

**Town of Damariscotta  
Board of Selectmen Meeting  
Minutes  
Wednesday, March 19, 2008**

**I. Pledge of Allegiance**

**II. Call to Order**

The Board of Selectmen met at the Municipal Facility on Wednesday, March 19, 2008 to conduct town affairs. Chairman Scott Gove called the meeting to order at 6:30p.m. Members present were Scott Gove, Richard McLean, Josh Pinkham, Dave Wilbur and Vicki Pinkham. Staff present was Town Manager, Greg Zinser, Chief of Police, Steve Drake, Road Commissioner Terry Sutherburg, Fire Chief Neil Genthner, Jr. and Town Clerk, Cheryl Pinkham. Others present were Karen O'Bryan from LCTV, Seth & Justin Hagar of Hagar Enterprises, Jodee Sprague of Sprague Transport, Larry Hallowell of Rice Construction; residents, Chris Roberts, and Milton Tibbetts. Non-residents Rauol Nelson, and Todd Mauer

**III. Public Hearings-None**

**IV. Communications**

1. Rauol Nelson of Newcastle presented the Board with an option of privatizing Great Salt Bay Community School. Mr. Nelson urged to Board to pursue moving the school to a 501C3 Corporation. This would put the school in the Towns hand and out of the States. He doesn't feel the states plan is beneficial to the Towns. Ultimately the funding will go to subsidize other schools such as Jefferson. This is apparent when you read the proposed law and see the loop holes it leaves. There is a formula on the States' web page that shows the impact this will have, it also shows that the Towns are the ones who will be subsidizing Nobleboro and Jefferson, because Damariscotta is a wealthy coastal community.

Gove questioned "Towns".

Nelson replied Damariscotta, Newcastle and Bremen. He also noted that he has spoken with several people who are interested in this idea, has also had some opposed to the idea; (school board members.)

Gove asked if there were any numbers to be seen that this would be a benefit. If we go private we lose the state funding.

The Board is interested in hearing more on the issue once Mr. Nelson has gathered more information to allow the Board to analyze the data, see the savings and benefits and to have a more informed opinion.

Nelson said there would be no monetary savings.

V.Pinkham thought the savings would be there, because we wouldn't have to pay a superintendent.

Nelson stated someone would still need to do the job he does, even as a private school. Same way Lincoln Academy does it now.

McLean informed the Board he was able to attend the School Board Budget Meeting and said the expenses were not going up, however, the over all budget was up 9% due to the cutbacks from the State of Maine.

The State withheld \$200,000 of the \$300,000 they were supposed to receive.

Nelson confirmed McLean's comment. The Governor is cutting 34 million dollars out of the education budget. We are going to become a minimum receiver because we're a "rich town". Newcastle is "in theory, for the privatization, Nelson is just looking for support for this; he will be at Bremen Selectmen's meeting tomorrow night.

Zinser expressed caution to the Board that establishing in a short amount of time a 501c3 corporation. You have to consider who owns the building, the district does. This would require a sale of all assets to the new entity, students would need to unenroll in district, and then reenroll under corporation. Can be very time consuming and difficult.

V.Pinkham thought it was worth pursuing.

Nelson disagreed with Zinser and said the owner of the new private school would be 'us'. The RSU isn't going through cost sharing agreement; the district is not the owner of the CSD.

Zinser stated that is the information the Board and Town needs to see. Owners, process, etc.

Gove asked if the deadline for this was June.

Nelson said it was not, just before the State takes it, which could be 2009. If you opt to do nothing, the State will automatically place you in the RSU on your own accord. This is where the complications Zinser is talking about may be right.  
Gove thanked Mr. Nelson and stated the overall consensus of the Board was this is an intriguing idea and would like more information.

## V. **Town Manager Discussion**

### **1. Fire dept Parking lot**

Zinser and Terry went out to the parking lot and met with local contractors, Fraser, Rice, Hagar, to get some recommendations and suggestions. The only one to respond was Hagar.

J. Pinkham asked if all contractors were made aware of what needed to be done. Wanted to know how the discussion went with the contractors.

Sutherburg informed the Board that he asked the Contractors for ideas and submit a recommendation for the parking lot, and again, we only received information from one contractor, Hagar.

