

Agenda Notes

Selectmen's Meeting 2/18/14

1.) Airport Master Plan Workshop

Erv Deck and members of the Airport Committee will present an overview of the Airport Master Plan. If you want to read the document, it is on the Town of Wiscasset website under Departments: Airport. The Board will not be taking any action on the plan. You will be seeing an item on a future agenda for the Board to approve the Master Plan.

6.) Department Head or Committee Chair Report

a. Sidewalk Project Update - Update on sidewalk project along Route 1 connecting Lee Street to Washington extension. Misty Parker will give the Board an update on the project and proposed time frame.

b. Senior Center Trustees committee report - Carl Hewitt of the Senior Center Trustees will provide a committee report on behalf of the Wiscasset Senior Center.

7.) Unfinished Business

a. American Legion flag project - The Board approved funds to purchase additional insurance at your last meeting and we are now ready for authorization to sign the Pole Attachment Agreement with Fairpoint and CMP. We are requesting authorization.

b. Selectmen's Goals - Attached is a copy of your proposed Goals. I believe the Goals accurately point out issues Wiscasset is facing and should be addressed. I think you will not be able to address all of these this year. It is helpful to have all of these presented as it will help the new Town Manager and Wiscasset citizens to understand the Selectmen's thoughts on issues facing Wiscasset.

c. Public Works Truck Bids – We will open truck bids. We would ask that the Town Manager and the Public Works Director be authorized to review the bids and select the bid that meets the specifications and is the best price.

8.) New Business

a.) Capital Improvement Projects – We will discuss with the Board how you want to review the CIP. Ed has suggested that the CIP be decided on first, before the budget. This would allow the Board to know which CIP items recommended to be funded by the

Capital Reserve Account and which items will be recommended to be funded in the Operating Budget.

b.) Budget timeline and schedule – We will discuss how the Board wants to review the budget. I have attached last year's timetable for background information.

c.) Open Town Meeting – The Board will discuss if the Town Meeting in June will be an Open Town Meeting or Secret Ballot. I have attached a copy of advisory ballot vote on November 8, 2005 concerning the question and also a legal opinion stating the BOS have the right to decide on an Open Town Meeting or Secret Ballot.

9.) Town Manager's report

a.) update on Town Manager search

I will give an update on the Town Manger search. We will also discuss possible dates to meet concerning the search. I have included the timeline that was decided on for the search.

Carl Hewitt
Chairman
Senior Center of Wiscasset

Town of Wiscasset

To whom it may concern:

Per your request of the Trustees of this organization you will find a listing of **Senior Activities** put forth to the Membership during the current year as well as the 2 previous years. An article was written and submitted to the local newspaper on a weekly basis by Doc Schilke who included an announcement of these Activities along with other news from the Center. A monthly newsletter is distributed at the beginning of each month and made available at the Wiscasset Community Center.

ENTERTAINMENT:

Cribbage games with Richmond Senior Group; Pejepscot Bluegrass Band; invitation from the Bath Senior Group to participate in their Talent Show for 2014; in 2011/2012/the NEWTS played Beatle songs for the group; Narrow Gauge String Band (now retired); Lincoln County TRIAD sponsors the Sr Appreciation Day which is attended by at least 1 or more of the Trustees;

COMMUNITY :

Contributions to: St Philip's Food Pantry; Scholarship; Librarian onsite once a week; Local Art Gallery director requested the use of our facility for 3 months in 2013 during the winter and they shared the room with the Crafters; young students were invited for a project workday with Senior and Recreation members assisting each in creating their own project; Blood Pressure clinic is held onsite 1 Wednesday night a month; major event is the Santa's Breakfast in conjunction with the Wiscasset Recreation Center; Money contributions are donated to the Thanksgiving and Christmas basket Town projects; Wednesday night dinners and Thursday lunches are available to All; Participate in the Community Center Annual Community Craft Show and the Annual Yard Sale

TRIPS:

Bangor Casino trips occurs at least twice a year; New England Clambake on Cabbage Island; a trip to Boston via the Downeast Train; a walking trip to the Wiscasset Music Box Museum; Bus and Boatride to the Burnt Island Lighthouse;

SPECIAL EVENTS:

Recognition of donations made to the Senior Center of Wiscasset: (i.e. Antique upright piano donated in 2013 and recognition will be made on March 19th which will include some local music students and their teacher, Roger Whitney;) the first Wednesday of the month all birthdays are recognized with photos taken and posted in the dining room; an Annual breakfast is held in late June to introduce the newly elected trustees as well as recognizing the Member of the Year. Most recently Ruth Applin and Doc Schilke names have been added to the plaque which hangs in the Senior Center.

