

WISCASSET BOARD OF SELECTMEN
SEPTEMBER 15, 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

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 September 8, 2009

Phil DiVece moved to accept the minutes of September 8, 2009 as presented. Vote 5-0-0.

4. Citizen Comment

Bob Faunce, Lincoln County Planner, updated the board on the bicycle/pedestrian study, a joint project of the MDOT, Lincoln County and the Town of Wiscasset. In an attempt to evaluate the inadequacy of bicycle and pedestrian paths in Wiscasset and identify where improvements should be made, a survey is being distributed to schoolchildren and will be available on the town's web site, at the community center, at town hall and at the library. The results of the survey will be incorporated into a plan that will be used as the basis for prioritizing future state and local improvements.

Don Jones gave a brief summary of his involvement with the street sign issue in Wiscasset and asked for a clarification of the decision made at the previous meeting regarding the signage of Main Street/High Street. He was informed that a sign that says, "To High Street" would be put at the intersection of Route 1, Main Street and Summer Street.

Jones also addressed the problem of the south wall of the sunken garden, which needs to be rebuilt. The Road Commissioner recommended putting the work out to bid, as he is short handed and would not be able to work on the wall in the next month. Pam Dunning asked what the cost of the repair would be and how it would be funded. The chairman asked the Town Manager to prepare a cost estimate for the work that could be done next year. In response to Dunning's question about taping off the area, Griffin said he would check to see how much the wall had moved since he had last examined it.

Bob Blagden asked the Road Commissioner to obtain bids for the repair of the powderhouse as soon as possible.

Greg Griffin, Road commissioner, asked whether the RSU had budgeted for snow plowing at the schools and, if the road crew would be doing the plowing, how they would be paid. He estimated the cost of plowing would be \$6,000 per school. Pam Dunning said the RSU has not contacted Wiscasset about plowing. Bob Blagden said the RSU has been made aware that plowing the schools is not in the Wiscasset budget. Dunning asked the Town Manager to contact the superintendent regarding his plans for plowing schools in Wiscasset.

Steve Mehrl repeated his suggestion that the town give the art gallery to those who are running it and let them take care of the building.

Regarding Lt. Allen's request for additional personnel, Mehrl asked that, if the request were being considered, the Sheriff's Department be asked to make a presentation on its possible coverage of Wiscasset.

Mehrl reminded those present of the school budget meeting on Saturday, September 19, 10 a.m. at the Windsor school.

Ben Rines urged the selectmen not to consider giving away the 1809 school that now houses the art gallery. He said the town should take care of its heritage.

Arthur Faucher reported that a meeting on the proposed motor vehicle excise tax changes would be held at the high school cafeteria on September 16, from 6:30 to 8:30.

Phil DiVece moved to take up Item 9 on the agenda next. Vote 5-0-0.

9. Town Manager: Investigative Counsel

In a memo to the selectmen (attached), the Town Manager advised that the Police Union would be conducting its own examination and he advised the selectmen to obtain legal counsel. A motion to ask MMA to recommend an attorney failed. Bob Blagden said he had contacted Peter Lowe, an attorney recommended by town attorney Dennis Jumper, who was willing to represent the town. **Pam Dunning moved to authorize Mr. Lowe to begin a forensic investigation into the matter.** Phil DiVece estimated the cost of Mr. Lowe's services would be \$10,000 (30 to 40 hours at \$225 to \$250 per hour). He recommended that Mr. Lowe's liaison with the town would be through the town attorney. Jumper advised the board not to get involved in the facts of the case because, in the event disciplinary action was suggested, the board would sit as jurors and would have to be impartial. **Vote 5-0-0.**

5. Board of Selectmen: Opening of the Winter Sand Bids

The chairman recused himself because he had submitted a bid. The following bids were received:

Nathan O. Northrup	\$11.85/cubic yard
J. R. Hill & Sons, Inc.	12.50/cubic yard
Blagden Garage	13.90/cubic yard
Harry C. Crooker & Sons	11.00/cubic yard

The Road Commissioner recommended accepting the low bid. **Pam Dunning moved to accept the bid from Harry C. Crooker & Sons at \$11 per cubic yard. Vote 4-0-1** (Blagden abstained).

6. Susan Varney: Property Abatements and Tax Adjustments

Varney asked the board to sign Certificates of Abatement for properties previously owned by Glenn Lewis and Elizabeth Young and now owned by the town. **Bob Blagden moved to sign the Certificates of Abatements for the Glenn Lewis and Elizabeth Young properties. Vote 5-0-0.** Dennis Jumper said that because the properties were owned by the town, back taxes do not have to be paid by a new owner if the properties are sold.

