

WISCASSET BOARD OF SELECTMEN
JULY 14, 2009

Preliminary Minutes

(Tape recorded meeting)

Present: Chairman Bob Blagden, Bill Curtis, Vice Chairman Phil DiVece, Pam Dunning,
Bob Fairfield 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 July 7, 2009

Phil DiVece moved to approve the minutes of the July 7, 2009 meeting. Vote 5-0-0.

4. Citizen Comment

Steve Mehrl encouraged everyone to attend the July 18 meeting of the RSU for a rationale of how the town's share (estimated to be \$1.2 million) of the school budget will be spent.

5. Sarah McDaniel: The Maine Yankee Subordination Agreement

Attorney McDaniel said the DEP and Maine Yankee signed a consent order in 2007, an environmental covenant that prohibits the use of groundwater and disturbance of the soil on the Maine Yankee property without an environmental consultant's approval. She and Attorney Peter Murray had investigated the use restrictions set out by DEP and Maine Yankee and found that the time to appeal had passed. However, she said the town holds easements for sewer pipes and a pump station and, under the proposed agreement the town would subordinate its interests to Maine Yankee. If the town plans any work on the pipes or pump station, it must notify Maine Yankee 21 days in advance and Maine Yankee will oversee the work.

In response to Phil DiVece's question, McDaniel said that all non-radioactive contaminants had been dealt with; however, there are still two contaminated sites -- the 10 to 12 acres on the Maine Yankee property reserved for radioactive waste and the land under the reactor site.

Buck Rines, Wastewater Treatment Plant Supervisor, said that the town's pump station on the Maine Yankee property had been removed and as far as he knew, the town did not own the sewer lines. He foresaw no reason the town would work on the sewer lines to Maine Yankee. Maine Yankee has a small pump station and would have responsibility for the lines. **Bob Blagden moved to sign the subordination agreement with Maine Yankee. Vote 5-0-0. Bill Curtis moved to authorize Bob Blagden to sign the agreement on the board's behalf. Vote 4-0-1 (Blagden abstained).**

In response to Steve Mehrl's question regarding removing the town's easement from the record, Bob Blagden said that it might be advisable to keep the easement because there is no way of knowing what might happen in the future.

6. Lisa Garman: The 250th Celebration

Garman said in lieu of a July 4th celebration next year, the town would be celebrating its 250th anniversary along with Dresden, Alna, and other towns in the county. Although no official committee has been named, 31 people have attended the planning meetings and Garman is acting chair with the assistance of Mary Ellen Barnes and Jay Robbins. She distributed a

schedule of events and minutes of the committee's meetings. Plans call for both winter and summer events beginning with fireworks and other winter activities on February 13 and culminating with fireworks and other activities between June 19 and July 4. Money was appropriated both last year and this year for a total of \$10,000 for the celebration. The celebration will be publicized on the website, in newspapers and by word of mouth. She said volunteers and donations are needed. The next meeting of the committee will be held in August.

7. Peter Arnold: Update on the Tidal Energy Project

Arnold said the Federal Energy Regulatory Commission (FERC) had approved the town's permit application to study the feasibility of the tidal resources project utilizing tidal currents to produce electricity. The schedule of activities for the preliminary permit has been sent to FERC as required. The town will partner with the University of Maine to determine if currents are adequate for the project; environmental studies will follow. Other potential partners are Maine Maritime Academy, Riverbank Wiscasset Energy Center, Ocean Renewable Power Corporation and Lincoln County Economic Development. Arnold said he had requested \$7500 from the Maine Community Foundation, \$5000 of which would be used to retain Divine Tarbell Associates, environmental consultants. In response to questions, Arnold said that the Riverbank energy project and the tidal energy project are not incompatible and that the two projects would be sharing research and information; three years are allowed for the study and funding could come from carbon credits, energy tax credits, renewable energy credits, REA loans or private donations.

8. Ken Boudin: Recommendation on Airport Engineering Services

Boudin said a new consultant contract for the airport is required every five years by the FAA and requests for qualifications for the contract had been advertised. The Wiscasset Airport Committee had received three responses and had rated them on a point system as follows: Oest Associates - 342; Stantec Corporation - 360; Tanner Associates - 307. The Airport Committee recommended hiring Stantec Corporation, which had written the last master plan for the airport. The consultant will be paid with FAA funds.

Criteria on which the firms had been rated were company background, ability to perform, local knowledge, staff/client relations, experience and references. In response to Bill Curtis' questions, Boudin said that the FAA and the state were not involved in this process.

As far as a conflict of interest existing because the airport manager works for Stantec, Boudin said he had consulted both the FAA and the state, both of which found no conflict. Larry Lomison said there could be a conflict of interest because Stantec was working with Riverbank and there would be the possibility of the town paying Stantec on one hand and opposing its development on the other. Stephen Langlais, Senior Project Manager for Stantec, who is located in Portland, said there would be no conflict, he has no knowledge of the Riverbank project, and it is the Topsham group that is handling the permitting with Riverbank. There is no interaction between the two offices.

Bob Fairfield moved to accept Stantec to be the engineering firm for the Wiscasset airport for the next five years. Vote 5-0-0. Bob Blagden moved to authorize the Town Manager to sign the contract for the board of selectmen. Vote 5-0-0.

9. Scott Colby: Cleanup of the former Glenn Lewis property on the Foye Road

Bob Blagden said the board had not decided what to do about this property and cautioned Mr. Colby to not give out any information that might jeopardize his proposal for the cleanup of the tax-acquired property on Foye Road.

