

MINUTES
BOARD OF SELECTMEN MEETING
June 3, 2020 5:30 pm
Via Zoom

Members: Roberta Mayer, Chairperson; Louis Abbotoni, Mark Hagar, Daryl Fraser and Josh Pinkham

Members Absent : None

Staff Present: Matt Lutkus, Town Manager; Bob Faunce, Town Planner; Lynda Letteney, recording secretary (via Zoom)

Others Present: Lisa Hagen, Chamber of Commerce; Olive Jones; Haas Tobey; Richard McLean; Melinda Jones (Y-Not owner); essex 627aol.com (Lorraine); Eric Hall, Management Intern; Gordon Parker; Mark Carter, Town's rep for RealTerm; Susan Murphy; Mrs. Reny; Tammy Plummer; Alan Dodge; Eleanor Kinney; and Evan Houk, Lincoln County News

Pledge of Allegiance: The Pledge was dispensed with as the meeting was conducted via Zoom.

I. Call to Order:

The Board of Selectmen's Meeting was called to order at 5:30 p.m. by **Chairperson Mayer**.

II. Public Hearing - Request for Extension of Liquor License from Y-Knot

Chairperson Mayer called the Public Hearing to order at 5:31 p.m. She then asked if there were any comments or questions regarding the extension of the Y-Knot liquor license. **Lou Abbotoni** said that he and his wife had gotten sandwiches there and it was very clean, neat and inviting. **Chairperson Mayer** asked if there were any other comments or questions. Hearing none, she closed the Public Hearing at 5:33 p.m.

III. At 5:33 pm. the regular meeting was called to order.

IV. Official Action on Public Hearing Item

1. On motion (Abbotoni/Pinkham) to approve the request for extension on the Y-Knot liquor license Vote: 4-0-0

V. Minutes

On motion (Pinkham/Abbotoni) to accept the minutes of the May 20, 2020 meeting Vote: 4-0-0

VI. Financial Reports

1. On motion (Mayer/Pinkham) to approve Payroll Warrant #70 Vote: 4-0-0

Mark Hagar joined the meeting at 5:37p.m.

2. On motion (Mayer/Abbotoni) to approve Accounts Payable Warrant #71 Vote: 5-0-0

3. On motion (Pinkham/Fraser) to approve Accounts Payable Warrant #72

Lou Abbotoni asked about the correct gravel consistency on the Bristol Rd. project. **Matt Lutkus** said that it meets the new MDOT guidelines. The scale is 0-7%. Initial testing was 7.5%- off by 0.5%. The second test was 7.7%. An independent private firm said it was 6%, within the guidelines. **Mark Hagar** explained that the first two tests were from the same sample at the same time. Monday the State tested again and the sample passed. One explanation could be that previous samples were taken from the end of load which would increase the percentage of larger rocks. **Josh Pinkham** stated that he felt this was a MDOT issue for Brian

Mousseau and Matt to work out; not Hagar Enterprises. He wants to make sure proper procedures are done. **Mark Hager** replied that he was representing Hagar Enterprises not the Board. **Josh Pinkham** said that there was a process to appeal. Updates should come from Matt not Mark. **Robin Mayer** said there was a motion on the floor and the motion was for a payment for work already done by Hagar Enterprises.

Vote: 4-0-1 Hagar abstaining.

IV. Presentations: Downtown Businesses' Ideas on Community-wide Reopening Plan

Lisa Hagen, representing the Chamber of Commerce, presented a revised plan as requested by the Board at the last meeting. Most of the negative responses were regarding parking. Some businesses were not happy giving away parking spaces. **Lisa** proposed that the East side would be open-air, using sidewalk and parking space(s) in front of the business. There are 13 spaces available on the East side with two handicapped. **Reny's** volunteered 4 spaces. On the West side all spaces would be open. The June pilot would be on the 13th from 11 a.m. to 4 p.m. There would be barricades in the a.m. All parking would open up at 4 p.m. on the East side.

Lou Abbotoni asked about who was providing help for porta-potties. **Lisa** said they wanted to get it up and running, therefore no porta-potties would be available right now. **Lou** asked about a bathroom emergency. **Robin Mayer** said she talked with Rockland and they said they did nothing different as far as the port-potties. All restaurants have restrooms any way. **Lou** questioned whether or not restaurants want that kind of traffic. **Robin** said she talked with King Eiders' and they allow use of the restroom to non-diners. Everyone using the restroom has to fill out a State form for contact tracing; that is the only restriction.

