

**Town of Damariscotta, Maine  
Board of Selectmen's Meeting  
Minutes  
Wednesday, February 15, 2006**

**I. Pledge of Allegiance**

**II. Call To Order**

The Board of Selectmen met at the Municipal Facility on Wednesday, February 15, 2006 to conduct town affairs. Chairman Richard McLean called the meeting to order at 6:30 p.m. Members present were Richard McLean, Scott Gove, Walter Hilton, and Joshua Pinkham. Staff present was Town Manager William Post. Others present were Kass Hogan and Jeffrey Cherry, Ann Pinkham, Chris Roberts, Karen O'Bryan (LCTV) and one representative of the media.

**III. Public Hearings – None**

**IV. Old Business – None**

**V. Communications**

**1. Lincoln County Administrator, re: Pandemic Information.**

Post stated that the Lincoln County Emergency Management Agency is working with the State to begin providing information on possible pandemics and to determine if the county and towns are prepared for a pandemic. Future information will be submitted to the towns, but one contact and an alternate should be chosen.

**On motion of Hilton/Gove, the Board VOTED: To designate Dr. Allan Teel as the contact person for future information on a pandemic, with William Post as the alternate contact (Vote: 4 – 0).**

**2. Department of Marine Resources (DMR), re: Aquaculture Reapplication.**

Post stated that he had just received notice of a reapplication for an aquaculture license to be located in the Damariscotta River. He will copy the information and make it available to the Board should they have any comments for DMR.

**VI. Official Action**

**1. Act on Appointment to LCTV Board of Directors.**

McLean stated that Julie Clark no longer participates in the LCTV Directors meetings; therefore another person needs to be appointed to fill the vacancy. He recommended William Fraser.

**On motion of Pinkham/Hilton, the Board VOTED: To appoint William Fraser to the LCTV Board of Directors (Vote: 4 – 0).**

**2. Certify Proposed Land Use Ordinances as Amended.**

Post stated that, as part of the process, the Board needs to certify the language in the amendments that are proposed for the Land Use Ordinance. Two separate ordinances with different titles have been prepared since the proposed amendments are separate from each other. Depending on if

either passes, after the vote, the Board will certify the new ordinance to the clerk with the appropriate changes as approved. Additionally, the ordinances need to be available when the special town meeting warrant is posted and when absentee ballots are available, which is Friday February 17<sup>th</sup>.

**On motion of Gove/Hilton, the Board VOTED: To certify the 2006 amendments to the Land Use ordinance imposing a 35,000 square foot cap on retail buildings for the sole purpose of having the ordinance available for review and that the Board is not endorsing the size cap (Vote: 4 – 0).**

**On motion of Gove/Hilton, the Board VOTED: To certify the 2006 amendments to the Land Use ordinance decreasing required land area for dwelling units in the C2 Zoning District for the sole purpose of having the ordinance available for review (Vote: 4 – 0).**

**3. Act on Special Town Meeting Warrant.**

Post read the Special Town Meeting warrant articles one through four.

Gove asked if it was customary for the Board to include a recommendation on warrant articles. Post stated that it is customary for articles concerning budget items for a recommendation to be included.

Hilton stated that his personal opinion is that he is opposed to the size cap because it is too small, but he does not believe that the Board should take a stance on the issue.

McLean stated that he feels that there will be more information forthcoming to provide the voters additional input before they cast their ballots.

Gove stated that the article is not about Wal-Mart, but the impact analysis is. He asked Hilton if the Board should make a recommendation on the amendment. Hilton stated that each member should express his opinion.

Pinkham stated that he has not decided how he will vote on the cap amendment, but at this point, he thinks the cap number may be too small.

Gove stated that he is against a size cap of 35,000 square feet since Hannaford will be at 55,000 square feet.

Hilton stated that when Hannaford was expanding, there was no discussion about the size of the building during the Planning Board review. Roberts stated that the Planning Board could not take any action on the size of the building then, and only reviewed the expansion size of 20,000 square feet.

Pinkham stated that he is in favor of having a fair and equal playing field for all businesses.

