

Select Board & Board of Assessors Meeting - Agenda
January 8, 2024 @ 7:00 p.m.
Fire Station Community Room, 86 River Rd.

Present Board Members: Joel Lind, Tor Glendinning, Thomas Kostenbader, Rufus Percy

Excused Board Member: Karen Paz

Staff: Kevin Sutherland, Town Manager

Minutes transcribed by Emma McKearney, Deputy Town Clerk

- 1. Call to Order:** Meeting started at 7:00pm.
- 2. Amendments to the Agenda:** No amendments were made.
- 3. Minutes of the previous meeting**
 - a. November 27th, 2023:** Rufus made a motion to approve the minutes of the November 27, 2023, meeting as written. Motion was seconded by Thomas. Motion was passed 4-0, 1 absent.
 - b. December 11th, 2023:** Rufus made a motion to approve the minutes of the December 11, 2023, meeting as written. Motion was seconded by Thomas. Motion was passed 4-0, 1 absent.
- 4. Public Comments on Items Not on the Agenda**
 - a. Joel Lind:** Joel, Select Board Member and resident of Newcastle, wanted to recognize the passing and accomplishments of Edna Verney. Edna was a lifelong resident of Newcastle who was an active participant in the community. She took over the care of the Harriet G. Bird Playground where she served as the chair of the committee since the 1970's. Edna passed on December 30, 2023.
- 5. New Business**
 - a. South Dyer Neck Bridge:** The Maine DOT has posted the bridge at 30 tons. Town Manager is working with the Maine DOT to figure out why this bridge was posted as it doesn't appear to be based on condition following a study conducted by VHB's assessment of Newcastle bridges and minor spans. *Tor made a motion to authorize the Road Commissioner to post a 30-ton weight restriction on the South Dyer Neck Bridge as prescribed by the Maine Department of Transportation. Motion was seconded by Rufus. Motion was passed 4-0, 1 absent.*
 - b. Harbor Management Ordinance:** The Harbor Committee Chair provided the Town Manager with documentation of a working copy of the Harbor Committee Ordinance and Interlocal Agreement. It's suggested that there be a joint meeting to discuss the proposed, and additional, changes. *Thomas made a motion to schedule a joint workshop with the Town of Damariscotta Select Board at 6pm on January 18, 2024. Motion was seconded by Tor. Motion passed 4-0, 1 absent.*
 - c. Community Resilience Partnership:** The Town of Newcastle was approached by the Lincoln County Regional Planning Commission (LCRPC) and Coastal Rivers Conservation Trust to potentially support the Town in becoming members of the Community Resilience Partnership, a state program. Damariscotta is currently a member of the Partnership. Being a member allows for additional state funding and grant opportunities to address the needs of the Town relating to climate. *Tor made a motion to support the draft letter to the Community Resilience Partnership Program Manager and express our intent to enroll and participate in the Community Resilience Partnership with the assistance from Service Providers, LCRPC and Coastal Rivers Conservation Trust. Motion was seconded by Rufus. Motion passed 4-0, 1 absent.*