Gove asked why there was a problem. He asked Larry Hallowell to respond because he was the contractor they used back then.

Hallowell felt there must be a lot of clay underneath, and the material used at back then was not fabric as it is now.

Gove asked how much was in the reserve account for this.

Zinser said \$16,800, but this reconstruction is probably up in the \$200,000 price range.

Sutherburg agreed and reminded the Board that this was built on top of a swamp and the parking lot is 13-14 yrs old. There's a real serious settlement problem, there's a 6" drop in front of the bay doors where the trucks head out.

Gove suggested identifying the minimum amount of work to solve the immediate problem.

Genthner pointed out to the Board that as mentioned in the recommendation the corner front of the building to front of road, would strongly encourage that. Finish coat was cut out of project originally. Would encourage the Board to look at the front as project one, then maintain sealing, coating etc. Stay on top of it. Gove felt the \$16,800 was ear marked for replacing roof, boiler, etc.

Zinser is checking out grant opportunities for sidewalks through the CDBDG funding can be for infrastructure for building improvements. Having engineer study usually helps speed things along.

Sutherburg recommended #1-put in good drainage, and #2-vehicles weigh a lot more now than before and that should be taken into consideration.

McLean was concerned the Town was approaching incapacitating the fire house.

Genthner felt the ruts and the water in ruts equal big sink holes.

Gove asked if the holes have been cold patched.

Genthner confirmed and stated more was needed.

Gove would like to have specs drawn up with scope of work and send out to bid.

J. Pinkham asked if that would be for out front.

Gove said yes.

Genthner said the back was also going to need to be done also. It may be beneficial to get numbers for a baseline all at once.

Gove agreed and thought a 2-phase bid would be the way to go.

**On motion of J. Pinkham/McLean made motion to draw up specs for phase 1 being work done out front of Fire Station and phase 2 out back and the Board prioritize the phase 1 out front. Vote 5, 0, 0.**

Gove thought a site visit as a Board would be a good idea.

J. Pinkham sees it enough.

No date was set to visit the site.

## VI. **Official Action**

### **1. Award Town Roads plowing contract.**

**On motion of McLean/Wilbur made motion to accept the Hagar bid.**

J. Pinkham stated he was hesitant on this and not voting for Hagar because they haven't met the bid specs. Bonding was not included, 1200 yards sand instead of 1500, the \$125 per hour rate if using a grader.

V. Pinkham didn't think there was any firm price.

J. Pinkham stated he is there to look for the best interest for our community. He feels Brown should get the contract because they are low bidder.

McLean was uncomfortable with the Brown bid, mainly because Mr. Brown stated if he was awarded Nobleboro's contract he would not be interested in plowing for Damariscotta.

V. Pinkham asked how the Hagers, and Zinser planned to deal with the \$125 grader addition.

Zinser reminded the Board that it was part of the original bid 'if grader is needed...'

J. Pinkham doesn't believe bid specs were met by the Hagers.

S. Hagar believed his company more than met the specs, they went over and above other areas to meet the specs. Gave the Town more information that needed and urged the Board to carefully look into the specs. Hagar went on to say he is a tax payer in this same town and would like to keep his own taxes down as well as Josh. We put in a price and stand behind it, we do not come back to the Town and ask for more money or anything else. Our bid price is our bid price, we can and will beat the number you are looking for.

J. Pinkham stated again that the bond price was not included in bid, the 1500 yards was not quoted, but 1200 instead. The grader at \$125 per hour. Pinkham felt Hagar must have a number for the bond, some idea. He suggested Hagar not submit a false number.

S. Hagar said you cannot buy a bond before awarded the contract. He can't give you an actual number, and like J. Pinkham said don't submit a false number. Hagar stated they were right up front about the bond issue and it is part of the bid package, and also reminded that J. Pinkham that this is the same way they have bid before with it not being an issue. Hagar wanted to know what the problem was, and isn't sure what the J. Pinkham is looking for.

Zinser reminded the Board that the bid spec only required the contractor to specify use of bond or letter of credit.

J. Pinkham still feels Hagar submitted a false number, and didn't meet specs.

Hagar question if J. Pinkham would rather Hagar inflate their price and any savings would be placed in the Hagers pocket.

