



**WARRANT FOR SPECIAL TOWN MEETING
TOWN OF PORTER
November 12, 2025
5:30 PM at Porter Town Hall**

To Fred Iler, a resident of the Town of Porter in the County of Oxford:

Greetings:

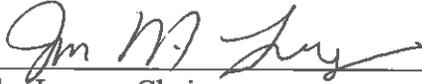
In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the said Town of Porter, qualified to vote in town affairs, to assemble at the Porter Town Hall in said town on the 12th day of November, 2025 at 5:30 PM to act on the following articles to wit:

Article 1: Elect a Moderator

Article 2: To see if the Town will vote to (i) authorize the Select Board to resolve pending litigation against the Town relating to the sale of a tax foreclosed property located at 530 Kennard Hill Road by paying to Christiana Usowicz \$33,908 in excess sale proceeds and \$4,500 in attorney's fees; and (ii) to appropriate therefor the sum of \$38,408 from the Town's undesignated fund balance.

Article 3: A motion to adjourn.

Given under our hands this 29th day of October, 2025



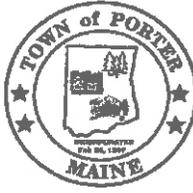
John Lowry, Chair



Jeffery Cypher



John O'Donnell



TOWN OF PORTER
SPECIAL TOWN MEETING RESULTS / MINUTES
November 12, 2025
5:30 pm at Porter Town Hall

The meeting was called to order at 5:30 pm by Town Clerk, Maureen F. Scanlon.

Present: Select Board members Jeff Cypher, John Lowry and John O'Donnell; Town Clerk and Recorder Maureen Scanlon; Treasurer Dawn Campbell

There were forty-two (42) registered Porter voters in attendance including the Select Board members.

Maureen Scanlon asked the members of the assembly to turn their phones to either vibrate or silent mode.

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In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the said Town of Porter, qualified to vote in town affairs, to assemble at the Porter Town Hall in said town on the 12th day of November 2025 at 5:30 pm to act on the following articles to wit:

Article 1: Elect a Moderator

John Lowry made a motion to nominate Rob Heard as Moderator. There was a second to the motion from the floor. There were no other nominations from the floor. Motion carried unanimously.

Rob Heard was sworn in as Moderator of this meeting.

It was noted that the town's attorney, Cameron (Cam) Ferrante had intended to attend this meeting, but was unable to make it.

There was a unanimous vote to allow Treasurer Dawn Campbell to speak, and answer questions, as a non-resident at this meeting.

Article 2: To see if the Town will vote to (i) authorize the Select Board to resolve pending litigation against the Town relating to the sale of a tax foreclosed property located at 530 Kennard Hill Road by paying to Christiana Usowicz \$33,908 in excess sale proceeds and \$4,500 in attorney's fees; and (ii) to appropriate therefor the sum of \$38,408 from the Town's undesignated fund balance.

A motion was made from the floor to approve Article 2. There was a second to the motion from the floor.

Brent Day asked for clarification on the State's new law regarding the foreclosure process on properties for unpaid taxes. His concern is that this particular situation occurred prior to the implementation of the new law. John Lowry explained that a case was brought before the United States Supreme Court, in Minnesota, where the same foreclosure process was being followed as in

the State of Maine, and other states as well. It was determined that this process is in violation of the takings clause and is therefore, not constitutional. The violation consists of taking the property and then keeping the equity in it. It is acceptable to foreclose upon the property, then sell it to recoup the past taxes due, and the costs incurred by the town to complete the foreclosure process. But, any equity in the property needs to be returned to the owner that was foreclosed upon. This is what spurred Maine to change the foreclosure law in August of 2024. Brent mentioned that the town's foreclosure process policy that was in place at the time of this particular foreclosure was approved by the town's attorney as being legally sound. He stated that the Town of Porter has never foreclosed on property for profit. He also noted that the foreclosure process is a three-year process to complete. Since this particular foreclosure occurred prior to the implementation of the State's new law, he questioned whether the town should consider challenging this proposed settlement with Ms. Usowicz in a court of law. The town did everything according to the law, which was approved by the town's lawyer, at the time of this foreclosure. He explained that the bid that was accepted for the property was not the highest bid. The bid was awarded to the person that had been living there for the prior five-year period, who was also under the assumption that the property taxes were being paid by the owner of the property.

John O'Donnell explained, that according to the town's new attorney, when the rules/law were changed by the US Supreme Court in 2024, they changed the process from the prior procedure. The town follows State Law M.R.S.A. 943C for the foreclosure process. Unfortunately, the State did not state in the new law an "effective as of" date for implementation of the new process. Because of this fact, foreclosure challenges such as this are being allowed to go back retroactively for a period of time prior to the implementation of the new law, due to the Statute of Limitations. He explained that the highest bid submitted for this parcel was \$65,000.00 this is the amount that is being considered as the market value at the time of the sale, even though the town accepted a bid of much less, which was \$40,000.00 from the tenant of the property. Upon the advice of the town's attorney, the Select Board determined that this proposed amount for a settlement with Ms. Usowicz was a better course of action than having to pay the \$65,000.00 amount that the town did not collect, but has been determined to be what the property was worth. John Lowry mentioned that the town's attorney did consult with other attorneys in his firm and they all agreed that it is possible to try to challenge this matter in a court of law, but that the legal fees for doing so would increase significantly more than what has already accumulated.

There was a lot of discussion on alternate options that the town could explore. Each option was determined not to be viable due to the increase in expense to the town. It was noted that the town has already incurred approximately \$12,000.00 in legal fees regarding this matter.

There was a question from the floor regarding the impact this settlement will have on taxpayers if the town decides to approved it. Will it raise taxes? The funds will be taken from the undesignated fund balance. This is money that was raised in previous years, and was not spent. The taxpayers will not be impacted with additional taxes in their tax bill. However, the undesignated fund balance is used to reduce taxes, which means there will be less of a balance in the fund for this use.

Treasurer Dawn Campbell explained that the excess proceeds from the sale of the property is \$33,908.00. This is the amount that was left from the \$40,000.00 paid to the town for the sale of the property, after the outstanding taxes, interest and fees were paid. It was transferred to the undesignated fund balance at the completion of the sale. The balance of \$4,500.00, for the plaintiff's legal fees will be paid out of the undesignated fund balance.

There was a lot of discussion with great frustration expressed by all regarding this matter.

It was noted that an offer for a settlement of \$25,000.00 was previously presented to Ms. Usowicz (through her legal representative) which was rejected.

There was a comment from the floor, that it would be nice to fight this matter based on principal, but financially it makes more sense for the town to just be done with it, once and for all. Otherwise, the town stands to lose more financially.

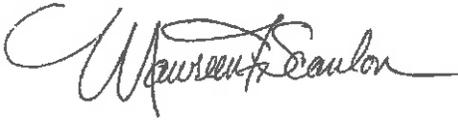
The point was reiterated that the town followed the proper legal procedure at the time of the foreclosure. Nothing was done incorrectly by the town. It is the Federal and State law that has changed. Unfortunately, because of the way the law was written, it is allowing cases to be brought forth against towns for a period of time prior to the law being passed, due to the Statute of Limitations.

Motion carried by a majority of the vote with 28 in favor and 5 opposed.

Article 3: A motion to adjourn.

A motion was made from the floor to approve Article 3 and adjourn the meeting at 6:50 pm. There was a second to the motion from the floor. Motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Maureen F. Scanlon". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Maureen F. Scanlon, Town Clerk