

**Minutes
Board of Selectmen's Meeting
Town of Damariscotta, Maine
December 6, 2017, 5:30 PM
Damariscotta Town Hall**

The Board of Selectmen met on Wednesday, December 6, 2017. Members present were Robin Mayer, Ronn Orenstein, and Mark Hagar, Amy Leshure and Louis Abbotoni. Staff present were Matt Lutkus-Town Manager, Michelle Cameron-Town Clerk and Hugh Priebe-Road Commissioner, Others attending were Ann Jackson-resident, Dana Orenstein-resident, Jim Campbell-resident, Gina Hamilton-Wiscasset Newspaper, Karen O'Bryan-LCTV & resident, Ann Pinkham-resident, Shari Sage-resident and Planning Board member, Charlie Utler-resident, Steven Higgins-resident, Lucy Harrington-resident and JaJa Martin-non-resident.

I. Pledge of Allegiance

II. Call to Order

III. Minutes

1. November 1 and 15 Meetings: **On motion Mayer/Orenstein moved to approve November 1st meeting minutes. Vote 4-0, Abbotoni abstained**
On motion Orenstein/Leshure moved to approve November 15th meeting minutes. Vote 4-0, Mayer abstained

IV. Financial Reports

1. Payroll Warrant #24, 25 & 26: **On motion Mayer/Orenstein moved to approve PY Wrnts 24, 25 & 26. Vote 5-0**
2. Accounts Payable Warrant #27: **On motion Orenstein/Abbotoni moved to approve AP Wrnt 27. Vote 5-0**

V. Presentations

1. Review of FY 2017 Financial Audit-Fred Brewer: Fred Brewer was unable to attend. Table until December 20th meeting.

VI. Citizen Comments and General Correspondence: Lutkus read aloud an email from Amy Lalime regarding the Planning Boards decision to approve the 435 Main Street development. Jim Campbell said that he felt there was nothing wrong with the new proposed development. He thanked the Planning Board for moving forward with it.

VII. Town Manager Items

1. **Review of Feedback from Biscay Pond Landowners Regarding Possible Design of Boat Launch Area:** Lutkus mentioned that the public meeting is scheduled for January 11th at 10:00 am at the Town Hall. He has received ten to twelve emails in opposition at this point. He stated most of the concern is about boat traffic and the ecology of the pond. Lutkus will suggest at the public meeting that we look at concrete ramp to separate boat traffic from swimmers. The project would have to be approved by DEP. The grant is \$3,200 which covers half of the design costs.
JaJa Martin, Bremen resident, commented on concern of over use of the pond. She suggested limiting the time boats could be launched, maybe from 10:00 am to 3:00 pm. This would not cost anything. Also may be a good idea to have a couple crosswalk signs on the street to slow traffic down.
Stephen Higgins, Lessner Road resident, said it looks like the water is quite shallow and wondered if there would be a lot of excavation.

6. **Licensing Ordinance:** Lutkus said that this ordinance was tabled last fiscal year. If the Board wants to move forward with this ordinance, it would give the town latitude to charge fees to cover administration costs. We would need to add provisions for marijuana sales to the ordinance once we know which direction the law takes.
7. **Town-Business Communications:** Lutkus stated that the town staff helped compile the downtown business email list. This will enable better communication to get out important information that effects people and businesses.
8. Lutkus said there was an article in the Portland Press Herald regarding the Castner photo located in the town hall meeting room. The article gave an interesting history on why the photo was taken.

VIII. Official Action Items:

1. **Lease agreement with Shalom, LLC:** Lutkus stated that the town removed a hazardous parking space located in front of King Eider's restaurant. The town was putting in the new asphalt and curbing and Todd Mauer, from King Eider's, came out and said the restaurant could put that area to good use to extend their outdoor eating area and that he would be willing to buy that from the town and pay for the improvements that the town had done to the curb and asphalt thus far. Lutkus said that the Board has discussed this in two separate executive sessions and that they have been agreeable to that so we set about negotiating a lease. Eventually the purchase will require a \$3,600 payment and a requirement that the steps no longer go out onto Elm Street, but onto this paved area with a railing that prevents people being able to step out into Elm Street. Lutkus said that the purchase will have to be approved at a town meeting. He would like to see this voted on at the Special Town Meeting in January. As an interim step, to give Todd and the other owners of King Eider's some assurance that the town is serious about this, he asked the Board to approve this lease agreement so that they can begin planning for that change. Lutkus said he feels this is a win-win situation all around as does the Board. Mayer mentioned that the handicapped parking space was relocated by the Weatherbird store and not eliminated. **On motion Abbotoni/Mayer moved to approve a one year lease with Shalom, LLC for a 390 square foot parcel adjacent to King Eider's restaurant for use as an extension for the restaurant's outdoor seating. Vote 5-0**
2. **Easements from Sherwin Williams and Dollar General:** Lutkus said that the sidewalk has been the biggest issue in town since he has been Town Manager but we were able to, through our Planning Board obtain an agreement for not only a contribution towards the sidewalk of \$32,850, but also were able to get the developer and two business owners to agree to allow us to put a good portion of the sidewalk on their property. The sidewalk on Biscay Road would be on the State right of way. These easements are the results of considerable negotiations with the developer who in turn had to negotiate with the two stores. Quite a bit of effort went into this, not only with Town staff but the attorneys and principals involved. Lutkus stated that this is a good milestone, in that, we have set a precedent for requiring businesses to put the sidewalks in as was provided in the Site Plan Review Ordinance. **On motion Mayer/Abbotoni moved to accept the easements from Dollar General and Sherwin Williams for the location of a sidewalk at the northeast intersection of Main Street and Biscay Roads. Vote 5-0**
Mayer thanked Lutkus for his perseverance during this process.
Hagar asked if the plan would be to advertise it and put it with other sidewalk work.

