

**7pm Public Hearing on the Traffic and Parking Ordinance**  
**No comments were made.**

**Select Board & Board of Assessors Meeting – Minutes**  
**September 25, 2023 @ 7:00 p.m.**  
**Fire Station Community Room, 86 River Rd.**

**Present Board Members:** Karen Paz, Tor Glendinning, Joel Lind, Thomas Kostenbader, Rufus Percy  
**Staff:** Kevin Sutherland, Interim Town Manager

**Minutes transcribed by Emma McKearney, Deputy Town Clerk**

- 1. Call to Order:** Meeting started at 7:04pm
- 2. Amendments to the Agenda:** No changes to the agenda.
- 3. Minutes of the previous meeting**
  - a. September 11, 2023:** Joel made a motion to approve the minutes of the September 11, 2023, as written with the correction of “Mel” to “Mal Carey.” Motion was seconded by Tor. Motion was passed unanimously.
  - b. September 14, 2023:** Tor made a motion to approve the minutes of the September 14, 2023, meeting as written. Motion was seconded by Tom. Motion was passed unanimously.
- 4. Public Comments on Items Not on the Agenda**
  - a. Anne Jacobs** – Anne is the parent of a student at Lincoln Academy. When she was a student at Lincoln Academy, over 30 years ago, there was a study-abroad program called American Field Service (AFS). Her belief is that the school’s secondary funding for the student’s education would go from the town to the school, to the parents to reimburse for the study-abroad tuition. Over time, the program has been dropped, and only one student has participated in AFS in the last 20 years. Receiving school districts would need to be assessed for safety to receive payment. Anne notes that students are unable to fully unenroll from Lincoln Academy due to Maine’s requirement for students to receive four years of English education. The sending school is responsible for ensure the English requirement is met. Rufus recommends a discussion between the Selectboard and Lincoln Academy Superintendent and School Board. \*\*\*\* notes that Lincoln Academy would oversee the AFS process and English requirement which would allow them to bill the Town. Joel recommends contacting the AOS representatives to discuss.
- 5. New Business**
  - a. Coastal Kids Pre-school:** Karen Mook and Chrissy Wajer are seeking the support of the Selectboard to increase the Town’s contribution to Coastal Kids from \$2,000 to \$4,000. Tuition covers 70% of their needs. 15% of Coastal Kids’ students are from Newcastle. Many of their employees are also from Newcastle. Coastal Kids provides early intervention treatment to its students. Chrissy is a board member of Coastal Kids and owns a private, smaller, daycare in the Sheepscot Village. Both cited increased operations costs and decreased providers as strains on their programs. Currently, Coastal Kids has a waitlist of over 70+ while Chrissy has a waitlist of around 50. The Selectboard sought clarification on how long Newcastle has been supporting Coastal Kids with \$2,000. Karen Mook reported that, in 2015, the Town decreased from \$3,000 to \$1,500. In 2017, the Town increased from \$1,500 to \$2,000. The Interim Town Manager and Selectboard would like to review the Town’s Appropriation Policy. The Selectboard recommends that a representative from Coastal Kids be present at the Town Meeting to answer any questions. The letter requesting

additional financial support by Caer Hallunbaek, Executive Director of Coastal Kids, is considered the request for budget season.

- b. Town Fee Schedule:** Interim Town Manager reports Core Zoning Code and Subsurface Wastewater Disposal System are part of the fee schedule presented. Many fees that the Town collects are tied to state statute. Rufus would like to look into other towns' fee schedules for parking violations. Interim Town Manager will poll surrounding towns' parking violation fees and present it at the next Selectboard meeting on October 23, 2023. Mal Carey states that fishing licenses for those over 70 years of age have been left off the list. He suspects some hunting license costs may also not be listed/ He also states that Freedom of Access costs are not listed. He reports that there's a maximum of \$.10 per printing page, \$0 for electronic delivery, and there is no cost listed in the statute pertaining to documents scanned into a PDF for electronic delivery. Interim Town Manager believes that there isn't a fee for scanning but the time that it takes to scan those documents is a part of the free first 2 hours. FOA requests that require more than 2 hours are \$15/hr every hour following. Tor would like an explanation on the percentage breakdown of the plumbing permit cost. Interim Town Manager will provide clarification at the next meeting; however, Interim Town Manager believes this is the internal breakdown of the total fee. Joel made a motion to approve the Town Fee Schedule, Core Zoning Code Fee Schedule, and the Plumbing/Subsurface Wastewater Disposal Permit Fee Schedule as presented. Motion was seconded by Tor. Motion was pass unanimously.
- c. Shoreland Zoning:** Zoning regulations provided are a combination of state regulations and the Town's regulations. Interim Town Manager reports that the zoning code would include an excavation contractor be on site, and there must be an excavation contractor prior to receiving the permit. This code would also include having the Code Enforcement Office conduct random visits to the site to ensure licensed personnel are always present. Interim Town Manager has sent this to the Town's attorney, Peter Drum, for review. Tor made a motion to send the proposed amendments and legal advice on Section 16. Administration, Subsection H. Appeals to the Shoreland Zoning Code for the Planning Board's consideration. Motion was seconded by Joel. Motion was passed unanimously.
- d. Town Manager Financial Report:** Interim Town Manager reviewed the provided budget update. General Government and Public Safety are over the anticipated 16% budget-spent threshold. Interim Town Manager reports that General Government is over the anticipated threshold due to the payout of the previous town manager and the high-than-expected cost of the Interim Town Manager. Additionally, the Town's legal services get paid upfront in a lump sum. The Town has paid its ambulance service bill. Overall, the Town is at about 13% of its budget. The Selectboard should like a line item break down and narrative if items are getting close to reaching their budgeted amount. Selectboard would like a budget breakdown, similar to what was provided, with the revenue also listed on a monthly trial basis.

