

WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS & OVERSEERS OF THE POOR  
APRIL 5, 2011

Preliminary Minutes

(tape recorded meeting)

Present: Bob Blagden, Vice Chairman Judy Colby, Pam Dunning, Chairman David Nichols, Ed Polewarczyk and Town Manager Laurie Smith

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

The chairman reported he had received an apology from the Lincoln County News for misquoting him in the report of the previous meeting.

3. Approval of Treasurer's Warrant: March 22, 2011, March 29, 2011 and April 5, 2011

**Pam Dunning moved to approve the Treasurer's Warrant of March 22, 2011.** Bob Blagden objected to the approval, as he said checks were being issued for work not done. **Vote 4-1-0.**  
**Pam Dunning moved to approve the Treasurer's Warrant of March 29, 2011. Vote 4-1-0.**  
**Judy Colby moved to approve the Treasurer's Warrant of April 5, 2011. Vote 4-1-0.**

4. Approval of Minutes: March 15, 2011 and March 29, 2011

**Ed Polewarczyk moved to approve the minutes of March 15 and March 29, 2011 as amended. Vote 5-0-0.**

5. Special Presentations or Awards

A. The Working Waterfront Access Pilot Program (WWAPP): Dick Cline, CEI

Mr. Cline described the program that protects working waterfront properties by buying development rights in order to restrict uses to those compatible with commercial fisheries and aquaculture. Under the program, the owner and a representative of the state enter into a covenant, which follows the deed in future land sales. He described the covenant between the property owner and the state and how monetary awards were determined. Cline listed previous projects that had been awarded a total of \$3.77 million. Approximately \$2.2 million is available for projects in 2011-2012; deadline for applications is July 1, 2011. Applications are reviewed by the WWAPP Advisory Panel and by CEI who advise the DMR Commissioner and he recommends applicants to the Land for Maine's Future board. The application process may take up to 12 months to complete. The board received copies of a model covenant and written responses to its questions.

6. Committee Appointments

David Nichols announced that nomination papers are available for the June 14, 2011 Annual Town Meeting election. Open positions are: Select Board -2, Water District - 2, Road Commissioner - 1, Budget Committee - 8, RSU Board 1. Nomination papers are due April 29, 2011.

**David Nichols moved that the Board of Selectmen appoint Jane LaBreck, Larry Roy, Cam Johnson, Conrad Schilke, Keith Bridgham, Earl Dighton, Larry Clark, Sally Sherman, Richard Grondin, Peggy Simmons and Newt Blakesley to the Board of Trustees Wiscasset Senior Center. Vote 5-0-0.**

## 7. Public Comment on Non-agenda Items

Steve Mehrl recognized the Budget Committee for its good work on the budget over the past weeks.

## 8. Department Head or Committee Chair Report

Waterfront Committee recommendation of vendors to the Main Street Pier:

- Robert S. Jones for Ridgeback Pottery
- Wendall & Carol Wheeler for Bottis Glass

**David Nichols moved that the Board of Selectmen approve Robert S. Jones and Wendall & Carol Wheeler's applications.** In response to Bob Blagden's question on the vendors' compliance with the ordinance, Susan Robson, Waterfront Committee, said parking has been an issue in the past and has been addressed in the proposed Village Waterfront Ordinance. Compliance with the Temporary and Seasonal Business ordinances should be resolved with proposed revisions. Applicants will also be required to comply with the waterfront pier policy. Robson said the committee had received two additional applications but they have not yet been approved by the committee. **Vote 5-0-0.**

## 9. Unfinished Business

Amendments to the Board Rules of Order and Procedure regarding committee appointments.

**David Nichols moved that the Board of Selectmen approve the amendments to the Board Rules of Order and Procedure regarding committee appointment process as outlined on the attached document. Vote 5-0-0.**

## 10. New Business

### A. Jeffrey Hinderliter: Request to set hearing date for Ordinance Amendments for April 19, 2011

**David Nichols moved that the Board of Selectmen set a public hearing date for Ordinance Amendments for April 19, 2011 including:**

- **Village Waterfront Ordinance**
- **Sign Ordinance**
- **Business District amendments**
- **Temporary/Seasonal business**
- **Shellfish Ordinance**

Town Planner Jeffrey Hinderliter pointed out the change in the district description of the Business District, which had not previously been seen by the board. The Planning Board will hold a public hearing on April 11, 2011. **Vote 5-0-0.**

### B. Request by Bill Phinney to add a warrant article to the June 14th Warrant.

Bill Phinney had requested that he be allowed to buy the bridges to White's Island as is for \$1 without any liability to the Town and with no change to the Town's right of way. He would repair the bridges for his personal use and at such time that the Town is prepared to repair or reconstruct the bridges, Phinney would sell the bridges back to the Town for \$1. A motion to approve the request failed on a 0-5-0 vote.

C. Review of the draft warrant article including the housekeeping articles, mandatory recycling ordinance, ordinance amendments, Wiscasset Senior Center and Recreation trust accounts, bonding for the Commercial Pier and appointed road commissioner.

Town Manager Laurie Smith said the draft budget for FY 2012 as approved at the previous meeting decreased the commitment by \$65,192 and the municipal mill rate by 15¢. She reviewed the Budget Committee recommendations that included a decrease in the street light budget by \$2,000, a decrease of \$3,000 in capital improvements, a \$3,000 reduction in the Selectmen's wages, as well as differences in community organizations to be funded and the amount of those contributions. The Budget Committee also recommended town-owned buildings be given away to limit financial liability and it supported the use of fund balance to offset the tax rate. The Selectmen will meet with the Budget Committee on April 12 at 7 p.m. to resolve the differences.

