



Agenda
Board of Selectmen's Meeting
Town of Damariscotta, Maine
January 5, 2022; 5:30 PM
Damariscotta Town Hall

- I. Pledge of Allegiance**
- II. Call to Order**
- III. Minutes**
 - 1. December 1 and 15 Meetings
- IV. Financial Reports**
 - 1. Payroll Warrant
 - 2. Accounts Payable Warrant
- V. Presentations**
 - 1. Newcastle-Damariscotta Broadband Committee Update- Evan Goodkowsky
- VI. Citizen Comments and General Correspondence**
- VII. Town Manager Items**
 - 1. Draft - Allocation of Town ARPA Funds
 - 2. Draft-Bond Issue for Town Public Works Projects
 - 3. Draft-Board Policy Regarding Remote Attendance at Board Meetings via Electronic Media
- VIII. Official Action Items**
 - 1. Low- and Moderate-Income Survey Summary for CDBG Grant Application
 - 2. Date and Time for Special Town Meeting
 - 3. Date and Time for Annual Town Meeting
 - 4. Shellfish Resource Grant Application
 - 5. Cemetery Deed and Perpetual Care Agreement for Mindy L and Richard L. Carter
- IX. Selectmen's Discussion Items**
- X. Adjournment**

Town Manager Notes

January 5, 2022 Board of Selectmen's Meeting

Town Manager Items

1. **Draft - Allocation of Town ARPA Funds-** The attached document describes my recommendations for the allocation of American Rescue Plan Act (ARPA) funds that the Town has received and will be receiving in 2022. For some of the projects and activities, the criteria for determining what is and what is not eligible is somewhat unclear. Keeping in mind that there is not a definitive authority on the topic, I have reviewed my recommendations with the Maine Municipal Association (MMA) and they believe that there is justification for including each of the items listed.

There has been an ongoing discussion among town managers on whether the grant allocation decisions require Town Meeting approval. The MMA Legal Department encourages towns to obtain town meeting approval regardless of whether or not the town meeting has already given their elected officers the general authority to accept and spend grant funds. As noted below, I am recommending that the request for approval of the grant allocations be included as a warrant article on a February 16 Special Town Meeting Warrant.

2. **Draft-Bond Issue for Town Public Works Projects** The Board has given a high priority to completing some key road projects using bond funds. I have prepared the attached summary of showing the estimated total cost of the three projects and a calculation for the estimated debt service. Crooker Construction prepared the cost estimates for the roadwork (to be used for budgetary purposes only), while the sidewalk costs were estimated using the per linear foot cost provided by Gartley and Dorsky. I am awaiting a call back from a local bank for the estimated interest rate on a bond. In the meantime, I have used 2.5 percent as the interest rate and a term of fifteen years.

I am asking for the Board's direction on what projects should be included in the bond-funded project, the amount to be borrowed and the term of the loan. The Board will also need to decide whether the bond issue should be taken to the voters at a special town meeting or at the annual town meeting in June, keeping in mind that financial institutions will only hold a quoted interest rate for a limited time. Given the size of the proposed bond issue, the Board may want to have this item as an article on the warrant for a secret ballot election, aka, referendum.

Once I receive direction from the Board, I will contact bond counsel and send a formal request for interest rate quotes to the local banks.

3. **Draft-Board Policy Regarding Remote Attendance at Board Meetings via Electronic Media-** I asked Town Attorney Amanda Meader to review and edit my draft of the revised

Selectmen's policy regarding attendance at Board meeting remotely via electronic media. In the end, it made more sense to rewrite the policy rather than edit the policy that the Board has had in place since 2012. Please review the attached draft and let me know if there are any changes that you would like to have made. The Statute requires that the Board hold a public hearing on the proposed policy before adopting it and I have scheduled this for just prior to your January 19 regular meeting.

