

MINUTES
BOARD OF SELECTMEN MEETING
DAMARISCOTTA TOWN HALL
March 16, 2022 5:30 p.m.
Live, Via Zoom and YouTube

Members: Daryl Fraser, Chairperson; Louis Abbotoni, Tom Anderson; Mark Hagar via Zoom, and Josh Pinkham

Members Absent: None

Staff Present: Matt Lutkus, Town Manager; Robert Faunce, Town Planner; Lynda Letteney, recording secretary

Others Present: Michael Tyler, Anton Lahnston; Kevin Edwards, Ron Smith, Geoff Keochakian, LCTV; and Nate Poole, Lincoln County News

I. Pledge of Allegiance: Chairperson Fraser led the Pledge of Allegiance at 5:35 p.m.

II. Public Hearing – Annual Town Warrant Articles

Chairperson Fraser read each article aloud and asked for comments.

Article 1: To see if the Town will vote to adopt Charter amendments that include designating the Historical Preservation Review Commission as a Standing Committee, a change in Town Manager expenditure authority, and change the name “Board of Selectmen” to “Select Board” and Select Board member to be consistent with the recent wording changes in State Statutes, and increasing the Town Manager Expenditure authority for budgeted purchases and contracts to \$15,000. A copy of the Town Charter that shows the proposed amendments is on file with the Town Clerk **No comments**

Article 2: To see if the Town will vote to adopt amendments to the Land Use Ordinance prohibiting new formula businesses as defined in the ordinance from locating in the Commercial 1 (Downtown) District. A copy of this proposed amended ordinance is on file with the Town Clerk **No comments**

Article 3: To see if the Town will vote to amend the Land Use Ordinance to update the list of permitted and conditional uses, add new definitions, and revise several existing definitions. A copy of this proposed amended ordinance is on file with the Town Clerk **No comments**

Article 4: To see if the Town will vote to amend the Planned Unit Development Provisions and the Dimensional Standards of the Land Use Ordinance to better utilize sewer accessible land and to encourage development of new housing in the community. A copy of this proposed amended ordinance is on file with the Town Clerk. **Bob Faunce** spoke to this article saying that sewer is preferable where possible. Damariscotta has a small sewer service area. A lot of it is used by non-profits; the rest of the area is not served by public sewer. There is little land still available. He recommends dimensions be the same as C2. **No comments**

Article 5: To see if the Town will vote to rescind the Town’s 2019 Ordinance banning single use plastic bags which went into effect in March, 2019 since this ordinance has been superseded by the State Statue banning single use plastic bags. A copy of the proposed ordinance is on file with the Town Clerk **No comments**

Article 6: To see if the Town will vote to amend the Medical Marijuana Licensing Ordinance to:
- Prohibit a person (as defined) from applying for a license if that person, as owner, officer, member manager, or partner, already holds the same type of license anywhere in the community

- Require medical marijuana retail establishments to begin operation within 60 days and be fully operational within 120 days
 - Require other medical marijuana establishments to begin operation within 120 days and be fully operational within one year - Prohibit an applicant whose license has been revoked from applying for any adult use (or medical marijuana use as applicable) license for 3 years
 - Clarify that if a license is revoked, the licensee will forfeit application fees and any other Town fees associated with the application
 - Clarify which Departments have enforcement responsibilities
- A copy of this proposed ordinance is on file with the Town Clerk

No comments

Article 7: To see if the Town will vote to amend the Adult Use Marijuana Licensing Ordinance to:

- Prohibit more than one of the same type of license at the same establishment
- Prohibit a person (as defined) from applying for a license if that person, as owner, officer, member manager, or partner, already holds the same type of license anywhere in the community
- Allow the sale of edible marijuana products
- Require medical marijuana retail establishments to begin operation within 60 days and be fully operational within 120 days
- Require other medical marijuana establishments to begin operation within 120 days and be fully operational within one year - Prohibit an applicant whose license has been revoked from applying for any adult use (or medical marijuana use as applicable) license for 3 years
- Clarify that if a license is revoked, the licensee will forfeit application fees and any other Town fees associated with the application
- Clarify which Departments have enforcement responsibilities

A copy of this proposed ordinance is on file with the Town Clerk

No comments

Hearing no further comments from the audience, **Chairperson Fraser** closed the Public Hearing at 5:45 p.m.

III. Call to Order

The Select Board's meeting was called to order at 5:45 p.m. **by Chairperson Fraser**

IV. Action on Public Hearing Items

On motion (Fraser/Anderson) to approve for inclusion on the Town Meeting Warrant, by secret ballot vote, Articles 1-7 (Friendly amendment to include "by secret ballot vote" offered by Pinkham)

Vote: 5-0-0

V. Minutes

On motion (Pinkham/Abbotoni) to approve the minutes of March 2, 2022 as presented

(Hagar Abstaining)

Vote: 4-0-1

On motion (Pinkham/Abbotoni) to approve the minutes of Executive Session March 7, 2022

Vote: 5-0-0

VI. Financial Reports

1. On motion (Pinkham/Abbotoni) to approve Payroll Warrant #50

(Hagar abstaining)

Vote: 4-0-1

2. On motion (Fraser/Anderson) to approve Accounts Payable Warrant #51

(Pinkham in the negative; Hagar abstaining)

Vote: 3-1-1

3. On motion (Fraser/Abbotoni) to approve Accounts Payable Warrant #52

(Hagar abstaining)

