

WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS & OVERSEERS OF THE POOR  
APRIL 24, 2012

Preliminary Minutes

(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 7:05 p.m.

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

3. Warrant Authorization

Town Manager Laurie Smith asked if the selectmen wished to make a recommendation on Article 4 of the warrant. **Judy Colby moved that the selectmen make no recommendation on Article 4. Vote 3-2-0.**

Smith said it had been recommended that Article 63, a change to the Port and Harbor ordinance allowing pot buoys in the mooring fields, be deleted and in its place an article allowing a trial period for a year. **Judy Colby moved to remove Article 63 and replace it with, "Do you approve of suspending for one year the ordinance that prohibits placing lobster traps in the Wiscasset mooring fields." Vote 5-0-0.**

Smith said the Art Gallery would like to move forward with a 99-year lease, which would allow them to apply for grants. The current lease has not expired. Smith asked if the selectmen wished to put this on the warrant. Pam Dunning said she would prefer looking at it in November, which would give the Town Manager and the Art Gallery board time to work together on the language of a possible lease. There was a consensus that this be delayed until November.

Article 46 had been added authorizing the payment of retiree health insurance premiums, as discussed at the previous meeting.

Article 49 authorizing the sale of the Superintendent's office will be amended to add the address on Gardiner Road.

Article 64, the non-binding referendum question, has been added.

There were no further questions or comments on the warrant articles from the selectmen.

Questions from the Budget Committee:

Article 49 - Richard Hanson asked what size lot would be included with the former Superintendent's office.

Smith said that a specific number could not be used at this time because the lot had not been surveyed. After discussion, it was decided to leave Article 49 as written.

Article 39 - Constance Schumann asked if LCTV paid the Town an annual franchise fee and if so, could not the \$7,000 contribution to LCTV be taken from the annual fee rather than paid from taxes. She pointed out that people who do not have cable TV would be paying the \$7,000 out of their taxes. Smith explained that the franchise fee under gross budgeting is taken in as revenue and the LCTV appropriation comes out of the budget. The franchise fee is used to offset the expenditure. It was the consensus of the board that a note explaining that the cable franchise fee generates \$45,000 per year to offset the appropriation for LCTV be included in the warrant.

Bob Blagden said that until the revenues equal the expenses, the balance would come out of the residents' tax dollars. He said it should be up to the voters to make a donation, whether or not they have cable TV.

Article 45 - Constance Schumann said approximate amounts should be shown for each capital improvement item, as voters should be given a choice. Pam Dunning responded that a policy voted by the selectmen dictated how capital improvements, using a mathematical equation, would be funded from Capital Reserve Account and any balance carried forward. Bob Blagden and Richard Hanson were in favor of voters being given an option to vote on each capital improvement item. Roland Abbott (EMS) said that the Budget Committee's recommendation against the Article because they wanted it broken down by item would influence voters who may vote against the entire article, turning down a cardiac monitor, which is desperately needed. Police Chief Troy Cline spoke in favor of the article, which would replace one of the police cruisers. After further discussion, a motion to separate the capital improvement items failed.

**Judy Colby moved to sign the 2012 Annual Election Town Warrant with the amendments as discussed. Vote 5-0-0.**

#### 4. Other Business

David Nichols said Joe Carter had asked him to dispel rumors about Joe's health and announce that his cancer is in remission and he is able to work.

The Board recessed in order for the warrant to be amended as discussed and reconvened to sign the warrant.

Smith reminded the board of the executive session at 6 p.m. on May 1 with Scott Holden.

#### 5. Adjournment

At 8:15 p.m., **Judy Colby moved to adjourn. Vote 5-0-0.**

WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR  
APRIL 17, 2012

Preliminary Minutes

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

Chair Judy Colby called the meeting to order at 7:02 p.m.

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

3. Approval of Treasurer's Warrant: April 10, 2012 and April 17, 2012

**Pam Dunning moved to approve the Treasurer's Warrant of April 10, 2012. Vote 5-0-0. Pam Dunning moved to approve the Treasurer's warrant of April 17, 2012. Vote 4-1-0.**

4. Approval of Minutes: April 3, 2012 and April 10, 2012

**Ed Polewarczyk moved to approve the minutes of April 3, 2012. Vote 5-0-0. Ed Polewarczyk moved to accept the minutes of April 10, 2012 as amended. Vote 5-0-0.**

5. Special Presentations or Awards - None

6. Appointments

A. Chris Wolfe recommendations for Election Clerks

**Ed Polewarczyk moved that the Selectmen appoint Republican, Democratic and Unenrolled Election Clerks as listed, effective from May 1, 2012 until May 1, 2014. Vote 5-0-0.**

7. Public Comment on Non-Agenda Items

A member of Citizens United asked that the selectmen place on the warrant an article supporting the organization's efforts to overturn the United States Supreme Court's decision regarding contributions to federal election campaigns. She was advised the town warrant was not the proper vehicle for this matter and it was suggested that she collect signatures on a petition and submit it to her organization.

8. Department Head or Committee Chair Report - None

9. Unfinished Business

A. Judy Colby to present informational sheet for voters regarding RSU 12 withdrawal

Judy Colby circulated a draft of the informational sheet regarding RSU 12 withdrawal that she and Sharon Nichols had revised. There was disagreement among the board members over the wording and between those who had drafted the revision. Nichols repeated her request that the original WERP letter be sent out by the town. **Pam Dunning moved to table further discussion. Vote 3-1-1.**

#### B. Montsweag Dam documents update

Ed Polewarczyk, Laurie Smith and Attorney Dennis Jumper had reviewed the documents and Polewarczyk said that his questions had been resolved; however, he had three concerns: the limitation on objections by the town to what CMP is doing on abutting property, the management plan and the requirement that the town maintain the perimeter of the property. He said the town was still waiting for a report from the dam inspector. He added that he is not in favor of acquiring the property.

#### C. Available funds for Odyssey of the Mind team

Town Manager Laurie Smith informed Greg Wood and Deb Olson from the Wiscasset Middle School that the net income from the Mary E. Bailey fund could be used to help send the Odyssey of the Mind team to Iowa for an international competition. The cost of the trip for five students, coach and two chaperones is \$11,000. Wood said RSU 12 had contributed \$4,500, the students had raised \$500 and three private entities had contributed \$2,000. **Pam Dunning moved to expend \$4,000 in support of the Odyssey of the Mind Team. Vote 4-1-0.**

#### D. Review of Ordinances from Planning Board Public Hearing

Laurie Smith said that the Planning Board had held a public hearing on the proposed ordinances and recommended that they be on the June warrant. A change had been made in the Commercial District to include the property behind George Green's property that has a right of way to Route 1.

### 10. New Business

#### A. William Rines and Shari Fredette to discuss sewer liens and sewer ordinance

The time limit for eight sewer accounts that have had liens placed against them has expired and the foreclosure process should now take place. **Ed Polewarczyk moved to process foreclosure notices on the liened accounts. Vote 5-0-0.**

In order for the lien and foreclosure process to take place, the outstanding sewer account balances must be forwarded to the Treasurer for action. **Judy Colby moved to commit the outstanding sewer balances to the Treasurer. Vote 5-0-0.**

The Sewer Ordinance has been amended to change the late charge for unpaid sewer account balances and the lien process to comply with the State statute. **Judy Colby moved to place the sewer ordinance amendments on the June Warrant. Vote 5-0-0.**

#### B. Todd Souza to discuss per capita WCC price for other communities

Souza said a review and analysis of the operation of the community center had been done and changes had been made to reduce cost including surveys, customer service training, additional equipment and outreach. The community center would like to host community nights for neighboring towns, which will include dinner and a tour of the facility. The purpose of these events would be to bring the towns into a community partner program for which the towns would pay a per capita cost and their residents would pay a reduced rate. **Judy Colby moved to authorize the Town Manager and Parks & Recreation Director to offer the "Community Partner Program" to other towns. Vote 5-0-0.**

#### C. Review of Commercial Waste Hauler fees

The current fee is \$300 and is to be reviewed annually. **Pam Dunning moved to maintain the current Commercial Waste Hauler fee structure. Vote 4-1-0.**

D. Discussion of Port Ordinances

The Port and Harbor Ordinance proposed amendment will eliminate the prohibition of pot buoys in the recreational mooring fields. Bryan Buck, Secretary of the Waterfront Committee, said that fishermen want to fish where the lobsters are and that although there is the possibility of lines becoming tangled, in that event the traps would be removed within 48 hours or the lines would be cut by the Harbormaster. Jody Haggett, member of the Waterfront Committee and a lobsterman, said the lobstermen would police themselves, as they would not want to lose the privilege. Minor changes were made to correct the numbering and formatting. **Pam Dunning moved to place the amended Port and Harbor Ordinance as amended on the June Warrant. Vote 4-1-0.**

E. Discussion of Solid Waste Ordinance

Laurie Smith said that when the town approved mandatory recycling with a \$2 per bag penalty for residents, no provision was made for a penalty for commercial haulers. A letter has been drafted to the commercial haulers advising them that the penalty for those who do not meet the 25% recycling requirement will be \$100 and the Solid Waste Ordinance has been amended to reflect this change. Ron Lear said there had been a problem with businesses, which have commercial dumpsters, not recycling; the penalty for the commercial haulers will encourage them to force the businesses to recycle. He asked that the amended Solid Waste Ordinance be put on the warrant. **Judy Colby moved to place the amended Ordinance on the June warrant. Vote 5-0-0.**

F. Selectmen vote on Department budgets and Warrant Articles

A draft warrant in the format requested at the previous meeting (with articles 5, 8 and 12 broken down by line item) was presented to the board. There was a consensus that this form of the warrant be used this year. Although there was a suggestion that a poll of voters taken following the June vote be used to determine what the voters preferred, Laurie Smith recommended a non-binding referendum on the matter.

Article 5: Shall the Town vote to appropriate the following Estimated Revenues to reduce the tax commitment? Total \$2,587,052. 5 favor, 0 oppose.

Article 6: Shall the Town vote to raise and appropriate for Town Office Administration/Operations the sum of \$192,464? 5 favor, 0 oppose.

Article 7: Shall the Town vote to raise and appropriate for Municipal Planning the sum of \$76,259? 5 favor, 0 oppose.

Article 8: Shall the Town vote to raise and appropriate for Municipal Boards and Committees the sum of \$1,610? 5 favor, 0 oppose.

Article 9: Shall the Town vote to raise and appropriate for Municipal Building Maintenance/Operations the sum of \$75,254? 5 favor, 0 oppose.

Article 10: Shall the Town vote to raise and appropriate for Code Enforcement the sum of \$54,996? 5 favor, 0 oppose.

Article 11: Shall the Town vote to raise and appropriate for Contingency the sum of \$60,000? 5 favor, 0 oppose.

Article 12: Shall the Town vote to raise and appropriate for Contractual Services the sum of \$68,000? 5 favor, 0 oppose.

Article 13: Shall the Town vote to raise and appropriate for the Office of Selectmen the sum of \$27,592? 5 favor, 0 oppose.

Article 14: Shall the Town vote to raise and appropriate \$3,000 to increase the Board of Selectmen salaries by \$600 each annually? **Bill Curtis moved to delete this article. Vote 4-1-0.**

Article 14: Shall the Town vote to raise and appropriate for Office of Assessment/Human Resources the sum of \$67,121? 5 favor, 0 oppose.

Article 15: Shall the Town vote to raise and appropriate for Office of Finance/Tax Collector the sum of \$164,541? 5 favor, 0 oppose.

Article 16: Shall the Town vote to raise and appropriate for Town Clerk/Excise Tax Collector/Registrar the sum of \$56,602? 5 favor, 0 oppose

Article 17: Shall the town vote to raise and appropriate for Office of Elections the sum of \$19,200? 5 favor, 0 oppose.

Article 18: Shall the Town vote to raise and appropriate for General Assistance the sum of \$16,210? 5 favor, 0 oppose.

Article 19: Shall the Town vote to raise and appropriate for Tax Anticipation Note (Interest) the sum of \$20,000? 5 favor, 0 oppose

Article 20: Shall the Town vote to raise and appropriate for Municipal Insurance the sum of \$78,200? 5 favor, 0 oppose.

Article 21: Shall the Town vote to raise and appropriate for Unemployment the sum of \$8,000? 5 favor, 0 oppose.

Article 22: Shall the Town vote to raise and appropriate for Celebrations (July 4 and Winter Celebration) the sum of \$11,500? 5 favor, 0 oppose.

Article 23: Shall the Town vote to raise and appropriate for the Police Department the sum of \$334,734? 5 favor, 0 oppose.

Article 24: Shall the Town vote to raise and appropriate for the Fire Department the sum of \$103,242? 5 favor, 0 oppose.

Article 25: Shall the Town vote to raise and appropriate for the Emergency Medical Services the sum of \$297,913? 5 favor, 0 oppose.

Article 26: Shall the Town vote to raise and appropriate for the Animal Control the sum of \$9, 515? 5 favor, 0 oppose.

Article 27: Shall the Town vote to raise and appropriate for the Shellfish Conservation the sum of \$10,834? 5 favor, 0 oppose.

Article 28: Shall the Town vote to raise and appropriate for the Public Utilities the sum of \$175,600? 5 favor, 0 oppose.

