

**Town of Damariscotta
Board of Selectmen's Meeting Minutes
Wednesday, December 20, 2017**

The Board of Selectmen met on Wednesday, December 20, 2017, members present were Robin Mayer, Ronn Orenstein, Mark Hagar, and Amy Leshure. Abbotoni excused absence. Staff present was Town Manager-Matt Lutkus, and Deputy Clerk- Cheryl Pinkham. Others present were residents Amy Lalime, Mike Herz, Dana Orenstein, Shari Sage, Dick McLean, Andrea Kueshgerian, Jenny Begin, Haas Toby, Ann Pinkham, Lorraine Faherty, Karen Kleinkopf, Jim Campbell, Jacques Vesery, Chris Roberts, Lauri Green, Karen O'Bryan, (resident & LCTV representative) and LCN reporters Maia Zewert & Matt Mitterkoff

I. Pledge of Allegiance

II. Public Hearings-

1. Liquor and Entertainment Licenses for O-cha, LLC

III. Call to Order-Mayer opened the meeting at 5:31p.m.

IV. Action on Public Hearing Agenda Items-

On motion of Orenstein/Hagar moved to approve new liquor & entertainment licenses for O-Cha, LLC as submitted.

Vote 4, 0, 0

V. Minutes

1. December 6th, Meeting

On motion of Mayer/Leshure moved to approve Dec 6th minutes as submitted.

Vote 4, 0, 0

VI. Financial Reports

1. Payroll Warrant #28 & #30

On motion of Mayer/ Orenstein moved to approve PW#'s 28 & 30. Vote 4, 0, 0

2. Accounts Payable Warrants #29

On motion of Orenstein/Leshure moved to approve AP#29 Vote 4, 0, 0

VII. Presentations-

1. Review of FY2017 Financial Audit-Fred Brewer-Tabled again

VIII. Citizen Comments & General Correspondence-

A.Pinkham thanked the Board & Town for the new guardrail on Egypt Rd.

Lalime announced she is not in favor of the 435 Main St project. The Planning Board should not be giving variances to applicants. Moved here 12 years ago, not to look at Dollar General. The Planning Board needs oversight, they are ruining our Town and ruining the integrity and beauty of Damariscotta.

Campbell disagreed with Lalime, believes the PB followed the ordinances and pointed out that these variances are allowed per the Ordinance Lalime is referring to, they've issued variances all along, not sure why everyone is up in arms over this new development getting the same treatment with variances.

Vesery stated he is very concerned with the actions of the PB, they have gone outside the law, gone against the recommendations of the Town Manager and office staff. Recommend a vote of no-confidence with the entire Planning Board.

Mayer stated the Town Attorney has advised the Board of Selectmen that they have no authority on this issues. If anyone believes they are an aggrieved party, read through the ordinances, hire your own attorney and prove that you are in fact actually aggrieved, then file an appeal with the Board of Appeals.

Lutkus announced that the opinion from the attorney was on the back table for anyone who wishes to have a copy, additionally the Town has spoken with Maine Municipal Attorney who echoed the Town Attorney's legal opinion.

Begin wanted to clarify that the appeals clock begins ticking as soon as the written Notice of Decision is issued, and not when the Planning Board voted its' approval.

Lutkus confirmed the notice of decision begins the 30 day clock.

Hagar expressed concern that procedures are not being followed, the Planning Board received a packet of information before the BOS received and reviewed the same information. When the Town Manager and town Planner disagree with the Planning Board and they are not following recommendations and procedures then the procedures are being overridden by the Planning Board then we need to look at what's going on.

Kleinkopf said her family moved here 10 years ago, shared her disgust for the new Dollar General with their front window displaying a large sign for cigarettes and Coke, these are things that contribute to diabetes, which has increased by 12%, the Boards are bringing more diabetes to Damariscotta with these types of developments.

A.Pinkham noted she has lived here for 52 years and has seen a lot. Concerned if the variances are not allowable, could do harm to local volunteer fire department members. Part of the variance to allow the parking in the front of the building is requested for the safety of the fire fighters; parking in the front of the building allows the fire fighters to utilize their ladder truck and attack a fire safely, these are volunteer members, our neighbors, 5 of them are my family members, this variance protects them.

Keushgerian echoed the disgust with the Dollar General, pointed out that Damariscotta Hardware is able to stay within the confines of the ordinances. If you want to look at ugly Dollar stores everywhere, then you should move to Topsham. We moved here for its darling historical village, please protect the history we already have. Am not against new business, but against new businesses that doesn't look good in our town.

Mayer thanked everyone for their comments and expressed that there was nothing the Board of Selectmen could do in their capacity, however the public is able to obtain their own attorney and bring their concerns to the Board of Appeals.

IX. Town Manager Items:

1. Possible Ordinance prohibiting or restricting one-time use plastic bags

Lutkus would like to see this put off until the November election, the staff is spread very thin right now to be able to accomplish this for June, and it will be difficult to host a couple of community conversations to get public input for this.

Leshure is disappointed this is being pushed back but understands the staffing and would like to be sure this doesn't keep getting kicked down the road.