Official Action Items

1. **Low- and Moderate-Income Survey Summary for CDBG Grant Application (tabled)** – I hope to have this for the Board's review in time for Wednesday's meeting. Two residents who agreed to participate in the survey have yet to return their survey forms.
2. **Date and Time for Special Town Meeting-** There are two and possibly up to four items that could be included in a Special Town Meeting in February. These are articles on the proposed allocation of the Town's ARPA grant funds, a public works bond issue, the approval of a "land swap" with Cupacity and an Interlocal Agreement with Boothbay Harbor for a shared planner position. The Town Attorney is currently reviewing State Statutes to determine whether or not a Town Meeting approved Interlocal agreement is required for the contract with Boothbay Harbor. Moreover, as noted above, if the Board wants to have a referendum on the bond issue, this would have to be scheduled later than February due to the additional time required for absentee balloting.
Recommended Action: Schedule a Special Town Meeting for the consideration of two or more of the above listed items for Wednesday, February 16 2022 at Town Hall starting at 5:30 PM.
3. **Date and Time for Annual Town Meeting-** The Town Meeting held last June, gave the Board of Selectmen the authority to set the date time and place for the next annual town meeting. Staff is recommending that the secret ballot portion of the meeting be held on the same date as the Statewide primary, June 13, 2022 and that the open meeting be held the following evening. Staff will check on the availability of Great Salt Bay School prior to your meeting.

Given the uncertainties regarding possible restrictions on large group gatherings, the Board may once again want to include the more substantive warrant articles on the ballot for the secret ballot portion of the Town Meeting. There is also a perspective that the secret ballot election provides the opportunity for more citizens to participate in Town Meeting voting. The Board does not need to decide on which articles should be added to the secret ballot election until the warrant is finalized next Spring.

Recommended Action: Set the date, time and location for the Annual Town Meeting as June 13, 2022 from 8 AM to 8 PM at Damariscotta Town and the open meeting as June 14, 2022 starting at 6 PM at Great Salt Bay Community School.

4. **Shellfish Resource Grant Application-** The Darling Marine Center has indicated that they are willing to continue their work on the Shellfish Resource Study on behalf for the Towns of Damariscotta and Newcastle through 2022. A flyer describing the grant program is attached. Funding is once again available for this work through the Broadreach Foundation. Grant applications are due January 19. The Town is not required to provide a cash local match although some unreimbursed Town staff time will be needed for administration of the grant.

The shellfish resource study has had strong support of the Newcastle-Damariscotta Shellfish Conservation Committee in 2020 and 2021 and Committee members have had no objections to submitting an application for the third and possibly final year of this program.

The following is a note from Heather Leslie, Director of the Darling Marine Center describing what will be accomplished if the grant is received:

I anticipate that the DMC will have a field crew engaged in ecological surveys and local knowledge work in summer 2022, with activities involving LA students and others throughout the year. So we could certainly use the additional support, particularly between September and December 2022, given the constraints on other funding sources. ... I propose that we focus on the Damariscotta, again given the constraints of other funding sources and the time available.

I will have more details on the grant application for you to review prior to next Wednesday's meeting.

Recommended Action: Approve an application for grant funding from the Broadreach Foundation to continue the Damariscotta River shellfish resource study conducted by the Darling Marine Center.

5. **Cemetery Deed and Perpetual Care Agreement for Mindy L and Richard L. Carter** – Both documents are attached for the Board's review.
Recommended Action: Approve (and sign) a cemetery deed and perpetual care agreement with Mindy L and Richard L. Carter.

Town Manager's Recommended Use of ARPA funds:

Total \$227,179.59

Received 10/6/21 \$113,589.79

October 2021 Allocation

Category 1.7 - Capital Investments to Public Facilities that respond to COVID-19 public health emergency -Miles Street and Schooner Street Culvert and Miles Street causeway- \$76,589.79. These two streets provide major access points to LincolnHealth Covid treatment and vaccination facilities.

-Air Purification System for Town Hall and Police Department - \$3,100 for four HVAC units.

Category 3.11 -Housing Support for Unhoused Persons - \$16,400 requested by Stepping Stone for Tiny House

Categories 5.16 &5.17 -Broadband Expansion - \$5,000 for staff support for Newcastle/Damariscotta Broadband Committee; and \$2, 500 Contribution to the National Digital Equity Center or similar use focused on expanding broadband service to low-income families.

Categories 2.11 -Aid to Tourism and 2.09 Other Economic Support- \$10,000 Contribution to Chamber of Commerce for Information Center Remodel. Some of the building space would be used for students to access university classes online and for information on a community job bank where prospective employees can learn about work opportunities in response to the economic impact of the COVID-19 public health emergency.

Total 2021: \$113, 589.79*

Fall 2022 Allocation

Category 1.7 - Capital Investments to Public Facilities that respond to COVID-19 public health emergency Miles Street and Schooner Street Culvert and Miles Street causeway. (\$108,589.80) These two streets provide major access points to LincolnHealth Covid treatment and vaccination facilities.