Article 29: Shall the Town appropriate the sum of \$415,000 the entire amount to come from department revenues, impact fees and surplus for the total Wastewater Treatment Plant operational budget? 5 favor, 0 oppose.

Article 30: Shall the Town vote to raise and appropriate for the Parks and Recreation Department the sum of \$770,850? 5 favor, 0 oppose.

Article 31: Shall the Town vote to raise and appropriate for Municipal Highway Department the sum of \$656,994? 5 favor, 0 oppose.

Article 32: Shall the Town vote to appropriate an amount not to exceed \$65,492 from the Perpetual Care Trust Fund for the care of Cemeteries? 5 favor, 0 oppose.

Article 33: Shall the Town vote to raise and appropriate \$78,000 to fund Road and Sidewalk Repair? 5 favor, 0 oppose.

Article 34: Shall the Town vote to raise and appropriate for the Airport the sum of \$278,451? 5 favor, 0 oppose.

Article 35: Shall the Town vote to appropriate \$118,000 for expenditures and \$110,000 from fuel sales and miscellaneous revenues to the amended fiscal year 2011-2012 Airport budget? 5 favor, 0 oppose.

Article 36: Shall the Town vote to raise and appropriate for the Transfer Station the sum of \$511,254? 5 favor, 0 oppose.

Article 37: Shall the Town vote to raise and appropriate for the Senior Center the sum of \$60,000? 5 favor, 0 oppose.

Article 38: Shall the Town vote to raise and appropriate for Waterfront & Harbors the sum of \$44,178? 5 favor, 0 oppose.

Article 39: Shall the Town vote to raise and appropriate for Lincoln County Television the sum of \$7,000? 5 favor, 0 oppose.

Article 40: Shall the Town vote to raise and appropriate the sum of \$68,300 for the Wiscasset Public Library? 4 favor, 0 oppose, 1 abstain.

Article 41: Shall the Town vote to raise and appropriate for Healthy Kids the sum of \$350? 3 favor, 2 oppose.

Article 42: Shall the Town vote to raise and appropriate for Eldercare/Trans-Linc the sum of \$100? 3 favor, 2 oppose.

Article 43: Shall the Town vote to raise and appropriate for Jessie Albert Dental Clinic the sum of \$2,000? 4 favor, 1 oppose.

Article 44: Shall the Town vote to raise and appropriate for Coastal Transportation the sum of \$1,500? 2 favor, 3 oppose.

Article 45: Shall the Town vote to appropriate \$359,000 from the Capital Reserve Account to invest in Capital Improvements and carry forward an additional \$40,000 from the Fiscal Year 2012 Capital Budget totaling \$399,000? 5 favor, 0 oppose.

Article 46. Shall the Town vote to appropriate a sum not to exceed \$8,705 for Fiscal Year 2012 and \$9,300 for Fiscal Year 2013 for the payment of retiree health insurance premiums, the funds to come from the Health Insurance reserve account? 5 favor, 0 oppose.

Article 47: Shall the Town vote to appropriate \$13,000 as its share towards a Federal Aviation Administration Grant, the funds to come from the Airport Capital Fund? 5 favor, 0 oppose.

Article 48: Shall the Town vote to appropriate \$33,333 as its share towards a State Recreational Pier Grant, the funds to come from the Waterfront Fund? 5 favor, 0 oppose.

**Pam Dunning moved to approve a non-binding referendum asking if the voters wish to shorten the ballot by combining department budgets in the warrant article. Vote 5-0-0.**

#### 11. Town Manager's Report

Smith reported that the Walch Printing Company had been awarded the bid for the Town Report. Ed Goud's bid for removal of the cupola had been accepted.

Information on Little League Opening Day was distributed.

A painting of the two Wiscasset schooners was donated to the town by Lawrence and Anne Douglas and now hangs in the meeting room.

On May 3, Wiscasset will host a storm surge workshop focusing on the rise in sea level and impacts to coastal towns. The workshop will begin at 5:30 with a light supper. Judy and David will attend.

A four-mile yard sale will be held on June 2 sponsored by the Community Center. It will run from the top of the hill on Route 27 to the town hall. Residents who do not live on Route 27 may rent space at the Community Center. If the Town has surplus property, it can be bid on at the Community Center.

The board will review an adult entertainment ordinance before sending it to the Ordinance Review Committee.

#### 12. Other Business

Ed Polewarczyk will give a presentation on the Wiscasset school system on May 1 and asked that it be put on the agenda.

#### 13. Adjournment

At 8:55 p.m., **Bill Curtis moved to adjourn. Vote 5-0-0.**



# Town of Wiscasset

Pursuant to: Title 21-A section 503

April 17, 2012

The undersigned municipal officers of the Town of Wiscasset do hereby vote to appoint and confirm the following list of Election Clerks, such appointment to be effective from May 1<sup>st</sup> 2012 until May 1<sup>st</sup> 2014.

**Republican:**

Joan Barnes  
Donald Jones  
Katharine Martin-Savage  
Belinda Haggett  
Maureen Smith  
Joan Grondin  
Lynn Lincoln  
Judith Colby  
Cindy Collamore  
Constance Schumann  
Dudley Leavitt  
H. Karl Olson  
Zoe Bigley  
Robert Bickford Sr.  
Kerry Leeman  
Linda Winterberg

**Democratic:**

Sara George  
Patricia Bridgham  
Susan Hammond  
Judy Flanagan  
Donald Blagden  
Susan Blagden  
Peter Rines  
Natalie Demeny  
Lorie Merry  
Chris Almasi  
Natalie Allen  
Diane Baldwin  
Paul Cronin  
James George  
Susan Varney

**Unenrolled:**

Anna Ranta  
Susan Van Alsenoy  
Susan Rattigan  
Warren Harblson  
Christopher Dilts

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Judith Colby, Board of Selectman, Chair

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David Nichols, Board of Selectman, Vice Chair

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William Curtis, Board of Selectman

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Edward Polewarczyk, Board of Selectman

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Pamela Dunning, Board of Selectman

Given under our hands on this 17<sup>th</sup> day of April, 2012.

## **Roy Farmer's Business History**

After serving in the Army and graduating from the University of Maine, Roy Farmer bought the Hawe's Insurance Agency in 1953, which became C.M.P Larrabee Insurance Agency, a partnership, in 1963. Roy continues as president and majority owner of the Larrabee Agency after 59 years in business.

In 1954, the year after the Hawe's purchase, Roy started the Roy Farmer Real Estate Agency, of which he remained owner and designated broker for 55 years until merging with the Carleton Group in 2009. Roy continues to work as a full time broker at the Roy Farmer Associates/Carleton Group's Wiscasset office at the age of 85.

In addition to Roy's PRIVATE business endeavors, Roy's PUBLIC business accomplishments are as follows:

- Served as Selectman for the Town of Wiscasset
- Served on the Town Budget Committee
- Served on the 98<sup>th</sup> House of Representatives for the State of Maine
- Served as a Trustee of the Wiscasset School District for 25 years
- Was a founder and served as Vice President of the Wiscasset Industrial Development Corporation to enable the town to purchase almost all of its downtown waterfront
- Is a Corporator for the Bath Savings Institution and the Wiscasset Public Library
- Was elected and served for 28 years as Lincoln County Register of Probate
- Was elected and served 2 years as Lincoln County Treasurer
- Served 30 years as Bail Commissioner for Lincoln County
- Is a past President of the Lincoln County Board of Realtors

Roy Farmer received the Business Man of the Year Award from the NRCC's Business Advisory Council during a session of the Maine State Legislature in 2002 and received the Barnes and Smith Lifetime Achievement Award at the first annual meeting of the Wiscasset Chamber of Commerce in February, 2012.

# **WISCASSET SCHOOL SYSTEM**

Edward J. Polewarczyk  
5/1/12

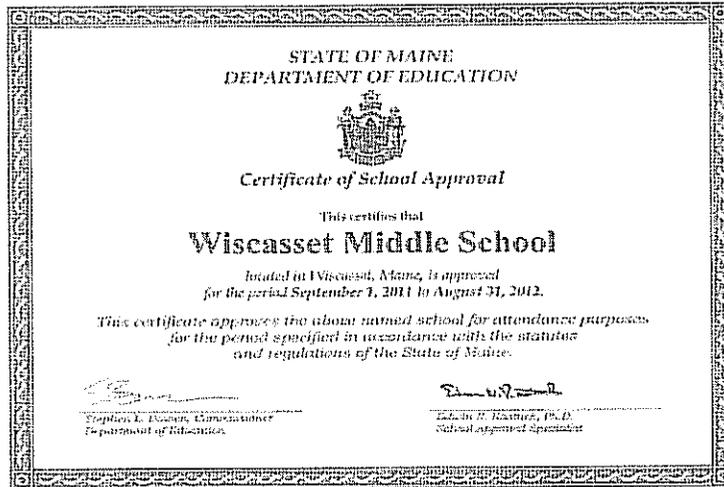
1

## **Wiscasset School System**

- Primary School (Basic Skills)
- Middle school (Expand Knowledge)
- High School (Discover Strengths)

2

## Wiscasset Middle School



3

## Forum Question 15.

How much more or less would Wiscasset residents have to pay in taxes to support Wiscasset's three schools if Wiscasset were not a part of RSU 12 today?

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### Reference Tax Info

\$448,000 = 1 mill  
 Current Tax Rate = 15.15 mill  
 Property Valued at \$150,000  
 Property Tax = \$2272.50

Every Increase in costs of  
**\$448,000**  
 Results in a tax increase of  
**~\$150 (~6.6%)**

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### Current Costs

Wiscasset Primary School	\$	2,141,614
Wiscasset Middle School	\$	2,152,312
Wiscasset High School	\$	<u>3,273,210</u>
	\$	7,567,136
District & Transportation	\$	<u>1,446,400</u>
Total	\$	9,013,536

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### Where We are

#### Wiscasset Contribution

Carry Forward	\$	212,647
Estimated Revenue	\$	143,828
State Subsidy	\$	1,055,535
Local Allocation (Taxes)	\$	4,804,986
 Total		 \$ 6,216,996

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### Where We are

Total costs	\$9.0 Million
Wiscasset Contribution	\$6.2 Million
(Includes subsidies, etc.)	
RSU Contribution	\$2.8 Million

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### School Year 2011-2012

- Wiscasset School District (Not in RSU 12)
  - Primary, Middle, High School
- What would Have Happened
  - RSU Contribution
  - Out of Town Students
  - District Costs
  - Shared Services

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### School Year 2011-2012

- Assume all students stay in Wiscasset Schools
- Out of town students become tuition students
- Max tuition established by law
  - High School Tuition \$8,832
  - Primary and Middle School Tuition \$10,843
- RSU contribution = 2.80 million
- Now 154 Tuition Students = 1.54 Million
- Cost increase to Wiscasset = 1.26 million

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### School Year 2012-2013

- Estimated Costs
- Wiscasset costs                      \$6.36 Million
- Operating costs Increase            + \$0.18 Million
- Subsidy Decrease                      + \$0.18 Million
- Total Cost for Wiscasset              \$6.72 Million

Increase of 0.36 Million

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### School Year 2012-2013

- Increase of 0.36 Million
- .448 Million = 1 Mill
- 0.8 Mill increase in taxes
  
- On Property Valued at \$150,000
- Taxes would increase by ~\$120

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**School Year 2013-2014  
Close Middle school**

• Estimated Costs	
• Wiscasset Costs	\$6.72 Million
• Operating cost increase	+ \$0.18 Million
• Decrease in subsidy	+ \$0.00 Million
• Loss of tuition Students (10%)	<u>+ \$0.15 Million</u>
•	Subtotal \$7.05 Million
• Middle school Maintenance Savings	- \$0.32 Million
• Reorganization Savings	- \$0.92 Million
• Construction Costs	<u>+ \$0.35 Million</u>
• Total Cost for Wiscasset	+\$6.16 Million

**Decrease of 0.56 Million**

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**School Year 2013-2014  
Close Middle School**

- Decrease of 0.56 Million
- .448 Million = 1 Mill
- 1.25 Mill decrease in taxes
  
- On Property Valued at \$150,000
- Taxes would decrease by ~\$187

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### Summary

- Current Year Costs                      \$4.80 Million
- 2011-2012 (Withdraw from RSU)    +\$1.56 Million
- 2012-2013 Increase                    + \$0.36 Million
- 2013-2014 (Close Middle School) - \$0.56 Million
- Total Cost for Wiscasset              \$6.16 Million

Increase of 1.36 Million

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### Summary

- Increase of 1.36 Million
- .448 Million = 1 Mill
- 1.36 Mill increase in taxes
  
- On Property Valued at \$150,000
- Taxes would decrease by ~\$455 (~20%)

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### Alternatives

- RSU (Join another RSU)
  - Non-Starter
  - Same Issues
- AOS
  - Does provide Local control
  - Could reduce some of added costs
  - Not Likely – No Incentive to Accept Wiscasset
- Viable Option ?

