

Agenda
Town of Damariscotta, Maine
January 16, 2019, 5:30 PM
Damariscotta Town Hall

I. Pledge of Allegiance

II. Call to Order

III. Minutes

1. December 5 and January 2 Meetings

IV. Financial Reports

1. Payroll Warrant (s)
2. Accounts Payable Warrant (s)

V. Presentations

1. Review of Upcoming Legislative Session- Senator Dow and Representative Devin

VI. Citizen Comments and General Correspondence

1. Letter from George Betke re: marijuana establishments

VII. Town Manager Items

1. Further Direction from Board RE: Marijuana Ordinances
2. Review of Municipal Parking Lot Plans- January 17
3. Update on Restroom Project

VIII. Official Action Items

1. Agreement with Nobleboro-Jefferson Transfer Station
2. Disposal of Fire Department Vehicles
3. Donation from Massasoit Fire Company

IX. Selectmen's Discussion Items

X. Adjournment

TOWN MANAGER NOTES
January 16, 2019
BOARD OF SELECTMEN'S MEETING

Presentations

State Senator Dana Dow and State Representative Mick Devin have been invited to next week's Board meeting to review their priorities for the current legislative session and discuss with the Board the state-wide issues that you believe are most important. The legislative items that the Board previously discussed focus on reducing the property tax burden on Damariscotta citizens and more specifically, bringing revenue sharing back up to previous levels, setting a minimum State education subsidy for the essential programs and services and a local option sales tax.

Attached for the Board's reference is an article that appeared in the most recent issue of the Maine Municipal Association's *Maine Town and City* magazine. The article summarizes the legislative priorities of the MMA's Legislative Policy Council. I have highlighted the topics in the article that relate directly to the issues that the Selectmen have identified as being important.

Citizen Communications

1. A letter from George Betke re: marijuana draft ordinances is attached

Town Manager Items (verbal)

1. **Further Direction from Board regarding Marijuana Ordinances**
2. **Meeting to review of Municipal Parking Lot Plans- January 17**
3. **Update on Restroom Project**

Official Action Items

1. **Agreement with Nobleboro-Jefferson Transfer Station Nobleboro-Jefferson Transfer Station Contract and Payment for 2019-** At their Annual Meeting on December 27, 2018, the governing council for the Nobleboro-Jefferson Transfer Station adopted their 2019 Budget (calendar year) and the contribution amounts for the owner member towns, Nobleboro and Jefferson, and the non-owner member towns of Newcastle, Bremen and Damariscotta. Attached are the budget-related documents that were reviewed at this meeting.

The Transfer Station is not requesting a contribution increase from the Town for 2019. With the exception of dates, the contract is be identical to the 2018 contract.

Recommended Action: Approve a contract with the Nobleboro-Jefferson Transfer Station that includes the Town's 2019 contribution of \$112,519.

2. **Disposal of Fire Department Vehicles-** The Fire Department will soon take delivery on the new fire truck ordered in 2017. Once it is placed into service, the new truck will replace the 1984 GMC Brush Truck and the 1988 E-One Rescue Truck. Funds from the sale of these trucks will be placed in the Town's capital reserve account for future Fire vehicle replacement. Fire Chief John Roberts will have a proposal for the Board to consider on how best to dispose these two vehicles.

3. **Donation from Massasoit Engine Company-** As a non-profit organization, the Massasoit Fire Company has over the years raised funds that can be used for the purchase of Fire Department equipment. The Company previously agreed to contribute funds toward the purchase of the new fire truck. Fire Chief Roberts will be in attendance Wednesday evening to present a check to the Board.
Recommended Action: Accept the donation from the Massasoit Engine Company to be used towards the Town's purchase of the new fire truck.

Fresh Start: Legislative Policy Committee adopts platform

Maine Municipal Association's 70-member LPC has given clear direction on municipal priorities for the upcoming session. Property-tax relief is paramount.

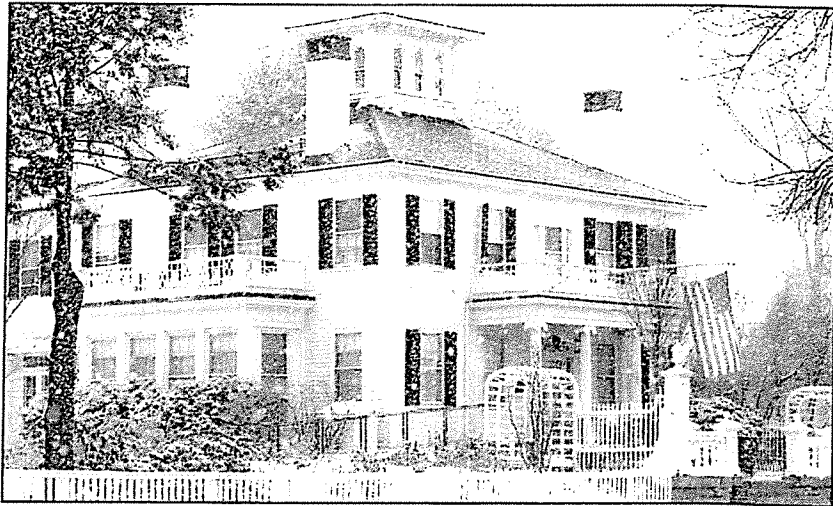
By Kate Dufour, Director of State & Federal Relations, MMA

The snow-covered path in Capitol Park featured on the cover of this magazine is by now imprinted with footprints of all shapes and sizes, with some moving in a uniform direction and others veering off of the main path in search of a new adventure or a favored location. Similarly, the November election of Governor-Elect Janet Mills and the members of the 2019-2020 Maine Legislature present state level policymakers with a fresh start and an opportunity to stamp their policy priorities on Maine's legislative history.

