

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

I. Pledge of Allegiance

II. Call to Order

The Board of Selectmen met at the Municipal Facility on Wednesday, September 19, 2007 to conduct town affairs. Chairman Scott Gove opened the meeting at 6:32 pm, noting that Josh Pinkham would be fifteen minutes late. Members present were Richard McLean, Josh Pinkham joined the meeting at 6:47 pm. Staff present were Town Manager, Greg Zinser, Road Commissioner Terry Sutherburg, and Deputy Town Clerk, Jurate Barnes. Rick Hirsch, Seth and Justin Hagar, Wayne, Ferraiolo Concrete representative, Phil Wright and employee, and Kim Fletcher were also present.

III. Public hearings

Liquor license renewal for Damariscotta River Grill. Gove noted that all paperwork was in order and there was no objection from the Police Department. He then opened the hearing to public comment; there was none. Vote was delayed pending J. Pinkham arrival.

IV. Old Business-none

V. Communications

2. Letter from concerned citizen regarding Police Dept. stationing officer and patrol car on Route One divider to catch speeders indicated overstaffing. Chief Drake responded that PD received a "speed enforcement grant" and that this was one of the target areas identified in the grant. Gove said he had similar concerns that the PD should increase their presence downtown and on the Biscay Road.
3. Letter from Boothbay selectmen regarding the elimination of County government. Gove said he would be interested; McLean willing to listen. Zinser to respond in writing, indicating there is Board interest.
4. Information from the County Commissioners: Caucus was held to elect the budget advisory committee. The 2008 budget calendar was set.
5. Letter from Lawrence Greenlaw, Stonington ME: seeking towns to join an initiative to repeal school consolidation laws. Selectman Wilbur is at the consolidation meeting this evening. Board will get overview at the next meeting on the consolidation process. McLean commented that, based on his attendance at numerous meetings regarding the consolidation process, he is convinced that the consolidation process was not thought out at all and that there would be no savings to the Town, only perhaps to the State. Gove commented that he was opposed to the proposal in its current form.
6. Letter from Ann Pinkham for the Budget Committee requesting a preliminary budget meeting with the Board. The municipal budget calendar has been set; the Board will meet with the Budget Committee on October 24, 2007.

Gove recessed the meeting until J. Pinkham arrived.

Communications #1 on agenda: Phil Wright present at the request of J. Pinkham to discuss cemetery mowing. Since Wright had a previous commitment and J. Pinkham was not available until later, Gove addressed the reason for Wright's presence. Zinser commented that he had multiple discussions with Wright regarding complaints on the cemetery mowing. The cemeteries look better now than they have for a long time. Zinser is satisfied. Wright said that the complaints came during a week of prolonged rain. He said this is basically moot since the cemeteries would not be mowed more than three more times this season and his contract was up this year. Wright further noted that the wall across from Cottage Gardens is in need of serious attention, it is collapsing. Gove thanked Wright for his attendance.

Wayne, representing Ferraiolo Concrete, asked the Board what was necessary for a variance permitting start of operations at 4 am. Gove asked him to wait until J. Pinkham joined the meeting.

J. Pinkham arrived at 6:47 pm; Chairman Gove called the meeting to order at 6:47 pm

Re: Public Hearing: Gove stated the application for liquor license renewal for Damariscotta River Grill was complete. McLean moved to approve renewal, Gove second. Motion approved 3-0.

Discussion by request from Wayne, representative of Ferraiolo Concrete: Wayne requested a variance to begin operations at 4 am for about five or six days. He has met with all the neighbors regarding this situation and all but one abutter have no objection. The plant needs to start batching about 4:15-4:30 am in order to fill an order of 1,000 yards of concrete per day for 5 or 6 days in mid-October. No specific dates have been set. The regular start-up time for the plant is 5:30 am, but due to the large volume the plant needs to "warm-up." There is no noise until batching starts.

McLean: Concern about jurisdiction: a request for a land use variance is a Planning Board/CEO issue.

J. Pinkham: Any document that states the plant cannot start earlier.

Wayne: Not notified of Planning Board meeting when time was determined.