2. Articles for Special Town Meeting-

Lutkus noted the Marijuana moratorium ordinance will be on the January 17th STM, this will hold marijuana licenses, etc. to give ourselves time and the legislation time to figure the new law and which direction the Town wishes to proceed. The STM warrant will include King Eiders and potential land sale, as well as settling the negative interest Cemetery account (as was the intention

with the budget since 2015, however never had the BOS officially motion to do so.) and to make the correction retroactive to '15.

3. Attorney opinion RE: "Aggrieved Party" definition in Site Plan Review Ordinance

Topic was discussed within the Citizen Comments & General Correspondence.

4. Land Use Committee-Call for volunteers

Lutkus is calling for volunteers to tighten latitude of Planning Board and have a draft ready for June Annual Town Meeting & Election. Maybe fit form based codes within Ordinances. Would like to see a volunteer group of 9 to keep this a workable group.

Mayer suggested hosting interviews if the interest is more than the amount needed. This was the process with the Advisory committee.

Toby wanted to express that the level of commitment was high with this type of venture. In August we had a committee of 17 and now just a few months later we are only a 2 member committee. If someone is interested in serving, be sure they are in it for the long haul, there's a lot of detail and time that goes into this.

Lutkus agreed and emphasized the need for consistency.

Leshure asked what the difference between Planning Advisory Committee and Land Use Committee.

Lutkus stated the PAC was tasked to examine existing ordinances, Charette study and give recommendations to the Board of Selectmen while the LUC has overall direction to specific amendments and nitty gritty of the ordinances.

X. Official Action Items-

1. Appointment to Lincoln County Regional Planning Commission-

Lutkus was pleased to announce that Ronn Orenstein has agreed to serve on the LCRPC if the BOS confirms it.

On motion of Mayer/Hagar moved to confirm appointment of Ronn Orenstein to the Lincoln County Regional Planning Commission.

Vote 4, 0, 0

2. FY 2019 Budget Calendar

Leshure asked if any of the meeting times could occur during day time.

The BOS didn't feel that would be a problem. Will discuss with budget committee on Jan 3rd, but calendar is acceptable as is for now.

On motion of Mayer/Orenstein moved to accept the fiscal year 2019 Budget Calendar as presented.

Vote 4, 0, 0

3. Disposal of Police Department Truck-

Warlick informed the BOS the town received 1 bid for the Dodge Ram Truck, the bid was for \$11,500; the PD staff was able to strip the truck of all equipment (light bar, radio, etc.) as well as remove all decals. Expressed gratitude to the Damariscotta Fire Department for allowing the PD the use of their garage area to remove the decals. Would like the BOS to accept the one bid and allow Warlick to deposit funds back into police vehicle reserve account.

On motion of Mayer/Orenstein moved to accept the bid from Dennis Hoppe for \$11,500 and to place those funds back into the Police Dept. Vehicle Reserve.

Vote 4, 0, 0

4. Donation from James E. Wheeler-

Warlick reminded the BOS that the PD found and returned a wallet with \$1,100 cash in it during 2016 summer, to which the owner was so thankful he donated \$600 to the Department last year, which we earmarked for the trunk or treat candy needs. This year he sent an additional \$500 and asked that it be donated to the Police Departments Christmas fund. Warlick has reached out to Mr. Wheeler to see if it would be acceptable to use the donation to take the Police staff to a Christmas dinner/party at King Eiders and Mr. Wheeler was agreeable to this. Warlick will be taking the staff and spouses for a meal, any amount left over from the \$500 after dinner will be donated to a local charity and Warlick is open to suggestions for a suggested charity.

On motion of Orenstein/Hagar moved to accept the \$500 donation for the Police Dept. Christmas party/dinner and the balance after dinner is paid for to be donated to a local charity, to be determined.
Vote 4, 0, 0

XI. Selectmen's Discussion Items-

Hagar shared concern with the joint project with Great Salt Bay Sanitary District on Elm Street and now Damariscotta Hardware is having difficulty getting GSBSD to issue a road opening permit, we should be working together.

Lutkus believed the Town and GSBSD have worked very well together; was not aware Damariscotta Hardware was working with GSBSD or that there were any issues. Will follow up and get in touch with Rob from Damariscotta Hardware.

Orenstein reminded the BOS to be sure they have their updated contact information to the office staff for the web page.

Mayer complimented the Road Commissioner for a great job with the last storm and keeping the sidewalks clear and safe. Wished everyone safe travels for a happy holiday.

O'Bryan wanted to thank the Village of Lights organization for decorating the Town so nicely this season.

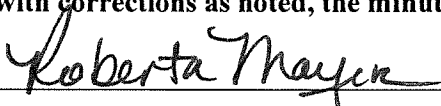
XII. Adjournment-

On motion of Parker/Orenstein moved to adjourn meeting at 6:39p.m. Vote 4, 0, 0


Respectfully submitted,


Cheryl M. Pinkham, Deputy Clerk

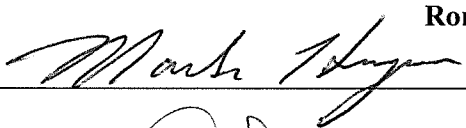
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting.




Roberta Mayer




Ronn Orenstein



Mark Hagar



Amy Leshure



Louis Abbotoni

Town of Damariscotta, Board of Selectmen, Signed this date 8/1/18

* Approved on '1/3/18 MPC