

MINUTES
BOARD OF SELECTMEN MEETING
DAMARISCOTTA TOWN OFFICE
April 7, 2021 4:30 p.m.
Via Zoom

Executive Session

The Board met in Executive Session at 4:30 p.m. prior to the regularly scheduled Board meeting on April 7, 2021 pursuant to **Consultation with Town Legal Counsel Re: Dispute with Contractor regarding compliance with Winter Roads Maintenance Agreement per 1 M.R.S.A. 405(6) €**. Executive Session recessed at 5:30 for the regular Board Meeting. **(Hagar Excused)**

Regular Board of Selectmen Meeting

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

Members Absent : None

Staff Present: Matt Lutkus, Town Manager

Others Present: Marnie Sinclair; Susan Murphy; Hass Tobey, 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 5:35 p.m. **by Chairperson Mayer**

III. **Minutes**

March 3, 2021 – On Motion (Mayer/Fraser) to approve the minutes of 3-3-21 as amended (Hagar/Fraser) with Section XIII taken out as a separate report of the minutes **(Executive Session)**

Vote: 3-2-0

(Abbotoni and Pinkham in the negative)

March 10, 2021 – On motion (Fraser/Abbotoni) to table the minutes of 3-10-21

Vote: 4-0-1

(Mayer abstaining)

March 17, 2021 – On motion (Hagar/Mayer) to approve the minutes of 3-17-21 as amended (Hagar/Mayer) with Section XIII taken out as a separate report of the minutes. **(Executive Session)**
showing no action taken at that meeting. **Vote: 4-0-1**

There have been issues with people trying to get into a meeting. Email Matt if you can't get in. **Robin** suggested that the Board go back to meeting in person with Zoom available for the citizenry.

IV. Financial Reports

- 1. On motion (Pinkham/Fraser) to approve Payroll Warrant #54** **Vote: 5-0-0**
- 2. On motion (Pinkham/Hagar) to approve Accounts Payable Warrant #55** **Vote: 5-0-0**
- 3. On motion (Pinkham/Abbotoni) to approve Accounts Payable Warrant #56** **Vote: 4-0-1**
(Hagar abstaining)

V. Presentations: Broadband expansion plans in Damariscotta-Tidewater Telecommunications

Matt does not see Randal present on Zoom. **Mark Hagar** commented that there were people off Egypt Road that need to have broadband expanded to the “back 40”. Reception is not good.

VI. Citizens Comments and General Correspondence

1. Letter from Public Safety and Accessibility Collaborative

Matt received a letter from the Public Safety and Accessibility Collaborative expressing their thanks for the Town’s contribution to their cause.

2. Marnie Sinclair’s Request for Petition to Be Placed on Ballot for June Town Meeting

The petition is regarding the resolution to take action on climate pollution. This is a new bill regarding Energy Conservation and Carbon Dividends. It is still in committee. The old bill was dropped with the change in administration. This bill addresses “carbon pricing”. It adds a fee to fossil fuel producers. The fee is placed in a trust fund; monies are distributed to all citizens on a monthly basis. CO2 emissions are measured by metric ton. Money returned to citizens will defray increased cost of gas and other fossil fuels. She does not have enough signatures to make the April 4, 2021 deadline. Is there an extension of time to get it in? With Covid-19 can they be flexible? She started tracking the numbers in 2010. Before the Industrial Revolution emissions were 255 parts per million; from the industrial revolution to 2010, they were up 3% (over 350 parts per million; now they are 410 parts/million). This is a way to get fossil fuel providers to reduce CO2 in the air. **Daryl Fraser** asked “who exactly pays in?” **Marnie** said the source of the fuel pays the fee; it is a source fee not an end-user tax. **Marnie** said it is not end-user at all; fuel tax is on the provider. The only bill will be the money returned to end users. New Hampshire and Europe have successfully implemented this.

Robin Mayer said in her research HR2307 is not yet available for the public. **Marnie** thought it was the same as the old bill, #HR736, initiated in the previous Congress. In reading the petition, she found it lacking in detail. There was no reference to a specific bill; the cash back/carbon pricing was very vague. Overall the warrant does not specify a specific bill. She asked because the amount paid in will be passed down to so many. **Robin** asked **Marnie** if she could get specific details, as it hasn’t been published yet. **Marnie** said she was going by the old bill. **Robin** reiterated that they don’t know what’s in the new bill as the provisions aren’t there. Also petition doesn’t reference a bill number. **Marnie** didn’t know this and asked if she could get back to them. **Mrs. Mayer** responded in the negative, saying they were voting tonight on the final draft of the warrant to allow time for printing. They will be deciding what’s on the ballot for voting and what’s to be taken up at Town Meeting, at the next meeting. **Robin** suggested bringing it up at a later date after she gets details and signatures. She said the Board could take it up then and have a special meeting at a later date. **Mrs. Mayer** said she would defer to the other selectmen.

