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36 §841. ABATEMENT PROCEDURES

36 §841. ABATEMENT PROCEDURES

1. Error or mistake. The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided that the taxpayer has complied with section 706.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. The municipal officers may not grant an abatement to correct an error in the valuation of property.

[1993, c. 133, §1 (RPR) .]

2. (CONFLICT: Text as amended by PL 2011, c. 552, §1) **Infirmity or poverty.** The municipal officers, or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of infirmity or poverty, is in their judgment unable to contribute to the public charges. The municipal officers, or the State Tax Assessor for the unorganized territory, may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or infirmity be informed of the right to make application under this subsection; [2005, c. 169, §1 (AMD).]

B. Assist individuals in making application for abatement; [1987, c. 772, §15 (NEW).]

C. Make available application forms for requesting an abatement based on poverty or infirmity and provide that those forms contain notice that a written decision will be made within 30 days of the date of application; [2005, c. 169, §1 (AMD).]

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours; [1987, c. 772, §15 (NEW).]

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session; [2005, c. 169, §1 (AMD).]

F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and [1987, c. 772, §15 (NEW).]

G. Provide that any decision made under this subsection include the specific reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal. [2005, c. 169, §1 (AMD).]

For the purpose of this subsection, the municipal officers may set off or otherwise treat as available benefits provided to an applicant under chapter 907 when determining if the applicant is able to contribute to the public charges.

[2011, c. 552, §1 (AMD) .]

2. (CONFLICT: Text as amended by PL 2011, c. 624, §1) **Hardship or poverty.** The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of hardship or poverty, is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or hardship be informed of the right to make application under this subsection; [2011, c. 624, §1 (AMD).]

B. Assist individuals in making application for abatement; [1987, c. 772, §15 (NEW).]

C. Make available application forms for requesting an abatement based on poverty or hardship and provide that those forms contain notice that a written decision will be made within 30 days of the date of application; [2011, c. 624, §1 (AMD).]

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours; [1987, c. 772, §15 (NEW).]

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session; [2005, c. 169, §1 (AMD).]

F. Provide to any person applying for abatement under this subsection notice in writing of their decision within 30 days of application; and [2011, c. 624, §1 (AMD).]

G. Provide that any decision made under this subsection include the specific reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal. [2005, c. 169, §1 (AMD).]

[2011, c. 624, §1 (AMD) .]

3. **Inability to pay after 2 years.** If after 2 years from the date of assessment a collector is satisfied that a tax upon real or personal property committed to him for collection cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the municipal officers thereof in writing, under oath, stating the reason why that tax cannot be collected. The municipal officers, after due inquiry, may abate that tax or any part thereof.

[1979, c. 73, (RPR) .]

4. **Veteran's widow or widower or minor child.** Notwithstanding failure to comply with section 706 or section 1181, the assessors, on written application within one year from the date of commitment, may make such abatement as they think proper in the case of the unremarried widow or widower or the minor child of a veteran, if the widow, widower or child would be entitled to an exemption under section 653, subsection 1, paragraph D, except for her or his failure to make application and file proof within the time set by section 653, subsection 1, paragraph G, provided that the veteran died during the 12-month period preceding the April 1st for which the tax was committed.

[2005, c. 218, §10 (AMD) .]

5. **Certification; record.** Whenever an abatement is made, other than by the State Tax Assessor, the abating authority shall certify it in writing to the collector, and that certificate shall discharge the collector from further obligation to collect the tax so abated. When the abatement is made, other than an abatement made under subsection 2, a record setting forth the name of the party or parties benefited, the amount of the

abatement and the reasons for the abatement shall, within 30 days, be made and kept in suitable book form open to the public at reasonable times. A report of the abatement shall be made to the municipality at its annual meeting or to the mayor and aldermen of cities by the first Monday in each March.

[1987, c. 772, §16 (RPR) .]

