



Agenda
Public Hearings and
Board of Selectmen's Meeting
Town of Damariscotta, Maine
April 7, 2021; 4:30 PM
Meetings to be held remotely via Zoom

- I. Call to Order**
- II. Executive Session re: Consultation with Town Legal Counsel re: Dispute with Contractor regarding compliance with Winter Roads Maintenance Agreement per 1 M.R.S.A. § 405 (6) (E) (Separate Zoom contact information to be provided.)**

OPEN MEETING TO BEGIN AT 5:30 PM <https://us02web.zoom.us/j/84757583886>

ZOOM MEETING ID: 847 5758 3886 PASSCODE: BOS

- III. Pledge of Allegiance**
- IV. Minutes**
 - 1. March 3, March 10 and March 17 Meetings
- V. Financial Reports**
 - 1. Payroll Warrant
 - 2. Accounts Payable Warrants
- IV. Presentations**
 - 1. Broadband Expansion Plans in Damariscotta- Tidewater Telecom
- V. Citizen Comments and General Correspondence**
 - 1. Letter from Public Safety and Assessibility Collaborative
- VI. Town Manager Items**
 - 1. Waterfront Project Update
 - 2. Public Hearing on Annual Town Meeting Warrant- April 21
 - 3. Secondary Schools Special Town Meeting
- VII. Official Action Items**
 - 1. Warrant for Annual Town Meeting
 - 2. Cupacity Parking Lot Paving
- VIII. Selectmen's Discussion Items**
- IX. Adjournment**

Town Manager Notes for April 7, 2021 Board of Selectmen's Meeting

Presentations

Broadband Expansion Plans in Damariscotta- Tidewater Telecom

Town Manager Items - (verbal updates)

1. **Waterfront Project Update**
2. **Public Hearing on Annual Town Meeting Warrant- April 21**
3. **Secondary Schools Special Town Meeting**

Official Action Items

1. **Warrant for Annual Town Meeting** – Attached is the draft of the Annual Town Meeting Warrant. Since many of the articles will be voted on by secret ballot, a public hearing is required. Given the various notice requirements for the hearing and the lead time needed to prepare the absentee ballots, the process must start much earlier than it would for open town meetings. The Board is asked to carefully review this draft and to make any changes that you have at next Wednesday's meeting. The public hearing on April 21 will provide the opportunity to explain the various articles to the public, but no changes to the warrant can be made as a result of any discussion during the hearing.

Staff will be making a final review of this draft early this week so there may be some edits made prior to Wednesday's meeting. Also, if there are any articles placed on the warrant by citizen petition, these will be added before the document is published in final form.

Recommended Action: Approve the Warrant for the June 8 and 9 Annual Town Meeting.

2. **Cupacity Parking Lot Paving** -As the Board may recall, the Town is required to pave the parking lot owned by Cupacity in accordance with the attached Recission of Reversionary Interests Deed approved by the Board in 2013. This was one of several deeds that the Town Attorney negotiated with individuals whose properties abut the Municipal Parking Lot in order for the Town to obtain full ownership of the parking lot.

Susan Murphy, the owner of Cupacity has been very cooperative during the construction of the downtown restroom and has allowed much of the staging for this project to take place on her property. As a result, the private gravel lot is in need of repair. In addition, to the parking lot, the Town needs to repave the driveway to the lot due to excavation of the

driveway (sometimes referred to as June Alley) that was needed last summer to install the waterline to the restroom.

Given that this is not a large project and there is benefit in getting the work done shortly after the restroom is completed, Town staff asked Crooker Construction if they would provide the Town a quote using the unit pricing that they provided in their successful bid for the Fire Station parking lot repaving project. Crooker has agreed to do so. The quote from

Town Manager Notes for April 7, 2021 Board of Selectmen's Meeting

Crooker is attached. Members of the Public Works Committee have reviewed the quote and agree that the Town should contract with Crooker for this work.

Since the work cannot be done until after the restroom construction is completed in early July, we would need to postpone the Fire Station repaving work until then. The funds to accomplish this work are available in the Municipal Parking Lot Maintenance Capital Reserve Budget.

Recommended Action: Waive Town Charter bid guidelines and authorize the Town Manager to approve a negotiated bid with Crooker Construction in an amount not to exceed \$39,315 for the repaving of the parking lot at 133 Main Street.

