

**Town of Damariscotta
Board of Selectmen's Meeting
Minutes
Wednesday, November 15, 2017**

The Board of Selectmen met on Wednesday, November 15, 2017, members present were Ronn Orenstein, Mark Hagar, Amy Leshure, and Lou Abbotoni. Robin Mayer excused absence. Staff present was Town Manager-Matt Lutkus, Road Commissioner-Hugh Priebe, and Deputy Clerk-Cheryl Pinkham. Others present were LCN reporter Maia Zewert, Wisc. Newspaper Ann Pinkham, Scott Abbotoni, Haas Toby, Shari Sage, Andrea Keushguerian, Amy Lalime, Stephen O'Bryan, and Karen O'Bryan also of LCTV.

I. Pledge of Allegiance

II. Call to Order

Orenstein called the meeting to order at 5:34pm

III. Minutes-

1. November 1 meeting.

On motion of Hagar/Leshure moved to approve November 1, 2017 meeting minutes as presented.

Vote 4, 0, 0

IV. Financial Reports

1. Payroll Warrant #21

On motion of Orenstein/Abbotoni moved to approve PW#21.

Vote 4, 0, 0

2. Accounts payable warrants #22

On motion Orenstein/Abbotoni moved to approve APW #22.

Vote 4, 0, 0

V. Presentations-

1. **Review of Emergency Preparedness Plan-Steve O'Bryan**

O'Bryan reviewed the Preparedness Plan manual with the BOS. Explaining the collaboration of the Damariscotta Fire & Police Departments the local EMA director as well as the county EMA, & Sheriff Department that goes into coordinating the response efforts to keep community members safe, fed, and warm, setting up shelters etc. The plan is available at the Town Office.

VI. Citizen Comments & General Correspondence-

VII. Town Manager Items:

1. **Election results-**

Lutkus congratulated newly elected Selectman Louis Abbotoni; added the citizen initiative Moratorium vote did not

2. **"Community Conversation" on Recreational (Adult Use) Marijuana Ordinance-**

Lutkus reminded everyone of the upcoming Community Conversation at Great Salt Bay School From 6-8p.m. Governor LePage vetoed the bill which leaves confusion with the legislature; do not know what law will look like, there may be some significant changes in the law. Lutkus thought the town may want to pursue a moratorium for marijuana, there's a lot of uncertainty that lies ahead of us. We will continue to have conversations about this, that way when the time calls for an ordinance, we will be ready.

3. Elm Street Project Completion Celebration-November 20-

Lutkus informed everyone the Elm St project is finishing up, and are still on schedule for the ribbon cutting for November 20th at noon.

4. Town Hall Office Hours on Nov 22-

Lutkus reminded the BOS that the change in hours for Wednesday before Thanksgiving, instead of being open 1-6, the town office will be open from 9-3.

5. Possible Request for State Municipal Partnership Initiative (MPI) Funds

Lutkus stated Town Planner, Dater and Lutkus met with DOT along with Bristol, South Bristol and, the outcome of that meeting was that all towns wanted the Bristol Rd stretch in Damariscotta to be fixed. DOT had placed a shim coat on the road, but repair is still needed. Lutkus received a call in regards to placing a hard shoulder on Bristol & Biscay roads as well as Main Street with funds offered from DOT through the Municipal Partnership Initiative (MPI) for the 2019 schedule. For the Bristol Rd, the thought is to put in a hard shoulder from where the sidewalk ends (will end once built) all the way to the Bristol town line, the cost will be around \$500,000 and the town would need to come up with ½ (\$250,000). (The sidewalk is being constructed with Federal Funds in case there are questions with the state offering to do a hard shoulder when the sidewalk is still 'in the works', going on 7 years now.) Lutkus mentioned to DOT that the Town may be interested in Bristol Rd in 2019 & Biscay in 2020. This would require a loan for the town's share of \$250,000, currently we budget \$130,000 for our debt service. If we choose to not participate in the MPI, the next opportunity to do so will be in 7-10 years.

