Town of Damariscotta
Board of Selectmen
Meeting Minutes
July 5, 2017 5:30 p.m.
Damariscotta Town Hall

The Board of Selectmen met on Wednesday, July 5, 2017. Members present were Robin Mayer, Ronn Orenstein, George Parker, Mark Hagar, and Amy Leshure. Staff present were Matt Lutkus-Town Manager and Michelle Cameron-Town Clerk, Others attending were Maia Zewert-LC News, Gina Hamilton-Wiscasset Newspaper, Patti Whitten-Cemetery Committee, Lorraine Faherty-Cemetery Committee, Jim Campbell-resident, Edwin Stelzer-resident, Karen O'Bryan-LCTV & resident.

I. **Pledge of Allegiance**

II. **Call to Order:** R. Mayer opened the meeting at 5:30 p.m.

III. **Required Action for New Board:**

1. Election of Chairman, 1st Vice Chairman, 2nd Vice Chairman: **On motion Orenstein/Hagar moved to appoint Robin Mayer as Chairman, George Parker as 1st Vice Chairman and Ronn Orenstein as 2nd Vice Chairman. Vote 5-0**
2. Appointment of Secretary: **On motion Mayer/Parker moved to appoint Cheryl Pinkham and Michelle Cameron as Board Secretaries. Vote 5-0**
3. Establishment of times, dates and location of regular meetings for FY 2018: **On motion Orenstein/Parker moved to meet every first and third Wednesday of the month throughout the year at 5:30 p.m. at Town Hall.**

   Leshure asked if there is a historical precedence for Wednesdays.

   Lutkus answered that it has been on Wednesdays. He then looked at the Charter to see if it has to be Wednesday. He read aloud from the Charter, "The Board of Selectmen shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for its meeting and shall meet regularly at least twice monthly". Lutkus received a call from Chief Warlick that he needed to take at this time.

   Mayer stated that the only reason she could think of for having the meetings on Wednesday is for signing the payroll warrant. Mayer asked Michelle Cameron if this was the case and whether the meetings and payroll warrants needed to be signed before employees are paid.

   Cameron answered that employees get paid on Thursdays, so Wednesday make sense or any day before Thursday.

   Hagar said that Wednesday nights run into School Board and Educational Plant Maintenance Association meetings that he needs to attend so he is open to a change of meeting times.

   Parker & Orenstein said they could adjust their schedules if needed.

   Orenstein rescinded the motion on the floor.

   There was further discussion about what day and time to meet.

   On motion Hagar/Parker moved to meet every first and third Tuesday of the month.

   Mayer asked Lutkus to weigh on the Tuesday meeting schedule.

   He asked Cameron if this would affect the AP Warrant process. After speaking with Becky Bartolotta-staff member, Cameron said it would not affect the AP Warrant. He said as far as the staff schedule is concerned, it's whatever the Board wants to do.

   Vote 4-0, Leshure abstained

   Mayer said the Board can revisit the meeting day in three months to see if it is working for everyone.

   On motion Parker/Orenstein moved to set the meeting start time at 5:30. Vote 5-0

   Lutkus mentioned that the Board is holding a public hearing on July 19th and that it had already been advertised. He suggested that the new meeting schedule begin in August.

   On motion Mayer/Hagar moved to start the new Tuesday meeting schedule in August. Vote 5-0

IV. **Minutes:**

1. **June 7 and 14th Meetings: On motion Mayer/Parker moved to approve the June 7th & 14th meeting minutes. Vote 5-0**

V. **Financial Reports:**

1. **Payroll Warrants #'s 58, 59, 60, and 61: On motion Mayer/Orenstein moved to approve PY Wrnt #'s 58, 59, 60, and 61. Vote 5-0**
2. **Accounts Payable Warrant #'s 62 & 2:** Mayer had a question on the purchase of some tires on one of the invoices. She had asked Lutkus to check into it.
   Lutkus said that he wasn't able to get an answer from the Chief just now but said that he did recall that the Ford tires had been on a previous warrant and that the Board has already approved them. Lutkus asked that the Board hold off on approving the Interceptor tires warrant item. He said he would check on the invoice.
   On motion Mayer/Orenstein moved to approve AP Wrnt #62 with the exception of invoice #18250 from Quick Turn Automotive Repair & Towing for the Ford police cruiser in the amount of $615.03. Vote 5-0
   On motion Mayer/Orenstein moved to approve AP Wrnt #2. Vote 5-0

