

**Town of Damariscotta
Board of Selectmen's Meeting
Minutes
Thursday, November 15, 2007**

I. Pledge of Allegiance

II. Call to Order

The Board of Selectmen met at the Municipal Facility on Thursday, November 15, 2007 to conduct town affairs. Vice Chairman Josh Pinkham called the meeting to order at 6:33p.m. Members present were Josh Pinkham, Richard McLean, Vicki Pinkham, and Dave Wilbur. Staff present was Town Manager, Greg Zinser, Town Clerk, Cheryl Pinkham. Others present were Ed Stelzer, and Chris Roberts, Resident, and Kim Fletcher of LCNews. Absent was Chairman Scott Gove.

III. Public Hearings-None

*J. Pinkham asked the Board to take Ed Stelzer out of order to allow him to get out of the meeting earlier. The Board agreed that was fine.

Ed Stelzer stated he was there to be sure the Land Use Committee (LUC) meeting updates were being discussed, since Dick McLean was a member of the LUC, he thought the update could come from him. McLean informed the BOS that the LUC was finished with the Wind Generator Ordinance. As for the Condo conversion, the LUC received some information from planner, Tony Dater, very late on the day of the meeting, so a lot of members still need to review that. Jack French, landlord in town, and attorney, came to the last meeting and tossed the LUC a curve with a different interpretation of the penalties and fines, which just adds to the information to be reviewed. French feels that Maine Municipal Association overlooked a large portion of the Ordinance. The LUC will convene again on regular schedule and McLean feels, perhaps the LUC will be able to wrap up the condo Conversion Ordinance, still need to hear what our Town attorney has to say on it.

Pinkham asked how many opinions have we already gotten on this.

Zinser stressed to the Board that the Ordinance needed to be reviewed by the lawyer to ensure an Ordinance the Town can be confident in.

Wilbur asked if they were still on target for a January election.

McLean was unsure at this point.

J. Pinkham asked what the original date was scheduled for.

Ed requested he answer the question. He reiterated that in May, he and McLean had been at Cheney Insurance company and McLean had assured a vote on the Ordinance could be done as a Special Town Meeting, or at the latest, be placed on the ballot for November '07, this was originally, however those dates have come and gone and we missed necessary dates for one reason or another. Originally, MMA lawyer Bill Livengood said the Ordinance was fine, since then there have been 3 new drafts, 2 more attorney letters; we've (the LUC, Planner, and Ed) have concluded penalties and fines need to be incorporated. After reading the information Ed still feels the Town can have a stand alone Condo Ordinance. It can be done with the CEO, not the Planning Board. The only complain again is the new draft does not have the 90 day rule, however he agrees with the LUC not to increase the 120 days to 180 days.

J. Pinkham asked Ed if there were any other questions he had, or any other information he would like the Town to look into.

IV. Official Action-

1. Town Report Dedication

Zinser said the Board had previously threw a few names for the dedication, one being Bill Brewer, others were John Andrews, and Mary Gallagher. The cover was decided to do a collage of photos.

McLean moved to dedicate the Town Report to Mary Gallagher.

J. Pinkham said the Town has done 2 dedications in years past.

McLean agreed they had, but that didn't mean it had to be done that way.

Wilbur suggested the Citizens of the Town and Main St business owners.

V. Pinkham seconded McLean's motion for Mary Gallagher. Vote: 4, 0, 0.

2. Snow Plow contract RFP

Zinser reminded the Board this would cover the 2008-2010 year, keeping the contract together with the Town of Newcastle, who approved the RFP at their meeting last night.

V. Pinkham questioned if Damariscotta Board had changes, would the Newcastle Board need to revote on the RFP.

Zinser will double check with Newcastle.

McLean pointed out a few of his questions on the RFP: Page 1-was the sidewalk in front of the Baptist Church left out on purpose.

J. Pinkham thought that's how it is done now, without shoveling the front of the Baptist Church.

Zinser replied the intersection of Church St and the island will be shoveled, we are just going on past RFP's.

McLean continued: Page 2-under the review section '...in the event of a disagreement..the Commissioner of the Department of Transportation...' does this mean in the event the two Towns disagree.

Zinser answered no, disagreement with the Contractor(s).

