

**Town of Damariscotta
Board of Selectmen's Meeting
Minutes
Wednesday, October 17, 2007**

I. Pledge of Allegiance

II. Call to Order

The Board of Selectmen met at the Municipal Facility on Wednesday, October 15, 2007 to conduct town affairs. Chairman Scott Gove called the meeting to order at 6:31p.m. Members present were Scott Gove, Richard McLean, Vicki Pinkham, and Dave Wilbur. Staff present was Town Manager, Greg Zinser, Town Clerk, Cheryl Pinkham, and Deputy Tax Collector, Cindy Sykes. Others present were Jon Poland and Don Perry of the American Legion, Larry Sidelinger, Ed Stelzer, residents and Kim Fletcher of LCNews.

III. Public Hearings-

a. Liquor & entertainment license renewal for American Legion, Wells-Hussey Post #42 Gov opened the public hearing at 6:31p.m. All advertising was properly done, and police reports have been obtained. there were no public comments or concerns were taken at this time. Gove requested the manager's name be placed on the application where it states 'if manager is employed please place name...'
Public hearing was closed at 6:34p.m

b. General Assistance Ordinance Gove opened public meeting at 6:37 p.m. There were no public comments or concerns. Public hearing was closed at 6:38 p.m.

IV. Official Action-

On motion of V. Pinkham/McLean moved to renew both the liquor and entertainment licenses. Vote was 4, 0, 0.

On motion of McLean/V. Pinkham moved to adopt General Assistance Ordinance A-C & F for 2007-2008.

Wilbur asked if there were any changes to the ordinance from last years'.
Zinser replied that allowances for food and personal supplies had increased.

Vote 4, 0, 0.

Excise Tax Law

Zinser gave a brief overview of the new excise tax law which went into effect on 9/20/2007 which allows a municipality to refund and excise tax left over during a transfer transaction. Essentially if someone from another Town registers a car in the other town, the comes to Damariscotta with a less expensive car and registers it, that generates a credit, which under this new law allows the Town to refund the difference; keeping in mind that the person would have paid the original tax to the other town. Essentially your issuing a refund for something you were not receiving the funds for in the first place.

Gove clarified the same statement making sure everyone understood the money that would be refunded would essentially be coming out of our own pockets if the person receiving the credit moved here from another town. Gove didn't like that idea at all.

V. Pinkham asked if the credit expired.

Sykes stated the transfer credit keeps the same date of expiration as the original registration, a person can use the credit again, and again, and again, until that plate has expired.

McLean wanted to be sure he understood that the decision is whether or not to adopt a policy to keep a credit or write out a check.

Zinser said the Board can choose to keep status quo or cut a check to refund the excise amount left over after a transfer.

V. Pinkham asked how many towns were doing this.

Greg listed a mass number of Towns who are not participating in the refund program, and only 5 or so that are opting to refund.

Sidelinger asked the Board to refund his excise tax because he was given erroneous information when he went to register his truck. He paid excise on 2 trucks, then traded both in for one truck and gave up one plate. Therefore he was unable to use his excise credit because it belonged to the plate that was returned.

V. Pinkham stated he should have been able to use both his excises towards the one.

Sykes agreed that is what happens, and she was not sure what the actual status and stipulations were surrounding that scenario, but normally both vehicles can be used towards registering one, she believed the agreement was to be able to use that credit in the future should he purchase or register another truck.

Zinser felt if it was our mistake then the refunds are definitely issued, however didn't feel refunding unused excise was beneficial to the town.

Gove asked if the Town could adopt their own policy.

Zinser answered-no, can maintain status quo or adopt policy to refund monies.

V. Pinkham stated again that Sidelinger should get his money back.

Gove wanted to be sure doing that would not set a precedence policy, then suggested tabling the Sidelinger portion of the discussion and move forward with a vote on the Excise Tax Law.

On motion of V. Pinkham/Wilbur moved to not accept the excise tax law. Vote 4, 0, 0.

Zinser, as tax collector, will issue refund for Sidelingers' vehicle excise amount of \$295.

Town report Cover and dedication possibilities.

Gove asked the Board to take home the list of potential covers and dedications, review it and think of additional names, and or covers then bring it back for the first meeting in November.

McLean asked the Board to add John Andrews name to the list for consideration also.

V. Old Business

a. Condo Conversion

Gove stated the language was set and there were no problems; as far as Gove was concerned; for the Sub-Division Ordinance amendments in which Ed Stelzer took the time to prepare. There is a public hearing scheduled for October 24th at which time a time and date will be addressed for the Special Town Meeting.

On motion V. Pinkham/McLean moved to accept the recommendations as submitted. Vote 4, 0, 0.

VI. Town Manager Discussion

1. Cemetery Mowing-Zinser presented the Board with the cemetery mowing bid for them to review. Before the Damariscotta Board meets with the Newcastle Board on the 22nd of October Zinser would like to make sure everyone is good with the wording, and happy.

