

Town of Damariscotta, Maine
Public Hearing
Wednesday, January 21, 2009

Present: Selectmen: Richard McLean, Joshua Pinkham, Vicki Pinkham, Edwin Stelzer, David Wilbur; Town Staff: Gregory Zinser, Cheryl Pinkham, Cynthia Sykes, Jurate Barnes. Also present: Robert Bouchard, James Campbell, Emily Elliott, Neil Genthner, Brent Hallowell, Adam Hanson, Dean Jacobs, JoAnn Jacobs, Jane LaFleur, Mary Patricia McLean, Karen O'Bryan, Ronn Orenstein, Carolyn Parker, George Parker, James Phillips, Ann Pinkham, Christopher Roberts, Ron Smith, Pande Stevens.

I. Pledge of Allegiance

II. Public Hearings

Chairman McLean opened the public hearings at 6:31 pm.

1. Town application for CDBG funds—Public Infrastructure Grant
Zinser: This is a required public hearing as the town works on the application for funds. Town is seeking roughly \$426,000 for the reconstruction on Church St. of storm water system and waterline replacement. The application is due for submission on Friday, January 23, 2009. The Great Salt Bay Sanitary District is participating in the project. Town matching funds of \$68,000 can include engineering costs already applied. The money for matching funds is set aside in reserve accounts.

McLean asked for comments; hearing none, closed this public hearing at 6:35 pm

2. Liquor License Renewal—Salt Bay Café. McLean: application is in order, no PD issues. No comments from the public, McLean closed this public hearing at 6:36pm
3. Liquor License Renewal—Reunion Station. McLean: application is in order, no PD issues. No comments from the public, McLean closed this public hearing at 6:37pm

III. Call to Order

IV. Communications

V. Town Manager Discussion

1. Audit Presentation—Ron Smith, principal, RHR Associates, reported on the audit as of June 30, 2008. Smith highlighted specific pages in the audit report and explained the line items. Smith praised the town staff for a great job, saying the audit were getting easier and easier for his firm; wanted to commend the staff.

Stelzer: glad to hear the positive comments. If you could, please point out areas where we can do better.

Smith: Cheryl has come a long way, with better efficiency using the TRIO software; she is very capable, is learning the job—she can go to the next level and begin to take advantage of TRIO nuances, utilize more features of the software.

Stelzer: there have been a number of articles recently about certain town's money problems. Can you say that Cheryl and Greg are doing a good job?

Smith: referring to a town toward the south; those issues clearly do not exist in Damariscotta. It is hard to combat willful manipulation. There are eight fraud cases ongoing that we are involved in. Damariscotta has good checks and balances going on, with cohorts/policies/procedures designed to protect the innocent; very honest people.

J. Pinkham: is there a trend coming for a decline in revenues

Smith: excise tax, there are two pieces of legislation to cut excise tax rates in half. If that passes, it would cut the 380K the town took in last year, to half. Jail consolidation, school consolidation and excise are the biggest challenges.

Zinser: budget is conservative with regard to revenues, but we do see a downward trend.

Smith: the excise tax revenues look less favorable every year.

Zinser: also expect additional cuts in revenue sharing this year.

J. Pinkham: any other accounting standards on the horizon?

Smith: no, these are dire times

McLean: the issue is being able to keep an eye on the dollars. Greg gives the Board routine financial reports, so the Board has the opportunity to know how the money is tracked; books are available at any time. The Board pores over the warrant in great detail; keeps up with its responsibility.

Smith: a reminder that just a few years ago the town was nine months in arrears in balancing the checkbook; many red rockets were going off; now there is attention paid to detail.

2. Discussion with Bob Bouchard—AOS and projected secondary shortfall. Bouchard: came with a handout describing AOS. Eleven towns described problems/flaws in the consolidation plan. While AOS does have its flaws, it does preserve local school boards, consistent labor contracts, i.e. no equal salary scales.

