

**MINUTES**  
**BOARD OF SELECTMEN MEETING**  
**DAMARISCOTTA TOWN OFFICE**

**January 20, 2021 5:30 p.m.**

**Via Zoom**

**Members:** Roberta Mayer, Chairperson; Louis Abbotoni, Mark Hagar, Daryl Fraser and Josh Pinkham (via Zoom)

**Members Absent :** None

**Staff Present:** Matt Lutkus, Town Manager; Lynda Letteney, recording secretary

**Others Present:** Matt Murphy, Assessor; Haas Tobey; Patti Whitten; George Parker; Scotts 2<sup>nd</sup>; Jan Wiegman; Shari Sage; LeeAnna Libby & 3 Trustees, Sanitation Department; Mr. Flood; Bobby Ware; Jane XXX; John Gallagher; and Evan Houk, Lincoln County News

**I. Pledge of Allegiance:** Chairperson Mayer led the Pledge of Allegiance at 5:30 p.m.

**II. Call to Order**

The Board of Selectmen's Meeting was called to order at 5:33 p.m. by **Chairperson Mayer** who offered congratulations to President Biden and Vice-President Harris. **George Parker** also commented on the Covid-19 Memorial Service saying he thought it was very good.

**III. Minutes**

**On motion (Abbotoni/Fraser) to approve the minutes of 1/6/2021, as distributed.      Vote: 5-0-0**

**IV. Financial Reports**

**1. On motion (Abbotoni/Mayer) to approve Payroll Warrant #39      Vote: 5-0-0**

**2. On motion (Abbotoni/Mayer) to approve Accounts Payable Warrant #40      Vote: 3-1-1**  
(Pinkham in the negative; Hagar abstaining)

**3. On motion (Abbotoni/Pinkham) to approve Accounts Payable Warrant #41      Vote: 5-0-0**

**V. Presentations: Municipal Parking Lot Sewer Lines – Jan Wiegman of Wright-Pierce**

**Matt Lutkus** said he would like to have the engineer on the project review the updates going from the West End to the East End. He will flag some issues in particular an impasse with the Sanitation District on a service line. **Jan Wiegman** from Wright-Pierce made the presentation. He said the sewer line west to east to the restroom (not including Damariscotta Center) ties into an 8" pipe to the pump station. The problem is how to serve Damariscotta Center as their line is too low. There are several issues: infiltration from the old line to prevent a lot of ground water; the cut off pipes at the main are below sea level. Both Reny's and Damariscotta Center are in this situation. The soil is in poor condition. Excavation is difficult; trench boxes have been needed to "dewater." One solution is to leave it in place, plug the other lines, leaving some concerns. Or, have a pump station in the manhole; it'll come up to a higher level; power for the pump station would come from the restroom. The question is who maintains it? The Sanitary District doesn't want another station and they would need to charge a fee.

**Matt** interjected that LeeAnna is having difficulty with her Zoom connection; she can hear and watch, but cannot speak. **George Parker** said that they have been over these issues and this is what led to this meeting. The deep line in place is the easiest but will cause problems. If you go with pump station, hooking up a gas generator with a battery backup option is the best option. **George** also said that there

was a question on the hook up for Newcastle Realty and Serendipity. The line goes from Penn's to Gordon Nichols' basement and then goes to a cast iron pipe in good condition.

Part of the problem in deciding who is responsible for what is that there are different agreements over time with different people. The parking lot was there before the Sanitary District was formed. They used to dump into the river; then sewerage was pumped to the station and effluent line dumped into river. There have been many agreements at different times with different players. The issue is who is responsible for the line under the parking lot as well as service line hookups. In the 1960's there was no responsibility for businesses. Businesses owned to the harbor. It was a 'hot potato' - town, sanitary district, and businesses. The grants for new lines through the EDA included replacement of sanitation lines in the parking lot. The Town is taking responsibility for replacement of new interceptor lines. There are increased benefits for all businesses. The Sanitary District wants to hook into the new line but has not been able to identify the location of service lines. The River Grill and Reny's are below the lines. Reny's is making changes and will raise their outlet. Damariscotta Center's position is that the current line works fine-why should they pay for a Town project? Everyone is at an impasse right now. The Town grant (including 25% of the cost funded by the Town) is to improve this for everyone and so the Sanitary District can pick it up. The issue remains that Damariscotta Center is below grade. If the Town is agreeable to putting in a lift station (approx. \$20K), will the Sanitary District agree to take over maintenance? The Sanitary District does not want responsibility for a lift station; they think it is either the Town's or Damariscotta Center's responsibility to maintain this.

