

**Wiscasset Selectboard,
Assessors and Overseers of the poor
Minutes, June 15, 2017**

3a.

Present: Town Clerk Linda Perry, Judy Colby, Benjamin Rines, Jr. Jefferson Slack, Katharine Martin-Savage, Robert Blagden and Town Manager Marian Anderson

1. Call the meeting to order. Town Clerk Linda Perry called the meeting to order at 5:00 PM.
2. Pledge of Allegiance
3. Nominations for Chair of the Wiscasset Selectboard: Town Clerk Linda Perry opened the floor to nominations. Katharine Martin-Savage nominated Judy Colby for Chair, seconded by Ben Rines, Jr., motion passed 4-0-1
4. Nominations for Vice-Chair of the Wiscasset Selectboard: Judy Colby nominated Ben Rines Jr., for Vice Chairman, seconded by Jeff Slack, motion passed 4-0-1
5. Review Rules of Order and Procedure for the Wiscasset Selectboard: Consensus of the Board to review for a future meeting.
6. Other Business: A motion was made by Jeff Slack, seconded by Katharine Martin-Savage to approve the Applications for Catered Function by Qualified Catering for Bread & Butter Catering for two events at Marianmade Farm. Motion passed 5-0-0
7. Adjournment: Motion Ben Rines Second Katharine Martin-Savage to adjourn at 5:08 PM. Motion passed 5-0-0

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WISCASSET SELECT BOARD,
ASSESSORS AND OVERSEERS OF THE POOR
MINUTES, June 20, 2017

Draft Minutes

Present: Chair Judy Colby, Vice Chairman Ben Rines, Jr., Jeff Slack, Robert Blagden, Katharine Martin-Savage and Town Manager Marian Anderson

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

1. Pledge of Allegiance

2. Approval of Treasurer's Warrants

a. Katharine Martin-Savage moved to approve the Payroll Warrants of June 9, 2017 and June 16, 2017, motion seconded by Ben Rines, Jr. Motion passed, 4-0-1 (Robert Blagden abstained)

b. Ben Rines, Jr. moved to approve the accounts payable warrants of June 13, 2017 and June 20, 2017, motion seconded by Judy Colby. Motion passed, 4-0-1 (Robert Blagden abstained).

3. Approval of Minutes

a. Ben Rines, Jr. moved to approve the minutes of June 6, 2017, motion seconded by Judy Colby. Motions passed 3-0-2 (Robert Blagden and Katharine Martin-Savage abstained)

4. Special Presentations or Awards-none

5. Committee Appointments-none

6. Public Hearings-none

7. Public Comment

David Cherry congratulated Robert Blagden and Katharine Martin-Savage on their election and wished them well. He also thanked the Board for its support during his term. He also encouraged the Board to continue to support the plans of David Stapp, saying it was a good opportunity for the Town of Wiscasset.

Sherri Dunbar expressed concern for the Town's decision to not fund the Planner's position. She said this decision was detrimental to economic development. She said having a Planner is vital to new businesses.

Brad Sveldson also spoke regarding the importance of the Town Planner and stated how dedicated Ben Averill is to the Town of Wiscasset.

Jeffrey Lange expressed concern that voters aren't fully aware of the implications of voting down the monetary appropriation of the budget. He said it should be noted that if a budget is not approved, the

department will cease to exist. He said he is concerned about who will now be answering the questions that are currently being answered by the planner.

David Stapp of Peregrine Technologies said a planning department is essential to enhance economic development. He said he is planning a project that will create jobs in the coming years and he'd like to think he would have someone available to answer difficult questions and help navigate the Planning Board.

Planning Board/Ordinance Review Committee member Karl Olson said the Town Planner is the point of contact person for their committees and is the most knowledgeable in regards to the application process and site plans.

Kim Andersson asked whether money received from the grants received by the Planner could be used to fund the Planning Department. She said the Town can't lower taxes without economic development and the Planner plays a key role in encouraging economic development.

