

MINUTES
BOARD OF SELECTMEN MEETING
DAMARISCOTTA TOWN OFFICE
February 3, 2021 5:30 p.m.
Via Zoom

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

Members Absent : Robin Mayer, excused

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

Others Present Haas Toby; and Evan Houk, Lincoln County News

I. Pledge of Allegiance: 2nd Vice-Chairperson Fraser 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 5:31 p.m. by Daryl Fraser

III. Minutes

On motion (Pinkham/Abbotoni) to approve the minutes of January 20, 2021, as distributed.

Vote: 3-0-0

(Hagar not yet present; Hagar arrived via Zoom at 5:35 p.m.)

IV. Financial Reports

1. On motion (Pinkham/Abbotoni) to approve Payroll Warrant #42 **Vote: 4-0-0**

2. On motion (Fraser/Pinkham) to approve Accounts Payable Warrant #44 **Vote: 4-0-0**

3. On motion (Abbotoni/Pinkham) to approve Accounts Payable Warrant #43 **Vote: 3-0-1**

(Hagar abstaining. At Matt Lutkus's request Warrant #43 approved pending a change order which needs DOT approval.)

V. Presentations: None

VI. Citizens Comments and General Correspondence: None

VII. Town Manager's Items

1. Letter from Great Salt Bay Sanitation District

Matt Lutkus received a letter from LeeAnna Libby on behalf of the Board of Trustees of the Great Salt Bay Sewer District rejecting the proposal for them to take control of the proposed pump station for Damariscotta Center. Needless to say, **Matt** expressed his disappointment with their decision. It is not only their unwillingness to take part in the upgrading of the output from Damariscotta Center, but their unwillingness to offer any help with this entire sewer project. He stated that the Town will continue to work with them, but he is very disappointed in their reaction/decision. **Josh Pinkham** asked Matt to get a couple of prices for maintenance of the pump station for budget purposes. **Mark Hagar** said he asked Ellen McPhee to look at this; first response was "no, you can't do this." He has scheduled an on-site meeting Monday. **Matt** said a gravity flow system is better than a lift system. They are looking to revamp plan to check out that possibility. **Mark** stated since the lines "came up" to the area (uphill) is it

possible to drop the line? **Matt Lutkus** replied that the slopes don't allow for it. Either way it needs a lift station. Most of the new line is already in. **Mark Hagar** said McPhee told him the engineers had brought up the line. **Matt** said if we adjust the lines, we need a pump station. **Mark** said it is only one line at Damariscotta Center. **Daryl Fraser** asked if the engineers and/or contractors could look at the area where the lines come up again. **Mark** said he hated to see the Town get into the sewer business. Is there a written agreement with the sewer district? **Matt** said they had already hashed out who owns under the parking lot. It was determined to be the Sanitation District. He has it in an email. **Daryl** would like **Matt** to push to get that in a formal letter. **Matt** also emphasized that it still made sense to move the lines closer to the buildings; the old lateral lines are gone. **Mark** said he was still concerned about old clay pipes. **Matt** said they have all been replaced except for some that may remain on private property. Back when there was a fire at Serendipity, new pipe was put in. **Mark** said, "So there is no clay piping under the parking lot?" **Response:** That's correct.

2. Waterfront Update **Matt Lutkus** began by saying that they had a great meeting yesterday. There were about 25-27 people were on the Zoom call. Anyone interested in watching the meeting can from the cloud and/or website. Many pieces are coming together. **Matt** thought it was very productive.

Matt invited **Haas Tobey** to give his impressions. He thought it was amazing. What started 9 years ago with 4 people has mushroomed to 25-27 now. He emphasized there is no clay pipe under the parking lot. He encourages those involved to not reinvent the wheel. They began by using the M&M study done in 2015 as a preliminary. Five to six years later, they are working from 3 solid concepts. The next meeting is next Tuesday or Wednesday. **Haas** said they will look at conceptual designs as to what it may look like. It will be economically very good and the residents will have a great park.

