

Agenda
Public Hearing and Board of Selectmen's Meeting
Town of Damariscotta, Maine
February 5, 2020, 5:30 PM
Damariscotta Town Hall

- I. Pledge of Allegiance**
- II. Public Hearing**
 1. Warrant for March 3 Special Town Meeting (Proposed Historic Preservation Ordinance and Articles related to Medical Overlay Land Use and Shoreland Zoning Ordinances.)
- III. Call to Order**
- IV. Action on Public Hearing Items** (Only required if the Board wishes to amend draft Historic Preservation Ordinance)
- V. Minutes**
 1. January 8 Meeting
 2. January 15 Meeting
- VI. Financial Reports**
 1. Payroll Warrant
 2. Accounts Payable Warrant
- VII. Presentations**
 1. Legislative Session Review- Senator Dana Dow and Representative Mick Devin
- VIII. Citizen Comments and General Correspondence**
- IX. Town Manager Items**
 1. Draft Interlocal Agreement for Ambulance Services
 2. RFP for LED Conversion/Municipal Ownership of Street Lights
- X. Official Action Items**
 1. Engineering Contract for Hodgdon Street Improvements
 2. Maine Service Center Coalition Appointments
 3. Wastewater Infrastructure State Grant
 4. Contingency Transfer for EMA Computer Tablet Use
 5. Donation for Waterfront Improvement Project
- XI. Selectmen's Discussion Items**
- XII. Adjournment**

**TOWN MANAGER'S NOTES
BOARD OF SELECTMEN'S MEETING FOR
February 5, 2020**

Public Hearing/Action on Public Hearing Items

- 1. Warrant for March 3 Special Town Meeting (Proposed Historic Preservation Ordinance and Articles related to Medical Overlay District in the Land Use and Shoreland Zoning Ordinances.)** Attached is the Warrant for the March 3 Special Town Meeting/Secret Ballot Election. A Board of Selectmen public hearing is required for Articles 3, 4 and 5. The Planning Board held a hearing on the three items on January 6 and is recommending approval with one change to the proposed Historic Preservation District Ordinance. The change which was made to 107.7 (5) adds the sentence, "The HPRC shall take into consideration a request by the owner of property within a proposed new or expanded overlay district to be excluded from the overlay district". A draft of the proposed ordinance with this change is attached.

Articles 4 and 5 relate to the inclusion of former Teel House property in the Medical Overlay District within the C-2 Zone.

Town Planner Bob Faunce and Land Use Advisory Committee Chair Bruce Rockwood will provide some introductory comments at the section of the public hearing devoted to the Historic Preservation Ordinance. Bob will also provide an explanation on the articles related to the Teel House property.

The Board has already approved the Warrant for the March 3 Special Town Meeting. However, the Board can make further changes to the Historic Preservation Ordinance prior to the Special Town Meeting. A second public hearing has been tentatively scheduled for February 19 if the Board wishes to make changes to the ordinance as it is currently drafted.

If the Board does not wish to change the draft ordinance, no further Board action is required.

Presentations

- 1. Legislative Session Review- Senator Dana Dow and Representative Mick Devin-** Senator Dow and Representative Devin have been asked to provide the Board with a summary of their priorities for the current legislative session.

Town Manager Items

- 1. Draft Interlocal Agreement for Ambulance Services-** Bristol Town Administrator Chris Hall, Newcastle Town Administrator Jon Duke and I have had several conversations about the Towns' roles in the administration of the ambulance service. Although there is no question about the quality of service that CLC Ambulance provides,

there is general agreement that all parties would benefit through the adoption of an Interlocal Agreement. Chris has taken the lead on this and has prepared the attached initial draft. If the towns agree to move forward on an Interlocal Agreement, each of the towns would need to obtain approval at their respective town meetings.

2. **RFP for LED Conversion/Municipal Ownership of Street Lights**-The Board previously approved my working with other Lincoln County towns and the County Administrator on a request for proposals (RFP) for a vendor to develop a plan for the transfer of ownership of Central Maine Power-owned lights to each municipality and to oversee the conversion of the publicly-owned street lights to LED. County Administrator Carrie Kipfer took the lead on this project on behalf of the towns of Damariscotta, Newcastle, Bristol, Wiscasset and Somerville. Attached is a copy of the RFP that was sent out last week.

Official Action Items

1. **Engineering Contract for Hodgdon Street Improvements**- Included in the capital reserves approved for FY 2020 was an estimate of the costs for surveying, engineering and design for the section of Hodgdon Street adjacent to Pleasant Street. The road is in need of major drainage and pavement reconstruction. The neighborhood income levels may be such that the project could qualify for Community Development Block Grant (CDBG) funding.

I am asking that the Board approve the attached contract with Gartley and Dorsky to complete the professional engineering work this spring. Town staff would then work with Lincoln County Regional Planning staff to complete a Low and Moderate Income (LMI) survey so that we would be able to submit a CDBG public infrastructure grant application in time for the 2021 funding cycle. The intent would be for the Town to include the funding for the local match in its capital reserves in the FY 2021 Town Budget.

Recommended Action: Waive Town Charter bid guidelines and authorize the Town Manager to execute a contract with Gartley and Dorsky for surveying, engineering and design services for road pavement and drainage improvements on Hodgdon Street for an amount not to exceed \$15,000.

2. **Maine Service Center Coalition Appointments** – Attached are various documents related to the Town’s continuing membership in the Maine Service Center Coalition.
Recommended Action: Appoint a Town representative and alternate to serve as the Maine Service Center Coalition voting delegates.
3. **Wastewater Infrastructure State Grant** -During the past month, LeeAnna Libby from Great Salt Bay Sanitation District made me aware of the availability of grant funding through the Wastewater Treatment Facility Planning and Construction Grants Program. I contacted the State officials who administer the program and learned that the Town can apply for State grant funds to pay for up to 80% of the cost of replacing the sanitary sewer service lines under the Municipal Parking Lot. As the Board is aware, the

Sanitary District cannot pay for service line improvements. Moreover, a number of the businesses have made a case that the Town has the responsibility for maintaining these lines.

It makes sense to replace these sixty-year-old lines prior to any reconstruction of the parking lot. If we are successful at obtaining a grant and accepting ownership, the Town would be able to resolve a decades-old issue.

The Town has \$52,751 in capital reserves for municipal parking lot maintenance, a portion of which could be used to fund the 20% local match required for this grant. Another potential source of funding the local match would be an Economic Development Administration grant award. The Town's application for this grant funding is currently being reviewed.

Although the local match is 20 %, it is important to point out that the level of State funding is determined by a formula that takes into account the income level of the residents of area, the rates charged by the sewer district, and any debt that the district has. Thus, the Town would not know the amount of the State contribution until the grant is awarded.

LeeAnna, Jan Wiegman from Wright-Pierce and I are currently working on the grant application and required attachments. I plan to have these ready for your review prior to Wednesday's meeting. The application deadline is February 7.

Recommended Action: Authorize the Town Manager to submit an application for Wastewater Treatment Facility Planning and Construction Grants Program funding to be used to replace the sanitary sewer service lines under the Municipal Parking Lot and authorize the use of Municipal Parking Lot Maintenance capital reserves to fund the local match.

4. **Donation for Waterfront Improvement Project-** In 2018, the Town received a commitment of \$1 million to be used towards the cost of reconstructing the municipal parking lot. The donors subsequently agreed to allow the use of \$50,000 to be set aside for the higher-than anticipated costs for the construction of the downtown restroom. Another \$20,000 has already been transferred to Town accounts for parking lot engineering and design work. The Town has just received the balance of the commitment made through the Twin Villages Alliance.

This very generous donation has enabled the Town to submit a very competitive grant application for major funding through the Federal Economic Development Administration.

Recommended Action: Accept a donation from the Twin Villages Alliance for \$930,000 to be used for the Town's Waterfront Improvement Project.

5. **Contingency Transfer for EMA Computer Tablet Use-** Last November the Board approved a Memorandum of Understanding with the Lincoln County Emergency Management Agency whereby the Agency provides Samsung Tablets for each of the EMA directors in the County. Having a WIFI-connected state-of-the art computer for each of the town directors aids in communications during emergency events.

In return for the computer, each of the towns agreed to subscribe to a data plan with a wireless network. The Town was able to add this on the account that we already have for Police Department cellular service with Verizon but the additional cost is not available in the EMA relatively small budget. The cost will be \$627 for the next 6 months until the EMA budget is approved with that new line item. Even though this is a small expenditure, the Town's previous auditor recommended that all expenditures from the Town's contingency account should be approved by the Board.

Recommended Action: Approve a contingency account expenditure of \$627 for the cost of cellular service for the EMA computer.

**TOWN OF DAMARISCOTTA
WARRANT
FOR
SPECIAL TOWN MEETING
March 3, 2020**

LINCOLN, SS

STATE OF MAINE

TO: Jason Warlick, Constable for the Town of Damariscotta, in the County of Lincoln.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Damariscotta, in said County, qualified by law to vote in Town Affairs, to assemble at the Damariscotta Town Offices, 21 School Street in said Town, on Tuesday, the 3rd of March, 2020 at 8:00 A.M, then and there to act on Articles 1 through 5.

The polls for voting on Articles 2 through 5 will be open at 8:00 A.M. and will close at 8:00 P.M.

ARTICLE 1. To choose a Moderator to preside at said meeting.

ARTICLE 2. To elect by secret ballot the following officer:

One Selectman/Assessor/Overseer of the Poor (for the balance of a three-year term ending in June, 2020)

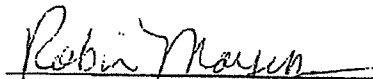
ARTICLE 3. Shall the Town vote to enact a new Historic Preservation Ordinance? The ordinance which would apply to properties within the Main Street Historic District as listed in the National Register of Historic Places, would create an Historic Preservation Review Commission and would institute a process that must be followed prior to any of the buildings within the designated area(s) being demolished or having a significant exterior renovation. The ordinance includes procedures to expand the Historic District or include additional areas, structures or sites with Town Meeting approval. A copy of the proposed new ordinance is on file with the Town Clerk and posted with this warrant.

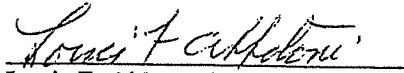
ARTICLE 4. Shall the Town vote to correct the Land Use Ordinance Zoning Map as it applies to Map 9 Lots 63, 64, 65 and 66 and Map 11 Lots 27, 29 and 30, all of which are owned by Lincoln Health. The Zoning Map incorrectly shows the properties within the General Residential District whereas the Land Use Ordinance correctly lists the properties within the Commercial 2 District. This article would also include Map 9 Lot 2 in the Commercial 2 District, making local zoning

consistent with Maine Department of Environmental Protection regulation of Lincoln Health properties.

ARTICLE 5. Shall the Town vote to expand the Medical District Shoreland Zone to include Map 9, Lot 2, which is owned by Lincoln Health. The Maine Department of Environmental Protection regulates all Lincoln Health properties, including Map 9 Lot 2, as a single development site but the Medical District Shoreland Zone currently does not include Map 9, Lot 2. Approval of Article 5 would include Map 9, Lot 2 in the Medical District Shoreland Zone.

Given under our hands at said Damariscotta, Maine this 8th day of January, 2020.


Robin Mayer Chair


Louis F. Abbotoni

Mark Hagar


Joshua Pinkham

Board of Selectmen
Damariscotta, Maine

Attest: Matthew J. Lutkus, Town Manager



**TOWN OF DAMARISCOTTA
HISTORIC PRESERVATION ORDINANCE
CHAPTER 107**

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Historic Preservation Ordinance

Chapter 107

§107.1 Authority This ordinance is adopted in accordance with the legislative authority granted to the Town by Maine State Law, Title 30-A M.R.S.A. §3001 [and as adopted by Date of Approval by Town Meeting].

