

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS & OVERSEERS OF THE POOR
August 2, 2011

(tape recorded meeting)

Present: Chair Judy Colby, Bill Curtis, Pam Dunning, Vice Chair David Nichols, Ed Polewarczyk and Town Manager Laurie Smith

1. Call to Order

Judy Colby 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 for Commercial Waste Haulers

The applicant is BEC Enterprises. The license will expire on May 31, 2012, the date all waste hauler licenses expire. The public hearing closed at 7:02 p.m.

Pam Dunning moved that the Board of Selectmen accept BEC Enterprises' application for License as a Commercial Waste Disposal Hauler. Vote 5-0-0.

4. Approval of Treasurer's Warrant: July 26, 2011 and August 2, 2011

Pam Dunning moved to approve the Treasurer's Warrant of July 26, 2011. Ed Polewarczyk referred to the letter from Richard Flewelling, Assistant Director of the MMA Legal Services Department, regarding the obligation of Wiscasset to pay its share of the RSU budget. The letter was in response to a question regarding the board's authority to pay the RSU warrant when the Wiscasset voters did not approve the budget item. Flewelling wrote that the RSU budget was approved by the majority of towns even though the Wiscasset voters turned it down. He further said that the treasurer was required to pay to the RSU in monthly payments the amount of the tax assessed by the RSU. Polewarczyk argued that although the treasurer has to pay the bill, the treasurer is not authorized to pay checks without the approval of the selectmen. Polewarczyk read a letter from a resident regarding the performance of the contract between the RSU and Wiscasset. The letter contended that the RSU had not fulfilled its promised benefits even though costs had increased. Polewarczyk said costs had increased 13.5% even though part of that was due to reduced state subsidies. He said he would like to know what the voters of Wiscasset wanted with regard to the RSU. **Vote 4-1-0.**

Pam Dunning moved to approve the Treasurer's warrant of August 2, 2011. Vote 5-0-0.

5. Approval of the Minutes: July 19, 2011

David Nichols moved to approve the minutes of July 19, 2011. Vote 5-0-0.

6. Special Presentations or Awards - none

7. Appointments

A. Approve Frank Sprague and Cindy Collamore's Application to the Waterfront Committee

David Nichols moved that the Board of Selectmen approve Frank Sprague and Cindy Collamore's applications to the Waterfront Committee. Vote 5-0-0. Pam Dunning moved to nominate Frank Sprague and Cindy Collamore as new members of the Waterfront Committee. Vote 5-0-0.

8. Public Comment on Non-agenda Items

Clark Jones suggested abolishing the planner position and not increasing the height of the pier and the money saved could be put into the bridges.

Prior Morrell recommended two safety issues: Installing a mirror at the intersection of Old Sheepscoot Road and Route 218 to aid those exiting from Old Sheepscoot Road to see oncoming small cars and installing grab rails on downtown brick sidewalks and in front of the post office.

Judith Sutter also recommended safety precautions be taken at the post office. Donna Waterman commented on the high percentage of seniors in Lincoln County and also expressed concern.

9. Department Head or Committee Chair Report - None

10. Unfinished Business

A. Discuss maintenance of the White's Island Bridge

Nine of the pile caps on the bridge need replacing, one-third of the piles are in poor condition, and the other two-thirds are in fair to good condition. Cost of replacing the pile caps is \$2,000 to \$2,500 for materials plus labor and can be funded from the public works budget. The work will take a couple of weeks; however, it is dependent upon the tides. In order to make the bridge accessible for pedestrians some of the piles would have to be replaced.

Bill Phinney asked for mediation with the board to initiate a comprehensive solution. David Nichols asked what would be mediated inasmuch as the town owns the bridge. Steve Mehrl urged mediation to facilitate utilization of the island.

Donna Waterman, Bill Sutter, Seaver Leslie, Cindi Fischer, Matt O'Donnell, Roy Farmer and Judith Sutter spoke in favor of repairing the bridges.

Town Manager Laurie Smith said opening the bridge to pedestrians would depend upon a professional inspection of the bridge, the insurance company's satisfaction with the safety of the bridge and the railroad crossing issue (requirement of crossing arms and signals) settled with the Department of Transportation. In response to Ed Polewarczyk's question, Smith said a cost estimate to repair the bridges by Oest Associates several years ago was in the hundreds of thousands of dollars.

Pam Dunning moved that the Board of Selectmen approve the immediate replacement of the severely damaged pile caps by the Highway Department to keep the bridge from falling in and to add a block at the end of the bridge that prohibits pedestrian traffic. Vote 5-0-0.