Wilbur: When is the vote, what happens?

Bouchard: vote January 27, 10-8 in Damariscotta. The plan is online; there are provisions if the towns vote it down; negative feelings on the peninsula, Boothbay, Edgecomb. All the towns in GSB have to vote collectively in favor, the plan can get defeated in one town, approved by the other two, the plan is still in: cannot separate CSD.

Stelzer: if you don't join, there is a penalty to Damariscotta, about \$75K annually.

Bouchard: no, the full RSU would consolidate schools such as South Bristol with a centralized board. With AOS, local boards still exist and have control of the school.

McLean: thanks to Bob Bouchard, Adam Hanson and Dave Wilbur for all of their hard work.

Stelzer: highly recommend the public turn out and support this vote

Hanson: regarding the proposed secondary school shortfall

Bouchard: lost \$26K in subsidy after the year started, had budgeted \$152k in subsidy; with secondary costs, no cuts or options in budget; in the course of one year lost subsidy, got extra kids, even with 2 extra pupils built into budget, got four more students. What little cushion in the budget, the extra students will expend every nickel. Will be short on the revenue side, about \$31K short. Can cover it from surplus.

Zinser: suggest we let this play out until the town meeting, then can transfer from town surplus to the school.

Bouchard: we will not over expend the budget

Zinser: revenue shortfall the way to go; don't want to go to re-validation.

Wilbur: regarding the students in special ed, any reimbursement from feds or state?

Bouchard: no, get a \$125K federal subsidy based on the valuation of the town, but not specific for special education. GSB is a minimum receiver of subsidy, get ~40% of special ed reimbursed, not 100%; the state feels we are so rich that we do not need money.

Stelzer: it could get worse; what is the average cost of a Lincoln Academy student

Hanson: Last year \$8,039; do not know this year's cost—we were supposed to know last month.

Wilbur: what is the state average

Bouchard: state gives out those numbers in December; we still don't know, supposed to know within ten days. The fund beginning balance of \$170k, we are spending it all, no more cushion for tax dollars. Next year, we won't be any better off.

McLean: when will the Board of Selectmen have to address the shortfall.

Zinser: may have to do what we did last year when we reviewed the warrant for the annual town meeting.

Bouchard: trying to keep it on the revenue side.

Patricia McLean: if a student moves, what happens to the revenue

Bouchard: tuition gets pro-rated to the day.

Agenda item taken out of order:

VII. Official Action

Bid Award—FD SCBA's—Genthner: Fire Tech Safety gets the bid; grant of \$9,550 matching funds from the state and ~ 66K from federal funds. The quote of \$62,437.25 to do the project was lower than the estimate initially given. FEMA has stringent guidelines for excess funds. The remaining 7 or 8 K can be use to purchase more SCBA equipment up to 5K. Need to do seventeen upgrades, can get those from the grant, if there is any revenue left, look at purchasing additional face masks, voice amplifiers. Need approval from DHS since it can only be applied to fire prevention.

Stelzer move, V. Pinkham second to proceed with the fire Chief's recommendation.

Zinser: suggest amending the motion to include language up to the full grant award.

Stelzer and V. Pinkham amended motion. Motion passed 5-0.

Return to agenda item V. (4) DPAC update: George Parker introduced Jane LaFleur.

McLean: the acronym DPAC stands for Damariscotta Planning Advisory Committee

LaFleur: I have been working with DPAC for eight months; a big activity is scheduled for January 29: community conversation with pot luck dinner at Mobius center. Special places/special people will start the focus on the heart and soul project as it develops into a vision for Damariscotta. This is a family event, first of its kind, the entire public is invited to attend.

VI. Joint Board Meeting with Newcastle 7pm

Meeting was called to order by Chair..... at 7:31pm

Zinser: have been talking with Ron Grenier about the cable franchise arrangement. Have gotten questions from the Board regarding where are we, answer is I don't know. We have heard from the cable consortium. Eight years ago tried to negotiate a cable contract, reached an impasse, hired a lawyer. Once that happened it became even more complicated.

