

MINUTES
BOARD OF SELECTMENT MEETING
February 20, 2018 5:30 pm
at the Damariscotta Town Hall

Members: Roberta Mayer, Chairperson; Ronn Orenstein, Vice-Chairperson; Mark Hagar, and Amy Leshure

Members Absent: Lou Abbotoni (excused)

Staff Present: Matt Lutkus, Town Manager; Karen O'Bryan, video recorder; Lynda Letteney, recording secretary

Others Present: Haas Tobey; Jessica Breithaupt, Susan Murphy, Larry Sidelinger, Bill Vaughan, George Betke, Dick Mayer, Debby Schling, Wally Schling, Lorraine Faherty. Edwin Stelzer, Mark Ferrero, Matthew Morgenbesser, Jean Kerrigan, Gordon Clark, Ryan Ellis, Elizabeth Printy, Jim Cosgrove, Buzz Pinkham, Christie Hastings, Kathy Anderson, and George Betke.

I. Pledge of Allegiance was recited at 5:30 p.m.

II. Community Conversation on Adult-Use Marijuana Ordinances

Chairperson Mayer called the Community Conversation to order and outlined the reason for meeting and the procedural guidelines. She explained that this was a discussion on adult-use recreational marijuana only as medical use had been discussed at the previous meeting. This was to be the last opportunity for public comment in this format. Citizens were still welcome to submit comments in writing or via email to Matt Lutkus before the end of the month. It is hoped that a finalized draft will be ready by mid-March. The Planning Board will have a final hearing on the ordinances as they pertain to locations. The Selectmen will have a final draft hearing with a public hearing after that. She explained they would use the standard order of speakers: Residents, business owners, other interested parties, respectively. There will be a 5 minute time limit for each speaker. Speakers are reminded to use the microphone for LCTV purposes; it does not amplify the volume in the room, only for TV.

The first speaker was **Dick Mayer**, a former law enforcement officer and current resident. He expressed his view that no one knows the full ramifications of this ordinance. Taxpayers have been told there would be no increased costs and no effect on property values. Nobody knows really, and he feels it is best if we move slowly. He would like to see a decrease in the number of growers and retail establishments. He also felt there needed to be proper definitions spelled out in the ordinance, perhaps adopting the State law definitions. As far as zoning for retail, he wants to keep the 1000 feet from schools, day cares, library, etc. ; no "off premises" sales and delivery; retail only; and, significant fees for licensing. Because there will be additional costs for police training in drug recognition, he would recommend a \$10,000 licensing fee. He felt this should not be viewed as an economic development scheme. He would like to suggest that those who proposed legalization have a personal agenda.

The second speaker was **Jess Breithaupt**, a resident and mother of a sixth grader. She felt there are many areas in C1 where teens hang out: Library Teen Room, The "Y", Fernald's, the Bookstore and downtown in general. She felt we needed to do this smartly. If we allow retail sales downtown. She would prefer to have it out of C1. She does not feel the liquor vs. marijuana comparison is really valid as

the liquor establishments don't have a loitering problem such as might arise with marijuana. She does not want to see retail stores mingled with crowds downtown. She would like to see the distances from schools, daycares, etc. the same as adult entertainment which is 1500 feet. She also feels addiction resource centers should be at least 1500 feet from the above mentioned establishments as well as not in C1.

Lorraine Faherty spoke next . She is an attorney and wanted to clarify some misconceptions. Firstly, medical marijuans is not a "use in the parking lot" issue. She believes in free capitalism and does not favor limiting licensing to a specific number, just as we don't limit grocery stores or laundry mats. She would prefer not to see retail in C1; C2 is okay as are mixed zoning streets. She feels it is a gateway drug. As far as increased traffic downtown, she doesn't see it as an issue (if its not an issue in California, highly unlikely to be one here.) **Jim Cosgrove** is a resident who approves of retail marijuana sales. In his professional position as a real estate broker, 2 clients have contacted him to say that if there are marijuana stores downtown, they will move elsewhere. While he is personally in favor of the ordinance, he would prefer preserving our "charming village" atmosphere and have retail stores not be downtown. He too expressed concern about increased traffic.

