

**Town of Damariscotta, Maine  
Board of Selectmen's Meeting  
Minutes  
Wednesday, February 1, 2006**

**I. Pledge of Allegiance**

**II. Call To Order**

The Board of Selectmen met at the Municipal Facility on Wednesday, February 1, 2006 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, and Joshua Pinkham. Staff present was Town Manager William Post, Code Officer Neil Campbell and Road Commissioner Terry Sutherburg. Others present were Wayne Applebee and Mark Anderson from the Two Bridges Regional Jail (TBRJ), County Commissioner Sheridan Bond, Senator Dana Dow, Representative Jonathan McKane, Mark Hagar, Carol Brinkler, George Hervochon, Sheriff Todd Brackett, Randy Clark and Gloria, Ann Pinkham, Chris Roberts, Peter Drum, Brent Hallowell, Karen O'Bryan (LCTV) and one representative of the media.

**III. Public Hearings – None**

**IV. Old Business – None**

**V. Communications**

**1. Garrand and Company, re: Midcoast Bypass Task Force.**

McLean stated that Frank Chiaravalloti from Garrand and Company, the consultants that are working with MDOT on the Wiscasset Bypass Project, is asking that the Board appoint a representative to the Midcoast Bypass Task Force. McLean stated that the Board has addressed this issue before and had decided not to be involved in the decision of the location of the bypass, but to endorse the completion of the project. He asked if the Board wished to appoint a representative to the Task Force. The Board agreed that they did not.

**2. Bob Faunce, re: Large Scale Development Planning Project**

Bob Faunce has received funding from the State Planning office to work with midcoast towns in developing ordinance language to deal with large-scale development. He is asking for representatives from the Board of Selectmen and Planning Board. McLean and Gove expressed interest in serving on this committee.

Post stated that George Parker and Fred Sewall from the Planning Board have also expressed interest in serving.

**VI. Official Action**

**1. Meet with Wayne Applebee, Two Bridges Regional Jail.**

Wayne Applebee, administrator for the Two Bridges Regional Jail (TBRJ) introduced his assistant, Mark Anderson, correctional administrator, and County Commissioner Sheridan Bond, who serves on the Jail Authority. Applebee reviewed the creation of the Jail Authority, TBRJ's mission statement, and the benefits for regionalizing the facility (see attached printout of presentation slides). He reviewed the actual expenditures to date on the construction of the facility and stated that the project is currently under budget, but about 12 days behind schedule due to

weather conditions. It is expected that those days can be made up when the weather is better. Applebee then reviewed the operating budget for 2006 as compared to 2005. The current year budget is considerably higher than the 2005 budget and was expected to be, as the new facility must create all new policies and procedures and hire and train new staff. At the same time, two jails are being operated while the new facility is being constructed. The first year of operating costs should be the most expensive year.

Applebee described the design of the new facility as compared to the usual design. The new jail will have a podular design with direct supervision, whereas the old jail is a linear design with intermittent surveillance. The direct supervision model allows for the officer to be stationed inside the housing unit and has constant control and contact with the inmates. This also allows for one staff person to be assigned to a greater number of beds or inmates. The direct supervision model is designed to provide responsibility to the inmates and they will be rewarded for responsible behavior and punished for irresponsible behavior. This type of facility is less costly to build and to operate than the linear design.

Gove asked about the capacity of the new facility. Applebee answered that it would be 120 beds when it opened and then expandable to 170 beds by adding bunks to the existing cells. In addition, the infrastructure is being constructed so that new housing units can be added at a later date with a lower cost.

Gove stated that the state is forcing the county to build the facility by judges imposing longer sentences, but suspending the terms so that the inmates serve less than one year, thereby they are housed at the county level instead of the state level. Additionally, the state mandates the counties to house the inmates but provide no funding so the county taxpayers must provide all the funding. He stated that he wants the state legislators to come forward and demand more funding from the state for the county responsibilities.

Gove stated that another issue is that local taxpayers fund the towns' police departments, yet all fine money created by those officers enforcing state laws goes to the state. None of that money stays with the town or is returned to the town to help offset the costs for the police departments.

Applebee stated that most of Gove's comments are for the legislators in the audience, but that when the current jail was built it was full upon opening and caused added expenses for the county by having to board inmates at other facilities. The new facility will not be and has been planned to allow for additional inmates. The new facility will have 75 to 80 inmates when it opens.

Gove stated that would leave 40 to 45 beds to rent. Applebee stated that the facility will accept borders to fill the jail as the staff will be in place to allow for this without additional hirings, but that he will only accept borders after all the staff is trained and can operate the jail safely and securely.

