

**Select Board & Board of Assessors Meeting - Minutes**  
**September 11, 2023 @ 7:00 p.m.**  
**Fire Station Community Room, 86 River Rd.**

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

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

- 1. Call to Order: Meeting started at 7:08pm**
- 2. Amendments to the Agenda:** On motion, Rufus made a motion to add supplemental tax assessment and abatement under new business 5F. Motion was seconded by Tor. Motion passed unanimously.
- 3. Minutes of the previous meeting:** On motion, Joel made a motion to approve the minutes of the August 28, 2023, minutes as written. Motion was seconded by Tom. Motion passed unanimously.
- 4. Public Comments on Items Not on the Agenda:** Mal Carey requested rereading of map/lot number of the assessment to be discussed in New Business.
- 5. New Business**
  - a. Core Zoning Code:** Interim Town Manager recommended that core zoning code ordinance be addressed in conjunction with the Planning Board to support historic and non-historic districts zoning codes. There were discussions about the process of having Planning Board make recommendations to the Select Board to then be approved for the Town Warrant. Interim Town Manager recommends a special town meeting and accompanying warrant for mid-November. Select Board recommends waiting for the town meeting and warrant until January 2024 due to the need for a 45-day notice. Maine Historic Preservation Association will be in consultation. **Tor made a motion to send amendment of Section 22, article 7 of the core zoning code to the Planning Board for consideration. Motion was seconded by Joel. Motion was passed unanimously.**
  - b. Central Lincoln County School System (AOS 93):** Karen recommends that some Select Board members attend the meeting. Karen will call a special Select Board meeting on September 14<sup>th</sup> at 6:00p at the education barn at the Coastal Rivers Conservation Trust in Damariscotta. Interim Town Manager will support in having the public notified.
  - c. Housing Committee:** Interim Town Manager recommends that Newcastle Select Board and Damariscotta Select Board meet to discuss joint priorities and Housing Needs Assessment. Lincoln County Regional Planning Commission will be presenting the Housing Needs Assessment in an upcoming meeting. Interim Town Manager recommended that Select Board participate in this meeting. Meeting dates proposed were October 25<sup>th</sup> or October 30<sup>th</sup>. Either proposed date was satisfactory. Tor recommends revisiting this topic when Town Planner has been with the town for a longer period and there is a full-time Town Manager. Select Board will participate in the presentation.
  - d. Maine Municipal Association Convention and Annual Business Meeting:** Interim Town Manager will be in attendance for the Maine Municipal Association Convention and Business meeting. Town Manager will resister any Select Board members who are interested in attending. Schedule is available online at <https://www.memun.org>.
  - e. Indigenous People's Day:** Interim Town Manager proposes canceling this scheduled Select Board meeting on October 9<sup>th</sup> and resuming business on the next scheduled meeting date of October 23<sup>rd</sup> with the understanding that the Newcastle and Damariscotta Select Boards will be meeting jointly later in the week or

the following week. Select Board was in agreeance to cancel the Select Board meeting scheduled for October 9<sup>th</sup>.

- f. Supplemental Tax Warrant, Supplemental Tax Certificates, and Tax Abatement:** Interim Town Manager explains that this property for the supplemental tax warrant and supplemental tax certificate has been unaccounted for in the TRIO system which was identified and now in the system. Regarding the tax abatement, property was temporarily not considered farm space due to the splitting of the property despite the owner owning both parcels. The abatement is to continue the property being considered farm space. **Joel made a motion to approve the Supplemental Tax Warrant, Supplemental Tax Certificates, and Tax Abatement. Motion was seconded by Tor. Motion was passed unanimously.**

**6. Unfinished Business**

- a. General Assistance Ordinance:** Interim Town Manager reports that this was approved by the Select Board in November 2022. However, there was no public hearing. Interim Town Manager Recommends a public hearing for October 23<sup>rd</sup> during the regularly scheduled Select Board Meeting. **Joel made a motion to schedule a public hearing scheduled for October 23<sup>rd</sup> regarding the General Assistance Ordinance and Updated Appendices. Motion was seconded by Rufus. Motion was passed unanimously.**
- b. General Assistance Updated Appendices:** Joel made a motion to schedule a public hearing scheduled for October 23<sup>rd</sup> regarding the General Assistance Ordinance and Updated Appendices. Motion was seconded by Rufus. Motion was passed unanimously.
- c. Undesignated Fund Balance Policy:** Joel made a motion to approve the undesignated fund balance policy as presented. Motion was seconded by Tor. Motion was passed unanimously.

