

**Town of Damariscotta
Board of Selectmen Meeting
Minutes
Wednesday, August 6, 2008**

I. Pledge of Allegiance

II. Call to Order

The Board of Selectmen met at the Municipal Facility on Wednesday, January 7, 2009, to conduct town affairs. Chairman Richard McLean called the meeting to order at 6:01p.m. Members present were, Josh Pinkham Vicki Pinkham, Dave Wilbur and Edwin M. Stelzer. Staff present was Town Manager, Greg Zinser, Town Clerk, Cheryl Pinkham, Road Commissioner, Terry Sutherburg. Others present were Karen O'Bryan of LCTV, Fire Chief Neil Genthner, Anne Gabel of Romeos, Planning Board Chairman, George Parker Chris Roberts, , Justin & Seth Hagar of Hagar Enterprises. Several residents and/or property owners of Heater Rd included-Leanna Hutchings, Robyn Tukey, Beth Belknap, Nancy Painton, Jeames Herald, Roy Benner, Jr., Mike Stailing, James Campbell, Dan & Dawn Pendleton.

I. Public Hearings-

1. Liquor license renewal-Romeo's Pub.

McLean opened the hearing at 6:02, reviewed the police report, no public comments were made. Hearing closed 6:04.

On motion of J. Pinkham/V. Pinkham moved to approve Romeo's liquor license.

Vote: 5, 0, 0.

2. Ordinance proposal/amendments.

McLean opened the hearing at 6:05.

Zinser described the proposed amendments to the Site Plan Review Ordinance, would be performance standards, light glare from outside lighting to neighboring properties, minor changes. Parking, building appearance, a new section on large scale development
McLean explained that they had previously been through a 'big box' store wanting to build in Damariscotta. The new section to this SPRO would put in place standards to prevent a battleship from landing in town. Anything larger than 7500 square feet would have to adhere to design standards, buildings less than 7500 square feet would also have standards, those include no bright fluorescent lights, requires pitched roof to sort of 'fit' in Town. A lot houses in New England area are pitched.

L. Hutchings questioned how that standard would work for a store such as Damariscotta Hardware.

McLean replied the ordinance allow the Planning Board the authority to make that final decision.

Zinser also told the audience there would be amendments to the definition section of the ordinance.

Zinser stated the Land Use Ordinance proposed amendment to Article 6 adding requirement for standpipe height restrictions.

Bowers asked what the current height restriction was.

Zinser replied 35'.

Bowers said the water district has a new one that will be 75', to provide more water storage to handle the growth.

Zinser said the driveway/Driveway entrance ordinance has proposed amendments that will place minimum specs on driveway entrances; example would be having a culvert placed in the right way.

Zinser said they are proposing a fire department billing ordinance. This would be to help recoup costs, increase fire suppression and offset costs. Insurance companies would be billed for the costs. The money would then be placed in the fire department reserve account.

J. Pinkham pointed out that whenever a life flight comes into Town the Fire Department has to have 2 trucks on site from before the flight arrives to after it leaves. The hospital is being paid, the ambulance is being paid, life flight is being paid, and the fire department should be paid.

V. Town Manager Communication

1. Heater Road discussion.

Zinser recognized that Heater Rd is in bad shape, but stated it is not a Town road; the Town is simply a land owner. There are no records or deeds that establish Heater Rd as a road; it is simply a series of easements over landowners. The Town grades it, but to put more money into it has its own issues of using public funds, and that is something the Town Manager cannot do, that decision must come from the Board of Selectmen.

J. Pinkham asked Sutherburg his opinion.

Sutherburg said he could only do what the Board directed him to do. Everyone contributes to the nasty road conditions. Something needs to be done. An option to contribute with the Town and property owners or put a new road to the sand and salt shed that does not enter from the Heater Rd.

McLean agreed the road was a mess; he took his car out there and agrees this is an important issue.

J. Pinkham suggested they establish an association and everyone pitch in to pay their fair share.

J. Herald asked if the Town was required to put money into the upkeep of Heater Rd.

Zinser said the Town puts money into it by grading it once a year.