Gove asked if the current jail population is stable or increasing. He also commended the current staff for doing a good job with the different diversion programs.

Sheriff Brackett stated that he has been fortunate to be able to use the diversion programs so that the non-violent offenders can be housed outside of the jail to free up space for those that need to be inside. He expects those programs to continue with the opening of the new facility as well. He stated that the 2002-03 average daily population was approximately 31. He expects the 2005 average daily population to be approximately 39 once the statistics are finalized. This past year, the jail population has not dropped below 20 and has been as high as 69.

McLean thanked Senator Dow and Representative McKane for attending and directed his next comments to them. He presented a few scenarios in which a crime would dictate a sentence longer than one year, but sentences are shortened, or suspended to less than a year so that the county must house the inmates. In addition, those on probation that have lengthy sentences end up serving

most all of their sentence in the county jail as they violate their probation conditions. These are issues that need to be addressed on the state level.

McKane stated that the issues brought up are very complicated and wants to know what the town's and county's needs are so that he can work on these issues. He asked what legislation is needed to help the towns and counties.

Gove stated that a bill needs to be submitted that would return a portion of fine money to the Town in which it was created. Bond stated that there are bills submitted every session that would address some of these issues, but they are always defeated.

Brackett stated that some money is returned to the towns to help cover the officer's time in court, but it is a very small amount. Brackett asked the legislators to help the counties put pressure on the judiciary to keep sentences longer than one year and not to suspend sentences.

McKane suggested that the Sheriff, Selectmen and legislators meet again to discuss these issues and how to effect change.

**2. Meet with Rotary Club, re: Bridge Lighting Project.**

Phil Congdon representing the Damariscotta-Newcastle Rotary Club stated that the Rotary Club just celebrated its 100<sup>th</sup> anniversary and would like to do a public service project to commemorate the event. The suggested project is the replacement of the lights on the Damariscotta/Newcastle bridge on Main Street. He stated that the proposal would be for the rotary to purchase light poles and have them installed at each corner of the bridge, so there would be two in each town. The Rotary Club would purchase the poles, install the lights, lease the fixtures from Central Maine Power and provide funding to the Town for the first year's electricity cost. The projected costs to the Rotary Club will be \$5,458 to \$7,730 depending on the fixtures and poles selected. The projected cost of electricity and fixture lease for each town after the first year is \$654 to \$990 year, depending on the fixtures selected.

Hilton asked what light fixtures will be installed on Main Street. Post answered that the Board needs to decide what style lighting they want, if they choose to upgrade the light fixtures. Otherwise, CMP will use the basic cobra head fixture.

McLean stated that the bridge should be lighted to provide for public safety.

Hilton stated that there has been opposition to lighting on the bridge because of glare concerns.

Gove thanked Congdon and the Rotary Club for their offer and believes that for the little cost to the taxpayers per year for future costs it would be beneficial.

McLean asked who would own the poles. Congdon answered that the Rotary would donate them to the towns.

Hilton stated that the Board should look at the different lights available for Main Street and match those that will be installed on the bridge.

McLean asked if the Rotary Club will have a sign or plaque. Congdon replied that they would purchase and install a plaque to be placed possibly on one of the cement bases of the light poles.

The Board agreed to have the Rotary move forward with the project.

**3. Act on Authorization to Proceed with Legal Action in a Land Use Matter.**

Post stated that the Code Enforcement Officer and he are seeking authorization to proceed with legal action through the Town's attorney against a landowner on Standpipe Road that has an illegal automobile graveyard/junkyard.

Randy Clark, abutting landowner, stated that Maine DEP has tested his well and installed a filtration system on it because of contamination from gasoline. He stated that his well has 17 parts per million (ppm) and 35 ppm is allowable, but it has increased and he and the DEP are concerned about it.

Gove stated that the Town has been working on this issue for a while and the Police Chief also had been involved, but had to step back because of an ongoing criminal matter.

Gove asked if the Town's costs will be recovered through the legal action. Post stated that as part of the legal action, the Town will ask for all costs as well as fines.

Post stated that there is a specific process that the Town needs to follow in any land use violation case. The Town has followed that process and now must turn the action over to the attorney because the land is not getting cleaned.