EDUCATIONAL:

Director of HOSPICE: Chris Corriveau presented and narrated slide show to explain how this program is available to all; Lindsay J Laxon led a discussion about Scams and Fraud which can become a problem for Seniors as well as other age groups; John Botterro has presented his Antique Road Show on several occasions as well as a presentation on Downsizing for Seniors.

In conclusion, these events have occurred through Sr Members research and many hours of planning to make them happen There are other events which may not appear in this document, however, each and every activity is approved and documented by our Board of Trustees. .

Carl Hewitt Chairman

Senior Center of Wiscasset Trustees

Wiscasset
Board of Selectmen
Goals
For
Fiscal Year 2014-2015

Financial Goals

- Minimize impacts to property taxes
- Improve/ maintain Fund Balance position
- Comply the Investment Policy by maintaining the Reserve Fund as a perpetual trust to provide income to be used for capital improvements

Organization Goals

- Hire a new Town Manager
- Develop a working relationship with Wiscasset School Board
- Coordinate with and provide direction to the Town Committees
- Actively participate in State Legislative activity
- Develop the means to involve and educate the people on Wiscasset issues
- Improve the method of adopting the town Budget (Referendum vs Open Town meeting)

Economic Development Goals

- Provide the Town Planner and the CEO the resources to maintain a Business Friendly Environment
- Continue to resolve Mason Station Issues
 - Continue pursuing legal action to recover unpaid taxes and penalties
 - Apply for available grants to determine costs of the remediation of environmental issues
- Market the Mason Station to potential developers
- Support actions necessary to implement the Bath Road Master Plan
- Market the I-Park to potential developers
- Provide support to the Wings Over Wiscasset Event
- Support Waterfront Development
 - Support establishing the proposed Rail Service in Wiscasset
 - Support the Boardwalk Engineering Study

A. Updated Budget Schedule: The new schedule is as follows:

March 19 – Budget to Board of Selectmen and Budget Committee

March 23 – Budget workshop

March 28 – Budget Committee meeting (concerns emailed to selectmen – meeting on LCTV March 30)

April 2 – Informational Budget meeting with Budget Committee and Selectmen

April 16 – Selectmen vote on budget recommendations.

April 23 – Warrant signed

Ed Polewarczyk said it would be important for the selectmen and budget committee to be in agreement on Article 2 which provides that any budget article that failed could be voted on again and funding would continue for three months. Not only would this continue funding the budget if the article passed on a second vote, but also would provide funding to close down a department, negotiate with unions for severance pay, etc. if it failed on the second vote. He asked that the wording be changed to make it clear to the voters. Under current wording, it is impossible to determine with a negative vote if the number requested is too much or too little.

Mary Ellen Crowley said that an open town meeting would allow discussion and compromise and all articles would be passed at the number the people want.

Bob Blagden said voters were asked last year if they wanted articles bundled and they voted against it.

Pam Dunning said an open discussion in public is important to show how the decisions are made. Several years ago in a non-binding referendum the voters said they preferred a secret ballot. The selectmen can decide to have an open town meeting at any time. Dunning said the disadvantage of a secret ballot is that it is impossible to know what the voters want. The informational budget meeting is an opportunity for voters to ask questions and provide input but is usually poorly attended.

There was a consensus that all capital improvements and departments be listed separately on the ballot with the stipulation that if a capital improvement article is defeated, the money will not be spent but remain in the reserve fund.

B. MDOT Light Capital Paving Operations for 2013

Smith distributed a list of roads including those in Wiscasset that will be included in this program.

