

**Town of Damariscotta  
Board of Selectmen Public Hearing  
& Meeting Minutes  
May 3, 2017 5:30 p.m.  
Damariscotta Town Hall**

The Board of Selectmen met on Wednesday, May 3, 2017. Members present were Robin Mayer, Ronn Orenstein, George Parker, Mark Hagar, and James Cosgrove. Staff present were Matt Lutkus-Town Manager and Michelle Cameron-Town Clerk. Others attending were Karen O'Bryan for LCTV, James Campbell-resident, Valerie Seaberg-resident, Vonnie Nilson-resident, Valerie Seibel-resident, Dick & Barbara Sundberg and Joe Lane & Isabella Nelson-Joe Lobsterman LLC.

**I. Pledge of Allegiance**

**II. Public Hearings:** R. Mayer opened the hearings at 5:30 p.m.

- 1. Liquor and Entertainment Licenses for Joe Lane Lobsterman, LLC:** R. Mayer stated that the restaurant would be located on Elm Street in what used to be the Second Hand Bookshop. Vonnie Nilson expressed concern the Entertainment license hours of operation and what the noise level would be. She stated that it is a Residential area and that there is concern about restaurant customers parking on the street.

R. Mayer stated that the Planning Board had approved five (5) parking spaces.

J. Cosgrove asked what zone the location is.

Lutkus answered that it is located in the Commercial Zone.

J. Cosgrove stated that the Board of Selectmen are not the Planning Board and that there is a similar business located a few doors down.

There was general discussion on the fact that Elm Street has all day parking.

Joe Lane stated that the Planning Board went over what is permissible regarding sound levels. Lane and Isabella Nelson asked if they could change the hours for serving liquor and entertainment. They stated that they would like to serve liquor and have entertainment Sunday-Thursday from 11:00 a.m. to 8:00 p.m. and Friday-Saturday from 11:00 a.m. to 9:00 p.m. This was amended from the original applications that stated they would serve liquor and have entertainment 7 days a week from 11:00 a.m. to 7:00 p.m. Nelson explained that most likely they would only have acoustic on the 4<sup>th</sup> of July, but did want the entertainment license in case they decided to have a musician in more regularly.

R. Mayer stated that they could state the changes they want and it would be decided during the selectmen's meeting.

R. Mayer closed the hearing at 5:45 p.m.

- 2. R. Mayer opened the hearing at 5:45 p.m.**
- 3. Proposed formatting and minor wording changes to Cemetery Ordinance, the Town Landing Ordinance, the PACE Ordinance, the Posted Roads Ordinance, the Property Maintenance Ordinance and the Driveway/ Driveway Entrance Ordinance:** R. Mayer explained the formatting changes, stating that these changes match the formatting that was voted through during the last annual town meeting.
- 4. Proposed Repeal and Replacement of Shellfish Conservation Ordinance:** Lutkus explained that the proposed new ordinance follows the process provided for in the Harbor Management Ordinance where the two Towns have created an Interlocal agreement by virtue of the ordinance itself. He said that the wording changes were requested by the Department of Marine Resources.
- 5. Proposed Repeal of Solid Waste Disposal and Recycling Ordinance:** Lutkus stated that this ordinance was out dated and that the town has not been enforcing it for some years.
- 6. Proposed Repeal of Vending Ordinance and Adoption of New Licensing Ordinance:** Lutkus said that the town does not get compensation for licensing. For example, costs for police and fire departments. Lutkus also said that the new ordinance would allow vendors to sell on public property as well as private property.

M. Hagar asked if Pumpkin Fest vendors have to apply for a permit.

Lutkus answered that if they are a non-profit organization they do not have to pay for the \$50 permit, but everyone else does.

**R. Mayer closed the hearing at 5:53 p.m.**

**III. Call to Order: R. Mayer opened the meeting at 5:53 p.m.**

**IV. Action of Public Hearing Items:**

1. **Liquor and Entertainment Licenses for Joe Lane Lobsterman, LLC:** Joe Lane and Isabella Nelson asked the Board to accept the amended hours on their Liquor & Entertainment Licenses.  
R. Mayer was of the opinion that maybe the hours should be kept as they were first stated on the applications.  
J. Cosgrove said that he respectfully disagreed and that the Board should not tell business owners what hours they should be open.  
G. Parker, M. Hagar and R. Orenstein agreed that if Lane and Nelson wanted to change the hours they should be able to.  
R. Mayer made the amendments to the applications to reflect the changes.  
**On motion Cosgrove/Hagar moved to approve the Liquor and Entertainment Licenses for Joe Lane Lobsterman, LLC with amended hours. Vote 5-0**  
The Board decided to take action on items # 2-4 in one motion. **On motion Parker/Orenstein moved to take action on Public Hearing Action items 2-4. Vote 5-0**
2. **Proposed formatting and minor wording changes to Cemetery Ordinance, the Town Landing Ordinance, the PACE Ordinance, the Posted Roads Ordinance, the Property Maintenance Ordinance and the Driveway/ Driveway Entrance Ordinance**
3. **Proposed Repeal and Replacement of Shellfish Conservation Ordinance**
4. **Proposed Repeal of Solid Waste Disposal and Recycling Ordinance:**  
**On motion Mayer/Cosgrove moved to accept the changes in the ordinances listed in items # 2-4 and place them on the warrant for the annual Town Meeting in June. Vote 5-0**
5. **Proposed Repeal of Vending Ordinance and Adoption of New Licensing Ordinance: On motion Mayer/Parker moved to table action on the Vending Ordinance and new Licensing Ordinance. Vote 5-0**

