

Agenda
Board of Selectmen's Meeting
Town of Damariscotta, Maine
February 7, 2018, 5:30 PM
Damariscotta Town Hall

- I. Pledge of Allegiance**
- II. Call to Order**
- III. Minutes**
 - 1. January 17 Meeting
- IV. Financial Reports**
 - 1. Payroll Warrant #
 - 2. Accounts Payable Warrant #
- V. Presentations**
- VI. Citizen Comments and General Correspondence**
 - 1. Elm Street Sidewalk Project Concerns- Valerie Siebel
 - 2. Letter from Governor re: Land Trusts
- VII. Town Manager Items**
 - 1. Restroom Update
 - 2. LincolnHealth Citizens' Advisory Committee
 - 3. Meeting times for Selectmen's Budget Review
 - 4. Keypad Voting at Annual Town Meeting
- VIII. Official Action Items**
 - 1. Land Use Advisory Committee Appointments
 - 2. Purchase and Sale Agreement with Shalom LLC
 - 3. Letter of Support for "No More Delays" Campaign
 - 4. Agency Liquor License
 - 5. Equipment for New Public Works Dump Truck
 - 6. Required Action on Property Tax Foreclosures
- IX. Selectmen's Discussion Items**
- X. Adjournment**

Town Manager Notes

February 7, 2018 Board of Selectmen's Meeting

Citizen Comments and General Correspondence

1. Elm Street Sidewalk Project Concerns -Valerie Siebel

As the Board knows, this past fall, the Town and Great Salt Bay Sanitary completed nearly \$600,000 in improvements to Elm and Theater Streets in the form of a new waterline, new sidewalks, new storm drainage and an overlay and widening of the Street. Mrs. Siebel owns two apartment buildings on Elm Street and the Elm Street building in which Joe Lane's Lobster restaurant is located. During the course of the project, Mrs. Siebel contracted with Hagar Enterprises to construct a retaining wall on her property at #86 Elm adjacent to the new sidewalk. The Town agreed to provide recycled granite that was removed from Theater Street for this work. She is asking that the Town pay the \$4,290 cost to install the retaining wall. As explained in further detail in the attached email messages, the Town has no obligation to pay for this expense. Moreover, I am in the process of closing out final project costs and do not believe that there are any excess funds that could be used towards the cost of this retaining wall.

Mrs. Siebel also believes that recent flooding in her apartment building at 93 Elm was caused by the failure of the Town's contractor to reconnect the basement drain to the Town's storm drain system. Both the contractor and project engineer have stated that all of the private drains connected to the Town's storm drains in the public right-of-way were reconnected.

2. Letter From Governor LePage re: Land Trusts

Attached is a letter that the Town received from the Governor earlier this week regarding property tax exemptions for land placed in conservation.

Town Manager Items

1. Restroom Update

The architectural renderings for the new public restroom are on the Town's website and are on display at Skidompha Library. The link to the webpage (<http://www.damariscottame.com/home/news/concept-drawings-new-downtown-public-restrooms>) will be sent out with several electronic newsletters. I will provide the Board with a summary of the feedback that I have received and an update on the project overall at Wednesday's meeting.

With the Selectmen's concurrence, I will be asking the Planning Board to hold a public hearing on a proposed change to the Shoreland Zoning Ordinance. Both the Town's Flood Plain Ordinance and Shoreland Zoning Ordinance contain provisions that require that non-residential buildings constructed in the one percent (100 year) flood zone have their base level at three feet above flood level. This is two feet higher than the base level required by Federal and State law. The Flood Plain

Ordinance allows for an exception that allows these structures to have a base level at one foot as long as the structure is waterproofed at the one foot to three foot level. The proposed amendment will incorporate the same exception into the Shoreland Zoning Ordinance.

Late last year, staff had recommended that the Flood Plain Ordinance be amended to provide for an exception for municipal facilities such as the restroom. At staff's request, the Planning Board held a public hearing on this amendment. After giving the matter further thought, it was decided that it would be better not to make an exception for Town facilities but rather to treat public facilities the same as private non-residential facilities. The proposed amendment to the Shoreland Zoning Ordinance will apply to all non-residential building construction within the Shoreland Zone.

