

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
MARCH 5, 2013

Tape recorded meeting

Present: Judy Colby, Bill Curtis, Chair Pam Dunning, Vice Chair Ed Polewarczyk, Jeff Slack and Town Manager Laurie Smith

1. Call to Order

Chair Pam Dunning called the meeting to order at 6 p.m.

2. Pledge of Allegiance to the Flag of the United States of America

3. Executive Session regarding Mason Station

Judy Colby moved that the Board of Selectmen go into executive session with legal counsel pursuant to 1 M.R.S.A. §405(5)(E) to discuss Mason Station. Vote 5-0-0. The board entered executive session at 6:01 and exited at 6:41 p.m. **Judy Colby moved to exit executive session. Vote 5-0-0.**

Attorney Brian Dench said the unpaid taxes last summer on the Mason Station property were \$760,000 and at that time his firm made recommendations to the Town, one of which was to sue in Superior Court and seek to recover unpaid taxes. That recommendation was followed and a judgment was obtained on January 25, 2013 for \$846,263.67 plus per diem interest. After executing the judgment, if this amount is not collected, a sheriff's sale of the property owned by owned by Mason Station LLC could be held.

4. The public hearing was postponed until 7 p.m.

5. Approval of Treasurer's Warrant: February 26, 2013 and March 5, 2013

Judy Colby moved to approve the Treasurer's Warrant of February 26, 2013. Vote 5-0-0. Judy Colby moved to approve the Treasurer's Warrant of March 5, 2013. Vote 5-0-0.

6. Approval of Minutes of February 19, 2013

Ed Polewarczyk moved to approve the minutes of February 19, 2013. Vote 5-0-0.

8. Appointments:

A. Executive Session regarding personnel: **Ed Polewarczyk moved that the Board of Selectmen go into executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss personnel. Vote 5-0-0.** The board entered executive session at 6:48 and exited at 7:08. **Judy Colby moved to come out of executive session. Vote 5-0-0.**

4. 7 p.m. Hearing for Special Amusement Permit for Wiscasset Speedway

Vanessa Jordan, Wiscasset Speedway, outlined this year's plans for the speedway which will open April 6 for Saturday night racing and close on October 5. The schedule will incorporate all racing divisions on a rotating schedule; improvements have been made in the sound system, transponder system, electronic scoring system, and concession stand and a storage barn will be constructed. Laurie Smith said Town departments had met with Jordan and, after reviewing the application, they recommended approval with conditions regarding operating dates and hours, sanitary facilities, food service, solid waste, parking, medical, fire, safety, alcohol and noise. **Ed Polewarczyk moved to approve the Special Amusement Permit for Wiscasset Speedway. Vote 5-0-0.**

7. Special Presentations or Awards

A. Charlie Huntington with I. & S. Insulation to present energy assessment information: Huntington presented information on Efficiency Maine Residential Air Sealing Promotion, which allows any homeowner to get \$600 worth of air sealing (i.e. insulation, weatherstripping) work done at no cost to them. The program does not involve a rebate; Efficiency Maine is billed and will pay the contractor directly. He recommended that interested homeowners contact www.efficiencymaine.com. It is expected that funds for the program will run out by September.

8. Appointments (continued)

B. Appointment of Tammy Serrano: **Judy Colby moved to appoint Tammy Serrano as an Appearance of the Town Committee member (term to expire December 31, 2013). Vote 5-0-0.**

C. Appointment of Tammy Serrano: **Judy Colby moved to appoint Tammy Serrano as a Celebrations Committee member (until December 31, 2013). Vote 5-0-0.**

D. Appointment of Donald Jones: **Judy Colby moved to appoint Donald Jones as an Ad Hoc Cemetery Committee member for one year. Vote 5-0-0.**

E. Appointment of Jackie Lowell: **Judy Colby moved to appoint Jackie Lowell as an Ad Hoc Cemetery Committee member for one year. Vote 5-0-0.**

F. Appointment of David Sutter: **Judy Colby moved to appoint David Sutter as an Ad Hoc Cemetery Committee member for one year. Vote 5-0-0.**

G. Appointment of John Merry: **Judy Colby moved to appoint John Merry as a Budget Committee member with a term to expire June 2013. Vote 5-0-0.**

H. Appointment of Pamela Dunning: **Judy Colby moved to appoint Pam Dunning as the Board of Selectmen representative to the Ad Hoc Cemetery Committee. Vote 5-0-0.**

9. Public Comment

In response to Bob Blagden's question on the reason the race track required a permit, Laurie Smith said the ordinance required a permit if tickets are sold.

Rhonda Hamlin asked if anyone could get a copy of the permit and was informed that under the Freedom of Information Act, a copy would be available.

