

**Town of Damariscotta
Board of Selectmen Meeting
Minutes
Wednesday, December 19, 2007**

I. Pledge of Allegiance

II. Public Hearings:

1. Liquor license renewal—Romeo's pub: No public comment; Chief Drake of PD had no issues with renewal.
2. Liquor license renewal—Reunion Station: No public comment; Chief Drake of PD had no issues with renewal.

III. Call to order

Vice-Chair Josh Pinkham opened the meeting at 6:10 PM. Board members present: Scott Gove, Richard McLean, Josh Pinkham. Staff present: Greg Zinser, Town Manager, Fire Chief Neil Genthner, Highway Commissioner, Terry Sutherburg, Police Chief, Steve Drake, Deputy Town Clerk, Jurate Barnes. Others present: members of the Budget committee, Ed Stelzer, Damariscotta citizen, Kim Fletcher, Lincoln County News.

IV. Official Action

Act on liquor licenses. Renewal for Romeo's pub in order, McLean moved to approve, J. Pinkham second, approved 3-0. Renewal for Reunion Station in order, McLean moved to approve, J. Pinkham second, approved 3-0.

Vice-Chair J. Pinkham suggested moving item **V. FY09 Budget Preparations** toward the end of the agenda since it would be the bulk of the meeting.

VI. Official Action, Continued

2. Act on condo conversion ordinance: draft ordinance passed legal review: the ordinance addressed all concerns regarding tenant rights, enforceability of state statutes. McLean noted that the Land Use Committee unanimously recommended ordinance adoption.

Zinser: another public hearing is not required on this ordinance; there is a wind tower ordinance pending, the Board can choose to schedule another hearing, or set a date for a special town meeting, time and date to be determined, both ordinances can be taken care of at the same meeting.

J. Pinkham: would be good to have two public hearings to cover all the bases; schedule both for the same night.

McLean: would like to include a minor amendment to the Site Review Ordinance as well.

Zinser: January 16, 2008 possible date for hearing at 6:30 PM. McLean move to schedule public hearing on the condo ordinance for January 16, 2008 at 6:30 PM. J. Pinkham second. Motion approved 3-0.

Ed Stelzer requested the floor. He noted that the condo ordinance is the result of a lot of effort by a lot of people and that it is important for the town to come to the public hearing. Stelzer thanked the Board for their continued support.

3. Award bid for sidewalk and drainage engineering: Zinser said the town received two firm bids for engineering services. Wright-Pierce presented a good, concrete contract with a well-defined scope of services. Phase I is bid at \$7,000 for preliminary design work; Phase II is bid at \$20,000. The separate phases are due to possible cost saving by using town materials..

Sutherburg: very comfortable with the bid; company is very responsive.

Zinser: the scope of services best meets the town's needs. Preliminary phase involves public meeting/hearing, conceptual drawings and plans. Need to especially invite Elm and Church St. residents to the two public hearings.

McLean: move to accept Phase I bid at \$7,000 from Wright-Pierce (money will be spent from sidewalk reserve fund). Wilbur second. Motion approved 3-0.

VIII. Communications

Transfer Station annual budget meeting slated for December 27, 2007 at 7PM, Nobleboro Town Hall. Budget figures for next year will be discussed. McLean will try to go; Zinser as well.

Damariscotta Bank & Trust has invited the Board to attend the groundbreaking ceremony for their new branch at 10:30 AM December 20, 2007.

IX. Town Manager Discussion

Main St. and downtown snow removal bids: 1 bid received from Hagar Enterprises. Breakdown of bid as follows: 2008-2009: \$64,990; 2009-2010: \$67,589.60; 2010-2011: \$70,293.25

(Scott Gove joined the meeting at 6:23 PM)

Zinser: not a complete surprise that we are paying more; anticipating the road contract to be in triple digits. The same level of service as in the previous contract was in the current RFP. This is a joint bid with Newcastle and will be open for discussion at the January 2, 2008 joint board meeting with Newcastle.