6. Appeals. The decision of a chief assessor of a primary assessing area or the State Tax Assessor shall not be deemed "final agency action" under the Maine Administrative Procedure Act, Title 5, chapter 375.

[1979, c. 73, (NEW) .]

7. Assessors defined. For the purposes of this subchapter the word "assessors" includes assessor, chief assessor of a primary assessing area and State Tax Assessor for the unorganized territory.

[2001, c. 396, §15 (AMD) .]

8. Approval of the Governor. The State Tax Assessor may abate taxes under this section only with the approval of the Governor or the Governor's designee.

[1999, c. 521, Pt. A, §4 (AMD) .]

SECTION HISTORY
1973, c. 66, §15 (AMD). 1975, c. 765, §§14-A (AMD). 1977, c. 44, §1 (AMD). 1977, c. 479, §15 (AMD). 1977, c. 509, §16 (RPR). 1977, c. 694, §§688-692 (AMD). 1979, c. 73, (RPR). 1987, c. 70, (AMD). 1987, c. 772, §§15,16 (AMD). 1989, c. 508, §10 (AMD). 1991, c. 16, §1 (AMD). 1991, c. 16, §2 (AFF). 1993, c. 133, §1 (AMD). 1999, c. 521, §A4 (AMD). 2001, c. 396, §15 (AMD). 2005, c. 169, §1 (AMD). 2005, c. 218, §10 (AMD). 2011, c. 552, §1 (AMD). 2011, c. 624, §1 (AMD).

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PUBLIC HEARING
AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT RENEWALS
OCTOBER 15, 2013 AT 7:00 PM

The Wiscasset Board of Selectmen will hold public hearings at 7:00 PM in the Town of Wiscasset Municipal Building Hearing Room for each of the following Automobile Graveyards and/or Junkyards in the Town of Wiscasset:

Jim's Auto Trim, 320 Bath Road
Blagden's Garage, 842 Gardiner Road
Grover Auto & Tire Inc., 271 Bath Road
Norm's Used Cars, Inc., 744 Bath Road
Pro Body Work's, 323 Bath Road

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TOWN OF WISCASSET

Memo

To: Wiscasset Board of Selectmen

From: Bruce Engert, Interim Code Enforcement Officer

CC: Laurie Smith, Town Manager

Date: October 2, 2013

Re: Junkyard and Automobile Graveyard License renewal

I have conducted an onsite inspection of each of the below listed sites and have found them to be compliant with the Maine State and Wiscasset Land Use Ordinances.

I therefore recommend that the Board of Selectmen approve their renewal applications for 2013-2014.

- Blagden's Garage
- Jim's Auto Trim
- Pro Body Works
- Grover Auto & Tire Inc.
- Norman's Used Cars

Respectfully,

Bruce Engert

Town of Wiscasset November 5 Ballot

Question 1 – Regional School Unit (RSU) Withdrawal

Voters will be asked if they favor the withdrawal of the Town of Wiscasset from Regional School Unit 12 subject to the terms and conditions of the Withdrawal Agreement. Maine State law Title 20-A, Section 1466 states that "the withdrawal agreement … vote must equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election" of those casting valid votes" in order to validate the vote. In Wiscasset this means that 833 valid votes will need to be cast and if a majority vote in the affirmative then Wiscasset will begin the process of forming its own School Department. If the majority votes in the negative then the Town will not be able to consider the article again for a two year period.

What if the Town votes yes? If the Town meets the required number of votes and the majority vote yes then the Town will need to hold an election for School Committee Members and prepare a budget for the 2014-15 School Year.

What will it cost to withdraw from the RSU? The RSU Withdrawal Committee worked with consultants to determine the costs for Withdrawal and the costs for operating own school system. The consultants reported that the costs for withdrawal will be approximately $1.5 million. The withdrawal costs include Wiscasset's financial commitments from outstanding bonds, notes, lease purchase agreements and labor contract obligations. It is also estimated that the school costs will increase by about $1.4 million for the first year of operation. The costs could decrease once a school committee is able to make changes to the system; however those potential costs are unknown at this time.

