

WISCASSET BOARD OF SELECTMEN
AUGUST 18, 2009

Preliminary Minutes

(Tape recorded meeting)

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

1. Call to Order

Chairman Blagden called the meeting to order at 7 p.m.

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

3. Public Hearing on Commercial Waste Disposal Haulers

Christine Wolfe, Town Clerk, opened the public hearing at 7 p.m. Applications were received for waste hauler permits from Giles Rubbish, Regional Rubbish Removal and Pine Tree Waste. The \$300 fee was received with each application. There was disagreement among those present whether the fee should be increased or decreased. Bill Curtis said that according to a legal opinion from MMA, the fee could not be increased because the taxpayers are already paying for the operation of the transfer station. The public hearing closed at 7:10 p.m.

Pam Dunning moved to approve the applications from the three commercial waste haulers. Vote 3-2-0 (Fairfield and DiVece opposed).

4. Public Hearing on Special Town Meeting of 8 September 2009

Christine Wolfe opened the public hearing at 7:12 p.m. and read the three questions that will be on the ballot on September 8. There were no questions or comments. The public hearing closed at 7:15 p.m.

5. Approve Minutes of August 11, 2009

At the end of the second paragraph on Page 2, "Bill Curtis disagreed" was added. Phil DiVece supported Richard Hanson's comment at the previous meeting that the mill rate be made available before the vote on the school budget is taken. The town manager said Sue Varney, the Assessors' Agent, would be present at the next meeting with that information. **Bob Blagden moved to accept the August 11, 2009 minutes as amended.** A question arose as to the owner of the company that won the bid to construct the snow removal equipment building at the airport. Ken Boudin won the bid and is also the chair of the airport committee. According to the FAA, there is no conflict of interest. **Vote 4-0-1 (DiVece abstained).**

6. Citizen Comment

Don Jones said the ten-foot striping around fire hydrants to prohibit parking was not in accordance with the ordinance that calls for 20 feet. He asked that the striping and ordinance be consistent. (Note: According to the ordinance, Article IX, Section 3.5, parking is prohibited within ten feet of any fire hydrant.) Bob Blagden said that two years ago the Fire and Police departments instructed the painting contractor on the striping, as the prohibited parking area depends upon the orientation of the hydrant. Arthur Faucher said John Allen (Police) and Tim Merry (Fire) would be present at the next meeting to address any questions or concerns.

Prior Morrell said the town does not currently have a harbormaster as his one-year appointment expired in April. He said the town manager did not have authority to pay the harbormaster since

the expiration of the appointment, and that the harbormaster should stay in the harbor, not on the wharf.

Steve Mehrl asked the status of the audit. Arthur Faucher said it should be completed by August 31 and the tax commitment could be signed in mid-September.

Don Jones said Main Street separates from southbound Route 1 at Summer Street and extends to High Street. A sign has been installed that indicates this portion of the road is High Street (rather than Main Street) and he asked that the Road Commissioner remove the High Street sign for historical accuracy.

7. Board of Selectmen

Bid opening for the Airport Mowing Bids

The chairman recused himself as he had submitted a bid. Vice Chairman Phil DiVece asked whether the advertisements for bids were made according to previous solicitations, whether the bids documents for cleanup of the Glenn Lewis property were in accordance with the town attorney's recommendations and where and when the bids were advertised. Arthur Faucher said the request for bids was advertised in three local papers, on the web site and on the municipal building bulletin board.

Bill Barnes asked that the opening of the airport mowing bids be delayed. He said that historically requests for bids have been sent to a list of contractors registered with the town; this procedure was not followed for the mowing bids and he was not notified of the bids. The town manager said the bid packages were sent out by the Airport Manager who may not have been aware of the procedure. **Pam Dunning moved to set the airport mowing and brush hogging bids aside until such time as the usual bid process can be followed.** Phil DiVece requested that the established policy be followed and that the town manager rather than the airport manager send out the bid packages. The bids that have been received will be kept and considered when the proper procedure has been followed. There was disagreement over specifying a completion date in the bid documents. **Vote 4-0-0.**

Bid Opening for Glenn Lewis property clean-up

The advertisement for bids was in accordance with the town attorney's recommendations, the bids were advertised for two weeks in local papers, on the bulletin board and on the web site and stated times when bidders could inspect the property were given. Bids received are as follows:

Bob Blagden, Wiscasset: \$5,000 (Cleanup of property to be completed by November 1, 2009, includes dismounting tires on site and taking to transfer station, taking rims to a licensed scrap yard, taking general debris and remains of a trailer to the transfer station, and removing cars and trucks to Blagden's Garage. The vehicles will be prepared for disposal per DEP regulations.)

