

WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS & OVERSEERS OF THE POOR  
MAY 3, 2011

(tape recorded meeting)

**PUBLIC HEARING**

Present: Wiscasset Selectmen Bob Blagden, Vice Chairman Judy Colby, Pam Dunning, Chairman David Nichols, and Ed Polewarczyk; Woolwich Selectmen Lloyd Coombs, David King, Dale Chadbourne and Todd McPhee; and Town Manager Laurie Smith

**Joint public hearing of the Wiscasset and Woolwich Board of Selectmen to receive public comment regarding the transfer of 22 acres on the Montsweag Brook from Central Maine Power as compensation for the Maine Power Reliability Project. The compensation involves the property and the upper dam to a third party for conservation purposes.**

Bud Newell of TRC, consultants for Central Maine Power, said that as part of CMP's Maine Power Reliability Program (MRPR), resource inventories and mapping of natural resources on all of the transmission line corridors has been done. This information was used to determine the level of compensation and mitigation CMP would need to provide under the Maine DEP and Army Corps of Engineers rules and regulations to offset project impacts.

One of the compensation parcels is the Montsweag Brook Compensation Parcel: 22 acres in Wiscasset and Woolwich. Montsweag Brook flows through the parcel and the Montsweag dam is located on the property. The dam was built in 1941 as a backup water supply for Mason Station.

Newell said CMP was willing to transfer the property to Wiscasset and/or Woolwich. If neither town is interested, CMP would retain ownership with covenants and restrictions covering the property. In response to a question on the Fish Passage Restoration clause in the covenants, Newell said that that section was added because Chewonki Foundation was at one time interested in the property and in restoring the fish passage either by a fish ladder or by removal of the dam. Both that clause and No. 8 dealing with the prohibition of motorized vehicles can be revised and the covenants will be rewritten to delete references to Chewonki Foundation. Newell said that the owner of the property would develop a management plan that would need approval if it included anything not covered by the covenants.

If Wiscasset were to acquire the property, the pond could be used as a source of water for fire suppression. A disadvantage of acquiring the property is that not much can be done with the land; the value of the property is gone, no matter who owns it. Other disadvantages are town liability, requirement to keep perimeter marked and clear, and maintenance (Newell will check on maintenance records). Newell said CMP would provide a \$100,000 stewardship fund that can be used for property management or maintenance. It was suggested that CMP be asked to fund an engineering study and legal advice on the rights and covenants. Bob Blagden said the main issue was the fate of the dam, which would be controlled by the owner.

Legal access and ownership of gate were discussed as well as the possibility of the property being open to the public if Wiscasset were to own it. The public hearing closed at 6:30 p.m.

Bob Blagden asked that the matter be placed on a future agenda. Pam Dunning asked Newell to provide information on past maintenance and expected life span of the dam. She asked what the town's responsibility would be if it owned the property such as repairs to or removal of the dam and whether a fish ladder was required and at what cost. Maintenance of the road was also brought up as a responsibility of the ultimate owner.

David King said the matter would be on the Woolwich Selectmen's agenda and Wiscasset would be advised if they had an interest in the property.

## **AGENDA**

### 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. Approval of Treasurer's Warrant: April 26, 2011 and May 3, 2011

There was a consensus that checks not be issued for work not yet performed. **Pam Dunning moved to approve the Treasurer's Warrants of April 26 and May 3, 2011 as amended [to remove prepaid checks]. Vote 5-0-0.**

### 4. Approval of Minutes: April 19, 2011

**Pam Dunning moved to approve the minutes of April 19, 2011. Vote 4-0-1.**

### 5. Special Presentations or Awards:

David Nichols announced that the 2011 Town Report was dedicated to Tim Merry and presented him with a plaque in honor of his 19 years of service on the fire department.

### 6. Executive Session for personnel matters pursuant to 1 M.R.S.A. §405(6)(A)

**David Nichols moved that the Board of Selectmen go into Executive Session pursuant to 1 M.R.S.A. §405(6)(A) to discuss personnel matters. Vote 5-0-0.** The board entered executive session at 7:15 p.m. and exited at 7:25 p.m.

