

**MINUTES**  
**BOARD OF SELECTMEN'S MEETING**  
**DAMARISCOTTA TOWN OFFICE**  
**February 2, 2022 5:30 p.m.**  
**Live and Via Zoom**

**Members:** Daryl Fraser, Chairperson; Louis Abbotoni, Tom Anderson; Mark Hagar, and Josh Pinkham **Members Absent:** None

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

**Others Present:** George Parker, Waterfront Committee; Jan Wiegman, Wright-Pierce; Mike Zarba, Wright-Pierce, Lacey Kremer, Wright-Pierce; Don Gerrish, Eaton-Peabody; Evan Goodkowsky, Broadband Committee; Geoff Keochakian, LCTV; and Nate Poole, Lincoln County News

**I. Pledge of Allegiance:** 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 **Chairperson Fraser**

**III. Minutes**

**On motion (Pinkham/Fraser) to approve the minutes of January 19, 2022. Vote: 5-0-0**

**IV. Financial Reports**

**1. On motion (Pinkham/Hagar) to approve Payroll Warrant #41 Vote: 5-0-0**

**2. On motion (Pinkham/Fraser) to approve Accounts Payable Warrant #42 Vote: 4-1-0**

**Discussion:** Lou Abbotoni had a question about the bill the Lynch Law firm for \$450. Why did she go to the attorney instead of the Board? **She sought additional information on her own.**

**Tom Anderson** said his understanding was she sought legal advice because the Town Manager didn't know the answers to her questions. **Matt** said that because extra steps had to be taken, she waited all summer for resolution. **Matt** sent out a chronology that the Council would need at some point. **Josh** said that we were the ones requesting a swap of property, the legal fee is minimal. **Mark Hagar** agreed.

**V. Presentations:**

**1. Review of 95% Design of Waterfront Project – Wright/Pierce/SLR via Zoom with Jan Wiegman and Mike Zarba**

**Jan** began the presentation making sure everyone had a copy of the PowerPoint. In discussing the Project Direction, the first thing to recognize that it must meet CLOMR Standards. This is a FEMA condition, with a wall height of 13.1 feet. It is a continuous barrier to the bridge at edge of parking lot. This includes stop log closures. **Tom Anderson** asked about view windows adjacent to "Misery Gulch" that the Board had previously asked to be considered as an alternative to the full 5 foot wall. **Jan** replied that they were not included in this design but

could be listed as an alternative. **Matt** said it is not a scenic view; the Board wants alternatives. There will be storm system improvements; pedestrian enhancements; and electrical upgrades.

Project Design: A hard flood barrier, park improvements, living shoreline (with rip-rap), storm water system improvements, with storage reservoir under parking lot, parking lot resurfacing (4"), and paved pedestrian enhancements with new sidewalk from Water Street to parking lot, view points in the wall. Regarding the Storm Drain System there will be new mono-directional outfalls which will need to have valves checked on a regular basis. Catch basins with a filter system with a storage tank (no sand). Additionally there will be new drain lines. Water Street improvements will be at the parking lot entrance. Regarding utilities, 3 poles will be at the edge from street to parking lot. Underground wires to restroom. There is no change to feed to buildings. There will be 3-4 new light poles in parking lot. The foundation and Barrier Wall will be between the parking lot and the park. Layers (bottom to top) are bedrock, glacial till, glacial marine clay, sand silt and gravel fill. The wall is structured to have the foundation bear on firmer soils and bedrock. The other layers are to prevent ground water movements. The concrete wall is above grade and a form liner creates the pattern on the wall that faces the park and parking lot. In looking at several samples of concrete form patterns the Board was most interested in a horizontal wave pattern.

Project Components: There is a temporary flood barrier component that can be 3'-6' high, can accommodate uneven terrain and is suitable for coastal applications. Stop log gates can be stored at a Town facility and deployed by Town fire department and public works crew. Required training is part of the plan. These would be deployable from Misery Gulch to the bridge. The Park and Living Shoreline are designed to work within the limits of the rip-rap slope. Permitting is required from State DEP and Army Corps of Engineers. Design will require species compatible with tides and therefore will be layered. Vegetation/rock bed/vegetation to top of park.