J. Pinkham: Any ordinance limiting starting time.

Gove: Planning Board "considered testimony" but no minutes on record

McLean: It was hashed out many years ago; an understanding was established. We are not in line to step into this.

J. Pinkham: I know that, is there anything on record.

McLean: Understanding in Planning Board minutes.

Wayne: Letter from Planning Board permitting 5:30 start. There are times when you have to start early. We held our part of the bargain, but we have a commercial job and are trying to work all the plants. We're not here to represent ourselves at this meeting; we talked to Neil (Campbell), after waiting for a response, talked to the Planning Board and were told there was no discussion on this issue, to go to Neil's boss, the Board of Selectmen. We are asking for five or six days.

Gove: I personally have no problem with this, can't please everyone. Not sure of jurisdiction.

Wayne: We are here to find out our options.

Zinser: Exploring the options, let me continue with Dale (Wallace).

Wayne: We need to know which way to turn, which way to go.

Gove: Zinser to find out the answer to the jurisdiction issue. Worst case scenario, it will take two weeks from tonight for an answer.

McLean: See if the Planning Board would consider the variance request prior to their regular October meeting.

VI. Town Manager Discussion

2. Highway Truck bid update: Gove—Terry Sutherburg here to answer questions regarding the bid, specifically the V-plow.

J. Pinkham: Why a V-plow.

Sutherburg: Two reasons: good scoop to do the parking lot and the door into the garage is 8.5 ft wide and hard to get a plow through the door, can fold the V-plow.

J. Pinkham: Can you angle a 9 ft. plow

Gove: (has) 9 ft. door, very tricky to get 9 ft plow in at angle.

J. Pinkham: 9 ft. straight plow more suitable than 8.5 ft. from experience. Don't need it.

Gove: How much more money is the V-plow rather than the straight plow.

Sutherburg: less than \$1,000

J. Pinkham: not warranted as much plowing as is done.

McLean: where does plow go.

Sutherburg: in the town garage; the 9 ft. plow might go in.

Seth Hagar: we could let you try our 9 ft. plow.

Sutherburg: can't get the truck into the garage with plow.

Gove: no question the V-plow can come in handy, \$800-1,000 spread over 8 or 9 years does not seem like an issue, gives flexibility.

J. Pinkham: not enough plowing to warrant it

Sutherburg: checking on prices on plows, Off the Road in Warren has a good price.

Zinser: truck was ordered without plow.

McLean: why not use Hagar's truck to experiment to see if it works.

3. Reminder of joint Damariscotta-Newcastle meeting on September 24, 2007.

1. Sidewalk bid review: Zinser—package was a formal bid with specs. Hagar Enterprises only RFP for Board consideration. In reviewing the situation, Hagar said that in order to accomplish what is set out in the RFP, the amount of work required is well outside the set of specs set forth. The Day Block loop and Elm Street pose severe grading problems. Water street can be done according to specs for \$24, 614.12. Also bid out Cross St. on Firehouse side, complete loop around entire block Cross St. to Bristol Rd. (DOT will do Bristol Rd.) \$35,560.25. Theatre St. \$11,336.97.

McLean: Do-able and recommended.

S. Hagar: can do that side of Theatre St. by the theatre, street will be severely dropped, a loss on the product, should do all at once.

Gove: can Elm St. be done from King Eider's to Theatre St.

Hagar: will end up with a dip; not recommended.

J. Pinkham: biggest concern is Elm St. Should be a priority given the amount of foot traffic on the street, much more than on Water St.

Zinser: We can get studies done; cost would be about \$20-30,000 for a study. Town would have to save for many years to accomplish an Elm St. project.

J. Pinkham: Church St. and Elm St. are bigger priorities due to the amount of foot traffic.

Zinser: the big issues on Church St. are ongoing drainage issues; can't do sidewalks until resolved.

J. Pinkham: thought that Elm St. would be a priority.

Zinser: no priority when I spoke with Bridge Corp. We could do all the sidewalks and wipe out the account, balance at \$95-100,000.

