

**Town of Damariscotta
Board of Selectmen's Meeting
Minutes
Wednesday, December 5, 2007**

I. Pledge of Allegiance

II. Call to Order

The Board of Selectmen met at the Municipal Facility on Wednesday, December 5, 2007 to conduct town affairs. Chairman Scott Gove called the meeting to order at 6:33p.m. Members present were Scott Gove, Josh Pinkham, Richard McLean, and Vicki Pinkham. Staff present was Town Manager, Greg Zinser, Town Clerk, and Cheryl Pinkham. Others present were residents, Ed Stelzer, Chris Roberts, Brent Hallowell, Ann Pinkham, and Bob Waltz also of Property Care; and Kim Fletcher of LC News and Karen O'Bryan, of LCTV. Absent was David Wilbur. Newcastle Board Members present were Lee Straw, Ellen McFarland, (arrived late) Bob Plourde, Pat Hudson. Newcastle Administrator, Sandra Blake was also in attendance.

III. Public Hearings-Opened at 6:35/Closed at 6:45

1. Augustine's Backstreet Restaurant liquor license renewal application; advertising was done and police report obtained.

Stelzer expressed his support for Augustine's, and urged the Board to approve the liquor license.

On motion of McLean/V.Pinkham moved to approve liquor license. Vote 4, 0, 0.

IV. Official Action-

1. Joint cemetery mowing contract. (Damariscotta & Newcastle)

Zinser stated the Towns were in receipt of only 1 bid for \$20,000 each year, from Property Care Plus. Each Town would need to vote to accept or reject this bid.

On motion of McLean/J. Pinkham moved to accept the bid of \$20,000.00 each year from Property Care Plus. Vote 4, 0, 0.

On motion of Straw/ Hudson from Newcastle Board moved to accept bid of \$15,000.00 from Property Care Plus. Vote 3, 0, 0. (Ellen McFarland had not arrived at this point)

Both Boards continued to discuss other potential bids and projects that could potentially be combined.

Blake mentioned the Town of Newcastle has a plowing contract of \$200,000 this year. Blake has contacted Zinser with her idea of creating a joint public works department for the Towns. Newcastle has 42 miles of road.

Gove stated the Damariscotta plowing budget is around \$85,000range for plowing, and thought around \$60,000 for public works.

Blake said the immediate need for Newcastle is a sand and salt shed; right now salt is stored underneath the sand.

Gove questioned if the State was requiring Newcastle to do the sand and salt shed.

Straw agreed the Town of Newcastle lost some sand, but not enough to build a new building.

V.Pinkham asked how much money Blake thought the savings would be.

Blake stated cost savings would not be immediate; the savings would come over years, if you don't see a cost savings in a few years it's not worth it.

J. Pinkham pointed out the Boards would now be adding a building, new equipment, a mechanic for the equipment, employee and benefits.

V. Pinkham felt that was a lot for Damariscotta to take on since we only have 26 miles of road.

Gove reminded the two Boards that this was similar to the Transfer Station. In 15 to 20 years this will make a lot of sense.

Straw thought it was a lot of money.

Blake reminded everyone that this was just in the research stage, this is still 3 years out, maybe 6, if you don't get your money back with in 2-5 years, and again, it's not worth doing it.

Zinser noted this was the purpose of for the Grant. This allows us to research and run numbers, it doesn't commit us to anything.

V.Pinkham asked if Newcastle had a highway department.

Blake stated their Road Commissioner is on an on call basis. She also stated again that the grant the two towns are pursuing is for the study only, an in depth study.

J. Pinkham encouraged Zinser and Blake to look at the numbers, and show them to him; try to sell the idea to him, but probably going to be a tough sell.

****The Newcastle Boar left at 6:51 p.m.**

2. Email/Internet use policy.

Zinser stated the Board was in receipt of the Internet/E-mail Use Policy.

McLean would like to have social security numbers added to the Guidelines portion of the policy under section 1c.

On motion of McLean/J. Pinkham moved to accept Internet/E-mail policy with the addition of social security numbers to Guidelines section 1c. Vote: 4, 0, 0.

3. Fire Department Vehicle

Genthner stated the Massasoit Engine Company was in receipt of a 1995 Ford Explorer donated from a fire fighter station in New York. Genthner brought the vehicle to the Colby & Gale station for repairs; it only needed wheel bearing and brake shoes. The vehicle is in good condition. Genthner sent a letter to the NY fire fighters and department, thanking them for the generous gift from the Massasoit, the Town residents and the Board. This is also the outfit who won the ladder truck posted on E-bay by Damariscotta, which coincidentally was the original owner of the ladder truck. They now use it as a parade truck, and is a great addition to their other 165 antique trucks.

Genthner would like to know how the Board wishes to get rid of the current 1992 Crown Victoria used by the Fire Dept now. It has 160,000 miles on it, and is an 8 cylinder.

Gove was afraid it wasn't worth all that much.

Genthner stated there is a new motor in it, and the 160,000 miles is on the chassis, not sure exact amount on the motor.

Zinser suggested just putting an ad in the paper.

