

WISCASSET BOARD OF SELECTMEN
JUNE 30, 2009

(tape recorded meeting)

Present: Chairman Bob Blagden, Vice Chairman Phil DiVece, Pam Dunning, Bob Fairfield and Town Manager Arthur Faucher

Absent: Bill Curtis

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 June 22 and 23, 2009

Phil DiVece moved that the minutes of June 22, 2009 be accepted. Vote 4-0-0. Pam Dunning moved to accept the minutes of June 23, 2009 as written. Vote 4-0-0.

4. Citizen Comment

Katharine Martin-Savage reported that the Reeds, who are donating a Colorado blue spruce tree to replace the dying fir tree on the common, will dig up the tree and deliver it to the common. Delivery of the tree will be coordinated with the road commissioner who will remove the dead tree from the common. She asked if a piece of granite stored at the old dump could be used for a memorial to be placed in front of the spruce tree. The chairman advised her that she could use a piece of granite if she found one that was suitable.

Steve Mehrl asked about the status of the McDonald's restaurant that was slated to open in August. He also asked about meetings the Riverbank Energy Center would be holding with the town and was advised that a meeting will be held at the Wiscasset primary school on July 9 at 6:30 p.m. to be preceded by a trip to the site at 4 p.m. Tentative plans are for school buses to be used to take people to the site. Mehrl said he was concerned about rock crushing and was advised that the rock would be brought to the surface and then shipped away. Mehrl recommended that the board ask Whitefield and Thomaston for copies of their ordinances dealing with mineral extraction.

Bill Barnes said he had been informed by Buck Rines, Wastewater Treatment Plant supervisor that the sludge field did not need to be mowed. Bob Blagden said that if the treatment plant has not been used as a sludge field for two years, the DEP would not be involved in the disposal of the cuttings. Therefore, mowing would no longer be the sewer department's responsibility; the town would take care of it.

5. Attorney Dennis Jumper: Outlook on Thorndike Road

Attorney Jumper outlined the definitions and statutes pertaining to the abandonment and discontinuance of a public way. A public way is a road; a public easement is an ex-road that all can use but is not maintained. A presumptive abandonment occurs when the road has not been kept passable for thirty years by the town. Before 1965, if a road had been abandoned for thirty years, it was no longer considered a public easement; after 1965 if a road had been abandoned or discontinued, it still was a public easement. Jumper said the town had no obligation to maintain a road if it has been abandoned for 30 years. He said a hearing could be held with long-time residents to determine when the town stopped maintaining the road so the town can

determine the road abandoned. This would be conclusive until or unless a trial overturns the determination. The town has the right under statute to determine if a public easement exists. In response to questions, Jumper said a gate cannot be put across a public easement; vehicular access cannot be blocked; the state does not have the right to gate the road unless it were across the town property and it would then require the town's permission.

George Lamar said that the Thorndike Road had not been used for 50 years, and the road was only recently improved by the state for access for equipment to make repairs to the bridge. The state had agreed to gate the road but had not done so. Lamar does not want responsibility for people driving down the road and getting stuck. He said he does not have liability insurance to cover accidents as a result of vehicles using the road and would like the town to take responsibility. Phil DiVece said he had inspected the road and he could not have driven the road in his Jeep. In response to Pam Dunning's questions, Lamar said that if the gate were locked he, the town manager and the road commissioner would have keys; he would be responsible for maintenance of the gate and would sign a maintenance agreement so there would be no cost to the town. Dunning recommended that a "dead end" sign be installed.

Bob Fairfield moved to accept putting a gate on Thorndike Road with the condition that George Lamar maintain it. Dennis Jumper said he had not been asked to find a way for the town to put up a gate, only to explain the law. However, he said the town could discontinue the public way and public easement so that a gate could be installed. A representative from the state who handles rights of way said that MDOT had presumed no rights of access and had obtained a permit from both the town and George Lamar and had compensated them for rights of access. There was no vehicular access at that time. He said the MDOT was proposing to restore the road to the same condition as they found it, installing a gate with pedestrian access only. He declined to say at a public meeting how much the town was compensated for the project. Arthur Faucher said there was no compensation, only the permit fee was paid. Dunning asked that the town manager work with George Lamar **Vote 3-1-0** (Blagden opposed). Bob Blagden said that he opposed the motion because he had seen situations where roads had been blocked and all of a sudden the road no longer exists.

