

7

WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS, AND OVERSEERS OF THE POOR  
JANUARY 21, 2014

Preliminary Minutes

Tape recorded meeting

Present: Vice Chair Judy Colby, Pam Dunning, Tim Merry, Chair Ed Polewarczyk, Jeff Slack and  
Town Manager Laurie Smith

1. Call to Order

The chair called the meeting to order at 5:30 p.m.

2. Goal Setting Discussion

Smith asked the board to create a list of goals which would include the establishment of a school system. Some of the problems the board faces for the 2014-2015 fiscal year are the financial situation and reduction of state revenue sharing, impact of the school budget, policies dealing with the Affordable Care Act and part-time employees. Discussion included the search for a town manager, dealing with Mason Station, revenue sharing with the school department, providing support and looking at marketing opportunities with the new rail service, the town's commitment to "Wings over Wiscasset", adoption of the Bath Road Master Plan with its concomitant responsibilities to amend the comprehensive plan and ordinances, marketing opportunities with the expansion of Rynel, and the boardwalk design.

3. 6:15 p.m. Executive Session regarding land disposition

**Judy Colby moved to go into executive session pursuant to M.R.S.A. Title 1 §405 (6)(C) for the purpose of discussing land disposition. Vote 5-0-0.**

**Pam Dunning moved to consider item 13c out of order. Vote 5-0-0.**

13c. Authorization of Purchase and Sale Agreement for 25 Middle Street

**Pam Dunning moved to authorize the Town Manager to sign the Purchase and Sale Agreement for the sale of 25 Middle Street for \$35,000 to John Kennedy. Vote 5-0-0.**

4. 6:30 p.m. Executive Session regarding economic development

**Judy Colby moved that the Board of Selectmen go into executive session pursuant to M.R.S.A., Title 1, §405 (6)(C) for the purpose of discussing economic development and land disposition. Vote 5-0-0.**  
The board entered executive session at 6:39 and exited at 6:58 p.m.

5. 7:00 p.m. Pledge of Allegiance

6. Approval of Treasurer's Warrant: January 21, 2014

**Judy Colby moved to approve the treasurer's warrant of January 21, 2014. Vote 5-0-0.**

7. Approval of Minutes: January 7, 2014

**Judy Colby moved to approve the minutes of January 7, 2014. Vote 5-0-0.**

**8. Executive Session to discuss Personnel**

**Judy Colby moved to go into executive session pursuant to Title 1, M.R.S.A., §405(6)(A) for personnel. Vote 5-0-0.** The board entered executive session at 7:04 and exited at 7:07.

**9. Appointments**

**Judy Colby moved to appoint Susan Van Alsenoy and Kathleen Lincoln as members of the Board of Appeals for a term to expire on December 31, 2016. Vote 5-0-0.**

**10. Public Comment**

Ed Kavanaugh updated the board on the Museum in the Streets and requested \$2,000 from the board to complete the project. Pam Dunning moved to approve \$2,000 from contingency for the Museum in the Streets project. Vote 5-0-0.

**11. Department Head or Committee Chair Report**

**A. Investment Committee Presentation:** Daniel M. Lay, H. M. Payson, and Steve Mehrl presented a power point presentation on the town's investments. The beginning market value of the reserve fund on 1/1/13 was \$10,737,097; the market value of the fund increased to \$11,741,552 by 12/31/13. The endowment fund increased from \$2,380,462 over the same period to \$2,793,000. Capital investments in 2013 included cardiac monitors, commercial pier debt, road paving, municipal building roof repairs, wastewater pump repairs, extractors to clean fire gear, fire pick-up and mowers for cemetery. The cost of a generator and a public works truck which could have been taken from the capital investment account were not approved by the town, although the funds were available under the investment policy. In accordance with the investment policy, the available distribution for July 2014 is \$375,642. In accordance with the investment policy, the town had maximized return on its investments while using the funds for capital improvements and reducing impacts on the taxpayer.

**B. Ron Lear, Transfer Station Superintendent PERC presentation:** Lear recommended adopting the resolution to continue the advancement of the post-2018 planning process. He said the agreement with the Penobscot Energy Recovery Company (PERC) will expire in 2018 and Wiscasset, as a charter member of the Municipal Review Committee (MRC), was being asked to support the efforts of MRC to provide a regional solid waste solution beyond 2018, to support the expenditure of funds for those efforts and to not enter into any agreement before 2017 that would conflict with or preclude consideration of any MRC disposal solution. Pam Dunning moved to adopt the resolution. Vote 5-0-0.

Ed Polewarczyk distributed copies of legislation regarding disposal of municipal solid waste.