Will RSU 12 students continue to attend Wiscasset Schools? The new Wiscasset School system will provide education for all Wiscasset students and RSU 12 students who are currently attending and wish to continue, as long as there is space and programming for up to 10 years.

To review the withdrawal agreement you may visit www.wiscasset.org or pick up a copy at the Town office.

Question 2 & 3

There are two questions on the ballot regarding the payment of the RSU Withdrawal costs. Voters should only vote yes on one of the questions. The articles are Question 2 and 3, the first requests authority to borrow the funds, the second requests the withdrawal from the reserve fund.

Question 2 Financing the RSU Withdrawal Costs

The Town will incur costs for withdrawing from the RSU as explained above. The Selectmen are asking the Town for the authority to bond up to $2.0 million in order to finance those costs over 10 years. The cost to finance the costs over 10 years is $443,500 in interest costs.

Question 3 Petition to withdraw $2.0 million from reserve fund

The Town will incur costs for withdrawing from the RSU as explained above. A petition was circulated to request the withdrawal of up to $2.0 million in order to pay for those costs. The Investment Committee estimates that the loss in earnings from the withdrawal will cost the Town $1.0 million over a ten year period.

Question 4 – Wastewater System Loan / Grant

The Town has successfully secured a $1.2 million funding package for needed Wastewater projects from the Federal Department of Rural Development. The Town has been awarded a low interest loan of $974,000 and a grant of $226,000 to repair several portions of the wastewater infrastructure. The loan is for a period of 29 years at a rate not to exceed 2.75%. The projects include:

- A 5500' force main replacement along Birch Point Road from Bath Road to Two Bridges Road. The line is 35 years old and is a project of interest by the Department of Environmental Protection because of the inflow of fresh water through the lines and pump stations. Three sections of 4" force main are causing the stations to be nearing capacity due to the need to overcome friction loss in the small mains. Upgrading the pipe will increase capacity, reduce energy costs, and reduce treatment costs – estimated at 40% overall.
- The project includes the upgrade of pump stations #10 (Route 218 by Deer Ridge), #11 (Old Bath Road), and #12 (Willow Lane) with new pumps, controls and components. The stations have exceeded their design life (over 30 years old) and could soon fail. Emergency failures of these pumping systems would cost the Town more money to repair. Failures could lead to an illegal discharge of untreated wastewater into adjoining streams and wetlands and fines from DEP.
- Another project is the rehabilitation of the Federal Street gravity sewer interceptor. This section of pipe is old asbestos cement pipe with leaking joints and root intrusion. The line has plugged many times and can lead to overflow of untreated wastewater into the river. The plan is to re-line the current pipe in order to lower project costs; however if the Town waits much longer it will be too late to use this option. This line serves all north end residents in Wiscasset including all three schools.
- The final project includes upgrades to the treatment plant by replacing aging equipment. The flow meter to the belt press and return activated sludge lines have failed and are in need of replacement. The aeration diffusers are critical in the transfer of oxygen which facilitates a critical treatment process. The muffin monster is planned to be replaced and is a part of the head-works and protects the plant from large debris.

All of these projects were listed in the 2008 Wastewater Capital Improvement Plan and were recommended for completion in the short term. The loan will be repaid over a 29 year period with an annual cost of approximately $49,000. The costs will be absorbed through wastewater fees and capital improvement funds.

Question 5 –Adult Entertainment Ordinance

Presently, the Town of Wiscasset Ordinances permit any type of adult entertainment establishment (including bars with nude dancers, topless coffee shops, and adult film or book stores) in the rural and commercial districts regardless of proximity to schools, churches or residences. The current sign ordinance only restricts signage to size.

