

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. 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 Flesser, 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's~~ 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 30th, 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.

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