

**Town of Damariscotta  
Board of Selectmen Meeting  
Minutes  
Wednesday, August 15, 2007**

**I. Pledge of Allegiance**

**II. Call to Order**

The Board of Selectmen met at the Municipal Facility on Wednesday August 16, 2007 to conduct town affairs. Chairman Scott Gove called the meeting to order at 6:32p.m. Members present were, Scott Gove, Joshua Pinkham, Vicki Pinkham, and Richard McLean. Staff present was Town Manager, Greg Zinser and Town Clerk, Cheryl Pinkham, Road Commissioner Terry Sutherburg.

Kim Fletcher of LCN, Ann Pinkham, Budget Committee Chair & Resident, , Seth Hagar of Hagar Enterprises, Fire Chief of Damariscotta, Neil Genthner, Fire Chief of Newcastle, Clayton Huntley, Chief of Police, Steve Drake.

**III. Public Hearings-None**

**IV. Old Business-None**

**V. Communications-None**

**VI. Town Manager Discussion**

**1. Discuss Sidewalk reconstruction proposal**

Zinser stated in response to the Board of Selectmen's request to come up with a spec for Sidewalk reconstruction proposal consideration Road Commissioner, Terry Sutherburg and Zinser came up with sidewalk bid spec and would be able to pursue this is the Board wishes to.

Gove asked what type of curbing it would be.

Zinser stated it would be granite.

J. Pinkham asked if granite was currently there, and would the Town be able to reuse some of that material. Sutherburg said yes to both questions.

Gove asked if there were certain streets Sutherburg had in mind for this proposal

Sutherburg replied yes and the streets were: Theatre St, Elm St around the Day Block building, up the hill on Elm Street, and Water St. (from Cross St to Main St)

J. Pinkham asked how much money was in that account right now.

Zinser replied about \$95,000.

Gove questioned his plans for Bristol Rd.

Sutherburg and J. Pinkham stated that was a State road.

Gove asked if this project could be 'piggy-backed' with the Main St. project.

Zinser stated the Town would be inviting Pike Industries to bid on this project also.

McLean asked how far up Main St did Sutherburg anticipate going.

Sutherburg said to Lewis Pt. Rd

J. Pinkham wondered if there would be a bond requirement.

Zinser said he would put that requirement in the bid specs.

McLean moved to advertise this project for bids.

Gove reiterated that bonding would be added, and itemize the roads.

V. Pinkham does adding a bonding requirement increase the contract price.

Gove said essentially yes, the price for the bond would be passed on to the Town.

V. Pinkham seconded motion.

J. Pinkham confirmed all handy-cap accessibility requirements were taken into consideration.

**On motion of McLean/V. Pinkham moved to advertise this project for bids. Vote 5, 0, 0.**

**2. Pending Tax Commitment**

Zinser informed the Board that the Assessors Agent, Gary Robbins, and his assistant, Jurate Barnes would be wrapping up the field work by August 24<sup>th</sup>, for the tax commitment at when Zinser will calculate and come up with a range of mil-rates for the Board to decide on. Zinser expects to have this information by the 27<sup>th</sup> of August, and will contact Scott Gove to call a special Board meeting to. J. Pinkham felt it was time to take the initiative and speed this process up a little bit.

### 3. Educational Disbursement Policy

**On motion of McLean/V. Pinkham moved to accept the EDP (Vote 5, 0, 0.)**

J. Pinkham asked if this would conflict with the current Charter.

Zinser assured it did not.

## VII. Official Action

### 1. Hagar Road-Work bid

Gove noted that the original price was a little over \$200,000, however now it is down in the \$80,000 range. Gove asked why it was reduced so much.

Zinser replied that originally the bid had gone out for 2 roads, Belvedere Rd. and Back Meadow Rd for 209,000. Zinser had informed the Board previously that he would sit with Hagar, because they were the only bidders in this project, to see what common ground the two could come to. Hagar was also told right off the back to take the gravel shoulders out of the bid, which reduced the bid by \$77,000, was also told to knock off the Belvedere Rd and only look at Back Meadow Rd.

V. Pinkham asked if the bid was just ditching and putting in new culvert.

S. Hagar confirmed it was just for Back Meadow Rd. Would be removing banks at Standpipe and Back Meadow Rd and add some ditching. We have also knocked off a considerable amount of traffic control due to one road being eliminated.

J. Pinkham asked if we would be able to do our own traffic control with the highway department.

Zinser stated that would be a bigger burden in the long run for the amount of work for the highway department.

