

**MINUTES**  
**BOARD OF SELECTMEN MEETING**  
**DAMARISCOTTA TOWN OFFICE**  
**January 6, 2021 5:30 p.m.**  
**Via Zoom**

**Members:** Roberta Mayer, Chairperson; Louis Abbotoni; Mark Hagar; Daryl Fraser and Josh Pinkham  
**Members Absent :** None

**Staff Present:** Matt Lutkus, Town Manager; Cheryl Pinkham; Lynda Letteney, recording secretary

**Others Present:** Patrick Brady, Haas Tobey, Lydia Crafts, Chloe Maxim; Motog (6); and Evan Houk,  
Lincoln County News

**I. Pledge of Allegiance:** Chairperson Mayer led the Pledge of Allegiance at 5:32 p.m.

**II. Public Hearing – Liquor License Application for Butter Up Cakes**

Chairperson Mayer opened the Public Hearing for a liquor application for Butter Up Cakes at 77 Main Street in Damariscotta at 5:33 p.m. Hearing no public comments on the application, Mrs. Mayer closed the public hearing at 5:34 p.m.

**III. Call to Order**

The business meeting of the Board of Selectmen was called to order at 5:34 p.m.

**IV. Official Action on Public Hearing Items**

**1. Liquor License Application for Butter Up Cakes**

On motion (Pinkham/Fraser) to approve the liquor license for Butter Up Cakes and to authorize the Town Manager to sign such license. **Vote: 4-0-0**

Chairperson Mayer asked when they planned to open. Response: January 16, 2021.

Mark Hagar arrived at 5:35 p.m.

**V. Minutes**

On motion (Fraser/Abbotoni) to approve the minutes of December 16, 2020, as distributed.

**Vote: 5-0-0**

**VI. Financial Reports**

**1. On motion (Abbotoni/Fraser) to approve Payroll Warrant #37** **Vote: 5-0-0**

**2. On motion (Abbotoni/Fraser) to approve Accounts Payable Warrant #38** **Vote: 5-0-0**

Mark Hagar had a question under Highway Vehicle Repair – what was done? This involved the Wacker Neuson. There have been several repairs; Matt will get a list together. Josh Pinkham thought it involved water in the fuel line.

Lou Abbotoni asked for more information on the audit. Cheryl Pinkham responded saying that it started with the changing of banks from Damariscotta Bank and Trust to Camden National. There were 3 accounts in each bank creating three general ledgers in each during the transition. Multiple people were making entries and the error just kept spiraling. The bookkeeper couldn't fix it and the accountant (Claudia) spent 89+ hours @ \$125/hour getting it straightened out. The bulk of the error was in the school payroll (\$156,000) out of a \$177,000 adjustment. The cost to fix the error and start clean was \$4,000. Basically the journal entries were not accurate. Matt Lutkus said with \$2,000 in contingency,

they can't make up the \$4,000. **Cheryl** said that at the end of the year, if there are balances left, she will have the extra \$2,000 transferred back to contingency; however the budget is very lean and she can't guarantee there will be \$2,000 left over. **Josh Pinkham** asked if the audit was finished. He is in favor of waiting on the \$2,000 until they get the audit. **Robin Mayer** asked if the audit was on track to be on time. **Cheryl** said that it was. **Lou Abbotoni** was concerned that it didn't get found until now. **Cheryl** said it went back to 2019.

#### **VII. Presentations: Meeting with Senator Chloe Maxim and Representative Lydia Crafts**

**Chairperson Mayer** introduced Representative Lydia Crafts and Senator Chloe Maxim and thanked them for coming to the Board meeting to talk with the Selectmen. She asked them to introduce themselves

**Representative Lydia Crafts** began by saying that she was from Newcastle and was a social worker at the Bristol Consolidated School. Originally from the Belfast area, she attended UMO and moved down here about 10-11 years ago. She has two kids aged 14 and 5. Health Care is a big issue for her; people need services and support; she believes in a Maine that works for everyone; she sees a community that is hard-working. She is new to politics and serves on the Board of Appeals in Newcastle. As the Lincoln County representative, she is anxious to hear from the Board.

