



## SUPREME COURT ORDERS TOWN TO GIVE FLYING POND ABATE- MENTS

by Dan McGillvray

The Maine Supreme Judicial Court on August 28th sided with a 1990 ruling by the Kennebec County Commissioners that granted hefty tax abatements to 21 landowners in a Flying Pond subdivision. They had maintained that Vienna selectmen failed to increase inland property values in an equal way, after hiking their per-foot lakeside assessments from \$40 to \$265.

That adjustment put the value of a typical 200-foot-wide lot at \$53,600—up from \$8,000—and meant taxes on the land also increased proportionally. Selectmen two years ago disagreed with the three Commissioners and said the new Flying Pond valuations reflected about 80 percent of the actual selling prices of lots there. They refused to give the abatements and took the issue to the Superior Court, where a judge supported the Town's position. But on appeal, the state's highest court last month overruled that decision while citing the Superior Court with applying "the wrong standard of review to the facts."

"I think it's a very poor decision that's going to hurt the Town a lot," said First Selectman Albert Raedle. "What the Supreme Court has done is substituted the County Commissioners for the Town assessors. We were just following the State Bureau of Taxation's guidelines." Seasonal property owners in the Vienna Ponds Association sought the 1989 tax year abatements, the Commissioner's hearing and the court appeal. Ken Kokernak, Turner's Town manager and one of the Association members, initiated the abatement requests.

"We tried to tell the Board of Selectmen they  
(Continued on Page 2)

## TROUBLE AND TOIL – AND DAM GOOD NEWS

by Frank Fiore

As most of you already know, the Mill Pond is the shallow, weedy, four-or-so acre impoundment behind the Dam at the center of Vienna Village. For the past several years, there has been discussion around town of the possibility of having the Mill Pond dredged, in order to restore it to its former condition as a clear, much deeper (about 17 feet deep) trout pond. Apart from improving the fishing, such a project would have other benefits such as swimming and fire protection. Restoring the Mill Pond's role as a trap that captures nutrient rich sediments from the upper watershed of the Mill Stream would improve the flow of the lower section of Mill Stream and also help protect Flying Pond from excessive algae and weed growth. This sediment trap function is the reason that Mill Pond has filled in so much that water depths are less than four feet. The Mill Pond loses much more sediment downstream these days than it did as little as 15 years ago, owing to its greatly reduced sediment storage capacity.

Last summer, the Vienna Selectmen asked if I would form a committee to look into the restoration of the Mill Pond and the dam, and I agreed. A public meeting was held in late July at the Town House. I now have the names of several individuals that are interested in helping with the project. If you are interested in participating, call me at 293-2677. Task One is meeting to discuss exactly what the scope of the restoration project should be. Among other things, we'll have to decide if we should dredge the entire pond, or perhaps leave part of the wetland area that has developed as a bird and wildlife habitat.

We will have to fill-out and submit a very detailed and long application form sometime this

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(SUPREME COURT...Continued from Page 1)  
were doing it wrong and they failed to listen to that. This decision is nothing new. It's simply saying that you have to do it fairly and equally," he said.

It is not clear at this point exactly how much the owners will be due, based on the Commissioner's earlier decision to lower the per-foot shoreline assessment from \$265 to \$100, nor is it known how much the Town has spent thus far on legal representation. Raedle emphasized that the Supreme Court decision applied only to the 1989 tax year assessments. During the 1990 tax year, owner abatement requests were submitted too late for consideration; abatement requests for the 1991 tax year were heard in September by the Town's Board of Assessment Review, which did not exist in 1989. "Abatement requests that are initially denied by the Board of Selectmen can no longer be submitted to the County Commissioners," explained Raedle, "now that we have our own Board of Review." The Review Board members are Joe Pogonis, Larry Gross and Glen Meader.

Kokernak said that the owners will continue to file for abatements every year until the Selectmen, who are also the elected assessors, increase inland property values in an equal way, Kokernak explained. "We'll pursue abatements for each future year until such time as the citizens of Vienna correct the problem," he said, adding his recommendation that the Town hire a professional, non-resident assessor for a thorough, Town-wide revaluation.

Raedle said Flying Pond's lot values are comparable to those on Mount Vernon's side, and will stay at \$265 a front-foot because real estate sales show that figure approximates recent selling prices. The Selectmen are looking at increasing the valuation of some inland acreage. A one-acre lot, with no shore frontage—with a well and septic system—has been valued at \$6,800. Additional land is currently assessed at \$240 an acre.

