

WISCASSET SELECT BOARD,
TAX ASSESSORS AND OVERSEERS OF THE POOR
FEBRUARY 4, 2020

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

Call to Order

Chair Judy Colby called the 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 January 24 and 31, 2020. Vote 5-0-0.**
- b. **Kathy Martin-Savage moved to approve the accounts payable warrants of January 29 and February 4, 2020. Vote 5-0-0.**

3. Approval of Minutes

- a. **Kathy Martin-Savage moved to approve the minutes of January 21, 2020. Vote 5-0-0.**

4. Special Presentations or Awards – none

5. Committee Appointments

Jeff Slack moved to reappoint Timothy James and Paul Dickson to the Shellfish Committee. Vote 5-0-0.

6. Public Hearing – none

7. Public Comment – none

8. Department Head or Committee Chair:

a. Waterfront Committee, Susan Robson-Pier Policy Updates: John O'Connell said he had no problem with the policy or the fees; however he recommended that winter storage of the buildings on the pier be discontinued in order for necessary inspection and maintenance on the pier to be performed and to allow the pier to dry out. It was decided to require removal of the structures after October 12, 2020; however, if it was determined before that date that no maintenance was necessary, the structures could remain on the pier during the winter and application for winter storage can be made at that time. (A motion was made to this effect by Jeff Slack, seconded by Judy Colby, but not voted.) James Kochan commented that the rates were not equitable for the various size spaces on the pier; the rates should be based on the square footage of the rental space. The need to enforce the regulations was discussed,

particularly the requirement that the vendors be open five days per week and five hours per day. The pier policies call for a non-refundable fee of \$30 to be paid with the application. Applications will require approval by the select board after the Waterfront Committee's recommendation. The provision of electricity to each vendor was discussed. **Judy Colby moved to table discussion on the installation of meters for each vendor for two weeks to give Ted Snowden an opportunity to determine what would be necessary. Vote 5-0-0.**

b. Ordinance Review Committee Update, Karl Olson – See Memo: Karl Olson's memo outlined the work of the Ordinance Review Committee: Shoreland overlay ordinance and the Zoning ordinance have been drafted and will be on the June warrant. The committee also is considering changes to the land use ordinance that will allow congregated living not limited to 55 or older on parcels that meet certain restrictions. Olson said that work will begin on a marijuana ordinance after the town has voted to "opt in" to operation of adult use marijuana establishments within the municipality and/or has voted to "opt in" to operation of registered caregiver retail stores, registered dispensaries, testing facilities and manufacturing facilities. If the town does not vote to opt in, all marijuana activities are prohibited. **Kim Andersson moved to place on the June warrant to opt in on both. Vote 3-2-0** (Colby and Martin-Savage opposed.) Olson's memo said that when time allows, the ORC will work on parking per James Kochan's letter of June 24, 2019. It was suggested that the ORC invite Elswyth Strassberger, who is working with Lincoln County Planning on parking issues, to meet with the committee.

9. Unfinished Business

a. Review of Airport Hangar Leases – Rick Tetrev: Tetrev reported that he had met with Jorge Pantelli, FAA Compliance Officer in New England, and had the following recommendations for the board regarding airport ground leases to ensure that the airport remains in compliance with federal grant assurances and eligible for future federal funding under the Airport Improvement Program:

1. Terminate the Falvey lease immediately – leaseholder has failed to construct hangars, the purpose of the lease, after 15 years.
2. Issue an RFI (Request for Interest) to see if anyone is interested and negotiate leases only when there is a real project with detailed development plans and financial backing.
3. Break the lease area up into three separate parcels.
4. Use the fee structure the town set several years ago, clearing the books of other fees set years ago and adjusted, legally or otherwise. The airport committee should address this as soon as possible and the proposed fee structure receive FAA endorsement
5. New lease agreements must be those that assess the value of the lease based on the "published" fees which are board approved. Lease must also have a clearly defined end date and stipulate that development must be started within a year. Leases can have a 6 months/1 year clause but project must be credible.