§107.2 Purpose and Intent

(a.) The purpose of this ordinance is to provide a legal framework for the residents of the Town of Damariscotta to protect the historic, architectural and cultural heritage of significant areas, landmarks and sites in Damariscotta, while accepting as appropriate new construction that is compatible. The intent of the ordinance is to safeguard, in the face of intensified growth pressures, the structures and areas that give beauty and pleasure to residents, attract visitors and new residents, give the Town its distinctive character, and educate the community about its past. Once destroyed, historic architecture, areas, sites, and scenic resources cannot be replaced. In particular, a significant number of properties in the National Register Listed Historic District of Damariscotta have a collective historical significance and impact on the overall visual appearance of the town that requires protection under this local ordinance.

(b.) The intent of this ordinance is to ensure that the alteration, enlargement, construction, demolition or replacement of properties are carried out in a manner that is compatible with and maintains the essential character of the properties and the overall character of the Damariscotta Historic District as it exists as of the date of enactment of this ordinance or as it may be revised pursuant to the provisions of this ordinance, and to encourage historic preservation throughout the town. The Damariscotta Historic District established by this ordinance is coterminous with the areas identified by the National Register of Historic Places nomination of 2012, and as shown in the town tax map (see: §107-15 of this ordinance).

(c.) Each property in the Historic District is recognized as a physical record of its time, place and use. Changes that create a false sense of historical development should not be undertaken. As a result, this Ordinance is designed to *assist* property owners in working with the Town to maintain the architectural integrity of its historic resources. For example, the Ordinance seeks to:

(1.) Protect, preserve and enhance the exterior appearance and architectural features of structures within the Historic District, or other historic districts, sites, landmarks or individual historic properties as may be designated pursuant to §107-07 of this ordinance.

(2.) Encourage consideration of alternatives to the demolition or removal of designated historic properties, sites, landmarks and significant historic structures within the Historic District or as otherwise designated in this ordinance.

(3.) Preserve, protect and enhance the essential architectural character and appearance of designated districts by protecting relationships of groups of buildings or structures.

(4.) Accept new buildings and structures in designated districts that do not displace historic structures or sites, and that are designed and built in a manner which is compatible with the character and appearance of the district.

(5.) Promote the educational, cultural, economic and general welfare of the people of the Town of Damariscotta.

§107.3 Applicability

(a.) This Ordinance shall initially apply to all properties in the Damariscotta Historic District. It shall also apply in the future to any additions to the District, or to other historic districts, sites, monuments or resources located in the Town if and when determined by the process provided in this Ordinance, according to the criteria incorporated in this Ordinance. Properties separately added in the future to the National Register listing will not automatically become subject to this ordinance unless incorporated by the process established in this Ordinance.

(b.) Standards Incorporated by Reference: The following are adopted by this reference and made a part of this ordinance with the same force and effect as though set out in full herein:

(1.) *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 CFR Part 68 in the July 12, 1995 Federal Register), 1995 or most recent edition.

(2.) Any and all architectural and archaeological surveys of the town conducted or overseen by architectural historians and archaeologists recognized by the Maine Historic Preservation Commission and on file in the Town Office.

(3.) Pursuant to Title 30-A M.R.S.A. § 3003, a copy of each publication adopted by reference above has been and shall be on file in the office of the Town Clerk for public inspection and use. Where available a link to same shall be provided on the Town website.

§107.4 Definitions

Terms Defined. As used in Ordinance, the following terms shall have the meanings indicated:

ABUTTER: The owner of a property sharing a common boundary with another property or within 100 feet of a given piece of property, whether or not these properties are separated by a

public or private way. Owners shall be considered to be persons listed by the Assessor's agent of Damariscotta and/or the ones against whom taxes are assessed.

ALTERATION: A change in the external architectural or landscape features of any structure.

APPROPRIATE: Suitable or fitting for a particular purpose, person, or occasion.

ARCHEAOLOGICAL SITE: A geographic location containing the physical evidence of previous human occupation, including, but not limited to, structures, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

ARCHITECTURAL FEATURE: Any feature that helps give a structure its distinctive architectural character. Such character defining features include but are not limited to columns, pilasters, cornice boards, brackets, balustrades, quoins, fanlights, corner boards, window and door frames, and transoms. Exterior architectural feature refers to the architectural style and general arrangement of the exterior of a building or structure, including but not limited to: the roof shape and the kind and texture of the building materials; the type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc.; the location and treatment of any vehicle access or parking space; the design of any sign, except as expressly permitted by the Town Sign Ordinance; and the arrangement of any fencing.

ARCHITECTURAL SIGNIFICANCE: The embodiment of distinctive characteristics of a type, period or method of construction; represents the work of a master architect or builder; or possesses high artistic values.

BUILDING: Any combination of materials forming a shelter for animals or humans and/or their activities.

CERTIFICATE OF APPROPRIATENESS: A written approval following a prescribed review procedure granted by the Commission upon application of a person with sufficient right, title or interest in property, certifying that the proposed actions by an applicant are found to be acceptable in terms of the design criteria relating to the historic resource as set forth in this Ordinance.

COMMISSION: The Damariscotta Historic Preservation Review Commission (HPRC) established by this Ordinance.

COMPATIBILITY: The relationship between buildings of scale, height, proportion and mass, and their relationship to the viewscape.

CONTRIBUTING PROPERTY OR STRUCTURE: Any property or structure in the existing Historic District built prior to 1970 or replaced therein due to fire prior to 2000, and any property or structure otherwise built 50 or more years prior to the year of application for inclusion under this ordinance, whose architectural and visual character, whether by location, design, setting,

materials, workmanship or association adds to the historic district's sense of time and place and historical development, is capable of yielding important information about an historically significant period, or independently meets the National Registry criteria.

CONSTRUCTED: Built, erected, altered, enlarged, reconstructed, or moved upon, or any other physical operations on the premises which are part of and required for said construction.

DEMOLITION: The permanent removal, dismantling or destruction of all or any portion of an existing designated Historic Resource or structure located within a Historic District.

HISTORIC DISTRICT: A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this ordinance as appropriate for historic preservation. Such historic districts may also comprise an individual historic landmark or historic site separated geographically, but linked by association or history.

HISTORIC INTEGRITY: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship and association) that existed during the property's prehistoric or historic period.

HISTORIC LANDMARK OR RESOURCE: Any site feature or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which is associated with historic personages or important events in local, state or national history which has been or may be designated in accordance with this Ordinance.

HISTORIC OVERLAY MAP: A map of the Town of Damariscotta which identifies the location of a designated historic district, historic site, historic landmark or area of neighborhood significance. This map may be used to overlay other Town maps such as zoning, land use or property tax to demonstrate the designated historic resources locations. [See §107-15.]

HISTORIC SIGNIFICANCE: The embodiment of one or more of the qualities and values noted in this ordinance. Any building classified as noncontributing is not considered to possess "historic significance," although if located within the Historic District it is otherwise subject to this Ordinance [See: §107-03. Applicability.]

HISTORIC SITE: A parcel of land of special significance in the history or prehistory of the Town and its inhabitants, or upon which an historic event has occurred, or an historic site by virtue of usage and which has been designated as such in accordance with this ordinance. The term "historic site" shall also include any improved parcel or part of it on which is situated an historic landmark, and any abutting parcel or part of it used as and constituting part of the premises on which the historic landmark is situated as may be designated in this Ordinance.

INDIVIDUAL HISTORIC PROPERTY: A property that is worthy of preservation because it possesses historic integrity and local, regional, state or national significance. Important properties may include structures, sites and objects significant in American history, archaeology, architecture, engineering or culture, which have been designated as such in accordance with this Ordinance.

MAINTENANCE: The keeping of a resource in good repair, e.g., painting, protection from weather and decay, and replacement of deteriorating elements, to preserve its integrity.

MAJOR CHANGE: Additions or alterations to a structure or site, or a large-scale change that affects the character of the structure or related viewscape. In addition, all activities that affect the exterior of the building and require a building permit are also included in this definition.

MINOR CHANGE: Small-scale alterations to a structure or site that do not significantly affect its appearance and are easily reversible. Minor changes may include improvement projects such as lighting, sidewalks, paving and curbing. In no event shall a change be deemed minor when, in the determination of the Code Enforcement Officer, Town Planner or Historic Review Commission, such change shall alter the historic character of the building or site.

NATIONAL REGISTER OF HISTORIC PLACES: A register assigned by The National Historic Preservation Act of 1966 as amended that recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering or culture, and identifies them as worthy of preservation.

NATIONAL REGISTER-ELIGIBLE PROPERTY: An historic property that is eligible for inclusion in the Register because it meets the National Register criteria, which are specified in the Department of the Interior regulations at 36 CFR 60.4

NATIONAL REGISTER-LISTED PROPERTY: An historic property that has been formally listed in the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

NON-CONTRIBUTING PROPERTY: A property that does not meet the definition of a contributing property. A non-contributing property means and includes any building, other structure or site that does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials and workmanship are so altered or deteriorated that their overall integrity has been irretrievably lost. Although changes to a non-contributing property may not have historical significance, they may affect the historic integrity of the viewscape and the district as a whole.

NEIGHBORHOOD SIGNIFICANCE: A contribution to the creation of a physical setting representing a period important to the evolution of the Town. It is understood, in this case, that the physical setting, which is composed of buildings, landscape features and open space, and

other architectural features, can transcend the sum of its parts in creating a sense of history. Some examples include: a building that is one of a group of similar buildings constructed and/or designed by an individual important in Damariscotta history; it is a compatible element in a group of buildings of similar or equally important significant architectural styles; its location (i.e., on a corner lot, on a rise of land, on a large parcel of land, as the first building to visually introduce an important group of buildings) makes it an important element in the neighborhood; its size gives it a dominant place in the neighborhood.

OBJECT: A construction that is primarily artistic or utilitarian in nature or is relatively small in scale and simply constructed. Although it may be, by nature and design, movable, an object is associated with a specific setting or environment.

RECONSTRUCTION: The rebuilding of a building or a part of a building. The reconstruction may or may not be a return to the original design of the building.

REHABILITATION: The upgrading of a building, previously in a dilapidated or substandard condition. "Rehabilitation" does not necessarily retain the building's original architectural features.

RESTORATION: The replication or reconstruction of a building's original architectural features. "Restoration" usually describes the technique of preserving historic buildings.

RHYTHM: Characterized by the regular recurrence of strong or weak architectural elements.

SECRETARY OF THE INTERIOR'S STANDARDS: *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 CFR Part 68 in the July 12, 1995 Federal Register), 1995 or most recent edition, are the national standards to guide work undertaken on historic properties. Their intent is to assist in the long-term preservation of historic structures and features. *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (36 CFR Part 67), 1990 or most recent edition, are used to evaluate rehabilitation projects on certified historic structures for federal tax credits.

SITE: The location of a significant object, structure, or event.

STRUCTURE: A building or anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks, fences, and walls.

VIEWSCAPE: The public setting in which a structure, site or landmark is located. It is the immediate visible neighborhood of the street or public land associated with such a structure, including such things as fences, sidewalks and lights. A viewscape encompasses the public view

of a street, neighborhood or public land. Every kind of structure is considered in the context of its viewscape.

VIOLATION: Failure to comply with the plans and conditions listed in a Certificate of Appropriateness as approved by the Historic Preservation Review Commission, and/or any activity listed in the Certificate of Appropriateness which is carried on without first obtaining a Certificate of Appropriateness which permits the activity to proceed.

VISIBLE FROM THE STREET: Any site or structure that can be seen from any public street or way abutting the subject property.

VISUALLY COMPATIBLE: A mix of styles, sizes, color and other elements that blend together well and conform to the criteria of this Ordinance.

