

MINUTES  
BOARD of SELECTMEN  
TOWN of DAMARISCOTTA  
SEPTEMBER 19, 2018 5:30 P.M.

**BOARD MEMBERS:** Robin Mayer, Chairperson (via video conference); Ronn Orenstein, Vice-Chair; Louis Abbotoni, Mark Hagar, and Amy Leshure

**ABSENCES:** Ronn Orenstein, Vice-Chair - excused

**STAFF PRESENT:** Matt Lutkus, Town Manager; Karen O'Brien, video operator; Lynda Letteney, recording secretary

**OTHERS PRESENT: Members of the public:** Alan Bebout, Julie Lamy, Elizabeth Printy, Andrea Keushguerian, Jigger Clark, Ann Pinkham, Thomas H. Young-Bayer, Jane Oliver-Gravel, Gary Gravel, Christine Szalay, Grant & Faye Sorterup, Mark Ferrero, Ali Stevenson, Eleanor Kinney, Debbie Welles, Amy Lalime, and Scott Abbotoni. **Also present:** Jim Donovan and Scott Shott from Lincoln Health, and Jessica Picard, LCN

The public hearing was called to order by Acting Chairperson Mark Hagar at 5:30 p.m.,

**I. Pledge of Allegiance**

**II. Public Hearing – Draft Ordinance Regarding Prohibitions on Plastic Bags and Polystyrene**

Acting chairperson Mark Hagar explained the rule of order for the open hearing. Comments would be limited to three minutes. Town residents, business owners, and other interested parties, would speak in that order. Chairperson Hagar first asked for input from Damariscotta residents.

The first speaker, **Alan Bebout**, spoke against the ordinance after listening at the last meeting. He has talked to lobstermen and oyster producers alike and they see no problem. He believes this ordinance has been thrust on the town by special interest groups. Fishermen he spoke to claim that in 40 years they had only had a plastic bag caught in the intake engine twice. He found no support for the claim in the ordinance that it would protect fishermen. In walking from Waldoboro to Wiscasset, trash was mostly cans, bottles, and other debris, but not plastic bags. He felt that locally environmental concerns about this were a non-issue. He cited paper bags as more expensive to buy and that they are “dirty” to produce. He felt the Board could be open to a class-action law suit should this ordinance pass with false statements in it. He felt the ordinance was constructed in such a way that it could be subject to a suit for fraud or false claims. He does not believe it was drafted on a solid premise.

The second speaker was **Elizabeth Printy**. She too was opposed and spoke at length last week. She wished to emphasize that most supporters of the ordinance were representatives of non-profit environmental groups who want to put their “stamp” on Damariscotta. She felt the town was being driven by people who don’t live here. She pointed out that plastic bags are not the only source of microplastics. Additionally, she felt proponents were putting forth an ordinance for a problem that doesn’t exist. She stated that she felt the ordinance would hurt business, and it would be a logistical problem for seniors. She encouraged the citizenry to think freely and not let special interests usurp the town’s ownership. **Christine Szalay** spoke in favor of the ordinance and thanked the Board for its efforts to put this forth. She said that Bath and Brunswick have similar ordinances and they are working well. **Jane Oliver-Gravel**, a resident of Jefferson and business owner in Damariscotta, opposed the ordinance as written. Her businesses would see a \$30K-\$40K increase in expenses, the majority of the expenses for polystyrene