Michelle Wentworth said the Town Planner needs to be here, the MDOT project should go forward and the Historic Preservation Commission needs to be removed. She said she is appalled by the treatment of residents by the Historic Preservation Commission.

8. Department head or committee chair

a. EMS Director Toby Martin-Proposed wage increase for EMS personnel- This item was removed from the agenda. Vice Chairman Ben Rines stated he has no interest in hearing about a proposed wage increase at this time. He said the budget process has been completed and the town has already voted.

b. Finance- Ellin Jasmin's Certification as Tax Collector/Treasurer. Town Manager Marian Anderson provided the Board with a letter from the Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA) acknowledging the certification of Accounts Payable Clerk Ellin Jasmin as a Tax Collector/Treasurer with MMTCTA. Marian thanked the Board for its support of staff training. Judy Colby extended congratulations on behalf of the Board.

c. Department Head Monthly Reports: The Board received the May Monthly Reports from the Department Heads. Chairman Judy Colby said everyone is doing a great job for the Town.

d. Transfer Station-DEP Commendation- Town Manager Marian Anderson shared an email from the Randy McMullin, an Environmental Specialist at the Maine Department of Environment Protection. The email commended Robert Wolfe for his proper handling of a large amount of mercury which was dropped off at the Transfer Station.

Public Works Director Doug Fowler was granted permission to speak regarding paving bids. Doug said the Town joined in with the Greater Portland Council of Governments for paving bids. The following bids were received for shim coat:

	<u>9.5mm</u>	<u>19mm</u>	<u>Tack Coat</u>
• Hagar	\$64.00	\$64.00	\$8.00/gal
• Crooker	\$70.29	\$63.29	Included

Doug said the computation showed that the bid from Harry Crooker & Sons was the better deal and asked the Board to consider awarding the bid to Harry Crooker & Sons.

A motion was made by Jeff Slack, seconded by Katharine Martin-Savage to award the bid for shim coating to Harry Crooker & Sons. Motion passed, 5-0

9. Unfinished Business

a. Shellfish fees update – Town Manager Marian Anderson told the Board in order to change the Shellfish licensing fees an ordinance revision is required and would have to go before the voters. The Board discussed the possibility of bringing the ordinance revision before the voters in November.

b. Discuss July meeting dates- Because the first Tuesday of the month fell on the 4th of July the Board rescheduled its meeting for Tuesday, June 27. They will meet on its regularly scheduled meeting date of July 18th.

10. New Business

a. Revision to Check Disbursement Policy: A motion was made by Ben Rines, seconded by Katharine Martin-Savage to adopt the revisions to the Check Disbursement Policy as recommended by the Treasurer. Motion passed, 5-0.

b. Monthly Financial:

- Department year to date expense report – The Board received a year-to-date department expense report. Selectman Ben Rines, Jr. asked the Town Manager if she had an estimate of the total unexpended department funds. Marian said the auditors would be here next week and she would have a better idea at the next meeting.
- H. M. Payson Statement of accounts-Jeff Slack noted the H. M. Payson statement showed an increase in market value of approximately \$130,000. Jeff Slack will continue to serve on the Town's Investment Committee.

c. June 30th afternoon closing- Town Manager Marian Anderson announced the Town Office business office would close at noon on June 30, 2017 in order to close the books for the fiscal year. She said the closure allows staff to consult, if necessary, with the software company during hours when help is available.

d. Correspondence from Christine King regarding Historic Preservation- As the owner of 31 Fort Hill Street, which was mentioned in an email to the Board of Selectmen from Christine King, Kim Dolce requested an opportunity to speak to address statements in the email. Dolce said the email was not entirely accurate. She said she followed Town procedure when making renovations to her home. She said she obtained all necessary permits from the Code Enforcement Officer, went to Historic Preservation and received a Certificate of Appropriateness.

Pamela Logan also commented on statements in the email, saying she also followed proper procedure when making renovations to her home. She said no stop-work order was ever issued. She expressed

support for the Historic Preservation Commission, saying it was an integral part of the Town and there would be chaos without it.

