

**Town of Damariscotta
Board of Selectmen Meeting
Minutes
Wednesday, April 2, 2008**

I. Pledge of Allegiance

II. Call to Order

The Board of Selectmen met at the Municipal Facility on Wednesday, April 2, 2008 to conduct town affairs. Chairman Scott Gove called the meeting to order at 6:00p.m. Members present were Scott Gove, Josh Pinkham, and Dave Wilbur. McLean was absent due to illness. Vicki Pinkham arrived at 6:25. Staff present was Town Manager, Greg Zinser, Road Commissioner, Terry Sutherburg, and Town Clerk, Cheryl Pinkham. Others present were Karen O'Bryan from LCTV, Ann Pinkham, Budget Committee Member, and residents, Chris Roberts, Brent Hallowell, several Provider Agency representatives, LC Sherriff, Todd Brackett, County Commissioner Sheridan Bond and The Newcastle Board of Selectmen - Lee Straw, Ellen McFarland, Allan Pooley, and Harbor Master, Paul Bryant; Newcastle Administrator Ron Grenier, Mary Kate Reny, Mark DesMueles from DRA

III. Public Hearings-

1. King Wok liquor license renewal

Gove opened the public hearing at 6:02 stated the application was complete, police report obtained and advertised properly, then asked for public comments. There were no public comments.

Gove closed the public hearing at 6:04p.m.

On motion of J. Pinkham/Wilbur moved to approve liquor license for King Wok. Vote: 3, 0, 0.

IV. Communications

1. TW Cable annual report

Zinser stated TW was losing customers to DTV. Zinser will keep in touch with Time Warner and keep Board informed.

V. Town Manager Discussion

1. Main St. intersection update

Zinser informed the Board that he has been in contact with Steve Landry. Basically it has become a money battle. Zinser will be following up Friday or Monday.

J. Pinkham asked if they were going to be fixing the grass seed.

Zinser said they would be coming back to take care of the grass.

VI. Official Action

1. Downtown Snow Removal Contract

Zinser gave the Board the updated contract with the Board's changes reflected in that contract to clarify the sidewalk issue.

J. Pinkham still feels there is a gray area that needs to be changed.

Gove read the wording aloud to clarify; stated he was comfortable with the language.

Wilbur stated he was also comfortable with the language.

On motion of Gove/Wilbur moved to accept the Downtown Snow Removal contract.

J. Pinkham doesn't like it, needs to have "other than the sidewalks" inserted before the word should in section 22.

On motion of Wilbur/Gove moved to accept the amended Downtown Snow Removal contract with the Boards change of adding "other than".

Vote: 3, 0, 0.

Mary Kate Reny asked the Board what the sentence they were changing did to the contract.

Gove said it allows a reduction in the scope of the contract to remove the sidewalks from the contract if necessary..

2. Continue review of FY 09 municipal budget.

Provider Agencies.

Representatives from CLC YMCA, CED (nka Midcoast Maine Community Action Plan), Coastal Trans, Eldercare Network of LC, Kno-Wal-Lin Comm. Health, Healthy Kids, New Hope for Women Inc, Pemaquid Watershed Association, and Spectrum Generations. Each representative informed the Board of how much their agency was requesting, along with how it benefits their organization and the communities, and then answered questions from the Board of Selectmen such as:

What formula each agency used in determining their request to the Towns. How do they determine ones' eligibility and or need in order to receive assistance. How many Damariscotta residents were assisted by the provider agency. Do the agency's solicit other Towns for the funding, and if so, what level of support do they receive. Whether or not they were funded through the State or the Federal Govt.

A.Pinkham informed the Board and audience that Spectrum Generations has purchased the building that houses their office, and they do pay property taxes, a lot of the other organizations are tax exempt The Board thanked the representatives for attending and answering questions.

V. #2. Lee Straw & Paul Bryant moratorium issue.

Straw stated the Harbor Ordinance is extremely outdated and needs to be updated. Right now we have a Harbor Master but no real ordinance to back up his decisions. He believes both Towns need to update the ordinance and back the Harbor Master. He also briefly stated the possibility of several more slips being added to the Marina on the Newcastle shore. Right now there are 21, and there is interest from a party to add 60 more slips. This becomes a safety issue because of the fierce current in the river.