While it is too early to precisely determine which direction Maine's new leaders will move, it is expected that change will be forthcoming, both with respect to the tenor of the debate on run of the mill matters as well as on divisive issues and the policies addressed, debated and implemented.

"Good governance starts with good communication, even with those you disagree with. I look forward to improved communications and a more open dialogue with the new administration to help find common sense solutions for Maine citizens and visitors."
Gary Lamb, Waterboro Town Administrator & LPC Representative.

Despite the unknowns and a decade's worth of broken promises in the form of reductions in state funding for important – and, in some cases, mandated – municipal services, local officials are cautiously optimistic about the future, generally. More specifically, there is hope for the opportunity to restore the relationship between state and municipal leaders. To that end, the Maine Municipal Association's Legislative Policy Committee (LPC) is



The Blaine House will see a different occupant next month. (Photo by Ben Thomas)

advancing a 10-plank legislative platform for consideration by members of the Maine House and Senate over the next biennium. That platform is largely focused on a multi-pronged approach for delivering much-needed property tax relief and providing municipal leaders with the tools necessary to grow their local economies.

"The 10 planks that form the foundation of the MMA's 2019-2020 legislative agenda reflect the mission and commitment of MMA and its members - how can we best deliver the services our residents depend on local government to provide. From property tax relief to covering the cost of marijuana legalization at the local level, the bills that will have the full support of the MMA keep the local residents of communities from St. Agatha to Sanford at the center of the conversation." Larissa Crockett, Scarborough Asst. Town Manager & LPC Alternate.

Direct property tax relief

As directed by the LPC, the Association will foster a comprehensive property tax burden relief strategy that is focused on amending and improving three existing programs and diversifying sources of municipally generated revenue.

Specifically, the LPC's tax relief bills seek to restore and protect funding for the Municipal Revenue Sharing Program, expand the benefit and reimbursement provided under the Homestead Exemption program, and authorize municipalities to implement a local sales tax. A fifth tax relief measure included on the Policy Committee's platform seeks to revive the state's currently defunct property tax deferral program.

Revenue Sharing Restoration. The LPC directed MMA staff to advocate against legislation seeking to reduce the percentage of state sales and income tax shared with municipalities.

Under current statute, funding for the State/Municipal Revenue Sharing Program is scheduled to increase from 2% to 5% of state sales and income taxes on July 1, 2019. According to the Revenue Forecasting Committee's March 2018 report, the restoration to 5% will increase revenue sharing distributions from \$71 million in FY 2019 to \$170 million in FY 2020.

Revenue Sharing Protection. In addition to advocating for the immediate restoration of funding, the LPC is seeking to protect future revenue sharing distributions by amending the state's constitution. As proposed in the resolution, the Legislature would be constitutionally required to distribute not less than 5% of total monthly state sales and income tax revenue to municipalities for the explicit purpose of reducing the burdens placed on property taxpayers. If MMA is successful in convincing two-thirds of the members of the Maine House and Senate to support the bill, Maine voters will have to ratify the amendment at a subsequent election.

"During the great recession, state municipal assistance programs were decimated. This included redirecting 60% of statutorily required municipal revenue sharing to other state purposes. These cuts increased the property tax burden in all Maine municipalities, both urban and rural. Now that the state's finances have improved, municipal funding must be restored and cities and towns given the revenue tools we need to reduce the property tax burden on our residents." Ed Barrett, Lewiston City Administrator & LPC Representative.

Homestead Exemption Program Expansion. The LPC is also advancing a measure to increase the value of the benefit provided under the Homestead Exemption from \$20,000 to \$25,000 and increase state reimbursement for lost property tax revenues from 62.5% to 100%. If enacted, it is estimated that the property taxes paid on a \$150,000 home in a community with a mill rate of \$16 would be reduced from \$2,114 to \$1,973, a savings of roughly \$140 each year.

Local Option Sales Tax. In an effort to diversify sources of locally generated revenue and reduce the overreliance on property taxpayers to fund

local government services, the LPC is advancing a bill that grants municipalities the authority to voluntarily adopt a local option sales tax. As proposed, by a vote of the local legislative body, a municipality would be allowed to impose a local option sales tax of not more than 1% on retail, meals and lodging sales currently subject to the state sales tax.

"I am very pleased that municipalities across Maine have made the Local Option Sales Tax a top priority for the MMA for the first time in their history. Allowing our communities to diversify our revenue base will greatly reduce the burden on the property tax and ensure that we are able to fully fund our needs without simply asking Augusta for more help." Ethan Strimling, Portland Mayor & LPC Representative.

Senior Property Tax Relief. Finally, targeted property tax relief for older homeowners is proposed through the reinstatement of an amended version of the currently non-operational State Property Tax Deferral Program for Maine's Senior Homeowners. As proposed in the LPC's initiative, qualifying homeowners who meet thresholds for age (65 years of age and older), household income (less than \$40,000) and liquid assets (\$50,000 limit for an individual; \$75,000 for two or more individuals) would be eligible to defer all or a portion of their property tax liability. Under terms of the program, the state would pay the property taxes owed on behalf of the homeowner and, in turn, retain a non-foreclosing lien on the property. This would allow for the sale of the home and recoupment of tax payments made, once the homeowner is no longer eligible to receive the benefit.

Indirect property tax relief

The LPC is also advancing two measures that could potentially reduce the amount of property-tax revenues used to fund school programs and county jail costs.

Use of "Unanticipated" School Aid. The school-related initiative proposes to establish property tax relief as the default use of "unanticipated" additional state subsidy for K-12 education.

