

**Town of Damariscotta
Board of Selectmen Meeting
Minutes
Wednesday, November 5, 2008**

The Board of Selectmen met at the Municipal Facility on Wednesday, January 2, 2008 to conduct town affairs. Chairman Richard McLean called the meeting to order at 6:30p.m. Members present were Josh Pinkham, Vicki Pinkham, Dave Wilbur and Ed Stelzer. Staff present was Town Manager, Greg Zinser, Road Commissioner, Terry Sutherburg, Chief of Police, Steve Drake, and Town Clerk, Cheryl Pinkham. Others present were Ann Pinkham, Justin Andrews-Counsel for Metzger Restaurant Group, James Mansin-MDOT, Al Godfrey and James Eason-TMSI Engineers, Emily Elliot-LCN, Aaron Stinger-Preservation Timber Framing, Norman Hunt-owner Pine View Restaurant., Alan Pinkham (Buzzy), Henry Baily, Fred Sewall, Chris Roberts, David Atwater, Dana Orenstien, Patricia Metzger, Ron Orenstein, Judith Hun, Robert Hunt, David Krech of RBC Mgmt, Pat Horton, Wendy Stelzer, James Campbell, James Phillips, Natalie House, Jesse James, Dylan Conner, Anthony Zampa, and Brent Hallowell.

I. Pledge of Allegiance

II. Public Hearings

1. Liquor license application for Zampa's Ristorante-6:31pm-6:34pm

Tony Zampa was present for hearing, there were no public comments. Stelzer asked if there would be entertainment.

Zampa stated probably there would be and it would occur on Thursday & Friday nights from 6-9 pm.

Zinser suggested he come in again to start the entertainment process.

Zampa said he would.

2. Liquor license application for 74 Main St. Bistro (change in ownership)-6:34pm-6:40pm.

Justin Andrews, attorney for James Metzger, informed the BOS that the ownership was currently in the litigation process and under Title 28-A, the liquor license cannot be granted. J. Pinkham wondered if the business was just not sold at this time, and who was operating it at this time.

Andrews stated the business was not for sale, and presently Hannah Sparrell is operating it and serving alcohol there. The State of Maine is not rescinding the license at this time.

McLean said the license was not filled out correctly, and asked how the BOS would know if the license did get rescinded.

Andrews stated he would personally let the BOS know.

III. Call to Order

1. On motion of V.Pinkham/Wilbur moved to approve the new liquor license for Zampa's Ristorante. Vote 5, 0, 0.

2. On motion of J. Pinkham/ V. Pinkham moved to deny incomplete application for 74 Main St. Bistro. Vote 5, 0, 0.

IV. Communications

1. Hagar Enterprises-Phil Curtis presentation.

Zinser told the BOS he had received a letter from Hagar's inviting the BOS to attend their open house on Nov 12th from 9am-12pm, there will be demonstrations and information on how the equipment works.

Sutherburg stated he would be attending.

The BOS was satisfied that the Road Commissioner would be attending and didn't believe they would be able to attend.

2. Skidompha-Emil Landau Human and Civil Rights Forum

Zinser also invited BOS to attend the forum on 'tolerance and acceptance of all neighbors'

V. Town Manager Discussion

1. David Krech of RBC Wealth Mgmt-Investment account discussion

Krech introduced himself to the Board, and briefly described his 42 years of experience with the banking/financial industry, along with his history with the Town of Damariscotta.

Zinser reminded the Board his displeasure with the current investment firm. Stated the original company had been bought out, and the current company is not following the Town's investment policy; the Town's philosophy.

McLean told the Board Krech did a superb job managing and handling the Town's funds.

J. Pinkham questioned what ideas Krech has that the current company does not, does he have certain philosophy on commercial investing, what sets him apart.

Krech responded stating he actually help write the policy Zinser is referring to so understanding and adhering to it will not be a problem; also help to flush out the current comfort style by the other company. He also has 42 years experience, which no one has in Maine; he has worked in Boston, New York, Los Angeles, on all sides-a banker, a broker... However, he didn't feel he could give a direct answer at this point without getting more involved with the Town's finances.

Stelzer asked where Krech's company was located, and what he believed to be reasonable communication with the Board.

