

WISCASSET BOARD OF SELECTMEN
AUGUST 25, 2009

(Tape recorded meeting)

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

Absent: Bill Curtis and Bob Fairfield

1. Call to Order

Chairman Bob Blagden 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 August 18, 2009

Pam Dunning moved to approve the minutes of August 18. Vote 3-0-0.

4. Citizen Comment

Benjamin Rines, Jr. said he was disappointed in the warrant posted at the post office, no corrections had been made as he had requested in June, the wording was not correct, and the articles were not written out. An examination of the office copy of the warrant indicated that the warrant articles were present, only the heading "Board of Selectmen" was missing. Arthur Faucher will speak to the town clerk about the return.

Rines asked if the chairman was responsible for the bid process for mowing at the airport, which he (Blagden) had characterized at the previous meeting as tainted. Blagden said he was not satisfied with the bidding process because contractors had not been notified as they previously had been. Rines was informed that the airport manager had handled the bid process this year and that bids were only advertised in the newspaper. Following the August 18 meeting, at which the mowing bids were not opened, the town manager sent new bid packages to the list of contractors.

In response to Clark Jones' question on the status of the sex offender ordinance, John Allen said no action had been taken on a proposed town ordinance, as the state had recently passed similar legislation. Allen said there were some differences between the state and proposed town ordinances, and he was unaware of anyone being charged under the new law. Selectmen will be given a copy of the state ordinance. The matter will be referred to the ORC. Allen said there are currently 17 sex offenders in Wiscasset, and he explained the process by which sex offenders were required to register with the police department.

5. Board of Selectmen: Opening of Bids

Roof Vent

| | |
|--|---------|
| A-Plus Roofing, Inc. | \$1,880 |
| Catalano's Construction | |
| (needs more info, will manage at cost + 15%, \$35/hr and will present accurate bid by August 31) | |
| W. H. Demmons, Inc. (Engineering study) | \$1,200 |

Roof Valleys

| | |
|------------------------------|---------|
| Integrity Roofing and Siding | \$2,800 |
| cupola repair | 250 |

| | |
|-----------------------------------|---------|
| A-Plus Roofing, Inc. | |
| Roof edges | \$9,540 |
| Roof Valleys | 9,780 |
| W. H. Demmons (Engineering study) | 1,200 |

Fuel Tank Improvements

| | |
|--|--|
| W. H. Demmons (Engineering study) | \$1,200 |
| Catalano's Construction | |
| (needs more info, will manage at cost + 15%, \$35/hr and will present accurate bid by August 31) | |
| Simard & Sons, Inc. | |
| Option 1 | \$15,224 |
| Option 2 | 2,340 |
| Option 3 | materials +20% markup, labor \$70/hr, mileage 85¢/mile |

Entry Door

| | | |
|-----------------|-----------------------|--|
| Narrow Door Co. | Town office door | \$3,765 |
| | Fire Dept rear door | 3,615 |
| | Fire Dept. front door | <u>3,615</u> |
| | | \$10,995 (\$450 discount if all three doors are done at the same time) |

Arthur Faucher said there was \$25,000 for repairs in the budget. In response to questions, he said the municipal office door replacement was not an ADA-accessible door, but even if it were, the municipal meeting room could still not be used for voting, as there is no ADA-accessible bathroom in the office. Bob Blagden said he was not in favor of replacing the door if it was not ADA-compliant. Faucher asked for an opportunity to review the bids and return with a recommendation.

6. Susan Varney: The 2009 Municipal Tax Rate

Varney distributed copies of and explained the 2008-2009 tax year changes including abatements for growth factor (LD-1) as follows:

| | |
|----------------------|--------------|
| Abates | -\$4,248,624 |
| Map Changes | 2,629,700 |
| Maine Yankee | - 5,000,000 |
| Bldg. Permit changes | 2,655,722 |
| Personal Prop. Chgs. | -566,690 |
| Growth factor totals | -\$4,529,892 |

Pam Dunning moved to accept the LD1 growth factor total of -\$4,529,892. Vote 3-0-0.

Varney said that although the audit was not completed, she had estimated the mill rate using four different scenarios as follows:

| | |
|---------------------------|---------|
| Using no reserve funds | \$16.15 |
| \$1,000,000 from E. Jones | 13.90 |
| \$1,500,000 from E. Jones | 12.80 |
| \$1,250,000 from E. Jones | 13.35 |

She said the 2008 mill rate was \$13.60 and \$600,000 had been taken from the fund balance. The 2009 mill rate will not be calculated until after the school budget vote.

Jim George said because the school budget had not been approved, MMA recommended using the last figure approved at an open meeting for the tax rate calculations, which was \$5,198,106. There will be a change from last year as revenues are going to the RSU, not the town. Varney

said that if a law pertaining to excise tax passes in November, one-half the excise tax on new cars and on those four years old will go to the state.

