

WISCASSET BOARD OF SELECTMEN
JUNE 24, 2008

(Tape recorded meeting)

Present: Bill Curtis, Phil DiVece, Bob Fairfield, (outgoing chairman) Duane Goud, David Nichols, Nicole Viele and Town Manager Arthur Faucher

1. Call to Order

Duane Goud 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 June 10, 2008 and Abatement Hearing Minutes of May 12, 19, and 21 and June 2, 2008

David Nichols moved, Nicole Viele seconded, to approve the minutes as read. Phil DiVece moved, Nicole Viele seconded, to amend the May 12 abatement minutes to indicate that Phil DiVece abstained from the vote on item 39 and to add to the minutes of June 10, next to last paragraph on page 6, "Phil DiVece said the raises should have been included in the individual departmental budgets under the salaries line." Vote 5-0 on the amendment and on the minutes as amended.

4. Swear in New Selectmen

Town Clerk Sandra Johnson swore in the newly elected Selectmen, Bill Curtis, Phil DiVece, and Bob Fairfield.

5. Vote to Elect Selectmen Chair

Bob Fairfield nominated David Nichols as chair. Bill Curtis seconded the nomination. Vote 3-1-1. (DiVece opposed)

6. Vote to Elect Selectmen Vice Chair

Bill Curtis nominated Nicole Viele as Vice Chair. David Nichols seconded the nomination. Vote 4-0-1. (Viele abstained)

7. Public Hearing and Selectmen Consideration: Amendments to Wiscasset Ordinance Article IX, Subsection 3.13.1 and 3.13.3 - Increase Parking Violations Fines

The public hearing opened at 7:10 p.m. Jeffrey Hinderliter, Town Planner, said the amendment was requested by Police Lt. John Allen as a deterrent to violation of the town parking regulations. Under the amended ordinance 3.13.1, fines will increase to \$20 for overtime parking or parking in a loading zone, to \$100 for parking within ten feet of a fire hydrant and to \$20 for all other violations. Under Section 3.13.3, the violator will be liable for a \$40 or \$200 fine plus court costs and attorney fees if the fine is not paid within 14 days. In response to Roy Barnes question about enforcement, Lt. Allen said that over the years, many tickets have been issued and if there was any particular violation noticed, the Police Department should be notified. The public hearing closed at 7:14 p.m.

Nicole Viele moved, Bill Curtis seconded, to put into effect the changes in Article IX Sections 3.13.1 and 3.13.3. Vote 5-0.

8. Public Hearing and Selectmen Consideration: Special Amusement Permit Application, 424 Bath Road, Lynn Cressey

Lynn Cressey asked for approval of a Special Amusement Permit for a bar and nightclub, which would operate four nights a week, and a chem-free place for teenagers on Sunday. She said she would investigate insulation of the building to reduce noise and would hire an off-duty police officer to control noise and traffic. Jeffrey Hinderliter said the Board had the authority to grant the permit with conditions governing hours and noise level and could cancel the permit. The applicant will also need a liquor license but that will not be issued until the special amusement permit is approved.

John Allen said he had concerns about the operation of the nightclub, as there have been problems in the past at that location, and said he wished Cressey had contacted the Police Department before applying for the permit. He invited her to meet with him with information about her plans, staff, hours, days of operation, etc.

In response to questions from the Board, Cressey said hours of operation would tentatively be 7 - 12 on Wednesday and Thursday nights and 7-1 on Friday and Saturday nights. The club would be open on Sunday afternoons for teenagers. She said she had arranged for four rooms at a local motel for patrons who might not be able to drive responsibly. The public hearing closed at 7:25 p.m.

Bill Curtis moved, Bob Fairfield seconded, to table action on the application until Cressey meets with Lt. Allen and the Board has his input. Vote 5-0.

9. Appointments to the Conservation Commission

Jeffrey Hinderliter said that the formation of a conservation commission was a recommendation of the comprehensive plan. It would be an advisory board and would be considering subjects such as open space planning, trail development, erosion control, conservation education, and could be a conduit to other areas and groups in securing grant money. **David Nichols moved, Phil DiVece seconded, to appoint Anne Leslie and Dan Sortwell to three-year terms, Larry Lomison and Larry Barnes to two-year terms and David Lieser to a one-year term on the Conservation Commission. Vote 5-0.**

10. Employee Recognition 20 years of Service to the Town of Wiscasset, Mark Jones

No action taken

11. Set date for Special Town Meeting for School Budget (Recommend July 12, 2008)

Town Clerk Sandra Johnson said that if the School Budget was going to be voted on the same date as the vote on the Recreation Department budget, July 22, the town meeting would have to be held on July 12. Gene Stover, representing the School Board, said the Superintendent was out of town and asked the Board to reconsider validating dates until a meeting could be held to discuss other ideas. The difficulty in determining a date convenient for most people to attend public hearings or vote was discussed. Phil DiVece said the Board had just finished the revaluations and now needed the school budget in order to prepare the tax commitment.

