

**Town of Damariscotta, Maine
Board of Selectmen's Meeting
Wednesday, May 6, 2009, 6:00 p.m.**

Present were: Selectmen: Richard McLean, Joshua Pinkham, Vicki Pinkham, Edwin Stelzer, David Wilbur, Town Manager, Gregory Zinser, Deputy Clerk, Jurate Barnes, *others present per sign-in sheet, attached.*

I. Pledge of Allegiance

II. Public Hearings

III. Call to Order—Chair McLean called the meeting to order at 6:01 pm.

IV. Communications/Bid Opening:

1. Toni Simmons—Aquaculture License renewal: Town has received notice from DMR of two renewal applications from Toni Simmons; have 14 days for written comment.
2. County tax commitment—Zinser noted that \$400,000 was estimated in the budget for county tax, actual commitment is \$386,132.25. Although the tax is up about \$4-5K from last year, it is less than budgeted.

--Skip to **VI. (1.)**—Award consideration RFP 2009-03, Back Meadow paving: J. Pinkham moved to accept Crooker bid; V. Pinkham second. Discussion centered about the escalation clause in the Crooker bid and the fluctuation in the cost of liquid asphalt. Crooker and Hagar were in compliance with RFP bid specs. Lane did not comply. J. Pinkham said if there is a change in bid specs at the pre-bid meeting, there should be an addendum. Seth Hagar commented on his advocacy for fair and uniform bid practices and urged the Board to follow the process and take the Crooker bid. McLean asked Crooker about the escalation clause. Crooker explained it was somewhat similar to home heating oil clauses that allow for escalating fuel costs; currently liquid asphalt is pretty stagnant, cannot predict what will happen next month. Zinser said road project to be completed by July 30. Motion passed to accept Crooker bid 5-0.

Zinser presented for the Board's consideration a \$1,200 payment for technical assistance to ensure that the contract and specs on the road had been met. Sutherburg added that this is a good insurance policy for the town: the engineer stays on the job, takes core samples, compression tests, etc. Discussion followed on whether this expenditure was necessary, where the money was coming from (paving reserve). Stelzer moved not to exceed \$1,200 payment for technical assistance; Wilbur second. Motion passed 3-2.

V. Town Manager Discussion

1. Update/Options—Cable Contract: waiting for Ron Grenier, address later in meeting.
2. Parking Lot issue—Narragansett Leathers: Alan McKinnon, owner of Narragansett Leathers and John & Frieda Hanlon, owners of Stars request

the all between the two buildings be designated one-way. McKinnon provided a blow-up map for the Board for illustration. Zinser noted the need for traffic engineering and that the Shore/Harbor grant supports looking at the flow of traffic. Could have the answer by October, perhaps sooner. Wilbur noted the May 21st meeting of the Shore and Harbor committee is the place to brainstorm this issue. McKinnon said that he would like to work with the town to solve this problem.

3. Fuel Bid: Zinser reported a locked-in price for #2 fuel at \$2.09/gallon with CN Brown. There were no bids for propane; Zinser had asked Midnight Oil and Colby and Gale, with no responses. McLean suggested inquiring why no one had bid.
4. Heater Rd Petition—best to discuss under VI.(3) annual town meeting warrant.
5. Grant funding—Orton grant: also discuss under VI.(3)
1. Update/Options—Cable contract: Grenier did not show; Board proceeded with discussion. Zinser reported that he and Grenier have had successful meetings with the Time Warner representative. Zinser now needs direction from the Board. J. Pinkham said his only concern was that the Town not be in the TV business. Zinser noted that there are legal issues when the contract is signed and the town has the channels, need to designate who operates; cannot have LCTV manage a town-owned channel that is only viewed in Damariscotta. Need to compare costs if town manages versus LCTV. For \$3K we can go live ourselves, cost \$17K to go live under the consortium. Discussion continued on pros and cons of LCTV managing the channels, going live, not signing an exclusive contract. McLean moved to allow Zinser to continue in the direction outlined in Zinser's memo; V. Pinkham second. Motion passed 5-0.

