

WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR  
SEPTEMBER 20, 2016

Tape recorded meeting

Present: David Cherry, Chair Judy Colby, Vice Chair Judy Flanagan, Ben Rines, Jr., Jeff Slack and Town Manager Marian Anderson

Chair Judy Colby called the meeting to order at 5 p.m.

1. Pledge of Allegiance

2. Discussion on Mason Station property foreclosure – Attorney Ben Smith, Skelton, Tainter & Abbott

Judy Colby reported that the Town had received a payment of \$46,000 from Mason Station for past due taxes and noted that payment was made only when foreclosure was imminent. Smith said in order to foreclose on the properties, the Town would need to review all paperwork to make sure the lien process was followed. Staff is currently reviewing the records for this purpose. After giving the owners 30 to 45 days to pay, the property could be taken. In response to Colby's question on asbestos clean-up, Smith said that the party that caused the problem is ultimately responsible; however, the Town would be in a difficult position to market the property with this liability. He recommended that the Town get an estimate of the liability if the board wants to acquire the properties. Marian Anderson commented that Brownfield grants are available if the Town owned the properties, and that the Town had the support of state and federal representatives. The properties that the Town has already acquired have been cleaned up and are awaiting DEP approval. **Jeff Slack moved to start the foreclosure process.** Anderson said research to verify that the process has been carried out correctly would be finished and the report would be ready for the first meeting in November. **Vote 4-1-0** (Flanagan opposed). In response to questions, Smith said the town could foreclose and still pursue the judgement of \$846,000 awarded by the court in the future.

3. Approval of Treasurer's Warrants

a. **Judy Flanagan moved to approve the payroll warrants of September 9, 2016 and September 16, 2016. Vote 5-0-0.**

b. **David Cherry moved to approve the accounts payable warrants of September 13, 2016 and September 20, 2016. Vote 5-0-0.**

4. Approval of Minutes

a. **David Cherry moved to approve the minutes as amended by Judy Flanagan. Vote 5-0-0.**

5. Special Presentations or Awards

**Judy Flanagan moved that the board prepare and present a certificate of appreciation to Charlotte Dorr upon her retirement after 32 years as Village Barber.** A reception for her will be held on Sunday, September 25, at the Senior Center from 2 to 4 and all are invited to attend. **Vote 5-0-0.**

Judy Flanagan reminded the board and the public that Article 11 of the board's procedures, Decorum and Order, call for following the rule of propriety, decorum and respect. She expressed the hope that parties could disagree without being disagreeable.

## 6. Committee Appointments

a. **Jeff Slack moved to approve David Sutter to the Board of Appeals.** In response to Ben Rines, Jr.'s question, there are currently two vacancies, one expiring now and the other in 2018. **Vote 5-0-0.**

## 7. Public Hearings – none

## 8. Public Comment

Steve Mehrl encouraged the public to sign up to receive the select board's agenda and accompanying documents by email, which are very helpful in improving communication.

## 9. Department head or committee chair

### a. Request to transfer Harbormaster position to the control of the Police Department – Police Chief

Jeffrey Lange: Lange requested that the harbormaster position be placed under the operational, administrative and budget control of the Wiscasset Police Department. A reserve officer (after training from the police academy) would be available more hours than the present harbormaster (who has a full time job) and could be paid from the current stipend allotted to the Harbormaster. The reserve officer would have law enforcement ability, which the harbormaster does not have. In addition, Lange said that the law enforcement program has a surplus program which could assist in acquiring a boat free of charge except for transportation. In a ten-year plan that the chief has submitted, a Community Officer position would be created and would have in addition to harbormaster duties, the responsibility for White's Island and the proposed pier, parking enforcement, and business liaison. Marian Anderson said the transfer would better serve the community by having someone available more often and for more hours. Ben Rines, Jr., said he might consider the part-time position, but was not interested in expanding the workforce and increasing the budget. In response to Judy Colby's question, Lange has the funds in his budget for the harbormaster training. No decision was made on the request; however, Lange was asked to advise the board when the next harbormaster class was scheduled so it could make a decision before that time. Lange reported that the bike rodeo was cancelled because of rain.

b. Intern at Police Department: Lange said Meghan Watts, a criminal justice student, had started working at the police department as an intern helping with analytics and community events.

c. Consideration of car rental concession agreement, Airport Manager Frank Costa: Costa said the airport was losing customers to other airports, even though their fees and fuel costs were higher than Wiscasset's, because rental cars are not always available in Wiscasset. Newcastle Chrysler maintains two vehicles at the airport and pays the airport 10% commission per rented car; the airport maintains and rents the vehicles. The rental vehicles, however, are not always available if the dealership needs them to fulfill rental needs to its customers. Costa requested the board's approval of a concessionaire agreement with Enterprise Rent-A-Car Agency which would supply vehicles and is offering a 10% commission to the airport. Costa estimated that the availability of rental vehicles would improve income at the airport from fuel sales and tie-down fees from customers that would otherwise have gone to Brunswick. **Jeff Slack moved to go ahead with Frank's proposal. Vote 5-0-0.** The agreement will be

reviewed by the town attorney and Costa will provide an estimate of likely income from sale of additional fuel and tie-downs if vehicles were available. The acquisition of a vehicle for the airport will be on a future agenda. Costa was complimented on the recent Tuskegee Airmen show

d. Department Head Monthly Reports – attached. A ten-minute recess was taken.

e. Discussion of MAINE PERS life insurance for part-time employees, Shari Fredette, Town Treasurer/Human Resources: Postponed until the next meeting.

