

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS & OVERSEERS OF THE POOR
SEPTEMBER 13, 2011

(tape recorded meeting)

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

1. Call to Order

The chair called the meeting to order at 7 p.m.

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

3. Public hearing regarding the need for a Fireworks Ordinance

Town Manager Laurie Smith said the Police Chief, Fire Chief, Code Enforcement Officer and she had met to review the change in state statute on fireworks. The state statute will allow the sale and discharge of fireworks effective January 1, 2011.

CEO Rick Lang reported on his conversation with Rich Taylor at the State Fire Marshall's Office. That office is still developing fireworks laws, determining which are commercial and which are consumer fireworks, and which fireworks will be illegal, as well as working on the licensing process. This will include inspections of the building where fireworks will be sold and of the setback from other buildings. No licenses will be issued before January 1, 2012. The Federal license costs \$5,000 for the first year, \$1500 thereafter. In addition to a state license, Wiscasset Planning Board approval would be necessary if Wiscasset decides to regulate the sale and/or discharge of fireworks.

Laurie Smith said a concern was the state permitting process, which is not yet in place. Portland is considering banning fireworks; other towns are considering the issue. She said the ability to sell fireworks in Maine will come, and Route 1 is an attractive location. Smith asked if this would be a benefit to the businesses in Wiscasset. The type of fireworks allowed, noise issues and police calls for service will need to be considered. She recommended that if fireworks were to be sold, a municipal permit would be needed in order to stress requirements other than those in the state statute, e.g. checking moral character, felonies, etc. A municipal permit would allow for revocation of the permit and would allow the police and fire departments to be notified so that the locations where fireworks were to be sold could be inspected for safety and a contact person would be on record. She said the town would need to have an ordinance in place to issue permits and that whether or not the state had its process in place by the first of the year, it would be possible to create a moratorium for six months in order to prepare an ordinance for the town.

Fire Chief Rob Bickford said a municipal permitting process was his biggest concern, as it would insure that the fireworks would be discharged in a safe location. The fire department would issue permits and make inspections similar to the issuance of burning permits.

Police Chief Troy Cline said that without an ordinance in place, it would be hard for him and his officers to enforce the law.

Rick Lang said under the law fireworks can be shot off only from 9 a.m. to 10 p.m. except on December 31 and July 4 and the weekends immediately before and after when the time is extended to 12:30 a.m., and fireworks can only be discharged from the owner's property or another property with permission.

Bill Curtis said the fire and police chiefs should have the lead in this matter. He expressed concern over injuries, particularly to young children ages 14 and younger. He said the matter should be looked into thoroughly and recommended a moratorium.

Ed Polewarczyk said the town could prohibit fireworks entirely except for possession which is legal under state law. He said the board should consider whether fireworks should be sold in Wiscasset and if so for what fee. It would seem to be necessary to have the state rules before the town can establish its own. He said he would like to know what the people of Wiscasset wanted.

Pam Dunning said to allow the sale of fireworks would benefit the town, new businesses would employ local people and pay local taxes, it would attract shoppers from other towns to shop and eat in Wiscasset, and if safety measures were in place, it would be a safe business for the town.

Al Cohen recommended approving the sale and discharge of fireworks. He said the federal regulations are very strict and very specific as to the location and type of building where fireworks can be sold and the type of fireworks that are legal. He added that if Wiscasset enacted a moratorium, another town would be selling them. He suggested that the town could make the discharge of fireworks illegal in the historic district.

David Nichols recommended giving the matter to the Ordinance Review Committee; however, Laurie Smith said at the present time the ORC is involved in rewriting many of the ordinances but should be included at some point after the board has decided what directive to give them. She said that if the board decides to allow the sale and use of fireworks, then work on the permit process would include recommendations from the police and fire departments.

Smiths said several people had inquired about selling fireworks in town, but none of them, except Al Cohen, owned property in Wiscasset. Cohen said he would like to open a small store in his parking lot.

In response to a question about limiting the number of stores in town selling fireworks, Smith said that could not be done, but specifying the distance between stores was possible. She added that the lack of an ordinance would not prevent the sale of fireworks in town because the state allows it. If the town wants to regulate the sale, it should have an ordinance and permitting process in place.

Ed Polewarczyk asked whether a question could be on the November ballot, which would give the board the legislative authority to do something before a full-blown ordinance is written. Smith said the board had two legal options: a moratorium or writing an ordinance, which would give the selectmen the authority to regulate the sale and use, although the legality of that would have to be investigated. She will get legal advice on some of the questions asked before the next meeting.

There was a consensus of the board to enact an ordinance that allows the sale and use of fireworks with a permitting process.

4. Adjournment

At 7:52 p.m., Bill Curtis moved to adjourn. Vote 5-0-0.