

**Town of Damariscotta  
Board of Selectmen Meeting  
Minutes  
Wednesday, January 16, 2008**

**I. Pledge of Allegiance**

Full Board of Selectmen present. Staff present were Town Manager, Greg Zinser and Deputy Clerk, Jurate Barnes. Also present were: Peter Everett, Donald Smart, Elizabeth Ferguson, Chris Roberts, Dave Atwater, Ann Pinkham, Ed Stelzer, Al Monaco, Kim Fletcher.

**II. Public Hearings**

Chairman Gove opened the public hearing at 6:31 PM. The items were discussed out of agenda order to save time.

3. Liquor License renewal for Salt Bay Café: correctly advertised; no PD issues with renewal; application complete; no comments. Board to vote on renewal when regular meeting is opened.
2. Condo conversion ordinance: Gove gave a brief history of the ordinance: the need for such ordinance was brought to the attention of the Board by Ed Stelzer. The ordinance is intended to protect the tenants; there was no stop-gap in place for the current tenants when the building was sold for condominiums. The Land Use Committee (LUC) helped craft the ordinance. Ed Stelzer commented that he was glad that the ordinance was at hopefully the final public hearing and hoped that there would be a vote in the near future. Stelzer thanked the Board for their support. There was no further public input.
1. Wind-generated power ordinance: a small-wind energy conversion system ordinance. Gove: Damariscotta has tower ordinance

McLean: the tower ordinance is very specific to telecommunication towers.

Gove: the proposed ordinance is very thorough; there is a lot of protection for neighbors.

Wilbur: does this ordinance preclude anyone in the downtown area from putting up a tower on their rooftop.

McLean: yes, the technical issues with these types of towers are considerable: weight and structural strains; the roof has to be able to withstand.

Monaco: the manufactured roof-top towers are specified to be mounted on steel roofs only.

McLean: want to pointedly emphasize that this ordinance deals with small wind energy generation, not wind farms. There are safety position issues in the ordinance: the tower has to be positioned so it cannot fall onto any neighboring building. This ordinance represents moving forward toward alternative, non-petroleum based energy generation; added that Al Monaco was a great help to the LUC on technical issues.

Gove: what are penalties for violation of ordinance; need for permission of CEO or Planning Board similar to other ordinances.

Zinser: the ordinance is part of the land use ordinance and is enforced as such.

Stelzer: tower needs to meet structural requirements; engineering standards, etc.

Smart: I own a two-acre property; my nearest neighbors are in Hillside Cemetery, I want to "go green" will save \$30/ per month on a \$9,000 turbine. Damariscotta could be the leader.

McLean: unofficial research suggests that this ordinance may be the first of its kind in the state.

Smart: solar is not as efficient in the North as it is in the South; wind is better.

Monaco: the energy generated is calculated by two meters: power use, power manufactured.

No further comment, the public hearing was closed.

### **III. Call to Order**

The regular meeting of the Damariscotta Board of Selectmen was opened at 6:48 PM

Act on liquor license renewal for Salt Bay Café. McLean moved the motion, V. Pinkham second, 5-0 approve.

McLean moved to put both the condominium conversion ordinance and the wind power ordinance to a special town meeting for approval at a later date, to be determined.

J. Pinkham: how far out is this date?

Gove: hold the motion; primary is too far out.

J. Pinkham: the sooner the better; meet the advertising deadlines.

Gove: are these the only two items for voter approval at a special meeting to be held on February 6, 2008 at 6:30PM.

Zinser: need to schedule a moderator.

Wilbur seconded the motion for special town meeting on February 6, 2008 at 6:30PM. 5-0 motion approved.

### **IV. Communications**

1. DEP—aquaculture license renewal: Mook Sea Farm has applied for aquaculture license. Board has until February 19 to comment. McLean noted that Mook has been doing business for years.
2. Chamber of Commerce—fireworks: Board received a letter from Chamber (copy to Lincoln County News) stating that the Chamber felt the effort involved in the fireworks is not rewarding to its membership.

Gove: not the Board's responsibility to take on fund raising. Are there any organizations.

V & J Pinkham: to Chris Roberts if he could ask around.

McLean: if someone picks up the fireworks, will the municipality continue same level of support. Town currently contributes \$2,700.

Gove: will continue only if enough funds are raised to get a reasonable display.

Roberts: the Chamber has not been raising the full \$10,000. Colby & Gale pick up the band fee. Chamber not raising enough to make ends meet.

Pinkham: need a non-profit to raise these funds. Bud Colby did a lot as did Malcolm Oliver before him.

McLean: Chamber letter states fireworks of small benefit to businesses. How can they benefit if not open.

Stelzer: what is the minimum needed? The cost to the town is also in clean up, extra police and fire protection. Taxpayers kick in \$2,700 plus the cost of services.

