

**Agenda**  
**Town of Damariscotta, Maine**  
**Board of Selectmen's Meeting**  
**September 19, 2018, 5:30 PM**  
**Damariscotta Town Hall**

- I. Pledge of Allegiance**
- II. Public Hearings**
  - 1. Draft Ordinance Regarding Prohibitions on Plastic Bags and Polystyrene
  - 2. Draft Ordinance Regarding Moratorium on Medical Marijuana Establishments
  - 3. Special Town Meeting Article Regarding "Opt-in" for Adult Use Marijuana Establishments
  - 4. Special Town Meeting Article Regarding "Opt-in" for Medical Marijuana Establishments
- III. Call to Order- Board of Selectmen's Meeting**
- IV. Action on Public Hearing Items**
  - 1. Special Town Meeting Warrant for November 6, 2018
- V. Minutes**
  - 1. September 4 Meeting
  - 2. September 12 Special Meeting
- VI. Financial Reports**
  - 1. Payroll Warrant # 12
  - 2. Accounts Payable Warrant # 13
- VII. Presentations:**
  - 1. Presentation by LincolnHealth
- VIII. Citizen Comments and General Correspondence**
  - 1. Letter from Cindy Sherman re: Stepping Stone
- IX. Town Manager Items**
  - 1. Maine Municipal Association Local Advocacy Packet
  - 2. Reminder of Change in Town Hall Office Hours Beginning October 1
  - 3. Twin Villages Business Forum – September 28
- X. Official Action Items**
  - 1. Corrective Cemetery Deed and Perpetual Care Agreement with Henry and Katherine Lee
  - 2. Planning Services Contract
  - 3. Maine Municipal Association Conference Voting Credentials
  - 4. Maine Municipal Association Safety Enhancement Grant Application
- XI. Selectmen's Discussion Items**
- XII. Adjournment**

TOWN MANAGER NOTES - SEPTEMBER 19, 2018  
BOARD OF SELECTMEN'S MEETING

**Public Hearings –**

- 1. Draft Ordinance Regarding Prohibitions on Plastic Bags and Polystyrene Foam -**  
This is the second public hearing on a proposed ordinance that would prohibit the distribution of plastic bags and polystyrene foam containers at Damariscotta retail stores and food establishments. In response to citizen and business owner feedback at a September 4 public hearing, the Board made two changes in the previous draft. These changes were the elimination of a requirement that there be a charge for paper bags and the elimination of a provision that would prohibit employees of Town contractors from using polystyrene containers when working for the Town. Because the ordinance has been changed since the first public hearing, this second hearing is required before the ordinance can be placed on a town meeting warrant. The revised draft ordinance is attached.
- 2. Draft Ordinance Regarding Moratorium on Medical Marijuana Establishments -**  
Two laws related to medical marijuana commercial activities were passed by the State legislature this past summer. One of the laws gives local governments the authority to regulate the location, operation, permitting, approval, or licensing of any and all new medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities. This law will go into effect 90 days after the adjournment of the second regular of the State Legislature which occurred yesterday, September 13.

Since the new law provides an exemption for medical marijuana businesses that are already operating on the December 13 effective date, unless the moratorium is approved, any businesses that would like to open in Damariscotta would not be subject to the new regulations. The moratorium gives the Town the time it needs to develop requirements for medical marijuana commercial establishments before any new such establishments open in town. These regulations would be in the form of one or more ordinances that will be developed through a public process and considered by the voters at a special town meeting early next year.

- 3. Special Town Meeting Article Regarding “Opt-in” for Adult Use Marijuana Establishments -**Closely related to the proposed moratorium ordinance are two proposed special town meeting articles for the November 6 ballot. In a change from the citizen initiative that had been approved by Maine voters in November, 2016 and a change from previous bills that had been considered by the Legislature, the Legislature overrode a veto by the Governor and approved legislation that requires local governments to “opt in” if they want to allow adult-use (recreational) and medical marijuana businesses in their communities.

Two articles that will be discussed during the public hearing would, if ultimately approved by the Selectmen and then by the voters in November, allow these establishments to locate in town. These ordinances would become effective only after the

State regulations are in place and the Town voters approve the ordinances that create the necessary local zoning and licensing requirements.

4. **Special Town Meeting Article Regarding “Opt-in” for Medical Marijuana Establishments-** See summary above.

**Action on Public Hearing Items**

1. **Special Town Meeting Warrant for November 6, 2018-** Attached is a draft of the November 6 Special Town Meeting Warrant that includes all four of the public hearing items.  
**Recommended Action: Approve the Warrant for the November 6 Special Town Meeting.**

**Presentations:**

1. **Presentation by LincolnHealth** - Scott Shott from LincolnHealth has asked for thirty minutes on the agenda to provide the Board with an update on health care-related matters.

**Citizen Comments and General Correspondence:**

1. **Letter from Cindy Sherman regarding Stepping Stone-** Chairwoman Mayer received a letter and attachment similar to the attached letter to me. Robin asked that it be included in this meeting packet.
2. **Lincoln County Spirit of America Recognition** (letter attached)

**Town Manager Items:**

1. **Maine Municipal Association Local Advocacy Packet**
2. **Reminder of Change in Town Hall Office Hours Beginning October 1**
3. **Twin Villages Business Forum – September 28** – The link to the forum is <https://www.twinvillagesbiz.com/>.