**C. Waterfront Committee update:** Susan Robson, chairman, asked whether the committee could have a presence on the town's Facebook page to publicize area services in the bay as well as train and boat passenger information. There was a consensus that the request be approved. Margo Rafter-Strong said the committee hoped to beautify the waterfront and a future boardwalk could feature benches and plantings. The committee is looking into a manual pump station on the town's float, the cost of which

would be \$2500 delivered. This amount will be considered during the budget process. Jack Pringle said visitors need a boardwalk or walkway on the edge of the water to provide a way to go from one pier to the other. The town has received a grant for preliminary design and engineering of a boardwalk. Rick Scanlan asked the board for funds for two vinyl 19" x 36" banners featuring a map for rail and boat passengers which would be placed at the harbormaster building and near the railroad platform. There was a consensus of the board that the expenditure be approved from waterfront funds.

12. Unfinished Business – none

13. New Business

A. Discussion with Dick Metivier on public input for Town Manager search and review of Town Manager timeline: Dick Metivier, Eaton Peabody, summarized the comments he had received at the public meeting where residents had the opportunity to offer suggestions for qualities they would like to see in a town manager. He also gave the board a draft of the ad which will appear on the websites of MMA, Maine Job Bank, Wiscasset and the International City Manager Association beginning January 24 with a February 18 deadline for applications. Candidates will be interviewed by the selectmen. Starting date for a new town manager will depend on the applicant's availability. A residency requirement was discussed, and whereas the selectmen would like to have the town manager live in town, the legality of such a requirement will be investigated.

B. Discussion with Chief Merry regarding the ladder truck: postponed

14. Town Manager's Report

A. American Legion Project update: Laurie Smith reported that CMP was checking on the amount of liability insurance required for the project which would place flags on utility poles.

B. Information regarding the costs associated with school withdrawal: Smith reported she had met with two members of the school committee, auditor, attorney and consultants regarding the cost obligations of Wiscasset to RSU 12. Total costs including school construction and renovation debt as well as contracts and agreements are \$1,483,405.23 with \$502,726.56 due to the RSU the first year; \$734,573.77 for summer salaries and contractual obligations; and \$246,104.90, which the Town will need to budget over time for long-term obligations. When the \$2 million bond was approved, it was assumed that was the amount needed to cover withdrawal costs and summer salaries. Because the summer salaries are included in the \$1.5 million total, the board will have flexibility with regard to the remaining funds for an interim superintendent and start-up costs and, if needed, funding an RSU shortfall. The School Board will hire the interim superintendent but funds must be authorized by selectmen. **Pam Dunning moved that the School Board be authorized to enter into a contract with an interim superintendent at a cost not to exceed \$50,000. Vote 5-0-0.**

C. State Revenue Sharing hearing on January 22: Smith said she would be giving testimony at the hearing opposing the bill to eliminate state revenue sharing.

D. Building Inspection Results: Smith reported that as a result of the inspection of the town office, the Town will need to purchase battery operated emergency signage and lighting or a generator to be used in case of power failure. She will obtain prices.

#### 15. Other Business

The Town Manager was asked to leave the room. Judy Colby said an appreciation luncheon for Laurie Smith would be held on February 2 at 1 p.m. at the Community Center. Sarah's Café will cater the luncheon. A 22" x 30" collage will be presented to Smith. Colby asked the board to approve \$1200 from Administration funds to cover the costs. **Pam Dunning moved to authorize the expenditure of up to \$1200 for the appreciation luncheon for Laurie Smith to be held on February 2 at 1 p.m. Vote 3-0-2.**

#### 16. Adjournment

**Pam Dunning moved to adjourn at 9:28 p.m. Vote 5-0-0.**

10a

**TOWN OF WISCASSET**

# Memo

**To:** Wiscasset Board of Selectmen

**From:** T.J. Merry, Fire Chief

**CC:**

**Date:** 2/4/2014

**Re:** Ladder Truck Repairs

---

**The Wiscasset Fire Department intends to attempt to repair the ladder truck.**

**Ron Manwell of Reliance Equipment (Vassalboro, ME) proposed that we begin by installing a new oil pump, which will give the ladder apparatus enough hydraulic power to lift the ladder out of the bed of the truck.**

**Once the ladder is lifted from the truck bed, Mr. Manwell can examine the issue with the joystick that controls the ladder.**

**The initial fix of the oil pump was quoted at \$4000.00, which I believe to be a reasonable quote to begin repairs on this valuable piece of equipment.**

12a

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

January 20, 2014

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

Re: Post-Issuance Compliance Policy

Dear Laurie:

I have attached a draft Post-Issuance Compliance Policy in connection with the Town's upcoming BAN issuance. The Board should adopt the Policy now because I have indicated we have a policy on the 8038-G forms.