Josh Pinkham was concerned about the safety and the liability of participating businesses. Who's liable? **Susan Murphy** responded saying that if something happened inside her restaurant, it was her responsibility. If a "bozo" were to drive through an outdoor booth, he's responsible. **Sue** felt it was an "over the top" comment. **Mark Hager** asked who was putting out cones and who was liable. **Sue** said she thought each business was responsible. **Robin Mayer** asked if they were using barriers, chain or cones. No decision was reached. **Matt Lutkus** said he had the cost for barriers. At Pumpkinfest, the cost was \$4500, plus travel of \$750 each way, equaling about \$6000. He estimates this project would be half of that, \$2700-\$3000. **Daryl Fraser** felt they could use "Road closed" signs and sawhorses. **Sue Murphy** asked what the liability was at Pumpkinfest and who assumed that. **Matt Lutkus** said the Town's liability policy covered it. **Daryl Fraser** felt there were too many "what ifs", preventing a good idea from happening. **Mark Hager** stated that Hagar Enterprises has some sawhorses they could lend to the Town. They have lent them out to the American Legion in the past. **Lorraine** speaking for the Damariscotta/Newcastle Rotary said they support this idea as it serves residents and merchants. July 1-August 31 there are hardly any native shoppers. Rotary is willing to help provide disposable masks to shoppers. **Mrs. Reny** was concerned about ADA/wheelchair accessibility if businesses were set up on the sidewalk; she was in favor of using parking spaces. **Haas Tobey** said he would not be attending as ¾ of the people on sidewalks now are not wearing masks. He felt a public information campaign was necessary to help ensure the use of masks. **Lisa Hagen** said they could put information in all marketing materials. "MASKS REQUIRED" would be prominently put in all media advertising. A lot of people may be coming from high risk states. **Sue Murphy** stated that Lorraine doesn't have the masks yet. CDC has said that ventilation is much more dangerous inside than outside. **Richard McLean** said he felt a

definite time frame was needed. **Robin Mayer** said she felt they could go ahead with plan (11 am-4 pm) for June and see what happens. **Lisa** stated many businesses are hurting and would like to see this start June 13th until the end of June and see what the response is. **Daryl Fraser** said he was in favor of going ahead and trying it.

On motion (Fraser/Abbotoni) to accept the Chamber's plan to have an "Open Air Market" in downtown Damariscotta the remaining Saturdays in June from 11 am to 4 pm **Vote: 4-1-0**
(Pinkham voting in the negative)

Robin asked **Lisa** if she had heard from Newcastle. She said she had not. **Robin** said they could prohibit outside vending on their own property (i.e. food truck).

VIII. Citizen Comments and General Correspondence

1. Thank you letters from provider agencies

Matt received thank you letters for the Town's support for New Hope for Women and Coastal Kids Preschool.

2. Letter from Mrs. Lambert

Matt received correspondence from Mrs. Lambert regarding the situation with her driveway. She was under the impression that the ongoing concerns she's had would be fixed through the sidewalk project. There was no commitment to fix her driveway issues. **Matt** will contact her Thursday. The cost to repair her driveway could run into the tens of thousands and it is not the Town's responsibility.

IX. Town Manager's Items

1. Introduction of Management Intern

Matt Lutkus introduced **Eric Hall** to the Board. **Eric** is a 2020 graduate of Bowdoin College. **Eric** began working May 26th and **Matt** has a couple of projects for him to work on. He is researching the ways Maine municipalities have used service charges to offset the cost of providing local public services to property exempt organizations. He is also preparing draft narratives on various topics that could be added to the Town's website. The Board welcomed him. He will be with us until mid-August.

2. Review of Covid-19 Related Matters

Matt informed the Board that the Town Office has extended the "by appointment only" through the end of June. Staff has been very busy. There is continual disinfecting. Restroom is closed to the public. Building entrances are both open –front and side.

3. Tax Increment Financing District Update

The TIF District was approved for the Camden National Bank Plaza and two adjacent properties. The Town will apply for pedestrian and bicycle path to get in the "Q", but funding is still 3 years away.

4. Waterfront Improvement Project

The Waterfront improvement Project Committee met via Zoom May 21st to review the draft Request for Proposals for Engineering Services. The Committee wants to ensure that the storm resiliency improvements, being made as part of the grant funded project, will protect the businesses adjacent to the parking lot for decades to come. In addition to the items listed in #3 under Official Items, Wright-Pierce continues to work on updates to the restroom advertisement for bids.