McLean: can we do anything with downtown to bring the price down.

Zinser: discussed that with Sutherburg already. Should sit down and discuss possible options with Hagar and ways to reduce the cost.

Gove: (for example) ...downtown business owners shoveling in front of their stores.

Zinser: case law places the burden for snow removal on the municipality. Need a stand-alone ordinance to require business owners to clean snow on their property. Can have the ordinance in place before the new contract takes effect. It is a timing issue.

Gove: majority of businesses now clean their sidewalks.

J. Hagar: two bobcats are used full time (by Hagar).

Gove: what would happen if the all the snow was pushed into the street?

J. Hagar: yes, the cost of the contract would drop.

Zinser: can make this work for the town, look at the scope of services, how many responses per storm, etc.

J. Pinkham: is there a savings going to straight salt?

Gove: can't see a 100% increase.

J. Pinkham: maybe plow ourselves, with new truck and new plow.

Zinser: what happens when Sutherburg is sick (like during the last storm).

(V. Pinkham joined the meeting at 6:30 PM)

Gove: Damariscotta was the cleanest town during and after the last storm. We don't need that level of service.

J. Hagar: level of service can be downgraded.

Zinser: it's permissible to negotiate level of service within the bid.

McLean: will we be ready by January 2 meeting to know what we are awarding. Want to plan for the best job at a price that is acceptable. Would like to discuss further.

A.Pinkham: any contact with the Chamber of Commerce or businesses on Main St.

S. Hagar: is this going back out to bid?

J. Pinkham: we have a fiscal responsibility.

S. Hagar: no problem to come up with ideas; the Board should know I am here with a heavy heart, here in good faith, yet another set of specs again.

J. Hagar: a better idea would be to reject the bid and revise the specs.

J. Pinkham: Board needs to discuss frequency of plowing, etc. with the contractors.

Gove: serious change in the bid, with no sidewalk snow removal.

S. Hagar: if piece removal is continuous, it is more efficient and easier, like the last storm. The price quoted is based on an average number of times for snow removal: 16.5 storms as an average, 2 bobcats, loader, ½ truck, salt at \$55/ton. Salt has increased to \$58/ton, before trucking; diesel has also increased.

J. Hagar: there have been 14 plowing events to date. Have to come out at one inch or slippery conditions. This is a different situation than for the guy plowing residential properties.

Genthner: what does Hagar need to for downtown: Board needs to detail A to Z, price it.

Wilbur: agreed. Sit down and discuss what can be cut in labor and/or items.

Gove: people need to understand that there will not be the level of service we now have.

S. Hagar: delay in removing the snow will not save money; save by cutting what services are provided. Sand versus salt will not save money; it still has to be spread.

J. Pinkham: discuss this at joint meeting with Newcastle Board.

S. Hagar: Newcastle is a different “world” than Damariscotta.

McLean: a possible cut is the sidewalk on Cross St.; doesn’t work.

S. Hagar: Elm St. is the same.

J. Pinkham: table until January 2, 2008 meeting, but work on it.

Zinser: noted that Elm St., Lewis Point, Water St., Cross St. are in the current bid. Never included in the previous contract; are being maintained for free.

Gove: action plan on how to decide the new specs.

Zinser: table, the talk with the Newcastle Board at a workshop, say 5:30PM on Wednesday, January 2, 2008, prior to the regularly scheduled meeting. Have Sutherburg and Drake also present.

J. Pinkham move to accept action plan as suggested by Zinser. Wilbur second; Motion approved 5-0.

V. FY09 Budget Preparations

Zinser opened the discussion of year to date expenditures (in FY 08) which are at about 45% of budget. This compares to 52% of budget at this time in FY 07; 51% of budget in FY 06 and 53% of budget in FY05; hence, currently about 5% under budget. This figure also includes all the high seasonal costs. The GSB budget is right at 50%. The department heads have done a good job keeping costs in check.