Tetrev had not spoken to Mr. Falvey since meeting with the FAA and had not informed him of the FAA's decision. Kim Andersson expressed concern with the level of authority and asked to see the FAA's decision in writing. Tetrev explained FAA rules govern the airport and that the airport is funded by the FAA. **Judy Colby moved to rescind the lease offer made previously to Mr. Falvey for \$13,623.43. Vote 4-0-1** (Andersson abstained.) **Judy Colby moved to terminate the existing lease with Mr. Falvey. Vote 4-1-0 (Andersson opposed).**

Judy Colby asked that the Airport Committee address the problems the FAA has with the other leases, such as length of lease and non-aeronautical use of land. A letter signed by John O'Connell and Rick Tetrev will be sent to Mr. Falvey terminating his lease.

10. New Business

a. New Business Licenses

- Rebecca Fox, DBA Creature Comfort Flowers, 236 Bath Road
- Suzanne Sukeforth, DBA The Hair Garage, 20 Sukie Lane
- Lenny Santos and Tarah Diffin, DBA The Hot Spot Diner, 277 Bath Road
- Dale J. Holman, DBA Eagle ATM, LLC, 49 Water Street
- Chandler Sowden and Zack Goodwin, DBA In a Silent Way, 65 Main Street

Ben Rines, Jr., moved to grant the licenses as presented. Vote 5-0-0.

b. Bid Opening

- Annual Independent Financial Auditing Services: The following bids were received
- | | <u>2019-2020</u> | <u>2020-2021</u> | <u>2021-2022</u> |
|---------------------|-------------------------------|------------------|------------------|
| Barry Talbott Royer | \$13,000 | \$13,500 | \$13,750 |
| RSR Smith | 13,250 | 13,250 | 13,250 |
| William Brewer | 19,300 + single audit \$2,500 | 19,500 + \$2,500 | 19,800 + \$2,500 |
- “ Hourly rate: Accountant \$120/hr.; Para-professional \$55/hr.

Judy Colby moved to have John O'Connell go over bids and award the bid to the most qualified bidder. Vote 5-0-0.

11. Town Manager's Report

a. Sidewalks/Ice: O'Connell had put a notice on the town website about the work of the small road crew in clearing snow and ice. He said the ordinances were unclear about the responsibility for clearing sidewalks. Ice and snow falling from roofs were the responsibility of the property owner, although this was not well understood.

b. Brownfields Clean-up: A public meeting was held on Thursday, February 6, at which it was announced that funds are available to clean up four ash ponds and it was hoped that that would occur this year, allowing 30 acres at the site to be used,

c. Legal Update: Notice of a lawsuit against the Town and Al Cohen by Tom and Katie Bryant had been received and turned over to the town attorney. Mr. Bryant said he had filed a Freedom of Information request with no response. O'Connell explained that he had responded, but that because of insufficient staff, he could not estimate when the response would be made. In response to other questions, O'Connell said the matter was turned over to the attorney and would not be discussed at that meeting.

d. Municipal Building Floors-Abatement and replacement flooring: O'Connell said the floors were dried out, an insurance claim filed and estimates for repair and asbestos removal were being requested. He added that the ceiling in the meeting room had been repaired and repainted.

e. A heating oil contract for the school and town with M.W. Sewell had been negotiated for less than \$2 per gallon.

f. Budget meeting on Thursday will be held unless the weather makes it impossible to attain a quorum.

g. The notice on the building door regarding the use of masks or other preventive measures to take by customers to the office was suggested by Dennis Simmons, EMS Director, considering the flu and school closings, so that staff would not be jeopardized.

12. Other Board Business

a. Executive Session to discuss a personnel matter: **Judy Colby moved to enter executive session pursuant to 1 M.R.S.A. §405 (6) (A). Vote 5-0-0. Judy Colby moved to exit executive session at 7:25 p.m. Vote 5-0-0.**

John O'Connell submitted his letter of resignation as Town Manager having decided not to accept the automatic second year term. He said he was willing, if the board wished, to continue as Town Manager until the first week in June. Members of the board thanked him for his service. **Judy Colby moved to accept the resignation with regret. Vote 5-0-0.**

At 7:40 p.m. **Judy Colby moved to enter executive session pursuant to 1 M.R.S.A. §405 (6)(A). Vote 5-0-0. Judy Colby moved to exit executive session at 7:58 p.m. Vote 5-0-0.**

13. Adjournment

Jeff Slack moved to adjourn the meeting at 8 p.m. Vote 5-0-0.