Gove asked how many culverts were being replaced.

S. Hagar said he believed 8 and sizes vary 15-24, a 12, roughly 40', and galvanized.

V. Pinkham felt because the bid specs had changed drastically the project should go out to bid again.

Gove and J. Pinkham both agreed.

Gove clarified the 87945 was arrived to by just taking out line items of the bid, and this was not a negotiated price.

S. Hagar agreed it was arrive upon by cutting items and not a negotiated price.

Gove wanted to be sure the Town was not putting Hagar's negotiated price was not being put out to public. With the scope changing as much, this should really be placed back out to bid.

S. Hagar felt that was in-ethical approach the Board was taking. At the last meeting the Board moved to accept the bid, and then authorized the Town Manager to work with the contractor to try to resolve to the number that would meet both parties' needs.

J. Pinkham recalled Greg and Sutherburg were going to go over the bid with Hagar and then come back to the Board with more information, but the Board never accepted any bid.

McLean was also concerned with the ethics being used here. The contractor has worked with the Town in good faith. These numbers are out to the public, and now to offer it to other contractors to match or beat this price is very concerning to me. We didn't reject the bid, however we invited the contractor to come in and work the financial part of it.

Sutherburg stated the shoulders being cut down, there is some serious ditching that needs to be done.

The Town Manager sent out bid request to contractors to meet with us to go over the specs; however the only one who did that was Hagar Enterprises. Everyone else already had the same chance.

Zinser said he did receive calls from other contractors, but that was as far as it went.

Gove asked if the money was budgeted for this.

Zinser said there was money in the budget for 08 capital project.

V. Pinkham made motion to reject this bid and put it back out to bid.

McLean is concerned that the calendar is going by, so re-bidding is going to push it out further, and again he is so uncomfortable with how the ethics come into play here.

J. Pinkham pointed out that he was just signing the General Warrant and noticed a bill from Chester Rice Co. for \$1200 to replace a culvert, add some paving at 1000 that's only \$2200.

Zinser stated that particular project was done by the Sanitary District in which we hopped on board with that to save the Town money.

S. Hagar pointed out that J. Pinkham was comparing one culvert at the end of a driveway to a project for 2.5 miles of road, and felt comparing the two wasn't realistic comparison.

Sutherburg also noted that the owner took a portion of that price. The Town is essentially using Hagar Enterprises specs to go out to bid again, because the Town's specs were not very clear.

J. Pinkham felt that was the Town's responsibility to make sure they go out right. Maybe the Town should do a little better job of putting out specs, otherwise we're going to pay for that in the long run.

Gove felt the price seemed like an awful lot of money for what we're getting. He questioned if this went back out to bid again would the prices come in about the same?

Sutherburg felt the price is in line.

Gove commended Hagar Enterprises for their work they do.

J. Hagar informed the Board he felt taken advantage of with this.

Gove said taking it personally is something the Hagar's should not be doing. The Board has nothing to compare the bid price submitted by Hagar to, which is the issue here.

McLean noted that in past years, the Town has gone with the lowest bid, however, our Road Commissioner had to go out daily to be sure the right equipment was being brought to the job site.

Gove reminded the Board there was a motion on the floor made by V. Pinkham.

The motion was not seconded.

J. Pinkham felt the bid price was too high, and would like to reject the bid at this time and try again for next year made motion to

Sutherburg wanted the Board to know before they voted on this motion, the Board would need to consider that putting it out to bid for next year you'd have to consider ditching, culverts and paving for the roads after putting it off for a year, that's more work to the roads, each year you put this off is another the year the roads are getting worse.

J. Pinkham expressed his displeasure at his recent request of viewing a plan for this issue, and has yet to receive it from the Town Manager.

Zinser replied he has been and will continue to work on the plan, however, J. Pinkham should understand that a Capital Improvement Plan takes time, careful consideration, and a lot of research in several areas and is unreasonable to think it can be done in 2 months time, which is when J. Pinkham asked for this.

J. Pinkham responded by saying basically there is no plan then.

Zinser disagreed and there is a plan, however the 9 year plan previously submitted to the Town was done so when asphalt was \$36 a ton. That plan would not be effective with the asphalt cost alone increasing to more than double that cost.

J. Pinkham reiterated basically there is no plan.

Zinser reiterated he is working on it, and it is semi-active, however the Fire Chief, Police Chief, Road Commissioner and others are reworking that plan.