**V. Minutes:**

1. **April 5 & April 19 Meetings:** On motion Mayer/Parker moved to accept the minutes for both April meetings. **Vote 5-0**

**VI. Financial Reports:**

1. **Payroll Warrant #50:** On motion Mayer/Orenstein moved to approve PY Wrnt# 50. **Vote 5-0**
2. **Accounts Payable Warrant# 51:** On motion Mayer/Orenstein moved to approve AP Wrnt# 51. **Vote 5-0**

**VII. Presentations: NONE**

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

1. **Letter from Friends of Colonial Pemaquid:** R. Mayer said that there had been another letter received. She suggested to Lutkus that any other updates that come in from Friends of Colonial Pemaquid that do not ask for a specific action or note a significant change in status should simply be emailed to the Board for its information and not added to the agenda items.

**IX. Town Manager Items:**

1. **Harbor Management and Access Grant Application:** Lutkus stated that the application was submitted. He said that if the town received the funds of \$17,300, it would help with the restroom design. Lutkus said that we are getting close to having the full funding for the restroom project. Lutkus stated that Hugh Priebe, our Road Commission, suggested making the process a two part process. The Board could allow staff to create an RFP for the design and then the Board could review the elevations and plans and then after the plan is decided on, the staff could create a RFP for the engineer services.  
G. Parker agreed saying that it give the town a chance to get the public involved.

R. Mayer said that she is in favor of unisex bathrooms because you don't need as many if you do that and that you do not have install urinals. This would save on costs. She also suggested that there are drop down baby cleaning stations installed.

Lutkus had a very productive meeting at the waterfront with NOAA & various State Agencies. Lutkus, Toby Haas, and Barnaby Porter expressed concern regarding lack of funds to help with Flood Resiliency efforts for downtown.

2. **Chamber of Commerce Annual Meeting –May 18:** Lutkus reminded the Board that the meeting is at Lincoln Academy at 5:00 p.m. on May 18<sup>th</sup>.
3. **Great Salt Bay Community School Annual Meeting – May 10:** Lutkus said that the meeting starts at 7:00 p.m.
4. **Keypad Voting for Annual Town Meeting:** Lutkus stated that he signed the contract for the keypad voting.
5. **Special Advertisement for Annual Town Meeting:** Lutkus mentioned that Dick McLean has written the advertisement and would like the town to run the ad in the Lincoln County News.  
J. Cosgrove stated that he was uncomfortable with paying for the ad and how it was written.  
R. Orenstein and R. Mayer agreed that the ad needed editing. R. Mayer said it's a nice idea but maybe it should read as an invitation from the Board. She will edit it and email Lutkus and the Board the ad.
6. **Website Update:** Lutkus informed the Board that the staff had training on the website. He stated that the firm VTS is very close to completing their end of things.

#### X. Official Action Items:

1. **Payment In Lieu of Taxes from the Midcoast Friends Meeting:** Lutkus informed the Board that the town had received a \$400 payment in lieu of taxes from the Midcoast Friends Meeting.  
M. Hagar asked if we put a "thank you" for these types of payments in the Town Report. The Board agreed that this would be a good idea.  
Lutkus said that as a service center, the town could charge non-profit organizations a fee but that the collection of the fees is cumbersome.  
R. Mayer mentioned that some towns send a letter out to all the resident non-profit organizations requesting donations.  
**On motion Cosgrove/Parker moved to accept the payment in lieu of taxes from Midcoast Friends Meeting. Vote 5-0**
2. **Warrant for Secondary Schools:** Lutkus said that the Secondary budget appears to be decreasing about 12%. He said this was due in part to the town being reimbursed for Special Education costs. **On motion Cosgrove/Parker moved to accept and sign the Warrant for Secondary Education and Adult Ed. Vote 5-0**
3. **Selectmen's Recommendation on Provider Agency Requests:** Lutkus asked the Board what position they wanted to take on making a recommendation for the Provider Agency requests.  
J. Cosgrove said he was in favor or not taking a position.  
R. Mayer agreed saying, let the voters decide at town meeting.  
**On motion Cosgrove/Mayer moved to take no position in the recommendation of Provider Agency requests. Vote 5-0**
4. **Use of Orton Foundation Funds for Twin Villages Business Summit:** Lutkus said that in 2015, the town had received a \$5,000 grant from the Orton Foundation for community outreach. Most of the funds had been used for community outreach for the Sign Ordinance. Lutkus stated that he has requested from the Orton Foundation that the rest of the funds be used for the Twin Villages Business Forum. This would meet the criteria for business outreach. He has not heard back from them but is requesting that the Board approve the use of the funds for this purpose as well. Lutkus quickly listed what would be discussed at the forum. Lutkus said that the ASK Grant Program through Lincoln County Planning has approved \$1000 towards the forum. If the Board & the Orton Foundation approves, the remaining \$2,630

