



# Town of Wiscasset

## NOTICE TOWN OF WISCASSET PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Tuesday, June 19, 2012 at the Wiscasset Town Office Hearing Room at 7:00 p.m. for the purpose of adopting MMA's new (July 1, 2012 – June 30, 2012) General Assistance Ordinance Appendix A, reduction in the overall maximums, and nine month housing limit. The public will be given an opportunity to be heard prior to the consideration of the ordinance by the municipal officers. A copy of the ordinance is available at the Town Office.

*A true copy attest: Christene Wolfe 6-5-12*

# GENERAL ASSISTANCE ORDINANCE APPENDICES A 2012-2013

The Municipality of \_\_\_\_\_ adopts the MMA Model Ordinance GA Appendices A for the period of July 1, 2012—June 30, 2013, as revised April 2012. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)  
by the municipal officers:

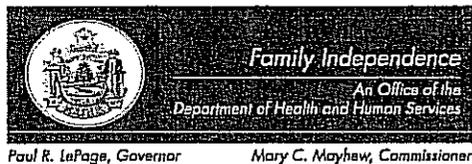
\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

**Sample General Assistance Program Ordinance Amendment to Incorporate the FY 2013  
“Temporary” Housing Assistance Limit**

Amend Article VI, Section 6.8 (B) of the General Assistance Ordinance adopted by the municipal officers in the Town/City of \_\_\_\_\_, to be effective on and after July 1, 2012, as follows:

- B) **Housing.** The administrator will provide assistance with rent or mortgage payments that are reasonable ~~and/or~~ within the allowed maximum levels and in accordance with the housing assistance limits and exceptions provided in Title 22, section 4308, subsections 1-A and 1-B. See Appendix C of this ordinance for the current year’s housing maximums. It is the applicant’s responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level of the number of rooms actually needed.



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Office for Family Independence  
19 Union Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 624-4168  
Toll Free: 1-800-442-6003  
Fax (207) 287-3455

TO: Municipal Officials/Welfare Directors/General Assistance Administrators

FROM: Dave MacLean, General Assistance Program Manager

RE: 2012 – 2013 General Assistance Ordinance Maximums

DATE: May 25, 2012

Enclosed please find the following items:

- MMA's new (July 1, 2012–June 30, 2013) “**General Assistance Ordinance Appendix**” (A).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA maximums adoption form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS in the self-addressed envelope provided with this packet (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

### Appendix A

The enclosed Appendix A has been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendix A dated October 1, 2011–September 30, 2012. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly**. The various maximum levels of General Assistance set forth in Appendices A are established as a matter of state law based on action taken during the

past legislative session establishing maximums at 90% of the maximum level of assistance in effect on April 1, 2012.

### **The Adoption Process**

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

### **Filing of GA Ordinance and/or Appendices**

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site [www.memun.org](http://www.memun.org)).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

We will forward to you, copies of the revised Statute and Policy that cover the changes once they have been published.

# CHANGES, CHANGES, CHANGES.....

On Friday, May 18<sup>th</sup>, DHHS administrative staff moved from 442 Civic Center Drive, Augusta to 19 Union Street, Augusta. The 11 State House Station will remain the same.

General Assistance  
19 Union Street  
# 11 State House Station  
Augusta, ME 04333-0011

Some telephone numbers have changed and are as follows:

Dave MacLean		Program Manager	624-4138
Robin Reed		SSI Contact	624-4164
Maurice Doyon		Reimbursement Clerk	624-4148
Joanna Dall	A-E	Payment Accuracy Team	624-4146
Brenda Vigue	F-P	Payment Accuracy Team	624-4145
Paula Casoria	Q-Z	Payment Accuracy Team	624-4144

**Hot line # 1-800-442-6003 or 624-4168**

The Augusta fax number will remain the same **287-3455**

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In accordance with legislative action, the following changes will take effect on July 1, 2012 thru June 30, 2013.

**Sec. R-1. 22 MRSA §4305, sub-§3-C** is enacted to read:

**3-C. Maximum level of assistance from July 1, 2012 to June 30, 2013.** Notwithstanding subsection 3-A or 3-B, for the period from July 1, 2012 to June 30, 2013, the maximum level of assistance is 90% of the maximum level of assistance in effect on April 1, 2012.

This includes the overall maximum only. These are to be adopted by the municipality. They should be used starting July 1<sup>st</sup> whether they have been adopted yet or not.

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**Sec. R-2. 22 MRSA §4308, sub-§§1-A and 1-B** are enacted to read:

**1-A. Limit on housing assistance.** Except as provided in subsections 1-B and 2, housing assistance provided pursuant to this chapter is limited to a maximum of 9 months during the period from July 1, 2012 to June 30, 2013.

We are currently working on determining the best way to track the 9 months of housing. This is going to be challenging as there is currently not a data base that tracks GA assistance provided to individuals.

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**1-B. Extension of housing assistance due to hardship.** An applicant is eligible for housing assistance under this chapter beyond the limit established in subsection 1-A if the applicant has a severe and persistent mental or physical condition warranting such an extension or has an application for assistance pending with the federal Social Security Administration.

We are aware of the potential for abuse in this section and we are currently working on developing guidance so this is applied in a consistent manner State wide.

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**Sec. R-3. Temporary reduction in 90% general assistance reimbursement.**

Notwithstanding the Maine Revised Statutes, Title 22, section 4311, subsection 1, for the period from July 1, 2012 to June 30, 2013, the state reimbursement rate pursuant to the Maine Revised Statutes, Title 22, section 4311, subsection.1 is reduced to 85% for a municipality that incurs net general assistance costs in a fiscal year in excess of .0003 of that municipality's most recent state valuation. Page 136 - 125LR2847(16)-1

This section is self explanatory.