Gove expressed his dislike of moratoriums. All a moratorium is; is someone wants to do something and then a moratorium is put in place to stop the process, until the town has "time to figure it out".

Straw felt the Towns needed to protect the aquaculture industry, oyster business, clams, etc.

Zinser thought the Board still needed more logistics.

Pooley has seen the site plan calling for 100 slips.

DesMueles from Damariscotta River Association said the Boards have a duty to protect the river and its banks, this is a public resource, it's about balance, and the aquaculture industry will not survive. This is a legitimate use of a moratorium, this is not about just stopping a project.

Gove asked how long they had to get an ordinance in effect.

Straw said Newcastle approved a moratorium last night.

V. Pinkham felt Damariscotta needed an ordinance for this also, and the Planner should begin looking into that.

Zinser agreed and reminded the Board that they have already got the Planner working on 3 ordinances now. Reny offered the DPAC (Damariscotta Planning Advisory Committee) assistance and resources in researching and creating these ordinances.

Zinser thanked Reny and suggested allowing the Newcastle Administrator to work together and get some ground work down then bring in the committees help.

Ron agreed and felt between the Harbor Master and the two towns, the good points already presented, they could recommend some frame work and a time table, to try and come up with a simultaneous ordinance.

V. #3 Sheridan Bond and Todd Brackett

Gove thanked Sheriff Brackett for attending the meeting, and went on to state he was bothered by a letter sent to the Chief stating Damariscotta was a second rate service area, however the Town is being taxed the same as every other town in the county. This is just not fair, basically the Towns people of Damariscotta are subsidizing other Towns county tax bill.

Brackett felt his letter did not reflect that statement. His deputies will gladly provide the same level of service. However he doesn't want his deputies to be in the way or basically following around Damariscotta's own officers.

Gove reiterated that the letter clearly states Damariscotta is not getting the same patrol as the other 14 communities. He would like to see the county tax bill prorated for the Town.

Brackett suggest he talk with his legislator on that.

Wilbur asked if the law requires the County Commissioners to tax every town equally.

Brackett said he isn't disagreeing with the Board, however he is following statute, just as the County Commissioner is following statute. But the reality of it is Damariscotta does gets far more coverage than other Towns due to its' location, it's basically the center of the community. He believes his office and the Damariscotta Police Department work very well together.

Gove asked if the DPD went to less than 24/7 coverage would the sheriff department pick up their level patrol.

Brackett clarified that the Sheriff's office has never said they wouldn't provide coverage, we would cover to the same extent as every other town.

Drake reiterated that the LCSO has never refused to assist DPD.

V. Pinkham said the Town pays LCSO to cover this area, but we don't get compensated when we back up or cover for LCSO.

Bond said that isn't any difference than your tax bill covering for schools, roads, you may not have a child in the school system, but you're having to pay the taxes for it, you may not have the need for probate, but you're taxes are paying for it, its just how taxes and budgets go. Right now the County has a new communication center, 1 of the best in the state, we handle 19 communities, have professional detectives working for all Towns, accident re-enactments, etc, we have those people, and your taxes, my taxes, have to pay for them.

Wilbur asked about the 9% increase for the budget.

Bond said there wouldn't be a 9% increase, the commissioners have not applied the surplus yet, should have those figures out to the Towns by the end of the month.

V. Pinkham asked what the update was on the jail meeting.

Bond and Brackett have been at two meetings, they are at odds with MDOC over tax increases. The Government threw out an olive branch, we accepted it. Thought we had an agreement, however that has changed weekly, daily, hourly. We use to get 14% on deeds, now we're only to get 10%. Right now we're in the process of sending out information to the Committee. The second meeting was with Senator Diamond, and basically the state would like us to take on 100 extra prisoners, between 3 jails for free. Bond urged the Board to reach out to their local legislators, to share their concerns.

VI. #2 Continue review of FY09 municipal budget & provider agencies.

J. Pinkham asked what the \$87,000 was for

Sutherburg said paving roads, hopefully Back Meadow Rd, tack and shim 1 1/4", be lucky to get a mile with that.

Gove asked how much was coming from the State.

Zinser answered \$22,000.

Gove asked if putting down \$3500, isn't going to matter much, why bother contributing to this line.

Zinser said it allows us to get matching funds.

Gove felt it needed to go up or go away.