§107.5 Historic Preservation Review Commission (HPRC) This ordinance creates the Historic Preservation Review Commission with the following requirements and duties.

(a.) The HPRC will consist of three Damariscotta community volunteers appointed by the Board of Selectmen (BOS) for staggered three-year terms, and one alternate member. When initially created, one member will be appointed for a three-year term, one for a two-year term, and one for a one-year term. Members will be eligible to be reappointed at the end of their terms for an additional three years. The alternate member will be appointed for a one-year term, also renewable for a three-year term thereafter.

(1.) All members of the commission shall have a demonstrated interest, knowledge, or training in historic preservation or closely related fields. Where professionals are available in the community qualifications will conform to the Secretary of the Interior's Historic Preservation Professional Qualifications Standards. Information on the credentials of the commission members must be kept on file and available to the public.

(2.) Each commission member is encouraged to attend at least one informational or educational meeting per year, sponsored by the Maine Historic Preservation Commission (MHPC), pertaining to the work and functions of the local review commission or to historic preservation. This orientation and training sessions shall also be designed to provide a working knowledge of the roles and operations of Federal, State and local preservation.

(3.) The BOS will fill any vacancy on the Commission within sixty days.

(b.) Duties of the HPRC.

(1.) The Commission will file an annual report to the MHPC.

(2.) The HPRC will hold at least one public meeting quarterly, or more often as it deems necessary, and a quorum of 2 will be required at each meeting for voting purposes. Its duties include the creation of its own bylaws; the review of applications for alterations, relocation, demolition, and other actions affecting historic and prehistoric properties under its jurisdiction; and the review of all new construction affecting designated historic and prehistoric properties and/or districts within its jurisdiction to determine if locally listed prehistoric or historic archaeological sites will be affected.

(3.) During meetings, the HPRC will review applications submitted by the Town Planner or an applicant for proposed modifications to properties within the historic district. The owner of a building within the Historic District making such an application is required to send certified-mail, return-receipt letters to all abutters of the subject lot giving the time, place and reason for the HPRC meeting. The Town Planner will publish the application hearing notice in a newspaper in general circulation within Damariscotta to give notice of at least seven business days to the public, and post notice of the proposal on the Town web site at least seven business days prior to the meeting at which it will be considered. The Commission is empowered to either approve or deny completed applications submitted for *Certificates of Appropriateness (CoA)* (See: §900-09) once they have reviewed the application contents at the posted meeting and have provided non-applicants the opportunity to comment on the proposed modifications.

(4.) The HPRC shall assist, advise and help to educate the community, residents, property owners and officials of the Town concerning the physical and financial aspects and benefits of preservation, renovation, rehabilitation and the re-use of historic and archaeological sites, structures, buildings and landmarks, and help provide information useful to property owners who wish to maintain historic property.

(5.) The HPRC will serve as an advisor to the Town regarding historical and cultural resources;

(6.) The HPRC will maintain a detailed inventory of property within the existing Historic District [See: §107(a.)], and update and maintain this inventory as additional historic buildings, landmarks and sites that may be established in Damariscotta pursuant to this ordinance.

(7.) The HPRC will review all proposed National Register nominations for properties within its jurisdiction. When it considers a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline and that discipline is not represented on the commission, the commission shall seek expertise in this area before rendering its decision with the help of the MHPC staff.

(8.) The HPRC will conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by the MHPC, and make

recommendations for the designation of local landmarks and historic districts to the Town Board of Selectmen, and keep records of such decisions, and

(9.) The HPRC will establish and use written guidelines for the preservation of designated local landmarks and historic districts when making decisions on requests for permits for new construction, alterations, demolition, relocation, additions to, or other actions affecting any historic resources as described in this ordinance.

§107.6 Criteria for Establishment of Additional Historic Districts, Historic Sites, Individual Historic Properties or Structures and Historic Landmarks.

(a.) One or more of the following characteristics, without limitation as to cultural or chronological period, may serve to qualify an historic district, historic site, individual historic property, historic landmark or archaeological site, as defined in §107-04 of this Ordinance, to be established in accordance with this Ordinance:

(1.) Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Damariscotta, Maine or the nation, including sites and buildings at which the public may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

(2.) Structures or sites importantly associated with historic personages.

(3.) Structures or sites importantly associated with historic examples of a great idea or ideal.

(4.) Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study or representation of a period, style, or method of building construction, of community organization and living or of landscaping; or a single notable structure or a single site representing the work of a master builder, designer, engineer, architect or landscape architect.

(5.) Structures contributing to the visual continuity of an historic district.

(6.) Structures or sites listed on or eligible for listing on the National Register of Historic Places and structures or sites listed as or eligible for listing as a National Historic Landmark.

§107.7 Establishment or Modification of an Historic District, Historic Site, Individual Historic Property or Structure and Historic Landmarks.

(a.) The existing local Historic Overlay District may be modified, or an additional local historic district or districts, historic buildings, landmarks or sites, may be created or modified through an amendment to this ordinance by the Town Meeting of the Town of Damariscotta in accordance with the following procedures:

(1) Anyone may propose an amendment to create or modify a historic overlay district, or to add historic buildings, landmarks or sites, to the HPRC.

(2.) A request for the creation or modification of an overlay district or designation of historic buildings, landmarks or sites must initially be made in writing to the HPRC and the Town Planner, and must include the following information:

(i.) A map showing the proposed boundaries of the new overlay district, historic buildings, landmarks or sites, or proposed changes to the boundaries of an existing district, historic buildings, landmarks or sites.

(ii.) A listing of the properties included within the new district, historic buildings, landmarks or sites, or proposed revision to an existing district, historic buildings, landmarks or sites, showing the Tax Map and lot number of each parcel and the current owner as recorded on the Town's assessment records.

(iii.) An evaluation of each property as a contributing or noncontributing building or structure using the methodology used in the Damariscotta 2012 Historic Resource Survey (as updated) or other methodology approved by the Maine Historic Preservation Commission. If the amendment proposes to remove properties from an existing overlay district, the classification of those properties in the 1979, 2010 or 2012 surveys or subsequent historical surveys must be provided.

(3.) Upon receipt of a request for an amendment, the HPRC shall conduct research on the proposal and solicit comment from the Maine Historic Preservation Commission.

(4.) Within forty-five (45) days of the receipt of a request for an amendment to an overlay district, the HPRC shall hold a public hearing on the request. The Commission shall provide public notice of the hearing by publishing the hearing notice in a newspaper in general circulation within Damariscotta at least fifteen (15) days prior to the hearing, and by posting on the Town web site. The HPRC shall also notify, in writing by certified mail, return-receipt all property owners within the boundary of the proposed amendment and within two hundred fifty (250) feet of the area at least fifteen (15) days prior to the hearing. The Board of Selectmen may set a reasonable fee on the proponents of the amendment to cover the cost of such notification.

(5) Within forty-five (45) days of the public hearing, the HPRC shall make a formal recommendation to the Planning Board and Board of Selectmen with respect to the request. The HPRC's recommendation shall specify the HPRC's findings and conclusions with respect to the request. The HPRC shall take into consideration a request by the owner of property within a proposed new or expanded overlay district to be excluded from the overlay district. The HPRC shall either approve the request or state in writing, and include in the Board's findings and conclusions, why such request was not approved.

(6.) A recommendation for the creation or amendment of a Historic District if approved by the Board of Selectmen shall be sent to the next regular or special Town Meeting for decision.

§107.8 Boundaries of the Historic District. The initial boundaries of the Damariscotta Historic Overlay District are presented in §107-15, and are described as follows:

- (a.) Tax Map 6: {south of Main St. & west of Water St. with frontage on the river} Lots 19 to 14; Lot 14-1; Lots 13 to 8;
- (b.) Tax Map 6: {south of Main St. at Bristol Rd. intersection} Lot 136; Lot 120;
- (c.) Tax Map 6 {north of Main St. River to Lincoln Theater} Lots 26 to 27; Lot 29; Lots 31 to 32; Lot 34; Lot 36;
- (d.) Tax Map 6 {north of Main St. from Theater to Church St.} Lots 75 to 84.

§107.09. Certificate of Appropriateness

(a.) The owner/applicant of a property in the Historic District who proposes to undertake any activity that will change the design, material, scale, color or location of the *exterior* building features of a property in the District (including windows and roofs), or that is not an "exempt activity" under this Ordinance must obtain a *Certificate of Appropriateness (CoA)* from the HPRC *prior* to receiving any building, plumbing, electrical or other permits and approvals required for the work or, if no permits or other approvals are required, *before* commencing the work. This applies to all properties in the Historic District, and in or to any future historic districts, sites, structures or landmarks, and includes:

- (1.) The alteration of a building or structure.
- (2.) The construction of an addition to a building or structure.
- (3.) The construction or placement of an accessory building on the site such as a garage or shed.
- (4.) The relocation of a building or structure.
- (5.) The alteration, placement, construction, or removal of contributing structures or site features of historic significance.
- (6.) The demolition or removal of a building or structure.
- (7.) The construction or placement of a new principal or accessory building on the site.

(b.) **Exempt activities.** Activities that do not adversely impact the *exterior* of an historic structure are exempt from the requirement of obtaining a Certificate of Appropriateness from the HPRC. A property owner who intends to undertake an activity that they believe is an exempt

activity may request a review from the Damariscotta *Town Planner* prior to undertaking the activity. The property owner may provide the Town Planner with either a verbal or written description of the proposed activities. If the Town Planner determines that the proposed activity constitutes an exempt activity, he may so advise the property owner.

(c.) *Examples of activities exempt from requiring a Certificate of Appropriateness include:*

- (1.) Interior alterations, and activity that is not visible from a public way.
- (2.) Installation of temporary buildings or temporary structures.
- (3.) Landscaping.
- (4.) Installation of walks, driveway or sidewalks; and constructions, demolitions or alterations under orders issued by a building inspector, Code Enforcement Officer, or similar agent for the purposes of public safety.
- (5.) Installation of storm windows, storm doors, screen windows, screen doors and window air conditioners.
- (6.) Installation of flagpoles, sculpture, mailboxes, window boxes, gutters, downspouts and leaders, house numbers, garden furniture, solar panels, wind powered units, or heat pump inverters and related wall mounted conduits that are not visible from the street the front of the building faces.
- (7.) Routine maintenance: normal repair and upkeep of a building or structure that does not change the design, material or scale of exterior building features. Repainting of a building or structure is considered to be routine maintenance unless the color is to be changed, as is the replacement or repair of exterior elements with similar materials, such as roofing with the same type of shingles, replacement of clapboards with similar clapboards, or the replacement of doors or windows with new doors or windows of a similar design and made with similar materials. Repair or replacement with different materials is not considered routine maintenance, except that alternatives to wooden window framing may be exempted as long as they do not detract from the historical appearance of the building.

§107.10 Procedure for obtaining a Certificate of Appropriateness (CoA).

- (a.) Step One: The applicant will complete and submit an application for a CoA to the Town Planner. CoA application forms are available at the Town office and on the Town web site.
- (b.) Step Two: The applicant will meet with the Town Planner to review the checklist contained in the CoA application form; and the Planner will provide assistance as required to complete the application. Once a completed application is submitted, the Planner shall complete review of the application within 10 business days and forward it to the HPRC.

(c.) Step Three: The HPRC shall begin review of the application at its next scheduled meeting following submission of the completed application. Such meeting shall be posted as a public hearing and abutters shall be notified of the meeting by certified mail, return receipt requested,

by the applicant.

