

SELECTMEN'S MEETING MINUTES
JANUARY 26, 1993

Regular meeting of the Waterboro Board of Selectmen.

PRESENT: Chm. Dennis G. Abbott, John C. Monteith, Frank R. Allen, Jr.
Also present: Selectmen's Assistant Dwayne Morin, Finance Committee members, Art Smith, Charles Drapeau and Dale Witman.

CORRESPONDENCE:

Notice of workshop by Southern Maine Regional Planning re: adult bookstores, massage parlors etc. ordinances.

Letter from DEP re: Ossipee Lake Dam registration credit for 1993 registration of \$18.

Copy of Key Bank accounts analysis.

Appointment request from S.M.R.P. for representatives from Waterboro, Dennis Abbott will be Selectmen's representative and Dwayne Morin.

Notice of demonstration of tub grinder and chipper at Saco Transfer Station.

MMA Health Trust re: confidentiality protection.

Copy of letter from Smith & Elliott re: KeyCorp Toshiba Copier Lease.

Copy of letter sent to Fire Chief Michael Emmons re: request for names, social security numbers and gross wages for all fire & rescue personnel for 1992 as requested by Labor Dept.

Copy of Land Purchase Installment Contract for properties with mature tax liens.

Copy of minutes of the January 19th Finance Committee.

Notice of workshop for animal control officers .

Memo from Dept. of Agriculture re: person to contact in cases of a store fire, food related accidents, truck rollovers, flooding and possible food poisoning cases.

Notice from Woodman & Curran re: appointment of Paul Weisman, Chief Operating Officer.

RWS memo re: Carol Eisenberg, Recycling Coordinator new duties.

Notice of regular meeting of the SAD #57 Board of Directors.

RWS memo re: meeting agenda.

Notice of open house for The Childrens Center.

February issue of Viewfinder.

Minutes of the January 20th and January 14th meeting of the SAD #57 Board of Directors.

REPORT OF STANDING COMMITTEES:

DWAYNE MORIN: Dwayne discussed several issues with the Board. He has drafted a massage parlor ordinance which was drafted according to the Town of Scarborough and the Town of Old Orchard Beach ordinances which were drawn up by Atty. Chris Vaniotis and would like the Boards permission to have Atty. Vaniotis review the draft. Board approved sending the draft ordinance to Atty. Vaniotis for his review.

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Woodsome Lot: Dwayne reviewed the information submitted by Assessor's Agent Bob Konzcal in regards to this lot. Steve Kasprzak and Clinton Woodsome both say they own the lot. The problem is that the Town may have a half interest in this property. Chm. Abbott made the motion to have Atty. Karen Lovell review the information and let the Town know what her recommendation is without spending much money, it is a civil case. Sel. Allen seconded, voted passed to send information to Atty. Lovell for her recommendation to the Town.

Water Tank: The water tank will not be started until the end of March and the company has been told that there will be no negotiations at the end of the contract period in July. Sel. Allen would like to have this sent to the company in writing even though they have been told verbally.

Water District Trustees: Sel. Monteith made the motion to appoint David Benton for term to expire June 1994; Millard Genthner for a term to expire 1995; and Charles Drapeau for a term to expire June 1996. Sel. Allen seconded, voted passed. The Board will meet with the new trustees on February 9th.

John Tewhey has reviewed the reports on So. Me. Finishing and the Leather Mill and would like to meet with the Board on his findings. The Board voted to hold this meeting on Wednesday February 3rd at 7:00 p.m.

Town Report: Will go out to bid this week for the Town Report. Board discussed what to have for a cover for the report and agreed to contact Tom Ursia of Ursia Associates to see if he still has the photo that was taken for the brochure he did for the Town overlooking Ossipee Lake to use for the cover. Also decided to go with the report being glued instead of stapled.

Dwayne reported that the Fire Dept. is in good standing with the State on their incorporation papers.

Dwayne also discussed with the Board John McGuire. Mr. McGuire came in and told Dwayne that he has attached a lien to Bobby McAuliffe property on Rte 5 and he is representing himself and would like to take depositions from the employees of the Town Office. Dwayne told him that he would need to put that request in writing and the Towns Attorney would have to review it before any questioning.