Hutchings had a bill for \$7,000 that was just put into Heater Rd this past spring. With the Hagar trucks coming in and out of the road to get salt and what have you for plowing the road is an absolute mess. It's ruined. Hutchings parents, who own the mobile home park on Heater Rd., were required to bring the road up to Town standards and they did. They have continued to put money into it every year and they just don't have the kind of finances to be doing that. Ever since the Town put the sand and salt shed there this has been a problem. The Town is the problem.

J. Pinkham disagreed that this was just the Towns problem. It involves everyone out there. Elwell's are down there with big 'trucks coming in and out, the oil delivery trucks are coming in and out to the residents out there. He & Sutherburg both stated they have seen the logging trucks, loaded with logs; which is 100,000lbs out there just recently.

Sutherburg pointed out the lack of drainage on Heater Rd. Believed that to be a large part of the problem.

Hutchings suggested the Town take over the ownership of the road from the sand and salt shed to the end of Heater Rd. and Biscay Rd.

Sutherburg informed the Board if they decided to take over the road as a Town road, it would need to be brought up to State standards.

Zinser reminded everyone the documentation shows a series of easements, there is not real documentation showing a road was ever established. The deed language will need to be cleared up to establish whether or not the road is in fact an official road; and who is the legal and responsible owner.

J. Pinkham would like Zinser to look into putting in a separate driveway in to just the sand and salt shed and not have to access the Heater Rd. at all.

McLean agreed again that the road is a problem, but doesn't agree that it is just the Town's problem.

V. Pinkham felt that everyone should contribute to the costs of the upkeep of the road. McLean thought the possibility of a development coming to could also have an impact on the outcome of the road and a remedy.

Stelzer said if it is indeed a private road it may be in the best interest to do what Josh is suggesting with the association. We should also see what other options there are, and the costs associated with them.

Stailing said, not to finger point, however the road has deteriorated more since the sand and salt shed was put in. As good neighbors, he encourages the Board to get a price to dig it out and put the base it, take over the road from the shed to the end of the road where Heater meets Biscay, and then post the road and keep the road usable.

McLean agreed that this needed to be resolved, but before the Board can decide to put money into it, we need to determine where and how the road became a road, if indeed a road. As it stands now, preliminarily, it appears no money can be put into it. Would like to have the attorney look into how the Town can, should they choose, how to maneuver this fairly for everyone. The road is in bad shape, no matters who's fault.

V. Pinkham asked the. Hagers if there was a fix they could do.

J. Hagar stated it would be very temporary, the material there now is junk, it's beach sand.

S. Hagar felt it would be foolish to try and do anything now, other than dump gravel there.

Stelzer stated again that other options need to be looked into.

Roy Benner said his grandparents (George & Frances Hutchings) have put a lot of money into this road. The road is ruined from the Town putting the sand and salt shed out there.

The damage is done, he wants to know if the residents are going to get help from the Town or not.

Wilbur doesn't believe it would be any less expensive to put in another 600' road to the sand and salt shed than to cooperate with the land owners and fix the Heater Rd.

Zinser agrees with the concept, but there is a lot of legal work to get there, and a lot of money.

Hutchings understands the Boards' concerns and suggested the Town take control over the road by exercising Eminent Domain; this section of the road has 3 land owners, the Town, Billing & Cole, and Frances Hutchings.

V. Pinkham asked if they had ever tried the Association route.

Hutchings replied yes, but that it never goes anywhere.

McLean stated the Board is charging Zinser with the task of investigating what the Town can do to make its own road that goes just to the sand and salt shed; forming an Association; what is needed for the Town to take over the ending portion of the Heater Rd up to the sand and salt shed driveway.

McLean asked who owned land leading up to the shed.

Hutchings and V. Pinkham both said Billings & Cole, the Town, and Frances Hutchings.

Wilbur asked the Hagar's how quickly the road can be fixed.

S. Hagar felt they would need 60 yards of gravel brought in.

V. Town Manager Discussion-

2. Shore & Harbor Grant-Maine Coast Surveying discussion/kick off mtg.

Zinser informed the Board that the kick off meeting would be on January 23rd at 9:00am.