6. Town Clerk Christine Wolfe: Time Schedule for the Highway Budget ballot vote

Christine Wolfe presented the tentative schedule for the September 8, 2009 vote at the town office on the highway budget beginning with a deadline for the budget figures on July 14. She asked for approval of the schedule and the location for the election. The chairman said he had no problem with the location or the schedule but asked when budget figures would be available. Arthur Faucher said that he had prepared two budgets with the road commissioner and these would be discussed at a joint meeting with the Budget Committee. There was a consensus that the town clerk's recommendations be accepted.

Wolfe said there were three openings on the Budget Committee. There had been write-in votes for Joe Carter and **Bob Blagden moved to appoint Mason Joseph Carter to the Budget Committee for one year. Vote 4-0-0.** The other vacancies will be advertised. Steve Mehrl thanked the board for maintaining the secret ballot and agreeing to meet with the Budget Committee.

7. Road Commissioner Greg Griffin: Restoration bids for Truck #5

The following bids were received:

<u>Repairs to 1991 trailer:</u>	Hews Body Co.	\$6,600
	Big Rig Shop	6,395
	Messer Truck Equipment	7,495

Phil DiVece moved to accept the low bid from Big Rig Shop, Oxford, Maine, not to exceed \$6,395 for repairs to the '91 Transfer Department trailer. Vote 4-0-0.

<u>Truck #5 body repairs</u>	Messer Truck Equipment	\$6,450
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Bob Blagden moved to accept the bid of \$6,450 from Messer Truck Equipment for repairs to Truck #5. Vote 4-0-0.

Jim George advised the board that under the bid process the selectmen can accept or turn down any and all bids and do not have a legal obligation to accept any.

<u>Motor for Truck #5</u>	O'Connor GMC	\$12,275 with \$2,000 credit
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Bob Blagden moved to accept the bid on the Cat motor from O'Connor for \$12,275. Vote 4-0-0.

8. Treasurer Jim George: Lien Accounts and Departmental Summary Reports

Jim George reviewed the financial reports he had prepared for the board. Thirty-day lien notices for unpaid real estate taxes had been sent on June 16 and \$595,057.10 is outstanding at this time. In response to Phil DiVece's question, George said there were liens for the 2007 tax year that would mature in January, 2010.

The Expense Summary Report and the Exp/Rev Summary Report were discussed, particularly those figures dealing with departments where there was a carryover. Bob Blagden said that when the waterfront budget was drafted this year there was no thought given to the carryover that should have been used for next year's budget; the town raised \$60,000 it did not need and which the town was not authorized to spend. Gross budgeting was discussed, which would eliminate the problem of carryovers in all but true enterprise accounts, as any funds not spent would go into the general fund. This would not apply to the transfer station because two other towns are contributing to the budget. Steve Mehrl asked that this subject be put on the July 14 agenda including how to word the questions on the ballot.

Erv Deck said the airport had experienced two revenue shortfalls this year because one lease was \$5,000 short and excise tax had been lost because of aircraft moving elsewhere. There were in addition unexpected expenditures for transformers and reconditioning and repairing fuel tanks. Bob Blagden expressed concern that the airport account had been overspent by \$11,000 which would seem to be illegal. The statute allows the town to overspend General Assistance, Animal Control and Highway budgets. The difficulty of estimating airport revenues was discussed, and Deck said this year's deficit should not increase. Bob Blagden said there were insufficient funds in the contingency account to cover the overrun and recommended that it be put on the ballot for September 8.