J. Pinkham wanted it to go out to bid.

Gove suggested putting it in the Uncle Henry's. Asked Zinser to call Ford to inquire its worth, retail and trade; come up with an amount and put in a free advertisement. Gove asked where the funds would go.

Genthner would like to see the fund go back into Capital Reserve for fire dept.

McLean thought reimbursing the Colby & Gale bill, and then placing the rest in Capital Reserve account would be a good idea.

On motion J. Pinkham/V.Pinkham moved to place ad for a minimum of \$1,000.00, IF Zinser finds out its worth at least that, and then have the proceeds go to offsetting the Colby & Gale repair, lettering, and rest back into the Capital Reserve.

McLean would like to review it again in 60 days

Zinser suggested the date of January 15th, the 2nd monthly BOS meeting.

Vote: 4, 0, 0.

V.Pinkham asked where the car is now.

Genthner said it was at the Fire House; inside.

4. LCTV Warrant article request.

Gove informed the everyone that LCTV is asking for an article to be placed on the annual warrant requesting 50% of franchise fees be given to LCTV. Gove reminded everyone that normally LCTV is requesting 100% of the franchise fees be turned over to them. Believes the programming has improved a lot.

McLean agreed and felt is a nice effort to negotiate, and believes other communities have been asked for the same amount.

On motion of Gove/J. Pinkham moved to place article on the next annual town meeting.

Stelzer asked how much money were the franchise fees.

Gove stated it varies; right now there is no contract.

McLean said it would be a ballpark figure and asked Zinser what that might be.

Zinser replied approximately \$13,000.

Gove told Stelzer that LCTV would be requesting about \$5,000-\$7,000.

Vote: 4, 0, 0.

V. Pinkham asked if the school board meetings would be live, like here.
Gove informed her that was a Time Warner issue, not LCTV.

V. Communications-None

VI. Town Manager Discussion-

1. Condo conversion ordinance

Gove informed everyone that we were now working and looking with Draft # 15!

Zinser agreed and filled the Board in on the fact that this was Draft #15; however e-mails have gone around getting clarification on sections of this draft. After reviewing State law, and old communications from lawyers, essentially this is an illegal draft. The State calls for 120 day time line to notify tenant or sell to that tenant. Zinser will draw up the language for the ordinance, submit it to the LUC (Land Use Committee), it will basically read the same with the addition of town requirement #1) increase 120 days to 180 days waiting period, #2) extend 60 days to 90 days on first refusal to make more clear.

Gove said if tenant at will, they should get a lease from the land lord, if the land lord doesn't do a lease, then

Zinser felt, after talking to many people on this, this is the best idea. By the middle of next week Zinser should have something for the LUC, Board of Selectmen, and attorney, by the middle to end of next week.

McLean told the Board it has been very complicated; have to protect the tenants, and owners of the buildings, all parties involved, it's been one single knot. But with this permit process, letting the Town know, essentially, unties that knot. The ordinance will give tenants more notice and spells out tenants rights; he's looking forward to seeing it.

Zinser relayed his hoped to have a formal meeting on December 19, 2007, afterwards we can schedule a Special Town Meeting, at which time we may possibly have other ordinances.

Gove asked about a public hearing for the ordinance.

Zinser believes that we'll have enough time in Jan to have STM in February.

C. Pinkham agreed but will look at schedule also.

Stelzer wanted to know what the Board and everyone learned from this. Many people spent several hours, Stelzer more than anyone. In the future, if the Town should have something like this come up again, he recommends the Board & Town Manager quit sending e-mails, quit asking MMA, the Town, etc. You need to sit down face to face with people and find out what is trying to be accomplished and work from there. If Stelzer had known 7 months ago this couldn't be done he wouldn't have wasted his time. Stelzer does understand how you will proceed. He thinks it's a good idea to do it in a timely manner and vote on this at a STM. He has received positive feedback, and is comfortable with the way things are proceeding. Stelzer is glad the Town can now have recourse action. Knowing that, Coveside set the intent by coming to the Town for Planning Board and permits etc., why has the Town not gone after them. Why is the Town not enforcing the statute?

Gove said the intent is to prevent this from happening in the future; this is exactly what the document is doing.

Stelzer will see the document first and then let the Board know if it is good or not. Another issue is; is it the Town's responsibility to do something, when an aggrieved party has come forward to have something done.

Zinser noted that there has not been a criminal violation, if we receive a letter from an aggrieved party, then we will go to the Town attorney, options would be 1-go after the person for penalties, 2-the 120 days notification period can begin at the 'after the fact date' when Town is notified, or 3-unenforceable.

Gove clarified that Zinser was stating the Attorney General would have no interest in this.

Zinser stated that was correct.

Stelzer continued to state the current owner violated the condo state statute, he did not provide proper documentation.

J. Pinkham asked if the Stelzer family would have purchased a unit.

Stelzer said if the seller had treated them nicely we would have thought about it. However he is so upset by the way they were treated, he wouldn't want it. Is it okay to approve an application for a condo conversion before the person actually owns it? Is it okay to advertise the property for sale?

