

**Town of Damariscotta, Maine
Board of Selectmen's Meeting
Minutes
Wednesday, October 5, 2005**

I. Pledge of Allegiance

II. Call To Order

The Board of Selectmen met at the Municipal Facility on Wednesday, October 5, 2005 to conduct town affairs. Chairman Richard McLean called the meeting to order at 6:30 p.m. Members present were Richard McLean, Walter Hilton, William Earle and Joshua Pinkham. Absent was Scott Gove. Staff present was Town Manager William Post, Road Commissioner Terry Sutherburg and Fire Chief Doug Clark. Others present were John Day, Heather O'Bryan, Brent Hallowell, Bill Moore, Ralph Webster and Robie Knowlton from MDOT, one unidentified citizen from Newcastle, Karen O'Bryan (LCTV) and one member of the media.

III. Public Hearings

1. Liquor License Renewal and Entertainment License Renewal Application of American Legion Wells-Hussey Post #42, 527 Main Street.

McLean opened the public hearing at 6:30 p.m. There were no public comments for or against the applications. McLean closed the public hearing at 6:31 p.m.

On motion of Hilton/Earle, the Board VOTED: To approve the Entertainment and Liquor License Renewal applications of American Legion Wells-Hussey Post #42 as submitted (Vote: 4 – 0).

IV. Old Business – None

V. Communications

1. Town of Buxton, re: Maine Communities Hurricane Katrina Relief Fund.

Post stated that the Town of Buxton has asked all communities in Maine to donate to a hurricane relief fund.

McLean stated that there are no funds budgeted for this type of request.

On motion of McLean/Hilton, the Board VOTED: To table the request from the Town of Buxton (Vote: 4 – 0).

VI. Official Action

1. Act on Blanket Letter of Approval for Beano and Games of Chance for American Legion Wells-Hussey Post #42.

Post explained that the legion's Blanket Letter of Approval expires this year and they have requested that it be reissued by the Town. A blanket letter of approval is sent to the Chief of the State Police granting the Town's approval for a 5-year period for the organization to hold beano and games of chance.

On motion of Hilton/McLean, the Board VOTED: To approve the Blanket Letter of Approval for Beano and Games of Chance for the American Legion Wells-Hussey Post #42 (Vote: 4 – 0).

2. Main Street Project, meet with MDOT Representative Ralph Webster and Project Designer Bill Moore.

Post introduced Bill Moore, the lead engineer on the Main Street Project, from Fay Spofford and Thorndike.

Moore introduced Ralph Webster and Robie Knowlton from MDOT.

Webster reviewed the status of the project. He stated that the project plans needed to go through the “4(f)” review process, which means that the Maine Historic Preservation Commission and the Federal Highway Administration (FHWA) review the plans. The 4(f) review is necessary because the downtown in Damariscotta is on the National Register of Historic Places. The FHWA needs to approve the plans stating that there will be no significant impacts on the historic properties.

Webster stated that the MDOT expects the FHWA approval by the end of October. The project is scheduled to go out to bid in January, with construction to begin in March, depending on the contractor selected. There will be no construction in the traveled ways during July and August, but they hope that construction can continue on sidewalks and other areas that will not interrupt traffic flow during those months. Construction on the roadway will continue after Labor Day 2006 and continue as long as possible in the fall. Construction will finish in spring 2007, depending on the weather and what can be accomplished before then. MDOT has issued a premature letter of commitment to CMP so that utility work can begin, and that is expected to begin anytime.

Webster stated that MDOT has been instructed to submit projects that can be reduced to save money because funding has been reduced, but he assured that this project will not be considered for any cuts.

Hilton asked where the actual construction will begin. Webster stated that is up to the contractor and will be determined at the pre-construction meeting in February.

A discussion followed between a Newcastle resident and Webster about a specific pole location.

McLean asked if there are any plans to notify the business owners downtown of when construction will occur so they can plan and schedule deliveries. McLean strongly encouraged that a meeting be scheduled before construction begins with those downtown.

Webster stated that that once construction begins, the resident engineer will be on site and meet weekly to explain where the construction will be for the next week. He stated that a meeting can be scheduled before construction to clarify the construction schedule.

Post stated that Heath Cowan, the project manager, stated that there would be weekly meetings, but it is important that the Chamber of Commerce and the Town be involved in these meetings so that the communication lines stay open.

McLean asked what condition Main Street would be in on July 1st. Moore stated that the sidewalks will be left in a usable condition. The goal is to have the drainage system in place before July 1, 2006. Minor work may continue on sidewalks and curbs during the summer months, and there will be pavement in the places that were dug up for the drainage system. It is not expected that the travel lanes will not be dug up until the fall of 2006.

