

WISCASSET BOARD OF SELECTMEN
JULY 28, 2009

(Tape recorded meeting)

Present: Chairman Bob Blagden, Vice Chairman Phil DiVece, Pam Dunning, Bob Fairfield and Town Manager Arthur Faucher

Absent: Bill Curtis

1. Call to Order

The chairman called the meeting to order at 7 p.m.

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

3. Approve minutes of July 21, 2009

Phil DiVece moved to accept the July 21, 2009 minutes as written. Vote 4-0-0.

4. Citizen Comment

Ed Polewarczyk asked why two members of the board had not recommended Question 3 on the September 8 ballot. Bob Blagden and Phil DiVece said they had not recommended approving funds for the overdraft because they felt the account should not have been overdrawn. In response to Polewarczyk's question, Bob Blagden said that if the question did not pass, he thought funds would be taken from the appropriated funds for the 2009-2010 fiscal year.

George Lamar said at the meeting on June 30, the board had voted to install a locked gate on Thorndike Road, and he had not been advised that the board later voted that the gate not be locked. He said he had agreed to maintain the gate and did not want to be liable for vehicles going beyond the gate. He said if the gate was not locked, he would dig up the road, leaving a 5-foot embankment, the condition the road was in before the state improved it for access to repair a bridge. In response to his question about the reason the board members had changed their minds, Pam Dunning said that she had received complaints about lack of access if the gate were locked. The board had decided to not lock the gate because the road is a public easement and public access should not be blocked. Davies Allen, contractor hired by the state to improve the road, said that under the contract, the state was obliged to leave the improvements for George Lamar and there was no mention of removing the road. He said there would be a considerable cost to take out the road and the state does not have adequate funds for that purpose.

5. Susan Varney: Assessors' Agent Matters

- **Phil DiVece moved to go into executive session under Title 1, Chapter 13, Subchapter 1, Section 405 (6)(A) to meet with the assessing agent. Vote 4-0-0.** The board exited executive session at 7:25. **Pam Dunning moved to deny Poverty Abatement #1. Vote 4-0-0.**
- Lincoln County Commissioners' Decision/Haney: The commissioners had granted abatement to Stanley and Susannah Haney reducing the value of Lot D to \$192,900 and reducing the value of Lot E to \$214,000. **Bob Blagden moved to abate the Stanley and Susannah Haney property to conform to the County Commissioners' decision. Vote 4-0-0.**
- Jessica Reed/Mobile Home Abatement: Sue Varney said this property was abandoned and should be condemned and demolished. **Bob Blagden moved to grant an**

abatement for the Jessica Reed abandoned trailer in the Patterson trailer park. Vote 4-0-0.

- Morris Farm Trust/Request for Tax Exempt Status: Sue Varney said the farmland and outbuildings are currently tax-exempt, only the living space is taxed; however, the exemption for 2008 should be corrected as it was based on the 2006 valuation. The abatement valuation difference is \$135,478. **Pam Dunning moved to correct the amount of exemption to include the living space as the only taxable part for 2008. Vote 4-0-0.**

Attorney Eliot Field contended that there was no basis to exclude the housing portion from the exemption. Morris Farm rents the house at a discounted rate to two farmers who work the land and are a part of the educational program. In response to a question from Clark Jones, Field said that all camp staff had been laid off because of lack of funds; the farm is not a money-making venture. Bob Blagden opposed the exemption for living space on the basis that rental property should be taxable. **Pam Dunning moved that the board grant Morris Farm charitable and benevolent exemption for 2009. Vote 3-1-0** (Blagden opposed).

6. Board of Selectmen: Open Bids for Tax Anticipation Note

The following bids were received:

The First Bank Corp.	2.20% for \$3 million on as needed basis 2.20% for \$3 million, lump sum
Androscoggin Bank	2.18% for \$3 million on as needed basis 1.98% for \$3 million, lump sum
Key Bank	Declined to bid

Town Manager Arthur Faucher said bid documents had been sent to 13 banks. The amount of the 2008 TAN was \$3 million at 2.49% and half of that amount had been used. He recommended the \$3 million amount because the budget situation with the RSU was unknown at this time. **Bob Blagden moved to accept Androscoggin Bank's low bid for the TAN at 2.18% for \$3 million on an as needed basis. Vote 4-0-0.**

7. Jeffrey Hinderliter: Update on various planning and development projects

Hinderliter said inquiries and the number of applications had increased slightly over the past year and four large projects had been permitted. The ORC is working on the Future Land Use Ordinance. He said the town's Small Wind Energy Conversion Ordinance had been used as a model by numerous municipalities and that he had been interviewed on the subject for a magazine that is distributed internationally. The Conservation Commission is identifying projects and responsibilities and is working on a multi-use trail map. The Historical Preservation Commission is working on a historic preservation ordinance. The Code Enforcement Officer has seen an increase in building permit applications and inquiries recently. Hinderliter said the proposed Firearms Ordinance and the corrected language in the Street Excavation Ordinance would be brought to the board in two weeks, before being presented at a public hearing.

8. Pine Tree Engineering: Information on the Montsweag Roadhouse Project

Chris Johnston, owner of the Montsweag Roadhouse in Woolwich, said the septic system at the roadhouse is failing and the only feasible option seemed to be connecting to the Wiscasset sewer line. According to the DEP the current system is not polluting the creek, but there is some concern, Johnston said. He added that there is no additional space at the septic field to

accommodate another field. Stephen DeWick, Pine Tree Engineering, said the connection would provide revenue to Wiscasset, would not affect the wastewater treatment plant's capacity and would be an opportunity for two residences near the town line to hook into the sewer line. The project would involve considerable investment and he was looking for a positive dialogue with the board.

In response to Phil DiVece's question, Jeffrey Hinderliter said that according to the town attorney, a town vote would be necessary as well as an interlocal agreement for the extension of the sewer line beyond the town line. Dennis Jumper will address the subject in writing for the board.

A data sheet from Pine Tree Engineering was distributed to the board. The length of the force main along Route 1 would be 1600 feet in Wiscasset and 700 feet in Woolwich, Wiscasset would own the entire length. The roadhouse would pay the following costs: Impact fee - \$12,900, Sewer user charge \$6,340/yr., Highway Opening Permit - \$17,500, Construction inspection - \$2,800, Construction cost \$126,000, and annual maintenance escrow account - \$2,000. Construction is estimated to take two weeks. After an agreement is signed, DeWick estimated it would take 45 to 60 days to complete plans, obtain permits and secure financing.

Bob Blagden said he was not interested in owning and maintaining a sewer line in Woolwich, as he would receive no benefit from it. Johnston said he would be assuming some liability as the impact fee would go to maintenance. Although the question which would appear on the ballot has not yet been written, Phil DiVece recommended allowing the voters to decide at the November election whether the extension of the sewer would be allowed..

Davies Allen, who had installed the water and sewer lines from Wiscasset to Edgecomb, recommended that a four-inch line be used and that a meter be installed on the sewer pipe as had been done on the Edgecomb line.

In response to an inquiry, Buck Rines said it would cost approximately \$5,000 each for the two residences to hook up to the sewer.

Pam Dunning asked that the draft agreement with Wiscasset be given to the selectmen and that it be reviewed by the town attorney. **She moved to table the matter for one week. Vote 4-0-0.**

9. Discussion on Request for Proposal for cleanup of Foye Road property

Bob Blagden recused himself from discussion of the RFP because of a potential conflict of interest and turned the gavel over to Vice Chairman DiVece.

Glenn Lewis said he had asked for an extension of time to locate storage space for the vehicles and boats that were currently on the Foye Road property formerly owned by him. He said he had attempted to pay his back taxes, but payment had been refused.

Town Attorney Dennis Jumper said the town had taken the property for taxes and now owns the property on Foye Road. Lewis had been given 14 days to remove or dispose of his personal belongings. Lewis asked for and received further time to remove his belongings as long as he did not interfere with the town's ownership and he did not bring any additional junk onto the property. When it appeared he was moving vehicles to his mother's property and to adjacent town property, Lewis was told he no longer would have access to the Foye Road property. In addition Lewis had been instructed to remove his vehicles from town property. The town manager recommended that Lewis not be given an extension and that the request for proposals to clean up the property be advertised.

Lewis asked when the town had last taken property for unpaid taxes. Jumper said that the decision to take the property was based not only on the unpaid taxes, but also on court costs of

\$50-55,000 owed by Lewis. He said that to accept taxes after the lien process was started would negate the action.

Pam Dunning said that the town had carried out all legal actions and protocols, notice had been given to Mr. Lewis, an extension granted but his items were still on the property. She said she was disinclined to grant a further extension. Phil DiVece recommended following the attorney's advice. **Pam Dunning moved to deny the request for an extension of time to remove items from the property previously owned by Mr. Lewis. Vote 3-0-0.**

The draft of the request for proposals was reviewed. Faucher said that interested parties would have two opportunities to see the property and be informed as to how the trash should be handled. Cleanup would take place in August. Phil DiVece recommended that the ad be placed in the Bath/Brunswick paper as well as local papers. **Pam Dunning moved to send the ad to the papers and allow the town manager to set dates (for visits to the property and for the deadline for proposals). Vote 3-0-0.**

10. Buck Rines: Open bids for Pump Station upgrade on Route 1.

Bids were received for the upgrade of pump station #3 as follows:

Apex Construction, Rochester NH	\$88,700
TBuck Construction, Amherst, NH	128,281

Buck Rines said he had sent bid packages to seven firms. He asked the board to table awarding the bid until he had time to examine the bids. He said the town had voted \$75,000 for the pump station, and impact fees could be used if necessary. He also said he had a Plan B in the event neither of the bids was accepted. **Pam Dunning moved to table the bids until the department head could look at them to see if they were viable bids. Vote 3-1-0** (Fairfield opposed).

