



Agenda
Board of Selectmen's Meeting
Town of Damariscotta, Maine
January 6, 2021; 5:30 PM
Meeting to be held remotely via Zoom

Join Zoom Meeting
<https://us02web.zoom.us/j/84292664507>

Meeting ID: 842 9266 4507
Passcode: 836306

I. Pledge of Allegiance

II. Public Hearings

1. Liquor License Application for Butter Up Cakes

III. Call to Order

IV. Official Action on Public hearing Items

1. Liquor License Application for Butter Up Cakes

V. Call to Order

VI. Minutes

1. December 16 Meeting

VII. Financial Reports

1. Payroll Warrants
2. Accounts Payable Warrants

VIII. Presentations

1. Meet with Senator Chloe Maxmin and Representative Lydia Crafts

IX. Citizen Comments and General Correspondence

X. Town Manager Items

XI. Official Action Items

1. Renewal of Joint Marine Shellfish Contract
2. Nobleboro-Jefferson Transfer Station Agreement
3. Cemetery Deed and Perpetual Care Agreement with Laurie Ann Curtis

XII. Selectmen's Discussion Items

XIII. Adjournment

Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV) Class A Restaurant/Lounge (Class XI) Class A Lounge (Class X)
- Hotel (Class I, II, III, IV) Hotel - Food Optional (Class I-A) Bed & Breakfast (Class V)
- Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV) Auxiliary Mobile Cart
- Tavern (Class IV) Other: _____
- Qualified Caterer Self-Sponsored Events (Qualified Caterers Only)

Refer to Section V for the License Fee Schedule on page 2

5. Business records are located at the following address:

77 MAIN ST. DAMARISCOTTA ME 04543

6. Is the licensee/applicant(s) citizens of the United States? Yes No

7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?
 Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

- Yes No
- Not applicable - licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Patrick Wayne Brady	03/21/78	Benton Harbor Mi.

Residence address on all the above for previous 5 years

Name Patrick Brady - Current	Address: 271 Patricktown Rd Somerville Me 04348
Name Patrick Brady	Address: 276 Bunker Hill Rd Maxfield Me 04453
Name Patrick Brady	Address: 1100 Grace Ave Rochester Hills Mi 48309
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Palmetto States properties Inc. 4803 N.E. 1st terrace #2
Oakland Park Fl 33334

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: N/A

19) Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

8ft Section of Counter Located at the back Right
Corner of Premises Near Public Restroom

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Lincoln Academy

Distance: 0.6 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 12-14-20

Patrick Brady
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Patrick Brady
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

*BOARD SIGN 3
RETURN TO
BECKY
PLEASE*

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- *Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.*
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