Hagar is concerned at the cost share of 50/50 for this project when we have a back parking lot in need of repairs, a school building busting at the seams and feels these two items are where funds need to be directed.

6. Restroom Design Committee-

Lutkus informed the BOS he would be asking for approval of revised engineering plans for restroom and walkway. It would be good to have a design committee involved if any BOS members would like to serve as committee members.

Both Hagar and L. Abbotoni agreed to serve as committee members.

7. Biscay Beach Boat Launch proposal meeting-January 11 (tentative)-

Lutkus would like to delay the meeting until January; getting a lot of people from Biscay that are not in favor of a boat launch, worried about additional boat traffic and parking of boats and trailers. We need to broaden the discussion of improvements to the beach area.

VIII. Official Action Items:

1. Revised Engineering, Design and Construction Management Agreement for Public restrooms and pedestrian walkway-

Hagar asked if solar power was being added.

Lutkus said yes and would like to have a local architect involved, we are not required to have the competitive bid process because Wright Pierce would be doing the hiring, but the donors would like to see someone local.

On motion of Orenstein/Hagar moved to waive Charter requirements and authorize Lutkus to execute agreement with Wright-Pierce for the restroom engineering not to exceed a cost of \$60,100.

Vote 4, 0, 0

2. Lease agreement with Shalom, LLC-

Lutkus stated Todd Mauer of King Eiders Pub (Shalom, LLC) expressed great interest in acquiring the small piece of land where the non-conforming handicap space was in front of King Eiders Pub. Mauer's proposal goes along with the Charette results and is interested in a lease agreement for the triangular space for additional outdoor seating area until the voters at the Annual Town Meeting can be asked for approval to sell the parcel to Shalom, LLC.

Mauer felt the triangle piece of land was of no use to the town and this would redirect traffic to have people use the sidewalks.

L. Abbotoni noted he has seen a rough draft of what the plans would be, but wondered about barriers and the safety of the patrons.

Mauer said there will be the granite curbing as the initial barrier, then an iron fence as a secondary barrier, and was not concerned there would be any safety issues.

A. Pinkham questioned the fire exit to Reny's Main Store.

Mauer replied there would be no changes to the stairway/fire exit or the Reny's storage area currently under the stairs. Has discussed proposed idea to neighbors of the restaurant and has received positive feedback from everyone.

Hagar stated he is in favor of the project, but wants to be sure the intent is to sell the property (pending Town approval) and not to enter into a long term lease agreement.

Lalime questioned how the value of land is determined.

Lutkus said there was no scientific method.

Sage asked if the BOS asked anyone else if they'd want to purchase that property such as the lady with the cart of baked goods.

Lutkus stated they did not ask if anyone else would want it.

Mauer believed it would not be a piece anyone else would want other than himself or Reny's, the parcel is not very big and connects both Reny's and King Eiders. Replying to Hagar's question Mauer said the lease is currently for one year, however if voters opt to not sell the land, then Shalom, LLC would request a long term lease from the Town.

Leshure asked what the Town's recourse is if Shalom, LLC backed out of the agreement.

Mauer pointed out he currently has invested \$6,000 in this and would not be backing out.

On motion of Abbotoni/Orenstein moved to authorize Lutkus to proceed with a lease arrangement with our attorney and final decision will be made after lease is approved.

Vote 4, 0, 0

3. Donation from Edward A. Myers Marine Conservation fund-

Lutkus announced the Town has received a donation of \$1,000 for signage next to the Town landing boat launch. The thought is a 4X4 sign to go on the back of GSBSD sign.

On motion of Leshure/Abbotoni moved to accept generous donation from Edward Meyer for signage at the town boat landing.