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Also passed in this budget was the mandate of establishing a "Working Group" to review and make recommendations regarding the General Assistance Program. The first meeting will be scheduled for the first week of June.

Also passed in the budget was an initiative to provide assistance in the SSI disability determination process. Five individuals will be hired by the State of Maine DHHS to assist recipients of General Assistance in working their way through that disability determination process in an attempt to expedite those decisions and limit the time and amounts of General Assistance expended for those individuals. The expected start date on that project is expected to be July 1<sup>st</sup>.

**Lisa Garman**

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**From:** Heath, Ellen <Ellen.Heath@maine.gov>  
**Sent:** Friday, June 01, 2012 2:38 PM  
**To:** Alna ; Boothbay; Boothbay Harbor; Bremen; Bristol; Damariscotta ; Dredsen; Edgecomb; Jefferson; Monhegan Plantation; Newcastle; Nobleboro; South Bristol; Southport; Waldoboro, Palermo; Westport Island; Whitefield; Wiscasset  
**Subject:** Ordinance changes  
**Attachments:** 2012 GA Ordinance Amendment - Housing Limit.doc

With all of the confusion that has gone on and the clarification to only adopt Appendix A the reduction in the overall maximum, (which you will be receiving by US mail), we want to remind you of the need to adopt the change to the ordinance regarding the nine month housing limit as well.

Sorry for the confusion,

*Ellen D. Heath* <<2012 GA Ordinance Amendment - Housing Limit.doc>>

Field Examiner II

General Assistance Program

Maine Department of Health and Human Services

Office for Family Independence

email: [ellen.heath@maine.gov](mailto:ellen.heath@maine.gov)

Questions pertaining to the General Assistance Program may be directed to the GA Hotline at 1-800-442-6003 Monday thru Friday from 8:00 AM to 5:00 PM.

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, or an authorized agent of the intended recipient, please immediately contact the sender by reply e-mail and destroy/delete all copies of the original message. Any unauthorized review, use, copying, forwarding, disclosure, or distribution by other than the intended recipient or authorized agent is prohibited.

# GA MAXIMUMS SUMMARY SHEET

(July 1, 2012-June 30, 2013)

## APPENDIX A OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6

NOTE: For each additional person add \$68 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

## APPENDIX B FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

NOTE: For each additional person add \$150 per month.

## APPENDIX C HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

## GA Overall Maximums

### Metropolitan Areas

#### Persons in Household

COUNTY	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	550	641	818	1040	1174
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	561	563	676	845	1036
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	471	590	720	912	1010
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	731	868	1124	1416	1517
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	912	918	1100	1603	1746
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	607	715	922	1101	1410
Brunswick	608	727	939	1190	1427

# Appendix A

Effective: 07/01/12-06/30/13

COUNTY	1	2	3	4	5*
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	723	724	869	1095	1504
<b>York County HMFA:</b> Acton, Alfred, Arundel, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Shapleigh, Waterboro, Wells Biddeford, Saco, Sanford	661	688	873	1045	1141
	668	744	938	1190	1407

\*Note: Add \$68 for each additional person.

## Non-Metropolitan Areas

### Persons in Household

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	428	527	631	824	912
<b>Franklin County</b>	530	572	696	832	1079
<b>Hancock County</b>	579	668	822	1094	1125
<b>Kennebec County</b>	459	550	684	933	996
<b>Knox County</b>	524	693	791	1071	1236
<b>Lincoln County</b>	633	680	821	991	1118
<b>Oxford County</b>	442	588	678	902	1130
<b>Piscataquis County</b>	550	627	775	984	1053
<b>Somerset County</b>	440	547	632	914	970
<b>Waldo County</b>	617	662	798	979	1041
<b>Washington County</b>	530	572	683	846	923

\* Please Note: Add \$68 for each additional person.

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WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR  
JUNE 5, 2012

Preliminary Minutes

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

1. 7 p.m. Call to order

Chair Judy Colby called the meeting to order at 7:01 p.m.

2. Pledge of Allegiance to the Flag of the United States of America

3. 7 p.m. Public Hearing: Liquor License Renewal- Judy Casella and Village Lighthouse Diner

The chair opened the public hearing at 7:02 p.m. There were no comments or questions. Police Chief Troy Cline reported no complaints. **Judy Colby moved to approve the Liquor License application for Judy Casella and Village Lighthouse Diner. Vote 5-0-0.** The public hearing was closed at 7:03 p.m.

4. Approval of Treasurer's Warrant: May 22, 2012, May 29, 2012 and June 5, 2012

**Pam Dunning moved to approve the Treasurer's warrant of May 22, 2012. Vote 5-0-0. Pam Dunning moved to approve the Treasurer's warrant of May 29, 2012. Vote 5-0-0. David Nichols moved to approve the Treasurer's warrant of June 5, 2012. Vote 5-0-0.**

5. Approval of Minutes: May 15, 2012 and May 22, 2012

**Ed Polewarczyk moved to approve the minutes of May 15, 2012 as amended., Vote 5-0-0. Bill Curtis moved to approve the minutes of May 22, 2012. Vote 5-0-0.**

6. Special Presentations or Awards

a. Business Recognition Award for Paulo Carvalho and the Musical Wonderhouse

Town Manager Laurie Smith gave a brief history of the museum, which, since 1963, has been a showplace for the Konvalinka collection of mechanical music treasures. Chair Judy Colby presented a plaque to Mr. Carvalho in recognition of 49 years of business within the town of Wiscasset as a valuable member of the community and an important economic contributor to the Town of Wiscasset. Paulo Carvalho introduced members of his staff and thanked the town for the award.

7. Appointments - none

8. Public Comment on on-agenda items

Bob Blagden said he disagreed with statements made in a selectman's letter to the editor about the Budget Committee's votes or actions regarding the Planning Department, funding of cemetery maintenance and various capital improvements. Blagden corrected the statements about the Budget Committee's votes and explained the reasoning behind the committee's actions.