George Betke, a resident, spoke next. He stated he had submitted a letter to the Selectmen as opposed to putting a letter in the paper. He wanted to know what due diligence the Board had done in developing the ordinances. **Chairperson Mayer** asked if they could get back to that question after all concerned citizens had had a chance to speak. **Elizabeth Printy** was the next speaker. A resident and alternate member of the Planning Board, she is concerned that with an opioid crisis in Maine, why would we bring legal marijuana to town? She believes it leads to mental illness and violence. She cites Alex Baronson as a scientific opinion that marijuana use leads to neglect of kids and pets; Baronson believes increased drug abuse is a result. He feels it causes instability in society and she encouraged people to go online and read some of his articles. She is not in favor of retail stores in C1; her main concerns are for the mental and physical health issues that arise from marijuana use.

Buzz Pinkham, a resident, spoke stating that he was unfamiliar with marijuana and had not personal experience until his wife became ill with cancer. He stated that he comes from a very conservative background and always believed what he was taught -that it was a gateway drug when actually it is used to get off opioids and other addictive drugs. Current medical opinions now look at marijuana as an exit drug not a gateway drug. He would like to see less stereotyping and stigmatization. He personally doesn't know why we wouldn't allow more than one retail store; he believes a minimum of 2 would provide for better competition. **Edwin Stelzer** stated he felt all speakers thus far had done an excellent job, but he has a different opinion from Buzz Pinkham. As a 36 year navy vet he felt it was important to think very hard about the ordinance. He is against adult-use marijuana and since it is against federal law, we shouldn't allow it. As far as location, if it were up to him there would be none. He would support whatever the state limits the number to and would prefer not more than one. It is an added work load for all law enforcement . He is interested in the State's limitations- is it as a gas, liquid, or solid and what are the packaging limitations on how it is sold? He and his wife moved here 42 years ago and think very highly of the community. Visually and practically this will have a huge impact on the

community – he doesn't want to see the reputation tarnished. He agrees with all previous speakers except Buzz Pinkham.

Penn Way, business owner and resident, spoke in favor of the retail business. He doesn't want it himself, but sees it as an economic opportunity. In places where medical marijuana businesses have been established, they have seen more highly educated people and investors with 50% being women. In C1 district, summer money is our life blood. Cannabis use is decades old in the area; there are 9 liquor licenses in C1 and double that in C2. State law prohibits consumption on premises. As far as mortality rates, there is a 99 page report that cannabis is not a causation for opioid addiction or alcoholism. This is an issue of generational divide. Location should not be an issue; most high schoolers can drive or have a friend who does. It is the stigmatization of its use that is a problem. Additionally, it is an all cash business, so being out of C1 creates the opportunity for more police action regarding theft and break-ins. He believes, that as a service center, we should not be limiting free enterprise. Currently we allow everything but pot – this is not a good business practice. It is legal in 20 states and while management is required, we shouldn't crush free enterprise from the beginning.

Gordon Clark spoke next reiterating that alcohol and cigarettes are federally regulated; marijuana is, in fact, illegal as far as federal regulation (both recreational and medical.) Since it is an all cash business, he is concerned about how it will be monitored. As far as 1 or 2 businesses, he feels one is a monopoly and there should be at least two allowed. He believes while alcohol is an issue, many use alcohol for taste while marijuana users use it for effect. **Mark Ferrero**, a resident of Nobleboro and business owner in Damariscotta of a medical marijuana establishment, comment that in 2019 he feels a lot of this discussion is about feelings and perceptions. Laws exist that prohibit use on site. Marijuana has been scientifically shown to be non-addictive. In his store, they see 10-14 patients a day, most of whom are over 40 years of age. You must be 21 years of age to buy recreational marijuana by state law; however, you can purchase medical marijuana with a medical card between ages 18-21. No restrictions are placed on this. As far as loitering, this is a scare tactic; the stigma of using pot still exists which reduces anyone wanting to loiter. He is disappointed in the proposed restriction on a downtown store. His business is currently in C1 and complies with all ordinances including "looking like the historic village" it is. We should want these businesses where "eyes are on them" not tucked away out of sight. Personally he believes an establishment should be certified to sell medical marijuana first before recreational, primarily due to the training medical marijuana providers go through and the quality of product. He does believe there should be more than one license, but not ten.