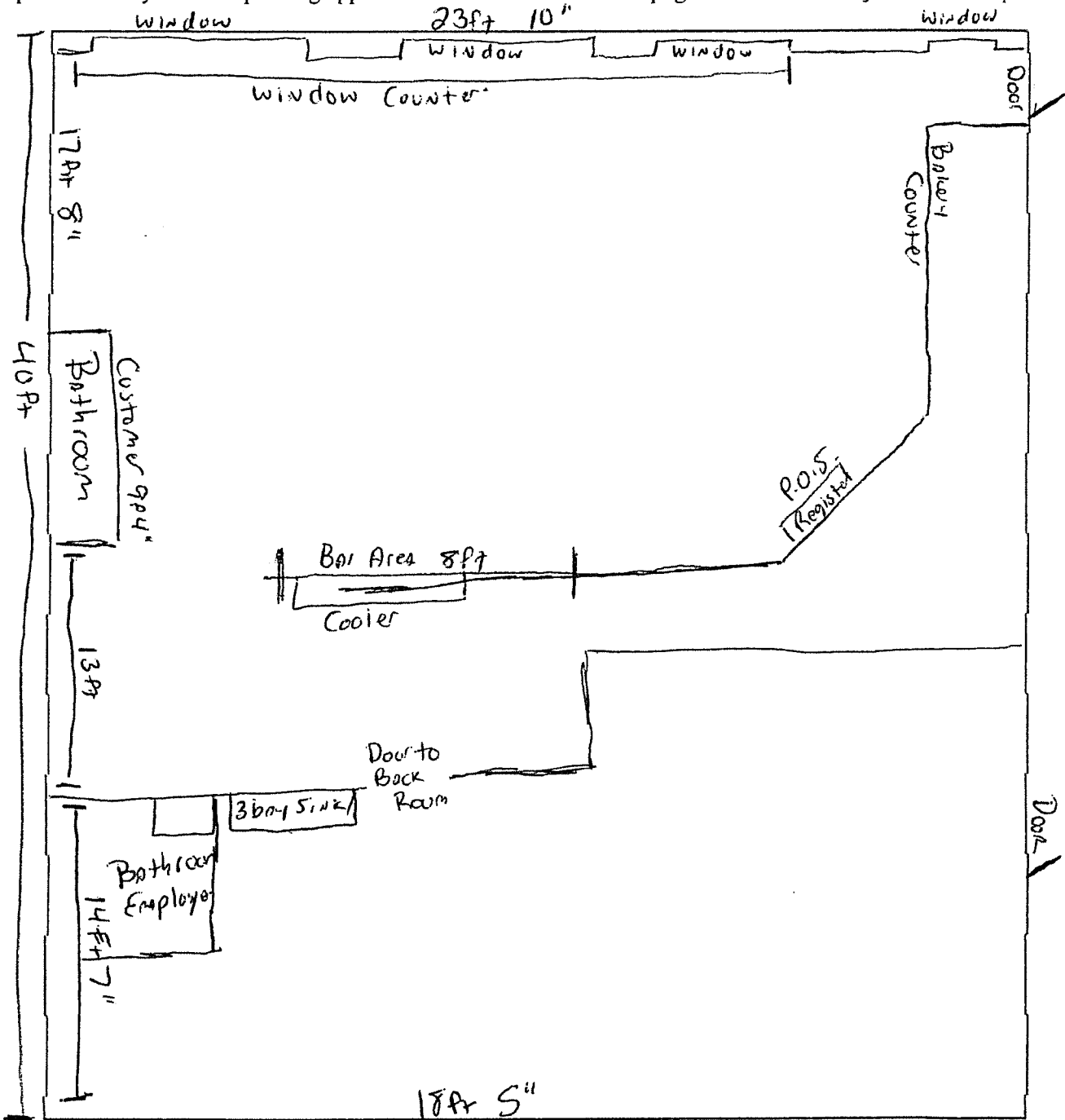
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) <i>This class includes only a Club without catering privileges.</i>	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) <i>This class includes only a Restaurant Lounge</i>	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises
Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: _____
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership

(Ownership in non-publicly traded companies must add up to 100%.)

*Damariscotta Police Department
Chief Jason Warlick*



*21 School Street
Damariscotta, Maine 04543
(207)563-1909 (207) 563-3200 fax (207) 563-8986
email: jwarlick@damariscottame.com*

TOGETHER WE MAKE A DIFFERENCE

December 16, 2020

Board of Selectman
Town of Damariscotta
21 School Street
Damariscotta, Maine 04543

Re: Butter Up Cakes

To the Board of Selectman:

As requested, I had my staff research our records for any police complaints or contacts involving Butter Up Cakes (formerly Two Fish Boutique) located at 77 Main St. In a period of one year this department has responded to that location as follows (See Attached Information):

- 1 Assist Citizen
- 1 Welfare Check

To our knowledge, none of these calls involved the serving of alcohol at 77 Main St. All above mentioned calls were under the previous establishment.

Please do not hesitate to contact me if you have further concerns or questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Warlick", written over a horizontal line.

Chief Jason Warlick
Damariscotta Police Department

Lincoln County Sheriff's Office

Printed: 12/16/2020

Site Analysis
 01/01/2019 to 12/16/2020 (0000 - 2359 only)
 Jurisdiction: Damariscotta (200)
 Site(s): 363

TWO FISH BOUTIQUE

Reason
 ASSIST CITIZEN
 WELFARE CHECK

	<u>Calls</u>	<u>Unfounded</u>	<u>Incidents</u>	<u>Accidents</u>	<u>Arrests</u>	<u>Interviews</u>	<u>EMS</u>	<u>Fire</u>
	1	0	0	0	0	0	0	0
	1	0	0	0	0	0	0	0
Sub Total >	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Totals >