Under the terms of this proposal, unless the voters participating in the budget validation referendum ap-

prove a warrant article allowing all or a portion of additional state subsidy to be used to fund a school unit board approved cost center expenditure, the additional subsidy must be used to reduce the local share of approved educational costs. Under existing laws, absent the adoption of a warrant article authorizing the use of additional state subsidy, the revenues must be held in reserve for the following year.

In cases where the adjustment prevents the regional school unit board from raising 100% of the required local share, the Policy Committee's bill requires the Commissioner of the Department of Education to waive the required proration of the state share.

Jail Inmate Healthcare Costs. The LPC is also advancing legislation to reduce the property tax burden associated with funding county jail inmates' health-care costs. As proposed, the Department of Health and Human Services would be required to establish a mechanism for ensuring that county jail inmates who are eligible for Medicaid coverage are able to apply for initial and renewed coverage while detained or incarcerated.

Economic development tools

Finally, the LPC's platform includes five bills focused on local level economic development. One of the bills provides funding for the local implementation of the state's adult use marijuana retail and manufacturing operations, and the others ease municipal efforts to deploy reliable broadband service to all areas of the state.

Marijuana Revenue Sharing. Put simply, there are many local planning, administrative and enforcement costs associated with the adoption of ordinances allowing adult use marijuana industry operations. Recognizing this, the LPC is advancing legislation that allocates one-quarter of the gross sales and excise revenue generated by adult use marijuana establishments in the state to the municipalities where the revenue is generated.

Without this sharing of marijuana-related sales and excise tax revenues, it is unlikely that municipalities will voluntarily subject local property taxpayers to costs of generating revenues nearly exclusively for the state, which could have the unfortunate consequence of further empowering the

so-called “gray” market for the sale of non-medical marijuana.

Broadband Expansion and the Municipal Right of Way. The LPC is advancing three bills to facilitate local level efforts to provide much needed access to broadband service.

The first bill seeks to restore municipalities’ right to attach municipal facilities to utility poles located in the municipal right of way, without having to pay utilities to move their facilities out of the space on the poles that is intended to be reserved for municipal uses.

Towns and cities moving forward with broadband projects have discovered that the utilities’ “make ready fees” have become a serious impediment to broadband expansion efforts, with the potential to make otherwise shovel-ready projects cost prohibitive. It does not make sense for local governments to have to pay companies, which have encroached on the municipal space with poles, to move the utilities’ property out of the way.

The second proposal adds “community broadband systems” to the list of essential types of infrastructure that municipalities may construct and generate revenue from for reasons of public necessity. Broadband is as necessary in the 21st Century to public welfare and economic development as electricity, water and sewer. By recognizing this fact in state statute, this bill encourages local and regional public-private partnerships that expand broadband access.

Finally, the third bill builds on the first two broadband-centric proposals by recognizing the benefit that utilities receive from the municipal improvements to the right of way where the utilities’ facilities are located. Members of the Legislative Policy Committee believe management of the municipal right of way has grown more costly as a result of utility activity.

This bill brings Maine in line with other states by allowing municipalities to assess fees that place those growing costs where they are more appropriate, off of local property taxpayers and onto the utilities. The fees would be required to account for municipal expenditures necessitated by utilities’ occupation of space in the right of way, or to otherwise mitigate impacts that the municipality has to correct.



The Statehouse, pictured earlier this winter. (Photo by Ben Thomas)

“MMA’s LPC platform for the next legislative cycle should hopefully paint a clear picture that municipalities in Maine are concerned for their taxpayers, and that the 10 planks in the platform represent varying solutions to reducing the local taxpayer burden. Many of the proposals are simple requests to return to the norm of fully funding State mandates, such as 5% Revenue Sharing and fully funding the Homestead Exemption. Property tax relief is a local issue, therefore it is incumbent that we as municipalities collectively roll-up our sleeves to advocate for meaningful property tax relief for our residents and businesses.” Gary Picard, Madawaska Town Manager & LPC Representative.

Other policy priorities

In addition to advancing the proposals described above, the Legislative Policy Committee recognizes that local leaders need to engage in intergovernmental and multi-partner efforts that address systemic issues affecting Maine residents, guests and businesses. As a result, during the 2019-2020 legislative session Maine Municipal Association staff will seek out opportunities to address:

State/Municipal Relationships. Work with newly elected state leaders to improve the state/municipal relationships necessary for the successful, efficient and fairly funded provision of government services.

Broadband Access. Defend and im-

prove upon the ability for municipalities, regional collectives of municipalities, municipal broadband districts and counties to construct, own, maintain and/or lease broadband internet infrastructure for the purpose of ensuring timely and affordable access to Maine’s publicly-built “3-Ring Binder” network to support entrepreneurial activity, attract business, improve access to modernized methods of education and healthcare, and enhance demographic in-migration.

K-12 Education Funding. Hold the Mills Administration and the Legislature accountable for making continued progress toward the statutory requirement to fund 55% of K-12 education costs, as defined by the Essential Programs and Services program.

“Revenue sharing restoration is of the utmost importance to the taxpayers of Maine. The property tax burden is devastating to citizens of my municipality, especially the elderly. If the state would fully fund RS we may not need a local option sales tax. Furthermore, it is time for the elected representatives to put the money where they promised and fully fund the 55% for education.” Jay Feyler, Union Town Manager & LPC Representative.

Workforce Development. Support workforce development and recruitment efforts that ensure Maine residents have the skills necessary to support an expanding economy including, but not limited to, education loan

forgiveness, high school internship opportunities, vocational school programs and regional workforce training boards.

"The LPC work gives a true pulse as to the feeling of local governments, thus the residents of Maine." George Donovan, Alfred Selectman & LPC Representative.