3. Solar Energy Ordinance

While no action is needed at this time, **Matt Lutkus** wanted the Board to be up to speed on the proposed ordinance and the rationale used to generate it. Electric energy Co-Op offers are beginning to crop up everywhere. Two firms have approached Bob Faunce about Damariscotta's receptiveness to large energy farms. Such entities are not currently permitted by ordinance and the Town wants to ensure no loss of rural character. The Ordinance still needs to go to LUAC and then the Planning Board and finally to the Board of Selectmen. If there is no support for this from the Board, he wants to know now and they will not go forward with the draft ordinance. In order to have the proposed ordinance on the June Annual Town Meeting Warrant, Bob Faunce is scheduling meetings with the Land Use Advisory Committee and the required hearing before the Planning Board. **Consensus:** Go ahead with ordinance

VIII. Official Action Items

1. Date, Time and Location for Annual Town Meeting (Tabled from January 20, 2021, meeting)

[This item was taken out of order before the Town Manager's Items.] **Matt Lutkus** reported MMA's opinion that the Town can option to just have "secret ballot". However, Town Charter lists "action by the floor" which would negate a total secret ballot. **Matt's** interpretation is that would require two meetings: secret ballot meeting June 8th and Town meeting June 9th. If all items are on the secret ballot, then the June 9th meeting is an "open and close" situation as there would be no items for the floor. A second option is to have referendum (secret ballot) on major/sustentative items and open meeting for

more routine items. **Matt** is quite certain that you have to have on secret ballot the budget and revenue items. The Town may need a waiver if the Town meeting is over the present public gathering limit. Any ordinance items and Charter Amendments must be by secret ballot as well. **Mark Hagar** asked how many items **Matt** expected to be at open meeting. **Matt Lutkus** said item #27-42, as well as Article 5. **Becky** interjected that the Town can put anything it wants on the ballot, but they try to limit to 2 legal pages front and back. They can put out a budget "handout" ready for the public meeting to approve the ballot. The 2 page back and front format is the easiest to work with. There are two ballots: candidates for office and warrants. Here may be a third ballot with State issues but it is separate and we don't need to adjust for it. **Mark Hagar** commented that he wanted to see that the most amount of people have the opportunity to vote. Absentee ballots are a big deal; he favors getting ballots out to as many voters as possible. Over the years Town Meeting attendance has dwindled and it's sad. Since the cap on attendance is currently 50, it is all that much more important to offer absentee ballots to all.

Josh Pinkham offered getting as much on the ballot as we can; assuring the most people have access to the vote. If there isn't enough room on 2 pages, get the most important, non-routine, items on the ballot. **Daryl Fraser** said that one of the functions of the Town Meeting, discussion, would be lost if everything was on secret ballot. He suggests some informational meetings via Zoom for input before the vote. **Mark Hagar** suggested 2-3 weeks prior to voting. **Matt Lutkus** said one was required anyway, so they could make it a public meeting and go over each article; they could record the meeting and put it on the webpage as well. **Becky** said this had to be before May 6th. **Matt** said he's scheduled it in April. **Mark** also suggested trying it different times. **Daryl** said to make sure we can reach as many residents as possible.

On motion (Pinkham/Abbotoni) to set the 2021 Annual Town Meeting dates for June 8th, 8 am -8 p.m. At Town Hall for the secret ballot election and June 9th, starting at 6 p.m., at Great Salt Bay Community School gym for the open Town Meeting. **Vote: 4-0-0**

There were "thank you's" all around to **Becky** for her input and work. **Matt** also announced that **Robin** had a conflict with tonight's meeting and her consulting work; hence her excused absence.

2. Appointment to Budget Committee

On motion (Pinkham/Fraser) to appoint Bruce Rockwood to the vacant regular member position on the Budget Committee **Vote: 4-0-0**

3. Appointment to Planning Board Alternate Position

On motion (Hagar/Pinkham) to appoint Gary Rosenthal to the vacant alternate position on the Planning Board **Vote: 4-0-0**

4. Advertisement for Bids for Vine/Church Street Drainage Improvements

Matt Lutkus said this has been a 10 year ongoing project. It is finally ready to go out for bid. Except for one abutter who has not been very cooperative, all others have signed off and they are ready to move forward. **Josh Pinkham** asked if there was enough time. **Matt** said dates will have to be altered. **Mark Hagar** said not to delay too long as contractors are setting up their spring/summer work plans. He suggested by the first week of March.