Krech said Bangor, and stated in the past he communicated quarterly with the Town.

2. Review proposed Pine View intersection changes with MDOT.

Mansin introduced himself, stated this intersection change would be a safety project, and then introduced Al Godfrey from TMSI.

Godfrey told the group the rate factor of crash was 2.38, the high rate is 4.0, the expected rate is 1.0, therefore 2.38 is concerning. He went on to break it down by percent rates of 44% are rear end crashes, 24% are t-bone style crash while one is trying to reverse direction of travel, another 24% is a car is trying to beat the oncoming traffic instead of fully yielding, and 8% are just random accidents with no real pattern. Godfrey described the project as the map indicated. The ramp as it is now would be discontinued; there would be no changes to anyone's property. There will be an additional left turn lane along North Rte 1, with a flush concrete grade for guiding. The project has an estimated start time of spring 2009, depending on approval.

V. Pinkham felt having a 'stop' there would create the same issue that currently affects Belvedere Rd, and Main St.

Drake believed the issue to be a speed issue.

V. Pinkham suggested just lowering the speed limit.

Wilbur asked what was going to happen to the crossover that allows you to turn around and go north.

Godfrey said the research shows there is not a lot of demand for that feature.

J. Pinkham asked if the current property owners would have access.

Godfrey said their entrances would not be affected. He then addressed Wilbur and believed they could look at grading the south bound lane to reverse and head north.

V. Pinkham asked why they didn't just widen Rte. 1.

Godfrey stated cost.

Hunt felt the entrance to the brick tavern building did not have safe access, and could not turn left.

Godfrey reminded all that there would be no change to the current properties.

Stelzer suggested widening the road and having the 'yielding drivers' to come in parallel with the on-coming traffic.

Godfrey pointed out that the cost is just a driving point for this project.

Atwater suggested widening the ramp.

Godfrey replied the team looked at that also, and the cost was going to be much greater than they were able to do.

Hunt suggested a 'T' design in the traffic pattern, and doesn't believe the project accomplishes the safety aspect they were going for.

Godfrey stated that was a design they looked into, however it was about six times the cost of the current solution. He also stated he believes they have addressed the bulk of the property.

Wilbur asked if there was nay thought to closing the ramp and put in a stop sign instead of the yield.

Godfrey said they had, however that doesn't eliminate the blind spot, you need a bigger radius.

J. Pinkham wanted to know that there was not going to be a stop light put in at that intersection, and suggested they take another look at the Belvedere Rd. intersection.

Godfrey told the Board and audience members that they should have a plan together in the next couple weeks.

3. Steeple/Clock discussion with Steeple fund trustees

Zinser told the Board \$50,000 was the cost for the steeple, the Board has an information pack which summarizes the work without the reinstallation of the clock face. Steeple fund is being done in phases, right now they are about \$200,000 short, the restoration of the belfry and spire is going to cost \$250,000. Phase 2 is \$150,000, for the clock box, and all the clock works, not the mechanical, and it would be returned to the lawn. The issue is, does the Board want to contribute any funds, or feel responsible to pay a portion of the costs. We will already have \$10,000 into it; we can increase the town clock fund if the Board wanted to.

V. Pinkham asked if it was a historical building.

N. House stated it was.

Zinser said he was comfortable saying \$57,000 could go down with volunteers.

Stelzer questioned the total cost from start to finish.

Zinser replied, overall \$509,000 with 10% contingency. The Board could build up the Clock fund, maybe putting \$5,000 a year in the fund.

McLean asked Stinger when he believed the Town would need to physically spend the money.

Stinger replied at the end of March. The \$5,000 would install the clock mechanism.

McLean pointed out that our next budget isn't until June 2009.

Stelzer said the timing isn't matching.

J. Pinkham said to get the timing in line

Stinger noted the scheduling was in order to take advantage of the weather.

Wilbur asked how much money the steeple fund was looking for.

Zinser said \$35,000 over the next 5 year period; just looking to see if the Board feels responsible to help out.

McLean believed the voters should have an opportunity to say whether or not it goes on the warrant.

J. Pinkham suggested the steeple trustees put a proposal on the warrant.

Stelzer agreed the people should decide.

Zinser said he would develop a proposal for the Board.