11. New Business

A. Don Jones: Discuss Cable Franchise Fees

Jones explained that the Time Warner franchise fee consists of 5% of subscribers' services on the monthly bills, a prorata share of 5% of the revenue earned in Wiscasset on other non-subscriber services such as profits from the three shopping channels, and 5% of the revenue collected in franchise fees. He said other towns limit franchise fees to the first item; other towns exclude the franchise fee itself. The percentage amount can also vary from 0% to 5%. Jones asked the town to renegotiate the franchise agreement with Time Warner to remove this unfair tax on the minority of Wiscasset residents who receive their television service via Time Warner cable. He asked the town to forgo \$45,000 annually in fees, which although allowed under FCC regulations, are essentially unfair local sales taxes on a minority of Wiscasset residents. In order

for the board to consider the issue, **Ed Polewarczyk moved to postpone discussion until the next Board of Selectmen meeting. Vote 5-0-0.**

B. Fireworks Ordinance Discussion: Rick Lang

Lang explained the new state legislation, which would allow the sale and use of fireworks, although towns may adopt ordinances to prohibit or limit the sale and/or use of fireworks. There is no prohibition on the ownership of fireworks. A separate building is required for the sale and display of fireworks as well as a federal and state license to sell fireworks.

Wiscasset has an ordinance that prohibits the discharge of fireworks. The Town Office has received several inquiries about selling fireworks in Wiscasset. Input from the Fire Marshal and others will be obtained. A public hearing will be held to discuss the matter after Labor Day and, depending upon public opinion, it may be referred to the Ordinance Review Committee.

C. Open Public Works Bobcat Bid

Bids on a 5610 Bobcat were received as follows:

Jordan Equipment, Herman	\$72,809.25
Jordan Equipment, Falmouth	67,401.00
Bobcat of Boston North, Reading	88,484.00

Pam Dunning moved that the Board of Selectmen authorize the Road Commissioner to award the bid to the lowest qualified bidder. Vote 5-0-0.

D. Open Transfer Station Truck Bid

The following bids were received:

		<u>Without Trade-in</u>	<u>With Trade-in</u>
Whited Truck Center	Factory Order	\$120,976	\$110,976
	In stock	124,715	114,715
O'Connor Motor Co.		114,747	96,484
C. B. Kenilworth	In stock	122,400	114,400
	Factory Order	119,847	113,347

David Nichols moved to authorize the Transfer Station Manager and the Town Manager to look over the contracts and award the bid to the lowest qualified bidder. 5-0-0.

E. Set a Selectmen Special Meeting on August 11 at 5 p.m. to open the Pier Construction bids.

Pam Dunning moved that the Board of Selectmen set a Special Selectmen Meeting on August 11 at 5 p.m. to open the Pier Construction Bids. Vote 5-0-0.

12. Town Manager's Report

A. Sewer Lien Paid Off: Smith reported that a sewer lien had been paid off by Mechanic's Savings Bank and asked that the selectmen release the lien. (Book 3677, page 55, Book 4412, page 254) **Ed Polewarczyk moved to release the lien. Vote 5-0-0.**

B. Route 1 Traffic Management Update: Smith reported that she had met with citizens, business representatives and the state regarding the traffic management plan that seemed to be bringing

order to chaos although there has been a scheduling conflict because of a shortage of manpower. Another meeting will be held August 11 at 9 a.m.

C. Pier Replacement update: A pre-bid meeting was held and six to eight contractors are expected to bid. There may be a problem with the supply of greenheart piles, which would hold up construction, and scheduling may have to be altered.

D. Transfer Station compost bin/recycling bin update: Ron Lear, Transfer Station Manager, recommended that a few recycling bins be purchased to see how they sell at the Transfer Station. The 18-gallon bins are \$8.75 purchased in quantities of 200 or \$8.25 in quantities of 400. The 21-gallon bins are \$12.50 and \$21.50 in the same quantities. Compost bins are \$42.50 each if purchased from other communities or \$45 each if purchased in quantities of 50. The purpose of selling bins, which may be available locally in the hardware store, was questioned as was the problem of collecting sales tax. The demand will be monitored.

E. Police Chief Interviews update: Interviews have been conducted and candidates have been narrowed down to the finalists.

F. Town Planner Interview update: Interviews were held that day and more are scheduled for the next day.

G. General Update: In response to questions regarding Don Gerrish's authority to appoint a Harbormaster, Smith explained that the Town adopted the Port and Harbor Ordinance, which gave the selectmen the authority to appoint the Harbormaster, in 1999. In 2001, the Town enacted the town manager plan, which gave the Town Manager authority to appoint the Harbormaster, superseding the previous ordinance. On June 30, 2011, Smith appointed a variety of town officials including the Harbormaster.

13. Other Board Business

At 9:20 p.m., Judy Colby moved to enter executive session to discuss personnel matters pursuant to Title 1, M.R.S.A. 405(6)(a). Vote 5-0-0. The board exited executive session at 9:45 p.m.

14. Adjournment

The meeting adjourned at 9:45 p.m.