Ron and I can kick the contract negotiation to the town level, let the towns deal alone with Time Warner.

Wilbur: What caused the impasse.

Zinser: seems to me a little petty—foreign TV station. What are the franchise fees.

Contacted Shelly Winchenbach from time Warner. We don't know what contract we are working on, need to review current contract.

Grenier: Newcastle representative to the consortium, Dave Levesque came to a Board meeting in either September or October and briefed the Board on the status of the negotiations. Levesque expressed frustration with the process. The consortium is looking to hire a lawyer and was looking to Newcastle to contribute. Newcastle said no. The town's Right of Way is being leased and the new Board has a policy decision not to pay for any more lawyers. Dialogue with Greg started last fall. Time Warner is not as cooperative as they could be.

McLean: I am the Damariscotta representative to the consortium. Excel was the initial provider, they were required by the FCC to get town permission so they negotiated a contract. The contract for Damariscotta looked better than for many other towns. Excel was purchased by a new buyer, many of the original contract items were not met, a large group of towns came together with the intent to receive the terms contracted. Damariscotta hired a consulting group; Adelpia would not come to the table; subsequently filed for bankruptcy. Communications between me and the consortium stopped; the contracts expired. Time Warner purchased Damariscotta's rights, but never appeared before the Board. Damariscotta has spent a lot of money to no end. No contract for a number of years now. Need to sit down with current provider and talk and come to an understanding about the list of things promised a long time ago.

V.Pinkham: do they pay tax

Zinser: yes

Wilbur: they are not negotiating; file for arbitration and get them to the table

Grenier: Greg and I asked for a meeting, expecting straightforward cooperation. Found Ms. Winchenbach very positive and within twenty-four hours of the meeting, had a copy of a transition agreement stipulating the obligation of Time Warner; a draft agreement with full data on franchise fees. Had a very candid conversation. We think we can use the leverage of the Damariscotta/Newcastle community; want to build on the momentum.

Wilbur: what is your leverage/

Grenier: if the cost received is not satisfactory, then the town is directly involved.

Wilbur: the consortium had no backbone

Zinser: appears the consortium was gung-ho in the beginning and then lost interest, and lost the bargaining power.

Grenier: Newcastle representative has stepped down.

Stelzer: how long was the consortium in place

McLean: eight years

Stelzer: how long since the last contract expired

McLean: three or four years

Stelzer: what are we getting paid

Zinser: 3-4%

McLean: got assistance with line drop at the Lincoln Theatre for the inauguration. Referred to Shelly, Time Warner was immediately responsive; it was fine dealing with them. Time Warner left the cable for another occasion, got paid for the service, turned the switch off.

Stelzer: hearing examples of co-operation, things just don't balance. Is consortium asking unreasonable things.

J.Pinkham: let Ron and Greg get educated, then tell us.

Straw: motion to have the Newcastle Board of Selectmen approve Ron Grenier to negotiate with Time Warner/motion seconded. Motion passed 5-0

McLean: move to authorize Greg Zinser in conjunction with Ron Grenier to negotiate contract, with ultimate approval by the Board of Selectmen. Stelzer Second, Motion passed 5-0.

2. Harbor Ordinance—Stelzer: there is a hearing next Wednesday at 7:00 PM. This is an important ordinance, let the committee know how you feel. Nine very qualified individuals, with independent viewpoints. Best committee I have ever served on, everyone brought information, kept an open mind, compromised when necessary. There needs to be two separate ordinances, single harbormaster, consistent rules and regulations.

Grenier: fine example of two communities, each board nominating very good people.

Zinser: I'll second that...

Grenier: look forward to more exercises.