Transportation Funding Shortfalls. Address the Department of Transportation's chronic funding shortfalls and overreliance on bond revenue by working with the Department and industry officials to identify and implement the sustainable funding and efficient resource allocation solutions necessary to avoid the public safety, declining maintenance standards, and financially related consequences associated with deferring improvements to Maine's federal, state and local road and bridge network.

County Jail Funding. Partner with county officials to implement measures that increase the state's share of county jail operations and thereby reduce the burden currently placed on property taxpayers to fund the state-mandated service.

Affordable Housing. Promote the development of affordable senior and workforce housing, including supporting efforts addressing the state's homelessness issue and encouraging locally implemented policies allowing older residents to age in place.

Mental Health/Opioid Crises. Partner with county and state agencies to develop and implement the multi-partner strategies necessary to address the state's opioid and mental health services crises.

"In today's world, there can be no we and them; we MUST work together to maintain this great state of ours and attain goals at all levels. We; municipality and state, are equally important pieces of a much larger mechanism that can fail miserably if too much pressure is applied in the wrong location. The 10 planks of our (LPC) platform are much needed... to equalize the pressure to maintain fluidity and productivity. There is much truth to the familiar saying 'united we stand, divided we fall'" Dwayne Young, Weston Administrative Asst. & LPC Representative

Looking ahead

After the first of the year, the Legislature will begin to process hundreds of bills seeking to amend existing statute and implement new laws. If history is a guide, roughly 500 bills will impact municipalities, some more directly than others.

Future updates on the Association's platform efforts, as well as on

the municipally relevant bills advanced by state policymakers, will be provided in MMA's *Legislative Bulletin*, which is published each Friday during the legislative session. It is expected that the first edition will be published on Jan. 11, 2019. If you are interested in receiving a copy (either electronically or paper) of the Bulletin, please contact Laura Ellis at lellis@memun.org or 1-800-452-8786. ■

LEGAL RE

Our Municipal Law and Finance Group is rewriting the definition of municipal legal counsel in Maine, integrating comprehensive general counsel experience with trusted municipal finance services.

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January 4, 2019

Board of Selectmen
Town of Damariscotta
21 School Street
Damariscotta, Maine 04543

I attended the January 2 meeting to initiate discussion of proposed Town ordinances governing the cultivation, processing, testing and retail sale of legalized marijuana. As a regional hospital locale with an associated body of medical practitioners, Damariscotta is a logical place for distribution of cannabis products – both prescribed and for adult recreational use. It also is the primary service center for general commerce in Lincoln County. Though I have no personal interest in the product one way or the other, I accept the reality that it now is part of our society and found the views expressed very helpful to my limited understanding of the business and related regulatory issues.

Proponents and opponents both liken marijuana to alcohol as a potentially addictive substance that can alter personal behavior and lead to undesirable safety risks and need for intensive law enforcement. One obvious difference is that alcohol is available locally only in conjunction with restaurant dining service or as one of innumerable products sold in food stores and pharmacies; i.e., adjuncts to the proprietor's principal business. Establishments dealing solely in cannabis have a strong financial incentive to maximize sales of a single family of products to their patrons, with no means of limiting secondary distribution or resale. It would seem likely that someone making the trip to Damariscotta from Jefferson might want to buy a month's personal supply, or perhaps enough for social gatherings.

In considering this subject, Selectmen are faced with a choice of either facilitating or promoting the availability of marijuana in a non-transformative way for the community. The challenge is to do so without creating a "Weedville" reputation as a principal Midcoast source for cannabis derivatives.

It appears that there is something to be gained from "daylighting" activity already conducted through underground channels. A major obstacle in that regard is the necessity for all marijuana business to be conducted in cash or by credit card to avoid violation of federal law, making activity extremely difficult to track. Retail marijuana in Colorado is monitored through a 2.9% state sales tax, a 10.0% special tax, and any applicable local levies.

No one spoke this week of the value added at each stage of cannabis production and marketing – or of the economic worth of different locations for retail sales. A single ounce of better-quality marijuana sells for upwards of \$200 in the street market, and the Town needs a knowledgeable resource for information other than those standing to benefit from a favorable Board decision. I recommend engaging consulting assistance from Colorado, Oregon or other state in which relevant precedent has been established or, alternatively, appointing a task force to research legal, commercial, safety and other aspects of public oversight of cannabis usage.

A particular issue involves the entrepreneurs who have taken the initiative to place two “stakes in the ground” on Main Street in the hope of gaining ultimate Town approval of their locations for adult-use retail sales. The C-1 commercial district, for which parking is largely centralized on the waterfront and many shopping venues are readily accessible by foot, clearly contains the prime commercial properties. Though these merchants no doubt would welcome automatic grandfathering of existing establishments, the licensing requirement to authorize a change in use of the premises arguably overrides that concept.

Should speculation to preempt prime space be rewarded simply because of their early presence? Does the Town have separate licensing authority from the State, and could it impose a charge differentiated by zoning district? Might there be competitive bidding for desirable locations? We have the ability to limit supply sources, as with liquor licenses, but also to extract appropriate compensation from those authorized to sell a scarce and potentially harmful commodity. In any event, C-1 should not be restricted to two outlets as proposed, affording those two parties exclusivity by default. At the opposite extreme, an argument could be made for unlimited licensing that would allow trade competition to determine the eventual survivors.

You have tentatively proposed that a community of 2,144 residents at last official count be willing to issue up to 28 licenses covering five categories of the cannabis business, excluding in-home cultivation. Six licenses are proposed for medical sales, but there is no indication that they are to be restricted to professional physicians or licensed pharmacists. There would be 12 for cultivation in three size categories (why does size matter?) totaling up to 27,000 square feet, two for manufacturing, two for public retail, and one for testing. It appears that the licensing limits apply to functions, not establishments, such that one party could acquire multiple licenses and conceivably operate at a single location in the rural zone.

