

WISCASSET SELECT BOARD,
TAX COLLECTORS AND OVERSEERS OF THE POOR
MAY 4, 2021

Present: Kim Andersson, Chair Pam Dunning, Vice Chair Kathy Martin-Savage, Jeff Slack, Sarah Whitfield and Town Manager Dennis Simmons

Chair Pam Dunning called the meeting to order at 5:32 p.m.

1. Public Hearing

a. Pursuant to 17 M.R.S.A. §2851-2859 Designation of Dangerous Building- Map R02, Lot 017-A, 467 Lowelltown Road

Jeff Slack moved to go into the public hearing. Vote 5-0-0. Pam Dunning said the purpose of the public hearing was to determine if the building was a dangerous building after hearing evidence from the Code Enforcement Officer whether the building was unsafe, unstable or unsanitary, a fire hazard, unsuitable for occupancy or otherwise dangerous for life or property. Code Enforcement Officer Bruce Mullins described the conditions at the Lowelltown Road residence: In December 2019 the children were removed from the house by DHHS because of CO poisoning and rat bites; the furnace was not working, and the owner was heating the house with a propane heater. The wires in the house had been chewed by rats. He showed photos of the condition of the house which was filled with trash and garbage, had holes in the roof, a missing back door and broken windows. The yard was filled with trash. The family moved to a camper on the property for the summer. He said the property in question was structurally unsafe at this point with a hole in the roof and the need for rewiring. Bath Savings has paid taxes on the property, but the property owners have not communicated with the Town since September. Attorney Zachary Brandwein said the Town attempted to serve the owners but were unable to locate them. A notice was published in the newspaper and a notice of hearing was sent to Bath Savings. Anthony Jamison from Bath Savings which had a vested interest in the property was present to monitor the proceedings.

Jeff Slack moved to accept the prior 20 minutes as testimony of the public hearing. Vote 5-0-0. Kathy Martin Savage moved to come out of public hearing at 5:52 p.m. Vote 5-0-0

Jeff Slack moved pursuant to 17 M.R.S.A. §2851-2859 Designation of Dangerous Buildings for Map R-02, Lot 017-A, located at 467 Lowelltown Road. Vote 5-0-0. Attorney Zachary Brandwein said the designation of a dangerous building gives the town authority to do anything to rehabilitate the building up to and including demolition. The property owner has 30 days to bring the property into a satisfactory condition and can appeal the decision to Superior Court. He said the Town can exercise discretion if the owner makes a good faith effort to clean up the property. The property must remain unoccupied until it is rehabilitated and if not brought into compliance, the town has the authority to demolish the building. If taxes are not paid, the Town has the authority to follow the 18-month foreclosure process. In response to the CEO's question, Brandwein said the town had the authority to secure the building and post a sign to insure there is no entry to the building. All expenses are recoverable as part of the tax assessment. He said the town assumes no property rights through this order. The order gives the CEO authority to secure the building, padlock doors, tape off the building and post notice to ensure that no one is entering an unsafe building. There was a consensus that the time limit for bringing the property to a satisfactory condition would be

30 days. **Jeff Slack moved that the Town authorize Zackary Brandwein to fill out the findings and order form as outlined and discussed. Vote 5-0-0.** In response to questions, the attorney said the Town had no obligation to notify DHHS or other parties specifically, as the hearing was posted in the newspaper. The order will be recorded in the registry of deeds and will be served on Bath Savings and the owner of the property,

2. Approval of Treasurer's Warrants

a. **Kathy Martin-Savage moved to approve the payroll warrants of April 23 and April 30, 2021. Vote 5-0-0.**

b. **Kathy Martin-Savage moved to approve the accounts payable warrants of April 27 and May 4, 2021. Vote 5-0-0.**

3. Approval of Minutes

Kathy Martin Savage moved to approve the minutes of April 20 and April 28, 2021. Vote 5-0-0.

4. Special Presentations or Awards – none

5. Committee Appointments

Jeff Slack moved to approve the committee appointments of Zachari Dalton to the Shellfish Conservation Commission, Elizabeth Kyle to the Appearance of the Town Committee, and Becky Applin to the Cemetery Committee. Vote 5-0-0.

6. Public Comment on Non-Agenda Items

Ed Polewarczyk commenting on the cost of solar energy, cited the example of the solar installation at Blaine House which cost \$63,000. The energy costs were reduced, but it will take 42 years to recover the cost of installation, although the panels will last only 25 years. He thanked the Town Manager for sending him the Maine DOE documents regarding the proposed solar project at the airport which indicated forest will be cleared, timber harvested and and 150 tons of demolition debris would go the transfer station. He asked how the project will be financed and if it would provide adequate income to meet financial obligations. He noted that the operator will be an LLC, separate from Cenergy. He asked how it would be financed and if it failed to perform whether the Town's costs could be recovered.