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### Summary

Withdrawal from RSU 12  
will likely result in a significant  
increase in property taxes

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### Summary

- Consider
  - Wiscasset RSU School Board Members
  - Taxes
  - Withdrawal Committee Members
  - Withdrawal committee Expenses
  - Local School Board Members

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### Summary

- Please Vote On June 12
  
- Incredibly Important

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# Office of Planning & Codes

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**TO:** Wiscasset Selectboard  
**FROM:** Misty Gorski, Town Planner  
**DATE:** April 25, 2012  
**SUBJECT:** ORC Work Plan & Priorities

At the April 9<sup>th</sup> Ordinance Review Committee meeting, the ORC reviewed unfinished work assigned to the committee and developed a prioritized work plan regarding the ordinances they will be reviewing over the next year. At this time, we would like inform the Selectboard of said work plan and confirm it is supported by the Selectboard.

The work plan below is listed in order of the items to be addressed by the ORC over the next year.

- 1) **Site Plan Review Ordinance:** The ORC is working on a new site plan review ordinance that will be more instructive and helpful to the planning board and business owners as they work through the site plan review process.
- 2) **Subdivision Review Ordinance:** A new subdivision review ordinance will be reviewed. This revised ordinance will more thoroughly clarify the subdivision review process required by state statute.
- 3) **Article 1 Town Officials:** The revisions made this year to Article I was primarily made to bring the section into compliance with state statutes and Selectboard directed goals. Upon making these revisions it was found that more comprehensive work was needed in this article to relieve inconsistencies and clarify language.
- 4) **Article II Building Laws:** Upon reviewing this Article with the Town Attorney, we found numerous sections that were either outdated, not applicable anymore, or unconnected to current practices. The ORC will be working with the Town Planner and Code Enforcement Officer to ensure this section is updated to meet current practices and state laws.
- 5) **Sign Ordinance:** There remain some outstanding issues with the sign ordinance that were left unaddressed this spring. The ORC will be reviewing this language to clear up a few of the outstanding issues, including the boundary of the historic sign district.
- 6) **Land Use Performance Standards:** The ORC will finish work on the performance standards over the next year. Performance standards are an effective tool to guide planning board members through applications to ensure the proposed development will be suitable to the property as well as the community. Currently, we have several scattered performance standards that will benefit from a more thorough rewrite.
- 7) **Future Land Use Plan/ New Zoning Districts:** This task will be resumed in the fall since it will be a more comprehensive, time intensive undertaking. Approximately eight districts remain in our future land use plan (part of the comprehensive plan) that will need to be enacted in order to bring our zoning ordinances into compliance with the comprehensive plan.

# Lincoln County Regional Planning Commission (LCRPC)

# RFP

## Request for Proposals for a

### Bath Road Master Plan Wiscasset, Maine

May X, 2012

The Lincoln County Regional Planning Commission (LCRPC), the Maine department of Transportation (MDOT) and the Town of Wiscasset request proposals to complete a Master Plan for that portion of Bath Route (US Route 1) between the Woolwich town line and the northern terminus of Flood Lane, a distance of 3.25 miles. An image of the study area is presented in Figure 1.

#### I. PROBLEM STATEMENT

The Bath Road corridor, which is that portion of Route 1 from the Woolwich town line to the northern end of Flood Lane, is identified in the Town's Comprehensive Plan as a target area for commercial development. The current land use trend reflects this desire as most of the larger scale commercial development has been in the Bath Road corridor. The Bath Road corridor is zoned commercial on the western side of Bath Rd and rural on the eastern side of Bath Rd. The rural district does not restrict any uses, therefore allowing Bath Rd to develop over the years as a commercial corridor.

Today, Wiscasset and MDOT face significant challenges in the Bath Road corridor. For many years the town's and the state's plans for Route 1 assumed that a village bypass would eventually be developed. With the cancellation of bypass planning by the State of Maine due to costs and permitting constraints, it is now time for the town and MDOT to re-examine the Bath Road corridor with the purpose of developing a master plan that addresses MDOT's goals of maintaining Route 1's mobility and safety while accommodating Wiscasset's goals of increasing its commercial tax base and job opportunities for its residents while managing traffic along the highway in the absence of a future bypass.

Bath Road has a number of assets such as:

- Most visitors to the mid-coast travel on Bath Road, offering retailers and service providers a large pool of potential customers.
- Bath Road is in good condition with a recently paved surface, wide paved shoulders

and good geometry.

- There is substantial potential for additional development on existing vacant or underdeveloped properties.

Bath Road also has significant issues and challenges including:

- There is absence of pedestrian facilities along the roadway and although there are wide shoulders there are no marked bike lanes.
- There is a long history of substantial seasonal traffic congestion originating in Wiscasset village to the east and extending halfway through the study area.
- Most existing commercial development consists of strip development with multiple uncontrolled entrances.
- Most existing development is auto oriented resulting in a high number of left entering and exiting turning movements.
- While a middle turning lane exists in some areas, it is noticeably absent in several high turning volume areas, resulting in further traffic delays and vehicles using the shoulder to pass turning vehicles.
- There is no predominant architectural style along the roadway or unifying landscape theme. Overall, its appearance does not denote an attractive destination for shopping, dining or other activities.
- MDOT impact fee policies associated with new development along Route 1 have been difficult to comprehend and a barrier to commercial development in the corridor.

## **II. STUDY DESCRIPTION AND PURPOSE**

The goals of the Bath Rd Master Plan include:

- Identify traffic improvements within the highway and on adjacent developed and developable properties to meet the needs of existing and future development while maintaining the highway's mobility, safety and capacity.
- Develop a plan for coordinated infrastructure improvements, roadway and site landscaping and transportation enhancements as well as financing strategies needed to implement the plan.

## **III. STUDY AREA**

**Figure 1: Project Boundary**

(map to be inserted)

#### IV. DESCRIPTION OF TASKS

Tasks to be completed by the selected consultant team will include estimates of future build out capacity, evaluate current land use patterns, existing zoning, the municipal comprehensive plan, and existing infrastructure and make recommendations as to how the Town can facilitate commercial development patterns that will manage traffic flow along Route 1 and compliment the community's vision for a desirable, prosperous, commercial area. At minimum the Plan will include the following tasks together with supporting graphics as appropriate:

- Traffic Assessments:
  - 1) Existing traffic and analysis of existing roadway characteristics
  - 2) Future traffic volumes based on build out scenario
  - 3) Identification and evaluation of existing points of accesses onto Bath Road
  - 4) Evaluation of access management strategies (i.e. shared access points, frontage roads, service roads, cross accesses, etc.) and recommendations for applicability to adjacent developed and undeveloped properties
  - 5) Development of a traffic improvement plan addressing safety & congestion
  - 6) Pedestrian and bicycle access
  - 7) Preliminary cost analysis
- Future Build-Out Capacity
  - 1) Future build out scenario based on development potential
  - 2) Evaluation of suitability of existing zoning
  - 3) Recommendations for zoning changes to achieve goals of the Master Plan
- Landscape and Corridor Enhancements

- 1) Recommendations to guide the appearance, form & functional relationships of development and traffic in the corridor including improvements
  - 2) Development of a theme for landscape design and streetscape improvements
  - 3) Recommendations for parking lot landscaping standards & design
  - 4) Recommendations for sign standards
  - 5) Demonstration of the relationship between landscape design & business attraction
- Financial & Implementation Strategies
    - 1) Costs for improvements
    - 2) Priority list of improvements to be included in State and Local Capital Improvement Plans
    - 3) Plan for public /private partnerships to implement improvements
    - 4) Report summarizing the current MDOT Impact Fee program and recommendations for customizing or augmenting the program based on full build-out of improvements recommended in the plan to meet the needs of the community and property owners.
    - 5) Identification of potential development incentives to implement strategies.

#### **TASK 4: Public Process:**

The Consultant(s) shall work in concert with MDOT and the Town to develop a public process plan that will sustain stakeholder involvement and gain public support. This will include development of a project Steering Committee, discussed in further detail below. A draft public process plan will be submitted to the Town for review and approval shortly after project initiation. Major components of the plan shall include:

- Description of the Steering Committee's role and responsibilities in the study.
- A study schedule, including decision points and meetings.
- Consultant(s) responsibilities at Steering Committee and public informational meetings.
- Information sharing mechanisms and public education programs (these may include web-based information, emails, flyers, newsletters, and/or other media).
- Strategies and opportunities to reach various constituencies and to include their input into the process.

As noted above, the public process shall include development of a project Steering Committee to participate in the overall study process, provide and disseminate information to their constituents, review and comment on draft documents and address specific issues associated with the development of study recommendations. The role of the Steering Committee will be advisory with the purpose of providing a range of insights, history, data, and reaction to study direction and findings. The Committee may include but shall not be limited to:

- Two (20) Route 1 business owners
- One (1) Route 1 resident
- Town planner
- Public Safety representative
- Representative of the Wiscasset Transportation Committee
- Selectman
- Representative of MDOT
- Bicycle/pedestrian advocates.

The public process will include four (4) to six (6) Steering Committee meetings to be held at points in the study at which comment and input are needed. In addition, 2 public meetings will be held. It is assumed that meetings with individual businesses and property owners in the study area will also be required. The draft public process plan, to be submitted by the Consultant(s) should expand on the aforesaid description and present a detailed framework for a public process.

The Consultant will work with the Town on meeting development but shall take primary responsibility for meeting organization and outreach. Depending on the nature of the proposed public process, consultant responsibilities will include:

- Meeting facilitation;
- Stakeholder database maintenance;
- Scheduling and identification of meeting locations;
- Meeting minutes/notes and sign in sheets;
- Audio visual equipment;
- Display graphics, PowerPoint presentations, and handouts;
- Development and distribution of meeting notices and agendas; and
- Distribution of draft documents for review and comment.

## **V. CONSULTANT BUDGET PROPOSAL**

This study is funded at \$ \_\_\_\_\_

The Consultant(s) shall estimate the amount of work hours and other expenditures for each work task and provide a statement of expected work products.

Aside from public process meetings, the consultant shall be expected to meet with staff periodically during the course of the project to review draft product, coordinate project elements and to review the progress of the project.

## **VI. Consultant Selection Process**

At a minimum the consultant team shall consist of a traffic engineer and a landscape architect who have demonstrated experience working together on similar projects.

Applicants shall submit seven (7) copies of their proposal. Each proposal should include the following:

- Information described in the Methodology section, above.
- Qualifications of the staff to be assigned to this study.
- Detailed person-hour assignments by task.

We encourage firms responding to economize in the submission of qualifications.

One cost proposal should be submitted in a separate sealed envelope marked as "Cost Proposal for "Bath Road Master Plan". The cost proposal should include details, by task, for total work hours and for work hours by personnel classification (preferably in tabular form). Direct costs, overhead costs and profit must also be shown. The consultant will be paid directly by LCRPC on the basis of cost plus fixed fee up to a certain limit.

Proposals shall be delivered to the LCRPC at 35 Water Street, Wiscasset, Maine 04578 by 4:00 PM on \_\_\_\_\_, 2012. Any materials or submissions received after that time will not be considered.

The selection schedule is as follows:

- \_\_\_\_\_ : Review of proposals.
- \_\_\_\_\_ : Selection of firm(s) to be interviewed (if committee chooses to conduct interviews).
- \_\_\_\_\_ : Interviews and selection of firm to be offered contract.
- \_\_\_\_\_ : Finalization and signing of contract.

All firms submitting proposals are notified that MDOT certified disadvantaged and women-owned enterprises (DBE) are encouraged to submit responses to this request. More information is available at <http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php>. LCRPC will ensure that respondents to this request will not be discriminated against based on sex, race, color, creed or national origin in consideration of an award.

A Selection Committee of LCRPC, MDOT and Town staff will review the proposals and select a firm. The selection committee will select a firm based on the following criteria:

- Qualifications and experience of proposed staff (45 percent)
- Proposed scope of work (45 percent)
- Cost in relation to the proposed scope of work (5 percent)
- Use of Disadvantaged Business Enterprises (5 percent)

The Selection Committee reserves the right to reject any and all proposals, to waive minor irregularities, and to select the proposal which it believes to be most closely matched to its needs. The Selection Committee is under no obligation to select the lowest cost proposal. It reserves the right to further negotiate with one or more of the firms submitting proposals to ensure that the process to be utilized, and the ultimate product to be received, are to LCRPC's, MDOT's and the Town of Wiscasset's full satisfaction.

**Comments or questions may be directed to:**

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Answers to all significant clarification questions will be written and sent to all firms.



# First Congregational Church of Wiscasset

The United Church of Christ  
28 High Street P.O. Box 350  
Wiscasset, ME 04578  
(207) 882-7544



April 11, 2012

Board of Selectmen  
Town of Wiscasset  
Wiscasset, Maine 04578

Dear Selectmen:

On behalf of the Summerfest Committee of the First Congregational Church of Wiscasset, we are requesting permission for exclusive use of the Town Common for this year's event. The Fair will take place from 9:00 A.M. until 2:00 P.M. on Saturday, July 28, 2012. We will begin setting up on Friday, July 27, 2012 and conclude about 4:00 P.M. on Saturday, July 28, 2012.

We are also requesting that you allow us to close off the road between the Court House and the Church on Saturday, July 28, 2012 from 7:00 A.M. until 4:00 P.M.

And, in the event that we are able to obtain a large donation for our Silent Auction (like a small sail boat) we are asking your permission to display the item in the Town Common along with our street signs, from July 4, 2012 to July 24, 2012.