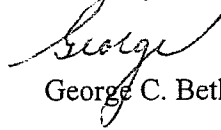
We will be selling limited opportunities in a prime commercial community and should be well compensated for making that advantage available. How is the price of a license to be determined, and what is its duration? Do we understand the economics involved so that the Town receives fair payment for a limited number of permits? We certainly should not leave money on the table?

Should home growers also be licensed? How would they be checked for legitimacy and compliance; and who would be responsible for doing so? What are the testing protocols to assure proper qualitative labeling? What control would the state have in that regard?

I see no reason for establishing a 1,000-foot “safety moat” around a school when sales to minors are prohibited. This provision effectively contracts the C-2 zone along both sides of Upper Main Street for prospective cannabis dealers, and it implicitly presumes their patrons are an undesirable threat to children. It is ironic that one of the hoped-for C-1 sites is next to (and associated with) an ice cream parlor.

As the Colorado experience demonstrates, there is risk in being a leader in such an experiment, which could change the character and general appeal of our community. Would it attract more summer visitors – or discourage some who look for a distinct change of scene from their year-round hometowns? Proponents claim that their economic gain from cannabis availability will increase patronage for unrelated community businesses. Opponents and skeptics question whether that problematic prospect is a worthwhile trade-off for hosting an activity that can engender both medical benefits and the costs of aberrant personal behavior and potential addiction. We should ask ourselves if it is prudent to lead the crowd in this direction, follow the experience of other in-state towns, or simply decide that this is not “the way life should be” in Maine.

Sincerely,

A handwritten signature in cursive script that reads "George".

George C. Betke, Jr.

NOBLEBORO/JEFFERSON TRANSFER FACILITY CONTRACT

The Towns of Nobleboro and Jefferson have formed a regional council of governments, hereinafter known as Council, for the operation and management of a waste transfer facility, and hereby agree with the Town of Damariscotta, hereinafter known as Damariscotta, to provide a facility to enable Damariscotta to dispose of certain waste at the transfer facility under the following terms and conditions:

Council's Responsibility: Council shall be responsible for construction, operation, and management of a solid waste transfer facility on Center Street in Nobleboro, Maine. The Council shall purchase and maintain the necessary equipment, obtain the necessary licenses, and employ attendants and engage haulers to transfer the waste to an authorized disposal facility and pay the necessary tipping fees to said disposal facilities and to do all other things that are incidental and necessary to the operation of a proper transfer facility.

Damariscotta's Rights and Privileges: Damariscotta shall have representation in the Council's quarterly and annual meetings. They will be able to comment and discuss the operations of the Transfer Station. Damariscotta will be permitted to dispose of solid waste generated in the Town of Damariscotta at the above described transfer site in the Town of Nobleboro under the terms and conditions of this agreement.

Time: This agreement starts January 1, 2019 thru December 31, 2019.

Cost: Damariscotta agrees to pay Council a percent of the net operating cost of the Transfer Facility based primarily on population with some consideration given for businesses in the town. For the year 2019 Damariscotta agrees to pay One Hundred Twelve Thousand, Five Hundred Nineteen Dollars and no/100 cents (\$112,519.00) to be made in **twelve** equal payments. **All payments are due within ten (10) days of its first warrant of each month.** Should payments not be met, then, access to the services to dispose of waste in the above referred to transfer facility shall cease.

Capital Costs: There will be no capital costs for the term of this contract.

Conditions: The Town of Damariscotta will work with the Council to encourage recycling to reduce solid waste tonnage as much as possible. All commercial haulers may be required to become licensed to dump at the Transfer Station. Licenses may be issued and renewed periodically at the discretion of the Council.

The Council will work to measure, through the most accurate method available, the amount of waste generated from the Town of Damariscotta.

Permissible Waste: Damariscotta may deposit the following waste at the above referred facility subject to the rules, regulations and fees regarding permissible waste that may be promulgated by the Council from time to time:

1. **White Goods:** Appliances, including refrigerators and freezers, washing machines, dishwashers, air conditioners, clothes dryers, etc.
2. **Garbage:** Accumulation of animal and vegetable matter produced and accumulated from domestic kitchens, restaurants and other food processors and purveyors

- 3. **Trash & Rubbish:** Paper waste, leaves, crating material, cartons, and grass cuttings.
- 4. **Recycling Materials:** Corrugated cardboard, newspapers, plastic, glass, tin cans, etc.

Rules and Hours: The Council may promulgate rules and regulations for the safe and proper management and handling of the above items, said rules to be conspicuously posted at the facility and delivered to the Town of Damariscotta. These rules and regulations may be altered from time to time and must be adhered to by all using the above referred to facility. The facility will be open for the receipt of the above items from 8:00 am to 3:50 pm five days a week, and closed on Sundays and Mondays and all Federal holidays.

Impermissible Waste: The following may not be deposited at the facility in any form whatsoever: timber or wood over six inches in diameter, junk vehicles or parts of vehicles, septage, septage treatment, septic tank waste, used motor oil, televisions or computers, or any substances now or hereafter classified as hazardous or special waste by the State Department of Environmental Protection or the United States Environmental Protection Agency.

Enforcement: The Council shall issue permits to be distributed by Damariscotta and shall have the right to verify that the permit is in fact valid and that the use is hauling waste generated in the Town of Damariscotta. The council or its agent shall have the right to deny access to the facility to anyone who does not abide by all the rules and regulations promulgated by the facility.

Severability: The fact that one or more portions of this agreement may be deemed unenforceable shall not affect the validity of the remaining portions of this agreement. IN WITNESS, WHEREOF, the Council has caused this document to be executed by Richard Spear, duly authorized to act on behalf of the Council.