Zinser: worked out very well; minor changes in the ordinance for Damariscotta versus Newcastle, mostly due to charter; the ordinances, the guts of the administration are consistent.

Stelzer: if there is a problem in Newcastle, it goes to the Appeals Board, if in Damariscotta, then to the Board of Selectmen.

Straw: suggestion: the town of Newcastle has never paid the Harbormaster. This needs to be changed as soon as possible.

Zinser: we have talked about the level of compensation

Stelzer: agree 100%

3. Other general discussion

Zinser: there has been some talk of joining Fire Departments. We don't feel Damariscotta is ready for it; perhaps consolidation of Fire Dept. administrative functions.

Grenier: another area similar to the joint harbor committee; my board did not ask to talk about consolidating fire departments. Harbor model is going so great, that maybe this is another area where we are already co-operating, are there areas in fire protection that a task force appointed by the Board of Selectmen, comprised of people who know what they are talking about, like that in the Harbor Committee, could work.

McLean: our fire chief has issues with the administrative bureaucracy; not fire fighting issues; would like the administrative stuff be shifted to a clerical person under the fire chief's supervision.

J. Pinkham: we are talking about compliance issues, etc. The structure of the Damariscotta fire department is different from Newcastle.

Straw: the Board is not clear on who owns what

Grenier: ownership works on how it was purchased—municipal money

Straw: issues are the same, paperwork is killing everybody

Zinser: we are looking at a service provided by Lynn Orne. ~\$1200/year will handle all compliance, training sessions. It is still on the table that we may hire a part time worker for the fire department billing ordinance and other paper work.

McLean: we are an on-call fire department; separate entity Massasoit

Straw: just like Newcastle

Zinser: ours is not a municipal department; everything is owned by Damariscotta

McLean: seems like two days a week, maybe get a better person and price for 4 days; maybe that cost can be improved by coming together.

J. Pinkham: basic package for compliance book—come in 1 or 2 days per month and do the training records.

Newcastle selectman: this is an example when the conversation started; this committee is so positive; a move to sharing services, saving money for the taxpayers, but not necessarily consolidation.

Grenier: it is evolving.

Zinser: that is where we ended our conversation; need to take it to another level

J. Pinkham: between Greg and Ron, come up with a list for co-operation.

Plourde: just a question on Lynn Orne, she is a county commissioner

J. Pinkham: we are talking about her personal business

Stelzer: what is the time frame

Grenier: after our town meeting

Zinser: realistically, sometime in July

Grenier: Greg and I do communicate. Thank you to Greg for reaching out; we have a very positive relationship; we will be able to formulate our thoughts.

On motion Straw/Plourde, to adjourn, motion passed 5-0. Joint meeting adjourned at 8:22 pm

V. 3. Test boring—Zinser: the test bore is complete, expect the report in next couple of weeks. Found some gravel, but becomes clay very quickly.

VII. Official Action

2. Lincoln County Animal shelter: Zinser: have forwarded new contract for \$1,060 for next calendar year. They arrive at the figure by dividing the population by two. Ask Board to authorize me to sign contract as agent.

Stelzer: interesting formula; what do we get

Zinser: by law we have to select an animal shelter; we have always used Boothbay, paying for the ACO to take sick/unclaimed domestic animals.

J.Pinkham move to approve \$1,060 contract and have Greg sign as agent; McLean second. Motion approved 5-0

3. Set date for workshop to continue economic development discussions: Zinser: propose within the first two weeks in February to continue the TIF discussion. Need to sit down with Dick and Ed to bring up to speed.

Wilbur: I am gone after the first board meeting

Zinser: how about February 2 at 5pm

J.Pinkham: have classes on Tuesday and Thursday; will try to make it

Zinser: we can talk prior

VIII. Old Business

IX. Consent Calendar

Regular meeting minutes of January 7, 2009: On motion V.Pinkham/J.Pinkham, approved 5-0

1. General fund warrant #39 on motion J.Pinkham/V. Pinkham, approved 5-0

2. Payroll warrant #38 on motion McLean/V. Pinkham, approved 5-0

X. Other Business

Wilbur: make sure we can post agendas on our web site

Zinser: tight on advertising budget/ website is a good place and can post in post office.