Permitting: Part of the project includes removing many of the businesses from the flood plain. FEMA Special Flood Hazard Areas are subject to inundation by the 1% annual chance flood. CLOMR will conditionally remove the area from behind the flood barrier from the Flood Hazard Area. Operations and Maintenance documents need to be submitted before a CLOMR release is obtained. Although the permit application will be submitted next week, the review can take up to 90 days. We cannot bid on the EDA funded project until we have a response. Additionally, functional exercises need to be performed (deploying stop log wall, etc. once a year), annual inspection and maintenance to be done, and establish an Emergency Action Plan. Police, Fire and Public Works will all be involved in this.

Shoreline Work Permitting: Maine DEP and NRPA have control over these permits. Work will be done below the HAT (Highest Astronomical Tide) line and within the rip-rap area leaving space for vegetation. This would require individual NRPA permit which is the highest level of permit and there is an attached cost. Mitigation would likely be required by the Army Corps of Engineers. The project may qualify for PCN (pre-construction notification) which is a 90 day time line. We do not qualify for "Permit by Rule".

Project Timeline: 2021 Preliminary and final design; 2022 bidding; fall 2022 start construction; spring 2023 complete parking lot construction.

At the end of the presentation, **Chairperson Fraser** opened the meeting for discussion and/or questions. **Mark Hagar** asked about staging the parking lot so some spaces would be available. Jan said they planned to stage as individual pieces were worked on. He also asked about the pavement not going all the way to the buildings. What about the elevation issue. **Jan Weigman** replied that they will match the existing grade. Inside the parking lot itself, elevation changes several times. **Daryl Fraser** asked about the lighting and if it was compatible with CMP and our new system. **Matt** indicated that it was.

**Josh Pinkham** had several issues. 1) Regarding the relocation of the light poles. If the main line changes can the fire ladder truck get to building – how difficult would it be? **Jan** responded that would be underground for the most part with taller poles near buildings. 2) Use for life of the wall: **Mike Zarba** answered this concern by saying it is similar to bridge concrete which is designed for 50-100 years, if it is maintained. It can be sealed with coating that is resistant to salt and parking lot chemicals. **Tom Anderson** asked about the use of maintenance materials. **Mike** said it was critical to repair quickly to prevent deterioration. **Matt Lutkus** said he would make sure that was added to the maintenance manual. 3) Use for life of the portable wall – **Mike** said it depends on how often it gets deployed. If there is not 100 year flood, it will last a long time, but it still may have to be replaced over time. 4) Park in front of wall – Will it last or just be sucked down river? What is the tide effect? **Mike** said materials used will be specific to water environment. These are specific to the identified zone and will be planted to sustain species in tidal environment. There is still time to establish scenes in the living shoreline area. 5) Pockets in rocks – how is the rock layer stabilized? **Mike** said it acts like it is today, the tide action helps to anchor the rock layer.

**Mark Hagar** asked about page 14 the slip forms of concrete and could it be like a wave. Something to consider. Consensus was positive and it will be included. Also diagram shows car straight on; he thought parking was to be diagonal. **Mike** said design plans show diagonal-he did this and missed that detail. **Mark** asked about samples on page 10. Are they all the same price? **Mike** said no, one on right is most expensive; the deeper the relief the more expensive. Left side, top row furthest on right, if turned horizontally, this is probably what the Board was thinking about for a wave pattern.

**Josh Pinkham** asked about the storage tank. They did 3 test borings, is that enough? It still carries weight when empty? There can be a lot of ground water, do we dewater to install? **Daryl Fraser** added that they need quality material for this. **Mark Hagar** asked about the tank floating up. **Response:** It can be filled with ground water and drained at low tide. **Josh** asked if we do the storage tank before the wall. **Mike** explained that they were not restricted by the ground water flow into the tank. It is not a solid plastic side; it more like a milk crate. **Mark Hagar** asked about the cover over the tank. **Mike** said it is imported gravel 18"-24" in depth. **Mark** asked if it was rated. **Mike** said it was rated to handle tractor trailer loads.

**Bob Faunce** introduced himself to the engineers and said he had been working on this for a long time. He felt Wright-Pierce and SLR have done excellent and thorough work. He is anxious to get this out. Great Job! **Matt Lutkus** said they couldn't do the permitting until the 95% design was complete. They'll wait three months for bids. **Mark Hagar** was concerned about the lack of supplies; contractors just can't get products. **Jan Wiegman** said they weren't in control of construction. He suggested ordering right away so the orders are in the queue. No one can predict how this will go; pricing is another struggle with inflation. Can time extensions be available? **Matt** said it is flexible. ? Use of contingency if needed? General thank you and commendations to the presenters.

