordan, Tax Assessor

Assistant Town Clerk Diane Carter and Ballot Clerk William Butler checked in 98 voters at the open town meeting.

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

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

Mr. Kelley 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:

Recognize "Citizen of the Year" (Board of Selectmen to present)  
The Lamoine Board of Selectmen presented the Citizen of the Year award to Perry and Jay Fowler. Perry and Jay could not make the meeting. Heather Fowler accepted the award on behalf of Perry and Jay.

Award of Land Conservation Award (Conservation Commission to present)  
The Lamoine Conservation Commission presented an award to Georgia Munsell and Harold & Nancy Boynton their land conservation efforts. Georgia Munsell could not make the open town meeting. Harold & Nancy Boynton accepted the award.

3. To see if the town will vote to set the date that property taxes will be due in two equal payments on October 31, 2009 and February 28, 2010, and to fix the rate of interest at 9.00% to be charged on the unpaid amounts beginning November 1, 2009 and March 1, 2010 respectively, and to fix the rate of interest paid for overpayments at 5.00% per annum. **It was moved and 2<sup>nd</sup> to approve the article as written. There was a discussion on why October 31, 2009 and February 28, 2010 were picked as due dates. Selectmen Cooper explained that the dates were chosen to balance the fiscal year. 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 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 the article as written. The motion passed on a hand vote.**

4. 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 the article as written. The motion passed on a hand vote.**
5. 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 the article as written. The motion passed on a hand vote.**
6. To see if the Town will vote to authorize the tax collector or treasurer to accept pre-payments of 2009/2010 taxes not yet committed pursuant to 36 M.R.S.A. § 506. **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
7. To see if the Town will vote to authorize expenditures to pay tax abatements and applicable interest granted during the fiscal year beginning July 1, 2009. **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
8. To see if the Town will vote to amend an ordinance entitled "Lamoine Building and Land Use Ordinance", as proposed by the Planning Board in a series of changes entitled "Building and Land Use Amendments – April 2009". **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
9. To see if the Town will vote to amend an ordinance entitled "Lamoine Gravel Ordinance" as proposed by the Planning board in a series of changes entitled "Gravel Ordinance Amendments – April 2009". **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
10. To see if the Town will vote to amend the Site Plan Review Ordinance, section I, subsection 1 to read "nine" instead of "seven". **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
11. To see if the Town will vote to amend an ordinance entitled "Ordinance regarding municipal elections, terms of office, and assumption of official responsibilities" in a series of changes entitled "Ordinance regarding municipal elections, terms of office and assumption of official responsibilities Amendments – April 2009". The purpose of the amendments is to extend the terms of the Lamoine School Committee until June 30, 2009 at which time the School Committee will be dissolved due to formation of a Regional School Unit. **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
12. To see if the town will vote to authorize the Board of Selectmen to forgive repayment of a loan from the Capital Improvements Fund to the Veterans Memorial Committee (approved at the annual town meeting on April 2, 2008) the amount outstanding as of June 30, 2009 and to continue the Veterans Memorial Fund, with any future proceeds to

be used for maintenance of the memorial. *(The Selectmen recommend passage, the amount of the loan, originally authorized at \$12,000, stands at approximately \$5,000 as of the signing date of this warrant)* **It was moved and 2<sup>nd</sup> to approve the article as written. There was a discussion on how much was owed currently. Mr. Marckoon said it currently less than \$3,000.00. The motion passed on a hand vote.**

13. To see if the Town will authorize the Board of Assessors to reduce the real estate and personal property tax commitment by an amount not to exceed any additional amount the Town may receive from the foundation allocation or debt service allocation once the Maine Legislature has established those amounts. *(The Budget Committee recommends a vote in favor)* **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
14. 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	\$1,250.00

*(The Budget Committee & Selectmen recommend \$154,406.79 and the salaries as outlined above.)* **Mr. Marckoon made a motion to raise and appropriate \$157,606.79 it was 2<sup>nd</sup>. He said the recommended amount was an error, it should have been \$159,406.79, and the figure he moved reflected lower heating fuel costs. The motion passed on a hand vote.**