Wilbur: not just Board of Selectmen agendas

Zinser: Planning Board agenda is published with applicant fees.

Zinser: the issue with IT is that we don't have the time to maintain the website, not hard to train, just need time, minutes are more or less up to date. Issue is not the training; two administrative positions have been eliminated, others have taken them on; we can work on website when we can

V.Pinkham: is there a counter on the website

Zinser: No

V.Pinkham: it would be interesting to see; can post agenda in town

McLean: also post on the door; too much stuff on the doors, time to winnow

V. Pinkham: speaking as a private citizen now—there is a problem with the exit at Rite-Aid: can't see to exit because of the height of the snowbank.

Drake: probably a state road; I can talk to Rite-Aid

V.Pinkham: problem is not on the road

Drake: no problem, I'll talk to them

J.Pinkham: has the light been changed

Zinser: had the contractor for the lights in town; they disagree with the blinking from 9pm to 6am. The engineer said that these intersections are not suited to being lighted, so strongly disagree with setting them to blink. Liability issues, especially with not clearly defined intersection, especially with the Biscay Rd light where speed can be an issue; the higher speed on 1B could cause a T-bone.

J.Pinkham: the intersection is not working

Zinser: speed, tomar issue creates confusion

McLain: on Biscay Rd, if no traffic, 5 second delay before light goes to green

Zinser: if one car goes by, extends that sequence to a maximum of 45 seconds.

J.Pinkham: if the engineer says the lights are no good, let's rip them out.

J.Pinkham: what about the ground speed control certificate

V.Pinkham: should have been in place in October; grounds of the contract

Zinser: yes a requirement, but they cannot help the upload, it is a software issue

Stelzer: any input when it might be fixed; feel strongly about rolling deadlines

Zinser: I will get schedule when computer module will be ready; cannot produce reports

J.Pinkham: salt program throughout the whole town, calcium program on certain roads

McLean: what about the bus issue

Zinser: the Board asked me to look into it, go over other scenarios. Water St. stop cannot be done.

McLean: made a strong commitment to the operations manager for Maine for Concord bus that is the board is going to make a decision, that he will be present. There is a group in town that says leave the bus alone.

Joann Jacobs: leave it alone

McLean: need to have the meeting advertised, put on the agenda

V.Pinkham: if the bus wants to go through Damariscotta, what is the difference between Rite Aid and the state road

Drake: have seen the bus try to avoid two way traffic. Maybe as a single space, or pull up to the sidewalk.

McLean: enough conversation in town whether or not to pursue this avenue, need to put on agenda for subsequent meeting to discuss and get reasonable input.

Stelzer: more than just providing a service, there is a safety issue, would like to see on next meeting agenda

V.Pinkham: how about first meeting in March

Dean Jacobs: general consensus of the bus company is that they are not welcome

Zinser: never intend to get rid of the bus

McLean: the bus company ridiculed the invitation; hope they do take advantage of the opportunity to hear, encourage him to come

V.Pinkham: are we making it so they by pass Damariscotta

J.Pinkham: my concern was to alleviate the traffic problem, a safety concern, as an example for the ambulance.

Drake: I agree, things about the bus I didn't know about, like turning onto Water St.

Bus is wanted, need to make it work, safety is ultimate concern. Main St. narrow due to design; just aggravates the issue.

Campbell: let them on the sidewalk for now; biggest problem is the fiasco when Main St. was redone.

XI. Executive Session

XII. Adjournment on motion of V. Pinkham/Stelzer motion passed 5-0.

Meeting adjourned at 9:00pm

Respectfully submitted,

Jurate J. Barnes, Deputy Clerk