Adult entertainment establishments cannot be banned. The First Amendment of the U.S. Constitution prohibits Congress from passing law that abridges freedom of speech. The Fourteenth Amendment extends that prohibition to states and municipalities. Numerous courts have ruled that banning these types of establishments would be restricting freedom of speech. While legally a municipality cannot ban an adult entertainment facility, they can regulate such facilities through zoning ordinance. However, courts have agreed that attempts to over regulate a facility to the point where it would not be possible to locate a facility in town is seen as abridging freedom of speech.

The proposed ordinance would continue to permit adult entertainment establishments in the rural and commercial districts. The ordinance further provides restrictions on nudity of live persons, serving of alcohol in the establishment, and photographs, drawings or other pictorial representations from exterior signage. Furthermore, the proposed ordinance would require 1,500 foot setbacks from all places of worship, educational institutions, and public recreation areas as well as a 250 foot setback from all residential property lines.

Question 6 – Amendment of the Subdivision Ordinance and Passage of the Road Standard Ordinance.

Roads are not currently regulated in Wiscasset outside of the subdivision ordinance which currently provides minor guidelines to road development. Absence of detailed standards for road related infrastructure creates a network of roads unable to accommodate the growth of use on non-engineered roads. The proposed road ordinance would provide standards for roads in and outside of subdivisions. The standards are designed to be based on development usage and therefore requiring more significant standards for higher demand roads. The ordinance is based on a tiered system that begins when a third lot is proposed to be developed on a shared drive. Once the development on the road is increased to between four and ten houses the road would need to be improved to support the increased traffic. When more than ten dwelling units are proposed, then the road would further need to be upgraded to support increased traffic. The tiered approach allows property owners to only make investments where needed while also preparing for future considerations of their property. By planning ahead for potential development it allows property owners to invest conservatively while also reducing potential future issues. Furthermore, by having roads built to standards that support the anticipated traffic it will ensure safety vehicles access residences safely in the event of emergencies. The ordinance approaches all roads with an understanding that each road is not created equal and in unanticipated situations flexibility is granted to the Planning Board to ensure the ordinance is met to the greatest extent practical while considering unique circumstances.

To Charles DiPerri, Constable, of the Town of Wiscasset in the County of Lincoln.

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Wiscasset, in said County and State, qualified by law, to vote in Town affairs to meet at the Wiscasset Community Center on Tuesday, the 5th day of November AD, 2013 from 8:00 A.M. until 8:00 P.M., then and there to act on the following articles:

Article 1. To elect a moderator to preside at said meeting.

And to vote by secret ballot on the following articles:

Article 2. Do you favor the withdrawal of the Town of Wiscasset from Regional School Unit 12 subject to the terms and conditions of the Withdrawal Agreement dated May 9, 2013?

WORDS OF EXPLANATION

ARTICLES THREE AND FOUR PRESENT ALTERNATE WAYS TO PAY FOR THE TOWN'S WITHDRAWAL FROM RSU 12. SINCE THEY ARE ALTERNATES, YOU SHOULD VOTE YES ON ONE ARTICLE AND NO ON THE OTHER.

Article 3. If the RSU Withdrawal article above passes, do you favor funding the costs of withdrawal by authorizing the Treasurer and the Chairperson of the Board of Selectmen to issue general obligation securities of the Town of Wiscasset (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed $2,000,000 and to delegate to the Treasurer and the Chairperson of the Board of Selectmen the discretion to fix the date(s), maturity(ies), interest rate(s), denomination(s), place(s) of payment, form and other detail of said securities, including execution and delivery of said security(ies) and to provide for the sale thereof.

Explanatory note: This article authorizes a bond not to exceed $2.0 million to finance the withdrawal costs.

Board of Selectmen recommendation: **4 - Favor; 1 - Oppose**
Budget Committee recommendation: **3 - Favor; 5 - Oppose**

NOTE: 30-A M.R.S.A. Section 2528(5)(B) requires the recommendations of the Municipal Officers and the Budget Committee when a secret ballot article requests an appropriation of money.

