

WISCASSET SELECT BOARD,
TAX ASSESSORS AND OVERSEERS OF THE POOR
APRIL 18, 2017

Tape Recorded Meeting

Present: Vice Chair David Cherry, Chair Judy Colby, Larry Gordon, Ben Rines, Jr., Jeff Slack and
Town Manager Marian Anderson

At 5:30 p.m. Judy Colby moved to enter executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss a personnel matter. Vote 5-0-0. Judy Colby moved to exit executive session at 5:55 p.m. Vote 5-0-0.

Chair Judy Colby called the meeting to order at 6 p.m.

1. Pledge of Allegiance

2. Approval of Treasurer's Warrants

a. David Cherry moved to approve the payroll warrants of April 7 and April 14, 2017. Vote 5-0-0.

b. David Cherry moved to approve the accounts payable warrants of April 11 and April 18, 2017. Vote 5-0-0.

3. Approval of Minutes

Ben Rines, Jr., moved to approve the minutes as amended. Vote 5-0-0. Rines also asked that a presentation on the \$380,000 owed by the Town to the School Department be scheduled on a future agenda.

4. Special Presentations or Awards – none

5. Committee Appointments – none

6. Public Hearings

a. Liquor License Renewal for Shawn Elliott, DBA Lighthouse Buffet located at 506 Old Bath Road: David Cherry moved to go into a public hearing for liquor license for Lighthouse Buffet. Vote 5-0-0. In response to David Cherry's question, Chief Lange said he saw no reason to not approve the license. **Ben Rines, Jr., moved to close the public hearing. Vote 5-0-0. Ben Rines, Jr., moved to grant the liquor license to Shawn Elliott. Vote 5-0-0.**

7. Public Comment – none

Judy Colby announced a change in the agenda: The H. M. Payson report would be given before Department head or committee chair reports.

10a. H. M. Payson, Daniel M. Lay, Managing Director and Advisor: 2017 report to the Board of Selectmen: In a video presentation, Lay reporting on ¾ of the 2017 fiscal year, said the beginning market value as of 7/1/16 was \$12,949,059; the ending market value was \$13,602,899, an increase in

market value of \$1,052,371.76. The figures included a withdrawal of \$584,507 from the reserve account. He also summarized the consolidated performance over various periods from the date of inception (6.86%) to the past three months (4.87%). The beginning value of the portfolio on 8/31/10 was \$12,096,000; the ending value as of 3/31/17 was \$13,633,000. He credited the increase in the portfolio to the Investment Committee and its policy. Judy Colby announced that the report would be posted on the website. In response to Ben Rines' question, Lay said he would not recommend taking any more funds out of the account.

8. Department Head or Committee Chair

a. Ben Averill, Town Planner – Discussion on grants postponed until a May meeting.

b. Wiscasset Airport – New Year-round Hangar Lease to Steve McCrea was announced.

c. Department Head Reports – no action required.

9. Unfinished Business

a. Tax Acquired Property – updated list: The board discussed the list of foreclosed properties on which taxes have not been paid for a period of time. Chief Lange suggested that it be verified that the properties are occupied. **Judy Colby moved that if taxes have not been paid in one year, notices will be sent giving the owner 60 days to become current with his taxes or the board will go forward with eviction. Vote 5-0-0.**

b. Proposed New Ordinances and Ordinance Revisions: Larry Gordon asked that discussion be postponed to give him additional time to review the ordinances. Marian Anderson said the ordinances and revisions are on the warrant which will need to be amended if changes are made. There was discussion on the meeting notification procedure in the Historic Preservation Ordinance, and the area of abutters that need to be notified of applications. A sign on the property was also proposed notifying the public of proposed work. Proposed changes to the Historic Preservation Ordinance were not considered. **David Cherry moved to approve the Disorderly House Ordinance, amendments to Article IX, Section 4.7 Impoundment Fees and amendments to Shellfish Conservation Ordinance 6.6 (Opening and Closing of Flats). Vote 5-0-0. Judy Colby moved to remove Article 65 from the Town Warrant. Vote 5-0-0.**

Ben Rines, Jr., moved to amend Article 59 to read as follows: Shall the Town authorize the Selectmen to carry any unexpended balance as they deem advisable and to authorize the Selectmen to set at a later date the amount of undesignated fund balance, if any, to be used to reduce property tax assessment. Vote 4-1-0 (Gordon opposed). (Note this is Article 60 in the latest version of the warrant.)

10. New Business

a. See above

b. Signing Quit Claim Deed: Michael Carlton (Taxes paid 2005 to 2016 amounting to \$35,776.53). **David Cherry moved to sign the Quit Claim Deed. Vote 5-0-0.**

c. Business License Application Lighthouse Buffet: Jeff Slack moved to approve the Business License Application for the Lighthouse Buffet. Vote 5-0-0.

d. Historic Preservation Commission: Susan Blagden, member of the HPC, said that any discussion of 4 Fort Hill Street, if it has anything to do with the Historic Preservation Commission ruling, is out of order in this forum, as the applicant still has time to bring the matter to the Board of Appeals.