9. Board of Selectmen: Ad Hoc Investments and Services Committee Appointments

Bob Blagden moved to appoint to the ad hoc Investments and Services Committee Larry Lomison, Larry Gordon and Frank Barnako from the public sector, Greg Shea and Ed Polewarczyk from the Budget Committee, and Phil DiVece and Bill Curtis from the Board of Selectmen. Blagden asked that Larry Gordon be appointed chairman pro tem to call a meeting of the committee to formulate questions for Edward Jones before the presentation which has not yet been scheduled. **Vote 4-0-0.**

Carolyn Ostic had requested permission to collect signatures for the definition of marriage at the transfer station. The Town Manager had told her that this would not be allowed and the board agreed.

10. Town Manager's Report

- Joint Meeting on Highway Budget 2009-2010: A meeting is scheduled for July 7 and the committee will look at the overdrafts at that time.
- Class 1(A) Driver/Laborer Position Status: There were no inhouse applicants and the position has been advertised with a July 15 deadline for applicants.
- Pine Tree Engineering & the Montsweag Roadhouse Project: An informational presentation will be made on July 15. Although a town vote would be necessary if the selectmen decide to put it on the warrant, Pine Tree is not expecting the town to vote on its proposal at the September 8 election, as it will have to work with the Town of Woolwich also. Steve Mehrl asked that the budget information for the highway department be given to the Budget Committee as soon as possible and that a check list be developed for the agreement with Montsweag for sewer service. Phil DiVece said the town should have a consultant to review the specs for the project at the applicant's expense.
- Suggestions to the Town's 2003 Compensation Policy: The town manager distributed three documents: Proposed Employee Benefit Enhancement for non-union employees, Board of Selectmen minutes of July 1, 2003 with a highlighted section pertaining to non-union employee benefits and a draft of Suggestions to the Town's 2003 Compensation Policy. Phil DiVece said the compensation policy should have been included in the personnel policy. Arthur Faucher said that it would be easier to start over with a policy than find scattered references dealing with comp time. He asked the board to review the draft policy for a later discussion. DiVece recommended a workshop meeting to discuss the policy. Faucher will ask MMA to send a human resource representative to the workshop and will advise the board of the date when an MMA person is available.

11. Other Business

Pam Dunning said Don Jones had noted a typo in one of the town's ordinances and asked whether this should be referred to the Ordinance Review Committee or selectmen. The word "except" appears to have been omitted which would make the permit referred to useless. The Town Clerk will research whether the typo appeared on the ballot or occurred when revising the ordinance.

Bob Blagden said there was discussion a year ago about the unused fire truck at the fire training site, and at the time Bill Curtis had recommended not putting it out for bid because it might be possible to get more money for it in some other way. Blagden said that the procedure for surplus property should be followed and the board should take action before the truck disappeared. The fire chief had declared the truck surplus. **Blagden moved to put fire truck #6 out for a sealed bid.** Phil DiVece recommended waiting until Bill Curtis was available and that it should be discussed with the fire chief. Jim George said the main reason it was no longer in use was that the brakes were gone and it was impossible to get parts. **Vote 3-1-0** (DiVece opposed).

Carroll Colby reported that the missing planks on all but one of the floats had been replaced but that the light had not been fixed.

In response to Steve Mehrl's question, Arthur Faucher said he had informed the harbormaster of the repairs needed to the floats at the harbor. Pam Dunning said the harbormaster and Waterfront Committee would be present at the next meeting. Carroll Colby reported that repairs had been made to all but one of the floats but the light had not been fixed.

At 9:35 p.m. **Bob Blagden moved to go into executive session in accordance with MRSA 1, Chapter 13, §405 (6)(D) to discuss matters applicable to the labor contract involving District Lodge #4 of the International Association of Machinists and Aerospace Workers and its local lodge S/89 for the Support Staff Unit. Vote 4-0-0.**

The board exited executive session. **Bob Blagdon moved to notify Linda McGill that her legal services for assisting the town with union contract negotiations will no longer be needed. Vote 4-0-0.** The Town Manager will inform Linda McGill and advise Joe Flanders of the selectmen's decision.

12. Adjourn

Bob Fairfield moved to adjourn at 10:32 pm. Vote 4-0-0.