On motion of J. Pinkham/V. Pinkham moved to recommend \$95,500

V. Pinkham thought this was already done last year.

Zinser said it was, however the Board never accepted the bid.

Wilbur thought the Board decided to get a RFP out in the spring.

Zinser confirmed that, and said he is requesting additional funding for 2009.

Wilbur again thought this was done last year.

Zinser agreed, but said the Board kept reducing and changing the scope of the work, and then never accepted the bid.

Vote: 4, 0, 0.

J. Pinkham wanted to be sure Zinser made the adjustments for the wage allowance increase from 3% down to 1% bringing the total to \$1,556.31. He went on to ask how a position went from \$30,787 to \$43,680.

Zinser said the realigning of office duties has combined two positions of Town Clerk and Treasurer. This gives a \$5/hour pay stipend for the Treasurer duties.

V. Pinkham thought that was a big raise for the Clerk.

Zinser said the Board is basically paying \$5 hr for a treasurer.

J. Pinkham asked if Zinser has ever checked into online postage, or a way to reduce that cost. Zinser said he has and it would work out to be more expensive and time consuming to do anything else than what is currently being done.

V. Pinkham asked why the Town doesn't just purchase the machine. It would cost almost as much as leasing it does.

Zinser replied the lease ran out at the end of March, we get the benefits of postage by phone, and the maintenance is free. That's a big benefit.

V. Pinkham suggested purchasing a new one.

Gove agreed that the current use of the machine was most cost effective.

V. Pinkham felt the copier lease was expensive also.

J. Pinkham asked if office supplies could be cut, maybe not spend as much.

J. Pinkham questioned the deeds and liens cost.

Zinser said every time we get a deed or lien done, its \$13 each.

V. Pinkham questioned the money for copies, felt it was a lot of money..

Wilbur asked how many copies were done.

Zinser stated a ton. We do our own tax bills here, ordinances, ballots, there is a lot of copying that takes place.

J. Pinkham asked if there was anywhere Zinser felt could be cut, even a little bit.

V. Pinkham asked if the overtime could be reduced. Other Towns give the clerk off the day before election.

C. Pinkham informed the Board that Zinser already enforces that. For overtime when the clerks are taking minutes for meetings, we take off that amount of time early on Friday, or other suitable time during the week.

Zinser informed the Board he has gone through the budget line by line, and believes it accurately reflects the Town's needs.

Wilbur asked the Town has done any restoration to the records/books.

Zinser replied no.

Wilbur asked if the Town was going to do any restoration for the records/books.

Zinser said yes.

J. Pinkham asked about the position of Office Assistant, this wasn't in the budget last year.

Zinser confirmed it was not in the budget last year.

On motion of V. Pinkham/Wilbur moved ro recommend \$225,026 for Administration.

Vote: 3, 1, 0. (J. Pinkham

opposed)

Zinser stated he is moving Jurate into Assessor, Gary Robbins' position eventually, and this budget reflects that transition.

V. Pinkham asked if she was getting both pay rates (one is in the Admin budget along with Assessing budget.)

Zinser answered it would be a blended rate at about \$15 or so.

J. Pinkham wants to know what happens if we spend all this money to train her, and then she goes and gets another job somewhere else, we're out that training money.

Zinser is confident that is not the case here, however that's just the basics of business.

V. Pinkham asked if the names were going to be printed on the big maps.

Zinser explained they have been looking into that, however its an expense right now the Town is not taking on.

V. Pinkham asked why there wasn't anything for allowance for wage increase.

Zinser stated it was built into the wage now.

V. Pinkham didn't think that was fair because the allowance for wage increase was there for the Clerk/Treasurer.

Zinser said it was done the same way for both positions.

On motion of Wilbur/V. Pinkham moved to recommend \$49,134 for Assessment Services.

Vote: 4, 0, 0.

Zinser said the extra is from the Planners position. If there is money left over Zinser would like to pursue digitization for the maps.

V. Pinkham asked why they were increasing the planner by 7 days.

Zinser said he is typically here 2 days a week.

V. Pinkham would like it knocked back down to \$24,000.

Wilbur reminded the Board there is a lot coming around, with multiple ordinances etc.

On motion of Wilbur/Gove moved to recommend \$43,702 for Planning & Development.

