

## Maine Power Reliability Program (MPRP)

### Montsweag Brook Compensation Parcel

#### Wiscasset/Woolwich

Central Maine Power Company's (CMP) Maine Power Reliability Program (MPRP) is a proposed upgrade to CMP's bulk transmission line system. The vast majority of Maine's bulk power transmission system (115 kV and 345 kV lines) was placed into service in the early 1970s and is now reaching the limits of its ability to meet the growing electrical demand of Maine customers. Since the last major transmission infrastructure construction was completed more four decades ago, the patterns of both available generation and customer load have shifted significantly.

The MPRP project consists of construction of 440 miles of new and/or upgrade transmission lines and construction and/or expansion of eleven substations in approximately 75 municipalities within the CMP system.

CMP conducted resource inventories and mapping of natural resources (wetlands, vernal pools, deer wintering areas, inland wading waterfowl habitat, RTE habitat) on all of the transmission line corridors and substation sites over the course of three field seasons. This information was used to determine the level of compensation and mitigation CMP would need to provide under Maine Department of Environmental Protection and U. S. Army Corp of Engineers rules and regulations to offset project impacts.

Based on the cumulative project impacts to natural resources, CMP assembled a robust compensation package consisting of a \$1.5 million payment to the MDEP Natural Resources Mitigation Fund and 14 parcels of land consisting of 4,700 acres. Many of the compensation properties were recently purchased by CMP specifically for this purpose, while others, such as the Montsweag Brook parcel, had been owned by CMP for many years.

These compensation parcels contain the same types of natural resources being impacted by the MPRP; though under the regulatory agencies requirements, CMP is required to protect a higher ratio (as much as 8 to 1) of impacted resources with the compensation parcels (i.e., for every acre of wetlands impacted by MPRP, CMP must provide and protect 8 acres of compensation parcel wetlands).

Pursuant to MDEP and USACE requirements, CMP has placed restrictions and covenants on each of the compensation parcels to ensure the properties remain in a near natural state and their sensitive natural resources are protected in perpetuity. These covenants and restrictions run with the land.

Working with local land trusts, state agencies, and other interested parties, CMP will transfer the compensation parcels to such entities. Prior to the transfer to the conservation organizations, CMP has completed boundary surveys (lines blazed/painted, pins set), Phase 1 Environmental Site Assessment,

site cleanup and debris disposal, title search and insurance, and established a one-time stewardship fund payment for each parcel.

#### Monstweag Brook Compensation Parcel

This parcel consists of 22 acres in Wiscasset and Woolwich; 3 acres of wetland and 19 acres of upland buffer also designated as a Maine Department of Inland Fisheries & Wildlife deer wintering area (indeterminate value). Access to the property is over the Freedom Song Road.

Monstweag brook flows through the center of the parcel and is impounded by a dam near the southern end of the property. The dam was constructed in 1941 as a back-up water source for Mason Station.

CMP has offered this property to The Chewonki Foundation. CMP and Chewonki have met several times to discuss the potential transfer and the best way to structure the transfer to the benefit of the parties involved. CMP and Chewonki continue to work towards this goal.

## DECLARATION OF COVENANTS AND RESTRICTIONS

Montsweag Brook Parcel, Wiscasset & Woolwich, Maine

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this 5<sup>th</sup> day of August, 2010 by **Central Maine Power Company**, a Maine corporation with an address of 83 Edison Drive, Augusta, Kennebec County, Maine 04336, (herein referred to as the "Declarant"), pursuant to State of Maine Department of Environmental Protection Site Location of Development Act and Natural Resources Protection Act Orders, Project Number #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N/L-24620-L6-E-N and U.S. Army Corps of Engineers Permit Number #NAE-2008-03017 (hereinafter referred to as "Order"), relating to preservation of an approximately 27 acre parcel of land southerly of Bradford Road, Wiscasset Maine now or formerly known as the Montsweag Brook Parcel.

### RECITALS

WHEREAS, the Declarant holds title to certain real property situated in Wiscasset and Woolwich, Maine described in the following deeds from recorded in the Lincoln and Sagadahoc County Registry of Deeds:

Louise I. Bailey	Book 440, Page 389
Louise I. Bailey	Book 466, Page 337
Lawrence R. Seavey	Book 444, Page 582
Viola May Seavey Beane	Book 227, Page 30 (Sagadahoc)

and identified by the Town of Wiscasset as map R7, lot 92 and the Town of Woolwich as map R5.

WHEREAS, Declarant desires to place certain deed covenants, under the terms and conditions herein, over said real property (hereinafter referred to as the "Covenant Area") described in Exhibit A, attached and made a part hereof.

WHEREAS, pursuant to the Site Location of Development Act, Title 38 M.R.S.A. Sections 481 et seq., the Natural Resources Protection Act, Title 38 M.R.S.A. Section 480-A et seq., Chapter 310 and Chapter 335 of regulations promulgated by the Maine Department of Environmental Protection (the "Wetlands and Waterbodies Protection Rules" and "Significant Wildlife Habitat Rules"), Declarant has agreed, in satisfaction of the Order, to impose certain covenants and restrictions on the Covenant Area as more particularly set forth herein and has agreed that such covenants and agreements may be enforced by the Maine Department of Environmental Protection (hereinafter the "MDEP") or any successor in interest.

NOW, THEREFORE, the Declarant hereby declares that the Covenant Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the covenants, conditions and restrictions set forth herein (sometimes referred to as the "Covenants and Restrictions"). The Covenants and Restrictions shall run with the Covenant Area and shall be binding on all parties having any right, title and interest in and to the Covenant Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Covenant Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Covenant Area subject to the Covenants and Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Covenants and Restrictions hereinafter set forth.

Fee title to the Covenant Area will be conveyed to The Chewonki Foundation (hereinafter "Grantee").

The Declarant shall provide a 60-day advance notification to the Grantee and the U.S. Army Corps of Engineers pursuant to permit No. NAE-2008-03017, before any action is taken to void or modify this instrument, including transfer of title to, or establishment of any other legal claims.

Any transfer of ownership of the land covered by this document shall include a subordination agreement, as necessary, to give the conservation easement (or restriction) priority in any title chain, so that the land and resources covered by the document can be protected into perpetuity.

If protected mitigation property is taken in whole or in part through eminent domain, the consequential value of the property protected by the Clean Water Act is the cost of the replacement of the conservation functions, services, and values with other property in the same biophysical region and shall be provided by the party exercising eminent domain.

Restrictions on Covenant Area. Unless the owner of the Covenant Area, or its successors or assigns, obtains the prior written approval of the MDEP, (or any successor thereof), the Covenant Area shall remain in a natural and open condition in order for it to fulfill its historic, scenic, vegetative, wildlife and/or hydrologic functions in perpetuity.

1. the Covenant Area shall not be subdivided and none of the individual tracts, which together comprise the Covenant Area, shall be conveyed separately from one another;
2. no soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Covenant Area and the surface waters contained thereon, nor shall the topography of the area be altered or manipulated in any way;

3. there shall be no manipulation or alteration of the natural watercourses, lakeshores, marshes or other water bodies, except as allowed for permitted fish passage restoration projects, nor shall any uses of or activities upon the Covenant Area be permitted which could be detrimental to water purity or to any vegetative, wildlife or hydrological function;
4. no trees, grasses, shrubs, vines, or other vegetation shall be cut, removed or destroyed, except that de minimis flower picking shall be allowed, and clearing will be allowed for the maintenance of any path or trail, and dead wood which is leaning or fallen may be removed;
5. invasive species may be eradicated, controlled, and removed by hand, mechanical, and/or chemical means. Any herbicides used on the Covenant Area will be EPA registered substances;
6. no ditches shall be dug, and no draining of the Covenant Area shall take place, and no pumping or any other removal of water shall occur on the Covenant Area, nor shall the manipulation or alteration of natural water courses or hydrology occur except as allowed for permitted fish passage restoration projects;
7. no structures shall be allowed on the Covenant Area, excepting minor structures such as signage, information kiosk, pedestrian bridges/boardwalks. Existing roads and parking areas necessary to access the Covenant Area for monitoring and public access may be maintained. These roads, parking areas and minor structures will be outlined in a Management Plan for the Covenant Area; and,
8. no trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment shall be permitted on the Covenant Area, except as needed to achieve permitted fish restoration projects and in the case of emergencies.

Exceptions. The Declarant may enter upon the Covenant Area to conduct the following activities after written application and approval from any local or state agencies for which approval is required:

maintain, repair and replace existing overhead and underground utilities;

Fish Passage Restoration. The Declarant, its heirs and assigns, reserves the right to investigate the feasibility of restoring fish passage to the upper Montsweag Brook watershed, including the section of Montsweag Brook that runs through the Covenant Area, by means of a fish ladder, partial, or full removal of the dam located on the Covenant Area. Declarant, its heirs and assigns, will obtain all federal, state (including MDEP), and local permits and approvals prior to commencing any fish passage alterations on the Covenant Area.

Enforcement. The MDEP and/or USACOE may enforce any of the Covenants and Restrictions set forth above. Any future alterations of the Covenant Area must receive the prior approval in writing from the MDEP and/or USACOE.

Marking of Covenant Area. The perimeter of the Covenant Area shall at all times be plainly marked and maintained by the owner.

Covenant Area Transfers. The Declarant and all future owners of the Covenant Area shall include the following notice on all deeds, mortgages, plats, or any other legal instrument used to convey any interest in the Covenant Area. Failure to comply with this paragraph does not impair the validity or enforceability of these covenants and restrictions:

NOTICE: This Property is subject to Restrictive Conservation Covenants recorded at *(insert book/page references, counties, and date of recording)*

Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Covenant Area. If the Covenant Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions but only to the extent that any of the Covenant Area is included within such owner's property.

Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Covenant Area and by the MDEP (or any successor thereto).

Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a covenant running with the land as a burden and upon the title to the Covenant Area.

Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity of enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

Central Maine Power Company

By: Raymond J. Pomerleau  
Raymond J. Pomerleau  
Director of Property Management & Security

STATE OF MAINE  
Kennebec, ss.

August 5 2010.

Personally appeared before me the above named Raymond J. Pomerleau, Director of Property Management & Security and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Central Maine Power Company.

Diana Morgan  
Notary Public/Attorney at Law

Printed Name: DIANA L. MORGAN  
Notary Public, Maine  
My Commission Expires May 5, ~~2016~~ 2017

Exhibit A  
 Legal Description  
 27± Acres +/-  
 Wiscasset & Woolwich, Maine

A certain lot or parcel of land situated on the Southerly side of, but not adjacent to, Bradford Road in the Town of Wiscasset, Lincoln County and the Town of Woolwich, Sagadahoc County, State of Maine bounded and described as follows:

Beginning at the intersection of the Northerly Sideline of Central Maine Power Co. transmission line Section 81, said sideline being 150 feet Northerly, as measured at right angles, of the centerline of Section 81 as it exists in 2010 (the "Section 81 North Sideline"), and the Southerly sideline of lands of Merwin Alexander Delano, III as described in a deed recorded in the Lincoln County Registry of Deeds in Book 3881, Page 164, at a capped iron rod set at the base of a horizontal cedar post;

Thence S 85° 38' 26" W along the Section 81 North Sideline, crossing over Montsweag Brook and into the Town of Woolwich, a distance of 1534.13 feet to the Easterly sideline of Central Maine Power Co. transmission line Section 392, said sideline being 185 feet Easterly, as measured at right angles, from the centerline of Section 392 as it exists in 2010 (the "Section 392 East Sideline");

Thence N 26° 16' 28" E along the Section 392 East Sideline a distance of 314.90 feet;

Thence N 36° 30' 05" E along the Section 392 East Sideline and crossing into the Town of Wiscasset, a distance of 2584.58 feet,;

Thence S 82° 15' 43" E along other land of Central Maine Power Company described in a deed recorded in the Waldo County Registry of Deeds in Book 662, Page 86, a distance of 171 feet more or less to the centerline of Montsweag Brook;

Thence Southerly along said centerline and land now or formerly of Richard W. Hanson as described in a deed recorded in the Lincoln County Registry of Deeds in Book 594, Page 155, a distance of 259 feet more or less;

Thence S 57° 11' 25" E along said land of Hanson 241 feet more or less to land now or formerly of Merwin Alexander Delano, III; at a cedar post found standing, said post being one rod distant southeasterly measured at right angles from a point on the contour line at an elevation of 125 feet, as determined from the top of the easterly retaining wall of Central Maine Power Company's Montsweag Dam, which retaining wall was established at an elevation of 116 feet U.S.G.S. Datum;

Thence extending in a general southwesterly direction along said land of Delano, said line being a meandering line parallel with and one rod distant easterly of said 125-foot

contour line, a distance of 2,300 feet more or less to a capped iron rod set at the base of a cedar post found;

Thence S 64° 45' 24" E along said land of Delano a distance of 631.41 feet to the Section 81 North Sideline and the point of beginning, containing 27 acres more or less.

All bearings are based on UTM Zone 19 North.

Reference is made to the survey by Owen Haskell, Inc. dated 02/11/2010 Job No. 2009-171 Wi-L and recorded in the Lincoln County Registry of Deeds in Book 95, Page 63 and in the Sagadahoc County Registry of Deeds in Book 47, Page 26 for a further description of the above described premises;

Being part of the premises acquired by Central Maine Power Company by the following deeds recorded in the Lincoln County Registry of Deeds:

Louise I. Bailey to Central Maine Power Company dated November 10, 1941, and recorded in Book 440, Page 389;

Louise I. Bailey to Central Maine Power Company dated July 5, 1946, and recorded in Book 466, Page 337;

Lawrence R. Seavey (aka Laurence R. Seavey) to Central Maine Power Company dated February 9, 1942 and recorded in Book 444, Page 582; and

Viola May Seavey Beane (aka Bean) recorded in the Sagadahoc County Registry of Deeds in Book 227, Page 30.

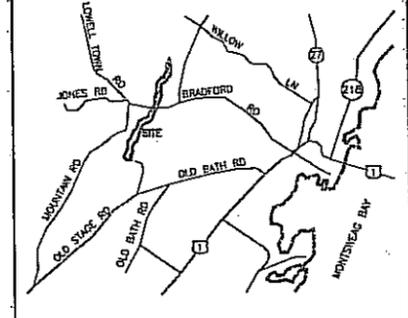
Excepting from this conveyance and reserving to Central Maine Power Company, its successors and assigns, the right and easement at all times to enter the conveyed premises adjacent to the retained land of Central Maine Power Company located southerly and westerly of the herein conveyed premises, for the purpose of cutting or trimming and removing such tall tree or trees as in falling would in the judgment of Central Maine Power Company, its successors and assigns, interfere with or endanger the operation and maintenance of any electric transmission lines existing or constructed on said retained lands.

SAGADAHOC COUNTY

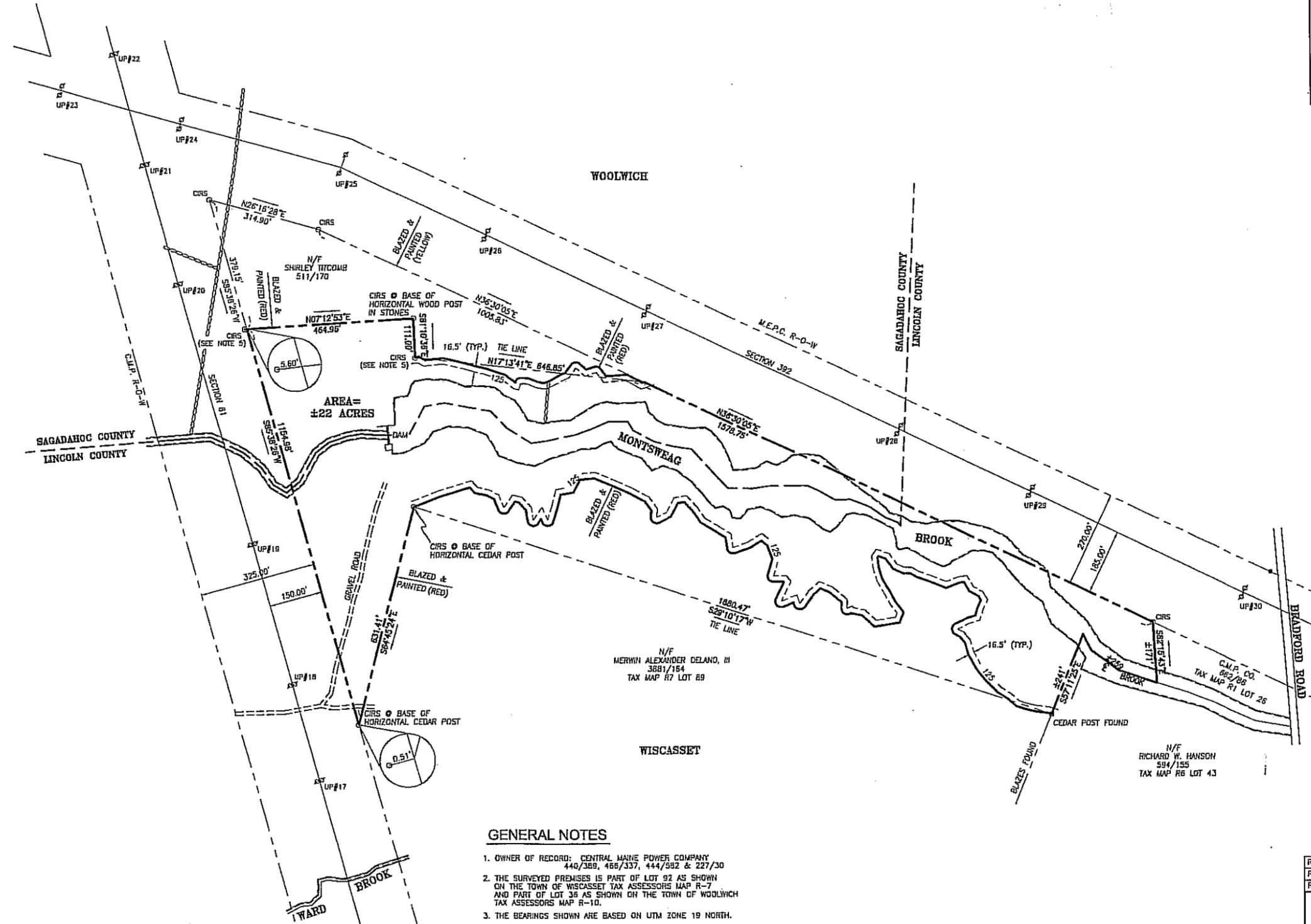
Barbara J. Trott

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Register of Deeds



LOCATION MAP  
N.T.S.



AREA = ±22 ACRES

**GENERAL NOTES**

- OWNER OF RECORD: CENTRAL MAINE POWER COMPANY  
440/389, 466/337, 444/892 & 227/30
- THE SURVEYED PREMISES IS PART OF LOT 92 AS SHOWN ON THE TOWN OF WISCASSET TAX ASSESSORS MAP R-7 AND PART OF LOT 36 AS SHOWN ON THE TOWN OF WOODWICH TAX ASSESSORS MAP R-10.
- THE BEARINGS SHOWN ARE BASED ON UTM ZONE 19 NORTH.
- PORTIONS OF MONTSWEAG BROOK WERE TAKEN FROM AERIAL PHOTOGRAPHY AND LOCATION IS APPROXIMATE.
- TWO IRON RODS WERE SET AT THE LOCATION OF WHAT MAY BE THE REMAINS OF THE WOOD POSTS CALLED FOR IN THE DEED. A LACK OF DIMENSIONS IN THE DEED MAKES IT IMPOSSIBLE TO VERIFY THESE LOCATIONS. A BOUNDARY AGREEMENT WITH TITCOMB WOULD ELIMINATE ANY QUESTION.
- THE 2004 WOODWICH PROPERTY MAP HAS THE AREA WEST OF MONTSWEAG BROOK, EAST OF M.E.P.C., AND NORTH OF THE C.M.P. R-O-W LISTED AS LOT 43. THE CURRENT TAX MAP SHOWS THIS AREA AS PART OF C.M.P.'S LOT 36. NEITHER MAP SHOWS THE PARCEL NOW OR FORMALLY TITCOMB.