McLean: would like to keep the contribution at \$2,700

V.Pinkham: help with fund raising if Chris (Roberts) can find others.

J. Pinkham: maybe Chris can ask around for the next meeting if there is any interest.

### 3. David Atwater—DPAC update

A request for proposal has been received by DPAC from the Orton Family Foundation. The foundation is looking for RFP's from towns in the Northeast and in Colorado regarding planning and visioning for the town. Atwater read the foundations Mission Statement. The town is eligible up the \$100,000 in supporting funds. Need to have approval of the municipality and other partnering organizations. Friends of Mid-Coast Maine suggested as partnering organization. Mary Kate Reny brought idea to Jane LaFleur who offered to write an RFP at no charge. The town has to match the grant, can be in-kind, services, Zinser to forward information to the Board via e-mail.

Gove: if we vote this evening on this matter, it will be only to pursue it; if the grant is offered and wanted, then need to vote again to accept; if not, then can vote not to accept. J. Pinkham moved to support DPAC in the grant process, McLean seconded; 5-0 approved.

## **V. Official Action**

### 1. Act on liquor license

2. Award bid for old highway truck: six bids received ranging from \$7,700 to \$8,250, John Libby high bidder. McLean move to sell truck as is. J. Pinkham: concern about the tires—were they removed as previously discussed. McLean: they would not fit new truck. Wilbur: bidding process will stop if no tires. V. Pinkham seconded. Motion approved 4-1 (J. Pinkham opposed).

Zinser: pay by certified funds or cash, if not paid will go to next high bidder;

Gove: need deadline for payment

V.Pinkham: ten business days;

McLean: if not paid by next Board meeting, go to next bidder.

3. Transfer Station Contract: contract amount same as last year; need a representative from the town; J. Pinkham: move to appoint Gove as representative; McLean second. Motion approved 5-0 Gove as representative at transfer station meeting.

## VI. Town Manager Discussion

1. Review of snow removal ordinance: Zinser: looking for comments/concerns

McLean: unclear about specifics: who is the responsible party: tenants or occupants; who gets fined for non-compliance. Who warns the responsible party: PD or Road Commissioner. Need to specify conditions under which town will clear the sidewalk; building owner billed for clearing, in addition to fines.

V. Pinkham: is salt available?

Zinser: no, privately owned. I have talked to several building owners about hiring private contractors or contracting with town for a fee per foot of sidewalk. Every building has to participate if the town acts as contractor. Hagar can do contract price of \$22,000, will have same level of service. Clean sidewalks in downtown only, no Elm St., no Cross St.,

J. Pinkham: let contractor collect the money; don't need to spend more administrative time, not our responsibility to administrate.

Zinser: anticipate some level of involvement from the town to operate removal fluidly.

J. Pinkham: don't need to sit and overlook.

Zinser: want to maintain same level of service; would see marked drop if out of contract.

McLean: important for safety and economic development that sidewalks be cleared in a consistent, professional manner; we have just gotten through making downtown pedestrian friendly.

Roberts: to where does the business owner own

Gove: to curbing

Roberts: required by law to clean sidewalks

Zinser: Sidewalks need to be maintained in passable form, at the discretion of the municipality.

McLean: the city of Bath cleaning ordinance is four feet.

Roberts: who will clean bump-outs

Gove: extra, but not a lot to it

Stelzer: if town saves \$14,000 for snow removal, for consistency, pay \$14,000

Roberts: ditto

J. Pinkham: need ways to scale back, cut costs.

Roberts: what do you do with the snow

Gove: this (ordinance) is a work in process; boils down to \$22,000 to retain level of service

Roberts: give a break to businesses

Stelzer: any feedback from downtown property owners.

Zinser: talked with two or three building owners—not opposed to clearing sidewalks.

McLean: have been approached by two who approved; no negative feedback.

Zinser: anticipate DRBA meetings and public hearing.

Gove: hard pill to swallow, cost going from \$22,000 to \$65,000.

Roberts: any possibility of special assessment.

Gove: will look into feasibility and legality.

A.Pinkham: will sweeping of sidewalks be eliminated.

Gove: Terry (Sutherburg) sweeps, keeps the catch basins cleaner; suggested tabling any action until questions and changes to the ordinance are resolved.

3. Update of old FD vehicle: “no bites” as yet. If no bids, then will need to advertise again.

Gove: send out for sealed bid, one time advertisement for \$250, \$500 minimum.

Board discussion: advertise for sale, best offer by date (TBD).

Zinser: do you want me to pursue the possibility of passing on the \$22,000 cost for snow removal onto the business owners.

Gove: look into special assessment; need to vote at town meeting. Gove moved to look into the legality/feasibility of special assessment; McLean seconded. Motion approved 5-0.

4. Joint Board meeting reminder: January 28, 2008 at 7PM, Taniscot building in Newcastle; public hearing for the joint shellfish ordinance.