6. Unfinished Business

- a. **Board and Committee Membership:** There were lapsed memberships to committees which were identified by staff. These appointments and re-appointments will be on schedule, based on their ordinances to be staggered and ending at the end of the fiscal year. In the beginning of July 2024, the Select Board will be provided with a list to appoint individuals to their desired committees. *Rufus made a motion to re-appoint Kevin Houghton to the Planning Board with a term expiring 6/30/2026, and Ben Frey to the Planning Board with a term expiring 6/30/2025. Motion was seconded by Tor. Motion passed 4-0, 1 absent. Rufus made a motion to appoint Wanda Wilcox to the Planning Board with a term expiring 6/30/2026. Motion was seconded by Thomas. Motion passed 4-0, 1 absent. Tor made a motion to re-appoint Ben Frey to the Finance Committee with a term expiring 6/30/2025, and John Hartman to the Finance Committee with a term expiring 6/30/2026. Motion was seconded by Thomas. Motion passed 4-0, 1 absent. Rufus made a motion to re-appoint David Lawrence to the Harbor Committee with a term expiring 6/30/2026, and Gisela Heimsath-Rhodes to the Harbor Committee with a term expiring 6/30/2024. Motion was seconded by Tor. Motion passed 4-0, 1 absent. Thomas made a motion to re-appoint Robert Wallace to the Shellfish Conservation Committee with a term expiring 6/30/2026. Motion was seconded by Tor. Motion passed 4-0, 1 absent.*
- b. **Fireworks Ordinance:** Town Manager presented an edited version of the Fireworks Ordinance. Since it was presented during the December 11, 2023, Select Board Meeting, no additional changes have been made. *Rufus made a motion to schedule a public hearing on the proposed amendments to the Fireworks Ordinance for February 12, 2024, at 7pm in the Newcastle Fire Department Community Room at 86 River Rd. Motion was seconded by Tor. Motion was passed 4-0, 1 absent.*
- c. **Finance Committee Ordinance:** John Mills and John Hartman expressed interest in continuing to participate on the Finance Committee, as well as Ben Frey. Additional changes to the ordinance since its initial recommended changes were shared on December 11 include: a three-member committee, recommendations for participants to have a background in finance, and the ability to develop committee policy and bylaws with Select Board approval. *Thomas made a motion to schedule a public hearing on the proposed amendments to the Finance Committee Ordinance for February 12, 2024, at 7pm in the Newcastle Fire Department Community Room at 86 River Rd. Motion was seconded by Rufus. Motion was passed 4-0, 1 absent.*
- d. **Fire Truck Procurement – Request for Proposal (RFP):** Casey Stevens, Fire Chief, and Lucas Kostenbader, a Lieutenant in the department, were present to answer any questions. The Town is waiting to receive audits back to give a clearer picture of what funds are available to buy a new fire truck. Currently, there is \$100,000 available in a reserve fund for this specific use. The Town may explore a bond, potentially in conjunction with the Lynch Road Project. There may be a discount if the chassis is paid for when it's received by the manufacturer before they start building the truck or making some form of payment up front. *Tor made a motion to seek bids utilizing the Fire Truck Procurement RFP as presented, establish a Special Town Meeting for March 25, 2024, at 7pm in the Newcastle Fire Station Community Room at 86 River Road, and notify the Interim Town Clerk. Motion was seconded by Thomas. Motion passed 4-0, 1 absent.*

7. **Town Manager Report and Communications:** Town Manager reviewed his report. Topics discussed were: the upcoming rain and wind storm predicted for this Tuesday and Wednesday and preparing for outages, there was about \$35,000 worth of damages in the Town of Newcastle during the December 18th storm however the county didn't meet the monetary threshold to potentially receive federal reimbursement, continuing to work on reimbursement deadlines for FEMA regarding the May Day Storm damages, and Wright-Pierce was awarded the contract for pre-engineering services for the Village Partnership Initiative. Newcastle's financial report was provided for the first six months of the fiscal year through December.

8. Fiscal Warrants

- a. **FY24 Thirteenth AP Warrant: \$53,771.02:** Tor made a motion to approve the Thirteenth AP Warrant for \$53,771.02. Motion was seconded by Thomas. Motion passed 4-0, 1 absent.

9. Executive Session: No executive session.

10. Future Agenda Items

- a. **Comprehensive Plan State Approval**
- b. **Posted Road Application**
- c. **Ground Lease Agreement**
- d. **Fish Ladder Agreement**
- e. **Historic Preservation Ordinance**

11. Adjournment of Meeting: Thomas made a motion to adjourn the meeting at 7:52pm. Motion was seconded by Rufus. Motion passed 4-0, 1 absent.

Manager commentary for January 8th, 2024 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 – South Dyer Neck Bridge**

Manager's Commentary: The Town office received a copy of the attached ([PAGE 13](#)) letter from the MaineDOT on Monday the 18th of December. The letter specifically states the end of December for a posting must be up by date, well before a Select Board meeting could have been called. I've pre-emptively requested the Road Commission put the signs up ahead a formal recognition from the Select Board. I have also notified the Fire Chief, the school administrators and bus departments, and the CLC Ambulance services.

Additionally, we're still working to get to the root cause of this letter and recommendation from the MaineDOT, but the best information I have available at this time is that the state is updating many of their load ratings in their inventory to current standards which are not condition driven.

In understanding the impact we will share with the State's posting committee, our commissioner shared this:

"This rating is huge for the town, this road has limited access, the bridge is the only way in or out for folks. The other end of the road is dead ended by an impassable section of an old logging road, that the town has never utilized. We stop on either side of this section, essentially making two dead end roads, one on South Dyer Neck, and the other on North Dyer Neck. This bridge provides the only point of access for all of the residents on South Dyer Neck Rd.

