

**MINUTES**  
**BOARD OF SELECTMEN MEETING**  
**December 4, 2019 5:30 pm**  
**at the Damariscotta Town Hall**

**Members:** Roberta Mayer, Chairperson; Louis Abbotoni, Mark Hagar, and Josh Pinkham

**Members Absent :** None

**Staff Present:** Matt Lutkus, Town Manager; Stan Waltz, Code Enforcement Officer; John Roberts, Fire Chief; Jason Warlick, Police Chief; Karen O'Bryan, video recorder; Lynda Letteney, recording secretary

**Others Present:** Haas Tobey, Dave Page, Mark Ferrero, Max Johnson, Jenny Begin, Vicky Pinkham, Buzz Pinkham, Andrea Keushguerian, and Evan Houk, Lincoln County News

**I. Pledge of Allegiance**

*The Pledge of Allegiance* was led by Chairperson Mayer at 5:30 p.m.

**II. Public Hearing**

**1. License Fees for Marijuana Commercial Establishments**

**Vicky Pinkham**, of Damariscotta, was the first to speak. She asked why the fee schedule that was researched, only indicated towns much larger than Damariscotta. **Chairperson Mayer** responded that they had new figures tonight that represented smaller towns. **Ms. Pinkham** said she had done some research herself and found much smaller fees in towns of similar size to Damariscotta. For example, Hallowell, population 2371, had a \$250 fee; Fryeburg, population 3403, had a \$250 fee for adult use and \$0 for medical; Boothbay, population 3130, \$0 –medical storefronts only (State fees only); and Woolwich, population 3125, \$0 fees-medical storefront only (only State fees). She asked “How the fee was being determined?” She asked how many times the police/fire/or ambulances were called to the established medical storefront business in town? If the town can only charge for actual costs, what are they? **Buzz Pinkham** asked if the licensing fees were based on the cost to the town. **Robin Mayer** responded that state law only allows actual costs to be charged, but some costs are yet unknown – i.e. police time, code enforcement time, fire inspection, etc. She also asked, “What would you like to see?” **Buzz responded**, “Either actual costs or what other towns of similar size are charging.” **Mrs. Mayer** said that with 22 potential licenses, how much clerical time as well as safety personnel time would be involved is still unknown. **Buzz** asked about any business fees. **Vicky Pinkham** commented, “They are allowed to, but don’t have to.”

**Robin Mayer** stated the Board wanted to cover its bases as far as basic costs; the hidden / unexpected costs are still unknown. **Vicky Pinkham** asked what types of things might be hidden. **Chairperson Mayer** responded that, for example, there would be additional police training needed. Aside from the cost of training, there is the cost of replacing the officer at training with someone else on duty. Another issue might be additional equipment, such as a “sniffer.” The benefit of these items is for the whole community, but is directed to a specific business/offender. **Buzz Pinkham** asked, “If there were no retail sales in town, would police get this specific training (not specific to sales)?” **Matt Lutkus** stated that this training is not a counterpart to DUI training or robbery training. **Vicky Pinkham** again stated that the State allows the Town to charge for actual costs, but it doesn’t charge for many others that are allowed

(i.e. food and beverage). **Matt Lutkus** said that they have draft ordinances addressing other areas that have not yet been charged fees, but they haven't had time to get them finished up. **Buzz Pinkham** said he felt that the fees should be lower for medical licenses, and he had no problem with higher fees for recreational use as that's a choice; medical is not a choice for many people. People needing medical marijuana are often on a time limit, and this is a compassionate business. He is in favor of differentiation between the medical fees and the adult-use fees. Medical cannabis in his opinion decreases the need for opioid sales; anxiety meds often cause suicidal ideology and attempts, which is not the case with cannabis.

**Chairperson Mayer** reminded Buzz that these are the business fees and not the procurer's fees. **Buzz** said that those fees are passed on the consumer. **Chairperson Mayer** stated that she felt there wasn't much difference between adult-use and medical use as far as security, time to do background checks and other clerical info; the Town is more concerned with the management program associated with marijuana business and licensing than it is with how it will be used in the end. **Buzz Pinkham** asked what the cost to the Town has been for the past year and a half that the single medical marijuana establishment has been in business in Damariscotta. **Mark Ferrero**, owner of that business, stated it had been zero, according to Chief Warlick. **Buzz** felt the Town was trying to instill fear about this in the community. **Chairperson Mayer** emphasized she did not feel the Board was "fear mongering."

