

MINUTES
BOARD OF SELECTMEN MEETING
July 1, 2020 5:30 pm
Great Salt Bay School
In Person and Via Zoom

Members: Roberta Mayer, Chairperson; Louis Abbotoni, Mark Hagar, Daryl Fraser and Josh Pinkham
Members Absent : None

Staff Present: Matt Lutkus, Town Manager; Stan Waltz, Code Enforcement; John Roberts, Fire Chief; Hugh Priebe, Road Commissioner; Lynda Letteney, recording secretary

Others Present: Haas Tobey (Zoom); Dave Page; Ann Jackson; Al Mason; Andrew Hedrich, Gartley & Dorsky; Martha Bracy; Christine Peters; Susan Murphy, Cupacity Coffee; Klown308@twc.com; 2 cameramen from Lincoln County TV; and Evan Houk, [Lincoln County News](#)

I. Pledge of Allegiance: The Pledge was recited to start the public hearings.

II. Public Hearings

1. Adult Use Marijuana Retail Sales License Application Coastal Cannabis

Dave Page, owner of Coastal Cannabis, was available for questions. There were no questions or comments from the public present. **Robin Mayer** asked how Dave felt about the application process itself. **Dave** said he felt it was very good. The first part, the State application, was tough. The second step for the Town was easy. They are continually developing new laws and regulations but so far it is going quite smoothly. The application was declared to be in complete compliance.

2. Amended Liquor License for the River House

The owner, **Eleanor Kinney**, was unable to be present for tonight's meeting. Her request is to expand outdoor seating. **Robin Mayer** had a question for Stan Waltz. "Does she need a permit to add a small tent with ropes and barriers?" **Stan** said she would need to take part in the permitting process. **Robin** clarified, "Even if it is semi-permanent?" **Stan** replied that there is only room to the sidewalk, but she still needs a permit. Hearing no comments or questions from the audience, **Mrs. Mayer** closed the public hearing at 5:40 p.m.

III. Call to Order:

The Board of Selectmen's Meeting was called to order at 5:40 p.m. by Chairperson Mayer.

IV. Action on Public Hearing Items

1. Adult Use Marijuana Retail Sales License Application-Coastal Cannabis

Matt Lutkus informed the Board that the final inspections for Fire and Police are not yet complete. The Board can approve contingent upon Police, Fire final inspections. This is one of the first retail outlets for recreational cannabis, so they want to make sure it is done right. **Dave Page** said he will contact the Town when the camera systems is installed, and all other requirements are completed.

On motion (Abbotoni/Hagar) to accept the application subject to final inspections **Vote: 5-0-0**

2. Amended Liquor License for the River House

On motion (Mayer/Abbotoni) to approve an extended liquor license for outdoor seating contingent upon the Code Enforcement Officer's review. **Vote: 5-0-0**

V. Minutes

On motion (Mayer/Hagar) to accept the minutes of the June 17, 2020 meeting **Vote: 5-0-0**

VI. Financial Reports

1. On motion (Mayer/Abbotoni) to approve Payroll Warrants #78 **Vote: 5-0-0**

2. On motion (Mayer/Abbotoni) to approve Payroll Warrants #79 **Vote: 5-0-0**

3. On motion (Pinkham/Abbotoni) to approve Accounts Payable Warrants #80 **Vote: 5-0-0**

4. On motion (Mayer/Abbotoni) to approve Accounts Payable Warrants #81 **Vote: 4-0-1**

(Hagar abstaining)

5. On motion (Abbotoni/Pinkham to approve Accounts Payable #1 **Vote: 5-0-0**

VII. Presentations: Proposed Vine Street Drainage Project- **Andrew Hedrich of Gartley & Dorsky** **Matt Lutkus** introduce the speaker, Andrew Hedrich, civil engineer, from Gartley & Dorsky. Mr. Hedrich outlined the plan for Church and Vine Streets with drainage along the tree line which connects to a bigger line. A barn/shed was built over the drain plus there is a lot of vegetation and many trees. The new one would be adjacent to the existing one. He met with the adjacent landowners who were in agreement with two requests: SAVE the maple tree and save the shed. These adjustments were made today. Easements have been coordinated with the landowners. The Town wants to take over and maintain the drainage area. All but two landowners were present at the meeting earlier today. **Mark Hagar** said that permanent maintenance is the best plan. **Al Mason**, a Church Street resident, cited a bad storm run-off problem in his driveway. Bath Savings uses a sump pump, but it does not take care of the problem. **Mr. Mason** asked if this issue will be part of project? **Matt** responded that there are two issues here: 1) drain blockage 4 houses down on Church Street; and 2) ponding issues.