In response to Norman Guidoboni's question on the citizen-initiated petition, Judy Colby explained the purpose was to investigate withdrawal from the RSU 12. He objected to an extra sentence and mention of funds in the warrant article, which were not included in the petition, and on the combining of articles.

Roland Abbott, EMA Director, reported that Wiscasset received 6.4 inches of rain over the weekend, but there were no flooded rivers, which he attributed to the ditching, culverts and other mitigation that had been done.

Clark Jones said town should get some of the \$82 million the government is awarding the nuclear power plants that have closed.

#### 9. Department Head or Committee Chair Report

##### A. Discussion of administration of the Fireworks Ordinance in preparation for the 4th of July: Fire Chief Rob Bickford and Police Chief Troy Cline

Rob Bickford, Fire Chief, explained the application process for the use of fireworks; application for a permit must be made seven days in advance to the Fire Department giving the Fire Department an opportunity to meet with the applicant and approve the permit. The permit covers all types of consumer fireworks. Fireworks may be used only between 9 a.m. and 10 p.m. except for the 4th of July and New Year's Eve and the weekends before and after those dates when the deadline is extended to 12:30 a.m. and the use must comply with restrictions. Fireworks will not be allowed on high fire danger days (4 or 5). Police Chief Troy Cline said the department had received calls about fireworks being used without a permit and warnings have been issued. The charge for a second offence will be disorderly conduct, which is a criminal offence, and penalties from \$500 to \$2500 may be levied.

##### B. Public Safety Officials regarding the importance of numbering each house in accordance with the E-911 ordinance

Troy Cline, Rob Bickford and Roland Abbott stressed the importance of having houses and both sides of mailboxes properly identified by reflective numbers four or preferably six inches in height to enable the police, fire or ambulance departments to find the correct address in an emergency, particularly at night.

##### C. Fourth of July Activities Update

Todd Souza, Director of Parks and Recreation, listed the activities planned for the 4th of July. They include the parade starting at 10 a.m., the staging for which will be on Churchill Street; Waterfront Veterans' Memorial salute and flag raising; kayak tour of the harbor; Yacht Club boat parade; car show; family fun (games, petting zoo, children's activities); art show and sale on Maine Street Pier; open mic on stage; car show awards; music by the Generics; award of parade prizes; and fireworks. Water Street will be closed from 3 p.m. to 6 p.m.

##### D. Treasurer/Tax Collector Update: Shari Fredette

Fredette summarized her work in collecting the \$86,664.71 committed by the selectmen in April 2012 and eight matured sewer liens amounting to \$24,017.49. Following foreclosure notices, \$6,503.42 was collected including agreements for continued payments. Fredette's efforts contacting the 90-day accounts, before 30-day notices are sent out in July, resulted in collection of \$5,151.22. She is researching methods of improving the time-consuming process.

Fredette reported that a delinquent tax payment agreement with Michael Carlton had been made for the \$21,727.96 in taxes, which he owes. **Ed Polewarczyk moved to authorize the Town Manager to sign the mature tax lien agreement with Mr. Carlton. Vote 5-0-0.**

As a courtesy to taxpayers, overdue real estate tax reminder notices were sent which will enable them to avoid the cost of certified mail, demand fee and extra interest. The notices have increased cash flow by \$51,810 over the previous year. This year's agreements for the tax club have been sent out and responses have been received.

**Ed Polewarczyk moved to amend the agenda by moving up the opening of paving bids. Vote 5-0-0.**

11 E. Bituminous Paving Bid

The following bids were received:

	Mtn. Rd.	Bradford Rd.	Reclaim	Pave modified Binder	Pave D-Mix	Pave D-Mix Hand Wk.	Bitum. Curb. Ln.Ft.
RC & Sons Paving	\$15,754.40	\$156,504	2.02/sq.yd.	\$94/ton	\$96.89/ton	\$132/ton	\$9.25
Mariners, Inc.	13,400.00	132,440	1.25/sq.yd.	75/ton	77/ton	165/ton	9.00
Ferraiolo Const.	14,852.00	140,936	2.50/sq.yd.	85/ton	90/ton	175/ton	10.00
Harry C. Crooker	21,200.00	172,225	2.75/sq.yd.	80/ton	85/ton	165/ton	10.00
Pike Industries	18,150.00	153,425	2.20/sq.yd.	95/ton	95/ton	150/ton	15.00
Lane Construction	17,130.00	135,150	1.40/sq.yd.	79.50/ton	88/ton	150/ton	10.00
Hagar Enterprises	16,891.60	156,100	3.25/sq.yd.	94.50/ton	94.50/ton	135/ton	11.00

**Judy Colby moved to authorize the Town Manager and Road Commissioner to award the bid to the lowest qualified bidder. Vote 5-0-0.**

11. New Business

A. Discussion: Request by Morris Farm to graze on the Town-owned Superintendent's lot on Gardiner Road

Tony Barnes, Trustee of Morris Farm, requested permission to graze cows during the day only on the 1.5-acre grassy area inside the parcel where the former superintendent's office is located. A temporary electric fence could be installed each day. It was the consensus of the board that any decision on the use of the land be postponed until after the June 12 election when the voters will have an opportunity to vote on the sale of the property.

B. Treasurer regarding a sewer agreement for Sam Patterson

The board had received copies of the proposed agreement with Sam Patterson for payment of an outstanding sewer balance. **Judy Colby moved to approve the sewer purchase agreement with Sam Patterson - Map R-7, Lot 39. Vote 5-0-0.**

C. Quit Claim Deed for Jan Gunnarson, R-4, Lot 5

**Judy Colby moved to sign the quit claim deed for Jan Gunnarson for taxes paid in full on Map R-4, Lot 5. Vote 5-0-0.**

D. Discussion of Bond Sale for the Commercial Pier debt

Laurie Smith reported that the following quotes had been received from the Androscoggin Bank and The First.

