

**Town of Damariscotta, Maine
Board of Selectmen's Meeting
Minutes
Wednesday, December 7, 2005**

I. Pledge of Allegiance

II. Call To Order

The Board of Selectmen met at the Municipal Facility on Wednesday, December 7, 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, Walter Hilton, William Earle and Joshua Pinkham. Staff present was Town Manager William Post, Police Sergeant Chad Andrews, Office Tom Hoepner and Fire Chief Doug Clark. Others present were George Parker, Mary Kate Reny, James Phillips, Norman Hunt, Brent Hallowell, Eleanor Kinney, Karen O'Bryan (LCTV), Scott Folsom and Bob Rocheleau representing Schooner Landing, several unidentified members of the public and two members of the media.

III. Public Hearings

1. Receive Public Comments on Schooner Landing Project utilizing the CDBG Program.

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

Post stated that the Town, in conjunction and at the request of Schooner Landing, supported the Community Development Block Grant (CDBG) application of Schooner Landing for funding to make repairs to the pier structure under the restaurant. The project will be funded by a \$150,000 low-interest loan from the CDBG Development Fund. As part of the project, a second public hearing is necessary to hear public comments on the project.

There were no public comments for or against the project. McLean closed the public hearing at 6:32 p.m.

IV. Old Business

1. Act on Reconsideration of Special Town Meeting (Requested by Downtown Merchants).

McLean stated that this item is on the agenda at the request of downtown business owners and that the meeting is not a public hearing to debate the issue of Wal-Mart.

Hilton motioned, Earle seconded to schedule a special town meeting with secret ballot voting from 10:00 a.m. to 8:00 p.m. on March 21, 2006.

Jeff Pierce was recognized by Chairman McLean to speak on behalf of the downtown business owners. Pierce stated that the issue at hand is very important to the Town and a meeting should be scheduled as soon as possible to that the business owners in town could plan.

Gove stated that he has received many letters and calls from citizens that are opposed to Wal-Mart locating in Damariscotta. It is also understood that Wal-Mart would prefer an earlier vote as well. Gove stated that he is concerned that if Wal-Mart is not allowed to build in Damariscotta, that they will build in a neighboring town and Damariscotta would have the same impacts if that happened without any revenue or control. If the town waits to vote on the petitioned size cap, the other towns may have time to get their ordinances in line. Also, Wal-Mart needs a zone change to be allowed to build the size store they have said they want to build.

Pinkham stated that the size cap is not just to keep Wal-Mart out, but also to keep development in line with the Comprehensive Plan.

Richard Hirsch asked who votes for a zone change. Post stated that the registered voters in town vote on any zone changes.

Peter Drum stated that he would like the cap in place and that it is legally defensible. Wal-Mart could build a smaller store than what they have first suggested with the current zoning. The neighboring towns have begun reviewing their land use ordinances to determine if Wal-Mart could build in those towns.

Hilton stated that Wal-Mart should not be debated now, but the date for the special town meeting is the issue.

Gove asked if March 21st would allow for all of the legal requirements to be met. Post stated that it would. There needs to be two public hearings with advertising and public notices, as well as time for absentee ballots to be available. The special town meeting could be scheduled as early as approximately February 9th, but that is not recommended as the public hearings would be too close to each other. Also, he is working on hiring a consultant to perform a community impact analysis and would like time for that to occur before the vote on the size cap.

Dean Jacobs asked if there were other items that would be on the warrant. McLean stated that there is another amendment to the Land Use Ordinance dealing with lot size for dwelling units that will be on the warrant. Also, the Land Use Committee has recommended that non-binding survey questions be placed on the ballot so that the voters' opinion is known if the size cap is not approved.

Peter Drum asked what the survey questions were. McLean stated the Board has not addressed them yet, but they are suggested to ask about different sizes for a cap. Drum stated that the questions would confuse the voters and that they should be asked in a different method such as a telephone poll.

Mary Kate Reny asked why the impact study would be completed before the vote and not after, if needed. Post stated that the impact study should be completed before so that the Board and the citizens have a neutral analysis of the impact of this type of development on the Town. This analysis will look at the effect on municipal services such as police, fire and public works, as well as impacts to the water and sewer systems, traffic congestion, economic impacts on businesses and employment and other areas.

Mr. Sutton asked what purpose would be served by the opinion questions. McLean stated that the committee wants information from the public if the cap fails.