Hugh Priebe said another issue was evaluated in 2007-2009 which was the catch basins at Bath Savings. They are not in the correct place. There is no curb or gutter on either side. It could be addressed by continuing the curb line down and drop into an inlet and then into the new drain. There is a sediment pond behind Tide Water Garage and water is not draining. It needs replacement as the steel tank has rusted out. **Matt Lutkus** said this is not part of the project. **Andrew Hedrich** said by adding more to get water on Vine Street into the new project "would give you the most bang for your buck". **Matt** asked Mr. Mason if he was getting water from the parking lot. **Mr. Mason** said because of the lack of curbing, they get water streaming into his lot. **Matt** said he would have Andrew look into it. **Matt** asked if there were any more questions. Hearing none, he closed this portion of the meeting. With an agenda revision, so that Mr. Andrews did not have to stay any longer, Item #1 under Action Items was moved to this place on the agenda.

On motion (Mayer/Hagar) to authorize Matt Lutkus to execute an agreement with Gartley & Dorsky for bid administration and construction management services for the Vine Street Drainage Project.

Vote: 5-0-0

VIII. Citizen Comments and General Correspondence:

Continuation of Discussion on Downtown Open-Air Market

Susan Murphy from Cupacity was present to continue discussion of June's open-air market. She had gathered 10+ comments from local business owners in Damariscotta. All thanked the Board for allowing them to try this. Over three Saturdays, the first was felt to be a great success; the second had about 90% of the foot traffic the first did, and the third was not much response. **Susan** commented that there is a money issue in Damariscotta. People are not coming in. They want to stay in business, but out-of-towners are not coming in. She would like to continue the open-air market until (thru) Labor Day weekend. She wants to make it something people want to come to. She felt there was more they could do to make people feel comfortable eating and drinking outside.

Robin Mayer said folks that had concerns in May did not respond to the survey. The Chamber was only interested in participating thru June. **Susan Murphy** replied that folks felt unsupported. There were traffic issues. The middle was populated, but the ends of the route were not exciting. It was not uniform in her opinion and she feels they can do better. **Robin** asked if she heard from Reny's as it didn't appear they had any feedback. King Eider's was opposed as they are not in on Saturdays. Gifts @ 136 Main were happy with the participation response. The Chamber of Commerce said they were in until the end of June. Apparently there was some confusion about their participation. **Susan** said she was willing to be the point person, but needed more support from the Town. She envisions it being like Bangor, Rockland, Freeport and Portland. She wants to make it fun, safe, and interesting. **Mark Hagar** stated that he appreciated the work that has been done. However, blocking traffic is not an option; coordination and making it happen quickly is needed. **Susan** said she had an idea, but needed to hand it off to the Board for figuring it out. Could they direct traffic to the back parking lot? What would be the complications? **Mark Hagar** said one complication is two-way traffic, especially if one of which is a tractor trailer. They deliver through the back parking lot to several businesses. **Josh Pinkham** said shutting Main Street down is not very easy. People with campers, RV's and trailers make it a nightmare, even with signage on Route #1. **Susan** replied, "Not easy, but is it possible?" **Josh** responded that it appeared "no one else wants it as much as you." **Susan** felt that was not true. Reny's and King Eider's were the main objectors. **Josh** said that she needed a traffic safety plan. **Susan** said she was willing to work on it but needed Town input and help.

Robin Mayer said it appears that we have the same issues with traffic safety and flow every time it comes up. Even with big signs, it creates issues even for short periods of time. Additionally she does not believe the Town can afford police at each end of Main St. every weekend this summer. DOT flaggers need training. **Haas Tobey** brought up the issue of being intentional about social distancing and the use of masks. There have been an increase in Covid-19 cases and there are no consistent rules around the country. He fears the hospital and medical services will be overrun. **Robin** stated she went the first two weekends and the Rotary was there giving away masks. She felt people were attentive to the rules; shoppers and owners alike were aware. Sanitizer bottles were at most stops. **Susan** reinforced this, saying people were very aware, especially the locals.