2. LincolnHealth Citizens' Advisory Committee

The LincolnHealth Miles Campus Citizens' Advisory Committee meets every other month with LincolnHealth staff to discuss a variety of matters related to the health needs and services in the County. The attached list of the organization's 2018 goals provides a good overview of the various topics discussed at these meetings. I encourage any citizens who have an interest in community health to attend these meetings. The next meeting is scheduled for March 27 at 4:30 PM in the Schooner's Cove library on the Miles Campus.

3. Meeting times for Selectmen's Budget Review

The Board's budget review meetings have been scheduled 5 PM on your regular meeting nights of March 7 and March 21. In order to provide more time for budget review on those evenings, I am recommending that the meetings begin at 4 PM.

4. Keypad Voting- Verbal update

Official Action Items

1. Land Use Advisory Committee Appointments

At your last meeting, the Board authorized the selection panel made up of Robin Mayer, Amy Leshure and Haas Tobey to select the members of the Land Use Advisory Committee with the idea that the Board would confirm the appointments at your February 7 meeting. The Board also approved the attached charge for the Committee's tasks related to developing recommendations for changes to the Town's land use-related ordinances. The selectin panel met on January 25 and selected the following individuals: Haas Tobey and Bruce Rockwood (current members) Ronn Orenstein (Board of Selectmen's representative), Ann Jackson, Ann Pinkham, Jenny Begin, Laurie Green, Chris Roberts and Lucy Harrington.

Recommended Action: Appoint Haas Tobey and Bruce Rockwood, Ronn Orenstein, Ann Jackson, Ann Pinkham, Jenny Begin, Laurie Green, Chris Roberts and Lucy Harrington to the Town's *ad hoc* Land Use Advisory Committee.

2. Purchase and Sale Agreement with Shalom LLC

The Town Attorney and the attorney for King Eiders Pub are currently in the process of finalizing the purchase and sale agreement for approximately 390 square feet of sidewalk asphalt and granite

curb adjacent to the restaurant. The sale of this Town-owned parcel was approved at the January 17 Special Town Meeting.

If approved, the agreement for the sale of the property will require that King Eiders realign the steps to the restaurant so that its patrons would no longer enter from and exit to the roadway. A railing will be installed to prevent pedestrians from walking onto the roadway from the restaurant steps. The restaurant will also reimburse the Town a total of \$9,382, i.e., \$4,382 for the cost of the work that was already done on this parcel and \$5,000 for the purchase the land.

If the agreement is not completed by Wednesday, I will schedule this for Board action on February 21.

Recommended Action: Approve a purchase and sale agreement with Shalom, LLC for the sale of the Town-owned approximately 390 square feet of sidewalk on Elm Street.

3. Letter of Support for “No More Delays” Campaign

Board Chairperson Mayer has prepared a draft letter in support of a citizen-initiated “no more delays” campaign. The campaign focuses on the need to start and complete the Bristol Road sidewalk project as soon as possible. I will email the draft letter to you to review early next week.

4. Agency Liquor Licenses

The number of Agency Liquor Licenses in town is limited by a factor based on population. There are currently three retail establishments in town that have agency licenses. Unlike the process for issuing licenses for bars, restaurants and special events, the Town typically has no involvement in the issuing of Agency Liquor Licenses. However, the State Bureau of Alcohol Beverages Liquor Licensing has some flexibility to increase the number of agency licenses when requested to do so by a municipality. According to the Bureau, the fact that Damariscotta has a large seasonal population provides sufficient justification to increase the number of licenses.

As the Board may be aware, the Yellowfront grocery store recently came under new ownership. Although the Town’s request for an increase in Agency Liquor Licenses would not mention the locally-owned Yellowfront store specifically, in reality it would give the new owners the opportunity to apply for this license and thus compete with the regional and national formula stores in town.

Recommended Action: Authorize the Town Manager to submit a formal request to the Maine Bureau of Alcohol Beverage Liquor Licensing to increase the number of Agency Liquor Licenses in Damariscotta to four.