15. To see what sum the Town will vote to raise and appropriate for capital projects. *(The Selectmen & Budget Committee recommend a total of \$34,000, including \$4,000.00 for a new photocopier and computer for the town office, \$4,000.00 for construction of a privy at the Lamoine Transfer Station, \$1,000.00 for an addition to the Land Conservation Fund, and \$10,000.00 for an addition to the Revaluation Reserve Fund.)* **It was moved and 2<sup>nd</sup> to approve the article as written. There was a discussion on what kind of privy. Selectmen Fennelly explained it would be like the one at Lamoine Beach. The motion passed as recommended on a hand vote.**
16. 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 \$19,715.00.)* **It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.**
17. 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 \$975.00.)* **It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.**

18. 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	Budget Cmte
American Red Cross – Pine Tree Chapter	\$360.00	\$360.00
Child & Family Opportunities	\$600.00	\$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
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
Lamoine Historical Society	\$600.00	\$600.00
Loaves & Fishes Food Pantry	\$600.00	\$600.00
Maine Coast Memorial Hospital	\$0.00	\$0.00
Warren Center for Hearing	\$500.00	\$500.00
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
<b>Total</b>	<b>\$7,389.00</b>	<b>\$7,389.00</b>

(The Budget Committee recommends \$7,389.00 as outlined above. The donation requests ordinance requires the Board of Selectmen to recommend no more than 5% of one mill, which is \$12,056.12) **It was moved and 2<sup>nd</sup> to pass with the recommended amounts. David Sanderson made a request for the Selectmen to take a look at the figures and increase amounts due to the economy changes. There was a brief discussion regarding labeling the receiving organizations as “Non-profit” as opposed to “Social Service”. The motion passed as recommended by a hand vote.**

19. To see what sum the Town will vote to raise and appropriate for the capital campaign for Maine Coast Memorial Hospital’s Emergency Room. *(The Budget Committee Recommends \$3,000, Maine Coast Memorial Hospital has requested \$5,890.00)* **It was moved and 2<sup>nd</sup> to pass as Budget Committee recommends. Kathy Stanley made a motion to raise and appropriate \$5,890.00 it was 2<sup>nd</sup>. A hand vote on the motion to amend failed. The original motion passed as recommended.**

20. To see what sum the Town will vote to raise and appropriate for Parks & Recreation. *(The Parks Commission and Budget Committee recommend \$7,316.00).* **It was moved and 2<sup>nd</sup> to pass as recommended. There was a brief discussion on what was included in the \$7316.00. Kerry Galeaz explained that the cemetery, and YMCA costs were included with the parks & recreation costs. 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 \$6,000.00. The Ellsworth Public Library has requested funding of \$6,270.00).* **It was moved and 2<sup>nd</sup> to pass as recommended by the Budget Committee. Douglas Stewart made a motion to amend the figure to \$6,270.00 it was 2<sup>nd</sup>. The motion to amend passed and the motion as amended for \$6,270.00 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 \$56,650.00 Mr. Marckoon made a motion to raise and appropriate \$53,950.00 due to reduced cost of fuel it was 2<sup>nd</sup>. The motion passed on a hand vote.*
23. To see if the Town will vote to appropriate \$90,000 to purchase a new fire brush truck, using \$10,000 from the Fire Truck Reserve Fund, \$25,000 from the capital projects fund, \$20,000 donated by the Lamoine Volunteer Fire Department, Inc., and to authorize the Selectmen to borrow up to \$35,000 over 5 years for the remainder, and to authorize the Lamoine Fire Department to sell a 1986 GMC pickup/brush truck and a 1976 FMC Bean Pumper Truck with the proceeds to reimburse the fire truck reserve fund. *(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:                    | \$647,690.00* |
| b. Bonds authorized and unissued:                   | \$0.00        |
| c. Bonds to be issued if this question is approved: | 35,000.00     |
| Total   | \$682,690.00  |