Daryl Fraser stated to Susan that she in effect was the "defacto" leader. He said you're here alone tonight and you can create a monster as it goes. He recommends keeping it simple, and we can help

push it: on Facebook, in the newspaper, etc. He recommends keeping it simple. Susan responded that they (businesses in Town) are really struggling. She appreciates the time the Board has given this.

Agenda Adjustment

Robin moved Item #11 to this point in the meeting so Mr. Hedrich could leave.

On motion (Mayer/Hagar) to approve attached Advertisement for Bids and Specifications for the repaving work at the fire station.

Discussion: **Matt**, **Hugh** and the **Fire Chief** all have worked on this. They feel this bid is a #1 priority. The pavement is very broken up. **Hugh Priebe** stated that culvert on Biscay Road would take 30 days to rip it up and replace it using Dig Safe. The back lot needs major repair and the front lot undulates. In the original estimate they included the culvert. But, the State has taken over the culvert project. **Mark Hagar** said we don't want to throw good money at project without knowing the full scope of the problem. He recommends doing core samples to see what's there. **Hugh Priebe** said the front is a clay layer and maybe it could be stabilized with cement. The rear lot is sun bleached, "alligatored", and he feels it could be repaired without cores. He would drain the back and reestablish the ditch to get good run off. He estimates 10"-12" inches of good gravel and then clay. **Josh Pinkham** said that years ago (1999) they ran out of funds to complete the finish coat. Salt and sand seeped in causing cracks. Only one truck goes out that way. Outside in front got fixed, and held well for a while. **Hugh** stressed that they have to do this right. There is a clay issue in front of the doors down towards Biscay Road. It is bad asphalt. Let's find out how much it is to do cores.

Mark Hagar would like to see it done well. He wants to see the core results and recommendations. Is there fabric to keep clay from coming up? **Josh** said cores on the front were done a while ago. **Hugh Priebe** stated that was before he came; he felt cores were a good idea. If further repairs are needed, we can re-bid. **Mark** said we should use an engineering firm in town. **Hugh** said he could get a core machine at Wiscasset Rental. **Lou Abbotoni** said he tended to agree with Mark Hagar. **Robin Mayer** asked if they were talking two different bids (one front and one back?) and who is the coordinator? Is it split bids with one contractor? Will we make it clear that its 1 bid (base and alternate) 2 tasks. **Josh** made a motion to approve the RFP. **No second.**

Mark Hagar suggested hiring a firm to do the core samples and delay the RFP for two weeks. **Josh Pinkham** asked where the money for the core samples will come from. **Matt Lutkus** money would come from reserves for Capital Improvements from July 15th budget. **Hugh** stated he could do the core samples (24" deep and an 8" core.) Cost is about \$400-\$500 per core and they'd need 8 cores to do it right. The engineering firm would say where to dig and they assess the samples. **Mark** suggested they hire a firm to do both the front and back. **Matt** said, "If we can get it in two weeks." **Josh Pinkham** said they already had the RFP for 2 weeks; it's another delay. **Matt Lutkus** asked if he was authorized to proceed with an RFP taking into account the results of the core sample. **Mark** suggested they cap the core samples at \$2000, but withdrew the amendment when **Hugh** said most likely we'll need a core every 100 feet. There is no sense in doing 4 if we need 8.

On motion (Mayer/Hagar) to approve a revised RFP for Bids and Specifications for Paving of the Fire Station lots to include core sampling
(Pinkham in the negative)

Vote: 4-1-0

IX. Town Manager's Items - None

X. Official Action Items

1. Bid Administrative Services Contract-Vine Street Drainage Project

Done in first part of meeting

Vote: 5-0-0

2. Cemetery Committee Trustee Recommendations for Town Meeting

Martha Dodge to replace Pat McLean. Matt asked for the authority to change 3 articles on the Warrant. One was the Cemetery Committee replacement and two were related to maximum interest rates.