"The first 10 acres may be low, and we're looking at our sales ratio now," said Raedle. Selectmen and resident assessor Libby Harville will suggest increasing those values. Kokernak said the court fight could have been avoided if the Board had accepted the shorefront owners' arguments in early 1990. Raedle countered that the Association members never presented Selectmen with any substan-

tial information based on a broad sample of real estate sales.

"But the real consequences of this is that the Commissioners, who know nothing about Vienna, can become the Town assessors. The Supreme Court has substituted them for our assessors," Raedle said. Despite a request from the Selectmen, the three Commissioners never gave the Town a "finding of fact" or any conclusions of law that explained their decision. The subdivision lot owners then sought a ruling from the Commissioners because there was no Town Board of Assessment Review at that time.

The Town filed a request for reconsideration with the Maine Supreme Judicial Court, which was denied.



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(TROUBLE AND TOIL...Continued from Page 1)  
fall to the Land Bureau of the Maine Department of Environmental Protection. Another important step in this effort will be to develop a plan to limit the soil erosion in the watershed of the Mill Pond Stream and then make sure it is accomplished. There is little point in dredging the Mill Pond if sediment from eroding land is going to fill it back in over the next few years. If we can get effective erosion control measures installed in the watershed, we should be able to enjoy the re-claimed Mill Pond for many years.

## NEWS FLASH

*The Federal Emergency Management Agency has reconsidered its Storm Damage Report for the Mill Pond Dam and on September 28th awarded the Town of Vienna \$14,246.60 in Federal funds for the repair of the Dam! The money will have to be spent by October 1993. We will now attempt to convince DECD to award additional funds to the project as part of the Community Development Block Grant Program.*

Last winter and early spring, the Dam that holds back Mill Pond took quite a beating from ice action and storm flows. Ice action extensively cracked the concrete cap that covers the Dam and pushed several big pieces right off the Dam. Concerned about the safety of the dam, the Selectmen asked the Federal Emergency Management Agency (FEMA) to inspect it as part of its "storm damage assessment" report for 1991-92. FEMA inspected it in April and pronounced it basically sound and not eligible for federal storm damage funds. Undaunted, the Town submitted a "Jobs Bond" grant application for \$11,500 to rebuild the Dam to the Maine Department of Economic and Community Development. That application was turned down by DECD in early July.

You probably are aware there has been a major change in the situation regarding the Dam since the time of our original grant application. On Friday, July 31st, while driving by, Harold and Kathy Kelley noticed a big drop in the Mill Pond.

The Mill Pond Dam had experienced a sudden failure. The dam had been impounding about four acres of water with all five planks in the spillway. A substantial whirlpool that had opened up on the west side of the Dam was passing a large amount of water and silt downstream to Flying Pond. No water was passing over the spillway on the east side of the Dam—the water level was dropping rapidly.

After conferring with Lucinda Lord and Dorothy Waugh, it was decided to remove all the planks in order to lower the water level below the level we believed the breach had occurred. But the next morning, the drop in the water level revealed that a seam had opened up along the west side of the concrete cap that runs the length of the dam and caps the clay bank that seals the granite block wall of the Dam against leakage. A weakness in the "clay bank" had allowed the water pressure to open up the breach, most likely after ice action loosened up the dam wall this past spring.

We placed about 40 sandbags on the leak and replaced the planks in the spillway. Within a week the hole had grown large enough to suck down 9 or 10 of our sandbags so we pulled all the planks again, placed more sandbags and let the Mill Pond go dry for most of August. During that time, the dam was inspected by the FEMA dam inspector and by the District Engineer for the USDA Soil Conservation Service (SCS). Mitch Michaud, of the Kennebec County SCS, told me that the engineer felt the dam was structurally sound from a safety standpoint. The breach had to be temporarily plugged in order to raise Mill Pond's water level enough to avoid drying out and possibly killing large amounts of the aquatic vegetation growing in the Mill Pond and having it wash downstream into Flying Pond. Even though the Pond would have to be drained as part of any Mill Pond restoration project, none of the protective measures that would be part of such a project would be in place for months to come.

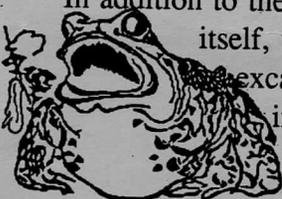
Mitch Michaud suggested that we plug the breach with a couple of yards of stony "bank-run" gravel. This was accomplished on the morning

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of September 6th, with help from Bruce Short, Lenny Meader, Bob Thompson, Sky Ludwig and Pete Byrnes. Although the "repair" is only intended to prevent further erosion of the "clay bank" until we initiate the more extensive (and expensive) dam rebuilding project next year, it seems to be holding up well enough to allow us to raise the water level in the Mill Pond about 2 feet. In the meantime, we are waiting to hear from the DECD on whether they are willing to reconsider the re-application that we sent them last month.