11. Ervin Deck: Update on the status of the SRE building

Deck said there were two phases for the construction of the steel building for snow removal equipment. Phase I, purchase of the building, was complete. The FAA had extended the time for acceptance of bids for Phase II, construction of the building, until mid-August. In order to meet this deadline, Deck asked the board to dispense with the bid protocol in order to give him time to review the bids. He asked that the board allow the bids to be opened during the day on August 11 and be presented to the board that evening after he had time to review them. Bid packages are prepared and will be sent out on July 29. There was a consensus of the board that the schedule outlined for bid opening and acceptance be approved

12. Roland Abbott: Ambulance Department 501 status

Abbott said he had checked into the department's possible 501 status and asked what time frame the board was considering. Bob Blagden said he would like to know if the change would be favorable and why before proceeding. Abbott said the change would relieve the burden on the town of supporting the service, and the ambulance service was in favor of the change.

Abbott recommended that a vote by the town, which would be required, be delayed until the 2010 town meeting to give him a chance to research the change to 501 status and if approved, the change would be effective as of the next budget cycle. Bob Blagden recommended that the question be voted on in November with an effective date of July 1, 2010. Selectmen Curtis will be a member of the board of inquiry for the status change.

13. Other Business

The chairman announced the vote on the RSU budget: 118 yes, 199 no.

Pam Dunning moved to accept the proposed vote on the Tax Anticipation Note as written. Vote 4-0-0.

Proposed Vote:

- 1. That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of \$3,000,000 principal amount of Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2009 and ends June 30, 2010.**
- 2. Said note shall be dated on or about August 5th, 2009, shall mature on June 30, 2010, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Selectmen, shall bear interest at the rate of 2.18% per annum, shall be payable at Androscoggin Bank in Lewiston, Maine, and otherwise be in such form and bear such details as the signers may determine.**
- 3. That said Note is hereby sold and awarded to Androscoggin Bank.**
- 4. Said note is hereby designated a qualified tax-exempt obligation of the Town for the 2009 calendar year pursuant to the Internal Revenue Code of 1986.**
- 5. That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note are hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefor.**

The selectmen signed the notice of public hearing to be held on August 18, 2009 at 7:15 in the Municipal Building hearing room on the questions that will appear on the September 8, 2009 ballot.

Pam Dunning moved that the board appoint H. Karl Olson of Wiscasset to a position on the Ordinance Review Committee. Vote 4-0-0.

Steve Mehrl asked that Ed Polewarczyk be given permission to access the MMA website. Polewarczyk, a member of the budget committee, said he would like access in order to understand the statutes and how MMA provides information. **Bob Blagden moved to give permission for access to the MMA website. Vote 3-1-0.**

Arthur Faucher said the caretaker of the building housing the town clock had indicated there would be no problem giving Pam Lear access to adjust the clock. Bob Blagden asked that the town obtain a key inasmuch as the town has the right per the deed to have access, particularly before the building, which is for sale, changes hands.

Bob Blagden asked that department head reports be placed on the agenda on a regular schedule.

The chairman denied a request for a dry erase board.

Items for upcoming agendas will include the draft on comp time policy, repair of the municipal building roof, installation of handicapped bathroom and door in the municipal building and repair of roof on powderhouse.

Nicole Viele suggested that the town clerk research wording for ballot questions on the sewer line and the 501 status for the ambulance service in anticipation of these questions being on the November ballot.

Ed Polewarczyk asked that the August 3 ad hoc investment committee meeting be posted on the bulletin board.

At 9:45 p.m. Phil DiVece moved to go into executive session pursuant to Title 1, Chapter 13, Section 405 (6)(E) to meet with attorney Dennis Jumper concerning possible litigation on the Julia Hart property. Vote 4-0-0. Phil DiVece moved that if necessary to meet beyond 10 p.m., the board continue its meeting. Vote 4-0-0.

The Board of Selectmen came out of executive session at 10:47p.m. The selectmen consented to the idea of the attorney contacting a family member and the Maine State Housing Authority (MSHA).

15. Adjourn

Selectman Bob Fairfield moved to adjourn at 10:48 p.m. Vote 4-0-0.