- 7. Town Manager Report and Communications:** Interim Town Manager reviewed his report. Topics discussed were: planning for Hurricane Lee, Utility work on Pump Street scheduled to start next week (delayed due to the incoming storm), Historic Preservation ordinance public hearing scheduled for September 21<sup>st</sup> at the Fire Station Community Room, DR4719 – May Day Storm and clean-up, town fee schedule, Town Clerk Interviews.

**8. Fiscal Warrants**

- a. FY24 Fifth AP Warrant: \$98,900.18: Joel made a motion to approve the town AP Warrant for \$98,900.18. Motion was seconded by Tom. Motion was passed unanimously.**

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

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

- 10. Future Agenda Items:** None

- 11. Adjournment of Meeting:** Tom made a motion to adjourn the meeting at 9:05pm. Tor seconded this motion.

**Upcoming Events**

September 25 at 7PM — Select Board Meeting, Fire Station Community Room, 86 River Road

## **Manager commentary for September 11<sup>th</sup>, 2023 Agenda packet items.**

**5. New Business Items:** This location for agenda items 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 – Core Zoning Code**

Manager's Commentary: In addition to the work currently underway with the Planning Board to review the Historic Preservation Ordinance, attached ([PAGE 7](#)) are some proposed amendments to Section 22 of Article 7 of the Core Zoning Code which addresses demolition of historic assets. The changes are relatively minor, but they extend the protection from covering whole structures to also address parts of structures. We left the cut off at 1900, which is what the code currently has but that or anything else can be changed as desired.

If you're interested in pursuing this as well, I'd suggest sending it to the Planning Board tonight, asking them to review at their meeting next week, hold a public hearing in October, and make a recommendation for the modification to be addressed as part of a warrant article at a future Special Town Meeting (tentatively mid-November).

A Possible motion: ***"To send the proposed amendments to Section 22 of Article 7 of the Core Zoning Code for the Planning Board's consideration."***

### **New Business Item: 5B – Central Lincoln County School System (AOS 93)**

Manager's Commentary: On September 1<sup>st</sup>, Newcastle, along with six other towns received an invitation by the Central Lincoln County School System (AOS 93) to attend a short presentation on the restructuring plans and an open discussion of the issues it presents. See [PAGE 9](#) for the email invitation. Peter Nielsen, Business Manager for Central Lincoln County School System / AOS 93 followed up with an email with a few links to news articles about the restructuring effort <https://lcnme.com/currentnews/aos-93-administrators-propose-exploring-district-structure-change/> and <https://lcnme.com/currentnews/all-aos-93-school-committees-approve-restructuring-exploration/> as well as a copy of the Strategic Vision 2025 document released publicly in April that is also included in the packet on [PAGE 10](#).

This gathering will take place at 6:00 pm on Thursday, September 14 in the DMB Education Hall at Coastal Rivers Conservation Trust's Round Top Barn facilities in Damariscotta.

If the entire Select Board would like to attend; according to our [Select Board Bylaws](#) (Section 10, page 4), the Select Board Chair will need to call a special meeting. Either the Chair can call the meeting now, or by a request of a quorum of the select board members (since we're here, a vote?) Then, at the event, call the meeting to order (record the time), and when the presentation and Q and A ends, assuming no motions to take action, a motion/second to adjourn (please record who makes motions, who seconds those motions, and for adjournment, the time).

If not a special meeting with a quorum of select board members (more than 2), I'd suggest the Select Board identify two members to attend on behalf of the body and at the 9/25 meeting provide a public report of the event as an agenda item.

A Possible motion: ***"To ask the Chair to call a special meeting for September 14<sup>th</sup> at 6pm at the DMB Education Hall at Coastal Rivers Conservation Trust's Round Top Bar facilities in Damariscotta for a presentation and open discussion"***

OR ***“To Appoint Select Board Members \_\_\_\_\_ and \_\_\_\_\_ to attend the Central Lincoln County School System / AOS 93 presentation and Q&A on behalf of the Select Board.”***

**New Business Item: 5C – Housing Committee**

Manager’s Commentary: The Planning Board, at their August 21<sup>st</sup> meeting, voted to formally recommend to the Select Board that the Housing Committee be reconstituted. There were a few points that the Planning Board discussed as part of the recommendation: it should be a joint committee with Damariscotta, three members from each community plus one seat that alternates on some regular basis (annually, semi-annually, etc.), and it should include one person from each town’s planning board; the location should alternate between the two towns each meeting/month; LCRPC and MCOG should be included as much as possible; At the outset, the committee should adopt formal by-laws and procedures and define and establish their specific purpose.

This week, I had a conversation with our Planner, Michael Martone (who also serves as the Planner in Damariscotta) as well as the Town Manager in Damariscotta, Andrew Dorr. Given where Damariscotta is in their comprehensive plan process and our Select Board’s current slate of priorities (which 4 of the 10 directly involve Michael), I am advising the Newcastle Select Board not move forward with this recommendation at this time and instead consider its significance after we review and update the Priorities again at the second meeting in October.