would be applied to the forum costs. **On motion Hagar/Cosgrove moved to approve the expenditure of the remaining Orton Foundation Funds for the Twin Villages Forum. Vote 5-0**

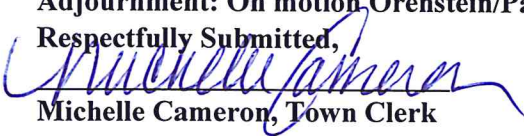
5. **Approval of Contractor for Riverside Park Riprap Replacement:** No discussion. **On motion Mayer/Parker moved to approve Hagar Enterprises, Inc. for the contractor for the Riverside Park Riprap Replacement. Vote 4-0, Hagar Abstained.**
6. **Request for Qualifications/ Proposals for Engineering and Design for Public Restrooms:** R. Mayer stated that if there restrooms were unisex, it would save money. The general consensus was agreement. Parker asked if we have a site for the restrooms. Lutkus answered that right now the location is the town owned four parking spaces adjacent to Taco Alley. Lutkus suggested that the Board take the Engineering and Design in two phases. First phase would be to have staff put out an RFP for design, have the Board review it and then put out a second RFP for the engineering phase. **On motion Mayer/Orenstein move to allow Town staff to prepare an RFP for the design of the Public Restrooms and to prepare a separate RFP for the engineering phase of the project. Vote 5-0**

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

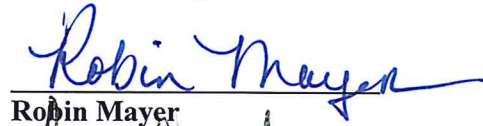
1. M. Hagar wanted to thank Lutkus for reaching out for donations. It really helps the tax payers.
2. J. Cosgrove stated that he was upset by the fact that the Newcastle town attorney is leading a non-growth meeting that is taking place during the time of this meeting. The Board could not have attended if they had wanted to.  
R. Mayer stated that she did not think he's doing it as Newcastle's attorney, but as a citizen. There was general discussion on the history of the group "Our Town" that held the meeting and that Damariscotta has a commercial district for a reason.  
R. Mayer stated that any business is welcome.
3. G. Parker mentioned that he saw Hugh, the town Road Commissioner, working on the Wacker Neuson and his worked look great and Hugh is doing a great job. It was a good purchase.
4. R. Orenstein noticed that some people are parking in the boat parking spaces in the Municipal parking lot. Lutkus said that parking is not enforced until Memorial Day.
5. R. Mayer said that a number of towns celebrate May Day with floral and spring like decorations. She thought it would be nice if Damariscotta could welcome spring. She also mentioned that the Stephen King Foundation has funds available. She would like to see if the town could get grant money to help with YMCA trail. The rest of the Board thought it was a great idea. Mayer will apply and see if she can get funding.

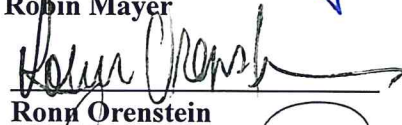
**XII. Adjournment: On motion Orenstein/Parker moved to adjourn at 7:00 p.m. Vote 5-0**

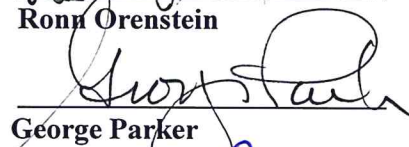
Respectfully Submitted,

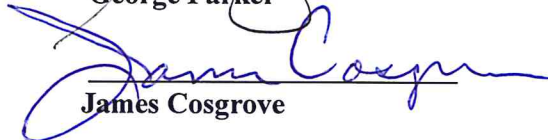
  
Michelle Cameron, Town Clerk

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

  
Robin Mayer

  
Ronn Orenstein

  
George Parker

  
James Cosgrove

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Mark Hagar

Town of Damariscotta, Board of Selectmen

Signed this date 5/17/17