VI. Official Action

3. Annual Town Meeting Warrant—Board took up agenda item V. (4.): Heater Rd. Petition. Selectmen discussed Art. 38, requesting Town take over Heater Rd. to sand/salt shed. J. Pinkham said the road does not meet state specs; Zinser commented that this is not a road, so specs are not an issue. Stelzer not in favor of taking over the property, there should be some cost-sharing. J. Pinkham suggested forming an association to spread out the cost; concerned about opening the town to other petitions to take over “roads.” Zinser to contact town attorney to discuss Heater Rd. legal technicalities. Zinser explained Art. 36: does not bind Town to any costs, need to obtain clear title to back parking lot for Shore/Harbor redevelopment grant. Currently, about 1/3 of the lot is clear title; 1/3 with easements and 1/3 easement only, i.e. boat ramp area to Serendipity, the town does not own. J. Pinkham move to approve Art. 36, Stelzer second. Motion passed 5-0.

Discussion continued with agenda item V. (5.) Orton grant funding: Zinser is confident that the \$12,500 needed to satisfy the Town's obligation for the Orton grant will be raised from other sources; he asked

if the amount should be presented to the Town for transparency. J. Pinkham agreed it should be. Zinser said in the worse case scenario the funds would get returned to surplus when realized from other sources. Wilbur moved to include \$12,500 in the warrant as Art. 40, McLean second. Motion passed 5-0.

McLean move to approve and sign, with changes, the Annual Town Meeting Warrant when ready, Wilbur second. Motion passed 5-0.

VI. Official Action

2. Special Town Meeting Warrant—school articles: Wednesday, May 27, 2009 at the Municipal Building, not at Great Salt Bay. Board of Selectmen has to call special meeting. J. Pinkham inquired about the adult ed budget not in the budget book. McLean asked about LD1. Zinser said with the figures the town budget could be increased by 6% and still comply with LD1. The town budget is being reduced by 5%. J. Pinkham moved to hold a special town meeting for school articles on May 27 at 6:30pm at the Damariscotta Municipal Building. McLean second; Motion passed 5-0.
4. Planning Board Appointment—Steve Cole: McLean moved to appoint Steve Cole to the Planning Board to fill George Parker's term, effective June 1, 2009; V. Pinkham second. Motion passed 5-0.

VIII. Old Business

Town report—cover: Proposed town report cover circulated among Board; Dan Day gave consent to use the Jake Day image; J. Pinkham noted he would like permission also in writing.

IX. Consent Calendar

Regular meeting minutes of April 15, 2009, J. Pinkham move approval, V. Pinkham second, Motion passed 5-0.

1. General Fund warrant #58: J. Pinkham move; V. Pinkham second. Discussion: J. Pinkham inquired about the RHR Smith bill. Zinser explained that is was for technical services. J. Pinkham stated that the Board should be informed when substantial amounts of money are moved from one investment to another. Zinser assured the board that the investments are all AAA rated and 100% safe. J. Pinkham and McLean asked Zinser to please report to the Board before action on investments. Motion on General Fund Warrant #58 passed 5-0.
2. Payroll warrant #55,56,57: J. Pinkham move to approve; McLean second. Motion passed 5-0.

X. Other Business

J. Pinkham inquired about the block grant and the painting of lines. Zinser replied the block grant still pending; the painting of lines will be done before Memorial Day—has been a rain issue to date.

J. Pinkham asked about any snow removal damage; V. Pinkham commented on the damage to sidewalks. Zinser replied that Hagar is fixing road sign damage.

V. Pinkham renewed her request for notebook containing minutes for reference during Board meeting. Zinser said he could bring in his copy if needed.

Further discussion regarding pre-bid/bid protocol: if changes are agreed upon in pre-bid meeting, have present contractors initial, take quick notes at meeting, e-mail changes as soon as they occur. V. Pinkham questioned Zinser and Sutherburg both attending pre-bid meetings. Stelzer offered that Sutherburg knows the roads, Zinser know contract and legal aspects.

J. Pinkham reiterated his dislike of the Main St. traffic light and intersection.

XI. Executive Session

1. Executive Session pursuant to 1M.R.S.A, sec.405(6)(A) to discuss personnel matters. On Motion McLean/Stelzer to enter executive session; motion approved 5-0; Board entered executive session at 8:50pm.

XII. Adjournment

Board moved out of executive session at 8:55pm. On motion Wilbur/McLean to adjourn Board of Selectmen meeting; motion approved 5-0. Meeting adjourned at 8:56pm.

Respectfully submitted,

Jurate J. Barnes, Deputy Clerk