	<u>Calls</u>	<u>Unfounded</u>	<u>Incidents</u>	<u>Accidents</u>	<u>Arrests</u>	<u>Interviews</u>	<u>EMS</u>	<u>Fire</u>
	2	0	0	0	0	0	0	0

CEMETERY DEED

KNOW ALL PERSONS BY THESE PRESENT that the Town of Damariscotta, in the County of Lincoln in the State of Maine, a municipal corporation organized and existing under the laws of the said State, in consideration of the sum of **three hundred** dollars (\$300.00) paid by **Laurie Ann Curtis**, in the State of Maine, does hereby transfer and convey unto the said **Laurie Ann Curtis** and his/her assigns, a certain lot of land in **Hillside** Cemetery, **Annex 2** in said Town of Damariscotta, said lot(s) being numbered **1074** as shown on the plan of the cemetery on file with the Trustees of said cemetery.

TO HAVE AND TO HOLD the same unto the grantee(s) and assigns forever.

ON CONDITION that:

- 1) the same shall be used and improved only as and for a burial lot for the human dead;
- 2) no permanent markers shall be erected above the surface of the ground, other than permitted monuments;
- 3) no shrubbery or trees shall be planted on the lot;
- 4) the lot shall not be mounded or terraced (grade to be maintained on level with the rest of the area);
- 5) it can only be sold to the Town of Damariscotta;
- 6) it can be transferred only with prior written permission from the Trustees of said cemetery; and
- 7) the owners and possessors thereof shall always be subject to such regulations and orders as are or shall be made for the use and improvement of said cemetery.

The said Town of Damariscotta covenants to and with **Laurie Ann Curtis** and his/her assigns that it is lawfully seized in fee of the aforesaid premises, that the granted premises are free from all encumbrances, that it has good right to sell and convey the same to the said **Laurie Ann Curtis** and his/her assigns forever.

IN TESTIMONY WHEREOF, the Town of Damariscotta has caused these present to be signed and sealed by its Selectmen, thereunto duly authorized this **6th** day of **January**, **2021**.

THE TOWN OF DAMARISCOTTA

Roberta Mayer, Chairman

Louis F. Abbotoni

Mark Hagar, Vice Chair

Joshua Pinkham

Daryl Fraser, 2nd Vice Chair

STATE OF MAINE

COUNTY OF LINCOLN

Then personally appeared the above-named Selectmen of the Town of Damariscotta and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Town.

Before me, _____
Notary Public

CEMETERY PERPETUAL CARE & MAINTENANCE CONTRACT

THE TOWN OF DAMARISCOTTA, in the County of Lincoln in the State of Maine, a municipal corporation organized and existing under the laws of the said State, has received the sum of **two hundred** dollars (\$**200.00**) paid by **Laurie Ann Curtis**, and said sum has been accepted by said Town, to be held in trust, the income thereof to be used for the perpetual care and maintenance of lot number(s) **1074** in **Hillside** Cemetery, **Annex 2**; provided, however, that should any part of said income remain unexpended after the reasonable and proper care of said lot, said income shall be used for the general care and maintenance of Hillside Cemetery.

Perpetual care fees are nonrefundable.

Dated at Damariscotta, Maine this 6th day of January, 2021.

THE TOWN OF DAMARISCOTTA

Roberta Mayer, Chairman

Louis F. Abbotoni

Mark Hagar, Vice Chair

Joshua Pinkham

Daryl Fraser, 2nd Vice Chair

STATE OF MAINE

COUNTY OF LINCOLN

Then personally appeared the above-named Selectmen of the Town of Damariscotta and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Town.

Before me, _____
Notary Public

Municipal advocacy during a pandemic: A new unknown

Access to state legislative hearings and leaders will be limited by the COVID-19 pandemic. MMA will ask municipal leaders to contact local legislators this session.

By Kate Dufour, Director, MMA State & Federal Relations

By the time this article is printed, the newly elected members of the 130th Maine State Legislature will be sworn in. Although normally legislators take the oath of office in the chambers of the House and Senate surrounded by family and friends, due to COVID-19 related gathering limits the Augusta Civic Center is slated to host the Dec. 2 event.