Vote 4, 0, 0

4. Additional payment for Egypt Rd Culvert Project-

Lutkus explained the original project costs were allocated in the capital account. The road was in catastrophic shape. We did not have a bore test performed at the site and discovered once the old culvert was removed that fill was not acceptable and not worth the risk of reusing it. The town would

need more than 1500 yards of new fill, this alone pushed the project costs \$34,000 over budget. Lutkus was able to negotiate with the contractor for the fill at \$38/yard down to \$21/yard. To cover the overage- \$11,531 would need to come out of contingency, use \$20,000 from emergency funding from the fund balance, plus \$2,431 which is the balance of the funds earmarked for this project.

On motion of Hagar/Abbotoni moved to approve overage of \$33,962 and to cover costs with \$11,531 from contingency, \$20,000 from Fund Balance as authorized at the Annual Town Meeting. **Vote 4, 0, 0**

5. Accounts Payable Warrant #23-

Lutkus explained warrant #23 was added as a separate warrant for the Egypt Rd overage discussed.

On motion of Orenstein/Abbotoni moved to approve APW#23. **Vote 4, 0 0**

6. 2017-2018 Workplan-

Leshure would like to initiate a discussion on bag schemes-either no plastic bags at all, or pay for bags.

Lutkus asked what the goal is; option related to plastic bag or ban on all plastic bags?

Leshure would like a ban on plastic bags and feels the staff should be able to get an ordinance ready for the Town Meeting in June.

Executive Session regarding a personnel matter, consideration of possible changes to Town Manager's employment agreement, as authorized under 1 M.R.S.A section 405(6)(A)

On motion of Orenstein/Abbotoni moved to enter executive session at 7:11p.m.

On motion of Orenstein/Abbotoni moved to exit executive session and reconvene regular BOS meeting at 7:29p.m.

7. Requested revision to Town Manager employment agreement-

Lutkus recommend taking out '4/5th equivalent' from the current contract because the Bristol Rd project is funded 80% through a grant which has a requirement that the local project administrator be a fulltime employee or lose grant funds. This results in an increase of vacation hours Lutkus can carry over year to year from 30days to 50 days, which boils down to a liability for extended time off or a \$15,000 check is written when Lutkus leaves office. (this amount is already covered in a payroll liability account.)

IX. Selectmen's Discussion Items-

Orenstein reminded everyone that the recreational marijuana community conversation will be tomorrow from 6p.m.-8p.m. at the Great Salt Bay cafeteria, and on Nov 20th at noon, the Chamber will be hosting the ribbon cutting for the completion of the Elm Street project.

Hagar would like to get it out there that service center towns have more extra costs on Towns, we need to use lobbyist to get the legislature to understand this and somehow help the Towns. Would like to get together with Lutkus and come up with strategy to attend meetings and get the help to our tax payers who pick up the extra costs in their tax bills.

Leshure disappointed and concerned with how we missed the boat with the new development and how a resident had to be the one to point out nonconformance with our ordinances & lack of sidewalk. Concerned that the Town may need to hire a project manager that can handle these types of

tasks and monitor new the new developments; and feels the current staff may be a little out of their league.

Lutkus confirmed the Town does in fact have the sidewalk easement for Biscay and have the state right of way to construct a sidewalk. Believed the staff and Town was very diligent in playing hardball with the contractor. Potentially, with future larger developments coming in we may need an engineer involved as a technical expert. There may have been things we could have done differently, but doesn't believe the Town ended up badly. The idea was to utilize the sidewalk funds towards a local match, in retrospect applying for federal funds is a huge effort with very little chance of receiving said grant.

Leshure noted there is larger development being proposed or coming, do we have the expertise to handle this.


Lutkus agrees that there should be someone on site of new bigger projects, we work with Wright-Pierce to have engineer on site, may need to increase that.

X. Adjournment-


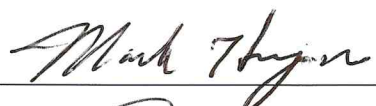



On motion of Orenstein/Abbotoni moved to adjourn meeting at 7:45 p.m.

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
	Mark Hagar
	Amy Leshure
	Louis Abbotoni

Town of Damariscotta, Board of Selectmen, Signed this date 12/6/17