

**Town of Damariscotta, Maine  
Board of Selectmen's Meeting  
Minutes  
Wednesday, July 6, 2005**

**I. Pledge of Allegiance**

**II. Call To Order**

The Board of Selectmen met at the Municipal Facility on Wednesday, July 6, 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, and Joshua Pinkham. Absent was Walter Hilton (illness). Staff present was Town Manager William Post. Others present were George Parker, Steve Cole, Mary Kate Reny, Gary Robbins, Karen O'Bryan, Julie Clark, Brent Hallowell, a representative of King Eider's Pub and two representatives of the media.

**III. Public Hearings**

**1. Entertainment License Renewal for King Eider's Pub.**

McLean opened the public hearing at 6:30 p.m. There were no public comments for or against the license renewal. Post stated that the liquor license and entertainment license public hearings would be combined next year.

McLean closed the public hearing at 6:32 p.m.

**On motion of Gove/Earle, the Board VOTED: To approve the Entertainment License Renewal application of King Eider's Pub (Vote: 4 – 0).**

**IV. Communications**

**1. Department of Marine Resources, re: Aquaculture Application Public Hearing.**

Post stated that the Board has been notified of a public hearing for an aquaculture application in the Damariscotta River. If the Board wishes to comment they may do so according to the application or they may attend the public hearing.

**V. Official Action**

**1. Meet with Land Use Committee.**

George Parker, Steve Cole and Mary Kate Reny were present as members of the Land Use Committee to receive direction from the Board.

Pinkham stated that he would like the committee to look at some areas in the ordinance such as the zoning on Church Street, whether the current zoning meets the needs and wishes of the town and to address the rumor of the big box retailer.

Gove stated that he would like the committee to look at adopting a junkyard ordinance, or standards for junkyards within the Land Use Ordinance. Parker asked if the Town has a separate junkyard ordinance. Gove stated that the Town does not, and it has been discussed that all the ordinances should be combined and not have separate ordinances.

Parker stated that the subdivision ordinance should be completely re-written and that there was an appeals board ordinance that was submitted for review by the Board of Appeals.

McLean stated that there are other issues that need to be addressed first, such as the big box store rumor and the zoning on Church Street.

Reny stated that the Board wants the committee to look at a few specific issues and then perform a complete review of the ordinance.

Pinkham stated that the committee should review the current ordinance and make recommendations to the Board for updates, if necessary.

Parker stated that the Planning Board has been reviewing the issue of zoning on Church Street, and is expected to make a recommendation to the Board of Selectmen at the Planning Board's next meeting.

Gove stated that the committee was formed in response to a rumor that a big box retailer was looking at Damariscotta and the Board did not know if the town wants something like that or not. So the Board formed the committee to review what the town wants or needs and to determine how the ordinance needs to be changed.

## **2. Meet with Gary Robbins, re: Assessing Services Contract.**

Post stated that, at their last meeting, the Board had agreed to meet with Gary Robbins in regard to assessing services for the Town. Post introduced Robbins and stated that there is a draft contract for the Board to act on if they approve of contracting with Robbins. The contract calls for 46 days of service for the current fiscal year at a rate of \$325 per day. Former assessors' agent Vern Zeigler highly recommends Robbins, as does Post.

Gove asked Robbins where he lives. Robbins stated that he lives in Vassalboro.

Gove asked if the Town needs as many days of an assessors' agent once the revaluation is completed. Post stated that would be determined over the next year, but construction has not slowed in town, so there may be the need for 52 days per year.

**On motion of Gove/Pinkham, the Board VOTED: To enter into a contract with Gary Robbins for Assessing Services for 46 days for fiscal year 2006 (Vote: 4 – 0).**

Robbins asked the Board what they thought is the most important aspect of assessing. Gove stated that accurate valuations are most important, Earle agreed. McLean stated that he wants the public to feel they are being treated fairly and have the chance to be heard.

Robbins stated that he believes that customer relations are very important in assessing and that errors in assessments can be corrected.

McLean asked Robbins if he is familiar with Damariscotta's operations. Robbins stated that he was fairly familiar with the assessing department as he has worked with Zeigler on Isleboro and also worked one day with him last fall as a job shadow experience.

Gove stated that Robbins will have his own methods, but he found Zeigler's methods very helpful to the Board. Robbins stated that he would review what is in place, and if it works, he would not change it.

The Board thanked Robbins.

## **3. Discuss Riverside Park Project.**

Parker stated that the original plan was to build additional fencing separating the park and the parking lot, but there were concerns with snow removal. Now the structure to be built will be behind the current fence.

Gove asked exactly where it would be located. Parker handed out a picture of the area with a drawn example of where the structure would be located.

McLean asked what permits would be necessary. Parker stated that a resource protection permit may be necessary, and that the Department of Environment Protection is looking at it currently to determine what permit is necessary. Parker has spoken with the Code Officer and has discovered that a building permit is dependent on whether the structure is a water related use or not. The proposed structure will have interpretive panels describing the waterway and its previous uses.

Gove asked who would own the structure and who would maintain the structure. Parker stated that the Rotary Club will be paying for it initially and the Town owns the land. Ownership would most likely belong to the Town. Maintenance is another issue. He stated that the Riverside Park Committee wants the Board's opinion on the project before they continue too much further with it.

McLean stated that the Town would need to own it for insurance purposes. Post stated that liability would be the greatest concern on his part, and if the Town owned it, the Town would be covered.

Gove stated that he likes the proposal, but wants to know who will maintain the structure and what the projected costs are for maintenance. The other concern is how much of the river view it will block.