Advocacy in 2021

The pandemic will also change the way in which the public – including MMA’s advocacy team – is able to weigh in on proposed legislation. Currently, members of the public are prohibited from entering the very buildings where public hearings and work sessions take place and the Legislature convenes to enact legislation.

While this lack of access does raise concerns, ensuring that all voices are heard is not an insurmountable task. As town and city leaders have illustrated, ingenuity, equitable rules of engagement, and the proper use of technology can ensure appropriate access to policymakers and the decision making process. Municipal officials trust that legislative leaders will implement a solution providing unfettered access to the process.

That being said, in this environment, regular communications between municipal leaders and elected state officials will be vital.

To support this effort, municipal officials can expect to receive messages from the State & Federal Relations (SFR) team urging outreach to legislators to discuss how proposed initiatives will impact their communities. Legislative Bulletin articles published each Friday during the session,

and emailed action alerts, will be used to inform local leaders of the issues of the day, ones that will need “back at home” support. If you are not already subscribed to the Bulletin, but wish to receive it, please contact Laura Ellis at either: lellis@memun.org or 1-800-452-8786.

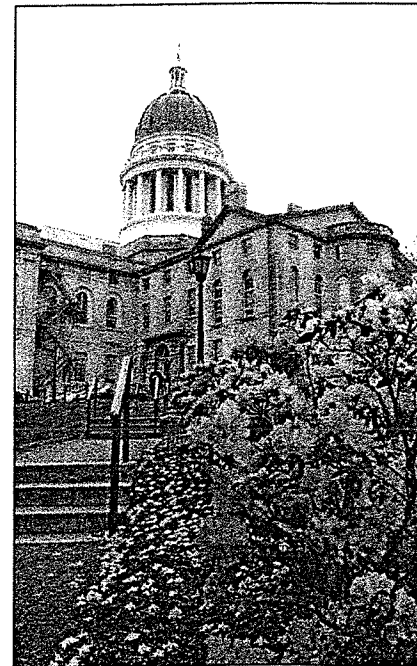
Protecting the core plus

Not surprisingly, the pandemic has had an impact on the process for establishing MMA’s 2021-22 legislative platform, which is adopted by the Association’s 70-member Legislative Policy Committee (LPC). A list of LPC members is included as a sidebar to this article.

While the platform usually includes a dozen bills advancing proposals to improve the delivery of municipal services, this year the LPC opted to advance a “protect the core plus” platform.

Under the “protect the core” approach, the Association’s advocacy efforts will focus primarily on protecting the legislative gains made in 2019. These gains included increased funding for the Municipal Revenue Sharing Program to 3.75% of state sales and income tax revenue, and reimbursement for 70% of the lost property revenue under the state’s \$25,000 homestead exemption program.

The “plus” element of the platform directs MMA’s advocacy team to: Provide testimony on all municipally-relevant legislation, subject to policy committee input; support efforts to increase reliable broadband access throughout the state; and, advocate for permanently extending remote meeting authority to municipalities, schools and counties.



Revenues & budget

It is expected that a fair amount of the Legislature’s attention will focus on the adoption of the FY 2022-23 General Fund budget.

As outlined in the Revenue Forecasting Committee’s August 2020 report, FY 21 general fund revenue collections were estimated to fall \$528 million short of budgeted numbers. The report also projected General Fund revenue shortfalls for FY 22 and FY 23 of \$434 million and \$449 million, respectively.

At its Nov. 23 meeting, the committee discussed and accepted the preliminary December revenue projections, which showed that in the first six months of FY 21 several revenue lines out-performed adjusted revenue

projections. While the state's revenue outlook is improving – or was, at the time of this magazine's printing – shortfalls still exist. When comparing pre-pandemic general fund budgeted numbers (March 2020) with December data, the FY 21, FY 22 and FY 23 general fund shortfalls are projected at \$255 million, \$202 million and \$194 million, respectively. The committee's final report will be posted on the Office of Fiscal and Program Review's website on Dec. 1.

The impacts at the municipal level are equally concerning.

In June of this year, MMA's advocacy department collaborated with the state Department of Administrative and Financial Services and the Mayors' Coalition to collect COVID-19 related expense and lost revenue data from municipalities. Based on the data provided, MMA estimates that by the year's end municipalities statewide will have spent \$24 million on pandemic related expenses and lost \$146 million in local source revenue.

