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# Minutes of the Lamoine Town Meeting March 7, 2006

Jennifer M. Kovacs, Town Clerk

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# Minutes of the Lamoine Town Meeting

## March 7, 2006

Town Clerk Jennifer Kovacs called the meeting to order at 9:55 AM at the Lamoine Town Hall.

1. *To choose a moderator to preside over said meeting.* Harvey Kelley was nominated and 2<sup>nd</sup>. Blank ballots were distributed and Mr. Kelley was unanimously elected as moderator of the meeting. Mr. Kelley took the oath of office from Town Clerk Kovacs, and then appointed Stuart Marckoon as Deputy Moderator, who also took the oath of office from Ms. Kovacs. At 10:00 AM, 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 2009)*
  - B. *School Committee Member (1 position, term to end town meeting 2007)*
  - C. *School Committee Member (1 position, term to end town meeting 2008)*
  - D. *School Committee Member (2 positions, to end town meeting 2009)*
  - E. *Assessor (1 position, term to begin July 1, 2005 and end June 30, 2009)*

The polls closed at 8:00 PM. A total of 420 ballots were cast. Moderator Kelley certified the following results:

- A. *Selectman & Overseer of the Poor (2 positions, term ending 2009):* S. Josephine Cooper 310 Votes, Richard Davis 151 Votes, Brett Jones 254 Votes, Robert Sharkey 56 Votes. Mrs. Cooper & Mr. Jones were declared the winners
- B. *School Committee (term ending 2007):* Tammy Dickey 352 Votes, Others 14 Votes. Mrs. Dickey declared the winner.
- C. *School Committee (term ending 2008):* Robert Pulver 312 Votes, Patricia Murphy 48 Votes, Others 2 Votes. Mr. Pulver was declared the winner.
- D. *School Committee (2 positions, term ending 2009):* Nancy Sargent 282 Votes, Julie Tilden 257 Votes, Others 55 Votes. Mrs. Sargent & Mrs. Tilden were declared the winners
- E. *Assessor:* Colene Sharkey 305 Votes, Others 9 Votes. Mrs. Sharkey was declared the winner.

# Open Town Meeting

## Wednesday, March 8, 2006 6:00PM

Approximately 148 voters attended the open town meeting. The meeting was recorded by Lamoine Government Cable TV Channel 7.

Mr. Kelley called the open town meeting to order at 6:05 PM at the Lamoine Consolidated School Gymnasium. He said he would run the meeting in accordance with the 2005 version of the Maine Moderator's Manual. He said he could not accept a negative motion on any article. He asked for a motion to allow speaking at the discretion of the moderator. It was so moved, 2<sup>nd</sup> and approved by a greater than 2/3rds majority.

Deputy Town Clerk Stu Marckoon reported the election results from the previous day.

3. *To see if the Town will vote to set October 31, 2006 as the date when all personal property and real estate taxes for the Fiscal Year July 1, 2006 to June 30, 2007 are due and payable, and to see if the town will vote to fix a rate of interest of 11.0% to be charged on taxes unpaid after November 1, 2006 and to see if the town will vote to fix the rate of interest for tax overpayment at 7.0% annually. It was moved and 2<sup>nd</sup> to pass 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 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 pass the articles 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. It was moved and 2<sup>nd</sup> to pass the article as written. Robert Alvarez asked if there was a previous policy that required bidding anything greater than \$2,500. The motion passed on a hand vote without opposition.*
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 2<sup>nd</sup> to pass the article as written. The motion passed on a hand vote without opposition.*

7. *To see if the town will vote to authorize the tax collector or treasurer to accept pre-payments of 2006/2007 taxes not yet committed pursuant to 36 M.R.S.A. § 506. It was moved and 2<sup>nd</sup> to pass the 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 during the fiscal year beginning July 1, 2006. It was moved and 2<sup>nd</sup> to pass the article as written. The motion passed on a hand vote.*
9. *To see if the town will vote to adopt an ordinance entitled "Amended Parks Ordinance 2006". The proposed amended ordinance is on file with the Lamoine Town Clerk. (See Clerk's Supplemental Book 12 for amendments). It was moved and 2<sup>nd</sup> to pass the article as written. Lamoine Parks Commission member Kerry Galeaz presented an explanation of the proposed amendments. A short discussion took place regarding motorized vehicles at Marlboro Beach. The motion passed on a hand vote by the majority.*
10. *To see if the town will vote to authorize the Selectmen to sell a twelve acre parcel of land abutting Doug Gott & Sons, Inc.'s gravel operation located on Tax Map 1, Lot 58 (a portion of) for a price of \$75,000.00. Proposed purchase and sale agreement is available at the Town Clerk's Office for review. It was moved and 2<sup>nd</sup> to pass the article as written. A short discussion took place regarding a survey before sale and bylaws for selling the land without a bidding process. Michael Garrett made a motion to cease debate which was 2<sup>nd</sup> and approved. The main motion was defeated by majority wide majority on a hand vote.*
11. *To see if the town will place the proceeds from the sale of land referenced in Article 10 above into a dedicated fund entitled Capital Reserve Fund, expenditure from which must be approved by the Lamoine Town Meeting. It was moved and 2<sup>nd</sup> to pass the article as written. The motion was defeated on a hand vote.*