**On motion of Gove/Hilton, the Board VOTED: To recommend that Article 4 be approved by adding language to Article 4 “Board of Selectmen Recommend” (Vote: 4 – 0).**

**Gove motioned that the Board neither recommend nor oppose Article 3. Motioned failed because it was not seconded.**

**On motion on Gove/Hilton, the Board VOTED: To approve the Special Town Meeting Warrant as amended (Vote: 4 – 0).**

**4. Act on Transfer Station Contract.**

Post stated that the annual contract with the Nobleboro/Jefferson Transfer Station needs approval. The cost has increased by \$8,753 to \$125,112 from last year.

McLean stated that he attended the budget meeting of the Transfer Station in December and provided input. Also, expense reports will be provided to the Town throughout the year.

Gove asked if the facility is still using the cost formula that was created by Hagar and him a few years ago. Post and McLean stated that they are. It is based on population.

**On motion of Gove/McLean, the Board VOTED: To approve the Nobleboro/Jefferson Transfer Station Contract as submitted (Vote: 4 – 0).**

## VII. Town Manager's Discussion

### 1. Vine Street/Church Street Drainage.

Post stated that, in response to an issue brought up by Pinkham, he has the Road Commissioner explain the problem with the drainage on Vine Street that has caused flooding on one property. He referred to a schematic drawn by Sutherland that showed where the drainage is now and what type it is. Post explained that the water from two catch basins on Church Street drain into a 6" clay tile under drain that travels beneath a paved parking lot, some sheds, and many trees and shrubs. It then connects with a 24" plastic culvert behind the former town office property. The problem is that there is also a drainage ditch along one property on Vine Street that feeds into the clay tile drain. During heavy rainstorms, the drainage ditch gets backed up and floods the lawn of the property owner on Vine Street.

**On motion of Gove/McLean, the Board VOTED: To ask the Road Commissioner to develop a recommendation with costs to determine what the problem is with the drainage system (Vote: 4 – 0).**

### 2. Tax Acquired property for 2004 Tax Liens.

Post stated that the 2004 tax liens have foreclosed, and there are no tax-acquired properties for the second year in a row. There is one property that could be foreclosed on, but the owners are in bankruptcy, so the Town needs to wait until that is resolved.

## VIII. Consent Calendar

### 1. Regular Meeting Minutes of February 1, 2006.

**On motion of Hilton/McLean, the Board VOTED: To approve the minutes of February 1, 2006 as submitted (Vote: 4 – 0).**

### 2. Financial Reports:

#### a. Payroll Warrant #37 General Fund Warrant #38.

**On motion of Pinkham/Hilton, the Board VOTED: To approve Payroll Warrant #37 and General Fund Warrant #38 as submitted (Vote: 4 – 0).**

#### b. January Expense Report.

Gove asked about the municipal buildings account and traffic lights account. Post stated that the new municipal building is heating better than he anticipated, and it has been a fairly mild winter. The traffic light account includes funding for electricity and repairs. Gove stated that a reserve fund should be utilized for repairs.

**On motion of McLean/Hilton, the Board VOTED: To approve the January expense report as submitted (Vote: 4 – 0).**

**IX. Other Business**

1. Pinkham asked if the audit was complete. Post stated that the audit itself is done, and has been for a while. He is writing the Management Discussion and Analysis and hopes to be done soon.
2. Hilton stated that he has received many comments on the new telephone poles downtown on Main Street.

**X. Executive Session**

Prior to entering executive session, the Board recessed at 7:17 p.m. in order to convene as Board of Assessors.

The Board reconvened at 7:25 p.m.

1. **Meet in Executive Session subject to 1 M.R.S.A. Sec. 405(6)(C) (Disposition of publicly held property if premature disclosures of the information would prejudice the competitive or bargaining position of the Town).**

**On motion of Gove/Hilton, the Board VOTED: To enter into executive session subject to 1 M.R.S.A. Sec. 405(6)(C) (Vote: 4 – 0).**

The Board reconvened in regular session at 7:56 p.m.

**On motion of Gove/Hilton, the Board VOTED: To instruct the Town agent, Wayne Farrin, to ask for and accept highest and best offers in price and terms by noon on Tuesday, February 21, 2006 (Vote: 4 – 0).**

**XI. Adjournment.**

**On motion of McLean/Pinkham, the Board VOTED: To adjourn at 8:07 p.m. (Vote: 4 – 0).**

Respectfully Submitted:

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William S. Post, Town Manager