Hilton asked if one lane of traffic will be moving at all times during construction. Webster stated that there will be one-way traffic during operations, but the intent is to keep two-way traffic as much as possible.

McLean asked when MDOT would know about any funding cuts. Webster stated those decisions would be made on Friday October 14th.

McLean asked heather O'Bryan if she had any comments or questions. O'Bryan stated that it is important to keep the lines of communication open and to direct all questions and concerns to one person, such as the resident engineer. She asked if she could have copies of the plans that Moore brought for display so that they could be displayed at the upcoming Business-to-Business Showcase. Moore stated that he would get copies to O'Bryan.

Brent Hallowell asked if night work was considered. McLean stated that as a resident of downtown, he opposes any night work. At the meeting held last summer at the library, MDOT stated they would not consider night work because of the amount of residents near the project. Moore stated that the specifications only call for a normal shift for operations.

The Board thanked Bill Moore, Ralph Webster and Robie Knowlton.

3. Act on Petition for Speed Limit Decreases on Chapman Street and Church Street (Chief Steve Drake).

Post stated that the police chief was scheduled to attend the meeting, but was called away. He stated that the police chief requests that the Board petition the state to reduce the speed limits on Church Street as far as School Street from 35 mph to 25 mph and on Chapman Street from 30 mph to 25 mph for safety reasons.

Pinkham asked how many speeding tickets had been issued on these two streets. Post said he did not have that information, but could.

Sutherburg stated that the Board needs to be aware that the state could increase the speed limits once asked to review them on the two streets, but that he doubts they would do that.

On motion of Earle/Hilton, the Board VOTED: To petition the State of Maine Department of Transportation to reduce the speed limits on Church Street from 35 mph to 25 mph and on Chapman Street from 30 mph to 25 mph (Vote: 3 – 0 –1, Pinkham abstained).

VII. Town Manager's Discussion

1. 27 Church Street Property.

Post stated that the advertisements for the sale of the property have begun, and will continue for the next 3 weeks. The deadline for sealed bids is October 28th at 1:00 p.m. at the Town Office. The bids will be opened and read at that point. The Board will discuss the bids at their first meeting in November.

Pinkham stated that he did not agree with all of the terms as set by the Board at the last meeting.

2. Work Plan.

Post stated that he has not been able to place the work plan workshop on the agenda as other business has filled the agendas. He asked the Board members to use the project list previously handed out to them and to rank the projects based on their priorities. Those results could then be tabulated and a priority order established. The Board agreed to do this.

Pinkham suggested that 15 minutes be set aside at future meetings to review some of the projects. Post stated that he would try to do that on each agenda.

VIII. Consent Calendar

1. Regular Meeting Minutes of September 21, 2005.

On motion of Hilton/McLean, the Board VOTED: To approve the minutes of September 21, 2005 as submitted (Vote: 3 – 0 – 1, Pinkham abstained).

2. Financial Reports:

- a. Payroll Warrant #14 General Fund Warrant #15.

On motion of Hilton/Earle, the Board VOTED: To approve the General Fund Warrant #15 and Payroll Warrant #14 as submitted (Vote: 4 – 0).

IX. Other Business

1. McLean stated that the Land Use Committee has been meeting and that Bob Faunce, Lincoln County Planner is working with the committee. One piece of advice that Faunce has given is that the Town should align itself with a strong land use attorney to assist the committee and the Town through this process, especially in regard to large commercial retailers. Post has been talking with a few firms that deal with land use issues about the committee's project and will be working with one of those firms.

Hilton asked if the committee is only looking at large commercial retailers and what changes would be necessary in the ordinances for them. McLean stated that the committee has developed six issues that they need to address. They are large commercial retailers, hotels/motels, zone boundaries to alleviate friction between zones, new ordinances such as a junkyard ordinance, better definitions and detail in the ordinance, and the fragmentation of the ordinances, or whether the ordinances need to be placed into one land use code.

Hilton asked if the committee's opinion is to allow a large retailer with standards or to limit the size of the retailers. McLean stated that the committee wants to try to gauge the public's opinion in this regard to determine what the committee needs to recommend for ordinance changes.

Pinkham stated that it is important to balance the needs of the Town with the needs of potential developers.

Clark asked if the committee had considered a building code. McLean stated that they had not. Post stated that if the Town adopts a building code, then it must adopt the Maine model building code, or more stringent standards.

Hilton stated that the Town should look at adopting a building code. Post agreed, but stated that then the Town would need to hire a trained building inspector.

X. Executive Session - None

XI. Adjournment.

On motion of Hilton/Earle, the Board VOTED: To adjourn at 7:48 p.m. (Vote: 4 – 0).

Respectfully Submitted:

William S. Post, Town Manager