10. Department Head or Committee Chair Report

A. Audio/Visual Volunteer: Mary Ellen Crowley, LCTV, said a volunteer was needed to televise the selectmen's meetings. It would require two to two and a half hours on the first and third Tuesdays of the month. Training on operating the cameras and the audio will be provided. Crowley said it was an incredible opportunity to learn how the town government works. She encouraged anyone interested to call her at 563-6338.

11. Unfinished Business - none

12. New Business

A. Sale of Superintendent's Office: Smith said an agreement had been reached to sell three acres and the former superintendent's office, reserving a 50-foot easement, for \$142,000. **Judy Colby moved to authorize the Town Manager to sign all necessary documents to sell three acres and the Old Superintendent's Office, reserving a 50-foot easement, to Michael and Beth Smith for \$142,000. Vote 5-0-0.**

B. Zoning Classification for Castle Tucker property: Town Planner Misty Parker said Historic New England had approached the Town regarding a change of zoning from Resource Protection to Residential for the shoreland area on the Castle Tucker property. The change has been approved by the Department of Environmental Protection, as the land does not meet the requirements of Resource Protection. **Ed Polewarczyk moved to ask the Ordinance Review Committee to review the zoning change from Resource Protection to Shoreland Residential.** Peggy Konitzky, Historic New England, said restoring the landscape was as important as restoring the building and they would like to restore the landscaping to what it was when the Tuckers lived there in the 1920s. This would involve restoring some of the orchards and pruning down growth that has occurred over the years. **Vote 5-0-0.**

C. Ambulance write-off of old billings: Roland Abbott, Chief, Wiscasset Ambulance Service, recommended that \$11,337,26 in ambulance billings be written off as uncollectible. The billing company has sent an additional \$64,395.03 for accounts past due for 90 or more days to the collection agency. **Ed Polewarczyk moved to authorize the Treasurer to write off \$11,337.26 in EMS receivables to bad debt. Vote 5-0-0.**

D. Kevin Atkins Consent Agreement: Laurie Smith said she had spoken with Mr. Atkins' attorney regarding the consent agreement which includes the \$10,000 fine. Mr. Atkins had asked that the fine be reduced to \$5,000, but Smith had informed him that was not something the selectmen wanted to entertain, as \$10,000 was at the low end of fines that could be considered. Under the agreement, Mr. Atkins would pay attorneys' fees and costs of the restoration plan. If the sale price of Mr. Atkins' property over the next five years is in excess of \$250,000, there will be a \$25,000 fine, which is the valuation difference for property with a view. There are minor amendments to be made as well as an agreement from the neighbor, from whose property the trees had been removed, that the trees may be replaced. **Judy Colby moved to authorize the Town Manager to finalize the attached consent order agreement with Kevin Atkins, understanding that there are minor amendments in final negotiations. Vote 5-0-0.**

13. Town Manager's Report

A. Updated Budget Schedule: The new schedule is as follows:

March 19 – Budget to Board of Selectmen and Budget Committee
March 23 – Budget workshop
March 28 – Budget Committee meeting (concerns emailed to selectmen – meeting on LCTV March 30)
April 2 – Informational Budget meeting with Budget Committee and Selectmen
April 16 – Selectmen vote on budget recommendations
April 23 – Warrant signed

Ed Polewarczyk said it would be important for the selectmen and budget committee to be in agreement on Article 2 which provides that any budget article that failed could be voted on again and funding would continue for three months. Not only would this continue funding the budget if the article passed on a second vote, but also would provide funding to close down a department, negotiate with unions for severance pay, etc. if it failed on the second vote. He asked that the wording be changed to make it clear to the voters. Under current wording, it is impossible to determine with a negative vote if the number requested is too much or too little.

Mary Ellen Crowley said that an open town meeting would allow discussion and compromise and all articles would be passed at the number the people want.

Bob Blagden said voters were asked last year if they wanted articles bundled and they voted against it.

Pam Dunning said an open discussion in public is important to show how the decisions are made. Several years ago in a non-binding referendum the voters said they preferred a secret ballot. The selectmen can decide to have an open town meeting at any time. Dunning said the disadvantage of a secret ballot is that it is impossible to know what the voters want. The informational budget meeting is an opportunity for voters to ask questions and provide input but is usually poorly attended.

There was a consensus that all capital improvements and departments be listed separately on the ballot with the stipulation that if a capital improvement article is defeated, the money will not be spent but remain in the reserve fund.

B. MDOT Light Capital Paving Operations for 2013

Smith distributed a list of roads including those in Wiscasset that will be included in this program.

14. Other Business – none

15. Adjournment

At 8:19 p.m. **Judy Colby moved to adjourn. Vote 5-0-0.**

3/5/2013