J. Pinkham felt business is business, and your number is not a true number. You say 104,000, what about bond, grader, then we're up to \$109,000. Brown is the lowest bidder.

Gove reminded J. Pinkham that low doesn't always mean best for the Town.

McLean agreed and pointed out that Brown's was the lower bid, however the grader information was submitted after the bid opening, which is not in compliance with the specs. Questioning the disservice this is to come up with an RFP, agree to it, send it out and once receive bids, the Board decides to change the RFP. Feels they are endangering the integrity of the Town of Damariscotta

J. Pinkham repeated he is here to serve the community. Lowest bid was Browns.

McLean reminded J. Pinkham that Brown submitted a bid but not willing to follow through with it if another Town, Nobleboro awards him their contract first.

J. Pinkham's opinion stands that Hagar did not meet specs, and we say Hallowell didn't so only Sprague met the specs.

Tibbets said Hagers aren't using a 5yd sander.

S. Hagar showed a picture of the 5 yard sander they plan on using.

\*Dick Spear, Selectmen from Damariscotta called to inform the Damariscotta Board that Nobleboro had awarded Brown's Homestead the plowing contract.

McLean stated his motion still stands to award Hagar the town roads plowing contract and he moves to vote.

Sprague asked the Board if they were just going to vote and not pay attention to who followed the specs. Gove is satisfied the Hagar's did follow specs.

J. Pinkham expressed his disgust that a Town Manager and Road Commissioner tell the Board they meet the specs, but there is not true hard line..well that doesn't sit well with J. Pinkham, he can understand fuel circuit, but the grader..

S. Hagar cut him off and said J. Pinkham knew very well that there wouldn't be a need for it, but as a donation, if the Hagar's were required to go out and do grading, they will donate it.

Gove said Hagers has been exceptional, they have been at our beck and call, their track history speaks well of them. Hagar's the low bidder, and he believes they will serve the Town well.

J. Pinkham said the Board asked for a lump sum, not a fluctuating sum.

V. Pinkham agreed with J. Pinkham.

J. Pinkham said the only one who met our specs is the highest bidder of Sprague.

**Vote 3, 2, 0. J. & V. Pinkham opposed.**

Gove suggested the budget committee wanted 1<sup>st</sup> crack at the Budget and was wondering how the Board wanted to proceed.

The Board agreed to move on with the budget review, the Fire Chief, Police Chief and Road Commissioner were all in attendance specifically for the budget review.

## **2. Begin review of FY 09 municipal budget.**

### **Fire Department Review**

McLean asked why training was cut in ½ this year.

Genthner explained he had 3 firefighters in year long training and doesn't need that this year.

Zinser told the Board he noticed diesel fuel was now up to \$3.60 and would suggest increasing the fuel line from \$4290. to \$4950..

J. Pinkham asked what has been spent so far.

Zinser said we have currently spent \$2,033. but budgeted for \$2,000.

McLean asked how much should the increase be.

Zinser said he spoke with Colby & Gale, we used 1100 gallons, he would suggest \$4.20 or \$4.50 per gallon.

Gove questioned why the vehicle maintenance line was only expended to 22%.

Genthner told the Board Zinser had everyone on tight reigns as far as spending. Typically Genthner waits til the end of the year for any purchases, just in case something goes wrong and the funding is needed, but not there.

V. Pinkham suggested the Chief leave the fire vehicle at the fire station to save on gas and wear and tear of the vehicle.

Genthner felt the vehicle was not going to suffer any by the 4 miles Neil uses it for work. A lot of times he is able to be the first one on the scene because he has the vehicle and feels it actually benefits the people for him to be able to get in that vehicle and proceed to the scene without having to go to the station first.

Zinser agreed, the use of the vehicle is defensible and he requires the Chief to do Town business during the day often.

Genthner felt for what he does for the Town and the Fire Dept, for a total amount of \$4,000, the Board could take the car away. Next year he is asking for a pay raise, or they can hire a full time Fire Chief at \$50,000.

Drake backed the Fire Chief and confirmed that there are times when the Fire Chief has beat the police to the scene because he has the vehicle with him. It definitely is a big help.

**On motion of McLean/Wilbur moved to recommend \$67,780 for the Fire Department Budget.**

Gove asked why the equipment and tools was only at 23%.