Date: 1/2/2019

Richard Spear
Richard Spear, Transfer Station Agent

IN WITNESS, WHEREOF, the Town of Damariscotta has caused this instrument to be executed by _____

_____ its Selectmen duly authorized to act on behalf of said Town.

Date: _____

Town Manager



AGENDA
NOBLEBORO/JEFFERSON
TRANSFER STATION
Dec.27,2018

WELCOME

CALL TO ORDER

MINUTES

REPORTS; MANAGERS REPORT

AGENT REPORT

WASTE MANAGEMENT REPORTS

FINANCIAL REPORT FOR 2018

BUDGET FOR 2019

PROPOSED FUNDING FOR 2019 BUDGET

LOOKING TO THE FUTURE

ELECTION OF OFFICERS

OTHER BUSINESS

ADJOURN

	WASTE MANAGEMENT MSW										2018.00	2021	WARRANT	
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024				
JANUARY	324.38	179.95	188.55	168.33										1,2
FEBRUARY	184.51	133.35	133.92	140.86										3,4
MARCH	138.85	170.48	245.12	249.62										5,6,7
QTR TOTAL	647.74	483.78	567.59	558.81	0.00	0.00	0.00	0.00	0.00	0.00				
APRIL	158.58	163.99	193.03	201.36										8,9
MAY	197.01	191.19	192.72	194.60										10,11
JUNE	198.71	169.87	208.63	197.12										12,13
QTR TOTAL	554.30	525.05	594.38	593.08	0.00	0.00	0.00	0.00	0.00	0.00				
JULY	308.27	308.41	216.65	234.25										14,15
AUGUST	353.83	209.92	232.49	357.61										16,17,18
SEPTEMBER	212.01	315.62	331.57	219.73										19,20
QTR TOTAL	874.11	833.95	780.71	811.59	0.00	0.00	0.00	0.00	0.00	0.00				
OCTOBER	198.34	194.18	219.77	210.60										21,22
NOVEMBER	173.98	183.19	201.85	170.60										23,24
DECEMBER	273.09	196.51	161.87	217.71										25,26
QTR TOTAL	645.41	573.88	583.49	598.91	0.00	0.00	0.00	0.00	0.00	0.00				
YEAR TO DATE	2721.56	2416.66	2526.17	2562.39	0.00	0.00	0.00	0.00	0.00	0.00				

Waste Management DEMO 2018											
	2015	2016	2017	2018	2019	2020	2021			WARRANT	
JANUARY	67.46	53.32	46.19	39.12						1,2	
FEBRUARY	24.64	46.61	41.72	44.09						3,4	
MARCH	41.04	46.67	74.06	106.92						5,6,7	
QTR TOTAL	133.14	146.60	161.97	190.13	0.00	0.00	0.00	0.00	0.00		
APRIL	69.99	76.56	94.73	86.28						8,9	
MAY	118.22	92.47	132.81	113.15						10,11	
JUNE	101.65	77.80	110.73	107.30						12,13	
QTR TOTAL	289.86	246.83	338.27	306.73	0.00	0.00	0.00	0.00	0.00		
JULY	148.91	114.33	119.15	105.50						14,15	
AUGUST	145.34	103.11	88.36	162.86						16,17,18	
SEPTEMBER	84.26	141.21	170.99	107.52						19,20	
QTR TOTAL	378.51	358.65	378.50	375.88	0.00	0.00	0.00	0.00	0.00		
OCTOBER	112.44	111.36	102.25	106.17						21,22	
NOVEMBER	111.20	86.81	85.68	80.95						23,24	
DECEMBER	107.54	78.93	80.64	68.66						25,26	
QTR TOTAL	331.18	277.10	268.57	255.78	0.00	0.00	0.00	0.00	0.00		
YEAR TO DATE	1132.69	1029.18	1147.31	1128.52	0.00	0.00	0.00	0.00	0.00		

2018	DATE	TONNAGE
	1/18/2018	8.01
	2/5/2018	8.34
	3/2/2018	9.52
	4/2/2018	10.04
	4/13/2018	7.87
	4/23/2018	8.83
	4/30/2018	8.77
	5/4/2018	7.09
	5/7/2018	6.47
	5/17/2018	8.45
	5/29/2018	8.75
	6/7/2018	7.67
	6/21/2018	8.44
	7/2/2018	9.04
	7/11/2018	8.17
	7/17/2018	6.8
	7/25/2018	7.71
	8/2/2018	7.35
	8/13/2018	9.07
	8/24/2018	7.4
	9/4/2018	7.32
	9/14/2018	8.13
	9/19/2018	8.61
	10/2/2018	9.7
	10/9/2018	6.96
	10/22/2018	9.28
	11/6/2018	7.62
	11/19/2018	9.87
	11/28/2018	9.49
	12/12/2018	8.55
		249.32 Total Tons

12/28/18

FINANCIAL STATEMENT
FOR
NOBLEBORO/JEFFERSON TRANSFER STATION

Beginning Balance 01/01/2018 227,468.54

Revenues:

Nobleboro	56843.00
Jefferson	87212.00
Damariscotta	112518.88
Breman	40880.04
Newcastle	91884.00
Misc. Fees	10105.80
Metal Fees	41950.00
Brush Fees	9864.93
Tire Fees	3749.60
Demo Fees	167693.27
Refunds	2799.27
Bottle Fund	2726.85