All of the people associated with First Congregational Church of Wiscasset appreciate the many years that we have been able to hold Summerfest on the Common and we look forward to another successful year. As you know, all of the proceeds of the fair are donated to 20 local non-profit organizations that assist area residents.

We thank you for this consideration and invite all of you to come, shop, and enjoy the fair.

Sincerely,

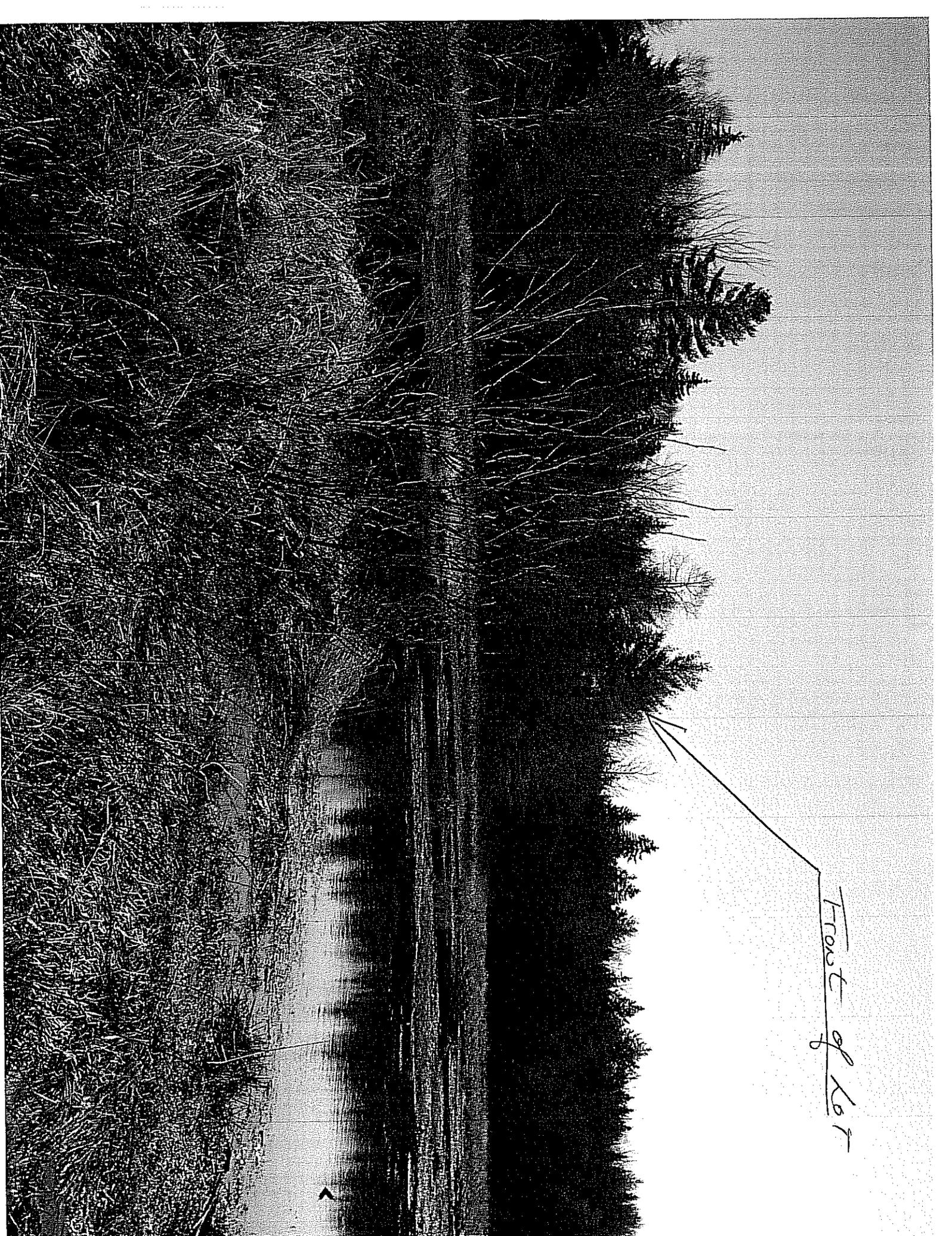
Steve Hatt  
Summerfest Chair

Request for Bids

**LAND**

Town of Wiscasset

The Town of Wiscasset is seeking bids for the purchase of land as shown on the Town of Wiscasset's Tax Map R-04 Lot 027 consisting of approximately 30 acres located 5000' +/- off the Gardiner Rd. (Route 27). A bid package may be picked up at the Town Clerks Office during normal business hours. The bids are due by 3 pm on Tuesday May 1, 2012 and will be opened that evening at the 7 pm Board of Selectmen's Meeting



Front of lot

Request for Bids

LAND

Town of Wiscasset

I/We \_\_\_\_\_ bid in the amount of

\$ \_\_\_\_\_ for land located as shown on the Town of Wiscasset's

Tax Map R-04 Lot 27 and described in the Deed recorded in Book 502 Page 0119 at the Lincoln County Registrar of Deeds.

\$ \_\_\_\_\_ (10% deposit) is enclosed with this bid form in a sealed envelope marked

**"Bath Box Company Land Bid"**. Closing shall be in 30 days, at which time the Town will transfer

a Quit-Claim Deed. Title Insurance would be available.

\_\_\_\_\_  
Bidder(s) Name, Printed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bidder(s) Signature

\_\_\_\_\_

\_\_\_\_\_  
Bidders Address

\_\_\_\_\_

\_\_\_\_\_  
Bidders Contact Information (email / phone)

**Deadline: All bids must be received by 3 pm on Tuesday May 1, 2012**

**Wiscasset reserves the right to refuse any and all bids at the discretion on the Wiscasset Board of Selectmen**

WISCASSET

Valuation Report

04/05/2012

Name: WISCASSET, TOWN OF

Page 1

Map/Lot:

R04-027

Account: 544 Card: 1 of 1

Location:

GARDINER ROAD

Neighborhood RURAL NORTHWEST

Zoning/Use RURAL

Topography Level

Utilities NoWater/NoSewer

Street No Street

Reference 1 B0502P0119

Reference 2 R-04-027/00 0000000000

Tran/Land/Bldg 1 1 15

FARM LAND 0 OPEN SPACE 0

Exemption(s) 12 0 0 Land Schedule 104

Land Description

Units	Method - Description	Price/Unit	Total	Fctr	Influence	Value
10.00	Acres-Rear Land 1-10	2,000.00	20,000	100%		20,000
10.00	Acres-Rear Land 11-20	1,000.00	10,000	100%		10,000
10.00	R 20+-Rear 20+	500.00	5,000	100%		5,000
Total Acres 30.00					Land Total	35,000

<b>Accpt Land</b>	35,000	<b>Accepted Bldg</b>	0	<b>Total</b>	35,000
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119

VOL. 502  
TAX COLLECTOR'S LIEN CERTIFICATE

State of Maine

I, Charles S. Sewall, Collector of Taxes of the (Town) (City) of Wiscasset, in the County of Lincoln, said taxes having been duly and legally committed to me for collection on the 11th day of July, 1951, hereby certify that a tax of SIX dollars and SIXTY cents, duly and legally assessed to real estate in said (Town) (City) of Wiscasset, and assessed against BATH BOX COMPANY of Bath, Maine, owner-tenant in possession thereof, said real estate being bounded and described as follows:

No. by brook  
Ea. by land of Blagdon  
So. by Town line  
W. by land of Eastman

together with interest of XXXXXXXX dollars and XXXXXXXX cents, which has been added to and become a part of said tax, and which remains unpaid; that a lien is claimed on said real estate, above described, to secure the payment of the said tax; that a demand for payment of said tax has been made of the said Bath Box Company, by me by my

giving to him in hand by my sending of his last known place of abode at Bath, Maine, on the 6th day of May, 1952, a notice in writing signed by me stating the amount of said tax, describing the real estate on which said tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of said tax, and demanding payment of said tax within 10 days after service—mailing of said notice in accordance with the provisions of Chapter 81, Sections 97 and 98, of the Revised Statutes of Maine for 1944, as amended.  
Charles S. Sewall, Collector of Taxes.

Costs:  
Notice sent by mail \$1.00  
Registered Mail .33  
Filing, 1.00  
Total \$3.33  
STATE OF MAINE  
May 6, 1952  
Lincoln, Me.

Then personally appeared the above subscribed Charles S. Sewall, Collector, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.  
Before me, Donald T. Brackett, Notary Public.

NOTARIAL SEAL

Received May 20, 1952, at 10 h 30 m A. M. and recorded from the original.

119a

VOL. 502  
TAX COLLECTOR'S LIEN CERTIFICATE  
State of Maine

I, Charles S. Sewall, Collector of Taxes of the (Town) (City) of Wiscasset, in the County of Lincoln, said taxes having been duly and legally committed to me for collection on the 11th day of July, 1951, hereby certify that a tax of NINETEEN dollars and EIGHTY cents, duly and legally assessed to real estate in said (Town) (City) of Wiscasset, and assessed against BATH BOX COMPANY of Bath, Maine, owner-tenant in possession thereof, said real estate being bounded and described as follows:

No. by land of Donnell and Lowell  
Ea. by Town Line  
So. by old road  
W. by Donnell Road

together with interest of XXXXXXXX dollars and XXXXXXXX cents, which has been added to and become a part of said tax, and which remains unpaid; that a lien is claimed on said real estate, above described, to secure the payment of the said tax; that a demand for payment of said tax has been made of the said Bath Box Company, by me by my

giving to him in hand by my sending of his last known place of abode at Bath, Maine, on the 6th day of May, 1952, a notice in writing signed by me stating the amount of said tax, describing the real estate on which said tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of said tax, and demanding payment of said tax within 10 days after service—mailing of said notice in accordance with the provisions of Chapter 81, Sections 97 and 98, of the Revised Statutes of Maine for 1944, as amended.  
Charles S. Sewall, Collector of Taxes.

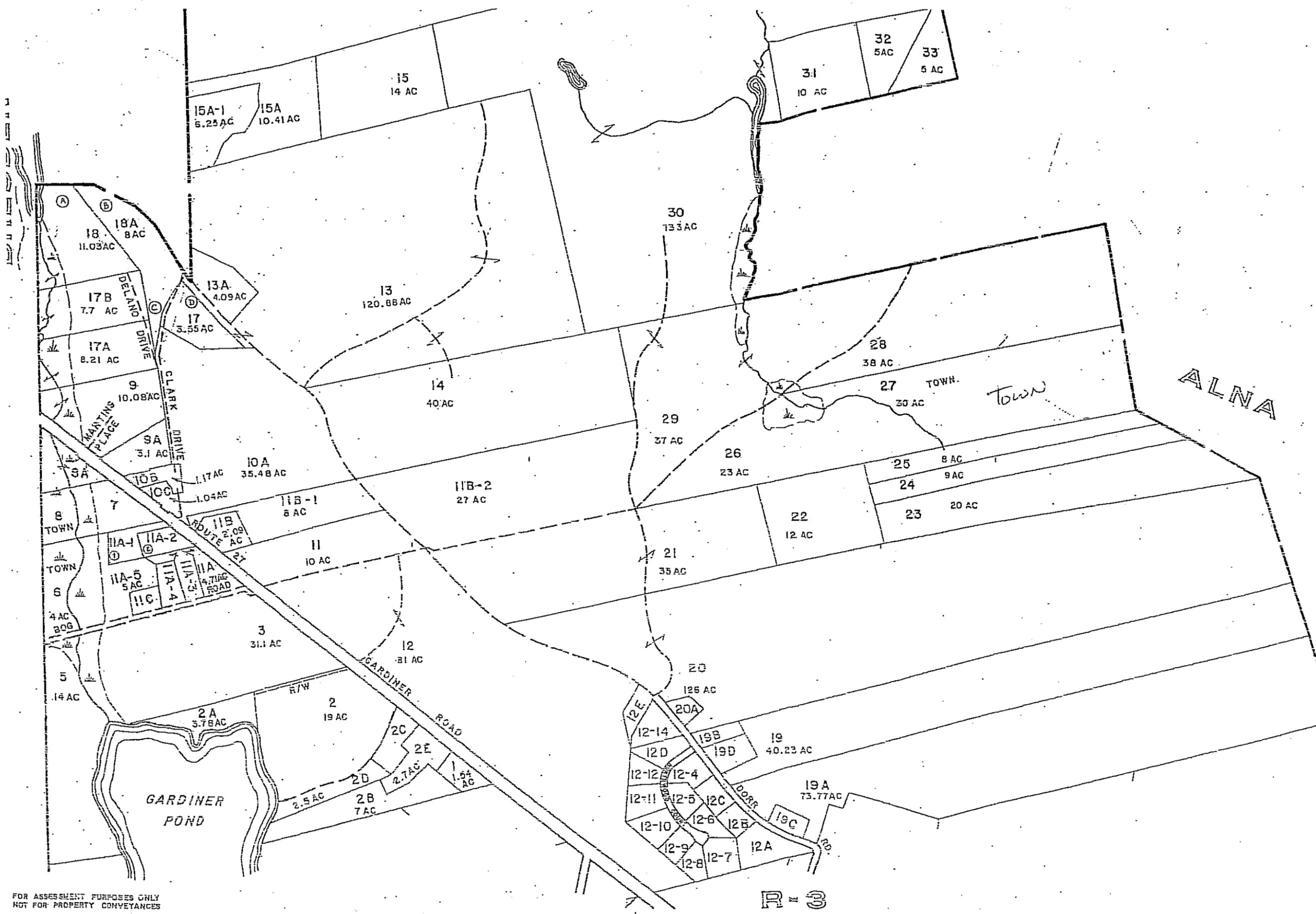
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Filing, 1.00  
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Before me, Donald T. Brackett, Notary Public.