Genthner said there are air packs, and other supplies needed, but again, waiting until the end of the budget year to spend those funds. Applying for grants to offset the costs, haven't been successful before, but still trying.

**Vote 4, 0, 1 (J. Pinkham abstained as he is a member of the FD)**

### **Fire Station Building Expense-**

Gove asked about the increasing heat line.

Genthner showed the Board the item had been increased from \$6144. to \$8712.00

Zinser stated he was confident that would be enough.

Wilbur asked if we contracted with other Towns to get a better price.

Zinser said he has contacted other Towns, however its pretty much each Town for themselves.

**On motion of Gove/V. Pinkham moved to recommend \$18,122 for Fire Station. Vote 5, 0, 0.**

### **Fire Station Capital Reserve-**

Gove is concerned, with the fire station parking lot needing repairs with this budget.

V. Pinkham suggested taking \$5,000 from the truck reserve and placing it into the building reserve.

Genthner said as a tax payer and the Fire Chief the \$5,000 isn't going to make much difference. A new truck is going to run about \$300,000. One thing he is looking into is a billing process for above and beyond the call of duty.

V. Pinkham thought that was a good idea and noted other Fire Departments have been doing the same thing.

Genthner is just in the initial stages of this, but would need to set a policy, with pricing and rules, such as what to do if someone is unable to pay, etc.

Wilbur asked if there was a schedule on the reserve account for fire truck purchases, etc.

Genthner said there was not. The Dept has a 1978 Lafrance that will probably last another 10 years.

**On motion of V. Pinkham/McLean moved to recommend \$25,000 for the fire truck reserve and \$5,000 for the fire station. Vote 5, 0, 0.**

#### **Highway Department Budget-**

V. Pinkham asked how Zinser planned to use \$104,925 for a plowing price. It's not a real number, you don't know what the bond is going to cost...it's not right.

Zinser went on to say the Board could expect a drop in the Downtown plowing line of \$64,990, by about \$20-\$22,000, if the ordinance passes allowing the sidewalks to be removed from the specs. He also stated the bond was included in the Hagar bid. He also suggested increasing the fuel line item to \$4500 to reflect \$4.50 pr/gallon.

J. Pinkham is concerned that the number may have to be changed at Town Meeting if the ordinance doesn't go through.

Zinser and the Board can change the number before the Town Meeting, because the ordinance is enacted by the Board.

J. Pinkham hollered his preference for the ordinance to be put before the people of the Town.

Zinser will double check, but he is fairly sure the Board must be the ones to enact the ordinance.

Wilbur moved on and asked Sutherburg if \$1,000 was going to be enough money to maintain the municipal parking lot.

Sutherburg said it was not, but what else can be done. The Town has FEMA funds to put towards it and he will be getting more cold patch to fill in the craters as best as possible.

**On motion of McLean/J. Pinkham moved to recommend \$236,019 for the Highway Dept. Budget**

J. Pinkham questioned the electricity amount at the Sand & Salt shed.

Zinser suggested lowering the electricity line it by \$400, and also lowering the rate increase allowance for electricity.

**McLean/J. Pinkham withdrew previous motion.**

**On motion of McLean/J. Pinkham moved to recommend \$235,644 for the Highway Dept. Budget.**

J. Pinkham asked how long Sutherburg felt the Town floats would last until replacement is needed.

Sutherburg told the Board they should be all set for a couple more years.

Zinser also added that the Town of Newcastle contributes \$1,050. per their contractual agreement.

**Vote: 4, 0, 1 (V. Pinkham opposed)**

#### **Highway Capital Reserve-**

J. Pinkham asked Sutherburg what he was looking to buy.

Sutherburg stated a line striping machine for about \$3,600 and that was it.

Zinser tried to explain to the Board the goal is to get the equipment reserve account to \$15,000 and then stop contributing. As the Town progresses and grows we can look at it again.

J. Pinkham wants it capped at \$15,000.

**On motion of J. Pinkham/Gove moved to recommend eliminating the \$5,000 for equipment reserve and contributing zero for this budget and leaving the highway truck reserve to \$4,500. Vote: 5, 0, 0.**

Gove asked when the oil thing would need to be done on the inside of the sand and salt shed building.