## **6. Unfinished Business**

- a. Traffic and Parking Ordinance:** Public hearing was held on September, 25, 2023. Joel made a motion to repeal the parking ordinance of 1989 and adopt the proposed parking and traffic ordinance as written. Motion was seconded by Rufus. Motion was passed unanimously.
- b. Deputy Town Clerk Appointment:** Interim Town Manager reports that Emma started with the Town as Deputy Clerk on September 18, 2023. Rufus made a motion to appoint Emma McKearney as Deputy Town Clerk for the Town of Newcastle. Motion was seconded by Tor. Motion was passed unanimously.

- 7. Town Manager Report and Communications:** Interim Town Manager reviewed his report. Topics discussed were: upcoming Pumpkinfest, PFAs mitigation, Village Partnership Agreement, Comprehensive plan progress, Proposed Historic Preservation Ordinance will be presented at the Selectboard meeting on October 23, 2023, Tidewater Broadband update, Damariscotta Selectboard joint workshop scheduled for October 30, 2023, at the Newcastle Fire Department Community Room, and Damariscotta exploration into a transportation grant.

**8. Fiscal Warrants**

- a. **FY24 Warrant: \$256,357.47:** Joel made a motion to approve the town AP Warrant for \$256,357.47. Motion was seconded by Rufus. Motion was passed unanimously.

**9. Executive Session:** Joel made a motion to go into executive session regarding personnel. Motion was seconded by Tor. Motion was passed unanimously.

1 M.R.S.A. Section 405 (6) A – Personnel

**10. Future Agenda Items:** None

**11. Adjournment of Meeting:** Rufus made a motion to adjourn the meeting at 9:15pm. Thomas seconded this motion.

**Upcoming Events**

Pumpkinfest! October 5-9<sup>th</sup> (with weigh in events on the September 30<sup>th</sup> and October 1<sup>st</sup>)  
October 23 at 7PM — Select Board Meeting, Fire Station Community Room, 86 River Road  
October 30 at 7PM – Joint Workshop with Damariscotta Select Board,  
Fire Station Community Room, 86 River Road

**Manager commentary for September 25<sup>th</sup>, 2023 Agenda packet items.**

**5. New Business Items:** This location on the agenda is meant for items that have not previously been put before the Select Board. Ideally, they are placed here as an introduction and for in-depth discussion before a final draft is later presented as an Unfinished Business item at a future meeting. However, if the new item is time sensitive or the Select Board has no issue with the item as presented, the Board may choose to vote on the item.

**New Business Item: 5A – Coastal Kids Pre-school**

Manager's Commentary: Coastal Kids Pre-school is one of nearly a dozen provider agencies that the Town budget currently supports. Board members Chrissy Wajer and Karen Mook, also residents of Newcastle, reached out to request some time for the organization to update the Select Board and discuss increasing their contribution for FY25 from \$2,000 to \$4,000. Please see the attached letter ([PAGE 12](#)) from their Executive Director and the information below that was shared with me. Additionally, I will have some handouts for the Select Board at the meeting.

*Coastal Kids Preschool has been providing a high quality, developmentally appropriate preschool program for children of all incomes and abilities for 27 years. The school provides financial aid for families who qualify, reducing the barriers that so many working families face in securing quality care for their children. Our inclusive program also focuses on serving children with disabilities. We are the largest provider of preschool special needs educational services in midcoast Maine.*

*Each year, we serve nearly 100 children and their families. We are proud to hold accreditation from the National Association for the Education of Young Children (NAEYC) and to be a Maine Roads to Quality (MRTQ) Level 4 program - the highest designation offered by the state's early career and education professional development network. Tuition covers just 70% of our annual operating budget, with the remainder coming from private donations, town support, and grants.*

*Requested funds are used for programming costs including operations, facilities, classroom supplies, and financial aid. Last year there were fourteen Newcastle children who received services. Additionally, Coastal Kids employs multiple Newcastle residents as teaching staff.*