NOTARIAL SEAL

Received May 20, 1952, at 10 h 30 m A. M. and recorded from the original.

See Book  
563  
Page  
266



FOR ASSESSMENT PURPOSES ONLY  
NOT FOR PROPERTY CONVEYANCES

JOHN E. O'DONNELL & ASSOCIATES  
AUBURN, MAINE  
1973

PROPERTY MAP  
**WISCASSET, MAINE**

SCALE IN FEET  
0 500 1000



TOWN OF WISCASSET  
Main Street Pier  
Vendor Permit Application

APPLICANT NAME: FORREST FAULKINGHAM  
BUSINESS NAME: MAINE SALTWATER OUTFITTERS & GUIDE SERVICE  
MAILING ADDRESS: 836 W. ALNA RD, ALNA 04535  
PHONE NUMBER: 207-882-8392, 841-7973  
EMAIL: MESALTWTR@yahoo.com

SEASONAL PERMIT:  DAY USE PERMIT:  DATE(s): \_\_\_\_\_

LOT SIZE:  10 X 20 (\$400)  30 X 34 (\$600)

Returning Vendor  since \_\_\_\_\_

DESCRIPTION OF ALL BUSINESS ACTIVITIES THAT WILL TAKE PLACE ON SITE:

FRESH & SALTWATER GUIDING, BOAT & KAYAKS  
POSSIBLY SELLING SALTWATER FLIES & T-SHIRTS/SWEAT SHIRT

REQUEST FOR APPROVAL OF ACCESSORIES: (please list all furniture, etc and size, need to affix and include a sketch of placement) \_\_\_\_\_

2 FOLDING LAWN CHAIRS, 1 14' KAYAK - ALL REMOVED  
DAILY

ELECTRICAL SERVICE: LIST APPLIANCES REQUIRING ELECTRICITY:

Town provides 110 Volt outlet pro-rated \$100/season or \$5/day \_\_\_\_\_

I DO NOT REQUIRE ELECTRICITY

- ATTACH A CERTIFICATE OF INSURANCE, NAMING THE TOWN OF WISCASSET AS AN ADDITIONAL INSURED.
- ATTACH A PHOTO OR SKETCH OF THE PROPOSED STRUCTURE.

I represent that all of the above information is true and correct. I have read the attached Main Street Pier Policies and agree that I will comply with all rules and regulations.

  
Signature

4/9/12  
Date:

---

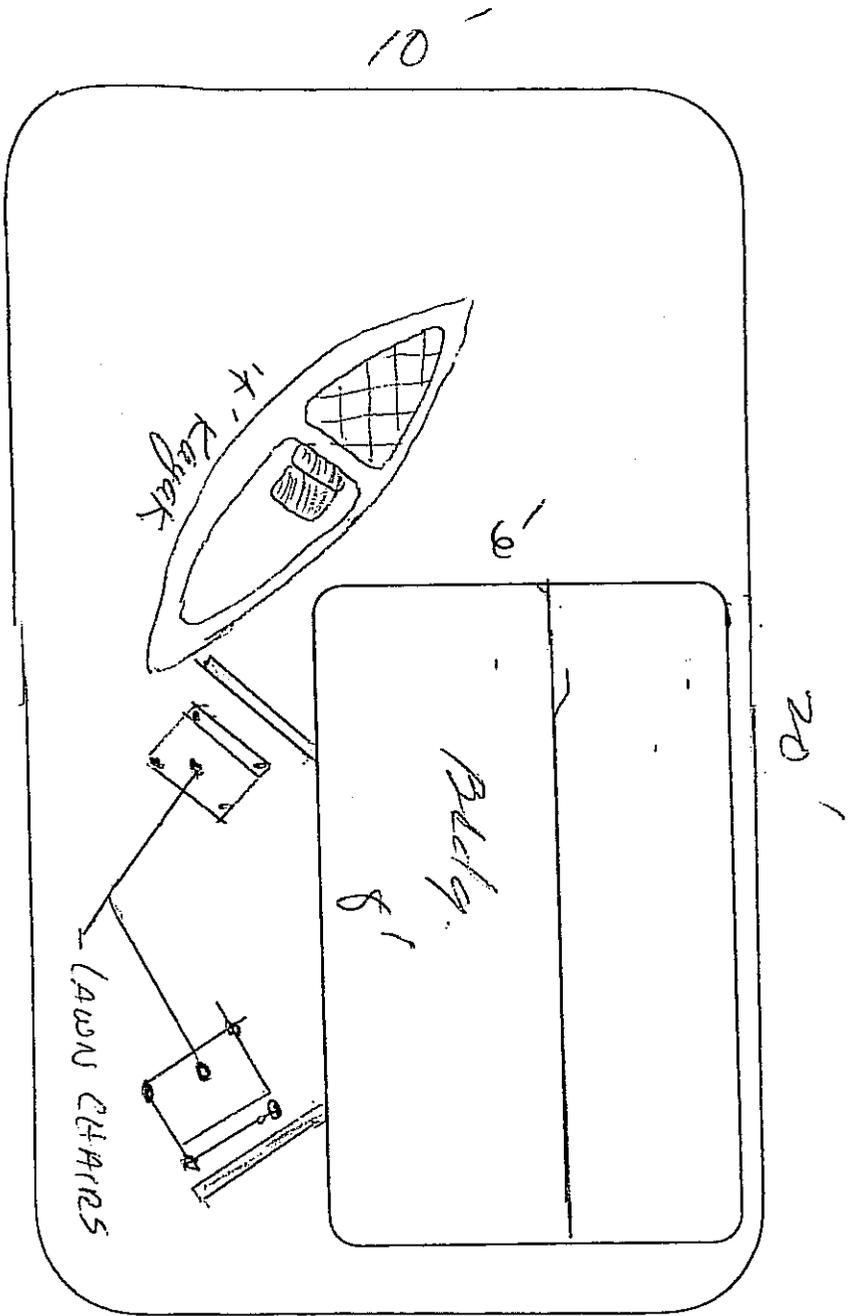
Office use only

Permit fee \_\_\_\_\_  
Electric fee \_\_\_\_\_  
Total amount \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Assigned location \_\_\_\_\_  
Issue date \_\_\_\_\_  
Expiration date \_\_\_\_\_

Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ by Waterfront Committee

Authorized by \_\_\_\_\_

INLAND WATERWAY UNIVERSITY  
Proposed Layout



RT# 1

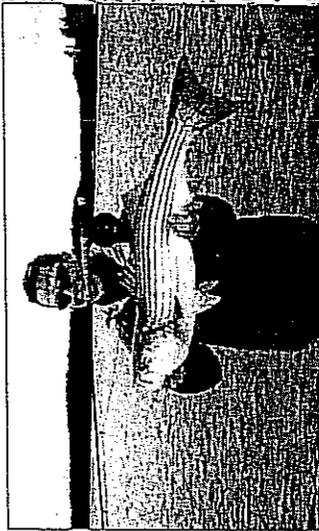


MAINE SALTWATER OUTFITTERS & GUIDE SERVICE

golden beach

04-10-2012 11:01

Half day (4+ hrs.) \$325.00  
 Full day (7 1/2 hrs.) \$425.00  
 For 1-2 anglers



*Caught, photographed and released to fight another day!*

Please visit our website for:

- Local accommodations
- Latest fishing reports
- Weather reports
- Some of our favorite flies and lures.

We also do freshwater fishing, kayak trips & bike tours. Ask for details.

Catch and release encouraged but not mandatory, however current regulations will apply.



Sunglasses  
 Sunscreen  
 Hat

Rain gear (We fish rain or shine)  
 Jacket

8-10 Wt. Flyrods  
 Reels w/ 150 yds. backing.  
 350-450 Grn. shooting head and/or Intermediate lines.  
 8-17 lb. Spinning rods  
 Rubber bunker lures, bucktails, chug bugs.

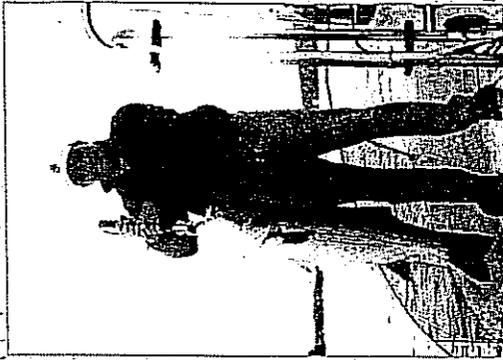


*They did the same thing the next season!*

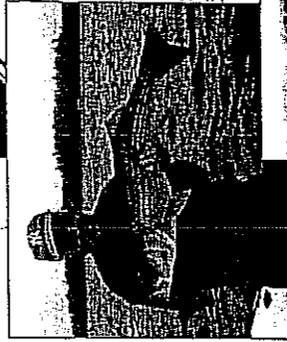
48	49	50	51
27	40	45	54

We supply all tackle fly, spin or bait, but ask you to be responsible for lost rods and reels.

typically runs from early June to mid October.



*This could be you!*



53 58 60 63 67 70 71 73 74 75 76 77 78 79

56 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

# We guide from an 18' Hewes Flats Skiff

115 H.P. Yamaha

4 stroke

Fore and aft casting decks

Poling platform

Garmin Chartplotter / Fishfinder

Electric trolling motor

VHF radio and cell phone



## CAPT. FORREST

Is U.S. Coast Guard licensed and holds a Maine Master and Sea Kayaking guides license and has spent 35 years chasing fresh and saltwater game fish with flyrods and light tackle. He lives in Alna, Maine with his wife Syd and two St. Bernards, Bessie and LuLu.

President-  
Maine Association  
of Charterboat Captains

Member  
NACO

Maine Saltwater  
Outfitters & Guide Service  
836 West Alna Road  
Alna, ME 04535  
(207) 882-8392, 841-7973  
Email: mesaltwtr@yahoo.com

FL  
F  
O  
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ANI



Ca

APRIL 12 6:30

2012

TOWN OF WISCASSET  
Main Street Pier  
Vendor Permit Application

APPLICANT NAME: ROBERT S JONES

BUSINESS NAME: RIDGEBACK POTTERY

MAILING ADDRESS: 125 WESTERN RD

PHONE NUMBER: 707 273 3614

SEASONAL PERMIT:  \$400 (10' X 20') or \$600 (30' x 34')

WINTER RENTAL PERMIT:  \$300 (10' X 20') or \$400 (30' x 34')

DAY USE PERMIT:  DATE(s): \_\_\_\_\_ \$25

DESCRIPTION OF ALL BUSINESS ACTIVIES THAT WILL TAKE PLACE ON SITE:

THROWING & SELLING OF POTTERY

REQUEST FOR APPROVAL OF ACCESSORY FURNITURE: (please list all furniture and size and attached a sketch of placement)

POTTERY WHEEL & LIGHTS

I REQUEST ELECTRICAL SERVICE:  110 Volt outlet

\$100/season or \$5/day additional use will be billed by the Town

- ATTACH A CERTIFICATE OF INSURANCE, NAMING THE TOWN OF WISCASSET AS AN ADDITIONAL INSURED.
- ATTACH A PHOTO OR SKETCH OF THE PROPOSED STRUCTURE.

I represent that all of the above information is true and correct. I have read the attached Main Street Pier Policies and agree that I will comply with all rules and regulations.