By way of explanation, the IRS has recently intensified its efforts to track compliance with Treasury Regulations that apply to tax-exempt bonds between the date of issuance and final maturity (commonly referred to as post-issuance compliance). Issuers of tax-exempt bonds have always been obligated to meet certain monitoring and reporting requirements while a tax-exempt bond is outstanding. Random audits have traditionally been the primary method by which the IRS has learned of non-compliance (which can then lead to penalties and a ban on future tax-exempt financing).

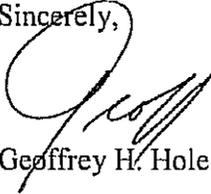
IRS Form 8038-G is a reporting document that must be filed with the IRS following the issuance of every tax-exempt bond. This form has recently been amended. It now asks issuers to state whether a policy covering these post-issuance requirements has been adopted. A "no" answer will make an audit more likely.

The attached draft is intended to be comprehensive, and it likely covers situations which will not arise with any of the Town's tax-exempt bonds or notes. It includes provisions regarding record-keeping and the reporting of certain material events, which may then trigger the need to make rebate calculations and take other corrective measures. (Selling an asset that was purchased with the proceeds of a tax-exempt bond before the bond has matured is one example of a material event).

January 20, 2014  
Page 2 of 2

The language in the draft is not mandatory, and it could be easily modified if there are provisions that you would like to change. We can discuss any questions that you may have at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey H. Hole". The signature is written in a cursive style with a large initial "G".

Geoffrey H. Hole

GHH/rl  
Enclosure

---

## **TOWN OF WISCASSET POST ISSUANCE COMPLIANCE POLICY**

The Town of Wiscasset issues tax-exempt bonds from time to time to finance various capital improvements. As an issuer of such tax-exempt bonds, the Town is required by the Internal Revenue Code of 1986, as amended, (the "Code") and regulations promulgated by the United States Treasury Department to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt status of the bonds.

The Town recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of a bond issue, and is an integral component of the Town's overall debt-management responsibilities. These requirements apply equally to capital leases. Accordingly, the implementation of these requirements will require on-going monitoring and consultation with Bond Counsel.

### *Issuance.*

The Select Board shall approve the terms and structure of bonds issued by the Town. Such bonds shall be issued in accordance with United States Treasury Department Regulations, the Internal Revenue Code of 1986, as amended, and State statutes. Specific post-issuance compliance procedures are addressed below.

### *General Procedures.*

The following guidelines will be used to monitor compliance with post-issuance requirements:

1. The Town Treasurer, or the Treasurer's designee, shall serve as the Compliance Officer and shall be the person primarily responsible for ensuring that the Town successfully carries out its post-issuance responsibilities. The Compliance Officer shall be assisted by the following persons or entities:

- a. Bond Counsel
- b. Financial Advisor
- c. Paying Agent
- d. Rebate Specialist

The Compliance Officer shall be responsible for assigning post-issuance responsibilities to other staff, Bond Counsel, the Financial Advisor, the paying Agent and the Rebate Specialist, and shall utilize such other professional services as are necessary to ensure compliance with all post-issuance requirements.

2. The Compliance Officer shall verify that the following post-issuance actions have been taken on behalf of the Town with respect to each issue of tax-exempt bonds:

- a. Ensure that a full and complete record for the principal documents of each issue has been completed by Bond Counsel and the Financial Advisor;

- b. Ensure that the Internal Revenue Service (IRS) forms 8038 are properly filed with the IRS by Bond Counsel within the time limits imposed by Section 149(e) of the Code;
- c. Account for the allocation of the proceeds of the tax-exempt bonds to expenditures as required by the Code;
- d. Coordinate receipt and retention of the relevant books and records with respect to the investment and expenditures of the issue proceeds;
- e. Identify proceeds of tax-exempt obligations, in consultation with Bond Counsel and the Financial Advisor, that are yield-restricted and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the bond yield to which such investments are restricted;
- f. Determine, in consultation with Bond Counsel and the Financial Advisor, whether the Town is subject to the rebate requirements of Section 148(f) of the Code and related Treasury Regulations with respect to each issue of the Town. The Compliance Officer shall contact a Rebate Specialist, as required, prior to the fifth anniversary of the date of issuance of each issue and each fifth anniversary thereafter until the obligation has matured to arrange for calculation of the rebate requirements, as needed, to be paid by the Town. If any rebate is required to be paid to the IRS, the Town Compliance Officer will file Form 8038-T, along with the required payment.
- g. Shall monitor the use of all financed facilities in order to determine whether private business uses of financed facilities have exceeded the de minimus limits set forth in Section 141(b) of the Code (generally a value or benefit equal to 10% of issue proceeds) that provide special legal entitlements to non-governmental persons.