On motion (Mayer/Pinkham) to nominate Martha Dodge for a three year term on the Cemetery Committee in place of Pat McLean.

Vote: 5-0-0

3. Midcoast Humane Society Agreement

Except for a small increase to \$1.30 per capita (\$2,883.50 total), the contract with Midcoast Humane Society is unchanged.

On motion (Mayer/Pinkham) to authorize the Town Manager to execute the attached agreement with the Midcoast Humane Society for animal shelter services provided to the Town in FY 2021

Vote: 5-0-0

4. Agreement with Lincoln County Sheriff's Office for Animal Control Officer (ACO) Services

On motion (Pinkham/Fraser) to renew the contract with Lincoln County for animal control services for FY 2021.

Vote: 5-0-0

5. Board and Committee Appointments

Pursuant to Article IV, Section 4.01 of the Town Charter the following have been nominated to serve on the specified committees:

Planning Board: Jenny Begin and Neil Genthner- reappointed for another term. Elizabeth Printy and Dan Day as alternates: Dan Day has not yet responded.

Board of Appeals: Fred Sewall reappointed for another term. Ann Pinkham was reappointment as an alternate.

Harbor Committee: Mike Herz reappointment for another term

Financial Advisory Board: George Betke reappointment for another term

Matt has contacted everyone and they agree with the appointments

6. Confirmation of Town Manager Appointments

Article IV, Section 4.02 of the Town Charter requires that the Board confirm the one and two year appointments made by the Town Manager would be considered as regular anager. Section 4.03 also requires the Board confirm the appointments of all police personnel. The Town Manager believes the authors of the Town Charter may not have anticipated that Police Department employees would be considered regular Town employees, or that they would be covered by a collective bargaining agreement. Therefore, **Matt** asks that the Board's confirmation of these employees be more open-ended as indicated below:

Code Enforcement Officer, Shoreland Zoning Officer, 911 Officer, Building Inspector, and Plumbing Inspector -Stanley Waltz

Deputy Code Enforcement Officer – Jarrod Pinkham

Fence Viewer-Charlie Ault
Harbor Master – Paul Bryant
Deputy Harbor Master- Michael Herz
Town Clerk – Rebecca Bartolotta
Treasurer – Cheryl Pinkham
Road Commissioner – Hugh Priebe
Health Officer – Dr. Timothy Goltz
Tax Collector- Heather Dube
Animal Control Officer – Lincoln County Sheriff's Department
General Assistance Administrator- Cheryl Pinkham
Civil Emergency Preparedness Director- John Roberts
Sealer of Weights and Measures – Robert Wiggins
Shellfish Warden – Contract with Lincoln County Sheriff's Office
Town Planner – Robert Faunce
Assessor's Agent – Matthew Murphy

Lou Abbotoni asked if Matt had had any complaints about any of the nominees. Matt replied he was satisfied with all of them.

On motion (Abbotoni/Mayer) to confirm the one year appointments listed above. Vote: 4-0-1 (Pinkham abstaining)

7. Appointments to the Lincoln County Regional Planning Commission

Current members are Dick McLean and Ron Orenstein. Dick would like to be reappointed and Ron is moving out of Town. Lou Abbotoni already serves on this commission.

On motion (Mayer/Abbotoni) to reappoint Richard McLean and one other individual as the Town's representatives and Matt Lutkus as the alternate member on the Lincoln County Regional Planning Commission. Vote: 5-0-0

8. Appointments to Midcoast Economic Development District (MCEDD) Board of Directors

Amy Leshure used to serve on this. Each municipal member is allowed two representatives to serve at the once a year annual meeting. Given his current level of involvement with MCEDD, Matt requests that the Board appoint him and one other Board member to serve. Robin Mayer volunteered.

On motion to appoint Matt Lutkus and Robin Mayer to be the representatives to the MCEDD Board of Directors Vote: 5-0-0

9. Advertisement for Bids – Downtown Restroom

With additional funding available through the EDA grant award, the Town is in a position to re-advertise for bids for the construction of the facility as it was designed by Phelps Architects in late 2018. Several changes have been made to the design since the last bid. These include a separate roof over the walkway; a lowering of the elevation of the entire structure based on feedback from the DEP and changes to the ADA ramp that are now permissible because of the 10" lowered elevation. These changes will be included in the alternate bid. Robin Mayer asked if these changes were "a wash". Matt replied he didn't know. There is \$150K available in the EDA grant for these changes. Wright-Pierce has indicated that they will have this document completed within the next few days. Matt will forward to

Board members as soon as he receives it.