## Education Budget Articles

12. *To see what sum the Town will authorize the School Committee to expend for school department personnel costs. (The School Committee and Budget*

*Committee recommend \$899,101.72). It was moved and 2<sup>nd</sup> to approve the recommended amount. The motion passed on a hand vote.*

13. *To see what sum the Town will authorize the School Committee to expend for school department operating costs. (The School Committee and Budget Committee recommend \$1,223,571.75). It was moved and 2<sup>nd</sup> to approve the recommended amount. The motion passed on a hand vote.*

14. *To see what sum the Town will authorize the School Committee to expend for school department capital improvements.. (The School Committee and Budget Committee recommend \$7,600.00). It was moved and 2<sup>nd</sup> to approve the recommended amount. The motion passed on a hand vote.*

**The figures contained in Articles 15 through 17 are estimates that may be amended at Town Meeting. These articles were prepared for publication prior to legislative action on funding for education.**

15. *To see what sum the Town will appropriate for the school administrative unit's contribution to the total cost of funding public education from kindergarten through grade 12 as described in the Essential Programs and Services Funding Act and to see what sum the Town will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.*

*(The School Committee and Budget Committee recommend a total of \$1,835,645.28 with a local contribution of \$1,331,624.06 and a state contribution of \$504,021.22).*

*Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law that a municipality must raise in order to receive the full amount of state dollars.*

It was moved and 2<sup>nd</sup> to pass article as recommended. School Union 92 Business Manager David Bridgham explained that new state figures were recently provided but they are not final. He said this article combined with the next article raises enough money locally to get full state funding. The article requires a count. The final count was 132 in favor none opposed on a hand vote. The motion passed.

16. *Shall the Town raise and appropriate \$140,359.68 in additional local funds, which exceeds the States Essential Programs and Services funding model by \$140,359.68?*

*(The school committee and budget committee recommend \$140,359.68 for the following reasons: the Essential Programs and Services funding formula is structured to reward larger, more urban districts and penalize smaller and rural districts with the policy objective of persuading the smaller districts to consolidate. As student enrollment continues to remain static and/or decline, the formula will calculate lower EPS total allocations, requiring additional local support to provide educational programs. If local property valuations increase at a rate faster than the state average, this situation will only be made worse.)*

*Explanation: The additional local funds are those that are locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and the local amounts raised for annual debt service payment on non-state-funded school construction projects or the non-state-funded portion of a school construction project that will help achieve the Town's budget for educational purposes.*

It was moved and 2<sup>nd</sup> to pass the article as recommended. Mr. Bridgham again explained the adjusted state figures. It was noted this article could not be amended upward because it is a close ended article. A written ballot is required. The final count was 127 in favor, 2 opposed, 1 blank. The motion passed.

**17. Total Budget** – *(A school administrative unit must include a summary article indicating the total annual budget for funding public education from kindergarten to grade 12. The amount recommended is the gross budget of the school department. This article doesn't provide money unless the other articles are approved).*

*To see what sum the Town will authorize the School Committee to expend for the fiscal year beginning July 1, 2006 and ending June 30, 2007 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, local appropriations, state subsidy, and other receipts for the support of schools.*

*(The School Committee and Budget Committee recommend \$2,130,273.47).*

It was moved and 2<sup>nd</sup> to pass the article as recommended. The motion passed without discussion on a hand vote.

**18.** *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 pass the article as recommended. The motion passed without discussion on a hand vote.