14. Other Business – none

15. Adjournment

At 8:19 p.m. **Judy Colby moved to adjourn. Vote 5-0-0.**

BC

MAINE MUNICIPAL ASSOCIATION

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60 Community Drive
Augusta, Maine 04330-9486
(207) 623-8428
Fax (207) 623-1287

WILLIAM W. LIVENGOOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
ELLERBE P. COLE
JAMES N. KATSIAFICAS
MICHAEL L. STULTZ

JOSEPH J. WATHEN
(1957-1997)

October 25, 2005

Mr. Andrew Gilmore, Town Manager
Town of Wiscasset
51 Bath Road
Wiscasset, Maine 04578

Re: Referendum question

Dear Andrew:

I write in response to your email correspondence of October 17, in which you ask a series of questions about a proposed referendum article that would compel the use of the secret ballot referendum process for all warrant articles.

By way of preface, I make the observation that the legal effect of this proposed article is advisory. It is not binding either on future town meetings or on the selectmen. In other words, were the town to pass the proposed article, the selectmen keep the legal authority to call a traditional town meeting at which open voting occurs. Likewise, the legislative body retains the right to vote at open town meetings called for that purpose. And were this proposed article to pass, no vote is necessary to repeal it because again, the effect is advisory.

The reason this proposed article is advisory is that state law provides that the method of voting and the conduct of municipal elections are governed by Title 30-A, Maine Revised Statutes Annotated, by charter, and by Title 21-A, Maine Revised Statutes Annotated. The authority cited provides that the basic legislative assembly in Maine is the town meeting. All business is conducted at town meeting, and each town meeting is a discrete body, not a continuing entity. When the legislative body is convened, it must be called by a warrant for each occasion of its sitting. That is why one town body cannot bind another. When the meeting concludes, the legislative authority for that meeting ends.

A charter is the mechanism to make permanent a legislative determination (permanent in the sense that the process to revise or amend a charter is much more involved than simply calling another town meeting to reverse or attempt to reverse a prior town meeting decision). Only if a municipality adopted a charter that required a referendum vote on all voting matters would the effect be binding. And only by charter amendment could such a requirement be changed. It's worth noting that since the town already uses the secret ballot referendum process for election of

Mr. Andrew Gilmore, Town Manager

10/25/05

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town officials, the town can use the referendum process at any time, for any matter that traditionally would be voted upon at open town meeting. In this respect, this proposed article is superfluous. But again, the only way to make this a binding requirement is by charter.

An analogy to what I speak of can be found in the state legislature's treatment of funding mandates. For example, under Maine law (Constitution, Article IX, section 21 and 30-A M.R.S.A. § 5685), the legislature is prohibited from requiring municipalities to expend additional resources to modify or expand its activities unless the legislature either: (1) pays for 90% of the costs of the new or expanded activity; or (2) votes by a two-thirds majority in both the House and the Senate to shift the additional expenditures to municipalities without paying for the increased costs. What this means is that the legislature can ignore its own funding obligations if it so votes, while still requiring local governments to provide and pay for additional services.

With those prefatory remarks in mind, I turn my attention to your questions. For the sake of brevity, I will not repeat each question in detail. The first question asks about the timing relative to the start of the fiscal year. I would interpret the article literally and by its plain meaning. Since the language used is: "beginning of Fiscal Year 2006," my opinion is that this article would not operate until the start of the fiscal year, starting on July 1, 2006.

Your next question asks about whether this article would apply to all future articles. Yes, to the extent that the words: "all warrant articles" are used. But, since this proposal is advisory only, the selectmen are free to call for future town meetings with a warrant calling for an open town meeting vote. Similarly, petitioners looking to bring a matter to a special town meeting, for example, could request a traditional town meeting vote, in accordance with 30-A M.R.S.A. § 2521.