On motion (Abbotoni/Fraser) to approve the Advertisement for Bids and Specifications for the downtown restroom subject to final changes being made to the documents by the Economic Development Administration

Vote: 5-0-0

10. Advertisement for Bids- Municipal Parking Lot Sanitary Sewer Lines

Wright-Pierce has now completed the specifications for the replacement of the sanitary sewer service lines in the downtown parking lot. The Board has a copy on Jan Wiegman's bid documents. Approval from EDA and Great Salt Bay Sanitary District are required, but Matt anticipates no substantive changes to these documents. Matt said if there were any changes made tonight, they would have to send to EDA for approval. Mark Hagar suggested that the in-line cameras could identify 90% of the lines. Where it comes to a "T" needs to be capped.

On motion (Fraser/Pinkham) to approve the advertisement for bids and specifications for the sanitary sewer service lines under the municipal parking lot, subject to final changes being made by to the document by the EDA

Vote: 5-0-0

On a related matter, Matt had a zoom conference with 16+ people from all over the country interested in bidding on this project. The flood resiliency factor was a big deal to most.

11. Adverting for Bids for the Fire Station Parking Lot Repaving

Taken up earlier in the meeting after "VIII .Citizens' Comments and General Correspondence."

12. Repairs to Fire Department Ladder Truck

Matt and Fire Chief John Roberts discussed repairs that are needed to Fire Ladder #4. Matt has given him permission to move forward on the work described in an attached email. Funds are available in the Fire Department's operating budget and capital reserves for these repairs. Ladder #4 was purchased in 2004 and it is estimated to be half way through its expected life span. The main water line has bad seals and many cracks in the water way. Estimate to replace is \$15,200. While this truck is in service, Waldoboro Fire Dept. is covering.

On motion (Mayer/Hagar) to waive Town Charter bid guidelines and approve an expenditure of \$15,000 for repairs to Fire Ladder Truck #4.

Vote: 4-0-1

(Pinkham abstaining)

13. Continuation of Open-Air Market on Main Street in Downtown Damariscotta

On motion (Fraser/Hagar) to continue it through July as it is now.

Vote: 4-1-0

(Pinkham in the negative)

XI. Selectmen's Discussion Items

Josh Pinkham –He wanted to thank all those who helped with the fire this week. To date, a Go-Fund-Me page has raised over \$65,000 for the teacher who lost her home. Have a happy and safe Fourth of July.

Daryl Fraser – He is proud of the Community and appreciates where we live. "Step up and get it done."

Lou Abbotoni – He would like to see a rearrangement of the microphones for the July 15th meeting. Concern is that they need to be closer to the Board.

Mark Hagar - He wanted to thank Matt, the staff, and LCTV for televising this meeting live. It was nice to come together in person this evening. Happy Fourth of July.

Robin Mayer - Happy Fourth of July to everyone. She will miss the fireworks but reminds people that some local ones might be illegal. A special thanks to LCTV.

XII. Adjournment

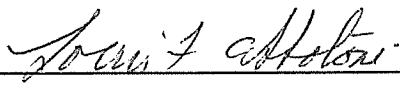
On motion (Pinkham/Fraser) to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

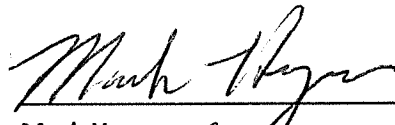
Lynda L. Letteney
Recording Secretary

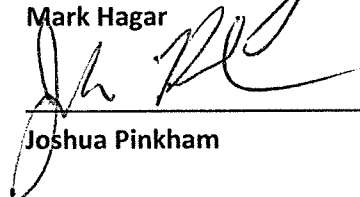
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting July 1, 2020.


Roberta Mayer, Chairperson


Louis Abbotoni


Daryl Fraser


Mark Hagar


Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: 7-15-2020