

**Town of Damariscotta
Board of Selectmen's Meeting Minutes
Wednesday, January 3, 2018**

The Board of Selectmen met on Wednesday, January 3, 2018, members present were Robin Mayer, Ronn Orenstein, Mark Hagar, Amy Leshure, and Louis Abbotoni. Staff present was Town Manager- Matt Lutkus, and Deputy Clerk- Cheryl Pinkham, Road Commissioner Hugh Priebe, Officer Sylvester. Others present were Don Loprieno from Friends of Colonial Pemaquid, residents Fred Brewer (also auditor), Amy Lalime, Dana Orenstein, Shari Sage, Dick McLean, Andrea Kueshgerian, Jenny Begin, Haas Toby, Ann Pinkham, Lorraine Faherty, George Betke, Joyce Polyniak, Lucy Harrington, Jacques Vesery, Chris Roberts, Karen O'Bryan, (resident & LCTV representative) and LCN reporter Matt Mitterkoff

I. Pledge of Allegiance

II. Public Hearings-

1. Recreational Marijuana Moratorium Ordinance-

Mayer opened the public hearing at 5:31pm and called for public comments.

There were no public comments.

Mayer closed the public hearing at 5:32p.m.

2. Sale/Purchase Agreements with Shalom, LLC-

Mayer opened the public hearing at 5:32pm and called for public comments.

There were no public comments.

Mayer closed the public hearing at 5:33p.m.

III. Call to Order-Mayer opened the meeting at 5:33p.m.

IV. Action on Public Hearing Agenda Items-

On motion of Orenstein/Abbotoni moved to approve Recreational Marijuana Moratorium Ordinance as presented.

Vote 5, 0, 0

V. Minutes

1. December 20th, Meeting

On motion of Mayer/Orenstein moved to approve Dec 20th minutes as submitted.

Vote 5, 0, 0

VI. Financial Reports

1. Payroll Warrant #31 & #32

On motion of Mayer/ Orenstein moved to approve PW#'s 31 & 32.

Vote 5, 0, 0

2. Accounts Payable Warrants #33

On motion of Mayer/ Orenstein moved to approve AP#33

Vote 5, 0, 0

VII. Presentations-

1. Update from Don Loprieno, Friends of Colonial Pemaquid

Loprieno reminded the BOS of their previous support letter to the Governor, which didn't have the outcome Loprieno other Friends of Colonial Pemaquid had hoped. Persistence lead them to draft a LD Bill with the support of Senator Dow and Representative Mick Devin. Is requesting continued support from the BOS, if they would review a draft letter and if approved, submit to

Lutkus stated if the PB is operating in the scope of their authority that doesn't constitute a reason for removal.

Lalime stated again, the PB is responsible for the death of the Stepping Stones resident. Variances are given out like candy. She stated "You are the leaders of the Town, do something."

Lutkus assured Lalime he would follow up with the appropriate officials, this is the first he's hearing of the allegations Lalime has presented.

Joyce Polyniak said the PB is doing whatever they feel, they waive a lot. 'Stepping Stones lady' is not doing her job. The Town is angry with the PB.

Lucy Harrington questioned the code of ethics used by the PB.

Lutkus stated the BOS have Rules of Procedure, the PB doesn't have one currently, however to rectify this, the Planner is currently working on by-laws for the PB for their approval at the Jan 8th meeting.

Harrington sees several conflicts of interest within the PB, one is a plumber, another is a builder; maybe this is why they issue waivers without any explanation. The PB is failing to maintain an arms' length distance, there is a lack of consistency with the Code Enforcement Officer, all around exclusionary behavior. Questioned whether or not the Town received permission to dump sand into Biscay Beach. People depend on the PB to protect our community, if Stockton Mass can do it and the Select-Board has authority to attend to all of these issues if they have the desire, asking the BOS to dig deep into their pockets and find the desire.

Jenny Begin pointed out when the town redid the sidewalks down Elm St, and where King Eiders is, somehow traffic flow is confused and congested and people are hanging out in front of the building. Would like to see a sign put up, or arrows. Would like to have the BOS recommend that the PB reconsider at their next meeting, next week, their parking waiver at 435 Main Street, and subsequent approval of the final plans because it violates the intent of the present ordinances as described in the comprehensive plan, and failed to consider the effects on community, economic and environment mental resources.

