

Town of Damariscotta
Board of Selectmen's Meeting & Budget Minutes
Wednesday, June 27, 2018

The Board of Selectmen met on Wednesday, June 27, 2018, members present were Robin Mayer, Ronn Orenstein, Amy Leshure, Mark Hagar and Louis Abbotoni. Staff present were Town Manager-Matt Lutkus, Deputy Clerk- Cheryl Pinkham, Police Chief-Jason Warlick, and Police Officer-Dwight Jones. Others present were Sara Lakeman of Natural Resource Recycle Commission; residents Karen O'Bryan, Ann Jackson, Amy Lalime, Haas Tobey, Bruce & Karen Bachelder, Anne Pinkham, Ed Stelzer, Mark Lazzari, Joyce Polyniak, Scott Abbotoni, Minda Gold, Deb Arter, Lori Green, Marilee Harris, Josh Pinkham, non-residents Chris Nally, Eleanor McKinney, Natalie Morris, Nirvana Shaw, Megan Kelly, Lily Cube. Also present LCN reporter Jessica Picard.

I. Pledge of Allegiance

II. Community conversation regarding Proposed Ordinance Prohibiting Plastic Bags and Polystyrene

Lutkus stated he received a few emails and calls from people and/or businesses that were unable to attend; Hannaford supports whichever the town's people decide, Reny's also support the towns people's decision, they have already started to move away from single use plastic bags and have stores in other towns that currently have this ban in place.

Damariscotta Hardware also supports the people's decision, but did question the term 'reusable bag' and brought an example of what their distributor supplies them with for their store bags. (a plastic bag that says 'reusable' on it).

Lakeman noted this is something a lot of towns are looking into, as well as several towns have already implemented similar bans. Suggested

Business Owner wondered if the seedling containers that plants are started in would be part of the ban.

Lakeman said those would not be part of the ban.

Gold questioned how this would impact the local take out restaurants.

McLean wondered, in regards to the 'reusable' plastic bag from Damariscotta Hardware if the ordinance could establish a mil thickness for the bags.

Nally said Bath has already made this move and it works beautifully, but maybe there should be an alternative for visitors who may have forgotten to pack their reusable grocery bags for their vacation; it would be too bad to penalize people that are unaware of the change.

Lalime added when she lived in Korea, there were no bags, you had to use boxes, it seemed to work seamlessly.

Green questioned if the Town could have a representative on the Transfer Station Committee, if there is no committee maybe that option could be explored and that member could report to the BOS and transfer station and discuss what/how it effects our community.

Bachelder asked the BOS what their position was on this ordinance.

Mayer stated there was no position as of yet, this is just a community conversation to see how the people feel about this. Mayer questioned the section of Prohibitions-C.No store who sells tangible personal property at retail shall sell expanded polystyrene.. Is this indicating that Hannaford can't sell a sleeve of coffee cups or people can't purchase Styrofoam plates from stores?

Harris added that at her church, they offer coffee but purchase Styrofoam cups for serving them in from Amazon, would the church be in violation of this ordinance?

Mayer believed the role of government is to do something that will be enforced. This is more than a feel good awareness, what is intention and what is the town's people willing to accept, is giving polystyrene cups away at church function okay, but selling the product is not. This is why we're all here, to see how the Town would like to proceed.

Abbotoni pointed out plastic straws are also becoming a hot topic, McDonald's is experimenting with biodegradable straws.

Bachelder asked if there were fees assessed for bags, does the store get to keep the fee or does that go to the Town.

Lakeman said typically retailer keeps the fees but some out of state stores put those fees into a clean-up fund for the local town/city.

Katz wondered if the Chamber could possibly order a bulk order of paper straws to drive down the cost and assist local business owners to make that change.

Morris was concerned with people who bring those bags here and how can the Town prevent that.

Lakeman didn't feel you could prevent people from bringing in those bags, however the stores couldn't use them and in 37% of Maine there is a pay per bag fee instilled.

Katz would like to see Green's idea of a Transfer Station Committee formed or suggested contracting with a different transfer station.

Lutkus informed everyone that the Town has explored the option of not participating with the Nobleboro/Jefferson Transfer station and the response and costs from surrounding transfer facilities was not favorable to Damariscotta residents.

Kelly is concerned with chemical compounds and how to include that into this ordinance.

Lakeman said that is a state wide policy, which needs to be tightened.

Cube would like to see it expanded to include the ban on single use water bottles.