**Jenny Begin** spoke, first asking who charges \$5,000 for a license. **Chairperson Mayer** responded, "Portland and Auburn." **Jenny** felt the fees were "way out of whack." She said, "You don't do this for liquor licenses. Also, there should be differentiation between medical and adult-use licenses." **Mark Ferrero** spoke next. As the owner of the only medical marijuana establishment in town, he felt the Board already had a data set to draw from to estimate actual costs. If Augusta is charging \$1,200, and they have 20,000 people, common sense would dictate parity. **Lou Abbotoni** asked if **Mark** could guarantee there wouldn't be any problems. **Robin Mayer** added the State law allows them to have code enforcement for these licenses. **Mark** stated, "wildly spit-balling" creates fear for people coming in." They need to present actual costs of issuing licenses and overseeing the business security, etc. **Chairperson Mayer** again stated it was not intended to be a revenue generator.

**Andrea Keushguerian** addressed the Board stating she felt there was a difference between recreational providers and care givers; she fears prohibitively expensive fees will be passed to the customers. With an elderly community, and no insurance coverage, this puts this type of care out of reach for many. **Dave Page** from Damariscotta stated that he been a caregiver for some time and could afford the \$5,000 but felt it was quite high. He would prefer a \$1,250 (medical) /\$2,500 (recreational) fee. Caregiver business is very limited as they can only do business with those who have paid for a medical card. Adult-use will be the heavy use. He felt there was a problem with the figures.

**John Roberts**, Fire Chief, stated that is impossible to estimate costs for the Fire Department. He stated there had been 3 structure fires (1 in town and 2 mutual aid calls) for medical/recreational marijuana involvement. They are equally concerning, the same as cigarettes. He is not familiar with the role for inspections. **Chairperson Mayer** said she thought it would be in relation to inspections. **Chief Roberts** said he thought a lot of the issues would arise from a person experimenting for personal growth on their

own and not for cultivation facilities. He gave an example of the in-town fire directly related to home growing and no ventilation. As far as car accident increases, it doesn't matter if it's medical or adult-use. If convicted of an OUI, restitution can be collected from the offender, but it is too hard to prove on marijuana. **Dave Page** stated that all of those examples are black market behavior and has nothing to do with it. Law does not allow black market business.

**Stan Waltz**, Code Enforcement Officer, supports going with the fees suggested by the Board. He said the size of the city doesn't affect what it costs. Auburn currently has 55 licenses in the queue. Also, in California sniffers cost \$17,000 or they can be rented for \$8,500 for 3 months. The \$4,000 sniffers cannot tell the odor of manure from marijuana. He doesn't feel you can put all the expenses on recreational use. **Mark Hagar** asked if we would be buying a sniffer up front. **Stan Waltz** said we'd probably buy it when we needed it. Also we might need a decibel reader. **Robin Mayer** asked if there was training needed to operate a sniffer. **Stan** stated he had asked Auburn and is waiting for them to get back to him. **Josh Pinkham** asked about the cost of maintenance/calibration/sensor replacement on sniffers. **Chairperson Mayer** stated she had found information on sniffers, but no associated costs. **Stan Waltz** stated that it was a long process to get a license. First you needed preliminary State approval, then review by the Planning Board. Next the Selectmen issue a temporary license which goes back to the State for full approval, and finally back to the Town for full approval, where the police, fire, and code enforcement all have to sign off. **Chief Jason Warlick** spoke next. He confirmed the Police Department has not responded to a single issue at the existing establishment. He cannot guess at the cost of monitoring the business. DRE training has zero cost to the town, even if it is out of town for 2 weeks. As far as retail marijuana, people other than residents may come to town that are unknown to local authorities, and may be the cause for an increase in call volume. He felt initially the costs may be small, including response strategy training for establishment employees, similar to bank employee training. He felt they already meet a lot of DRE requirements.

**Buzz Pinkham** asked if we had ordinances for odor control. **Matt Lutkus** responded that limits have yet to be set. Currently, whenever there is a complaint, they have to make sure the complaint is valid. **Buzz** asked if the County Sheriff's Department had equipment that could be borrowed when needed, even for a cost. **Matt** said he would check. **Buzz** still felt that marijuana storefronts should be treated the same as drugstores, (who sell cigarettes, opioids, and liquor. Why are there no additional charges for them? **Josh Pinkham** said they were not here to discuss prescription drugs or alcohol, but rather to hear input on the licensing fees; and, he would like to see it kept to that. **Robin Mayer** said that the State laws allow the fees and they should collect them. She also agreed with Josh that it really was not a discussion session, but rather an opportunity for input from the citizenry. **Lou Abbotoni** stated the Board was trying to come up with something that is fair to the citizens and businesses. Also he stated that one sample is not a statistical data point.

Seeing no other speakers, **Chairperson Mayer** closed the Public Hearing at 6:28 p.m.