Lou Abbotoni said he was concerned as to the way the finances are handled. End consumer will be affected because the amount put in will be filtered all the way down to the end user. **Marnie** said it was

her understanding that anyone with a social security number will get a dividend (children get a half share) which offsets the increase in cost of gas. It's an attempt to get the country more conservation aware. The goal is to eliminate/reduce CO2 which is destroying the country. "It's got to be done!" **Josh Pinkham** said there are a lot of questions to be answered. There really isn't enough information available at this time to proceed with putting it in warrant form. Both **Lou and Daryl** agreed with Josh. **Josh** said if it came from the citizenry as a petition, it could go on the ballot. **Marnie** said there wasn't enough time to get 120 signatures, especially with Covid-19. Could she have an extension? **Lou** said, "No, by law they can't grant extensions." **Robin** said Marnie could gather signatures and create a petition for a special election and/or November ballot. **Matt Lutkus** agreed with this approach. **Marnie** said it was probably the best thing to do at this time. **Robin** suggested following the legislative action, collect signatures, and go from there. **Chairperson Mayer** thanked Marnie for her time and energy.

VII. Town Manager's Items

1. Waterfront Project Update

Matt reported that the building is going up. Susan Murphy has been a big help, working with the Town and Phi Builders. Estimated completion of the bathroom – the bathroom will be finished before the tourists come. Chase Construction is slated to come back and finish lines. There is a meeting with the Sewer District tomorrow at noon to go over construction completion so everyone knows where the lines are. All total everything is about \$5.9 million; there is \$2.7 million available plus the grant. This will improve the parking lot even if it's just the basics. **Lou Abbotoni** said the engineers are trying hard to meet the funding allowances. Max Johnstone is working on a grant application- BOATERS FUND-\$150K is available for work at public sites. 25% match is needed, which is available in the reserve funds for this project. Max is putting in the pre-approval application to get it in the Q. They will schedule a visit; we'll do the dog-and-pony show and have conceptual drawings. Formal application is due in 6-8 weeks after that. **Matt** will come back to the Board once he has more details.

Lou Abbotoni reminded the Board that in two years there has been an increase in materials. **Daryl Fraser** stated that is why we need contingencies. **Lou** said **Matt** has some, but is it sufficient? **Josh Pinkham** asked if there was any FEMA money for flood resiliency? **Matt** replied that FEMA was on the call; there doesn't appear to be any hard cash. There is \$25,000 worth of Army Corps of engineers available from FEMA which is earmarked for hazard remediation (monies left over from 2018 Storm Sandy). **Robin** asked if there was any Covid-19 money. **Matt** said the Town got a third of what was coming to the county. There are 19 communities and there was \$6M+ (which was a windfall for the other 18 who are not service centers). He has put in for dibs on the Economic Development Coastal Resiliency funds, for them to share with Damariscotta. He is waiting to hear about initial criteria to make the request for Damariscotta.

Daryl said he appreciates **Matt** being proactive. **Mark Hagar** said he was concerned about the monies being used for what they were intended to be used for. Rules & regulations can change. "Yes, we are a service center, but we also have non-profits that could use some of that money." **Matt Lutkus** said, "That's right; we are not asking for all the money."

2. Public Hearing on Annual Town Meeting Warrant - April 21, 2021

Matt stated the meeting will be hybrid; Board members will meet in person with a big screen. All

members agreed. **Mark Hagar** suggested getting in touch with Larry Sidelinger to help set up and help guide the Board on the technical side. **Robin** said there is better connection when there are less people on the call. **Josh** asked what to do with questions from citizens. **Matt** said to send them to him via email. **Matt** also commented that last year Larry couldn't do much in this area. He will check. **Matt** commented that he had spent a great amount of time making sure the \$2 million+ was spent as it was supposed to be. He is well aware of the rules and regulations. Max is also monitoring expenditures. Max had nothing to add. Heather Ciders is the contact for BOAT FUND and money can only be used for boat launch and parking spaces allocated for boats/trailers. There is a 15% contingency. All record keeping is up-to-date. The Board thanked Matt for his efforts.

3. Secondary School Budget

Matt reported that there is a question as to whether the school budget hearing can be held the same day as the annual Town Meeting. Can it be held in the same manner as it was last year? He has no information yet.

4. Fire Chief Huntley

Newcastle's long time Fire Chief will be honored following a private wake at the funeral home on **April 17, 2021**. The Town's will honor the Chief with a procession down Main St over the bridge to Newcastle. Fire trucks will line both sides of the street at the bridge. Consensus was that this was a good idea and okay to proceed.

5. Police Chiefs Meeting Thursday, April 8, 2021

MMA and the Police Chiefs Association will meet via Zoom from 5-7 p.m. on Thursday, April 8 Citizens are invited and there will be an open question period. 4 people have already signed up. **Robin** asked if Evan could put the information up online. **Matt** said he would talk with Evan.