Androscoggin Bank: 10-year bond at annual interest of 3.28%, BAN at .89% until December 31.  
The First: 10-year bond at 2.91% with monthly payments, BAN 1.2%.

**Pam Dunning moved to award the commercial pier bond to The First and authorize the Town Manager and Treasurer to take all necessary steps and sign all necessary documentation relative to the closing of the bond. Vote 5-0-0.**

F. Discussion and approval of pier vendor

Forrest Faulkingham withdrew his application.

G. Discussion of Agency Liquor Store Licenses - Circle K #7032, 639 Bath Road; Mike's Log Cabin, 475 Gardiner Road

The State Department of Public Safety, Liquor Licensing, had notified the board that the above applicants had applied for liquor licenses, and information or objections to the locations by the town should be sent to that department. **Judy Colby moved to not submit comments or objections to the Department of Public Safety regarding the liquor licensing of Circle K and Mike's Log Cabin. Vote 5-0-0.**

H. Commercial Waste Hauler application for Pine Tree Waste

**Judy Colby moved to approve the Commercial Waste Hauler application as submitted. Vote 5-0-0.**

I. Municipal Airport Lease Agreement, Manager Ervin Deck

Deck was not able to be present. Laurie Smith said the proposed lease to David Warmack covered the hangar space only. **Judy Colby moved to authorize the Town Manager to sign the Municipal Airport Lease Agreement with airport mechanic David Warmack. Vote 5-0-0.**

12. Town Manager's Report

A. Catch Basin Bid: Bid was awarded to Wilson's Commercial Sweeping.

B. Road Striping Bid: Bid was awarded to Hi-Way Safety Systems, Inc.

C. Koehling Property legal cost estimate from Peter Murray: Smith reported that Attorney Peter Murray had estimated the cost of reviewing the file and commenting would be \$1000. After much discussion, it was the consensus of the board to move forward on the VRAP program at a cost of \$1200 to \$1500 as voted on at the May 15 meeting and to advertise the property for sale by signage on site with an asking price of \$30,000. If there is no action on the property by September the board will revisit the matter.

D. Moratorium for Adult Entertainment: Smith had provided the board with a copy of the state statute. She said that adult entertainment was considered a first amendment issue and had been the cause of many first amendment lawsuits. She added that a moratorium may bring unwanted attention to the town. Legal advice she had obtained was that if it is not an immediate issue, an ordinance should be developed. The board directed the ORC to work on an adult entertainment ordinance following their work on the five or six ordinances that are almost complete; the ordinance will be on the ballot in June 2013.

E. Railing at Post Office Update: The post office has installed a temporary handrail in front of the building. The railing that was recently destroyed by a vehicle will not be replaced, as the postmaster has requested from the Postmaster General that a handicap ramp be installed at that location.

F. Reminder: Abatement Hearing on Wednesday, June 6 at 6:30 p.m.

G. General Update: A date for negotiations with the Public Works and Support Office unions will be delayed until after the June election when a new board, chairman and vice chairman are in place.

The MDOT will move forward with the requests for proposals for a Route 1 master plan. The scope of work has been changed to restore previously deleted items; the cost will be up to \$50,000 with the town

being asked to contribute \$5,000. Smith said \$3500 had been set aside and an additional \$1500 could be taken from contingency. **Pam Dunning moved to add \$1500 from contingency. Vote 4-1-0.**

The Board will meet at the gate at Mason Station for a tour on June 6, at 5 p.m.

Reminder that June 12 is Election Day and that the last day to absentee vote is June 7.

No decision has been made on the candidates for harbormaster.

### 13. Other Business

Judy Colby thanked the town manager and board for a great year.

### 14. Adjourn

**Pam Dunning moved to adjourn. Vote 5-0-0.**

June 6, 2012 Abatement Meeting

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(Listed by Map & Lot)

Present: Judy Colby, Bill Curtis, Pam Dunning, Ed Polewarczyk, Assessors' Agent Sue Varney and Town Manager Laurie Smith. Absent: David Nichols.

Chairman Judy Colby called the meeting to order at 6:00 p.m.

**1. Shirley A. Lahner (U17-001-K, Acct. #2102)**

This property was assessed as a developed lot, which it is not. I recommend an abatement valued at \$21,400, resulting in a refund of \$324.21 be granted.

**Pam Dunning moved, Ed Polewarczyk seconded to approve the abatement. Vote 4-0.**

**2. Phoebe A. Cromwell (R01-044, Acct. #141)**

The garage assessed belongs on lot # 44S. I removed the garage and added to the correct lot. I recommend an abatement valued at \$19,900, resulting in a refund of \$301.49 be granted.

**Judy Colby moved, Bill Curtis seconded to approve the abatement. Vote 4-0. Pam Dunning moved, Ed Polewarczyk seconded to send a supplemental tax bill to the owner of the garage. Vote 4-0.**

**3. David Furbish (Heirs), Penelope F. Ebberts (R05-128, Acct. #793)**

This lot was being assessed for more acreage than actually has. A factual error was made assessing it for 53 acres when survey shows 41.7 acres. I recommend an abatement valued at \$22,600, resulting in a refund of \$342.39 for tax year 2011; \$326.57 for tax year 2010; and \$334.48 for tax year 2009 be granted.

**Judy Colby moved, Pam Dunning seconded to approve the abatement for all three tax years. Vote 4-0.**

**4. Diane L. Sutherburg & Blanche G. Johnson (R07-048, Acct. #977)**

Property owner states that the house is uninhabitable, there is no heating system and has deteriorated over the past 8 years while being empty. I recommend an abatement valued at \$29,400, resulting in a refund of \$445.41 be granted.

