

**7pm – Public Hearings:**

- 1) General Assistance Ordinance:** No comments were made.
- 2) General Assistance Ordinance Appendices A-H for 2023-2024:** No comments were made.

**Select Board & Board of Assessors Meeting - Minutes**

**October 23, 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 7:01pm.
- 2. Amendments to the Agenda:** No changes to the agenda.
- 3. Minutes of the previous meeting**
  - a. September 25, 2023:** Joel made a motion to approve the minutes of the September 25, 2023, meeting as written. Motion was seconded by Tor. Motion was passed unanimously.
  - b. September 27, 2023:** Joel made a motion to approve the minutes of the September 27, 2023, meeting as written. Motion was seconded by Tor. Motion was passed unanimously.
- 4. Public Comments on Items Not on the Agenda**
  - a. Mal Carey:** Mal, a resident of North Newcastle, provided the Select Board and Interim Town Manager with written comments regarding the current code. He reports that there's a discrepancy between what state law requires and the town and state being subject to the code. Mal requests that this be investigated further. The Select Board will pass this onto Michael Martone, Town Planner.
- 5. New Business**
  - a. Midcoast Conservancy:** Patricia Nease, Damariscotta Lake Watershed Manager, from Midcoast Conservancy had a presentation regarding their Erosion Control Work on Damariscotta Lake. Currently, Midcoast Conservancy is working on fulfilling Section 319 of the Clean Water Act Grant which focuses on non-point source pollution. Patricia reported that, over the last two years, the Youth Conservation Corps has completed 21 projects. The area has seen over 125% of normal precipitation over the last 6 months. Patricia reports that this will become a more normal occurrence. Midcoast Conservancy continues to monitor water quality, cyanobacteria, and fecal bacteria of Damariscotta Lake. Information regarding water quality of Damariscotta Lake is available on Swim Guide (Damariscotta Mills Beach) <https://www.theswimguide.org/beach/11099> or on the Swim Guide app. Check out Damariscotta Lake Watch on Instagram. Patricia can be reached at [patricia@midcoastconservancy.org](mailto:patricia@midcoastconservancy.org). Patricia opened up questions to the public.
  - b. Historic Preservation Ordinance:** Also known as the Historic Special District Review Ordinance, it was reviewed that the Select Board asked for a committee to be formed in response to the input received from the town favoring preservation of the Town's historic district. At this time, the Select Board wants to focus on the next steps instead of details. There will be another Select Board Public Hearing regarding the Historic Preservation Ordinance at a later date. David Levesque, resident, was recognized by the Chair; he raised

concerns of the Planning Board discussing the issue and making recommendations outside of the Public Hearing and without proper notification of the follow-up discussion. The Select Board would like to have a workshop to review the ordinance in January which will include the Chair of the Planning Board, Town Planner, and legal counsel. Brian Flessner, resident, wished for an opportunity for public comment due to the wording on the agenda which states there would be a discussion. The Select Board and Interim Town Manager clarified that this was an opportunity for the Select Board to discuss amongst themselves and that there would be a Public Hearing which would allow the public to voice their opinions and concerns; the opportunity for a debate would be at Town Meeting.

**c. Route 1B /Main Street and Mills Road Pre-Engineering Services:** Interim Town Manager reviewed that the current Purchasing and Bid Ordinance requires Select Board approval for the Interim Town Manager to move forward with soliciting bids for the Village Partnership Initiative. The Maine Department of Transportation (MaineDOT) will cover half the cost of the planning study while the Town will cover the other half. There is a grant agreement which will pay \$140,000 upfront and will reimburse half of the cost. Interim Town Manager states that he would like the bid to first make the decision on technical ability then assess the cost of the project. Interim Town Manager believes that the maximum cost is estimated to be \$150,000. \$50,000 is already set aside for the project from last year's Town Meeting. MaineDOT has a short list of vendors to recommend, and the Town must publicly announce and encourage others to submit their proposals. Tor made a motion to authorize the Interim Town Manager to solicit proposals for pre-engineering service on Maine Street and Mills Road in Newcastle as drafted. Seconded by Rufus. Motion was passed unanimously.

## 6. Unfinished Business

**a. General Assistance Ordinance:** General Assistance Ordinance Public Hearing occurred earlier in the meeting. No comments were made. No further discussion. Joel made a motion to adopt the General Assistance Ordinance as written. Motion was seconded by Rufus. Motion was passed unanimously.