Stinger suggested the Board educate and talk about the project; it's a large amount of money so getting the word out there is important.

McLean asked Stinger if he could put a scope of work together if we could find volunteers.

Stinger said there was a specific scope, we can definitely utilize community volunteers, we know the drill, with the volunteers it increases ownership, it's a win win for everyone.

Stelzer asked how much money was raised, and how much time to complete project.

Zinser state d \$300,000 with an expenditure of \$80,000.

Stinger said ideally six months to complete.

4. School Zone signage and lighting.

Zinser reminded the Board of the potential concern for signage or lack there of. He stated he met with the police and fire chiefs, road commissioner and Dave Allen, Engineer Drake believed the zone is so big; people don't know it's a 15mph zone. He suggested just moving the sign to shorten the zone. That should take care of the concerns. McLean said he meet personally with the principal of GSB and invited him to weigh in on this subject.

Drake stated initially it was designed to encompass the YMCA because the school and Y were shuffling kids back and forth for gym classes, etc.

J. Pinkham wanted to make sure the Board didn't overstep their grounds, need to work with the school to accomplish this.

Sutherburg informed the Board the light at the Y is within 366' when they are supposed to be 300'.

McLean asked if this is something that could happen in the spring.

Zinser stated it could. Its simple enough, just need the Board to make a motion.

J. Pinkham would like to have Jeff (GSB principal) or Bob, (Union 74 Superintendent) come to the next meeting.

Zinser will write a letter from the Town to have the light moved.

On motion of McLean/V. Pinkham moved to have the Town Manager write a letter to MDOT from the Town and the Superintendent in regards to the school zone lights.

Vote 5, 0, 0

5. Discussion of Sanitary district rate increase

Zinser explained the rate increase for the hydrants is \$9,631, also reminded Board that during the FY2009 budget process there was allowance for the anticipated rate increase, therefore the funds are there to cover the end of this fiscal year with a \$629. Our Jan. 1st payment is \$10,682, an increase of \$1,051/month.

Wilbur questioned the expensed incurred to require such a large rate increase.

McLean believed it to be the building of an additional water tank, ultra violet disinfection system, another chemical feed. They have to come up with about 1.2 million dollars.

Wilbur asked if they come up with the 1.2 million through rates, or do they have funds set aside as the Town does.

Zinser informed the Board the Water and Sewer were handled separately, the sewer side has money, but the water side hasn't. PUC law stated we have to cover 30% for fire protection. The initial rate increase was substantial, but to ease the increase it's broken down into a 2-step increase; the first increase is January 1, 2009, and the second is on September 1, 2009, when the payment will go from \$10,682 to \$11,989 per month.

V.Pinkham questioned whether or not it has been approved by the PUC.

Zinser said they have started holding hearings.

6. Budget Calendar-

Zinser presented the Board with the budget calendar; a public hearing is scheduled for 4/29/09 for ordinance adoption.

A. Pinkham suggested having the Board and Committee meet with the Provider Agencies in a joint meeting instead of having them attend 2 separate meetings.

C. Pinkham questioned whether or not the Town was sending out letters to the Provider Agencies informing them of deadlines etc.

The Board said no.

7. Wright Pierce update

Zinser told the Board there were no drawings yet, but cost and impact studies are done. It's tough for the Town to receive CDBG. (Community development block grants) We need to meet 51% of low to moderate income level to receive rural funds, CDBG. This project may have to be done in phases the cost is about \$504,000 -this section is a little screwy....

VI. Selectmen's Discussion Items

VII. Official Action

1. Award consideration-Shore and Harbor revitalization

Zinser told the Board there were 6 candidates, the committee was able to narrow it down and interviewed 3-MRLD, Wright Pierce, and Regina Leonard. They were all very impressive, but after a secret ballot vote, the committee members came to a unanimous decision to go with MRLD. The next step is to send out the denial letters and move into the contract phase. The cost is \$25,000 with \$5,000 of that being in-kind.

On motion of J. Pinkham/V. Pinkham moved to award MRLD Shore Harbor revitalization contract. Vote 5, 0, 0.

2. Review & possibly approve RFP 2009-05 Audit Services

On motion of McLean/Stelzer moved to approve RFP 2009-05.