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NEW BUSINESS:

FUEL OIL: Dwayne discussed with the Board if the Board will be going out to bid for fuel oil. J P Carroll gives the Town \$.20 discount per gallon now. Chm. Abbott feels that J P Carroll has treated the Town very well and is another oil company wants to submit a better price then the Board will review the request then. Sel. Allen and Sel. Monteith agrees.

HOLLIS: Sel. Allen reported that he has received a call from Sel. Phil Atkinson from Hollis asking if Hollis can use the stump dump area at the Waterboro Town Dump until the Gorham site in on line. Chm. Abbott stated that the Selectmen from Hollis should come in and meet with this Board and it would take Town Meeting approval. Since a Special Town Meeting is scheduled for March 9th, Sel. Allen will contact Sel. Atkinson to set up a meeting. Dump permits will have to be done at their office and also they would have to help pay the costs.

HOWARD DOE: Chm. Abbott instructed Dwayne to sent a letter to the Waterboro Fire Dept. Fire Chief that the Town does not contract the Fire Dept. to do inspections, if homeowners want an inspection they would have to ask. The Town does not have a fire code, and Howard is to stop going to businesses to inspect and if he inspects a house he does it as a fire dept. member and not an inspector for the Town and he is to stop immediately.

EVELYN THOMPSON: Evelyn would like to gift to the Town three more parcels of land. Dwayne has talked to the attorney that handled the last deed and she told Dwayne that it will take about 6-8 months. She will talk to Evelyn about doing a will.

DAVID ROUBO: David Roubo and Dennis Fecteau was in to discuss a consent decree. Mr. Roubo had gone before the Planning Board in June 1992 and received a conditional use permit for side line setbacks to be 23 feet. Mr. Fecteau build the house and are ready to close tomorrow when the class D survey showed the house on one side has a 20 foot side line setback. The Board at this time asked Van Foglio and Tim Nelson to attend the meeting. Chm. Abbott asked what their recommendation was. Van stated that the minimum fine is \$1,500. this situation is the same as the one in Wilderness Acres where prior approval was done and was built in violation and the builder moved the house. Tim stated that if they went through the Zoning Board it would take at least 30 days and the fine is \$50. per day. Dennis Fecteau showed the plan that was done by Titcomb Associates, he has measured the building himself and there are conflicting measurements. If a fine is owed, they will pay it but would have to be on a payment arrangement or will have a surveyor do a Class A survey which will be recorded. Asked for a letter of no action until the survey can be done at which time they will come back before the Board and if there is a violation, they will pay the fine. The closing is scheduled for tomorrow and if it doesn't go through Mr. Roubo will loose his deposit.

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Chm. Abbott informed them that a letter of no action is worthless in other situations fines have been paid and buildings have been moved. Consent decrees are not issued until the fine is paid in full. Mr. Fecteau does not feel he is in violation. Chm. Abbott told them that a letter could be issued stating a certain amount of time that the new survey would have to be done and the daily fine would not be imposed during this time frame. Sel. Monteith stated that he is agreeable up to a two week time frame. Mr. Roubo stated that the bank will not go for a letter. Chm. Abbott told them that the minimum fine is \$1,500. and in two cases where conditional use permits were violated, one fine was for over \$4,000. and the other over \$2,000. Mr. Fecteau asked if the fine was paid and then it was found out by the new survey that there was no violation could the fine be reimbursed and the consent decree rescinded. Chm. Abbott did not know the legal aspects of rescinding a consent decree because it is recorded with the deed, would need to have an attorney give a recommendation. Mr. Fecteau asked that the fine be minimum. Sel. Monteith made the motion for the consent decree fine to be \$2,000. Sel. Allen seconded, voted passed. Mr. Roubo paid the \$2,000. fine and a consent decree was signed between Mr. Roubo and the Selectmen.

SIGNED:

Board signed the subsidy management plan for the water money.

Board signed the warrant for payment of bills and payroll

approved:



