

WISCASSET SELECT BOARD,  
TAX ASSESSORS AND OVERSEERS OF THE POOR  
OCTOBER 1, 2019

Preliminary Minutes

Present: Kim Andersson, Chair Judy Colby, Kathy Martin-Savage. Vice Chair Ben Rines, Jr., Jeff Slack and Town Manager John O'Donnell

At 5:30 p.m. **Judy Colby moved to enter Executive Session pursuant to 1 M.R.S.A. §405 (6)(D). Vote 4-0-1** (Rines abstained). At 5:45 p.m. **Judy Colby moved to exit Executive Session. Vote 4-0-1** (Rines abstained)

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

1. Pledge of Allegiance

2. Approval of Treasurer's Warrants

a. **Kathy Martin-Savage moved to approve the payroll warrants of September 20, 2019 and September 27, 2019. Vote 5-0-0.**

b. **Kathy Martin-Savage moved to approve the accounts payable warrants of September 24 and October 1, 2019. Vote 5-0-0.**

3. Approval of Minutes

**Ben Rines, Jr., moved to approve the minutes of September 17, 2019. Vote 5-0-0.**

4. Special Presentations or Awards – none

5. Committee appointments

a. Judy Flanagan – Budget Committee: **Ben Rines, Jr., moved to approve the appointment of Judy Flanagan to the Budget Committee. Vote 5-0-0.**

6. Public Hearings

a. Special Amusement Permit for Vanessa and Richard Jordan, Wiscasset Speedway, LLC: **Ben Rines, Jr, moved to enter the public hearing. Vote 5-0-0.** There were no questions or discussion. **Ben Rines, Jr., moved to exit the public hearing. Vote 5-0-0.** **Kathy Martin-Savage moved to approve the Special Amusement Permit for Vanessa and Richard Jordan, Wiscasset Speedway, LLC. Vote 5-0-0.**

7. Public Comment

Ed Polewarczyk said he was concerned about the two-year option for the solar system at the airport. He asked the board to perform due diligence on Cenergy as there is little information on the internet about the company, to understand the financial aspects of the contract and to obtain technical advice. He said he would not like to see the town left with another Mason Station. He also recommended that a vote

be taken by the Town to enter into the 20-year commitment. John O'Connell said the Town would have two years to have consultants and attorneys examine the contract as well as Stantec and the FAA. Polewarczyk said he worried what would happen after 20 years.

Pam Logan said the town clock had not been ringing since January and asked why the board could not find the money to repair the clock when the Community Center was allowed to go \$330,000 over budget. She said several years ago \$4,000 was allocated to clock repairs, but only \$2,300 was spent and the balance was put into the general fund.

#### 8. Department Head or Committee Chair

a. Fire Department Update – Interim Fire Chief Peter Rines: Rines prepared a written report for September. He said September had been a light month for calls. He has met with the department and Town Garage and developed a maintenance schedule. Training and the open house have been postponed because of the asbestos abatement, which is going well, he said. The upcoming radio system is in the hands of the FCC. He said a nice letter from New York had been received about the department's 911 memorial. He said all departments are looking at their SOPs in light of the Farmington gas explosion. He added that when the work is completed, an open house will be held.

b. Historic Preservation Commission – Susan Blagden Chair: Blagden read her report to the Select Board, detailing Commission activities, available assistance to property-owners by the Commission, the need for the HPC ordinance revisions and the request for approval of a list of potential Historic Preservation Commission Advisory Board members. In response to questions from the board, Blagden said the advisors would not be members of the Commission, they would be professionals who would be available to answer significant questions. Judy Colby said in her opinion the Commission should recruit new HPC members before asking for advisory board members. She added that according to MMA, a majority (or three members) of the commission is needed for approval of votes and since there are only three members, all would have to vote to approve applications. Therefore, the 2-1 votes of approval taken by the HPC were not legal. She suggested more advertising for members.

Blagden said that according to MRSA 30A, words in any ordinance giving authority to three or more persons authorize the majority to act, and a vacancy does not impair the authority of the remaining persons to act unless the ordinance forbids it and does not in itself affect the validity of any action taken.\* She said she and her committee were not informed this was an issue; she said the first communication from MMA on the subject was received by the office on September 3 and she was not informed until September 30.

Leslie Roberts said the Advisory Committee would be a resource to the commission whether there were three or five members on the commission.

Kathy Martin-Savage said that the commission needs to project a more user-friendly attitude. She said she had watched the meetings on YouTube and thought that the commission was unfair and bordering on rudeness at a public meeting. She added that that may be the problem with finding volunteers.

Judy Colby said she watched the meeting when Sherri Dunbar came before commission and was very upset as to the way that she was treated, and also noticed that after the vote and everybody left, the three members of the commission continued to discuss the COA or Ms. Dunbar which should not have been done without the applicant being present. It was Colby's opinion that a house built on Federal

Street in 1986 was not historic and only the buildings in the downtown area that are historic should have to comply with the Historic Preservation Ordinance.

Kim Andersson said she was concerned with how at one of the first meetings the commission had handled an application for a fence which was discussed at length without the homeowner being present.

Pam Logan said that they were short of members because it was the Select Board's responsibility to appoint new members. She added that the ordinance allows the commission to have advisors and they would like them approved. She said the commission members followed the ordinance before they made decisions, spent hours and days before making decisions whether the building was built in 1986, or 1886 .