7. Department Head or Committee Chair – none

8. New Business

a. **James Weldon Johnson Memorial – Lucia Droby:** Dennis Simmons said the request for a memorial did not originate in Wiscasset but from Tony Hill, an aide to Congressman Al Lawson whose district includes Jacksonville, the Florida birthplace of James Waldon Johnson who was killed in an automobile accident in Wiscasset. Hill came to Wiscasset last August to to see where his death occurred and to see if the town was interested in some sort of memorial to James Waldon Johnson. Simmons said he had already received phone calls from people who were opposed to the

project. Lucia Droby said that in 2013 there was communication with the then Town Manager from clergy who were interested in a fund raiser for a memorial. She said there was also interest in a memorial from outside Wiscasset. Johnson was a civil rights worker, a founding member of ASCAP and the composer of Lift Every Voice. She asked the board to approve a proposal for a memorial plaque commemorating Johnson to be located in the village and suggested a 19" x 21" cast aluminum or bronze plaque installed on the fence in front of 64 Main Street. The cost would be \$3,000 to \$5000 funded by town and private funds and installation would be completed for a dedication in spring of 2022. She said if the board approved the project and an amount of money for the project, private funding would make up the rest. In response to a question on the cost, Droby said she estimated the maximum cost for a larger size and the possibility of a figure on the plaque. There was extensive discussion on the merits of the proposal. Discussion from board members included the arguments that: 1) Johnson was not from Wiscasset, and just because he was a victim of an accident in Wiscasset was not reason for such a plaque; 2) that if the plaque were funded by sources other than the town, it might set a precedent for the future; 3) a policy on the sorts or sizes of plaques should be in place before a decision is made or town funds dedicated to a memorial; 4) Johnson was a champion of the civil rights movement and a memorial to his life is significant and the town should honor it. Public comment included 1) for the most part the public did not know about Johnson until this matter was brought up but it was educational and a wonderful idea; 2) Just because he was killed in Wiscasset is no reason for a plaque; 3) if no policy, the town should vote on the matter, 4) a tragic accident of someone passing through Wiscasset was not a reason for memorializing, and 5) this is a divisive issue and a policy should be developed. **Kim Andersson moved that we instruct Lucia to prepare a figure to bring before the board for the special town meeting, date to be determined. Vote 3-2-0 (Dunning and Martin-Savage opposed).**

b. Airport Coronavirus Response Grant: **Kathy Martin-Savage moved to instruct, delegate and authorize the Town Manager to enter into a grant agreement on behalf of the Town of Wiscasset with the Federal Aviation administration identified as Grant No. 3-23-049-025-02021. Vote 5-0-0.**

c. Request for impact Fee Refund – Chandler Sowden: The applicant is asking for a refund because the recent damage to the building forced the business to close. Dennis Simmons recommended against the refund as the fee was not a deposit to be refunded but a business expense, and the insurance company or the owner of the builder should be contacted for any refund. **Kathy Martin-Savage moved to deny the request for an impact fee refund. Vote 4-1-0 (Andersson opposed.)**

d. Truck Vendor Request – Kathryn Flynn, Sea Bags, LLC: Dennis Simmons said Flynn had asked permission to park her truck in the downtown area and was advised that parking the truck behind Red's Eats as requested would obstruct the sidewalk and parking, given the limited parking available. In addition, parking was limited to two hours. The end of Railroad Avenue or in the grassy area by the recreational pier was suggested as a possibility, but obstruction of the sidewalk or parking spaces would not be allowed. Simmons said there was no objection to the license, but the parking situation will have to be worked out. **Kathy Martin-Savage moved to approve the temporary business license for Kathryn Flynn, Sea Bags, LLC with the understanding that the Town Manager will advise her of the parking situation. Vote 5-0-0.**

9. Town Manager's Report

Dennis Simmons reported that he had received two contracts from the MDOT for Route 1 improvements at the intersections of Route 1 and Birch Point Road and Route 1 and Old Ferry Road. The town's share of the cost (\$104,000) will be paid from the Shaw's Impact Fee escrow account which currently stands at \$116,000.

The grant for the airport which the board approved is intended to keep transportation systems running and can be used for operations, personnel and cleaning.

The town received five bids for airport reconstruction and obstruction removal which were given to Stantec to review and make a recommendation to the Board. Construction will begin late July or early August.

10. Other Board Business

Kim Andersson congratulated Dr. Whitfield on successfully defending her dissertation.

11. Adjournment

Kathy Martin-Savage moved to adjourn the meeting at 7:19 p.m. Vote 5-0-0.