**Senator Chloe Maxim** started by saying she is currently working with adopting rescue puppies. She represents District 13. She has served as a representative for this district for the past two years. She loves her community and State and enjoys the way of life here. In these challenging times, she feels a great responsibility to help those who are hurting. She wants to make sure there is room for rural communities to do better. She is anxious for the legislature to be back in session. She is serving on the Agriculture/Forest/Marine Resources Committees.

**Mrs. Mayer** asked what committees Mrs. Crafts was serving on. Response: Marine Resources.

The Chairperson opened the presentation for discussion, asking Board members to introduce themselves and make comments. **Mark Hagar** spoke first. He began by stating that Damariscotta is a service center. In 2019 Damariscotta received \$400 in lieu of taxes from one non-profit. They service all of Lincoln County; Senator Dow did not help much with regard to local sales tax legislation. He asked, "What's your feelings about this revenue option?" **Lydia Crafts** stated she was not familiar with the specifics; she would need more detail in order to comment. **Matt Lutkus** stated we testified before the Financial Service Committee. Damariscotta is one of 64 towns in Maine with this designation as a regional center. As such, they serve 17,000 citizens, but have a population of only 2,000. Non-profits, hospitals pay no taxes, but receive Town services (police, fire, road repair, parking lot maintenance (\$90K/year), etc. A local option sales tax passed the House, but not the Senate in the last session. Voters in the Towns still would have to approve up to 1% local sales tax. Local businesses in Damariscotta would use the funds to decrease the tax burden on residents. This plan has the support of the Maine Municipal Association and the Maine Service Center Coalition. **Mrs. Crafts** asked how the business community feels about this. **Matt** responded that it was more about the locals having the option available, since State approval is necessary first. They are leery of being less competitive than non-service center businesses.

**Rep. Crafts** asked about the \$400. **Matt** explained it was "cash in lieu of" taxes and came from one church. A new subsidized apartment complex in town has agreed to such an arrangement as well. **Chairperson Mayer** ask Matt if he would email the Regional Service Center report to both legislators and he said he would. **Matt** also said he was worried about losing the excise taxes; if we did, it would

handcuff the Town. **Mrs. Mayer** also asked about the homestead exemption and revenue sharing. She emphasized the Town depends on these. She also reminded them that with the public restroom area coming on line this year, there are increased costs. Any help as a service center is needed. **Ms. Maxim** said she had not heard any more about local tax revenue. She voted "yes" last time it was brought up. She opposes taking the revenue sharing or school funding. She doesn't want to burden the towns. **Robin Mayer** said she understood there were no promises; you can watch old budget meetings and it's the same issues. Both legislators felt schools were a huge responsibility. **Matt Lutkus** reemphasized that the excise tax was NEEDED in Damariscotta. The Board really wants you to stay away from taking that and the Homestead Act away. **Chloe Maxim** said she shared the same view (even more than health care).

**Mrs. Mayer** brought up the medical marijuana issue. Damariscotta is a mecca in the mid-coast area. She wants to see them operate on level footing. **Matt Lutkus** said the State collects 20% tax on Adult Use sales. This is a new revenue source and the Town has and will incur additional expenses. It seems only right that the Town should get a small share of what the State is collecting. (0.5% proposed last session for the local part failed)

Another issue is the rules governing Board of Selectmen's meetings, especially remote attendance. The Board believes it make sense to allow remote meetings even after Covid-19. It plans to continue with them until it is told it is illegal. The Board believes it should become a permanent part of the State Statutes. Allow local determination. **Chairperson Mayer** said the Zoom platform has been working. **Matt Lutkus** said they would not be in favor of this platform for Town meetings-too large to handle – needs to be in person. **Lydia Crafts** said she sees the benefit and it increases public engagement. She said she has seen it at the School Board level and it has been a great experience. **Matt Lutkus** said the association of Plant Maintenance of Maine has grown from 10-12 attendees to 75+ with the advent of Zoom. **Chloe Maxim** stated she agreed about the marijuana tax and the remote meetings.