Town Attorney Dennis Jumper explained the process by which towns could acquire property when taxes are unpaid. In this case, the court had made a final judgment and granted the town good title. The town has the option of listing the property with a broker or putting it up for bid if it wishes to sell the property. In addition, the town has complied with the abandoned property statute. Because of the amount of abandoned property (cars, boats, tires, demo debris, etc.), the town has several options; it could have the town crew clean it up; hire someone to clean it up; sell it at a reduced price with the deed in escrow until the property is cleaned up; or contract out the job giving free or reduced rates for access to the transfer station, requiring the contractor meet the criteria for disposal of the junk and requiring liability insurance for non-performance.

The deadline for Mr. Lewis to remove the abandoned property from the site has passed and the property has been cordoned off to prevent access. Jumper encouraged the CEO to take pictures of the property as it is today to determine the cost of the remaining property. In response to Bill Curtis' question regarding the possibility of hazardous materials found during excavation after the lot had been sold, Jumper said the prior owner would be responsible. CEO Stuart Wyman said the DEP would inspect the property after it is cleaned up. He estimated there were 15 to 20 cars, 15 boats, 3000 tires among other things on the site. There are no subsurface tanks on the property. Bill Curtis recommended contacting the DEP for guidelines in cleaning up the property. Blagden said that if the property was sold as is, the board should require that the tires are disposed of properly, or the town could dispose of the tires at the transfer station. Scott Colby said he would wait for a decision by the board before proceeding any further with his proposal.

Bob Blagden recommended the board decide whether to sell the property as is or whether to clean it up, and if the latter decision is made, whether it would be done by the town or by the private sector. Bill Curtis recommended that the board determine the worth of the property both as is and when cleaned up, and the cost of clean up. **Pam Dunning moved to authorize the town manager to work with the town attorney to develop a Request for Proposals for the cleanup of the (former) Glenn Lewis property.** Arthur Faucher asked Attorney Jumper to draft legal language to allow access to the property for those wishing to submit a proposal. **Vote 5-0-0.** Arthur Faucher said there is another property the board should address the next week in executive session and it could also review the RFP at that time.

Janet Fairfield said that Glenn Lewis (her brother) had been renting their mother's house on Hodge Street but was in the process of being evicted. She said Lewis was bringing unregistered cars, boats, etc. from the Foye Street property to her mother's property and to adjoining property owned by the town. She wanted to make sure that her mother would not be held liable for her brother's actions.

Arthur Faucher said he was not aware until informed by Janet and Gary Fairfield that the cars were coming from town property formerly owned by Lewis. A "no trespassing sign" had been erected at the Foye Street property to stop extraction of vehicles from the property.

The chairman said he did not think a violation existed with two cars, a boat and a camper on the property. He suggested that if the vehicles, boats, etc. were not removed, when Lewis vacates the property, it would be a civil matter to be pursued by the landlord. The town attorney advised following the legal procedure for dealing with property left behind by tenants. Phil DiVece said he had concerns about visibility at the corner with heavy equipment going in and out of the town property.

10. Sam Patterson: Removal of abandoned trailers and the municipal sewer bill

Andrea Patterson, who with her husband has owned a trailer park on Birch Point Road since 2006, said there are two abandoned trailers that they would like to remove from the park, a third trailer has been torn down; however, they could not move them because of tax liens. Jim George gave a breakdown of the taxes due, although there was some confusion over the lot numbers. It appears that Lots 8 and 12 are abandoned and there is a lien on Lot 8. Taxes on the trailer park

are due for 2007 and 2008, and with interest and fees the amount due is \$8500+. **Pam Dunning moved to table doing anything with the trailers until the board talked to the assessor. Vote 5-0-0.**

Ms. Patterson said there had been water leaks in four trailers and the water had gone into the ground, not into the sewer. She asked for some assistance with the sewer bill. Some of the leaks which had evidently begun in the winter were not discovered until spring. Ms Patterson said the leaks had now been repaired. Buck Rines said that there had been water leaks previously and in 2007 the sewer bill was credited \$960.45. Pam Dunning asked that the prior sewer bills be made available so that they could be compared with the most recent bill. Buck Rines will research the billing.

11. Town Manager

- Tax Anticipation Note for 2009-2010: Bids on the \$3 million TAN are due on July 28. Last year's TAN was \$3 million and half of that amount was used.
- Gross Budgeting Workshop and Union Negotiations: The workshop on gross budgeting will be presented by John Eldridge; David Barrett, MMA, will be available the first week in August for union negotiations.

The town manager will be on vacation next week.

In response to Phil DiVece's question, Arthur Faucher said the books had been closed and the accounts will be balanced as soon as all invoices are in. There is an overdraft of \$11,400 in the airport account. The town manager and treasurer are meeting on Wednesday and will have final figures on the contractual services, most of which were for Maine Yankee legal fees. Contingency funds are not available as they had been used for abatements. DiVece said if there was an overdraft in contractual services, he would prefer to go back to the town for approval.

12. Other Business

Steve Mehrl said the Budget Committee would not meet until the third week of September and the minutes for the previous meeting would not be available until that time. He asked whether a date had been set for the meeting with Edward Jones. The town manager said that Larry Gordon, ad hoc investment committee chairman, would contact Edward Jones and set the date. Ed Polewarczyk asked to be informed of meetings and correspondence with Edward Jones.

Bob Blagden reported that Joe Carter declined appointment to the budget committee. He recommended that the town clerk advertise the vacancies on the committee.

In response to Bob Blagden's question, Arthur Faucher said he had met with Tim Merry regarding the bid for the old fire truck and had sent him a copy of the bid solicitation but had not heard from him. Bob McDonald had also been asked to review the specs. Blagden asked that the dump body from truck #7 be added to the bid documents.

13. Adjourn

Phil DiVece moved to adjourn at 9:20 p.m. Vote 5-0-0.