Vote: 2, 2, 0 (J. & V. Pinkham

opposed)

Wilbur again pointed out that the Board was going to be asking a lot of the planner with several ordinances and meetings, they should consider the additional days.

V. Pinkham didn't feel 5 days was going to make or break his performance.

Wilbur disagreed and asked what gets dropped?

J. Pinkham felt they needed to stick with some cuts. This Town needs some relief.

Zinser suggested reducing the mapping line.

V. Pinkham questioned the advertising increase.

Zinser said there was no control there. You have to advertise meetings, and hearings, and with the upcoming year, there appears to be a need for additional Special Town Meetings, and public hearings.

On motion of J. Pinkham/V. Pinkham moved to recommend \$42,362 for Planning & Development.

J. Pinkham says this cuts the planner by 3 days for \$840 + \$500 from mapping.

Wilbur would support cutting 2 days.

Vote: 3, 1, 0. (Wilbur opposed)

On motion of J. Pinkham/V. Pinkham moved to recommend \$131,368 for solid waste management.

Vote 4, 0, 0

On motion of J. Pinkham/V. Pinkham moved to recommend \$49,360 for Municipal Buildings.

Vote 3, 1, 0. (V. Pinkham opposed)

On motion of Wilbur/V. Pinkham moved to recommend \$8,000 for the contingency fund.

Vote 3, 1, 0 (J. Pinkham opposed)

On motion of Wilbur/Gove moved to recommend \$7,500 for Legal Services.

V. Pinkham said MMA already gets \$3,100 from us for Legal Services.

Vote 2, 2, 0 (J. & V. Pinkham opposed)

On motion of J. Pinkham moved to recommend \$6,500 for Legal Services. The motion was not seconded.

On motion of J. Pinkham moved to recommend \$6,750 for Legal Services. The motion was not seconded.

On motion of Wilbur/Gove moved to recommend \$7,000 for Legal Services.

Vote 3, 1, 0. (J. Pinkham opposed)

J. Pinkham asked what the \$2,073 for mobile equipment.

Zinser stated it was for the fire departments fire fighting mobile equipment.

Zinser pointed out a 22,000 reduction in insurance costs due to the reorganization of the Administration department.

J. Pinkham questioned the 5% rate increase allowance at the top of the page, and then another one at the bottom of the page, it looks like you're adding again.

Zinser stated one was for the Employees Health Insurance line and the other is the rest of the insurances.

On motion of V. Pinkham/Wilbur moved to recommend \$155,913 for Insurances.

Vote: 4, 0, 0.

On motion of V. Pinkham/Wilbur moved to recommend \$30,549 for Retirement Plan which reflects the reduction in contributions due to the reduction is COLA to 1%.

Vote 4, 0, 0.

On motion of J. Pinkham/V. Pinkham moved to recommend \$5,745 for Animal Control Services.

Vote: 4, 0, 0.

Wilbur asked about the increase for Civil Management Director, and asked how much work a CMD is required to do.

Zinser said the amount of work is tremendous.

J. Pinkham stated the position was well deserving of the increase. It's a lot of work for someone.

Wilbur would support increasing that line to the same amount the Board of Selectmen make.

J. Pinkham felt the current Director would be satisfied with the increase already suggested.

On motion of J. Pinkham/V. Pinkham moved to recommend \$1,549 for Emergency Management.

Vote: 3, 1, 0 (Wilbur opposed)

Zinser stated the Town will be getting a rate increase for the hydrants.

On motion of V. Pinkham/J. Pinkham moved to recommend \$122,508 for Hydrant Rental.

Vote 4, 0, 0.

J. Pinkham asked if we were changing to bulbs for street lights.

Zinser replied he would like to see the Town move to LED's. The technology is already being used at other states.

On motion of V. Pinkham/Wilbur moved to recommend \$17,514 for Street Lights.

Vote 3, 1, 0. (J. Pinkham opposed)

On motion of J. Pinkham/V. Pinkham moved to recommend \$2,177 for Traffic Lights.

Vote 3, 1, 0. (V. Pinkham opposed)

On motion of V. Pinkham/J. Pinkham moved to recommend \$1,950 for CLC Ambulance Service.

Vote 4, 0, 0.