To account for these costs and revenue losses, 75% of the municipalities

participating in the survey will turn to program cuts, undesignated fund balances or rely on a combination of cuts and the use of undesignated funds.

While these approaches address short-term funding gaps, none are sustainable.

Additional federal funding needs to be part of the solution. A COVID-related federal stimulus package, similar to the CARES Act, providing financial assistance for both state and local governments and authorizing the revenue to be used for pandemic related expenditures and revenue losses is necessary. This type of federal aid will enable state and local government to continue to provide needed services.

As noted above, without additional federal and ongoing state assistance municipalities will turn to increased taxes, reduced services or the implementation of strategies to both increase taxes and reduce services to address funding shortfalls.

Cuts to municipal budgets are likely to have a trickledown effect on Maine's economy and the business

community. More often than not, reductions are made to infrastructure investment and improvement projects, which are contracted out to private businesses, or to "nonessential" services, such as libraries and recreational programs, which supplement after-school care services.

As legislators begin to negotiate the terms of the biennial general fund budget, it is important they keep in mind the needs and challenges, as well as the contributions, of local government partners. Since the inception of the public health emergency, local law enforcement, code enforcement and public health officers have played an important on the ground role in the state's battle to keep residents and guests safe and healthy. Although offices may have been, or currently are, closed to the public or open by appointment only, vital local level services continued to be delivered.

Other issues on radar

It is likely that incoming state lawmakers will revisit many of the issues



Meet Our Attorneys Jonathan A. Pottle

Jon provides legal services to both public and private sector clients in the areas of environmental law, land use law, municipal law, utilities law, economic development, project development and finance, renewable energy, real estate, timberlands, and natural resources law. Jon's practice in these areas helps clients with their strategic and tactical planning, day-to-day operations and troubleshooting, project development and financing, real estate and business transactions, municipal and utility district governance, and resolution of related legal disputes, including representation before Maine and Federal Courts as well as Local and State administrative boards and agencies.

Eaton
Peabody
Attorneys at Law

1-800-564-0111 | eatonpeabody.com
Augusta | Bangor | Brunswick | Ellsworth | Portland

left on the table when the members of 129th Legislature abruptly adjourned in March. Some of those issues were of interest to municipalities, such as a proposal requiring the state to share with municipalities a portion of adult use marijuana sales and excise tax revenue. Other issues were of great concern to communities, including bills seeking to extend the right to strike to public employees and making disputes over public employee salaries, pensions and benefits subject to binding arbitration.

In addition, it highly likely the Legislature will be called on to address the state's affordable housing and homelessness crises and to act on the recommendations developed by Gov. Mills' Climate Council.

Affordable housing & homelessness

With greater attention being placed on the historic increases in the homeless populations afflicting the cities of Bangor, Lewiston and Portland, it's hard to believe that addressing related issues will not be on the Legislature's radar. While a vast majority of homeless individuals, for a variety of reasons, migrate to service center communities, municipal leaders recognize that it is unfair to place the burden of addressing related issues solely on the shoulders of property taxpayers in

those few communities. Homelessness and the lack of affordable housing begs a statewide solution.

Climate council recommendations

In the coming months, the Legislature will begin to discuss and debate the merits of the Climate Council's recommendations. Although the final report has not yet been printed, it is expected that several of the proposals will have impacts on towns and cities. Of particular note are initiatives seeking to: Expand municipal responsibility over the enforcement of statewide building codes; mandate training for municipal officials, planning boards, and code enforcement officers; improve regional planning supports; and, develop funding mechanisms necessary to protect or move out of harm's way vulnerable people and infrastructure.

While similar work is underway in other New England states, those efforts are supported with state funding. In Massachusetts for example, \$44 million in state revenue has been dedicated to help fund municipal planning, extreme weather vulnerability assessments and mitigation efforts. The Massachusetts Legislature has also funded clean energy projects in municipal buildings, and invested in the costly and specialized work

(e.g., reducing impervious cover, conducting localized carbon inventories, etc.) necessary to help municipalities achieve "green communities" designations. This "green" certification status allows cities and towns to access other funding streams to achieve climate goals.

