

WISCASSET BOARD OF SELECTMEN
JUNE 10, 2008

(Tape Recorded Meeting)

Present: Bill Curtis, Phil DiVece, Chairman Duane Goud, Vice Chairman David Nichols, Nicole Viele and Town Manager Arthur Faucher

1. Call to Order

Chairman Duane Goud called the meeting to order at 7:03 p.m.

2. Pledge of Allegiance to the Flag of the United States of America

3. Approve Minutes of May 2 and 27, 2008

David Nichols moved, Duane Goud seconded, to accept the minutes as written. Bill Curtis moved, Nicole Viele seconded, to amend the minutes of May 27, 2008 to specify in Item 7 Class 1, Division 1 wiring for the security light at the airport. Votes on amendment and motion as amended - 5-0.

4. Public Hearing and Selectmen Consideration: Edna Rose Café Liquor License Renewal

The chairman opened the public hearing at 7:06 p.m. There were no comments or questions. The hearing was closed at 7:07 p.m.

David Nichols moved, Bill Curtis seconded, to approve the liquor license renewal application of the Edna Rose Café. Vote 5-0.

5. Public Hearing and Selectmen Consideration: Special Amusement Permit for 3-Day Art and Music Festival - Asa Kitfield

The chairman opened the public hearing at 7:08 p.m. Asa Kitfield reported that plans for a music festival in Wiscasset had been scaled down, since his presentation at the previous meeting, to an audience of 2500 to 6000. Point East land will not be used because of the need for remediation of the site and Chewonki has indicated its involvement would be minimal the first year. New plans call for the festival staging, parking and camping to be held at the airport. Security, emergency services, insurance, and cleanup remain as previously described. He asked for a conditional special amusement permit so that planning could continue to move forward.

Ken Boudin, Chairman of the Wiscasset Airport Committee, said he had had no notice of the proposed event and that it would be almost impossible to close down a federally funded airport. He pointed out other reasons the festival should not be held at the airport such as possible damage caused by parking cars on the grass if it should rain, and the cost to move 50 airplanes out of the airport. He questioned the Selectmen's authority to approve this use of the airport.

Kitfield said that he had spoken to Ervin Deck, Airport Manager, who indicated to him that it would be possible to get FAA approval, but only if the Selectmen approved the use.

Nicole Viele said that it would be difficult to put together an event such as had been described in three months. She also said that alcohol was not allowed on town property, which would preclude serving beer at the airport.

Phil DiVece went on record as opposing the use of the airport for the festival. Other objections included noise, the possibility of an airplane needing to make an emergency landing at the airport, and lack of sufficient public safety personnel in town.

Because there seemed to be a disagreement between the Airport Committee Chairman's response to the proposal and that of the Airport Manager, Duane Goud recommended that Asa Kitfield meet with the Airport Committee, the FAA, the Airport Manager, a selectman and the Town Manager to determine what activities would be allowed at the airport. The public hearing was closed at 7:40 p.m.

6. Set Public Hearing Date for Amendments to Wiscasset Ordinance, Article IX, Subsection 3.13.1 and 3.13.3: Increase Parking Violation Fines

Nicole Viele moved, David Nichols seconded, to set June 24, 2008 as the date for the public hearing for the amendments to the ordinance for parking violation fines. Vote 5-0.

7. Appoint Members to the 2010 250th anniversary celebration committee

David Nichols moved, Phil DiVece seconded, to appoint Rebekah Applin and Daniel Sortwell to the 250th anniversary celebration committee to take place in 2010. Vote 5-0.

8. Maine Yankee - Information on site restrictions and a proposed environmental covenant

Attorney Peter Murray explained the Proposed Environmental Covenant, which Maine Yankee proposed, and the consequences of the Town's signing the Subordination Agreement and Consent, both of which, if signed, would be recorded in the Lincoln County Registry of Deeds. The covenant is part of a proposed settlement of a dispute between the Board of Environmental Protection and Maine Yankee concerning the sufficiency of the cleanup of the former reactor site on Bailey Point. Maine Yankee has maintained that it would restore the site to a greenfields condition, but its remediation has not satisfied the Maine Department of Environmental Protection. A compromise has been proposed: The DEP will not require Maine Yankee to do further remediation and Maine Yankee will forever restrict the use of land from any form residential use, school or child care use or long term care use. Further, there will be no excavation on the property or any construction below the ground water table without written permission of the DEP. The Subordination Agreement would bind the Town of Wiscasset to the terms of the covenant.

Murray said the effect of the proposal would be to label the site as a brownfield with limited economic utility and to exclude residential uses of the property. It would also have an adverse effect for tax purposes. He suggested that the town might wish to contact the DEP to find out why the site has not been designated as a Greenfield, what

is needed for that designation and why it affects the entire site. He advised against signing the Subordination Agreement and Consent without further investigation.