**CERTIFICATE**

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE \_\_\_\_\_ JOHN W. SWAN, PLS NO. 1038

STATE OF MAINE, SAGADAHOC, ss  
 REGISTRY OF DEEDS  
 RECEIVED \_\_\_\_\_  
 AT \_\_\_\_\_ hr. \_\_\_\_\_ min. \_\_\_\_\_ m AND RECORDED  
 IN PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 ATTEST: \_\_\_\_\_  
 REGISTER

REV.3	10/29/2010	REVISED BOUNDARY
REV.2	08/02/2010	ADDED TOWN AND COUNTY LINE
REV.1	07/27/2010	UPDATED TITLE BLOCK

**BOUNDARY SURVEY**  
 OFF  
 BRADFORD ROAD, WISCASSET, MAINE &  
 OFF MOUNTAIN ROAD, WOODWICH, MAINE  
 MADE FOR OWNER OF RECORD  
**CENTRAL MAINE POWER COMPANY**  
 83 EDISON DRIVE, AUGUSTA, MAINE 04336

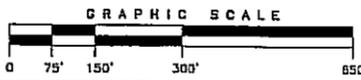
**OWEN HASKELL, INC.**  
 390 U.S. ROUTE ONE, PALMOUTH, ME 04105 (207) 774-0424  
 PROFESSIONAL LAND SURVEYORS

Drawn By	RRL	Date	FEBRUARY 11, 2010	Job No.	2009-171 W-L
Trace By	RRL	Scale		Drwg. No.	
Check By	JWS	Scale	1" = 150'		
Book No.	1089				1

- LEGEND**
- IRON PIPE OR ROD FOUND
  - CIRS
  - CAPPED IRON ROD SET
  - CEDAR POST FOUND
  - UTILITY POLE
  - STONE WALL
  - OHW
  - OVERHEAD WIRES
  - 125' CONTOUR

**PLAN REFERENCES**

- "SECTION 392 MAINE YANKEE-MAXCY'S 650-T392-04". MADE FOR C.M.P. CO. BY E-PRO, DATED 5/12/71.
- "SECTION 392 MAINE YANKEE-MAXCY'S 650-T392-05". MADE FOR C.M.P. CO. BY E-PRO, DATED 1/06/70.
- "SECTION 81 MASON STATION TO SURDWEK 576-T81-02". MADE FOR C.M.P. CO. BY E-PRO, DATED 12/52.
- "FLOWAGE SURVEY & PROPERTY ACQUIRED AT MONTSWEAG BROOK MASON STATION UNITS #2 & #3 CENTRAL MAINE POWER COMPANY". BY NEPSCO SERVICES, INC. DATED 12/13/41.



WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR  
APRIL 19, 2011

Preliminary Minutes

(tape recorded meeting)

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

Absent: Bob Blagden

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. Public Hearing on the following ordinances proposed to be amended, adopted or deleted on the June 2011 Ballot:

a) Village Waterfront Ordinance (Article VI). Zoning changes to the downtown waterfront

Town Planner Jeffrey Hinderliter explained the purpose of this zoning amendment was to adopt zoning standards more appropriate for a portion of the downtown business district adjacent to the water, to provide flexibility, and to provide zoning that will provide economic development. He described the area involved and summarized the changes dealing with minimum lot size, setback, and additional permitted uses. Hinderliter explained that this ordinance would be integrated into the new shoreland zoning ordinance when that is adopted. Ed Polewarczyk commented that there were a number of subjective terms in the ordinance, which would be difficult to enforce; that to add a permitted use would require an ordinance amendment; and that the common standards should be removed from this ordinance and combined with standards in other ordinances. Hinderliter said the standards in this ordinance were a DEP requirement. The glossary in the proposed ordinance will be integrated into the general glossary but with notations indicating relevance to the VW Ordinance.

b) Sign Ordinance (Article III). Complete revision of the sign ordinance

Hinderliter said the purpose of revising the sign ordinance was to establish standards that would maintain and encourage business activity and economic development while enhancing and protecting the physical appearance of Wiscasset. He listed the primary changes to the ordinance dealing with definitions, non-conformance, exempted signs, number of allowable business directional signs, standards for temporary and temporary advertising signs, common signage, digital signs, total area, and maintenance and removal standards. He added that specific standards are included for the downtown sign district.

In response to a question, Hinderliter said there was a section providing standards for internally illuminated signs. There were comments on the five-day limitation for yard sale signs. A change had been made as a result of the last public hearing that would require removal of the signs the day after the event. Ed Polewarczyk asked whether the three-year period for bringing signs into conformance with the ordinance was legal. Hinderliter said the economic benefit of the sign could be an issue, which would have to be decided by the court. In response to Polewarczyk's additional questions, Hinderliter said yard/garage sale, community, and charitable/non-profit signs over four square feet would require a permit and fee and the quantity is not limited. Trail markers, historic, preservation or cultural signs although exempt from requiring a permit, will require approval by the sign control officer to ensure that they are appropriate. Polewarczyk also commented on the location of several items that should be moved to the downtown sign district

section of the ordinance. In response to his question, Hinderliter said that a yearly permit would allow four temporary advertising signs at any one time for 30 consecutive days.

Code Enforcement Officer Rick Lang recommended approval of the ordinance as it would be an improvement over the current ordinance even though changes may be needed in the future. He added that fees would be established by the selectmen.

c) Downtown Business and Residential Zoning Districts (Article VI, section DD1 and EE1).  
Extension of the Downtown Business District

Hinderliter said this amendment would require only a map change and a description of the Downtown Business District to which ten lots, two of which are town-owned, would be added, expanding that district. The amendment would adopt zoning standards more appropriate for a portion of the downtown village, provide more flexibility, opportunity and options for current and future property-owners and provide zoning regulations that would promote economic development. The changes to the formerly residential zone would include no minimum lot size, no setback, additional permitted uses and parking standards, which are provided, not required.

There were a number of comments from the public urging that this article be withdrawn from the warrant and the matter referred to the ORC for further consideration. Because the district change had been prompted by the request for a change in zoning of The Ledges, an overlay district for only that building was suggested to eliminate the need for a change in zoning for the residential and historic properties in the proposed extension. John Reinhardt said the historical association was concerned with the impact this zoning change would have on the historical beauty of Wiscasset, and he submitted letters on behalf of the Lincoln County Historical Association and Historic New England, asking that Wiscasset reconvene the Historical Preservation Commission to finish Article XIII - Historical Preservation Ordinance

d) Temporary Business Ordinance/Temporary or Seasonal Business Ordinance (Article II and IX)

Hinderliter said the intent of this ordinance was to regulate temporary business activities and to resolve the conflict between two similar existing ordinances. The changes include the increase in number of days a temporary business may operate, a change in the municipal official administering the ordinance from Town Manager to Code Enforcement Officer, the requirement of a fee, exclusion from minimum lot size, providing adequate toilet facilities, repair of damage, and clarifying compliance with the Sign Ordinance. The proposed ordinance exempts business activities on the Main Street Pier and school properties. In response to a question regarding the number of days per year a business may operate, Hinderliter said the permit would be product-oriented, not individual-oriented.

e) Shellfish Conservation Ordinance (Article X). Changes to conservation time

The proposed amendment was initiated by the Shellfish Committee and will clarify the conservation time by including specific dates when conservation time begins and ends.

The Public hearing closed at 8:28 p.m.

4. Approval of Treasurer's Warrant: April 12, 2011 and April 19, 2011

**Pam Dunning moved to approve the Treasurer's Warrant of April 12. Vote 4-0-0. Pam Dunning moved to approve the Treasurer's Warrant of April 19. Vote 4-0-0.**

5. Approval of Minutes: April 5, 2011 and April 12, 2011

**Pam Dunning moved to approve the minutes of April 5, 2011 as amended. Vote 4-0-0. Judy Colby moved to approve the minutes of April 12, 2011 as amended. Vote 4-0-0.**

6. Special Presentations or Awards - None

7. Committee Appointments:

Summary of Appointments due on June 30 from Town Clerk and a new application for the Waterfront Committee were given to the board.

The chairman read the newspaper ad inviting volunteers for the Fourth of July committee to call Laurie Smith or Lisa Garman at the town office.

**David Nichols moved that in accordance with the Board Rules, the Selectmen appoint Pam Dunning and Judy Colby to serve as the subcommittee appointment committee. Vote 4-0-0.**

8. Public Comments

Gene Stover, member of the RSU Board and advisor to the Wiscasset Educational Research Panel, as well as past member of many town committees and boards, complained about a letter from a parent of children in the Wiscasset Schools that was read by a selectman at the previous meeting. He said the letter complained about the link to the WERP website on the town's website and criticized WERP for distributing false or inaccurate information about the RSU. In defense of WERP, Stover said WERP had acquired the information from five sources: Central Office of the Superintendent, the RSU Finance Committee, the Department of Education, elected representatives and information from the internet. Stover said he could not understand why the link to WERP's website was removed from the town's website when the town allows many other organizations to have links. He added that WERP's mission was to explore all Wiscasset's options for providing a quality education for all of our students at a fair and reasonable cost to the taxpayer; it was not to remove Wiscasset from the RSU. Stover said he felt the selectman should have read and answered the letter personally, rather than airing it in public.

Susan Blagden complained that the town office phone was always answered electronically and she asked that the phone be answered in person.

John Allen apologized to the board for his lack of professionalism at previous meetings and his criticism of the selectmen when they were doing the best they could with the information they had. He announced his retirement from the police force in a month. Chairman Nichols thanked Allen for his 25 years of service. Town Manager Smith thanked Allen for his help during the transition between town managers and said that he had always gone out of his way to do his best despite retirements and turnovers in the police department. She said he has always had the department's interest at heart and she wished him the best of luck.

9. Department Head or Committee Chair Report

Waterfront Committee recommendation of vendors to the Main Street Pier:

A. Frank Sprague for Sprague Lobster

**Pam Dunning moved that the Board of Selectmen approve Frank Sprague's application. Vote 4-0-0.**

10. Unfinished Business

A. Doug White special amusement permit for July Oxxfest

**Judy Colby moved to revoke the permit for Doug White regarding the July Oxxfest event. Vote 4-0-0.**

B. Review of Town Warrant for June 14, 2011

**Pam Dunning moved to remove Article 60 on the Residential District from the warrant. Vote 4-0-0.**

Motions to delete Articles 55, 56, 58 and 59 from the warrant failed for lack of a second. **Judy Colby moved to accept the warrant with the amendment (Article 60) removed. Vote 3-1-0.**

11. New Business

A. Open Airport bids to install fencing and motorized vehicle gates:

Ervin Deck, Airport Manager, said the funding for this project had already been raised and appropriated and is part of the airport's capital carry-over funds. **Pam Dunning moved that the Board of Selectmen approve installing a fence and motorized vehicle gate system at the Wiscasset airport. Vote 4-0-0.** Deck explained there are four access points at the airport; there will be sliding gates at two accesses, an electrical gate or a vertical lift gate at the other two. Tree lines will act as a natural barrier and boulders will create a blockage to stop vehicles. Three bids were submitted as follows:

Round Hill Fence and Security, Inc.	\$82,160.50
Aroostook Fence Co.	96,950.00
Northern Pride Communications, Inc.	59,620.00

Because this is a federal contract, Deck will review the bids with the consultant before awarding the bid.

**David Nichols moved that the Board of Selectmen authorize Airport Manager, Ervin Deck, to award the lowest qualified bidder. Vote 4-0-0.**

B. Request by The First Congregational Church to use the Town Common on July 22 and 23 for Summerfest.

**Pam Dunning moved to authorize The First Congregational Church to use the Town Common on July 22 and 23 for Summerfest. Vote 4-0-0.**

C. Set Public Hearing Date for Annual Town Meeting

**David Nichols moved that the Board of Selectmen will hold a Public Hearing on Tuesday, May 10, 2011 at the Wiscasset Community Center at 7 p.m. to discuss all the warrant articles for the Annual Election/Town Meeting voted by secret ballot on June 14, 2011. Vote 4-0-0.**

12. Town Manager's Report

A. Update regarding Tidal Power Project

A memo from Peter Arnold, Wiscasset Tidal Resources Project Coordinator, updated the selectmen on this project. As part of the project, it will be necessary to determine the impact on the environment, specifically on fish and birds, before a turbine is placed in the water. A device placed in the water last fall indicated that fish had traveled from the Saco River to the Sheepscot, and additional study will be made of the baby salmon when that migration happens in early May. The harbormaster boat will be used for the UMO biologists doing additional data collection near

the Westport bridge. Plans are also being formulated to gather baseline information about birds that use this area.

#### B. Update regarding restitution from Clerk theft case

Smith said a check for \$578.57 had been received from the Department of Corrections as part of the \$1,000 owed to the town, the deductible on the insurance policy. The balance of \$90,000 will be paid to the insurance company.

#### C. Lincoln County Planner Ordinance project update

A memo was received from Bob Faunce, Lincoln County Planner, regarding his work with the Ordinance Review Committee. The ORC will be focusing on the Site Plan and Subdivision ordinances, work partly funded by the DOT, as soon as the Shoreland Zoning Land Use Table is completed.

Bill Phinney said he had attended the ORC meetings over the last 18 months, and since the county planner had taken over in mid-February, it had been impossible to keep up with what was going on with the committee. He added that after rushing half way through the Shoreland ordinance, the committee dropped it and moved on to the subdivision ordinance because Faunce's DOT funding for assisting the town with its subdivision and site plan ordinance has to be spent by the first of July. In view of the requested revision of the Downtown District ordinance earlier in the meeting, Mr. Phinney asked that the board review what the ORC is doing, set policy and give the committee some clear direction as to priorities.

#### D. General Update

Smith and Harbormaster Peter Dalton had met with Wiscasset Yacht Club representatives who are in general agreement regarding the availability of some parking at their lot this summer during the roadwork on Main Street.

**Pam Dunning moved to go into executive session pursuant to Title 1 MRSA 405 (4)(A) to discuss personnel matters. Vote 4-0-0.**

The board exited executive session at 9:35.

#### 13. Other Board Business

David Nichols said that the motion to remove the WERP link from the town website at the previous meeting had been made illegally, as only votes on special meeting agenda items may be taken at a special meeting. Pam Dunning asked that all links be removed from the website until a policy is developed to determine what links will be allowed.

Judy Colby said she felt the letter read on April 12 questioned her honesty and integrity. She said she had consulted with MMA and was assured there was no conflict of interest in her serving as a Wiscasset selectman and a member of WERP. A copy of her letter to the Wiscasset Newspaper and the Lincoln County News was given to the selectmen.

#### 14. Adjournment

At 9:43 p.m., Judy Colby moved to adjourn the meeting. Vote 4-0-0

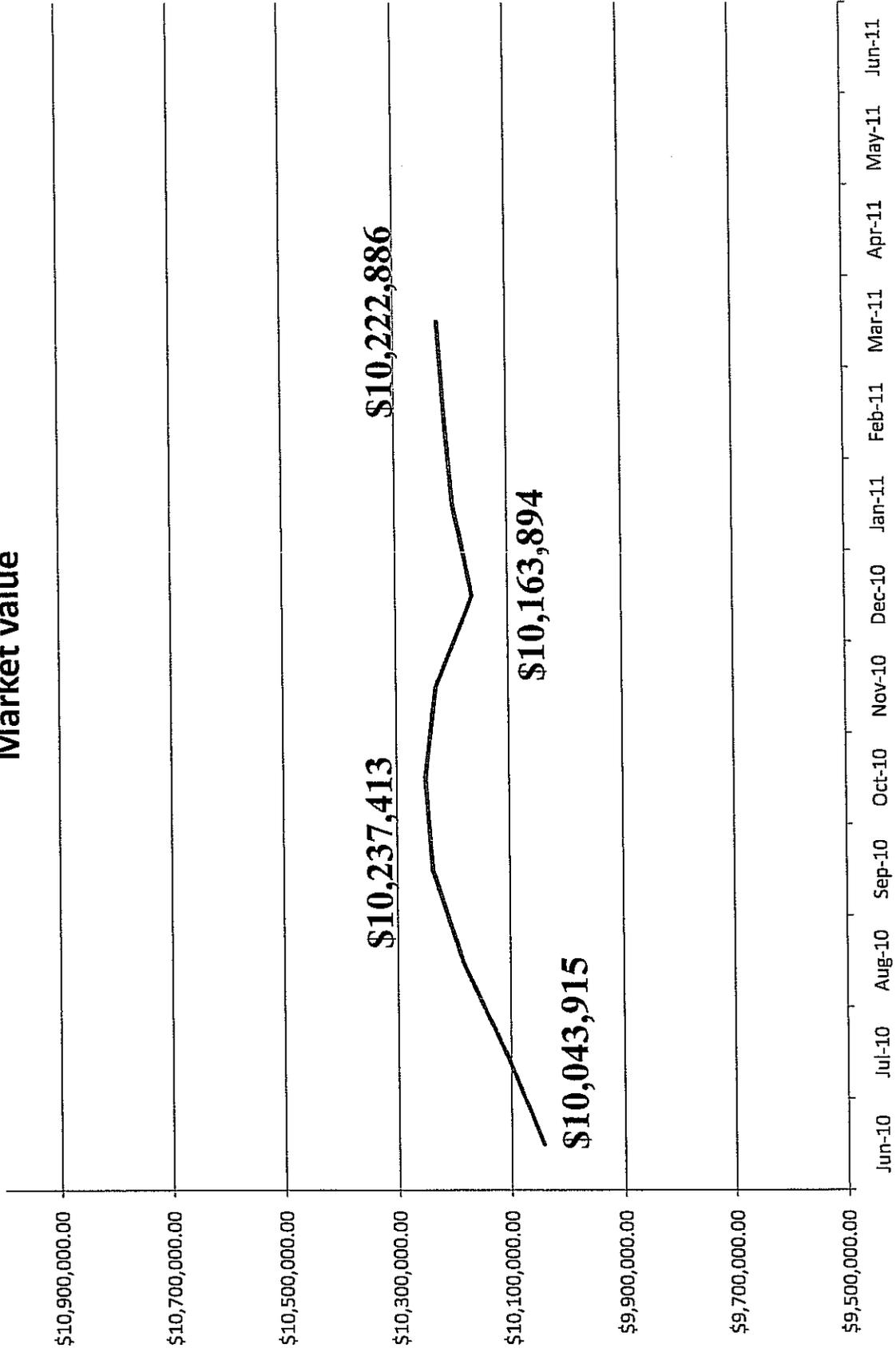
WISCASSET  
RESERVE & ENDOWMENT FUNDS  
Quarterly Presentation  
To The  
Board Of Selectmen