Ben Rines asked why the town manager had not prepared the above reports, as it was not Sue Varney's job as assessors' agent to do it. Bob Blagden said that the work had been delegated by the town manager to Varney and George. With regard to the auditor's contract, Faucher said this would be put out to bid in September or October; no change in auditors was made this year because of the fraud investigation. Pam Dunning asked the town manager to prepare the bid package.

The consistent lateness of the auditor's report was discussed and Bob Blagden asked that in the future, auditors submitting bids commit to a time frame.

7. Lt. John Allen: Department Progress Report and Pending Ordinances

Allen said he had initiated the proposed Discharging Firearms Ordinance because he had received inquiries about hunting in the pond near White's Island. While there is no law against it, Allen felt it was not safe to shoot in that area and had proposed an area in downtown Wiscasset where it would be illegal to shoot. The existing law prohibits shooting within 300 feet of a residence, but that leaves some areas on Lee, Churchill and Hooper streets unprotected.

Mark Warren, Supervisor of the Warden Service, addressed the jurisdiction issue. The state will not enforce town ordinances. Local ordinances would not reduce state enforcement, but the state would notify the Wiscasset police department of infractions and the burden of prosecution would be on the town. He said hunters could shoot in the pond area without violating state ordinances, but that would be absent other activities in the area.

With regard to enforcing the ordinance in the river where the town line is not evident, Allen said enforcement would be done on an individual basis and the Marine Patrol could be notified.

Larry Barnes spoke in opposition to the proposed ordinance and asked the selectmen not to approve it. He said the State of Maine protects the public and sportsmen, who have a right to hunt. He said in Maine hunting is the safest outdoor sport except bow hunting, Maine has an intensive safety program, and hunters lose their licenses for life for violating hunting laws.

Richard Hanson said the warden does an excellent job and the town is covered under state law. He saw no reason to duplicate the laws already in place.

No action was taken; information on the ordinances will be given to the two absent members.

Ben Rines, Jr. recommended that John Allen be promoted to chief, as in Rines' opinion he has earned the position.

John Allen distributed graphs showing the increase in calls to the police department over the last three years (January through July). In all but one of the fourteen categories, calls had increased. Although the department has fewer officers than in 2007, calls have increased more than 10%. He asked the board to consider asking the voters in November to approve funds for an additional officer this year. He intends to apply for a three-year grant for an additional officer next year, which would give the town 24-hour coverage.

The source of funds for this position was discussed, as was the number of new employees being hired in other departments. It was the consensus of the board that the matter be placed on the September 8 agenda for discussion with the full board and the budget committee. Allen will prepare a breakdown of calls by time and date.

Don Jones and John Allen discussed the parking ordinance wording and the striping prohibiting parking near hydrants. Because of the variety of conditions where striping was painted, it was decided to refer this to the ORC with the recommendation that the ordinance be amended to state that parking near hydrants was prohibited where striping as designated by town officials was present. The fire department will be consulted on the matter.

8. Town Manager:

Ballot Clerks for September 8, 2009 election

Bob Blagden moved to appoint Patricia Bridgham, Donald Jones, Sara George and Joan Barnes as ballot clerks for the September 8 election. Vote 3-0-0.

Remaining Board and Committee Appointments

The following appointments were recommended to the board (yearly appointments unless otherwise noted):

Building and Plumbing Inspector: Rick Lang, Jeffrey Hinderliter (alternate)

Code Enforcement Officer: Rick Lang, Jeffrey Hinderliter (alternate)

Sign Control Officer: Rick Lang, Jeffrey Hinderliter (alternate)

General Assistance: Lisa Garman

Deputy General Assistance: Rebekah Applin

Health Officer (Three year appointments): Arthur Faucher (primary), Alexander Mesrobian, M.D. (alternate)

Human Resource Officer: Susan Varney

Pam Dunning moved to appoint people to positions as outlined by the town clerk except for the Shoreland Zoning Officer per an MMA opinion. Vote 3-0-0. The appointments were signed.

MDOT: Thorndike Road

Arthur Faucher reported that according to Norman Baker, the MDOT considers the Wiscasset Thorndike Road project complete and will not be conducting a survey of the right-of-way. George Lemar said he had received the same information from the state and planned to consult an attorney because of liability concerns if the road were used beyond the gate. The state had told Mr. Lemar that he could put a fence down the middle of the road and lock the gate, making it impossible to get to the creek without going through his property. The town will install a reflective "pavement ends" sign on the gate.

9. Other Business

10. Adjourn

Bob Blagden moved to adjourn the meeting at 9:45 p.m. Vote 3-0-0.