**Official Action Items**

1. **Corrective Cemetery Deed and Perpetual Care Agreement with Henry and Katherine Lee** - At your August 15 meeting the Board approved the deed and perpetual care agreement with Henry and Katherine Lee. It was subsequently discovered that the site contained ledge that prevented the full use of the lots. The Cemetery Committee has therefore provided the Lees with other lots. Since the lot numbers on the documents that the Board previously approved have to be changed, corrective documents are required.

Staff is also working on a deed that the lot owners will need to sign to transfer the ownership of the unusable lots back to the Town.

**Recommended Action: Approve the corrective cemetery deed and perpetual care agreement with Henry and Katherine Lee.**

2. **Planning Services Contract-** With Town Planner Anthony Dater's pending departure from Town employment during the first week in October, I have been working with Lincoln County Regional Planning Commission staff on ideas for both a short term and long-term filling of this very important position. Ideas that are being pursued for staffing this position over the long term include sharing the cost of a full-time planner with other Lincoln County towns. For the time being however, I am happy to report that County Planner Bob Faunce is available to provide planner services to Damariscotta. I am currently working on a draft contract that I will send to the Board prior to your meeting on Wednesday. The arrangement that Bob and I have discussed is that he will provide staff support to both the Planning Board and the Land Use Advisory Committee. He will keep office hours at Damariscotta Town Hall on Mondays and will work remotely on an as needed basis on planning-related matters for the Town. The work for which we would pay Bob would be in addition to the services that Bob, Mary Ellen Barnes and Harold Spetla already provide for us as LCRPC staff.

**Recommended Action: Authorize the Town Manager to execute a contract with Robert Faunce for the provision of planning services to the Town.**

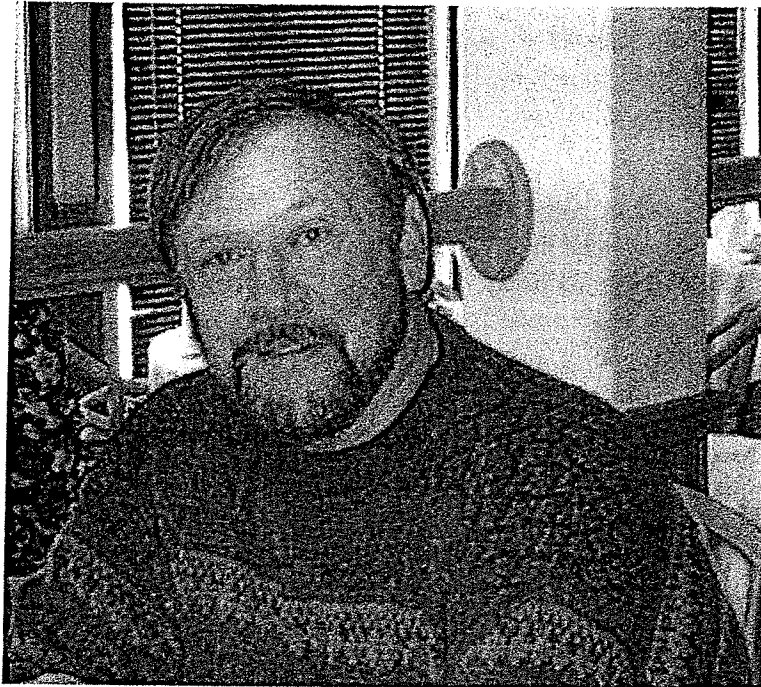
3. **Maine Municipal Association Conference Voting Credentials-** The attached voting credentials when executed by the Board will allow Damariscotta to participate in the annual MMA business meeting on October 3.

**Recommended Action: Designate Robin Mayer as the Town's voting delegate at the October 3 MMA Annual Business Meeting and Matt Lutkus as the alternate delegate.**

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 ergonomically beneficial sit-to-stand adjustable desk risers and battery powered keyboards for Town office staff. The grant request will be for \$1,100. A copy of the grant application and description of the desk riser are attached.

**Recommended Action: Authorize Town staff to submit a grant application for \$1,100 for desk risers and keyboards through the Maine Municipal Association Safety Enhancement Grant Program.**

# *The Ed MacDonald Safety Enhancement Grant Program*



## *Application Packet*

### May Grant Period

Deadline Date:  
April 30<sup>th</sup>

### October Grant Period

Deadline Date:  
September 30<sup>th</sup>



Maine Municipal Association  
RISK MANAGEMENT SERVICES

Date Revised: 09/2016



## The Ed MacDonald Safety Enhancement Grant Application

*MMA's Risk Management Services is committed to helping Workers Compensation Fund members provide the tools necessary to implement safe work practices and build solid risk management programs. The Ed MacDonald Safety Enhancement Grant program is funded through the Workers Compensation Fund and is available only to current participants in the Fund.*

### PURPOSE

Safety Enhancement Grants offer financial incentives to Members to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. The grants match your investment on a 2:1 ratio basis. Interested members must submit an application form including the description and intended purpose of the safety equipment or service and how it will make the workplace safer. Grant requests must be for single items or groups of related items.

### ELIGIBILITY

Only current Workers Compensation Fund members are eligible to participate. Grants are awarded in May and October of each year. To be eligible for the May awards, your application must be received between October 1 and April 30. Applications for the October awards must be received between May 1 and September 30.