**Pam Dunning moved, Judy Colby seconded to approve the abatement. Vote 4-0.**

**5. Mason Station LLC (R07A Lots 001-085, no lot 080), for account numbers see spreadsheet.**

The database lists the lots with buildings, as well as the lot with the old mason station site. The listing also shows the lots with some asbestos as well as the condo lots. I believe representatives from Mason Station LLC will be in attendance to argue their case(s).

**After discussion Pam Dunning moved, Judy Colby seconded to postpone action on the abatement request for 30 days to gather more information. Vote 4-0.**

**6. Richard Ranta (R09-008-008, Acct. #1118)**

This property was assessed for electric heat and has hot water baseboard; was assessed for a 2-car basement garage and has no basement garage and the condition of both kitchen and baths are typical. I recommend an abatement valued at \$6,000, resulting in a refund of \$90.90 be granted.

**Pam Dunning moved, Bill Curtis seconded to approve the abatement. Vote 4-0.**

**7. Neopost Leasing, Inc. (Personal Property #320)**

Business merged with Mail Finance and should not have been assessed. (This is another year, 2010, missed last time, to clear the books for collection.) I recommend an abatement refund of \$29.60 be granted.

**Pam Dunning moved, Judy Colby seconded to approve the abatement. Vote 4-0.**

The meeting adjourned at 8:12 p.m.

13A

CERTIFICATION OF AUTHORITY  
FOR TRANSACTIONS WITH  
H.M. PAYSON & CO.

I, \_\_\_\_\_, being duly constituted Clerk of The Town of Wiscasset, a Municipality organized and existing under and by virtue of the Laws of the State of Maine (hereinafter called "Wiscasset") do hereby certify that the following is a true and complete copy of the resolutions duly adopted at a meeting of the Board of Selectmen of the Town of Wiscasset, duly called and held on \_\_\_\_\_ at which a quorum was present and voting; that said resolutions are still in full force and effect and have not been rescinded; and that said resolutions are not in conflict with the Charter or By-Laws of this Town:

RESOLVED: That any of the following officers, to wit (Town Manager, Treasurer):

of Wiscasset, or any of them acting singly, be and hereby are authorized and directed to act on behalf of Wiscasset in relation to its activities with H.M. Payson & Co., to execute such documents and to take such additional action as they shall deem necessary and proper to designate H.M. Payson & Co. as an investment advisor, custodian and transfer agent for assets of the Corporation, including, without limitation, execution of a "Discretionary Investment Advisory Account Agreement", Custodial Agreement, stock transfer documentation, and other comparable documents arising out of or related to the investment management relationship between this Corporation and H.M. Payson & Co.

I further certify that the following is a true and correct list of the Selectmen of the Town of Wiscasset:

- |                |                    |
|----------------|--------------------|
| _____          | _____              |
| Judith Colby   | Jefferson Slack    |
| _____          | _____              |
| William Curtis | Edward Polewarczyk |
| _____          |                    |
| Pamela Dunning |                    |

I further certify that the following is a true and correct list of the present officers of the Town of Wiscasset:

- |                           |                             |
|---------------------------|-----------------------------|
| _____                     | _____                       |
| Laurie Smith Town Manager | Shari I Fredette, Treasurer |

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Wiscasset, this \_\_\_\_ day of \_\_\_\_\_.

SIGNATURE GUARANTEED

\_\_\_\_\_  
Clerk

13 B

## Maine Revised Statutes

[§1466 PDF](#)

§1465

Title 20-A:

§1467

[§1466 WORD/RTF](#)

### EDUCATION

[STATUTE SEARCH](#)

#### Part 2: SCHOOL ORGANIZATION

[CH. 103-A CONTENTS](#)

#### Chapter 103-A: REGIONAL SCHOOL UNITS

[TITLE 20-A CONTENTS](#)

#### Subchapter 2: FORMATION OF REGIONAL SCHOOL UNIT

[LIST OF TITLES](#)
[DISCLAIMER](#)
[MAINE LAW](#)

#### §1466. Withdrawal of a single municipality from a regional school unit

[REVISOR'S OFFICE](#)
[MAINE LEGISLATURE](#)

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

1. **Petition.** Beginning January 1, 2012, the residents of a

municipality that has been a member of a regional school unit for at least 30 months may petition to withdraw from the regional school unit in accordance with this subsection.

A. Ten percent of the number of voters in the municipality who voted at the last gubernatorial election must sign the petition to withdraw from the regional school unit. [2009, c. 580, §9 (NEW).]

B. At least 10 days before the special election called pursuant to this paragraph, the municipal officers of the municipality within the regional school unit shall hold a posted or otherwise advertised public hearing on the petition. The municipal officers shall call and hold a special election in the manner provided for the calling and holding of town meetings or city elections to vote on the withdrawal from the regional school unit. [2009, c. 580, §9 (NEW).]

C. The petition to withdraw from the regional school unit must be approved by secret ballot by a majority vote of the voters present and voting before it may be presented to the regional school unit board and the commissioner. Voting in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528, and voting in cities must be conducted in accordance with Title 21-A. [2009, c. 580, §9 (NEW).]

For the purposes of this subsection, the 30-month period after which a petition to withdraw may be considered in a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 is 30 months after the original operational date of the school administrative district; and the 30-month period after which a petition to withdraw may be considered in a member

municipality of a school administrative district that did not reformulate as a regional school unit but that became a member entity of an alternative organizational structure is 30 months after the operational date of the alternative organizational structure.

[ 2011, c. 328, §1 (AMD); 2011, c. 328, §2 (AFF) .]

**2. Form.** The article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal with the board of directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectpersons, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

[ 2009, c. 580, §9 (NEW) .]