McLean asked if the MDOT Commissioner was okay with that or not.

Zinser answered yes.

McLean Page 3- '...sanding to be completed by 6:00 a.m...' what if it has starts to have ice on roads at 6:05 a.m.

Zinser clarified that if a storm was to happen during the night, the roads would need to have completed sanding done by 6:00 a.m. He asked the Board if they felt that needed to be more clear.

The Board felt it was fine as is.

McLean Page 3- State of Emergency '...if a majority of the Board agrees' shouldn't this say Boards to represent both Newcastle, and Damariscotta.

V.Pinkham questioned if this was 2 separate bids.

Zinser replied it was one bid, however each Board has to pay.

McLean Page 4- A surety bond '....State of Maine and satisfactory to the Town....' Shouldn't that in fact say Towns.

Zinser said he could make the change from Town to Towns. Final decision is still in each Town.

J. Pinkham had a concern on Page 2-with the clearing of the Fire Station. Would like to see the doors cleared, all doors, once there is 3" or 4" of snow. This would help eliminate Terry having to go out there to do it.

Zinser wanted to clarify that J. Pinkham meant the Bay doors, main entrance, and exit doors.

J. Pinkham said yes, back drag it and have it clear. Cleared and shoveled, all exit doors shall be cleared and shoveled, and sanded.

McLean reminded the Board that it has long been our case, before final payment, a walk through with the Road Commissioner and Contractor for any damage assessments.

Zinser will add last payment to be made upon approved and satisfied walk through with Road Commissioner.

V.Pinkham had a typo correction in the last paragraph on Page 4- to change 'of' to 'or'.

Zinser asked the Board how they wanted to handle the issue of sand and salt storage. We've been fortunate to have Contractors who have their own sand and salt storage area.

V.Pinkham asked if Newcastle has their own sand and salt storage shed.

Zinser said they have an area. He has looked in to storage ideas, in case contractor does not have a their own storage shed, however those costs start around \$10,000.00 to get cement blocks and green house cover. Just more or less wanted to make the Board aware of an issue that may possibly arise.

J. Pinkham felt the Contractor worked for the Town and they would just have to work it out, even if it meant hand holding.

Zinser asked the Board to authorize him to make the changes and allow him to send out for review.

V.Pinkham questioned doing a 3 year contract, why not do a 2 year contract. Gas prices may come down.

Zinser replied its less attractive to a contractor, gas may go down and the contractor originally estimated at a higher cost, and the Town is paying a contract for \$4 per gallon cost when in fact the gas price has dropped to \$2, but the opposite could happen. its just the way contracts go.

The rest of the Board agreed and thought leaving it at 3 years was a good idea.

J. Pinkham asked if Newcastle had their own snow dump permit.

Zinser clarified to Newcastle that they would need to pursue obtaining their own permit. The snow will not be pushed across the bridge for Damariscotta's to dump.

On motion McLean/J. Pinkham moved to approve the RFP with the corrections suggested by the Board. Vote: 4, 0, 0.

3. GSB Sanitary District-1st right of refusal

Zinser informed the Board that Richard Storer had a life estate to the Sanitary District. Since Mr. Storer has passed, the Sanitary District would like to sell the house and 2 acres. There is an obscure law that says

the Town has first refusal rights. Zinser would like the Board to authorize him, when he gets the legal description, to move forward with this opt not to purchase the property.

On motion McLean/Wilbur moved to authorize Zinser to work up waiver of first refusal. Vote 4, 0, 0.

V. Town Manager Discussion

1. Provider Agencies

Zinser reminded the Board of previous discussions on how to go forward with Provider Agencies and the budget. Options discussed were; 1-stick with current policy; 2-set a cap limit of \$50,000 for combined provider agencies; 3-vote by secret ballot on the floor at open town meeting; 4-having provider agencies follow the petition process every year; 5-take out the library as a provider agency Zinser pointed out issues on each option, but the ultimate decision is up to the Board.

C. Pinkham suggested not doing it by secret ballot on election day feeling people would read each item and think...its only \$150.00, or \$300.00 for the whole year...sure give it to them. (the agencies) Opting for a secret ballot vote at open town meeting may be more effective.

McLean would make the suggestion to cap the amount.