Gove said to keep current plan on track the Board has not been willing to do that, which is when Sutherburg suggested maintenance-style with ditching, and sealing cracks, to upkeep the roads. Gove remembers the 3 most important things to saving a road is drainage, drainage, drainage.

J. Pinkham recalled Town Meeting he was told there was a plan at hand, and feels he's been played.

Sutherburg said there is a plan it's a 9-yr plan that looks good on paper, however some roads will be good for 12 years others can be as little as 3 or 4 years.

Zinser reassured that there was no playing anyone at the Town Meeting.

Gove tried to explain to J. Pinkham that the plan went out the window when the Board decided to not support the plan.

J. Pinkham disagreed.

Gove noted their was another motion on the floor to reject and re-bid next year, and pointed out that he feels better knowing the Road Commissioner feels this price is fair.

V. Pinkham wants to be able to compare the price to something.

J. Pinkham would like figures to compare to also.

Zinser responded to both Pinkham's that the Town has never put a project out to bid like this, therefore the Town has no figures to put in front of them.

V Pinkham questioned how much traffic control was going to cost.

S. Hagar replied 2 weeks would cost \$8,000; it was \$20,000 for 3.5 weeks.

S. Drake pointed out if the Board hired law enforcement it would run about \$38/hr.

The motion was not seconded.

McLean moved to accept Hagar Enterprises bid and scope of project as discussed tonight.

Gove seconded motion.

Vote was 2 to 2. (J. Pinkham and V. Pinkham opposed) Motion fails. This issue will be table until September 5<sup>th</sup>.

McLean moved that this be tabled to next selectmen's meeting.

Gove seconded motion. Vote was 2-2 (J. Pinkham and V. Pinkham opposed)

Gove tabled the motion because it had to be done, its going to constantly tie.

V. Pinkham wants to be able to compare it.

S. Hagar said he was willing to get 3 prices for similar work in surrounding towns to get a comparative number for the V. Pinkham.

J. Pinkham felt that wasn't Seth's job to do, it was the Town Managers.

Gove felt it was up to each individual Board member to do.

J. Pinkham agreed it was on the Board to do.

Gove suggested the Board agree to do their own homework and come to next selectmen's meeting.

## **VIII. Consent Calendar**

### **Regular Meeting Minutes of August 1,, 2007**

**On motion J. Pinkham/V. Pinkham moved to accept minutes from August 1, 2007. (Vote 5, 0, 0)**

#### **1. Financial Reports General Fund Warrant #12**

**On motion McLean /V. Pinkham moved to accept General Fund Warrant #'s12 (Vote 5, 0, 0)**

#### **2. Financial School Warrant #1**

**On motion McLean /V. Pinkham moved to accept School Warrant #1 (Vote 5, 0, 0)**

#### **3. Financial Payroll Warrant #13**

**On motion McLean /V. Pinkham moved to accept payroll # 13. (Vote 5, 0, 0)**

## **IX. Other Business X.**

J. Pinkham questioned the status of LCTV.

Zinser has been in touch with technical company to go through the trouble shooting.

J. Pinkham wondered about the operational aspect of LCTV.

Zinser said the financial aspect was not in good standings, they were thinking of closing doors in October.

The town could extend the appropriation for FY 2008 to help out with that.

K. O'Bryan noted the Town did not send the appropriation in 2006.

J. Pinkham asked if we paid 2007.

Zinser said we had.

J. Pinkham felt a certificate of appreciation should be done for Tom Hoepner.

Zinser felt under the terms he resigned this should be taken up with the chief.

The Board felt it was a good idea.

Zinser will have that available prior to the next meeting.

J. Pinkham asked about the audit.

Zinser said it was right on track and has taken about 3 days. The final audit should be available

J. Pinkham wants a presentation of the audit, because a former company who handled the audit did a presentation.

Zinser reminded the board that the fiscal year 06 took a lot of time for reasons that the Board would have to go into executive session; however the fiscal year 07 took 3 days.

J. Pinkham wants that audit before budget time this year.

Zinser informed the Board he would be out of the office Monday and Tuesday

**McLean/V. Pinkham motioned to adjourn at 7:39 p.m.**

**On motion McLean/V. Pinkham moved to adjourn Board of Selectmen meeting at 7:39 p.m (Vote 5, 0, 0)**

**Respectfully submitted,**

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**Cheryl M. Pinkham, Town Clerk**