### GRANT AWARDS

Members are eligible for awards in amounts up to \$2,000 per project. The minimum cost for requested items must be \$200. There is an annual limit of \$5,000 per member. A maximum of two applications per member may be submitted in a "grant period." Grant monies must be used for the purchase of the approved safety related equipment or services within twelve months of the date of approval. We reserve the right to review appropriate documentation of all expenses.

### EVALUATION CRITERIA

The purchase of safety equipment or services with grant funds under this program is intended to directly enhance the health and safety of employees. Awards will not be made for items considered to be among those purchased by a member in the normal course of their operations such as police weapons, firearms, tasers and the like. Routine expenses for the members operations such as equipment repair, licensing, etc. do not qualify. Disposable personal protective equipment such as hardhats, safety shoes, gloves or glasses do not qualify. A few examples of equipment or services that do qualify for consideration are:

- Emergency Eye Wash Stations
- Lockout / Tag-out Equipment
- Trench Protective Systems
- Dump Loks
- Gas Detectors
- Chainsaw Safety Personal Protective Equipment
- Road Hazard Cones & Safety Vests
- Ergonomic Equipment
- Confined Space Safety Equipment
- Flammable Liquid Safety Cabinets
- Turnout Gear
- SCBA Equipment
- Hydraulic Tailgate Lifts or Other Lifting Devices

A committee of RMS management staff reviews all applications. Awards are made on a competitive basis contingent on available funds. Applications requesting items that directly enhance the safety of employees from severe or frequent workplace exposures demonstrate need and provide or replace non-existent or sub-standard older equipment will be given priority. All applicants will be notified in writing. We cannot accept incomplete or illegible applications. Applications that do not meet program guidelines will not be considered.



# The Ed MacDonald Safety Enhancement Grant Application

Name: Click here to enter text. Title: Click here to enter text.  
 Entity (City/Town etc.): Click here to enter text. Department: Click here to enter text.  
 Mailing Address: Click here to enter text. City: Click here to enter text. ME Zip: Click here to enter zip.  
 Phone: Click here to enter text. Cell Phone: Click here to enter text.



**If you have not read all of the instructions, please do so now!**

Please describe the safety equipment/services you are considering purchasing. Include the intended purchase, installation or completion date for your project.

Click here to enter text.

Click here to enter text.

Why is this safety equipment/service needed? (You are welcome to attach additional sheets). If this is to replace old or obsolete equipment please attach photos. *Photos are required for ergonomic equipment requests.*

Click here to enter text. *set up new desk stations*

Click here to enter text.

How will this safety equipment/service help to reduce workplace injuries and provide your entity with a safer work environment? (Use additional page if necessary)

Click here to enter text.

Click here to enter text.

Cost (or quote) of equipment/service. (Attach to application). Click here to enter text.

Have you committed funds for your portion of this activity?  Yes  No

Have you applied for or received grants or funding from other sources for this endeavor?  Yes  No

If Yes, from whom: Click here to enter text. Amount (\$): Click here to enter text.

\_\_\_\_\_  
 Applicant Signature Date  
 \_\_\_\_\_  
 Click here to enter text. Date  
 Print Name  
 \_\_\_\_\_  
 Click here to enter text.  
 Title

\_\_\_\_\_  
 Key Official Signature Date  
 (City/Town Mgr., Selectperson) Date  
 \_\_\_\_\_  
 Click here to enter text.  
 Print Name  
 \_\_\_\_\_  
 Click here to enter text.  
 Title

For further information regarding this program, please contact our:  
**Loss Control Technician at 1-800-590-5583**  
 Please send the completed application & supporting documents via email to [safetygrants@memun.org](mailto:safetygrants@memun.org), or fax to 207-624-0127 or  
 mail to:  
**Maine Municipal Association, Risk Management Services**  
**Attn: Loss Control Department**  
**60 Community Drive, PO Box 9109, Augusta, ME 04332-9109**  
 (Please keep a copy for your records)



# The Ed MacDonald Safety Enhancement Grant Application

## APPLICATION GUIDELINES

- ◆ Completed applications and all appropriate supporting documentation must be received in the specified timeframe for the May or October award period.
- ◆ Since each grant application is reviewed on its own merit, requests must be for single items or groups of related items. For example: a trench box, 3 SCBA's etc. or Lockout/Tagout devices including a list of the specific items needed to do the job.
- ◆ Applications must provide a description of the safety equipment or service requested and cost, as well as your financial commitment. (Attach written vendor estimates, etc.) Photos are also helpful. *For ergonomic grants photos are required of the old desks/workstations etc. that the new equipment is intended to replace.* Explain why this particular equipment or service is needed and how it will aid in reducing the frequency and/or severity of workplace injuries.
- ◆ Items purchased prior to grants being awarded are NOT eligible for an award.
- ◆ A key official (Town/City Manager, Selectperson, Director) of the requesting entity must sign the application and submit the application even if the application is sent electronically. No more than two applications per entity may be submitted in a "grant period".
- ◆ The RMS Awards Committee makes award decisions. All grant awards are final. Grants will be valid for one year following the date awarded.
- ◆ Award commitments will be based on this application, but documentation of purchase will be required before funds are disbursed.
- ◆ Reimbursement will not be made for the cost of items or services that have also been paid for by other grant or funding sources.

