

**Town of Damariscotta, Maine
Board of Selectmen's Meeting
Minutes
Wednesday, November 2, 2005**

I. Pledge of Allegiance

II. Call To Order

The Board of Selectmen met at the Municipal Facility on Wednesday, November 2, 2005 to conduct town affairs. Chairman Richard McLean called the meeting to order at 6:30 p.m. Members present were Richard McLean, Scott Gove, William Earle, Walter Hilton and Joshua Pinkham. Staff present was Town Manager William Post and Police Sergeant Chad Andrews. Others present were YMCA Director Craig Wilson, Brent Hallowell, Summer Hallowell, Augustine Lett, Vicki and Allan Pinkham, Karen O'Bryan (LCTV) and one member of the media.

III. Public Hearings

1. Liquor License Application (new) of Augustine Lett d/b/a Backstreet Restaurant.

McLean opened the public hearing at 6:30 p.m.

Gove stated that the application was incomplete, as the type of privilege had not been checked. Lett stated that he is applying for all three, malt, vinous and spirituous. Lett completed the application for the Board.

Gove asked if it would be a year-round operation. Lett stated that it would be open year round.

Gove asked when the ownership change would be completed. Lett stated that it is expected to occur on November 22nd.

There being no further comments, McLean closed the hearing at 6:35 p.m.

On motion of McLean/Earle, the Board VOTED: To approve the Liquor License Application of Augustine Lett, d/b/a Augustine's Backstreet Restaurant (Vote: 5 – 0).

2. Receive Public Comments on the General Assistance Ordinance as Amended.

McLean opened the public hearing at 6:35 p.m.

Post stated that the changes to the general Assistance Ordinance are essentially changes in regulations from the Department of Health and Human Services (DHHS), as well as organization and name changes due to the reorganization and name change of DHHS. In addition, there are the usual amended maximum allowed amounts that the Board reviews and approves each year after October 1st.

There being no further public comment, McLean closed the hearing at 6:37 p.m.

On motion of McLean/Earle, the Board VOTED: To approve the general Assistance Ordinance as Amended including the maximum allowed amounts (Vote: 5 – 0).

IV. Old Business – None

V. Communications

1. Wallace Riley, re Donation of Grandfather Clock.

McLean stated that Wallace Riley's letter serves as the official donation of the grandfather clock to the Town, where it will be displayed at the Town Office. The letter stipulates that the clock never be sold.

Gove asked that a letter be sent to Wallace Riley from the Board of Selectmen.

VI. Official Action

1. Discuss CLC YMCA Request for Land Donation.

Post stated that he has reviewed the lease from the Town to the YMCA as well as all of the deeds. He prepared a short history and highlights of the lease for the Board's review (see attached).

McLean stated that he would be interested in letting the voters decide on the land donation, but would like to add covenants to the deed, some of which are included in the current lease agreement. He would like the deed to include that the land be only used for recreational purposes, that it reverts back to the Town with all improvements in the event of the failure of, or sale of, the YMCA, and that the school is guaranteed use of the facility.

Gove stated that he likes all the lease requirements and would want to see them all included in a deed. He would also want the townspeople to have control of approving any expansion of the facility.

Wilson stated that it would be difficult for the YMCA to come to the Town each time there would be an expansion. This may be micromanaging the organization.

Pinkham asked how much land was at the site. Post stated there is approximately 9 to 9.25 acres.

Pinkham suggested that the YMCA make a payment each year to the Town in lieu of taxes (PILOT) for the municipal services that it uses, such as police and fire departments.

Wilson stated that there should not be too many restrictions on the actual building or the expansion of it.

Pinkham stated that he would like the YMCA to consider the donation of the land before asking for any future funding.

McLean stated that the YMCA should draft a deed with the suggested covenants for the Board to review. Wilson stated that he would have that done.

Post stated that he expects that the YMCA will bear the costs associated with the donation of the land, including the Town's legal costs for reviewing the deed.

2. Review Bids for 27 Church Street Property.

Post stated that sealed bids were due on October 28th and none were received.

Pinkham suggested that a broker list the property and that the building be winterized.