TOWN OF WISCASSET FINANCIAL STATEMENT

1. Total Town Indebtedness

A.	Bonds outstanding	$ 1,011,715.65
B.	Bond authorized and unissued	$ 0.00
C.	Bonds to be issued if this vote is approved	$ 2,000,000.00
Total		$ 3,011,715.65

2. Costs

At an estimated interest rate of 3.5 percent, the estimated costs of this bond will be:

10 years	
Principal:	$ 2,000,000.00
Interest:	$ 443,500.00
Total Debt Service	$ 2,443,500.00

Validity
The validity of the bond or the voters' ratification of the bond may not be affected by any errors in the above estimate. If the actual amount of the total debt services for the bond issues varies from the estimate, the ratification by the

electors is nevertheless conclusive and the validity of the bond issues is not affected by reason of the variance.

_____
Treasurer, Town of Wiscasset

WORDS OF EXPLANATION

ARTICLES THREE AND FOUR PRESENT ALTERNATE WAYS TO PAY FOR THE TOWN'S WITHDRAWAL FROM RSU 12. SINCE THEY ARE ALTERNATES, YOU SHOULD VOTE YES ON ONE ARTICLE AND NO ON THE OTHER.

Article 4. By Petition:

To see if the Town will vote:

1. To transfer $2.0 million from the Town of Wiscasset Reserve Account to the Town's active account for current budget items, for the purpose of having ample funds available to pay a withdrawal fee to RSU 12, and to cover any other legally required expenses related to a withdrawal from RSU 12; and
2. To appropriate that sum to pay for any expenses needed to accomplish the withdrawal from RSU 12, and thereafter,
3. To return to the Reserve Account any balance remaining of that sum after payment of all such expenses.

Explanatory Note: To accomplish a withdrawal from RSU 12, the Town of Wiscasset needs to pay a withdrawal fee to RSU 12 of approximately $1.5 million to cover equipment, existing service contracts and improvements that were made. In addition, the town will be required to pay the summer salaries of the teachers prior to the beginning of the first of the school year, which may cost up to $500,000. The Reserve Account contains $11,418,000 as of July 31, 2013.

Board of Selectmen recommendation: **0 - Favor; 5 - Oppose**
Budget Committee recommendation: **0 - Favor; 8 - Oppose**

NOTE: 30-A M.R.S.A. Section 2528(5)(B) requires the recommendations of the Municipal Officers and the Budget Committee when a secret ballot article requests an appropriation of money.

Article 5. To see if the Town will vote to approve capital improvement projects consisting of force main replacements, interceptor improvements and pump station upgrades for a sum not to exceed $1,200,000; to fund the capital improvement project, to apply for a grant and a loan from the United States Department of Agriculture, Rural Development in the sums of $226,000 and $974,000 respectively; to authorize the Treasurer and the Chairperson of the Board of Selectmen to issue general obligation securities of the Town of Wiscasset (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed $974,000.00; and to delegate to the Treasurer and the Chairperson of the Board of Selectmen the discretion to fix the date(s), maturity(ies), interest rate(s), denomination(s), place(s) of payment, form and other detail of said securities, including execution and delivery of said security(ies) and to provide for the sale thereof.

Board of Selectmen recommendation: **5 - Favor; 0 - Oppose**
Budget Committee recommendation: **2 - Favor; 6 - Oppose**

TOWN OF WISCASSET FINANCIAL STATEMENT

1. Total Town Indebtedness

A.	Bonds outstanding	$ 1,011,715.65
B.	Bond authorized and unissued	$ 0.00
C.	Bonds to be issued if this vote is approved	$ 974,000.00
	Total	$ 1,985,715.65

2. Costs

At an estimated interest rate of 2.75 percent, the estimated costs of this bond will be:

29 years	
Principal:	$ 974,000.00
Interest:	$ 452,116.78
Total Debt Service	$ 1,426,116.78

Validity
The validity of the bond or the voters' ratification of the bond may not be affected by any errors in the above estimate. If the actual amount of the total debt services for the bond issues varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issues is not affected by reason of the variance.