- Celeste Edwards, 4 Fort Hill Street, said she was unaware when she bought her house a year ago that it was in the historic district. In October, she was notified she needed a certificate of appropriateness for a fence which she had installed, and for which she then applied. Her application has been denied. She has been informed that the commission members “bad-mouthed” her at meetings which she was unable to attend and one commissioner contacted her real estate agent for confidential information about her. She said she will appeal the denial but because of the embarrassment caused by the commission members and the ill treatment she received at the meetings, she may have to put her house up for sale. She needs the fence because of her blindness, to protect her from falling down on the steep incline of her property. She said the fence is a copy of a fence in an 1800’s photo and her application should not have been denied. Chair Judy Colby apologized to Edwards for her treatment by the commission and urged her not to leave Wiscasset. Colby said others had spoken to her of their treatment by the commission; no one should be treated with disrespect by any representative of the town. John Reinhart, chair of the HPC, apologized for Edwards’ perceived attitude and said that the commission was doing nothing other than following the ordinance. He said the commission was not trying to make her feel bad or did not want her to move.

- Selectboard discussion relating to Historic Preservation Ordinance section 10.3.1.11 and 10.3.1.5: **Judy Colby moved to hold a public hearing regarding the removal of the Historic Preservation Commission.** She advised those wanting to discuss the motion, calling for a point of order, or challenging the selectboard’s authority to bring their comments to the public hearing. Larry Gordon said the town has a planner, a planning board and a code enforcement officer to handle these matters. Ben Rines said that although he did not necessarily favor removing the commission, he was in favor of the public hearing in order to discuss these serious issues at a public hearing. Vote 5-0-0. Susan Blagden asked if written charges against each member were available; Judy Colby said they will be supplied.

e. Petition for Article at Special Town Meeting: MDOT Transportation Project: Ben Rines, Jr., moved to add the DOT Transportation Project referendum to the June warrant. Anderson confirmed that the petition had received the required number of signatures. Chairman Colby read the following excerpt from a letter to the Town Manager regarding the citizen petition. “In this particular case, the petitioners have asked for a “binding” vote to disapprove and reject the changes to the MDOT project. The reason the referendum in 2016 included a *nonbinding* referendum was because it was essentially an opinion poll of the voters so that MDOT could use such feedback in crafting its project for the State road. While the MDOT is required by statute to include the public in the process of designing its project, it is not necessarily required to receive permission from the voters of the Town of Wiscasset to proceed with a particular design. Thus, there is an argument to be made that this petition suggests to voters that they have authority that they do not have. It is also possible that MDOT would not choose to give credence to this petition, even if it passed at the polls. If the Board of Selectmen chooses to move this petition forward to a town vote, they should understand and acknowledge that MDOT may well not respond to the results of the vote in the same fashion as the voters might expect, given that MDOT is not necessarily bound by a town meeting vote on the design of its project.” Judy Colby stressed that MDOT

did not have to abide by the vote. Ben Rines, Jr., reminded the chair that MDOT did say they would respect the wishes of the town. **Vote 5-0-0.**

f. Monthly Financials: An overdraft in Contractual Services due to legal fees was pointed out. The board has the authority to pay overdrafts. The Fire Department will have enough funds to pay salaries despite the overdraft.

11. Town Manager's Report

The board was provided with a survey of the Peregrine property, the total area of which is 25,490 sq. ft. Peregrine's application will be heard by the Planning Board.

Ben Rines, Jr., moved to hold the public hearing on the Historic Preservation Commission on May 9 at 6 p.m. The location will be determined at a later date. Colby asked that the hearing be advertised as much as possible to allow people to voice their concerns. **Vote 5-0-0.**

Anderson said the public meeting for the downtown project on May 8 from 6 to 8 p.m. will be held at the Elementary School gym and notice will be sent to all post office customers. The notice will include in addition to information on the MDOT meeting the time and date of the public hearing on the Historic Preservation Commissioners.

The Wastewater Operations and Maintenance Evaluation has been mailed out to 26 engineering firms. They are due back May 1 and will be opened at the board's May 2 meeting.

The Parks and Recreation Director position has been advertised and applications close on April 24. Jeff Slack, Judy Colby, and Larry Gordon volunteered to interview candidates.

In response to Jeff Slack's question regarding the auditor search, Anderson said she is waiting for return reference calls.

12. Other Board Business

Police Chief Jeffrey Lange said the first meeting of the Public Safety Advisory Council is on April 26. He also announced a public service recognition meeting the first week in May.

David Cherry moved to enter executive session pursuant to 1 MRSA §405(6)(A) at 7:48 p.m. Vote 5-0-0. David Cherry moved to exit executive session at 7:50 p.m. Vote 5-0-0.

13 Adjournment

Judy Colby moved to adjourn the meeting at 7:50 p.m. Vote 5-0-0.