

**MINUTES**  
**BOARD OF SELECTMEN MEETING**  
**DAMARISCOTTA TOWN OFFICE**  
**March 17, 2021 5:30 p.m.**  
**Via Zoom**

**Members:** Roberta Mayer, Chairperson; Louis Abbotoni, Mark Hagar, Daryl Fraser and Josh Pinkham (via Zoom)

**Members Absent :** None

**Staff Present:** Matt Lutkus, Town Manager; Chris Roberts, Fire Chief; Robert Faunce, Town Planner; Lynda Letteney, recording secretary

**Others Present:** Gary Rosenthal; Haas Tobey; David Levesque; Susan Murphy; and Evan Houk, Lincoln County News

**I. Pledge of Allegiance:** Chairperson Mayer led the Pledge of Allegiance at 5:30 p.m.

**II. Public Hearings**

**Robin Mayer** called the Public Hearings to order by thanking all those who were in attendance.

**1. Historic Preservation Ordinance**

This ordinance was first adopted in March of 2020. **Bob Faunce** gave a summary of those changes at a Public Hearing on 3/8/21. The most significant changes were:

1. The expansion of the Historic Preservation Review Commission (HPRC) to 5 members from 3. Additionally, as requested by the Planning Board, at least three members be Damariscotta residents.
2. All references to a second district or expansion of the current district have been removed.
3. Elimination of any references to "fair market price" – all an owner would need to do would be to advertise and provide notices as required in 107.12.2.d.
4. The 120 day demolition delay has been removed and replaced with 90 day.

**Robin** asked for comments from residents, business owners in the district, and any others, respectively. **Susan Murphy** first stated she was in favor of an historic preservation district, but she is still concerned about guidelines for sale of property. She said that Valerie Seaberg spoke earlier about what happens if "a large company with corporate cash comes in to restore, sells, and doesn't do it?" **Bob Faunce** said this section is watered down considerably. He asked, "What is the reverse? Do we prohibit a small person from selling?" We already prohibit formula businesses from C-1. **Susan** asked if that was on the books? **Matt Lutkus** responded by saying that there is an ordinance already for that. **Susan** asked "if we found gutting the inside of an historic building acceptable?" Historic preservation seems to be only on the outside. **Bob** responded saying these are two different issues. Land Use Ordinances prohibit formula businesses from C-1. The other is a zoning issue. There is no prohibitive use in the Historic Preservation district. There are lots of ordinance changes to come, including restricting to whom property can be sold. **Susan** commented that people are buying "sight unseen." **Robin** interjected that once this ordinance passes, it has impact on other ordinances which will have to be addressed. "We need this ordinance in place before many others need to change to all be in compliance. I believe in it and recommend passage of it to send to the Board to go on the Warrant."

**2. Charter Amendment to Allow Formation of the Review Commission**

**Recommendation:** To make the Historic Preservation Review Commission a standing committee.

Not hearing any comments or changes to this, recommendation is to have the Board approve and send it to be on the Warrant.

### **3. Solar Energy System Ordinance**

**Bob Faunce** spoke to this saying that with the increase in interest in a variety of energy generation systems, there are a lot that have gone in with little or no control left to the community, especially over location. The consumption of farm land and other tax-generating property for these types of projects needs to have some Town regulation. The question is how do we accommodate alternative energy solutions and not lose control over our Town lands. **Bob** then reviewed the 9-10 primary ordinance features. **Susan Murphy** stated she has been receiving phone calls from solar farm brokers continually. **Mark Hagar** said that State law exempts small (5 megawatts or less) projects from State and local taxes. **Bob** said the legislature is still discussing this. He cited the 600 acre farm in mid-Maine as being scary. In our ordinance larger solar farms are restricted to C-2 and Rural zones. **Robin** said the newer systems “move” and track the sun. **Bob** replied that these types of changes are not affected by the ordinance. **Haas Tobey** gave an example of a German factory he saw with 20 acres of solar panels. He asked about setbacks- if they care about them, if they can see it, and how it affects views. No consideration given to those aspects. **Robin** said Chapter 107 had some typos and the order of some of the sections doesn’t format.

Hearing no other comments or revisions, **Chairperson Mayer** closed the hearing at 6:08 p.m.

### **IV. Call to Order**

The Board of Selectmen’s Meeting was called to order at 6:08 p.m. by **Chairperson Mayer**

### **V. Action of Public Hearing Items**

#### **1. Historic Preservation Ordinance**

**Daryl Fraser** pointed out spelling errors on pg. 1 section 107.12-107.13. Staff recommendation is for this ordinance to be included on the June 8<sup>th</sup> ballot for the Warrant.

#### **2. Charter Change regarding HPRC**

Charter amendment to have the Historic Preservation Review Commission be a standing committee

#### **3. Solar Energy Systems Ordinance**

Staff recommendation to include the new ordinance regarding solar energy systems be included on the June 8<sup>th</sup> ballot.

**On motion (Mayer/Hagar) to approve all three ordinance-related items for the June 8<sup>th</sup> ballot.**

**Vote: 5-0-0**

Both **Mark Hagar** and **Robin Mayer** thanked all involved for their hard work, multiple meetings and extensive time commitment to getting these items to the voters.

### **VI. Minutes**

Approval of the minutes was postponed until the next meeting.