Vote: 4-0-1

VII. Presentations: Ron Smith and Kevin Edwards from RHR Smith Audit Report

Ron Smith began his presentation by saying that they finally got the final school audit and that is incorporated into the Town report as of 6/30/21. Assets equaled \$4.1 million and liabilities equaled \$2.3M and \$1.9M left in capital reserves. This left \$1.840M as unassigned. \$100,000 was taken out for tax relief. When looking at the 30-60-90 day operating budget, that means \$450,000 - \$900,000 – and \$1,550,000. It is the healthiest the Town has been, with returning expenses to the bottom line. The \$340,000 for Great Salt Bay has been separated out. There is \$1,666,000 in capital reserves, designated for waterfront and sidewalks. There has been good improvement over the last two years in fund balance and skewed capital reserves. ARPA came in after the fiscal year (\$137K) and is earmarked for a variety of uses. **Matt Lutkus** said that they have already had the Town Meeting to approve the allocation of ARPA funds. **Ron** continued saying that the fund balance was all liquid and consistent with the last three years. The Town is above average which is a reflection of prudence being exercised. In 2021 there was no need for restructuring on the fund balance. It grew by \$500,000. The Town had \$6.5M in revenue coming in and \$5.9M in services provided. So the fund grew from \$1.3M to \$1.8M. The Capital Reserve Accounts are healthy (i.e. Fire Dept. for truck/building), sidewalks, paving, waterfront, etc.)

As advice, he would recommend staying with “who you are” and “stay to the plan”. Don’t add new programs to the budget, but you can upgrade what you have. Taxation revenues are 91% of the revenue. As far as expenses, education gets the lion’s share. In comparison with other years, Town appears to be a “creature of habit, so far.” The budget fell within \$14,000 of projected budget of \$17,000,000. \$700,000 and \$325,000 were returned to taxpayers. **Daryl Fraser** commented that it was good to hear the Town was financially in good shape. Hearing no questions at this point, **Ron** said that he was available as needed for follow-up.

On motion (Pinkham/Abbotoni) to accept the audit as presented

Vote: 5-0-0

VIII. Citizens Comments and General Correspondence

Anton Lahnston, 35 School Street, and Co-Chair of the Safety and Accessibility Committee, spoke to the pedestrian crossing light on Miles Street. Sidewalk use has increased. He was asking if a red and yellow flashing light was planned. It adds to safety and would ease the rebuilding of Miles Street. As he understands it, the committee is in favor of this and is pressing continually. It requires two parts: 1.) Acquisition (MDOT) and 2.) Installation (Town). **Matt Lutkus** said they have the money in capital reserves for the installation.

IX. Town Manager’s Items

1. **Tom Anderson** asked about the items on the ballot and those reserved for Town Meeting. **Matt Lutkus** clarified that items through #31 would be on the ballot. The rest would be at Town Meeting.

On motion (Pinkham/Abbotoni) to have all required items plus the seven Town Articles and all budget items on the ballot.

Vote: 5-0-0

2. **Matt** advised the Board that the joint venture with Boothbay Harbor to share a Town Planner was progressing. So far they have two good candidates that have applied. Applications close March 17th. **Tom Anderson** asked if Boothbay Harbor agreed with Matt’s assessment of the quality. **Matt** said he didn’t ask, and they didn’t disagree. **Matt** asked for volunteer(s) to serve on the interview committee which will meet March 24th. Tom Anderson volunteered.

X. Official Action Items

1. **Request for Pedestrian-Activated Crossing Light**

On motion (Anderson/Abbotoni) to authorize the Town Manager to submit an application to the

Maine Department of Transportation for a pedestrian-activated crossing light to be installed at the Bristol Road/Miles Street intersection

Vote: 5-0-0

2 . Post-Issuance Compliance Policy for 2022 Bond Issue

At the request of the Town Attorney, the Board is being asked to approve a post-assurance compliance policy for the pending \$2,255,000 bond issue. The document essentially says the Town is not using the funds to sell or transfer ownership of facilities constructed with tax-exempt financing. Furthermore it authorizes the Town Treasurer, the designated compliance officer, certain responsibilities for monitoring and assuring compliance.

On motion (Pinkham/Abbotoni) to approve the attached Post-Issuance Compliance Policy for the Town's Bond Issue with the appointment of Cheryl Pinkham as the Compliance Officer.

Vote: 5-0-0

3. Appointment to Comprehensive Planning Committee

Danielle Caron has asked to serve on the Comprehensive Planning Committee. The Committee has already started working on this.

On motion (Fraser/Abbotoni) to approve the appointment of Danielle Caron to the Comprehensive Planning Committee

Vote: 5-0-0

Additionally, **Daryl Fraser** and **Tom Anderson** have volunteered to serve as the Board representative on this committee.

XI. Selectmen's Discussion Items

Tom Anderson – no issues

Lou Abbotoni - nothing to bring up

Mark Hagar – all set

Josh Pinkham – thank you to Nate Poole the lead reporter who has done a great job covering the Board meetings. He is leaving for a position in the UMO admissions office.

Daryl Fraser – no comment


XII. Adjournment

On motion (Pinkham/Abbotoni) to adjourn the Board of Selectmen's meeting at 6:25 p.m. Vote: 5-0-0

Respectfully submitted,

Lynda L. Letteney
Recording Secretary


We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen's meeting on March 16, 2022



Daryl Fraser, Chairperson



Louis Abbotoni



Tom Anderson



Mark Hagar



Joshua Pinkham

Town of Damariscotta, Select Board meeting minutes, signed this date: 4-6-2022