III. **Call to Order:** Meeting was called to order at 6:30 p.m. by **Chairperson Mayer**

IV. **Action on Public Hearing**

**Josh Pinkham** stated he wanted to be impartial in setting fees. With zero internal policies and

procedures, and no checklists or internal review policies, there is still a lot of work to be done-at what cost? There are start-up costs that will be accrued the first time around, that won't occur again in that depth. Amanda, the Town attorney, needs to be involved; medical and recreational licensing will incur the same costs initially. After the first year, the Board can review and set new fee schedules as warranted. **Chairperson Mayer** stated they needed to see how much it actually costs to process one application. She sees no difference between the cost for a medical license and an adult-use license. She asked the Board to review Matt's suggested schedule and the Board's suggested schedule. **Josh Pinkham** commented that the whole town is affected by this. **Lou Abbotoni** reiterated that they had heard from both the police and fire departments that it will be more costly, but they can't estimate how much. Additionally, ambulance and medical services haven't even been figured in the cost.

**On motion (Pinkham/Abbotoni) to adopted the fee schedule presented by the Selectmen. Mark Hagar offered a friendly amendment to look at the actual costs after the first year.** He felt if they were able to cut back, it should be in the medical/caregivers sections.

**Vote: on the motion as amended 4-0-0**

**Chief Warlick** spoke after the vote stating his real concern is the edibles, especially their impact at school. Six or seven year olds won't smoke, and know that is for grown-ups, but they certainly might sneak some gummy bears. Enforcement will be a problem.

#### **V. Minutes**

**On motion (Mayer/Abbotoni) the minutes from 11/20/2019 were approved as distributed.**

**Vote: 4-0-0**

**Chairperson Mayer** announced an "outside of the agenda" item. Last year **Haas Tobey** received the "Spirit of America" award from the Town for his volunteer efforts. He was unable to attend the meeting when the award was presented as he was attending a LUAC meeting. Tonight he is being honored with the County "Spirit of America" award for volunteerism. **Chairperson Mayer** and the rest of Board offered congratulations and thanked him for all he does for the Town.

#### **VI. Financial Reports**

**1. On motion (Mayer/Abbotoni) to approve Payroll Warrant #34 & 35** **Vote: 4-0-0**

**2. On motion (Pinkham/Abbotoni) to approve Accounts payable Warrant #34** **Vote: 4-0-0**

#### **VII. Presentations: None**

#### **VIII. Citizen Comments and General Correspondence:**

**Matt Lutkus** informed the Board about a complaint regarding the amount of salt on roadways, sidewalks, and parking lots. **Matt** suggested that he invite the Road Commissioner to attend the next meeting to talk about this so all are informed of the procedures being used. There are a number of factors and issues involved. He will schedule a presentation for the next meeting. **Josh Pinkham** said he would like **Matt** to reach out and invite the complainant.

## **IX. Town Manager's Items**

**1A. Matt Lutkus** informed the Board that the State had finished preparing and was sending out applications tomorrow for medical and adult-use marijuana license. He had held Damariscotta's until the State's was out to eliminate redundancy. Protocols are in the beginning stages. It has to be done according to the new law and **Stan Waltz and Bob Faunce** are working on them. A flow chart for the application process needs to be developed. Then there is a meeting with the Planning Board. There needs to be a draft for both medical and adult-use. **Stan's** hours have been increased with this work in mind. With many towns trying to grab licenses, we will have "a foot in the door". One retail store is already grandfathered in as far as zoning, but all establishments will need licenses according to the ordinances. **Mark Hagar** commented that he like the slow and steady approach. **Matt** said he felt it was a prudent approach and that Damariscotta was looked to as a front runner. The State is to share in sales and excise taxes. **Lou Abbotoni** stated that he liked the way the Board is doing this, methodically and taking into account the emotional issues.

### **1. Financial Advisory Committee Meeting Report**

**Matt** met with the Financial Advisory Committee a week ago Tuesday. The full report is in the Board's inbox. The Trust annuity is doing very well (it is in an aggressive fund) an equity fund is a fixed account averaging 2%. The TIF proposal was discussed and those present were in favor of it.

### **2. Central Lincoln County Ambulance Budget Meeting Report**

**Matt** reported that the budget meeting and the Heart and Soul celebration created a conflict. Their budget was approved tentatively. There have been hefty increase over the last couple years going from \$2,400 to \$4,800 to \$30,000 to \$70,000 (including a new ambulance). It still needs review.

### **3. State Issue Involving County Jail Funding**

Two issues are in play: 1.) Should the State contribute more to the County budget, especially as it relates to State violations that house prisoners in the county jail?; and 2.) the State mandated cap should be changed. Last Thursday there was a conference call with Sheriff Brackett and the County Commissioners. They will put out an agenda.

### **4. Town Administrative Office Hours Christmas Eve and New Year's Eve**

**Matt** proposed that the offices close at 1 p.m. on Christmas Eve and at 4 p.m. on New Year's Eve. **Lou Abbotoni** spoke to the issue stating that the office staff works hard and he felt closing at noon on both days would be appropriate.

