

**Minutes
Board of Selectmen's Meeting
Town of Damariscotta, Maine
February 14, 2018, 5:30 PM
(Rescheduled from February 7)
Damariscotta Town Hall**

The Board of Selectmen met on Wednesday, February 14, 2018. Board members present were Robin Mayer, Ronn Orenstein, 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 Jim Campbell-resident, Chris Roberts-resident, Ann Jackson-resident, Ann Pinkham-resident, Valerie Seibel-resident & property owner, Jenny Begin-resident, Dana Orenstein-resident, Betsy Mahan-nonresident, Seth Hagar-Hagar Enterprises, Inc., Maia Zewert-LCN.

- I. Pledge of Allegiance**
- II. Call to Order: Mayer opened the meeting at 5:30 PM.**
- III. Minutes:**
 - 1. January 17 Meeting: On motion Orenstein/Abbotoni moved to approve Jan. 17th minutes. Vote 5-0**
- IV. Financial Reports**
 - 1. Payroll Warrant #s 37 & 38: On motion Mayer/Abbotoni moved to approve PY Wrnts 37 & 38. Vote 5-0**
 - 2. Accounts Payable Warrant #s 39 & 40: On motion moved to approve AP Wrnt 39. Vote 4-0, Hagar Abstained.** Orenstein pointed out that AP #40, which has the Hagar Enterprises, Inc invoice in it, is the one Hagar abstains from. **On motion Mayer/Orenstein moved to approve AP Wrnt 39. Vote 5-0**
 - On motion Mayer/Orenstein moved to approve AP Wrnt 40. Vote 4-0, Hagar abstained**
- V. Presentations NONE**
- VI. Citizen Comments and General Correspondence**
 - 1. Elm Street Sidewalk Project Concerns-Valerie Seibel:** Seibel handed out pictures of her property on Elm Street to the Board of Selectmen (BOS) while Lutkus quickly explained the scope of the Elm Street project. He stated that the project was nearly \$600,000 and that Seibel owns three properties the street. Lutkus said that during the project, Seibel contracted with Hagar Enterprises, to construct a retaining wall on her property at 86 Elm Street adjacent to the new sidewalk. The town agreed to provide Seibel with recycled granite, which was removed from Theater Street, to use for the retaining wall. Seibel is asking the town to pay the \$4,290 cost to install the retaining wall. Lutkus explained the easement process for the project, which included going door to door and talking to property owners. Lutkus said the town did agree to pay for the curbing in front of Seibel's property and across the street because this would save the town legal costs and eminent domain issues. The engineer said that we did not need to put curb in front of #86 therefore we did not need a permanent easement from Seibel. Seibel said she felt that there was a lot of miscommunication and that her paying for the installation was a very gray area. She said she didn't realize other properties would get curbing and was told they would not be getting it. She admitted to talking to Seth Hagar but thought she was working with the town and not just Hagar.
 - Mayer said that Lutkus has communicated with all the property owners effected and that the curb in question is on Seibel's private property.
 - Leshure asked about the statement that said, "Per town agreement" on Seibel's invoice from Hagar. Could Seth please clarify this?
 - There was discussion on which curb parts were on private land. Lutkus listed the private properties that did not get curbing. He said the town agreed with Valerie to remove trees and replace them in the spring.

Seth clarified that the statement on the invoice, "per town agreement" is the cost for the curbing only. He said the amount for the curbing is less the Hagar cost. He stated that he had spoken with Seibel 10/13/2017 about additional loam, stump removal and installation of curb and that the cost of that would be her responsibility. Seth stated that it was said very clearly to Seibel that curbing was given to her from the town and that she had to pay for the installation.

There was discussion on whether Seibel would apply the \$2,000 for the trees towards the curbing bill. Seibel stated that she did not know if she would be willing to do that.

Mayer mentioned that Seibel's property is private and there's no obligation for the town to pay for the invoice.

Leshure said the BOS needed to look at the original contract that Hagar had with Seibel before they could make a decision.

Lutkus asked if this was a question of tree removal. Are you now asking for the town to reimburse for Seibel's tree removal?