(d.) Step Four: The HPRC will review the application, provide an opportunity for public comment, and then vote whether or not to issue a CoA *during the meeting*. Should the HPRC require additional information or clarification, the HPRC may vote to continue review of the application to its next regularly scheduled meeting or special committee meeting. The HPRC will vote on an application only at a posted public meeting, unless the review has been continued as discussed above. Its decision will be recorded in written minutes containing a notice of decision within five business days of the hearing, but the date of the decision for purposes of appeal shall be the date of the hearing at which it was made. A decision on a CoA may only be tabled to the next HPRC meeting if the HPRC deems it necessary to obtain additional material from the Applicant or Town Planner. In such a case another HPRC meeting will be held within seven days, rather than waiting another month for a regular HRC meeting.

(e.) Step Five: After the HPRC decision the applicant will proceed with or abstain from their project; contact the Town Code Enforcement Officer (CEO) for any additional required permitting; or submit their application to the Planning Board (if needed) for additional approval.

(f.) Parties aggrieved by a decision of the HPRC may appeal such decision pursuant to the provisions of §107-14.

(g.) §107-16 of this Ordinance presents a flow chart outlining the application process for a CoA.

§107.11. Approval Standards for Obtaining a Certificate of Appropriateness (CoA).

(a.) In reviewing and approving applications for a CoA, the HPRC will consider and take into account the *Secretary of the Interior's Standards for the Treatment of Historic Properties, with a focus on the Standards for Rehabilitation* (as may be updated), and their application to activities that are visible from public streets or ways, including the following standards:

(1.) All structures and sites shall be recognized as products of their own time. A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces, and spatial relationships.

(2.) The historic and/or neighborhood significance of the property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3.) Distinctive materials, features, finishes, and/or construction techniques or examples of craftsmanship that characterize a property will be preserved.

(4.) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature will match the old feature in design, color, texture and, wherever possible, materials. Historic

accuracy of the replacement of missing features will be documented by photographic, physical and/or other evidence.

(5.) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(6.) Archeological resources as defined in the Archaeological Resources Protection Act of 1979 (Pub.L. 96–95, as amended) (ARPA) will be protected and preserved in place. If such resources must be disturbed, mitigation measures consistent with Federal and Maine State law will be undertaken.

(7.) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.

(b.) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property would be unimpaired. *The Secretary of Interior's Standards for Rehabilitation* provide discussion and examples of how these standards may be applied in Damariscotta.

(c.) Additional local standards. The HPRC shall find that the proposed activities meet the following additional local standards based on the type of activities proposed. If more than one type of activity is proposed, the standards for each type of activity must be met for the application to be approved.

(1.) The alteration of a building or structure.

(i.) Porches: Existing porches should be maintained and preserved. Character-defining elements associated with porches, such as columns, pilasters, decorative brackets, railings, and balustrades, should not be substantially altered. It is not appropriate to enclose a porch that is visible from a public way, but screens may be added if they are attached in a manner that does not damage the historic materials and the modification is completely reversible.

(ii.) Roof: If the entire roof is being replaced, the material should be compatible with the visual character of the building. The replacement material may revert back to a historically appropriate material if historic documentation is available.

(iii.) Appendages: Appendages to the structure, such as solar collectors, antennas, heat pump inverters and satellite dishes, should be located to minimize the visual impact on the historic building and should be attached in a manner that does not damage the historic materials and is completely reversible.

(iv.) Windows: The creation of new windows or skylights that result in removal of portions of the historic structure are inappropriate unless the window or skylight is located in a portion of the structure that has been previously modified so that its historic value has been lost. If a new window or skylight is permitted, the design should be compatible with the existing building and the location should minimize the visual impact on the historic building.

(v.) Doors: Replacement doors should utilize the existing opening and should be visually compatible with the remainder of the property.

(vi.) Garage doors: Increasing the size of the opening in the wall to allow the installation of double or triple-width garage doors facing the street is not appropriate.

(vii.) Materials: Wherever practical, existing materials should be maintained. In the case of the change of material, the material shall have a similar visual appearance.

(2.) The construction of an addition to a contributing building or structure.

(i.) The addition should minimize the impact, both physically and visually, on the historic property.

(ii.) The addition should not visually overwhelm or obscure the historic structure.

(iii.) The mass, scale and volume of the addition should be compatible with the historic building.

(iv.) Where feasible, the addition should be attached to the historic property with a connecting link that minimizes the damage or removal of elements of the historic building.

(v.) It is not appropriate to add decks and porches that are visible from a public way. Sunrooms and similar spaces are appropriate only if they meet the other standards of this section.

(3.) The construction or placement of an accessory building, such as a garage or shed, on the site of a contributing building.

(i.) The building should be constructed of materials that are visually compatible with the materials of the historic building but that are appropriate to the current period.

(ii.) The design of the building with respect to massing and scale should be compatible with the massing and scale of the historic building, including features such as rooflines.

(iii.) The location of the accessory building should minimize its visual impact on the historic building and not obscure it and should be consistent with the placement of similar accessory buildings on the sites of other comparable contributing buildings in the district.

(4.) The relocation of a contributing building or structure.

(i.) The new location of the building or structure should be consistent with the established pattern of the immediate neighborhood surrounding the site with respect to its setback from the street, orientation of the front facade of the building to the street and the placement of the building on the lot with respect to side lot lines and adjacent properties.

(ii.) If an accessory building is relocated, the new location should maintain the spatial relationships on the lot if that relationship is an essential element of the historic character of the property.

(5.) The alteration, placement, construction or removal of significant site features on the site of a contributing building or structure.

(i.) Existing fences or walls should be maintained as far as physically possible. New or replacement fences or walls should be located to reflect the established pattern in the neighborhood and on adjacent lots if a pattern exists. This is particularly important with respect to the relationship with the street and sidewalk (if any). Fences should be compatible to other historic fences in the district with respect to design, size, and details.

(ii.) The use of concrete for walls and steps is inappropriate for new or replacement site features. Use of granite blocks for steps is appropriate.

(6.) New parking areas should be located to the side or rear of the principal buildings when feasible.

(7.) New driveway locations should maintain the established pattern in the immediate neighborhood of the site. The area between the front facade of the principal building and the sidewalk or street should not be used for new or expanded driveways or parking areas.

§107.12. Standards for demolition or removal of a Historic Site, Individual Historic Property or Structure and Historic Landmarks, or of a contributing structure in the existing of a future historic district.

(a.) The HPRC shall approve a CoA for the demolition or removal of a principal building located in the Historic Overlay District (or any historic resource created under this ordinance in the future) **only** if it finds that either of the following conditions exists:

(1.) The building is identified and determined to be a non-contributing or non-historic property by the HPRC after a regularly scheduled public hearing before the HPRC; or

(2.) The property owner has demonstrated to the HPRC at one of its regularly scheduled public hearings that cost-effective repair of the building (i.) is not possible, as documented in writing by a structural engineer, builder, or architect with experience in the renovation of historic properties and (ii.) that there is no buyer for the property willing to undertake its repair as an historic structure. If the structural integrity of the building is in such disrepair as to be hazardous, the structure may be condemned by the Code Enforcement Officer.

(b.) If a CoA is granted for the demolition or removal of an historic structure, the town planner and the property owner shall photograph the exterior and interior of the structure to preserve this as a record of the structure for the historic records of the town. Such photographs shall be retained in the archives of the town and shared with the historical society and town library.

(c.) If the property owner demonstrates to the Commission's satisfaction that they cannot repair the building, the issuance of the CoA for demolition or removal shall be *delayed for a period of one hundred and twenty (120) days* during which period the owner must make a reasonable and good faith attempt to sell the property to someone who will repair the building in accordance with the following process. The time period shall commence when the HPRC is notified *in writing* by the owner that the owner cannot repair the property and a sale offering statement has been provided to the Town Planner, *after the public hearing on this application*.

(d.) Within five (5) days of the determination by the Commission in writing that the owner cannot repair the property, the property owner shall post notices on the premises of the building or structure proposed for demolition in a location clearly visible from the street. The notices shall indicate that the property is proposed to be demolished or moved and that it is available for sale to a buyer who will repair the property. In addition, the notice shall be published by the owner in a newspaper of general local circulation at least two times. The first notice must be published within seven (7) days of the Commission's finding and the second notice must be published not less than forty-five (45) days prior to the end of the one hundred and twenty (120) day period. The owner shall provide the Town Planner with evidence that notices have been posted and published as required.

(e.) The HPRC may also publicize the sale offering statement to ensure national publicity is made available and to increase the likelihood of an outcome that avoids demolition or removal of the historic property.

(f.) During the delay period, the owner shall make a bona fide offer to sell such building or structure and the land pertaining thereto, at a price reasonably related to its fair market value, to any person, firm, corporation, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto. Prior to making such offer to sell, the owner shall first file a statement with the Town Planner identifying the property, the offering price and the date the offer to sell shall begin.

(g.) At the end of the delay day period, the property owner may request that the Commission release the CoA, allowing the Code Enforcement Officer to issue a demolition or moving permit. The HPRC shall authorize the release of the CoA only if it finds that the property owner made a bona fide and good faith effort to sell the property as an historic property at a reasonable price relative to its fair market value and that there is no buyer that is willing to repair the property.

§107.13. Approval standards for alteration or replacement of non-contributing properties within a Historic District.

(a.) In reviewing and approving applications for a CoA involving a non-historically significant property, the HPRC shall consider the additional local standards appropriate to the proposed activity as set forth in this ordinance and find that the appropriate standards have been met, with a view to retaining the overall appearance of the entire Historic District (or other historic resource created under this ordinance).

(b.) Concerning the construction or placement of a new principal building on the site:

(1.) The building should be located on the lot so that the front setback is consistent with the current setback of the principal buildings on adjacent lots and within the immediate neighborhood.

(2.) The general placement of the building on the lot should maintain the pattern of buildings and voids along the street.

(3.) The front entrance of the building should be oriented to the street.

(4.) The height, scale, and massing of the building should be visually compatible with the principal buildings on adjacent lots.

(5.) The design and location of site elements, including driveways, sidewalks, fences, and walls, should be visually compatible with the pattern of the immediate neighborhood especially with respect to scale and location on the lot.

(c.) Concerning the construction or placement of a new accessory building on the site, the accessory building should be located to the side or rear of the principal building and be visually compatible with the principal building and principal buildings on adjacent lots.

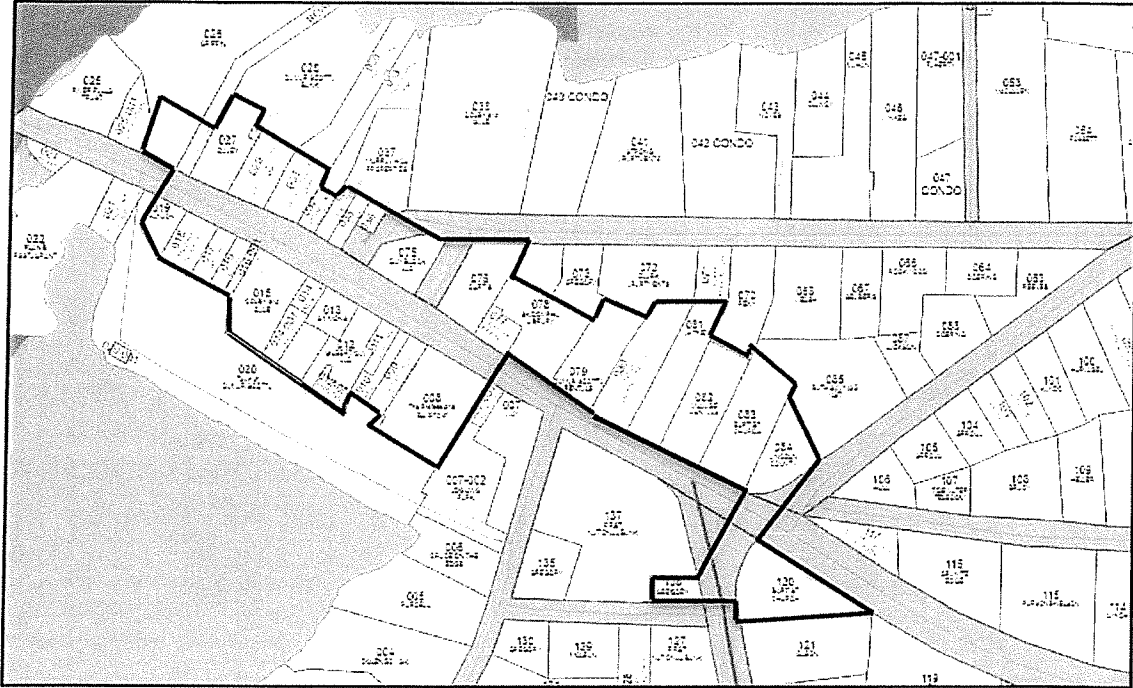
(d.) Concerning alterations to a building or structure that substantially alter its front facade or the orientation of the building to the street.

(1.) The alterations should be visually compatible with the age and style of the principal building.

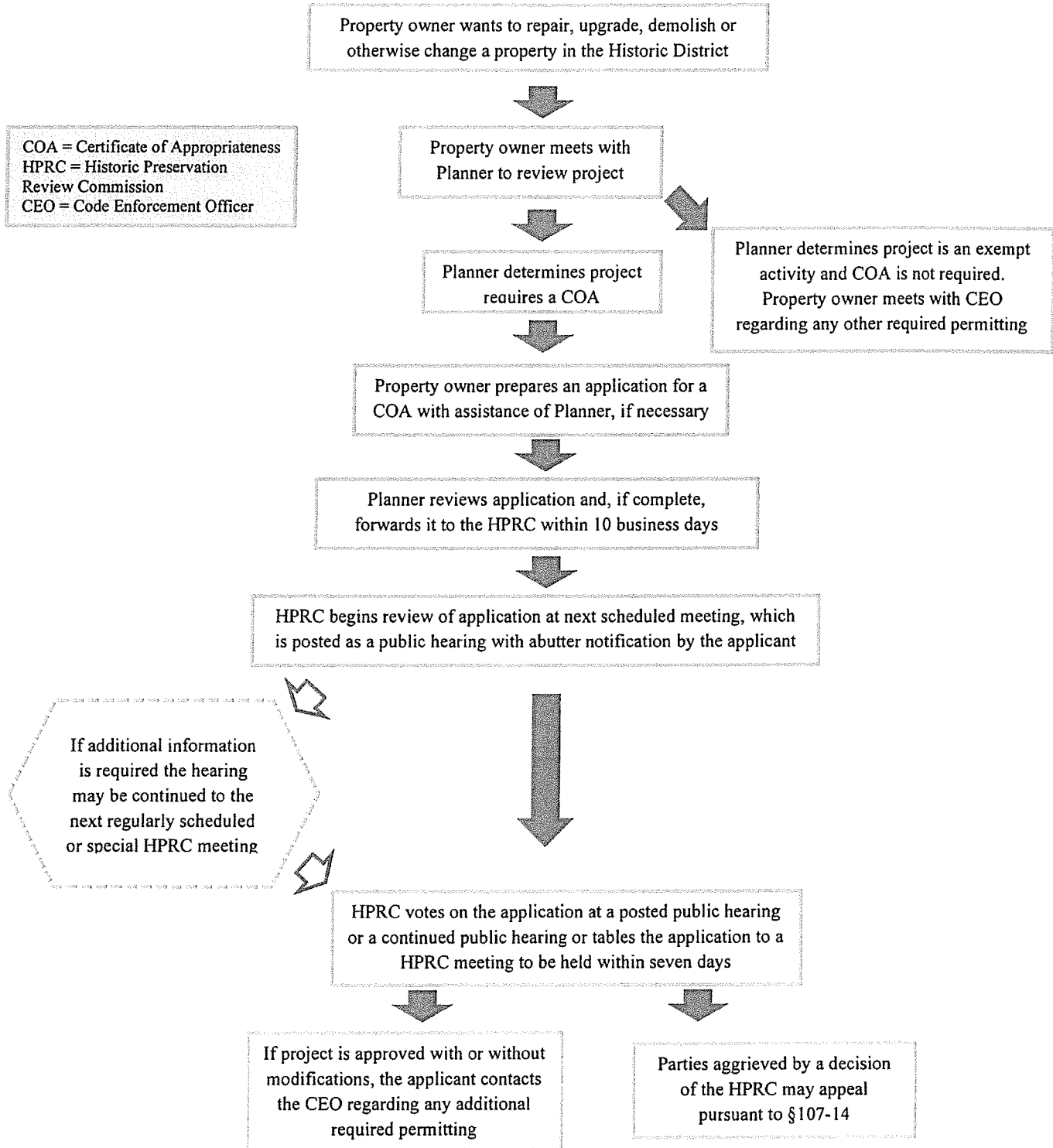
(2.) Alterations that attempt to replicate features from an earlier time period or that make the building look historic are inappropriate.

Main Street Historic District

March 3, 2020



§107.16 Flow Chart for COA Process



§107.17. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.

§107.18. Effective Date

- (a.) The effective date of this ordinance is March 3, 2020
- (b.) A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be available to the public at reasonable cost at the expense of the person making the request and be available for downloading from the Town web site. Notice of the availability of this Ordinance shall be posted on the Town web site.

§107.19. Enforcement.

- (a.) Any violation of this Ordinance shall be deemed to be a nuisance.
- (b.) This ordinance shall be administered and enforced by the Town Planner in coordination with the Code Enforcement Officer (CEO) and the HPRC.

(1.) The Town Planner, CEO and HPRC will develop guidelines for enforcement and make them available on the Town web site and in print for the public at no charge.

(2.) Any aggrieved person who believes that there has been an error made in the interpretation or application of the provisions of this Ordinance may appeal, within the time limits for such appeals, such determination to the Board of Appeals as an administrative appeal.

(c.) Fines for violations will be as established by the Board of Selectmen. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

(d.) Where the above provisions do not result in an abatement of a violation of this Ordinance, Municipal Officers make seek legal or equitable relief through the Court system, following the steps noted in the Site Plan Review Ordinance § 102-14. C.

(e.) The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

INTERLOCAL AGREEMENT BETWEEN THE TOWNS OF BREMEN, BRISTOL, DAMARISCOTTA, NEWCASTLE, NOBLEBORO AND SOUTH BRISTOL, FOR JOINT GOVERNANCE OF CENTRAL LINCOLN COUNTY AMBULANCE SERVICE.

This interlocal agreement is made as of the _____ day of _____, 2020, (the "Effective Date"), by and among the following Parties:

- THE INHABITANTS OF THE TOWN OF BREMEN, a municipal corporation existing under the laws of the State of Maine and having its principal place of business at 208 Waldoboro Road, PO Box 171, Bremen ME 04551;
- THE INHABITANTS OF THE TOWN OF BRISTOL, a municipal corporation existing under the laws of the State of Maine and having its principal place of business at 1268 Bristol Road, PO Box 339, Bristol ME 04539;
- THE INHABITANTS OF THE TOWN OF DAMARISCOTTA, a municipal corporation existing under the laws of the State of Maine and having its principal place of business at 21 School Street, Damariscotta ME 04543;
- THE INHABITANTS OF THE TOWN OF NEWCASTLE, a municipal corporation existing under the laws of the State of Maine and having its principal place of business at 4 Pump Street, PO Box 386, Newcastle, ME 04553;
- THE INHABITANTS OF THE TOWN OF NOBLEBORO, a municipal corporation existing under the laws of the State of Maine and having its principal place of business at 192 US Highway One, Nobleboro ME 04555, and
- THE INHABITANTS OF THE TOWN OF SOUTH BRISTOL, a municipal corporation existing under the laws of the State of Maine and having its principal place of business at 470 Clarks' Cove Road, Walpole, ME 04573.

The foregoing are herein referred to collectively as "the Parties" or singly as "Party."

WHEREAS, both State law and Maine municipalities generally encourage the development of regional coalitions of local governments to establish efficient and effective delivery of municipal services; and,

WHEREAS, the Parties did contract among themselves on _____, 19____, to establish Central Lincoln County Ambulance Service, Inc., a Maine corporation with its principal place of business at 29 Piper Mill Road, PO Box 373,

1/14/2020

Damariscotta, ME 04543, and which was ruled to have non-profit status by the Internal Revenue Service in 1993; and,

WHEREAS, Central Lincoln County Ambulance Service, Inc., (hereafter “the Service”) has since its establishment been governed by a Board of Directors appointed by the Parties in their capacity as the sponsors of the Service; and,

WHEREAS, the Service holds a license from the Emergency Medical Services’ Board under the terms of the Maine Emergency Services Act of 1982 (Title 32, M.R.S. §§ 81-87), and provides emergency medical and transportation services within the boundaries of the Parties’ municipalities; and,

WHEREAS, the Parties support the continued operation of the Service in order to deliver cost-effective ambulance services (including rescue and transportation);

NOW, THEREFORE, in consideration of the mutual promises and agreements hereinafter stated, the Parties do hereby promise and agree as follows:

Section 1. Purpose

1.1. The purpose of this Agreement is to provide for the governance and management of Central Lincoln County Ambulance Service, Inc., (hereafter “CLC Ambulance”) as a Quasi-Municipal Corporation owned by the Parties and operating as a not-for-profit entity under the laws of the State of Maine, with the objective of providing emergency response and medical transportation services within the six founding towns and such others as may contract with CLC Ambulance for such services.

Section 2. Definitions

2.1 The following terms shall be defined as set out in M.R.S. Title 32, section 83 ‘Definitions’: ‘Advanced emergency medical person,’ ‘Advanced emergency medical treatment,’ ‘Ambulance,’ ‘Ambulance equipment,’ ‘Ambulance service,’ ‘Basic emergency medical services person,’ ‘Basic emergency medical treatment,’ ‘Emergency medical services person,’ ‘Emergency medical treatment,’ ‘Nontransporting emergency medical service,’ ‘License,’ ‘Medical control physician,’ ‘Municipal officers,’ ‘Trauma,’ and ‘Trauma care system.’

- 2.2 'Budget' shall mean CLC Ambulance Service's projected revenues and expenditures for a specified period of time, as proposed by the Director and agreed by the Board, and as may be amended or updated by the Board from time to time.
- 2.3 'Costs' shall mean all costs of operating and equipping the CLC Ambulance Service, to include, without limitation, salaries, wages, benefits, training, insurance, vehicles, equipment, supplies, materials, maintenance, fuel, communications, in-kind contributions and technical services.
- 2.2 'Service chief' shall mean the executive head of the organization, a full-time manager hired by the Board with ultimate authority over and responsibility for the Emergency Medical Staff and other employees of CLC Ambulance Service, whether or not such employees are direct reports of the Service Chief.
- 2.3 'Emergency Medical Staff' shall mean employees of CLC Ambulance meeting the definition of Emergency Medical Persons set out in M.R.S. Title 32, section 85.
- 2.2 'Party' or 'Parties' shall mean the signatories to this Interlocal Agreement.

Section 3. Governance and Administration

- 3.1. CLC Ambulance shall be governed by a Board of Directors comprised of one Director representing each of the parties, appointed by the Municipal Officers of each Party, to serve for such term as each Board of Selectmen may choose. Each Party may, at its discretion, appoint one or more Alternates to serve and vote in place of its representative Director in that Director's absence. The Service Chief of CLC Ambulance shall act as a non-voting additional member of the Board.

3A: Powers and functions of the Board of Directors

- 3.2. The Board of Directors shall have the sole authority to appoint the Service Chief of CLC Ambulance; to set the Service Chief's salary and benefits, review their performance, and require performance targets for the organization.