Chairman Judy Colby said the email from Christine King was a public document and she was following procedure when she forwarded it to the Town Manager, who distributed it the other Board members.

e. New Selectboard member to serve on the Wiscasset Downtown Public Advisory Committee- Town Manager Marian Anderson asked the Board if it wanted to appoint another selectman to the Downtown Public Advisory Committee. She said David Cherry, although no longer a selectmen, is willing to remain on the committee as a citizen. Jeff Slack asked the Board if they still wanted him to serve on the committee because his stand on the Downtown Project is different than that of the recent vote of June 13. The Board agreed to have Jeff stay on the committee. No other appointment was made.

Selectmen Ben Rines, Jr. said last year he favored Option 3, but because the majority of the people he voted to support the MDOT Option 2. He said in the recent election the majority of the people voted to reject the changes in MDOT's Option 2 project, therefore he said the Board should vote to support the wishes of the people.

Ben Rines, Jr. made a motion, seconded by Katharine Martin-Savage to have the Town Manager draft a letter to MDOT withdrawing its support for Option 2. Motion passed, 3-2 (Judy Colby and Jeff Slack opposed).

Following the vote, Jody Elwell was granted permission to address the Board. Elwell said she was harassed by those supporting the rejection of the project. She said she was stopped on her way to vote and was offered one of the flyers and when she said she didn't want it, the man through it in her car. On her way out, the man tried to get her to stop again, but she didn't because of her experience coming in. She said she looked in her rear view mirror and the man was shaking his hat and hands at her. She later found out his man was not even a resident of Wiscasset. She said this should never be allowed at a voting place.

Town Manager told the Board she has received many calls regarding harassment at the polling place. She called the State Board of Elections and was told the Town could create its own policy on what is allowed on Town Property during an election.

Lonnie Kennedy-Patterson said the vote was passed by only 70 votes. He said the information distributed was biased, confusing and untruthful. He told the board the townspeople spoke a year ago and he was appalled the Board took a second vote to reverse its prior decision.

11. Town Manager's Report- see attached report

The Town Manager asked the Board for permission to execute an "Agreement for Transfer of Entitlements" with the United States of America Aviation Administration to transfer unused and soon to expire grant monies.

A motion was made by Jeff Slack, seconded by Katharine Martin-Savage to authorize the Town Manager to execute on behalf of the Town of Wiscasset the "Agreement for Transfer of Entitlements" with the United States of America Federal Aviation Administration which allows unused and soon-to-expire grant

monies awarded to the Wiscasset Municipal Airport in the amount of \$56,100 for use at the Stephen A. Bean Airport. Motion passed, 5-0

The Town Manger presented a Municipal Release Deed for Nicholas W. West and Gregory N. West for the Board's consideration

A Motion was made by Jeff Slack, seconded by Judy Colby to sign the Municipal Release Deed for Nicholas W. West and Gregory N. West. Motion passed, 5-0.

The Town Manager asked the Board for direction on how it would like to handle the applications for Catered Function by Qualified Catering Organization. She said she spoke with the Bureau of Alcoholic Beverages and Lottery Operations and was told any designee of the town my sign the applications. It was the consensus of the Board to designate the Town Clerk and Deputy Town Clerks to sign these applications in the future. The Board will be provided a copy of the signed reports for informational purposes.

12. Other Board Business

Selectmen Ben Rines asked Historic Preservation Commission Chairman about his request that the MDOT be notified that a Certificate of Appropriateness would be necessary for the Wiscasset Downtown Improvement Project. Reingardt told the Board he wanted to be sure MDOT was aware the project had to go through the Historic Preservation Commission. Reingardt said at the moment the ordinance in place and should be followed.

Lonnie Kennedy-Patterson, member of the Downtown Public Advisory Committee told the Board that a letter wasn't necessary at this time. MDOT has never said it wouldn't comply with the Historic Preservation Commission.

No action taken.