In addition to the concrete work on the dam itself, we will need to completely excavate and remove the existing clay bank and its concrete cap and replace it with a new bank of clear blue clay. A 75-foot cofferdam will have to be built to divert flows away from the face of the dam and direct it through the spill way while the excavation work is underway. The new clay bank will have to be placed and compacted in several lifts rather than in a few large loads. In addition to the excavator at the Dam, we will need another one at the clay source pit.

Because of the expense, it has been suggested that we solicit volunteer labor and equipment. The two estimates we have so far put the cost of the project at between \$18,000 and \$28,000. The Vienna Historical Society has very generously pledged up to \$5,000 for the repair of the Dam. The Historical Society and the Flying Pond Improvement Association have both offered to assist financially with the expense of repairing the dam.



# NEWS FROM THE VIENNA HISTORICAL SOCIETY

by Ellen Miller and Lucinda Lord

Three new plays by Beverly Wight Smith were presented on July 18th and 25th at the Vienna Union Hall and the Mt. Vernon Elementary School.

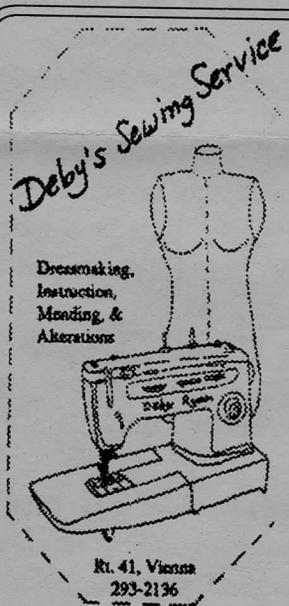
The annual Flea Market was held on August 8th, at the Mill Stream Grange Hall, with fifteen reserved tables and a lunch catered by the Grange. A tradition of several years standing, the affair has become a good community get-together time, as well as a chance to find that bargain you can't do without!

At its September 11th meeting, the Society voted to pledge \$5,000 towards permanent repairs to the Mill Pond dam, if the work is completed within two years. The dam represents the earliest days of industry in Vienna. In *The History of Kennebec County, Maine: 1625-1892*, we read: "Probably the first taskmaster the stoutly flowing stream at Vienna Village ever met was Patrick Galbraith, who laid a dam across its ancient bed and built a grist mill about 1800....."

Membership in the Vienna Historical Society is open to all; dues are \$1.00 per year. Meetings are held on the 2nd and 4th Fridays of each month.

## HONOR ROLL OF CONTRIBUTORS

Paul Trask	William Moore	Robert Hall
Bob Weingarten	Roberta McLaughlin	Bea Webber
Russ Mattson	Byron & Ann Woodman	Jean Bowers
James Smith	George Parenti	Lucille Nutt
Ed Hinckley	Libby Harville	Gil Brown
Warren Doe	Debbie Byrnes	Selectmen



Open house —

Join the celebration during November!

Hours:  
Thursday 9 - 5  
Friday 1 - 7  
Saturday 8 - 2

# MILL STREAM GRANGE WELCOMES VISITORS

by Hazel Bean

Mill Stream Grange was organized in August, 1947, with 44 charter members. Our first meetings were held in the Union Hall, but when cold weather came, the meetings were moved to the Town House. At times, we also met in the Village school house which has since become our permanent home.

The Grange, or Patrons of Husbandry as it was originally called, is open to any one, regardless of race, color or creed. We welcome anyone, fourteen years of age or older, to join our order. Applications can be obtained from any Grange member.

One very important office in the Grange is the Lecturer. It is her/his duty to plan the educational or recreational part of each meeting. Libby Harville is the current Lecturer and coordinates the programs that are suggested by Grange members.

Our programs are always enjoyable, entertaining and full of variety. We've had slide shows, old fashioned minstrel shows, a talk on infant mental health, quizzes, skits, jokes, games and lots of music.

Meetings are held on the first and third Fridays of every month, at 7:30 PM. A pot-luck supper at 6:30 precedes each meeting. Visitors are invited to join us for our supper and program. Meetings are limited to members only, though members of other Granges are always welcome.

# EXTENSION GROUP PLANS PROGRAMS

by Debbie Byrnes

Membership in the Vienna Village Extension Group is open to all residents of Vienna and Mt. Vernon. Meetings are held at 7:00 PM on the second Monday of each month (except during July and August) at the Vienna Grange Hall. The following is a tentative list of programs scheduled for 1992-1993. For more information, phone Debbie Byrnes at 293-2706.