The next two questions ask about format for future meetings and the need for a public hearing. Under this article, all voting would occur in voting booths, conducted in the same manner as elections for town officials. That is not to say the public hearings could not be held in advance. Indeed, for any referenda questions to be voted upon by secret ballot, a public hearing is required (30-A M.R.S.A. § 2528(5)). A single hearing for all referenda questions would be sufficient, I should think. But, herein is one of the disadvantages to voting everything by secret ballot. There is no opportunity for public discussion on the day of voting. Articles must be voted upon as a straight up or down vote (I discuss this in more detail below).

As for the specifying of polling times, recognizing the entire proposed article is not binding, Maine law gives the municipal officers the discretion and authority to set the polling times within the minimum guidelines established by statute (21-A M.R.S.A. 626). This cannot be changed by warrant article.

Your next several questions about the binding nature of the proposal are covered in my opening observations. The town and the selectmen are only limited by this proposal (assuming it were to pass) to the extent they choose. It must be observed, however, that political realities may constrain you where legal technicalities do not. While it is easy for me to counsel you on the

Mr. Andrew Gilmore, Town Manager

10/25/05

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nature of the law and a possible course of action, wisdom and awareness of the "will of the people" may suggest the exercise of different choices.

Your next series of questions all pertain to the budget. When a town uses the secret ballot voting process for its budget, voting is a straight up or down vote. The referendum articles cannot be amended from the floor in the way some changes can be made to warrant articles at open town meeting. No lower amounts can be approved following discussion. Public discussion occurs at the public hearing held before the day of voting, not on the day of voting. When using the secret ballot process, should the budget fail to pass, a new meeting would be necessary to approve a budget. However, in the face of a failed budget, given that one town meeting cannot bind another, the selectmen would have the discretion to call another secret ballot referendum or they could choose to call an open town meeting. Either way, without a budget, unless authorization exists to draw from reserves, or carryover amounts exist, no money would be available until approved by the voters. And as indicated above, any secret ballot voting requires a public hearing before the day of voting.

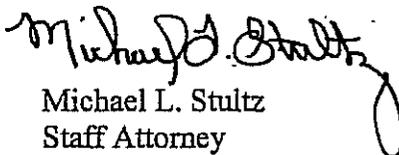
In the case of the transfer station, municipalities are obligated to provide solid waste disposal services (38 M.R.S.A. § 1305). So, if the town failed to approve a budget for the transfer station, if no other funds were available, either the town would have to operate in the red until a budget were approved, or arrangements would need to be made to dispose of waste at an alternate location.

As for the school budget questions, I cannot adequately respond. The answer very much depends upon the wording of the school funding articles.

The October 2004 issue of the Townsman deals with the question of advocating concerning a referendum question. This article was written in the context of the Carol Palesky tax cap proposal and debate, nevertheless, it is instructive for your purposes. I enclose a copy for your review.

I trust this information is responsive. Please contact me if you have additional questions.

Respectfully,


Michael L. Stultz
Staff Attorney

Andrew B. Gilmore

From: Andrew B. Gilmore [townmanager@wiscasset-me.gov]
Sent: Monday, October 17, 2005 11:06 PM
To: 'legal@memun.org'
Cc: Sandra Johnson (clerk@wiscasset-me.gov)
Subject: Attn: Michael Stultz

Michael:

This email is to follow up on our phone conversation from last week regarding the upcoming ballot on which there is a citizen initiated referenda question. Specifically, Question 1 on the attached November 8 ballot asks the voter to choose whether or not to have all future warrant articles voted by secret ballot election beginning in Fiscal Year 2006. The Selectmen and I request that you provide your answers in a written format so we may distribute your responses for our public hearing.

In order to prepare for the public hearing on October 27, 2005 we have several questions for you in anticipation of those that may be posed at the hearing. Some of the following questions have already been asked by Selectmen or members of the public. Please assume that Question 1 receives an affirmative vote for the following questions.

1. As a matter of timing, does "beginning of Fiscal Year 2006" mean that the Annual Town Meeting in June 2006 to vote on the FY 2006 budget would be the first Town Meeting Wiscasset would use secret ballot? Or, does it mean that the first Special or Annual Town Meeting after July 1, 2006 when the fiscal year begins would be the first Town Meeting under the new format? I believe the petitioners' intent is to begin with the June 2006 Annual Town Meeting.
2. Should the language be interpreted in the literal form to mean "all articles" to include any and all business to come before the voters and not only budgetary?
3. With regard to the format of future meetings, shall all voting take place solely in the polling booths or does the Town have the option to meet in a similar fashion as the Town Meeting for debate, yet vote in secret? Understandably, this may not be the most practical option due to logistics and the time required for such a process.
4. Does Maine law require that the Town host a public hearing or information meeting at least ten (10) days before the day of voting? Is the subject matter of the aforementioned hearing - the entire warrant? If specific warrant articles themselves require a public hearing, as in zoning changes, can a single meeting be held to satisfy both the hearing requirements of the specific questions and the warrant as a whole?
5. The question specifies a time for polls to be open; namely 9:00 a.m. to 6:00 p.m. The last several elections held in Wiscasset have had different hours than this (10 am - 8 pm for example) and the hours have always been set by the Selectmen. Would passage of Question 1 supersede the authority of the Selectmen to set the polling hours? If Question 1 does indeed establish the polling hours from 9:00 a.m.-6:00 p.m., can the Selectmen extend these hours? For example, can the Selectmen set the hours as 8:00 a.m.-8:00 p.m.?

Questions of Binding Nature

There is confusion with regard to the binding nature of Question 1. Specifically, it has been said that one Legislative Body can not tie the hands of a future Legislative Body whereas the Question is not a proposed, or amendment to an existing, ordinance or charter. However, several other Towns have voted in a similar manner and now use secret ballot election as the sole format for voting on articles. I need you to elaborate in detail as to the binding nature of this Question.

1. Should Question 1 be voted in the affirmative, will participants in all future Special and Annual Town meetings vote by secret ballot indefinitely until if/when a new article is voted in the affirmative to rescind or change the format for subsequent meetings?
2. What, if any, authority will the Selectmen have over the format of future Town Meetings should Question 1

pass?

Questions of budgetary items failing to get an affirmative vote

Since each article will be a Yes or No vote in the ballot form, the voter will no longer be able to raise or lower an amount for money articles.

- If a budget question fails to pass, what is the process to present a new number to the voter for consideration?
- Would another special ballot election be required to present a new budget number for consideration?
- What happens during the interim to a department if the budget figure is not passed in time for the start of the new fiscal year?

For example, if the voter is presented in June with a question to fund the Transfer Station budget at \$500,000 and feels the number is too high, there is not an opportunity to vote for a lower amount and the voter may therefore vote no.

- If the Transfer Station budget article fails, does it require another selectmen meeting to vote on a new number to present to the voter?
- Is another public hearing required with adequate notice period?
- Is another special election required at least ten (10) days after the public hearing?
- If the new vote can't take place until after July 1 (the start of the new fiscal year) does the Town have to shut down the Transfer Station until an approved budget is passed and legally authorized; or, is there something in the law that would allow the facility to remain open, perhaps under restricted spending limitations, until a new budget is approved?

With regard to the School funding questions (and in light of LD1) what happens if:

- All school funding articles are approved individually, yet the total budget is not approved?
- One or more of the individual school funding articles fails, but the original total request is approved?

Earlier this year, the Town of Wiscasset voted on a major zoning change. The Town at that time was advised by MMA not to expend taxpayer funds in producing written materials to advocate for a positive or negative vote on the zoning question. The Town could present facts, but not "editorialize" such that it attempts to persuade the voter to vote a certain way. What type of similar limitations would be placed upon the Town and the School Department with regard to budget questions?

Can you provide or point us in the right direction to any printed material that may help shed light on this issue? I am aware of at least one Townsman article on the subject.

Thank you for your assistance,

Andrew B. Gilmore
Town Manager
Town of Wiscasset
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Wiscasset, Maine 04578
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townmanager@wiscasset-me.gov
www.wiscasset-me.gov

SPECIMEN BALLOT

8c

OFFICIAL BALLOT REFERENDUM ELECTION WISCASSET, MAINE NOVEMBER 8, 2005

TOWN CLERK

INSTRUCTIONS TO VOTERS

- A. TO VOTE, completely fill in the OVAL to the LEFT of your choice (s) like this:
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and completely fill in the OVAL.