On motion Mayer/Abbotoni agreed that the Board of Selectmen would read Valerie Seibel's letter and documentation from Hagar Enterprises, Inc and decide what to do at the next board meeting. Vote 4-0, Hagar abstained

2. Letter from Governor re: Land Trusts: The BOS acknowledged reading the letter.

3. Letter from Nobleboro Central School Students: Lutkus read letter aloud and BOS acknowledged the letter. Lutkus will write a response.

VII. Town Manager Items

1. Restroom Update: Lutkus said he has gotten feedback on the design and it's been very positive overall. We would need to change the Shoreland Zoning Ordinance as explained in his Town Manager Notes (attached). Lutkus said the Planning Board will hold a public hearing on the Shoreland Zoning Ordinance change on March 5th.

2. LincolnHealth Citizen's Advisory Committee: Lutkus said that he is a member and that attendance has been low. He mentioned that anyone who is interested is free to attend.

3. Meeting Times for Selectmen's Budget Review: Lutkus said that the budget review meetings have been scheduled for 5 PM on the BOS regular meeting nights for March 7th & March 21st. If the BOS is agreeable, it may be better to meet at 4 PM to allow for more time. BOS all agreed to meet at 4 PM.

4. Keypad Voting at Annual Town Meeting: Lutkus informed the BOS that Jane Lafleur is not available to conduct the voting at town meeting. Lutkus asked if the BOS thought we needed it. We could go back to the raising of hands if the board thought it was getting too expensive. Last year it cost the town just over \$700. Lutkus said he can continue to look for someone if they would like. BOS said they want Lutkus to keep looking.

5. Orton Foundation Meeting: Lutkus said that last Thursday five people from the foundation come to see how Damariscotta is progressing on the Heart & Soul project. He thinks they went back very pleased.

VIII. Official Action Items

1. Land Use Advisory Committee Appointments: Mayer quickly explained the purpose of the committee.

Abbotoni said he feels it's extremely important that the people on the committee be above reproach. He feels that a couple individuals are too set in their ways to give proper consideration in regards to business growth.

Mayer said that what the committee advises will be presented to the BOS before it goes anywhere, look at the Heart & Soul/Form base codes that were voted down.

Ann Jackson said she felt it was a great group and that we all want what is best for the town.

There was discussion on keeping the committee balanced and making sure to have a variety of opinions for diversity.

Hagar said that he didn't want to the committee to rush their work. To make sure they are thorough.

On motion Mayer/Orenstein moved to appoint Haas Tobey, Bruce Rockwood, Ronn Orenstein, Ann Jackson, Ann Pinkham, Jenny Begin, Laurie Green, Chris Roberts and Lucy Harrington to the Town's ad hoc Land Use Advisory Committee. Vote 4-1, Abbotoni opposed.

2. Purchase and Sale Agreement with Shalom LLC: On motion Mayer/Orenstein moved to table until next meeting. Vote 5-0

3. Letter of Support for “No More Delays” Campaign: Mayer explained that the purpose for the letter is to support the campaign to have MDOT start and complete the Bristol Road Sidewalk project as soon as possible. Seth mentioned that MDOT has issued a bid for culvert work on Bristol Road and that the State has moved everything up. **On motion Orenstein/Abbotoni moved to approve the letter of support. Vote 5-0**

4. Agency Liquor Licenses: Lutkus explained that the new owners of Main Street Grocery, formally Yellowfront Grocery, would like to change their liquor license to an Agency Liquor License. Right now, according to the State Bureau of Alcohol Beverages, Damariscotta has a threshold of three agency liquor stores. This factor is based on population, but Bureau has said the Damariscotta does have some flexibility because of the large seasonal population.

Hagar asked if the town could increase the number of agencies to five instead of four-maybe Rising Tide or some other business would like to be able to sell spirits too.

Lutkus said he would look into whether we could do that.