628,227.64

855,696.18

Total Expenses For 2018 621,948.06

Balance End Of Year 12/28/18 233,748.12

Gain in 2018 +6,279.58

Custom Budget Report

Expense

	2017 Budget	2017 Actual	2018 Budget	2018 YTD	2019 Initial
Dept: 530 Transfer Station					
PERSONNEL SERVICES					
01-06 FICA	9,080.00	9,209.23	9,300.00	9,689.41	10,308.00
01-11 TRANSFER STATION ATTENDANTS	108,617.00	113,282.39	116,738.00	119,557.30	131,248.00
01-15 TRANSFER STATION AGENT	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
PERSONNEL SERVICES	121,197.00	125,991.62	129,538.00	132,746.71	145,056.00
UTILITIES					
02-20 TELEPHONE	1,800.00	1,449.59	1,600.00	1,341.12	1,600.00
02-21 ELECTRIC	2,000.00	1,311.21	1,600.00	1,640.45	1,600.00
UTILITIES	3,800.00	2,760.80	3,200.00	2,981.57	3,200.00
SUPPLIES					
04-42 T S FUEL	2,400.00	2,155.32	2,400.00	2,934.70	2,600.00
04-45 T S UNIFORMS	500.00	494.52	800.00	402.85	800.00
04-50 T S SUPPLIES	3,000.00	2,325.72	2,500.00	2,040.69	2,000.00
04-52 GRAVEL	300.00	0.00	200.00	200.00	0.00
SUPPLIES	6,200.00	4,975.56	5,900.00	5,578.24	5,400.00
MAINTENANCE & REPAIRS					
05-15 MAINTENANCE OF GROUNDS	1,500.00	1,438.17	1,500.00	1,466.78	1,500.00
05-20 T S COMPACTOR	2,500.00	1,431.08	2,000.00	0.00	1,500.00
05-25 T S SCALES & COMPUTER REPAIRS	1,500.00	4,326.00	3,500.00	3,422.50	3,500.00
05-30 T S TRACTOR	3,500.00	2,330.80	3,500.00	3,942.64	2,000.00
05-37 TS CONTAINER REPAIRS	2,500.00	0.00	2,000.00	0.00	1,000.00
MAINTENANCE & REPAIRS	11,500.00	9,526.05	12,500.00	8,831.92	9,500.00
CONTRACTED SERVICES					
06-25 SNOWPLOWING PARK & RIDE	2,700.00	2,633.33	2,700.00	2,666.67	3,000.00
06-27 TS STUMPGRINDING	2,500.00	0.00	1,500.00	10,000.00	0.00
06-28 TS REFRIGERATOR DISPOSAL	0.00	1,620.00	0.00	2,804.00	0.00
06-30 LEGAL FEES	500.00	0.00	500.00	0.00	200.00
06-36 TS ADMINISTRATION	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00
06-45 ADVERTISING	200.00	70.00	200.00	165.28	200.00
06-65 HAULING FEE DEMO	0.00	62,057.00	0.00	63,000.00	0.00
06-66 DUMPING FEE DEMO	0.00	85,623.85	0.00	84,147.32	0.00
06-75 HAULING FEE TRASH	110,000.00	95,858.90	100,000.00	92,700.00	100,000.00
06-76 DUMPING FEE TRASH	135,000.00	125,414.16	165,000.00	148,579.78	165,000.00
06-77 HAULING METAL	0.00	11,040.00	0.00	10,350.00	0.00
06-96 TIRE DISPOSAL	0.00	2,318.00	0.00	3,366.00	0.00
CONTRACTED SERVICES	257,900.00	393,635.24	276,900.00	424,779.05	275,400.00
PROFESSIONAL FEES					

Custom Budget Report

Expense

	2017 Budget	2017 Actual	2018 Budget	2018 YTD	2019 Initial
Dept: 530 Transfer Station CONT'D					
07-05 LICENSES	1,000.00	1,718.50	1,500.00	1,095.00	1,200.00
PROFESSIONAL FEES	1,000.00	1,718.50	1,500.00	1,095.00	1,200.00
INSURANCE					
08-04 RETIREMENT INSURANCE	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
08-05 TS INSURANCE	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00
08-06 TOWN HEALTH INS/REIMB	25,100.00	24,373.78	26,000.00	25,702.68	41,637.00
INSURANCE	35,600.00	34,873.78	36,500.00	36,202.68	52,137.00
EQUIPMENT PURCHASES					
EQUIPMENT PURCHASES	0.00	0.00	0.00	0.00	0.00
MISC INCIDENTALS					
12-12 OPERATING EXPENSES	2,000.00	1,527.21	1,500.00	817.11	1,000.00
12-13 HAZARDOUS WASTE	0.00	0.00	1,000.00	1,094.25	0.00
12-20 CAPITOL ACCOUNTS	30,000.00	15,059.86	30,000.00	6,658.68	30,000.00
12-25 MILEAGE	800.00	333.18	500.00	362.88	500.00
12-30 RECYCLING EDUCATION	500.00	0.00	300.00	0.00	0.00
12-31 RECYCLING ELECTRONICS	0.00	317.72	0.00	799.97	0.00
MISC INCIDENTALS	33,300.00	17,237.97	33,300.00	9,732.89	31,500.00
Transfer Station	470,497.00	590,719.52	499,338.00	621,948.06	523,393.00
Expense Totals:	470,497.00	590,719.52	499,338.00	621,948.06	523,393.00

NOBLEBORO/JEFFERSON TRANSFER STATION

PROPOSED FUNDING FOR THE 2019 BUDGET

BUDGETED AMOUNT 523,393
 AMOUNT FROM SURPLUS 134,055

AMOUNT TO BE RAISED 389,338

TOWN	BY POP.		PLUS	ADJUSTED	AMOUNT TO BE RAISED	CHANGE FROM 2018
Breman 806	9.1%	+	1.4	= 10.5%	40,880	0
Damariscotta 2218	25.1%	+	3.8	= 28.9%	112,519	0
Jefferson 2427	27.4%	-	5.0	= 22.4%	87,212	0
Newcastle 1752	19.8%	+	3.8	= 23.6%	91,884	0
Nobleboro 1643	18.6%	-	4.0	= 14.6%	56,843	0
					<u>389,338</u>	<u>0</u>