**b. General Assistance Ordinance Appendices A-H for 2023-2024:** General Assistance Ordinance Appendices A-H for 2023-2024 Public Hearing occurred earlier in the meeting. No comments were made. No further discussion. Joel made a motion to adopt the General Assistance Ordinance as written. Motion was seconded by Thomas. Motion was passed unanimously.

**c. VHB Report on Lynch Road Culvert:** Carl Harris, Senior Structural Engineer, and Brian Reeves from VHB Engineering presented their report on the Lynch Road culvert. Due to the Lynch Road's Minor Span being longer than 10', the Maine Department of Transportation (MaineDOT) needs to inspect it every two years despite it being owned by the Town. The culvert/minor span was built 10 years ago. The last report was completed in 2022 which noted some movement in the infrastructure. VHB is recommending a 50' bridge to replace the current, failing culvert. VHB discussed the helpfulness of each proposed structure (in-kind, 22'x8' box culvert, 50' bridge) while reviewing the water flow through and around the area. Interim Town Manager has been working with FEMA to determine if, and what, is available for federal funding; 75% of the cost will be covered with federal money, 15% will be covered by the State of Maine, and the Town will be responsible for the remaining 10% of the cost. The Town's cost will be around \$170,000. Interim Town Manager reports that there is likely additional funding which he will explore. FEMA's deadline for the project to be completed is November 2024, 18 months from the incident, but FEMA is willing to accept an extension due to potential material availability challenges. VHB reports that the bridge will be made of galvanized steel beams, and there wouldn't be rust for at least 30 years with an anticipated lifespan of about 75 years. Town Maintenance would be limited to the road's surface and the bridge would be managed by the MaineDOT due to its size. VHB will work with MaineDOT to ensure their requirements are met so that MaineDOT may assume ownership of the structure once it's completed. Mal Carey, resident, questioned if the northeast corner would need additional reinforcement. VHB

reports that there is shallow bedrock that is taken into consideration when engineering the bridge. Tor made a motion to authorize the Town Manager to sign a contract extension with VHB for final design of a bridge, bid development, DEP permitting, and construction oversight not to exceed \$150,000. Motion was seconded by Joel. Motion was passed unanimously.

**d. Special Town Meeting:** Interim Town Manager is requesting support for having a Special Town Meeting on December 11, 2023 to vote on the Core Zoning Code and the Purchase and Bid Ordinance. Michael Marton, Town Planner, was present to answer questions from the Select Board. Michael reported that the Core Zoning Public Hearing is scheduled for November 16, 2023. Michael also explained that the Planning Board is still working with the State to update best practices and the State's requirements for the Shoreland Zoning Code. Joel made a motion to establish a Special Town Meeting for December 11th at 7pm in the Community Room of the Fire Station at 86 River Road and notify the Interim Town Clerk. Motion was seconded by Rufus. Motion was passed unanimously.

**e. Select Board Priorities Review:** Interim Town Manager and Select Board reviewed their priority list they completed on July 24, 2023. At the three-month review, there hasn't been a chance to bring forward on the comprehensive plan, ordinance and policy housekeeping, and the town property maintenance schedule. There will be a joint workshop with Newcastle and Damariscotta Select Boards scheduled for October 30, 2023 at 6pm at the Newcastle Fire Station Community Room to review the needs assessment completed by the Lincoln County Regional Planning Commission. David Levesque, resident, encourages the Select Board to priority getting back into a cable franchise agreement as the previous contract expired in September 2019.

**7. Town Manager Report and Communications:** Interim Town Manager reviewed his report. Topics discussed were: Route 215 drainage project stating October 30<sup>th</sup>, absentee voting and Election Day, PFAs mitigation to impacted Newcastle residents, the upcoming Newcastle/Damariscotta joint Select Board workshop, and quick overviews of the "Future Agenda Item" list.

## **8. Fiscal Warrants**

**a. FY24 Seventh AP Warrant: \$29,173.55:** Joel made a motion to approve the Seventh AP Warrant for \$29,173.55. Motion was seconded by Tom. Motion was passed unanimously.

**b. FY24 Eighth AP Warrant: \$383,976.53:** Joel made a motion to approve the Eighth AP Warrant for \$383,976.53. Motion was seconded by Tor. Motion was passed unanimously.