13. Adjournment

At 7:25 Katharine Martin-Savaged moved to adjourn. Motion was seconded by Jeff Slack, motion passed 5-0.

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facilities, site plan review fees, subdivision application fee, flood plain permit, road construction permit, etc.). Because those other ordinances took that alternative approach, it can be argued that in enacting the shellfish ordinance, stating the fees in the ordinance itself was intentional.

The town meeting must approve an amendment to the ordinance. This would require a public hearing, like all ordinance amendments require in Wiscasset. In addition, the Shellfish Ordinance is enacted pursuant to enabling legislation found in Title 12. The statute provides an additional requirement for amendments to take effect. If the Town wishes to amend the Ordinance it must provide notice to the Commissioner of the Department of Marine Resources upon its amendment. Section 6671(5) states, "A certified copy of the ordinance or amendment to the ordinance must be filed with the commissioner within 20 days of its adoption. If a copy of the ordinance or an amendment to the ordinance is not filed within 20 days, the ordinance reverts to the ordinance previously in effect until the new ordinance or amendment is filed."

In addition, the fees established under the ordinance, however they are set must comply with the provisions of Title 12 M.R.S.A. Section 6671(3-A), which include restrictions. For example, it requires that a shellfish conservation ordinance states that there are restrictions on the relative differences between the fees for residents and nonresidents.

Please see the statute at: <http://www.mainelegislature.org/legis/statutes/12/title12sec6671.html> .

Water District Project Schedule: June 23, 2017 is the deadline to submit signatures to petition the PUC regarding the rate increase. To date the Town has collected 72 of the required 98 signatures.

Wastewater Operations and Maintenance Evaluation:

Wright Pierce engineer team members Kyle Coolidge & Scott Hinckley will be meeting with WWTP Superintendent Rines to review the disinfection system equipment. They will be reviewing what is there and draft a clear scope of work to help replace broken sensor and restore automatic control and alarms.

Signs on Town Common land : Museum of Old Jail – placement of sign – Traditionally has been place the sign Saturday take it down Sunday evening. In the vicinity of Main & Summer Street

Airport Transfer Agreement: *Vote: To authorize the Town Manager to execute on behalf of the Town of Wiscasset the "Agreement for Transfer of Entitlements" with the United States of America Federal Aviation Administration which allows unused and soon-to-expire grant monies awarded to the Wiscasset Municipal Airport in the amount of \$56,100 for use at the Stephen A. Bean Municipal Airport.*

Auditor: The Auditing team of William Brewer will begin their preliminary work on Thursday, June 22, 2017

Catering Permits: The State Bureau of Liquor Licensing for Catered Functions allows the Municipal Officers to delegate their authority to municipal staff. Does the Board want to continue to see these Catering permits or would you delegate your authority to staff?

Town Website: Click the **RESOURCES** tab you can find & print the property record cards, 2016 Tax Bills, complete tax data base sorted by LOCATION, MAP & LOT or OWNER NAME, Valuation reports by map & lot and tax maps.

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Legal Update:

Bryant 80B Complaint: Appeal is pending in the law court. Here is a brief summary of the appeal;

- I. Whether the trial court erred in dismissing Plaintiffs' declaratory judgment action by determining that a letter from the State Fire Marshal's Office was a final agency action within the meaning of the Maine Administrative Procedures Act.
2. Whether the trial court erred in upholding the Wiscasset Planning Board's approval of Defendants Allen Cohen, Melissa Cohen, and Big AL's Outlet, Inc.'s fireworks storage building in the Town of Wiscasset.
3. Whether the trial court erred in holding the Bryant's did not suffer a deprivation of due process under the United States or Maine Constitution.
4. Whether the trial court erred in determining that Allen Cohen did not violate Maine's conflicts of interest law.

Chewonki Campground avigation easement: Scope of work update

Article 2.5 - Standard Boundary Survey - Prepare Legal Description: **Completed.** The survey becomes public information after negotiations have been completed per FAA policy.