OCTOBER 12TH - Master Lunch Packing. Meeting to begin at 6:30 PM. Bring a brown bag lunch to swap for supper.

NOVEMBER 9TH - "Thank you" entertainment for members, their families and House Tour helpers. Pot luck supper at 6:30, followed by a program.

DECEMBER 14TH - Holiday Party at Ellen Miller's home. Pot luck supper and gift exchange at 6:30 PM.

JANUARY 11TH - "The Feminine Edge"

FEBRUARY 8TH - International Program - Saudi Arabia.

MARCH 8TH - Christmas decorations made with recycled Christmas cards.

APRIL 12TH - Casserole Carriers

MAY 8TH - Field Trip - destination to be chosen.

JUNE 14th - Potluck supper, Silent auction and plant exchange.

## BUSINESSES IN TOWN - PART II

by Warren Doe

**Eaton Mountain Woodworks**—Stuart Rogers—One mile past Town Hall (the new building near the Trask Road)—Part-time for the past 10 years; now full time—Worked with a local cabinet-maker and is self-taught—Build custom furniture, repair antiques, do refinishing and some carpentry—By appointment—Telephone 293-2463.

**Meader's Construction Co.**—Lenny and Linwood Meader—Route 41, approximately 4 miles from village—Since 1987—Worked for Cianbro for a year—We do septic, driveways, foundations, digging landscaping, etc.—No set hours—Telephone 293-9271 or 293-2270.

**Satellite Systems**—Andrew C. Herrin—Approximately 1/2 mile down the Beck Road—Celebrating the 10th year this fall!—Twelve years in the field, on the job and several seminars—200 channel TV "Putting you in touch with the world."—9:00-6:00 or by appointment—Telephone 293-2855.

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# VIENNA UNION HALL UPDATE

by Carol Hedden

We thank all who contributed to the "Young Peoples' Talent Show." Special praise to the organizer, Phil Zukas, and Masters of Ceremony Brian Gilman and Rich Seamon. To the performers, Thank you! Thank you for your time, energy, effort, imagination, expertise and plain old nerve. The show was a lot of fun, an inspiration to continue work on the building that housed it. We made \$170.00!

The Union Hall's summer newsletter generated \$225.00 in contributions and an increase in membership and meeting attendance.

We have a good start on next spring's auction with donations of bikes, skis and furniture. Restore space and order to your home; recycle your favorite castaways while making a commitment to your local performing arts hall! If you have a donation and can't hang onto it until spring, call Dodi Thompson (293-2670) or Carol Hedden (293-2075).

## Up-coming Events

*Finding the Center—Dreamtime, RealTime and Maine's Prehistoric Petroglyphs*

(A talk with slides, by Mark Hedden, Archaeologist of Prehistory, Sunday, October 11th, 3:00 P.M.)

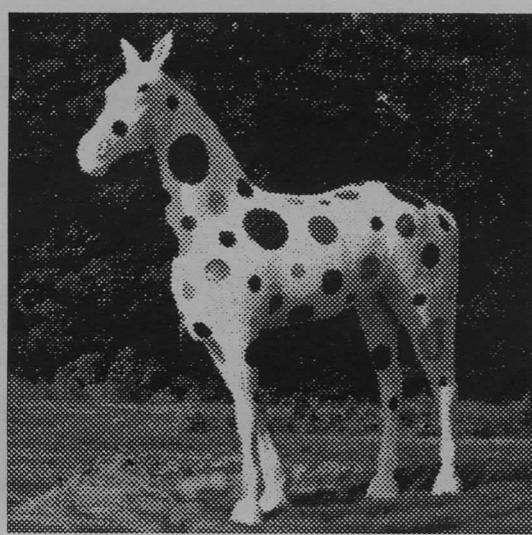
Ninth Annual Halloween Party—Games, Prizes, Treats for All

(Saturday, October 31st, 7:00 PM)

At our November 4th meeting (at the Hall beginning at 7:00 PM) we will discuss our winter meeting schedule and we will post the results. All members and prospective members of the Union Hall Association are invited to attend.

## SPECIAL TO VIENNA VOICES

Federal election law requires one polling booth for every 200 registered voters. Vienna has three booths and 392 voters. Accordingly, 208 more persons can settle in Vienna before we need to incur the expense of building more booths!



## EGREGIOUS EQUINE ENGENDERS EXCITEMENT VIENNA VILLAGE VISITOR VANISHES

The mysterious spotted horse that has been seen in a number of locations within Vienna in recent weeks has again vanished. The above picture—one of the few that has been successfully taken of this unique creature—is presently the only known proof of the existence of this beautiful, though unusual, animal.