This rating limits the use of emergency vehicles as far as the fire department is concerned, along with limits the ability to maintain the road from a plowing, and regular maintenance standpoint. The majority of the road is dirt and every year a significant amount of material is needed to make repairs to the road. The cost alone to bring the material in by small truck load would more than double the budget for these types and any other type of repair that is needed on this road. In addition to this, recently there have been several new homes built on this road, and there is plenty of room for additional homes. The limit of 27 tons will severely limit the ability of the homeowners who have already purchased land to make improvements or build anything new."

We are working with VHB, who did a study on this bridge for us about a year ago, to see if this can be adjusted but, in the meantime, I would strongly recommend the Select Board conform to the state's recommendation and approve the

posting. We can work with VHB to perform a refined analysis to take to the state's posting committee for their consideration at a later date.

A Possible Motion: ***"To authorize the road commissioner to post a 30-ton weight restriction on the South Dyer Neck Bridge as prescribed by the Maine Department of Transportation"***

New Business Item: **5B – Harbor Management Ordinance**

Manager's Commentary: The Harbor Committee chair provided me with the attached history to provide some context from his point of view. (See [PAGE 14](#)). The attached document starting on [PAGE 16](#) is a red-lined version that the Harbor Committee approved in April of 2023 (see [PAGE 38](#) for the minutes of that meeting). This committee recommended version is also what the Newcastle attorney had developed based on the comments and requests of the committee.

Our Harbor Management Ordinance is a two-town ordinance that any modification will need the approval of both communities. Therefore, it would be best to hold another workshop with the Damariscotta Select Board sometime this month to further explore the proposed changes and other modifications you all may want to consider.

Andy Dorr, the Town Manager in Damariscotta and I were looking to consider two possible evenings – 1/11 and 1/18. The Damariscotta Select Board met on 1/3 and were given a copy of the red-lined ordinance. They did not have a preference or concern for either date. I know our Select Board Chair will not be able to attend 1/11 as she is still out of town, so maybe the 18th works for the rest of you? How about 6pm?

Since our chair is out of town to call the meeting, I will ask for the remaining Select Board to take a vote.

A Possible Motion: ***"To schedule a joint workshop with the Town of Damariscotta Select Board at __pm on January __, 2024 in the Newcastle Fire Station Community Room at 86 River Rd."***

New Business Item: **5C – Community Resiliency Partnership**

Manager's Commentary: We were recently approached by staff from the Lincoln County Regional Planning Commission (LCPRC) and the Coastal Rivers Conservation Trust offering their services to assist the Town of Newcastle in becoming members of the Community Resiliency Partnership (For more info, see [PAGE 39](#)). I have worked with communities in the past who have become members of this state program and over two funding cycles have been able to benefit from over \$100,000 of state funds to implement education programming and vehicle charging stations (See [PAGE 41](#) for some other examples around the state). I'd much prefer to have some outside help in our gaining membership, so I would suggest we send a letter support for LCPRC and Coastal Rivers Conservation Trust [PAGE 42](#) in their effort to get grant money and be our service provider and assist our staff in collecting the necessary information (see [PAGE 43](#) and [PAGE 47](#)) and for holding the community outreach meeting on our behalf.

A Possible Motion: ***“To support the draft letter to the Community Resilience Partnership Program Manager and express our intent to enroll and participate in the Community Resilience Partnership with the assistance from Service Providers, LCRPC and Coastal Rivers Conservation Trust.”***

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 – Board and Committee Membership**

Manager’s Commentary: At the [December 11th meeting](#), I shared with the Select Board some gaps in our tracking and appointment/re-appointment efforts. It would be very beneficial if the Select Board would take action for some of the appointed board and committee members for whom we do not have an accurate record as well as a few who have recently expressed interest in serving. You’ll see some suggested appointments to the Finance Committee – I think it would be ideal, with the suggested changes outlined in 6C, to keep a small group of residents with some financial background engaged in these efforts.

Possible Motions: ***“To re-appoint Kevin Houghton to the Planning Board with a term expiring 6/30/2026, and Ben Frey to the Planning Board with a term expiring 6/30/2025.”***

“To appoint Wanda Wilcox to the Planning Board with a term expiring 6/30/2026.”

“To re-appoint Ben Frey to the Finance Committee with a term expiring 6/30/2025 and John Hartman to the Finance Committee with a term expiring 6/30/2026.”