## **2. Review of Town Manager Recruitment Schedule-Don Gerrish, Eaton-Peabody**

**Don** began by reminding the Board that **Matt's** last day is June 30, 2022. They need to have a new person on board by May 13<sup>th</sup> in order to have **Matt** available for up to 6 weeks before he retires. Realistically, the candidate may need to give up to 4 weeks' notice from where he/she is currently. **Don** is also on vacation April 13<sup>th</sup>-20<sup>th</sup>. **Mark Hagar** also said he preferred "in person" interviews if possible. **Don** agrees and said an invitation to come is the candidate's travel responsibility. The first item discussed was the advertisement for the position. The Board wanted to add "residency encouraged but not required." A salary range is needed. **Mark Hagar** asked if he knew the State average. **Don** responded \$100K+. He will provide weekly updates on applications received, but based on past experience, most apps come in the last week of open application.

During February, with **Matt**, **Don** will schedule a public meeting to invite the public to give input on what they would like to see in a candidate. **Don** runs the meeting and will give a summary to the Board. Add will be placed by March 1<sup>st</sup>. By April 7<sup>th</sup> the Board will have reviewed resumes and decide on candidates for first interviews. By the end of April second round of interviews and a decision made. Hopefully new candidate will have a negotiated contract and a start date set. By the second week of May, the new Town Manager will be named and a starting date announced.

## **VI. Citizens Comments and General Correspondence**

Board members heard directly from Cupacity.

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

### **1. Key pad voting:**

**Mark Hagar** felt it was a good thing to do; **Lou Abbotoni** agreed; **Josh Pinkham** didn't care one way or the other; **Daryl Fraser** felt it should be a go. **Tom Anderson** didn't voice an opinion

### **2. Broadband Committee-Evan Goodkowsky**

The Committee had a joint meeting with Newcastle via Zoom. Both Boards gave updates. LCI/Tidewater presented on what they will do; asking Towns for money to match grant and LCI. **Matt Lutkus** said as long as the local match is a small percentage. Evan will ask the Count to match the Towns for the grant. Application closes March 20<sup>th</sup>. LCI has to put numbers together in new application. Evan would like Board representation at next meeting. Josh can't do it;

neither can Lou. **Daryl Fraser, Mark Hagar and Tom Anderson** said they could. Meeting will be at Damariscotta Town Office, February 8<sup>th</sup>.

#### **VIII. Official Action Items**

##### **1. Interlocal Agreement for Ambulance Services (tabled January 19<sup>th</sup>)**

They are still working on the legal review.

**No action taken**

**2. Service Center Renewal** The resolution is attached. Matt already serves on the Committee. Board appointed Matt lead representative for Damariscotta and Mark Hagar as alternative representative. Cost to renew membership is \$500.

**On motion (Pinkham/Anderson) to approve renewing Damariscotta's membership in the Maine Service Centers Coalition at a cost of \$500.**

**Vote: 5-0-0**

**3. Carry Forward from Fiscal Year 2021** Because of delays in invoicing, pipeline issues, etc., the carryover is \$28,390 of the FY 2021 budget.

**On motion (Abbotoni/Anderson) to authorize the Town Manager to carry forward from the 2020-21 to the 2021-2022 the amount of \$28,390.00.**

**Vote: 4-0-1**

(Pinkham abstaining)

**4. Warrant Article for February 16, 2022 Special Town Meeting** Matt introduced changes to the original article: Articles 1 and 2 have no changes.

##### **ARTICLE 3 now reads:**

*To see what sum the Town will vote to appropriate for the following:*

*-Storm water and causeway reconstruction to Miles Street to improve the structural integrity of the main access point to Miles Hospital –(Selectmen recommend \$185,179.50)*

*–Support for Stepping Stone to build a tiny house – (Selectmen recommend \$16,500)*

*- Support for Newcastle/Damariscotta Broadband Expansion Committee (Selectmen recommend \$12,500)*

*-Support for workforce development training at the Chamber of Commerce office (Selectmen recommend \$10,000) -Purchase of air purification systems for Town Hall and Police Department offices (Selectmen recommend \$3,100) SELECTMEN RECOMMEND appropriating \$227,179.59 of the Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act, or ARPA funds), plus a nominal amount of supplemental ARPA funding that the Town will be receiving to fund the projects described above.*

##### **ARTICLE 4**

No language changes.