5. Equipment for New Public Works Dump Truck

At your January 3 meeting, the Board approved the purchase of a new truck cab and chassis for the Public Works Department. Since that time, Public Works Committee member Josh Pinkham and Hugh Priebe have prepared specifications for equipment that needs to be added to the truck, and visited each of sites of three vendors. Proposals were received from HP Fairfield, Messer Truck Equipment and Viking Cives. Given the fact that this is very specialized equipment and three firms were contacted, it did not make sense to go through the expense of publishing a notice of the bid process as provided for in the Town Charter bid guidelines. Hugh has provided a summary of the proposals he received on the attached chart. I have the detailed proposals available at Town Hall for anyone who wishes to review them.

All of the three bids are within \$1,000 of each other. Hugh is recommending that the Town purchase the equipment from Messer Truck Equipment for the following reasons:

- The overall higher quality of the truck bed
- the larger lifting capacity of the Galion bed included in the Messer quote
- the much more visible location of the emergency lighting

Recommended Action: Waive Town Charter bid guidelines and authorize the purchase of the equipment required for the new Public Works dump truck from Messer Truck Equipment for an amount not to exceed \$21,675.

6. Required Action on Property Tax Foreclosures

The following narrative and recommendation were submitted by Cheryl Pinkham in her capacity as Tax Collector:

The Town has foreclosed 5 properties on 1/20/18 (this was a Saturday, so it was extended to 1/22) and currently own the following properties.

Colquhoun Family Holdings, LLC-3 properties

218 Bristol Rd-Down Easter Inn

Bristol Rd-Land only

220 Bristol Rd-Cottages at Down Easter Inn

Shawn & April Feltis- Hoffses Beach Lane-Land only

Barbara Davis- 105 Egypt Rd-

I have reached out to all parties and the Colquhouns & Feltis' are wanting to "purchase" their properties pursuant to our Annual Town Meeting Warrant article #35 :To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for non-payment of taxes thereon on such terms as they deem advisable and to execute quit-claim deeds thereon, provided the Selectmen give three consecutive weeks' notice of their intentions to make such a sale through public advertisement in a local newspaper. The property may be sold back to the original owner for all taxes due, plus interest and all costs, without the advertisement requirement. But I am not having any luck reaching Barbara Davis to see if she is interested in retaining her property. (previous conversations with her son in law indicated they may wait for the Town to take ownership)

The Board of Selectmen have the option to retain these properties with the automatic foreclosure (as we currently own the above properties) or they have the liberty to sell the property back to the owners of record. In years past, the Town has authorized the sale with the condition of bringing the delinquent tax accounts to a zero balance, when I read article 35, it reference 'for all taxes due', I believe since the 2nd half of 2018 isn't due until April, the sale price would not include the April payment. They do not need to assign a price or announce the name of who was foreclosed on.

