

**Town of Damariscotta
Board of Selectmen's Meeting
Minutes
Tuesday, August 1, 2017**

The Board of Selectmen met on Tuesday, August 1, 2017, members present were Robin Mayer, Ronn Orenstein, Mark Hagar, and Amy Leshure. George Parker was absent (unexcused) Staff present was Town Manager-Matt Lutkus, Police Chief Jason Warlick, and Deputy Clerk- Cheryl Pinkham , Sergeant Erick Halpin, Joanna Kenefick, and Jim Dotson. Others present were LCN reporter Maia Zewert, residents Jim Campbell, Shari Sage, George Betke, Lorraine Faherty, Jim Cosgrove, Seth Hagar, Kathy & Conor Smith, and Karen O'Bryan also of LCTV. Nonresidents Karen-Ann Hagar, Pennington Way, Jane Oliver-Gravel, Chief Lang of Wisc PD, Chief Haush or Boothbay PD, Matt Day, LCSO,

I. Pledge of Allegiance

II. Call to Order

Mayer opened the Board Meeting at 5:34 p.m.

III. Minutes-

1. July 19 meeting-

On motion of Orenstein/Hagar moved to approve July 19th minutes.

Vote 4, 0, 0

IV. Financial Reports

1. Payroll Warrant #5

On motion of Mayer/Orenstein moved to approve PW#5.

Vote 4, 0, 0

2. Accounts Payable Warrant #6

On motion Orenstein/Leshure moved to approve AP warrant #6.

Vote 4, 0, 0

V. Presentations-

1. Swearing in Jason Warlick as Police Chief-

Pinkham administered oath of Police Chief to Jason Warlick; wife Tracy pinned Chief pin.

VI. Citizen Comments & General Correspondence-

Lutkus relayed a letter from Midcoast Maine Community Action thanking the Town & voters for their continued support.

VII. Town Manager Items:

1. **First meeting of Planning Advisory Committee-August 8-**

Lutkus reminded the BOS the first meeting of the PAC will be on August 8th at 4p.m.

2. **Capital Project Updates-**

Lutkus stated the first preconstruction meeting for Elm St, should have the preliminary paperwork and design ready, and hopeful for a Labor Day start with an end of October completion. Currently we are in the process of getting the easements completed.

Hagar asked if the easements meant the residents were giving up their rights to that property.

Lutkus clarified that these are temporary easements mostly, but yes there are 3 permanent easements which means the town is acquiring 6" of property for each of those permanent ones.

Hagar expressed concern for liability by marking parking spaces, inviting people to park. Does not want to prohibit parking, but doesn't want to mark the lines inviting parking, increasing Town's liability.

Lutkus mentioned the Egypt Rd project is still trying to secure funds; and the Walpole Wall is in contract negotiations for \$10,500.00.

VIII. Official Action Items:

1. FY2017 Budget Carry-Forward Requests-

Lutkus requested the BOS act on carry forward requests at the next meeting to allow treasurer more time to prepare the requests.

On motion of Orenstein/Mayer moved to table FY17 carry forward requests.

Vote 4, 0, 0

Hagar asked if the Town purchased our own culvert so the contract was not including it along with a markup for the product.

Lutkus will check with the contractor and let the BOS know.

2. Animal Control Agreement with Lincoln County-

On motion of Hagar/Leshure moved to approve contract with Lincoln County Sheriff Office for Animal Control services.

Vote 4, 0, 0

3. Cemetery Deed & Perpetual Care Agreement with Anne Chow Bates-

On motion of Hagar/Orenstein moved to approve the cemetery and perpetual care agreement for Anne Chow Bates.

Vote 4, 0, 0

IX. Selectmen's Discussion Items-

Mayer informed/reminded the BOS & staff that with the Freedom of Access Act any time 3 members are conversing or emailing each other it constitutes a meeting therefore, if and when emails are sent, they should only reply to Lutkus and not hit reply all to avoid an unofficial or 'illegal' meeting.

Mayer questioned how the new meeting schedule was working out; wondered if the 2nd & 4th weeks of the month work better for some rather than the 1st & 3rd weeks due to conflicting meeting dates? Suggested revisiting the schedule once staff and Board members have had a chance to see how the new schedule is working, it's one thing to change because the Board wishes to, however if it's to the detriment of the town then we need to look at it again.

Hagar questioned whether changing to office hours from Wednesday to Tuesday.

1. Direction to Staff regarding requested moratorium on Commercial Development-

Lutkus said there has been quite a bit of discussion of the increased commercial activity, adding that another developer is interested in 435 Main Street, with a considerably larger development. They have a preliminary application to be submitted to the Planning Board next month.

Hagar is against the moratorium, would like to see the Planning Advisory Board have a chance to do what they BOS created the committee to do. They meet twice a month and then can come to the BOS to decide where to go. Strongly believe it is important to use rules and regulations and any in process need to adhere to the current rules.

Orenstein agreed with Hagar, this takes the impact away from the Planning Board; should allow the committee to do their work and report back to the BOS.