## HOW TO APPLY FOR A GRANT (*Electronic submission is preferred*)

- 1) Read both pages of instructions.
- 2) Complete attached application following guidelines. Get signatures.
- 3) Attach quotes and supporting documentation. If sending via mail, do not include instruction pages.
- 4) **Email, fax** or send the documents by **mail**. (Keep a copy for your records).

- By email: [safetygrants@memun.org](mailto:safetygrants@memun.org)
- By Fax: 207-626-0127
- By Mail:

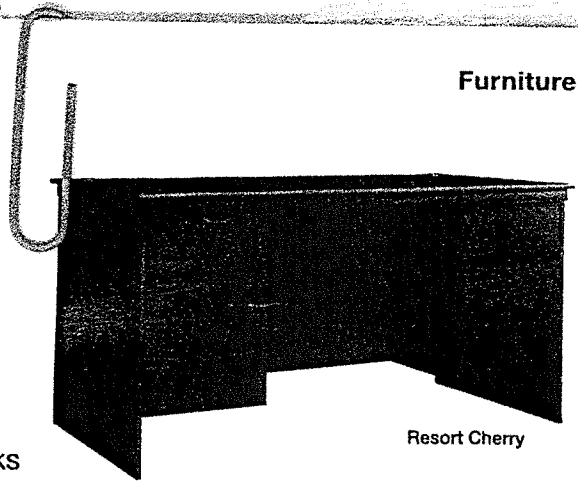
**Maine Municipal Association  
Risk Management Services  
Attn: Loss Control Dept.  
60 Community Drive  
PO Box 9109  
Augusta, ME 04332-9109**

*Note: Application must be completed entirely, dated and signed by applicant and key official in order to be considered for a grant.*



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Tiverton Executive Desks

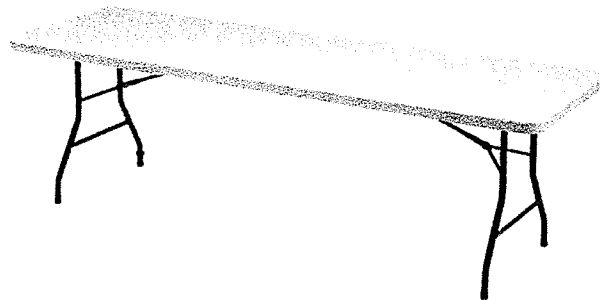
Resort Cherry

Overall size: 30½Hx59Wx29½"D.

#008-2739943—Resort Cherry \$129.99/EA  
#008-2735127—Rodeo Oak \$129.99/EA



Sale  
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**\$69<sup>99</sup>** Each  
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#008-749944



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**\$219<sup>99</sup>** Each  
Reg. \$269.99  
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Adjustable Desk Risers

Elevate and lower your workspace with ease;  
also includes a keyboard tray.

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#008-2447503—\$219.99/EA

5.9-19.7Hx35Wx23.2"D  
#008-2452742—\$299.99/EA

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Maine Municipal  
Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

## MEMORANDUM

**TO:** Key Municipal Officials of MMA Member Cities, Towns and Plantations

**FROM:** Stephen W. Gove, Executive Director

**DATE:** September 4, 2018

**SUBJECT:** Voting Credentials for MMA Annual Business Meeting

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The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 3, 2018, at 1:45 p.m. in the Cumberland Room at the Augusta Civic Center.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the ***MMA Voting Delegates Credential Form*** on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at:

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

Please note that the MMA Executive Committee is not putting forth any proposed amendments to the MMA bylaws for this year. If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 2, 2018** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's 82<sup>nd</sup> MMA Annual Convention at the Augusta Civic Center. We have a great line up of speakers, workshops and networking opportunities at this year's convention. If you have any questions on this information, please contact Rebecca Lambert at 1-800-452-8786 or 623-8428 ext. 2307.

**MAINE MUNICIPAL ASSOCIATION  
VOTING DELEGATE CREDENTIALS**

\_\_\_\_\_ is hereby designated as the official Voting Delegate and  
(name)  
\_\_\_\_\_ as the alternate voting delegate for \_\_\_\_\_  
(name) (municipality)  
to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,  
Wednesday, October 3, 2018, 1:45 p.m., at the Augusta Civic Center, Augusta, Maine.

*The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.*

Date: \_\_\_\_\_ Municipality: \_\_\_\_\_

**Signed by a Municipal Official designated by a majority of Municipal Officers:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

**Or Signed by a Majority of Municipal Officers:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 2, 2018** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

**MMA Annual Business Meeting  
Maine Municipal Association  
60 Community Drive  
Augusta, Maine 04330  
FAX: 207-626-3358**

**Maine Municipal Association  
Annual Business Meeting  
Wednesday, October 3, 2018  
1:45 – 2:45 p.m.  
Augusta Civic Center, Augusta, Maine  
Cumberland Room**

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**PROPOSED AGENDA**

1. **Introductions and Welcoming Remarks** – MMA President Linda C. Cohen  
(Mayor, City of South Portland)
2. **Approval of 2017 MMA Annual Business Meeting Minutes** – Linda Cohen
3. **Introduction of New Executive Committee Members** – Linda Cohen
4. **MMA President's Report** – Linda Cohen
5. **Executive Director's Report** – Stephen Gove, MMA Executive Director
6. **Other Business** (*comments from the floor*)
7. **Adjournment**