S. Hagar: New granite curb, new sidewalks, street also will get paved, tip-downs in the bid spec.

McLean: there is a surprising amount of (foot) traffic on Water St

J. Pinkham: (Water St.) in better shape than Elm st.

McLean: As a pedestrian, it is in similar condition; there are rough spots on Water St.

Zinser: do sidewalks and study; better for future grant money with study in place.

Hagar; Wright-Pierce good company for study. Not doing Theatre St. drainage work, need to get the elevations down, then do all the work at once.

Gove: as a "guesstimate" how much for engineering.

Hagar: Plan on \$20-30,000.

J. Pinkham: Should have study before any sidewalk work.

Gove: Motion to accept Hagar Enterprises bid for Water St. and Cross St. sidewalks, authorize expenditure not to exceed \$30,000 for an engineering study/plan to rebuild Elm St./ Theatre St. loop, Church St., if it can be also included.

Gove: withdraw motion; need full board for decision.

Gove: don't need study to rebuild Water St/Cross St.

J. Pinkham: if you do it, do it right, want to make sure since Town has gotten so far behind in sidewalk project.

Zinser: if we approve Water St., can we save money since the state has not done paving yet.

Gove: what kind of money.

Hagar: Can't give an amount. Willing to work with the Board. No quality control issue now with the weather good, but should do work the sooner the better.

McLean: should get something done.

Hagar: Would not recommend doing the job if I was not comfortable. All the drainage work was not in the bid spec.

(action table to next meeting of Board of Selectmen)

VII. Official Action

2. Sidewalk plowing: Additional \$2,270 to current contractor Hagar Enterprises for added sidewalk snow removal.

Hagar: Sidewalk near Bath Savings, First National Bank to Cross St., Baptist church, pedestrian island.

Gove: sidewalks are going in, they need to be maintained. Table until next meeting when full board present.

Hagar: if accepted, payments will be different; Board can decide on next warrant how to make up the difference.

1. Sign MVR—already approved at last meeting, only signatures necessary.

Discussion: Sutherburg brought up issue of material from business owners on the sidewalks: it needs to be removed and kept off.

Zinser: need to restrict the amount of "stuff" on the sidewalk.

McLean: Motion that the Board of Selectmen issue a notice that all privately owned items be removed by noon, Monday, September 24, 2007 and not replaced until further notice from the Town. The Town will remove materials left at the owner's expense. J. Pinkham second.

Motion approved 3-0.

J. Pinkham commented to Sutherburg that the sides of the roads that have been trimmed look very good.

3. Budget calendar—Gove moved to accept, McLean second. Motion approved 3-0.

4. Planning Advisory Committee—Mission statement: Gove: need time to peruse, table discussion, etc. until next meeting.

Zinser: the meetings of the committee are going very well; committee is looking to the Board for “blessing.”

Letter to Tom Hoepner thanking him for thirteen years of service in the Police Department. Gove motion to send letter; J. Pinkham second. Motion approved 3-0.

VIII Consent Calendar

Regular meeting minutes of August 15, 2007 and September 5, 2007. McLean move to approve, Gove second. Minutes approved 3-0.

McLean asked what was being done with the expensive video system that does not work. Zinser: I have tried repeatedly to contact the company, keep getting the run-around, voice mail with no return calls.

Gove: State of Maine has an implied 4 year warranty. Anyone who sold this system should be backing it up.

McLean: system has been used six or eight times.

Gove: New Hampshire company is still bound by Maine laws. Demand immediate attention from the vendor or start to exercise consumer rights.

General Fund Warrant #18: McLean moved to accept; Gove second. Motion approved 3-0.

Payroll Warrant #17: McLean move to approve, Gove second. Motion passed: 3-0.

IX. Other business

X. Executive Session

XI. Adjournment

McLean moved to adjourn, J. Pinkham second. Approve 3-0. Board of Selectmen meeting adjourned at 7:50 PM. Noted that J. Pinkham will be 10-15 minutes late for the next Board of Selectmen meeting on October 3, 2007. Therefore, review of the Hagar Enterprises bid will be scheduled for 7:00 PM, so a full Board can be present.

Respectfully submitted,

Jurate J. Barnes, Deputy Clerk