In response to Phil DiVece's statement that according to the initial license for Maine Yankee, the property was to be restored to its greenfield state when the plant closed, Peter Murray said that it was assumed that the DEP and NRC would monitor that, but the cost had turned out to be more than expected. The levels of radiation have been reduced below the levels of the NRC's jurisdiction; however, there are other pollutants. Murray said that there is no problem with safety; it has just not been proved that there is no contaminant.

Bill Curtis moved, Phil DiVece seconded, to follow the recommendations on page 3 of Peter Murray's memo (dated June 4, 2008). Vote 5-0. The chairman asked Murray to report to Arthur Faucher on the results.

9. Fire Department history of the purchase of the New York fire truck

Bob MacDonald outlined the circumstances under which Wiscasset acquired a fire truck from the Central Nyack Fire Department for \$15,000 as a temporary replacement for a truck (which had been removed from service) while waiting for a new truck to arrive. Walter Morris and Don Hastings of the Jefferson Fire Department had helped to broker the deal and had understood that they would have right of first refusal when Wiscasset sold the truck. At the suggestion of Tim Merry, Wiscasset Fire Chief, Jefferson had written to Wiscasset on February 22, 2008 about acquiring the truck and had received a response from the Town Manager dated April 4, 2008, advising that the Selectman would be made aware of their interest. Morris said when they found out the truck was to be sold to Dresden, they were disappointed that Jefferson was not allowed to bid on the truck, particularly in view of the fact that Dresden has no place to store the truck.

Duane Goud said both Jefferson and Dresden were interested in purchasing the truck but the decision had been made to sell it to Dresden because it was a mutual aid town.

Phil DiVece recommended that the old pumper in storage be declared surplus property and disposed of by the Town. **Bill Curtis moved, Phil DiVece seconded to authorize the Town Manager and the Fire Department pursue the sale of No. 6 as surplus.** This would include contacting a broker of fire apparatus. **Vote 5-0.**

10. Sign fire truck sales agreement

Several changes were made to the sales agreement under consideration. The sale price was changed to \$16,265.71, representing the price paid to Central Nyack plus whatever had been put into it since that time. **Duane Goud moved, Bill Curtis seconded, to amend the Disposition clause of the Sales Agreement so that the paragraph reads as follows:**

“At such time that the Town of Dresden chooses to dispose of the apparatus, it will give to the Wiscasset Town Manager a written notice of this decision. Wiscasset shall then have 30 days in which to determine whether or not to pursue re-purchasing the apparatus for said purchase price plus any other expenses that have been incurred.

“The Dresden municipal officers and the Dresden Fire Chief and successors hereby agree to respond to mutual aid requests by the Wiscasset Fire Department as needed.” Vote 5-0.

In response to Judy Colby’s question why the truck was being sold, Nicole Viele said that the Town agreed to buy the truck to use only until the new truck arrived, at which point it would be sold.

There was discussion on the disposition of a piece of fire equipment at the Transfer Station. Bob Blagden said there seemed to be no policy regarding surplus equipment. He asked why equipment that was declared surplus was not being put out for bid. He said two school buses, which were no longer being used, had not been put out to bid and were now useless. The moorings, which were supposed to be put out to bid, were being sold. He said the Town needed to develop a consistent policy and adhere to it.

11. Town Manager’s Report

- Price Review and award of the 2008 paving contract: Four bids were received as follows: Pike Industries: \$385,683.59; Crooker: \$363,320.00; Marriner: \$317,096.80; Ferraiolo: \$289,192.00. **Duane Goud moved, Nicole Viele seconded, to accept the Ferraiolo bid of \$289,192. Vote 5-0.**
- Report on Sale of Moorings: Arthur Faucher said that he had advertised the moorings for sale; \$820 had been offered for two moorings and three other offers had been received. Asked why the moorings had not been put out for bid, the Town Manager said he had written the ad incorrectly. Duane Goud recommended that a minimum of 20¢ per pound be set for the balance of the moorings and that they be sold on site at a specified time to the highest bidder. **Duane Goud moved, Nicole Viele seconded, to set up the sale as a yard sale event as described in the policy. Vote 5-0.**
- Update on single stream recycling contract services: The Town Manager reported that no contract had been received. Woody Freeman was giving a presentation to Westport Island that night and would be giving a presentation to Alna the following night.
- Municipal Building front lawn parking proposal: Roland Abbott said that parking on the side of the road in front of the Municipal Building by personnel called out for an emergency created a dangerous situation, and he proposed adding a parking area in front of the building between the ramps for emergency use only. This would involve the moving of the crabapple tree and the removal of the evergreen tree. The latter had been planted by Gordon Merry who had indicated before he died that he had no problem with taking down the tree if necessary. Arthur Faucher asked that the area proposed for parking be staked out so that the Selectmen could see what was planned before making a decision. Opposition to increasing parking in front of the building was expressed, and adding to the parking lot behind the building was suggested as an alternative.
- Post Office sidewalk: **Duane Goud moved, Bill Curtis seconded, to redo the bricks in front of the post office and Roy Farmer’s office to bring the level of the sidewalk up so that water will not pool there in the winter. Vote 5-0.**

12. Other Board Business

Landcrafters' bid was the only one received for downtown pruning, weeding, fertilizing, and preparing beds for mulch. There are funds in the current budget for this work.