## Corrective Cemetery Deed

KNOW ALL MEN BY THESE PRESENTS that the Town of Damariscotta, in the County of Lincoln and the State of Maine, a municipal corporation organized and existing under the laws of the said State, in consideration of the sum of nine hundred dollars (\$900.00) paid by **Henry and Katherine Lee**, in the state of Maine, does hereby transfer and convey unto the said **Henry and Katherine Lee** and his/her assigns, a certain lot of land in **Hillside Cemetery** in said Town of Damariscotta, said lot(s) being numbered **#1068, 1069, and 1070 (Annex 2)** as shown on the plan of the cemetery on file with the Trustees of said cemetery. These three lots are being conveyed and transferred in place of lots numbered 1051, 1052, and 1053 which were previously conveyed and transferred but later determined to be unsatisfactory. With this corrective deed, lots numbered 1051, 1052, and 1053 hereby revert back to Town ownership.

TO HAVE AND TO HOLD the same unto the grantee(s) and assigns forever:

ON CONDITION that the same shall be used and improved only as and for a burial lot for the human dead; that no permanent markers shall be erected above the surface of the ground (this does not apply to monuments); no shrubbery or trees shall be planted on the lot; the lot shall not be mounted or terraced, grade to be maintained on level with the rest of area; that it shall not be sold or transferred without leave had and obtained in writing from the trustees of said cemetery; that the owners and possessors thereof shall always be subject to such regulations and orders as are or shall be made for the use and improvement of said cemetery.

And the said Town of Damariscotta covenants to and with the **Henry and Katherine Lee** and his/her assigns that it is lawfully seized in fee of the aforesaid premises, that the granted premises are free from all encumbrances, that it has good right to sell and convey the same to the said **Henry and Katherine Lee** and his/her assigns forever.

IN TESTIMONY WHEREOF, the Town of Damariscotta has caused these present to be signed and sealed by its Selectmen, thereunto duly authorized this **19<sup>th</sup> day of September, 2018.**

**The Town of Damariscotta**

\_\_\_\_\_  
Roberta Mayer

\_\_\_\_\_  
Ronn Orenstein

\_\_\_\_\_  
Louis F Abbotoni

\_\_\_\_\_  
Mark Hagar

\_\_\_\_\_  
Amy Leshure

**State of Maine**

**County of Lincoln**

Then personally appeared the above named Selectmen of the Town of Damariscotta and acknowledge the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Town on September 19, 2018.

Before me, \_\_\_\_\_  
Notary Public

## Cemetery Perpetual Care & Maintenance

THE TOWN OF DAMARISCOTTA, in the County of Lincoln and State of Maine, has received from **Henry and Katherine Lee**, in the State of Maine the sum of six hundred dollars (**\$600.00.**), and said sum has been accepted by said town, to be held in trust, the income thereof to be used for the perpetual care and maintenance of cemetery lot number(s) **1068, 1069, and 1070 (Annex 2)** in the **Hillside Cemetery**; provided however, that should any part of said income remain unexpended, after the reasonable and proper care of said lot, it shall be used for the general care and maintenance of **Hillside Cemetery**.

Dated at Damariscotta, Maine this **19<sup>th</sup>** day of **September, 2018**.

\_\_\_\_\_  
Roberta Mayer

\_\_\_\_\_  
Ronn Orenstein

\_\_\_\_\_  
Louis F Abbotoni

\_\_\_\_\_  
Mark Hagar

\_\_\_\_\_  
Amy Leshure

**The Town of Damariscotta**

**State of Maine**

**County of Lincoln**

Then personally appeared the above named Selectmen of the Town of Damariscotta and acknowledge the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Town on September 19, 2018.

Before me, \_\_\_\_\_  
Notary Public

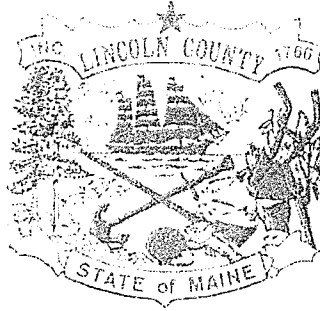
OFFICE OF  
LINCOLN COUNTY COMMISSIONERS

32 HIGH STREET - P.O. Box 249  
WISCASSET, MAINE 04578

INCORPORATED 1760

COMMISSIONERS OFFICE (207) 882-6311  
FAX (207) 882-4320

WWW.LINCOLNCOUNTYMAINE.ME



DISTRICT ONE  
HAMILTON W. MESERVE  
SOUTHPORT, MAINE

DISTRICT TWO  
WILLIAM B. BLODGETT  
WALDOBORO, MAINE

DISTRICT THREE  
MARY R. TRESKOT  
DAMARISCOTTA, MAINE

September 10, 2018

Mr. Calvin Dodge and Mrs. Marjorie Dodge  
627 Main Street  
Damariscotta, Maine 04543

Re: 2018 Spirit of America Award

**Congratulations!** You and other Lincoln County winners of the 2018 Spirit of America Foundation Tribute for outstanding community service will be honored at a ceremony hosted by county officials on Tuesday, October 16, 2018 at 2:00 p.m. in the conference room of the Lincoln County Communications/911 Building, located at 34 Bath Road, Wiscasset.