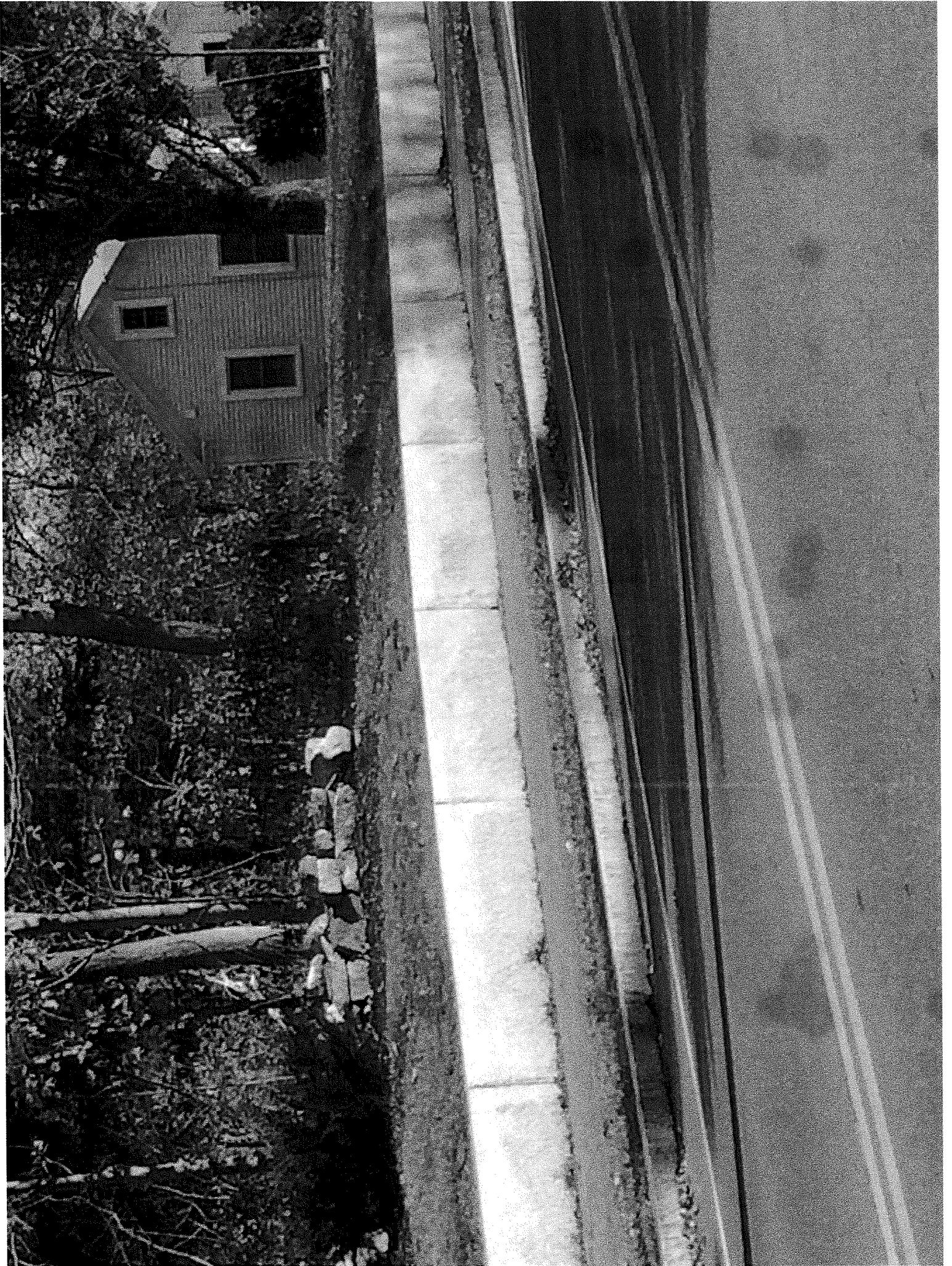
Motion from Select Board—Move to authorize the sale of the 5 foreclosed properties back to the owners of record for all taxes due, plus interest, and all costs, payment must be received within 10 business days but no later 2/21/2018.

Rebecca Bartolotta

From: Valerie [REDACTED]
Sent: Monday, November 06, 2017 10:30 AM
To: Matt Lutkus
Subject: Curb
Attachments: photo 1.JPG; ATT00001.txt; photo 2.JPG; ATT00002.txt

The retaining wall on Main St. has no relation to what was put in on Elm St. I think anyone would agree that the finished outcome on my property is just like what the town did for all the other residents on Elm St!





Rebecca Bartolotta

From: Matt Lutkus
Sent: Saturday, January 20, 2018 12:00 PM
To: Valerie
Subject: Follow-up Two Items Regarding Your Properties on Elm Street

Valerie, No major capital project is without its issues and unfortunately two of the issues on the Elm Street project involve your properties.

I do not believe that you can dispute the fact that the Town has worked with you throughout the project. The Town agreed to your request to remove two large Maple trees at 86 Elm and replace them with trees of your choice in the Spring. This was in both the Town's and your interests because the initial engineering design showed that the tree root system extended to Town right of way and interfered with sidewalk construction. Ultimately, it turned out that the root system would not have affected sidewalk construction, but the Town followed through on my earlier commitment to remove and replace the two trees. You had also asked that the curbing on the south side of Elm that was to end at 6 Elm Street be extended to the frontage with your lot at 93 Elm. All of this frontage is in the Town's right of way. I reviewed your request with the engineer and contractor onsite and agreed that this change order made sense for the Town because it would improve surface drainage by widening the asphalt swale. Clearly a win-win situation.