*As you probably know, our community needs more childcare and early childhood education resources for families. We're doing our part to serve as many local children as possible (our program has a waiting list), and our NAEYC accreditation and our particular focus on serving children with special needs make us unique in the community.*

*We work very hard to raise about \$350,000 each year. This year we will be asking towns to consider increasing their support for this vital community resource with increased contributions.*

#### New Business Item: **5B – Town Fee Schedule**

Manager's Commentary: This came up as a part of the discussion on the Traffic and Parking Ordinance. The proposed ordinance includes the language "See Town Fee Schedule" under 12.2. Interestingly, as we dug into it, we were only able to locate the fee schedule referencing the Core Zoning Code and the Plumbing/Subsurface Wastewater Disposal System Permit. The first attachment for this agenda item is a fee schedule staff put together ([PAGE 13](#)). We'd appreciate your acceptance of these fees as this is what we've been charging for services (some of the items are state mandated amounts). As for the existing documents, the one tied to the Core Zoning Code that says it was revised on January 24, 2022 but I can not find minutes or an agenda reflecting such (last approved was April 12, 2021) so I'd ask for Select Board approval on the more recent version ([PAGE 15](#)). (The only difference between the two was the addition of utilities and services at \$.10 per square foot). Second, the Plumbing/Subsurface Wastewater Disposal System Permit Fee Schedule which was likely accepted back in 2020 could benefit from you seeing it and accepting it again (unclear if we can change any of it – all items I hope to address as part of the budget process). ([PAGE 17](#))

A possible motion: ***"To approve the Town Fee Schedule, Core Zoning Code Fee Schedule, and the Plumbing/Subsurface Wastewater Disposal System Permit Fee Schedule as presented."***

#### New Business Item: **5C – Shoreland Zoning**

Manager's Commentary: Another item on the top 10 priorities list. We've received feedback from the state DEP and we have reviewed the changes. My request to the Select Board is to ask the Planning Board for their recommendation.

Attached ([PAGE 19](#)) is an email from our planner, Michael Martone, followed by the ordinance and its proposed changes by the DEP ([PAGE 20](#)). My response to Michael on the first item was:

"Yes, the application would require a contractor that has their certification in order to get approval. The challenge / expectation is for Code Enforcement to 'swing by' when the work is being done to make sure the person with the certification is 'present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed.'"

The second item has been passed on to our attorney for review/consideration. My only comment to Peter was that the process should match / reflect what we currently do for the Board of Appeals.

I would suggest sending it to the Planning Board tonight, asking them to review at their meeting in October, hold a public hearing in November, and make a recommendation for the modification to be addressed as part of a warrant article at a future Special Town Meeting. At this moment in time, we can hopefully address this and three other ordinance changes on December 11<sup>th</sup>.

A Possible motion: ***"To send the proposed amendments and legal advice on Section 16. Administration, Subsection H. Appeals to the Shoreland Zoning Code for the Planning Board's consideration."***

**New Business Item: 5D – Town Manager Financial Report**

Manager's Commentary: See [PAGE 81](#) for the first draft of a monthly financial report that I'd like to start bringing to your attention. My goal is to create something that isn't necessarily focused on the line by line but becomes a broad conversation about where we stand each month and becomes an effort to address budget challenges before they are budget emergencies. I am not necessarily wedded to this design, so I welcome your feedback and input.

**6. Unfinished Business Items:** Agenda items that have been brought before the Select Board previously in the current fiscal year. Ideally these are items that have been reviewed and are ready for vote, but the Select Board reserves the right for greater discussion, modification, or further postponement.

Unfinished Business Item: **6A – Traffic and Parking Ordinance**

Manager's Commentary: This item was discussed at the August 14<sup>th</sup> meeting and the August 28<sup>th</sup> meeting. A public hearing was then scheduled for tonight to gather any additional input from the public. Under [Title 30-A Section 3009](#) of Maine State Statutes, the Select Board has the authority to enact this ordinance without taking it to a Town Meeting. Should the Select Board be comfortable with what is presented starting on [PAGE 82](#) and after taking public comment may choose to take a vote as presented or further amended.

A Possible motion: ***"To adopt the proposed Traffic and Parking Ordinance as (written /amended)"***.

Unfinished Business Item: **6B – Deputy Town Clerk Appointment**

Manager's Commentary: On Wednesday, September 13<sup>th</sup>, Emma McKearney accepted my offer to join the Newcastle team! Emma was able to get started on September 18<sup>th</sup> and has just cannonballed in. We're all very glad to have her on board and to create a little more space to tackle the many necessary tasks and special projects.

A Possible motion: ***"To confirm the appointment of Emma McKearney as Deputy Town Clerk for Newcastle."***

Fiscal Warrants: **8A – FY24 Fourth Warrant**

Manager Commentary: This can be found starting on [PAGE 92](#).

A possible motion: ***"To approve the FY24 Fourth Warrant"***