containers that support the packaging of fresh meat and fish, not for paper bags. She is okay with the bag provision, but would like to see a rewrite of the “foam” packaging parts. To go to a bio-degradable tray means she would go from 3.3 cents to 12.4 cents per container, a \$24,600.00 difference in cost annually. **Jigger Clark**, Clark Farms, took a survey on customers’ use on last Tuesday and Saturday. The result was 40 customers had their own bags, all locals. Mostly, it was tourists and out-of-town customers that needed any bags. He also felt the Board should hear from the Natural Resource Council of Maine. The Board agreed to put it on the calendar. He felt maybe we should start with the plastic T-shirt bags first and not be so all-encompassing. **Eleanor Kinney**, owner of a soon to open restaurant in Damariscotta, supports the ordinance. She stated that a lot of other debris is captured in clean-up days, and that Maine does not have good data on microplastics. California is a state that does have such data, and has shown to have greatly reduced plastic trash over the past decade. She cited that Damariscotta is a service area for a larger mid-coast community and that neighbors on either side of us will have similar ordinances on their ballots in November (Bath, Brunswick, Newcastle, and Camden). She claimed to have letters of support from Reny’s, Damariscotta Hardware, and Hannaford; all larger businesses in the area. **Debbie Wells** identified herself as a land owner and part-time resident. She cited the Shaw Research Institute’s sampling from high altitudes study in Colorado. These studies refer to the impact of microplastics on humans and were conducted in the Rockies in Colorado. Her main point was even studies far removed from the ocean are forewarning us of the “summit to sea” effect these materials have. She compared them to balloons that are set free in celebration and end up fouling the guts of animals that ingest them.

**Thomas Young** of Newcastle identified himself as a marine biologist who has studied both the Pacific Ocean and Atlantic regarding the “garbage pit” expanding daily. He claimed that the reason the lobstermen are not seeing that much in the way of plastic refuse is that the currents along the Maine coast tend to circulate in such a way as to attract plastic waste to the “garbage patches” much further out from our shoreline. Therefore, visual siting, or lack thereof, can be misleading. A lot of refuse tends to sink because of its high density, so just looking at the surface makes it hard to get a sense of the enormity of the problem. But, scientists are taking this seriously and are verifying the problem. Plastic bags are not the only source of microplastics, but banning them is a start. Clothing and bottles have significantly more impact. **Mr. Richardson** then spoke, asking “if we pollute our environment, where will we be in the future?” “Our oyster beds will not flourish and there won’t be fish to be caught.” Citizens need to think about the future; the toxins in our environment will be passed on to our children and to theirs.

**Amy Leshure**, speaking as a resident, cited Rising Tide as an example of a business that uses no plastic in its packaging, using either cellophane or other biodegradable material. As compared to Main St. Market, who has one vendor for its meats, and then cuts to order (and display); Rising Tide has 10-12 vendors for its meats, which are packaged separately by the vendor in eco-friendly packaging. **Julie Lamy**, a Nobleboro resident, stated that Amy Barrows of Stonington (Maine) is conducting studies on this topic and has found microplastics in Maine fish and Styrofoam that has leached into meats from packaging. Studies on municipal drinking water have shown the US has the highest level of microplastics in its drinking water. **Lou Abbotoni** mentioned that “shrink wrap” is a plastic and that’s why the public is advised not to use “shrink wrap” in the microwave because of the toxic effect. **Elizabeth Printy** spoke a second time saying that not all plastic bags are for food. Hospital supplies are often packaged in plastic, gloves for preparing food, and numerous other places use plastic items. Is this ordinance a precursor to banning all of these items? **Amy Williams** asked how many other substances contain microplastics?

Having no other speakers on this ordinance, **Mark Hagar** then asked for comments on the three items on the ballot regarding marijuana. As background information, the audience was reminded that in November, 2016, popular vote legalized recreational marijuana. Despite passing on the ballot, the governor held up the legislation by veto. Subsequently, the state legislature overrode the veto; resulting in the three bills up for discussion tonight. A bill also passed stating that towns and cities would have to “opt-in” to have these take effect in their individual towns/cities. As of yet, there are no state regulations for these bills; nor are there town zoning ordinances in place. The law will take effect 90 days after legislative approval (December 2018); so the town needs to have a moratorium on new businesses in this area until the regulations are established. Once the regulations are set forth, a special town meeting will be held on the new warrants. None of these articles relate to personal use. There were no public comments on these matters.

**On motion Abbotoni/Leshure to end the public hearing at 6:22 p.m. Vote: 4-0-0**

**III. Mark Hagar** called the Board of Selectmen meeting to order at 6:23 p.m.

#### **IV. Action Taken On Public Hearing**

It was recommended that the items for public discussion be taken up one at a time.