Investment Advisory Committee  
5/3/11

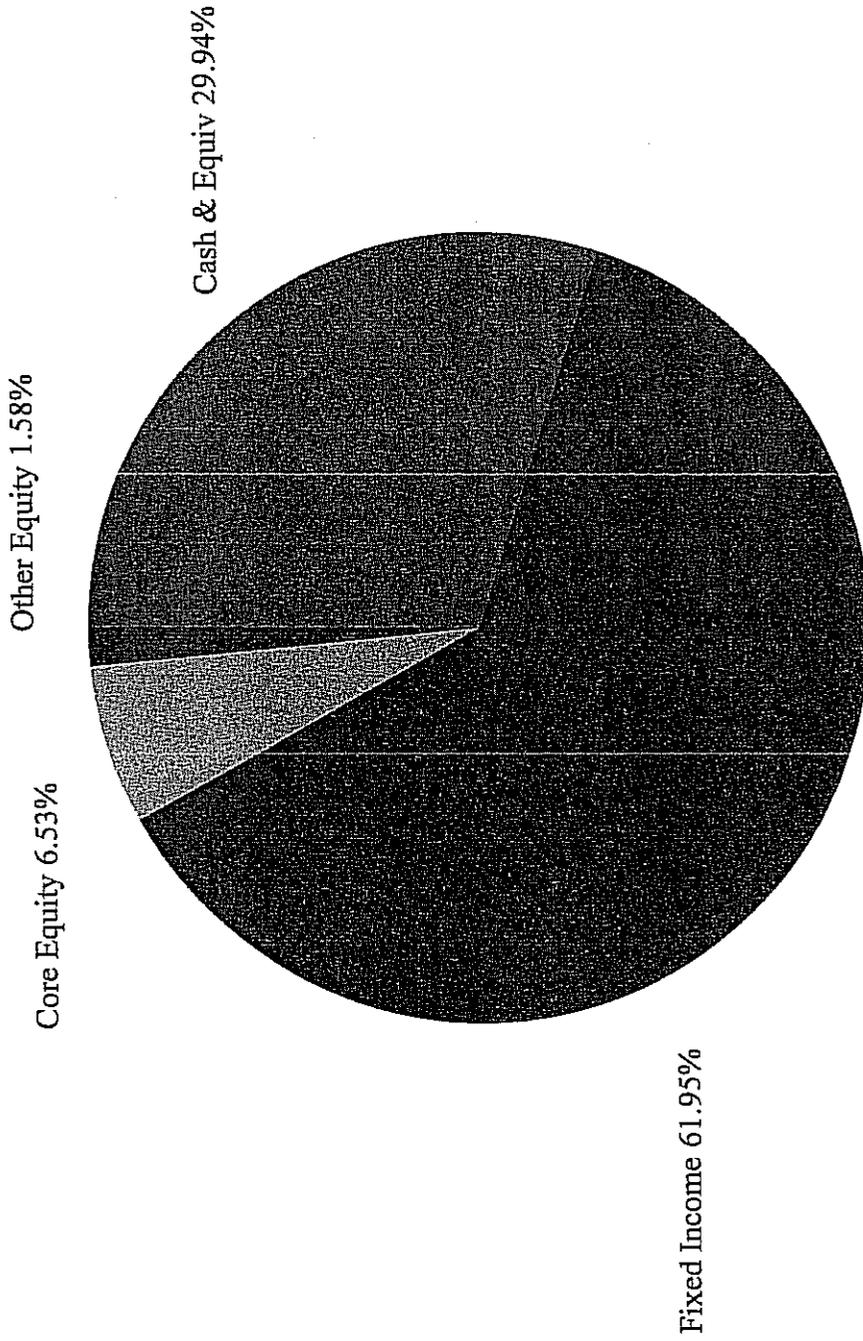
# **Investment Advisory Committee**

- **Objective**
  - **Fund Status**
    - Provide portfolio quarterly results

**Reserve Fund  
Market value**

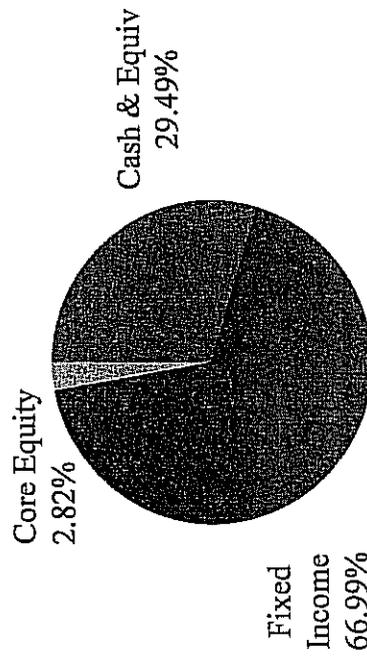


**Reserve Fund Diversification Summary  
3/31/11**

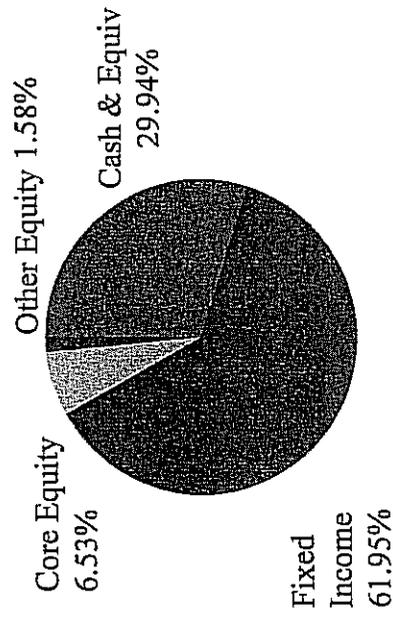


# Changes to Asset Allocation Due To Investment Policy

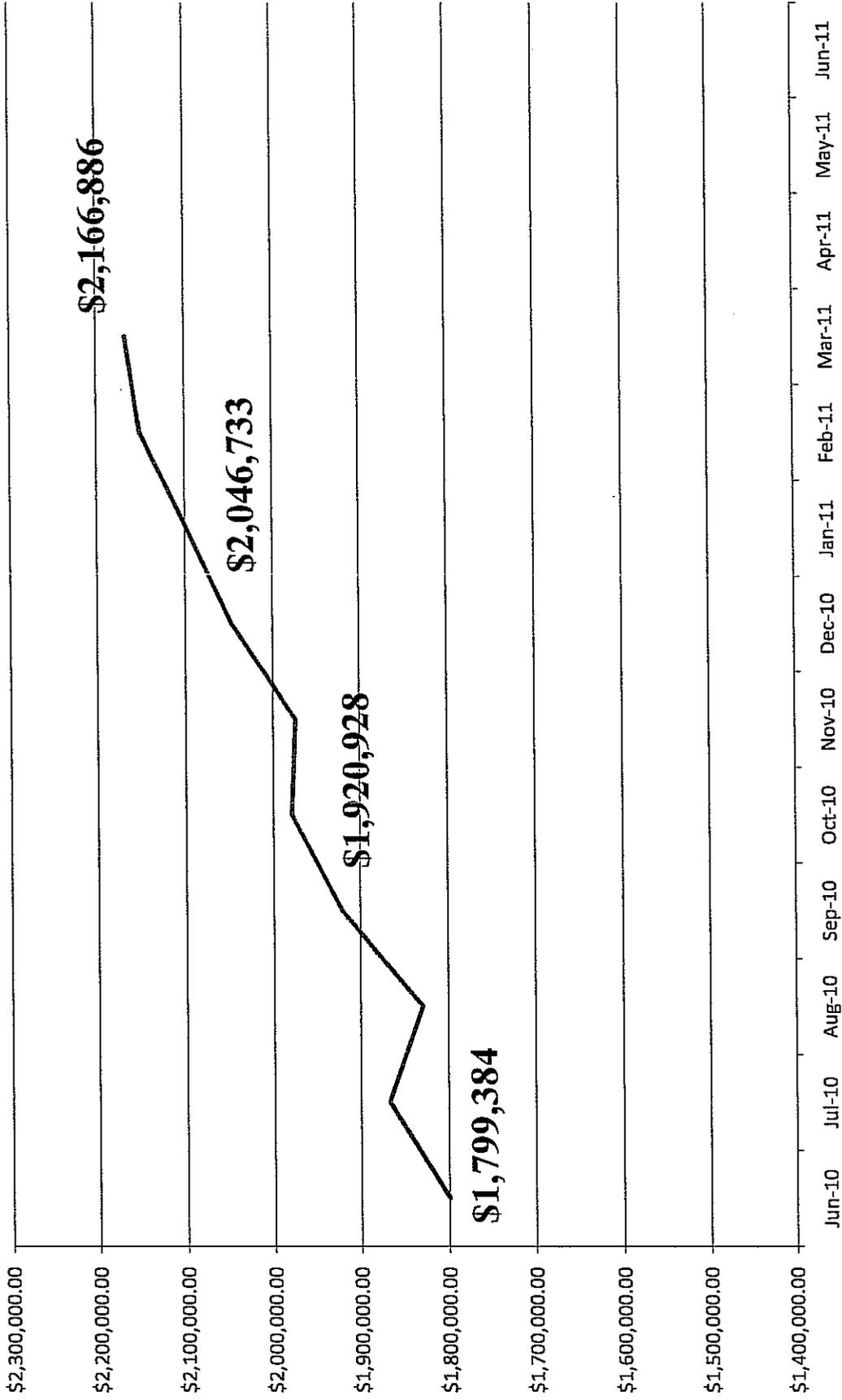
Diversification Summary 2/28/11



Diversification Summary 3/31/11

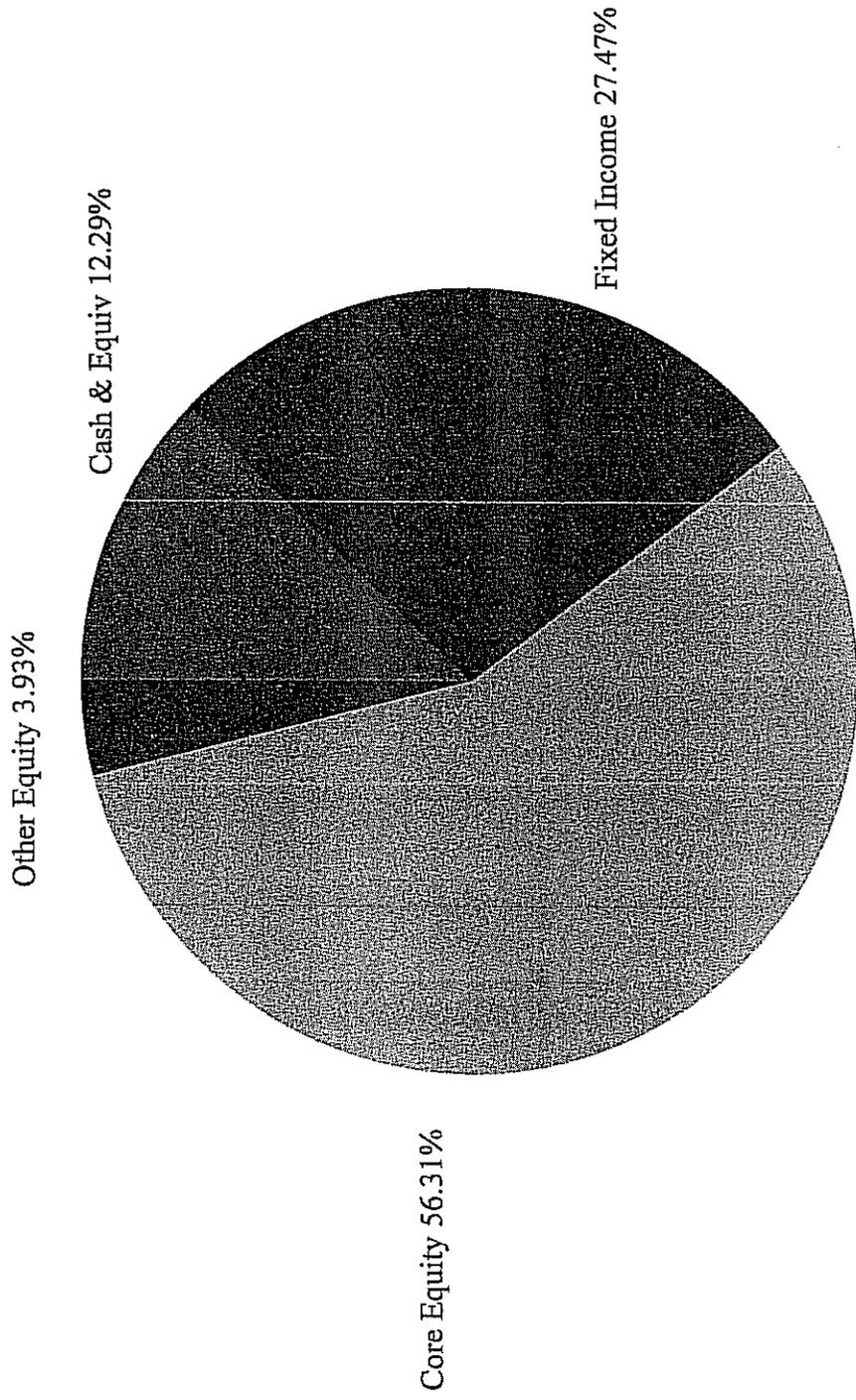


**Endowment Fund  
Market value**



**Endowment Fund Diversification Summary**

**3/31/11**



## **Investment Advisory Committee**

- **Summary**
  - Investment Policy adopted 2/10/11
  - Payson Implementing Policy
    - Adjusting portfolio to comply with policy



90

# TOWN OF WISCASSET Main Street Pier Vendor Permit Application

APPLICANT NAME: RONALD L. LAEMAN

BUSINESS NAME: Forgotten Recipes

MAILING ADDRESS: P.O. Box 1126 Wiscasset, ME 04578

PHONE NUMBER: 207-882-7287 or 319-8581

EMAIL: \_\_\_\_\_

SEASONAL PERMIT:  DAY USE PERMIT:  DATE(s): \_\_\_\_\_

LOT SIZE:  10 X 20 (\$400)  30 X 34 (\$600)

Returning Vendor  since no

DESCRIPTION OF ALL BUSINESS ACTIVIES THAT WILL TAKE PLACE ON SITE:

Selling my own jams, preserves, honey  
husband, sugarless jams for diabetics (my family recipes)

REQUEST FOR APPROVAL OF ACCESSORIES: (please list all furniture, etc and size, need to affix and include a sketch of placement) \_\_\_\_\_

6 tables, 4' long each

ELECTRICAL SERVICE: LIST APPLIANCES REQUIRING ELECTRICITY:  
Town provides 110 Volt outlet pro-rated \$100/season or \$5/day \_\_\_\_\_

I DO NOT REQUIRE ELECTRICITY

- ATTACH A CERTIFICATE OF INSURANCE, NAMING THE TOWN OF WISCASSET AS AN ADDITIONAL INSURED.
- ATTACH A PHOTO OR SKETCH OF THE PROPERTY STRUCTURE.

I represent that all of the above information is true and correct. I have read the attached Main Street Pier Policies and agree that I will comply with all rules and regulations.

Ronald L. Leeman  
Signature

4/11/11  
Date:

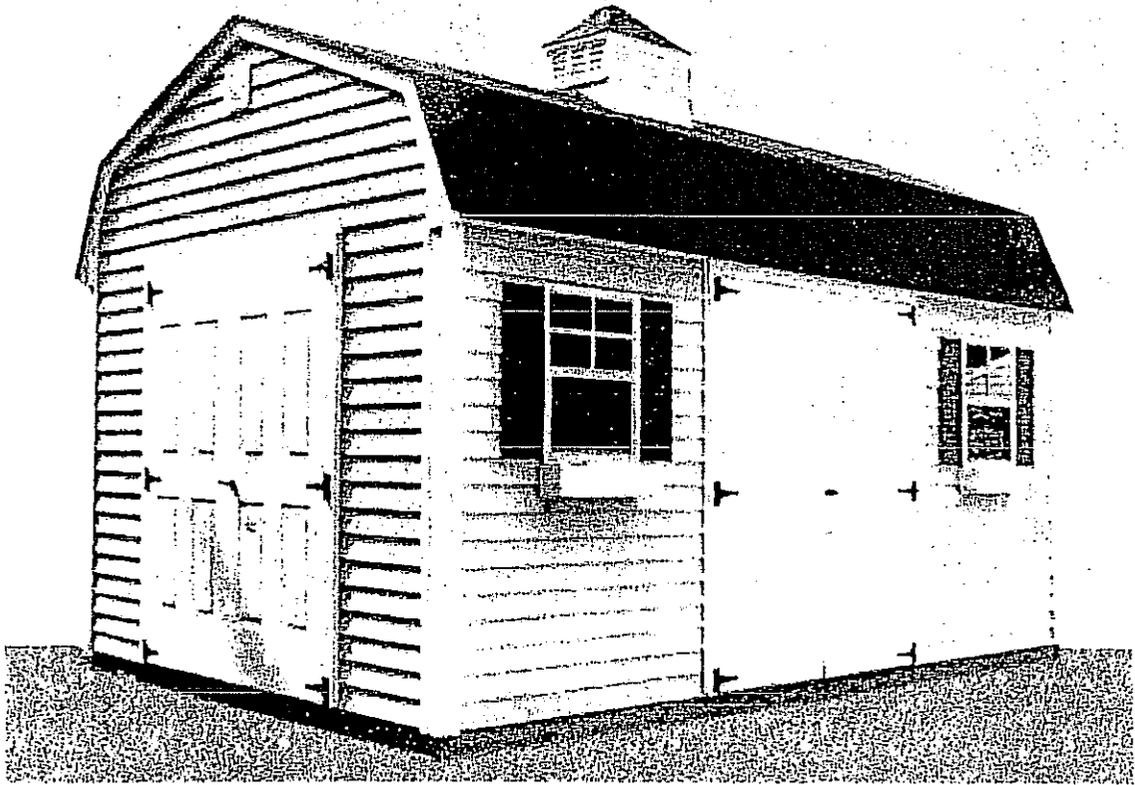
Permit fee \_\_\_\_\_  
Electric fee \_\_\_\_\_  
Total amount \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Assigned location \_\_\_\_\_  
Issue date \_\_\_\_\_  
Expiration date \_\_\_\_\_

Office use only

Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ by Waterfront Committee

Authorized by \_\_\_\_\_





10X12

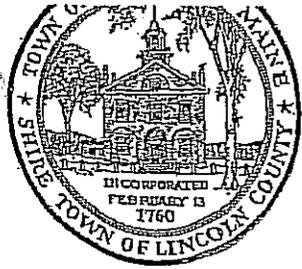
\* Please note:

This building will not be pink as shown, color printer bed it.

It will be colors that go with the theme, look of the town.

Thank you

Judi



# Office of Planning & Codes

10A

## APPLICATION FOR SPECIAL AMUSEMENT PERMIT

DATE: 10/09/10

APPLICANT(S) NAME: Doug White

APPLICANT(S) RESIDENCE ADDRESS: 274 West Alna Road  
Wiscasset, Maine 04578

BUSINESS NAME: Wiscasset Raceway

BUSINESS ADDRESS: 274 West Alna Road

BUSINESS DESCRIPTION: Auto Racing and special events

LOCATION TO BE USED: Wiscasset Raceway

DESCRIBE ENTERTAINMENT: Country Festival 08/27/10  
approx date

HAS THE APPLICANT EVER HAD A LICENSE TO CONDUCT THE BUSINESS THEREIN DESCRIBED EITHER DENIED OR REVOKED? YES  NO

IF SO, DESCRIBE THOSE CIRCUMSTANCES ON A SPERATE DOCUMENT.

HAS THE APPLICANT, INCLUDING ALL PARTNERS, CORPORATE OFFICERS, MANAGERS OR PRINCIPAL EMPLOYESS EVER BEEN CONVICTED OF A FELONY? YES  NO

IF SO, DESCRIBE SPECIFICALLY THOSE CIRCUMSTANCES ON A SEPARATE DOCUMENT.

By signing below, the applicant agrees that the information on this permit is factual and true and agrees to abide by applicable local, state and federal laws, rules and standards including, but not limited to, Article X, Section 1 (Special Amusement Permits) of the Wiscasset Ordinances and Title 28-A (Liquors) of the Maine State Statutes.

Signature(s): \_\_\_\_\_ Date: 10/9/10

\* The Board of Selectmen approved permits (2) for Oxfest and Countryfest contingent upon all final plans being submitted 90 days prior to the event. Any payment for Town Resources will be paid 10 days prior to the event.  
accepted by BOS as complete 11-16-10  
p.h. set Dec 7 @ 7 pm - Posted Nov 24 - ad Dec 7 (combo).

Town Selectmen

Country Festival

August 27<sup>th</sup>

1. This Festival is a one day event with 7,5,00 people expected
2. Hours of the event will be 10:00 am to 10:00 pm daily.
3. Security needs will be coordinated with local police. Show Professional services will provide facility security.
4. Porta Potties will be handled by existing company at Raceway.
5. Rubbish will be handled by existing company at the raceway.
6. Parking will be available on raceway property.
7. Fire and Rescue will be coordinated with Wiscasset Fire Department  
Wiscasset EMTs.
8. Trash and clean up will be handled by raceway staff.
9. There will be 2 beer gardens inside the concert grounds, these will be run under the Wiscasset Raceway Liquor license and comply with the State of Maine regulations.

## Wiscasset Raceway Large Event Plan

Submitted by: Doug White Owner/Wiscasset Raceway

Steve Smith Promoter/Wiscasset Raceway

Date: 11/9/2010

Appendix 1: Wiscasset Raceway Concert Plot Plan

Appendix 2: Wiscasset Raceway Area Property Map

### 1. Grounds

#### a) Event grounds

⑩ The Wiscasset Raceway *large event area* is located outside the raceway. The event grounds consists of approx. 10 acres. The stage, backstage and vendor area takes up approx. 3 acres. 1 acre = 43,560 square feet. With a guideline of 20 square feet per person, the remaining 7 acres of *large event area* can accommodate 15,246 people.

#### b) Parking area

⑩ For large events the track and paved pit area are used for parking. There is approx. 20 acres of usable parking area. With a guideline of 100 cars per usable acre, the raceway can accommodate 2,000 cars. Using a standard of 4 people per car, the raceway can accommodate parking for 8,000 people. In the case of a larger event we have written permission from our adjacent neighbor Ray Soule (plot 42) to use an additional 8 acres to accommodate 800 cars. With the adjacent plot 42 the raceway can accommodate parking for 11,200 people.

⑩ There is also an additional 20-30 acres of parking area that has been offered by neighbors and written permission can be obtained.

#### c) Vehicle and Pedestrian traffic

⑩ There are two pedestrian only roads for entering the raceway and one vehicle only road. The vehicle only road is 12 feet wide and will accommodate the one-way traffic into the raceway parking area before the show and one-way traffic out of the show. There are also clearly marked paths for pedestrian traffic from the parking area to the stage area that avoid any vehicle traffic still arriving.

#### d) Security and Medical Staging area

⑩ A security and medical staging area has been set aside by the entrance to the raceway. This area can be screened off from the crowd. Both our inside and outside security can use this area.

#### e) Illumination

⑩ The grounds are illuminated by multiple tower lights that do not reflect off the property. The stage lighting will be angled toward the crowd does not reach the adjacent plots 47, 47A,B and C.

#### f) Camping

⑩ NO overnight camping will be offered on the grounds for Wiscasset raceway large events. A small number of RV's will be on-site for working staff.

### 2. Safety and Security

#### a) Inside Security

⑩ A professional event security company will be retained for all large events at the Wiscasset

Raceway. This professional security company will be responsible for the entrance points and the entire inside of the event grounds. Professional security will be retained at a formula of 1 per 100 people attending the large event.

b) Outside Security

⑩ The Wiscasset Raceway will work with the Lincoln County Sheriff Department and the Wiscasset Police Department to formulate a workable plan for additional outside security, traffic management and other safety issues. An officer/deputy will be placed in command of the detail.

c) Medical and EMT's

⑩ Professional medical personal and an on-site ambulance will be retained and will be on-site for the large event. A medical staging area will be provided.