Shari Sage is concerned with the PB minutes, when the decision is made and the decision is not unanimous the vote does not include 3-2 or whatever the number for and opposed is, doesn't provide a true picture when the minutes only reflect "The Board voted...". Would like the minutes to reflect or convey and exact head count instead of 'the board voted'.

Mayer noted that the meetings do show a 3-2 vote etc.

Sage said sometimes it's done that way, but not always.

Lutkus informed Sage, as a PB member, she is able to recommend amendments to minutes.

Sage understood that, and in fact does request changes and the PB said no.

Leshure noted with the number of comments for action she would like to be sure that Lutkus will be speaking with the Chairman in order to address all these concerns brought to the BOS and how to fix and avoid these types of issues.

Lutkus said he has spoken with the Planner to draft by-laws and that's on their Jan. 8th agenda, agree that the Ordinances and Charter do not provide the structure.

Abbotoni would recommend the code stating relationship and conflict of interest with 435 Main St., feels you can't be a citizen and a Board member with a strong position, everyone deserves an impartial decision.

Jacques Vesery asked Abbotoni what he believes the conflict is.

Abbotoni would rather not discuss, but people are aware.

Harrington feels this is part of what contributes to the problem.

Vesery apologized to Hagar, but is going to use him as an example for conflict of interest, the town uses Hagar (Enterprises) as their plow contractor, Hagar (Mark) owns 25% of the company, how is

Lutkus urged everyone if they have questions on warming centers to contact 563-3200 and do not use 911 unless there's a real emergency.

6. OCHA LLC amend liquor license-

Lutkus told the BOS they had previously approved the liquor license for OCHA LLC, however they are requesting an amendment from Restaurant Class II to Restaurant & Lounge Class XI, this would allow them to close the restaurant portion down at 9p.m. and have the lounge remain open until 11p.m. The BOS did not take a vote for this but were agreeable to the change.

(McCabe of liquor licensing informed the Town Clerk that the Town has already held a public hearing so as long as the Town fathers are aware of the change and are agreeable to it, there is no need to hold a public hearing again.)

X. Official Action Items-

1. Appointment to Maine Service Center Coalition-

Lutkus let the BOS know that if they are agreeable to it and Hagar is still willing to serve, Lutkus and Hagar will be the representatives for Damariscotta.

Hagar said he is still interested and willing to work on this.

On motion of Mayer/Abbotoni moved to reappoint Lutkus and Hagar to the Maine Service Center Coalition for the Town of Damariscotta.

Vote 4, 0, 1 (Hagar abstained)

2. Warrant for January 17 Special Town Meeting-

Lutkus pointed out the town will be holding a Special Town Meeting on Jan 17th at 5:30p.m. to act on 5 articles, Marijuana Moratorium, Sale/Purchase agreement with Shalom, LLC, transferring the cemetery lot sales to the cemetery trust fund, create reserve account for Biscay Beach, but need to create a specific account. (electing a moderator is one of the 5 articles)

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

Vote 4, 0, 0

3. Purchase of Public Works Truck Cab and Chassis -

Lutkus stated the public works truck is a 2008 vintage with 100,000 miles and lots of rust spots and in need of replacing. Priebe has found a replacement cab and chassis

Mayer asked what we were doing with the old truck.

Lutkus said we'd be selling it hoping for \$4,000

Hagar asked if the dump body from the '08 would be going onto the new truck.

Lutkus replied it would not, it's pretty rusty; Lutkus & Priebe will be back to request that at a later date.

On motion of Abbotoni/Orenstein moved to approve purchase of a public works truck cab and chassis and to waive the charter bid requirements.

Vote 5, 0, 0

4. Nobleboro/Jefferson Transfer Facility Contract-

Mayer attended the Nobleboro/Jefferson annual meeting and is pleased to inform everyone recycling is occurring more, the transfer station also has started to recycle compost. The Town of Damariscotta will see a reduction in their share of the contract to the tune of \$3,000, with a contract price of \$112,519.

On motion of Mayer/Hagar moved to approve Nobleboro/Jefferson Transfer Facility Contract.

Hagar commended the new management with the transfer station, they have been coming to the school to give a recycling class. Very helpful and looks great there.