“To re-appoint David Lawrence to the Harbor Committee with a term expiring 6/30/2026 and Gisela Heimsath-Rhodes to the Harbor Committee with a term expiring 6/30/2024.”

“To re-appoint Robert Wallace to the Shellfish Conservation Committee with a term expiring 6/30/2026.”

Unfinished Business Item: **6B – Fireworks Ordinance**

Manager’s Commentary: As part of the Ordinance and Policy Review Work Plan, we reviewed this policy ([PAGE 57](#) for the redline and [PAGE 61](#) for the clean draft) at the [December 11, 2023 meeting](#). There were no additional recommended changes at that meeting. To reiterate, nothing of substance was suggested to be changed. Mostly clarification of wording, a few more commas, and some shuffling of the articles. At this point, I would suggest scheduling a public hearing and, in that notice, we will include an administrative note in the public posting explaining why we’re doing this to hopefully stave off some, dare I say, fireworks.

A Possible Motion: ***“To schedule a public hearing on the proposed amendments to the Fireworks Ordinance for February 12, 2024.”***

Unfinished Business Item: **6C – Finance Committee Ordinance**

Manager’s Commentary: At the [December 11, 2023 meeting](#), we further discussed reaching out to previous members of the committee to hear about their thoughts of the proposed changes and/or repeal. Both John Mills and John Hartman were the only two who responded, and both expressed interest in remaining involved. Additionally, Ben Frey, who was at our 12/11 meeting mentioned he had been appointed to the committee and expressed interest in remaining on the committee if the decision was not to repeal. There were a few additional changes we’ve made based on the feedback that we received. [PAGE 64](#) for the red-line and [PAGE 66](#) for a clean draft.

Reduce the committee further (to 3), recommend residents with some experience in the financial sector be appointed, a provision to create their own rules subject to the Select Boards approval and to clean up a few additional parts of the supervise investments.

A Possible motion: ***“To schedule a public hearing on the proposed amendments to the Finance Committee Ordinance for February 12, 2024.”***

Unfinished Business Item: **6D – Fire Truck Procurement – Request for Proposal (RFP)**

Manager’s Commentary: We’re finally ready to share the RFP on [PAGE XX](#). Also, not included in the packet, but on the website and linked in the RFP is the [Bid Specifications document](#). Our newly implemented purchasing policy would normally just require a process completely administered by the Town Manager, but for two reasons we are bringing this to the Select Board. 1) This item cannot be covered in the current FY24 budget, so I am looking to the Select Board for guidance, support, and approval. 2) The scoring mechanism outlined in the RFP on [PAGE XX](#) suggests a Total Cost approach. This approach gives Technical Suitability the greatest weight in determining the winning bid.

While I believe we have the cash in unassigned fund balance to cover this (still waiting on auditor confirmation for the past two fiscal years) it would likely take us below our policy threshold. Therefore, I would recommend a bond approval by Town Meeting to cover this, as I am also cognizant of future expenses related to the replacement of the Lynch Road minor span. These expenses may have to be paid for by the town before we’re reimbursed.

There is an aggressive timeline written into this RFP to allow for a Special Town Meeting to approve a bond for a fire truck. If that is the direction the Select Board would like to go, I will need support at this meeting to both allow the RFP process to play out and begin the process of preparing bond documents to be shared as part of a March Special Town Meeting.

While we are addressing the Fire Truck, I would suggest we marry the two big ticket items, covering both the Fire Truck and the Minor Span with “up to” language for \$2.5 million (\$700k for the truck and an estimated \$1.7+ for the Lynch Road minor span replacement with a bridge).

Mitigating Risk: There’s a clause in the RFP that the winning bid is still contingent on a Town Meeting vote. The Lynch Road ‘culvert’ is part of federal declaration #4719 and has the potential to be substantially covered with federal dollars. If we’re awarded monies to cover the Lynch Road span, a substantial portion (roughly 2/3rds) would be paid off.

Aside from my tangent on bonds and timelines, I’ve asked members of the Fire Department to attend and answer any questions about the RFP or bid specs you may have.

A Possible Motion: ***“To seek bids utilizing the Fire Truck Procurement RFP as presented, establish a Special Town Meeting for March 25th at 7pm in the Community Room of the Fire Station at 86 River Road, and notify the Interim Town Clerk.”***

Fiscal Warrants: **8A – FY24 Thirteenth AP Warrant**

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

A Possible motion: ***“To approve the thirteenth FY24 AP Warrant.”***