Signature *[Handwritten Signature]*

Date: *Mar 25 12*

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Office use only

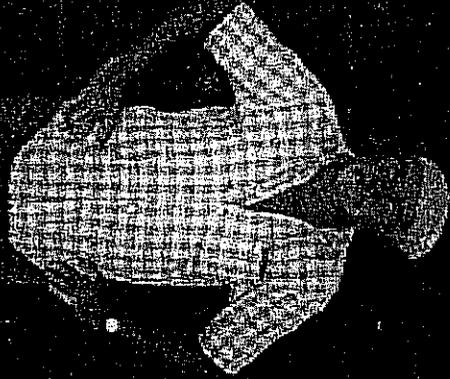
Permit fee \_\_\_\_\_  
Electric fee \_\_\_\_\_  
Total amount \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Assigned location \_\_\_\_\_  
Issue date \_\_\_\_\_  
Expiration date \_\_\_\_\_

Recommended  Not Recommended \_\_\_\_\_ by Waterfront Committee

Authorized by \_\_\_\_\_

*approved - will get in touch  
w/ Rick*

RIDGEBACK POTTERY



OR

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
 03/28/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> J Edward Knight & Co. P. O. Box 447 Boothbay Harbor, ME 04538	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 207.633.4423      FAX (A/C, No): 207.633.7151 E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: 00015601														
<b>INSURED</b> Robert Jones DBA: Ridgeback Pottery 125 Western Rd Warren, ME 04864	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: Peerless Ins. Co</td> <td style="text-align: center;">24198</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Peerless Ins. Co	24198	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Peerless Ins. Co	24198														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES**      **CERTIFICATE NUMBER:** Town of Wiscasset      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			BOP5458798	01/10/2012	01/10/2013	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							PRODUCTS - COM/OP AGG	\$ 2,000,000
AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accidnt)	\$
<input type="checkbox"/> ANY AUTO							BODILY INJURY (Per person)	\$ 0
<input type="checkbox"/> ALL OWNED AUTOS							BODILY INJURY (Per accident)	\$
<input type="checkbox"/> SCHEDULED AUTOS							PROPERTY DAMAGE (Per accident)	\$
<input type="checkbox"/> HIRED AUTOS								\$
<input type="checkbox"/> NON-OWNED AUTOS								\$
UMBRELLA LIAB							EACH OCCURRENCE	\$
<input type="checkbox"/> EXCESS LIAB							AGGREGATE	\$
<input type="checkbox"/> OCLLR								\$
<input type="checkbox"/> CLAIMS-MADE								\$
DEDUCTIBLE								\$
RETENTION \$								\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							<input type="checkbox"/> WC STATU-TORY LIMITS	<input type="checkbox"/> OTH-ER
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH)							E.L. EACH ACCIDENT	\$
If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

<b>CERTIFICATE HOLDER</b>  Town of Wiscasset 51 Bath Rd Wiscasset, ME 04578	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Ashley Hodgdon
---	--



TOWN OF WISCASSET  
Main Street Pier  
Vendor Permit Application

APPLICANT NAME: Amanda Rithman

BUSINESS NAME: Mainer's Snack Shack

MAILING ADDRESS: 6 hilltop dr. wiscasset ME 04578

PHONE NUMBER: 207-882-9293 or cell- 443-600-1552

EMAIL grace.m.1987@yahoo.com

SEASONAL PERMIT:  DAY USE PERMIT:  DATE(s): \_\_\_\_\_

LOT SIZE:  10 X 20 (\$400)  30 X 34 (\$600)

Returning Vendor  since \_\_\_\_\_

DESCRIPTION OF ALL BUSINESS ACTIVIES THAT WILL TAKE PLACE ON SITE:

cooking

REQUEST FOR APPROVAL OF ACCESSORIES: (please list all furniture, etc and size, need to affix and include a sketch of placement) \_\_\_\_\_

ELECTRICAL SERVICE: LIST APPLIANCES REQUIRING ELECTRICITY:  
Town provides 110 Volt outlet pro-rated \$100/season or \$5/day \_\_\_\_\_

ice machine, freezer, Fryer, Refrigerator, Cotton Candy machine

I DO NOT REQUIRE ELECTRICITY <sup>(gas)</sup>

- ATTACH A CERTIFICATE OF INSURANCE, NAMING THE TOWN OF WISCASSET AS AN ADDITIONAL INSURED.
- ATTACH A PHOTO OR SKETCH OF THE PROPOSED STRUCTURE.

*elect ric requirements*

I represent that all of the above information is true and correct. I have read the attached Main Street Pier Policies and agree that I will comply with all rules and regulations.

Amenda Reisman

Signature

4/9/12

Date:

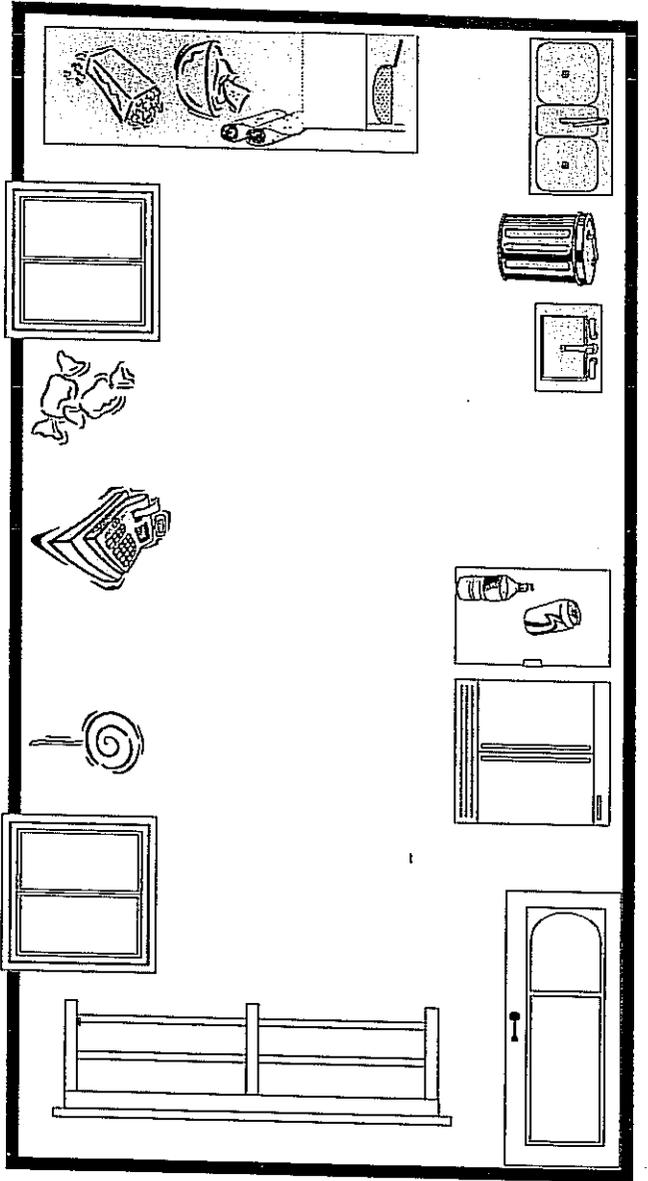
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Office use only

Permit fee \_\_\_\_\_  
Electric fee \_\_\_\_\_  
Total amount \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Assigned location \_\_\_\_\_  
Issue date \_\_\_\_\_  
Expiration date \_\_\_\_\_

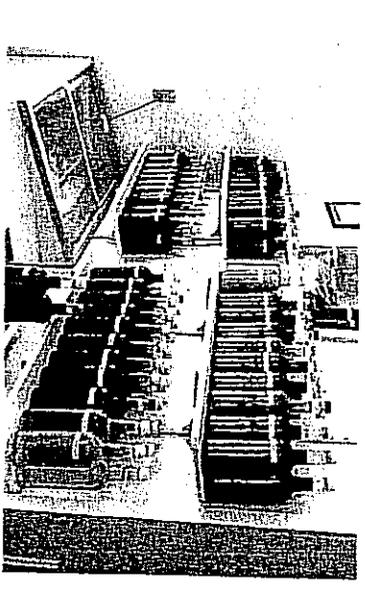
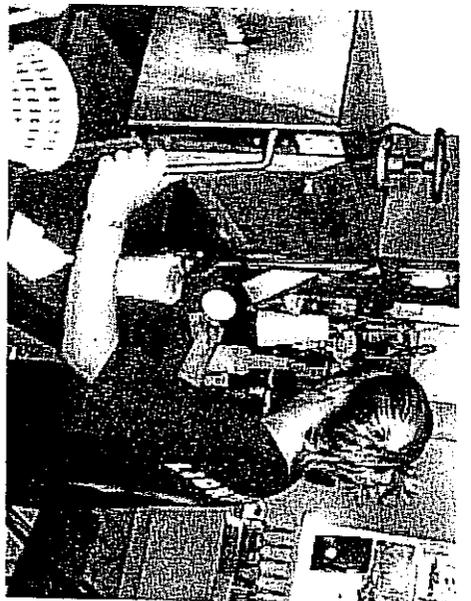
Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ by Waterfront Committee

Authorized by \_\_\_\_\_



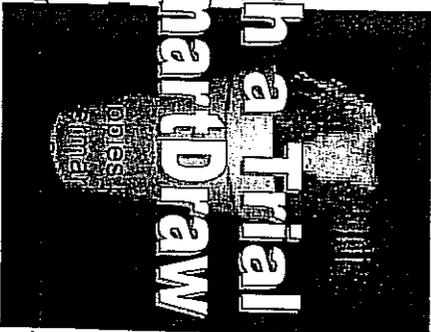
# MAITERS'S snack shack

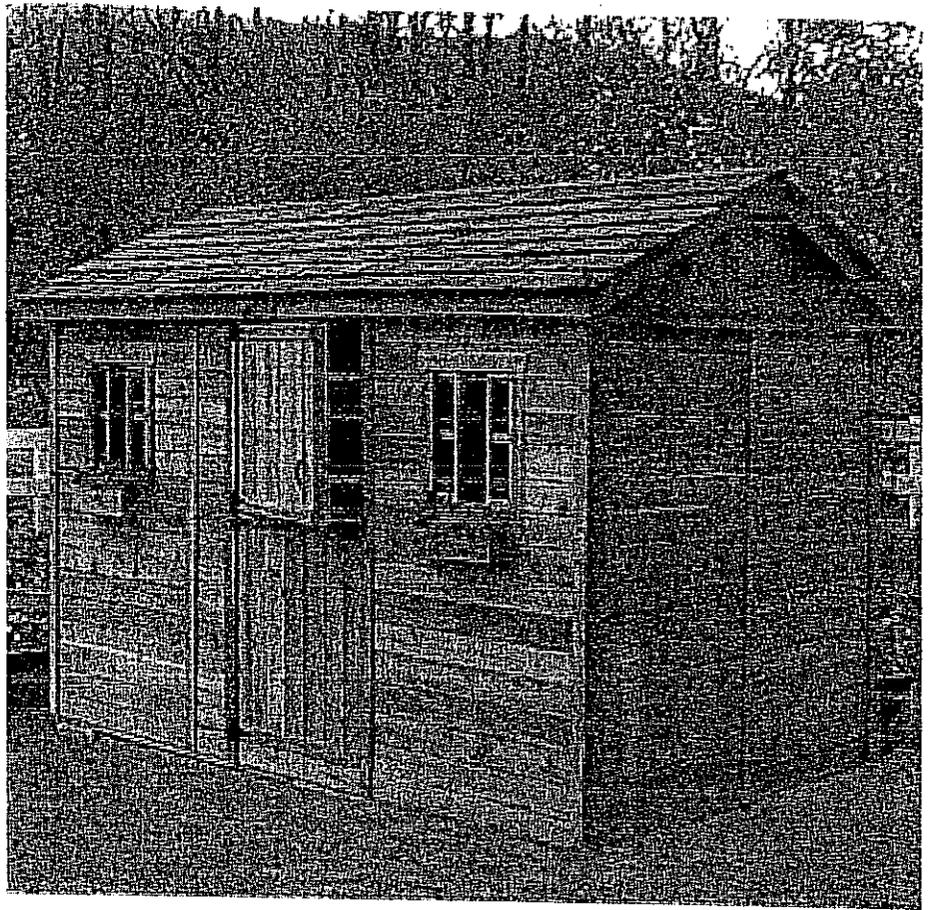
Width 6 ft x Length 10 ft x Height 8ft



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# Mainer's

## Snack Shack

### Food Product List

**Snow Balls** - (a food product made like a snow cone, but different, made with multiple flavors of choice)

**Popcorn**

**Funnel Cake** - (fried dough)

**Nachos**

**Tuna wraps**

**Mozzarella cheese sticks**

**Chicken salad wraps**

· **Candy Apples**

· **Carmel Apples**

· **Cotton Candy**

**Candy Bars** – (different variety)

**Chips**

**Can Soda**

**Bottle Water**

**TOWN OF WISCASSET  
Main Street Pier  
Vendor Permit Application**

APPLICANT NAME: Ronald L. Leeman

BUSINESS NAME: Forgotten Recipes

MAILING ADDRESS: PO Box 1126

PHONE NUMBER: Home 207-882-7287  
207-319-8581

SEASONAL PERMIT:  \$400 (10' X 20') or \$600 (30' x 34')

WINTER RENTAL PERMIT:  \$300 (10' X 20') or \$400 (30' x 34')

DAY USE PERMIT:  DATE(s): \_\_\_\_\_ \$25

DESCRIPTION OF ALL BUSINESS ACTIVIES THAT WILL TAKE PLACE ON  
SITE: JAMS Relish & Sweet Honey Mustard  
Retail Sales

REQUEST FOR APPROVAL OF ACCESSORY FURNITURE: (please list all  
furniture and size and attached a sketch of placement)

I REQUEST ELECTRICAL SERVICE:  110 Volt outlet

\$100/season or \$5/day additional use will be billed by the Town

- ATTACH A CERTIFICATE OF INSURANCE, NAMING THE TOWN OF WISCASSET AS AN ADDITIONAL INSURED.
- ATTACH A PHOTO OR SKETCH OF THE PROPOSED STRUCTURE.

I represent that all of the above information is true and correct. I have read the attached Main Street Pier Policies and agree that I will comply with all rules and regulations.

Ronald L. Leeman  
Signature

4-12-12  
Date:

---

Office use only

Permit fee \_\_\_\_\_  
Electric fee \_\_\_\_\_  
Total amount \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Assigned location \_\_\_\_\_  
Issue date \_\_\_\_\_  
Expiration date \_\_\_\_\_

Recommended  Not Recommended \_\_\_\_\_ by Waterfront Committee

Authorized by \_\_\_\_\_

14' high provisionally approved  
pending compliance w/ ordinance  
& steady light  
Rick to contact please.