## **VII. Old Business**

Zinser updated the Board on the primary Red Cross shelter. He is working with the Y to get the generator over there. Spoke with Bob Bouchard, who said the school cannot cover the cost which is estimated to be greater than \$15,000. of the prima

Fire Department plowing: the numbers for plowing the Fire Department lot: Hagar will do it for \$1,000, the Town (Sutherburg) \$3,100. Zinser supplied the breakdown of the two quotes.

J.Pinkham: question on the call out

Zinser: refer to personnel policy regarding call out protocol; Terry is not always here, may be called out in the middle of the night, etc.

J. Pinkham: who will plow town lot if Terry not here, town truck should always be available.

Zinser: would like official action on item.

Gove: motion to keep Hagar. McLean second. Motion passed 4-1 (J. Pinkham opposed)

Discussion on plowing the town lot, if Terry is unavailable, resulted in consensus that it should remain untouched until start of regular business.

### **VIII. Consent calendar**

Regular meeting minutes of December 19, 2007: J. Pinkham move to approve, V. Pinkham second. Motion approved 5-0

Regular meeting minutes of January 2, 2008: J. Pinkham move to approve, V. Pinkham second. Motion approved 5-0.

1. General Fund Warrant #37: McLean move to approve, Wilbur second. Open for discussion.

J. Pinkham: \$55.00 plow bill for Fire Dept plowing from Brown. Dispatcher called to have the lot plowed; Brown said not part of my contract, dispatcher unable to contact Hagar.

Zinser: looking to have Hagar reimburse the bill.

J.Pinkham: still part of Brown's contract—emergency service.

Zinser: like to pay legitimate bills promptly.

Gove: discuss with Hagar

V.Pinkham: take from one account to another to pay?

Zinser: best served by discussing with Hagar.

J. Pinkham: what about bill from F&G Enterprises for the Heater Rd.

Zinser: run the water line to Hutchings trailer park, tee off to sand/salt shed; bill reflects cost of parts.

J. Pinkham: spent lots on Heater Rd.; further questions on warrant: auto glass bill for truck—old truck windshield cracked; Gallagher legal question—on waiver of life estate to GSB Sanitary district.

V. Pinkham: question on Reliance truck repair.

Zinser: Neil Genthner to utilize reserve funds; original \$14-\$16 thousand estimate.

Gove: said it might be up to \$25,000

McLean: the bill is legitimate; need to improve communication if bill significantly more than estimate.

V. Pinkham: Pitney-Bowes postage meter—change contact name; cemetery vandalism?

Zinser: seeking restitution

Motion to approve General Fund warrant #37, 5-0 approved

Payroll warrant #36: V. Pinkham moved; J. Pinkham second. Motion approved 5-0.

Gove: motion to authorized to pay Steve O'Bryan immediately ; McLean second. Motion approved 5-0.

### **VIII. Other business**

Roberts: when is state going to be ready to give over control of (traffic) lights

Zinser: not signing anything now; waiting for now; other issues need to be addressed like summer traffic.

Roberts: state said (turnover) automatic. Zinser: every other light in town has a signed agreement. What does the Board want to do regarding complaints. Board: continue with DOT. McLean: in the spring the Bristol Road lanes that are so far back from Bristol Road need to be fixed; motorists not able to figure out what to do.

J.Pinkham: refer to plow-bashing letters; always see our plow guys out working, not neglecting the roads.

Zinser: the letter has been addressed; will contact other letter writer tomorrow.

Gove: in the plow bashing letter, the "facts" were wrong on just about everything.

McLean: update on school consolidation committee. Wilbur: at this point RSU will not meet in February, there is no direction from the Legislature on which way to go: a "bunch" of minority amendments to original bill. Do not have 2/3 majority to pass any of the amendments. Hope to have this sorted out by many March town meetings. Zinser: need to worry about minority/majority amendments and the budget validation procedure. If not passed need to reconvene at the polls; this has a direct effect on commitment; budgeting for increase in election costs. Fletcher: over 100 challenges to the (proposed) law.

Gove: regarding the jail take-over by the state; need to support the sheriff and oppose the governor's proposal. Move to send letter to Governor's office opposing the plan for jail consolidation. McLean second. Motion approved 5-0.

Wilbur: the petition for a ballot to repeal school consolidation is short about 1,000 signatures.

Zinser: the Board should talk to (Bob) Bouchard about opposition to consolidation.

McLean: move to executive session @8:30 PM

### **X. Executive Session**

1. McLean/Gove move to accept resignation of Animal Control Officer, Austin Sylvester, 5-0 approve. Zinser to appoint Steve Drake as temporary ACO. Gove/McLean move to accept; 5-0 approve.

Wilbur/Gove move to adjourn; motion approved 5-0. Meeting adjourned at 8:47 PM

Respectfully submitted,

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Jurate J. Barnes, Deputy Clerk