J. Pinkham: would like to hear from department heads a general overview on their specific budgets. Will the budget increase, stay the same, where are the increases, etc.

Wilbur: why don’t we lock in a (fuel) contract price?

Zinser: fuel dealers do not submit bids due to the large quantity of fuel needed.

Fire Chief Neil Genthner spoke first regarding his proposed budget:

To date, there have been 163 calls, 43 more than last year at this time. These are solid numbers, small increase in payroll, increase in fuel costs. Can maintain at same budget, no "big" items in the foreseeable future.

Zinser: Fuel costs will be higher than anticipated; payroll is almost 75% expended due to calls.

Genthner: Can anything be offset from FEMA?

Zinser: only for this year; may keep overall budget from increasing.

Genthner: Pay is at \$8.00/hour. To what extent can we bill: hazmat, OUI, special equipment (i.e. Jaws of Life) can be billed.

Gove: what about mutual aid?

Genthner: can't bill; signed a mutual aid agreement.

Gove: it is more and more difficult to breakdown the numbers of out of town aid calls versus the numbers of mutual aid who come to town. It is not equitable. More and more people are working out of town, unable to respond.

Zinser: in order to set fees, ordinance adoption is needed.

Anne Pinkham: can we track the number of gallons used in vehicles?

Genthner: can get a yearly printout from Colby & Gale.

Zinser: spread sheet exists, only goes back to December '06. No time for Colby & Gale to compile report.

J. Pinkham: how about future purchases like equipment or apparatus, three or four years out?

Genthner: Nothing anticipated if older equipment stays together. Eight years before the pumper needs to be looked at. The oldest one has just been rebuilt. If all holds true, we are all set.

Gove: what about 1055 calls, property damage only. Call out the Fire Department if no Police Department in town.

Genthner: agreement with PD, need traffic control, then the PD comes out.

Zinser: how about fire station building expenses?

Genthner: nothing anticipated for the next three to five years.

S. Hagar: how about the water issue in the parking lot?

Zinser: have contacted engineer who designed (created the problem), have had no response. Maybe need to set aside some money to fix the problem. Capital reserves are severely under funded in Damariscotta.

J. Hagar: how do you anticipate funding increased coverage?

Genthner: serious money if full time coverage. The fire department is certainly not about the \$8.00 (per hour).

S. Hagar: any notion of having own EMS?

Genthner: not likely, with CLC Ambulance so close.

Zinser: (referring again to water problem in parking lot) historical underfunding catches up. Trying to flat line, the budget will increase. Large, one-time expenses are not covered with capital reserve.

Gove: incorporated capital reserves responsibly; idea was to keep the budget flat. We need to increase those amounts. Why aren't we talking to our attorney regarding the engineering liability on the parking lot.

Terry Sutherburg, Road Commissioner presented the overview of his budget.

Sutherburg: anticipate about a 2% increase, mainly due to fuel. Roadside mowing to increase \$1000. Catch basin cleaning will see an increase; very little control over what vendors charge. As an example, the emergency replacement of the 70-foot culvert on Back Meadow Rd cost \$3,521.50, this cost was with helping the contractor. Even culverts are not cheap; we just did not have the equipment to do it. Going from a gas to a diesel truck to save more.

Zinser: budget is only \$50,000, of which \$30,000 is salaries. Highway department budget has no control over snowplowing. Maybe we should consider a new part-time year round employee. Perhaps a joint position with Newcastle, two days a week in Damariscotta. Also use as a general maintenance position: cleaning buildings, fixing the toilets when necessary, cemetery mowing, put part of the burden on the part-timer to be on call.

Fisk: is there any revenue assistance from the State?

Zinser: State offset capital items with \$22,000. As (property) value increases, subsidies decrease. Can't guarantee any revenue from the state. Propose revenue sharing was to be about \$165,000, have received only \$140,000 so far.

Sutherburg: no idea of what asphalt will cost in the spring.