Varney asked for approval of adjusted property values, which will be included in the LD1 growth factor. Changes requested for the four Young's Point Road properties (Applebee, Gray, Potvin and Park) are proposed to accurately represent their value and their location on the road. The changes are as follows:

Kevin Applebee (R09-007-A02) and Richard Gray (R09-007-A03) - base value changed to \$175,000 with topography adjustment granted by Lincoln County Commissioners.

Brian Potvin (R09-007-A04) and Dongwone Park (R09-007-A05) - base value changed to \$175,000 with adjustment made for an undeveloped lot as granted by the Board of Assessors abatement last year.

Patrick Allen (R03-018) - Correction of transfer of seven acres when purchase was for five acres.

Hunt Co., Inc. (R03-085-B) - Correction of warehouse condition code for consistency.

The total difference to be shown on the LD1 growth factor sheet is -\$281,340.

Phil DiVece moved to change the valuation for Hunt Co., Forrest Hunt, for a negative difference of \$238,320 on the recommendation of the assessors' agent. Vote 5-0-0.

Phil DiVece moved to change the valuation for Patricia Haines for a positive difference of \$41,600. Vote 5-0-0.

Phil DiVece moved to change the valuation for Patrick Allen for a negative difference of \$4,000. Vote 5-0-0.

Phil DiVece moved to change the valuation for Dongwone Park for a negative difference of \$18,750. Vote 5-0-0.

Phil DiVece moved to change the valuation of Brian Potvin for a negative difference of \$18,750. Vote 5-0-0.

Phil DiVece moved to change the valuation of Richard Gray for a negative difference of \$20,650. Vote 3-2-0 (Curtis and Fairfield opposed).

Phil DiVece moved to change the valuation for Kevin Applebee for a negative difference of \$22,470. Vote 3-2-0 (Curtis and Fairfield opposed).

Varney said she had been contacted by the owner of a subdivision on Old Bath Road who asked that the interior lots of that subdivision on Twin Oak Road that have no access be valued at 50% as are other subdivisions in town under similar circumstances. **Bob Blagden moved to authorize the Assessors' Agent to make these changes. Vote 5-0-0.**

Phil DiVece asked Varney to prepare a handout for the town meeting showing the impact of various mill rates on taxes for house and land values from \$100,000 to \$700,000.

7. Wiscasset Music Educators: Larrabee Band Fund Endowment Request.

Carole Drury, Molly Winchenbach and Roger Whitney representing the three schools in town presented requests for funds from the Larrabee endowment for instruments, equipment, repair/tuning, music supplies, projector screen, sound system and software. Under the RSU, the music budgets have been cut; however, the items purchased would belong to the Wiscasset schools, not to the RSU. Current balance of the endowment is \$329,958.71; total request is \$23,820 (may be only \$16,820 if sound shells can be repaired rather than replaced). The original amount of the endowment was \$207,147.53. Only the interest from the fund can be used. **Bob Fairfield moved to approve the school's request for \$23,820 from the Larrabee endowment.** Pam Dunning asked whether the sound system for the gym was used wholly for the band or for other school functions. Roger Whitney explained that the sound system was included in the band inventory but the school was allowed to use it. **Vote 5-0-0.**

8. Wiscasset Budget Committee: Recommendations for the Special Town Meeting

Christine Wolfe, Town Clerk, asked for approval of ballot clerks for the September 23 town meeting and the September 29 RSU vote. **Bob Blagden moved to approve Susan Hammond, Don Jones, Patricia Bridgham and Joan Barnes as ballot clerks and Susan Blagden as warden at the upcoming elections on September 23 and 29. Vote 4-0-1** (Blagden abstained).

Wolfe asked for the selectmen's recommendation on Article 4 of the warrant for the September 23 town meeting that reads: Shall the town vote to modify the "Airport Runway Repairs" capital reserve account to The "Airport Capital Account" to expand the scope of airport related repair expenses and capital renovations, as necessary, at the Wiscasset Municipal Airport? The Budget Committee recommended 5-0.

The selectmen were unaware that Article 4 had been placed on the ballot. It was added the previous evening when the Budget Committee met with the airport manager and chair of the airport committee in order to use funds from the runway repairs account to cover the shortfall in the airport's revenues. A question on the September 8 special town meeting warrant to fund the shortfall was defeated.