**On motion (Abbotoni/Hagar) to close the Town offices at noon on Christmas Eve and New Year's Eve.**

**Vote: 4-0-0**

### **5. Grant Status Update with Economic Development Administration**

**Matt** and **Max Johnstone** had a meeting with the Economic Development Administration's (EDA) regulatory representative. By switching some funding sources around, the local contribution will go down, and they can ask for more money. This means the Flood Resiliency Study could get funding. **Max Johnstone**, the executive Director of Mid Coast Economic Development said he was pleasantly surprised at this news because it means they can add onto the submitted proposal. **Mark Hagar** stated it would be great for insurance premiums for those in the flood area because if we can complete the new application, the FEMA flood plain would take the parking lot out. **Max** stated that we are pretty well ahead. Disaster fund money requires only one extra page to keep/get Damariscotta dry. **Matt Lutkus**

said that Wright-Pierce will be very busy with easements and ownership verifications, DOT permit amendments, etc. but we are in a very good position.

## **X. Official Action Items**

### **1. Miles Street Improvements**

**Matt** reported that estimates are \$265K if we can't close Miles Street or \$249K if we can close it. There was only one proposal and it was considerably higher than the engineer's estimate (and money available). Lincoln Health officials said they had to talk to "higher ups" before they could take any action.

**On motion (Mayer/Abbotoni) to table the Miles Street work.**

**Vote: 3-0-1**

**(Hagar abstaining)**

### **2. Name Change of Private Road**

A request from Bruce Garren to change a name of a street in a subdivision from "Satterfield Lane" to "Applefield Lane" was submitted to **Matt** in writing. **Stan Waltz**, the Town's 911 Officer, reviewed the request with the State GIS E-911 Authority and was told that the Authority had no concerns with changing the name of this private road.

**On motion (Mayer/Abbotoni) to approve the name change from Satterfield Lane to Applefield Lane.**

**Vote: 4-0-0**

### **3. Amendment to previous Board Motion on TIF Development Plan**

At the previous Board meeting the following motion was approved: "Direct Town staff and legal counsel to prepare the development plan and take other steps required to prepare for own Meeting consideration of a Tax Increment Financing proposal to be submitted to the Maine Department of Economic and Community Development." Although the motion did not specify a specific parcel, the discussion was focused on the 11.3 acres on which the Camden Bank Plaza/435 Main Development is located. **Matt** spoke with Mr. Sears, the owner of Damariscotta Midtown, LLC. He would like his contiguous properties to be included in the TIF District. His motivation for this is: 1.) he would like to see a sidewalk on Main Street, sooner than later; and 2.) approval of these properties as part of the TIF would make them more marketable to developers. All of Lot 22 and about 2/3 of Lot 53 are in the C2 district. This additional property would make the TIF District 33.31 acres, 0.35% of the Town's land area, well below the 2% allowed in State Statutes. **Chairperson Mayer** asked if it was required to put in sidewalks. **Matt** said they would have to put in their own sidewalks. **Lou Abbotoni** asked what percentage of real estate tax went to the county. **Matt** couldn't remember, but said he would send the Board the information.

**On motion (Mayer/Abbotoni) to include these two parcels owned by Damariscotta Midtown, LLC in the development plan for the Tax Increment Financing proposal that will be considered by the voters at a February 19<sup>th</sup> Special Town Meeting.**

**Vote: 4-0-0**

## **XI. Selectmen's Discussion Items**

**Josh Pinkham** - nothing

**Lou Abbotoni** – Lou asked if they had to vote to replace Amy Leshure as vice chair. **Robin Mayer** stated that **Mark Hagar**, second vice chair, just moves up.

**Mark Hagar** commented that there was another accident on Belvedere Road. Busses have a hard time making the turn; it is a really bad situation. Maybe traffic should be pushed up to N.C. Hunt? **Josh**

**Pinkham** said that the last accident 2 weeks ago was a bad situation. **Robin Mayer** asked if the speed limit should be reduced. **Mark Hagar** felt that would be ineffective. He asked what the expenses would be for the town to make changes. **Matt Lutkus** said he would ask David Allen from DOT to come down and re-evaluate the situation. He also said they had a citizen's committee that met to come up with recommendations and put them into place. Suggestions like lights, brush clearing, etc. were made. **Robin Mayer – Robin** asked **Matt** to post the change in hours for office closures on the website.

**XII. Adjournment**

On motion (Abbotoni/Mayer) to adjourn the meeting at 7:15 p.m.

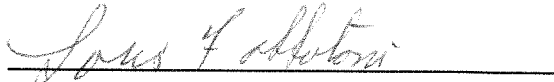
Vote: 4-0-0


Respectfully submitted,


Lynda L. Letteney  
Recording Secretary

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting.

  
Roberta Mayer, Chairperson

  
Louis Abbotoni

  
Mark Hagar

  
Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: 12/18/19