Damariscotta Marijuana Ordinances Frequently Asked Questions

Introduction:

In November, 2016, Maine voters approved a referendum that legalized recreational use of marijuana (later described as “adult-use”). Shortly thereafter, as far as State law was concerned, both the recreational use and the cultivation of recreational marijuana for personal use by adults were permitted. The right to commercially cultivate, manufacture, test and sell non-medical marijuana was not permitted until after the State government approved these activities. After many months of discussion and legislative proposals, in July 2018, the State Legislature overrode the Governor’s veto and approved legislation that allowed these business ventures. Per the new statutes, the commercial adult-use establishments are only allowed in those cases where each municipal government has permitted them through an “opt-in” process and only after of State regulations are finalized.

During the same legislative session, the State Legislature also enacted into law two bills that provide for local government regulation of medical marijuana commercial establishments, not including regulation of caregivers and caregiver cultivation establishments. The latter two activities continue to be regulated by the State. Prior to the enactment of these laws, local governments had no authority to regulate these commercial activities any differently than any other business.

On November 6, 2018, Damariscotta voters voted to “opt in” to marijuana sales, cultivation, manufacturing, and testing, pursuant to State statutes for both medical marijuana and adult-use commercial establishments. For adult use of marijuana, the vote was 54 percent to opt in; for medical marijuana, the vote was 69 percent in favor. The Town is now considering ordinances to implement the vote, and is conducting community conversations to better understand the wishes of the residents.

Below are answers to some of the more common questions asked regarding the implementation of the Town’s marijuana ordinances. You are encouraged to review the draft ordinances (Adult Use, Medical Marijuana, and Land Use), as well as the summary spreadsheet prepared by Town staff, and attend the community conversations to voice your concerns. After the series of community conversations, the ordinances will be finalized and presented at public hearings for final input by the voters prior to a Town vote at either a special Town meeting or the Annual Meeting in June.

Q: How many other municipalities in Lincoln County have opted in to marijuana sales/manufacturing/cultivation/testing?

A: Based on the research that the Town staff have done to date, Boothbay and Damariscotta are the only towns in Lincoln County that have taken the legislative action necessary to allow either adult-use or medical marijuana commercial establishments. Damariscotta is one of the few municipalities in the State that have opted in to allow both adult-use and medical marijuana commercial establishments. Note that medical marijuana businesses that were operating on or before December 13, 2018 were grandfathered, meaning that they are not subject to municipal zoning provisions that may be subsequently approved. Damariscotta has one medical marijuana caregiver retail store that falls into this category.

Q: Why do we need any limits on the number/location of marijuana facilities?

A: State law permits towns to “opt in” for marijuana facilities (both adult use and medical), as well as to control the number/location of such facilities in a jurisdiction. The Town is concerned that unlimited growth in the marijuana business may put a drain on municipal resources, particularly the Police Department and Code Enforcement. Additionally, a number of residents have expressed concern that without licensing and controls on the number/location of marijuana facilities, the culture of the Town will change. Because marijuana growing/sales is a new business in the State of Maine, the Town has decided to proceed with caution. After several years and experience with the new law and data on changes in Town resources, etc., changes to the ordinances can be considered.

Q: How many marijuana businesses will be licensed, and where will they be located?

A: These questions are currently under discussion. The draft ordinances proposed limits on the number of facilities (retail, cultivation, manufacturing, and testing) and locations (general residential; commercial—C1, C2—and rural). Please review each draft ordinance for proposed number of licenses and location of facilities. The staff recommendations for licensing and zoning limitations are shown on the spreadsheets provided on the Town’s website.

Q: If the number of businesses wanting licenses exceeds the number licenses available, how will the licenses be allocated?

A: Since applications for these licenses will have already been vetted by the State per the required provisional license review, the fairest way to allocate licenses at the municipal level may be through a lottery process. As with other provisions in the draft ordinances, this topic is still open for public discussion.

Q: Is hemp covered in the marijuana or land use ordinances?

A: No, not if the hemp is industrial hemp as defined in state law (Title 7, section 2231. The ordinances address only adult use and medical marijuana, based on the state law. Under state law, "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include industrial hemp as defined in Title 7, section 2231.

Q: Why is the Town proposing licensing fees for medical marijuana, since there are already state licensing fees?

A: Municipal licensing fees are associated with some of the increased administrative costs associated with marijuana businesses. Town services associated with licensing (Code Enforcement Officer, Fire Chief, Police Chief) will be expended to ensure the businesses meet ordinance requirements. Therefore, it will be the obligation of those businesses to help offset the increased costs. Only a small percentage of state sales and excise tax revenue collected on marijuana establishments will be available for marijuana-related training for public safety personnel. In the current state statutes, no provision was made for municipalities to share in tax revenue generated by these new businesses.

Q: What are the implications for law enforcement with the addition of marijuana facilities (of all types) in the Town, and will more officers be required?

A: At this point, we do not know, particularly since there is no final number/type of facilities that will be licensed in the Town. The Town anticipates the potential for increased need for enforcement, as it would for major increases in any businesses in Town. Of concern is (1) the fact that marijuana sales are largely all cash businesses; (2) complaints of noxious odors from cultivation facilities; and (3) impaired driving associated with drug use. Additionally, resources will be required to monitor retail marijuana businesses to ensure state requirements are being followed (e.g., packaging consistent with state law).