##### **1. On motion Mayer/Leshure to approve Draft Ordinance Regarding Prohibition of Plastic Bags and Polystyrene Foam.**

**Lou Abbotoni** gave an example of making pizza for the family and how many products were either wrapped in “shrink wrap” or had a separate plastic bag for each ingredient. He felt this was a “feel good” item, but doesn’t help with the major areas of pollution (such as coffee cups, straws,). He felt the ordinance did not do anything significant; and may, in fact, take away citizens’ rights. **Robin Mayer** has heard a lot of input, but none of it was in favor of the ordinance. She appreciated all the work Amy has done on this, but she is opposed. **Amy Leshure** cited a difference of opinion from her clientele. Most felt it was not an issue in other nearby towns, and it was not a lot to ask. They felt we owed future generations to clean up the environment. **Lou Abbotoni** inserted it was a “feel good” situation and that the manufacturers were the ones who could really have an impact. **Mark Hagar** advocated for letting the voters decide in November rather than the decision being made at a special meeting.

The question was called: **Vote: 2-2-0 The motion failed.** (Abbotoni and Mayer opposed.)

**Matt Lutkus** stated that it was possible to amend the ordinance to exclude polystyrene and come back for another public hearing October 3, 2018. **Amy Leshure** was in favor of “morphing” the ordinance a little more. **Lou Abbotoni** was opposed to the ordinance in its entirety. **Robin Mayer** was in favor of removing the references to polystyrene and let the voters decide. She felt it was clear that the state was not going to take over and each town was going to have to have its own regulations.

**On motion Mayer/Leshure to delete all references to polystyrene for the ordinance. Vote: 3-1-0**  
(Abbotoni opposed)

**Motion carried** and the ordinance, as amended, will be discussed with a public hearing at the October 3, 2018, meeting of the Board of Selectmen.

##### **2. Draft Ordinance Regarding Moratorium on Medical Marijuana Establishments**

### **3. Article Regarding “Opt-In” for Adult-Use Marijuana Establishments**

### **4. Article regarding “opt-In” for Medical Marijuana Establishments**

State law passed, but the state regulations on these items have yet to be developed. The 180 day “wait period” after enactment brings the timeline to January 2019 for towns to vote on these items. Matt Lutkus suggested the Board have a moratorium on these items until the state presents its regulations.

**On motion Mayer/Abbotoni to accept as presented the moratorium on these articles. Vote: 4-0-0**

### **V. Minutes**

**On motion Mayer/Leshure to accept the minutes of September 5, 2018 as distributed. Vote: 4-0-0**

**On motion Leshure/Abbotoni to accept the minutes of the Special Board meeting September 12, 2018, as distributed. Vote: 4-0-0**

### **VI. Financial Reports**

**On motion Leshure/Abbotoni to accept the payroll warrant # 12 Vote: 4-0-0**

**On motion Abbotoni/Leshure to accept the accounts payable warrant #13 Vote: 4-0-0**

**On motion Abbotoni/Leshure to accept warrant accounts payable #14 Vote: 3-0-1**  
(Hagar abstained)

### **VII. Presentation**

Jim Donovan and Scott Shott made a presentation sharing important issues in health care. Current trends in the delivery of health are driving decision-making. Lincoln Health is most notably associated with Miles Hospital. With over 1000 employees and operating expenses close to \$100 million, it is the largest employer in Lincoln County. Maine Health was established in 1997. After Maine Medical Center, St. Andrews and Miles joined to become part of something bigger. The same issue is part of today's trends. Local hospitals have seen decreasing reimbursements, partly because of a shrinking base of young families and an increasing Medicare-aged population. Local clientele is 2/3 Medicare-aged and insurance does not cover the cost of treatment. As a result, out-patient treatments are replacing in-hospital care. New technologies are expensive and are subsequently often only available in larger, more urban population centers. In Maine, Bangor and Portland are the only two large service areas. This has been a shifting trend for the last 40 years, and with only 27% of services covered by Anthem, hospitals have been seeing a decrease in business. Most self-pay patients turn into bad debt. Currently 41% of Maine Health clients are over 50 years old. This has left hospitals with few options. They can either reduce patient capacity; reduce services locally, or enter into expensive outside contracts. One way Maine Health has been combating this is to invest in local education programs to retain talent locally. They are now in cooperative agreements with Central Maine Community College's nursing school and with Tufts Medical School.