Leshure stated the ordinance does not address that, felt keeping it simple was the best way to start and can increase restrictions as needed or warranted later on.

Gold thanked the Board for bringing this topic up and getting this important conversation started.

Mayer thanked everyone for coming, please send email(s) with any more suggestions for the ordinance and we'll schedule another community conversation in the future.

Lutkus added that there is a form in the back of the meeting room for anyone to sign up and get on the Town's email/Newsletter list.

III. Call to Order

Mayer called the meeting to order at 5:30p.m.

IV. Minutes

1. June 6 meeting

Minutes were not available.

V. Financial Reports

1. Payroll Warrant #60

On motion of Mayer/Orenstein moved to approve PW#60.

Vote 5, 0, 0

2. Accounts Payable Warrants #61

On motion Mayer/Abbotoni moved to approve AP#61.

Vote 5, 0, 0

VI. Presentations-

VII. Citizen Comments & General Correspondence-

Lalime feels the ordinances are not being enforced.

VIII. Town Manager Items:

1. Introduction of New Police Officer-(This was done at the immediate start of the mtg.)

Chief Warlick introduced Dwight Jones to the BOS as well as the audience in attendance, Jones was sworn in by Deputy Clerk Pinkham.

2. Update on Restroom Project-

Lutkus informed the BOS that they've signed an agreement today and hope to have the closing next Tuesday, following the Planning Board meeting next Monday. If the Town receives approval from the PB, the plan is to demolish the building during off business hours to minimize downtown businesses being interrupted.

3. Brown tail Moth issue-

Lutkus stated he has received a number of calls about the brown tail moths, Portland seems to be getting the brunt of them, but there is some information posted on our website that can offer help with reducing the effects of the brown tail moth rash and brown tails in general.

4. Historical Society Calendars-

Lutkus noted the Historical Society is selling calendars for \$10 each, and we have those available at the counter if anyone is interested in purchasing one.

5. Request for Town Acquisition of Private Rd-

Lutkus said he has received a request from residents of Lewis Point Rd and will need to research further on this process.

6. Discussion of Agreement with Town of Waldoboro RE: Code Enforcement Officer Services-

Lutkus stated there is no legal agreement, but the BOS have the contract; if you've reviewed that and approve in sustenance then the Waldoboro Town Manager and Lutkus could finalize the contract.

On motion Mayer/Orenstein moved to approve the sustenance of the Waldoboro CEO agreement and permit Lutkus to finalize the agreement with the Waldoboro Town Manager and attorney.

Vote 5, 0, 0

7. Report on site visit to Town of Waldoboro Solar Facility-

Lutkus mentioned the Town Planner, Anthony Dater was able to visit the Solar Facility, which was quite impressive. Lutkus reminded all that the Damariscotta had previously considered this option a few years ago for the former Damariscotta transfer station, but we didn't pursue it at the time, but we could consider this as an upcoming goal.

Leshure wondered if this could be something businesses could buy into as a community farm.

Lutkus said the Town previously considered the fire station as a home for solar panels but the roof needs replacement so possibly consider the same location after repairs.

8. Town Legal Costs Year-To-Date

Lutkus noted the updated costs are currently at \$27,473.46, much more than we budgeted.

9. New Damariscotta River Association/Town sign at Riverside Park-

Lutkus informed everyone the new sign is installed at Riverside Park, looks great!

IX. Official Action Items-

1. Assessing Services Agreement-

On motion of Mayer/Orenstein moved to approve the Assessing agreement as presented.

J. Pinkham stated he has been looking at other agreements and there are liability insurance requirements, which he feels the town should have in their agreements. If an individual contractor messes up, the town should be protected and the contractor should have some stake in the legal costs.

Mayer said the liability insurance is part of the Assessing agreement, but noted it was not in the Planners agreement.

Vote 5, 0, 0

2. Planning Services Agreement-

Lutkus understood from the previous item that the BOS would like to have the liability insurance included within the agreement, Lutkus will meet with the planner next week to discuss.

On motion of Mayer/Hagar moved to table the Planning Services agreement due to no liability insurance clause.

Mayer would like to see the 3rd line in the first paragraph 'individual', no more individual, Planning Board is doing this.

J. Pinkham added the legal services costs are the highest they've been, as a resident Pinkham would like the BOS to set goals and take a good look in the planning department, may be time for a change but suggests sitting down and actually evaluating the department. Pinkham added the split time with Waldoboro for the CEO position is a great move forward.