Article 2.6 - Develop GIS Model: **draft complete**

Article 2.7 - Tree Clearing Survey Efforts - Chewonki Campground: The surveyor did not survey the impacted campsites as it was determined by FAA that relocating campsites would not be required.

Article 3.2.8 -Appraisal Services: the appraisal becomes public information after negotiations have been completed per FAA policy. The offer has been provided to Chewonki Campground.

Murray Hill Properties Sewer Collection Action:

\$34,488.61 original past due sewer charges -- the repayment and settlement agreement was signed May 16, 2017. **Paid** as of 6/15/2017 a total of \$ 22,087.54. Remaining outstanding balance \$ 12,401.07

Wawenock v. MDOT, Town of Wiscasset, party of Interest: Docket # BCD 2017-14

The Town has received a FOAA request. All Town Boards & Committees have been contacted to produce any & all email correspondence related to the project, or any items related to any discussion of the project. On June 12, 2017 the plaintiffs filed a motion to amend their original complaint. (copies are available on request)

Shellfish Fees: The Shellfish Ordinance will need to be amended through a town meeting vote in order to change the fees identified in Section 6.5.3.

Section 6.13 of the Ordinance (page 297 of 421 of the Town's Ordinances, June 2015 version) states, "This ordinance shall remain in effect until repealed or amended by vote of the legislative body." Section 6.1 of the Ordinance states that it was adopted pursuant to 12 M.R.S.A. § 6671. Section 6671(2) provides that a "municipality may, by vote of its legislative body, adopt, amend or repeal a shellfish conservation ordinance." In Wiscasset, that means the town meeting must vote to amend the ordinance. Even if there is a general authorization in rules of the Board of Selectmen to set fees on an annual basis, the language of this ordinance has a stronger legal effect than rules. In addition, other ordinances of the Town of Wiscasset specifically authorize the Board of Selectmen to set fees on an annual basis with respect to such ordinances (for example, hauling fees under the Solid Waste ordinance, fees for the use of harbor