**3. Notice of vote.** If residents of the municipality vote favorably on a petition for withdrawal, the clerk shall immediately give written notice, by registered mail, to the secretary of the regional school unit and the commissioner that must include:

A. The petition adopted by the voters, including the affirmative and negative votes cast; and [2009, c. 580, §9 (NEW) .]

B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to withdraw from the regional school unit. [2009, c. 580, §9 (NEW) .]

[ 2009, c. 580, §9 (NEW) .]

**4. Agreement for withdrawal; notice; changes in agreement; final agreement.** The agreement for withdrawal must comply with this subsection.

A. The commissioner shall direct the municipal officers of the petitioning municipality to select representatives to a withdrawal committee as follows: one member from the municipal officers, one member from the general public and one member from the group filing the petition. The commissioner shall also direct the directors of the regional school unit board representing the petitioning municipality to select one member of the regional school unit board who represents that municipality to serve on the withdrawal committee. The municipal officer and the member of the regional school unit board serve on the withdrawal committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and

the regional school unit board. The chair of the regional school unit board shall call a meeting of the withdrawal committee within 30 days of the notice of the vote in subsection 3. The chair of the regional school unit board shall open the meeting by presiding over the election of a chair of the withdrawal committee. The responsibility for the preparation of the agreement rests with the withdrawal committee, subject to the approval of the commissioner. The withdrawal committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the withdrawal committee is formed. Extensions of time may be granted by the commissioner upon the request of the withdrawal committee.

- (1) The agreement must contain provisions to provide educational services for all students of the petitioning municipality within the regional school unit. The agreement must provide that during the first year following the withdrawal students may attend the school they would have attended if the petitioning municipality had not withdrawn. The allowable tuition rate for students sent from one municipality to another in the former regional school unit must be determined under section 5805, subsection 1, except that it is not subject to the state per pupil average limitation in section 5805, subsection 2.
- (2) The agreement must establish that the withdrawal takes effect at the end of the regional school unit's fiscal year.
- (3) The agreement must establish that the withdrawal will not cause a need within 5 years from the effective date of withdrawal for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the withdrawal or when a need for school construction would have arisen even if the municipality had not withdrawn.
- (4) The agreement must establish how transportation services will be provided.
- (5) The agreement must provide for administration of the new administrative unit, which should not include the creation of new supervisory units if at all possible.
- (6) The agreement must make provision for the distribution of financial commitments arising from outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of withdrawal.
- (7) The agreement must provide appropriately for the distribution of any outstanding financial commitments to

the superintendent of the regional school unit.

(8) The agreement must provide for the continuation and assignment of collective bargaining agreements as they apply to the new or reorganized regional school unit for the duration of those agreements and must provide for the continuation of representational rights.

(9) The agreement must provide for the continuation of continuing contract rights under section 13201.

(10) The agreement must provide for the disposition of all real and personal property and other monetary assets.

(11) The agreement must provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created administrative unit and must provide that the governing body may not be elected simultaneously with the vote on the article to withdraw unless the commissioner finds there are extenuating circumstances that necessitate simultaneous elections. [2009, c. 580, §9 (NEW).]

B. Within 60 days of the receipt of the agreement, the commissioner shall either give it conditional approval or recommend changes. The changes must be based upon the standards set forth in paragraph A and the commissioner's findings of whether the contents of the agreement will provide for appropriate educational and related services to the students of the petitioning municipality and for the orderly transition of assets, governance and other matters related to the petitioning municipality and the regional school unit. [2009, c. 580, §9 (NEW).]

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the regional school unit board and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing to discuss the merits of the proposed agreement of withdrawal. The chair of the regional school unit board shall conduct the hearing.

(1) The regional school unit board shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing under this paragraph, the withdrawal committee shall forward the final agreement to the commissioner. [2009, c. 580, §9 (NEW).]

D. If the commissioner recommends changes to the agreement, the commissioner shall:

(1) Send the agreement back to the withdrawal committee for necessary corrections;

(2) Establish a maximum time within which to make the corrections; and

(3) Indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as set forth in paragraph C. [2009, c. 580, §9 (NEW).]

[ 2009, c. 580, §9 (NEW) .]

**5. Date of municipal election; notice; warrant; polling hours.**

The date and time for voting is as set forth in this subsection.

A. The commissioner shall determine the date upon which the voters of the petitioning municipality must vote upon the agreement submitted to them. The election must be held as soon as practicable, and the commissioner shall attempt to set the date of the vote to coincide with a statewide election. [2009, c. 580, §9 (NEW).]

B. At least 35 days before the date set in paragraph A, the commissioner shall give written notice of the date by registered or certified mail to the town clerk or city clerk of the municipality petitioning to withdraw. [2009, c. 580, §9 (NEW).]

C. The town clerk or city clerk shall immediately notify the municipal officers upon receipt of the notice under paragraph B, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the commissioner. No other date may be used. [2009, c. 580, §9 (NEW).]

D. In a warrant under paragraph C, the municipal officers shall direct that the polls are to be open at 10 a.m. and remain open until 8 p.m. [2009, c. 580, §9 (NEW).]

[ 2009, c. 580, §9 (NEW) .]

**6. Public hearing; voting procedures.** The following requirements apply to the voting procedures.

A. At least 10 days before the election, the municipal officers shall hold a posted or otherwise advertised public hearing on the withdrawal question. [2009, c. 580, §9 (NEW).]

B. Except as otherwise provided in this section, the voting at the meeting held in a town must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the town has not accepted the provisions of Title 30-A, section 2528. [2009, c. 580, §9 (NEW).]

C. The voting at the meeting held in a city must be conducted in accordance with Title 21-A. [2009, c. 580, §9 (NEW).]

[ 2009, c. 580, §9 (NEW) .]

**7. Article.** The article to be voted on must be in the following

form.