BOARD OF SELECTMEN, TAX ASSESSOR AND OVERSEER OF THE POOR

Term to expire June 2007 Vote for one

545
409
25

- BARNES, WILLIAM W.
- NICHOLS, JR., DAVID R.
- (Write-in)

REFERENDUM QUESTION SUBMITTED BY PETITION

Question 1: Secret Ballot Referendum

To vote on the following referendum question: "Shall the Town of Wiscasset, beginning of Fiscal Year 2008 submit all warrant articles, at any Annual and/or Special Town Meeting, to the voters of the Town in the format of a secret ballot referendum question and to keep the polls open from 8:00 am to 6:00 pm when said Article or Articles are voted upon?"

- YES
- NO

Board of Selectmen Recommends: NO

Question 2: Town-wide Property Tax Revaluation

Shall the Board of Selectmen be authorized to spend an amount not to exceed \$250,000 from the Capital Reserve Accounts for the purposes of hiring a firm to conduct a full town-wide property tax revaluation effort?

- YES
- NO

Board of Selectmen Recommends: YES
Budget Committee Recommends: YES

Question 3: Ambulance Paramedic Training

Shall the Board of Selectmen be authorized to use \$21,000 from 2004-2005 Ambulance Department undesignated fund balance (surplus) funds to pay for paramedic training on the Wiscasset Ambulance Service?

- YES
- NO

Board of Selectmen Recommends: YES
Budget Committee Recommends: YES

The Ambulance Department ended the 2004-2005 Fiscal Year on June 30, 2005 with an undesignated fund balance (surplus) of \$241,984 raised from user/insurance fees, and not from taxation. The funds used for paramedic training would come from this surplus amount.

Question 4: School Project Funding

Shall the Board of Selectmen and Treasurer be authorized to issue bonds and other evidences of indebtedness in the name of the Town of Wiscasset in an amount not to exceed \$258,700 and to borrow up to that amount pursuant to the State of Maine's zero interest rate/loan forgiveness Revolving Renovation Fund Program; to be used for minor capital project purposes for replacing the rubber flooring in the Primary School Gymnasium/Cafeteria, rebuilding the High School tennis courts, resurfacing the High School Track, carpet replacement and related costs on the condition that the State of Maine shall first agree to forgive the State's share of the loan amount?

- A. For each project, the Town of Wiscasset will receive Department of Education approval for a Revolving Renovation Fund Loan.
- B. The Department of Education will agree to forgive 50.15% (up to \$129,736.05) of the total loan amount approved.
- C. The Town of Wiscasset shall be responsible to repay 49.85% (up to \$128,961.95) of the total loan amount approved over a five (5) year term.
- D. No interest will be charged.

- YES
- NO

School Committee Recommends: YES
Board of Selectmen Recommends: YES
Budget Committee Recommends: YES

TURN BALLOT OVER AND CONTINUE VOTING

786
561

724
565

116
179

901
374

**Wiscasset Manager Search
TIMELINE
January - 2014**

January 16 - Thursday

- Public session inviting citizens input into qualities desired of new Manager.
- Department Head interviews during the day.

January 21 - Tuesday

- Selectmen meet to discuss information gathered from public session and Department Head/Staff interviews.
- Decide on qualities they are looking for in a new Manager.
- Agree to wording of advertisement and where to advertise.

January 24 - Friday

- Town Manager Ad placed

February 18 - Tuesday

- Deadline for Resumes -

February 21 - Friday

- Notebook with selected resumes delivered to Selectmen

March 3 - 6

- Selectmen meet to review resumes and decide on candidates to interview (no more than 8). Initial background checks started.

March 17-20

- First round of interviews. Most likely two days needed. Decide on candidates for second round of interviews (3 or less).

April 7 - 11

- Second round of interviews. Separate days for each finalist.
- Community gathering to meet finalists.

- Selectmen meet and decides on finalist

April 14 - 21

- Selectmen negotiate contract with final candidate and announces new Manager and the date new Manager starts.