J. C. Demolition Recycling, Poland, Maine: \$6,000 (includes cleaning property of any and all debris, including wood, trash, plastic, paper and tires. Tires will be free of rims. Metal will be taken to Maine Metal Recycling, Auburn ME.)

Neal Main, Boothbay, Maine: \$10,000 (clean up what the CEO showed me on the property.)

In response to Bob Fairfield's question on the existence of a conflict of interest, Phil DiVece read an email from MMA dated August 11, 2009 indicating that if it was the duty of the selectmen to award the bid, and the selectman who had submitted a bid recused himself, there would be no conflict of interest. **Pam Dunning moved that we accept Mr. Blagden's bid for \$5,000 for cleaning up of the property formerly owned by Glenn Lewis.** Prior Morrell recommended in the future requiring a bond from the contractor to protect the town in the event a contractor was

not able to complete the job. Bill Curtis recommended holding a workshop to address criteria for requests for bids. **Vote 4-0-0.**

8. Town Clerk: Board and Committee Appointments for 2009-2010

Pam Dunning moved to move Item 8 to the end of the agenda. Vote 5-0-0.

9. Maine Department of Transportation: Thorndike Road

No representative from MDOT was present. **Phil DiVece moved to table Item 9 until the next meeting. Vote 5-0-0.**

10. Jeffrey Hinderliter: Discharging Firearms & Street Excavation Ordinance; Recommendation on a new Code Enforcement Officer/LPI

The town planner distributed a map to illustrate the area described in the ordinance where discharging firearms would be prohibited except for protection of persons, killing wild animals attacking domestic animals or destroying property or by any authorized police officers or agents in the exercise of their duties. Hinderliter was requested to correct the name of the jail museum and to add the letters A through J, given in the description of the area, to the map.

There were questions on the location of the town line in the river and how the ordinance could be enforced for duck hunters.

References were made to the Inland Fish and Wildlife, Marine and Wardens Services, Department of Marine Resources, Wiscasset town ordinances, and police, all of whom now have jurisdiction over the discharge of firearms in this area; Larry Barnes pointed out that enforcement of the ordinance under consideration would be limited to the Wiscasset police department.

According to several members of the board, there was no need for an additional ordinance when there were already state ordinances covering the discharging of firearms. Police Lt. John Allen, who had requested the ordinance, will be at the next meeting and can address the limits of the area where shooting would be prohibited and the purpose of the ordinance.

The town planner requested approval for the planning board to hold a public hearing on an amendment to the Street Excavation Ordinance. The only change is the insertion of the word "except," which was inadvertently omitted when the ordinance was approved. **Pam Dunning moved to allow the planning board to hold a public hearing on the Street Excavation Ordinance. Vote 5-0-0**

Jeffrey Hinderliter said the town had received four applications from qualified individuals for the Code Enforcement Officer/LPI position. After reviewing resumes and interviewing applicants with the town planner, the town manager had hired Rick Lang. Lang is currently also a CEO in Woolwich and Dresden and Deputy CEO in several other towns. He will begin work on August 24. The position is part-time and hours will be adjusted for seasonal requirements. Salary for thirty hours per week is included in the present budget. Prior Morrell recommended that the CEO be required to attend planning board meetings, and Hinderliter said that requirement was in the job description.

11. Town Manager's Report:

Arthur Faucher said all taxes had been paid by Ms. Bloom and presented a quit claim deed for signatures. **Pam Dunning moved to sign the release deed on the Karen Bloom property. Vote 5-0-0.**

Faucher reported that Alna and Westport Island had signed a waste disposal contract.

Following the performance review of the harbor master the previous week, the town manager prepared a report listing hours worked and hours paid to the harbor master from 5/3/08 to 6/27/09. The salary for the position is \$15,028, which covers 30 hours per week from the beginning of May until the end of November and 15 hours per week for the remainder of the year, regardless of the hours worked. It appeared that payment for approximately 135 hours during the past fiscal year was still owed to the harbor master.