Carolyn Parker suggested that a telephone poll would be a better method to survey the registered voters.

Peter Drum asked if a moratorium should be included on the ballot. Post stated that a moratorium had been discussed several times by the Board and they decided not to pursue that route, as they believe that the Town has control over the situation with the current zoning regulations.

On motion of Hilton/Earle, the Board VOTED: To schedule a special town meeting with secret ballot voting from 10:00 a.m. to 8:00 p.m. on March 21, 2006 (Vote: 5 – 0).

2. **Act on Request of Land Use Committee to pursue ordinance amendments including design standards and community impact analysis requirements.**

George Parker stated that the Land Use Committee met after the last Board of Selectmen meeting and there was discussion around the zone boundary issues, such as the conflict on Church Street between the residential zone and the Commercial 2 zone that exists on opposite sides of the street. The committee members will be looking at the zone boundaries on their own time to determine where there may be conflicts and the committee will then discuss the issue. The Board had directed the committee to move onto the next topic on their list of priorities, but the committee would like to do more work around the issue of big box retailers. The committee would like to draft amendments that would require a community impact analysis for certain developments, amendments that would include design standards, and amendments to control signage.

Gove stated that he would suggest that the design standards to be proposed would not be unaffordable to a developer. McLean stated that the design standards could be different for different types of developments or different sizes of developments.

Parker stated that he does not believe that there is much support for overly restrictive requirements, but there may be support for reasonable standards to keep the character of the town as it is.

On motion of Pinkham/Gove, the Board VOTED: To approve the request by the Land Use Committee to review possible amendments having to do with design standards, signage and community impact analyses (Vote: 5 – 0).

V. Communications

1. Lincoln Academy, re: Community Meeting to discuss future of Lincoln Academy.

Post stated that the Board has been notified of a community meeting at Lincoln Academy to discuss the future of the school. It is scheduled for December 12th.

VI. Official Action

1. Review Proposed Deed for Land Donation to CLC YMCA.

As requested by the Board, the CLC YMCA prepared a deed to transfer the property from the Town to the CLC YMCA. The deed contains covenants that are currently in the lease.

It was motioned by McLean and seconded by Earle to approve the deed and land donation as submitted and to put the issue before the town for a vote.

Pinkham asked what fees would be charged to the school for use of the fields and facility. Craig Wilson stated that the school currently uses everything for no charge. The YMCA and the school have a reciprocal agreement that allows for this.

Gove stated that he would like the deed to state that the Little League and associated teams and the school will not be charged for use of the field. He asked if the Town gives free memberships to needy residents. Wilson stated that the terms of the deed are directly from the current lease. His philosophy, and that of the YMCA, is that the facility and fields be available for the school to use and the Little League as well. The Town provides funding at town meeting to the YMCA and, in turn, the YMCA provides free memberships to needy Damariscotta residents.

Gove stated that he is not in favor of the terms in the deed concerning fees for use of the field and the facilities and the wording for the free memberships as it is stated. He suggested that there would be no

fee for use by the school, the Little League and associated teams. Wilson stated that he would not like to see the language changed because it would limit what could take place in the future. Earle stated that he was content with the deed as written.

Pinkham stated that he agreed with Gove and wants to ensure that the property will always be allowed to be used by certain groups.

McLean asked what Gove would propose for language changes. Gove stated that restrictions 3,5 and 6 need to be reworded.

Hilton called for a vote.

On motion of McLean/Earle, the Board VOTED: To approve the deed and land donation as submitted and to put the issue before the town for a vote (Vote: 3 – 2, Gove, Pinkham opposed).

McLean asked if the land donation should appear on the warrant in March or June. Post recommended June so there could be open debate on the issue.

2. Discuss Ladder Truck Repairs.

Fire Chief Doug Clark introduced Seth Hagar of the Damariscotta Fire Department. Hagar displayed a presentation to the Board about the equipment needs of the Fire Department. Specifically, the department needs to replace, at some point, the ladder truck and the rescue truck. Both pieces of apparatus are 25 years old or more. The 1973 100-foot aerial ladder truck needs replacement. The Town has spent \$117,748 in repairs since purchasing the truck. Recently, almost \$10,000 was spent on repairs to the electrical system, rims and tires, and radiator. Additional repair issues for the truck in the future are electrical, pump, and drive line. There are also areas of rust on the frame and body parts of the vehicle. Because of the age of the truck, parts are difficult to locate and the vehicle may not meet new NFPA standards.