5. Bristol Road Sidewalk and Drainage Project Update

The relationship between the Town and the contractor during the later stages of the project has been more contentious than all of us had hoped for. The overall quality of the work as well as the relationship between the contractor and residents has been very good. However, there have been delays due to the failure of the base gravel during on-site test conducted by MDOT. The gravel is currently being replaced by the contractor and the project completion deadline remains June 13th. Citizens can be assured that they will have a high-quality project when work is completed this month. **Matt** feels we have had a great working relationship with MDOT throughout the construction phase as well as excellent oversight and inspection services by the Town's contracted onsite resident, Brian Mousseau. The pedestrian-activated light cannot be added. **Matt** would like to explore other options. Cross-walk with signs may be the interim solution. He said he was told that they need to get rid of flashing light to add a pedestrian light. **Robin Mayer** asked why there couldn't be a regular traffic light coming out of the hospital entrance? **Matt** said that may not meet MDOT regulations, but he will ask. Also, they can revisit the speed limit there, dropping it down to 25 mph.

6. Joint RFP with the Town of Bristol for Paving Work

Matt feels this could be a good example of regional cooperation. Bristol has asked if Damariscotta has any smaller paving jobs that could be combined with theirs, to be added to their RFP, making the job "bigger" and possibly more attractive to a paving company. **Robin Mayer** wanted to thank the Public Works Committee for their efforts to save money.

7. Church Street Culvert

This is a long-term project, including a sidewalk down Church Street. **Matt** toured the area with Slade Moore of Coastal Streams Culverts. It is a major project that might be eligible for grant monies. The 6' pipe needs retrofitting. **Josh Pinkham** added that a sewer line runs on top of the culvert. He feels it would need a cement casing. He feels that when we do it, we need to DO IT RIGHT!

8. Update on Broad Reach Foundation Shellfish Resource Resiliency Study

The project is moving along with changes due to the pandemic. Testing and survey are needed. Grant has been funded with Bristol and Darling Center. Study needs to identify resources and keep the available resource (oysters, clams, mussels, worms, razor clams, etc.) **Matt** will arrange another presentation this year by Heather Leslie and the students.

9. Smell in Town Office

There has been a pervasive smell in the Town office of rotten eggs. Upon further investigation, there was a small leak in the attic. The drill for evacuation went very well. Problem has been addressed.

X. Official Action Items

1. Bid-Administrative Services Contract-Vine Street

Tabled until June 17th Board meeting

2. LED Street Light Conversion/Municipal Ownership Professional Services

The Board approved at the May 20th meeting to move forward with contract with RealTerm Energy for assistance with acquisition of the Town's street lights from CMP and the conversion of the street lights to LED. The next steps for municipal ownership/conversion are comprehensive assessment of existing street light inventory, selection of equipment and an installer, design of the system, and the transfer of ownership in the future to the Town. The Professional Services contract commits the Town and RealTerm to these next steps. Both Bristol and Newcastle have approved the agreement with RealTerm for their towns. Cost to Damariscotta is \$3000 which will require a transfer from the Town's contingency fund since the budget

expenditure was not part of the FY2020 budget. Current balance in contingency is \$13,990.

Mark Carter is the Town's rep at RealTerm. He said the first order of business is an audit of existing structures. Road width, set back, etc., to verify the CMP audit. **Robin** asked about pedestrian traffic and timing of lights for 1 hour after sunset. **Mr. Carter** said the classification of the road dictates that. The lower the classification, the lower the wattage needed. **Robin** also asked about future sidewalks and whether future lighting involvement can just be added on. Or, does the Town come back to RealTerm? **Mr. Carter** said it could be done either way. CMP needs to check if the pole is good. Length between poles is a grandfathered clause. **Mark Hagar** asked about who is responsible if pole needs replacing. **Mr. Carter** said CMP is responsible. **Matt Lutkus** clarified it is CMP and Tidewater. **Robin** asked how Tidewater figures into this. **Matt** said it was the same process as now.

On motion (Mayer/Abbotoni) to approve \$3,000 from contingency funds for professional services from RealTerm. **Vote: 5-0--0**

3. Requests for Proposals-Waterfront Improvement Project Engineering Services

Bob Faunce and George Parker have drafted a request for proposals (RFP) for engineering firms interested in the Waterfront improvement Project. Contract specifications that will be developed through this process will incorporate plans and specifications for flood resiliency into the waterfront improvement project specifications that were previously prepared by Wright-Pierce. The draft has already received preliminary approval by EDA. The change requested by Matt for Board approval is the Charter requirements for bids is the required sentence that states, "The Board of Selectmen reserves the right to accept or reject any or all bids." EDA will want to have final say on the acceptance of any proposal so this wording should be amended by adding "although any bid that is accepted must also approved by the Economic Development Administration." Staff has identified several websites where the RFP will be posted in addition to paid notices in the Lincoln County News and the Portland Press Herald.