Duane Goud moved, Nicole Viele seconded, to give the Town Manager authority to accept the Landcrafters' bid for \$2,027 for downtown pruning, weeding, fertilizing and preparing beds for mulch. Vote 5-0.

**Duane Goud moved, David Nichols seconded, to approve the following ballot clerks for the June 17, 2008 school election: Patricia Bridgham and Belinda Haggett 10 am to 3 pm, Sara George and Joan Grondin - 3 pm to end
Vote 5-0.**

Bill Curtis said that when he had asked questions of the School Superintendent or School Committee regarding the proposed closing of one of the schools, he had been referred to the Fire Marshall. He said he could not find any rules or regulations on the Fire Marshal website and had contacted Fire Marshal directly. According to Nelson Collins, Assistant State Fire Marshal, grandfathering of school buildings does not exist; however there are minimum requirements for existing educational buildings which are not as extensive as the requirements for new construction. In addition, the response indicated that if an addition is added to an existing building, the new portion is required to meet new construction standards, but the existing portion may remain the same if it meets the existing chapter and has proper separation from the new portion. (This contradicted information that had been given to the Board by the School Department's architect.)

Bill Curtis moved, Duane Goud seconded, to ask the attorney to determine the validity of the response from the fire marshal at some future date when a proposal is made for school closure. Curtis said that according to the information from the Fire Marshall, it would not be necessary to bring a school building up to the 2008 code if it were separated from a new addition. Duane Goud said this information should be available to coincide with the school's proposal. He added that asking for a legal ruling should be postponed until a definite proposal for a school closing had been received. Bill Curtis withdrew the motion but asked that it remain on the record.

Phil DiVece said he had not received an updated expense summary report. He reported that the Lincoln County tax commitment was \$450,119.48.

Duane Goud said there was a correction in an abatement on the Ellsworth outbuildings. The new valuation will be \$426,200, not \$389,100, resulting in a refund of \$1,718.60 instead of \$2,200.90. **Goud moved, Nicole Viele seconded, that the new valuation of \$426,200 be established. Vote 3-0-2.**

Arthur Faucher said he had received a bill from Tyler Technologies for \$4,000, which had asked that the balance be paid so they can close their books. **Duane Goud moved, Nicole Viele seconded, to hold all funds except for 1-1/2 days of billings that have been utilized by the Town. Vote 4-0-1.**

David Nichols thanked the chairman on behalf of the town for his eight years of service. Duane Goud said he enjoyed serving, meeting people and being involved.

13. Citizen Comments

Paul Grover suggested selling two schools and using the land behind the Community Center for a new K-8 school.

Joe Carter said he had inspected the land behind the Municipal Building and found that the plateau would be perfect for additional parking.

Duane Goud moved, Bill Curtis seconded, to go into executive session pursuant to Title 1: Chapter 13: Section 405-6A for the purpose of evaluation and compensation of the following department directors: William “Buck” Rines (Wastewater Treatment Plant), Clark “Woody” Freeman (Transfer Station) and Robert “Bob” Blagden (Public Works). Arthur Faucher said that Woody Freeman and Buck Rines had been notified of the executive session but had chosen not to attend. **Vote 5-0.**

The Board exited executive session at 10:05 p.m. **David Nichols moved, Bill Curtis seconded, that the Selectmen’s meeting continue beyond 10 p.m. Vote 5-0.**

Duane Goud moved, Nicole Viele seconded, to give Robert “Bob” Blagden and William “Buck” Rines a \$2.00 per hour raise and give Clark “Woody” Freeman a \$1.50 per hour raise effect July 1, 2008 being the town’s next fiscal year.

Road Commissioner Blagden’s salary will be increased from \$25.08 to \$27.08 per hour/ \$52,116.40 to \$56,326.40 per year.

Sewer Plant Director Rines’ salary will be increased from \$23.49 to \$25.49 per hour / \$48,859.20 to \$53,019.20 per year.

Transfer Station Director Freeman’s salary will be increased from \$22.80 to \$24.30 per hour/ \$47,424.00 to \$50,019.20 per year.

Chairman Goud pointed out that no hourly raise had been given to these three men for two years and that the Board of Selectmen considered these adjustments fair and in line with those made to two other department heads last year. Selectmen will continue to look at salaries on an annual basis with performance evaluations.

Selectman Phil DiVece asked to be placed on record that he felt the salary adjustments should have been discussed with the Budget Committee for their recommendations. He made it clear he was not against making the adjustments. **Vote 4-1** (DiVece opposed).

Chairman Goud moved, Bill Curtis seconded, to use monies from the new fiscal year contingency account for funding the balance in adjustments. It was mentioned that the intention was no different from what was made known during the budget period. **Vote was 4-1** (DiVece opposed). Phil DiVece said that the raises should have been included in the individual departmental budgets under the salary lines.

David Nichols moved, Phil DiVece seconded, to adjourn at 10:12PM. Vote 5-0.