

MINUTES
BOARD OF SELECTMEN'S MEETING
September 4, 2019 5:30 pm
at the Damariscotta Town Hall

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

Members Absent : None

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

Others Present: George Betke, Alan "Buzzy" Pinkham, Haas Tobey, Mark Ferrero, Kelsey Wollen, Max Johnstone, Vicki Pinkham and Evan Houk, Lincoln County News

I. Pledge of Allegiance

II. Public Hearing – Draft Marijuana Ordinances and Ordinance Amendments.

Hearing was called to order at 5: p.m. by **Chairperson Mayer**. Her opening comments included reminding the audience that comments were limited to the draft ordinances only. The order of speakers would be residents, business owners in town, and interested citizenry, in that order. She asked those making comment to state their name, address, and business, if applicable. Also she asked the speaker to please refer to the item s/he was addressing by page number and section.

Alan Pinkham was the first speaker. He wanted to make sure the ordinances for medical marijuana addressed the user as a patient, not a customer or consumer. **Matt Lutkus** stated that in the definition section, users were quantified as patients. **Mr. Pinkham** went on to explain that the big difference between the recreational adult-user and a patient is there is no tax on the patient for medical use. He was also concerned about the limit on the number of stores providing medical marijuana. Section 902.13 he felt was too limiting for medical use. Having a lottery is an event of chance. A 70% vote to have medical marijuana sold in town, means there are more people looking for medical solutions and they want a choice of providers. He equated the medical store to a pharmacy; the town does not limit the number of pharmacies. To have only two, determined by chance, is not fair to the consumer. He felt large licensing fees would only be passed on to consumers, thus creating an additional tax on the patient.

Mark Ferrero spoke next as a current owner of a medical marijuana establishment. He has seen an increase from approximately 12 patients a day to over 30 in less than a year of operation. His issue was with the sign ordinance. Since there is no need to prove medical need by State law, why is it necessary to specify "medical" on the outside signage. **Robin Mayer** stated the intent was to differentiate between adult-use and medical establishments. She stated that the Board had received input from the community that they wanted this distinction in the signage. **Mark Ferrero** felt it created a barrier to educational information and potential users might not come in to get information if they thought they needed a medical card to enter. **Lou Abbotoni** disagreed, feeling it did not create such a barrier.

Vicki Pinkham asked for the wording of the ordinance(s) that passed. **Matt Lutkus** said he did not have the exact wording with him, but explained two of three passed (moratorium did not pass), and he would get the exact ordinance wording to her. **Ms. Pinkham** clarified that the ordinance must pass before it can be enacted and **Matt Lutkus** confirmed that. **Kelsey Wollen** asked about the Land Use Ordinance and if the YMCA qualified as a "school" as it had day care. **Matt Lutkus** verified that the "Y" was

included in that zone. With no other speakers coming forward, **Chairperson Mayer** closed the Public Hearing at 5:57 p.m.

III. The regular meeting of the Board of Selectmen was called to order at 5:57 p.m.

IV. Board Direction on Draft Marijuana Ordinances and Ordinance Amendments

Chairperson Mayer stated that she felt there were no substantial changes based on the Public Hearing and Matt Lutkus and the Town lawyer would review the ordinances again for typos, spacing, and other editorial corrections.

On motion (Mayer/Abbotoni) to finalize all ordinances as currently drafted for the November ballot with any changes only being editorial in nature. Vote: 5-0-0

Matt Lutkus clarified there would be a total of 9 ordinances appearing on three warrants: A licensing ordinance on medical use and 3 zoning ordinances on medical marijuana; 1 licensing ordinance on adult-use marijuana and 3 zoning ordinance on adult-use; and one ordinance on edibles. **Chairperson Mayer** asked Matt Lutkus if the Board could expect the final versions within a week. He responded in the affirmative.

V. Minutes:

On motion (Pinkham/Abbotoni) to approve the minutes from 8/21 /2019 as distributed, with the removal of the Assessors' Minutes to a separate item to be approved at the next Assessor's meeting.

Vote: 5-0-0

VI. Financial Reports

1. On motion (Mayer/Pinkham) to approve Payroll Warrant #13 Vote: 5-0-0

2. On motion (Pinkham/Abbotoni) to approve Accounts Payable Warrant #14 Vote: 5-0-0

VII. Presentations: None

VIII. Citizen Comments and General Correspondence: None

IX. Town Manager's Items

1. Tax Bills

Tax bills were completed last Thursday and Friday and went out. This was 2 weeks ahead of last year.

2. Bike Maine

Reminder bicycles will be in town September 9th & 10th with an early afternoon arrival on Monday. Motorists will be advised to use alternate routes. Also, a reminder that the law gives bicycles a 3' clearance from motor vehicles.

3. Miles Street Improvements

The preliminary plan is developed with coordination of Gartley/Dorsky, Miles and the Sanitary District. A review is scheduled for September 5th. The schedule may be quicker than originally planned as the retaining wall is collapsing. Plan now is for work to be done before winter. Lincoln Health has been a great partner and has agreed to "front end" the money for this with a 50/50 partnership.