\*School renovation bond approved January 2008 which is being assumed by RSU #24

2. At an estimated maximum interest rate of 4.0%, the estimated cost of this bond issue will be:

Five(5) Years (2010-2015)	
Principal:	\$35,000.00
Interest	4,200.00
Total	\$39,200.00

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 2<sup>nd</sup> to pass as recommended. Selectmen Fennelly made a motion to vote on by secret ballot it was 2<sup>nd</sup>. Motion failed on a hand vote. Stuart Branch asked if new truck will replace both of the old trucks. Carlton Johnson said that it will replace the old trucks. 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 126,145.00.) It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.*

25. To see what sum the Town will vote to raise and appropriate for major road projects including re-pavement of a portion of Buttermilk Road. *(The Budget Committee recommends \$130,000). It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed 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 2<sup>nd</sup> to pass as recommended. 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 \$99,480.00)* **It was moved and 2<sup>nd</sup> to pass as recommended. 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	\$5,500.00	
Automobile Excise Taxes	\$295,000.00	
Watercraft Excise Taxes	\$3,500.00	
Administration Fees	\$1,000.00	
Tax Lien Charges	\$2,350.00	
Agent Fees	\$5,500.00	
General Assistance Reimbursement	\$1,500.00	
Interest on Investments	\$25,000.00	
Undesignated Fund Balance (Surplus)	\$25,000.00	
		<b>\$364,350.00</b>
<i>Road Fund</i>		
URIP Program (State Funding)	\$24,680.00	
Use of Road Fund	\$40,000.00	<b>\$64,680.00</b>
<i>Code Enforcement Fund</i>		
Local Plumbing Fees	\$2,000.00	
Code Enforcement Fees	\$7,500.00	
	\$1,000.00	<b>\$10,500.00</b>
<i>Code Enforcement Fund Transfer</i>		
<i>Other Funds</i>		
Local Animal Control Fees		<b>\$1,200.00</b>
Cable TV Franchise Fees		<b>\$5,000.00</b>
Capital Projects Fund		<b>\$8,000.00</b>
<b>Total Offsets to Local Property Tax</b>		<b>\$453,730.00</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 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:

<b>Fund Balance Account</b>	<b>Balance as of 6/30/08*</b>
Code Enforcement Fund	\$9,333.42
Fire Truck Reserve Fund	\$11,525.89
Road Assistance Fund	\$85,439.42
Education Capital Fund	\$9,765.39
Animal Control Fund	\$294.89
Revaluation Reserve Fund	\$40,770.29
Insurance Deductible Fund	\$3,776.80
Harbor Fund	\$8,026.54
Cable TV Channel Fund	\$19,051.52
Parks & Recreation Fund	\$4,474.38
Capital Improvements Fund	\$129,071.99
Land Conservation Fund	\$2,029.84
Veterans Memorial Fund	\$15,268.41

\*Note that most funds are part of continuing operations, so the balance of 6/30/08 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> to approve the article as written. The motion passed on a hand vote.**

30. To see if the Town will authorize the Selectmen to implement a plan developed in consultation with the School Committee and Fire Department to delineate town owned property on Tax Map 15 Lots 24 and 27 in order to clarify the portions of those lots designated for school use and fire department use. **It was moved and 2<sup>nd</sup> to approve the article as written. There was discussion on how big the lot would be for the Fire Department. Selectmen Jones explained there still was a lot of planning to do before it was split. John Morren made a motion to cease discussion it was 2<sup>nd</sup>. The motion to end discussion passed, and then the motion to approve 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. *(The Selectmen and Budget Committee recommend approval as written).* **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**

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 approve the article as written. Moderator Kelley explained that this article must be by written ballot. Distribution of ballots followed and after collecting all ballots, clerks reported to the Moderator that the measure passed by a vote of 63 to 6.**

**There being no further business to transact, Moderator Kelley declared the town meeting adjourned at 8:45 PM.**

**Respectfully submitted,**

**Jennifer Kovacs, Town Clerk**