Regionalization is the current trend. Knox-Lincoln-Waldo Counties are using a team approach with shared costs and efficiencies. A good way to leverage resources is through regional services and partnerships. The Watson Health Center is an example of this cooperative effort. Maine Health is the largest Health Service Agency in northern New England and is the third strongest system in New England. The merging of eight regional hospital organizations into one large Maine Health entity has established a single corporation valued at over \$2.5 billion. It is an independent organization consisting

of a loose confederation of health providers, under one corporation. This allows for more flexibility in providing more services. This has been a two year process and will conclude its merger in January 2019. While corporate merger is possible, licenses cannot merge. So, hospitals such as Miles and PenBay will retain their own Boards. The Lincoln Health Board votes September 27, 2018, and is the last Board to vote for this merger. It is expected to pass, strengthening their ability to serve the community. It should be noted that the Watson Health Center is completed, operating, and was completed incurring no debt. This new model for health care should help everyone. Miles is a critical care hospital with a maximum of 25 beds as far as hospital licensing. There has not been any real problem with capacity, as Maine Medical Center and Central Maine Medical Center are both available as back up. Because of the governor's actions when Medicare reimbursements were in arrears for more than \$600 million to state health agencies, all debt has been paid off. New mechanisms for payment are in place to prevent this kind of debt from accumulating in the future.

Amy Leshure asked a question about self-insured programs. This is a subscriber-based program and Mr. Donovan said he was not aware of those in Maine. He did say that the key to self-insured programs remaining solvent was to have a large enough base to cover high risk components. Lou Abbotoni mentioned that you have to be careful with self-insured programs because a couple "high hit" cases can sink the program. Mr. Donovan said that Maine Health was self-insured and has enough employees to spread the risk. It was asked how this affects prices for patients. Although Miles is not the highest in fees, over time, this merger should level out costs across the board.

#### **VIII. Citizen Comments and General Correspondence**

Correspondence was received from **Cynthia Sherman** regarding Stepping Stone off the Biscay Road. Letter was read and accepted without comment.

A letter from the Lincoln County Commissioners was read honoring Calvin and Marjorie Dodge. They are recipients of the 2018 Spirit of America Award. The ceremony for this award will take place on October 16, 2018, at 2 p.m. in the conference room of the Lincoln County Communications/911 Building located at 34 Bath Road, Wiscasset. Robin Mayer said she would be available to car pool with anyone else who would like to attend.

#### **IX. Town Manager's Report**

##### **1. Maine Municipal Association Local Advocacy Packet**

Matt Lutkus, Town Manager, said this packet shows the town's priorities such as waterfront projects, sidewalks, etc.

##### **2. Reminder of Change in Town Hall Office Hours Beginning October 1, 2018**

The new town office hours have been widely disseminated and are posted on the website, at the town office and in the newspaper.

Time changes are as follows:

Monday	7:30 a.m. – 5:30 p.m.	Thursday	7:30 a.m.- 5:30 p.m.
Tuesday	7:30 a.m. – 5:30 p.m.	Friday	Closed
Wednesday	1:00 p.m. – 5:30 p.m.		

##### **3. Twin Villages Business Forum – September 28, 2018**

This is the second annual forum of this kind. There has been good support for this. Matt Lutkus will be moderating the first and second panel discussions. An example of outcomes from this forum is the public restroom project. It is open to non-profits and businesses. Robin Mayer recommended this to everyone. She believes it is a great program and a good way to meet people in the business community. The link to the forum is <https://www.twinvillagesbiz.com/>

#### **4. Public Restrooms**

The RFP for the public restroom project has gone out and is available for review at the town office

#### **5. Wiscasset Traffic Reminder**

Reconstruction of the downtown area (Rt.1) in Wiscasset has begun. The Wiscasset side of the bridge will be closed from 9 p.m.-5 a.m. on September 24 thru September 25, 2018. The detour will be Rte. 218.