Categories 5.16 &5.17 -Broadband Expansion -\$5,000 staff support for Newcastle/Damariscotta Broadband Committee.

Total \$113,589.80*

*The total amount received from ARPA may be adjusted slightly upwards due to reallocation of State funds per 12/29/21 email from Maine ARPA Support. The Town Manager's recommendation is to add these supplemental amounts to the amount allocated to the Miles Street project described above.

12-30-2021 MJL

Estimated Cost & Debt Service for Spring, 2022 Bond Issue

Contractor (Crooker) estimates for Egypt Road, Church Street and Belvedere Road

Brief description of work:

Belvedere- (from Bypass to Nobleboro town line)- Reclaim of asphalt 6-8", Overlay with 2.5 " 19 mm HMA; 1.5" 9.5 mm HMA, 2' reclaim on shoulders. 4' side road aprons, 1' driveway aprons, average of 2" shim

Egypt Road (from Biscay to Back Meadow) 1" mill, 5/8" shim, 1.5" 12.5 mm HMA overlay, 2' reclaim shoulders, 1' driveway aprons, 4' side road aprons

Church (Pleasant to Hillside Lane) address subsoil heaving by rebuilding road. Box-cut 24", 2.5" 19mm HMA, 1.5" 12.5mm HMA, 2' reclaim shoulders, 1' driveway aprons, 4' side road aprons.

Total \$1,222,235 (provided for budgeting purposes only)

Egypt Road ditching and in-sloping (based on Crooker's per linear foot estimate) \$453,000

Sidewalk Construction on 900' section of Church Street that will be reconstructed. Includes asphalt sidewalk with granite curb, below ground drainage on north side and surface drainage on south side. (Based on per linear foot estimates from Gartley and Dorsky and Crooker) \$135,000.

Estimate of construction cost-	\$1,810,235
Project Management 10%	181,000
Contingency 15%	270,035
Sub Total	\$2,250,270
Bond Counsel	3,500
Total	\$2,254,770

Debt Service estimate

2.5% interest rate for 15-year term = \$180,414.72 per year

This would increase the Town's debt service to \$191,256 from the FY 22 budget amount of \$120,642.28. (FY 22 payments included final payment \$109,800 in October 2021)

12-29-21 MJL

TOWN OF DAMARISCOTTA

MUNICIPAL OFFICERS' POLICY REGARDING SELECTMEN'S PARTICIPATION IN BOARD OF SELECTMEN'S MEETINGS BY MEANS OF ELECTRONIC MEDIA

The Board of Selectmen (the "Board") hereby approves remote participation of its members in regular and special meetings of the Board subject to the following.

1. Physical Presence: All members of the Board of Selectmen are expected to be physically present for public proceedings except when being physically present is not practicable. Examples of such impracticability include, but are not limited to, (a) the existence of an emergency or urgent issue that requires the entire Board to meet by remote methods; and (b) illness other physical condition or temporary absence from Damariscotta that causes a Selectman to face significant difficulties traveling to and attending in person.
2. Acceptable Electronic Media: Maine law (1 MRSA § 403B) allows members of municipal elected bodies to participate in meeting discussions and voting at official meetings by means of telephonic or video technology media that allow for live communications through transmission of audio or audio and video signals (hereinafter referred to as "Acceptable Electronic Media" or "AEM")
3. Remote Attendance of Less Than Entire Board: In those cases where a Selectman cannot attend a Board meeting in person, he/she may remotely participate in a meeting through Acceptable Electronic Media.
4. Remote Attendance by Entire Board: The entire Board is allowed to attend a meeting remotely due to an emergency or urgent issue. Examples of emergency or urgent issues that may cause the entire Board to attend remotely include (a) public health emergencies, such as the Covid pandemic, (b) unusually severe and dangerous weather when the Board is unable to postpone an agenda item, (c) [Matt, anything to add? Or maybe you don't want to mention the weather?]. In such an instance, the Board will attend using Acceptable Electronic Media.
5. Attendance Status: Selectmen shall be considered as present and able to participate in regular and special meetings of the Board if they are using electronic media that allow them to hear the proceedings and speak to the other Selectmen and others present at the meeting in real time (i.e., AEM). Communication via email, social media chat functions, texting or other typed communication media do not meet the criteria required to be considered as being present for a meeting. [Matt, should we go one step further and make it clear that a Selectman is never allowed to join a meeting this way, even if he/she doesn't care about being marked "present"?]
6. Quorum: A Selectman participating in a meeting via AEM shall be considered as present for purpose of determining whether a quorum is present for conducting official business of the Board.