J. Pinkham said he would not be able to attend.

Zinser noted the proposals stated a need for a survey of the area, we can do it now, or we can do it at a later date, but it has to get done. We have digital document, but we need more items; should run about \$2,250.00, Zinser suggests working with Rob Craib, and taking the funds from the parking lot reserve account.

J. Pinkham suggested doing it now and getting it over with.

On motion of J. Pinkham/Stelzer moved to get survey done for cost up to \$2,250.

Vote: 5, 0, 0.

3. Review Fire Department parking lot improvements

Zinser told the Board he received a proposal for 8 borings; 6 in front and 2 in the back for \$2,700. Previously the Board authorized Zinser to spend the \$2,500, however this is \$200 more and Zinser is bringing this to their attention.

On motion of McLean/V.Pinkham moved to approve the additional \$200.

Vote: 5, 0, 0.

VII. Official Action

3. Homeland security grant

Genthner announced the FD has received a \$70,000 grant from FEMA; the Town's match portion is \$3500. FEMA's stipulation with the award is that you follow the Town's normal bidding procedure. Genthner is obtaining 2 bids; one from a vendor the FD normally works with, and one from Yarmouth.

Zinser said the next step is to issue specs, advertise for 2 weeks, then the bids will be open and the BOS awards the bid. The Board also has the right to waive formal bidding requirements.

McLean wondered if they could invite 2 suppliers to come before the Board.

Stelzer felt the effort should be made for a competitive bid, get 2 or 3 people in, define what the Town/Fire Department wants, and let them come up with the specs. Same as we handled the generator.

Genthner told the Board Fire Tech out of Winthrop is who they normally deal with, and the other company is IPS from Yarmouth. Also stated that FEMA was strict with how the stipulation to follow normal bidding procedure, however if no bidding procedure, then you are required to get 2 bids.

Stelzer asked if the Board had the right to waive the normal bidding procedure.

Zinser said they could.

On motion of McLean/Stelzer moved to waive normal bidding procedure and invite two suppliers to submit proposals, and to have these two proposals brought back to the Board with Genthners recommendation at the next meeting.

Wilbur said he has no problem just letting Genthner make this decision, not sure why the Board needs to meet in 2 weeks for this. It seems like it could prolong the progression of this for the fire department.

Stelzer stated the money is technically coming to the Town, and that's why the Board needs to be involved.

McLean reiterated that in 2 weeks the Board would look at 2 bids, and Genthner will be here also.

Wilbur still felt Zinser and Genthner could handle it.

Vote, 3, 1, 1. (Wilbur opposed, J. Pinkham abstained)

V. Town Manager Discussion

4. CDBG update and Rising Tide request

Zinser introduced Mark Ward to the Board, stated he was here to sponsor a CDBG for \$60,000; basically Riding Tide needs the Board to sign the application and letter of intent. J. Pinkham told Ward to 'go for it'.

V. Pinkham asked if Rising Tide planned to rent the second floor out. If so, was it handicap accessible, was there going to be an elevator?

Ward did not believe an elevator was involved, and not clear on the requirements of that. McLean felt if the second floor was to be open to general public, the assurance of accessibility would need to be there.

J. Pinkham noted the back up generator and sky lights were part of the grant, and those had nothing to do with accessibility.

Ward noted they were actually applying for a back up generator and 2 cash registers.

On motion of J. Pinkham/Stelzer moved to support the CDBG for Rising Tide and submit the letter of intent. Vote 5, 0, 0.

V. Pinkham asked if there was a limit of what they applied for.

Ward said \$200,000 was the number they were going for, it's tied into pay quality for jobs they will create; more than 50% to come from low to moderate income.

Zinser also noted that the Town's CDBG was also approved with the water district. However GSBSD was slow to get their numbers in and now their numbers are \$30,000 higher than what was initially anticipated.

VI. Official Action

1. Sign warrant for school referendum

On motion of McLean/Wilbur moved to sign the warrant for the school referendum vote coming up on January 27th. Vote 5, 0, 0.

2. Sign warrant for Special Town Meeting on Jan 21st.

Zinser told the Board he has prepared the warrant however, if the Board wishes to have the Article 3, for amending the ordinances, done separately (i.e., Site Review ordinance has multiple amendments, can either vote to accept all amendments with one article, or vote for, or against, each amendment by a separate article.) then he will need to reprint the warrant. The Board can vote to sign the warrant with the articles separated and then just stop in to sign the warrant in the morning.