Your town officials have probably presented the award to you and the Lincoln County Commissioners would like to personally congratulate you for your accomplishments. Please feel free to bring guests to help celebrate the moment.

Spirit of America Foundation is a 501 (c) (3) public charity that was established in Maine to encourage volunteerism. The first Spirit of America Foundation award was presented to Alma Jones by Augusta Mayor William Burney in 1991.

We look forward to honoring you on October 16, 2018 at 2:00 p.m.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carrie Kipfer".

Carrie Kipfer  
County Administrator

CC: Selectboard, Town of Damariscotta

Matt,

Once again S.S. is in the news  
and once again not in a good way  
Most important, the town of  
Damariscotta has a responsibility  
through it's boards to keep it's  
residents (and visitors) safe and  
protect our property (and  
property values!)

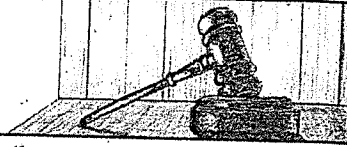
Having S.S. in our neighborhoods  
seems to put everything at  
risk.

Cynthia Sherman  
23 Pleasant Street

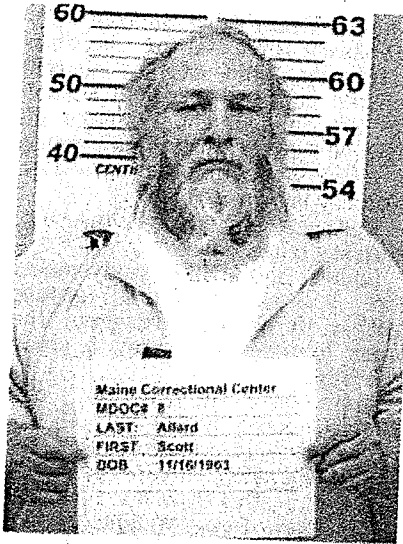
Sept. 6, 2018



# COURTS



## Transient with murder conviction gets 1.5 years for Damariscotta thefts



Scott W. Allard

By J.W. Oliver

A transient with a 1984 murder conviction and a "very lengthy criminal history" will return to prison for 1.5 years for stealing cars in Damariscotta.

Scott W. Allard, 54, pleaded guilty to two counts of class C theft by unauthorized taking and three counts of class C unauthorized use of property Aug. 13, according to court documents.

He was sentenced to 1.5 years in prison for each count, according to the documents. He will serve the sentences concurrently. He must also pay \$175 in fines.

The charges of unauthorized use relate to the vehicles themselves, while the theft charges relate to Allard's theft of the contents of vehicles, including a camera and a GPS unit.

The charges were all felonies because Allard has prior convictions for theft, in addition to his 1984 conviction for murder in Waldo County. Details of the murder case were not readily available.

Damariscotta Police Chief Jason Warlick arrested Allard on March 19.

in the snow, he would move on to another.

"He said he just wanted to joyride," Warlick said of Allard's motive.

Warlick recovered the items stolen from the vehicles. "He had them all stored away in a backpack and he voluntarily took me to the location of the items and gave them back," Warlick said.

Warlick didn't know why Allard came to Damariscotta. He also frequents the Augusta and Bangor areas.

A financial affidavit, necessary to receive a court-appointed attorney, lists his most recent address as 53 Biscay Road. The property belongs to the nonprofit Stepping Stone Housing Inc., which provides transitional housing.

Allard is in custody at the Maine Correctional Center in Windham, according to the Maine Department of Corrections.

Newcastle-based attorney William M. Avantaggio represented Allard.

The week before the arrest, Damariscotta Police Department had fielded several complaints about Allard panhandling downtown.

"He didn't have any probation or bail conditions and wasn't committing any crimes," Warlick said at the time, but the department learned of his record.

"He has a very lengthy criminal history dating back to the early '80s," Warlick said.

His rap sheet includes convictions for murder, robbery, and multiple instances of criminal threatening with a dangerous weapon, as well as burglaries, car thefts, and drug crimes, according to Warlick.

On March 15, the department received a call about an abandoned vehicle parked erratically with the keys in the ignition at McCormick and Bouchard Eye Care LLC on Biscay Road.

An investigation revealed that the vehicle was missing from a local repair shop. The vehicle did not have any damage, and was returned to its owner. The department did not have any suspects for the theft.

Two days later, on March 17, the department received a report of an abandoned vehicle with the keys in the ignition at Mr. Mike's Market on Main Street.

An investigation revealed that the vehicle was missing from a different local repair shop.

Again, there was no damage and no suspects. However, one of the businesses had surveillance footage of the theft.

Warlick recognized the person in the footage as similar in appearance to Allard.

On March 19, Warlick questioned Allard. Allard confessed to the two vehicle thefts and one more, according to Warlick, as well as taking items from other vehicles.

Allard told Warlick he entered the vehicles in an attempt to steal them. When a vehicle didn't have keys in the ignition or was stuck

**TOWN OF DAMARISCOTTA  
WARRANT  
FOR  
SPECIAL TOWN MEETING  
November 6, 2018**

**LINCOLN, SS**

**STATE OF MAINE**

**TO:** Jason Warlick, a Constable for the Town of Damariscotta in the County of Lincoln.

**GREETINGS:**

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Damariscotta, in said County, qualified by law to vote in Town Affairs, to assemble at the Damariscotta Municipal Building on 21 School Street in said Town, on Tuesday, the 6<sup>th</sup> day of November A.D. 2018 at 8 AM to choose a moderator and then and there to act on Articles 1 through 5.