7. Voting: All votes taken during a meeting using AEM will be by roll call vote that can be seen and heard if using video technology, and heard if only using audio technology, by other members of the Board and the public.
8. Remote Attendance by Public: In those meetings where one or more of the Selectmen are attending via AEM, the public has the right to attend the meeting through AEM.
9. In-Person Attendance by Public: In those meetings where one or more of the Selectmen are attending through AEM, the public has the right to attend the Board meeting in person.
10. Notice of Remote Attendance to Public: When any Selectman intends to participate in a meeting through AEM, adequate notice must be provided through the Town website and as part of the pre-meeting distribution of the agenda.
11. Notice of Remote Attendance to Town Staff: Selectmen who must attend a Board meeting remotely through AEM are asked to provide Town staff with sufficient notice so that public notice can be provided and so that the necessary arrangements can be made prior to the meeting.

Adopted following a public hearing on _____, 20____.

Municipal Officers for the Town of Damariscotta:

Witnessed by:

Maine Shellfish Restoration and Resilience Project

Request for Proposals

Posted September 2021

DEADLINE: January 19, 2022

This will be the Fund's fourth and final year of funding.

The Maine Shellfish Restoration and Resilience Project invites proposals for projects that will improve the management and conservation of clam flats and mussel beds. Specifically, this funding opportunity seeks to support new or expanding projects that restore shellfish flats, improve clam flat or mussel bed productivity, find and fix pollution, work with town and state officials to open closed flats, increase volunteer participation in co-management and conservation activities, strengthen civic partnerships, and/or update shellfish conservation and co-management policies.

Eligibility

Applications may be submitted by fishermen, shellfish wardens, town officials, or other stakeholders in partnership with a town or nonprofit (for example a land trust or other community organization). Applications must demonstrate involvement of clam or mussel harvesters. The review committee will favor projects that also include shellfish committee members and shellfish wardens as well as scientists, regulators, managers, and other key partners. If clam or mussel harvesters have a project idea and need assistance connecting with a town official or representative from a non-profit organization, support will be provided (see contact information for questions below). Though projects may include an education component, this fund is not intended to be used exclusively for education initiatives.

Past MSRRF Grantees

Groups that have received funding in the past may ask for additional funds for their current project or apply for another project. Organizations and towns that received grants in 2020 were given 12 month project extensions because of the many challenges caused by COVID 19. We understand the pandemic has continued to create delays and project changes. Please contact us if you have any questions (see contact information below).

Ineligible Expenses

Activities that are part of the organization's mission with no clear start or end date, or those that have been implemented for more than three years and are continuing without expansion.

Equipment expenses need to be part of a defined project.

Proposal Evaluation Criteria

- Measurable benefit to shellfish harvesters and the community
- Timeliness and urgency of the proposed activity
- Ability to foster relationships with other partners
- Innovation and relevance to emerging issues

- Interdisciplinary approach to shellfishing sustainability (i.e. includes multiple forms of knowledge and considers both social and environmental issues related to shellfishing)

Timing

The deadline for application is **January 19, 2022**. Grants can only be used to support projects or activities that occur after the grant has been awarded.

Award Amount

Grant size will range from \$1,000 to \$20,000. We hope to award at least 10 grants, but may have to decline some requests based on available funds. Proposals for planning grants (max. \$5,000) will also be considered.

Application Materials

Complete application packet should be emailed to maineshellfishfund-group@maine.edu by **January 19, 2022**.

Materials to include:

- Contact information for project coordinator, include phone number and email address
- List of key personnel and project partners, include phone numbers and email addresses
- The name of the organization or town that would receive the grant. Please include staff contact, phone number, email address, and mailing address.
- Start date and end date for project (grant funds will be released by the end of March, 2021)
- Project budget with expenses and revenue, including in-kind support and income from other sources
- Please include a statement indicating that everyone named in the proposal has been contacted, knows that they are included in the proposal, and that they have agreed to participate.
- A 2-3 page narrative with the following sections:

Problem statement: What is the problem you intend to address and why does it matter for the health and sustainability of shellfishing?

Solutions: How will you address this problem? What specific strategies, activities or products will you produce?

Capacity: Who is involved in this project, what are the specific roles and responsibilities, and why is this group well positioned to do the work you propose? Also, how will the group seek the participation of community members and stakeholders that aren't normally involved in conservation or efforts with harvesters? How will the group accommodate different stakeholders' abilities, comfort level, or willingness to participate or be involved in projects?