Gove apologized to Stelzer but felt the meeting was getting off track, and the Board was not here to rehash what has been talked about and said already on several occasions. Gove is moving on with the meeting and ending this portion of the discussion.

2. Bridge Lighting Ceremony

Gove said there would be a lighting ceremony on Saturday, December 8, 2007, and 10:00 a.m. He was planning on attending and wondered if any other Board members would be there.

The Board decided Gove, as attendee and chairman should say a few words on behalf of the Town.

3. Snow removal RFP

Zinser stated he has advertised and sent out the RFP's for the next snow plowing contract 2009-2011.

J. Pinkham suggested purchasing the sand, and salt ourselves, and having the contractors share the sand and salt shed.

Gove mentioned that sharing could get sticky.

Zinser informed the Board that one contractor knows exactly how much sand and salt they use, another contractor says ‘..oh...well about...’ There are pro's and con's to sharing the shed.

McLean agreed that it can get sticky.

Zinser thought there would be one issue with 2 contractors paying, both want to use the sand and salt shed, who gets to use it; and then the fact that it's difficult to budget for. Right now one contractor uses ours, the other uses their own. We will have to wait and see. The RFP did get mailed out to Ken York, Gordon Libby, Hagar, Wayne Brown, Sprague and possibly more, but can't think of their names right now, and had been advertised.

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

Zinser said he received a total of 4 bids and has it narrowed down to 2 firms. One is Malone and McBrune whose bid was \$33,500, the other is Wright Pierce whose bid price was \$30,200. He is leaning towards Wright Pierce because they answered his questions adequately, also has built into the price the time for meetings, public hearings and all around was a well comprehensive bid.

V.Pinkham asked if other 2 bids were higher.

Zinser stated they were not; one actually came in at \$27,000 from Pine Tree Engineering.

J. Pinkham asked when Zinser foresaw this happening.

Zinser will discuss the bid with Wright-Pierce and if happy, will bring it to the BOS.

5. Monday, December 24, 2007

Gove felt having the office stay open for ½ day then paying the staff was fair.

J. Pinkham stated it was too late for that, the staff has already opted to close for the whole day and will utilize their own vacation time.

On motion of McLean/V.Pinkham moved to close the office for Monday, December 24th and the staff utilize their own vacation time.

December 5th meeting-tabled the discussion

VII. Old Business-

Gove informed the Board he had received an application for pole permit for the Bruce Benner sub-division from Tidewater. Just needs to be signed and mailed in.

On motion of Gove/McLean moved to approve pole permit application. Vote: 4, 0, 0.

Gove read an invitation to Bourland Hall Alumni Night on December 9, from 2-5p.m. Wine, beer, punch, and appetizers will be served.

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)

VIII. Consent Calendar

Regular minutes of 11-15-07.

On motion of J. Pinkham/V.Pinkham moved to approve minutes as submitted for November 15, 2007. Vote 3, 0, 1. (Gove abstained, absent from 11-15-07 mtg)

1. General Fund Warrant #30

On motion of J. Pinkham/McLean moved to accept General Fund Warrant #30.

J. Pinkham questioned the Bridgecorp bill.

Zinser said the Town tagged along on a project with the Sanitary District to tie in with them while they were there.

J. Pinkham asked about Fine Line Paving.

Zinser stated the Taco Alley needed to be repaired; while the contractors were there we figured we would take care of it then.

J. Pinkham asked how bad the tires on the town truck were.

Zinser replied the tires were bald. Pushed changing them, off as long as we could, but with storm approaching last weekend, Terry would not have been able to plow anything with the tires. We're planning on keeping those tires if they fit the new truck.

Vote: 4, 0, 0.

2. Payroll Warrants # 28, 29, & 31.

On motion of J. Pinkham/McLean moved to approve payroll warrants # 28, 29, & 31.

V. Pinkham is displeased with the amount of overtime from the police department.

Zinser assured the Board the PD was within budget.

V. Pinkham stated without this overtime, the PD would be WELL within budget. Also questioned 16 hours of vacation time, then overtime on same person.

C. Pinkham responded that particular person got 16 hrs for Thanksgiving, and the day after, and then the overtime was for hours worked over the normal 40 within the second week

J. Pinkham asked about the 27 overtime hours for an officer, also stated the chief needed to manage the department better.

Zinser said he would have the chief here at the next meeting.

J. Pinkham clarified to Zinser that this was a managerial issue for that particular department.

Vote: 4, 0, 0.

IX. Other business-

J. Pinkham questioned if manholes had been fixed on Biscay Rd.

Gove asked if anyone had been down on the Main St. sidewalks lately, there are deep gouges from the equipment being used for snow removal.

Zinser will talk with the contractors in charge of that.

Stelzer questioned the yield sign at Main St. and Bristol Rd.; still not sure who is yielding and who has actual right of way.

V. Pinkham was under the impression the new lights were not going to be activated until the spring.

Zinser said we have to set them and test them and suggested letting the go through their cycle so we can see where the problem is, if any.

X. Adjournment

On motion McLean/V. Pinkham moved to adjourn meeting at 8:01 p.m.

Respectfully submitted,

Cheryl M. Pinkham, Town Clerk