6. Capacity Parking Lot Paving

Matt indicated that they got a "thumbs up" regarding the "utility pole" in the parking area. They had put money in contingency in case they had to move a utility pole. CMP and Tidewater officials agreed that only the guidewires needed to be redone. When the surveying was done, it was evident that we had encroached into the Taco Alley parking spaces by up to 2'-3' on Susan Murphy's property. Assuming the pole stays, the trade-off would be to square off the Town's part and give back the encroachment part to Gilbert & Day, LLC. If there are no objections, attach wording in the deed. **Robin** said it made sense. **Susan Murphy** said, "I'm fine with it. It makes sense." Agreement was by consensus. **Matt** will have documents to be signed and returned to main office, in the next Board package

VII. Official Action Items

1. Warrant for Annual Town Meeting

On motion (Mayer/Abbotoni) to approve the Warrant for the Annual Town Meeting, June 8, 2021, and June 9, 2021.

Vote: 5-0-0

Discussion: **Matt** said the draft had been proofed by 3 different people. **Robin** said was going to make a list of the numbers to make sure they were accurate. **Matt** said Heather had checked them. **Mark Hagar** had a question and comment. He asked if the amount the Town Manager could access without

Board approval was sufficient. There is currently a \$5000 limit before he has to ask for a waiver. "We seem to spend a lot of time approving bid waivers (due to time constraints, availability, etc.) that could be avoided by increasing the amount in the Charter. Is it possible to put an increase in the amount of bid waiver on the ballot? **Josh** said it was a Charter change and would need public hearing.

Matt responded that although it is unusual for a Town Manager to oppose an increase in bid waiver amounts, he personally liked the oversight. "It allows for much fuller transparency. With a new guy coming on board, you may want to keep that oversight. " **Robin** said she would like to see a list of the bid waivers granted over the last 1-2 years and the amount of the bid. The \$5,000 limit has been in the Charter since 2006. Realistically, prices have gone up, and getting bids for jobs over \$5,000 possibly should be increased. A lot of personnel time might be saved. She asked if it was possible to put the increased waiver amount on the June ballot. **Matt** responded, "No" as there was no time for a public meeting. Money has to be budgeted or come out of contingency. **Matt** said he would come back with a report showing "the times I've asked for a waiver and the amount." **Mark Hagar** said, "We do it all the time." Since it has to be budgeted, "out to bid" vs. "town manager being able to do business" is the issue. For example, is \$20,000 too much? We recently waived a bid item for \$35,000. **Robin** responded saying, we need to find the magic number for future boards."

2. Capacity Parking Lot Repaving

On motion (Fraser/Abbotoni) to waive the Town Charter and allow for the repaving of the parking lot by Capacity

Vote: 5-0-0

IX. Selectmen's Discussion Items

Daryl Fraser - Nothing

Mark Hagar – Nothing except we need to take a good look at waiving the Town Charter on bids.

Josh Pinkham - Josh is deeply saddened by Chief Huntley's passing. He was a great mentor for both departments. It is a tremendous loss for the whole community. On another note, Little League starts first week in May and he is helping with both of his girls' teams. Games are Wednesday nights. He'll be here as often as possible. **Robin** said they'd be rooting for his girls' teams.

Lou Abbotoni - Get your shots. **Robin** said they are now available for everyone.

Robin Mayer – People have started taking out papers to run for office. Last day to get in signature sheet is 4/12 (you need 25 signatures). **Matt** sent out an email last week about a meeting which he'll be attending with the School Committee and the Sanitary Trust. I plan to attend. Let **Matt** know if you can attend. **Lou** said he would be unable to attend. Meeting is Wednesday, April, 14, 2021.

X. Executive Session

The Board of Selectmen adjourned to continue the Executive Session (**Consultation with Town Legal Counsel Re: Dispute with Contractor regarding compliance with Winter Roads Maintenance Agreement per 1 M.R.S.A. 405(6) E.) @ 6:45 p.m.**

On motion (Mayer/Abbotoni) to return to Executive Session

Vote: 4-0-0

(Hagar abstaining and leaving the meeting)

XI. Action on Executive Session

On motion (Pinkham/Mayer) to rescind the Board's approval of the mediation term sheet dated March 3, 2021, and to provide Hagar Enterprises their best and final offer for the Winter Roads Maintenance Agreement.

Vote: 4-0-0

XII. Adjournment

On motion (Pinkham/Abbotoni) to adjourn the Board of Selectmen's meeting at 8:00 pm Vote: 4-0-0

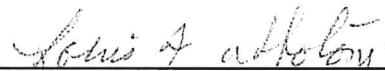
Respectfully submitted,

Lynda L. Letteney
Recording Secretary

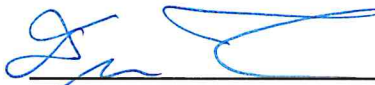
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting, April 7, 2021.



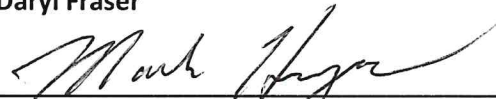
Roberta Mayer, Chairperson



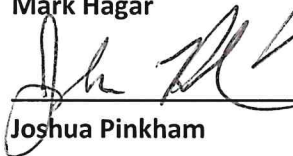
Louis Abbotoni



Daryl Fraser



Mark Hagar



Joshua Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: 5-4-2021