Parker stated that he would get answers to those questions and return to the Board.

**4. Act on Appointments for Fiscal Year 2006.**

**On motion of McLean/Gove, the Board VOTED: To confirm the Town Manager's appointments for Fiscal Year 2006 (Vote: 4 – 0).**

**5. Approve Allonge to Promissory Note for Municipal Building Loan.**

Post stated that this document amends the repayment paragraph of the promissory note for the Municipal Building Loan. The payment amount is changed only since the Board voted to apply all of the Castner Reserve Fund and all but \$20,000 of the Municipal Building Reserve Fund to the original loan of \$700,000.

**On motion of Gove/McLean, the Board VOTED: To approve and sign the Allonge to the Promissory Note for the Municipal Building Loan (Vote: 4 – 0).**

**VII. Town Manager's Discussion**

**1. Cable Franchise Update.**

Post deferred to McLean to open the discussion. McLean stated that the Town has received a form 394 from Time Warner asking to transfer the franchise from Adelphia to Time Warner. Post and McLean met with officials from Time Warner and Adelphia concerning the transfer and the process. McLean stated that the discussion focused on the fact that there is no franchise to transfer until the negotiations with the consortium are finalized and Adelphia and the Towns sign new contracts and that there are issues that are unresolved in the previous contract, which Adelphia did not meet.

Post stated that he believes that the community will be better off with Time Warner as the owner, as they are a much more respected company and seem to have the technical and financial ability to meet

any franchise agreement. However, he is aware that the Board has heard that before with all of the other cable companies.

Hallowell stated that the Town may be better off by breaking free from the consortium and making its own deal with Adelphia. Gove stated that the contract is not just about cable television, but also about entertainment options that are available such as high speed internet and digital phone service and the Town has more leverage in negotiations as part of the consortium.

2. Computer Purchase for Police Department.

Post stated that three of four computers in the Police Department have hard drives that have crashed recently. It was anticipated that these machines would need to be replaced soon and there was money placed in a reserve account for this purpose this year. Post stated that he has a quote to replace the four machines and buy another for the patrol area at a cost of \$3,778, plus installation of about \$500. Post stated that this is from the vendor that was used for some new machines in the town office.

Gove asked about warranties. Post stated that there are 1 year on site warranties for parts and labor.

McLean asked about the vendor. Post stated that he has worked with this vendor for over 10 years and has never had an issue.

Gove asked why a fifth machine is needed if there are only four now. Post stated that the Police Chief requested another machine for the patrol officers so they could enter their reports.

**On motion of Gove/Pinkham, the Board VOTED: To authorize \$855 each for four computers for the Police Department (Vote: 4 – 0).**

3. Open House Update.

McLean stated that it appears that all the parties have agreed on language for the plaques that will be purchased for the open house and dedication of the municipal facility and police department. McLean would like to know what date the Board prefers to hold the open house, either August 27<sup>th</sup> or September 10<sup>th</sup>. These dates are the two Saturdays on either side of Labor Day.

Gove stated that he wants to see the language of the plaques. Post stated that he has it in his office.

Earle asked what time it would be held. McLean stated between 11:00 am and 1:00 pm.

The Board agreed to hold the open house on September 10<sup>th</sup>.

**VIII. Consent Calendar**

**1. Regular Meeting Minutes of June 22, 2005.**

**On motion of Gove/Earle, the Board VOTED: To approve the minutes of June 22, 2005 as submitted (Vote: 4 – 0).**

**2. Financial Reports:**

- a. Payroll Warrant #1 and General Fund Warrant #2.
- b. Payroll Warrant #54 and General Fund Warrant #55 for Fiscal Year 2005.

**On motion of Gove/Earle, the Board VOTED: To approve Payroll Warrant #1 and General Fund Warrant #2 as submitted (Vote: 4 – 0).**

**On motion of McLean/Earle, the Board VOTED: To Payroll Warrant #54 and General Fund Warrant #55 for Fiscal Year 2005 as submitted (Vote: 4 – 0).**

**IX. Other Business**

1. Pinkham asked when the new assessments would be complete so that the taxpayers could prepare and begin saving for their payments. Post stated that he would check with Bill Van Tuinen to see the status of the project. Post stated that they were 85% complete about two weeks ago.
2. Pinkham asked about the status of the 27 Church Street property. Post stated that the attorney is still working on the title research.
3. Pinkham asked if Post had any complaints on the cemetery mowing. Post stated that he has had two complaints. Pinkham stated that he has had complaints as well. Post asked Pinkham to have any complaints forwarded to him so that he could make the contractor aware of them.
4. Pinkham asked about the status of the Main Street Project. Post stated that the MDOT is awaiting approval from the Federal Highway Administration. Once approved, they will be going out to bid. Gove asked how the project could start around Labor Day if it is not out to bid yet. Post stated that he would check with the project manager. Gove stated that he would like to have the project manager attend a meeting and provide an update.
5. Pinkham stated that the 911 addresses need work and asked Post if he was aware of that. Post stated that he knows there are addresses that are incorrect from the previous addressing officer and he is working on correcting the ones that he is aware of. He suggested that he be contacted with any that Pinkham knows that need corrections. Post stated that he has had the staff perform an audit of those properties with buildings that do not have addresses so that they can be assigned one. It is an ongoing project.

**X. Executive Session - None**

**XI. Adjournment.**

**On motion of Gove/McLean, the Board VOTED: To adjourn at 7:57 p.m. (Vote: 4 – 0).**

Respectfully Submitted:

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William S. Post, Town Manager