Gove: are there any suggestions for Terry to lower the budget requirement?

Zinser: how do you feel about an additional part-time maintenance person?

Wilbur: Terry should track all that he does outside the scope of his job, also what outside contractors do that normally could be done by inside maintenance.

Page: (sounds like) you are looking to make cuts at the expense of the business people. Cut Fire Department, Police Department, Highway.

McLean: A lot of service dollars spent go to the local businesses.

Stelzer: would like to make a general observation: you are all very civic minded and work on a very small percentage of the total budget. Most of the budget, ~65% is school budget. The service we get is terrific on your budget.

J. Pinkham: we have control over this (portion of) budget.

Police Department Chief, Steve Drake presented his overview of the PD budget

Drake: no big purchase items. Have money in the reserve account to replace a police car in February 2008. The only increase is salary-based; everything else is flat-lined. The number of calls has increased: in 2006 2,338 calls; in 2007 3,758 calls; to date in 2008 1,210 calls. We respond to everything from barking dogs to capital crimes. For example, a major case is not just a call, it is a lot of maintenance. The town needs 24-hour coverage. We cannot provide 100% coverage; not enough manpower. The PD does have a very good relationship with the Sheriff's Office. We are trying to cut, not limit service, by modifying patrol.

Zinser: one of the big expenses is salary. A major case increases the cost of doing business. The most revenue negative department: (it seems) the only people served are criminals—felony crimes cost ten times more.

Gove: ask specific questions of Drake by the Board or the Budget Committee on specific cuts.

Clapp: Chief, is the community more crime-ridden; is it greater—what is the nature/quality of the crimes?

Drake: the perception of the general public is that of a nice town. But as a service center, we see a lot of drug cases, which can be tied into other cases such as theft, gross sexual assault, etc. A lot of this population is very transient; strangers are the norm.

J. Pinkham: where can we cut? Is two to four hours a day possible?

Drake: This is not a business that works on the clock.

Vicki Pinkham: what is the number of calls during a 24-hour period?

Anne Pinkham: have seen two officers on duty on a Sunday afternoon.

Drake: Overlapping shifts are when the officers do their paperwork. Training is proportional to service and safety of officers. If you have an open shift, you can take the chance and ask the Sheriff's Office to cover.

Gove: the S.O. covers all the other towns.

Drake: if you are lucky enough, the S.O. or the state police will be there at night. Coming in at night is part of mentoring and training other officers. Can monitor progress and cases. My Sergeant holds to the same standards. Try to have a five minute response time.

Gove: are officers spending time and fuel driving to Wiscasset, should be the Sheriff's responsibility to pick up and drive the prisoners. We are not getting full value of county taxes as the other towns are from the Sheriff's Office.

Page: there is no room to cut.

Gove: if you want the same services, no cuts; if you want to sacrifice services, you can cut.

J. Pinkham: just a change in number of hours, just by cutting 2 to 4 hours per day, a cost savings.

Zinser: you would not be getting 24-hour coverage.

Gove: budgeting for 24-hour coverage, but understaffed.

Zinser: not budgeted for 24-hours, proportional adjustment to 24-hours never made.

J. Pinkham: don't call it 24-hours.

Drake: this is all described in the monthly budget of coverage.

Schling: how much time is overtime paid for 24-hour coverage; how often does this happen? You pay a premium for 24-hour coverage.

Drake: we have a hard time finding reserves; try to fill with reserves rather than not filling a shift. The early morning hours are the least covered. Maybe hire a reserve officer for 6 hours every Saturday coverage, virtually contractual.

Schling: what is the cost for overtime?

Zinser: overtime for a full-time officer is about \$14,000; a reserve officer is about \$30,000.

Schling: what is the overtime for case work versus shift overtime.

Drake: can determine that.

Schling: how much overtime for shift work only; what is the cost involved in that?

Zinser: will run a report.

Schling: that is what we are dancing about.

Drake: 99% of overtime has a case tied to it.