C O R R E C T E D

RELEASE DEED

(Maine Statutory Short Form)

THE INHABITANTS OF THE TOWN OF DAMARISCOTTA, MAINE, a Municipal entity with offices at 21 School Street, Damariscotta, Lincoln County, Maine, holder of a certain easement from Gilbert E. Gay Building, L.L.P., of Newton, Middlesex, County, Massachusetts, to the said Inhabitants, dated May 25, 1960, and recorded in the Lincoln County Registry of Deeds in Book 568 at Page 63, by its Selectmen, duly elected and authorized, for consideration paid, **RELEASE TO GILBERT E. GAY BUILDING, L.L.P.**, a Maine Limited Liability Partnership with offices located at 68 Myrtle Street, West Newton, Massachusetts 02165, all that land located generally northerly of and behind the buildings on the southerly side of Main Street in said Damariscotta lying northerly of the following described line:

SEE SCHEDULE A ATTACHED AND INCORPORATED BY REFERENCE

This grant is made **TOGETHER WITH AND SUBJECT TO** the following covenants which shall obligate and bind the said Inhabitants of the Town of Damariscotta and this Grantee, his/her/its heirs, successors and assigns, which shall run with the subject land of this Grantee:

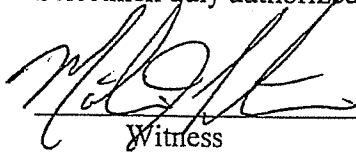
1. Grantor agrees to pave and provide reasonable maintenance between the above described line and the southerly side of the Grantee's building as and for a parking area for this Grantee, his/her/its heirs, successors and assigns ("at Grantee's request" intentionally omitted).
2. Grantee shall use the spaces so maintained for parking for tenants, employees, and customers in order to minimize the uses of the public parking lot southerly of the above described line.
3. Grantee, his/her/its heirs, successors and assigns, agrees to cooperate with maintenance efforts by moving vehicles during maintenance operations and striping activities, if such activities are requested by Grantor. Grantor will return the surface of Grantee's property to its previous condition upon completion of any paving or other activity including imprint of stripes/parking lines, if such previously were in existence.

C O R R E C T E D

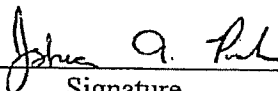
FURTHER SUBJECT TO any and all easements of record including, but not limited to, the following:

1. Permanent Sewer Easement in favor of the "Great Salt Bay Sanitary District - Municipal Parking Lot Easements" recorded in Book 1319, Page 31, and Plan Book 37, Page 16, of said Registry.
2. Any power line easement in favor of Central Maine Power Company or any successor in interest thereto.
3. Any telephone line easement in favor of Tidewater Telecom, Inc. or any successor in interest thereto.
4. Any easement for the purpose of storm drainage maintenance in favor of the Town of Damariscotta or the Great Salt Bay Sanitary District.

WITNESS the hands and seal of the Inhabitants of the Town of Damariscotta, Maine, by its Selectmen duly authorized this 15th day of May, 2013.



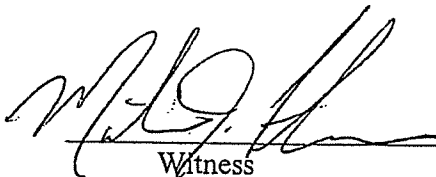
Witness




Signature

Joshua Pinkham

Printed Name of Selectman



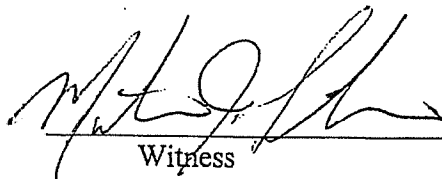
Witness



Signature Vicki Pinkham

Ronn Orenstein

Printed Name of Selectman



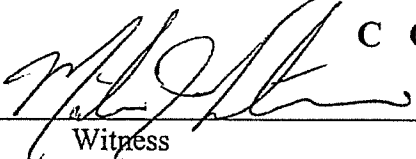
Witness

Signature

Ronn Orenstein

Printed Name of Selectman

C O R R E C T E D

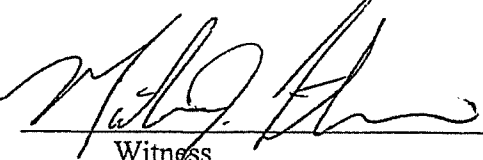


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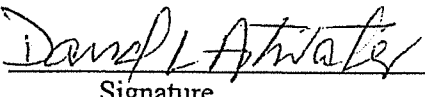


Signature

Roberta Mayer
Printed Name of Selectman



Witness



Signature

David Atwater
Printed Name of Selectman

STATE OF MAINE
LINCOLN, ss.

