

WISCASSET BOARD OF SELECTMEN
SEPTEMBER 2, 2008

Preliminary Minutes

(tape recorded meeting)

Present: Bill Curtis, Phil DiVece, Bob Fairfield, Chairman David Nichols, Vice Chairman Nicole Viele (arrived during the meeting) and Town Manager Arthur Faucher

1. Call to Order

Chairman Nichols called the meeting to order at 7 p.m.

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

3. Approve Minutes of August 19, 2008

Bill Curtis moved to accept the minutes as printed. Vote 4-0.

Agenda items 4 and 5 were postponed until the arrival of Nicole Viele who was attending a County Commissioners' meeting at the courthouse.

6. Sign Resolution for Silver Star Banner Day

The chairman read the resolution designating May 1 as Silver Star Banner Day in honor of service men and women killed and wounded in the service of their country. **David Nichols moved to sign the resolution. Vote 4-0.**

7. Request to approve the 911 road naming of Crabby Lane off Old Dresden Road

Bob Fairfield moved to approve the 911 road naming of Crabby Lane off Old Dresden Road. Vote 4-0.

8. Request to change use of Waterfront Pier on September 6, 2008 to September 13, for gospel concert from 5:30 to 6:30 p.m.

There was a consensus of the board that the date be changed.

9. Town Manager's Report

- Final Compensation of Benefits - Jefferson Slack: Town Manager Arthur Faucher requested approval of the final compensation of \$2,705.40 due Jeff Slack for balance of vacation, sick and holiday hours due as of August 22, 2008, his last day of employment as Assistant Recreational Director. **Bill Curtis moved to approve the compensation amount of \$2,705.40 for Jeff Slack to be paid from the Assistant Recreation Director's account. Vote 4-0.**
- Temporary Access and Work Rights to Thorndike Road: MDOT has requested access to a section of Thorndike Road for the purpose of repairing a culvert under the railroad bridge. The work is estimated to take four to six months. The request had been approved by the Road Commissioner. **David Nichols moved to grant MDOT temporary road and access rights to Thorndike Road to get to the bridge.** The Town Manager was asked to advise the MDOT that the access right was granted with

the understanding that the Town would be reimbursed for any damage to Thorndike Road. **Vote 5-0.**

- Memorandum of Understanding between and among MDOT, Lincoln County and Wiscasset: The MDOT has requested approval by the Selectmen of the MOU regarding the posting of an electronic message board on I-295 advising of traffic congestion on Route 1 in Wiscasset. The trial period for the traffic advisory is from September 2 to October 15, 2008. In the event of traffic congestion on Route 1 in Wiscasset, the Wiscasset Police will advise the Lincoln County Communications Center, which will in turn notify the State to post the travel delay message on Route I-295. Don Jones, Transportation Committee Chair, said that a recent meeting of the bypass task force, the traffic warning was discussed and had the support of the chambers of commerce of nearby towns. **Nicole Viele moved to accept the Memorandum of Understanding given Don's information and authorize Arthur [Faucher] to sign. Vote 4-1 (DiVece opposed).**

4. Set date for Special Town Meeting to vote on use of surplus and capital reserves to reduce the fiscal year 2008 tax rate (recommended date September 11, 2008)

The Town Manager advised the board that a meeting date could not be set until the final numbers are received from the auditor. Nicole Viele said that according to the previous meeting minutes, the board had set the date of the meeting and would have to sign the warrant at this meeting in order to hold the meeting on September 11. **Phil DiVece moved to not hold the special town meeting on September 11 as previously scheduled. Vote 5-0.** Nicole Viele said that a special board meeting might be necessary to set the date for a special town meeting in order to get the tax bills out in a timely fashion.

5. Sign Warrant for Special Town Meeting

NA

10. Proposed FOAA Policy - Phil DiVece

Phil DiVece presented a draft policy outlining the filing procedure and the filing fee for persons requesting documents from the Town. He said this was the first change to the policy manual, which will be undergoing revision in the next year. Much of the information, which might be required, will be available on the website. In case of hardship, part or all of the fees may be waived. DiVece explained the need to charge for staff time in researching and providing information requested and for copying and printing out documents. **Nicole Viele moved to accept the policy for FOAA and adopt it into our procedures. Vote 5-0.**

11. Other Business

There was a consensus of the board that an executive session be held on Saturday, September 6, at 1 p.m. to interview applicants for the Transfer Station Supervisor position. Board members were asked to forward their selections for interviews to the Town Manager by Wednesday, September 3.

Bill Curtis and Nicole Viele will meet with the Town Manager to write an ad for the anticipated opening of the executive secretary's position at the end of October. Bill Curtis said he had prepared a job description that had not yet been approved by the board.