## Non Education Articles

19. *To see what sum the Municipality will raise and appropriate to add to the fund used to maintain the portable, temporary classrooms leased to the Lamoine School Department for educational purposes. (The Selectmen and Budget Committee recommend \$1,000.)* It was moved and 2<sup>nd</sup> to pass the article as recommended. The motion passed without discussion on a hand vote.
20. *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 (Selectmen)	Recommended Salary (Budget Committee)
Selectman (Chair)	\$100.00	\$1,600.00
Selectman (non-chair, 4 positions)	\$100.00	\$1,000.00
Assessor (Chair)	\$1,250.00	\$1,250.00
Assessor (non-chair, 2 positions)	\$950.00	\$950.00

*(The Budget Committee recommends \$143,546.50 and the salaries as outlined above and the Selectmen recommend \$138,056.35 with the salary recommendations listed above. The difference in the budget is greater than the difference in the recommended salaries due to increased FICA/Medicare costs with differing salaries.)*

It was moved and 2<sup>nd</sup> to approve the Budget Committee recommended amount of \$143,546.50. The motion passed without opposition on a hand vote.

21. *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 \$13,800.00.)* It was moved and 2<sup>nd</sup> to approve the recommended amount. The motion passed without opposition on a hand vote.
22. *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 \$1,200.00.)* It was moved and 2<sup>nd</sup> to approve the recommended amount. The motion passed on a hand vote.
23. *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
Downeast Horizons	\$600.00	\$600.00
Eastern Area Agency on Aging	\$250.00	\$0.00

Community Health & Counseling Service	\$600.00	\$0.00
Washington/Hancock Community Agency	\$600.00	\$600.00
Yesterday's Children	\$300.00	\$300.00
Lamoine Historical Society	\$600.00	\$600.00
Loaves & Fishes Food Pantry	\$600.00	\$600.00
COMBAT	\$150.00	\$0.00
WIC Program	\$540.00	\$540.00
American Red Cross of Eastern Maine	\$600.00	\$0.00
Down East AIDS Network	\$600.00	\$0.00
Child and Family Opportunities	\$600.00	\$0.00
Faith In Action Community Connection	\$500.00	\$500.00
Hospice of Hancock County	\$300.00	\$300.00
Hancock County Home Care	\$579.00	\$579.00
Open Door Recovery Center	\$400.00	\$0.00
Emmaus Homeless Shelter	\$500.00	\$500.00
<b>Total</b>	<b>\$8,319.00</b>	<b>\$5,119.00</b>

(The Budget Committee recommends \$5,119.00 as outlined above. The donation requests ordinance requires the Board of Selectmen to recommend no more than 5% of one mill, which is \$11,384.31)

It was moved and 2<sup>nd</sup> to approve the recommended amount from the Budget Committee. A motion to amend the article to include an additional \$600 for Downeast AIDS Network. The motion to amend passed. The amended amount \$5,719.00 was passed by majority on a hand vote.

24. *To see what sum the Town will vote to raise and appropriate for Parks & Recreation. (The Parks Committee recommends \$10,214. The Budget Committee recommends \$7,000.00. The difference between the Parks Committee and Budget Committee recommendation are signs proposed for Bloomfield Park and Marlboro Beach. Included in this budget is the Downeast Family YMCA support request. The budget committee recommendation is that the YMCA be funded at \$2,500.00. The YMCA has requested \$3,000.00).* It was moved and 2<sup>nd</sup> to approve the recommended amount from the Parks Committee. There was a brief discussion about the cost of signs for the three parks, cemetery maintenance, and support for the YMCA. The motion passed in the amount of \$10,214.00 on a hand vote.

25. *To see what sum the Town will vote to raise and appropriate for library services. (The Selectmen and Budget Committee recommend \$2,500.00. The Ellsworth Public Library has requested funding of \$5,835.00).* It was moved and 2<sup>nd</sup> to pass the article as recommended by the Budget Committee. Donna Thorburn explained the services available from the library. It was moved and 2<sup>nd</sup> to amend the amount to \$5,835.00. The motion to amend passed on a hand vote. The motion as amended then passed on a hand vote.

26. *To see what sum the Town will vote to raise and appropriate for Public Safety Expenditures. (The Budget Committee, Selectmen and Fire Department recommend*



\$43,537.75). It was moved and 2<sup>nd</sup> to pass the article as recommended. The motion passed without opposition on a hand vote.