On motion of McLean/V. Pinkham moved to approve the STM Warrant for Jan 21st with the Warrant having Article 3 broken out into 3 separate articles for the amendments. Vote 5, 0, 0.

3. Transfer Station Contract

Zinser told the Board the new calendar year 2009 contract increased by \$10,000, totaling \$135,170. He also pointed out that the fiscal year 2010 budget would need to have an additional increase of \$5,000 to help cover this increase.

McLean asked if there were any other changes.

Zinser replied the contract was the exact same.

On motion of McLean/Stelzer moved to accept and approve the 2009 Transfer Station contract. Vote 5, 0, 0.

Stelzer recognized that since Perry Waltz has taken over the Transfer Station management, there has been a noticeable improvement. Its' very well run, and he's doing a great job.

The others on the Board agreed.

McLean wondered why the Board had not been invited to attend the Transfer Station meeting as they had in the past.

Zinser stated the agent position for the Board was previously held by former selectman Gove.

On motion of J. Pinkham/McLean moved to appoint McLean as the agent for the Board in regards to the Transfer facility. Vote 5, 0, 0.

4. Act on DPAC appointment

On motion of McLean/V. Pinkham moved to appoint Steve Cole as a member to the Damariscotta Planning Advisory Committee. Vote 5, 0, 0.

VII. Old Business

Zinser told the Board he was processing 30-45 day notices; there are about 40 foreclosures, which is normal.

Stelzer questioned as far as collections, the Town is ok.

Zinser said yes, we're at 50%

Zinser told the Board he has been in touch with Jacobs of Waltz Pharmacy in regards to the bus stopping on Main St. and there would be a meeting here by February 1st to resolve this. Potentially using Water St as a stop instead.

Zinser said the meeting on Jan 21st will also be a joint board meeting to discuss consolidation between Newcastle, and Damariscotta. The auditor will also be there, and Zinser will be inviting the Budget Committee.

Zinser reminded the Board of the workshop on Monday. Zinser is ready to move forward with discussing a TIF (tax increment financing). Also there will be a brief discussion on Gateway one.

Zinser reminded the Board the Traffic Calming funding deadline is approaching in February. Looking to cover Belvedere Rd (if eligible); School St/Main St intersection.

X. Other Business

1. Board Workshop 1-12-09

McLean will be unable to attend the workshop.

McLean thought if Belvedere Rd was eligible, he would choose that.

J. Pinkham asked about the traffic lights and when they are going to be changed to blinking.

Zinser replied the meetings have been set, and a snow storm has blocked the meetings both times.

McLean questioned what the requesting time of blinking lights was.

Zinser answered 9pm-6am.

VIII. Consent Calendar

Regular Meeting minutes of Dec. 3rd & 17th, 2008

**On motion of J. Pinkham/V. Pinkham moved to approve minutes for Dec. 3rd & 17th.
Vote 5, 0, 0.**

1. General Warrant Fund #36 & 37

On motion of J. Pinkham/McLean moved to accept GFW#'s 36 37.

V.Pinkham questioned the CNB letter of credit charge for \$75 in regards to the Hagars.

V. Pinkham questioned the sand and salt shed reimbursement.

V. Pinkham asked why general assistance from Colby & Gale was being billed the highway department.

V. Pinkham questioned the DPAC rental.

Zinser stated that is a reimbursed expense.

V.Pinkham asked about the EES charge.

Zinser stated it was the consulting monthly fee of \$175 month

V. Pinkham asked about the Grierson payment.

Zinser is still investigating that, but the fact is we do owe it to him, but will get further information from Drake on this.

J. Pinkham questioned the expense of the legal charges.

Zinser replied that's all tied in with the ordinances, and foreclosures.

V.Pinkham questioned the bill from the State Police.

Zinser said it was for training for Officer Alexander.

On motion of McLean/V. Pinkham moved to adjourn meeting at 8:05pm.

Vote 5, 0, 0.

Respectfully submitted,

Cheryl M. Pinkham