

**Town of Damariscotta
Board of Selectmen Meeting
Minutes
Wednesday, March 5, 2008**

- I. Pledge of Allegiance
- II. Public Hearings:
 1. Entertainment license renewal for Damariscotta River Grill: Public hearing opened at 6:30 PM. There was no comment on the license renewal, hearing none, the public hearing was adjourned at 6:31 PM
- III Call to order
The Board of Selectmen meeting was called to order at 6:31PM. J. Pinkham motioned for approval of the renewal of entertainment license for Damariscotta River Grill, McLean second. Motion carried, 4-0.
- IV. Communications
- V. Official Action
 1. Quit Claim Deed for Richard and Jean Brewer: Zinser reported the taxes were paid in full. McLean moved for a quit claim deed to Richard and Jean Brewer for property on Map/Lot 003-057-913. Wilbur second. Motion carried, 4-0.
 2. Downtown Snow removal contract: Zinser: contract has gone through legal review on both ends; minor changes on insurance updates; sign contract at full amount of \$64,990, clause in section 22 reduces scope of work, pending approval of snow removal ordinance, then the cost will be reduced accordingly.
Gove: only way to handle this is to request full amount; what happens if warrant article is not approved, are we still liable for the contract; are we obligated to pay the contract.
S. Hagar: if the town budget is not approved, then contract a wash.
McLean move to sign contract with Hagar Enterprises, Wilbur second, motion passed 3-1 (McLean, Gove, Wilbur yes; J. Pinkham no).
 3. Possible awarding of Town Roads Plowing contract: Gove: considering which avenue to pursue. Four bids received: Chester A. Rice Co., Sprague Excavation, Brown Homestead and Hagar Enterprises. (Bid figures attached to minutes). What is the Board's pleasure?
McLean to Zinser: have all the proposals met bid specifications
Zinser: Chester A. Rice Co.—no; Brown Homestead (at time of bid opening)—no; Sprague—yes; Hagar—yes.
Gove: with respect to the Brown Homestead bid: brought in a letter of credit from Damariscotta Bank and Trust, and a letter confirming permission to use Linwood D. Fraser's grader if required.
Gove: mandatory ground speed control requirements—Hagar met; Brown unknown, why are they required?
Sutherburg: record keeping, paper read out, good form for town public works
Zinser: without use of ground speed controls, cannot verify

Brown: want to speak on ground control: need to use judgment on application amount, for example, by Colby & Gale, or on Hospital Hill. This is not Route 1, wide and flat and not shaded; we use good judgment now; if we sign the contract, would hook up the ground control.

J. Pinkham: have all specs been met by Brown

Zinser: did not follow RFP, no

Brown: if we have to have it, we will have it

McLean: does this (bid) price still hold

Brown: no price clause, figures based on what is present

McLean: if awarded the contract, persist in ground speed control

Brown: will look into price, price is with ground speed control

S. Hagar: figures justify cost—reduce sweeping, catch basin problems, etc. Only way to meet bid spec of 10ga/ton is with ground speed control

Gove: if not enough material is spread, it will be obvious; if town paid for salt/sand, ground speed could be used to conserve material. Whoever buys the product will save with ground speed control.

S. Hagar: I challenge the Board to verify that the bid spec at application rate is met. The purpose is not just paper work, you can verify the product you are getting, you can prove it.

J. Pinkham: if he (Brown) meets specs, motion to accept the bid from Brown Homestead at figures given. Gove: second

McLean: some notations regarding Brown's bid: if calcium chloride is banned as a wetting agent and the alternative magnesium chloride is mandated, will he pay the difference in cost.

Brown: going to bid in Nobleboro, my home place

McLean: if we award you the contract tonight and subsequently Nobleboro awards you the contract...

Brown: will not sign the contract

Gove:... all the way to awarding the contract

McLean: not hearing that Brown will honor the bid tonight

Gove: have motion, second on the table. If it fails, need a motion to table.

Vote on motion 1-3 (J. Pinkham for), motion failed.

J. Pinkham: motion to table; McLean second.

McLean: complex technical issues

J. Pinkham: how much more money for bonding, \$3,500-4,000 per year, if required.

Motion to table to next Board of Selectmen meeting, approved 4-0.

Sutherburg: comment to the Board: I do not think it fair to other contractors to postpone, postpone awarding bids, not going by specs the Board writes.

4. Narrows Bridge Replacement—Municipal Agreement Zinser reported the Biscay Rd bridge will be shut down for one week this summer, the week before July 4th.

Gove: where will there be signage indicating detour

Zinser: yes and the town will work with the contractor to issue overlimit permits.

McLean: any questions/concerns regarding the weight limit waiver.

Sutherburg: should come up with bond

McLean move to approve signing the waiver as written, J. Pinkham second. Motion carried, 4-0.

5. Contract Addendum with Wright-Pierce for surveying: Gove: are we getting nickel and dined
 Zinser: test boring completed per Board approval. We can move forward with Phase II of the project, can get a lot of deed research, and so on done.
 Gove: how much
 Zinser: \$8,600
 Gove: move to take no action; McLean: second
 McLean: get the sense that committing to Phase II is committing to project
 Gove: boring data will give firmer numbers than before
 Zinser: now have information to give good numbers;
 McLean: will allow (Wright-Pierce) to give a second price on the estimate.
 Zinser: CDBG funding needs to have data in place
 Gove: need to do it now in order to get grant funding
 Zinser: just a timing issue now
 McLean: withdraw motion
 J. Pinkham: move to approve Phase II not to exceed \$8600; McLean second
 Motion carried 4-0