Ryan Ellis, a resident of Freeport and business owner in Damariscotta, spoke next. He stated that 44% of medical marijuana users stopped pharmaceuticals altogether. Cannabis in a community does not show a downward trend in a town. As far as rules for licensing, he cautioned the town to "beware of the edges" – "you wouldn't want 12 Cumberland Farms in town." He said that old law enforcement prejudices are hard to erase. He felt retail store(s) should be allowed in C1. He cautioned the Selectmen to evaluate with current data as what most of us were taught is out of date. **Bill Vaughan** spoke next as a resident of Newcastle. He has concerns about the effect on the town and accepts the general principle that marijuana is bad for kids. However, since the town has passed the medical and recreational use referendum, he cautions the town to take it slowly. Damariscotta is the only town in Lincoln County to

approve sales of recreational marijuana. 75 towns in Massachusetts voted it down. Those that approved it have cited increased traffic. He believes it would be terrible to have a retail store downtown, especially with the limited parking as it is. He believes there are other ways to create an economic boom without selling marijuana. **Christie Hastings**, a resident of New Harbor and professional health educator with many years experience, stated that scientifically, what studies there are, show marijuana is not harmful, and in fact, helps with cancer, seizure disorders, nausea, pain, PTSD, etc. The people have said yes to having sales in their town, and that should be honored in the least restrictive way possible. Personally speaking, she has a sister who developed cancer from a diabetes drug prescribed for her. Marijuana was the first thing she tried that actually relieved her pain. To pit alcohol against marijuana is ridiculous. Marijuana won't cause the problems you think it will; unlike what we know alcohol causes.

Seeing a lull in the speakers, **Chairperson Mayer** went back to **George Betke's** question about how informed the Selectmen were and how much due diligence they have done. She stated that she personally had been studying State statutes and inquiring as to what other towns are doing. The Board's attorney has reviewed ordinances in state. Each Board member has gone their own way in reviewing what other states have done. Fees for licensing in state range from \$150-\$7500. **Mrs. Mayer** stated that the Board represents the citizens in the best way they can. How an ordinance affects kids, be it in favor or not in favor, the Board's responsibility is to bring a benefit to our town. The Board is continuing to call, send emails, and write to various entities for input. They are still receiving such input from the general public as well. All have done internet research. The Town Manager, Matt Lutkus, has been to all meetings regarding marijuana in state. A special Board meeting will be open to the public, but it is a workshop meeting, so no input will be allowed. The Board appreciates all the information it has gleaned. This workshop is for the Board, police, code enforcement officer, etc. The Board is trying to get it right the first time.

Mark Ferrero added that many towns who have legalized recreational sales have allowed stores in the downtown area. **Matt Lutkus** added that the general approach the Board took was to start with a conservative approach. He wonders if the suggestion of a limitation on C1 doesn't color the discussion which in turn alters the course of democracy.

Having no other speakers from the community, **Chairperson Mayer** called the Community Conversation adjourned at 6:53 p.m.

III. **Call to Order:** Meeting was called to order at 6:54 p.m. by Chairperson Mayer

IV. **Minutes:**

On motion (Orenstein/Mayer) the minutes of the February 2, 2019, meeting were approved as distributed.