The polls will be open at 8 AM and will close at 8 PM.

**ARTICLE 1.** To choose a Moderator to preside at said meeting.

**ARTICLE 2.** Shall the Town vote to adopt an ordinance that would place certain prohibitions on the distribution of single use plastic bags and polystyrene foam (Styrofoam) containers in Damariscotta? A copy of this proposed ordinance is on file with the Town Clerk at Town Hall.

**ARTICLE 3.** Shall the Town vote to adopt an ordinance that would place a moratorium on the operation of medical marijuana retail stores, registered dispensaries, testing facilities, or manufacturing facilities within Damariscotta on or after the effective date of this Ordinance. The moratorium would be in place for 180 days, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur. A copy of this proposed ordinance is on file with the Town Clerk at Town Hall.

**ARTICLE 4.** Shall the Town vote to authorize the operation of adult use (recreational) marijuana establishments, in a number and of a type to be determined, potentially including stores, cultivation facilities, products manufacturing facilities, and

testing facilities, contingent upon the passage of State regulations, and adoption of local licensing and zoning ordinances?

**ARTICLE 5.** Shall the Town vote to authorize the operation of medical marijuana establishments, potentially including registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities contingent upon the passage of State regulations, and adoption of local licensing and zoning ordinances?

Given under our hands at said Damariscotta, Maine this 19<sup>th</sup> day of September, A.D., 2018.

\_\_\_\_\_  
Robin Mayer Chairman

\_\_\_\_\_  
Ronn Orenstein,

\_\_\_\_\_  
Mark Hagar

\_\_\_\_\_  
Amy Leshure

\_\_\_\_\_  
Louis Abbotoni

Board of Selectmen  
Damariscotta, Maine

\_\_\_\_\_  
Attest: Matthew J. Lutkus

**TOWN OF DAMARISCOTTA  
MORATORIUM ORDINANCE REGARDING  
MEDICAL MARIJUANA RETAIL STORES, DISPENSARIES,  
TESTING FACILITIES, AND MANUFACTURING FACILITIES**

WHEREAS, the legislative body of the Municipality of Damariscotta (the “Municipality”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act, codified in 22 M.R.S. Ch. 558-C, authorizes the use, possession, cultivation and transfer of marijuana for medical purposes, and authorizes qualifying patients to obtain medical marijuana from other qualifying patients, registered caregivers, or registered dispensaries, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine’s Medical Marijuana Law*, which includes express authorization for the operation of retail stores by registered caregivers to sell marijuana to qualifying patients, as well as authorization for the operation of medical marijuana manufacturing facilities, medical marijuana testing facilities, and six additional registered medical marijuana dispensaries; and
- (3) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 238), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregivers, registered dispensaries, testing facilities, and manufacturing facilities; and
- (4) The unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Municipality raises legitimate and substantial questions about the impact of such activity on the Municipality, including questions as to compatibility with existing land uses and developments in the Municipality; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Municipality have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (6) The Municipality currently has no regulations governing medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities, and existing ordinances are insufficient to prevent serious public harm that could result from the

unregulated development of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities; and

(7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities in the Municipality; and

(8) In the judgment of the legislative body of the Municipality, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

NOW THEREFORE, pursuant to 30-A M.R.S. § 4356, be it ordained by the Municipality as follows:

**Section 1. Moratorium.** The Municipality does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all new medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the municipality.

No person or organization shall develop or begin operation of a medical marijuana retail store, registered dispensary, testing facility, or manufacturing facility within the Municipality on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana retail store, registered dispensary, testing facility, or manufacturing facility.

**Section 2. Definitions.** For purposes of this ordinance, the following terms have the following meanings.

- a) *Medical marijuana retail store* means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product, including business engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale; also pertaining to any structure or use connected with or engaged in such sale, whether it be attached to the principal structure or any accessory structure or use which would reasonably be considered incidental and subordinate to the principal use or structure. This definition shall apply to any such structure or use located on the same lot or adjoining lots under the same ownership, that is used by a registered caregiver to offer

marijuana for sale to qualifying patients.

- b) Marijuana means the leaves, stems, flowers, seeds and other plant material harvested from a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including, but not limited to marijuana concentrate and marijuana products.
- c) Registered dispensary means an entity registered under the Maine Medical Use of Marijuana act that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.
- d) Testing facility means a public or private laboratory that is authorized under the Maine Medical Use of Marijuana Act to analyze contaminants in and the potency and cannabinoid profile of marijuana samples.
- e) Manufacturing facility means a facility or person engaged in the production, blending, infusing, compounding, or other preparation of marijuana, marijuana concentrate, or marijuana product for medical use, including, but not limited to, extraction or preparation by means of chemical synthesis.

**Section 3. Pending Proceedings.** Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana retail store, registered dispensary, testing facility, and manufacturing facility for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

**Section 4. Conflicts/Savings Clause.** Any provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Section 5. Violations.** If any medical marijuana retail store, registered dispensary, testing facility, or manufacturing facility is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Municipality shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Municipality, whichever shall first occur.