6. Cemetery mowing: Zinser: new contract; will hold final payment until mowing is completed for the year; has gone through legal review.
 J. Pinkham: put in clause if funding not approved.
 Discussion tabled

VI. **Town Manager Discussion**

1. Lynn Gilley Orne —Lincoln County EMA—Municipal CERT Teams: Ms. Gilley Orne reported on Phase II from Homeland Security: this targets special need people. They are putting together a data base; another aspect of Red Cross to be an extension of the Fire Department and EMA. Her department will provide training, sheltering design, to train citizens to provide additional services when needed.
 McLean: How was this information disseminated
 Orne: left packets at all the municipalities, saturated the area: doctors offices, Meals on Wheels, hospitals, schools.
- 2, Snow removal ordinance: Zinser: update last night's meeting of the DRBA, feeling they need more time to think about it.
 Mary Kate Reny: philosophical, financial fees; wait for more DRBA thoughts in writing; need to iron out the scope of services. What options are available to the merchants.
 Zinser: we are open to alternative arrangements;
 Bob Reny Jr: the only savings is in the sidewalk (snow removal);
 MK Reny: that is not negotiable?
 Gove: the contractors do an exceptional job, almost to a fault; not willing to pay that level of service as a taxpayer;
 MK Reny: we do shovel our sidewalks.
 Gove: signed a contract for \$64,000. The jump from \$26,000 to \$64,000 was huge. How do we bring this figure down; will save \$22,000 without the sidewalks
 MK Reny: why are downtown building owners being assessed the extra money; taxes go everywhere; why are we picking up the difference.
 McLean: is the Board willing to continue to table the ordinance to give an opportunity for creative alternatives. There should be a broader hearing.
 Bob Reny: is there any way to handle this other than in the contract.
 Zinser: how can we reduce the overall contract price; we are not talking about a fee to cover this, if ordinance passes, it will require you to clean the sidewalks, but at what point in the storm do you clean
 B. Reny: how messy this will be

J. Pinkham: times are tough, we have all these services; we are getting overtaxed, can you think of something to reduce the tax
Reny: downtown businesses are not the “bad guy”
J. Pinkham: everyone has to pitch in, cut by \$22,000, everyone pitches in, its all or nothing.
Reny: merchants have to talk about it
McLean: invite the Hagars to the DRBA meeting
Gove: building owners can hire the same contractors and divide among themselves the cost
B. Reny: won’t get all to work on it
M. Reny: can we try this for the first year, then re visit it; it is all new territory
Gove: if we can put into a program, something to realize savings.
Porter: seems like in the last ten or so years there has been a sort of disconnect between the Board of Selectmen and downtown businesses. Does the Board realize that Damariscotta is a flagship for the whole county. It is so important not to have “us” and “them.” People love the town; it is a special place for lots of people. Taking care of the heart of the community should be important to all of us.
Wilbur: make a connection: have never been invited to a DRBA meeting
M. Reny: has to start with a conversation
Gove: this Board is charge with some very complicated issues: the town’s population of about 2,000 swells to over 10,000 daily and more in the summer. Damariscotta is a service center.

2. Main Street Intersection update: J. Pinkham, Zinser and Gove met with state engineer who agreed it was quite a traffic cluster. There is no way to effectively signal onto Main St from Church St. Look into the possible redesign of the intersection: delineating three lanes from Bristol Rd onto Main St; flashing lights
Zinser: lead state engineer said it (the intersection) never should have been touched
B. Reny: it was a very polite intersection, cars alternated and let each other go
Gove: the intersection always worked; light eliminates the courtesy
Porter: remind the Board of benches to be installed soon

VIII. Consent Calendar

Regular meeting minutes of February 20, 2008: J. Pinkham moved to accept; Wilbur second, motion carried 4-0

1. General Fund Warrant #48: J. Pinkham moved, McLean second, motion carried 4-0
2. Payroll Warrants #46 and 47: J. Pinkham moved, Wilbur second; motion carried 4-0

IX. Other Business

J. Pinkham: when can we get rid of the light...
Wilbur: back to the snow plowing contract; not aware of ground speed control; do we need to go back
Gove: that was brought in by Bathgate; it save the person buying the sand money
Wilbur: does it save money for us

Gove: Brown's argument does make perfect sense
Wilbur: looking at bids, cannot ignore something that is part of the RFP
J.Pinkham: can be purchased after the bid is awarded
Wilbur: need to compare apples to apples
Gove: heard Brown say a number of things that were troubling
Zinser: the letter from DB&T for Brown is not an irrevocable letter of credit, it is merely a reference letter
J. Pinkham: his price is good;
Zinser: multiple conversations were going on; there are concerns the calcium chloride not being used; the tank level hardly moved; Bud did take more initiative in pre-wetting
J. Pinkham: Wayne is doing the job
Wilbur: we need to be careful with the Brown bid; we need to know he will do the ground speed control
Gove: the difference between the Brown and Hagar bids is \$22,000
McLean: just to mention that the last time the Board was in executive session, folks who had just left the meeting and were still talking outside the room, could hear the proceedings; suggest we relocate to another room in the event of an executive session.
J. Pinkham: any progress on the Fire Department parking lot
Zinser: Fraser, Hallowell, and Hagar were asked to write up how they would solve the problem. Only one reply so far
McLean: a letter from DOT considering posting Biscay Rd from route one to the bridge.
J. Pinkham: Buzzy Pinkham called DOT regarding pending deliveries to the Plantation in heavy trucks. DOT may post from Egypt Rd to the bridge.

McLean move adjournment; J. Pinkham second. Motion carried, 4-0.
Meeting adjourned at 8:17PM

Respectfully submitted,

Jurate J. Barnes, Deputy Clerk