Limiting factors: Are there any specific challenges or limiting factors that could shape your ability to achieve success in your project? This information will be helpful in identifying opportunities for project advisors to work with and help your group achieve its goals.

Sharing project data and learning: If applicable, how will the project work to archive and share data with the town, state, and other interested parties? Please indicate your willingness to participate in meetings to help other grantees learn about your project.

Questions

Andrea Perry, Broad Reach Fund: andrea@broadreachfund.org

Bridie McGreavy, University of Maine: bridie.mcgreavy@maine.edu

For more information and to see a list of previously-funded projects, please visit the MSRRF website: <https://umaine.edu/shellfish-restoration/>. The Mudflat website also has details about related shellfish projects across the region (<https://themudflat.org/ongoing-projects/>) and other resources that may be useful for project development.

This funding effort is part of a collaboration that involves the Broad Reach Fund of the Maine Community Foundation, the Maine Shellfish Advisory Council, the University of Maine's Department of Communication and Journalism and Senator George J. Mitchell Center for Sustainability Solutions. An advisory committee comprised of scientists, agency staff, harvesters, and other stakeholders will review proposals and make funding recommendations.

The Broad Reach Fund is a component fund of the Maine Community Foundation. The Fund has awarded fisheries-related projects for over a decade and is embedded in the philosophy of community-based management.

The Maine Shellfish Advisory Council is established and governed by Maine Statute. The Council addresses matters of concern to the shellfish industry. ShAC will raise awareness about this funding opportunity within the industry and in municipal shellfish programs across the state.

The University of Maine serves in an advisory role and provides logistical support to the project. Dr. Bridie McGreavy is an Assistant Professor in UMaine's Department of Communication and Journalism and faculty fellow with the Mitchell Center for Sustainability Solutions. Dr. McGreavy's engaged research with Maine's shellfishing and coastal communities helps inform and support this project.

Town Planner

Nature of work:

This is responsible professional administrative and technical work in directing the planning function for the Town.

Employee of this class is responsible for all municipal planning functions, including the development and implementation of the Town's Capital Improvement Plan. Work involves land use planning; staffing and providing technical assistance to the Planning Board; researching, developing, coordinating and administering land use and planning related projects; maintaining accurate records; and public contact. Work is performed under the general supervision of the Town Manager with considerable independence of action. Work is reviewed through discussion, reports and results achieved.

Essential Duties and Responsibilities:

Establishes guidelines and is responsible for the review and verification of all applications for subdivision and shoreland zoning permits; advises applicants and Planning Board of application status and compliance with ordinances; coordinates review with appropriate municipal departments.

Drafts planning ordinances, prepares departmental budget and represents the Town on various regional planning agencies.

Makes recommendations to Planning Board for appropriate action or additional conditions to be imposed

Initiates planning projects to address long range planning

Collects land use data for use in preparation of comprehensive plan and development of zoning regulations.

Attends and staffs Planning Board meetings; processes purchase orders and accounts payable, and monitors special project budgets.

Develops Capital Improvement projects for the Town; directs the implementation of the five-year capital plan and monitors its progress

Prepares and submits grant applications and oversees grant implementation and closeout.

Prepares and drafts long range plans and other special projects as requested

Assists and provides technical assistance to various town committees and Boards, including the Board of Selectmen.

Performs related work as required.

Meets with developers and citizens to review development and construction plans.

Requirements of Work:

Through knowledge of the principles and practices of municipal land use planning.

Knowledge of the subdivision and shoreland and municipal zoning statutes.

Knowledge of grant development and writing; budget development and grant administration.

Some knowledge of civil engineering including use of survey equipment, map making and reading, and photo interpretation.

Ability to analyze and interpret laws, ordinances, rules and regulations.

Ability to keep varied records, to assemble and organize data, and to prepare standard reports from records.

Ability to establish and maintain effective working relationships with outside agencies, municipal officials, employees and the general public.

Knowledge of the principles and practices of planning, design and development.

Knowledge of the techniques of graphics and layout.

Knowledge of the legislative process and recent legislation.

Strong oral and written communication skills.

Training and Experience:

Graduation from a four-year college or university with emphasis on urban planning, public policy or administration, or engineering, with an advanced degree desired; experience with municipal planning; or any equivalent combination of experience and training.