"Article: Do you favor the withdrawal of the (name of municipality) from the regional school unit (name of regional school unit) subject to the terms and conditions of the withdrawal agreement dated (insert date)?

Yes No"

[ 2009, c. 580, §9 (NEW) .]

**8. Ballots; posting of agreement.** The withdrawal agreement need not be printed on the ballot. Copies of the agreement must be posted in the municipality in the same manner as specimen ballots are posted under Title 30-A, section 2528.

[ 2009, c. 580, §9 (NEW) .]

**9. Required vote.** A 2/3 vote of those casting valid votes in the municipality is required before the municipality may withdraw from the regional school unit.

[ 2009, c. 580, §9 (NEW) .]

**10. Restriction on withdrawal petitions.** A municipality within a regional school unit may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or [2009, c. 580, §9 (NEW) .]

B. A municipal vote on a withdrawal agreement if the agreement received less than 60% of the votes cast. [2009, c. 580, §9 (NEW) .]

[ 2009, c. 580, §9 (NEW) .]

**11. Cost of advisors.** The expense of employing competent advisors by the municipality petitioning to withdraw must be borne by the municipality, and the expense of employing competent advisors by the regional school unit must be borne by the regional school unit with the municipality bearing its share according to the regional school unit's cost-sharing agreement.

[ 2009, c. 580, §9 (NEW) .]

**12. Determination of vote.** The town clerk or city clerk shall, within 24 hours of determination of the result of the vote in the municipality, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the commissioner.

[ 2009, c. 580, §9 (NEW) .]

**13. Determination of results; execution of agreement.** If the commissioner finds that a 2/3 majority of the voters voting on the article have voted in the affirmative, the commissioner shall notify

the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

[ 2009, c. 580, §9 (NEW) .]

**14. Recount; checklists and ballots; disputed ballots.** This subsection applies to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting, the municipality requests to the commissioner in writing a recount of the votes, the commissioner shall immediately cause the checklists and all the ballots cast in the municipality to be collected and kept at the commissioner's office so they may be recounted by the municipality. [2009, c. 580, §9 (NEW).]

B. The town clerk or city clerk of the municipality is authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary. [2009, c. 580, §9 (NEW).]

C. The commissioner shall resolve any question with regard to disputed ballots. [2009, c. 580, §9 (NEW).]

[ 2009, c. 580, §9 (NEW) .]

**15. Execution of agreement; certified record; certificate of withdrawal.** When the agreement for withdrawal has been put into effect by the municipality, the municipal officers shall notify the commissioner by certified mail that the agreement of withdrawal has been executed. A complete certified record of the transaction involved in the withdrawal must be filed with the commissioner. The commissioner shall immediately issue a certificate of withdrawal to be sent by certified mail for filing with the regional school unit board and shall file a copy in the office of the Secretary of State.

[ 2009, c. 580, §9 (NEW) .]

**16. Indebtedness.** This subsection applies to outstanding indebtedness.

A. Whenever a municipality withdraws from a regional school unit having outstanding indebtedness, the regional school unit remains intact for the purpose of securing and retiring the indebtedness. The withdrawal agreement may provide for alternate means for retiring outstanding indebtedness. [2009, c. 580, §9 (NEW).]

B. For the purposes of this subsection, "outstanding indebtedness" means bonds or notes issued or assumed by the regional school unit board and lease-purchase agreements issued or assumed by the regional school unit, but does not include any indebtedness of the withdrawing municipality assumed by the regional school unit at the time of formation. [2009, c. 580, §9 (NEW).]

[ 2009, c. 580, §9 (NEW) .]

**17. General purpose aid.** When a municipality withdraws from a regional school unit, the general purpose aid for the municipality must be computed in accordance with chapter 606-B.

[ 2009, c. 580, §9 (NEW) .]

**18. Committee recall.** If the commissioner determines that the withdrawal committee has failed to comply with the requirements of this section, the commissioner may authorize the municipal officers to appoint new representatives to the withdrawal committee.

[ 2009, c. 580, §9 (NEW) .]

**19. Transfer of property.** The regional school unit board may negotiate with the withdrawal committee regarding an equitable division of the regional school unit's property between the regional school unit and the municipality represented by the withdrawal committee and transfer title of the property to the municipality following withdrawal. The regional school unit board shall determine that the regional school unit's educational program will not be disrupted solely because of the transfer of any given property before it may complete the transfer.

[ 2009, c. 580, §9 (NEW) .]

**20. (TEXT EFFECTIVE UNTIL 7/1/12) Reorganization; penalties.** A municipality that withdraws from a regional school unit under this section is not subject to penalties applicable to a nonconforming school administrative unit under section 15696 for 2 years after withdrawing from the regional school unit. A municipality that does not join a conforming school administrative unit within 2 years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under section 15696. The remaining municipality or municipalities within the regional school unit from which the municipality withdraws are not subject to penalties applicable to a nonconforming school administrative unit under section 15696 for 2 years after the withdrawal of the municipality.

[ 2009, c. 580, §9 (NEW) .]

**20. (TEXT REPEALED 7/1/12) Reorganization; penalties.**

[ 2011, c. 251, §12 (AFF); 2011, c. 251, §7 (RP) .]

#### SECTION HISTORY

2009, c. 580, §9 (NEW). 2011, c. 251, §12 (AFF). 2011, c. 251, §7 (AMD). 2011, c. 328, §1 (AMD). 2011, c. 328, §2 (AFF).