- 3.3. The Board of Directors shall set an annual Budget, at the recommendation of the Service Chief, and shall ensure that performance against that budget is reviewed not less than quarterly and reported to the Parties.
- 3.4 The Board of Directors shall determine the salary, wages, benefits, and any other compensation or remuneration of all employees of CLC Ambulance Service. In the case of the Service Chief, annual compensation shall be set following a review of the Audited Financial Statements for the previous year, and shall be based on performance against the Budget and any other performance goals or targets previously set by the Board.
- 3.5 The Board of Directors must approve any contract for the provision of services to and for municipalities or entities that are not Parties to this Agreement.
- 3.6 The Board of Directors shall set policies for establishing and for investing reserves for future major purchases, including but not limited to ambulances, and for maintenance of the Service headquarters building and garage.
- 3.7 The Board of Directors shall set all personnel policies governing the hiring, promotion, on-duty behavior, discipline, and termination of employees, and a grievance procedure for employee complaints against their manager. These policies shall be distributed to all new employees upon hire, and annually to all employees, in a Personnel Policy Handbook which shall be periodically reviewed by the Board of Directors.
- 3.8 The Board of Directors shall serve as the final venue for appeals of employee grievances, under a process to be set out in the Personnel Policy Handbook.

3B. Powers and Functions of the Service Chief

- 3.9 The Service Chief shall be responsible to the Board of Directors for the efficient operation of CLC Ambulance Service, subject to the laws of Maine governing Emergency Medical Services. This responsibility includes operating to the annual Budget set by the Board, implementing personnel policies, and to such other direction as may be given by the Board. The Service Chief shall have sole authority over staffing levels, hiring, employee

assignments and hours of work, and the Board of Directors' engagement in personnel matters will be limited to setting policies and to cases where an employee appeals to the Board to hear a grievance.

- 3.10 The Service Chief shall propose to the Board drafts of the annual Budget and the Personnel Policy Handbook and amendments. The Board may amend such drafts at their discretion, but once adopted by vote of the Board, the Service Chief has sole responsibility for their implementation.
- 3.11 The Service Chief shall be responsible for ensuring that all conditions required in CLC Ambulance Service's License from the Maine Emergency Medical Services Board are met, including without limitation the appropriate training and certification of Emergency Medical Persons employed by the Service.
- 3.12 The Service Chief shall approve the acquisition of supplies and equipment by purchase, lease, gift, bequest, grant or otherwise that are under the value or cost of \$10,000. For purchases or acquisitions that are of \$10,000 or greater, the Service Chief shall make recommendation to the Board which shall approve or withhold approval of such purchases. Such purchases over \$10,000 shall be by a competitive process of sealed bids from multiple qualified vendors unless such process is waived by the Board.
- 3.13 The Service Chief may recommend to the Board contracts with municipalities that are not Parties to this Agreement, including fees for services to be provided.
- 3.14 The Service Chief shall establish such operating practices, procedures and administrative rules as may be conducive to the efficient operation of the Service, which shall be in written form and readily available to be reviewed by staff and by Directors, provided, however, that any personnel policies as described in 3.6 above remain subject to approval by the Board.

Section 4. Finance

- 4.1 The Service shall operate on a fiscal year that is equal to the calendar year.
- 4.2 The Board shall annually determine who shall serve as the Treasurer of CLC Ambulance Service for the forthcoming fiscal year. The Treasurer may be an

employee of one of the Parties or may be an independent, outside book-keeper, but shall not be employed as an Emergency Medical Person by the Service.

- 4.3 The Treasurer shall be responsible for receiving all funds paid to the Service, depositing them in a bank account in the name of the Service, and applying such funds to the Costs of the Service. The Treasurer shall give a monthly report of the sources and uses of such funds to the Service Chief and to the Board.
- 4.4 A funding formula as referenced in Appendix [X] shall be approved annually by the Municipal Officers of the Parties. Such funds shall be raised from the Parties and applied to close the gap between forecast costs and revenues in the annual Budget approved by the Board. The Municipal Officers of each Party shall cause the funds apportioned to such Party to be placed on that Party's Town Meeting Warrant for appropriation and payment to the Service.
- 4.5 In the event that any Party declines to fund its share established by the funding formula, or appropriates a lesser sum than that required by the funding formula, that Party's voting rights on the Board shall be suspended until such time as the funds are approved, or until the Party is deemed to have withdrawn from this Agreement under Section 5.3 below.
- 4.6 The Board shall commission an annual Audit of the finances of CLC Ambulance Service from a Certified Public Accountant licensed to practice in the State of Maine. The cost of the Audit shall be The Audit Report shall be made available to the Board not later than 60 days from the end of the financial year that is the subject of the Audit.

Section 5. Adoption; Amendment; Dissolution

- 5.1 This Agreement shall be effective upon its adoption by a majority (4) of the 6 Parties. Adoption may be by a vote of the Municipal Officers or by a Town Meeting, depending on the practice of each Party.

- 5.2 Amendments to this Agreement shall require approval by the Municipal Officers of at least 5 of the 6 Parties to this Agreement. In the event that a proposed Amendment involves the addition of further Parties beyond the founding six municipalities, such an Amendment shall require the unanimous approval of all Parties.
- 5.3 Withdrawal from this Agreement. A Party may Withdraw from this Agreement by sending written notice from its Municipal Officers to the Board that they wish to Withdraw. A Party may also be Deemed to have Withdrawn by a finding of the Board if, within 120 days of the commencement of that Party's fiscal year, it has failed to appropriate the funds apportioned to that Party under the funding formula described in section 4.4 above.
- 5.4 If a Party shall Withdraw, or be Deemed to have Withdrawn from the Agreement, then a meeting shall be called within 30 days of the Municipal Officers of the remaining Parties to determine whether to continue or to disband the Service, and how either to fund continuing operations or to furnish interim provision of service during a period of orderly closure of operations.
- 5.5 In the event of a Party either Withdrawing or being Deemed to have Withdrawn, that Party (including its residents and visitors), shall no longer receive the Emergency Medical Services of CLC Ambulance Service. A former Party may contract for such services by negotiation, with the approval of the Municipal Officers of all remaining Parties.
- 5.4 In the event of disbanding the Service, the assets and liabilities of the Service shall be distributed to the Parties in proportion to their share of the funding formula described in section 4.4.

Towns of Bristol, Damariscotta, Newcastle, Somerville and Wiscasset, Maine

Joint Request for Proposals – Conversion of Town Street Lights to LED Fixtures

The Towns of Bristol, Damariscotta, Newcastle, Somerville and Wiscasset, Maine are inviting qualified companies to submit proposals for the design and implementation of Town-wide street light enhancements and conversion of the existing conventional leased street lighting to Town-owned LED fixtures. The purpose of issuing a joint request for proposals is to take advantage of any economies of scale that would not be available to the towns if they were to issue individual Requests for Proposals. As part of the proposals, the proposer should provide separate proposals for each of the towns listed above.

Proposals must be submitted no later than **2:00 p.m. on Wednesday, March 11, 2020**. Late, unsigned bids or bids submitted electronically shall not be accepted. Six (6) complete hard copies of your proposal for each Town included in the request, including any descriptive literature, shall be submitted on the forms provided, and in an envelope plainly marked on the outside with the RFP's title along with one (1) digital copy on a flash drive for each town included in the request.

Proposals shall be submitted to the following address:

Lincoln County Commissioners
C/O Carrie Kipfer
P.O. Box 249
Wiscasset, Maine 04578

GENERAL

Project Background

The Towns of Bristol, Damariscotta, Newcastle, Somerville and Wiscasset (Towns) incur significant annual costs related to street lighting. Through this RFP, the Towns are interested in selecting a service provider to assist it in reducing street light costs by retrofitting these street lights to LED technology and enhancing their functionality by implementing advanced controls. The Towns anticipate the scope of work to include upgrading the pole-mounted street lights as well as lighting in Town parking facilities and attached to Town owned buildings. The Towns also wish to explore the deployment of environmental sensors and other "Smart City" elements and technologies in the LED conversion process.

The Towns seek to build a network of LED streetlights with advanced controls that can serve as the backbone on which to deploy "Smart City" technologies that offer increased functionality of infrastructure, innovative services to residents and visitors, and opportunities for public/private partnerships that may expand services while providing revenue streams to the Towns. Firms are invited to describe how elements of this vision may be incorporated into this project.

Inventories of utility owned street lights and Town-owned streetlights are included in this document.

Scope of Services

The Towns are seeking proposals from qualified service providers (hereinafter referred to variously as “proposer”, “firm”, or “contractor”). This proposal is to be a turn-key proposal that includes: undertaking an IGA (Investment Grade Audit) of the Towns’ existing street lights and their attributes, performing an independent and certified lighting design analysis which includes designing each unique street to either RP 8-14 standards, where applicable, or to a standard to be specified; providing a comprehensive financial analysis to indicate ROI (Return On Investment), savings, and payback period; completing all applicable incentive applications; carrying out all procurement requirements; applying on behalf of the Towns for all available grants and rebates relating to the LED conversion project; performing project management functions; undertaking or overseeing the LED luminaire installation and the recycling/disposal of all waste material; and identifying any financing options that the supplier can provide.

The service provider must also demonstrate experience in performing street light acquisitions from Electric Utilities or submit a detailed approach to how best to perform an acquisition and the options associated with an acquisition. The service provider must also have experience implementing advanced lighting controls to increase the functionality of the lighting system as well as experience deploying environmental and other sensors that can provide data to support a variety of “Smart City” technologies including advanced traffic signal controls, parking control and enforcement, pedestrian and traffic counts, and other public safety functions. The Towns may also consider additional functionality to include public Wi-Fi, public information kiosks, and electric vehicle charging as part of this project.

Conflict of Interest

The Towns seek to work with firms that represent primarily consumers, not suppliers, avoiding both the appearance of a conflict of interest, as well as any actual conflict of interest. Any subsequent disclosure of a conflict of interest after the award has been made, but which existed at the time of proposal submission, will be grounds for termination of any resulting contract

General

It is the custom of the Towns of Bristol, Damariscotta, Newcastle, Somerville and Wiscasset, Maine to pay its bills 30 days following equipment delivery and acceptance and following the receipt of correct invoices for all items covered by the purchase order. The Towns are exempt from the State's sales and use tax as well as all Federal excise taxes.

All materials and equipment used as well as all methods of installation shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

Insurance Requirements

The successful bidder shall agree to defend, indemnify, and save the Towns harmless from all losses, costs, or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the Towns of coverage for General Public and Automobile Liability insurance in amounts not less than \$2 million/combined single limit coverage for bodily injury, death and property damage, protecting the contractor and the Towns, and naming the Towns as additional insured from such claims, and shall also procure Workers' Compensation insurance.

Equal Employment Opportunities

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment.

PROPOSAL FORMAT

Proposals must be submitted in the following format using the numbering sequence outlined below. This is the minimum information to be provided and will be used in the evaluation process. Proposals are to be limited to a maximum of 25 pages excluding addendums.

A. Cover Letter

A cover letter signed by an authorized representative of the company of Proposer shall outline the intent of the response and shall state that the information contained in the Proposal accurately describes the services to be provided.

B. Company Profile

- Provide a description of your firm's company or business, its purpose, history, and major successes, including the number of years in LED street lighting business.
- List any similar projects completed or underway, the client/owner, and the approximate value of the work.
- Describe your firm's experience developing projects that conform to relevant state laws, local standards, and State Public Utility Commission rules.
- Provide examples where the firm has successfully assisted municipalities with evaluation and acquisition of their street lights from electric utilities.
- Describe the firm's experience deploying Smart City and IoT (Internet of Things) technology as part of LED street lighting projects.
- Describe partnerships with vendors, technology providers, or service providers and describe how these have added value to previous projects.