place now are pretty good, were written for specific reasons and that they just want to have them followed. The committee would like to see no waivers given out.

Mayer said that if the Board accepts the PAC recommendations, we would initiate a review of the ordinances and the backup material are the considerations that may or may not be included. This would be done by the Land Use Committee and consultants.

Jenny Begin, resident and Planning Board Alternate member, mentioned that she attended the PAC meetings and there was a sense of urgency due to the fact that people feel the current ordinances are not being followed. She said the Planning Board was not interested in hearing these recommendations at their meeting. Begin criticized the Planning Board for approving the plan for 435 Main Street. She wanted to let the Board of Selectmen know that decisions of the Planning Board can be rescinded under State ordinance. If the BOS thought it appropriate, they could ask the PB to rescind their approval.

Shari Sage, resident & Planning Board member, said that she wanted to accept the two page PAC recommendation during the Planning Board meeting Monday. She said Wilder Hunt stated that it needed to go before the BOS before the Planning Board could consider it. She expressed being puzzled as to why they could not consider the recommendations. Mayer said she believed the PAC recommendations were sent to the Planning Board as a curtesy, because until the BOS approves it, it does have the "power of the town" behind it and is still merely a suggestion. It's up to the Planning Board to consider it or not.

Lutkus said that he sent it to the Planning Board as part of the BOS packet for this meeting. He thought that the Planning Board could take it for what it was, a recommendation to the Selectmen that hadn't yet been reviewed by the BOS. They could look at it any way they wanted. Lutkus stated that it was distributed as a public document and definitely the Planning Board needed to see that document prior it's taking any further action that development. Which was the sentiment of the PAC, that the PB see that recommendation.

Ann Jackson asked if citizens can appeal the Planning Board decision.

Lutkus said they would have to look at the ordinance regarding the appeals process. It may need a legal interpretation.

Jim Campbell stated that the Planning Board has not run amok and has finally done the right thing by approving the new development by the Rifle Club.

Vote on tabling approval of PAC recommendations: 2-3 (Mayer, Orenstein, Leshure opposed)

On motion Orenstein/Leshure moved to approve PAC recommendations. Vote 3-2 (Abbotoni and Hagar opposed)

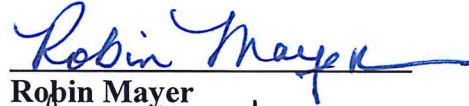
- IX. Selectmen's Discussion Items:** Abbotoni mentioned that he was concerned about safety at the parade downtown. Candy was thrown and a little girl was running into the street to get it. He would like to see no throwing of candy, maybe people could hand it out instead. Lutkus said that the town can advise the parade sponsor or we can put it in an ordinance. Dick McLean said that there was also a safety issue at the pumpkin parade this fall. He said that there developed significant gaps between units of the parade. For instance, when the dancers stopped to perform, everyone else keeps going, the crowds flood into the street. He asked the Board that if they do start looking at a parade ordinance, it would be good to have something in there about the control of the units of the parade.

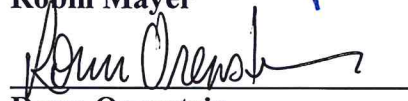
- X. Adjournment: On motion Abbotoni/Orenstein moved to adjourn at 8:30 p.m.
Vote 5-0

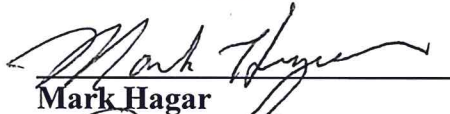
Respectfully Submitted,


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


Mark Hagar


Amy Leshure

Louis Abbotoni

Town of Damariscotta, Board of Selectmen
Signed this date 12-20-2016