### **VII. Financial Reports**

**1. On motion (Hagar/Mayer) to approve Payroll Warrant #50**

**Vote: 5-0-0**

**2. On motion (Mayer/Abbotoni) to approve Accounts Payable Warrant #51**

**Vote: 5-0-0**

**3. On motion (Fraser/Mayer) to approve Accounts Payable Warrant #52**

**Vote: 3-1-1**

(Pinkham in the negative; Hagar abstaining)

### **VII. Presentations: Possible Dates for Fireworks Display- Chris Roberts**

**Mr. Roberts** began by saying that July 4<sup>th</sup> is on a Sunday this year. **Chairperson Mayer** asked if there were any questions and there none. **Mr. Roberts** said we will get full credit for last year’s cancellation

so no donations will be asked for this year. The 2020 donations will cover this year's expenses which could be less if restroom is completed as we won't have to rent porta-potties. **Chairperson Mayer** thanked Chris for all his hard work in making this a great community event. **Chris Roberts** thanked all those who donate to this event. Also, the date can be flexible if the actual 4<sup>th</sup> turns out to not be workable.

**VIII. Citizens Comments and General Correspondence- Request from Public Safety and Accessibility Collaboration (PSAC)**

In a letter from **Jean Moon and Anton Lahnston, co-chairs**, the PSAC is requesting a donation of \$500 from the Town, to augment the printing and placing of maps in the Twin Villages for walking and biking. The cost of designing and printing is estimated to be \$2500-\$2800 dollars. Donations from other entities have already begun, including First National Bank. The estimated cost for design and printing is \$2500-\$2800. The PSAC has opened a donation-based account with the "Twin Villages Downtown Alliance" which is a recognized 501(c) 3 organization.

**On motion (Mayer/Abbotoni) to donate \$500 to the Public Safety and Accessibility Collaborative towards the design and printing of maps for hiking and biking in the Twin Village area. Vote: 5-0-0**

**IX. Town Manager's Items**

**1. Electric Vehicle Charging Station**

We have a grant from Efficiency Maine for \$2500 towards the charging stations. Revision Energy was looking at way to charge a fee to those who use them. Donation box and/or an old parking meter was suggested. Two spaces will be filled, therefore restricted parking for 3 hours while owners shop is a possibility. It would return to private use overnight. **Matt Lutkus** said that they could set it up so it is regulated by a switch; flick the switch at night? Some will take advantage if available overnight; however it is powered by the solar array so cost to district is negligible. **Daryl Fraser** said he'd like to close it down; no parking overnight. Other places that have them say the same thing – you can't make money off them. In the long run, it is cheaper not to charge. **Matt** said there was no need to vote on it now. **Matt** asked "if he could proceed without a fee charging system and add a credit card system later?" **Mark Hagar** said that made sense. **Robin Mayer** likes the 3 hour limit and the 24/7 availability.

**2. Quarterly Investment Report – HM Payson**

**HM Payson** made its report to the Finance Committee. The Trust Fund from May 31, 2013 to present has doubled its money in the bank. This is investment income only. Equity investments can change, but right now has done very well. HM Payson is not dependent on mutual funds. They pick the stocks and assess the value of each investment. **Mark Hagar** commented on how well they have done. **Lou Abbotoni** is on the Finance Committee and stated he felt they have done a great job; commenting, "You can trust their work."

**X. Official Action Items**

**1. Payment in Lieu of Taxes from MidCoast Friends Meeting**

Once again, MidCoast Friends Meeting has sent a check to the Town as a payment in lieu of taxes. This year the amount is \$425. In 2020 the voters gave the Board the authority to accept such contributions. The MidCoast Friends Meeting is only one of two property tax exempt organizations that provide the Town with a payment in lieu of taxes.

**On motion (Hagar/Abbotoni) to accept \$425 from the MidCoast Friends Meeting in lieu of taxes.**

**Vote: 5-0-0**

**Note:** Last year MidCoast Community Action started to contribute approximately \$4000 under this provision.

**2. Vine Street Bids** – Gartley and Dorsky received bids for this project last Thursday. Public Works Committee reviewed bids with the engineer and recommended that the Town contract with Farley & Son, Inc., as they had the lowest overall bid. Total cost of project is \$147,000, with unit pricing negotiable. What is not yet known is if salvage is possible on the pipe next to the drain.

**On motion (Abbotoni/Mayer) to allow the Town manager to waive Charter bid guidelines; negotiate unit pricing based on what we have; for a total price of not more than \$147,000.**

**Vote: 4-0-1**

**(Hagar abstaining)**

**XI. Selectmen's Discussion Items**

**Lou Abbotoni** – nothing

**Josh Pinkham** - Biscay Road light doesn't change. Has Matt had any complaints? **Matt Lutkus** said 4 weeks after they finished repairs, it was not sequencing as it should. **Mark Hagar** asked if it gets adjusted in spring. **Matt** said that with heavier traffic on Main St.; it is a longer light. He is on it; mechanism needs to be changed. Other than that, be safe and he's anxious to meet in person again.

**Daryl Fraser** - nothing

**Mark Hagar** – I'm good; stay safe; we're getting there

**Robin Mayer** - summer's coming; stay safe

**XII. Executive Session**

**On motion (Pinkham/Mayer) to adjourn to Executive Session on a legal matter at 6:44 p.m.**

**Vote: 4-0-1 (Hagar abstaining)**

**XIII. Action on Executive Session - None**

**IX. Adjournment**

**On motion (Pinkham/Abbotoni) to adjourn the Board of Selectmen's meeting at 6:45 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 on March 17, 2021.

  
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Roberta Mayer, Chairperson

  
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Louis Abboto

  
\_\_\_\_\_  
Daryl Fraser

  
\_\_\_\_\_  
Mark Hagar

  
\_\_\_\_\_  
Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: 6/10/2021