⑩ The local hospital will be notified in writing of the large event.

d) General Safety Issues

⑩ The Wiscasset Fire Chief will consult with The Wiscasset Raceway on any issues of fire safety and will sign off with his approval of any large event.

⑩ All electrical systems will comply with applicable state standards and regulations.

⑩ All food vendors will be licensed.

3. Sanitary Facilities, Refuse and Water

a) Toilets

⑩ A professional waste company will be retained to provide toilets and sanitation equipment for all large events.

⑩ Toilets will be provided at a formula of 1 per 150 people attending the event.

⑩ Handicap toilets will substituted for regular toilets at a formula of 1 per 1,000 people attending the event.

⑩ The toilets will be placed where they can be serviced during the event and the waste company will be on-site to provide this service once per every 5 hours of the event.

⑩ The waste company will also be on call to provide additional toilets as needed.

⑩ Each toilet will be provided with hand sanitizer units and a continuous supply of toilet paper.

⑩ Separate staff bathrooms will be provided on the raceway grounds.

b) Refuse

⑩ One 50 gallon refuse container or its equivalent will be provided for each 100 people attending the event.

⑩ One 50 gallon refuse container or its equivalent will be provided for each 25 cars parked on raceway grounds.

⑩ Three large dumpsters will be provided on site to collect refuse and be disposed of by a professional waste company.

⑩ Raceway staff will collect all garbage during and after event. Refuse containers shall be emptied at least once for every 5 hour period.

⑩ A professional cleaning company will be retained by the raceway to clean the property

beginning immediately after the end of the special event.

c) Water

⑩ There will be two water stations provided inside the large event grounds. They will be located on either end of the vendors and will be clearly marked.

⑩ Water will be available to Maine state standards of 1 gallon per every 2 people attending the large event.

⑩ Water test results from the raceway will be provided on request.

4. Noise

⑩ The noise levels of the large event will comply with any town noise ordinance.

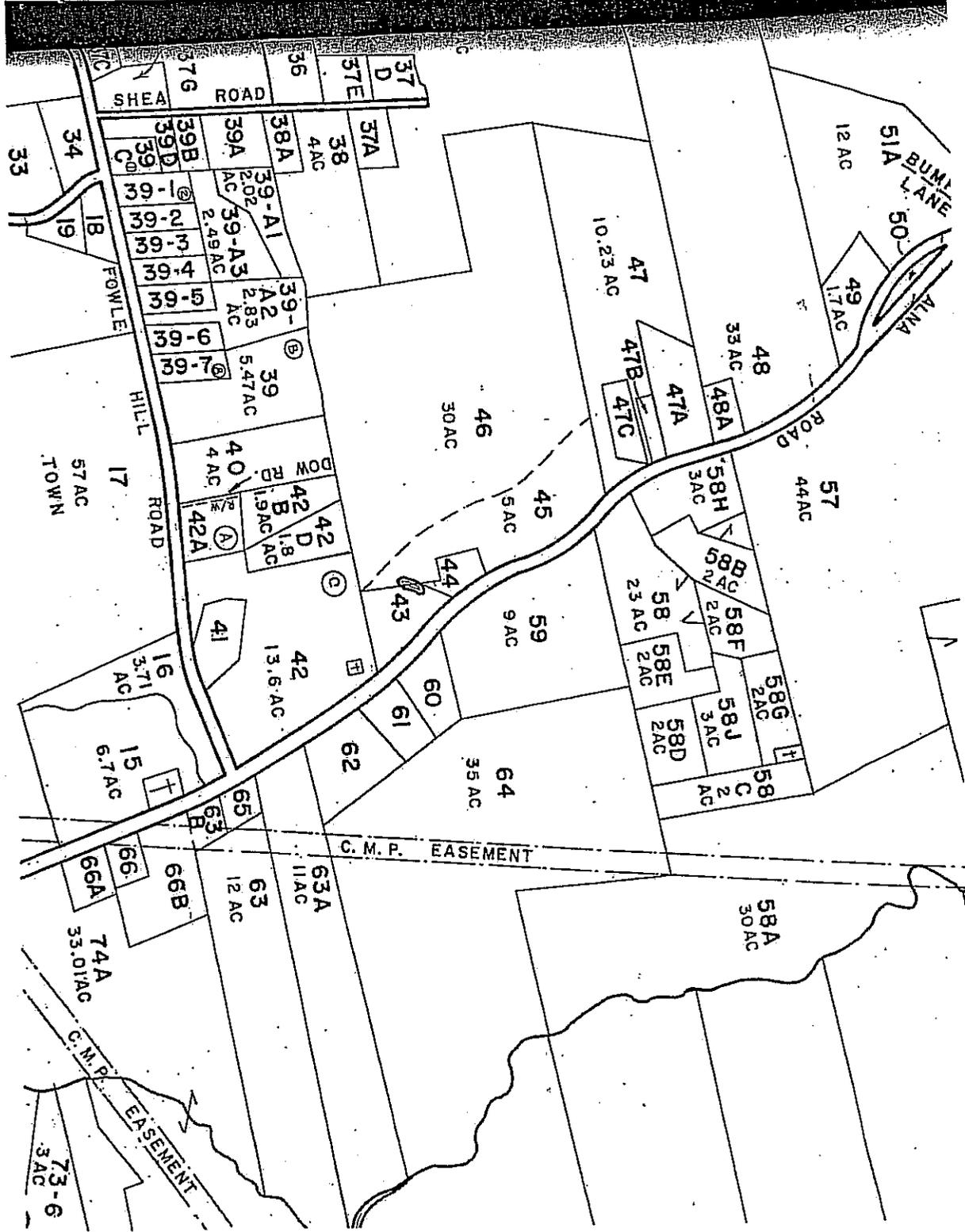
5. Alcohol

⑩ Any and all alcohol served at Wiscasset Raceway events will comply with all state liquor laws and standards.

⑩ All service areas will be licensed, inspected and approved by Craig McCabe, Public Safety Inspector of the Department of Public Safety.

⑩ The serving of alcohol will stop at least 2 hours prior to the end of the event.

⑩ All serving areas shall be provided with professional security.



1" = 500'



# STAFF REMARKS (DEPT.)

## Ambulance Department:

Comments: Would like to have a canopy provided for a first aid station. Would like to have 4 cots to put under canopy for possible pts. Will need 2 ambulances there thru out event. I was not enough last year. Will have 10 EMT's on site plus the people manning the ambulances. Need to have 2 golf carts available for crews to cover outlying areas ie: parking lots. Will do notification of hospitals ref the events.

Signed: Ronan R. [Signature] Dated: 11-22-2010

## Transfer Station:

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

## Fire Department:

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Date application received: \_\_\_\_\_

Date advertisement paid: \_\_\_\_\_ Date advertisement to run: \_\_\_\_\_

Date of required public hearing: \_\_\_\_\_

Date-public hearing posted: \_\_\_\_\_

License Approved: \_\_\_\_\_ Dated: \_\_\_\_\_

Ambulance Department:

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

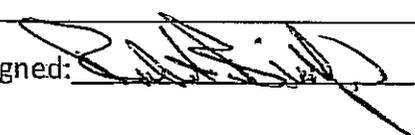
Transfer Station:

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Fire Department:

Comments: *The Fire Department does not have any concerns with the 2 events as long as the parking permits enough area for fire apparatus to maneuver, if needed.*

Signed:  Dated: *4/17/10*

Date application received: \_\_\_\_\_  
Date advertisement paid: \_\_\_\_\_ Date advertisement to run: \_\_\_\_\_  
Date of required public hearing: \_\_\_\_\_  
Date public hearing posted: \_\_\_\_\_  
License Approved: \_\_\_\_\_ Dated: \_\_\_\_\_

Laurie,

Here are a list of concerns I had for the past Oxxfest:

1 The line of the ticket holders went into the West Alna Rd. and was a major safety hazard for that many pedestrians in the road

2 There were not enough barricades to keep people in the proper lines and to help us get people into the venue

3 There were no signs telling people where the venue was in Wiscasset. I had to tell the owner to put up a couple of signs to show where the concert was. This was also a problem because people were parking at the end of Fowles Hill Rd. and walking which at night was a lot of foot traffic on the road.

4 The security they hired needed to start earlier. There were people lined up everywhere but the security didn't start until a half hour before the event.

5 Nine buses came through the event on the grounds with a lot of people trying to get near them. There was also a pickup truck in the venue as the concert was going on. This was a big safety concern of ours. There should no vehicles in the event area.

6 Because of the high volume of people waiting in line, there was an accident where someone hit a pedestrian in the road.

7 They ran out of water 3 times. I believe that at a venue of this length, 12 hours, water should be available and free.

8 Way too much vulgarity over the speaker system.

9 The porta potties were overflowing by the afternoon and were unusable. There also weren't enough for people to use.

10 There needed to be more rubbish containers. Rubbish was all over the grounds that people were walking on because the ones there were overflowing and not being emptied.

11 There needs to be a lost and found at their office. Several people lost items and were looking for where the lost and found was.

12 Better updates on the website for us. We were not kept up to date as to the amount of people that were coming until the last minute. We could not get ahold of the promoter until 1 day prior to the event that week.

13 I believe that there should be 2 officers per thousand for an event of this size and at such a small area. We had 19 officers over the course of the day last time and appeared to be the right amount.

14 A contract signed prior to the event

15 a medical tent and equipment and more medical staff

16 A better barrier for the alcohol area. There was only a snow fence and people were just walking on it to get in. Security inside the alcohol area. Too many people getting intoxicated. Shut off 2 hours prior to closing.

Any further questions, let me know.

John Allen

Ambulance Department:

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Transfer Station:

Comments: *Last year they had 2-30 yard roll off containers that were not full so this year having a 3rd like they mention should take care of any extra material that might be generated.*

Signed: *Ron Lear* Dated: *11/18/10*

Fire Department:

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Date application received: \_\_\_\_\_

Date advertisement paid: \_\_\_\_\_ Date advertisement to run: \_\_\_\_\_

Date of required public hearing: \_\_\_\_\_

Date-public hearing posted: \_\_\_\_\_

License Approved: \_\_\_\_\_ Dated: \_\_\_\_\_

## Town of Wiscasset Website Link Policy

The purpose of Wiscasset's Town website is to provide information about the Town's local government and its services and activities. The Town's website may provide links to other websites that are consistent with these purposes. The Town is not responsible for and does not endorse the information on any website to which it is linked. The Town of Wiscasset maintains these links at its sole discretion and may add or remove links at any time without notice, written or otherwise, or the consent of the link's sponsor.

Links to external sites may be added when consistent with the purpose of the Town of Wiscasset website. These purposes include expanding and centralizing access to government information and services, providing a convenient mechanism for conducting Town business, and providing current information regarding the Town of Wiscasset functions and events.

The following criteria will be used to decide whether to approve requests to link other websites to the Town's website:

The Town's website will provide links to:

1. Governmental and education institutions serving Wiscasset residents.
2. Organizations with some working relations to the Town (i.e. organizing sponsoring Town programs and activities)
3. Generally recognized community service organizations.
4. Organizations providing information about arts, cultural, and recreational activities in the community.
5. Organizations providing information about tourist attractions in and around Town.

The Town's website will *not* provide links to websites for:

1. Sites that exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content.
2. Candidates for local, state, or federal offices.
3. Sites that express personal opinions or serve as a forum for political discussion.
4. Sites that are not suitable for readers or viewers of all ages or ones that a reasonable citizen may not consider to maintain the dignity and decorum appropriate for government.
5. Political organizations or other organizations advocating policy positions on local, state or federal issues.
6. Corporate or other for-profit organizations, unless they fit any of the criteria above, with the exception of the third party firm selected by the Town to accept credit card payments for Town taxes and/or fees.
7. Individual or personal homepages.

Requests for the addition of external links on the Town website are to be sent to the Town Manager's administrative assistant.



# Town of Wiscasset

11A

## Memorandum

To: Board of Selectmen  
Fr: Laurie Smith, Town Manager *HS*  
Re: Communities for Maine's Future Bond Program  
Dt: April 28, 2011

The Communities for Maine's Future Bond Program is administered by the Department of Economic and Community Development (DECD). The program is designed to provide funding to eligible Maine communities for downtown or village center community infrastructure projects which promote sustainable development. The minimum grant award is \$25,000 and the maximum grant award is \$400,000. The grants do require a 1:1 match and 70% of the matching funds must be cash commitments.

As I reviewed the documentation from the State regarding this new grant opportunity the project that came to mind was the 2009 Railroad Avenue improvements. This plan includes upgrades to Railroad Avenue, a new parking lot, a railroad platform and a structure for waiting passengers. The original cost estimate for the entire project was approximately \$1 million. I am currently working with the engineers who developed the plan to bring the project into the \$400,000 range. The match for the project could be the commercial pier replacement (projected cost of \$350,000) which, if approved by the Town in June, would also occur within our downtown. The connection between the two projects would be the improvements to our waterfront as well as the relocation of the current train stop at the piers to the old train station site.

The timeline for the grant process is as follows:  
May 5 – 12, 2011 – Grant application workshops  
June 3, 2011 – Letters of intent due  
July 1, 2011 – Applications due  
August 2, 2011 – Announcement of Grant Awards

Part of the grant process is also the necessity for a Downtown plan. The Town of Wiscasset has many plans including a Comprehensive Plan, Railroad Avenue Improvements Plan, and Pedestrian and Trail Plan. There are elements of the downtown plan in each of these; however there is not one document named "Wiscasset Downtown Plan". After consultation with the State, I am recommending that the various elements of the already accepted plans be combined into one document that would be accepted by the Selectmen at their May 17<sup>th</sup>, 2011 meeting. The Downtown plan would then be part of our application package to the State of Maine.

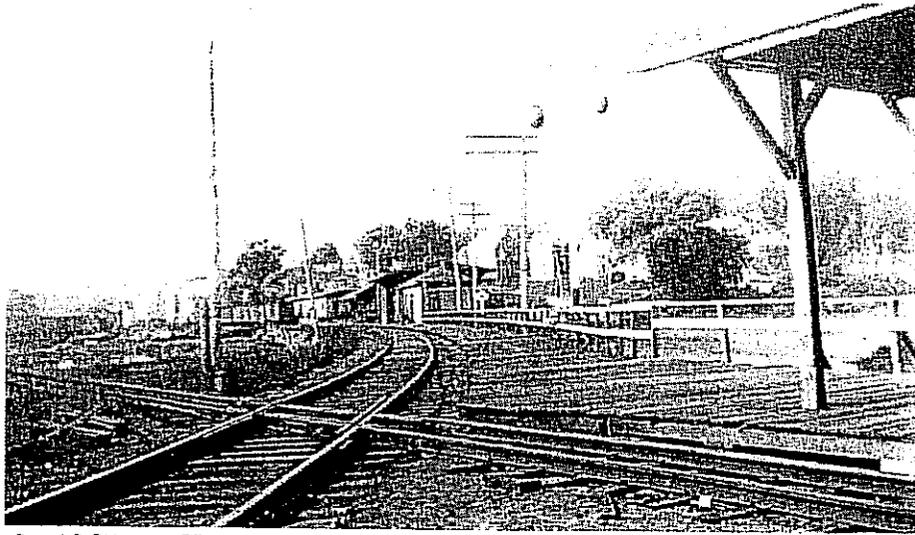
I am seeking Selectmen feedback and authorization to move forward with the downtown plan and application for the Communities for Maine's Future grant.

April, 2009

# Railroad Avenue Improvements

# Wiscasset, Maine

## Professional Engineering Report and Cost Estimate



**WRIGHT-PIERCE**   
Engineering a Better Environment

Land Use  
Planning and  
Development

---

# Railroad Avenue Improvements - Professional Engineering Report

## Background

The Town of Wiscasset is considering opportunities for a variety of site-related improvements on a parcel of land located between Water Street and the Sheepscot River and to the north of Main Street (U.S. Route 1). A significant portion of the land in question is presently owned by the Maine Department of Transportation (MeDOT).

During the winter of 2008/2009 Wright-Pierce worked with the Wiscasset Transportation Committee and Town Staff to develop preliminary concept plans and cost estimates to support the Town's near and long-term planning for the subject area, including the community's preparation for its 250<sup>th</sup> anniversary in 2010. These conceptual plans were developed with consideration of past planning efforts for Wiscasset's waterfront area, and included an element of coordination with MeDOT and the Maine Eastern Railroad (MERR).

Our review focused on a variety of site improvements to address the full range of identified community goals for the planning area. Site visits were made during November and December of 2008, and Wright-Pierce attended three meetings with the Transportation Committee during January, February and March of 2009. A topographic survey was performed by Wright-Pierce during December of 2008, supplementing preliminary boundary survey work which had been performed by MeDOT during November and December of 2008.

## Planning Goals and Constraints

A key element early in the Planning process was the identification of project goals and constraints which might limit the extent to which they could be implemented. In general it is clear that the Town wishes to implement meaningful improvements to this portion of the community's waterfront in a timeframe consistent with plans to celebrate the Town's 250<sup>th</sup> anniversary in 2010. At the same time, there is a clear desire to ensure that long-term planning goals, including those associated with enhanced passenger rail service are not precluded. The following is a brief summary of each of the project issues that were considered in the development of the design recommendations.

### Parking



Perhaps the first and foremost element of physical improvements identified for consideration related to development of increased parking capacity to better accommodate both visitors and employees associated with the community's downtown. In addition to automobiles, the parking facilities should include provisions for RVs and tour buses.

---

# Railroad Avenue Improvements - Professional Engineering Report

## Vehicular and Pedestrian Circulation

The present geometry of area roadways, coupled with seasonally significant congestion on Main Street (Route 1) dictate a need for careful consideration. The addition of parking capacity coupled with the creation of other "demand" elements such as a rail platform and/or public restrooms are likely to result in increased vehicular traffic through the study area. Specific elements of concern relate to: turning movements at the intersection of Railroad Avenue with Main Street; vehicular circulation along Water Street and through the surrounding neighborhoods; conflicts with delivery trucks; and impacts on pedestrian access through the site all need to be addressed.



## Lighting

Some level of lighting should be considered in order to provide a safe night-time environment for visitors to the site, especially those that park and either leave or return to their vehicles during early morning or late evening hours while visiting or working within the downtown area.

## Stormwater Runoff

Most of the planning area currently drains via sheet flow towards the railroad tracks and is collected in a few catch basins which discharge directly into the Sheepscot River. While this project does not contemplate significant changes to existing drainage flow patterns, it is fair to assume that a project of this nature will result in increased areas of impervious surface and increased peak rates of runoff. Fortunately, there is little in the way of development between the project site and the Sheepscot River, hence mitigation measures associated with rates of runoff will likely not be required. On the other hand, it is probably appropriate to include some provisions to address potential impacts via stormwater quality.

## Accommodation of Local Business Needs

Currently, one of the primary uses of the Railroad Avenue by adjacent businesses is as a location for deliveries by commercial vehicles. Continuation of this practice should be addressed in the final plans, typically through provision of adequate roadway width.

## Compliance with the Americans with Disabilities Act (ADA)

As a public space, final design will need to incorporate ADA guidelines for access by handicapped persons.

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# Railroad Avenue Improvements - Professional Engineering Report

## Local Maintenance Costs

One of the key issues that must be considered in this climate relates to snow removal and or storage. Since it is likely that peak use of parking facilities typically occurs during the summer months it may be possible to utilize a portion of any proposed parking areas. Other future cost elements include those that may be required to maintain roadways (and parking areas) with gravel surfaces versus bituminous pavement. Other potential routine maintenance costs would include: service to public restroom facilities, landscape maintenance and other accessory uses for a local commuter rail stop.

## Coordination with Local Utilities



The sole access to the Town's wastewater treatment facility is through the site. The Town should ensure that the site improvements accommodate access needs for this facility and also provide for utility upgrades of sewer infrastructure that runs through the project area. In the event a restroom is constructed, it will require both water and sewer service. In addition to the Town's local utility, service providers for electric, cable and television will need to be involved in the design process, especially where utility poles and guy-wires may need to be relocated.

## Railway Service

Currently much of the planning area is owned by MeDOT and primarily services MERR for excursion rail service between Brunswick and Rockland. There are specific State and Federal design requirements for railway services (passenger in particular) that need to be considered as mentioned. Some of these include specific setbacks from the rails, ADA accessibility for passengers to and from the trains, and safe stopping and clearance distances for trains in conjunction with potential train platforms that may be required to meet specific State and Federal standards depending on funding and ultimate railway end-use. Additionally, MERR requests notice of the Town's plans for a passenger rail service station in the project area by November, prior to the calendar year when a passenger rail service station is anticipated to be operational so that they can plan their schedules accordingly.