27. To see what sum the Town will vote to raise and appropriate to pay debt service (fire truck loan approved June 8, 2004). (*The Budget Committee and Selectmen recommend \$28,240.00*) It was moved and 2<sup>nd</sup> to approve the article as recommended. The motion passed without opposition on a hand vote.
28. *To see what sum the Town will vote to raise and appropriate for Road Maintenance. (The Budget Committee and Selectmen recommend \$123,275.00.)* It was moved and 2<sup>nd</sup> to pass article the article as recommended. The motion passed on a hand vote.
29. *To see what sum the Town will vote to raise and appropriate for major road projects including re-pavement of a portion Seal Point Road. (The Selectmen and Budget Committee recommend \$83,000.00.)* It was moved and 2<sup>nd</sup> to pass the article as recommended. There was a brief discussion on what portion of Seal Point Road would be re-paved. Administrative Assistant Stuart Marckoon answered it would be from the intersection of Route 204 to the beginning of the section paved a couple years ago. The motion passed on a hand vote by majority.
30. *To see what sum the Town will vote to raise and appropriate for addition to the Revaluation Reserve. (The Selectmen and Budget Committee recommend \$10,000.00)* It was moved and 2<sup>nd</sup> to pass the article as recommended. The motion passed on a hand vote.
31. *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 recommend \$5,000.00 – operational funds to come from the Cable TV Franchise Fee)* It was moved and 2<sup>nd</sup> to pass article as recommended. The motion passed on a hand vote.
32. *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 \$92,256)*

It was moved and 2<sup>nd</sup> to pass article as recommended. The motion passed on a hand vote.

33. 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>
<b>General Fund</b>		
Automobile Excise Taxes	\$280,000.00	
Agent Fees	\$5,400.00	
Interest on Real Estate Taxes	\$7,000.00	
Interest on Investments	\$24,000.00	
Use of Surplus	\$40,000.00	
Watercraft Excise Taxes	\$4,000.00	
Tax Lien Charges	\$1,965.00	
Administration Fees	\$900.00	
General Assistance Reimbursement	\$500.00	
Portable Classroom Rental	\$28,416.00	\$392,181.00
<b>Road Fund</b>		
Local Road Assistance	\$26,536.00	
Use of Road Fund	\$2,000.00	\$28,536.00
<b>Code Enforcement Fund</b>		
Local Plumbing Fees	\$3,000.00	
Code Enforcement Fund Transfer	\$14,000.00	
Code Enforcement Fees	\$9,000.00	\$26,000.00
<b>Animal Control Fund</b>		
Local Animal Control Fees		\$700.00
<b>Parks Fund</b>		
Parks & Recreation Fund		\$1,600.00
<b>Salt/Sand Shed Reserve</b>		
Salt/Sand Shed Reserve		
<b>Cable TV Revenues</b>		
Cable TV Franchise Fees		\$5,000.00
<b>Total Offsets to Local Property Tax</b>		<b>\$454,017.00</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 approve the article as written. It was moved and 2<sup>nd</sup> to remove the \$1,600 from the parks fund. The motion to amend passed. The amended figure \$452,417.00 passed on a hand vote.

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

<b>Fund Balance Account</b>	<b>Balance as of 6/30/05*</b>
Code Enforcement Fund	\$30,104.51
Fire Truck Reserve Fund	\$10,294.05
Salt/Sand Shed Reserve Fund	\$50,496.56
Road Assistance Fund	\$27,474.56
Education Capital Fund	\$2,480.92
Animal Control Fund	\$601.51
Revaluation Reserve Fund	\$12,232.65
Insurance Deductible Fund	\$3,932.12
Harbor Fund	\$4,459.80
Portable Classroom Maintenance Fund	\$4,724.48
Cable TV Channel Fund	\$469.63
Parks & Recreation Fund	\$3,242.37

*\*Note that most funds are part of continuing operations, so the balance of 6/30/05 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 pass article as recommended. The motion passed without opposition on a hand vote.

35. To see if the Town wishes to discontinue the following funds, and transfer the money as indicated:

<b>Fund Name</b>	<b>Amount</b>	<b>Transfer To:</b>
Dump Closing Fund	\$1,580.56	Undesignated Fund Balance
Summer Recreation Fund	\$50.00	Parks & Recreation Fund

*(The Budget Committee and Selectmen recommend approval of the above action)*

It was moved and 2<sup>nd</sup> to pass article as recommended. The motion passed on a hand vote.

36. 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 pass article as written. The motion passed as written without opposition on a hand vote.

37. To see if the town will vote to increase the maximum property tax levy limit established by State law, for 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 applicable, 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 article as written. A written ballot is required. A short presentation was given by Administrative Assistant Marckoon to explain the article known as the LD-1 override. The final count was 73 in favor, 6 opposed. The motion passed as written.

There being no further business, the moderator declared the meeting adjourned at 9:00PM.

Respectfully submitted,

Jennifer M. Kovacs, Town Clerk