

MINUTES
BOARD OF SELECTMEN MEETING
August 12, 2020 5:30 pm
Town Hall
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; Letteney, recording secretary

Others Present: George Parker, Selection Committee member; Daphne Bedard, tax payer

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

II. Call to Order:

The Board of Selectmen's Meeting was called to order at 5:32 p.m. **by Chairperson Mayer.**

III. Official Action Items

1. Selection of Design Team for the Waterfront Project

Matt Lutkus introduced the topic by outlining the process used by the selection committee to arrive at a recommendation for the Board of Selectmen. Lou Abbotoni and Josh Pinkham were Board members on the Committee. Additionally, George Parker was a committee member although he is not a resident.

Josh Pinkham asked if Matt could present a "mini presentation." **Lou Abbotoni** reminded everyone that George needed to be voted on to be allowed to speak.

On motion (Abbotoni/Pinkham) to allow George Parker, a non-resident, to have speaking privileges for this meeting.

Vote: 5-0-0

Matt continued, stating that there were three parts to the EDA Grant: 1) Sanitary sewer lines; 2) public restrooms; and 3) municipal parking area rebuilt. The first two are basic civil engineering projects, and in fact, Wright-Pierce had already done some plans for this. The third part, total reconstruction including pavement, drainage, walkways up to Water Street, etc. These are big changes and only made possible by the EDA Grant. Experience in the flood resiliency component with accountability for sea level rises (storm surge) was an area the committee listened for carefully.

There were 8 members of the interview committee initially, with 2 more joining later. Three bids were received; and on paper, they did not generate much excitement. The three bidders were GEI; Branson w/team Baker; and Wright-Pierce w/team Malone & McBroom. August 3, 2020, all three made PowerPoint presentations to the selection committee. Both Branson and Wright-Pierce gave very good presentations with assessments and creative ideas. The majority of the committee was most impressed with the Wright-Pierce/Malone presentation for the basic engineering, including a graphic for the subsurface showing marine marsh complexities. While there were solutions for drainage, no one addressed water from Main Street in a hurricane/flash storm when there is a high tide. Where does the water go? Wright-Pierce addressed this problem; Branson was not as realistic suggesting a two-tiered split parking lot with added greenery. This would limit the number of spaces in an already small space, as well as making maneuverability for large vehicles and boats nearly impossible.

GEI had a good proposal outlining six steps and described the process, but stopped there. Their presentation was very vague and showed that they did not have a good understanding of the area. There were concerns about Travis who was with Wright-Pierce regarding timelines, specifically the Bristol Road completion. The right-of-way mapping was also delayed over and over again. Complicating this was the MDOT rules that if you miss your deadline, you go to the end of the wait line. (Road was scheduled for completion in 2014, finished in 2019.) The significant issue with Wright-Pierce was when Travis was there. Jan Wiegman at Wright-Pierce has had delays, but it's been for months, not years. **Matt** had wanted to get bids out quickly while there was a lag in contractor bids due to Covid. Ultimately the committee vote 6-2 to go with the Wright-Pierce/Malone & McBroom proposal for their recommendation.

Subsequent to that decision, Matt, George and Bob Faunce met with Ryan Wingard Vice-President at Wright-Pierce. The topic was "delays" and they wanted to know how they could be assured the project would be on time. Admittedly, Jan is competent and hard-working; Mr. Wingard said that Jan has been side-tracked with too much to do. They have remedied this by hiring another engineer to take over Jan's other, smaller, projects. They talked with Mr. Wingard about routine periodic meetings (at least monthly) with George during Phase 1 of the project. George will have a direct line to Jan. **George** commented that "it was also impressive that on a zoom meeting, Wright-Pierce had at least 12 people on the call, so all questions could be handled. It is going to be a complex design and Malone/McBroom's ideas for where the water meets the land-open shore concept- were impressive." The first phase, 30% of the project, must be done by December. By Phase II we will know exactly what's left to do and the cost.

Robin Mayer commented that GEI did not include one task that the others did; when the cost of this was put in, they were still the lowest bidder. **George Parker** commented that Wright-Pierce has already done a lot of the phase II work previously including design drawings, before the resiliency component came into play. All bidders addressed underground wiring for electricity and telephone, and living shorelines. **Matt Lutkus** said two of the bidders gave additional details. **Mark Hagar** asked if anyone had called references or the towns where these companies had done business. **Matt** replied that Bob Faunce was familiar with Wright-Pierce's work in Boothbay. **Robin Mayer** stated that GEI's projects appear to be the most in line with what we are requiring. **George** said Wright-Pierce had the most specific experience and he stated Bob Faunce felt that way too. **George** said that GEI is all over the country, a very large outfit. Branson/Baker is a much smaller company. **Chairwoman Mayer** said they called Travis "Mr. Delay." **Mark Hagar** expressed concerns about Wright-Pierce's previous work for the Town, including not using previous drawn up plans; the ADA components not designed correctly. He felt that perhaps the Town is too close to Wright-Pierce.

Chairwoman Mayer again expressed her concern about process. She reviewed the process: A call for bids goes out; bidders submit proposals; these were then evaluated by 10 people. **Matt Lutkus** interjected that the evaluation was a numbered scoring sheet, but not as definitive as one might think. **Robin Mayer** went on to say that the next step was discussion and using those, plus evaluations, arriving at the top 3.

Next was a zoom presentation for each candidate with the same questions asked of each bidder. On August 5, 2020, there was a meeting with Wright-Pierce. Could this interview with Wright-Pierce be seen as something more? Did you ask the other two bidders the same questions? **George** explained there had already been a vote to go with Wright-Pierce, but there were some questions and concerns that needed to be addressed. **Robin** responded saying that she was concerned they voted for the \$80K higher bid, with a company with a crummy reputation with us, who is known for delays. **Josh Pinkham** said that they had had a meeting to address all these issues. He felt they had done their due diligence in addressing concerns. **Josh** said "If you don't like the recommendation, why bother to have a committee?" **Chairperson Mayer** said she wanted to make sure the process was done right. **Josh** said there were deadlines on all projects. The Committee inquired about this and got answers.

Robin Mayer was still concerned about the highest bid being selected. The idea of "take the increased elevation off the table" being offered as a way to cut costs to one bidder and not offering that option to the other bidders, bothered her. **George Parker** reminded Mrs. Mayer that there are a lot of unknowns at this stage and it will be much clearer after Phase I, as all costs will be set. **Mrs. Mayer** asked what the Town's liability was when one bidder is asked to make changes and the others are not asked. **Matt Lutkus** reminded everyone the selection was not a contract. You look for the best quality to do the job. **Mrs. Mayer** asked if this was done by email, allowing changes to the bid proposal. These changes were based on a meeting with Malone/McBroom and a zoom meeting. **Josh Pinkham** said, "Clarifying questions", to which **Mrs. Mayer** said, "They are not clarifying if they are changing dollar amounts."

Mark Hagar stated that he felt Robin had a valid point. "You requested bids based on certain conditions. Then Matt negotiated with another bidder to reduce costs. We've already spent \$10,000 to revise for a last minute contractor without offering revision to other contractors. As it turned out the last minute bid couldn't get bonded." **Matt Lutkus** responded that Mark was not accurate in the chronology. He did offer revision to other bidders; Bruce Lauka was offered it, and he tried to negotiate with him. After months of back and forth, Bruce said he couldn't do it, and it sat idle. **Mark Hagar** said that the Town still spent the money. **Matt Lutkus** responded that he is not "wheeling and dealing", and that has nothing to do with the process now. **Robin Mayer** stated that if one bidder is offered the opportunity to revise, all should get the opportunity. She asked why not offered to all? Wright-Pierce has delayed all projects for the Town that they have been involved with so far. **George Parker** said Wright-Pierce was willing to discuss work. **Josh Pinkham** reminded the Selectmen that this was coming from committee recommendation and discussions occurred after the selection on Wright-Pierce based on the bid as presented to all. **Robin Mayer** asked Josh if he was happy with the delays. **Josh** responded that the contract can put in penalties when work is not completed on time. **Robin** asked, "Who will hold their feet to the fire?" "George?" **Josh** responded, "George is a liaison." **George Parker** said he was willing to make sure "they are doing what they said they would." **Josh** responded, "So George is Clerk of the Works to start?" **Robin** said "Who?" **Matt Lutkus** said it is in the budget for someone to be Clerk of the Works. **Robin** asked about bidding and support services. "Are we comfortable they can help with other contractors for the optional tasks?" **George Parker** said a Clerk of the Works manages on-site oversight. **Jan Wiegman** of Wright-Pierce said you can have your own Clerk of the Works.

Mark Hagar expressed concern that in bidding a project like this, you have no requirements for time. **George Parker** responded that for the design, the contract can spell things out in more detail, but there is a timeline in the RFP. "At the end of Phase 1, there will be meetings with the public, and from that, who knows what adjustments will need to be made." **Robin** again reiterated that this company does not have a good history with Damariscotta and timeliness. They need to strive to be on time. **George Parker** said, "I worked for Wright-Pierce 10 years ago; it is a big firm with a lot going on, but Wright-Pierce says work is all in house. Right now we can get an hourly fee for Phase 1. Adjustments will be needed as work progresses, no matter who has the contract."

On motion (Pinkham/Abbotoni) to go with the committee recommendation with the right to negotiate details.

Discussion on the motion: **Matt Lutkus** said that everyone thought about this and decided that Wright-Pierce was the best choice. **Daryl Fraser** said he felt the timeline was the biggest concern, and that everyone had good points. **Matt Lutkus** said that the EDA grant has set 24 months as the deadline, but with Covid-19, they may be more lenient with the time. **Matt** also said there is an alternative. No commitment has been made to anyone yet. The Board has the option to interview the bidders themselves, so you are as comfortable as the committee members are. Talk with other places who have used these bidders before. You can do some personal research also. **George Parker** said that "if the Board goes with the current recommendation, he suggests they become more involved with the project." **Daphne Bedard**, a resident and taxpayer, stated she was excited about this and recommends the Board stay tough;-put necessary penalties in the contract. She encouraged everyone to have confidence in the Board's decision and "not to go into this expecting them to fail the timeline."

Josh Pinkham added that he is confident in **George Parker**, he was good with it, if **George** was. **Matt Lutkus** said that the committee put a lot of effort into this process. **George** taking the lead is a very positive thing. **Wright-Pierce** has done a lot of work for the Town; they know the system because they put it in. This issue of **Bristol Road** was brought up because the original and final design doesn't match up. **George Parker** said he would check on them (i.e. catch basin too high). **Lou Abbotoni** said that he came to the committee a little late and had to review all zoom meetings at first. At first he favored **Branson**, but after more research, came to believe **Wright-Pierce** was the best choice. He agrees that the Town needs safeguards, as well as a Clerk of the Works for the construction phase. He said they used a Clerk of the Works for the **Great Salt Bay School** and it worked well. He encouraged built-in safeguards, and the need "to stay on top of it." He feels the committee made the right decision.

Vote on motion: 3-2-0 (Hagar and Mayer in the negative)

Mrs. Mayer thanked everyone for their hard work, citing the need to be doubly cautious, so as to get a good contract. **Matt Lutkus** informed the Board that there is a **bid opening 8/19/20** for the sewer system and **on 8/31/20** for the restroom. They have had a very good response to both bids.

IV. Adjournment

On motion (Pinkham/Abbotoni) to adjourn at 6:35 p.m.

Vote: 5-0-0


Minutes of Special Selectmen's Meeting 8/12/20 (cont'd)

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 August 12, 2020


Roberta Mayer, Chairperson


Louis Abbotoni


Daryl Fraser


Mark Hagar


Josh Pinkham

Town of Damariscotta, Board of Selectmen, signed this date: September 3, 2020