Smith said added to the proposed warrant articles were an amendment to the Solid Waste Ordinance, adoption of the trusts for the Senior Center, Parks and Recreation and Community center, and approval of the expenditure of TIF funds.

The board discussed the Solid Waste Ordinance expressing concern about enforcing recycling; the added cost to residents to have their recyclables picked up; determining who was responsible for recycling, the hauler or the individual; the alternative of a pay-per-bag system; and the amount of the fine.

The chairman read the draft warrant, the final articles will be voted on at the April 12 meeting.

The language in Article 2 was changed to read, "To vote by secret ballot for those positions required to be elected."

Bob Blagden objected to Article 3 (approving 3/12 of a budget for questions that failed to pass) because it allows items to be voted on repeatedly with few people voting.

Article 5 was added authorizing the Selectmen to transfer funds in accordance with the TIF agreement.

Ed Polewarczyk objected to the Selectmen voting to raise their salaries and recommended that the amount raised and appropriated for Office of Selectmen under Article 6 be reduced by \$3,000 to \$27,418 with a separate article allowing voters to approve or reject the \$3,000 increase in salaries. This will be discussed on April 12.

Article 13 will be discussed on April 12.

Bob Blagden recommended separate warrant articles for the individual capital improvements in Article 24 so that voters could choose which line item they wanted to approve. There was a consensus to list the capital improvements separately. Ed Polewarczyk recommended indicating departmental revenue to show offsets.

Laurie Smith explained that Article 38J would allow the selectmen to determine the amount of the undesignated fund balance to be used to reduce property tax assessment.

Article 40 was added to authorize the municipal officers to use revenue from the sale of cemetery lots for the care and maintenance of all Wiscasset cemeteries.

Article 41 was added to allow closing roads if necessary to winter maintenance.

Article 45 and 46 will indicate votes for and against by the Budget Committee and Selectmen.

The Financial Statement indicates the town's outstanding bonds and those to be issued, if Article 46 is approved, and the cost over five years.

Article 47 would allow the Road Commissioner to be appointed.

The warrant will be renumbered to include No. 39.

The Solid Waste Ordinance (with changes including a \$2 fine payable by a person, business or commercial hauler for not recycling and a September 1 effective date) and the amendment to Article 1 - Town Officials, allowing the appointment of a road commissioner will be included in the public hearing on April 19, 2011.

With regard to the articles on the trust accounts, Ed Polewarczyk said the term "scholarship" was misleading, as it usually refers to a student, but in this case, it refers to a senior citizen. The section, which required funds to go to a similar organization if the entity ceases to exist, was discussed and it was suggested that the period to look for a successor organization be specified.

Steve Mehrl recommended that the Article 28, capital improvements, be moved to be in close proximity to Article 4, estimated revenues.

At 9:55 p.m., David **Nichols moved to extend the meeting beyond 10 p.m. Vote 5-0-0.**

#### 11. Town Manager's Report

A. National Volunteer Week: The town received an invitation from the Boothbay Register and Wiscasset Newspaper to participate in a full-page ad publicly thanking its volunteers. It was the consensus of the board that the funds would be better spent doing something for the volunteers.

B. RSU Lease Amendment: The amendment would give town ownership of any improvements made to the Alternative Education building and would set the term of the lease at five years, expiring in 2014.

C. Letter to Doug White regarding summer events: CEO Rick Lang had advised Doug White of the process and time limits for submitting final plans to the Board of Selectmen for events to be held at the raceway this summer.

D. MMA response to insurance claim: The claim for water leakage from burst pipes in the superintendent's office was denied by MMA because vacant buildings are not covered.

E. Wiscasset Development, Inc.: Smith said the state would dissolve the corporation, as no report would be filed.

F. General Update: Smith distributed a draft of a letter to the Sheepscot Valley RSU containing comments of the board regarding the cost sharing allocation for RSU 12 towns. The board requested the elimination of the 3% cap as part of the cost allocation formula, that the RSU phase in a student count formula over a five-year period and if the student count funding formula is not approved, the board consider a phased-in formula comprised of valuation and student population. Ed Polewarczyk explained that the current cost allocation is based on the relative school expenses of the individual towns. Changes to the funding formula are not justified at this time because the RSU has not made significant changes to the relative expenses. The chairman directed the Town Manager to send the letter that had been voted on by the board.

In response to a question at a previous meeting, Smith said the appointment date of the building inspector was set by state statute.

Regarding the Montsweag dam, Smith reported that CMP and Mr. Delano had met and agreed on the property lines. She said that the Woolwich selectmen were not interested in owning part of the dam that is in their town, but would like to attend any meeting Wiscasset might have with CMP regarding the property. It was suggested that the selectmen hold a public meeting on May 3 to solicit public input.

12. Other Board Business

A. Executive Session: Personnel

**David Nichols moved that the Board of Selectmen enter into Executive Session in accordance with I M.R.S.A. § 405(4)(A) to discuss personnel matters: Town Manager Evaluation and Labor Negotiations. Vote 5-0-0.** The board entered executive session at 10:20 p.m. and exited at 11:15 p.m.

13. Adjournment

**Judy Colby moved to adjourn the meeting. Vote 5-0-0.**