_____
Treasurer, Town of Wiscasset

Article 6. Shall Article X – Miscellaneous Ordinance be amended to enact "Adult Entertainment Establishment Ordinance"?

Due to the length of the ordinance the full text is available in the Town Clerk's office.

Article 7. Shall Article X – Miscellaneous Ordinance and Article VII – Subdivision Ordinance be amended to enact "Road Standard Ordinance"?

Due to the length of the ordinance the full text is available in the Town Clerk's office.

And you are directed to serve this warrant by posting a copy thereof, attested by you, in a public and conspicuous place in said town, seven days, at least, before the time of holding said meeting.

Hereof, fail not, and due return make of this warrant to the Selectmen or Town Clerk, with your doings thereon, on or before the time of holding said meeting.

Given under our hands this 20th day of September, 2013.

_____
Edward Polewarczyk, Chairman

_____
Judith Colby, Vice Chairman

_____
Pamela Dunning, Selectman

_____
Timothy Merry, Selectman

_____
Jefferson Slack, Selectman

True Attest Copy:_____ Posted on:_____

7

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
OCTOBER 8, 2013

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

1. Call to Order

The chair opened the meeting at 5:30 p.m.

2. Executive Session

The Board of Selectmen voted to go into Executive Session pursuant to Title 1, M.R.S.A. 405 (6) (A and D) for the purpose of discussing labor contracts and personnel staffing. Vote 5-0-0. The selectmen voted to come out of executive session at 6:15 p.m. Vote 5-0-0.

3. Adjournment

The selectmen voted to adjourn at 6:15 p.m. Vote 5-0-0.

7

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
OCTOBER 1, 2013

Preliminary Minutes

Tape recorded meeting

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

1. Call to Order

Ed Polewarczyk called the meeting to order at 6 p.m.

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

3. Assessing Issues

Ed Polewarczyk said he believed there was a line between Board of Assessors duties and Assessor's Agent duties. Because the people of Wiscasset voted "no" to the assessing budget, he believed the Board had no authority to do the work for which it has no training. He said because there is a valid union contract which defines duties, if the board performed union work, grievances, mediation and eventually litigation could occur. He said he was not going to perform assessing work.

A. Discussion regarding poverty abatement requests

Pam Dunning moved that the board go into executive session pursuant to the provisions of Title 336, §841(2) MRSA, to consider a request for an abatement of taxes for reasons of poverty. Vote 5-0-0. Judy Colby moved to come out of executive session. Vote 5-0-0.

Relative to Poverty Abatement Case 1302, Judy Colby moved that by joint agreement to extend the deadline for action by the Board of Assessors to October 15. Vote 5-0-0.

Relative to Poverty Abatement Case 1303, Judy Colby moved to deny. Vote 5-0-0. Pam Dunning noted that the abatement request is for 2013 for which tax bills have not yet been issued. The request may be considered after commitment.

B. Assessing duties and public questions – postponed until later in the meeting

4. Approval of Treasurer's Warrant: October 1, 2013

Tim Merry moved to approve the Treasurer's Warrant of October 1, 2013. Vote 5-0-0.

5. Approval of Minutes: September 17 and September 24, 2013

Judy Colby moved to approve the minutes of September 17, 2013. Vote 5-0-0. Pam Dunning moved to approve the minutes of September 24, 2013. Vote 5-0-0.

6. Public Comment

Without objection, the five minute rule was suspended. Doug Smith, WERP, advocated leaving the RSU as the only way to educate the town's children and lower the taxes to an acceptable level. He provided statistics on the number of Wiscasset students and the number needed for a standard comprehensive high school curriculum and on the excess of space Wiscasset has. Leaving the RSU, Smith said, would give Wiscasset the opportunity to control the educational opportunities for its students and the taxes need to support that education.

Donald Jones said even though there is a sign on Route 1 prohibiting engine breaking, there is no town ordinance against it and therefore the police could take no action. He asked the selectmen to request the Ordinance Review Committee to draft an ordinance to prohibit engine breaking.