**Scott's ipad** – said he yielded to LeeAnna, but she hung up. He asked if the Town was responsible for the laterals. **Matt** answered. "No." It was determined a couple of years ago (Jim and Jenny) that the Town was not responsible for laterals. Then, when the grant opportunity came up, the grant application showed some ownership and allowed it to go into the grant. It is the Town's property. **Matt** said there is no easy answer. In 2010-2011 the Town got surface rights to the parking lot from original owners. Town got the deed to the parking lot. The question is who is responsible for subsurface lines. **Scott's ipad** stated he believes State statute indicates property owners own what's underneath. As far as the new collector line, why weren't elevations taken so it was able to pick up all lines? **Jane** (Sanitary District trustee) said service laterals were connected to main sewer line. **Scott** said they were lower than where it came out of the building. **Jane** (Trustee) responded that there had been breaks on these over the years and they went with the best info they had, referring to the design plan. **George Parker** said that if they had known the depths originally by the west end, it would be deeper and would need a lift station there. Realistically, we've got this now, the question is what do we do about it?

**Matt Lutkus** said they wouldn't reach a decision tonight. The Sanitation Department needs to decide which option they want. **Daryl Fraser** favored mutual ownership. **Robin Mayer** stated that the Town's matching funds have upgraded for everyone. **LeeAnna** was able to connect and said that she was in the parking lot and saw them back filling with a trench box and metal reinforcement behind it. This came up to the professional building with a manhole already in, and then continued on to Colby & Gale. When it goes by the restroom by Damariscotta Center, they found a dead line. **Lou Abbotoni** interjected asking her to stop and stick to the plan. A manhole by Reny's is not what is contracted by the Town. **Josh Pinkham** asked LeeAnna what was asked of the Sanitary District last week. **LeeAnna** said originally they were asked if they would take over the new collector line back to the property lines of the buildings, and they agreed. **Robin Mayer** said, "For example, using the gas station, is the collector line to where it is now?" **Matt** responded, "The lines are public up to the private property lines with some exceptions." The Trustees position is that it is a private pump station and therefore not their responsibility. They want to know how it will be serviced if the power goes out. They feel it is a burden on the Sanitary District. **Jan Wiegman** said battery backup could handle it. **Mr. Flood** (Trustee) reiterated it's a private

pump station. **Josh Pinkham** asked if we could have a maintenance agreement with them and the Town in an emergency. Having talked with **Alan Ideal**, the cost involved is more to maintain than just calling in an emergency. **Josh** asked what else was involved in maintenance. **LeeAnna** said it is not much for residential. **Mark Hagar** asked about Damariscotta Center. He said in 2017 they discharged about 400 gallons a day. He also asked how much lower is the line coming out is. **Jan Wiegman** said about 2-1/2 feet lower was put into the plans. **Robin** said another alternative is to leave it as is; have it go to the gravity feed line and close off all other lines which is already part of the contract. **Jan Wiegman** asked, "So abandon the line and plug the manhole?" The whole idea was to replace lines (the old one is sagging). If the Town is upgrading all lines, it makes more sense and is more efficient to fix this. However, they are not getting good feedback from the Sanitation District. The Town is willing to expend an extra \$20K for manhole and lift station. **Mark Hagar** asked what the line that is 2.5 feet lower was made of. Response: Old PVC and clay tile. We are trying to avoid any clay tile. If it is left in there it will continue to sag and solids will be left sitting in the line. Volume will continue to decrease unless it is kept cleaned out. **Robin** asked if there was a maintenance fee to maintain a sagging line. **LeeAnna** needs to check. **Robin** asked if the generator was tied into the restroom. **Mark Hagar** stated that they are always hearing that the Town needs to do this or that. The Town has stepped up, but they are not getting help from the other side. **LeeAnna** restated the position that they cannot take over a private pump station. They would need a maintenance fee to maintain. **George Parker** said they discussed this yesterday. As far as sewer, Chase can finish to catch basin 3b and do pump station after. There will be change orders to the restroom to accommodate a pump station. **Robin** reminded everyone that Damariscotta is a regional service center, even though the population is about 2200; 1700 others use Town services. All this work is designed for the greater good. She doesn't see "much coming back over the net from the Sanitary District."

**Jan Wiegman** said the line coming out of Reny's is quite a bit deeper. Reny's had made a commitment to make changes to get gravity feed to the line. Damariscotta Grill is better off with gravity feed. **Mark Hagar** asked if there were two users, would the Sanitary District take it over as public vs. private. **Josh Pinkham** said he thought they ought to have pricing from Chase and restroom construction about adding the pump station. **Jan** stated it was a timing issue. If they need to wait for the restroom to be completed, there are logistical problems; i.e. a temporary electrical board. And, it's a lot more work. **Scott's iPad** said the elevation should have been taken first. A lot of this could have been avoided. People need to take responsibility. **Bobby Ware** asked, "When the trench was open, why wasn't more time allotted to locate everything?" **Robin** responded saying that they relied on the Sanitary District's numbers. **LeeAnna** said she felt the trustees had a better idea of the situation. They will reconvene in a week to discuss. They will meet before the next Selectmen's meeting. **Matt Lutkus** said that the Selectmen do not need to meet again on this. The Trustees can tell Josh and Lou what they decide. **Josh** asked LeeAnna what they needed to know. Do they need to have certain specifications? **LeeAnna** responded yes.