*Data for this page extracted on 02/01/2012 10:02:31.*

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.**



# Town of Wiscasset

14A

June 6, 2012

Marriners, Inc.  
Lee Andrews, General Manager  
P.O. Box 600  
Rockport, ME 04856

Re: 2012 Bituminous Paving Bid

Dear Mr. Andrews,

On Tuesday, June 5, 2012 at our Selectmen's meeting, your company was awarded Wiscasset's 2012 Bituminous Paving Bid as itemized below:

- Mountain Road (1075 ft) +/- \$13,400.00
- Bradford Road (10560 ft) +/- \$132,440.00
  - Reclaim 6" (including fine grade and compact) \$1.25 per sq.yd
  - Pave modified binder \$75 per ton
  - Pave D-Mix \$77 per ton
  - Pave D-Mix hand work \$165 per ton
  - Bituminous Curb

Please contact me with any questions and to discuss further details, including work schedules.

I look forward to working with you.

Sincerely,

Greg Griffin  
Road Commissioner

Pc: Ferraiolo Corp  
Harry C. Crooker & Sons, Inc.  
RC & Sons Paving  
Pike Industries, Inc.  
Hagar Enterprises  
The Lane Construction Corp

BID FORM

2012 BITUMINOUS PAVING-WISCASSET, MAINE

The undersigned, having inspected all the paving sites listed and having familiarized themselves with all conditions likely to be encountered that will effect the cost and schedule of work, and having examined all the bid documents, hereby proposes to furnish all labor, materials, tools, equipment, and services necessary to perform all of the work in accordance with all specifications cited for the bid prices noted below.

The undersigned further declares that the only parties interested in this Proposal as principals are named herein, that this Proposal is made without collusion with any other person or firm and that no officer or agent of the Town of Wiscasset is directly or indirectly interested financially in the Bid Proposal.

There must be a bid price for each item listed. Unit prices must be written or typed numerals in ink, and extensions shall be filled in by the Bidder. If a unit price already entered by the Bidder in the proposal is to be altered, it shall be crossed out with ink, the new prices entered above or below it and initialed by the Bidder, also in ink.

<u>ROAD</u>	<u>LENGTH</u>	<u>WIDTH</u>
1.) Mountain Rd	1075 ft +/-	Existing width From Bradford rd. to the Town line.
Any Areas needing Shimming A MDOT certified "Shim mix" should be used Pave 1:25" D-Mix (compacted depth)		
	LUMP SUM	<u>\$13,400.00</u>
2.) Bradford Rd.	10560ft +/-	Existing width location pre- marked on pavement by Road Commissioner
Any Areas needing Shimming A MDOT certified "Shim mix" should be used Pave 1:25" D-Mix (Compacted depth)		
	LUMP SUM	<u>\$132,440.00</u>

BID FORM

2012 ADDITIONAL WORK (IF REQUIRED)

The undersigned, having inspected all the paving sites listed and having familiarized themselves with all conditions likely to be encountered that will effect the cost and schedule of work, and having examined all the bid documents, hereby proposes to furnish all labor, materials, tools, equipment, and services necessary to perform all of the work in accordance with all specifications cited for the bid prices noted below.

The undersigned further declares that the only parties interested in this Proposal as principals are named herein, that this Proposal is made without collusion with any other person or firm and that no officer or agent of the Town of Wiscasset is directly or indirectly interested financially in the Bid Proposal.

There must be a bid price for each item listed. Unit prices must be written or typed numerals in ink, and extensions shall be filled in by the Bidder. If a unit price already entered by the Bidder in the proposal is to be altered, it shall be crossed out with ink, the new prices entered above or below it and initialed by the Bidder, also in ink.

1. Reclaim 6" (Include Fine grade & compact)	<u>          \$1.25          </u>	<u>Per Sq. Yd.</u>
2. Pave modified binder	<u>          \$75.00          </u>	<u>Per Ton</u>
3. Pave D-Mix	<u>          \$77.00          </u>	<u>Per Ton</u>
4. Pave D-Mix hand work	<u>          \$165.00          </u>	<u>Per Ton</u>
5. Bituminous Curb	<u>          \$9.00          </u>	<u>Per L.F.</u>

Date:           June 4, 2012          

Company:           Marriners Inc          

Contact:           Lee Andrews, General Manager

14B

207-774-1200 main  
207-774-1127 facsimile  
bernsteinshur.com

**BERNSTEIN SHUR**

COUNSELORS AT LAW

100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

Geoffrey H. Hole  
207 228-7211 direct  
ghole@bernsteinshur.com

June 13, 2011

**VIA E-MAIL and U.S. MAIL**

Laurie A. Smith, Town Manager  
Town of Wiscasset  
51 Bath Road  
Wiscasset, Maine 04578-4108

Re: Appointment of Harbormaster

Dear Laurie:

You have asked me my opinion of the proper appointment process for the Wiscasset Harbormaster. In March 1999, the Town enacted Article IV – Port and Harbor Ordinance, which reads in pertinent part:

**2.1 APPOINTMENT AND AUTHORITY**

The Selectmen shall appoint a Harbormaster, and as necessary, Deputy Harbormasters, who shall enforce the Port and Harbor Ordinance and exercise the powers granted by 38 M.R.S.A. section 1 - 5 as amended, except that they shall not carry weapons or make arrests.

In March 2001, the Town enacted the statutory town manager plan, which reads in pertinent part:

**§ 2636. Powers and duties of town manager**

...

**6. Appoint town officials.** Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint....

Laurie A. Smith, Town Manager

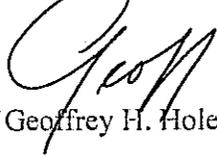
June 13, 2011

Page 2 of 2

While it is a close call, because the voters enacted the town manager plan after they enacted the Port and Harbor Ordinance and did not at that time modify subsection 6, I believe it is the Town Manager who should appoint the Harbormaster. That is not to say the voters cannot reserve that right to the municipal officers, but at this point in time, the voters have not done so.

I look forward to hearing from you if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff", written over the printed name "Geoffrey H. Hole".

Geoffrey H. Hole

GHH/lc