Mayer added once all new Board & Committee members are established for July 1, we will host a Damariscotta specific training. Mayer stated the BOS recognizes the issues.

J. Pinkham believes the Town is back to a pattern of screw ups and suggest the Town come up with a new vision and/or a new contractor.

Lutkus stated this is an annual contract but either party can dissolve the contract.

Vote 5, 0, 0

3. Request for proposals for auditing services-

On motion of Hagar/Abbotoni moved to approve RFP for auditing services.

Mayer would like to see Section B6 read "...audit firm shall assist" instead of "...audit firm expected to assist".

Hagar/Abbotoni amended the motion to include amending Section B6 with the word 'shall' instead of 'expected'.

Vote 5, 0, 0

4. Agreement with Lincoln County Sheriff's Office for Animal Control Services-

Mayer ACO duties & authorities-job description-town has an ordinance. Maybe next goal will be to change ordinance for nuisance animals.

5. Agreement with Coastal Humane Society/Lincoln County Animal Shelter-
On motion of Orenstein/Mayer moved to approve agreement with Coastal Humane Society/Lincoln County Animal Shelter. **Vote 5, 0, 0**

X. Selectmen's Discussion Items-

Leshure said she was unprepared for tonight's meeting because she is unable to access email. Lutkus asked C. Pinkham to contact Fred (IT contractor) to get that straightened out.

Hagar was disappointed with the reclaim road work on Bristol Rd, thought there'd be more prep work to it.

On motion of Mayer/Hagar moved to enter into executive session pursuant to Title 1 MRSA §405(6) (D), §405(6) (E), and §405(6) (A). **Vote 5, 0, 0**
The Board entered executive session at 7:11p.m. and exited executive session at 9:02p.m

Discussion of Police Officer Collective Bargaining Agreement Negotiations per Title 1 MRSA §405(6) (D).

On motion of Mayer/Orenstein moved to approve CBA between the Town and the Police Department. **Vote 5, 0, 0**

Follow-up consultation with legal counsel per Title 1 MRSA§405(6) (E) related to regarding citizen's removal of storm drainage culvert at 64 Westview and request for reconsideration of claim denial from Nicholas Chasse.

On motion of Mayer/Orenstein moved to deny Chasse to reconsider claim for attorney fees have attorney prepare the letter in effect to. **Vote 4, 1, 0 (Abbotoni opposed)**

Review of Boards and Committee Candidate Applications per Title 1 MRSA§405(6) (A).

On motion of Leshure/Hagar moved to appoint the following to the Planning Board: Jenny Begin=2 year term, Ann Jackson=3 year term, Dan Day=1st Alternate, Elizabeth Printy=2nd Alternate. **Vote 4, 1, 0 (Abbotoni opposed)**

On motion of Mayer/Orenstein moved to appoint the following to the Board of Appeals: Bruce Rockwood, Andrea Keushgerian, for 3 year term, and Ann Pinkham, and Julie Keizer as Board of Appeal Alternate members. **Vote 5, 0, 0**

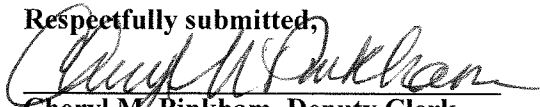
On motion of Orenstein/Abbotoni moved to appoint Ryan Fraser and Carroll Lincoln to the Shellfish Committee with a term of 3 years; Bernie Delysle as Harbor Committee member for a 3 yr. term; and Bill Brewer and Ron Raines to the Financial Advisory Committee for a 3 year term. **Vote 5, 0, 0**

XI. Adjournment-

On motion of Orenstein/Abbotoni moved to adjourn meeting at 9:18p.m.

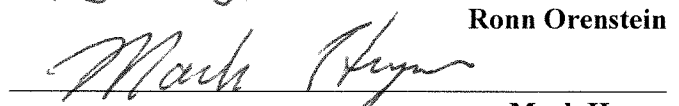
Vote 5, 0, 0

Respectfully submitted,


Cheryl M. Pinkham, Deputy Clerk

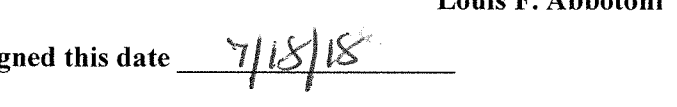
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting.


Roberta Mayer


Ronn Orenstein


Mark Hagar


Amy Leshure


Louis F. Abbotoni

Town of Damariscotta, Board of Selectmen, Signed this date 7/18/18