## **9. Executive Session**

**1 M.R.S.A. Section 405 (6) A – Personnel:** Tor made a motion to enter into executive session regarding personnel. Motion was seconded by Joel. Motion was passed unanimously. No Report upon exiting executive session.

**1 M.R.S.A Section 405 (6) D – Contract Negotiations:** Joel made a motion to enter into executive session regarding contract negotiations. Motion was seconded by Rufus. Motion was passed unanimously. Chair called for Special Select Board meeting on October 26, 2023 at 5:30pm at the Newcastle Town Office.

**10. Future Agenda Items** These items were identified and further explained as part of the Town Manager Report

**a. Ordinance and Policy Review Process**

**b. Traffic and Parking Ordinance**

**c. Town Fee Schedule**

**d. Fire Engine Bid Documents**

**e. Comprehensive Plan State Approval**

**11. Adjournment of Meeting:** Thomas made a motion to adjourn the meeting at 10:03pm. Rufus seconded this motion. Motion was passed unanimously.

## **Manager commentary for October 23<sup>rd</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 – Midcoast Conservancy**

Manager's Commentary: Midcoast Conservancy, a Town of Newcastle provider agency, has been working with landowners to install erosion control best management practices around the Damariscotta Lake Watershed as part of Section 319 of the Clean Water Act grant. Damariscotta Lake Watershed Manager, Patricia Nease will provide an update on these projects as well as a brief water quality update for Damariscotta Lake.

### **New Business Item: 5B – Historic Preservation Ordinance**

Manager's Commentary: The Ad-Hoc Historic Preservation Committee was formed in January 2023 for the purpose of discussing issues related to historic preservation in the community with the goal of returning to the Select Board with a recommended Historic Preservation Ordinance. The Ad-hoc committee met nine times to draft their proposal. More information and documents created by the committee can be found [HERE](#). As part of the process, the Planning Board met on September 21<sup>st</sup> and held a public hearing on the proposed Historic Preservation Ordinance. The video of the meeting and the commentary from the public hearing can be found [HERE](#). The agenda item starts at the 8-minute mark. They ultimately made a recommendation to move it forward for the Select Board's consideration. See memo from Michael Martone, Town Planner on [Page 12](#). Since the Select Board has not had a discussion on this topic since the first of year, it would be ideal to review the work completed to date (Draft Ordinance on [Page 13](#)) and further discuss whether this is ready for special town meeting on December 11, 2023 (see agenda item 6D) or to postpone to allow further review, consideration, and potential vote at the Annual Town Meeting in June. Either way, a decision should be made by Select Board no later than November 27<sup>th</sup>. Michael will be in attendance to answer questions and provide perspective should the Select Board request it.

### **New Business Item: 5C – Route 1B /Main Street and Mills Road Pre-Engineering Services**

Manager's Commentary: One of the top 10 priorities is "Downtown Traffic Planning". Thanks to the previous work of Ben Frey and Tor Glendinning, we were already in a good position to receive approval from the Maine Department of Transportation (MDOT) for a Village Partnership initiative last month. Starting on [Page 34](#) is the contract I've pre-emptively approved so that we may move forward with the scope of work document ([Page 41](#)) and to get a bid document ([Page 47](#)) prepared for the meeting on October 23 and out to potential consultants. Since we're still operating under the [Purchasing and Bid Ordinance](#), we're bringing this to your attention for consideration tonight. I am not certain we can or should tweak the bid document too much as it's already been reviewed by MDOT, but pending your support, we'll get a notice out and sent out.

Additional note: The maximum allowed for this design work is up to \$150,000. Half (\$75,000) by each the Town of Newcastle and MDOT. The Town of Newcastle, as part of the budget process for FY24 allocated \$50,000 for this effort. If an acceptable bid comes in at or below \$100,000, we won't need to move any additional money, however, if it's above, we'll need to move enough money to cover the additional amount.

A possible motion: ***"To authorize Town staff to solicit proposals for Pre-Engineering Service on Main Street and Mills Road in Newcastle as drafted."***

**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 – General Assistance Ordinance**

Manager's Commentary: The Model Ordinance update approved by the Select Board last November (2022) had not been given a proper hearing. On September 11, 2023 this was brought to the attention of the Select Board and a public hearing was set for this evening. This was also notified in the paper on October 12<sup>th</sup>. The full ordinance is not part of the packet for this evening, but was in the Select Board agenda packet for 9/11 and can be found directly on the website [HERE](#). This ordinance and future amendments, by state statute ([Title 22, Section 4305\(1\)](#)), does not require a Town Meeting vote.