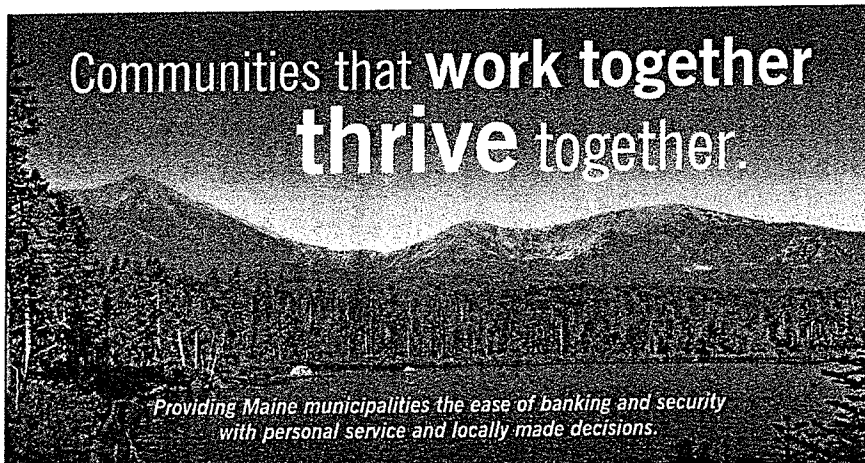
Although Maine's council and related subcommittee reports identify potential funding sources, those funds have neither been secured nor reserved for any of the proposed recommendations.

Due to the breadth of the council's recommendations, the SFR Department is developing a guidance document to help municipal officials navigate the proposed short and long term recommendations. That document will be posted on MMA's website in mid-December.

A new recruit

Finally, the SFR Department is pleased to welcome its newest member, Neal Goldberg. Neal joined the team in late September as our legislative analyst and will be primarily responsible for conducting the research necessary to support our state and federal advocacy efforts.


On behalf of the entire SFR team – Rebecca Graham, Laura Ellis and Neal – I wish you a safe and healthy 2021. ■




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ABOUT THE LPC

Maine Municipal Association's 70-member Legislative Policy Committee (LPC) is comprised of two municipal officials elected from each of the state's 35 Senate districts by the municipal officials their respective districts to serve a two year term. The vice president of MMA's Executive Committee serves as chair.

In addition to developing the association's legislative agenda, LPC members take positions on legislative proposals affecting municipalities, establish ongoing communication with legislators in their districts and inform the legislators of the LPC's positions. Members also act as liaisons with municipal officials in their districts and keep MMA informed of issues of concern.

Public Works Survey of Road & Parking Lot Projects: 10/29/2020

	Previous Work	Overall Condition	Reconstruction	Overlay	Crack Sealing	Shoulder/ Sidewalk	Ditching	Culverts	Brush/ Tree Trimming	Notes
Roads/Streets										
Back Meadow	Overlay 2009 Shoulder work,	Fair to Good	Recommend milling and overlay							Request as major capital project in FY2022
Belvedere	ditching completed	Fair	Recommend total depth reclamation and overlay							Request as major capital project in FY2022
Belvedere Ext.	Shim and overlay 2019	Excellent								
Branch	Overlay 2015 Shim and overlay 550'	Good		Shim and Overlay approx. 100' from School Street RFP					High limbing needed '21' PWI	Spring-Summer 2021
Chapman	from School Shim and Overlay 750'	Fair to Good		Shim and overlay Hillside Lane to School Street RFP						Request in FY2022 Capital Budget
Church	Elm to Pleasant -2019 & Hillside east to Main 2660' -2017	Fair to Good								Complete test borings in '21; Request in FY2023 Capital Budget
Cross		Fair to Good								See note for Water Street
Elm	Sidewalk and drainage improvements	Good								
Egypt	Cross culvert near Cedar lane replaced	Fair to Good	Request reconstruction of northern section					rec. northern most culvert - major capital project; ENG/RFP culvert near Castaway Cove Lane PWC	Ongoing high - limbing and brush- cutting PWI	Request northern culvert in FY2023 Capital Budget
Hammond	overlay 2019	Excellent								
High										
Hillside Lane	Overlay 2013 slurry seal - 2017?	Excellent								
Hodgdon	Reclaim and overlay- 2015 raised frame and grates-2020	Good								
Keene Woods	overlay 350' eastern section & culvert replacement 2017	Poor	Section east of Pleasant Street - Obtain ROW to widen ENG/RFP	Shim and Overlay rest of road up to previously- completed east section RFP						Possible CDBG funded project; currently waiting on G&D to do survey & engineering; construction in FY2022
KEY	culverts replaced 2020	Fair to Good				maintenance required PWI	maintenance required PWI	maintenance required PWI	tree trimming required PWC	Spring-Summer 2021