#### **6. Great Salt Bay Sanitary District**

There will be a special meeting of the Great Salt Bay Sanitation District for the purpose of exploring partnerships regarding waterfront improvements. The meeting will take place at 5:00 p.m. on at the Great Salt Bay Sanitation District building on Piper Mill Road.

### **X. Official Action Items**

#### **1. Corrective Cemetery Deed and Perpetual Care Agreement with Henry and Katherine**

**Lee**

This item was tabled last meeting because the originally approved deed had to be redone upon discovery that those lots had too much ledge to dig through. New lots were provided and previous lots need to be deeded back to the town. The lot owners will need to transfer the ownership of the unusable lots back to the town.

**On motion (Leshure/Abbotoni) to accept the corrective deeds**

**Vote: 4-0-0**

#### **2. Planning Services Contract**

With the pending departure of Anthony Dater, the town is in need of a planner and/or company to fill that position. Matt Lutkus has been working with the Lincoln County Regional Planning Commission to find an equitable solution to this need, both in the short-term and long-term. In the meantime, Robert Faunce, County Planner, is available to provide planner services to Damariscotta. The proposed arrangement is that Mr. Faunce would provide staff support to both the Planning Board and the Land Use Advisory Committee. He would keep office hours at the Damariscotta Town Hall on Mondays and work remotely on an "as needed" basis on planning-related matters for the town. This contract would be separate from the services Bob, Mary Ellen Barnes, and Harold Spetla already provide as LCRPC staff.

**On motion (Abbotoni/Leshure) to authorize the Town Manager to execute a contract with Robert Faunce for a maximum of twelve (12) hours per week for the provision of planning services to the town, with added details to be determined.**

**Vote: 4-0-0**

#### **3. Maine Municipal Association Conference Voting Credentials**

Voting credentials need to be executed by the Board in order to allow Damariscotta to participate in the annual Maine Municipal Association business meeting on October 3, 2018.

**On motion Abbotoni/Leshure to designate Robin Mayer as the Town's voting delegate at the October 3<sup>rd</sup> MMA annual business meeting, and to designate Matt Lutkus as the alternate delegate.**

**Vote: 4-0-0**

#### 4. Maine Municipal Association Safety Enhancement Grant Application

Town staff would like to apply for a grant from the MMA Safety Enhancement Grant Program for the purchase of three keyboards for their use. Although grants can be in an amount of up to \$5,000, the grant request will be for \$1,100. A copy of the grant application and description of the desk riser were in the Board packet.

**On motion Mayer/Abbotoni to authorize the town staff to submit a grant application for \$1,100 for desk risers and keyboards through the Maine Municipal Association Safety Enhancement Grant Program.**  
**Vote: 4-0-0**

#### XI. Selectmen's Discussion

Robin Mayer commented that she was sorry for being absent, but was glad to be able to be present via teleconference. She thanked Mark Hagar for taking on the Chairperson's role for this meeting,

Mark Hagar wanted to thank the Board for the flowers they sent for his mother.

#### XII. Adjournment

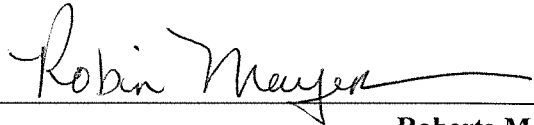
**On motion (Abbotoni/Mayer) to adjourn at 7:29 p.m.**

**Vote: 4-0-0**

Respectfully submitted,

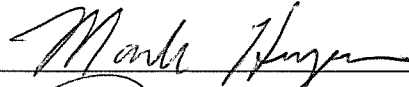
Lynda L. Letteney  
Recording Secretary

**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

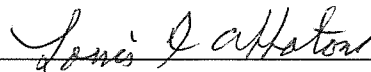
Ronn Orenstein



Mark Hagar



Amy Leshure



Louis F. Abbotoni

Town of Damariscotta, Board of Selectmen, Signed this date 10-4-2018