J. Pinkham noted the amounts could be adjusted year to year, they should just work with the Budget Committee on it.

2. Tax Increment Financing

Zinser stated, as the auditor had at the presentation, that the issue facing this town, and other towns, is a declining revenue. One thing to start thinking and talking about is creative ways to increase revenue. One of those ways is Tax Increment Financing in commercial district development. For example, the property on Route 1 being developed by Bruce Benner with apartments and commercial buildings; when you do a TIF, you essentially freeze the evaluation on the land, the land is getting down, now the land worth a million dollars. Incremental value of frozen value is up, and the money gets into a sheltered account. Sheltered from the State and County. The Board retains control, and there is economic development within the district in a town.

V.Pinkham asked if the money could be used to offset taxes.

Zinser said it could not be, however it can be used to fund a project, such as capital improvements. It's a win/win.

V.Pinkham questioned the downfall.

Zinser answered you could only have a TIF for 30 years, at the end of 30 years, the county tax will skyrocket, education funding will plummet, however, at year 20, the money can be deposited back into the general fund. Essentially could take ½ the Town Manager salary line and pay half out of the TIF.

J. Pinkham can it pay for some of the services.

Zinser absolutely.

J. Pinkham the money can be used for Capital Improvement, but not to buy a fire truck, or a cruiser.

Zinser exactly, its got to be tied to economic development

McLean someone thinks a hotel would be good in this area, they opt out though because of no public sewer or water, the money could be used to bring public sewer and water to the area, that is clearly economic development.

Zinser feels it is best to further explore this for the Town, it would allow for improvements to get done.

V.Pinkham asked if the amount of land that could be in such TIF is limited.

Zinser confirmed it was limited to 176 acres per area, and 444 total acres

McLean reminded the Board that Sean Welton's project was a good idea for the Town, however the water and septic became an issue for them, same with the Hunt development on Route One. They'd be good for the Town by bringing revenue to the Town and jobs to the area. This is an instance where being able to extend sewer and water further would really benefit the Town.

On motion of V. Pinkham/McLean moved to have Zinser pursue the TIF subject further and get more information for the Board. Vote: 4, 0, 0.

3. Church/Elm/Theatre sidewalk and drainage engineering.

Zinser informed the Board of a pre-bid meeting held yesterday morning. Zinser feels it went well, a lot of tough questions were asked, and clearly stated only looking for sidewalks and drainage to be bid upon. Expects bids to be in by November 30, 2007.

McLean asked if Zinser got a sense of 'do-able' feeling from the engineers.

Zinser reiterated the meeting went well. Assess the cost to be around \$300,000-\$400,000, depending on cost of engineering study, feels ½ should come out of sidewalk and ½ out of paving maintenance.

4. Planning Board Updates

Zinser stated he got the sense from the Board that they would like to be more informed on what is happening with the Planning Board. Zinser will plan to e-mail the CEO permits, send minutes to the Board members on a monthly basis.

5. Bristol & Main St intersection

McLean expressed his frustration with the intersection, and the MDOT's map not referencing the traffic light. Problems include the striping, it's blocking the intersection, the fact that the under road sensors are already in place is not an excuse to leave it that way. Another problem in the parsonage driveway having a light in it, feels its stupid, it was just put up wrong, the response was no light at Church St, the traffic didn't warrant a brand new light.

Zinser stated he had been speaking with Neil Campbell, Terry Sutherburg, and Chief Drake and there have been complaining in general from residents. We need to wait til the lights are energized and see where the true problem is.

J. Pinkham questioned the lack of signage at the intersection. When traveling in front of The 1st and turning right onto Bristol Rd, does that person have to yield, or does the other person traveling in from the other direction turning left onto Bristol Rd have to yield. There's no sign indicating who has the right of way.

Zinser agreed that area needed to have a yield sign.

McLean doesn't want Zinser to accept this, and waiting 2 months for a yeild sign is unacceptable!

Chris Roberts, resident, felt the intersection would be dangerous for the bigger box trucks stopping on that hill, or traveling through the intersection and taking out the control box.

Zinser felt the Town would eventually go to just flashing yellow lights.

Roberts asked how many parking spots were really lost with this project. We were initially promised only six (6) would be lost.

McLean believed it to be way more than six (6).