C. Key Personnel

Identify key personnel that would be employed for this program and provide a detailed resume of their relevant experience, education, and successes. Key personnel should demonstrate ample experience in managing turn-key street lighting projects.

D. References

Include a list of at least three (3) projects where the Proposer has successfully completed an LED retrofit and provide associated references and contact information for the persons or organizations that engaged the Proposer. By submitting a proposal, the Proposer consents to the Towns contacting these references, and consents to the Towns also contacting any other organization for the purposes of evaluating the Proposal.

E. Approach

Describe the approach and/or process proposed to address the project requirements. Include any notable methodologies, tools and techniques, and their respective suitability to this project. Also provide a project plan, including a project timeline with milestones, that reflects your proposed approach and demonstrates your ability to meet the milestones.

The following key components must be included in the approach description:

1. Audit

The provider will determine the existing street and outdoor light inventory via a Geographic Information Systems (GIS) inventory assessment of all the street lights and outdoor lights included in the project. The provider should list the attributes that they collect and describe how they relate to the design process.

During the inventory assessment, the provider will report and review all issues with each of the Towns weekly so that the Towns may begin to address them in order to minimize any delay of the eventual conversion.

The Proposer must produce an electronic inventory file suitable for use in common GIS software (e.g. ESRI ArcMap), as well as Microsoft Excel, that contains the required attributes.

Based on the inventory, utility bill analysis, and consultation on controls and/or other products, the Proposer will develop an Audit Report which will include:

- Deficiencies in the current street lighting network
- Baseline energy use, energy cost, and operations & maintenance costs
- Estimated retrofit energy use and operations & maintenance costs
- Estimated sources of funding, including rebates
- Calculation of estimated total conversion cost (remaining design tasks, product, and installation), energy reduction, and simple payback

The Town seeks Proposers who can provide the strongest case for why their Audit will be most accurate and will foster Town approval

Pursuant to Paragraph G below, the audit should include a survey of non-profits and private companies that wish to tag along on the project at their own expense.

2. Financial stability and capability

- Proposer should demonstrate the capability to finance street lighting projects by having financed or been part of a financing project using an Energy Savings Performance Contract (ESPC).
- Should the Towns opt for this type of financing, the Proposer must produce an ESPC contract at the time the Towns opt in.
- Proposer must have experience with a range of financing mechanisms in order to advise the Towns on the most advantageous approach to financing the project.

3. Design

The design of an LED network will have a measurable impact on both the life cycle savings as well as overall light quality. Proposers must include a design component in the scope of work.

The determination of adequate light levels for safety of pedestrians, cyclists, and vehicles is guided by the Illuminating Engineering Society (IES) Standard for Roadway Lighting (RP-8-14). The Towns recognize that existing pole placement limits the degree to which IES standards may be met. The Towns will look favorably upon proposals that use design methodologies that will best deliver adequate lighting throughout the Towns for the expected life of the products and the Towns' desire to accomplish specific goals associated with customized lighting levels. IES standards may not be the standard the Towns ultimately select. Additionally, the designer should incorporate an analysis of the following data points to identify target areas that may need special consideration:

- Pedestrian/vehicle and bicycle/vehicle crash data for the last 5 years to identify areas where light levels and/or spacing have affected public safety.
- Important localized land uses (e.g. parks, schools, hospitals, etc.)
- Relative volumes of pedestrian and bicycle activity
- Unique neighborhood characteristics
- Street lighting spill reduction and night sky glare reduction or elimination

The provider should describe their design process, including how actual light levels are measured before & after the conversion, and how designs are modified for unique street characteristics.

4. Project Management

Proposers shall describe their approach to Project Management and how this will impact cost, quality control, and timing of the project.

- Qualifications and experience of Project Team
- Experience in projects managing multiple projects simultaneously
- Experience in projects managing LED retrofits of similar scale
- Detailed description of how the project will be managed including:
 - A description of the methods to be employed in the performance and coordination of the work that will control the scope, quality, schedule, and cost of the Project
 - The anticipated risks and assumptions that will be part of completing the Project
 - Any special challenges or considerations specific to this Project, as foreseen by the Proposer, and proposed solutions for each.

5. Technology Procurement

a. Fixtures

Describe the process for selecting appropriate fixtures.

The Proposer should develop complete and detailed specifications for LED Luminaires, or suitable alternatives, to replace existing lighting fixtures. The specifications will be non-proprietary performance specifications describing all relevant photometric, electrical, physical, durability, and warranty characteristics of the luminaires.

The Proposer should provide details of their method of developing specifications and how it ensures that appropriate quality and durability standards are met.

Proposers should provide a description of fixtures that would be used for standard street lights, decorative lights for historic areas and parking lot lights. Proposers should provide the range of color temperature options available.

b. Smart Controls, IoT, and other Smart City solutions

The Proposer will advise the Towns on the use of controls in terms of impact on safety, standardization, and energy and cost savings. The Proposer should present analysis of how advanced controls could impact the total life-cycle costs of the system. The Proposer should also propose to the Towns other value-added systems and discuss with the Towns their financial impacts, commercial readiness, and alignment with utility policies. These systems include environmental sensors that can generate data to support additional functionality in allied infrastructure and services including traffic controls, parking, public safety, and electronic communication.

The Towns will require open APIs in all control systems in order to ensure functionality across platforms and to ensure our ability to expand the system.

6. Installation & Maintenance

Based on the finalized design, the Proposer will describe their approach to installation and maintenance, and Project oversight as an owner representative. The following elements should be covered:

- Description of Work
- Required installation schedule
- Reference standards
- Submittals
- Quality Assurance and Warranty
- Installation
- Field Quality Control
- Adjusting and Cleaning
- Disposal

7. Construction Administration

The Proposer will describe its approach to Construction Administration including the following:

- Perform spot-checks on installed lights to ensure proper installation procedures are being followed-
- Manage data of installations and provide a weekly status update of the project.
- Confirm satisfactory installation completion by install contractor.

8. Acquisition of Street Lights

The Proposer will describe their experience and methodology for assisting municipalities in acquiring their streetlights from current utility owners.

9. Rebates/Incentives

The Proposer will describe their experience and approach to managing rebates/incentives for streetlights on behalf of municipalities.

F. Value Added Services

The Towns seek opportunities to provide the public with enhanced services and to make management of municipal infrastructure more efficient. Proposers should describe how they can leverage the functionality of an advanced LED streetlight network to offer value added services. These may include public facing elements such as Town-wide Wi-Fi, electric vehicle charging, and public information kiosks as well as operational functions such as advanced traffic and parking management, public safety applications, and location analytics. Each Proposer should describe services or products it can provide and detail what the Proposer is prepared to supply as

part of a contract. The Towns are open to collaborations with third parties; discussion may include opportunities for the Towns to monetize elements of the infrastructure through public/private partnerships.

G. Leveraging the Towns' Investments

Proposers are encouraged to provide additional information regarding how the Towns might offer similarly efficient and cost-effective LED lighting solutions to those proposed, to residents, businesses, and non-profits in Town, so that they might upgrade and/or replace their conventional exterior lighting systems. While such upgrades would be exclusively at the homeowner's or business' expense, taking advantage of the potential purchasing scales of economy resulting from responses to this RFP would obviously be in the best interests of the Town.

Additionally, the Towns anticipate engaging local municipalities to take part in a larger regional opportunity to make use of the responses to this RFP. Accordingly, Proposers are encouraged to consider how to make their proposals both attractive and easily available to a larger regional group of municipalities, and both public and private institutions.

H. Additional Information

The Proposer may provide other information that may be relevant for the review and evaluation of the prospective vendor's experience or capabilities.

I. Project Schedule

The selected Proposer shall begin work immediately upon contract signing and complete the tasks in their entirety within a reasonable yet aggressive schedule, as specified in the Proposal.

J. Submission

Six (6) paper copies and one (1) digital copy of the proposal must be submitted to the address on page 1 for each town included in the request. No faxed or e- mailed submissions will be considered. Please submit the electronic copy on a thumb drive in PDF format and enclose with your paper copies.

All proposals received will be opened at the County Commissioners' meeting scheduled on March 17, 2020. Proposals will be recorded in the official minutes of the meeting and then forwarded to each Towns' designee for review. A committee representing each Town shall be assembled to review and rate all proposals received using the categories in Attachment B.

K. Proposer Selection

At its discretion, the Towns may select a firm outright or select a finalist(s) for further discussions of their respective proposals. The Towns reserve the right to negotiate directly with the firm selected for additional project work at a negotiated contract price for services. The Towns reserve the right to accept or reject any or all proposals for any reason, to negotiate with any individual or firm, and to select one or more of the proposals. Attachment B includes a table that identifies the selection criteria that the Towns will use to rank proposals.

L. Questions

All questions shall be directed in writing ONLY, and must be received at least five business days prior to the bid opening. The Towns will not address questions received after this time. Please E-mail all questions to: townmgr@damariscottame.org. Responses from the Towns that substantially alter this RFP will be issued in the form of a written addendum to all RFP respondents. Oral explanations or interpretations given before the award of the contract will not be binding.

PROPOSAL FORM

**Request for Proposals –
Conversion of Town Street Light System to LED Fixtures
and from Utility Owned To Municipally Owned
and Maintained Fixtures on Utility Owned Poles**

**** THIS SHEET MUST BE INCLUDED IN YOUR PROPOSAL ****

The undersigned hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same, and that no person acting for or employed by the Towns of Bristol, Damariscotta, Newcastle, Somerville and Wiscasset is directly or indirectly interested in this proposal, or in any anticipated profits which may be derived there from.

The undersigned hereby declare that they have read and understand all conditions as outlined in this Request for Proposals, and that the proposal is made in accordance with the same.

The bidder acknowledges the receipt of Addenda numbered: _____

COMPANY NAME: _____

AUTHORIZED SIGNATURE: _____

DATE: _____

PRINT NAME & TITLE: _____

ADDRESS: _____

E-MAIL ADDRESS: _____

PHONE NUMBER: _____ FAX NUMBER: _____

TYPE OF ORGANIZATION - PARTNERSHIP, CORPORATION, INDIVIDUAL, OTHER:

STATE OF INCORPORATION, IF APPLICABLE: _____

FEDERAL TAX IDENTIFICATION NUMBER (Required): _____

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.