The dollar amount has been reduced to \$2,000,000

##### **The Financial Statement has the following changes: (Based on discussion)**

**1.C** Bonds to be issued if this vote is approved –  
amount is **\$2,000,000** with the Total now **\$2,046,452.79**

Interest rate is **3.53%**

Principal **\$2,000,000** with interest of **\$578,883**

Debt service

**Matt** checked with five local banks for a bid on this debt service. The best was Camden National who came in with 3.53% for 15 years. The Maine Municipal Association Bank said we could reject Camden's bid and bundle with other towns which would increase bargaining power, but we would have to commit without knowing the final rate. Construction market is crazy, supplies are erratic and a new manager is coming in. Since some projects originally thought to be good for the bond are already covered by ARPA funds, the amount of the bond has been reduced by over a quarter of a million dollars. Board felt strongly about keeping funds local and therefore instructed **Matt** to pursue local funding.

**Discussion:** **Josh Pinkham** felt these projects have been in the works a long time. Roads like Belvedere and Egypt have been delayed pushing them back for something more urgent; now is the right time to finish them. **Daryl Fraser** said timing was never controlled. **Lou Abbotoni** said cost will be more the longer it is put off; there is an inflation factor. **Mark Hagar** asked about Church St. 400 feet was estimated @ \$200,275 with \$135K for sidewalk. The Federal Government is interested in "shovel ready" projects. When the bill passed, the lack of these projects has held a lot from happening. Infrastructure bill (federal) is bogged down and they need shovel ready projects. We should look at all "shovel ready" projects. **Matt Lutkus** said Hodgdon Road is "shovel ready" and we are waiting for a Community Block Grant. We have the \$75,000 gift for Dorsky & Gartley to do their work. Egypt, Belvedere and Church Streets are ready. **Matt** said Egypt Rd. has an issue; specs need to be changed in order to get State funds. MDOT will do a 5/8" and skim. **Josh** felt Crooker had a good plan; as long as there is a good capital plan. **Tom Anderson** asked about the start time if we get the grant. **Matt** said it had to start within a year, but you can extend that. **Matt** asked if we should have a project manager. **Tom** said it wasn't as complicated as the Waterfront Project. **Matt** said it might be possible to negotiate with the contractor already here, thus providing more than DOT. **Daryl** said we still need a funding source.

**On motion (Pinkham/Fraser) to present for approval at a Special Town Meeting a bond issue totaling \$2,255,000.**

**Vote: 5-0-0**

#### **IX. Selectmen's Discussion Items**

**Tom Anderson** wanted to thank Hagar Enterprises for the excellent clean up after last week's storm.

**Lou Abbotoni** had nothing.

**Mark Hagar** has nothing.

**Josh Pinkham** asked about the electric charging stations. Should vehicles be plugged in after



10:30 pm? It is a 2 hour limit even if no cars are waiting. **Matt** said if it becomes a problem, we can monitor it. **Daryl Fraser** said no one is there for a long time; he has been keeping an eye on it. **Matt** said we plan to redo parking and traffic ordinances and we will include electric car charging stations. Also there have been no complaints and we do not charge a fee as power is coming from solar array.

**Daryl Fraser**-nothing

**X. Adjournment**

**On motion (Fraser/Pinkham) to recess the Board of Selectmen's meeting at 7:30 p.m. to go into Executive Session for a Report on a Personnel Matter per 1 M>R>S>A 405(6)A; and for a discussion of Union Request for Renegotiation of Police Office Collective Bargaining Agreement per 1 M>R>S>A> 405(6) D**

**Vote: 5-0-0**

**Executive Session ended at 7:50 p.m. with no action taken**

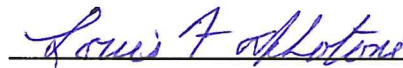
Respectfully submitted,

**Lynda L. Letteney**  
**Recording Secretary**

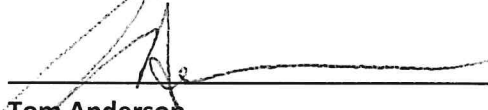
**We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Select Board meeting on**



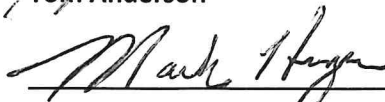
**Daryl Fraser, Chairperson**



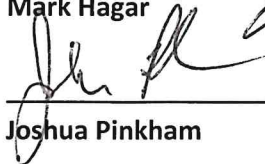
**Louis Abbotoni**



**Tom Anderson**



**Mark Hagar**



**Joshua Pinkham**

**Town of Damariscotta, Select Board meeting, signed this date:** 2-16-2022