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# Railroad Avenue Improvements - Professional Engineering Report

## Compliance with other Local, State and Federal Regulations

Waterfront development projects tend to be heavily regulated. Based on the nature of the project as contemplated thus far and its consistency with historic use in the area the plan as presented may not trigger a high level of regulatory review. That said, there are a few key project issues that need consideration. From a local perspective, the Town has a shoreland zoning ordinance that this project will be regulated under as it resides in the Village Waterfront District, within the Shoreland General Development District. The most important issue that should garner further discussion is with regards to the interpretation of a potential building structure to house accessory uses for a passenger rail service stop. The Town's ordinance requires a 25 foot setback for accessory structures from the high-water mark within this zoning district and a 100 foot building setback. For planning purposes we are showing the potential restrooms and ticket sales area within the 100 foot setback. At the State level, this project will need to obtain permits for construction from the MeDOT and the Maine Department of Environmental Protection (MeDEP). The site has a significant amount of existing impervious surface and the proposed concept plan does not facilitate a significant increase in impervious surface to warrant high levels of regulatory review by MeDEP. This is also true for Federal oversight by the Army Corps of Engineers (ACOE) for work in a floodplain and potentially within the Sheepscot River (Also regulated by the State's Department of Conservation), and needs further consideration as the project design progresses.

## Design Considerations

Based on available boundary survey information from MeDOT, topographic survey obtained by Wright-Pierce and local, state and federal regulations, a series of concept plans were developed during a series of meetings between Wright-Pierce, the Wiscasset Transportation Committee, and Town Staff. A final concept plan and cost estimate was developed as a result of these initial planning efforts for the Town's consideration to proceed with funding a project of this nature in whole or phased to improve the site. The following is a brief summary of each of the design considerations that were incorporated in the concept plan. These were contemplated in three different phases as illustrated in the cost estimate section of this report. Phasing is likely to be dictated by available funds and potential passenger rail service improvements.

### Phase Improvements

The Town's immediate goal is to maximize parking and improve vehicular and pedestrian circulation throughout the site. For the **initial phase** of construction we recommend the following:

1. Reconfiguration of the existing gravel access drive to include a paved 16 foot wide, one-way access drive with a commercial loading zone near Main Street, and an adjoining paved 5 foot wide sidewalk and or shoulder, providing adequate turning radii for large vehicle movement including semi-tractor trailer delivery trucks and tour buses

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## Railroad Avenue Improvements - Professional Engineering Report

throughout the site. This may require re-alignment of the access drive off of Water Street that serves the Town's wastewater treatment facility. In order to provide a pedestrian pathway along the entire access drive, a retaining wall with an approximate height of 5 feet is likely to be required to ensure that all grading impacts remain within project area and off of private property. (See Local, State and Federal Design Requirements for further explanation of proposed travel-way widths); and

2. Construction of approximately 20 parking spaces for automobiles immediately off of the access drive on the northerly end of the parcel and 3 bus parking spaces. This area could then be reconfigured during future phases and should be laid out with consideration for future passenger rail service opportunities along either the main or side rails.

For the **second phase** the Town identified the goal of constructing public restrooms and a promotional kiosk area with potential passenger rail ticket facilities housed within a facility that takes advantage of nearby sewer, electric and water service supplies at the north end of the site. This area is likely the most accommodating to serve passenger rail service needs based on discussions with MERR and MeDOT thus far. Immediately adjacent to this structure, we recommend providing approximately 3 drop-off parking spaces with a connecting sidewalk

For the **third phase** we recommend re-examining the Town's parking needs and weighing them versus the cost of expanding parking on the northern portion of the site, further into the steep embankment along Water Street, which would result in the installation of a retaining wall that could reach an approximate height of 15 feet in some areas. During this phase, trees and sidewalks would be installed along the westerly edge of the access drive adjacent to the reconfigured parking lot.

### Local, State and Federal Design Requirements

There are a variety of regulatory design requirements that this project has considered including:

1. Keeping impervious surface increases to a minimum is recommended to avoid regulatory impacts at the local, state and federal levels;
2. Pretreatment of stormwater to improve quality and quantity of runoff prior to exiting the site and discharging into the Sheepscot River;
3. Setback requirements for structures including pavement and buildings along the rails, the high-water mark of the Sheepscot River, and along adjacent property lines;
4. ADA requirements for pedestrian facilities including sidewalks, access to the public facilities that could potentially serve a state and or federally regulated passenger rail service on the site; and
5. Change of Use Entrance permit requirements through MeDOT for access onto and or off of Main Street.

# Railroad Avenue Improvements - Professional Engineering Report

Ongoing dialog with MERR and MeDOT is recommended to ensure that site improvements, which may not be initially related to potential passenger rail service, do not preclude such a project from developing in the future.

## Aesthetics

Three primary issues with regards to site aesthetic improvements were considered during this planning process including:

1. Replacement of existing metal guardrail and installation of new guardrail using a wood system;
2. Installation of trees around the expansive parking area to provide a visual break up and some shading while keeping in mind that the landscaping should be relatively low growing and placed toward the bottom of the site so as to minimize obstruction of views to the Sheepscot river from Water Street and to break up the visual impacts of a retaining wall from those entering Wiscasset from the north along U.S. Route 1; and
3. Site lighting consideration to meet safety requirements while minimizing visual impacts on adjacent properties.

## Cost Estimate

The following cost estimate reflects the cost of final contract design documents, construction and construction administration to complete the project as recommended in this report. The unit prices are based on similar projects that have been bid in Maine within the past year. Wright-Pierce recognizes that market prices for construction can fluctuate from year to year and we have carried a contingency of approximately 30%.

### Town of Wiscasset, Maine

#### Railroad Avenue Improvements Preliminary Cost Estimates - March 23, 2009 WP Project # 11370B

#### Phase I

	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1	Site Excavation	1	LS	\$40,000.00	\$40,000
2	Loam and Seed	2000	SY	\$8.00	\$16,000
3	Install 5' Wide Asphalt Sidewalk/Shoulder - 2" Depth	35	TONS	\$155.00	\$5,425
4	3 1/2" Depth Access Drive/Parking Lot Pavement	65	TONS	\$125.00	\$8,125
5	12" Aggregate Base	1,125	CY	\$35.00	\$39,375
6	Vertical Granite Curb w/ 6" Reveal	400	LF	\$35.00	\$14,000

# Railroad Avenue Improvements - Professional Engineering Report

7	Guardrail	550	LF	\$100.00	\$55,000
8	Retaining Wall	900	SF	\$65.00	\$58,500
9	Pavement Markings	1	LS	\$500.00	\$500
10	PE Storm Drain	500	LF	\$65.00	\$32,500
11	Install Catch Basin	5	EA	\$3,000.00	\$15,000
12	Erosion Control	1	LS	\$5,000.00	\$5,000
13	Mobilization	1	LS	\$10,000.00	\$10,000

<b>SUBTOTAL:</b>	<b>\$299,425</b>
<b>30% ENGINEERING AND MATERIALS CONTINGENCY</b>	<b>\$89,282</b>
<b>TOTAL:</b>	<b>\$389,253</b>

## Phase II

	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1	Site Excavation	1	LS	\$5,000.00	\$5,000
2	Loam and Seed	500	SY	\$8.00	\$4,000
3	Install 5' Wide Asphalt Sidewalk/Shoulder - 2" Depth	5	TONS	\$155.00	\$775
4	Vertical Granite Curb w/ 6" Reveal	100	LF	\$35.00	\$3,500
5	3 1/2" Depth Access Drive/Parking Lot Pavement	5	TONS	\$125.00	\$625
6	12" Aggregate Base	50	CY	\$35.00	\$1,750
7	Guardrail	325	LF	\$100.00	\$32,500
8	Train Station with Water and Sewer Connections	1	LS	\$150,000.00	\$150,000
9	Erosion Control	1	LS	\$5,000.00	\$5,000
10	Mobilization	1	LS	\$5,000.00	\$5,000

<b>SUBTOTAL:</b>	<b>\$208,150</b>
<b>30% ENGINEERING AND MATERIALS CONTINGENCY</b>	<b>\$62,445</b>
<b>TOTAL:</b>	<b>\$270,595</b>

## Phase III

	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1	Site Excavation	1	LS	\$20,000.00	\$20,000
2	Loam and Seed	1000	SY	\$8.00	\$8,000
3	5' Wide Concrete Staircase	25	LF	\$75.00	\$1,875
4	Install 5' Wide Asphalt Sidewalk/Shoulder - 2" Depth	15	TONS	\$155.00	\$2,325
5	3 1/2" Depth Access Drive/Parking Lot Pavement	35	TONS	\$125.00	\$4,375
6	12" Aggregate Base	450	CY	\$35.00	\$15,750
7	Guardrail	200	LF	\$100.00	\$20,000
8	Trees	5	EA	\$500.00	\$2,500
9	Retaining Wall	2,350	SF	\$75.00	\$176,250
10	Pavement Markings	1	LS	\$500.00	\$500

# Railroad Avenue Improvements - Professional Engineering Report

11	Erosion Control	1	LS	\$5,000.00	\$5,000
12	Mobilization	1	LS	\$10,000.00	<u>\$10,000</u>

<b>SUBTOTAL:</b>	<b>\$266,575</b>
<b>30% ENGINEERING AND MATERIALS CONTINGENCY</b>	<b>\$79,973</b>
<b>TOTAL:</b>	<b>\$346,548</b>

Other cost- and funding-related elements which the Town should consider include:

1. Subsurface geotechnical investigations to determine the presence and location of ledge or low-bearing-strength soils;
2. Availability of MeDOT Funding for railroad platform infrastructure;
3. Potential for MeDOT donation of the excursion platform that meets MERR requirements (it is our understanding that this may become available when the Brunswick Main Street Station project is complete);
4. Level of utility replacement costs such as the sewer line that runs under the portion of the parking lot to be constructed during phase III of the project





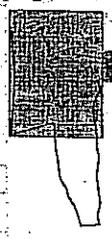
APPROXIMATE SCALE  
 1000 0 1000 FE

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
 FLOOD INSURANCE RATE MAP

TOWN OF  
 WISCASSET, MAINE  
 LINCOLN COUNTY

PANEL 10 OF 10  
 (SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

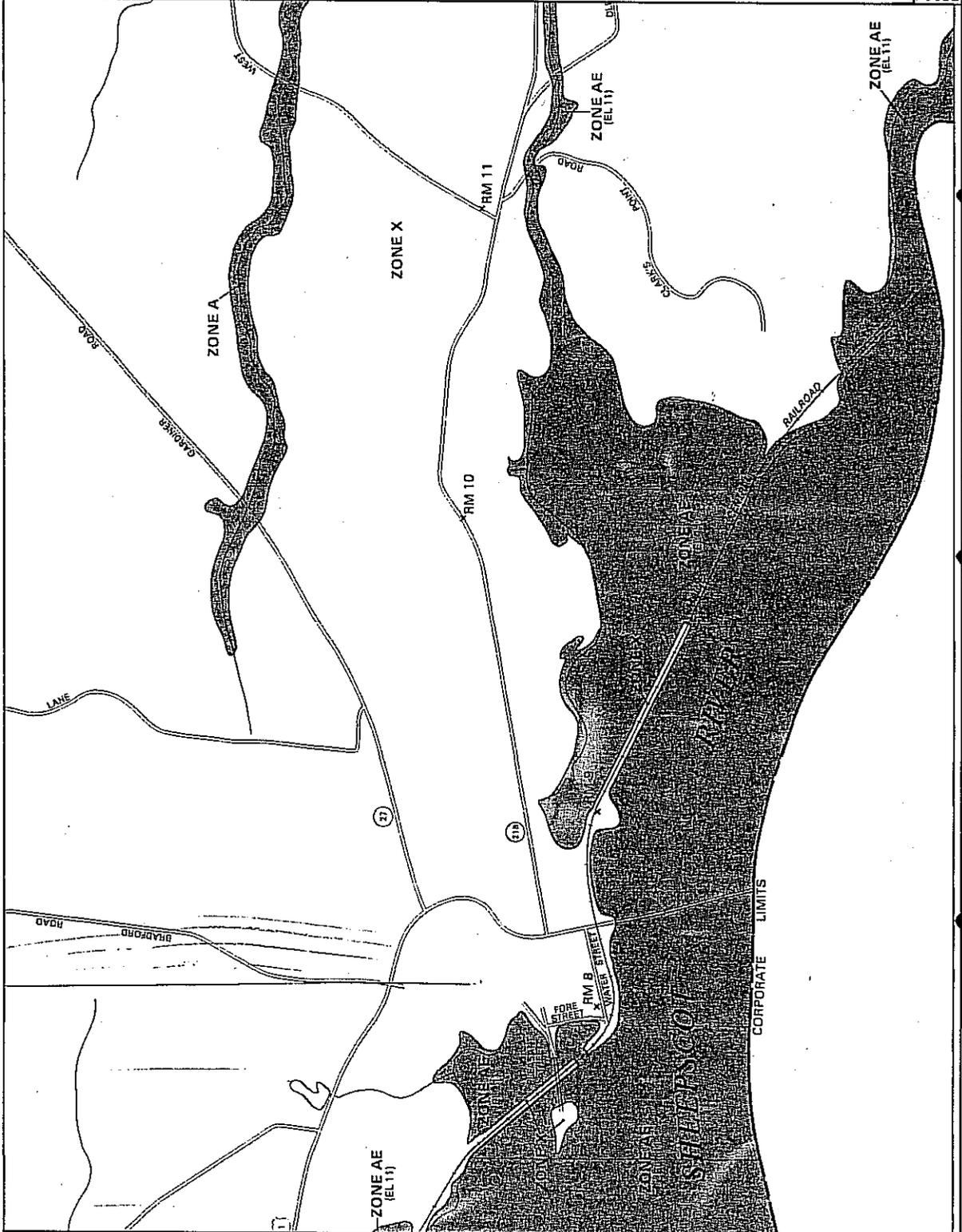
COMMUNITY-PANEL NUMBER  
 230223 0010 B

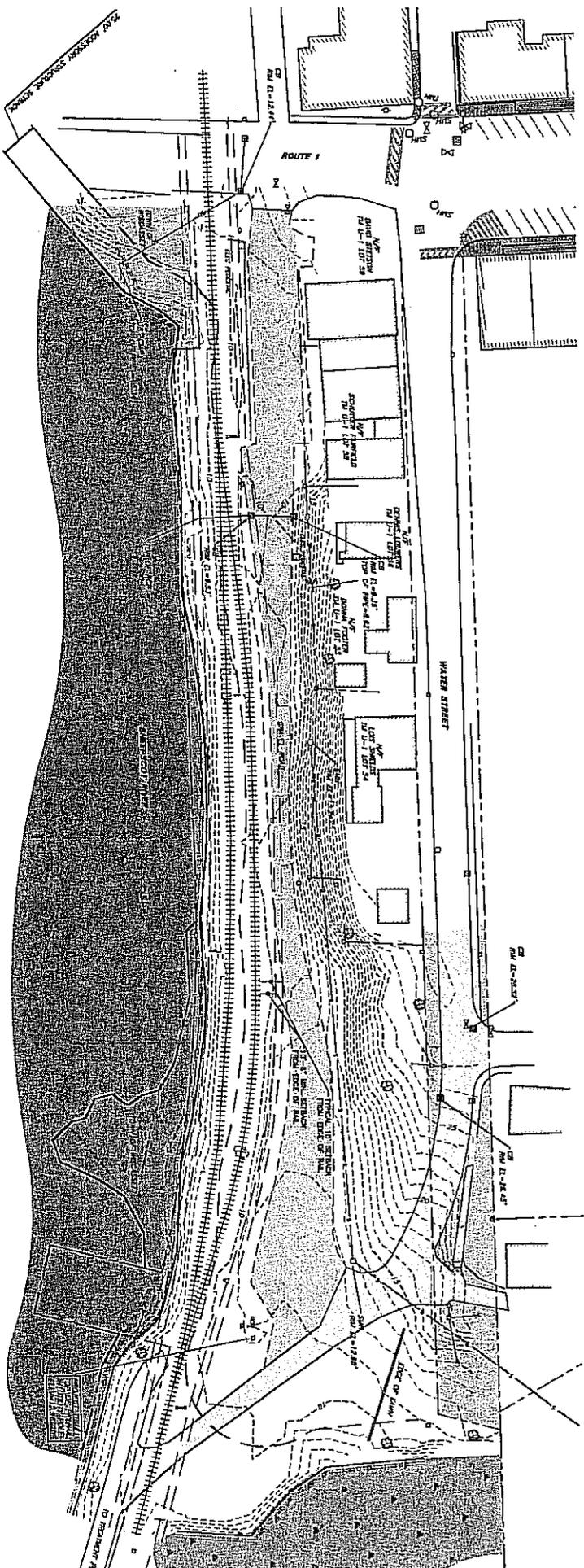
EFFECTIVE DATE:  
 APRIL 16, 1991



Federal Emergency Management Agency

This is a reproduction of a portion of the above referenced Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) under contract to the State of Maine. The map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program Flood Insurance Rate Maps, contact the FEMA Flood Map Store at www.fema.gov.





- LEGEND**
- EXISTING CONVD. AREA
  - EXISTING PARKING AREA
  - UNDEVELOPED TOWN LAND
  - UNDEVELOPED ADJCT. LAND
  - EDGE OF RECLAIMED
  - WETLANDS
  - DESIGN LINE



DATE: FEBRUARY, 2009

# RAILROAD AVENUE EXISTING CONDITIONS WISCASSET, MAINE

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# Wiscasset, Maine Downtown Plan



May 2011

## Introduction

For many years, Wiscasset has made significant planning efforts towards revitalizing its historic downtown village and working waterfront. Several reports and planning documents have been created although the reports and plans resulting from these efforts were created independent of each other, there are similar recommendations consistently found in each. The comprehensive planning process includes the reports and plans, and created goals, policies and strategies to outline an implementation guideline for a comprehensive downtown plan. The major conclusions that support a comprehensive downtown revitalization plan include the following:

- Develop tourism, industry, business, homes and services while protecting the historic character of the Town. To do this, the Town must launch a redevelopment process with a goal to make the central village and waterfront a tourist magnet and a major driver of the tourist sector of the Town's economy.
  1. Establish intermodal transportation links- cruise, tour/ferry, boat docks, passenger rail station, and bus stop.
  2. Increase parking on Railroad Avenue- expand the ability availability of parking. This is critical to the success of the downtown revitalization plan due to the need for improved accessibility to the downtown.
  3. Passenger rail service- construct a passenger rail station north of Railroad Avenue (identified as preferred site).
- Preserve the historic nature of the village, both in terms of individual structures and overall ambience, and enhance its role as a service and cultural center for the region's residents and make it a destination for visitors.
  1. Market the village as a visitor destination point- emphasize existing village clusters (e.g. antiques, galleries, B&B's) and on regional touring themes (e.g. museum in the streets, antiquing).
- Promote and protect the availability of outdoor recreational opportunities for the Town residents and visitors.
  1. Bike/Pedestrian Trail- encourage the development of recreational facilities to meet needs of residents and visitors.

These conclusions have the most strongly supported themes in public surveys and have received approval from the Board of Selectmen and the Town voters, primarily through the adoption of the comprehensive plan (adopted 2008). In fact, there is consistent mention of a renewed focus on the waterfront as a driver of the Town's economy. Plus, the downtown is identified as a designated growth area in the comprehensive plan. What the Town needs is a project that will prove to be the catalyst for downtown revitalization efforts. Through projects that will improve access, such as new parking, economic development opportunities will arise because the downtown will become more accessible.

## Historic Wiscasset Overview

Earle Shettleworth, Director of the Maine Historic Preservation Commission, cites Wiscasset as one of three architecturally significant villages in the state, along with the towns of Paris Hill and Castine. Samuel Chamberlain, in his book *Towns of New England*, chose Wiscasset to represent the State of Maine. He noted that millions were spent restoring Williamsburg, while Wiscasset remains essentially intact.

Today, its abundance of classical architecture is evidenced by the inclusion of 10 structures in the Historic American Buildings Survey (HABS) of 1936 and the subsequent inclusion of five buildings listed on the National Register of Historic Buildings. In 1973, a large part of the Village/Historic District became a part of the National Register. In fact, much of the downtown area is a living field museum – and we hold the keys to its future.

The first recorded settlement at Wiscasset was in 1660 by George and John Davie. By 1740, there were 30 families at Wiscasset Point, numbering about 150 people. Wiscasset Point was one of three parishes incorporated in Pownalborough in 1760. It took the name of Wiscasset in 1802.

As Wiscasset prospered as a deep-harbor shipping port during the late 18<sup>th</sup> and 19<sup>th</sup> century, grander homes were built beyond the initial simple, smaller homes closer to the harbor. These include the Nickels-Sortwell House, the Wood-Foote House and the Governor Smith House. Other structures of note are the elegant brick courthouse, which is home to the longest continuously operating courthouse in the country; the Old Jail, in operation until the 1950s; the Wiscasset Library; the Town Common; the Sunken Garden; the Ancient Cemetery, and much more.

By the end of the Revolution to the Embargo of 1807, Wiscasset had no equal in any part of Maine as the chief shipping port east of Boston. It was a very prosperous era with so many ships registered here, that it was said you could walk from deck to deck all the way across the harbor and masts were everywhere the eye could see.