George Green stated his objection to having the sign list the meeting at 7 p.m. when it actually started earlier. It was explained that although the meeting started at 6, the meeting was listed at 7 to eliminate people having to sit through an hour's executive session; the actual meeting started at 7.

Bob Blagden said the retirement of Maurice Pickering offered the town an opportunity to downsize the department to the size it was five years ago. He said there was less work to do now and more employees to do it. Vacations could be covered by other departments; the town should take this chance to cut back on the department.

7. Department Head of Committee Chair Report – none

8. Unfinished Business – none

9. New Business

A. Certification of Ordinances for the November 5, 2013 election: **Judy Colby moved to certify the attached ordinances for the November 5, 2013 election. Vote 5-0-0.** Board member signed the certification for the Subdivision, Road and Adult Entertainment Ordinances.

B. Open the Tax Acquired Property Bids: Laurie Smith said that one bid had been received for the property at 25 Middle Street. **Pam Dunning moved to award the bid for Map U01, Lot 92, 25 Middle Street to George Freeman for $67,250. Vote 5-0-0.**

The board discussed the options for disposing of the other two properties, both of which are on Route 1. It was decided to list the property with a realtor. It was suggested that if there is no action, the property be turned over to an auctioneer. **Judy Colby moved to request proposals from local realtors to sell the properties for us. Vote 5-0-0.**

C. Adoption of 2013 General Assistance ordinance: **Pam Dunning moved to postpone this item to October 15, 2013. Vote 5-0-0.**

3B. Continued

Jeff Slack reported that four messages had been left on the Assessor's Agent's office door. The only one that required action to date was a request for a Veteran's Property Tax Exemption form. No one was able to tell him where a form might be found other than in the Assessor's Agent's office.

Bill Barnes said in the past the selectmen had assumed the duties of assessor and if the selectmen did not want to do that, they should resign.

Pam Dunning requested a legal opinion as to whether the Board of Assessors could carry out the duties of a union position; specifically, since the town did not vote to fund the Assessors' Agent's position, does that delete that position from the union and therefore open up that work for the Board of Assessors to do, or is the Board of Assessors inherently by its election permitted to do that work without overstepping union bounds.

Ed Polewarczyk listed the items that need to be addressed: Responding to email and phone messages, contacting the State, working on the tax commitment, TIF calculations, entering sales data in the data base, completing the Municipal Valuation report for the State, completing the LD1 tax growth spreadsheet, updating personal property info and updating the deed info. **Pam Dunning moved to seek a legal opinion relative to the Board of Assessors doing the Assessors' Agent's work. Vote 3-2-0.**

10. Town Manager's Report

A. Coastal Planning grant: Laurie Smith said the town received the annual grant application for state funds for technical assistance on coastal projects. The Waterfront Committee is in favor of applying for funds which could be used for engineering the boardwalk project. The maximum grant is for $20,000 with a 25% Town match, which could come from the engineering funds in the budget. **Jeff Slack moved to apply for the grant. Vote 5-0-0.**

B. Update TAN – County tax bill: Smith said the Town has asked for additional funds from the bank in order to keep the Town operating; however, the bank was unwilling to extend the amount of credit requested, but would loan the Town $1 million if needed. Smith anticipates the Town will run out of funds by the end of November. Based on present cash flow, the Town may not be able to pay back the TAN. Two major bills the Town will face shortly are the RSU monthly payment and the County tax bill. She said the Town could ask for an extension on the taxes, but by law the County could seize Town property. **Pam Dunning moved to ask the County for an extension on the tax bill.** In response to questions, Smith said the County could charge interest and it was difficult to estimate when the bill could be paid. **Vote 4-1-0.**

11. Other Business

Judy Colby moved to enter executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss personnel. Vote 5-0-0. The board entered executive session at 7:55 p.m. and exited at 8:40 p.m. **Pam Dunning moved to exit executive session. Vote 5-0-0.**

Judy Colby moved to enter executive session pursuant to1 M.R.S.A. §405 (6)(C) to discuss Mason Station. Vote 5-0-0. The board entered executive session at 8:42 p.m. and a motion to exit at 8:56 p.m. was voted 5-0-0.