Sandra Johnson and Arthur Faucher will meet with the School Board/Superintendent on Friday morning, June 27.

Arthur Faucher said that a meeting of the Selectmen with the Budget Committee was scheduled for 6:30 on July 1 to discuss the Recreation Department (budget), Police Department (incident with police car) and airport (windows and roof repair). A regular Board meeting will be scheduled for that night to sign the warrant.

David Nichols moved, Nicole Viele seconded, to table the town meeting for the school budget set for July 12 until the Board can meet and come up with another date. Vote 5-0.

12. Set date for Secret Ballot Vote on School Budget and Recreation Department Budget (recommend July 22, 2008)

There were questions from Ben Rines and Bob Blagden regarding the decision to have a second vote on the Recreation Center budget, which failed at the Town Meeting. The Board was asked when the decision was made and whether other articles could be voted on a second time. Steve Mehrl, Budget Committee, said that the voters had approved a second ballot on cost centers if the budget did not pass the first time and that those cost centers could spend 3/12 of their budgets until a new budget was passed. Several reasons were suggested for the failure of the Recreation Department to pass such as the \$35,000 requested for lockers, the suggestion that free memberships be given to all town residents, and the statement last year that the center was supposed to be self-sufficient in five years. Dick Grondin said that a no vote on the budget did not indicate that people wanted the center closed down. **Nicole Viele moved, Bill Curtis seconded, that the Board approve the recommended date of July 22, 2008 for a vote on both the school budget and the town department budget. Vote 5-0.**

13. Appoint two Board Members to the IAMAQ Support Staff Union Negotiation Team

David Nichols is already a member of the team. **He moved, Bill Curtis seconded, to appoint Duane Goud to the Team. Vote 4-1. David Nichols moved, Nicole Viele seconded, to name Bob Fairfield to the team. Vote 4-0-1.**

14. Town Manager's Report

- Price Review and Award of the 2008 Mowing Bids: The following bids were received:

Cutting and baling at the Septage Field	William Barnes	\$800*
Mowing at the closed landfill	Roy Barnes	549
	William Barnes	475*
Roadside Mowing	William Barnes	2795
	Roy Barnes	2695*
Miscellaneous Mowing	Roy Barnes	169*

* Low bid

Bob Fairfield moved, David Nichols seconded, to accept the low bids as written. Vote 5-0.

- Maine Street Pier Permit and Use of Town Commons (Glade Bloom, Jr.): A vendor application was received from Glade Bloom, Jr. to operate a food cart with table and chairs on the Maine Street Pier and on the Town Commons. The application had been approved by the Waterfront Committee. There was opposition to the use of the commons because of safety issues. **David Nichols moved, Nicole Viele seconded, to allow the hotdog and food cart on the Creamery Pier. Vote 5-0.**
- Mooring Surplus Yard Sale Bids: Harbormaster Peter Dalton said he had received one offer of \$100 for one of the moorings at the yard sale. Another inquiry had been received by phone. **David Nichols moved, Bob Fairfield seconded, that the moorings be put up for sale at a reasonable price to be determined by the Harbormaster. Vote 5-0. Bill Curtis moved, David Nichols seconded to accept the \$100 bid from Terry Ashter for a mooring. Vote 5-0.**
- Marine Insurance Coverage for Harbormaster Vessel: Peter Dalton said two quotes had been received for insurance for the harbormaster's vessel: \$1875 with \$850 deductible for \$500,000 coverage (MMA) and \$3500 for \$1,000,000 coverage plus the cost of a survey. Arthur Faucher said the town had received a price from MMA, the carrier of the town's insurance and then had looked for another quote; the coverage had not been put out for bids. **David Nichols moved, Bob Fairfield seconded, that the town take the lowest quote from MMA to be paid from the Waterfront account. Vote 5-0.**
- Update of Single Stream Recycling w/Pine Tree Waste: Karen McNaughton, Pine Tree Waste, read the trial two-year agreement by which Pine Tree Waste would remove single stream recycling from the Transfer Station at no cost to the town. Pine Tree Waste will provide educational materials for Wiscasset, Alna and Westport Island and a DVD on single stream recycling will be supplied to the local access TV station. The agreement may be cancelled at any time.

McNaughton said that plastic bags would not be accepted as they jam the equipment. Moreover, there is currently in the legislature a bill to ban the use of plastic bags. She said that damp materials would be accepted as well as those listed on the flyer provided to the Board. Currently Woolwich, Fitchburg, Bath and Brunswick among others use the services of Pine Tree Waste.

Larry Lomison said that Pine Tree Waste was a subsidiary of an out of state company that has been the subject of law suits and he recommended that the Town exercise due diligence before signing the agreement.

Phil DiVece moved, Bill Curtis seconded, to authorize the Town Manager to enter into a two-year trial agreement with Pine Tree Waste for single stream recycling. Ben Rines recommended that the agreement be reviewed by the Town Attorney to make sure the Town can walk away from the agreement without penalty. McNaughton said all towns that have joined the program since December 2006 have been satisfied and cost reductions have been rewarding. She added that the company follows all state, local and federal guidelines and is the largest firm of its kind east of the Mississippi. Steve Mehrl said the Town would stand to gain by entering into the agreement, as it now is paying to send its recyclables to Lincoln County. **Vote 5-0.**

- Time Warner Cable Spin-off Resolution: Arthur Faucher said that there would be no transfer of the franchise, no change in local management because of the spin-off. Approval of the resolution was voluntary and the Board declined to take action.

15. Other Board Business

Bill Curtis said the recommended change made at the previous meeting to the sales agreement with Dresden for the fire truck had been reviewed by the attorney who advised deleting the section in the agreement about mutual aid. **Bill Curtis moved, Phil DiVece seconded, to sign the contract and that at least one Selectman and the Town Manager tomorrow contact John Ottum for his signature. Vote 5-0.**

Phil DiVece said according to the expense summary report there was an overdraft in the election budget. Arthur Faucher said that the School Department had been billed for costs associated with the school election and reimbursement from the School Department would cover the overdraft. He also said that the municipal insurance line item would be rectified when all departments had been billed. In response to DiVece's question, Arthur Faucher said abatement checks had been sent out the previous week.

Nicole Viele reminded the Board of the County Commissioners' meeting on July 1 on an abatement appeal.

16. Citizen Comments

Roy Barnes referred to the previous year's mowing bids. He said the mowing job at the airport was not completed but the bill was paid. He also said the mowing at the landfill had not been done. The chairman said he had no answer but that the bidder should know what he was bidding on and should meet with the airport manager. Bill Barnes said that he had ruined a \$500 tire last year while trying to mow an area with stumps and logs. He also said he had checked with the airport manager to determine that all the required mowing had been done. Arthur Faucher said that in the future the proposal for mowing bids should include the requirement that the mower meet with the airport manager and that the airport manager approve payment of the bill.

Ben Rines thanked Phil DiVece for raising the question of department head salary increases being taken out of the contingency fund. He said the voters should know what is in the budget that the Selectmen have presented and criticized the Board for not finalizing the budget before the vote. He asked for an explanation of how the Selectmen could go through the budget process and not complete it; the Town Manager was given a raise in January and other employees were left twisting in the wind. Arthur Faucher said it was agreed and discussed in the budget process that there would be money in the contingency account for department heads and union contracts. He agreed that the amounts should have been settled before the vote, but it was a Board decision to go forward.

Dick Hanson said that three times during Budget Committee meetings he had asked about money for raises for the three department heads and each time had been put off. He said the raises should have been in the budget and the Board needs to be accountable to the taxpayers.

Ben Rines referred to the \$4000 overdraft in the overlay account that had been covered by taking funds from the contingency account. Phil DiVece said he had spoken with the Treasurer and with MMA about the matter. The overdraft had occurred because abatements were higher

than expected and in this emergency situation, funds were taken from the contingency account. The expenditure was anticipated but the final figure was unknown, as in the case of the union contracts. Rines said that abatements should be paid from the overlay account and that the Board had no authority to pay them from the contingency account with out seeking authority from the voters.

John Allen requested permission to pay off the lease for the copier as he has enough money in the current year's budget, and it would eliminate the monthly expense in the coming year. Payoff figure for the copier is \$2503; monthly payments for the next two years are \$109. **Nicole Viele moved, Phil DiVece seconded, to authorize Lt. Allen to pay off the lease in this budget year. Vote 5-0.**

In response to Steve Mehrl's question, Nicole Viele said that the abatement letters had been signed and would be mailed shortly.

17. Adjourn

At 9:15 p.m. **Phil DiVece moved, David Nichols seconded, to adjourn the meeting. Vote 5-0.**