3. The Compliance Officer shall collect and retain the following records with respect to each issue of tax-exempt obligations and with respect to the facilities financed with the proceeds of such Obligations:

- a. Audited financial statements of the Town;
- b. Appraisals, surveys, feasibility studies, if any, with respect to the facilities to be financed with issue proceeds;
- c. Trustee or Paying Agent statements;
- d. Records of all investments and the gains (or losses) from such investments;
- e. Expenditures reimbursed with the issue proceeds;
- f. Allocation of issue proceeds to expenditures (including cost of issuance) and the dates and amounts of each expenditure (including requisitions, draw down schedules, invoices, bills and cancelled checks as related to each expenditure);

- g. Construction or renovation contracts for financed facilities or projects;
- h. Maintain an asset list of all tax-exempt financed assets;
- i. Arbitrage rebate reports and records of rebate and yield reduction payments, if any;
- j. Orders, Resolutions and other actions, if any, adopted by the Town subsequent to the date of issue of the obligations; and
- k. Relevant correspondence relating to such bonds.

The records collected by the Town shall be stored in any format deemed appropriate by the Compliance Officer and shall be retained for a period equal to the life of the tax-exempt obligations, including the life of any obligations issued to refund obligations, plus three (3) years.

4. In addition to its post-issuance compliance requirements under the Code and Treasury Regulations, the Town has agreed to provide Continuing Disclosure, such as annual financial information and material event notices. The continuing disclosure obligations are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended and officially interpreted from time to time.

126

**SHORT FORM MUNICIPAL QUITCLAIM DEED**

The **TOWN OF WISCASSET, MAINE**, a body corporate located in Lincoln County, Maine, for consideration paid, releases to **JOHN D. KENNEDY**, a Maine resident with a mailing address of 392 East Neck Road, Nobleboro, ME 04555, the land in Wiscasset, Lincoln County, Maine more particularly described as follows:

All the Town's right, title and interest in a parcel of land located at 25 Middle Street, described as Map/Lot U01-092 on maps prepared by John E. O'Donnell & Associates, dated April 1, 2013 on file in the Wiscasset Town Office, and acquired by virtue of matured tax liens for the years 2006 through 2011 recorded in the Lincoln County Registry of Deeds at Book 3881, Page 15; Book 4043, Page 290; Book 4175, Page 14; Book 4297, Page 44; Book 4418, Page 68, and Book 4547, Page 305 respectively.

The said Town of Wiscasset has caused this instrument to be signed in its corporate name by its Board of Selectmen, duly authorized, this \_\_\_\_ day of February, 2014.

TOWN OF WISCASSET  
By Its Board of Selectmen

By: \_\_\_\_\_  
Edward Polewarszyk, Chair

By: \_\_\_\_\_  
Judith Colby

By: \_\_\_\_\_  
Pamela Dunning

By: \_\_\_\_\_  
Jefferson Slack

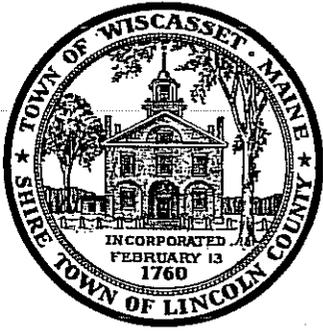
By: \_\_\_\_\_  
Timothy Merry

STATE OF MAINE  
COUNTY OF LINCOLN, ss.

February \_\_, 2014

PERSONALLY APPEARED the above-named \_\_\_\_\_ in his/her capacity as Selectperson of the Town of Wiscasset, Maine and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said Town.

\_\_\_\_\_  
Notary Public/ Attorney at Law



# Office of 911 Addressing Officer

14

January 29, 2014

To: Board of Selectmen  
From: Susan M. Varney  
911 Addressing Officer  
Town of Wiscasset  
Subject: Ice Pond Lane in Mason Station LLC subdivision

Memo to Board for their meeting Tuesday, February 4, 2014:

**Ice Pond Lane** is a 911 street/road in the Mason Station LLC subdivision and it is only a paper street which most likely will not be used. I would like to ask the Board to vote to give the street/road name up so it could be used in another location in town.

The reason I ask is because Doug Fitts and Bret Benway have shown interest to use that name in their subdivision on River Point Road. The house on Lot #5 on the street that would use that name has just sold and needs a 911 number. (They chose to wait to name that street and number the house in the hopes that they could have the Ice Pond name.)

Let me know what you think.

Sue