12. Adjournment

A motion to adjourn the meeting at 8:57 p.m. was voted 5-0-0.

13C

Town of Wiscasset/ Select Board
51 Bath Road
Wiscasset, ME 04578
October 9, 2013

Attn: Laurie Smith, Town Manager

Re: request from New Hope for Women

New Hope for Women is requesting permission to display a small sign on the Common beginning on the 16th, for the remainder of October.

- The sign is 18" x 24" , a campaign style lawn sign on wire stakes.
- The message reads: "October is Domestic Violence Awareness Month."
- We would like to set it in front of the Post Office for approx.. a week and then move it to the junction of Washington, Hodge Streets and Rt. 1, for the rest of the month.

The purpose of the sign is to connect purple lights displayed along the Main St. to our annual Domestic Violence Awareness Month campaign.

Thank you very much for your consideration.

Sincerely,
Tina Tucker
Tina Tucker
Community Educator
New Hope for Women
563-2450

October is Domestic Violence Awareness Month

14a

OFFICE OF

LINCOLN COUNTY COMMISSIONERS

32 High Street · P.O. Box 249
Wiscasset, Maine 04578

Incorporated 1760

Commissioners Office (207) 882-6311
Fax (207) 882-4320

WWW.LINCOLNCOUNTYMAINE.ME

District One
Hamilton W. Meserve
Southport, Maine

District Two
William B. Blodgett
Waldoboro, Maine

District Three
Mary R. Trescot
Damariscotta, Maine

October 7, 2013

Ms. Laurie A. Smith
Town Manager
Town of Wiscasset
Wiscasset, Maine 04578

Dear Laurie:

Thank you for your letter of October 2, which I received today, describing the cash flow challenges faced by the Town of Wiscasset. I understand how difficult and unusual a situation this is for the town.

I have already informed the Commissioners individually of the request for extension of the due date of Wiscasset's county tax bill by the Board of Selectmen. However, the next Board of Commissioners' meeting is not until next Tuesday, October 15, so it will be on that agenda.

In the meantime, I will contact you with a view to discussing this further before that meeting.

Sincerely,

John O'Connell
Administrator

Cc: Board of Commissioners
Treasurer

14b

Julie Lutkus

From: Laurie Smith <townmanager@wiscasset.org>
Sent: Monday, October 07, 2013 5:20 PM
To: jcromwell@cromwellprop.com; Nancy Carleton; Roy Farmer; sherri@dunhamrealty.com; Sherri Dunbar (srd1@roadrunner.com); longwinged@myfairpoint.net
Cc: Julie Lutkus
Subject: Town of Wiscasset Proposasl
Attachments: SCAN2371_000.pdf

Good Evening,

The Town of Wiscasset has decided to sell two properties along Route One in Wiscasset.

One of the properties was previously owned by Denovo, LLC – Map U17, Lot 4B. The other property was previously owned by Sommelier Holdings – Map U15A, Lot 7C. I have attached the information on both lots to this email. The selectmen are accepting proposals from local realtors in the hopes of establishing a relationship with one realtor in order to sell the lots. The Selectmen may wish to establish a longer relationship and handle additional properties in this same manner.

The Board is requesting that any interested parties submit:

1. A proposed contract to sell the land.
2. A list of 3 local references.
3. A proposal on how you would price and sell the real estate.

All proposals should be submitted by 3 pm on Tuesday, October 15th to the Town Manager, Town of Wiscasset, 51 Bath Road, Wiscasset, Maine.

A subcommittee of the Board will then interview interested agents.

Laurie Smith
Town Manager
Town of Wiscasset
51 Bath Road
Wiscasset, Maine 04578
(207) 882-8200 x 108