Vote: 4-0-0

V. **Financial Reports**

1. On motion (LeShur/Hagar) to approve Payroll Warrant #43

Vote: 4-0-0

2. On motion (Mayer/Leshure) to approve Accounts Payable Warrant #44

Vote: 4-0-0

. On motion (Mayer/Orenstein) to approve Warrant #45(snowplowing)

Vote: 3-0-1

(Hagar abstaining)

4. Annual Financial Audit was received from Fred Brewer

No action taken

VI. Presentations: Proposed Traffic Plan for Pumpkinfest

Larry Sidelinger presented, being a member of the Pumpkinfest Committee over the past three years. From his observation it has turned into a pretty good sized party, growing from about 100 people to over a 1000 last year. With that type of growth, problems arise- specifically the flow of traffic. The police, sheriff and ambulance service have gotten together to figure out a way to expedite the flow of traffic, not just for the parade, but for all 3 days. Given there are a limited number of police, parade day particularly is a tough scene. The committee is proposing a three day traffic plan which would include:

Day 1 – Parade Day (Saturday) Use the back-harbor lot for shuttle bus parking; close Main Street on Saturday from noon-5:00pm to traffic; use permanently placed pedestrian barriers Sat-Mon for pedestrian flow and with LCSO diverting traffic away from exiting onto Business Route 1. Additionally, liberal use of these barricades and volunteers at Darrows Barn to keep cars from parking there, as well as keeping the shuttle bus loading and unloading area clear of other vehicles. These personnel would also help control pedestrians crossing upper Main St. Additional picnic tables and more port-a-potties need to be added with a first-aid station and information booth. (Barrier costs are about \$2000 rental for 3 days. Previous use of cones was ineffective and easily ignored))

Day 2- Hurl/Hunt/Drop Day (Sunday)keep barricades in place on Main St.; liberal use of volunteers at Darrows Barn (same as Saturday); more police and volunteers to cluster at barn to control shuttle bus loading and unloading, pedestrian crossing at Upper Main Street, and prohibit private car parking.

Day 3 –Pumpkin boat Races(Monday)Back harbor lot closed all day as usual; shuttle busses load and unload on Water St not Main St(post office/banks closed for Columbus Day and InfoZone closed on Mondays); other controls as listed for Days 1 & 2.

Considerations were made with the proposed plan based on safety, traffic and parking. Additional consideration was made to inconvenience Main Street businesses as little as possible. “The aim of Pumpkinfest is to benefit the twin villages not to inconvenience the businesses/residents. Therefore Main Street closures must be kept to a minimum commensurate with public safety.”

The necessity of additional shuttle bus lots and visitor parking was addressed. Suggestions included church/hospital lots such as Friends Church & Miles Home Health Care both on Belvedere Road and Highway 1. Foster’s Antiques lot (Rt. 1) and Nobleboro School on Central St Nobleboro were also considered. In 2018 three school busses and three 14 passenger vans were hired. An additional bus would have been better on Saturday as they were full all the time. Emergency vehicles need to get through Newcastle and there were parking concerns, flow of people issues there especially on Mill St. and Glidden St. Mr. Sidelinger said he was making this presentation looking for advice from the Selectmen.

Robin Mayer stated that she personally like the idea of utilizing the back-harbor lot for shuttle busses and the idea of picnic tables. She felt it was much safer for the busses back there. She asked if Jason Warlick, Police Chief, had been involved. She also asked if the committee had talked to the business owners yet. Response: We are talking to Selectmen first; then the businesses, as they need to know if this is a plan that can work. **Mark Hagar** asked the committee to make sure they talk with the business owners. He stated he was very glad to see such a proactive approach. **Mr. Sidelinger** stated that he hadn't asked other business locations about parking yet, wanting to have the Board's tacit approval before moving forward. Plan is for shuttle busses to be running from 8:30 am-5:00 pm. **Ronn Orenstein** stated this was a good plan as it allows for parking in back harbor lot for dinner guests at restaurants. He also mentioned the Colby-Gale lot was open after 5 p.m.