Given unto our hands this \_\_\_\_ day of \_\_\_\_\_, 2018

Damariscotta Board of Selectmen:

\_\_\_\_\_  
Robin Mayer

\_\_\_\_\_  
Ronn Orenstein

\_\_\_\_\_  
Mark Hagar

\_\_\_\_\_  
Amy Leshure

\_\_\_\_\_  
Louis Abbotoni

Posted at: \_\_\_\_\_  
(Location)

Time: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Michelle Cameron, Damariscotta Town Clerk

## Chapter 203

### **BAN ON USE OF SINGLE USE PLASTIC CARRYOUT BAGS AND EXPANDED/EXTRUDED POLYSTYRENE FOAM FOOD CONTAINERS**

#### **§203-1. Authority**

This Ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Ordinance VIII, Part 2, Section 1; the provisions of Title 30-A M.R.S. Section 3001 et. Seq; as well as the general powers of municipalities to enact ordinances.

#### **§203.2. Purpose**

This Ordinance shall prohibit the distribution of single-use plastic carryout bags and expanded and extruded polystyrene foam food containers to protect the environment and the local fishing, shellfish and tourist industries.

#### **§203.3. Applicability**

This Ordinance shall apply to all retail establishments, including but not limited to convenience stores, restaurants, grocery stores, and sellers of merchandise and dry goods sold to the ultimate consumer for direct use or consumption and not for resale.

#### **§203.4 Definitions**

**EXPANDED OR EXTRUDED POLYSTYRENE FOAM CONTAINER:** Any container that is made of Expanded or Extruded Polystyrene Foam and used to package either food or beverage for onsite or offsite consumption at a store. It includes Expanded or Extruded Polystyrene Foam meat trays containers used to transport raw and/or uncured meats, poultry, and fish and seafood from all Stores as defined below.

**GREETING CARD BAG OR PAPER PHARMACY BAG:** Any paper bag without handles used exclusively to protect greeting or gift cards, or to carry prescriptions from the pharmacy at the point of sale.

**PRODUCE BAG OR PRODUCT BAG:** Any bag without handles used exclusively to carry produce, meats, or other food items of merchandise to the point of sale inside a store or to prevent such items from coming in direct contact with other items.

**REUSABLE BAG:** A bag that meets all the following criteria:

- (a) Designed and manufactured to withstand 125 repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) Is at least four mils thick, if made from non-woven plastic; and



(d) Has the capability of carrying a minimum of 18 pounds.

**SINGLE-USE PAPER CARRYOUT BAG:** A paper bag provided at the check stand, cash register point of sale or other point of departure for purposes of transporting all food and all non-food related merchandise out of the Store. This includes paper bags with or without handles, but does not include reusable bags, greeting card bags or paper pharmacy bags.

**SINGLE-USE PLASTIC CARRYOUT BAG:** A plastic bag other than a reusable bag, as defined below provided at the check stand, cash register, point of sale or other point of departure for purposes of transporting all food and all non-food related merchandise out of the Store. The term Single-Use Plastic Carryout Bag does not include reusable bags, produce bags or product bags.

**STORE:** All retail establishments, including but not limited to convenience stores, restaurants, grocery stores, and sellers of merchandise and dry goods sold to the ultimate consumer for direct use or consumption and not for resale.

**VIOLATION:** One or more actions that are not in compliance with this ordinance. For example, the distribution of one or more banned plastic bags during a one-day period constitutes one violation.

#### **§203.5. Provisions**

- a) No store in Damariscotta shall sell or provide a single-use plastic carryout bag to a customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the store.
- b) No food packaged in Damariscotta shall be served or sold in expanded or extruded polystyrene foam containers.
- c) The Town shall not use expanded or extruded polystyrene foam food or beverage containers at any Town facility or Town-sponsored event.
- d) No Town department or facility shall purchase or acquire expanded or extruded polystyrene foam food or beverage containers.

#### **§203.6. EXEMPTIONS**

- a) A store shall be exempt from the provisions of this Ordinance in a situation deemed by the Town Manager to be an emergency for the immediate preservation of the public health or safety.
- b) The packaging of raw seafood and shellfish for shipping shall be exempt from the provisions of this Ordinance.
- c) Nothing in this Ordinance shall be construed to prohibit customers from using bags or food and beverage containers of any type that the customer brings into the store for their own use or from carrying away from the store.

### **§203.7. ENFORCEMENT AND PENALTIES**

The Code Enforcement Officer or other employee designated by the Town Manager shall have the primary responsibility for enforcement of this Ordinance. If the Code Enforcement Officer or other employee designated by the Town Manager determines that a violation of this Ordinance has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Ordinance shall be subject to the penalties set forth in the schedule of fees and fines adopted by the Board of Selectmen.

### **§203.8. APPEAL**

Any entity aggrieved by the action of the Code Enforcement Officer or any other municipal official in their administration of this Ordinance shall have the right of appeal to the Board of Appeals. Such appeal shall be taken pursuant to the procedures set forth in the Board of Appeals Ordinance. Any person aggrieved by the decision of the Board of Appeals shall have the right to appeal to Superior Court.

### **§203.9. SEVERABILITY**

Each provision of this Ordinance shall be deemed independent of all other provisions herein. If any provision of this Ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

### **§203.10. EFFECTIVE DATE**

The provisions of this Ordinance shall become effective March 1, 2019