ATTACHMENT A – Participating Towns Profiles

Town PROFILE	Approximate Units
<p>Bristol, Maine</p> <ul style="list-style-type: none"> • Miles of Road • Street Lights attached to utility or decorative poles and scheduled for replacement through this project • Population 	<p style="text-align: right;">63</p> <p style="text-align: right;">41</p> <p style="text-align: right;">2,755</p>
<p>Damariscotta, Maine</p> <ul style="list-style-type: none"> • Miles of Road • Street Lights attached to utility or decorative poles and scheduled for replacement through this project • Population 	<p style="text-align: right;">25</p> <p style="text-align: right;">100</p> <p style="text-align: right;">2,218</p>
<p>Newcastle, Maine</p> <ul style="list-style-type: none"> • Miles of Road • Street Lights attached to utility or decorative poles and scheduled for replacement through this project • Population 	<p style="text-align: right;">43</p> <p style="text-align: right;">62</p> <p style="text-align: right;">1,752</p>
<p>Somerville, Maine</p> <ul style="list-style-type: none"> • Miles of Road • Street Lights attached to utility or decorative poles and scheduled for replacement through this project • Population 	<p style="text-align: right;">25</p> <p style="text-align: right;">2</p> <p style="text-align: right;">550</p>
<p>Wiscasset, Maine</p> <ul style="list-style-type: none"> • Miles of Road • Street Lights attached to utility or decorative poles and scheduled for replacement through this project • Population 	<p style="text-align: right;">49</p> <p style="text-align: right;">230</p> <p style="text-align: right;">3,732</p>

ATTACHMENT B – Rating Categories

The following table will be used to rank proposals in the selection process:

RATING CATEGORY	WEIGHT
<p>Company Capability & Experience</p> <ul style="list-style-type: none"> • Respondent demonstrates strong knowledge of street light technology, quality standards, and design requirements. • Respondent documents relevant experience: <ul style="list-style-type: none"> ○ Managing or performing all aspects of the proposed project. ○ With comparably sized projects in urban and suburban environment. • Knowledge of municipal street lighting operations and maintenance. • Experience or demonstrated understanding of utility requirements and incentives. • Experience in assisting municipalities with evaluation and acquisition of their street lights. • Experience providing and/or recommending financing solutions for street light conversions. • Possession of unique tools and technologies to improve system performance. • Experience incorporating Smart Cities and IoT technologies into LED street light conversions. • Sufficient qualified staff to support project implementation. 	40
<p>Project Approach</p> <ul style="list-style-type: none"> • Describes a coherent, convincing plan to meet or exceed requirements of scope of work for all tasks: <ul style="list-style-type: none"> ○ Includes a detailed project plan that accelerates implementation where possible. ○ Includes a description of a rigorous Audit Report that can be used to support financing of the remaining project costs. ○ Includes a design approach that will meet the Town’s goals of safety, standardization, and minimizing lifecycle costs. ○ Includes a project management approach which demonstrates efficiencies in time and cost. ○ Describes the Towns’ required involvement in all project phases, and describes an efficient use of their time and resources (e.g. efficient plan for meetings, use of police details or avoiding them, etc.) ○ Describes opportunities to implement Smart Cities and IoT technologies that enhance the capabilities of urban infrastructure and provide improved services to residents and visitors. ○ Identifies opportunities for public/private partnerships that may provide services to the public and potentially generate revenue for the Towns. 	60

ATTACHMENT C – Summary of Project Costs, Dates, and Additional Participants

Proposers shall include the following cost and date information in their proposal:

1. Audit Fee, if applicable
2. Design Fee, if applicable
3. Costs of LED Luminaire, or recommended alternatives
4. Cost to purchase CMP fixtures
5. Cost of optional Smart Controls. Please list and price components separately
6. Cost of Installation, including removal of CMP fixtures
7. Other Costs not included above
8. TOTAL PROJECT COST
9. Anticipated Start and Completion Dates
10. List of interested tag-along businesses, non-profits, and residents

Gartley & Dorsky

ENGINEERING SURVEYING

January 23, 2020

Hugh Priebe, - Road Commissioner
Town of Damariscotta
21 School Street
Damariscotta, Maine 04543
Via email: firesidebrew@roadrunner.com

**RE: Proposal for Survey & Civil Engineering Services
Hodgdon Street Drainage**

Project 2019-016

Dear Hugh:

We appreciate the opportunity to provide this proposal for surveying and civil engineering services related to the road improvement and drainage project on Hodgdon Street. Based on our conversation and site meeting, we have prepared a proposal for our services that outlines the steps we believe are necessary to ensure your road reconstruction and drainage improvement project is accurately designed and constructed.

PROJECT UNDERSTANDING

We understand you wish to rebuild the section of Hodgdon Street beginning at the intersection with Pleasant Street and running northeasterly approximately 400' to utility pole CMP #8. We also understand, that, at that time, you wish to widen the street to 20' and install a new closed drainage system.

PROPOSED WORK SCOPE

A. Survey: \$1,890.00

1. We will prepare an existing conditions topographic site plan of the project area (the portion of Hodgdon Street beginning at the intersection with Pleasant Street and running northeasterly approximately 400'). The site plan is to include, but is not limited to, the following:
 - i. Approximate limits of the right of way for Hodgdon Street as shown on the 2012 Right of Way Survey by Maine Coast Surveying
 - ii. Existing paved traveled way and sidewalks
 - iii. Existing utility poles, sewer manholes, water shut off valves, fire hydrants, sanitary manholes and inverts, or other similar utilities in the project area
 - iv. Existing catch basins and drainage pipes with invert and outlet elevations
 - v. Existing stone retaining walls and/or fences
 - vi. Existing trees greater than 4" diameter within the project area
 - vii. Existing 1' elevation contour lines within the project area
 - viii. Closest face of nearby structures
2. We will coordinate with the utility companies to have them mark out the location of pipes to be located during our field work.
3. We will set a TBM within the project area

B. Civil Engineering: \$6,825.00 – \$8,820.00

1. We will use the survey base map to design a road plan and drainage plan for the proposed improvements.

2. We will prepare multiple cross sections for the proposed driveway reconstruction in order to best address the conditions observed on site.
3. We will prepare a plan view showing the extents of the proposed closed drainage system, roadway reconstruction and stabilization, and where each design section will be applied.
4. We will also show, on the plan view, the proposed grading for the improvements.
5. The drawings we prepare will be sufficient for construction.
6. Meetings and project coordination.

C. Bid Administration: \$2,625.00 - \$3,150.00

1. We will prepare plans, specifications, and a project manual that will be suitable for soliciting bids from multiple contractors.
2. We will submit a request for bid to multiple contractors preapproved by the Town.
3. We will prepare and provide a request for bid notice to the Town for them to place in the local newspaper, upon request.
4. We will attend bid opening, review bids and provide the Town with our recommendations.
5. Construction oversight is not included. Oversight will be provided at our standard hourly rates, see attached fee schedule.

PROPOSED FEE

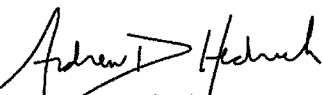
The estimated cost to complete the services described above is **\$11,340.00 - \$13,860.00** (plus reimbursable expenses such as mileage, application fees and printing expenses). Any requested out-of-scope services will be provided at our standard hourly rates and will be in addition to any services provided under this contract. Refer to the enclosed fee schedule for additional information.

APPROVAL

Services not described herein are not part of this proposal. If you wish to have the services completed as outlined above, please sign your approval below and return a copy of this proposal to Gartley & Dorsky.

Thank you for contacting us to provide a proposal for this work. If you have any questions, please feel free to contact us at (207) 236-4365.

Sincerely,
Gartley & Dorsky, Engineering & Surveying Inc.


Andrew D. Hedrich, P.E.
Senior Engineer


David "Dusty" A. Starr, Jr.
Project Manager & PLS

By signing below, you are hereby agreeing to the terms and conditions of this proposal. Please keep a copy for your records as well.

ACCEPTED BY: _____ **Date** _____

MAINE SERVICE CENTERS COALITION

60 Community Drive • Augusta, Maine 04330 • (207) 623-8428

Christine Landes, Chair
City of Gardiner
(207) 582-4800

Catherine Conlow, Vice Chair
City of Bangor
(207) 992-4204

January 23, 2020

Mr. Matt Lutkus, Town Manager
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Scott Morelli, Secretary
City of South Portland
(207) 767-3201

James Bennett, Treasurer
City of Biddeford
(207) 284-9313

Dear Matt:

As the second session of 129th Maine Legislature begins we are asking that you renew your dues support of the Maine Service Centers Coalition. Your municipal revenue received significant and long overdue increases in the 2019 Maine Legislative Session. Our efforts along with MMA and other interested parties resulted in the increase in Revenue Sharing from the original \$74 million in 2019 to approximately \$105 million in FY 2020 and \$143 million in FY 2021.

The budget enacted last June also included a fully State funded expansion of the homestead exemption from \$20,000 to \$25,000. Obviously the new Administration and bipartisan majorities in the Maine Senate and House deserve part of the credit for this dramatic turnaround in Maine's budget priorities and for their support in numerous other areas including local aid to education funding, county jails, workers compensation reform and the critical need for the \$100 million transportation bond package approved by Maine's voters in November.

Your membership and support are now even more important to our continued success. It will take a collective effort to maintain and continue the restoration and protection of municipal revenue as the new Administration and Legislature continue to repair the damage from the recent twelve years of band aids in biennial budgets. Recent revenue figures show that Maine ended the recent fiscal year with a budget surplus of \$168 million. Unfortunately, this legislative session began with more than \$250 million in carried over bond proposals and worthy state agency and municipal program needs.

Full funding of Revenue Sharing is part of the base budget that the next legislature will begin 2021 with. In addition to protecting last session's gains our major priorities include addressing the need for permanent solutions to county jail funding, local share of marijuana revenue to compensate municipalities for administrative costs, more responsive Tax Increment Finance rules and regulations and some overdue changes to the General Assistance burden for many of Maine's Service Centers.

The need for your participation in the Maine Service Centers Coalition's advocacy efforts has never been greater. We will continue to work with a group of organizations to restore full funding of all revenue to municipalities. Our strategy includes holding every Maine legislator accountable for every vote that impacts municipal revenue or impairs our ability to provide property tax relief to our citizens. However, as always we will need your help support and input.

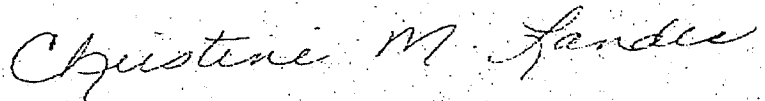
Given the obvious advantage of experienced political advice and relationships, the Maine Service Centers Coalition leadership and staff will again rely upon Richard Trahey and his firm of Maine Governmental Relations for professional lobbying staff support. I believe that this relationship with Richard has benefited the Coalition greatly in providing us access to policy makers, sound policy advice and effective advocacy services.

We are enclosing the MSCC Membership Dues invoice for 2020 and hope you will respond favorably. Membership dues are set at twelve cents per capita based on your community's population (established by the latest State Revenue Sharing data available) with a minimum dues payment of \$500 per community. Also enclosed please find an informational form that we ask you to update and return to us. Please be sure to note to whom we should rely upon as the principal REPRESENTATIVE and ALTERNATE for your community.

In addition, please feel free to contact me directly at the Gardiner City Hall (207.582.4200) or by e-mail at clandes@gardinermaine.com.

Once again, thank you for your municipality's past support. Together we can make 2020 a productive year for the Maine Service Centers Coalition.

Sincerely,



Christine Landes
Chairperson
Maine Service Centers Coalition

Enclosures (3)

MAINE SERVICE CENTER COALITION

**2020 Resolution for Membership and
Appointment of Voting Delegate Representative and Alternate**

BE IT RESOLVED that the _____
(City/Town Council or Board of Selectmen)

hereby authorizes membership in the Maine Service Center Coalition and designates:

(name) (position in municipality)

to be the appointed REPRESENTATIVE for the Maine Service Centers Coalition and is therefore authorized to vote at the Maine Service Centers Coalition business meetings.

BE IT FURTHER RESOLVED that the designated ALTERNATE is:

(name) (position in municipality)

Dated Attested To By:

Please return this Resolution as soon as possible to:

Maine Service Centers Coalition
c/o Theresa Chavarie, Manager, Member Relations
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
E-mail: tchavarie@memun.org

MAINE SERVICE CENTERS COALITION

VOTING DELEGATES - 2020

Membership Information Sheet

MSCC REPRESENTATIVE	MSCC ALTERNATE
NAME:	NAME:
TITLE:	TITLE:
MUNICIPALITY:	MUNICIPALITY:
MAILING ADDRESS:	MAILING ADDRESS:
CITY/ST/ZIP:	CITY/ST/ZIP:
TOWN OFFICE PHONE:	TOWN OFFICE PHONE:
WORK PHONE:	WORK PHONE:
HOME PHONE:	HOME PHONE:
FAX PHONE:	FAX PHONE:
E-MAIL ADDRESS:	E-MAIL ADDRESS:

RETURN TO:

Maine Service Centers Coalition
c/o Theresa Chavarie, Manager of Member Relations
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358
E-MAIL: tchavarie@memun.org