**On motion of Hilton/Gove, the Board VOTED: To authorize the Code Enforcement Officer and Town's attorney to file a Rule 80K land use complaint in District Court in accordance with Title 30-A M.R.S.A. section 4452 (Vote: 4 – 0).**

**4. Act on Quit-Claim Deeds for Niven Chapman and Jeffrey Chapman for payment of taxes.**

**On motion of Gove/Hilton, the Board VOTED: To approve the Quit-Claim Deeds for Niven Chapman and Jeffrey Chapman for payment of taxes (Vote: 4 – 0).**

**VII. Town Manager's Discussion**

**1. Town Report Dedication.**

Post stated that the Board needs to decide on a Town Report dedication in order for the Clerk to gather information and write the dedication. Suggested names so far have been Kermit Clark and Bill Earle.

**On motion of Gove/McLean, the Board VOTED: To dedicate the 2006 Town Report to Kermit Clark and William Earle (Vote: 4 – 0).**

McLean asked if a cover had been decided upon yet. Post answered that it had not, but the Board should be thinking about that as well. McLean suggested a photograph of the flags at the public landing since Clark has been taking care of them for years.

**2. Land Use ordinance Amendments and Public Hearings.**

Post stated that the Board needs to determine when they will hold a public hearing on the Land Use Ordinance Amendments. Two logical dates to choose from are March 1<sup>st</sup> and March 8<sup>th</sup>, March 1<sup>st</sup> being a regular Board meeting night. In addition, the Impact Analysis will be presented to the Board at one of their meetings in March. The public hearing cannot be held any later than March 10<sup>th</sup> due to statutory requirements.

McLean stated that the public hearing is discussion on the two land use amendments and not on the impact analysis and proposed holding the public hearing on March 1<sup>st</sup> at the Great Salt Bay School at 7:00 p.m. Then the impact analysis can be presented to the Board on March 15<sup>th</sup>, but made available to the media and public as soon as it is available.

Hilton suggested that the Lincoln Theater be used for the public hearing. McLean stated that the theater shows movies on Wednesday nights and would not want to interfere with a source of revenue. Gove agreed since the theater allows its use for Town Meeting, usually on a Wednesday.

**On motion of McLean/Gove, the Board VOTED: To schedule a public hearing on the Land Use Ordinance Amendments for March 1, 2006 at 7:00 p.m. at the Great Salt Bay School (Vote: 4 – 0).**

#### **VIII. Consent Calendar**

##### **1. Regular Meeting Minutes of January 18, 2006.**

**On motion of Hilton/Gove, the Board VOTED: To approve the minutes of January 18, 2006 as submitted (Vote: 4 – 0).**

##### **2. Financial Reports:**

- a. Payroll Warrant #35 General Fund Warrant #36.

**On motion of Pinkham/McLean, the Board VOTED: To approve Payroll Warrant #35 and General Fund Warrant #36 as submitted (Vote: 4 – 0).**

#### **IX. Other Business**

1. McLean asked the state legislators about LD 1481. This proposed bill would change the way land use ordinance amendments effect developments. The bill would allow a developer to obtain any permit needed for any type of development and in doing so, gain grandfathered status so that any ordinance amendment would not apply to that development.

McKane stated that he has received many calls and emails in opposition to this bill. Dow stated that if it appears that it will pass, he could propose an amendment to at least lengthen the time allowed for towns to enact ordinance amendments. As it is written, it would only allow 30 days before the development would be grandfathered after receiving a permit.

**On motion Gove/McLean, the Board VOTED: To endorse the legislative representatives to vote no on LD 1481 (Vote: 3 – 1, Pinkham opposed).**

2. Dow stated that he wants the people in the community to know that ordinances are living documents and should be changed as the towns change. It is important that everyone receives accurate information.
3. McKane stated that he wants to be contacted when he can be of service to the Town.

#### **X. Executive Session**

1. **Meet in Executive Session subject to 1 M.R.S.A. Sec. 405(6)(C) (Disposition of publicly held property if premature disclosures of the information would prejudice the competitive or bargaining position of the Town).**

**On motion of McLean/Gove, the Board VOTED: To enter into executive session subject to 1 M.R.S.A. Section 405(6)(c) at 8:30 p.m. (Vote: 4 – 0).**

The Board reconvened in regular session at 8:44 p.m.

**On motion of Gove/Hilton, the Board VOTED: To extend the purchase and sale agreement with George Hervochon to 5:00 p.m. on February 2, 2006 (Vote: 4 – 0).**

**XI. Adjournment.**

**On motion of Gove/Hilton, the Board VOTED: To adjourn at 8:47 p.m. (Vote: 4 – 0).**

Respectfully Submitted:

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William S. Post, Town Manager