

Agenda
Town of Damariscotta, Maine
Board of Selectmen's Meeting
October 4, 2018, 5:30 PM
Damariscotta Town Hall

- I. Pledge of Allegiance**
- II. Public Hearings**
 - 1. Draft Ordinance Regarding Prohibitions on Plastic Bags
 - 2. Amendments to General Assistance Ordinance
- III. Call to Order- Board of Selectmen's Meeting**
- IV. Action on Public Hearing Items**
 - 1. Amended Special Town Meeting Warrant for November 6, 2018
 - 2. Amendments to General Assistance Ordinance
- V. Minutes**
 - 1. September 19 Meeting
- VI. Financial Reports**
 - 1. Payroll Warrant # 15
 - 2. Accounts Payable Warrant # 16
- VII. Presentations:**
 - 1. Fire Training Facility
- VIII. Citizen Comments and General Correspondence**
- IX. Town Manager Items**
 - 1. Joint meeting with Great Salt Bay Sanitary District Trustees- October 10
- X. Official Action Items**
 - 1. Cemetery Deed and Perpetual Care Agreement with William E. and Maureen McNiff
- XI. Selectmen's Discussion Items**
- XII. Adjournment**

TOWN MANAGER NOTES – OCTOBER 4, 2018
BOARD OF SELECTMEN'S MEETING

Public Hearings

1. **Draft Ordinance Regarding Prohibitions on Plastic Bags-** Attached is the most recent draft of the ordinance. Based on the feedback the Selectmen received at the September 19 public hearing, the Board directed the removal of the sections related to polystyrene.

If, following the hearing, the draft is approved by the Board of Selectmen, it will be included as a Town ballot issue on the November 6 general election. If any further changes are made to the draft, there will not be enough time for this to be included on the November ballot as part of the general election.

2. **Amendments to General Assistance Ordinance** - Once or twice each year, municipalities in the State are required to adopt the State's revised schedules for General Assistance benefits. Copies of the General Assistance Reference Sheet for last year and this year are attached. There were three changes from last year's amounts that the General Assistance Administrator has identified. (See highlighted categories on attached sheets). The overall maximum allowances for households were raised slightly, the Housing Allowance category was raised for both Heated and Unheated dwellings and the Food Maximums were raised slightly as well. General Assistance Administrator Michelle Cameron will be present at the public hearing to respond to any questions the Board members or others may have on this subject

Action on Public Hearing Items

1. **Draft Ordinance Regarding Prohibitions on Plastic Bags**
Recommended Action: Board decide whether or not to include the ordinance entitled "Ban on Use of Single Use Carryout Bags" on the November 6 Special Town Meeting Warrant.
2. **Revised November 6 Special Town Meeting Warrant-** If the Board approves the inclusion of the Single Use Plastic Bag Ordinance on the Special Town Meeting Warrant, the previously approved warrant should be updated. Attached is a draft of the revised warrant with the proposed change highlighted.
Recommended Action: Approve the Updated Warrant for the November 6 Special Town Meeting.
3. **Amendments to General Assistance Ordinance**
Recommended Action: Approve the proposed amendments to the General Assistance Ordinance.

Presentations

- 1. Fire Training Facility** – Walter Morris, President of the Lincoln Fire Chiefs Association, Newcastle Fire Chief Clayton Huntley and Chief John Roberts will provide the Board with an update on the Association’s progress towards establishing a training facility in Damariscotta.

Town Manager Items

- 1. Joint meeting with Great Salt Bay Sanitary District Trustees- October 10**

Official Action Items

- 1. Cemetery Deed and Perpetual Care Agreement with William E. and Maureen McNiff-** The Deed and Agreement are attached.
Recommended Action: Approve the Cemetery Deed and Perpetual Care Agreement with William E. and Maureen McNiff.

Chapter 203

BAN ON USE OF SINGLE USE PLASTIC CARRYOUT BAGS

§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 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

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 checkout 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 checkout 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.

§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) 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.

Given unto our hands this ____ day of _____, 2018

Damariscotta Board of Selectmen:

Robin Mayer

Ronn Orenstein

Mark Hagar

Amy Leshure

Louis F. Abbotoni

Posted at: _____
(Location)

Time: _____

Date: _____

Attest: _____
Michelle Cameron, Damariscotta Town Clerk

2018 New GA. Maximums. Only Food + Housing changed
 General Assistance Maximums Reference Sheet-Lincoln County Slightly 2019
 MPPC

Oct 1, 2018 to Sept 30, 2019

OVERALL MAXIMUMS

Slight Change

Persons in Household				
1	2	3	4	5
788	845	1,004	1,259	1,503

Household of 6 = 1,578
 * Add \$75 for each additional person

Slight Change
FOOD MAXIMUMS

Persons	Weekly	Monthly
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155

Add \$144 per month for each + person

SAME
HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

Slight Change
Housing Maximums

BEDROOM	UNHEATED		Heated	
	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	151	649	180	773
2	182	783	214	919
3	226	973	270	1,160
4	271	1,164	323	1,391

SAME
PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

SAME

1-800-442-6003

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.
 1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat.

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

ALL THE SAME

Revised 8/30/18 SLR

2017

General Assistance Maximums Summary Sheet-Lincoln County

Oct 1 2017 to Sept 30, 2018

2018

0101

OVERALL MAXIMUMS

Persons in Household				
1	2	3	4	5
783	834	987	1,234	1,470

Household of 6 = 1,545
* Add \$75 for each additional person

FOOD MAXIMUMS

Persons	Weekly	Monthly
1	44.65	192
2	81.86	352
3	117.21	504
4	148.84	640
5	176.74	760
6	212.33	913
7	234.65	1,009
8	268.14	1,153

Add \$144 per month for each + person

Housing Maximums

BEDROOM	UNHEATED		Heated	
	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	150	646	178	767
2	182	783	212	910
3	223	961	266	1,144
4	266	1,144	318	1,367

PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

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NOTE: For each additional person add \$7.50 per month.

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NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

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1-800-442-6003

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Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

Revised 10-1-17

**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 6th 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 prohibit the distribution of single use carryout plastic bags except in those situations that are specifically listed as exemptions in this ordinance ? 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 *4th day of October*, A.D., 2018.

Robin Mayer Chairman

Ronn Orenstein,

Mark Hagar

Amy Leshure

Louis F. Abbotoni

Board of Selectmen
Damariscotta, Maine

Attest: Matthew J. Lutkus

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 three hundred dollars (\$300.00) paid by **William E. and Maureen McNiff**, in the state of Maine, does hereby transfer and convey unto the said **William E. and Maureen McNiff** and his/her assigns, a certain lot of land in **Hillside Cemetery** in said Town of Damariscotta, said lot(s) being numbered **#1034 (Annex 2)** as shown on the plan of the cemetery on file with the Trustees of said cemetery.

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 **William E. and Maureen McNiff** 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 **William E. and Maureen McNiff** 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 **4th day of October, 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 October 4, 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 **William E. and Maureen McNiff**, in the State of Maine the sum of two hundred dollars (\$200.00.), 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) **1034 (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 **4th** day of **October, 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 October 4, 2018.

Before me, _____
Notary Public