### 7. Committee Appointments

**Judy Colby moved to appoint Jack Pringle to the Waterfront Committee. Vote 5-0-0.**

### 8. Public Comment

Anne Leslie said the Wiscasset Conservation Committee had chosen an American elm tree to be planted outside the Municipal Building honoring Woody Freeman. She said landscaper Dennis Anderson will provide the tree at cost and deliver it. Cost ranges from \$112 to \$550 depending on size. A mounted 8 x 12 bronze plaque is estimated to cost \$675. There is approximately \$1,000 in the fund. Bob Blagden said the proposed wording was fine and suggested that the plaque be purchased and that the committee purchase as large a tree as possible. **He moved to authorize the Town Manager to work with Mrs. Leslie and put this issue to rest. Vote 5-0-0.**

### 9. Department Head or Committee Chair Report

#### A. Erv Deck, Airport Manager

Deck asked if there was a policy on hunting on town property, as the turkey population at the airport was getting out of control. It was suggested that he work with the local gun club and contact the Fish & Game Department to determine if there is a program in place.

Regarding the budget for grass mowing at the airport, Deck said he had found no one who would pay the airport to take the hay; however he had heard from someone who on a long term basis would fertilize, cut on a regular basis and take it away.

The Maine DEP had toured the airport and found that the stormwater pollution prevention plan needs updating and a new plan can be funded 97½% by the state and FAA. Stantec will be investigating a grant for this purpose; the town's share would be \$500.

The lowest bidder for the gates was non-responsive and the next lowest bidder was chosen.

A snow pusher is needed and will be included in the grant application for the fence and gate and the stormwater pollution plan; cost to the town will be \$3,900, which can be handled by the airport budget.

Deck said the Texas Flying Legends Museum, owner of five World War II aircraft and based at Ellington Field, Texas, had chosen Wiscasset airport as its summer home and the aircraft would be in Wiscasset from August through mid-October. They will participate in the open house and fly-in and will eventually build their own facility in Wiscasset.

#### B. Investment Committee quarterly Report - Chair Ed Polewarczyk

Polewarczyk reported on the market value and diversification summary of the reserve and endowment funds and the changes to asset allocation due to the Investment Policy. The market value of the reserve fund as of March was \$10,222,886, an increase of 1.8%; the market value of the endowment fund was \$2,166,886, an increase of 20.4% over the past nine months. The investment advisor will be moving slowly into equities, minimizing risk, and working toward a perpetual fund with a 3½% distribution each year.

#### C. Rick Lang, Code Officer - Koehling and Hart Property update

Lang reported that he and Mary Ellen Barnes, Lincoln County Economic Director, had met with Jean Firth and Hank Andolsek from DEP who had determined that the Hart property would qualify for assessment to determine the extent of any pollutants on the site if brownfield funds became available. Firth has developed a five-stage assessment plan as a result of the meeting.

Town Manager Laurie Smith said that the potential path laid out by Firth was one alternative; there was not a lot of brownfield money available and the process could take several years. Another option would be to sell the property with a deed restriction that the property be cleaned up before the deed is turned over to the owner. One advantage of a sale is that a private owner would not be required to have as many phases of assessments as a governmental entity would. She said the cleanup could cost the town \$100,000, state grant funds would be necessary and it would be a long process. DEP approval would be necessary if the town were to sell the property; Town Attorney Dennis Jumper had seen no potential issues with a sale. There was a consensus that the town seek permission from the DEP to sell the property and put it out to bid.

With regard to the Koehling property, Lang submitted a plan from Todd Coffin, GEI environmental consultant, for the proper removal and disposal of the building and contents. Lang said a Nonhazardous Waste Haulers Permit from the DEP had been applied for in order to properly transport the solid waste. He said five or six individuals had expressed an interest in bidding on the property after demolition.

#### C. Waterfront Committee recommendation of vendors to the Main Street Pier

**David Nichols moved that the Board of Selectmen approve Ronald Leeman's application contingent upon final approval by the Waterfront Committee. Vote 5-0-0.**

## 10. Unfinished Business

### A. Doug White special amusement permit for August Country Music Festival

The applicant asked that the 90-day notice in his permit be changed to a 60-day notice because bands did not schedule events that far in advance. He said the event may be a country music or rock festival and would take place the first part of September. **David Nichols moved to amend the Country Music Festival permit scheduled for approximately the first of September to a new music format and to change the deadline for submitting final information to 60 days prior to the event. Vote 5-0-0.**

### B. Draft Website Policy Discussion

The board was provided with a draft website link policy. The board discussed the difficulty in deciding which groups or organizations met the criteria allowing them to have links on the Wiscasset website as well as problems with monitoring the sites and determining whether sites were compliant. The board delayed taking any action on the policy until a legal opinion was obtained on the limits of links displayed on the town's site.

### C. The Town website Link to the Wiscasset Educational Panel

No action was taken pending a legal opinion on the website policy.