Nicole Viele said the School Consolidation meeting would be held at the Middle School on Thursday, September 4, at 6:30. She reported that the School Superintendent had not yet heard from the Commissioner of Education regarding approval of Wiscasset's school consolidation plan. The plan will have to be approved by the commissioner before it can be placed on the November ballot.

13. Tidal Alternative Energy Research in Wiscasset - Chewonki Foundation

Peter Arnold said that Natural Currents had received a preliminary permit to begin tidal surge research in Wiscasset Harbor. He suggested that Wiscasset file a competing application. There would be no cost to the town as he has located grant money to cover the cost of the preliminary permit application process and for research into the resource. The grant money is from private individuals; no tax money will be used. Arnold said the probability was high that Wiscasset would win in a competition with a private company.

Arthur Faucher said the grantee would be Chewonki Foundation. The foundation would receive the grant money and would use it for equipment and tests in doing the research. He said it could be a good venture for Wiscasset as the Maine Yankee infrastructure could be utilized if the project succeeds. Chewonki will make a written proposal to the town. **Phil DiVece moved for Town of Wiscasset to support Chewonki Foundation to further its study into tidal alternative energy research for the town of Wiscasset in hopes of finalizing its application. Vote 5-0.** Arthur Faucher said that Chewonki would be filing the application on behalf of the town and would be doing the research. **Bill Curtis moved that Phil DiVece be the representative to Chewonki Foundation. Vote 5-0.**

12. Maine Yankee Issues: Attorneys Peter Murray and Sarah McDaniel

Attorney Murray said there were two issues: a reassessment of Maine Yankee for real estate taxes and the possible relaxation of restrictions on use of land.

According to the agreement with Maine Yankee, the Town of Wiscasset has the right to reassess the 180 acres of land every five years. The land was assessed at \$4.9 million five years ago. Jack Sylvester, a real estate consultant, said he had made an analysis of Wiscasset and other nuclear plants, and taking into consideration the fact that all properties in Wiscasset had increased by 50% to 100% over the past five years, he recommended a 60% to 120% increase in the value of the Bailey Point land from its 2003 valuation of \$4,905,000, or \$7,848,000 to \$10,791,000. There was discussion on how the valuation was reached, the amount and type of pollutants existing on the property, and what Maine Yankee's fair share of the town's taxes should be. Sylvester recommended increasing the assessed valuation by \$5 million; the attorneys agreed, recommending that Maine Yankee be included in discussions regarding the revaluation.

Peter Murray was asked to look into the amount of money Maine Yankee was receiving from the federal cleanup fund for storing spent fuel while waiting for the government to dispose of it.

Although the original agreement specified that Maine Yankee would bring the land to greenfields status, Murray said that the site had been cleaned up to the federal Nuclear Regulatory Commission standards, but there still remained other types of contaminants such as hydrocarbons, arsenic, metals, petroleum, etc., which did not meet the Department of Environmental Protection requirements for an unrestricted use designation. The DEP clean-up standards do not address radiological risks, just other contaminants, and if not completely

cleaned of these contaminants, future use of the land may be restricted regardless of the NRC unrestricted use designation. Maine Yankee elected to spend \$89,000 to clean up the site for restricted use rather than \$60 million in order to leave the site in a greenfields condition, available for unrestricted use. Because of a communication disconnect, Wiscasset was not involved in the negotiations. Murray recommended contacting the DEP regarding relaxing the restrictions.

Edward Polewarczyk, who lives close to the Maine Yankee site, said that ground water in his area was contaminated, and relaxing the restrictions would impact his property. He urged the Board to stand firm and require the site be returned to greenfields condition. Peter Murray said that the town had not participated in the proceedings with the DEP and had no leverage at this time to ask for a change.

Bill Curtis moved to authorize Peter Murray to approach the DEP regarding relaxing the restrictions on 172 acres [of Maine Yankee property] which is now designated as brownfields. Vote 5-0. In response to Steve Mehrl's question, Faucher said Mr. Murray's fee would be paid from the specialty legal fees line item. **Nicole Viele moved to set the assessment for Maine Yankee at \$9,905,000 for 2008.** In response to George Green's question regarding the federal cleanup fund money, which Maine Yankee has been receiving, Peter Murray said income would be taken into consideration in the appraisal. **Vote 5-0.**

David Nichols dedicated the meeting to the late Gordon Huber who had been a selectman in Wiscasset and asked for a moment of silence.

15. Adjourn

At 9:40 p.m., **Phil DiVece moved to adjourn the meeting. Vote 5-0.**