Hilton suggested lowering the minimum price to \$100,000.

On motion of Pinkham/Gove, the Board VOTED: To request certified market analysis, marketing proposals and a draft listing agreement from each real estate agency in Damariscotta (Vote: 4 – 1, Hilton opposed).

VII. Town Manager's Discussion

1. Officer C. Johnson Resignation.

Post stated that police officer Craig Johnson has resigned his full-time position with the Town effective November 20th. The position is being posted internally first, and then will be posted externally if there are no suitable candidates internally.

2. Large Truck Registration Program.

Post stated that the Town Office staff has begun registering large commercial trucks effective November 1st. The Bureau of Motor Vehicles trained the staff and this will be another service offered to the owners of these types of vehicles.

3. Land Use Committee Update.

Post stated that a citizen's petition was submitted to the Town Clerk on November 1st with language that would amend the Land Use Ordinance and place a cap on retail buildings at 35,000 square feet in all commercial zones. The Land Use Committee met the night of November 1st and, in light of the petition, decided to not pursue competing amendments to the ordinance. The committee instead will draft definition language for the terms that are in the petitioned amendments.

Hilton asked why the committee was not pursuing competing amendments. McLean stated that they felt that competing amendments would split the vote and neither would pass.

Hilton asked if the committee believes that the 35,000 s.f. cap is correct. McLean stated that they do not necessarily agree with the cap, but had only begun discussions on a possible cap when the petition was submitted.

Gove stated that the petitioned amendments could be amended from the floor of town meeting. Post stated that ordinances couldn't be amended from the floor of a town meeting vote. However, additional amendments could be voted on at the same meeting that would immediately change the language of the petitioned amendments.

Gove stated that he thought the committee was charged with determining if a large retailer was good or bad for the Town. He assumes that there is data available to determine this. McLean stated that there is large amount of data and it is on both sides of the issue depending on who writes the information.

Pinkham stated that the committee was formed to be neutral and look at all the information possible and come up with a recommendation. McLean stated that the committee began reviewing square footage of buildings and felt trumped by the petition effort.

Post suggested that the committee be charged with determining what the impacts are for a 35,000 square foot building and that they also define "retail" and any other terms that may be needed in light of the petition language.

Gove asked if a moratorium could be used. Post stated that it could and would need to be voted on by the Town. If that were done, the petitioned articles would be voted on at the same time. Gove stated that the Board could urge the petitioned articles to be voted down and a moratorium to be approved.

McLean stated that the committee meets every Tuesday night at 6:00 p.m. He invited all to attend that wish to present a differing opinion, but noted that the meetings are not hearings, but work sessions for the committee.

Gove asked what the next steps are. Post stated that the petition needs to be certified by the Town Clerk, and then it will be on the agenda for the Board to accept and determine what the next step is.

The Board could call a special town meeting, or they could wait until June for the annual town meeting.

VIII. Consent Calendar

1. Regular Meeting Minutes of October 19, 2005.

On motion of McLean/Pinkham, the Board VOTED: To approve the minutes of October 19, 2005 as submitted (Vote: 4 – 0 – 1, Hilton abstained).

2. Financial Reports:

- a. Payroll Warrant #20 General Fund Warrant #21.

On motion of Hilton/McLean, the Board VOTED: To approve the Payroll Warrant #20 and General Fund Warrant #21 as submitted (Vote: 5 – 0).

- b. September Expenditure Report.
c. 1st Quarter Revenue Report.

On motion of Gove/Hilton, the Board VOTED: To accept the September Expenditure Report and 1st Quarter Revenue Report as submitted (Vote: 5 – 0).

IX. Other Business

1. Gove stated that he has sent a letter in support of the Main Street project and that he highly recommends others do so to support the project.
2. Gove stated that the MDOT needs to finish repairing the washout on Biscay Road.
3. Earle stated that the governor would be meeting with MDOT Commissioner Cole soon.

X. Executive Session - None

XI. Adjournment.

On motion of McLean/Hilton, the Board VOTED: To adjourn at 7:54 p.m. (Vote: 5 – 0).

Respectfully Submitted:

William S. Post, Town Manager