**Town of Wiscasset, Maine**  
**Policy Regarding Check Disbursement Prior**  
**To Expenditure Warrant Approval**

**I. Purpose**

The purpose of this policy is to allow for prompt payments of the obligations of the Town of Wiscasset by the Town Treasurer, and to allow for timely payment of bills submitted to the town, and for cash purchases by town staff prior to issuance of an expense warrant.

**II. Scope**

This policy is approved by the Board of Selectmen and applies to the Town Treasurer. It empowers the Treasurer to distribute certain funds prior to expenditure warrant approval. It is the policy of the Town of Wiscasset that all expenditures of town funds receive written approval of the Board of Selectmen pursuant to MRSA 30-A § 5603. This policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for wages and benefits. The Treasurer shall prepare a written warrant for signature to be presented at the regular Selectmen's meeting.

**III. Permitted Disbursements Prior to Warrant Approval**

The following expenditures may be made by the Treasurer of Wiscasset upon review and approval by any member of the Board of Selectmen, prior to final approval and signature on the Expenditure Warrant by the majority of Board of Selectmen. The Chair will be designated the responsibility of assuring the review will occur in a timely manner.

- A. Town Employee Payroll paid on a weekly schedule on Wednesdays, including reimbursement for expenditures, mileage less than \$500.
- B. Payments to RSU #12 as obligated to be paid pursuant to the RSU Agreement.
- C. Payment of state funds collected by the agent for the Bureau of Motor Vehicles, the Department of Inland Fisheries and Wildlife, State Animal Welfare Department, plumbing fees, and concealed weapon permit fees. Such funds are not considered municipal funds, though they are co-mingled with the town's checking account. The tax collector and treasurer shall verify with each other that the proper balance is being paid.
- D. Payroll Taxes.
- E. Automatically deducted bank charges.

**IV. Deadline for bill submission**

To be considered for payment on the next expenditure warrant, bills for payment must be received by the Treasurer of Wiscasset at least two working days prior to the scheduled meeting of the Board of Selectmen at which an expenditure warrant signing is scheduled. The treasurer, may, at his discretion, present vouchers for payment after the deadline when time permits, or doing so is in the best interest of the town.

**V. Term**

This policy is effective for one year after its adoption, if not sooner amended or cancelled.

# ADULT ENTERTAINMENT ESTABLISHMENT ORDINANCE

Preamble:

Whereas, adult entertainment establishments require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the communities where they locate, and

Whereas, the Town of Edgecomb finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

Whereas, the concern over sexually transmitted diseases is a legitimate health concern of the municipality that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the citizens; and

Whereas, there is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the reduction of property values; and

Whereas, it is recognized that adult entertainment establishments, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

Whereas, the Town of Edgecomb wants to prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

Whereas, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of adult entertainment establishments as well as the health problems associated with such businesses; and

Now, therefore, be it ordained by the Inhabitants of the Town of Edgecomb, as follows:

## SECTION I. Purpose and Findings.

- A. Purpose. It is the purpose of this ordinance to regulate adult entertainment establishments and related activities to promote the health, safety, and general welfare of the citizens of the municipality, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the *Town of Edgecomb*. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny

access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Select Board, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir.1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984); and *N.W. Enterprises v. City of Houston*, 27 F.Supp. 2d 754 (S.D. Tex.1998)), as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the Select Board finds that:

1. Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.
2. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where adult entertainment establishments are located. *See, e.g.*, Studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.
3. Sexual acts, including masturbation, and oral and anal sex, occur at adult entertainment establishments, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. *See, e.g.*, *California v. LaRue*, 409 U.S. 109, 111 (1972); *See also* Final Report of the Attorney General's Commission on Pornography (1986) at 377.
4. Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

5. Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments, for the purpose of engaging in sex within the premises of such adult entertainment establishments. *See, e.g., Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); *see also* Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.
6. At least 50 communicable diseases may be spread by activities occurring in adult entertainment establishments including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. *See, e.g.,* Study of Fort Meyers, Florida.
7. As of June, 2001, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 793,025. *See, e.g.,* Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at [www.cdc.gov](http://www.cdc.gov).
8. The total number of cases of genital chlamydia trachomatis infections in the United States reported in 2000 was 702,093, a 6% increase over the year 1999. *See, e.g.,* Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at [www.cdc.gov](http://www.cdc.gov).
9. The total number of cases of early (less than one year) syphilis in the United States reported during the twelve-year period 1996-2000 was 212,672. *See, e.g.,* Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at [www.cdc.gov](http://www.cdc.gov).
10. The number of cases of gonorrhea in the United States reported annually remains at a high level, with a total of 1,730,911 cases reported during the period 1996-2000. *See, e.g.* Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at [www.cdc.gov](http://www.cdc.gov).
11. The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn.
12. According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. *See, e.g.* Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at [www.cdc.gov](http://www.cdc.gov).
13. Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of adult entertainment establishments where persons view "adult" oriented films. *See, e.g.,* Final Report of the Attorney General's Commission on Pornography (1986) at 377.

14. Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g., Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).
15. Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. *See, e.g., Kev, Inc. v. Kitsap County*, 793 F.2d 1053, 1056 (9th Cir.1986).
16. Alcohol consumption in adult establishments increases the likelihood of crime, illegal drug use, and illegal sexual activity, and encourages undesirable behavior that is not in the interest of the public health, safety, and welfare. *See, e.g., Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306, 1309 (11th Cir.2000); *Sammy's Ltd. v. City of Mobile*, 140 F.3d 993, 996 (11th Cir.1998), *cert. denied*, 529 U.S. 1052, 146 L. Ed. 2d 459, 120 S. Ct. 1553 (2000).
17. The findings noted in paragraphs numbered (1) through (16) raise substantial governmental concerns.
18. Adult entertainment establishments have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
19. Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.
20. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult entertainment establishment, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.
21. The general welfare, health, and safety of the citizens of this Town will be promoted by enactment of this ordinance.
22. When more than one adult entertainment establishment use occupies the same location or business address, the secondary effects caused by such businesses are increased. Secondary effects are eliminated or controlled to a greater degree when only a single adult entertainment establishment use is allowed to occupy the same location.

## SECTION II. Definitions.

1. ADULT AMUSEMENT STORE means the same as ADULT BOOKSTORE.
2. ADULT ARCADE means any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

3. ADULT BOOKSTORE means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas;” or
  - b. instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

A principal business purpose exists if materials offered for sale or rental depicting or describing “specified sexual activities” or “specified anatomical areas” occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe “specified sexual activities” or “specified anatomical areas.”

4. ADULT CABARET means a nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:
  - a. persons who appear in a state of semi-nudity; or
  - b. live performances that are distinguished or characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
  - c. films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
  - d. persons who engage in “exotic” or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
5. ADULT ENTERTAINMENT ESTABLISHMENT means the operation of adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers, escort agencies or other sexually oriented businesses.
6. ADULT ENTERTAINMENT NIGHTCLUB OR BAR means the same as ADULT CABARET.
7. ADULT MOTEL means a hotel, motel or similar commercial establishment that:

- a. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
  - b. offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
  - c. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.
8. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
  9. ADULT NOVELTY STORE means the same as ADULT BOOKSTORE.
  10. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
  11. ADULT VIDEO STORE means the same as ADULT BOOKSTORE.
  12. EMPLOYEE means a person who performs any service on the premises of an adult entertainment establishment on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.
  13. ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
  14. ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
  15. ESTABLISHMENT means and includes any of the following:

- a. the opening or commencement of any adult entertainment establishment as a new business;
  - b. the conversion of an existing business, whether or not an adult entertainment establishment, to any adult entertainment establishment;
  - c. the additions of any adult entertainment establishment to any other existing adult entertainment establishment; or
  - d. the relocation of any adult entertainment establishment; or
  - e. an adult entertainment establishment or premises on which the adult entertainment establishment is located.
16. ESTABLISHMENTS FEATURING STRIPPERS OR EROTIC DANCERS means the same as ADULT CABARET.
17. LIVE THEATRICAL PERFORMANCE means a play, skit, opera, ballet, concert, comedy, or musical drama.
18. NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.
19. NUDITY or a STATE OF NUDITY means the appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
20. ON-SITE VIDEO SCREENING ESTABLISHMENT means the same as ADULT ARCADE.
21. PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
22. PREMISES means the real property upon which the adult entertainment establishment is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the adult entertainment establishment, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner or operator of the adult entertainment establishment.
23. SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- b. activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. A principal business purpose exists if the services offered are intended to generate business income.
24. SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
25. SPECIFIED ANATOMICAL AREAS means:
- a. the human male genitals in a discernibly turgid state, even if fully and opaquely covered;
  - b. less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
26. SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:
- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
  - b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - c. masturbation, actual or simulated; or
  - d. excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.
27. SUBSTANTIAL ENLARGEMENT of an adult entertainment establishment means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas existed on May 18, 2012.

### SECTION III. Location Restrictions.

Adult entertainment establishments shall be permitted only in the Commercial Growth District, provided that no nudity of live persons shall be displayed and no live persons in a state of nudity, as defined, shall appear in such establishment, and provided that no alcoholic beverages are allowed on the premises in such establishment, and also provided that:

- A. The adult entertainment establishment may not be operated within:
  - 1. 1,500 feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - 2. 1,500 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleg-

es, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;

3. 1,500 feet of a public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Town which is under the control, operation, or management of the Town park and recreation authorities;
  4. 1,500 feet of the property line of a lot zoned for residential use and devoted to a residential use as defined in the Land Use Ordinance; or
  5. 1,500 feet of another adult entertainment establishment.
- B. An adult entertainment establishment may not be operated in the same building, structure, or portion thereof, containing another adult entertainment establishment.
- C. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment establishment is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, lot containing a residence, district not listed at the beginning of this section, or licensed child care facility.
- D. For purposes of subsection (C) of this section, the distance between any two adult entertainment establishment uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

#### SECTION IV. Non-Conforming Uses; Amortization.

- A. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more adult entertainment establishments are within 2,500 feet of one another and otherwise in a permissible location, the adult entertainment establishment that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.
- B. An adult entertainment establishment lawfully operating as a conforming use is not rendered a non-conforming use by the location of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed child care facility, public park, or residential use within 2,500 feet of the adult entertainment establishment, provided the rights of the adult entertainment establishment have vested prior to the location of one of

the uses or structures listed in this subsection. Vesting shall have occurred if the owner/applicant for the adult entertainment establishment:

1. exercised due diligence in attempting to comply with the law;
2. demonstrated good faith throughout the proceedings;
3. expended substantial unrecoverable funds in reliance on the Planning Board's approval;
4. The period during which an appeal could have been taken from the approval of the application has expired; and
5. There is insufficient evidence to prove that individual property rights or the public health, safety or welfare would be adversely affected by the project as approved.

#### SECTION V. Additional Regulations for Adult Motels.

- A. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this ordinance.
- B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise, that is not validly permitted as an adult entertainment establishment, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or subrents the same sleeping room again.
- C. For purposes of subsection (B) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

#### SECTION VI. Additional Regulations For Escort Agencies.

- A. An escort agency shall not employ any person under the age of 18 years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

#### SECTION VII. Additional Regulations For Nude Model Studios

- A. A nude model studio shall not employ any person under the age of 18 years.
- B. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

#### SECTION VIII. Regulations Pertaining to Exhibition of Sexually Explicit Films and Videos.

- A. A person who operates or causes to be operated an adult entertainment establishment, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction,

that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. A manager's station may not exceed thirty-two (48) square feet of floor area.
2. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
3. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, including video viewing booths, and excluding only restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
4. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (3) of this section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at the floor level.
6. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
7. No viewing room or booth may be occupied by more than one person at any time.
8. No opening of any kind shall exist between viewing rooms or booths.
9. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booths or rooms, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.
10. The operator of the adult entertainment establishment shall, each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.
11. The operator of the adult entertainment establishment shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting

12. The operator of the adult entertainment establishment shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, non-porous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

#### SECTION IX. Exterior Portions of Adult Entertainment Establishments.

- A. It shall be unlawful for an owner or operator of an adult entertainment establishment to allow the merchandise or activities of the establishment to be visible from a point outside the establishment. A barrier must be placed around the sides of the establishment.
- B. It shall be unlawful for the owner or operator of an adult entertainment establishment to allow the exterior portion of the adult entertainment establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.
- C. It shall be unlawful for the owner or operator of an adult entertainment establishment to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to an adult entertainment establishment if the following conditions are met:
  1. The establishment is a part of a commercial multi-unit center; and
  2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
  3. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of an adult entertainment establishment.

#### SECTION X. Signage.

- A. Notwithstanding any other town ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any adult entertainment establishment or any other person to erect, construct, or maintain any sign for the adult entertainment establishment other than the one (1) primary sign and one (1) secondary sign, as provided herein.
- B. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
  1. not contain any flashing lights;
  2. be a flat plane, rectangular in shape;
  3. not exceed seventy-five (40) square feet in area; and
  4. not exceed ten (10) feet in height or ten (10) feet in length.

- C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
- D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- E. Secondary signs shall have only one (1) display surface. Such display surface shall:
  - 1. be a flat plane, rectangular in shape;
  - 2. not exceed twenty (20) square feet in area;
  - 3. not exceed five (5) feet in height and four (4) feet in width; and
  - 4. be affixed or attached to any wall or door of the enterprise.
- F. The provisions of item (1) of subsection (B) and subsection (C) and (D) shall also apply to secondary signs.