Steve Mehrl explained that at the Annual Town Meeting in 2006, \$80,000 was appropriated from the Airport Department surplus for runway repairs. The repairs amounted to \$1,456 resulting in a carryover of \$78,544, the current balance in the account. He cited the 2007 Annual Town Report, which established that the money came from the Airport Enterprise Account. He said the intent of Question 45 was to enable the airport representatives to request expenditures from the account from the selectmen.

Pam Dunning pointed out that no matter what the account was called, the airport could not use the funds to offset the deficit without a vote of the people. Bob Blagden said that only the selectmen generated warrant articles, not the Budget Committee. Jim George said that \$15,430.43 gained from abatements was put in contingency. The overage in the Beacon Account was zeroed out and all but \$1800 of the overage in the airport account was covered. Blagden said he had no trouble using the money from contingency to offset the airport shortage; he asked why no one had mentioned the Beacon Account and why the board had not been made aware it was overdrawn. Faucher said it was a last minute discovery by the auditors.

Steve Mehrl said that \$1800+ of the \$12,000 shortage was to be used for the town's \$8,000 share of the cost of the Snow Removal Equipment building. Blagden said that the airport manager had said at the last meeting that he had adequate funds for the SRE.

Ben Rines, Jr. said that if the airport runway repairs account was approved at an annual town meeting, it should not be modified at a special town meeting. He also asked how the \$12,400 for the airport overdraft could be paid for out of contingency when the voters turned it down.

Arthur Faucher said the auditors had recommended using contingency funds to cover the airport overage, which the board could approve. The funds in the airport runway account can be used only for runways and the auditors suggested Article 4, which was given in draft form to the Budget Committee and to Erv Deck and Tom Boudin.

Steve Mehrl said the problem in the airport account was not bad management but the unpredictability of excise tax revenues (when bills are sent out in April), fuel usage, and hangar rentals.

Pam Dunning moved to remove Question 4 from the warrant and that it be taken up at the annual meeting. Vote 5-0-0.

Dick Grondin said he hoped that the board had not signed the commitment; the RSU had stressed that there was a carryover of \$90,000 from the schools that could be used to reduce taxes. Jim George said the school audit had not been started. Steve Mehrl said that he and Arthur Faucher would meet with the RSU Superintendent and Finance Director on Friday and would try to get answers to questions Mehrl has been asking since July 1.

With regard to the shortfall in the airport budget, Pam Dunning suggested changing the system so that the airport's previous year's revenues would be used for the current year. Gross budgeting was also suggested. Ken Boudin said that if the airport property taxes went to the airport instead of the general fund, the airport would have sufficient funds.

Deck said that the airport owns land in Edgecomb and if it can get a release from the FAA, the property could be used for other purposes to generate funds.

Deck expressed concern about snow plowing at the airport with the Road Commissioner being shorthanded. According to the FAA, the airport should be opened as soon as possible after a storm. Deck said he would like it opened within six hours.

As requested by Phil DiVece and Bob Fairfield, financial reports will be put on the agenda.

A revised warrant without Question 4 was prepared by the Town Clerk and presented to the board. **Pam Dunning moved to accept the warrant as written. Vote 5-0-0.**

10. Other Business

Pam Dunning recommended that the Highway Department proceed with hiring the driver/operator for which funds had been approved. Bob Blagden advocated sharing a driver between the Transfer Station and Highway Department, because the person who hauled garbage would always be available when it snowed.

Because of the state and federal laws already in place, **Dunning moved that the board not move forward with the sex offender and gun ordinances. Vote 5-0-0.**

Due to a change in software several years ago, approximately \$10,000 in uncollectible taxes remained on the books. **Bob Blagden moved to authorize the auditor to make corrections to remove the uncollectible debts. Vote 5-0-0.**

11. Adjourn

At 9:50 p.m., **Phil DiVece moved to adjourn the meeting. Vote 5-0-0.**

MEMO

15 September 2009

To: Wiscasset Board of Selectmen

Fr: Arthur Faucher
Town Manager

Re: Investigative Counsel

The Board of Selectmen was advised on Thursday, September 10, 2009 that the Police Union will be conducting their own examination and advised that there would be no executive session with the police officers this evening. Now that Union counsel is present I suggest we do the same.

In listening to the Union representative it became evident that some of the issues at stake were “individual rights” that were not recognized and “public discussion” that could reasonably cause damage to reputations.

I respectfully recommend that counsel services be secured to address this controversy.

An independent counsel would also help assure public opinion that a proper evaluation was done.