5/15, 2013

Personally appeared the above named **Selectmen of the Town of Damariscotta** in their capacity as duly elected and authorized representatives of the Inhabitants of the Town of Damariscotta and acknowledged the foregoing instrument to be their free act and deed.

Before me,



Notary Public / Attorney At Law

Printed signature of Notary / Attorney: _____

CHERYL M. PINKHAM
Notary Public, Maine
Commission Expires December 28, 2015

C O R R E C T E D

SCHEDULE A

A certain lot or parcel of land with the buildings and improvements thereon, if any, situated in the Town of Damariscotta, County of Lincoln, and State of Maine being shown on a plan prepared by Maine Coast Surveying entitled "Municipal Parking Lot," dated September 23, 2011, and being a portion of the land described in a deed from Robert F. Colquhoun to Gilbert E. Gay Building, L.L.P., dated November 24, 1997, and recorded in Book 2291, Page 155, in the Lincoln County Registry of Deeds and lying northerly and easterly of the following described line:

BEGINNING at an iron rod set in 1992 near the southeast corner of a Barber Shop on the land of this Grantee, said iron rod lying S 27° 15' 20" W a distance of twenty-seven and eighty-one hundredths feet (27.81') from an iron rod to be set at the southwest corner of the land now or formerly of Richard M. Hirsch as described in a deed recorded in Book 3144, Page 166, of said Registry;

THENCE N 58° 27' 39" W along the agreed upon common boundary between the land of this Grantor and the land of this Grantee a distance of fifty-four and fifty-seven hundredths feet (54.57') to an unmonumented point at the easterly-most corner of the land now or formerly of the Inhabitants of the Town of Damariscotta as described in Parcel 2 of a deed recorded in Book 533, Page 13, of said Registry, said point lying S 58° 27' 39" E a distance of nineteen and eleven hundredths feet (19.11') from a similar iron rod set in 1992;

THENCE continuing N 58° 27' 39" W along the same line a distance of nineteen and eleven hundredths feet (19.11') to said iron rod set in 1992 (missing call added);

THENCE N 31° 32' 22" E along the agreed upon common boundary between land of this Grantor and the land of this Grantee a distance of eighty-two and sixty-three hundredths feet (82.63') to a similar iron rod set in 1992.

THIS DEED and a similar deed from this Grantee to this Grantor are meant to clarify and confirm the boundaries and rights and responsibilities of the Inhabitants of the Town of Damariscotta as described in a deed recorded in Book 568, Page 63, in said Registry.

BEARINGS above are oriented towards Grid North, Maine State Plane Coordinate System, West Zone (NAD 83) as shown on the above-mentioned plan. The iron rods recited above as "set" refer to a 5/8" steel reinforcing rod with a 2" diameter aluminum cap stamped "Maine Coast Surveying, Damariscotta PLS 1191."

C O R R E C T E D

Received
LINCOLN COUNTY REGISTRY OF DEEDS
REBECCA S. WOTTON, REGISTER



2 April 2021

Dear Select Board Members and Town Manager Lutkus:

On behalf of the members of the Public Safety and Accessibility Collaborative we want to thank each of you for the generous contribution from the Town of Damariscotta in support of the PSAC trail map project. We are grateful and so appreciate the ongoing support you have demonstrated toward the work of the PSAC.

We have now received a sufficient number of donations to move forward with concluding the trail map project. We anticipate the cartographer completing his work by the end of this month. We will then have the maps printed and readied for distribution to the public. We have offers from The First National Bank, Bangor Savings, the Chamber of Commerce, the Y and Coastal Rivers to be distribution points for the maps and we anticipate adding 3 or 4 other organizations/stores to this list. The support and interest we have received in making this project happen has been remarkable.