#### SECTION XI. Persons Younger Than Eighteen Prohibited From Entry; Attendant Required.

- A. It shall be unlawful to allow a person who is younger than Eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time the adult entertainment establishment is open for business.
- B. It shall be the duty of the operator of each adult entertainment establishment to ensure that an attendant is stationed at each public entrance to the adult entertainment establishment at all times during such adult entertainment establishment's regular business hours. It shall be the duty of the attendant to prohibit any person under the age of Eighteen (18) years from entering the adult entertainment establishment. It shall be presumed that an attendant knew a person was under the age of Eighteen (18) unless such attendant asked for and was furnished:
  - 1. a valid operator's, commercial operator's, or chauffeur's driver's license; or
  - 2. a valid personal identification certificate issued by the State of Maine reflecting that such person is Eighteen (18) years of age or older.

#### SECTION XII. Hours of Operation

No adult entertainment establishment, except for an adult motel, may remain open at any time between the hours of 12:00 A.M. and 10:00 A.M

#### SECTION XIII. Exemptions.

- A. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:

1. by a public school, licensed by the State of Maine, a college, junior college, or university supported entirely or partly by taxation;
2. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

B. Notwithstanding any other provision in this ordinance, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

#### SECTION XIV. Separability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

#### SECTION XV. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### SECTION XVI. Effective Date.

This ordinance shall be enforced from and after May 19, 2012.

## Adult Entertainment Sparks Responses

(from *Maine Townsman*, March 2011)

by Douglas Rooks

When an adult entertainment business arrives in town, it often causes a commotion. But Maine municipalities vary widely in their approaches to regulating these businesses.

Some deal with the issues surrounding adult entertainment with zoning ordinances. Others rely primarily on setbacks from other businesses, residences and institutions where children are present.

Another approach is to allow activities such as semi-nude dancing, but not allow liquor to be served at the same establishment. Other ordinances focus on not allowing contact between dancers and patrons.

And, some municipalities choose not to adopt any regulations at all.

One community that spent nearly two years debating the merits of these different approaches was Waterville, which was initially responding to a request from Shannon Haines, director of Waterville Main Street, an association representing many downtown businesses.

Haines told the council that a number of vacant storefronts might influence adult-oriented businesses to locate there, and asked for regulations barring such businesses from locating downtown.

What ensued were lengthy discussions at city council and planning board meetings, plus a task force to draft a proposal.

Not everyone was in favor of a downtown ban. Shortly after being elected governor, but while still serving as mayor, Paul LePage called the proposed regulations "silly," and said, "You're legislating morality and I have a problem with that. If you're going to do it, do it for the whole city."

Planning Board Chairman David Geller agreed with LePage but they were in the minority as the planning board voted 5-1 for regulations and the city council followed suit in late January.

### WHERE 'DOWNTOWN' ENDS

City Manager Mike Roy explained that the ordinance ultimately adopted differs significantly from the zoning amendments that were the original focus.

"We started out trying to draw the boundaries and that proved to be very complicated. It was hard to define downtown on a map in a way that satisfied everyone," he said.

Instead, on advice of the city attorney, the council adopted a separate ordinance that relies on setbacks to separate any adult businesses from downtown stores and from most residential areas.

Waterville already has two adult bookstores on the north side of town, on College Avenue heading toward Fairfield, but no live entertainment. The Bob-In, which had frequent clashes with police and city officials over that issue a few years ago, no longer attempts to offer such shows, Roy said.

"The council thought the effect on downtown was a real concern and acted accordingly," Roy said. "But they thought that residential areas needed protection too, so that was added to the ordinance."

Augusta once had a controversial adult bookstore on Water Street that was cited as contributing to the poor reputation of the north end of the main downtown street. It later moved to Farmingdale, next to the town office on Maine Avenue, where it was dubbed "The First Amendment."

It operated for several years in the 1990s before another adult shop opened on Maine Avenue, which prompted a citizen petition from those concerned about a proliferation of such stores.

Farmingdale's town meeting passed an ordinance that required any adult businesses to be located more than a half mile from Maine Avenue, leading to the closing of both stores. The First Amendment later reopened at its current location in Waterville.

## **INDUSTRIAL ZONE ONLY**

Augusta City Manager Bill Bridgeo said there have been no applications for adult businesses in the more than a decade he's been on the job and, if there are any in the future, they will be confined to the city's industrial zones.

Planning director Matt Nazar said the Maine Commerce Center and the Augusta Business Park – both west of the Augusta Civic Center, along Route 27 – are possible locations for adult businesses, as is a city-owned parcel where the Edwards Mill used to stand.

"The Supreme Court says you can't ban them but you can control where they are located," Bridgeo said.

That's been true since the U.S. Supreme Court issued its ruling in *Schad v. Borough of Mount Ephraim* in 1981, a case in which a New Jersey municipality had attempted to ban nude dancing anywhere in town. That provision, the court found, violated First Amendment rights to free expression.

Despite notable changes in the makeup of the high court since then, it has generally adhered to that reasoning in subsequent rulings. In a 2000 case, Justice Anthony Kennedy wrote that, "The history of the law of free expression is one of vindication in cases involving speech that many citizens may find shabby, offensive or even ugly."

In late 2008, Vassalboro discovered that an operation that became known as the "topless doughnut shop" had opened at a defunct motel on Route 202, just over the town line from Augusta.

## **NOTORIETY IN VASSALBORO**

The opening gained national and even international notoriety, much to the chagrin of townspeople. Vassalboro does not have a zoning ordinance, and no regulations were on the books that would have restricted such a venture.

The doughnut shop's owner raised eyebrows further by suggesting he wanted to expand from morning and afternoon hours to evening shows – more like the entertainment generally offered only in Maine's largest cities.

In June 2009, the store burned to the ground in a fire that investigators ruled was arson. The disgruntled boyfriend of a female dancer was subsequently charged with the crime.

Town Manager Mary Sabins discussed events surrounding the doughnut shop, which ultimately led to adoption of an ordinance later in 2009.

"The excitement has definitely died down," she said. While townspeople were unaccustomed to "seeing their town in the international news," she said that, "Once the initial notoriety wears off, people lose interest."

Indeed, the town's major concern with the business at the moment is whether it complies with the building code.

The shop's owner, who was living in part of the old motel, subsequently reopened in a tent, and then a 30-by-126-foot structure termed a temporary building, according to Code Enforcement Officer Dan Feeney. The permit for the temporary building has expired and Feeney said it's not clear whether the owner intends to build a permanent structure. He noted that there's a "for sale" sign on the property.

Vassalboro's ordinance, modeled on several used elsewhere, states that, "The regulations of the Ordinance are not directed at the content of speech but are directed at the negative secondary effects of sexually oriented businesses." It bars adult entertainment establishment from locating within 500 of another business, or within 1,000 feet of a church, school, day care center, public park or any residence.

There have been no applications under the ordinance yet, but the topless doughnut shop did spur activity in nearby communities.

### **NEARBY TOWNS TAKE ACTION**

China and Winslow both enacted adult entertainment ordinances, and in Sidney, which borders Vassalboro across the Kennebec River to the west, residents petitioned selectmen for a six-month moratorium on adult businesses while the town drafts an ordinance. A town meeting vote on the proposed moratorium was scheduled for March 19.

A similar approach is being taken by the Piscataquis County town of Guilford, which was responding not to an operating business but one proposed for neighboring Sangerville that was later withdrawn.

Town Manager Tom Goulette explained that townspeople are traditionally skeptical of land use regulation, but that this may be an exception.

"A lot of work went into crafting a comprehensive plan back in the 1980s, but people overwhelmingly voted it down at town meeting," he said. Since then, though, Guilford has been willing to adopt ordinances regulating lot sizes and restricting the keeping of livestock in certain parts of town.

Adult businesses do propose a challenge to any town trying to regulate them, Goulette said.

"What about private parties in restaurants with live entertainment? We've had a few of those," Goulette said.

Not long ago, the town fielded an inquiry about a "head shop" that might feature items sometimes considered drug paraphernalia. But "are you really going to try to regulate anyone carrying candles, or tapestries or incense?" he said. "A lot of stores sell those kinds of items."

In the end, the planning board voted to propose a six-month moratorium that town meeting was set to consider March 16. If adopted, Goulette noted, selectmen could extend the moratorium another six months, which would allow any proposed ordinance to be considered at the 2012 town meeting, or a special town meeting earlier.

## RESORT AREA TOLERANT

"We probably wouldn't call a special meeting just for that," he said. In some communities, controversy about adult entertainment leads to no regulations at all. That was the case in Carrabasset Valley, home to the Sugarloaf ski area and widely known as a resort community.

"About 90 percent of our taxpayers are non-residents," Town Manager David Cota observed.

There was a flurry of interest from townspeople after a prominent story in the Maine Sunday Telegram last March described after-hours show on Saturday nights at the Carrabasset Inn, put on an outfit called "PartyDancers USA" and featuring nude dancers.

The inn's owner called his decision to stage the shows "my economic stimulus package," and said, "I had to do something to keep my doors open."

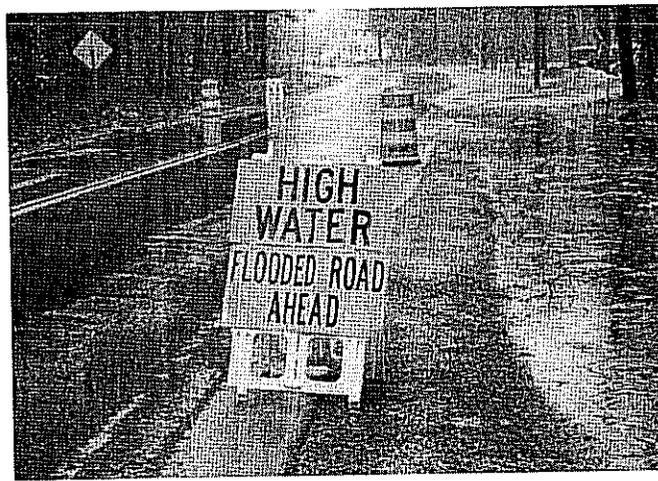
Cota called the newspaper story "a bit over the top" and said the inn's owner had approached selectmen a little over a year earlier when he was considering offering the shows.

"The understanding was that there would be no big signs, no flashing red lights, nothing that would call undue attention to the place," said Cota. The shows "are only three hours a week, on Saturday nights, and they always end promptly at midnight, from what we hear," he said.

After the article ran, residents did appear at town meeting seeking to discuss the issue, with some suggesting a written survey of town residents. But selectmen ultimately decided that no action was necessary.

"We're a resort town, and our businesses reflect that," Cota said. He noted that the Carrabasset Inn had been closed for several years before the current owner reopened it, and said, "We have another restaurant, with reasonably priced meals, that we probably wouldn't have otherwise." As long as the inn keeps to the agreement, he doesn't foresee any action by the town.

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, [drooks@tds.net](mailto:drooks@tds.net)



# **RIISING TO MEET THE CHALLENGE: ARE YOU READY FOR THE NEXT STORM?**

**MAY 3, 2012**

**Wiscasset Town Office**

**6:00 PM**

Local officials including elected officials, administrators, county and municipal planners, first responders, public works directors, waterfront commissions, and interested citizens are invited to attend and participate in a regional discussion on ways communities and individuals can adapt to rising sea levels, more frequent storm surges, and other weather-related events.

With a state and regional lens, the workshop will focus on recent sea and weather events, predictions and financial impacts of forecasted events. We will discuss how communities can become more prepared and resilient to adapt to these weather related events. The workshop also hopes to encourage citizen engagement in efforts to improve community vulnerabilities to flooding.

The workshop will feature expert presentations from Dr. Samuel Merrill of the Muskie School of Public Service, Bob Faunce of the Lincoln County Regional Planning Commission, and Tim Pellerin, Director of the Lincoln County Emergency Management Agency. It is sponsored by Dragon Farm, a mid-coast based educational nonprofit, and CHEWONKI.

Sam Merrill is an Associate Research Professor at the Muskie School of Public Service, University of Southern Maine, and Director of the New England Environmental Finance Center, housed at the Muskie School. His research interests include the fiscal and policy connections between land conservation and development in New England, and developing tools for financial adaptation to sea level rise.

Bob Faunce, as Lincoln County Regional Planner, manages a countywide Coastal Hazard Resilience Project examining the potential impact of a two-foot sea level increase. Tim Pellerin helped the county craft and adopt a Hazard Mitigation Plan to lessen impacts of a potential weather or flood related disaster.

A light supper will be provided at 5:30 PM. Please respond by emailing [mauramelleyco@gmail.com](mailto:mauramelleyco@gmail.com) or calling 354-0007.

Dragon Farm is a mid-coast based educational nonprofit, founded over twenty years ago, with a focus on sustainability, social justice and the support of true dialogue across differences. It is also a program incubator for projects that meet their mission. For more information, visit <http://www.dragonfarm.org>  
Chewonki is dedicated to helping people grow individually and in community with others by providing educational experiences that foster an understanding, appreciation, and stewardship of the natural world and that emphasize the power of focused, collective effort. Visit [www.chewonki.org](http://www.chewonki.org)