Zinser assured the Board he was not accepting anything, there is a procedure that needs to be followed and part of that includes waiting to see what happens, but we need to follow procedures.

McLean stated again, we cannot wait on a yield sign.

Pinkham felt it is important to get a temporary sign.

6. Monday, December 24, 2007

Zinser asked the Board how they felt on closing the office, Monday, 12-24, Christmas Eve, the office is closed on Tuesday for Christmas.

V. Pinkham felt the office should be open as normal.

J. Pinkham agreed with V. Pinkham

Wilbur felt it's Christmas, families are traveling...take Monday off.

J. Pinkham said if the staff wanted to take the day off, it would be done at their own time, or if the office stayed open for til 1 or 2 then closed.

C. Pinkham asked if closing ½ the day would also require the staff to use their earned time or would it be paid as holiday.

V. Pinkham and J. Pinkham thought using earned time was best.

On motion McLean/V. Pinkham voted to allow December 24th to be optional as a closed day with the stipulation that the staff utilize their own earned time. Vote: 4, 0, 0.

VI. Old Business

December 5th meeting-tabled the discussion

VII. Consent Calendar

1. Meeting Minutes for October 17th and November 1st.

On motion of McLean/Wilbur moved to accept October 17th meeting minutes. Vote 4, 0, 0.

On motion of McLean/J. Pinkham moved to accept November 1st meeting minutes. Vote 3, 0, 1. (Wilbur abstained)

2. General Fund Warrant # 27

J. Pinkham questions a bill/payment to RHR Smith looking for assistance with the Capital Improvement Plan.

V. Pinkham wanted to know where the money was coming from.

Zinser stated carry forward.

J. Pinkham wanted to know why this didn't go out to bid.

Zinser reminded the Board he is authorized to spend up to \$5,000 by The Charter.

J. Pinkham understood that, but his concern is he knows nothing about this. This is just a shock.

Zinser stated he was not hiding anything.

J. Pinkham felt the Board should have known about this before this minute. We are representatives of the people, we should know about this. What is \$4,500 getting the Town?

Zinser told the Board they would be working on a 3, 5, and 10 year Capital Improvement Plan. This is an area we need assistance in. We don't have the staffing to do this, this is one way to make it happen.

J. Pinkham felt we should be shopping around for this service.

Zinser said he had interviewed RHR independently, feels it is the best fit for the community, the company already knows the Town, and its' finances.

V. Pinkham told Zinser he should be doing this.

Zinser said he could certainly prioritize this.

J. Pinkham agreed with V. Pinkham and added that the Town Manager should be working with all department heads.

Zinser assured him a lot of the leg work has been done, and the department heads have also been working on it.

J. Pinkham said he was not disagreeing with Zinser, but would have liked to have the knowledge beforehand.

Zinser believes he acted well within his administrative authority to make this decision.

V. Pinkham wanted to know if the Town would be reimbursed for the Cumler & Lynch \$300 legal bill.

Zinser said they would not, it's just the cost of doing business; our own attorney had a conflict of interest with this so we needed to seek other counsel. We have to pay for that.

V. Pinkham questioned why Zinser didn't use MMA (Maine Municipal Association)

Zinser informed her he did, but we needed to go further and seek other counsel.

V. Pinkham thought the Visa bill for police training, and questioned the charges at Foxwood's in Connecticut.

Zinser confirmed the charges were all due to multiple police trainings in Connecticut and Massachusetts.

On motion of J. Pinkham/McLean to pass General Warrant #27.

V. Pinkham thought the RHR Smith bill of \$4,500 should be deducted from that warrant.

Vote: 2, 2, 0. (V. & J. Pinkham opposed)

On motion V. Pinkham/J. Pinkham moved to accept General Warrant #27 with the RHR Smith bill of \$4,500 deducted from it. Vote: 3, 1, 0. (McLean opposed)

On motion McLean/V. Pinkham moved to accept Payroll Warrant #26.

V. Pinkham stated there was a lot of overtime again for the Police Dept.

Vote 4, 0, 0.

VIII. Other Business-

IX. Adjournment

On motion McLean/V. Pinkham moved to adjourn meeting at 8:26 p.m.

Respectfully submitted,

Cheryl M. Pinkham, Town Clerk