**Lou Abbotoni** said he was concerned about the elderly and low income citizens; afraid they will fall through the cracks. The legislature needs to work with/help the governor instead of placing blame on everyone else. **Ms. Maxim** said she felt the legislature needed to have a bigger role; there still trying to figure out phases, but the ball is starting to roll. She feels they should be in session. **Lou** responded that it is just TOO SLOW. He is concerned about what is happening to her (governor). Committee meetings don't help us. **Haas Tobey** said he uses an oxygen tank. He has been tracking Covid-19 in 17 states and although Maine has been way below national averages, in the last six weeks it has been steadily rising like the others. It will be worse before it is better.

**Chairperson Mayer** thanked Mrs. Crafts and Ms. Maxim, saying that she knows it is the beginning of the session and you don't have details to share yet. **Lydia Crafts** said that she has 2 aging parents who are homebound. She hears the real concerns as they are deeply personal to her. **Haas** expressed real concern for increasing infection. **Robin Mayer** said "It'll pass. We have to do the best we can with the resources we have. We have to wear masks, follow social distancing, and make smart decisions." **Lou** said he has had it. He and his wife followed all precautions and still got it. **Robin** continued saying we need to monitor the best use of our available resources at all government levels; be smart and hope we can act as quickly as possible. She appreciated both representative coming and listening. She reiterated that they were welcome to come anytime and visit with the Board. She wished them both the best of luck. Expressions of "thank you" from all Board members.

#### **VIII. Citizens Comments and General Correspondence - None**

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

### **1. Housekeeping**

**Matt** has a large packet of documents that need to be signed. Please stop by and sign this week.

### **2. Medical Marijuana**

There is a large attachment of medical marijuana rules that needs legislative approval. The Office of Marijuana Policy is focusing on medical marijuana at this time. Stan has read through this and feels there are some wise decisions within the document. It is in draft form. Most of it is tightening up rules and regulations because the line between medical and adult-use has gotten blurred. This cleans it up.

**Robin** commented that they are accepting comments until 1-10-21. Items such as signage and sales pitch are covered. **Matt** said if he could collect previous comments and any additional ones by Saturday, he would send the list. **Robin** reminded Board members that Damariscotta was one of the first to have medical and adult-use businesses, we should have input. By consent the Board agreed. **Matt** said he would send an email pertaining to Damariscotta's concerns.

**3. Historic Preservation Commission** According to the Town Charter, The Board of Selectmen can create committees/commissions and ad hoc committees. A Town Meeting by ordinance cannot create a commission. To be safe, the Board needs to use a process the same as passing an ordinance, including secret ballot, to create the Commission. **Mark Hagar** asked if that would happen the day before the Town Meeting. **Matt Lutkus** responded in the affirmative. Town meeting attendance has gone down in recent years. **Robin** asked if the ballot box was okay for local as well as State elections. **Matt** said yes.