McLean: Police Dept. payroll lists by officer the regular/vacation/overtime pay. If there is overtime, what is it for, we can watch it. There is no pattern, this is highly unpredictable.

Schling: that's the point—criminals don't call in sick.

McLean: constantly look at number of full time versus number of reserve officers.

Drake: for the budget committee: determine which shifts you want covered and which to leave open.

Schling: you have to look at that constantly.

Drake: yes, always making a choice.

McLean: look at number of hours given by the Sheriff's Office: what is slot filling, what is clearly shift coverage. Are we spending too much for shift coverage.

Schling: What is the arrest record of patrols, caught in the act?

Drake: in fiscal 2007 104 arrests, in fiscal 2008 150 to date.

McLean: what is the actual value of an officer driving around as opposed to being ready to go out?

Drake: patrol unit is a deterrent.

Schling: if so, why an unmarked car?

Drake: unmarked care is totally budgetary: costs less.

O'Bryan: can attest to the value of PD on Biscay Rd. in the springtime.

Gove: do you want the level of service or not? Three to four hour reduction is it worth it? There is no place else to be creative in the budget to save.

Anne Pinkham: is there a report on how many times PD is called to Miles—unruly people, patients, is this a revenue stream?

Drake: some calls pay \$38/hour.

Page: no where else to cut/no play. Not feeling that we have done anything to help save money.

Clapp: we are able to justify the money. Need to go on.

Page: we are talking policy.

Gove: what do you recommend?

Sutherburg: it's not just about cutting a percentage.

Vicki Pinkham: get the budget, go over it piece by piece, make recommendations.

Page: the real estate values are bad; can't pay taxes.

Josh Pinkham: it's a sentiment I hear throughout the community; we have control—can we find a way to cut.

Page: there must be a happy medium.

Gove: do you want a Police department or not?

Drake: it all boils down to quality of service provided: take pride in the service, no change in hours, get the level of service you want. If you have four open hours, wait for the Sheriff to get here.

2. Provider agency discussion

Anne Pinkham: get together to go over policy.

Zinser: there is a sense of entitlement—most towns do not guarantee funding. (Zinser briefly described the provider agency policy). We should set the cap, make the cut date, or motion not to fund, if the people at the Town Meeting want to make a different decision, can do so by secret ballot.

Anne Pinkham: With that format, there is no discussion why so and so needs the money, could be for matching grants.

Zinser: the provider agencies serve a valuable purpose.

Gove: they help the town.

Zinser: they can petition every year; provider agencies can allow for budgetary control-- budget committee can cap request and require information and make the decision. Option Number 3 (see attached) provides the best opportunity to update the Provider Agency Policy.

Vicki Pinkham: nothing stops the petition; can put in for what they are asking.

McLean: the cap works only for one year.

Fisk: do not like secret ballot—not fair.

Gove: yes, secret ballot has pros and cons.

Vicki Pinkham: why not put it into the general election?

McLean: only fund agencies that spend X% or less on administration—start to qualify agencies.

Gove: painstaking to review that closely.

Zinser: make the decision tonight—need direction.

Gove move option #3, V. Pinkham second, motion approved 5-0.

Meet joint recommendation on specific dollar amount.

McLean: specifically look at new set of criteria.

Gove: do you want Board of Selectmen to recommend or not for the provider agencies?

Anne Pinkham: if setting a cap, need the BOS.

XI. Consent Calendar

Regular meeting minutes December 5, 2007: Gove moved to approve, V. Pinkham second, minutes approved 5-0.

General Warrant #33 Gove moved, V. Pinkham second, warrant approved 5-0.

Payroll warrant #32: Gove moved approval, Wilbur second, warrant approved 5-0.

Gove queried about representation at the DB&T groundbreaking.

Gove moved to adjourn, J. Pinkham second, approved 5-0. Meeting adjourned at 9:30PM

Respectfully submitted,

Jurate J. Barnes, Deputy Clerk