Peter Dalton, harbor master, said that the budget used to cover a part-time employee to collect fees; however, that salary exceeded the fees, town lost money, and some fees were discontinued. Fees are still collected for overnight stays on moorings or on the dock, mooring fees, and use of floats and worm cars. Steve Mehrl will check if fees from use of the crane go to the waterfront budget or to the general fund.

The chairman asked that the town manager provide a report at the next meeting on the hours worked and hours paid for the previous fiscal year only. He said any amount due to the harbor master would be paid from contingency so as not to alter this year's waterfront budget.

12. Other Business

George Lemar said he came to the meeting specifically for the discussion with MDOT as Deborah Coffin, MDOT, had said someone would be present from the agency. Bob Blagden said the board and town manager were unaware that no one from MDOT would be present and he asked the town manager to contact the MDOT and schedule the discussion for the following week. Mr. Lemar will be notified after the MDOT has been contacted.

8. Town Clerk: Board and Committee Appointments for 2009-2010

The following proposed appointments were presented to and approved by the board.

Airport Committee: Ken Boudin, Jr. (3 years); Bryan Buck (1 year); Pam Brackett (2 years)

Ambulance Director: Roland Abbott (1 year)

Animal Control Officer: Marla Blagden (1 year)

Appeals Board (all 3-year terms): John Blagdon, Jr.; Jean Huber; Ross Varney; Joan Barnes (alt); Denis Hebert (alt).

Appearance of the Town (all 1-year terms): Norma Gordon, Vickie Hersom, Richelle Pontau, Donald Jones.

Assessors Agent: Susan Varney (1 year)

Conservation Commission: David Lieser (3 years)

Director of Planning and Development: Jeffrey Hinderliter (1 year)

Fire Chief: Tim Merry (1 year)

Harbor Master: Primary Peter Dalton (1 year); Deputy Arthur Faucher (1 year)

Ordinance Review Committee: Larry Lomison (3 years)

Planning Board (all 3-year appointments): Anthony Gatti, Peter McRae and H. Karl Olson

Waterfront Committee (all 3-year appointments): Bryan Buck, Susan Robson

There were questions on the following proposed appointments, which will be addressed at the next meeting. Combining appointments of the Code Enforcement Officer, Building/Plumbing Inspector, Sign Control Officer, and Shoreland Zoning Officer was discussed and will be researched. Christine Wolfe will check with the union on the General Assistance and Deputy GA appointments. Postponing the appointment of a Health Officer, which is mandatory, was discussed inasmuch as that expense was not included in the budget. Dr. Alexander Mesrobian, who was proposed for this office, charges \$125/hr.

Recommended appointees as Human Resources Officer and Sealer of Weights and Measures will be added to the list. Other offices mentioned, which were not on the list, were Shellfish Warden, Constable, and Tree Warden. Christine Wolfe will contact Charlotte Boynton of the Wiscasset Newspaper regarding an article on committee vacancies. Bob Blagden questioned the practice of the Airport and Waterfront Committees recommending new appointees, which might preclude the appointment of other interested parties. Don Jones suggested that the appointments to the Appearance of the Town Committee be open-ended as are appointments to the Transportation Committee.

Phil DiVece moved that the board reappoint residents to committees and town posts as recommended by the Town Clerk (see list in bold above), noting the exceptions. Vote 4-0-1. (Blagden abstained).

12. Other Business (cont'd)

Pam Dunning reported that there is a grant available for repairing steeples that requires a 50% match up to \$40,000. She said the steeple at the Maine Art Gallery needs repair and the gallery volunteers would be willing to put the application together, but the town would be the applicant as owner of the building. Bob Blagden asked whether the grant would include the cupola as well as the steeple and whether there is a restriction on materials to be used. Dunning will ask the gallery for that information and cost of the repair. The town's 50% share of the cost will require a town vote.

Phil DiVece said he continues to receive complaints on the stairs in front of Key Bank. He asked that they be repaired or closed off. Arthur Faucher said he had passed on the complaint, and if the highway crew cannot repair it, a private contractor would be hired.

13. Adjourn

At 10 p.m., **Phil DiVece moved to adjourn. Vote 5-0-0.**