On motion Orenstein/Mayer moved to authorize the Town Manager to submit a formal request to the Maine Bureau of Alcohol Beverage Liquor Licensing to increase the number of Agency Liquor Licenses in Damariscotta to five. Vote 5-0

5. Equipment for New Public Works Dump Truck: Lutkus said that Public Works Committee member Josh Pinkham and Hugh Priebe had prepared specifications for equipment that needs to be added to the truck. Priebe had three vendors give him proposals which were within \$1000 of each other. Lutkus said that Priebe would like to add an additional \$500 worth of equipment. Lutkus mentioned that we have the money in capital reserves set aside for the purchase. **On motion Mayer/Orenstein moved to waive Town Charter bid guidelines and authorize the purchase of the equipment required for the new Public Works dump truck from Messer Truck Equipment for an amount not to exceed \$22,675. Vote 5-0**

6. Required Action on Property Tax Foreclosures: Lutkus quickly explained that The Board of Selectmen have the option to retain the five properties with the automatic foreclosure or they have the liberty to sell the property back to the owners of record. In years past, the Town has authorized the sale with the condition of bringing the delinquent tax accounts to a zero balance. **On motion Orenstein/Abbotoni moved to authorize the sale of the 5 foreclosed properties back to the owners of record for all taxes due, plus interest, and all costs, payment must be received within 10 business days but no later than March 7, 2018. Vote 5-0**

7. Disposal of Town Property (Culvert Pipe): Lutkus said that Hugh Priebe was recently asked to approve a driveway permit at Church just east of Castner Brook. The developer of the property would normally be required to install a 15 inch culvert as part of the driveway construction. The Public Works Department has had a 30 inch 40 foot long culvert pipe in storage for at least seven years. In Hugh's view, the larger culvert is preferred in this location due to the considerable storm water run-off. Since the culvert was determined to be surplus, the Town sold the pipe to the developer for \$400 along with the developer's agreement that he would provide the work needed to install a larger than required pipe. The developer benefitted by having a pipe readily available at a fair price while the Town benefits by its disposal of surplus pipe and having a developer-installed culvert that will accommodate heavy storm run-off. **On motion Mayer/Orenstein moved to approve of the disposal of a surplus section of culvert pipe for a sale price of \$400 from Hallmark Homes Corporation. Vote 5-0**

IX. Selectmen's Discussion Items

Abbotoni stated that we need to have a written agreement with contractors &/or property owners for any work the town does. Maybe the Seibel issue could have been avoided.

Lutkus said he takes exception to Seibel's characterization of how the Elm Street process was conducted. He said this was a very professionally run project.

There was discussion on the fact that you may not be able to require contractors to do a written contract with property owners, but that the town can do one. **On motion Abbotoni/Mayer moved approve the**

policy of requiring a written contract to be signed by the property owner for work done by the town. Vote 5-0

Leshure mentioned that the "Smog of the Sea" movie that was shown at the Lincoln Theater was well received. She said that some people have asked how we can move forward with a plastic bag ordinance.

Lutkus said that if she had some ideas to put in an ordinance, it would be helpful.

Leshure answered that there is ordinance language on the website "Upstream".

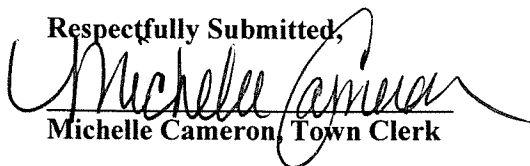
Hagar mentioned that the whole Blue Haven thing did not go the way the town wanted it to go. He's not sure it's going to be a good thing in the long run because you are losing some taxed properties. There were seven and now there are going to be less because the Appeals Board did not uphold the Planning Board's decision.

Orenstein mentioned that a chamber of commerce letter he read said that Midcoast Maine is ranked #6 for the best places to visit in the U.S. on the website Lonely Planet.com

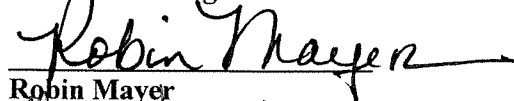
Mayer thanked everyone for being at the meeting even though it was Valentine's Day.

- X. **Executive Session- Negotiations for Possible Land Acquisition, as authorized under 1 M.R.S.A. 405 (6) (C). On motion Orenstein/Abbotoni moved to enter into executive session. Vote 5-0**
- XI. **Adjournment: On motion Orenstein/Abbotoni moved to adjourn at 8:04 PM. Vote 5-0**

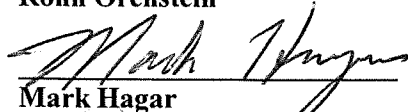
Respectfully Submitted,


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 2/28/17