V. Pinkham questioned the \$500 for surveying for the cemeteries.

A. Pinkham said it was to sell plots, and mark out plots.

V. Pinkham asked if there was any drainage work done last year.

On motion of Wilbur/Gove moved to recommend \$26,960 for Cemetery Maintenance.

Vote 2, 2, 0 (J. & V. Pinkham opposed)

J. Pinkham wants \$500 taken out of Tree Assessment and Maintenance.

On motion of J. Pinkham/Gove moved to recommend \$26,460 for Cemetery Maintenance.

Vote 3, 1, 0. (V. Pinkham opposed)

On motion of J. Pinkham/V. Pinkham moved to recommend \$147,831 for Debt Service.

V. Pinkham asked if any of the loans were on a variable or flexible rate.

Zinser stated no.

Vote 4, 0, 0.

On motion of J. Pinkham/Wilbur moved to recommend \$149,500 for Capital Reserve Program.

Vote 4, 0, 0.

On motion of V. Pinkham/Wilbur moved to recommend \$408,077 for County Tax.

Vote 3, 1, 0. (V. Pinkham opposed)

On motion of J. Pinkham/V. Pinkham moved to recommend \$5,190 for Adult Education.

Vote 4, 0, 0.

Wilbur stated the benches at Riverside Park needed to be taken care of before someone got hurt.

J. Pinkham remembers the park was suppose to have a committee that took care of it, it wasn't going to be the Towns responsibility. Thinks \$500 is too much, and should cut back to \$300.

Wilbur said the park needs fixing not cutting.

A. Pinkham asked what the money for the holiday funding went to. There were no banners up this year, or lights.

On motion of J. Pinkham/V. Pinkham moved to recommend \$5,000 for the Recreation & Holiday Funding.

On motion of J. Pinkham/V. Pinkham moved to recommend \$250 for the Snowmobile Club.

Vote 4, 0, 0.

On motion of V. Pinkham/Wilbur moved to recommend \$3,000 for the Town Clock.

Vote 4, 0, 0.

On motion of Gove/Wilbur moved to recommend \$19,000 for Skidompha Library Operating Budget.

Vote 3, 1, 0. (J. Pinkham opposed)

On motion of V. Pinkham/J. Pinkham moved to recommend \$6,000 to Lincoln County TV.

Vote 4, 0, 0.

Revenues

J. Pinkham stated the parking fines needed to go up above \$2,400 or go away. The parking fines were suppose to support the parking officers' pay.

On motion of Wilbur moved to recommend \$728,999 for estimated revenues. There was no second to the motion.

Zinser is not 100% comfortable with the Revenue Sharing figures. With everything going on at the State level the amount estimated may be high.

The Board suggested lowering the number from \$150,000 to \$140,000.

On motion of Wilbur/Gove moved to recommend \$729,400 for Estimated Revenues.

Vote 3, 1, 0. (V. Pinkham opposed)

VII. Consent Calendar

Regular meeting minutes of March 19, 2008

On motion of J. Pinkham/V. Pinkham moved to accept minutes of 03/05/08. Vote: 4, 0, 0.

1. General Fund Warrant #52

On motion of J. Pinkham/Wilbur moved to accept General Fund Warrant #52. Vote: 4, 0, 0.

2. Payroll Warrant #51

On motion of J. Pinkham/V. Pinkham moved to accept Payroll Warrant #51. Vote: 4, 0, 0.

VIII. Other Business-None

J. Pinkham asked how the Police Chief was coming with hiring an officer.

Zinser stated he believed that would be completed at the end of the week.

Zinser reminded the Board that the next meeting, April 16th would also be a public hearing for the sidewalk Reconstruction of Church, Elm and Theatre Streets.

J. Pinkham suggested having the meeting earlier again, at 6p.m.

The rest of the Board agreed and Zinser said he would get that advertised.

Zinser also stated the LMI study would be done, and the Sanitary District wants to split the cost with the the town.

On motion of V. Pinkham/J. Pinkham moved to expend up to \$600 for the LMI Study.

Vote 4, 0, 0.

Wilbur reminded the Board that the DPAC committee will be holding a meeting at Great Salt Bay School on April 15th at 6:30 p.m. for the sidewalks also.

On motion of V. Pinkham/Wilbur moved to adjourn the meeting at 10:10pm. Vote 4, 0, 0.

Respectfully submitted,

Cheryl M. Pinkham, Town Clerk