Sutherburg said it will be due next year.

Gove asked if the concrete walls were okay, and asked about the shingles....not great.

Sutherburg confirmed both.

V. Pinkham suggested putting a metal roof on it.

**On motion of J. Pinkham/Gove moved to take \$1,000 from the request and recommend \$2,500 for the sand and salt shed building reserve account. Vote: 4, 0, 1 (McLean opposed)**

#### **Police Department Budget-**

Gove questioned the 3% increase for wages.

Zinser explained it was the COLA. (cost of living allowance)

J. Pinkham if the request already includes the 3% increase, then we need to cut the allowance for wage adjustment.

Drake informed the Board that he had already cut the holiday pay out of the officers' wages by changing the personnel policy, and urged the Board not to take away all the 'perk'.

V. Pinkham wanted more information on the floating holidays.

Zinser replied in order to reduce cost the Drake and Zinser decided to cut the floating holidays from the budget/police officers.

V. Pinkham asked how many holidays they received

Drake stated officers get mandatory 3 pd holidays; 4<sup>th</sup> of July, Christmas, and Thanksgiving, then took the other 9 holidays as floaters.

V. Pinkham asked how many days administration received.

Zinser said the Town follows the MMA's holiday schedule and receive 12.

Wilbur asked Drake if the numbers on the budget were a base salary.

Drake confirmed.

J. Pinkham stated he was hear to represent the people and he has to look at the numbers and think 1% for a raise is plenty.

Zinser asked the Board to also consider the morale of the staff, they also have a role in the up-keeping of the morale, and pride in the employees as well, its not just for Drake and himself to do.

Wilbur asked how comparable the pay scale is for the Police Dept., as other PD's.

Drake said we were in the lower portion of the scale, within \$3,000 approximately; and that is with taking Boothbay Harbor out of the scale.

Drake reiterated that his officers have already taken a big hit (\$14,000 +) from himself and Zinser by taking away the floaters, and he would really appreciate if the Board did not take it all away from them.

J. Pinkham still feels 1% wage increase is enough.

Gove questioned Damariscotta #7 no longer employed with the Town, why requesting money for that.

Drake stated he is hiring another officer to replace that one, and hoping to find one with experience.

Zinser explained that if Drake gets a less experienced officer then the pay line will decrease and will have to increase in several other areas for training, mileage, OT for covering while new officer is in training, etc.

J. Pinkham said again, 1% increase is plenty, and will need to go back through and make those adjustments for the pay increase lines of all town employees.

**On motion of J. Pinkham/V. Pinkham moved to recommend 1% the maximum merit increase for all town employees.**

McLean felt more inclined to offer 2%.

V. Pinkham questioned Zinser on where we were in line with LD1.

Zinser replied the Town was definitely over. There has been a huge loss of revenue.

**Vote: 4, 0, 1.**

J. Pinkham wondered where else he could make a cut to the PD budget.

Drake felt the training line would be able to be cut IF he is able to attract a more qualified academy police officer.

**On motion of J. Pinkham/V. Pinkham moved to reduce the training line for PD by \$700 to \$3500.**

**Vote: 5, 0, 0.**

**On motion of Gove/V. Pinkham moved to recommend a total of \$368,703.67 for the Police Department Budget.**

**Vote: 3, 2, 0. (J. & V. Pinkham opposed.)**

McLean asked if the Dare Officer is still out of the Damariscotta PD.

Drake said he didn't have the man power for it, and the LCSO has taken over that.

J. Pinkham pointed out that the parking enforcement is not making its own money.

Gove agreed that the parking enforcement needed to be self supporting.

Drake agreed and said they planned to raise the fines also this year.

V. Pinkham feels the Town should have a place for the downtown employees to park.

Gove reminded her that the Board had previously looked at that before around water street, and there is just no place to provide a space.

**Police Department Reserve-**

Wilbur asked about the current state of the computers.

Drake stated they were fairly new ones.

Gove asked when a new cruiser would be scheduled for purchase.

Drake stated April of 2008. Right now he is researching a 4-wheel drive for approximately \$21,000.