### D. Downtown Business District ordinance expansion

Jeffrey Hinderliter said the public expressed concern at the public hearing on this ordinance amendment because it would allow uses not compatible with the historic character of the neighborhood. The purpose of the amendment was to allow additional uses for The Ledges. The board, with the agreement of one of the owners of The Ledges, had recommended that an overlay district or other provision be made to allow additional uses for only that building. The board had at the previous meeting decided to remove the ordinance amendment from the warrant. **Pam Dunning moved to forward the downtown business district amendments to the Town Planner and Ordinance Review Committee to incorporate the comments received through the public hearing process. Vote 5-0-0.**

## 11. New Business

### A. Wiscasset Downtown Plan discussion and Communities for Maine's Future application

Smith said that the Communities for Maine's Future Bond program, administered by the Department of Economic and Community Development, provides funding to eligible Maine communities for downtown or village center community infrastructure projects. Minimum grant award is \$25,000, maximum is \$400,000. Grants require a 1:1 match.

Smith is investigating the possibility of using the grant for the Railroad Avenue Improvements plan that includes upgrades to Railroad Avenue, a new parking lot, a railroad platform and a structure for waiting passengers. Moving the railroad station to the north side of Route 1 would free up access to the commercial pier. There is a possibility that the match for the project could be the commercial pier replacement. In order to be eligible for the grant the town is required to have a downtown plan, which Jeffrey Hinderliter has written, combining elements of the Comprehensive Plan, Railroad Avenue Improvements Plan, and Pedestrian and Trail plans and developed a Downtown Plan. A letter of intent is due June 3.

Smith said that portable platforms are available from the state, which would reduce that cost. Smith will meet with the State, engineers, and Don Jones on site on May 11 to determine how the cost could be reduced. It may be possible to handle the road part of the project in house.

Smith announced the resignation of Jeffrey Hinderliter, who has accepted a position at Old Orchard Beach, and thanked him for his help and commitment. The board also expressed its appreciation.

B. Midcoast Economic Development District reorganization and appointment of two new representatives

**Bob Blagden moved to appoint Laurie Smith and David Nichols to serve as the Town of Wiscasset's representatives to the Midcoast Economic Development District's general assembly. Vote 5-0-0.**

C. Appointment of a Selectman and citizen to the RSU 12 reapportionment committee.

**Ed Polewarczyk moved to appoint Don Jones and Judy Colby to the RSU12 reapportionment committee. Vote 5-0-0.**

12. Town Manager's Report

A. Update regarding meetings with abutting communities

Smith, Roland Abbot and Ron Lear met with Alna and Westport Island to provide them with an update on the transfer station and EMS and with Edgecomb on the EMS. The proposed mandatory recycling ordinance was discussed as well as the EMS budget costs and possible contributions of \$3,000 from these towns. Peter Arnold and Peter Dalton joined Smith for the meeting with Westport to discuss the tidal project. Smith suggested that contributions be made on a calendar year basis, which would give the towns time to include the costs in their next year's budget and Wiscasset would have the information for its next budget season. Smith will draft a letter to the towns requesting contributions for the EMS if they wish to receive service.

B. Fuel Oil Bids

Smith reported that Maine PowerOptions recommended waiting before going out for bids on fuel oil. The board agreed with the recommendation.

C. Water Project update

According to the Water District, the Main Street project will be completed by the middle of June; work on the crossings will be done at night. No parking will be allowed on Main Street from Federal Street to the railroad. The Federal Street project will take place from June to September. It may be necessary for the town to move its sewer lines during the work on Federal Street.

D. General Update

An estimated increase in water rates will cost the town \$142,500; \$132,000 has been budgeted. Final figures will have to be approved by the PUC. Board members will attend a 6 p.m. meeting at the Water District on May 17 before their regular meeting at 7 p.m. Bob Blagden referred to a vote in the past (when the town received greater taxes from Maine Yankee) on a funding formula, which was skewed so that the town picked up a large part of the Water District budget in favor of the ratepayer and it was obvious this was still the case.

13. Other Board Business

David Nichols asked for volunteers for the 4th of July committee to contact the office. He said without volunteers, the parade might have to be cancelled.

**David Nichols moved to go into Executive Session pursuant to 1 M.R.S.A. §405(6)(A) and 1 M.R.S.A. §405(6)(D) to discuss personnel matters and labor negotiations. Vote 5-0-0.**

The board entered executive session at 9:20 p.m. and exited at 10 p.m.

14. Adjournment

**Judy Colby moved to adjourn the meeting at 10 p.m. Vote 5-0-0.**