

**Town of Damariscotta, Maine
Board of Selectmen's Meeting
Minutes
Wednesday, October 19, 2005**

I. Pledge of Allegiance

II. Call To Order

The Board of Selectmen met at the Municipal Facility on Wednesday, October 19, 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 (excused). Staff present were Town Manager William Post, and Police Chief Steve Drake. Others present were YMCA Director Craig Wilson, Brent Hallowell, Karen O'Bryan (LCTV) and two members of the media.

III. Public Hearings – None

IV. Old Business – None

V. Communications

1. Department of Marine Resources, re: Public Hearing on Aquaculture Lease application of Jonathon Dickinson.

The DMR has notified the Town that a public hearing will be held on an aquaculture application by Jonathon Dickinson. Should the Board wish to attend or comment, the information is in the correspondence.

VI. Official Action

1. Discuss CLC YMCA Request for Land Donation.

Post stated that William Avantaggio submitted a letter asking that the Town consider donating the land that the CLC YMCA sits upon to the facility. Craig Wilson was present to represent the CLC YMCA.

Wilson stated that the land that the facility is on was originally donated to the Town by the Freemans and designated for recreation use. In 1992, the Town signed a 99-year lease with the CLC Recreation Center. The lease was designed to ensure that the programs and facility would be viable. The YMCA is currently undertaking long-term planning and looking at options of expansion of services as well as the facility. In order to do this, the Board of Directors believes that is in the facility's best interest to control the land where the facility is.

Pinkham asked why a change is needed if the current lease works. Wilson stated that at the end of the lease term, one of the caveats is that the improvements revert to the Town. He feels that the Town has supported the YMCA and would be in support of donating the land.

McLean stated that there would be no difference in tax income, as the facility and land would remain exempt from taxes. He understands that it is difficult for an organization to plan for its future without owning the land. If the land were donated to the CLC YMCA, McLean would like a caveat that would revert the land back to the Town should the YMCA make any effort to transfer ownership to some other entity.

Gove asked if financing for projects would be effected by not owning the property. Wilson stated that they have been able to gain financing, but not as much as they would be able to obtain if they could use the property as collateral, which they cannot do at this point.

Gove stated that the YMCA had discussion, in previous years, about moving the ballfield and creating a parking lot. The YMCA asked the Town for its approval in that case. If the YMCA controlled the land, then the Town would have no control over any plans at the facility. Wilson stated that the lease allows the facility to do what it wants on the land now, but as a courtesy, he believes that the Town was approached with that plan. The YMCA will continue to be a community partner and is committed to the town.

Pinkham stated that he would expect that if the YMCA looks to expand in the future and build a pool and/or new ballfield, then the Town would be approached for funding. If the land were donated, the Town would have no control over the expansions.

Wilson stated that the YMCA's purpose is to make the community a better place. A pool is wanted and needed by the community, yet the only way to fund a pool would be through a capital campaign, and the Town may be asked to contribute.

Gove asked if there were any restrictions in the deed when the property was given to the Town. Post stated that he would research the deed and the lease and put the issue on a future agenda for the Board's review.

2. Approve Municipal Valuation Return.

Post stated that the Municipal Valuation Return is the document that includes all of the detail information that is behind the tax commitment. It needs to be approved by the Board and submitted to the state before November 1st of each year.

On motion of Gove/Earle, the Board VOTED: To approve the Municipal Valuation Return as submitted (Vote: 4 – 0).

VII. Town Manager's Discussion

1. General Assistance Ordinance Amendments.

Post stated that the Board would hold a public hearing on the General Assistance Ordinance at their next meeting. Usually in October, the Board reviews the changes to the maximum allowed amounts of assistance as recommended by the state Department of Human Services. This year, because of changes to the organization structure and name of DHS, the entire ordinance has been updated. Post stated that if the Board would like copies of the entire ordinance to review to let him know, otherwise he would make one copy and have it available at the hearing.

2. Land Use Committee Update.

Post stated that the Land Use Committee has been meeting and discussing their first priority, which is the possibility of a large retailer locating in Damariscotta and what, if anything, should be changed in the Land Use Ordinance. The Town has engaged Bill Dale of Jensen, Baird, Gardner and Henry to assist the committee and the Town through the process of amending the ordinance. He is a land use attorney. Mr. Dale states that the Town has good control in this situation, mostly because of state laws that side with the Town in land use issues. The Town can create and approve land use ordinance amendments and moratoriums to control this type of development, and can even do so retroactively, if needed. Additionally, Bob Faunce, Lincoln County Planner, does not believe that a large building could be built in the 500 foot C2 zone.

Gove stated that there is some comfort level in knowing that the Town has some control through the zoning ordinance, but it should be known that any developer will overcome any issues that are in the way, including changing the zoning and redesigning the intersection of Route 1 and Main Street. It is important that the Town determines and understands what the impacts of a large development would be for the town. Any negative impacts would need to be paid for by the developer.

McLean stated that the committee will be sending out a survey to registered voters, and then distributing the same survey to other stakeholders, including business owners.

Gove stated that it may be easier to defend an ordinance that is in place before any development is proposed, and the ordinance needs to control the development, not necessarily eliminate it.

VIII. Consent Calendar

1. Regular Meeting Minutes of October 5, 2005.

On motion of McLean/Pinkham, the Board VOTED: To approve the minutes of October 5, 2005 as submitted (Vote: 3 – 0 – 1, Gove abstained).

2. Financial Reports:

- a. Payroll Warrant #18 General Fund Warrant #19.

On motion of Gove/McLean, the Board VOTED: To approve the General Fund Warrant #19 and Payroll Warrant #18 as submitted (Vote: 4 – 0).

IX. Other Business

1. Drake stated that he had attended a training in Washington, D.C. last week and had received, through a grant, a night vision scope and associated equipment, valued at about \$6,000.
2. Pinkham asked if the streetlight at Biscay Road and Egypt Road had been reported. Post said it had.
3. Pinkham asked if the 27 Church Street building had been cleaned out. Post stated that most of the items have been removed from the building.
4. Pinkham stated that the cemetery on Bristol Road had not been mowed in about 5 weeks. Post stated that he would check on it.
5. Pinkham asked how long abatement requests take to process once submitted. Post stated that they could take from 30 days to 60 days.
6. Pinkham asked about the Main Street Project. Post stated that it has been included on the list for possible deferment, but only because all of the construction projects are on that list. Post has emailed the governor, MDOT commissioner and the legislative delegation urging them to keep the project on its current schedule.
7. Gove asked the status of fuel costs on the budget. Post stated that he had just started to review the first quarter expenditures, and noted that fuel costs are up from where they should be, and he will have the numbers soon.

X. Executive Session - None

XI. Adjournment.

On motion of Earle/Gove, the Board VOTED: To adjourn at 7:40 p.m. (Vote: 4 – 0).

Respectfully Submitted:

William S. Post, Town Manager