Suggestions from **Dick McLean** who has observed this event from his house:

1. Matt should talk with postmaster and get their Saturday hours. He believes at least the handicap parking spot must be available on Main St. when the office is open. This is a federal regulation.
2. Hugh Priebe spoke to him about "backing up" issues near him.
3. As far as the parade itself, there are long pauses in the parade as an "act" stops to perform. The part of the parade ahead of them moves on. This is when people begin crossing the street holding up the parade even further. Last year there were 4-5 "gaps" along the parade route where this occurred. Would marshals for the parade help? Mr. Sidelinger felt the pedestrian barricades would make this much better as they are linked together and anchored.
4. Candy throwing – it is not allowed from vehicles, but people walking along next to a float are still throwing it. It becomes a safety issue with kids running out to pick it up. Again, the barricades should help.

Penn Way had two concerns: 1.) Employee access - at 189 and 95 Main Street as he has space for employees to park, must they use shuttle and park elsewhere?. 2.) Access-is there room for reprovisioning? Last year a large delivery truck could not get through and they sold out before the end of Pumpkinfest. Mr. Sidelinger responded saying that they were aware of the "gap" problem in the parade and will work to close it up. As far as employees, they will be encouraged to take the shuttle from varying parking areas to all businesses. If you have specific parking for them, it shouldn't be an issue. As far as provisioning, he has a friend who had it done very early in the morning last year and had no problem.

Seth Hagar (black sweat shirt and baseball cap) asked about the construction projects taking place in C1 and the effect on Pumpkinfest: Bristol Road, Academy Hill and Back-Harbor parking lot. **Matt Lutkus** responded saying the Bristol Rd. project will be done; parking lot RFP states that is to begin after Columbus Day weekend, and Academy Hill is a Newcastle project. **Mr. Sidelinger** stated the new municipal bathrooms are slated to be completed well before that weekend (possibly by June). **Matt Lutkus** stated the town will vote on the plan. **Mark Hagar** is in favor of off-site alternative parking and would prefer none in back lot. He believes Water St. is too limiting for busses and the back lot is best. **Robin Mayer** stated that she would like to see the alternative parking for the weekend all firmed up.

She thanked Mr. Sidelinger and the Committee for their hard work and for starting so early. She also like the back lot open at night. **Dick McLean** also added that, if busses were in the back lot, there was still plenty of room for delivery trucks. The police have a good flow going so that would be possible. **Chairperson Mayer** asked for and received tacit approval to move forward.

VII. Citizen Comments and General Correspondence: None

VIII. Town Manager Items

1. Energy Commission Discussion

The Energy Commission will be meeting 2/21/19 at 10 am at the Town Hall where representatives from Damariscotta and Newcastle will discuss solar and other alternatives to decrease fossil fuel use. They will be discussing possible sites. Any interested Board member is welcome to attend. There is a lot to discuss and a lot on their plate.

2. Broad Reach Grant

The town has received a small grant to conduct research on tidal flats. This will mostly impact clams, mussels, and incidental oysters (those that escape cultivated areas and are “at large”.) This study will be anecdotal information to make harvest projections and recommendations for shellfish conservation. 95% of the work has been done by the Darling Center and the Shellfish Committee. Grant was \$13,000.

3. Possible Selectman’s Workshop in March

Matt Lutkus suggested the Board have a workshop meeting with Amanda Meader, town attorney, the police chief, Jason Warlick, code enforcement officer, Stan Waltz, and interim planner, Bob Faunce. The purpose would be to review both adult-use and medical marijuana ordinances as well as pertinent sections of the zoning ordinances. Matt suggested that the “box format” previously distributed was a basic starting point, but using that format might keep the discussion on track. He felt they should plan on 2-3 hours, perhaps having lunch brought in. Matt will send out a goggle calender to coordinate a good time for everyone. **Ronn Orenstein** asked what happens if one or more of the ordinances doesn’t pass. Matt said the changes to the land use ordinances are minimal. However, if an ordinance didn’t pass, the ordinance would not be implemented. The ordinances were written pending passage by the town and within the guidelines of State regulations. He doesn’t expect much of an issue on zoning. In the meantime, the Board should begin reviewing and marking up their copies so everyone is ready to go once a day is arrived at.