Sherri Dunbar, responding to the stated lack of volunteers for the commission, said that recently a new commission member had resigned after two meetings because he couldn't handle working with the commission. Michelle Wentworth, referring to Dunbar's application, said it was obvious the commission planned turn down the application although there was nothing in the ordinance to prevent its approval and had resulted in a revote only after pushback from the audience. She said she hoped that the commission would be shut down and then start anew. Terri Wells asked if the commission looked for people who were designers or architects and that sort of applicant.

Susan Blagden said she had never personally, professionally or as someone who had worked for 50 years for the town been vilified and treated as rudely as she has now been. She added that no one has ever come to HPC to discuss a problem with the ordinance and how it could be fixed; it seemed it was more fun to tear it down.

Kim Andersson asked if the ordinance could be sent back to the ORC and the commission suspended until issues with the ordinance could be worked out. Susan Blagden said it would require a moratorium until next June. John O'Connell said there is a role put in place by voters, and the board cannot set it aside. He suggested the two bodies thrash out the problem. Blagden said the commission had two pages of revisions for the ORC. Kathy Martin-Savage recommended continued work on ordinance.

Judy Flanagan informed the selectmen and the historic preservation commissioners that a petition to repeal the Historic Preservation ordinance is being prepared not because historic preservation is not important but because we want a gentler, kinder commission. The petition will be on the ballot in June. Pam Logan reminded the board that the town had twice voted for the ordinance and it was overwhelmingly passed. Leslie Roberts said she understood people were angry and unhappy, but the commissioners were trying their best would like to have selectmen at their meetings and help them to do better. **Kathy Martin-Savage moved to approve the list of advisors.** Ben Rines, Jr., said the ordinance is flawed but the commission needs the board's support. **Vote 2-3-0. Jeff Slack, Judy Colby and Kim Andersson opposed.**

c. Wastewater Treatment Plant- Rick Gaeth: Gaeth said the disinfection season had ended on September 30 without problems. As part of the new license, the disinfection season will be extended on both ends and the fee will be increased from \$1000 to \$1500. He said the RFQs had been received and he asked for a board member to sit in on the interviews. He said quite a bit of jetting has been done, although there is more to be done. There were two areas which needed repair, an invert in one area

and a significant amount of rocks in another, and plans are to get a significant of the jetting done. He will provide budget details in his next report and a detailed safety report.

## 9. Unfinished Business

### 10. New Business

#### a. New Business License

- Heather Pitcher DBA Antique Salon

**Kim Andersson moved to approve the business license for Antique Salon. Vote 5-0-0.**

b. Class Action Notice-National Prescription Opiate Litigation: O'Connell said this is a class action and that most of the cities and states have already signed on. If the board does nothing, which he recommended, the town will be part of the action. If the board does not wish to participate it will have to withdraw from the class action.

c. Maine Yankee FY '20 Assessment: The impact fee will be \$135,500. Ed Polewarczyk asked if the assessment included the spent fuel and was advised that it did. Polewarczyk said he was concerned because the spent fuel was recyclable and shouldn't be depreciated. Polewarczyk said if possible to renegotiate, it should be changed.

### 11. Town Manager's Report

a. 2019-2020 Fuel Contract: O'Connell said the heating oil contract – 42,000 gal. @\$2.213 and Diesel – 15,600 gal. @ \$2,2811 had come in under budget.

b. Cenergy Update: O'Connell said the town would perform its due diligence. He said reassurance on the financials, partners, and environmental work would be needed as well as planning board and FAA approval.

c. O'Connell announced that Lisa Thompson had resigned to take a position near her home in North Yarmouth. **Ben Rines, Jr., moved to accept the resignation with regret. Vote 5-0-0.**

d. Senator Collins is following up on a \$5 million grant, funding for community spectrum to be disbursed through the EPA.

### 12. Other Board Business

#### a. Assessors' Business

- Abatements – Thomas W. Kramer and Ronald Sanchez (Map R08, Lot 10-B) for \$398; Charles and Eleanor Hunt (Map R02, Lot 57) for \$59.60.

**Ben Rines, Jr., moved to approve the abatements for Thomas W. Kramer and Ronald Sanchez (Map R08, Lot 10-B) for \$398; Charles and Eleanor Hunt (Map R02, Lot 57) for \$59.60 as recommended by Assessors' Agent Ellery G. Bane. Vote 5-0-0.**

- Supplemental-Jeremy D. Knight (Map R02, Lot 57) for \$59.60

**Jeff Slack moved to approve the supplemental for Jeremy D. Knight (Map R02, Lot 57) for \$59.60 as recommended by Assessors' Agent Ellery G. Bane. Vote 5-0-0.**

### 13. Adjournment

**Ben Rines, Jr., moved to adjourn the meeting at 7:15 p.m. Vote 5-0-0.**

\* MRSA Title 30A Municipal Officials: Authority to act. Words in any statute, charter or ordinance giving authority to 3 or more persons authorize a majority to act when the statute, charter or ordinance does not otherwise specify. Notwithstanding any law to the contrary, a vacancy on an elected or appointed municipal or quasi-municipal body does not in itself impair the authority of the remaining members to act unless a statute, charter or ordinance expressly prohibits the municipal or quasi-municipal body from acting during the period of any vacancy and does not in itself affect the validity of any action no matter when taken.