Leshure disagrees with Hagar, supports allowing Committee to do the work they were tasked with, but is in favor of a moratorium.

Mayer agrees with Hagar & Orenstein, we are a regional service center, if we put a moratorium on current projects or projects in the works; that is not business friendly or inviting for future development. Need to look at economic development and opportunities for the growth of the town. Pierce, owner of Yellowfront Groc, this moratorium doesn't make sense to me. We developed a plan years ago of how & where the business growth should occur and this is business route one... business route one, where the business development was intended. This is not business friendly.

Cosgrove reminded everyone that we just spent almost 2 years coming up with a comprehensive plan, which the entire town had the opportunity to vote on, the plan included exactly this type of development in these locations, this is what the Town voted what they wanted. Later the new mil rate will be set by this Board, it will be the highest mil rate in the entire peninsula. We have a tremendous amount of non-profit in our town, which adds to the fabric of life of the community. If we want our town to continue to have nice roads, a great school, that cannot be done on the backs of homeowners. Way stated he moved away for a while, but has come back because the allure of the community. But with 2 massive developments coming to the town but what impact will this have in 5 years? We will have shells of buildings that cannot be redeveloped because the business tried to make a go of it here but couldn't. Doesn't help the town at all. Want real jobs coming to town, not fast food based jobs. Lutkus said there are 2 ways a moratorium could be brought to the town; 1 is the Board can add an article to their annual town meeting warrant, 2 is a citizens initiative which they gather signatures totaling 10% voters that voted in the last gubernatorial election. The petition would need to be submitted with the drafted ordinance.

Leshure felt a moratorium would give the committee more time to perform their task, a moratorium is not killing the project.

Mayer disagreed and said a moratorium completely halts the project, which is killing the project.

Leshure clarified the moratorium is a pause to the project, not a halt.

Mayer believed there will be lost opportunity if we tell developers 'yes we want you to come to Town, but do you mind waiting a year while we decide how your business should look' and then they move to Newcastle and Newcastle is now collecting their taxes.

Leshure pointed out the town has a healthy tourism and construction rate but we will start to look like Brunswick. Concerned that if retail keeps developing, those dollars leave Maine.

Lutkus noted that the Town can't pick and choose the 'types' of businesses that come in to Town, but the Site Plan Review Ordinance allows the Planning Board to waive certain criteria within the ordinances but staff recommendation will be to stay close to the ordinance and not give out waivers, this will address a lot of concerns Amy has.

Mayer stated the Planning Board enforces the Ordinances that Damariscotta voters approved.

J. Pinkham questioned the timing of this discussion, as it was not on the agenda until today. Change happens over time, codes, committees, and Board members change, if we need to tweak or strengthen an ordinance or code, then let's do that. We have protection in land use ordinance that allows the Board to waive certain criteria if they feel it's warranted, maybe do a moratorium on non-profits, it's the same thing. Everyone has the opportunity to be on a committee or Board, but after multiple meetings, public hearings, public notices no one is interested, then once the project starts moving forward then everyone shows up to stop the work everyone on these committees have spent (sometimes years) developing. Be involved if you want to make an impact, just whining once

something is starting is not the way to be heard. People slip through the cracks and those people may rely on minimum wage jobs, why is that a bad thing to you all?

Lutkus asked if the BOS wants to schedule a public hearing.

Leshure felt the number of voters who put her in this seat need her to speak up and support the temporary halt and support a moratorium.

Mayer polled the Board to see if they wanted to call a public hearing for the moratorium, 3 members did not, one member did, therefore Mayer suggested people do a citizen's initiative and submit a petition with 118 signatures.

S. Hagar asked what would be considered grandfathered. If at the next Planning Board meeting new developers get some type of approval for a project, will they be considered grandfathered or will they be subject to a moratorium retroactive date.

The Board was not sure, that would need legal opinion.

Lutkus believed it would depend on if a project is deemed 'pending project' but Lutkus is not an attorney.

X. Adjournment-

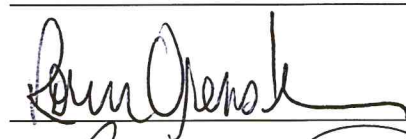
On motion of Mayer/Orenstein moved to adjourn meeting at 6:56 p.m

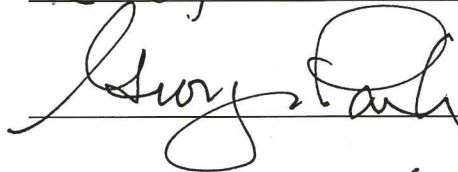
Vote 4, 0, 0

Respectfully submitted,

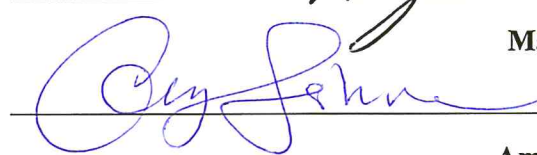

Cheryl M. Pinkham, Deputy Clerk

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


Ronn Orenstein


George Parker


Mark Hagar


Amy Leshure

Town of Damariscotta, Board of Selectmen, Signed this date 9/5/17