I’d also suggest we discuss joining the Damariscotta Select Board in a presentation from the Lincoln County Regional Planning Commission (LCRPC) on the [Housing Needs Assessment](#) from May of 2023. After the presentation and discussion on housing and ways we can work together to further address needs, this joint workshop could also be an opportunity to discuss other collaborative efforts. We’ve asked LCRPC to save both Wednesday the 25<sup>th</sup> of October and Monday, October 30<sup>th</sup> evening to see if either could work for a majority of both boards.

Additionally, I’ve informed the Chair of the Planning Board, Ben Frey of my recommendation. He may be in attendance to share the Planning Board’s decision to recommend.

**New Business Item: 5D – Maine Municipal Association Convention and Annual Business Meeting**

Manager’s Commentary: The [87<sup>th</sup> Annual Convention of MMA](#) is coming up! Wednesday October 4<sup>th</sup> and Thursday October 5<sup>th</sup>. I intend to attend the event and if any of the Select Board members would like to attend one or both days – it’s a great way to network with other elected and appointed municipal officials from around the state and attend some lectures and interesting presentations/trainings. It’s in Augusta, not too far. Let me know if you’re interested and I will sign you up. Additionally, attached is the Letter from MMA ([PAGE 18](#)) and information about the business meeting as well as a form ([PAGE 23](#)) I will bring for your signature. If any of you are interested, let’s get someone on there. I’d also be happy to represent Newcastle at the Annual Business Meeting.

**New Business Item: 5E – Indigenous People’s Day**

Manager’s Commentary: Indigenous People’s Day is Monday, October 9<sup>th</sup>, 2023. It also happens to be the second Monday of the month, which is one of your meeting nights. Our bylaws do not currently have a process for addressing this when it happens. Do you still want to meet that evening? Do you want to cancel that meeting and schedule a special meeting for Tuesday, October 10<sup>th</sup> instead? The first two item on Unfinished Business need scheduled Public Hearings. That could be 10/10 if you cancel 10/9 and set a special meeting, it could be on 10/23 if you choose to have just one meeting in October (although we may have a joint workshop with Damariscotta in October as well? So many options!) This decision process would be a similar situation to 5B above. The Chair either cancels the 10/9 meeting, cancels the

10/9 meeting and calls a special meeting for 10/10, or the Select Board takes a vote to tell the Chair to do something about it.

**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: Last November the Select Board approved an updated General Assistance Ordinance, however from what I can tell, there was no proper notification and public hearing as required by Title 22 of the Maine State Statutes. I’d ask that we take it up again this year ([PAGE 25](#)) and ensure this is tracked properly.

A Possible motion: ***“To schedule a public hearing for the 2022 updated General Assistance Ordinance for October \_\_, 2023.”***

Unfinished Business Item: **6B – General Assistance Ordinance Updated Appendices**

Manager’s Commentary: Every year the State Department of Health and Human Services (DHHS) requires municipalities to adopt updated General Assistance Ordinance appendices. The attached appendices ([PAGE 139](#)) reflect an October 1, 2023 through September 30<sup>th</sup>, 2024 update. The maximums have increased from the prior year. For example, overall maximums for a 4-person household in Lincoln County will go from 1,463 to 1,582, an increase of \$119 or 8.1%. As part of the state statute, the Select Board will need to hold a public hearing before approving and signing the update.

A Possible motion: ***“To schedule a public hearing for the updates to the General Assistance Ordinance Appendices for October \_\_, 2023.”***

Unfinished Business Item: **6C – Undesignated Fund Balance Policy**

Manager’s Commentary: Based on our conversation at the August 28<sup>th</sup> Select Board meeting and a brief conversation with our auditor this week, attached are both a revised red line ([PAGE 155](#)) and a clean ([PAGE 157](#)) version of the Undesignated Fund Balance Policy. Unassigned, Undesignated, and Unrestricted all refer to the same thing - the part of net position that can be used to finance day-to-day operations without constraints established by debt covenant’s enabling legislation or other legal requirements. Since the Policy approved previously utilized the term undesignated throughout, I am suggesting we modify the policy name to reflect that term (instead of unassigned as I had labelled it at the previous meeting).

Additionally, I took some liberty with the list of things that additional monies could be considered for. I hope for a little more conversation around this before the select board takes any action.

A Possible motion: ***“To approve the Undesignated Fund Balance as presented / modified.”***

**8. Fiscal Warrants**

Fiscal Warrant: **8A – FY24 Fifth AP Warrant**

Manager Commentary: This can be found starting on [PAGE 159](#).

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