The Embargo, intended to prevent war with England, failed and Wiscasset fortunes declined from that time, as shipping dried up and creditors loomed. Now we find ourselves, generations later, again seeking new fortunes and new avenues for our community to prosper. And, as surveys have shown a number of times, the majority of townspeople consider Wiscasset's venerable history as unique and something to be proud of – and something to preserve for those that will follow after us.

This same majority understand that our historic landscape and heritage is as valuable an asset as are our schools; our still protected, deep-harbor working waterfront; our developing airport; the advent of air/rail/ferry travel with a stop in Wiscasset; and the development potential at both the Mason Station and the Maine Yankee site.

In conclusion, it would be shortsighted at best to discount the economic value of a preserved, nurtured "field museum" here in our care. Thousands of tourists stop in Wiscasset each year, through at least three seasons of the year. They used to come to see the Old Ships – we failed to preserve those. Now we have a chance to step up to the plate again - this time to preserve a greater prize – our overall historic heritage, proud and unique.

## **Setting and Key Issues**

### **Setting**

Wiscasset's waterfront is special and any discussion of the downtown village would not be complete without inclusion of the waterfront. Located on the Sheepscot River, approximately 14 miles inland from the ocean, few communities can boast of a deep water, working waterfront which has maintained areas of productive wildlife habitat, abundant natural and architectural beauty, and numerous historic sites. The downtown village and waterfront offers a variety of economic, scenic and recreational opportunities to visitors and residents.

The downtown village and waterfront supports an active commercial fishing trade from the Town landing, as well as opportunities for recreational boating and fishing. Spectacular views of the Sheepscot and Back Rivers and the downtown village exist from several vantage points along the waterfront. Listed in the National Register of Historic Places, the downtown village is the central hub of activity along the waterfront. Historically, this has served as the center for economic activity and expresses the historic, intimate and pedestrian charm of a small coastal community that Wiscasset is known for.

Over the years, the importance of Wiscasset as an economic center has steadily declined, while the interest in the quality of life within the town as a residential community has grown. The increase in the number of people wishing to visit or reside in Wiscasset has brought pressure on the town's ability to properly support the activities that draw people to the community. Also, the loss of Maine Yankee significantly impacted the tax base with a shift from a majority of tax dollars from commercial uses to residential. The town is now undergoing a revitalization process as we seek to retain and improve our vital economic role. The downtown village and waterfront remains one of the gems of Maine, as a place to live, work and visit. Maintaining its historic character is essential, while revitalizing its economic role in the region.

### **Key Issues**

The comprehensive plan gives explicit guidance about the kind of attention the townspeople would like given to their downtown village and waterfront. The important issues facing the downtown village and waterfront are those which threaten its economic vitality, easy access to the water, historical image, and visual character. The following is a brief description of the key issues as identified through plans and reports.

#### **Pedestrian**

- Gaps in the sidewalk system, notably from Lee-High Street intersection to Water Street and along most of Bath Road. Poorly articulated pedestrian circulation routes, especially across Bath Road, hinder the movement of pedestrians and vehicles.
- The lack of public property in some areas restricts public access to the waterfront. This also proves to be a problem for a connected waterfront.
- Many of the sites that provide access to the waterfront are auto-oriented and not inviting to the pedestrian.

- Lack of a meaningful connection between two of the primary waterfront facilities, the town landing and the Creamery Pier. Currently, visitors and townspeople must either walk along the unimproved footpath or use a circuitous and longer route up Water Street.
- The physical separation of the waterfront by an active railroad right-of-way. State law prohibits pedestrians from walking on the railroad tracks so those wishing to walk along the shore must use an unimproved, overgrown dirt footpath between the high water line and the railroad tracks.



#### Vehicular

- Circulation conflicts with the railroad will periodically impede vehicular access.
- Lack of parking inhibits vehicular access for waterfront users, historical visitors and business patrons.
- Seasonal increase in the number and type of vehicles creates competition for limited parking spaces; therefore, limiting downtown village and waterfront foot traffic.
- Inefficient circulation patterns by people from out of town looking for parking adds to the congestion of village side streets.
- Seasonal traffic on Bath Road impedes attempts to cross this traffic corridor.

## Parking

- Lack of adequate parking does not support the full use of available square footage of office/service/retail space.
- Fluctuation in demand creates the seasonal lack of adequate number of parking spaces, particularly in the waterfront area.
- The inefficient layout of existing parking lots contributes to the inadequate number of parking spaces.
- Appropriate signage to efficiently direct drivers to existing parking is lacking.
- Lack of dedicated parking space for boat trailers, buses and rail users creates a shortage of parking spaces for cars.

## Economic

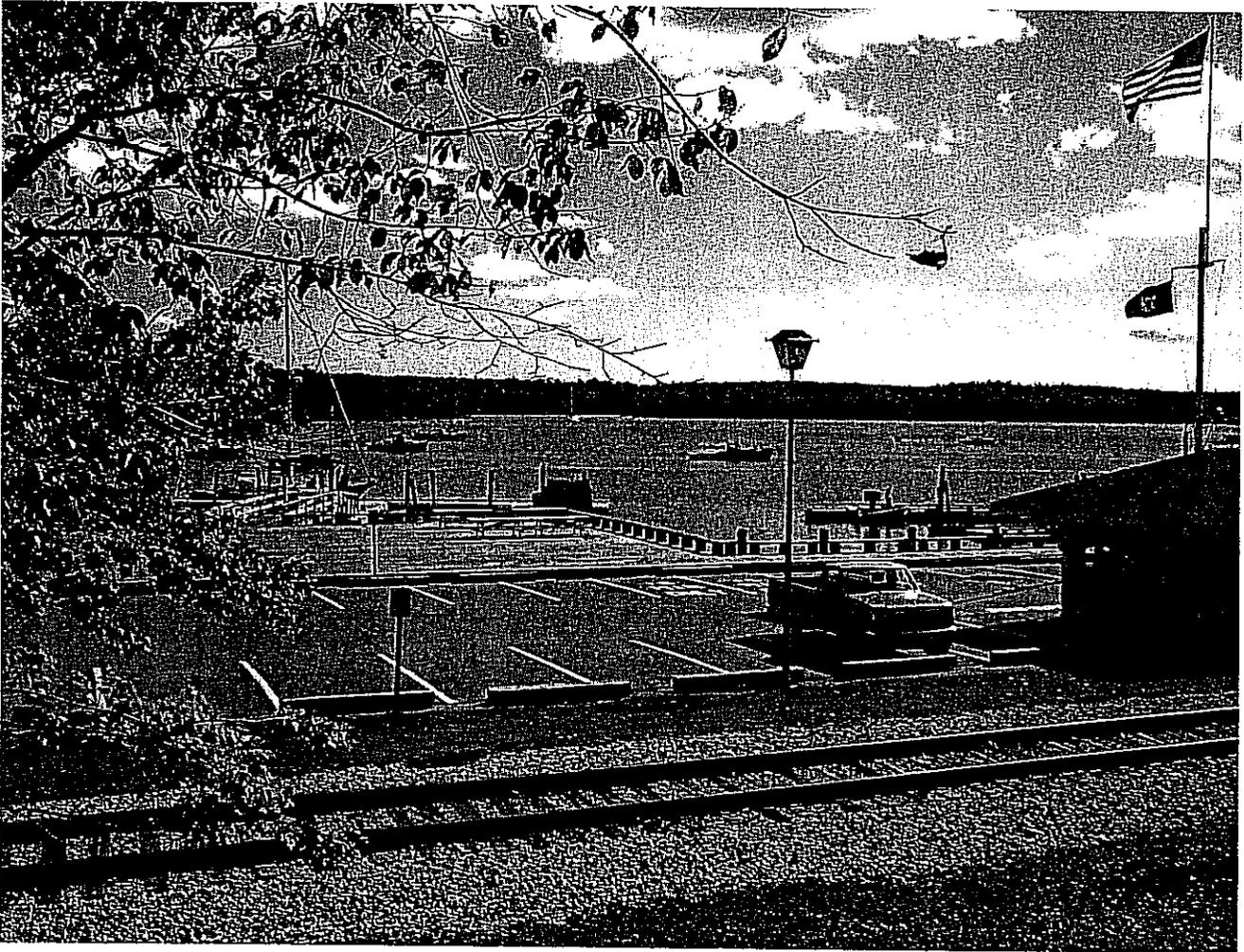
- Lack of parking impacts use of downtown village businesses by visitors and townspeople. Also, inadequate parking does not support the full use of available office/service/retail space; therefore, buildings are not realizing their full potential which increases the risk of deterioration.
- Lack of parking impacts people's ability to use and explore Wiscasset's natural and historic assets which significantly contribute to the town's economic well-being.
- The inefficient placement and overall lack of public restrooms negatively impacts people's use and enjoyment of the downtown village and waterfront.
- Existing town waterfront zoning ordinances threaten development of the downtown village and waterfront.

## Visual Quality

- The town wishes to protect the impression of a small New England coastal town of predominantly 18<sup>th</sup> and 19<sup>th</sup> century architecture.
- Deterioration, modification or removal of existing historic structures, remnants and historic sites could diminish historic and visual character.
- The town lacks ordinances that protect historic landmarks and structures.
- Allowing continued indiscriminate public access into sensitive habitat areas by hikers and/or motorized vehicles will impact the habitat quality and potentially degrade visual integrity of the area.
- Physical improvements to the downtown village should be tastefully done so it enhances the historic quality of this area and its buildings.

## A Downtown Village Concept

The downtown plan is consolidation of several reports and planning documents that provide a direction for downtown village and waterfront improvements. The Downtown Village Concept is developed to ensure that proposed developed conforms to an overall strategy for planning, improving and managing the downtown village and waterfront. It responds to selected issues and opportunities identified in town reports and planning documents, primarily those associated with access improvements. The following describes goals recommended to plan, improve and manage the above-mentioned area.



### **Accessible Downtown**

For purposes of this plan, creating an accessible downtown appears to one of the primary mechanisms that would be a catalyst for the downtown village and waterfront redevelopment. Several barriers have been identified as restricting public access, enjoyment and use of the downtown businesses. Some of these barriers have existed for many years. Changes in use and the increase in demand for waterfront access have created seasonal barriers as well. Such barriers can be reduced or eliminated either through new development, modifications or better management. Funding can be achieved through applying for private, state and federal grants. The following goals are recommended to improve enjoyment of and access to the downtown village and waterfront:

## Pedestrian/Recreation

- Develop pedestrian access in areas north and south of the downtown village. This will enable the continuation of links beyond the downtown village.
- Encourage public access to shoreline areas in the development of park and recreational opportunities. Specifically, a new handicap accessible walkway should be constructed along the waterfront to create a meaningful connection between the town landing and the Creamery Pier.
- Create a brochure outlining all recreational facilities available for public access.
- Negotiate with landowners to build a pedestrian bridge to White's Island and Birch Point.
- Create a new Bath Road crosswalk to connect the municipal building with the county courthouse.
- Create a sidewalk on the south side of Tucker's Hill and fore street to connect the Lee and High Street sidewalks, the new Birch Point Bridge (if built), the Middle Street Sidewalk, and the Water Street sidewalk.
- Build a sidewalk on the west side of Bath Road connecting the Lee Street sidewalk, the municipal building, the Gardiner road sidewalk, and the Washington Street sidewalk.
- Develop a comprehensive recreation plan that includes, but is not limited to existing facilities, regional involvement, town-owned land, and an inventory of needs that could include waterfront activities, historic preservation tours, special use facilities (e.g. skate parks), trails, funding mechanisms, construction, maintenance, and operations.
- Construct public restrooms with a potable water that have more direct access to business along Bath Road and Water Street.

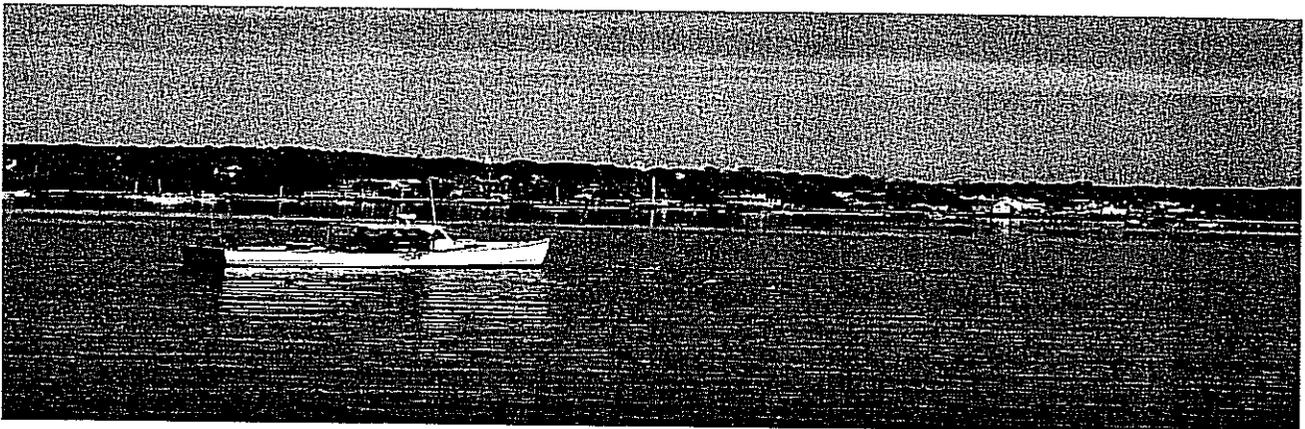
## Transportation/Parking

- Encourage intermodal transportation links- cruise, tour/ferry boat dock, passenger rail/bus station. Encourage the State to bring passenger rail service to Wiscasset.
- Expand the availability of parking by negotiating with private property and businesses to use lots in peak tourist season.
- Negotiate with the State of Maine to construct a parking area, railroad and bus station in the Joppa Cove area (North of Railroad Avenue, South of the wastewater treatment facility).
- Attract small cruise ships to Wiscasset by initiating a marketing effort to those companies that operate in the New England/Canada range.
- Map existing public parking spaces and lots and publish a handout showing it.

- Improve the Memorial Pier to accommodate small cruise ships.
- Upgrade existing parking facilities through a clearly defined organization as part of an overall parking plan.
- Reconstruct and reconfigure Railroad Avenue to improve access and accommodate for vehicles, semi-tractor trailer delivery trucks and tour busses. Provide a pedestrian pathway along the entire access drive. Continuation of the use of Railroad Avenue by adjacent business For parking and deliveries should be addressed in final plans.

#### Historic/Visual Quality

- Create a program, such as museum in the streets, which will promote Wiscasset's historic assets.
- Explore the interest in local participation in the tax reimbursement program for expenditures related to preserving historic and scenic views.
- Launch an educational program that will inform townspeople and visitors about Wiscasset's unique historic and maritime heritage. Sponsor a project to prepare a narrative description of each historic building, why it's historic and what are its unique architectural features.
- Adopt a Historic Preservation Ordinance and use it to market the downtown village as a visitor destination.
- Adopt appropriate ordinances that will ensure the compatibility of new construction with the maritime, historic, cultural, and small business character of the downtown village and waterfront. Ensure that ordinances provide standards that promote a thriving downtown village and waterfront, allowing a mixed-use concept with more diversity of businesses and a strong working waterfront, serving townspeople, workers and visitors.
- Through an organized process, identify, document and prioritize the scenic features and views the townspeople and visitors value. After scenic features and views have been identified, strategies should be enacted for promoting and protecting these areas.



Town Clerk's Certification to be added after ordinance and map have been adopted by a vote of the Town at a Town Meeting



Legend  
 VILLAGE WATERFRONT DISTRICT

**Notes:**  
 This map is for general planning purposes only and is not a substitute for site specific evaluation to determine the exact location of the resources to be protected.  
 The inland boundaries of the Village Waterfront District are defined by property boundaries and the centerlines of the traveled way of the streets.



**PROPOSED**  
**Town of Wiscasset**  
**Shoreland Zoning**  
**Village Waterfront District**  
 April 5, 2011

April 13, 2011

Board of Selectmen  
51 Bath Road  
Wiscasset, Maine 04578-4108

RE: Appointment of Representatives to the Midcoast Economic Development District

Dear Board of Selectmen,

The Midcoast Economic Development District (MCEDD) in cooperation with the Lincoln County Regional Planning Commission is pleased to present an opportunity to strengthen regional economic development activities, and improve the prosperity and quality of life for the citizens of Midcoast Maine. Earlier this year, MCEDD approved its first major reorganization in its history. First, the service area of MCEDD, which had been limited to communities in Lincoln and Sagadahoc Counties and the Town of Brunswick, will expand to include Knox County, a portion of Waldo County and the Town of Harpswell. Second, the committee overseeing the creation and implementation of a region-wide Comprehensive Economic Development Strategy (CEDS) was strengthened. Third, the MCEDD Board, now to be known as the MCEDD General Assembly, was reorganized so that it will consist exclusively of representatives appointed by each municipality and county commission in the MCEDD service area.

In order to continue MCEDD's work, we are asking that your municipal board appoint two representatives to the MCEDD General Assembly for an initial meeting scheduled for May 24, 2011. (We have included a fact sheet that provides a summary of some of the items discussed above.) Because MCEDD and LCRPC share similar objectives and will be coordinating some of their activities in the future, you might consider appointing to the MCEDD General Assembly the same individuals who now represent your community on the LCRPC Board but this is certainly not a requirement.

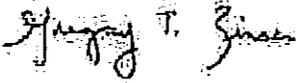
MCEDD's role is to coordinate and support existing economic development efforts in the region, and to prioritize projects of regional significance that may be eligible for federal funding through the Economic Development Administration. MCEDD also employs a Business Development Specialist who is a resource for businesses within the region who are seeking business development support in the form of tax incentives, business counseling, financing, product research, and development.

The General Assembly will meet twice per year, and will provide general oversight to the organization including adoption of a budget, appointment to the Board of Directors, adoption of a strategic plan, adoption of an annual workplan, and to amend by-laws as needed. We believe that this model will strengthen public and private sector commitment and participation in regional economic development.

**Please confirm your representatives in writing in advance of our first General Assembly meeting, either by mail – 7 Park St. Bath, ME 04530, or email: [info@mceddme.org](mailto:info@mceddme.org). The meeting will take place on May 24<sup>th</sup>, 2011, 4pm at the Rockport Opera House. In this notice, please include**

contact information including a mail and email address for your representatives. Questions regarding this process may be directed to Greg Zinser or Dick McLean.

Sincerely,

A handwritten signature in black ink that reads "Greg T. Zinser". The signature is written in a cursive style with a large initial "G".

Greg Zinser  
Chair, Midcoast Economic Development District  
Damariscotta Town Manager  
563-5168 [townmanager@damariscottame.com](mailto:townmanager@damariscottame.com)

A handwritten signature in black ink that reads "Richard J. McLean". The signature is written in a cursive style with a large initial "R".

Richard J. McLean  
Chair, Lincoln County Regional Planning Commission  
563-1583 [duartman@lycos.com](mailto:duartman@lycos.com)

## Fact Sheet

- Purpose** To develop and maintain a regional Comprehensive Economic Development Strategy (CEDS), and to partner with communities, businesses, non-profits and other regional development organizations to support the delivery of those economic and community development programs and services that will further the goals and objectives in the CEDS. The CEDS will incorporate the economic, community and workforce development, education, transportation and environmental efforts and initiatives of the Midcoast region.
- Boundaries** Municipalities within Sagadahoc, Lincoln, and Knox Counties and the municipalities of Brunswick, Harpswell, Northport, Lincolnville, Islesboro, Belmont, and Searsmont.
- General Assembly** To ensure equitable representation in all communities, MCEDD is governed by a General Assembly. The General Assembly will routinely meet twice per year. It will provide oversight of the organization, as well as adoption of the budget, strategic plan, work plan, amendment of by-laws, and appointment of the Board of Directors.
- Appointments** Each of the 59 municipalities and each of the 4 counties in the region appoint 2 delegates. Additionally, a municipality appoints 1 additional delegate for every 10,000 in population over 10,000 in population. Brunswick, with a population of just over 20,000 is the only municipality in the region that triggers this exception. Appointments are made by municipal or county officers. One delegate must either be a municipal officer or their designee. County delegates are appointed by the county commissioners.
- Process** Initial meeting May Tuesday, May 24, 2011 - 4 pm at the Rockport Opera House – 6 Central St. Rockport.  
Initial Board of Directors tentatively meets June 8 to elect officers, create Executive Committee

Sheepscot Valley Regional School Unit #12  
69 Augusta Road  
Whitefield, Maine 04353  
Tel: 207-549-3261 / Fax: 207-549-3082  
[www.svrsu.org](http://www.svrsu.org)

11C

Gregory Potter, Superintendent of Schools  
Gary Rosenthal, Asst. Superintendent/Curriculum Coordinator  
Delia Dearnley, Special Services Director

Diana Sommers, Technology Director  
John Merry, Transportation & Maintenance Director  
Lorie Johnson, Food Services Director

April 25, 2011

Dear Town of Wiscasset Select Board Members:

Greetings. Please accept this letter as official notification that the Commissioner of Maine's Department of Education has determined that, as a result of the release of the federal 2010 Population Census, the current apportionment of "weighted" votes in effect, and in use by the RSU #12 School Board, is not in compliance with the "one man, one vote" principle, under Maine law. Thus, RSU 12 is "mal-apportioned" and must convene a local committee to rectify the situation in accordance with Title 20-A M.R.S.A. Sub. Sec. 1475, sub-Sub. Sec. 3.