## **VIII. Official Action Items**

### **1. Renewal of Joint Marine Shellfish Contract**

In essence this is the same as the Marine Law Enforcement Contract

**On motion (Pinkham/Abbotoni) to approve the renewal of the Joint Marine Shellfish Contract**

**Vote: 5-0-0**

### **2. Nobleboro-Jefferson Transfer Station Agreement**

**Matt** said that they are definitely getting an increase. He talked with Dick Spear, Nobleboro selectman and overseer of the transfer station. Recyclables have decreased greatly. They can't take as much from surplus (\$130K last year down to \$100K this year). They changed the formula for owners and non-owners, resulting in a 17.26% increase for Damariscotta. The owners increase is less. The extra money is for staffing, administration, etc. Damariscotta opted out of ownership back in 2007. This limits the control Damariscotta has. The actual budget amount is the same as it was in 2007. **Lou Abbotoni** said this is \$9,100 on the accounts payable warrant. He feels they should approve the contract and authorize a contingency transfer of \$9,100. **Mark Hagar** said he was involved back in 2007 and there was discussion of building our own, but it was voted down. This is actually a good deal as far as he is concerned. Our fee is based on residential population, not businesses. **Matt Lutkus** added that Dick Spear feels this will level off. **Robin** asked if Covid-19 had influenced this. **Matt** said it was really the recyclables; China is not taking the plastics. **Robin** added she felt they did a fabulous job.

**On motion (Fraser/Pinkham) to approve the contract with the Nobleboro-Jefferson** **Vote: 5-0-0**

As an aside, **Josh** asked Matt to find out why the Nobleboro Park & Ride plowing is in the transfer station budget. **Lou** asked if the fees based on population included summer residents. **Matt** said not directly; no additional charge for 2,100+ additional summer residents. This works to our advantage. The only seasonal change is Pemaquid Campground, which carries a separate charge. **Lou** asked if we should be charging summer residents. **Josh Pinkham** replied that it is included in their property taxes. **Matt** did say that they used to have a license for commercial trash removal, but did away with it; accepting all trash now.

**On motion (Pinkham/Fraser) to approve \$9100 from contingency for the transfer station.**

**Vote: 5-0-0**

### **3 Cemetery Deed and Perpetual Care Agreement with Laurie Ann Curtis**

**On motion (Pinkham//Mayer) to approve the cemetery Deed and Perpetual Care Agreement with Laurie Ann Curtis**

**Vote: 5-0-0**

### **4. Contingency Transfer for Bank Statement Reconciliation**

**On motion (Mayer/Fraser) to approve the transfer of \$2,000 from contingency for the audit to reconcile the bank statement**

**Vote: 5-0-0**

**Lou Abbotoni** asked how much was left in contingency. **Matt** said about \$9,000, but there was \$25,000 in the undesignated account.

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

**Josh Pinkham** – Everything is pretty good; follow safety precautions; stay safe vaccinations for the Fire Dept. next week

**Daryl Fraser** – It's good to see everyone. Hoping 2021 is better than 2020

**Lou Abbotoni** – Nothing. Happy New Year

**Mark Hagar** – Wishing everyone good health. He felt he would be remiss if he didn't mention the events in Washington, D.C. today. He feels he is in a position to make a statement about himself. He reminds the Selectmen that we are here for the greater good. It's just unbelievable.

**Robin Mayer** – Having received an email from the Rotary about a donation of 1000 masks for the Police, she would like to publicly thank the Rotary for all they do for the Town. They have been good partners with the Town thru all of this. Additionally, she wants to thank all the first responders who worked Christmas Eve and Day, New Year's Eve and Day - police, EMT's, hospital staff on call. Your service is noticed and appreciated. Thank you.

### **X. Adjournment**

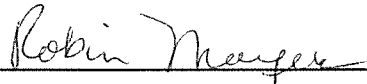
**On motion (Abbotoni/Pinkham) to adjourn the Board of Selectmen's meeting at 6:45 p.m.**

**Vote: 5-0-0**


Respectfully submitted,

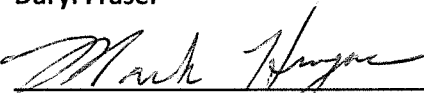
Lynda L. Letteney  
Recording Secretary

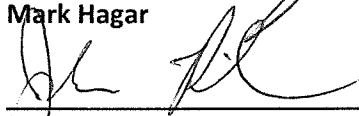
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting of January 6, 2021.

  
Roberta Mayer, Chairperson

  
Louis Abbotoni

  
Daryl Fraser

  
Mark Hagar

  
Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: 2-26-2021