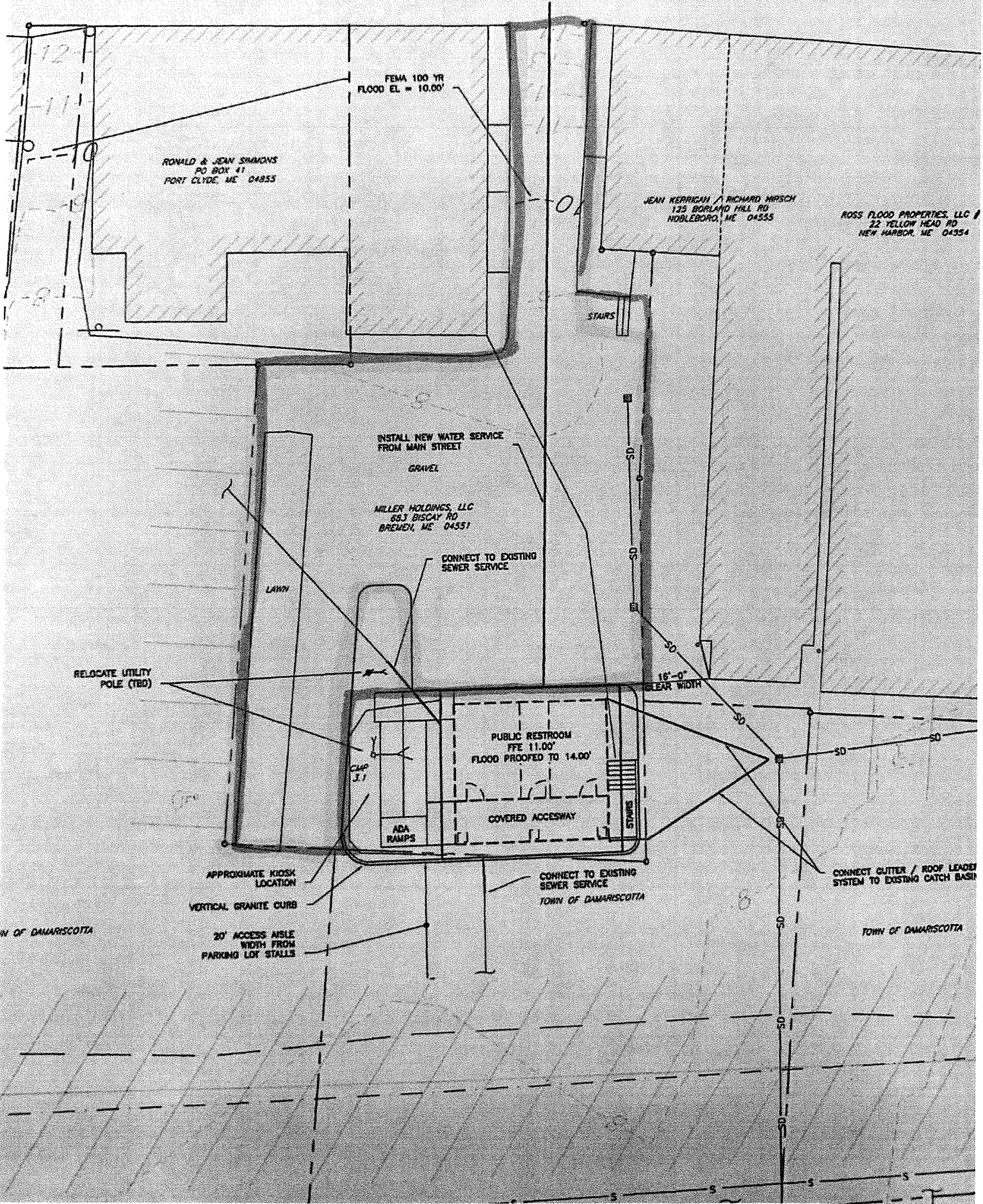
As we look to the future, the PSAC is about to launch a survey for local bike riders to complete. With survey results in-hand the PSAC anticipates working with state and local entities in helping to develop safe biking paths in the Damariscotta area - on and off road. Like walking paths, the goal of safe bikeways has been a conversation in our community for some time. The PSAC is hopeful that further progress can be made.

Again, we want to thank you for your support.