You presently have two additional pending requests of the Town that I must turn down.

1. You have asked that the Town pay the \$4,290 cost for the work that Hagar Enterprises (H.E.I.) did to install a retaining wall on your property adjacent to the new sidewalk at 86 Elm. The Town did allow H.E.I. to use recycled granite taken from Theater Street to reduce your total cost, but has never agreed to pay for the labor cost. You knew this when you entered into an agreement with H.E.I. for this work. Prior to the start of the project and since its completion, the engineering firm overseeing the work has maintained that the retraining wall was not necessary. Again, as you are aware, there were sections of the project where the Town needed to obtain permanent easements on private property. These did not include your properties. In order for the Town to obtain these easements without a condemnation process, I negotiated with each of the affected land owners. The negotiations included agreements to install some curbing, make driveway modifications and remove and replace trees and shrubs. Again, these negotiations were in the best interests of the Town because they avoided project delays and very likely saved the Town legal costs.

As you know, I am very sympathetic to your requests and have even tried to come up with a rationale on how we could share the H.E.I costs with you. (I had hoped that the Great Salt Bay Sanitary District would pay for a portion of the costs because they had moved their fire hydrant approximately four to five feet onto your property as part of their water line replacement project.) At this point, however, there are neither the project budget dollars available nor justification on the Town's making such a contribution.

2. Last Tuesday morning, I received an email from you saying that your basement at 93 Elm was flooded and that this was due to the fact that the contractor on the Elm Street project had failed to connect your sump pump drain to the Town's storm drain system. When you sent me emails on August 7 and November 7 expressing concern that your sump pump drain would not be hooked up to the Town's system, I immediately forwarded these messages to both the project engineer and the contractor. Based on what both the contractor and engineer have told me, I have no reason to believe that any of the private storm drains in the Town's right-of-way were missed.

Per the Town Charter, the administrative body of the Town is the Board of Selectmen. You have every right to make your requests directly to the Board. I do not see where the Town has the funds available to pay the above expenses and thus

the Board would likely need to ask for Town approval at the next Town Meeting, if they believe that your requests have merit. Matt

Matt Lutkus
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FAX 207-563-6862



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

Dear Citizen of Damariscotta:

For the past seven years as your Governor, my priority has been to make Maine—our people—prosper. Helping you keep more money in your wallet by reducing taxes has been part of that mission.

Too many Maine families are facing skyrocketing property taxes that strain household budgets. Our elderly on fixed incomes are particularly vulnerable to these increases. School budgets are often blamed for annual increases in property taxes. But there's another reason. A tremendous amount of land and property value has been taken off the tax rolls, leaving homeowners to pick up the tab.

As of 2016, towns and cities owned land and buildings valued at nearly \$5.5 billion statewide. Large and wealthy non-profits, such as hospitals and colleges, often escape paying property taxes on their vast real estate holdings—totaling more than \$5.1 billion statewide.

In Maine, nearly 2.5 million acres of land have been set aside for conservation by the federal and state governments and non-profit organizations, including land trusts. Municipalities are losing out on property taxes on an estimated \$2 billion in land that has been either removed from the tax rolls or prohibited from development—shifting the cost of municipal services to local homeowners through higher property taxes.


It's time to recognize the results of taking property off the tax rolls and identify solutions to reduce the burden on our homeowners. My administration's proposals have been met with staunch resistance.

In 1993, about 35,800 acres of land were documented as land-trust owned. That number has increased by an astonishing 1,270 percent. Land trusts now control over 490,000 acres with an estimated value of \$403 million. We must restore the balance. We will be working this session to ensure all land owners are contributing to the local tax base. It's time for them to pay their fair share.

I encourage you to ask your local officials how much land in your municipality has been taken off the tax rolls, as well as how much in tax revenue that land would have been contributing today to offset your property taxes.

If ever I can be of assistance to you or if you have any questions or suggestions, I encourage you to contact my office by calling 287-3531 or by visiting our website at www.maine.gov/governor.

Sincerely,


Paul R. LePage
Governor



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LincolnHealth
Focused Goals
Fiscal Year 2018

Workforce Engagement/Culture of Excellence

LincolnHealth will invest and focus on engagement of all employees throughout our system.