VI. **Presentations: Midcoast Code Officers' Association Code Officer of the Year Award:** Lutkus announced that Stanley Waltz had received the award this year. Lutkus said that the Waldoboro Town Manager had some kind things to say about Waltz in the Lincoln County News article. Lutkus said he would echo those sentiments. He said he really appreciates the temperament that Waltz has. It fits perfectly with the job of Code Enforcement Officer. Lutkus said that Waltz had another meeting he needed to attend this evening and that he had excused him from this meeting.
Mayer said that she attends a lot of the Planning Board meetings and that Waltz always has an answer which is amazing because he is Code Enforcement Officer for several towns.

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

1. Jim Campbell asked about the new business development at the corner of Biscay Road. He hope that they would still build there.
Lutkus responded that the developers were waiting for the notice of decision from the Planning Board. Campbell had a copy of a letter to the editor that was printed in the Lincoln County News. Mayer suggested that he give it to Lutkus to forward to the Chairman of the Planning Board.

2. Edwin Stelzer, a resident who lives on Westview Road, addressed the Board concerning a culvert located on town property that abuts his neighbor Peggy Haas' property. He said he is representing Peggy Haas is this matter. He stated that he has written a twelve page letter he intends to submit to the Board. He said that he was going to have his driveway hot topped along with four other neighbors. The Haas property had a culvert that Stelzer said was not being used and it had caused the road to break up. He had contacted the Town Office and asked if he needed a permit for the hot top project. Hugh Priebe, the Road Commissioner, answered that, yes, you did need a driveway permit. Stelzer said that the permit does not apply to re-doing hot top. He mentioned that he had spoken with Priebe and Lutkus and that Priebe stated that the culvert is town property and needs to be replaced. Stelzer said he refused to replace the culvert. He said that he consulted with his hot top contractor and they both agreed that the culvert could come out. He stated that Lutkus and Priebe had both said he had no right to remove the culvert because it was town property. The culvert was removed and the hot top project completed. Stelzer said that the town will not set foot on the Haas property or he will take legal action.
Lutkus said that this topic will be discussed during the Board's executive session later on this evening. He said that there will several violations of State Statutes and Town Ordinances, but that he needed to look at those and review them with the town attorney. Lutkus asked the Board to refer this to staff for the time being. Stelzer requested to be put on the Board's next meeting agenda.
Mayer thanked Stelzer for coming in and that the Board will see what can be done. She said the town will so research and get back to him.

VIII. Town Manager Items:

1. **Tour of Town Cemeteries and Ancient Burial Grounds:** Lutkus said that Patti Whitten has offered to give the Board a tour. Whitten showed that Board a map of the cemeteries and burial grounds. She said that it would be helpful if the Board of Selectmen were familiar with at least the three town owned cemeteries and to see what the Cemetery Committee is dealing with regarding all the veteran graves. Mayer stated that she had taken the tour and it was great. She encouraged the other Board members to take it as well. She mentioned that the tour shows what all the terrific volunteers do.
2. **Public Hearing On Possible Recreational Marijuana Ordinance:** Lutkus reminded the Board that there is a public hearing on July 19th at 5:30 p.m.
3. **Update on New Website:** Lutkus said that there is a question on domain ownership and that staff is working to resolve it.
4. **Date for Workshop On 2017-18 Goals and Action Plan:** Lutkus asked the Board when they would like to have their workshop.
   Mayer stated that sooner rather than later would be better due to goal setting.
   August 1, 2017 was agreed upon. The workshop will follow the regular Board meeting.
5. **Update on US 1 Bypass Safety Audit:** Lutkus had forwarded Dave Allen's follow up message on the status of the bypass safety audit. Allen had sent Lutkus an email with the draft recommendations the committee had. Allen wrote that the recommendations that are easily attainable by Maine DOT are already in their action plan.
6. **Twin Village Alliance:** Lutkus said that TVA hosted a meeting to discuss parking issues downtown. The concerns relate to the parking issues in the summer and employers of downtown businesses allowing their employees to park and take spots that could be used by visitors. TVA is taking an initiative on this to try to find private parking spaces that downtown business owners can lease for their employees. Lutkus said that he would be working with TVA putting together a website that employers could look at to see what spaces are available for lease. We have three or four private owners ready to lease spaces.