Dr. Leonard Slotkin, State Palaeo-Biologist, believes the animal to be a throwback to the famous spotted ponies of the islands off Dalmatia, one of the former Yugoslavian republics. "However," he said, "while Dalmatian dogs are uniformly spotted with black- or liver-colored circles, this animal appears to sport multi-colored spots in a variety of sizes."

Jason Uptthedike, a sixth-grader at the new New Sharon elementary school, has another theory. "It's a mutant descendant of the Calico Kid's famous spotted white stallion," he explained. "The Kid used to lead the fight for law and order in the early western White Mountains," Jason told us, "with a cloud of dust and a hearty 'Hi-ho, Polka Dot,' particularly in the area around Moultonboro, New Hampshire."

Anyone spotting this spotted horse, or having useful information about its origins, should contact the staff of *Vienna Voices* without delay.

# RECYCLING AND SOURCE REDUCTION THOUGHTS

by Diane Friese

Americans comprise 7% of the earth's population, yet we use nearly 50% of the earth's industrial raw resources. With resources in finite supply, we all need to become conscious of conserving energy and reducing the amount of non-recyclable, non-renewal materials we purchase.

Many products we buy at the grocery store come packaged in glass bottles or jars. To simply dispose of glass containers when they are empty is wasteful. Recycling glass saves 25-30% of the energy used to make glass "from scratch." Household bottles and jars are shipped to a glass plant and crushed into "cullet." Cullet melts at a lower temperature than the raw materials of glass, allowing bottle manufacturers to reduce energy usage and particulate emissions into the air. The cullet is fed into a furnace along with other materials to make new glass bottles and jars. By selecting products packaged in glass rather than a non-recyclable container, you are both conserving energy resources and the natural environment.

## GLASS RECYCLING TIPS

1. Separate clear, green and brown glass containers.
2. Remove lids and toss them in trash—most lids are not recyclable because they are made of composite materials.
3. Wash all glass containers.

## QUESTIONS MOST OFTEN ASKED ABOUT GLASS SEPARATION

1. *Do labels need to be removed?* No - glass processing equipment can handle labels.
2. *Can broken drinking glasses or window glass be recycled with clear bottles?* No - broken window, drinking or ceramic glass should not be discarded for recycling.

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(BUSINESSES...Continued from Page 5)

**Vista Blueberry Company, Inc.**—Harriet Perr—Mason Road, off the Davis Road, or P.O. Box 3, Vienna—Harriet has run the business for the past 5 years; with Coloman: a total of 22 years—On the job training with Coloman, who had degrees in Agriculture, Horticulture and Floraculture, plus courses at UMA and UMO on pesticide control—Wholesale and retail sales of blueberries and related products-9:00-6:00 for six days a week during August—Telephone 293-2798.

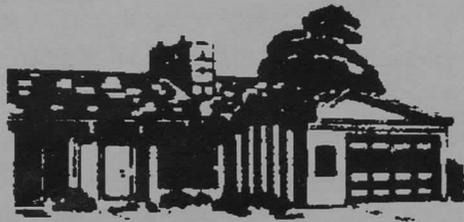
**Harriet Perr Rentals**—Harriet Perr—P.O. Box 3, Vienna—Since 1970, with Coloman—Rental of individual homes which are located on their own acreage—Inquiries: 9:00-6:00 by phone—Telephone 293-2162.

**B & S Enterprises**—Frank Berry and Kathryn Sharp—Route 41, approximately 3 miles from the Village—10+ years experience—Past Vienna Road Commissioner, 30 years over-the-road truck experience—Specialize in septic installation and all kinds of earth work—No set hours, 7 days a week (Except when the bluefish are biting!)—Telephone 293-2938.

**Glen Crogran Concrete Foundations**—Glen Crogran—Up the Kimball Pond Road one mile on the right (look for trucks)—About 13 years—Worked with another concrete foundation company for 2+ years—Anything to do with concrete: Commercial, residential, bridges, dams, slabs, etc.—No set hours—Telephone 293-9222.

**Pike Upholstery**—Ben Pike—One-half mile down the Beck Road, on the right—Two months—Worked six years in a furniture factory; did upholstering for five years—Upholster any kind of furniture including recreational vehicles, cars, boats, van seats, etc.—No set hours, but unavailable on Sundays—Telephone 293-2024.

**Sue Burns, Planning Consultant**—Jesse Ladd Road—Consultant for 15 years—BS in Urban Planning and 18 years experience—Environmental, Land Use, Town Planning Services—Tuesday-Thursday 8:30-3:30 (Please call)—Telephone 293-2790.



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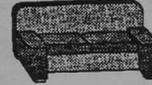
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