- Establish an employee driven internal strategy that will increase employee engagement scores:
 - In our continuing effort to achieve an aspirational target of the Advisory Board's 75th percentile, LincolnHealth will utilize the results of the 2017 Employee Engagement survey to identify key areas of opportunity and develop action plans to support improved engagement and ultimately improve scores to meet or exceed the 55th percentile on the August 2018 Engagement Survey. *Develop action plans by October 31, 2017; meet or exceed MaineHealth results of the August 2018 Survey.*

❖ Tom Girard, Christine Anderson, Cindy Wade

- Develop strategies to optimize physician engagement and satisfaction:
 - Utilizing feedback from the 2017 Physician Engagement survey, develop and implement a plan to optimize Epic and reduce clerical work for providers by maximizing workflow capabilities in the EMR for support staff. *Develop a plan by December 31, 2017; implement strategies by June 30, 2018.*

❖ Stacey Miller, David Felton, Dr. Russ, Dr. Fox, Dr. Mack

- Continue to build on the 2017 established plans to mitigate the current and pending workforce shortages including strategies to retain engaged employees and providers:
 - Partner with MaineHealth Talent Acquisition and the MaineHealth Coastal Region to develop long-term retention and recruitment strategies that achieve Days-to-Hire and Vacancy Rate results that are equal to or better than the MaineHealth System and Advisory Board benchmarks. *Develop additional strategies by January 31, 2018; meet Days-to-Hire and Vacancy Rate goals by September 30, 2018.*

❖ Tom Girard, Christine Anderson, Cindy Wade

Community Engagement

LincolnHealth will continue to partner and strengthen our relationships within the community and with employers through wide-spread accessibility, communication and volunteerism that support and promote our Mission, Vision and Core Values.

- Utilize the recently completed Marketing Decisions survey results to continue to build community engagement. Implement two strategies that will build trust and engage our employees and the community. *Develop strategies by October 31, 2017; Implement strategies by January 31, 2018.*

❖ **Scott Shott, Cindy Wade, Jim Donovan**

Quality, Cost & Value

LincolnHealth is committed to ensuring access to patient centered, high quality, and affordable care to the community.

- Achieve target performance in the 10 system quality dashboard metrics and achieve measured improvements in all metrics over baseline. *Achieve goal by September 30, 2018.*

❖ **Cindy Wade, Stacey Miller, Dr. Russ, Dr. Mack**

Service Delivery Redesign

LincolnHealth will utilize improvement strategies through Operational Excellence in order to more effectively meet the needs of the community.

- Focus on enhancement of the Ambulatory Care strategy:
 - Complete construction of the Health Center, stay within or below the approved budget and begin operations in the new space that reflect maximized workflows and processes to gain efficiencies including access to care. *Complete building project by July 31, 2018; Begin operations with at least three identified workflows and processes that will gain efficiencies by August 31, 2018.*

❖ **Stacey Miller, Dr. Russ, Dr. Mack**

- Successfully complete a second phase Master Facilities plan including a staged timeline of space renovation and moves that will maximize growth potential in identified clinical areas and decrease outside leased space overhead. *Complete the plan and timeline by January 31, 2018; integrate plans for into the FY 2019 budget process by June 30, 2018.*

❖ **Cindy Wade, Stacey Miller, Russ Mack, Christine Anderson**

- Based off the Senior Living Analysis completed in 2017, meet the goals identified as indicated in the Dashboards. Develop on-going strategic initiatives for Senior Living. *Meet the identified goals by September 30, 2018; develop strategies by March 31, 2018.*

❖ **Wayne Printy, Cindy Wade**

Population Health, Health Promotion, Disease Prevention

LincolnHealth will continue to lead in the development of initiatives and services to promote the improvement of health within our service area through the achievement of targets in our Community Health Needs Assessment and Health Index priorities.