The 1978 ambulance that is used as a rescue vehicle was given to the Town and has no room for growth. New equipment does not fit in the vehicle and personnel ride with the equipment.

Hagar reviewed costs and options associated with replacing the two trucks. The Town can purchase new or used vehicles, or can lease vehicles. It is recommended that the Town purchase a used ladder truck and a used rescue vehicle. Funding could come from the Capital Improvement Program, applying the amount of funding for the Fire Station loan payment to the replacement cost, and/or bonding the purchases. Additionally, the trade-in value of the ladder truck is estimated at \$20,000 and would go towards the purchase. The rescue vehicle has no trade-in value, but could be given to another community.

Gove asked why the rescue vehicle is not good for Damariscotta, but could be used by another Town. Clark stated that the equipment will not fit into the current vehicle, but other communities do not have all of the equipment that Damariscotta has, such as the Jaws-of-Life. Hagar stated that additional equipment is necessary for different responses, especially to hazardous materials responses.

Gove stated that if the Town has all the equipment for different incidents, then the Town would be serving all of Lincoln County towns and paying the cost to do so. Hagar stated that the Town recoups the cost for any response outside of Damariscotta for different incidents.

McLean asked how much funding is available in the reserve account. Post stated that there is approximately \$150,000 after this fiscal year in the Fire Vehicle Reserve Account.

McLean asked what the Fire Department needs from the Board for a decision. Hagar stated that the department needs direction.

Gove stated that he would like a specific recommendation including estimates for the different vehicles, used and new, and funding sources.

Post stated that he would like to see estimates on the useful life of the current apparatus so it is known when a replacement is needed.

Gove asked if there are structures in town that require an aerial ladder truck as required by ISO. Clark stated that most of the buildings downtown and the hospital require a ladder truck. Hagar stated that the ladder truck is also used for all chimney fires, as it is easier and safer for the personnel to attack the fire.

3. Act on Resignation of Mary Kate Reny from Land Use Committee.

On motion of Gove/McLean, the Board VOTED: To accept Mary Kate Reny's resignation from the Land Use Committee (Vote: 5 – 0).

Post stated that Brent Hallowell expressed interest in serving on the committee.

On motion of Gove/Hilton, the Board VOTED: To appoint Brent Hallowell to the Land Use Committee (Vote: 5 – 0).

4. Act on Resignation of Mal Briggs from Board of Appeals.

On motion of Hilton/Earle, the Board VOTED: To accept Mal Briggs's resignation from the Board of Appeals (Vote: 5 – 0).

VII. Town Manager's Discussion

1. New Patrol Office (replacing C. Johnson).

Post stated that there were two internal candidates for the full-time patrol officer opening in the Police Department. Post introduced Thomas Hoepner as the candidate selected.

2. Main Street Project.

Post stated that the Main Street Project for Damariscotta and Newcastle was not included on the list of projects for deferment. Therefore, the project will be competed and construction is expected to start in the spring. Post thanked the Board members, especially Bill Earle, and other interested citizens for taking the time to contact the governor's office and MDOT Commissioner Cole in support of the project. He cautioned that there may be additional cuts in future months.

VIII. Consent Calendar

1. Regular Meeting Minutes of November 16, 2005.

On motion of McLean/Hilton, the Board VOTED: To approve the minutes of November 16, 2005 as submitted (Vote: 5 – 0).

2. Financial Reports:

- a. Payroll Warrant #24 General Fund Warrant #25.

On motion of McLean/Gove, the Board VOTED: To approve Payroll Warrant #24 and General Fund Warrant #25 as submitted (Vote: 5 – 0).

- b. October Expenditure Report.

On motion of McLean/Gove, the Board VOTED: To accept the October Expenditure Report as submitted (Vote: 5 – 0).

- c. Cemetery Deeds.

On motion of McLean/Gove, the Board VOTED: To approve the deeds for two cemetery lots in Bethlehem Cemetery with perpetual care as sold to Virginia Hill (Vote: 5 – 0).

IX. Other Business

1. Hilton stated that the streetlight on the corner of Main Street and Water Street has not been repaired.
2. Gove stated that the Chamber of Commerce and the business owners did a great job decorating the downtown.

X. Executive Session - None

XI. Adjournment.

On motion of Hilton/McLean, the Board VOTED: To adjourn at 8:26 p.m. (Vote: 5 – 0).

Respectfully Submitted:

William S. Post, Town Manager