4. Straw Vote on Annual Report Dedication/Spirit of America Tribute Recipient

Board members were asked to submit, by secret ballot, their personal selections for these two award. A nominee could be the same for both awards, and in fact, the same person has received both awards in the past. Matt will ensure that Lou Abbotoni has a chance to give his input.

5. Revenue Sharing

Matt Lutkus reported that Kate Dufour of MMA said there were 2040 bills in the legislature. A full 5% is retroactive if a new bill is not passed. Previous legislature recommended a decrease to 2%; new governor has recommend an increase of 2.5%. If no bill passes, it goes to 5%.

6. Local Option Sales Tax

Currently there is no formal position from the Board of Selectmen in Damariscotta. There are three bills on this before the legislature. One is very similar to what Mark Hagar and Matt proposed; one follows the model Portland proposed.

7. Marijuana Ordinances-MMA Position

MMA is rewinding back, supporting a 25% tax revenue to the municipalities.

8. Waterfront Grant Funding

There is no money currently from the State, but there may be some in the future. The federal program encourages transient boats 26 feet or larger.

9. Police Vacancy Filled The Town has hired a new police officer, Craig Worster, who will be part-time for Damariscotta as he works as a Resource Officer in Wiscasset. We had two vacancies and still have one to fill. In the meantime, an officer is leaving to go to Waldoboro. A deal has been worked out for Waldoboro to reimburse the new officer's expenses. The Chief did do interviews at the Police Academy after graduation and there are prospects from that.

IX. Official Action Items

1. Winter Road Maintenance Contract

2. Downtown Winter Maintenance Contract

Both contracts were taken up together. **Seth Hagar** presented. **Matt Lutkus** said he was good with the proposals, both of which are up for new contracts. The options were to extend the old 3 yr contract for two years or propose a new 5 year contract with a 2 year extension option. Matt felt the pricing and increases were reasonable. **Seth** explained that a new 5 yr contract with 2 year extension allowed him to take advantage of value in time. Thirty-six month financing vs. 60 month financing is an advantage for him and the Town. He can spread out costs and the town can budget with concrete figures for 5 years. **Chairperson Mayer** said she appreciates all they do and how much it takes. She likes using local businesses and stated that before Hagar, Inc. took over the contract there were lots of complaints. Since then maybe 20 at most, the bulk of which were ice build-up and mailbox damage.

On motion (Mayer/Orenstein) to bypass the Charter bid requirements and approve a five year contract for Winter Road Maintenance and for Downtown Winter Maintenance with a two year extension option.

Vote: 3-0-1 (Hagar abstaining)

X. Selectmen's Discussion Items

Amy Leshure asked about sending a letter to the Damariscotta Chamber of Commerce regarding setting one or two of their "Business After Hours" events on a night other than the third Wednesday since no selectman is available then.

Mark Hagar asked about the cones on Belvedere, if they were permanently down or just for the winter with plowing. He felt they were a great help with traffic flow. **Matt** will ask MeDOT about it. Also **Mark** would like **Matt** to ask about Belvedere Extension.

Ronn Orenstein reported on the keyboard voting devices. He recommends the same system as Newcastle has. They are quite happy with it; available through Dynamic Services. He feels 100 units would suffice. It is not wi-fi based and therefore there would be no hacking issues.

XI. Adjournment

On motion (Mayer/Orenstein) the meeting was adjourned at 8:15 p.m.

Vote: 4-0-0

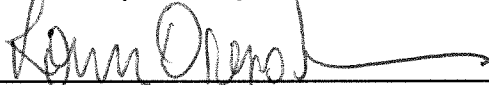
Respectfully submitted,

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



Ronn Orenstein, Vice-Chairperson



Mark Hagar



Amy Leshure

Louis F. Abbotoni (absent-excused)

Town of Damariscotta, Board of Selectmen, signed this date: 3/20/19