- Partner with regional schools to expand services related to Behavioral Health Care. *Develop plan by January 31, 2018; implement strategies to address high priority areas by September 30, 2018.*

❖ Cindy Wade, Stacey Miller

- Utilize the MEHAF Grant to analyze demand and determine if opportunities to enhance current Opioid Use Disorder services exist within LincolnHealth and if opportunities are identified, develop a plan to implement strategies. *Analyze demand and current by October 31, 2017; if opportunities are identified, develop a plan to implement strategies by August 30, 2018.*

❖ Stacey Miller, Cindy Wade, Christine Anderson, Dr. Mack

Board of Selectmen Charge to Land Use Advisory Committee

1. The Damariscotta Land Use Advisory Committee (LUAC) is charged with implementing the recommendations of the Planning Advisory Committee (PAC), in its memorandum to the Board of Selectmen (BOS) dated November 29, 2017, and approved by the Board of Selectmen on December 6¹, as follows:

- a. "The Land Use Committee would be charged with providing one or more amendments that clarify the language of the Site Plan Review Ordinance and other Town ordinances, as deemed necessary, to codify this policy:² that the term 'waivers' should be replaced by a term such as 'variance' or 'conditional exception' and that any such requests for 'variances' etc. be due to circumstances beyond the control of the applicant."
- b. "To review existing Town ordinances and processes with a view to recommending longer term ordinance improvements that align these with Damariscotta community values, as documented in the Heart and Soul Report."

In meeting its goals, LUAC serves as an advisory capacity to the Board of Selectmen.

2. The LUAC's authority and responsibility is two-fold:

- (A) Short term (item (a) above), in which LUAC shall review current land use ordinances to eliminate inconsistencies, duplication etc.; tighten up language to reduce the possibility of misinterpretation; update definitions, etc. (Included in this portion of its goal, LUAC shall address the issue of waivers/variances.)
- (B) Long term (item (b) above), in which LUAC shall research and draft new ordinances (or update sections of existing ordinances) which implement the goals of the 2016 Comprehensive Plan and Damariscotta's community values.

Both tasks will be carried out, in part, by engaging the citizens of Damariscotta (and, when appropriate, the surrounding community) in review and discussion of each revision to current ordinances or new draft ordinance prior to finalizing for presentation to the Board of Selectmen.

3. The LUAC shall be governed by the attached set of By-laws. Going forward it may augment them in order to provide the structure needed for it to carry out its responsibilities

¹ A copy of the Memorandum is included as an attachment to this document.

² "Granting waivers in cases of extreme hardship or when there is a clear community benefit to waiving legal requirements." (Planning Advisory Committee Recommendation memo dated November 29, 2017, Recommendation no. 1)

- ✓ in Updating current ordinances or drafting new Ordinances and
- ✓ in Engaging the Public.

4. The LUAC shall

- a. provide a status report (draft minutes) to the BOS on a regular basis,
- b. coordinate community outreach with the BOS,
- c. confer as needed with the DRA, PWA, TVA, Chamber of commerce, etc.
- d. prepare well vetted Ordinances for presentation to the public at large.

Attachment

Approved by the Board of Selectmen 1/17/2018

Comparison of Equipment for F-550 Truck

	HP Fairfield	Messer	Viking Civic
Stainless Steel V 9.6 Ft. Plow	Fisher Parts are local	Fisher Parts are local	Snow dog Did not like
Truck, Dump Bed	Ruby lifting was 8 ton e-lights mounted under tailgate	Galion lifting was 9 ton e-lights in side posts Emergency lights mounted to the bottom	Down Easter lifting was 7 to 8 ton lower sides, Latch on top of corner post
Hitch Plate	Shop Made Small. Pintle hitch just four holes	Shop made Full plate Pintle is movable	Shop Made Did not see
Spreader	Swenson Plastic lower end Gas engine No add on's No cover	Fisher All stainless steel Electric spinner and auger Can add lights and vibrator Can get a cover	Down Easter All stainless steel Gas engine No add on's No cover
Emergency lights	LED Will write to cab switches	LED Same	LED Same
Tool Box	Aluminum Not painted	Steel Painted	Aluminum Not painted
Cab Shield	Welded on to the bed with bed cover	Bolted on with side supports with bed cover	bolted on no cover have to add late spring unknown
Time to get into the shop	eight weeks have to get parts	three weeks just needs the bed	
Quality of product	good	very good	utility
Cost	21,550	21,675	20,690 have to add bed cover 300.00 plus labor