**On motion of Wilbur/McLean moved to recommend \$10,000 for the Police Department Reserve.**

**Vote: 4, 1, 0. (J. Pinkham opposed)**

**VI #2-Downtown snow removal contract.**

Zinser said this was something the Board already approved however the requested clause has been added in the event the Board required a reduction in the scope of work (sidewalks) Hagar will accommodate the Town by reducing the contract price, and if further reduction is needed, this will allow both Town and Contractor to sit down together and discuss.

Gove, after reading the clause, he would like a loop hole closed, and the language re-written.

J. and S. Hagar both agreed it was left open-ended and will have the clause re-written.

**VI #3-Appointment of Damariscotta Planning Committee Member**

**On motion of Gove/McLean moved to appoint Dave Wilbur and Garrett Marin for the Damariscotta Planning Committee.**

**Vote: 4, 0, 1. (Wilbur abstained)**

**VI #4-Cemetery Mowing Contract**

**On motion of J. Pinkham/McLean moved Property Care Management as cemetery contract.**

**Vote: 5, 0, 0**

**VII. Consent Calendar**

**Regular meeting minutes of March 5, 2008**

**On motion of McLean/J. Pinkham moved to accept minutes of 03/05/08. Vote: 4, 0, 1.**

**(V. Pinkham abstained, absent from**

**3/5/08)**

**1. General Fund Warrant #**

**On motion of J. Pinkham/Wilbur moved to accept General Fund Warrant #. Vote: 5, 0, 0.**

**2. Payroll Warrant #**

**On motion of J. Pinkham/Wilbur moved to accept Payroll Warrant #. Vote: 5, 0, 0.**

**VIII. Other Business-None**

J. Pinkham asked how Zinser was coming on removing the street light from Main/Bristol Rd.

Gove suggested J. Pinkham could spear head that endeavor.

J. Pinkham said nope, that's the Town Managers job.

J. Pinkham said he has noticed damage to posts downtown and he knows it's from the Hagar's equipment.

Zinser stated the new contract requires the fix any damages. The old contract is squirrely on who's responsible to fix the damage.

J. Pinkham said the downtown needs to be repaired where the state put hydro seed down, and wants to when the state will be by to fix it.

Zinser will check into that and get back to the Board.

Wilbur mentioned the DOT was at the last DPAC meeting presenting walk ability; they presented several scenarios to help fund such projects.

J. Pinkham wanted to make sure Zinser went back and made the change to the Road Commissioners budget to only allow a 1% increase in pay.

Gove read a letter from the Sheriff and is outraged that the letter states Damariscotta is considered a secondary priority as the other Towns in the County, however we are charged the same rate as other

Towns, essentially subsidizing the other Towns portion of County Tax. He would like Sheridan and the Sheriff at the next meeting to discuss this.

Zinser said there was \$93,000 going to the Sheriff's department.

Zinser suggested the Board begin their next meeting at 6pm instead of 6:30 to allow ample time for budget discussions.

The Board agreed and Gove asked to have that information advertised.

Zinser informed the Board he was upset at the treatment he has received during the bid process, having Board members infer that Zinser was manipulating the bid process.

Zinser said the Board reviewed the specs, approved the specs and they went out as approved by the Board. Also stated the purpose of a pre-bid meeting was to meet with the contractors, go over the specs, and come up with potential savings cut out what may not be needed, and gather suggestions from the contractors.

Wilbur suggested the language may need lightening.

Gove disagreed and reminded the Board THEY approved the language, turned to J. Pinkham and said he read the specs; he reviewed them and didn't say anything at the time.

J. Pinkham admitted he missed some the requirements like the ground speed control. But feels the Town Manager should have communicated better and pointed those things out.

Gove stated again, you had the document, you read it, and reviewed it, and then you Okayed it.

J. Pinkham said he is representing the Town and he is hearing complaints from people about this process and sometimes people's feelings get hurt in public administration, or public office and it's too bad.

Gove told J. Pinkham, you reviewed the process.

Zinser assured his feelings were not hurt and stated he just wanted the Board made aware that his integrity was questioned and he has a real problem with that.

**On motion of McLean/V. Pinkham moved to adjourn the meeting at 10:00pm. Vote; 5, 0, 0.**

**On motion McLean/V. Pinkham moved to adjourn meeting at 10:00 p.m.**

**Respectfully submitted,**

---

**Cheryl M. Pinkham, Town Clerk**