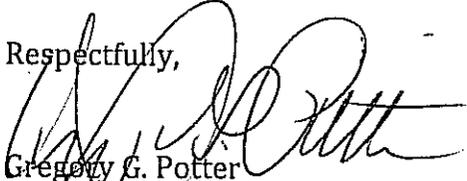
Pursuant to the law, I am notifying each town of the need to form a "Reapportionment Committee," and host a meeting within twenty (20) days of this notification. The RSU 12 School Board has already received its notification (at its regular meeting, held on April 14<sup>th</sup>). My Administrative Assistant, Roxanne Prescott will send out a meeting "doodle" soon, in order to select an appropriate date and time. I recommend that the meeting be held at the Whitefield School.

The Reapportionment Committee must consist of three (3) individuals from each of our eight RSU towns. Each town must have a School Board member, a municipal officer (a select board member) and a member of the public, at-large, selected by municipal officials. Thus, the Committee will have twenty-four total members. I will attend as facilitator, in a non-voting capacity.

In my estimation, the attached "Option A," which simply modifies the current population counts to align with the 2010 Federal Population Census figures, will bring the RSU into proper alignment, in keeping with the RSU's Organizational Plan for Governance, and current accepted voting practices. I believe that the Committee could meet just once, and vote to authorize me to submit "Method A" back to the Commissioner for final approval.

In preparation for this required meeting, please select one member of your town's select board and one member of the public, at large to serve. Tentatively, I am suggesting either Wednesday, May 11<sup>th</sup> or Thursday, May 12<sup>th</sup>, 5pm in the Whitefield School Gymnasium. Your town office will receive a request from this office soon, to determine which night might work the best. Thank you.

Respectfully,

  
Gregory G. Potter  
Superintendent of Schools, RSU 12  
(Enclosures)



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0023

RECEIVED APR 13 2011

Stephen L. Bowen  
COMMISSIONER

TO: Gregory G. Potter, Superintendent of Schools  
Regional School Unit No. 12

FROM: Stephen L. Bowen, Commissioner

DATE: April 14, 2011

SUBJECT: **NOTICE OF COMMISSIONER'S DETERMINATION OF THE  
APPORTIONMENT OF THE BOARD OF DIRECTORS OF REGIONAL  
SCHOOL UNIT NO. 12**

Having received a request from the Board of Directors of the Regional School Unit No. 12 that meets the requirements of 20-A M.R.S.A. §1475, sub-§1(A), the Commissioner of the Department of Education is required to initiate reapportionment proceedings within Regional School Unit No. 12. Pursuant to 20-A M.R.S.A. §1475, sub-§3, I have reviewed the request and have determined that the current Board of Directors of the Regional School Unit No. 12 is not apportioned in accordance with the principles of one-man, one-vote. You are hereby notified of an existing malapportionment within Regional School Unit No. 12.

Pursuant to 20-A M.R.S.A. §1475, sub-§3, the *Superintendent must notify* the municipal officers in each municipality and the school board to create a reapportionment committee. The Superintendent's notification must include:

- A copy of this notification, procedures for reapportionment and the accompanying information provided pursuant to 20-A M.R.S.A. §1475, sub-§6.
- The time and place for the first meeting of that committee. The first reapportionment committee meeting must be held not later than 20 days after the notification.

A copy of the Superintendent's notification should be submitted to:

Suzan C. Beaudoin, School Finance Supervisor  
School Finance and Operations  
Department of Education  
23 State House Station  
Augusta, ME 04333-0023

A reapportionment committee must be formed consistent with the provisions of 20-A M.R.S.A. §1475, sub-§4:

**4. Reapportionment committee membership.** The reapportionment committee shall consist of one municipal officer and one citizen at large from

each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.

Pursuant to 20-A M.R.S.A. §1475, sub-§6, enclosed with this notice are the most recent Federal Census figures available for each municipality within Regional School Unit No. 12 and a possible reapportionment plan, in compliance with the one-man, one-vote principle, based upon those figures.

The Reapportionment Committee must adopt a reapportionment plan within 90 days of the first meeting. The committee is not obligated to adopt the plan enclosed, and may submit as many alternative plans to this office as it wishes for consideration. Alternative plans must be in compliance with the one-person, one-vote principle.

The plan must be approved or disapproved by the Commissioner of Education within 30 days of receipt. Further, if the committee has not adopted a plan, or a plan has not been approved by this office, within 90 days of the committee's first meeting, the Commissioner is obligated, by law, to prepare a suitable plan.

During the reapportionment process, the present board of directors shall serve as legal representatives of the district until the reapportionment process is completed in accordance with 20-A M.R.S.A. Section 1475(11).

If you have any questions, please contact Suzan Beaudoin at (207) 624-6790 or email at [suzan.beaudoin@maine.gov](mailto:suzan.beaudoin@maine.gov).

Enclosures

**2010 FEDERAL CENSUS**

<u>Municipality</u>	<u>2010 Census</u>
Alna	709
Chelsea	2,721
Palermo	1,535
Somerville	548
Westport Island	718
Whitefield	2,300
Windsor	2,575
Wiscasset	3,732
<u>Total</u>	<u>14,838</u>

**Sheepscot Valley Regional School Unit #12**  
**69 Augusta Road**  
**Whitefield, Maine 04353**  
Tel: 207-549-3261 / Fax: 207-549-3082  
[www.svrsu.org](http://www.svrsu.org)

Gregory Potter, Superintendent of Schools  
Gary Rosenthal, Asst. Superintendent/Curriculum Coordinator  
Delia Dearnley, Special Services Director

Diana Sommers, Technology Director  
John Merry, Transportation & Maintenance Director  
Lorie Johnson, Food Services Director

March 28, 2011

Mr. Stephen Bowen, Commissioner  
Maine Department of Education  
23 State House Station  
Augusta, Maine 04333-0023

Dear Commissioner Bowen:

Please accept this request for "determination of reapportionment" of RSU #12 School Committee member "weighted" votes, in accordance with MRSA Title 20-A, Sub. Sec. 1475. I believe that you will find that the enclosed breakdown, by town in RSU 12, successfully complies with the "one person, one vote principle." In light of the recently completed and announced population figures, determined by the 2010 federal decennial census, I submit the enclosed revisions. I have included excerpts from the approved RSU #12 Consolidation Plan, below. If approved, the RSU #12 School Committee will begin use of the revised weighted vote structure at their scheduled (regular) meeting on May 12, 2011.

*Approved Sheepscot Valley RSU #12 Consolidation Plan, Pg. 17...*

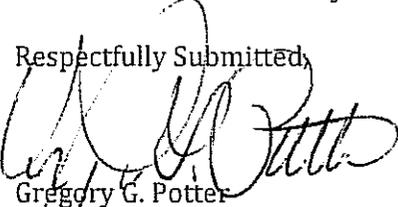
**(3) Method of Voting of Governing Body**

1. At the first meeting of the RSU board, lots will be drawn for initial term lengths, consistent with section 1472-B. For representatives of municipalities with three **members** (Chelsea, Whitefield, Windsor, and Wiscasset) one director will serve a one-year term, one a two-year term, and one a three-year term. Directors from municipalities with two members (Alna, Palermo, Somerville, and Westport Island) will draw lots so that each town has one director with a two-year term and one director with a three-year term. Subject to the requirements of section 1472-B and other applicable law, this method will also be used to establish initial terms of directors from any municipality that joins the RSU at a later date.

2. The initial weights of votes will be the population of each town (from the 2006 estimated census) within the RSU divided by that town's number of members on the RSU board. After each federal decennial census, the RSU board shall submit an apportionment determination request to the commissioner pursuant to 20-A MRSA Section 1475.

Thank you for your timely consideration of this important matter. If you have questions, or concerns, please feel free to contact me, directly.

Respectfully Submitted,

  
Gregory G. Potter

Superintendent of Schools, RSU 12

Enclosure

Sheepscot Valley Regional School Unit | RSU 12  
 Recalculation of Municipal Weighted Votes

MtgMIs:TownVoteRecalc

Town	Members	2006 Population	Vote/Member	Tally	2010:Population	Vote/Member	Tally
Alna	2	683	342	684	709	355	710
Chelsea	3	2688	896	2688	2721	907	2721
Palermo	2	1358	679	1358	1535	768	1536
Somerville	2	537	269	538	548	274	548
Westport	2	821	411	822	718	359	718
Whitefield	3	2234	745	2235	2300	767	2301
Windsor	3	2297	766	2298	2575	858	2574
Wiscasset	3	3871	1291	3873	3732	1244	3732
		14489		14496	14838		14840
Majority		7246			7420		
SprMajor		9659			9892		

**RSU #12 proposed apportionment plan is in compliance with 20-A MRSA Section 1472.**

**METHOD "D" WEIGHTED VOTING - that is in compliance of the "one man - one vote principle"**

Municipality	2010		Percent of Population	Total Votes	Number of Directors	Number of		Percentage of Voting Power per Director	Total Votes by Municipality
	Federal Decennial Census	Director				Votes Per	Director		
Alna	709	355	4.8%	709	2	355	2.4%	710	
Chelsea	2,721	907	18.3%	2,721	3	907	6.1%	2,721	
Palermo	1,535	768	10.3%	1,535	2	768	5.2%	1,536	
Somerville	548	274	3.7%	548	2	274	1.8%	548	
Westport Island	718	359	4.8%	718	2	359	2.4%	718	
Whitefield	2,300	767	15.5%	2,300	3	767	5.2%	2,301	
Windsor	2,575	858	17.4%	2,575	3	858	5.8%	2,574	
Wiscasset	3,732	1,244	25.2%	3,732	3	1,244	8.4%	3,732	
<b>TOTALS</b>	<b>14,838</b>		<b>100.0%</b>	<b>14,838</b>	<b>20</b>				

The total votes cast by the directors of a municipality must equal the total population of the municipality. Thus, the plan is in compliance with the one man - one vote principle.

**RSU #12 proposed apportionment plan is in compliance with 20-A MRSA Section 1472.**

METHOD "B" WEIGHTED VOTING - that is in compliance

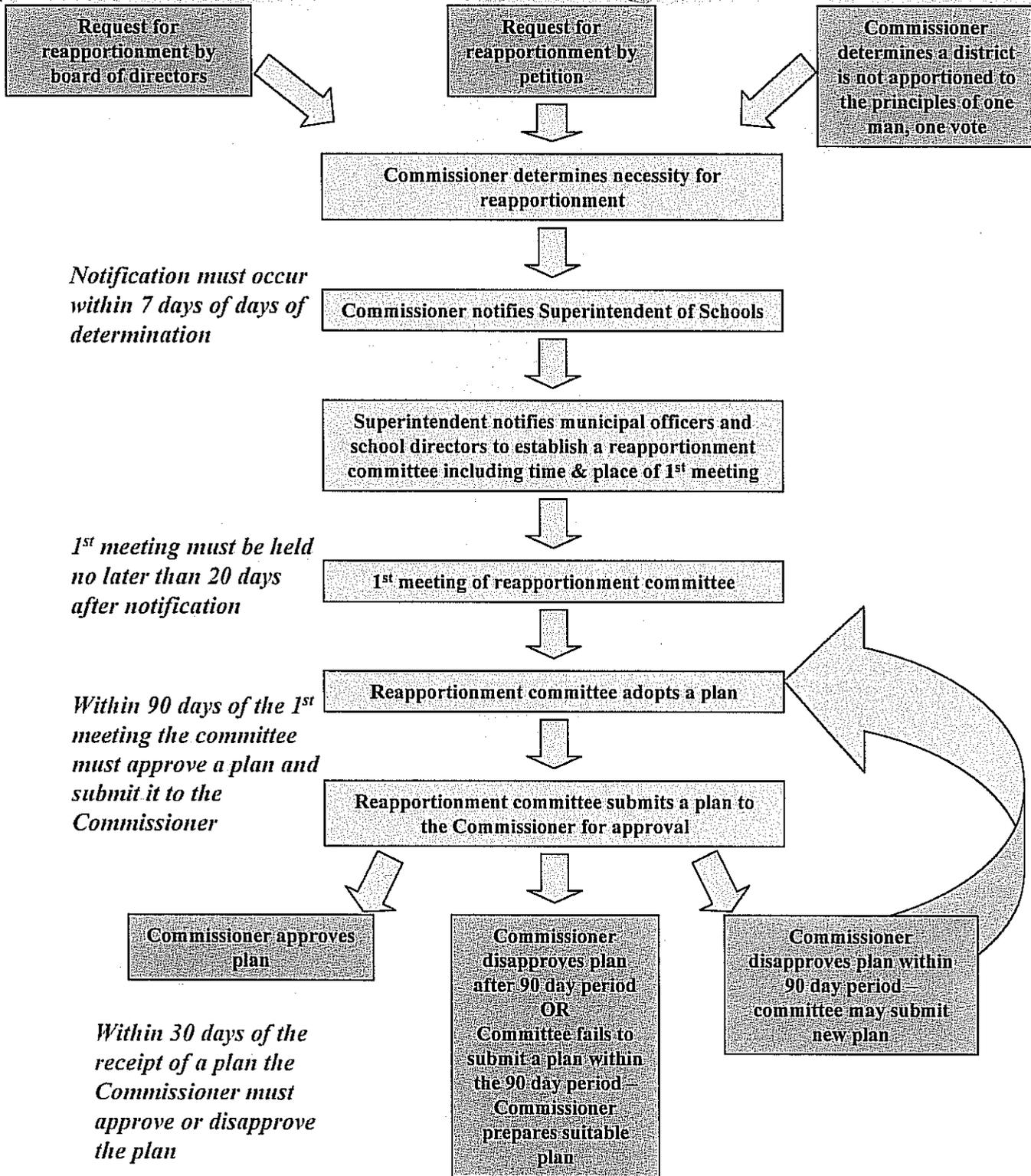
MUNICIPALITY	2010 Federal CENSUS	Percent of Population	Total Votes (995 to 1005)	Number of Directors	Director Votes Per Director	Percentage Deviation of Voting Power
Alna	709	4.8%	48	1	48	4.8%
Chelsea	2,721	18.3%	183	2	92	<b>9.2%</b>
Palermo	1,535	10.3%	103	2	52	5.2%
Somerville	548	3.7%	37	1	37	3.7%
Westport Island	718	4.8%	48	1	48	4.8%
Whitefield	2,300	15.5%	155	3	52	5.2%
Windsor	2,575	17.4%	174	3	58	5.8%
Wiscasset	3,732	25.2%	252	4	63	6.3%
<b>TOTALS</b>	<b>14,838</b>	<b>100.0%</b>	<b>1000</b>	<b>17</b>		

$$1000 / 17 = \frac{58.82}{1000} = 5.9\% \text{ Average}$$

$$\text{PLUS } 5.0\% \text{ Per Section 1252}$$

This is in compliance **9.2%** does not exceed the maximum allowable voting power of **10.9%**. **10.9%** = MAXIMUM VOTING POWER OF ANY ONE DIRECTOR

# Reapportionment Timeline



State of Maine  
DEPARTMENT OF EDUCATION  
State House Station #23  
Augusta, Maine 04333

February 2011

***PROCEDURES WHEN CONSIDERING THE REAPPORTIONMENT OF THE BOARD OF  
SCHOOL DIRECTORS IN A SCHOOL ADMINISTRATIVE DISTRICT OR A  
COMMUNITY SCHOOL DISTRICT OR A REGIONAL SCHOOL UNIT***

To: The Municipal Officers and School Directors Representing Municipalities of a School Administrative District and School Directors Representing Municipalities of a Community School District and Municipal Officers and School Directors Representing Municipalities of a Regional School Unit

The Commissioner of the Department of Education shall determine the necessity for reapportionment in accordance with 20-A M.R.S.A. §1255, § 1651 and §1475 when:

- A. The Commissioner receives a request from the board of directors, or
- B. The Commissioner receives a petition signed by the district voters equal to at least 10 percent of the voters who voted in the last gubernatorial election in all the municipalities comprising the district, or
- C. The Commissioner determines a district is not apportioned to the principles of one person, one vote.

The Commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

Reapportionment may be accomplished by using one of the four methods, *Method A: Subdistrict representation, Method B: Weighted votes, Method C: At-large voting, or Method D: Any other method that meets the requirement of the one person, one vote principle*, as set forth in 20-A M.R.S.A. §1252 or §1472. If the request or petition is received within 12 months before a Federal Decennial Census or Federal Estimated Census, then the Commissioner may wait until after the appropriate census figures are due to be issued before he makes a determination as to whether the district must be reapportioned.

**Reapportionment Procedures:**

1. The Commissioner must notify the Superintendent of Schools when a district board must be reapportioned, within seven days of the date of the decision that the district's representation is not apportioned in accordance with the principal of one person, one vote. This notification will include the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

2. Upon receiving the Commissioner's notice, the Superintendent of Schools must notify the municipal officers and school directors to establish a reapportionment committee. The superintendent's notification must include
  - A. The commissioner's notification,
  - B. The information provided pursuant to subsection 6 (the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan provided by the Commissioner) and
  - C. The time and place for the first meeting of the committee that must be held not later than 20 days after the notification.
3. The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.
4. The reapportionment committee at its first meeting shall elect from its membership a chairman and a secretary and may adopt rules of procedure to expedite its business.
5. The reapportionment committee shall consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict;
6. Within 90 days of the first meeting, the reapportionment committee shall send a report of their plan to the Commissioner for approval. It may, within the 90-day limit, submit alternative plans for apportionment.
7. The Commissioner shall approve or disapprove a plan within 30 days of receipt of a plan. If a plan is disapproved, other plans may be submitted within the 90-day limit.
8. If no plan has been adopted by the committee or approved by the Commissioner within 90 days of the first meeting of the reapportionment committee, the Commissioner shall prepare a suitable plan.
9. Upon approval of a plan, the Commissioner shall notify the municipal officers and the board of school directors of the approved plan by sending a certified copy to each official. The original of the approved plan shall be retained in the files of the Department of Education.
10. The approved plan shall be effective immediately. The reapportionment committee shall determine the terms of the new directors for any municipality, who shall be elected at the next annual municipal election. Terms shall be determined as required in 20-A M.R.S.A. §1253 or §1472.

11. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved as follows:
  - A. If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.
  - B. If the reduction can not be achieved in accordance with subparagraph (A.) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.
  - C. If the reduction can not be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate.
12. If additional directors are required by the plan in any municipality, the municipal officers shall fill the vacancies by appointment. Such directors shall serve until a successor is elected and qualified at the next annual municipal election.
13. The board of directors, during the reapportionment of its membership shall serve as legal representatives of the district until the reapportionment is completed. The board shall carry out all business of the district, including the borrowing of necessary funds that may be required during the period of reapportionment.
14. After putting the approved plan into effect, the reapportionment committee shall be dissolved.
15. A school administrative district/community school district or interested parties may request that the State Board of Education reconsider decisions made by the Commissioner of Education regarding apportionment. The State Board of Education shall have the authority to overturn a decision made by the Commissioner.

February 2011

***STATUTES REGARDING METHODS OF REPRESENTATION AND  
REAPPORTIONMENT***

**SCHOOL ADMINISTRATIVE DISTRICT**

**20-A §1252. METHODS OF REPRESENTATION**

The following are methods of representation.

**1. Method A: Subdistrict representation.** Directors shall represent subdistricts.

A. The subdistricts, as far as practicable, shall be whole municipalities. If the municipalities are divided into subdistricts, then they shall be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality.

B. The boundaries of each subdistrict shall be determined by a majority vote of the joint meeting or reapportionment committee. Each subdistrict shall have one director, except that in a municipality comprised of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large.

**2. Method B: Weighted votes.** Directors shall cast weighted votes.

A. The committee shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 shall be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the district, as determined by the latest Federal Decennial Census or Federal Estimated Census.

B. To assure the use of whole numbers, the 1,000 votes apportioned among the board members may be increased or decreased by not more than 5 votes.

C. A plan may not permit the voting power of any director to exceed by more than 2% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors.

D. In a municipality served by 2 or more directors, the votes cast by them shall be divided equally among them. The directors shall be elected at large within the municipality unless otherwise provided by municipal charter.

**3. Method C: At-large voting.** Directors shall be elected at large by all of the voters in the district.

**4. Method D: Other.** Directors may be elected by any other method that meets the requirements of the one-man, one-vote principle that is not included in Methods A, B or C.

**20-A §1253. ELECTION**

For the purpose of nominations, school directors shall be considered municipal officials and shall be nominated in accordance with Title 30-A, chapter 121, or with a municipal charter, whichever is applicable.