Dept	Account	2016-2017 Approved Budget	YTD as of 06/23/17 (98% of budget year)	Balance	% spent of budget	Balance w/ carryforward
25-01	ADMINISTRATION	\$ 193,478	\$ 187,745	\$ 5,733	97.0%	
72-01	AIRPORT	\$ 283,175	\$ 229,381	\$ 53,794	81.0%	
27-09	ANIMAL CONTROL	\$ 11,487	\$ 5,310	\$ 6,177	46.2%	
25-05	ASSESSING	\$ 6,192	\$ 3,947	\$ 2,245	63.7%	
25-32	BOARDS & COMMITTEES	\$ 1,611	\$ 944	\$ 667	58.6%	
53-14	CAPITAL IMPROVEMENT (carryforward \$184,931)	\$ 486,430	\$ 584,217	\$ (97,787)	120.1%	\$87,144.00
25-31	CELEBRATIONS	\$ 14,500	\$ 12,686	\$ 1,814	87.5%	
31-11	CEMETERIES (carry forward \$30,736)	\$ 57,692	\$ 42,814	\$ 14,878	74.2%	\$45,614.00
25-33	CODE ENFORCEMENT	\$ 48,769	\$ 46,611	\$ 2,158	95.6%	
45-15	COMMUNITY ORG/WP LIBRARY	\$ 71,433	\$ 71,433	\$ -	100.0%	
25-11	CONTINGENCY (carryforward \$10,655)	\$ 35,000	\$ 21,680	\$ 13,320	61.9%	\$23,975.00
25-30	CONTRACTUAL SERVICES	\$ 116,372	\$ 191,002	\$ (74,630)	164.1%	
14-99	COUNTY TAX	\$ 578,045	\$ 578,045	\$ 0	100.0%	
25-08	ELECTIONS	\$ 19,854	\$ 12,201	\$ 7,653	61.5%	
78-01	EMS	\$ 478,250	\$ 460,988	\$ 17,262	96.4%	
25-06	FINANCE	\$ 218,632	\$ 208,650	\$ 9,982	95.4%	
27-02	FIRE	\$ 137,173	\$ 145,577	\$ (8,404)	106.1%	
25-34	GENERAL ASSISTANCE	\$ 25,077	\$ 24,198	\$ 879	96.5%	
25-12	MUNICIPAL BUILDING	\$ 61,508	\$ 52,066	\$ 9,442	84.6%	
25-35	MUNICIPAL INS./UNEMPLOY	\$ 45,520	\$ 46,137	\$ (617)	101.4%	
25-02	OFFICE OF SELECTBOARD	\$ 27,247	\$ 25,538	\$ 1,709	93.7%	
79-01	PARKS & RECREATION	\$ 645,028	\$ 639,990	\$ 5,038	99.2%	
80-01	PARKS & RECREATION (Special Revolving)	\$ 78,235	\$ 124,869	\$ (46,634)	159.6%	
25-17	PLANNING (carry forward \$4,915)	\$ 66,596	\$ 67,039	\$ (443)	100.7%	\$4,472.00
27-01	POLICE	\$ 425,603	\$ 413,470	\$ 12,133	97.1%	
25-37	PUBLIC UTILITIES	\$ 204,600	\$ 191,372	\$ 13,228	93.5%	
31-03	PUBLIC WORKS (carryforward \$10,658)	\$ 679,944	\$ 620,070	\$ 59,874	91.2%	\$70,532.00
240-35	RETIREE HEALTH INSURANCE	\$ 37,314	\$ 36,002	\$ 1,312	96.5%	
77-01	SENIOR CENTER	\$ 21,577	\$ 7,407	\$ 14,170	34.3%	
45-04	SHELLFISH	\$ 10,585	\$ 7,271	\$ 3,314	68.7%	
25-36	TAN INTEREST/School withdrawal BAN	\$ 245,234	\$ 236,534	\$ 8,700	96.5%	
25-07	TOWN CLERK	\$ 80,823	\$ 80,505	\$ 318	99.6%	
76-01	TRANSFER STATION	\$ 555,873	\$ 540,810	\$ 15,063	97.3%	
74-01	WASTEWATER (carry forward= \$85,964)	\$ 458,695	\$ 396,969	\$ 61,726	86.5%	\$147,690.00
73-01	WATERFRONT	\$ 41,175	\$ 26,201	\$ 14,974	63.6%	
	Totals	\$ 6,468,727	\$ 6,339,678	\$ 129,049	98.0%	

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Marian Anderson

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To: seafieldfarm@gmail.com
Subject: FW: Letter to Mdot

From: Lonnie Kennedy [mailto:llkennedy@rocketmail.com]
Sent: Wednesday, June 21, 2017 6:00 PM
To: selectmancolby@wiscasset.org; Jeff Slack; Marian Anderson
Subject: Letter to Mdot

Hello,

I was hoping to be able to send this email to all board members, but it appears only you three have email contact info on the website.

At last Tuesday's meeting, the board voted 3/2 to send a letter to Mdot rejecting the downtown project. This confuses me and many others. Article 66 clearly stated only rejecting changes to Option 2. It said nothing about rejecting Option 2 or the project as a whole.

I do hope the BOS takes this into consideration while crafting the letter.

Thank you for your time.

Lonnie Kennedy-Patterson
207-882-9054

Article 66: To see if the voters will disapprove and reject, by a binding Referendum, the changes made by the Maine Department of Transportation to the Route 1/Maine Street Option #2 Project approved by the voters in a June, 2016 advisory referendum, including:

- (a) proceeding with the Project without federal funding;
- (b) not complying with federal Section 106 historic preservation standards;
- (c) imposing on the Town the cost of Project amenities, upgrades and maintenance;
- and,
- (d) excluding from the Project construction of a parking lot on Creamery Wharf.

Article 66 Informational Note:

The voters should understand and acknowledge and that MDOT may well not respond to the results of the vote in the same fashion as the voters might expect, given that MDOT is not necessarily bound by a town meeting vote on the design of its project.