McLean stated paragraph E is a little confusing.

Stelzer agreed, and asked if it meant the Town would make 1 year contract award and if the company does a good job, maybe keep for three year term. Also suggested having the Town attorney look over the RFP.

V.Pinkham suggested using MMA instead of the Town attorney to help cut cost.

Vote 5, 0, 0.

3. LCTV Directors

No action was taken

VIII. Old Business

Campbell stated he was very unhappy with the Police Chief and that he should have nothing to do with the downtown traffic. At the end of the pumpkin parade, the police chief threw a screaming fit with B. Pinkham, and that is very unprofessional.

McLean appreciates his comments but suggested having a talk with the police chief first, and then if Campbell was still not satisfied he should bring this matter to the Board again.

Chief suggested meeting the next morning with Campbell.

Campbell agreed to a 9am meeting, and suggested the Chief give B. Pinkham a public apology and then the Board should remove him as police chief.

McLean asked again if Campbell could take this up with the Chief first.

V. Pinkham asked when the lights could be set to blinking, at Biscay/Main and Bristol/Main. Zinser told the Board he has had a very difficult time in getting in touch with AD Electric, but that the main issue is the buttons are smashed on the pedestrian cross walks.

Wilbur suggested just scheduling a meeting.

Zinser has done that, has also spoken with the company just to be told "yea yea, I'm on it and then no one shows up for the meeting".

Sutherburg suggested having the Police Chief make a phone call; that may get a little more attention from this company.

B.Pinkham asked if the Town would have to be responsible for that or DOT.

Zinser stated the Town.

J. Pinkham-lights with V. Pinkham. Wanted to know how the bus issue was coming along. Zinser said he had a meeting scheduled but the meeting fell through and now there are just some e-mails being exchanged.

Stelzer said this has taken 3 months and believes they have reached a point that Dean Jacobs needs to be invited to the next meeting. This is a safety issue.

McLean stated he was personally committed to finding a solution to prevent a serious problem.

J. Pinkham asked what the status of the drainage RFP for the fire station was coming along. Zinser said he is working on a RFP, however, the type of RFP requires engineering background. Sutherburg said the first thing to do is test bore. Zinser said he would put together an RFP for the 12/3/08 Board meeting. Stelzer wondered if this was something that Sutherburg could get together with the Fire Dept. and contractors with a rough drawing. McLean thought is sounded like next step would be an RFP for borings.

J. Pinkham asked about the audit presentation. Zinser said the company would be in to give that presentation.

J. Pinkham suggested setting Board of Selectmen meetings to 6p.m for the winter months.
On motion of V. Pinkham/J. Pinkham moved to change the time of the Board of Selectmen meetings to 6:00p.m. Eastern Standard Time, starting December 3, 2008.
Vote 5, 0, 0.

Zinser told the Board that the next warrant or 2 will have fire house repairs on it for around \$2,600.

IX. Consent Calendar

Regular meeting minutes of October 15, 2008.

On motion of V. Pinkham/Stelzer moved to table the minutes until the next meeting, the will e-mail any concerns/changes to Zinser.

1. General Fund Warrant #23

On motion of V.Pinkham/McLean moved to approve GFW 23. Vote 5, 0, 0.

2. Payroll warrants # 21 & 22

On motion of V. Pinkham/Stelzer move to approve PW #21 & #22. Vote 5, 0, 0.

X. Other Business

1. Gateway 1 meeting 11/7/08 at 2pm at the Town Hall.

Both V. Pinkham and J. Pinkham will not be there.

Zinser stated the Town purchased the extended warranty for the new police cruiser.

Zinser told the Board there was a lot of activity out at the salt and sand shed lately. There would be an fence installed by Pine Tree Fence Co. and a sign that states 'No trespassing, authorized personnel only, trespassers will be prosecuted'

J. Pinkham asked if the calcium tank was going to be there.

Sutherburg said it would be, there are no regulations but will be coming down soon enough. Right now Sutherburg has put feelers out for an old steel tank, looking for 10' tank.

On motion of V. Pinkham/Wilbur moved to adjourn the meeting at 9:20p.m. Vote 5, 0, 0.

Respectfully submitted,

Cheryl M. Pinkham, Town Clerk