#### **VI. Citizens Comments and General Correspondence - None**

#### **VII. Town Manager's Items**

- 1. Budget Calendar – approve at earlier meeting**
- 2. Change Orders for Grant-funded Projects**

**Matt** said that change orders are a normal part of the process. The engineer and Clerk of Works review the orders and recommend to Matt. In turn he reviews them with George Parker and then they are sent to EDA. **Matt** said that the Selectmen could be involved by having 2 serve on the Public Works Committee for a review and then go to EDA. If questions arise, Matt could go back to the engineer

and/or contractor. His concern is timing. Robin said she was okay with the current process. The Board agreed by consensus.

### **3. Reminder on Annual Report Dedication and Spirit of America Tribute Recognition**

Matt informed the Board that final selections must be made by the end of February. Since it is secret ballot, he needs recommendations emailed to him as soon as you have a candidate.

## **VIII. Official Action Items**

### **1. Cemetery Landscape Contract**

Matt said it was the same as last year. It was a one year contract with an option for a two year extension. Jake is doing a good job; he is very responsive to requests. Matt recommends the two year extension.

**On motion (Abbotoni/Hagar) to extend the contract with J & H Landscaping Services for an additional two years at a cost of \$28,059 for 2021 and \$28,750 for 2022. Vote: 5-0-0**

**Discussion:** Josh asked if the scope had changed? Patti Whitten said no; it changed when this contract was initiated for 2020. Mark Hagar said he thought it looked very nice. Robin said the volunteers have done a lot of work also. Patti said it is a good group to work with. "Thank you's" all around.

### **2. Maine Service Center Coalition Renewal-Maine Service Center Coalition Appointments**

The membership fee is \$500 and included in the 2021 budget. Since Matt Lutkus is already on the Executive Board, serving as Secretary, he is willing to serve as the Town's representative and have Mark Hagar serve as his alternate.

**On motion (Mayer/Abbotoni) to approve the attached resolution for membership in the Maine Service Center Coalition and appoint Matt Lutkus as Town Representative and Mark Hagar as the alternate to serve as Coalition voting delegates. Vote: 5-0-0**

### **3. Date, Time and Location of Annual Town Meeting**

Matt Lutkus said the last 3 elections had record turn outs. Secret ballot is the best way as it allows for "drop off" ballots. He suggests putting the more substantive item of the secret ballot. Routine items would then be at the open meeting ballot. Some have suggested putting all items on the secret ballot (can range from 20-40+ items). Last year there were 42 items on the ballot. He is recommending at a minimum the 2 Historic Preservation items be by secret ballot. Josh Pinkham asked if the Town Charter require open Town meeting or could it be a referendum? Robin Mayer said she had talked with Matt earlier and basically decided they should plan for the worst and hope for the best. Mark Hagar said he would like to see the large money items on the secret ballot. Robin said secret ballot for everything would take a long time to count. She is in favor ordinances and selectmen elections. Josh Pinkham was concerned about an open meeting and Covid-19. Some won't take the risk, but they might drop off a ballot. It feels the more opportunity for people to vote, the better. Matt Lutkus said Charter doesn't say you have to have an open meeting; however "floor vote" implies open meeting. The Governor's orders allowed leeway last year. Matt felt, at a minimum, they should use secret ballot for elections and most items; perfunctory open meeting. Matt feels he needs a meeting with legal counsel. Robin suggested setting the date time and location (Great Salt Bay School) and at the next meeting decide about what's on the ballot, pending decision on open meeting. Josh Pinkham suggested talking to Town staff to see what is doable; agrees about tabling until we get info. Daryl Fraser believes voter

turnout will increase if they go with secret ballot for all items. **Robin** said the draw back with everything on ballot is that it is a Yes or No vote with no opportunity for discussion. Also there is no opportunity to ask questions. **George Parker** said that questions do come up at the Town meeting. Also if someone wants to amend an item, especially a budget item, there is no way to do it. **Matt** added that items are phrased as "to see what sum..." which is flexible. Also provider agencies have no opportunity to amend. **Robin** said that they can hold off until February 3<sup>rd</sup> meeting. **Matt** said if formal action is needed before then, a special meeting can be arranged.

IX. Selectmen's Discussion Items - None

X. Adjournment

On motion (Mayer/Abbotoni) to adjourn the Board of Selectmen's meeting at 7:15 p.m. Vote: 5-0-0

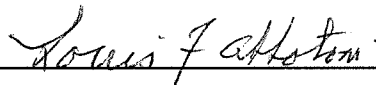
Board of Assessor's Meeting to immediately follow.

Respectfully submitted,

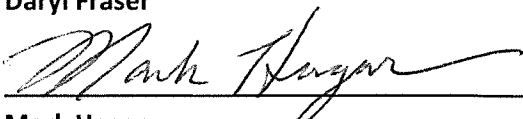
Lynda L. Letteney  
Recording Secretary

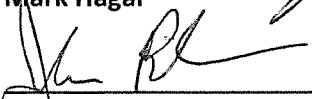
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting on January 20, 2021.

  
Roberta Mayer, Chairperson

  
Louis Abbotoni

  
Daryl Fraser

  
Mark Hagar

  
Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: 2-26-2021