V. Pinkham was concerned that #3 workers compensation insurance requirement; some local, and small operations may not want to bid because of this. Doesn't think it's necessary to put this stipulation in the bid.

McLean asked how the Town is protected if this isn't in there.

Zinser said it was the same as our independent contractors, hold harmless account.

McLean suggested for #3 Zinser could add 'or provide Town with document if required by state law'.

Sidelinger said in his industry of work, General Liability Insurance usually covers this. Disability insurance.

Zinser replied the Town is covered.

Wilbur asked what the contract prices were in previous years.

Zinser stated this current year was \$18,000, last year was \$16,500, and the year before that \$15,500.

2. Manager To Do List- Zinser handed out a spread sheet of 'to do' lists to keep the Board informed of what is going on along with the daily duties.

Gove laughingly... 'this is it!..'

3. FEMA funding-Patriots Day Storm-Zinser told the Board he had received a letter that the Church St project is approved, the project needs to be done by October 24, 2008. We're requirements are quite specific; Church Rd, Branch Rd. Have approximately \$23,000 to work with. Branch Road will need to be repaired before it snows; the asphalt plants will be closing soon. Zinser requested the Board waive the bid requirements on this issue, felt it was important that the Town act now on this project.

McLean asked if the FEMA money was only for the specific projects.

Gove wanted to know if there was a Charter issue with the Board waiving the bid requirements.

Zinser assured the Board they were well within their bounds to waive the bidding requirements. If the Board chose that option, Zinser would seek prices from contractors such as Don Hunt, Chester Rice, Libby, Johnston, and Marriner. Zinser also stated the Branch Rd would be nearly impassible by mid winter.

On motion Gove/Wilbur moved to waive the bid requirement for Branch Rd repair, due to the Patriots Storm with FEMA funds, to allow Town Manager to seek bids from local contractors with in the specified amount. Vote 4, 0, 0.

McLean would like the Board to be able to see all proposals received, and how the choice was made.

4. First Quarter expense Report-

McLean moved to accept the expense report as submitted.

Gove asked why the traffic light line was already at 93% in first quarter.

Zinser stated the TOMAR was installed which had been approved at Town Meeting.

Gove questioned the assessing line.

Zinser replied the commitment requires extra work at beginning of fiscal year.

Gove went through and asked about Animal Control, Cemetery, Fire Dept not spending money, Street lights are down.

Zinser pointed out that the he monitors money, also said the street lights will increase during the winter months due to it getting darker sooner.

Pinkham asked if Zinser had gotten the number of street lights along with a map of the area done yet.

Zinser stated no, but noted that he was completing a total inventory with Central Maine Power.

Gove questioned when this was to take place.

Zinser replied the Fall.

VII. Consent Calendar

On motion of Wilbur/McLean moved to accept both September 19th, and October 3rd meeting minutes. Vote 4, 0, 0.

On motion of McLean/Gove moved to accept General Fund Warrant #22. Vote 4, 0, 0.

On motion McLean/Wilbur moved to accept Payroll Warrant #21. Vote 4, 0, 0.

VIII. Other Business-

Gove informed the Board he was in receipt of a nomination form for MCAPWA for public works leader of the year. He thinks it's a good idea to nominate our Road Commissioner, Terry.

On motion of Gove/McLean moved to nominate Terry Sutherburg for MCAPWA. Vote 4, 0, 0.

McLean said he saw in the LCNews that DEP is negotiating a settlement for the July 4, 2007 oil spill. His concern is that the Town should be reimbursed for its' expenses also.

Zinser believed that all hazardous material was handled through the county level, and the reimbursement would happen with their reimbursement.

Gove would like the action step to confirm the county reimbursement from a county representative stating our expenses would be reimbursed.

Gove pointed out that he had attended, as did other Board members, the Coal Gasification Plant by Point East meeting in Wiscasset. He was disappointed to get to the meeting and find out it was more a discussion to urge Wiscasset Board Members to go slowly with this process. The meeting turned out to be a 'vote No' session. It wasn't what was advertised.

McLean said he stayed a while longer and listened to the 'black and white data' slanted or not. He did learn some from the meeting.

Wilbur agreed with McLean, the meeting was more or less what he thought it would be, and he walked away with some good information from it. Wilbur had been on internet and found that most of his questions were answered.

Wilbur told the Board he would be absent for the 1st of November, and would not be able to make the meeting.

The Board discussed the November meeting schedule and whether or not to change the Thanksgiving weeks meeting. After a few ideas were exchanged the Board opted to try for November 1st, and November 14th.

Dates will be e-mailed to each member for approval.

On motion of Wilbur/Pinkham moved to change November's meeting schedule. Vote 4, 0, 0

IX. Adjournment

On motion Wilbur/Pinkham moved to adjourn meeting at 7:32 p.m.

Respectfully submitted,

Cheryl M. Pinkham, Town Clerk