On motion (Pinkham/Abbotoni) to approve the advertisement for Bid Documents prepared by Gartley & Dorsky for the Vine Street drainage project. **Vote: 4-0-0**

Mark Hagar asked how many trees need to be replaced in this project. **Matt Lutkus** had a meeting on site and discovered most of the “clean up” was brush removal, not trees. There are 3-4 trees that need removal, but the brush needs to be removed to get tree equipment in there.

5. Maine Department of Transportation Main Street Sidewalk and Bikeway Grant

MDOT has approved the grant application which was submitted with a request for 2023-24 funding. Additionally, they have also approved funding for the engineering and preliminary right of way acquisition for 2021. The grant is for \$48,000. Local match brings the total to \$60,000. This is for a 1,650 section of the total project (\$864,370). MDOT is now offering an option for the department to manage the project. **Matt Lutkus** feels this is the best route. TIF Fund beginning in 2023 is earmarked for the accrual of sidewalk funding. Since Bristol Road Sidewalk Project is not yet complete it may be necessary to allocate 2022 capital dollars for some of this cost.

Mark Hagar thought it was a great idea. As years go by, costs go up. He wants the Town to move sooner rather than later. The State has quality standards and we won't be an intermediary even though we will have to pay a fee. **Haas Tobey** asked what side of the street it was on. **Response:** On the school side of the street from the school down to the MacDonald's intersection. There is already a “social path” for kids going to McDonald's and Subway. **Lou Abbotoni** asked what the fee was. **Matt Lutkus** said it is billed as actual time. Since 2011 when the Bristol Road Sidewalk Project started the State has changed to a charge back system. **Matt** does not believe this will be cheap, probably tens of thousands. He felt the Town could come up with the 20%- the more we put in the engineering, etc. there is that much less to have to change which gets expensive. **Mark** said he felt this put us in a good position for future funds.

On motion (Pinkham/Abbotoni) to accept Maine Department Award of \$48,000 for the engineering and preliminary right of way acquisition, confirm that the Town continues to want to design and construct this project, re-certify that the local match has been obligated through future TIF revenues and request that the project be administered by Main DOT staff. **Vote: 4-0-0**

IX. Selectmen's Discussion Items

Josh Pinkham – Stay safe and take care of one another

Daryl Fraser - Nothing

Lou Abbotoni - Nothing

Mark Hagar – Nothing Stay safe

X. Executive Session: Discussion of Police Officer Collective Bargaining Agreement Negotiations

With budgets due next week, **Matt Lutkus** proposed allocating the agreed to amount in the budget, even though the contract negotiations haven't been finalized. That way there is at least an amount in the budget for salaries. If it needs to be adjusted, it can be.

On motion (Abbotoni/Fraser) to table discussion of the Police Officer Collective Bargaining Agreement until Robin returns and there is a full complement of Board members. **Vote: 4-0-0**

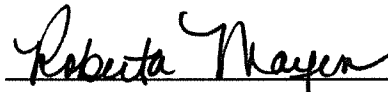
XI. Adjournment

On motion (Abbotoni/Fraser) to adjourn the Board of Selectmen's meeting at 6:35 p.m. Vote: 4-0-0

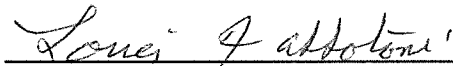
Respectfully submitted,

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 February 3, 2021.



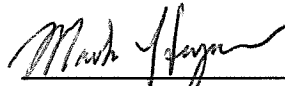
Roberta Mayer, Chairperson



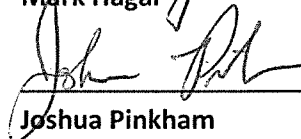
Louis Abbotoni



Daryl Fraser



Mark Hagar



Joshua Pinkham

Town of Damariscotta, Minutes from Board of Selectmen, signed this date: 4/28/2021