## 10 Unfinished Business

a. Update on Downtown Improvement Project – Ernie Martin, Senior Project Manager: Martin introduced Bill Pullver, engineer for MDOT Project Development, who explained that a decision to proceed on the Main Street improvements without federal funds was made in order to shorten the project completion time and because federal funds may not be available for some of the side street and parking elements of the project. He said there was the possibility of the use of eminent domain for the Haggett's Garage as a last resort. He recommended that the town's committee be formed soon. He added that there would be no design changes from the conceptual drawings that had been approved; however, there may have to be adjustments for ADA or delivery requirements. Ernie Martin said he would be meeting with the business groups, Chamber of Commerce and the Historic Preservation Commission. There were comments and questions from the board and the public regarding the timing, possible changes, maintenance, meetings with the committee and public hearings. Several changes to the draft Cooperative Agreement were requested by the board. Donna Footer volunteered to be the contact person for the business owners on Water Street and Cordelia Oehmig will represent the businesses on Main Street who are not members of the Chamber of Commerce. A ten minute recess followed.

b. Signing of the Collective Bargaining Agreement: Local S/89 District Lodge #4 of the IAMAW: **David Cherry moved to adopt the contract between the Town of Wiscasset and the District Lodge #4 of the International Association of Machinists and Aerospace Workers and its Local Lodge S/89 (Public Works Unit) expiring June 30, 2017.** A 2% increase in wages is included in the contract which begins July 1, 2016. **Vote 4-0-1** (Rines abstained).

c. 2016-2017 Tax Commitment: Shari Fredette, Treasurer, referred to erroneous comments made by board members that were reported in the Lincoln County News; and pointed out that she had provided the figures and breakdowns promptly when requested. Selectmen Rines responded that he had made many of those comments and did not regret any of them. **Judy Flanagan moved to reconsider the vote of two weeks ago to take \$1 million from the fund balance. Vote 5-0-0.** Judy Colby said the previous motion was based on a fund balance of \$1,009,977.18 which included restricted funds. Fredette said \$800,000 for schools and \$300,000 for carry-forward would have to be deducted from the fund balance. She added that the audit was not complete; however, the auditor recommended taking not more than \$600,000 from the fund balance. **Ben Rines, Jr., moved to rescind the motion of two weeks ago when \$1 million was taken from the fund balance. Vote 5-0-0.** Judy Flanagan pointed out that the town voters were aware of the increases voted on for all budget items including the school expenses. It was suggested that in the future the warrant indicate how warrant items will affect the total budget, and the board should be aware that voters may follow the selectmen's recommendations without realizing how the budget would be affected. Flanagan said that removing \$600,000 from the fund balance would leave the town without a fund balance and also with increased taxes. It would also violate the board's

policy regarding the amount to be left in the fund balance. **David Cherry moved to withdraw \$600,000 from the fund balance. Vote 5-0-0.** Judy Colby requested that an explanation be sent to taxpayers with tax bills.

c. 2016-2017 Tax Commitment - Postponed

11. New Business

a. Invitation to Chewonki's Farm to Table Harvest Dinner, September 29.

b. Request to remove and dispose of the town's siren on Fort Hill Street – Don Jones: Postponed

c. Downtown Improvements Project Cooperative Agreement (see 10a)

d. Bid Opening – Winter Sand

The following bids were received:

	<u>Loaded</u>	<u>Delivered</u>	<u>Mileage</u>
Nathan Northrup Forest Products & Earthwork	\$5/ cu ft	\$10.95/ cu ft	18.0
Hagar Enterprises	6.75/cu ft	12.70/ cu ft	22.6
Crooker	8.00/cu ft	11.50/cu ft	10.0

**Judy Flanagan moved to authorize the Town Manager and Public Works Director to award the Winter Sand Bid to the lowest qualified bidder. Vote 5-0-0.**

e. Monthly Financial Reports (no action required)

f. Consideration of renewing Cupboard Collective contract – postponed

g. Maine Art Gallery update – postponed

12. Town Manager's Report

a. Correspondence – Thank you notes were received from Spectrum Generation, LifeFlight, Lincoln Dental and Frank and Laura Hayward (for service from EMS)

b. Department Head fee schedules for review (no action required)

c. Town of Wiscasset General Fund Balance Policy – postponed

d. Summary of Selectmen's 2017-2018 Goals – postponed

e. Citizen's Petition to allow members of the Wiscasset Fire Department use of the Wiscasset Fire Department to clean their personal vehicles was received. **Jeff Slack moved to put the petition on the ballot for people to vote on in November.** Paper ballots would be necessary because it is too late to put it on the machine ballot, or a special town meeting could be held. Jeff Slack asked that the board revote the matter, allowing the firefighters to wash their personal vehicles at the fire station. However,

as David Cherry pointed out, no matter whether the petition was approved by the select board or by the voters, it would still be unconstitutional under the public purpose doctrine of Maine law which prohibits municipal funds or resources being used for other than public purpose meaning that the general public must receive benefit from the public resources rather than private individuals.

**Ben Rines, Jr., moved to go beyond 9 p.m. Vote 5-0-0.**

David Cherry objected to the wording of the petition which asked if the department that shall have the ability to “continue” washing vehicles when the practice was not now allowed. He also questioned the ability to petition a personnel matter. Marian Anderson said the board could vote to change the policy or to put the petition on the ballot. The motion to put the petition on the ballot in November was approved. **Vote 4-1-0** (Cherry opposed).

In response to a question regarding the art gallery, Colby said a representative of the art gallery had to leave the meeting early and therefore the item was removed from the agenda. Judy Colby said the gallery has a five year lease which was signed in 2014.

f. Update on abandonment of Mason Station subdivision – postponed to the end of October.

13. Other Board Business

14. Adjournment

**Jeff Slack moved to adjourn the meeting at 9:23 p.m. (Vote 5-0-0)**