On motion (Pinkham/Abbotoni) to approve a request for proposals for Waterfront Improvement Project Engineering Services and waive Town Charter bid guidelines related to language required in the bid advertisements. **Vote: 5-0-0**

4. Advertisement for Bids Preparation/Construction Management Contract-Municipal Parking Lot Sanitary Service Lines

Another aspect of the Waterfront Improvement project is the replacement of antiquated sewer lines that run under the parking lot. Wright-Pierce previously included replacement of these lines in their specifications for a larger parking lot. After receiving the EDA grant, Wright-Pierce and Town staff reviewed timing of this element of the project schedule. The conclusion was it would be best to do this work prior to the balance of the project. This would reduce the complexity of the whole project. It would also allow the project to begin this season. A downside is that some modifications would have to be done after paving, such as manhole extensions.

Matt recommends using Wright-Pierce as they have familiarity with the project and a prior history with the Town. Because the Town would not be going out to competitive bid, he is recommending a waiver of the Town Charter bid guidelines. EDA competitive bid process does not allow funds from the grant to be used for non-bid work. The oversight and engineering portion would have to come from Town funds. The construction portion would be a combination of grant/Town funds.

On motion (Mayer/Fraser) to waive the Town Charter Bid Guidelines and approve the attached

negotiated task order with Wright-Pierce for preparation of the advertisement for bids and construction oversight for the replacement of sanitary sewer service lines below the Municipal parking lot for a total amount not to exceed \$34,700. **Vote: 5-0-0**

5. Date for Town Fireworks Display

Chris Roberts has been working on this. While Chris has done the leg work for this for years, it is a Town sponsored event. The fireworks are paid for by donations from businesses. Because of current Covid-19 restrictions on crowd size, consensus is that either a Labor Day or Columbus Day event might be more plausible than the July 4th date. The fireworks company is flexible. Because of limited opportunity for fundraising, day time activities for this year will be cancelled regardless of date chosen. **Daryl Fraser** reminded the Board it is Indigenous Peoples weekend in October.

On motion (Fraser/Abbotoni) to set a date for the fireworks display later in the year. Vote: 5-0-0

Dick McLean suggested that whichever weekend they choose, Saturday would be the best day, with a rain date for Sunday night, as people go home Monday morning.

6. Date for Public Hearing for Adult-Use Marijuana Retail Establishment

A Public Hearing on the site plan application for Coastal Cannabis adult use retail sales was on the Planning Board's meeting agenda for June 1st. If approved, the next step will be for the Board of Selectmen to hold a public hearing and make a decision on the retail sales application.

On motion (Abbotoni/Mayer) to set a date for the public hearing on July 1st for the application submitted by Dave Page for an adult-use marijuana retail establishment. (Planning Board approval 6/1/20)

Vote: 5-0-0

XI. Selectmen's Discussion Items

Josh Pinkham - First of all, Josh wants to congratulate the Class of 2020. There is a congratulatory sign at the Fire Station.

Daryl Fraser - Not much tonight. Daryl thinks the projects are coming along and look great.

Lou Abbotoni - Nothing except Happy Graduation

Mark Hagar – Mark has a question for Matt. We voted to accept reclaim on Heater Road; how thick is it? He asked Hugh to get more specifics on it. You need 1000 linear feet; contract was for 660 feet. We don't want to have a repeat of what we've dealt with on Bristol Road. **Matt Lutkus** said the State is to do the shoulder as it was not quality work. We did not pay for it. We will "flag" it for next time (shoulder prep with 3"-6" asphalt.)

Robin Mayer – Two people have brought to her attention the Christmas tree at the Chapman House. The tree needs to come down; it is a fire hazard. **Robin** also asked about the desire for a boardwalk on the waterfront. **Matt** said it is not in the EDA grant; however, there is an opportunity with the TIF monies to fund future projects. **Haas Tobey** said he has 7 years of designs for a boardwalk when the Town is ready.

X. Adjournment

On motion (Fraser/Abbotoni) to adjourn the meeting at 7:15 p.m.

Vote: 5-0-0

Respectfully submitted,

Lynda L. Letteney
Recording Secretary (via Zoom)

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting June 3, 2020.



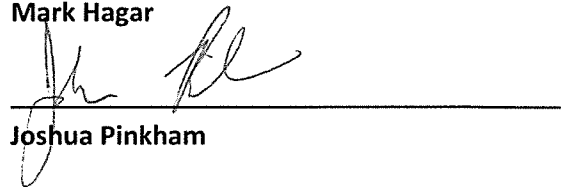
Roberta Mayer, Chairperson

Louis Abbotoni



Daryl Fraser

Mark Hagar



Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: _____