**1. Initial meeting on district formation.** On the election of the school directors, the clerk of each municipality within the school administrative district shall forward the names of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in the manner set

forth in section 1202, subsection 3, paragraph A.

**2. Special provisions.** In the election for representation under the methods provided in section 1252 the following shall apply.

**A. Under Method A:**

- (1) Within 60 days, but no earlier than 45 days after notification by the board of directors of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;
- (2) Nomination papers must be furnished by the secretary of the district at least 10 days before the deadline for filing of nomination papers. Notwithstanding any other section of this Title, directors must be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;
- (3) The ballots must be prepared in accordance with subparagraph (7);
- (4) The clerks of each municipality shall forward to the secretary the results of the vote by subdistrict;
- (5) The board of directors shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;
- (6) The terms of the directors elected under the original municipal representation system cease on the date that the newly elected directors are sworn into office; and
- (7) Notwithstanding any other provision of statute, directors must be elected by secret ballot. The ballots must be prepared for and distributed to the municipalities or subdistricts by the secretary of the district.

**A-1. Under Method B:**

- (1) Reductions in the number of directors must take place in accordance with section 1255, subsection 1, paragraph B;
- (2) Additional directors must be added in accordance with section 1255, subsection 1, paragraph C; and
- (3) The term of office of additional directors must be determined in accordance with section 1251, subsection 3.

**B. Under Method C:**

- (1) Nominations for directors shall be made on petitions provided by the district secretary. The petitions shall be signed as provided in Title 30-A, section 2528, subsection 4, or if the candidate is a voting resident in a municipality having less than 200 population, signed by at least 20% of the registered voters of that municipality;
- (2) The petitions shall be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the director nominated and of the voters signing the petition;
- (3) The registrar of voters shall return the certified petitions to the district secretary not later than 30 days prior to the date of the annual election to be held in the municipality;
- (4) The ballot shall be prepared and distributed by the district secretary. It shall give the number of offices to be filled and list the candidates by municipalities or subdistricts in which they are resident;
- (5) Notwithstanding any other provision of law, school directors shall be elected by secret ballot;
- (6) If all member municipalities do not conduct the election for directors on the same date, then all ballots cast in the elections shall be impounded by the clerk of each municipality:
  - (a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed upon location and tally the ballot;
  - (b) The tally shall be completed within one day of the last member municipality election;
  - (c) The election supervisors shall select from among their members a chairman who shall supervise the tally of ballots; and
  - (d) The clerk of each municipality shall as promptly as possible after the election certify to the board of directors the result of the voting in that municipality; and

(7) Any recount petitions shall be filed with the secretary of the board of directors and recounts shall be conducted in each member municipality in accordance with the applicable laws.

**20-A §1255. REAPPORTIONMENT**

The commissioner shall determine the necessity for reapportionment.

**1. Duties of commissioner.** The commissioner shall determine if a district is apportioned in accordance with the principles of one person, one vote, if:

- A. The commissioner receives a request by the board of directors;
- B. The commissioner receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or
- C. The commissioner determines a district is not apportioned according to the principles of one person, one vote.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

**2. Awaiting census results.** If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, he may wait until after the new census figures are available to make a determination.

**3. Findings and order.** If the commissioner finds the district's representation is not apportioned in accordance with the principle of one person, one vote, the commissioner shall, within 7 days of that decision, notify the superintendent of the finding and shall order the superintendent to notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

**4. Reapportionment committee membership.** The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.

**5. Quorum.** A majority of the committee shall be a quorum.

**6. Duties of commissioner.** The commissioner shall provide the superintendent with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

**7. Duties of the reapportionment committee.** The committee shall:

- A. Elect a chairman and secretary and may adopt suitable rules of procedure;
- B. Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict; and
- C. Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment.

**8. Commissioner approval.** The commissioner shall approve or disapprove the committee plan within 30 days of receiving it.

**9. Failure to gain commissioner approval.** If a plan has not been adopted by the committee or approved by the commissioner within the time limits, he shall prepare a suitable plan.

**10. Putting the approved plan into effect.** On approval of a plan, the commissioner shall send a certified copy to the municipal officers and school directors. The original plan shall be retained in the department files.

- A. The approved plan shall be effective immediately. The committee shall determine the terms of the directors who shall be elected at the next annual municipal elections so as to comply with section 1253.
- B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction

must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.

(2) If the reduction cannot be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.

(3) If the reduction cannot be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate.

C. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director shall serve until a successor is elected and qualified at the next annual municipal election.

D.

E. The reapportionment committee shall thereupon be dissolved.

**11. Duties of present directors during reapportionment.** The board of directors, during the reapportionment of its membership, shall serve as legal representatives of the district until the reapportionment is completed. The board shall carry out all business of the district, including the borrowing of necessary funds which may be required during the period of reapportionment.

**12. State board review of commissioner's decisions.** A school administrative district or interested parties may request that the state board reconsider decisions made by the commissioner in this section. The state board shall have the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

**13. Rules.** The state board may adopt rules to carry out this section.

## **REGIONAL SCHOOL UNIT**

### **20-A §1472. METHODS OF APPORTIONMENT**

**1. Method A: subdistrict representation.** Under the method of representation referred to as "Method A," directors represent subdistricts.

A. The subdistricts, as far as practicable, must be whole municipalities. If the municipalities are divided into subdistricts, then they must be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality.

B. The boundaries of each subdistrict must be determined by a majority vote of the reapportionment committee under section 1475. Each subdistrict must have one director, except that in a municipality composed of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large.

**2. Method B: weighted votes.** Under the method of representation referred to as "Method B," directors cast weighted votes.

A. The reapportionment committee under section 1475 shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 must be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the regional school unit, as determined by the latest Federal Decennial Census or Federal Estimated Census.

B. To ensure the use of whole numbers, the 1,000 votes apportioned among the board members may not be increased or decreased by more than 5 votes.

C. A plan may not permit the voting power of any director to exceed by more than 5% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors.

D. In a municipality served by 2 or more directors, the votes cast by them must be divided equally among them. The directors are elected at large within the municipality unless otherwise provided by municipal charter.

**3. Method C: at-large voting .** Under the method of representation referred to as "Method C," directors are elected at large by all of the voters in the regional school unit.

**4. Method D: other.** Under the method of representation referred to as "Method D," directors are elected by any method other than those set forth in subsections 1, 2 and 3 that meets the requirements of the one-person, one-vote principle.

## **20-A §1473. ELECTION**

For the purpose of nominations, regional school unit board directors are considered municipal officials and must be nominated in accordance with Title 30-A, chapter 121 or with a municipal charter, whichever is applicable.

**1. Initial meeting on regional school unit formation.** On the election of the regional school unit board of directors, the clerk of each municipality within the regional school unit shall forward the names and addresses of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names and addresses of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in writing, sent by registered or certified mail, return receipt requested, to the addresses provided by the municipalities.

**2. Special provisions.** In the election for representation under the methods provided under section 1472, the provisions of this subsection apply.

A. In an election under Method A pursuant to section 1472, subsection 1:

- (1) Within 60 days, but no earlier than 45 days after notification by the regional school unit board of the approval of the reapportionment plan under section 1475, the municipal officers shall call a special election to elect directors to serve under the plan for the regional school unit;
- (2) Nomination papers must be furnished by the secretary of the regional school unit at least 10 days before the deadline for filing nomination papers. Notwithstanding any other section of this Title, directors must be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within a subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;
- (3) The ballots must be prepared in accordance with subparagraph (7);
- (4) The clerks of each municipality shall forward to the secretary of the regional school unit the results of the vote by subdistrict;
- (5) The regional school unit board shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;
- (6) The terms of the directors elected under the original municipal representation system cease on the date that the newly elected directors are sworn into office; and
- (7) Notwithstanding any other provision of statute, directors must be elected by secret ballot. The ballots must be prepared for and distributed to the municipalities or subdistricts by the secretary of the regional school unit.

B. In an election under Method B pursuant to section 1472, subsection 2, a reduction in the number of directors, the addition of directors and the terms of office of additional directors must be in accordance with this chapter.

C. In an election under Method C pursuant to section 1472, subsection 3:

- (1) Nominations for directors must be made on petitions provided by the regional school unit secretary. The petitions must be signed as provided in Title 30-A, section 2528, subsection 4 or, if the candidate is a voting resident in a municipality having a population of less than 200, signed by at least 20% of the registered voters of that municipality;
- (2) The petitions must be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the nominee and of the voters signing the petition;
- (3) The registrar of voters must return the certified petitions to the regional school unit secretary not later than 30 days prior to the date of the annual election to be held in the municipality;
- (4) The ballots must be prepared and distributed by the regional school unit secretary. It must give the number of

offices to be filled and list the candidates by the municipality or subdistrict in which they are resident;

(5) Notwithstanding any other provision of law, regional school unit board directors must be elected by secret ballot;

(6) If member municipalities do not all conduct the election for directors on the same date, then all ballots cast in the elections must be impounded by the clerk of each municipality:

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed-upon location and tally the ballots;

(b) The tally must be completed within one day of the last member municipality election;

(c) The election supervisors shall select from among their members a chair, who shall supervise the tally of ballots; and

(d) The clerk of each municipality shall as promptly as possible after the election certify to the regional school unit board the result of the voting in that municipality; and

(7) Any recount petitions must be filed with the secretary of the regional school unit, and recounts must be conducted in each member municipality in accordance with the applicable laws.

## **20-A §1475. REAPPORTIONMENT**

The commissioner shall determine the necessity for reapportionment.

**1. Duties of commissioner.** The commissioner shall determine if a regional school unit is apportioned in accordance with the one-person, one-vote principle if:

A. The commissioner receives a request by the regional school unit board; or

B. The commissioner receives a petition signed by a number of regional school unit voters equal to at least 10% of the voters who voted in the last gubernatorial election in the regional school unit.

In addition to a determination initiated by a request pursuant to paragraph A or a petition pursuant to paragraph B, the commissioner may, of the commissioner's own accord, determine that a regional school unit is not apportioned according to the one-person, one-vote principle.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

**2. Awaiting census results.** If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the commissioner may wait until after the new census figures are available to make a determination under subsection 1.

**3. Findings and order.** If the commissioner finds the regional school unit representation is not apportioned in accordance with the principle of one person, one vote, the commissioner, within 7 days of that decision, shall notify the superintendent of the regional school unit of the finding and order the superintendent to notify the municipal officers in each municipality in the regional school unit and the regional school unit board to create a reapportionment committee. The superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

**4. Reapportionment committee membership.** The reapportionment committee consists of one municipal officer and one citizen from each member municipality, chosen by the respective municipal officers, and one director from each municipality, chosen by the board of directors. The appointments must be made prior to the first meeting of the committee.

**5. Quorum.** A majority of the reapportionment committee constitutes a quorum.

**6. Duties of commissioner .** The commissioner shall provide the superintendent of the regional school unit with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the regional school unit and at least one recommended apportionment plan.

**7. Duties of the reapportionment committee.** The reapportionment committee shall:

- A. Elect a chair and secretary and may adopt suitable rules of procedure;
- B. Consider and by majority vote adopt a reapportionment plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict; and
- C. Within 90 days of the first meeting, send a report of its reapportionment plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment.

**8. Commissioner approval.** The commissioner shall approve or disapprove the reapportionment committee plan under subsection 7 within 30 days of receiving it.

**9. Failure to gain commissioner approval.** If a reapportionment plan has not been adopted by the reapportionment committee or approved by the commissioner within the time limits of subsection 7, the commissioner shall prepare a suitable plan.

**10. Putting the approved plan into effect.** On approval of a reapportionment plan, the commissioner shall send a certified copy to the municipal officers and regional school unit board. The original reapportionment plan must be retained in the department files.

- A. The reapportionment plan takes effect immediately upon approval. The reapportionment committee shall determine the terms of the directors to be elected at the next annual municipal elections so as to comply with this chapter.
- B. If the approved reapportionment plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.
  - (1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.
  - (2) If the reduction cannot be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.
  - (3) If the reduction cannot be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate.
- C. If the approved reapportionment plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director serves until a successor is elected and qualified at the next annual municipal election.
- D. The reapportionment committee is dissolved after the approved reapportionment plan is implemented.

**11. Duties of present directors during reapportionment.** The regional school unit board, during the reapportionment of its membership, serves as the legal representative of the regional school unit until the reapportionment is completed. The board shall carry out all business of the regional school unit, including the borrowing of funds that may be required during the period of reapportionment.

**12. State board review of commissioner's decisions.** A regional school unit board or interested parties may request that the state board reconsider decisions made by the commissioner under this section. The state board has the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

## **COMMUNITY SCHOOL DISTRICT**

### **20-A §1651. DISTRICT BOARD OF TRUSTEES**

The following provisions shall apply to the community school district board of trustees.

**1. Terms of office.** The terms of office of trustees are as follows.

- A. When a community school district has been formed the municipal officers of each of the member municipalities shall appoint 3 residents from each municipality to serve on the board of trustees of the community school district. The 3 trustees shall be appointed as follows: One for one year; one for 2 years; and one for 3 years.

B. Thereafter, one trustee from each municipality shall be elected each year for a term of 3 years by the voters of each of the participating municipalities. The elections shall take place at the annual municipal meetings and the trustees elected, or appointed, shall serve until their successors are elected and qualified.

C. Vacancies, whether caused by death, by resignation or by being absent from the municipality for more than 90 days, shall be filled by appointment by the municipal officers of the municipality which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual meeting.

**2. Duties.** The district board of trustees shall:

A. Meet on call of one of its members after reasonable notice;

B. Elect a chairman, treasurer and a secretary. The district board of trustees may authorize the district's superintendent to act as its secretary and treasurer;

C. Determine the representation of each municipality on the district school committee. The representation of each municipality shall be in approximately the same ratio to the total membership of the district school committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all of the member municipalities. Federal Estimated Census figures shall be used if they are more recent than the Federal Decennial Census figures;

D. Handle requests of petitions for reapportionment in the manner provided for school administrative districts under section 1255; and

E. Borrow funds as provided in section 1702.

**3. State board return.** When the trustees have fulfilled the requirements of subsection 2 they shall file a return to that effect with the state board.

**4. District school committee to act as district board of trustees.** A community school district may vote at any time on the article in section 1602, subsection 1, paragraph C, to see if the district school committee shall be authorized to perform the function of the district board of trustees. If the municipalities vote affirmatively on that article, the district school committee shall perform the duties of the district board of trustees under this chapter.

## **20-A §1653. ELECTION; VACANCIES**

**1. Representation on school committees in districts that do not include kindergarten and grades one to 12; districts that include kindergarten and grades one to 12; starting date for term of office.** Each member town's representation on the district's school committee, as determined pursuant to section 1651, subsection 2, paragraph C, must be chosen as follows.

A. In a district that does not include kindergarten and grades one to 12, the school committee of each member town shall choose from its membership the representation on the community school district's school committee to which that town is entitled. Membership on the district's committee is coterminous with the member's term of office on the school committee of the town that the member represents.

B. In a district that includes kindergarten and grades one to 12, the member towns shall elect their representatives directly to the district's school committee as follows.

(1) For the purpose of nominations, the members of the school committee are considered municipal officers and must be nominated in accordance with Title 30-A, chapter 121, or in accordance with a municipal charter, whichever is applicable.

(2) Upon the election of the members to the school committee, the clerks of the several municipalities within the district shall forward the names of the members of the committee elected by each municipality to the secretary of the district's school committee.

(3) The terms of office are determined by lot as follows: One third of the members of the school committee serve one-year terms; 1/3 serve 2-year terms; and 1/3 serve 3-year terms. In the event the number of members is not evenly divisible by 3, the terms of the members represented by the integer obtained by dividing the number of members by 3 are determined by the preceding sentence; if one member remains, that member serves a 3-year term; if 2 members remain, one serves a 3-year term; and one serves a 2-year term, to be determined by lot. The members

of the school committee serve their terms as determined and an additional period until the next regular election of the municipalities. Thereafter, their terms of office date from the time of each municipality's regular election. In a city where elections are held biennially, the term of each member is for 4 years, dating from the time of the regular city election and, following the initial election, the members choose by lot to see who will serve for 4 years and who will serve for 2 years. Thereafter, each member is elected to serve for 4 years.

C. Notwithstanding paragraphs A and B, the voters of a district may vote on an appropriate article at meetings called by the municipal officers of the respective member towns, in accordance with section 1602, to establish a fixed common date for all newly elected school committee members to assume their terms of office. The common date must be subsequent to the last annual municipal election within the district, but may be no later than July 1st of the next fiscal year. The adoption of such a common date is conditional upon the favorable passage of this article at each of the meetings of the member towns. This paragraph does not apply to commencement of terms of office of members elected to fill vacancies. Vacancies are filled for the remainder of the unexpired term as provided in subsection 2, paragraph A.

**2. Vacancies caused by death or resignation; declaration of vacancy; attendance as nonvoting member.** Vacancies caused by death or resignation are filled as follows.

A. A vacancy on a school committee of a district that does not include kindergarten and grades one to 12, whether caused by death, by resignation or by a member having changed residence from the town that the member was elected to represent, must be filled by the school committee of the town in which the vacancy occurs. A similar vacancy on a school committee of a district that includes kindergarten and grades one to 12 must be filled by the municipal officers of the municipality in which the member resided. The municipal officers shall select a new member from the municipality in which the old member resided to serve until the next annual municipal election at which time a replacement must be elected to serve the remainder of the unexpired term. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency.

B. If any representative on the school committee in a community school district that does not include kindergarten and grades one to 12 is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists and the school committee in the representative's town may choose from among its members another representative to the community school committee. The new member must be chosen on the basis of seniority.

Except in municipalities having a municipal charter, if any representative on the school committee in a community school district that includes kindergarten and grades one to 12 is absent without excuse from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The municipality shall elect another representative to the community school committee in the same manner as provided for original election under subsection 1, paragraph B. The successor serves for the remainder of the unexpired term.

C. If a member of the school committee in a community school district that does not include kindergarten and grades one to 12 is absent from a meeting, the senior nonvoting member is allowed all the rights and privileges of the absent member. This paragraph applies only to a community with only one member on the community school committee.

**Laurie Smith**

**From:** Kelley P. Wheeler <kpw@mainepoweroptions.org>  
**Sent:** Monday, April 11, 2011 11:05 AM  
**To:** townmanager@wiscasset.org  
**Subject:** Maine PowerOptions Fuel Program Update 4-11-2011  
**Attachments:** Fuel Oil commentary April 2011.pdf

Maine  
PowerOptions

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[www.mainepoweroptions.org](http://www.mainepoweroptions.org)

To: Laurie Smith, Wiscasset, Town of

From: Jonathan Youde

Date: April 11, 2011

RE: Fuel Survey Update

Maine PowerOptions has operated an annual fuel program since our inception in 1999. Each year there is some volatility and timing of the bid is difficult when trying to achieve the best possible results for our broad coalition of members.

This year the process has seen significant volatility with unrest in the Middle East and continued speculation of the markets driving prices upward. In our pre-survey letter we indicated pricing could well be \$3.20/gallon; currently that would be an excellent price. I have attached a sheet with a series of graphs from the Energy Information Administration indicating the levels of fuel stocks, demand, and price. In short, the fundamentals of Supply and Demand would indicate that prices would be significantly lower than they are now; however, speculation over many issues is driving the market.

We had planned to look at pricing options at the end of April/May but unless events change radically this seems unlikely. In 2008, Gasoline prices peaked at about \$4.50/gallon and Heating Oil fixed pricing was over \$4.00/gallon, then demand dropped like a stone and prices plummeted. Gasoline accounts for about 75% of a barrel of crude oil, major changes in Gasoline demand create huge shifts in price for all Fuel Oil

products.

The lessons learned in 2008 are a good reminder for today's prices. On May 20<sup>th</sup>, 2008 when we conducted our first bid, fixed prices were \$4.05 to \$4.50/gallon, in August 2008 prices were \$3.60, and in October they were \$2.92/gallon. Those who chose an index-price in the initial bid in May 2008 were able to later lock in prices at less than \$3/gallon.

The strategies we believe will achieve the best results are to choose the best index-price and then wait for market conditions to improve and lock-in the price for the winter period. We are planning on adjusting our agreements to allow for a conversion of an index-price to a fixed-price at any time during the contract. In the past few years the bidder offering the lowest price for an index-price was also the low bidder for a fixed price. If the majority of you can or are willing to indicate an acceptance of an index-price with a conversion later, we can provide more time to allow you to review the bid pricing.

I hope you will review the information and pass along any comments. The majority of you have contracts which expire at the end of May or June. We will seek proposals before the end of May, however my goal would be to seek index-pricing only for that bid.

We greatly appreciate your input and suggestions as we proceed in this very volatile market and do our best to secure the best options for each of you.

Best Regards,  
Jon

\*\*\*\*\*

***Jonathan Youde***

Program Officer

**Maine PowerOptions**

A Program of the Maine Municipal Bond Bank and  
the Maine Health and Higher Educational Facilities Authority

[jry@mainepoweroptions.org](mailto:jry@mainepoweroptions.org)