

WISCASSET BOARD OF SELECTMEN  
FEBRUARY 3, 2009

Preliminary Minutes

(Tape recorded meeting)

Present: Bill Curtis, Phil DiVece, Bob Fairfield, Chairman David Nichols, Vice  
Chairman Nicole Viele and Town Manager Arthur Faucher

1. Call to Order

The chairman called the meeting to order at 7 p.m.

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

3. Approve minutes of January 20, 2009

In reference to the powderhouse, Phil DiVece said he had obtained a copy of the deed, which stated that the right of way was the most convenient place for inhabitants to pass with their teams (presumably horses or oxen). He said the recent removal of the trees had opened up the right of way. He reported that trees, which could have blown down on the powderhouse, had been removed.

The following corrections were made: No. 4, fifth paragraph: "powerhouse" was corrected to "powderhouse;" No. 6, second paragraph, the fourth sentence was corrected to read, "The Town Manager requested an insurance adjuster," and the following paragraph begins, "Ms. Clifford." **Bob Fairfield moved to accept the minutes with corrections. Vote 5-0-0.**

4. Citizen Comments

Dick Hanson noted that one of the generator bids opened at the last meeting included \$8,500 for excavation. He asked whether the other bids included excavation and was told that they did include excavation.

**New Business**

5. Ervin Deck: Airport Hangar Bids

The following bids were received:

Nelson Construction	\$ 61,552.00
Sheraton Corp.	54,877.00
C. B. Concrete Construction	37,100.00
Peachey Builders	59,606.00
Lupo Construction Inc.	51,283.11
Nathan J. Santos	67,522.98
Empire Steel Buildings (Don Grady)	44,648.00
Rhino Steel Buildings	42,620.00
Norsteel Buildings, Ltd.	47,771.00

Bill Curtis asked that the Airport Manager present a matrix to the selectmen giving prices and specs. Ken Boudin and Ervin Deck will review the bids and return with their

recommendation. Following their meeting, Ervin Deck recommended acceptance of the lowest bid. **Phil DiVece moved to accept the recommendation of Ken Boudin and Ervin Deck to accept the low bid on the airport building of C. B. Concrete of Gardiner, ME for \$37,100. Vote 5-0-0.** The chairman said if there is any problem with the bid, Deck should contact the Town Manager.

#### 6. Jeffrey Hinderliter: Town website update

Jeffrey Hinderliter reported that the website is up and running and can be reached at [www.wiscasset.org](http://www.wiscasset.org). He said the purpose was to deliver reliable information in a timely manner, to use as an economic development tool, and to provide historic and prehistoric information, and minutes and agendas of town organizations. He said the site is still under construction and he asked that comments be given to Lisa Garman, (882-8200 x 103 or [admin@wiscasset-me.gov](mailto:admin@wiscasset-me.gov))

In response to Bill Curtis' question regarding the ability of department managers to update the site, Hinderliter said Garman would be the point person for updates.

#### 7. Selectman Bill Curtis: Generator Bids Update

Discussion was postponed, as Roland Abbott was unable to attend the meeting.

#### 8. Town Manager's Report

- Solicitation of fuel oil bids: Three bids had been received for the town's annual use of 56,100 gallons -- Downeast Energy and Building Supply \$2.0607; Dead River \$2.069, and C. N. Brown \$2.009. The Brown bid included 45¢/gal downside protection and a price of \$1.969 if paid within 10 days. The Town Manager will review the bids and get clarification of the terms of the Brown bid. Dick Hanson asked that the town also get bids for diesel fuel.
- Automatic External Defibrillator Grant Program: In Roland Abbott's absence, Arthur Faucher said this grant would provide half the cost of the \$1500 defibrillator, although the grant program may not be available.
- Timeline for Elections: The Town Manager said the elections could be held on June 9, the date of state elections, or on June 16. He recommended the earlier date before school vacation starts, although it would push up the deadline date for budgets to March 6. Bill Curtis asked that all budgets presented to the selectmen at the same time. **Nicole Viele moved to use the June 9 timeline. Vote 5-0-0.**
- Shore & Harbor public hearing: The public hearing for the Shore and Harbor grant program will be held on February 12 at 6:30 in the town office. This is the last of the grant obligations.
- Harbormaster: Sunken vessel in harbor: A boat owned by Chad Strater had sunk in Wiscasset Harbor on January 19, 2009. The Coast Guard and DEP were notified, the vessel was raised and has been tied to the dock. As authorized by the Harbor Ordinance, the harbormaster has given permission for the boat to remain at the dock without fee until February 14.

At 7:55 p.m., **Phil DiVece moved to recess for five minutes. Vote 5-0-0.** The meeting resumed at 8 p.m.

## **Old Business**

### 9. Wiscasset Wine Outlet Sewer Claim

Jonathan Brogan, MMA attorney, reviewed the facts of this claim, i.e. that on December 12, 2008 during an ice storm a power outage occurred and the electric sewer pumps ceased operating. When the power came on, the Wine Outlet was flooded. Ms. Clifford, owner of the shop, has presented a claim to the town to cover damages, labor and loss of business amounting to \$15,734. Brogan said that the incident was an act of God, not negligence on the part of the town, and in order for a claim to be paid there would have had to have been negligence. As there was no negligence, the claim had been denied.

Phil DiVece asked why this information was not made available to the board earlier and whether the denial of the claim had been sent to the town in writing. An associate of Mr. Brogan said a copy of the denial had been emailed as an attachment to the Town Manager before the last selectmen's meeting.

Luann Clifford, owner of the Wine Outlet, read her father's notes relative to the incident . He said that Wiscasset bore responsibility for the damages; the Wine Outlet pays for town sewage disposal and it was the duty of the town to operate and maintain the system. His notes went on to describe the faults of the sewer system and what steps could be taken to avoid such incidents in the future.

Ms. Clifford said that she understood a similar claim had been paid in the past. Buck Rines said that seven or eight years ago there had been a power outage and backup into a residence; the town had paid to clean the rug and replace the washer. Clifford asked why a check valve had not been installed to prevent the backup at her store. Buck Rines advised her that the installation of a check valve was the customer's responsibility.

In response to Bill Curtis's questions, Ms. Clifford said she did not have the property inspected before purchasing it and that she would make her father's notes available to the board.

**Bill Curtis moved to take the matter under advisement and at some convenient point in time meet to discuss it and make a decision.** David Nichols reiterated his recommendation that Ms. Clifford file a claim with her insurance; however, Ms. Clifford declined to do so, as it wasn't her fault and would cause her rates to be raised. In response to Phil DiVece's question, Arthur Faucher said the town had paid \$834.95 for initial cleaning and \$500 for an insurance adjuster. Attorney Brogan said that the selectmen had two options: it could ask MMA to reconsider the claim or it could do nothing and MMA would defend any suit brought against the town. He said the design of the sewer system could not be the basis of a claim, only negligent workers would be a valid reason. **Vote 5-0-0.** The board will meet to discuss the matter on Thursday, February 5 at 5 p.m.

### 10 Other Business

**Bill Curtis moved that the board authorize grant AIP 3-23-0049-13-2009 and notify the FAA accordingly. Vote 5-0-0.**

**Nicole Viele moved to authorize Arthur Faucher to come up with a bid form for diesel fuel and send those out. Vote 5-0-0.**

11. Adjourn

At 8:45 p.m. **Phil DiVece moved to adjourn. Vote 5-0-0.**