With Regards,

Anton Lahnston and Jean Moon
PSAC Co-Chairs

MAIN STREET (U.S. ROUTE 1B)



RONALD & JEAN SIMONS
PO BOX 41
PORT CLYDE, ME 04853

FEMA 100 YR
FLOOD EL = 10.00'

JEAN KERRIGAN / RICHARD WIRSCH
135 BORLAND HILL RD
HOBLEBORO, ME 04855

ROSS FLOOD PROPERTIES, LLC
22 YELLOW HEAD RD
NEW HARBOR, ME 04554

INSTALL NEW WATER SERVICE
FROM MAIN STREET

GRAVEL

MILLER HOLDINGS, LLC
6837 BISCAVY RD
BREMEN, ME 04551

CONNECT TO EXISTING
SEWER SERVICE

RELOCATE UTILITY
POLE (TBD)

LAWN

PUBLIC RESTROOM
FFE 11.00'
FLOOD PROOFED TO 14.00'

CAP
J.I.

ADA
RAMPS

COVERED ACESWAY

STAIRS

16'-0" CLEAR WIDTH

APPROXIMATE KIOSK
LOCATION

VERTICAL GRANITE CURB

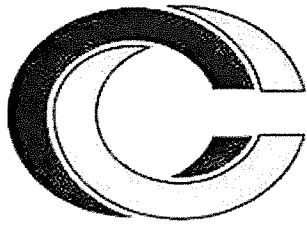
20' ACCESS AISLE
WIDTH FROM
PARKING LOT STALLS

CONNECT TO EXISTING
SEWER SERVICE
TOWN OF DAMARISCOTTA

CONNECT GUTTER / ROOF LEADER
SYSTEM TO EXISTING CATCH BASIN

TOWN OF DAMARISCOTTA

TOWN OF DAMARISCOTTA



CROOKER CONSTRUCTION

Since 1935

To: Town Of Damariscotta	Contact:
Address: 21 School Street	Phone:
Damariscotta, ME 04543	Fax:
Project Name: Damariscotta - Cupacity Parking Lot	Bid Number:
Project Location:	Bid Date:

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	19 MM HMA	85.00	TON	\$115.00	\$9,775.00
2	9.5 MM HMA - Machine Laid	52.00	TON	\$130.00	\$6,760.00
3	9.5 MM HMA - Hand Placed	0.00	TON	\$200.00	\$0.00
5	3/4" Crushed Gravel	72.00	CY	\$40.00	\$2,880.00
6	RS-1 Tack 0.025 Gal/SY	20.00	GAL	\$45.00	\$900.00
8	All Other Costs Related To The Work	1.00	LS	\$19,000.00	\$19,000.00

Total Bid Price: \$39,315.00

Notes:

- All removal and disposal of hazardous materials shall be by others
- All permits and fees shall be by others
- All third party testing (compaction, etc) shall be paid for by others
- MDOT asphalt escalator to apply
- Night work is excluded from this proposal
- Wage rates are excluded from this proposal
- No utility adjustments are included in this pricing. If adjustments are necessary they will be by others (catch basins, sewer manholes, water gates, etc)
- Liquidated damages are excluded from this proposal
- Bonds are excluded from this proposal
- This is a unit price proposal. Quantities provided are estimates only and billing will reflect actual quantities used in the field
- Butt joints are excluded from this proposal
- Striping is excluded from this proposal
- Proposal assumes all the work can be done in one mobilization
- Estimated quantity of 3/4" crushed gravel assumes 3" of reclaim blend over the entirety of the lot. This quantity is for estimating purposes only, the intent is to use the existing material as much as possible
- Proposal assumes that the "lawn area" and the island shown on the plan will be excavated, graveled, and paved. Also it assumes that the existing pavement in the highlighted area will be removed as needed. No excavation beyond the pavement removal and lawn areas has been included
- Proposal is based on plan provided by the town named "Town of Damariscotta Waterfron Restroom Damariscotta, Maine" Drawing C-3, and labeled "PRELIMINARY FOR REVIEW ONLY" Should the plans change the proposal will need to be renegotiated
- Curbing is excluded from this proposal
- Proposal assumes that this work will be done in July of 2021
- Should the town accept this proposal, the completion date for the Fire Department Paving contract is to be extended to allow Crooker to do this work in conjunction with that contract
- Proposal assumes 1.5" of 9.5mm HMA Surface and 2.5" of 19.0mm HMA Base
- Backing up of pavement is excluded from this proposal

Payment Terms:

NET 30

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

Your Company Name

Authorized Signature: _____

Estimator: