

**Board of Selectmen's Meeting
Minutes
Town of Damariscotta, Maine
February 28, 2018 5:30 PM
(Agenda from cancelled 2/21/18 meeting)
Damariscotta Town Hall**

The Board of Selectmen met on Wednesday, February 28, 2018. Board members present were Robin Mayer, Ronn Orenstein, Mark Hagar, Amy Leshure, and Louis Abbotoni. Staff present were Matt Lutkus-Town Manager, and Michelle Cameron-Town Clerk. Others attending were Jim Campbell-resident, Chris Roberts-resident, Valerie Seibel-resident & property owner, Karen O'Bryan-resident & LCTV Volunteer, Todd Maurer-Shalom, LLC (King Eider's Restaurant), Scott Abbotoni-resident & employee of GSB Sanitary District and Seth Hagar-Hagar Enterprises, Inc.

- I. Pledge of Allegiance**
- II. Call to Order: Mayer called the meeting to order at 5:30 PM**
- III. Minutes:**
 - 1. February 14 Meeting: **On motion Orenstein/Abbotoni moved to approve the 2/14/18 minutes. Vote 5-0**
- IV. Financial Reports:**
 - 1. Payroll Warrant #41: **On motion Mayer/Orenstein moved to approve PY Wrnt #41. Vote 5-0**
 - 2. Accounts Payable Warrants #s 42 & 43: **On motion Mayer/Abbotoni moved to approve AP Wrnt #42. Vote 4-0, Hagar abstained due to the enclosed Hagar Enterprises, Inc invoice. On motion Orenstein/Abbotoni moved to approve AP Wrnt #43. Vote 5-0**
- V. Presentations: NONE**
- VI. Citizen Comments and General Correspondence:** Lutkus updated the board about the agency liquor license letter received from the State Liquor Licensing Bureau. The letter stated that agency liquor licenses are based on population so Damariscotta may be able to have one more, which would bring us to four total. He said that the Bureau will hold a public hearing. He asked M. Cameron if the town would be notified of the hearing. Cameron answered that the Bureau will advertise the hearing in the local paper. Mayer asked if the Board could attend and testify. Lutkus answered that he was sure that would be an option. Jim Campbell said that the budget lines for the Police Department and the Fire Department should be broken down and stand alone on the Annual Town Meeting warrant. He feels they are underfunded as well.
- VII. Town Manager Items:**
 - 1. Reminder-March 7th Budget Review: Lutkus said that the budget review meeting will be at 4:00 PM. He congratulated the staff on their hard work on getting the budget together, especially Cheryl Pinkham.
 - 2. Lutkus mentioned that he sent out an email about the weather coming for Friday. Stephen O'Bryan had mentioned that the businesses located on the river should watch for flooding because of the high tides and storm surge predicted.
- VIII. Official Action Items:**
 - 1. **Purchase and Sale Agreement with Shalom, LLC:** Lutkus stated that Todd Maurer and his wife have been a tremendous part of our community. Todd is the president of the Community Energy Fund, which helps many in our community with fuel assistance. Mayer said that the Todd and his wife are a wonderful asset to our community. She asked if the outside café will be done by summer. Maurer answered that it would be done as soon as possible.

On motion Mayer/Abbotoni moved to approve a purchase and sale agreement with Shalom, LLC for the sale of the Town-owned approximately 400 square feet of sidewalk on Elm Street. Vote 5-0

On motion Mayer/Orenstein moved to approve the quitclaim deed to Shalom, LLC.

Vote 5-0

2. Payments requested by Valerie Seibel: Mayer said that she would like to address the two requests from Seibel separately-the drainage issue and the curbing invoice. Mayer quickly listed all the pertinent documents and people who have given information regarding this. She said that there were three options, (1) to pay the entire amount of the bill; (2), to use the \$2,000 earmarked for new trees to provide partial payment and not replace the trees; or (3) to not provide any payment, based on the Board's review of the comments made and all materials received. Lutkus said that we could take the \$2000 from the tree replacement and take some money from the Richard Else Sidewalk bequest fund for the rest of the invoice, which was previously earmarked for the Bristol Road sidewalk project. He said we could expend this money now and replace it in the 2019 budget. We could make a rational explanation for taking the money out of those reserves.

Seibel stated that the work was not done on her property and she had a contract emailed to her that had stump removal included.

Lutkus answered that the granite wall is on Seibel's property and he was not sure what contract she was referring to. Mayer said she had read the contract and that the town hadn't put in the contract to complete the curbing on the property. The final contract did not mention stump removal, the town is not responsible for that. Mayer said that after reading all the emails and documentation, it appears, to her, that Seibel was aware that the cost would be her responsibility. Mayer said the contract language is clear and the second part of Seibel's claim was for stump grinding and that was not in the contract.

Abbotoni asked if Seibel would rather have the trees replaced or put that money towards the invoice.

Seibel answered that she would rather have the trees replanted.

Leshure expressed concern that the wrong contract was sent to Seibel and that it included stump removal.

Lutkus said the document that Seibel was involved with was a temporary easement. The contract was between the Town and Hagar Enterprises, Inc.

On motion Abbotoni/Mayer moved to not pay the Seibel invoice.

Leshure said her flag goes up that Seibel even had that email in her inbox, although the town is not fundamentally responsible.

Vote 4-0, Hagar abstained.

Mayer stated that the next issue is the question on whether the town is responsible for correcting drainage problem.

Abbotoni asked Seibel what the drainage was like before the project.

Seibel answered that she had no idea of knowing.

Seth Hagar said that it becomes an exploratory dig because of drain locations. He mentioned that if drains were identified during the Elm Street project, then they would be tied in, but they didn't know where all the drains were. He stated that Seibel's property was not treated differently than the other properties on Elm Street-Dayblock building is in a similar situation. Seth said they documented and took pictures because it was a pay item for the town, it was not a haphazard situation. He had asked the person scoping the drain and he said the camera lost signal and he could not sense how far down he was.

Mayer asked Seth if there is a possibility that dirt was pushed down into her drain during the project.

Seth answered that it's a possibility but they wouldn't have known it.

On motion Abbotoni/Orenstein moved to have Seth Hagar check out the problem with Seibel and that if the town is at fault, we will fix it.

Lutkus mentioned that there is a provision in the contract that the contractor has insurance that covers this type of thing, it's not the town's responsibility.

Seth said, there is nothing we could be responsible for. There is a reason the engineer said if Hagar Enterprises found a drain they would tie it in, if not, they wouldn't do anything.

Abbotoni said he feels the Board needs more information. **Abbotoni rescinded his motion.**

Seibel agreed to have Seth take a look at it.

On motion Mayer/Abbotoni moved to table decision on Seibel drainage issue until they have more information. Vote 4-0, Hagar abstained.

Seibel stated that she was very confused about who to talk to about this project.

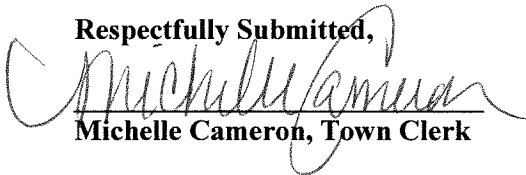
Lutkus stated that any questions people had were forwarded to Seth and Seth answered them.

Leshure had to leave the meeting early.

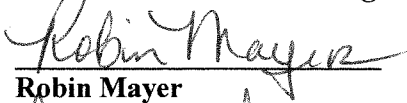
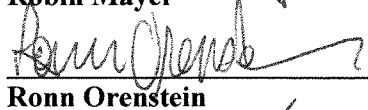
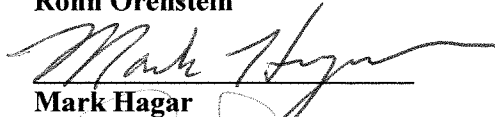
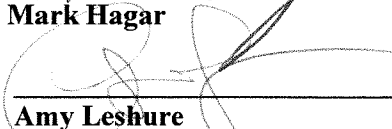
IX. Selectmen's Discussion Items: NONE

X. Adjournment: On motion Hagar/Orenstein moved to adjourn at 6:30 PM. Vote 4-0

Respectfully Submitted,


Michelle Cameron, Town Clerk

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


Robin Mayer
Ronn Orenstein
Mark Hagar
Amy Leshure
Louis Abbotoni

Town of Damariscotta, Board of Selectmen

3-7-2018
Date