IX. Official Action Items:

1. **Boards and Committee Appointments:** Lutkus said that Alternate member should attend every meeting so that they current on what is going on.
   - A. **Planning Board: On motion Parker/Leshure moved to appoint Neil Genthner and Adam Maltese as Regular members for three year terms, Dana Orenstein as First Alternate for a term of one year, and Jenny Begin as Second Alternate for a term of one year. Vote 5-0**
   - B. **Board of Appeals: On motion Mayer/Hagar moved to reappoint Fred Sewall as a Regular Member for a term of three years, Jim Cosgrove as a Regular member with a term expiring June 2019, George Betke as a Regular member with a term expiring June 2018, Phoebe Nichols and Lucy Harrington as Alternate members for a one year term. Vote 5-0**
   - C. **Harbor Committee: On motion Parker/Mayer moved to appoint Michael Herz for a term of three years. Vote 5-0**
   - D. **Financial Advisory Committee: On motion Mayer/Orenstein moved to appoint George Betke and Amy Leshure for a term of three years. Vote 5-0**
   - E. **Public Works Committee: On motion Orenstein/Mayer moved to reappoint George Parker and Josh Pinkham**
2. **Ad Hoc Land Use Revision Committee:** Lutkus said that this committee would be separate from the Land Use Committee. It would focus on criteria of commercial land use development. He said that the name of the committee is yet to be determined. Mayer said that this was going to be a much focused committee that would be decisive and get things done, a "quick in and then out" thing. Lutkus asked the Board to make a motion to form the committee and then a separate one for appointing committee members. **On motion Leshure/Orenstein moved to create an Ad Hoc Land Use Revision Committee and appoint the following members: Robin Mayer-Committee Chair, Adam Nelson, Laurie Greene, Rosa Ergas, Ann Jackson, Shari Sage, and Bruce Rockwood. Vote 5-0**

3. **Confirmation of Town Manager Appointments: On motion Mayer/Orenstein moved to approve all appointments made by Matt Lutkus, Town Manager. Vote 5-0 *See attached for complete list of appointees.**

4. **Appointments to the Lincoln County Regional Planning Commission: On motion Mayer/Hagar moved to reappoint Richard McLean and George Parker as the Town's representatives and Matt Lutkus as the Alternative member on the Lincoln County Planning Commission. Vote 5-0**
5. **Designation of Selectmen to Sign Off-Cycle Payroll and Accounts Payable Warrant: On motion Orenstein/Parker moved to designate Mayer, Parker and Orenstein to sign off-cycle warrants. Vote 5-0**
6. **Order of Municipal Officers Regarding Payment of Outstanding or Delinquent Taxes:** Lutkus explained that the Town Tax Collector is asking the Board to annually approve a policy that requires any payments for taxes to be applied to the oldest outstanding balance due, in accordance with 36 M.R.S.A, Section 906. He stated that the town needs to do this per MMA. **On motion Mayer/Orenstein moved to adopt the order that authorizes and directs the Tax Collector to apply any tax payments against any outstanding or delinquent taxes in chronological order beginning with the oldest unpaid tax bill. Vote 5-0**

7. **Agreement with Midcoast Community Action Agency Re: Worthy Poor Fund:** Lutkus explained that Starting in 2013, the Town contracted with Midcoast Maine Community Action (MMCA) for the administration of the disbursement of the Town's Philbrook and other funds designated for the "worthy poor". MMCA does not charge any administrative fee for this service and allocates the funds to Damariscotta residents in accordance with the criteria described in the agreement. For FY 2018, $11,000 has been allocated for this purpose. **On motion Orenstein/Parker moved to authorize the Town Manager to execute an agreement with Midcoast Maine Community Action for the administration of the Town's Worthy Poor Funds. Vote 5-0**

8. **Assessing Services Agreement:** Lutkus stated that Jurate Barnes has not asked for any changes in her contract or compensation for the coming year. **On motion Mayer/Leshure moved to renew the contract with Jurate Barnes for assessors' agent services for Fiscal Year 2018. Vote 5-0**

9. **Release Deed for YMCA Property:** Lutkus explained that at the Annual Town Meeting on June 14, voters approved a Warrant Article that released the reversionary interest that Town has in the property on which the YMCA, parking lot and ballfields are currently located. The reversionary interest was included in the 2006 deed when the Town transferred ownership to the YMCA. The release is needed in order for the YMCA to obtain a loan financing on its expansion. **On motion Mayer/Orenstein moved to approve and sign the release deed for the YMCA property. Vote 5-0**

10. **Cemetery Deed and Perpetual Care Agreement with Timothy Brian McKenney and Deborah Lee McKenney:** The Board made one motion for both the McKenney and Kierstead deeds.

