

Friends of Lamoine  
83 Mill Road  
Lamoine, ME 04605  
July 16, 2014

Lamoine Board of Selectmen  
Lamoine Town Hall  
606 Douglas Highway  
Lamoine, ME 04605

Dear Selectmen,

Many Lamoiners have concerns regarding the recently signed consent agreements. On the next page we pose several questions and request you provide answers for them at your August 14th meeting.

At your June 26, 2014, meeting you announced you had completed consent agreements with gravel operators MacQuinn and Goodwin to relax requirements of the current Gravel Ordinance, passed at the annual Town Meeting on March 13, 2013. The ordinance requires, in part, that a test well be installed for every five acres of active pit to monitor water level and quality.

The Administrative Consent Agreements posted on the Town web site indicate they were made between you and Stephen Salsbury as agent for gravel operators Harold MacQuinn, Inc. and John Goodwin Jr., allowing these operators to delay the required well installation on three pits, whose permits expired October 31, 2013, until May 1, 2015.

The mining permits on these three pits and six others operated by MacQuinn, Goodwin, and R.F.Jordan expired October 31, 2013. The Planning Board stated they had given operators six additional months, from November 1, 2013 to May 1, 2014, to submit completed applications for new permits. On May 13, 2014, the CEO mailed Notice of Violation to the operators. The Notice gives operators 30 days in which to comply.

The thirty days expired on the date of your June 12, 2014, meeting. When asked if the CEO would be submitting a Stop Work Order the next day, we were told nothing would be done until you had the opportunity to talk with the town's lawyer regarding a consent agreement under consideration. The CEO did not issue a Stop Work Order.

On the June 26<sup>th</sup> meeting, you also announced that MacQuinn, Goodwin, and R.F. Jordan had just submitted the missing test well data for the other six pits in question. There seemed to be an expectation that the data would meet the requirements of the Gravel Ordinance for mining permits, despite having been submitted well after the due date and without timely and expert review. It was announced that the material would be available soon on line. Hard copies were not submitted to the Planning Board, the Town board whose responsibility is to review such submissions.

At the monthly meeting of the Planning Board on July 8, 2014, the gravel owners still had not submitted their test well data to this board. The chair, John Holt, had received printed copies from Town Hall upon specific request. That evening he reported his assessment was data in five of the six submissions seemed insufficient. The Board was unable to enter into discussion about the material, not having copies before them and deferred consideration of it and action until the August 5<sup>th</sup> meeting.

We review these events here to substantiate comments from the public at earlier meetings that the gravel companies are continuing to practice a tactic of delay rather than complying with the ordinance. We understand your concerns of litigation process and expenses. However, continued negotiations with the gravel companies have set expectations for changes in ordinance requirements, further enabling the strategies of delay and noncompliance. The public concern is that instead of following a course of enforcement of our ordinances, this process demonstrates to the operators of the gravel industry that the Town of Lamoine can be manipulated.

Lamoiners expect the Selectmen to uphold ordinances passed by the voters. The recent vote with 64% supporting the Referendum indicates quite clearly that many citizens in Lamoine want more stringent controls on mining operations, not less. Furthermore, in the spirit of open government and respect of democratic processes, Lamoiners expect to have public review of and input into all actions that affect those ordinances. Although in this instance, the die has been cast, we believe Lamoiners are owed clear answers to the following questions:

\*What grants the Selectmen the authority to modify a town ordinance passed legally in our form of town government?

\*How does it better serve Lamoine to offer consent agreements to “avoid litigation and attendant expense” rather than to uphold the ordinances?

\* Why did the Selectmen enter into these consent agreements with no opportunity for the public to learn about the terms or to comment upon this course of action?

\*Why did the Selectmen choose to ignore the Planning Board, which worked hard to develop reasonable ordinances and monitoring standards?

\* Why did the Selectmen rely on the advice of others about the number of test wells over that of Dr. Gerber, recently hired at Town expense to advise the Gravel Work Group, who stated the minimum requirement for test wells should be at least one per each five acres?

\*Why is the leveling of fines for non-compliance considered an inappropriate action by the Selectmen when it is the only Town board given the power of enforcement?

Thank you for serving on the Board of Selectmen and listening to our concerns. We look forward to your response.

Yours truly, as some of many concerned citizens,

Steven Callahan    Catherine deTuede    Kathryn Gaianguest    Bruce Gillett    Walter Grenier

John Jerabek    Carol Korty    Valerie Sprague    Lynn Tscheiler    Susa Wuorinen