4. Maine Municipal Association Conference

The MMA Conference will be October 2nd and 3rd in Bangor. Presently, the Board does not have representation. Matt would like the Board to designate a voting representative. He plans to go. If anyone else wants to go, let Robin Mayer know.

On motion (Mayer/Abbotoni) to appoint Matt Lutkus as the Board's official voting representative.

Vote: 5-0-0

X. Official Action Items

1. Tobacco Use Policy

The updated Tobacco Policy was distributed previously with no significant changes. Kelsey Wollen was present to answer questions. **Chairperson Mayer** asked if all electronic products were covered. **Ms. Wollen** stated that all signage designated cigarettes and electronic devices. She showed a sample of those that will be posted downtown at stores and in the park. It is a "work in progress." She also informed the Board that by Maine Law LD152 all tobacco products/devices are banned from school property.

On motion (Pinkham/Abbotoni) to approve the revised Tobacco Use policy which supersedes the previous policy of February 2019.

Vote: 5-0-0

2. 2019-20 Goals and Action Plan

The Board met in a workshop in August to review a draft of the goals and action plan for the current year. Changes made by the Selectmen to the 6 page draft were distributed ahead of the meeting.

On motion (Abbotoni/Pinkham) to approve the Goals and Action Plan for 2019-20. Vote: 5-0-0

3. Waterfront Improvement

Max Johnstone was present to answer questions. **Matt Lutkus** applauded Max's efforts in getting the summary proposal for the preliminary grant completed. The Town and the Mid Coast Economic Development District (MCEDD) staff have continued to move forward in their efforts to secure additional funding for the Town's waterfront and restroom projects through the Economic Development Administration (EDA). Grant requirements call for the submission of a summary to the regional administrator prior to submitting the preliminary proposal. This was submitted in May and the Town is awaiting feedback. It was decided to go ahead with the pre-application to begin the EDA review process. Max spent the better part of August 28th in the Town office filling out the pre-application form (attached).

The Board will notice an increase in the amount of the grant request from \$800,000 to \$1,024,589, approximately 10%. This is a "fudge" factor which still keeps the grant above the 50% threshold for Town match. Matt is concerned about escalating construction costs. Aside from this adjustment, the application reflects the Board's previous direction regarding various elements of the two projects. Any further refinements can be made, if and when, the Administrator allows The Town to submit a final application. **Robin Mayer** asked if the grant was a single year funding grant, and if so, does the 9/30/19 deadline apply. **Max Johnstone** said the timeline is for next year. He felt, in talking with the Board and business owners, parking was the main topic of concern, followed closely by the public bathroom project. **Chairperson Mayer** asked if there was partial funding available or was it an "all or nothing" grant. **Max** replied it was mostly "all" funding, although item #7 miscellaneous may not get funded. It

does include a study for a sea wall but not construction of such. They need a cost-benefit analysis done for a sea wall and the storm drainage system. **Haas Tobey** asked if the elevation was remaining the same. Response was for now the plan is the same elevation.

On motion (Pinkham/Abbotoni) to approve the preliminary application to the Economic Development Administration for grant funding. **Vote: 5-0-0**

XI. Selectmen's Discussion Items

Lou Abbotoni commented on Matt Lutkus' speech to the Rotary Club. It was very good, but it was apparent that the citizenry is not paying attention, as taxes have decreased and debt has also been reduced. **Matt** can have an article to the press to help the public understand Town spending. Consensus was not to go overboard or be too complicated. Some things that could be in the press release could be the 2 large pieces of fire equipment and the three sidewalks that have been completed. **Robin Mayer** said she would like to see it on the website as a "story" not a news article. Amy Leshure felt it was a myth about Damariscotta having too high taxes. **Haas Tobey** interjected that there has been an improvement in the quality of life for all citizens.

Chairperson Mayer reminded everyone of the County budget meeting Thursday, September 19th. At this time Damariscotta is not represented. If anyone wants to go/represent the Town, it is at the County Courthouse. Ask the item s/he was addressing. Robin for time and details.

XII. Adjournment

On motion (Pinkham/Abbotoni) to adjourn at 6:29 p.m.


Vote: 5-0-0

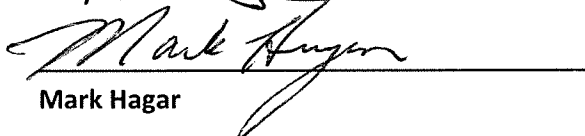
Respectfully submitted,

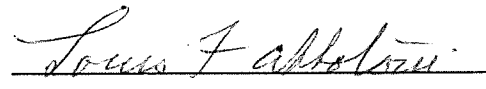
Lynda L. Letteney
Recording Secretary


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


Roberta Mayer, Chairperson


Amy Leshure


Mark Hagar


Louis F. Abbotoni


Josh Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: _____