11. **Cemetery Deed and Perpetual Care Agreement with Martha Kierstead – On motion Mayer/Orenstein moved to approve a Cemetery Deed and Perpetual Care Agreement with Timothy Brian McKenney and Deborah Lee McKenney and move to approve a Cemetery Deed and Perpetual Care Agreement with Martha Kierstead. Vote 5-0**
12. **Fire Department Overhead Door Purchase:** There was general discussion on the door purchase completing the project at the Fire Station. **On Motion Orenstein/Mayer moved to continue to purchase Fire station replacement overhead doors from Overhead Door Company of Augusta, waive Town Charter bid guidelines and authorize the purchase and installation of the two doors for a price not to exceed $6,840. Vote 5-0**

13. **Submerged Lands Grant Award For Biscay Beach Improvements Design:** Lutkus explained that the Town recently had been awarded a $3,250 grant through the Department of Agriculture, Conservation and Forestry to be used toward the design of a boat ramp at Biscay Beach. The local match which the Town has budgeted in capital reserves is $1,625. The purpose of this design process is to determine the possible design of separate boat ramp installed on the Town-owned parcel to separate the area used by boaters backing up trailers from the area used by bathers. Lutkus stated that the town will hold a public hearing to enable feedback from citizens. **On motion Orenstein/Mayer moved to accept a $3,250 grant award through the State Department of Agriculture, Conservation and Forestry for the design of a boat ramp at Biscay Beach. Vote 5-0**

14. **Coastal Humane Society Animal Shelter Services Agreement:** Lutkus said that the amount of the contract with the Lincoln County Sheriff's Office remains that same as FY 2017, $2,218.00. **On motion Mayer/Orenstein moved to authorize the Town Manager to execute the attached agreement with the Coastal Humane Society Animal Shelter for services provided to the Town in FY 2018. Vote 5-0**

X. **Selectmen's Discussion Items:** Orenstein welcomed Leshure to the Board. Mayer echoed this and said the fireworks display was excellent this year and that perhaps the town of Newcastle could be invited to contribute.

XI. **Executive Sessions regarding:**

1. **Police Chief Vacancy, as authorized under 1 M.R.S.A Section 405(6)(A)**
2. **Town Manager Employment Agreement, as authorized under 1 M.R.S.A Section 405(6)(A)**
3. **Negotiations for Possible Land Acquisition, as authorized under 1 M.R.S.A. 405(6)(C)**

XII. **Adjournment: On motion Mayer/Orenstein moved to adjourn at 8:17 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

Amy Leshure

Mark Hagar

Town of Damariscotta, Board of Selectmen
Signed this date 7-19-2017

The following one year appointments made by the Town Manager have been confirmed by the Board of Selectmen:

Code Enforcement Officer and Plumbing Inspector -Stanley Waltz
Fence Viewer- Charlie Ault
Harbor Master- Paul Bryant
Town Clerk – Michelle Cameron
Treasurer –Cheryl Pinkham
Deputy Clerks –Rebecca Bartolotta, Cheryl Pinkham
Road Commissioner –Hugh Priebe
Health Officer- Dr. Timothy Goltz
Tax Collector- Cheryl Pinkham
Animal Control Officer-Lincoln County Sheriff's Department
General Assistance Administrator- Michelle Cameron
Civil Emergency Preparedness Director – Stephen O'Bryan
Deputy Civil Emergency Preparedness Director- John Roberts
Sealer of Weights and Measures- Robert Wiggins
Shellfish Warden –Contract with Lincoln County Sheriff's Office
Town Planner- Anthony Dater
Assessor's Agent-Jurate Barnes
CLC Ambulance Liaison-Mary Trescot
Police Department employees- To be designated by the Town Manager in accordance with the Police Officer Collective Bargaining Agreement and the Town's Personnel Policies and Rules.

The following two year appointments made by the Town Manager have been confirmed by the Board of Selectmen:

Registrar of Voters –Michelle Cameron
Election Clerks – To be designated by Town Clerk for each election