ENG.	
RFP	Engineering Services required for design/cost projections
PWC	Select contractors through RFP Process
PWI	Use contractor from public works services contract agreement
YEAR	Work to be accomplished by Public Works Staff
WP	Fiscal Year(s) recommended to be accomplished

CIP	To be completed by Public Works staff or within Town's operating budget funds										
Lessner	Major project to be completed as part of five year capital improvement program										
Lewis Point		Good to Fair	Recommend milling and overlay			maintenance required RFP			maintenance required PWI	replace 1 culvert PWI	Request as major capital project in FY2023
Midcoast		Fair to Good		Shim and Overlay RFP							Request as capital project in FY2023
Miles		Good to Fair						maintenance required PWI			Spring-Summer 2019
Oak		Fair to Poor	Construct sidewalk, rebuild road and retaining wall ENG/RFP								Financing Plan in place LCH and Town to pay 50/50. Construction in 2022
Pine Ridge	Full depth milling and overlay- 2017	Excellent									
Pinkham	Overlay 700 from Bristol Rd culvert at Russell Rd replaced- 2019	Good						maintenance required PWI		replaced culvert at Kussen Rd. in '20; minor culvert work '21; Replace two cross culverts '22; PWI	
Pleasant		Fair									
Rocky Run	Overlay Hodgdon to Pleasant 2017	Poor		Shim and Overlay 1 to 1 1/2 " RFP							Poor condition due to utility cuts Combine with work on Hodgdon in Possible CDBG funded project; request engineering in FY2020; construction in FY2021
School		Good						maintenance required PWI		High Limbing -'21 PWC	
Standpipe	Full depth milling and overlay-2015	Excellent								Brush cutting '21 PWI	
Theater	Overlay 2013	Good				crackseal '21 RFP					
	Full depth milling and overlay 2017	Excellent									

?

KEY	
ENG.	
RFP	Engineering Services required for design/cost projections
PWC	Select contractors through RFP Process
PWI	Use contractor from public works services contract agreement
YEAR	Work to be accomplished by Public Works Staff
WP	Fiscal Year(s) recommended to be accomplished
CIP	To be completed by Public Works staff or within Town's operating budget funds
Water	Major project to be completed as part of five year capital improvement program

Westview		Fair								Frame and Grate '21 PWI; Other drainage to be addressed with	
Vine	Overlay 2013	Good				crackseal '21 RFP					
State Roads	Overlay 190 from Church- 2019	Fair									Drainage improvements between Water and Vine Streets to be completed in Spring, 2021

Biscay										
Bristol	Shim and Overlay 2016	Fair to Good								
Main	Shim and Overlay-2018	Good to Exc.				hard shoulder requested when road is repaved				
School	Shim and Overlay: Belvedere to Round Top & School to Bristol/Chruch	Poor/Fair/Good	MDOT has been asked to mill and overlay Downtown & Biscay to School							Not currently in MDOT three year plan
Parking Lots	Shim and Overlay 2016	Good								
Municipal Lot										
Town Hall Lot South		Poor	drainage/surface/sewer/flood resiliency 2022							Project fully funded currently under design
Biscay Beach		Good								Rebuild walkway on east side to 6-8' width FY 24 or FY 25 Budget
KEY		Fair								Consider building permanent forest-park type restroom

ENG.	
RFP	Engineering Services required for design/cost projections
PWC	Select contractors through RFP Process
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YEAR	Work to be accomplished by Public Works Staff
WP	Fiscal Year(s) recommended to be accomplished
CIP	To be completed by Public Works staff or within Town's operating budget funds
	Major project to be completed as part of five year capital improvement program