A Possible motion: ***"To adopt the General Assistance Ordinance as (written/amended)"***.

**Unfinished Business Item: 6B – General Assistance Ordinance Appendices A-H for 2023-2024**

Manager's Commentary: Each year, an update to Appendices A-H ([Page 56](#)) of the General Assistance Ordinance approved in the prior agenda item (same [LINK](#) as above) is necessary to reflect the changes in the maximum amounts for General Assistance. This action will update the appendices table of content on page 95 of the PDF and replace pages 97-112. This too was noticed in the paper on October 12<sup>th</sup> with public hearing this evening. Pending your approval, I'll have a copy of [Page 55](#) at the meeting for your signature.

A Possible motion: ***"To adopt the General Assistance Ordinance Appendices A-H for 2023-2024."***

**Unfinished Business Item: 6C – VHB Report on Lynch Road Culvert**

Manager's Commentary: On the first of May, a severe weather event compromised a three-sided culvert on Lynch Road. VHB was able to assess the issue with our road commissioner and provide guidance for a fix that would temporarily stabilize the structure. Due to the immediacy and time requirements to get this fixed for potential FEMA reimbursement, the Select Board authorized signature to contract with VHB on July 10<sup>th</sup> to address preliminary design work and at a Special Town Meeting on August 7<sup>th</sup>, the community approved the use of unassigned fund balance to cover the cost of that contract (as well as the clean-up efforts related to it).

As a separate LINK due to file size is the preliminary design, recommendations, cost estimates, photos, and the hydrologic and hydraulic report from VHB. At the meeting, I'd like to review a few key elements of the document, a discussion about which direction you'd like to go, how to best move forward given our tight timelines, and what avenues we have to help pay for final design, permitting, and finally its construction. Representatives from VHB will be in attendance to answer questions.

A Possible motion: ***"To authorize the Town Manager to sign a contract extension with VHB for final design of (an In-Kind Structure / a 4 Sided Box / a bridge), bid development, DEP permitting and construction oversight not to exceed \$150,000."***

**Unfinished Business Item: 6G – Special Town Meeting**

Manager's Commentary: In August, the Select Board approved a purchasing and bid policy that will replace the Purchasing and Bid Ordinance once it has been repealed at a Town Meeting. Additionally, the Planning Board provided a recommendation on the Historic Preservation Ordinance last month for your consideration. Finally, the Planning Board is considering several recommendations (after public hearings) in November for an update to the Core Zoning Code and an update to the Shoreland Zoning Code. Holding a Special Town Meeting on December 11<sup>th</sup> would be a great opportunity to address these ordinances and allow us to move onto additional efforts for other ordinance creation and changes. Pending your support, we will look to finalize the warrant with you at your November 27<sup>th</sup> meeting.

A Possible motion: ***“To establish a Special Town Meeting for December 11th at 7pm in the Community Room of the Fire Station at 86 River Road and notify the Interim Town Clerk.”***

Unfinished Business Item: **6H – Select Board Priorities Review**

Manager’s Commentary: Included in the packet on [PAGE 71](#) is a memo that reviews the agreed upon list of priorities and where we stand on each of the Top 10 items. The Select Boards of Newcastle and Damariscotta are set to meet on October 30, 2023 to hear a presentation from the Lincoln County Regional Planning Commission on the county-wide housing needs assessment and then follow up with a facilitated conversation about priorities that the two towns could or should be working on together. I’d recommend we hold off on modifying our priority list until after we’ve met with Damariscotta and then decide whether anything prioritized collectively with them goes above or below the items currently on the list. Our November 13<sup>th</sup>, 2023 meeting is far enough out to prepare the information for your consideration.

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

Manager Commentary: This can be found starting on [PAGE 75](#).

A possible motion: ***“To approve the FY24 Seventh Warrant”***

Fiscal Warrants: **8B – FY24 Eighth Warrant**

Manager Commentary: This can be found starting on [PAGE 80](#).

A possible motion: ***“To approve the FY24 Eighth Warrant”***