

SELECTMEN'S MEETING MINUTES
MARCH 2, 1993

PRESENT: Chm. Dennis G. Abbott, John C. Monteith, Frank R. Allen, Jr.
Also present: Selectmen's Assistant Dwayne Morin, Parks & Rec.
Chm. Bob Gobeil, Finance Committee members Art Smith, Charles
Drapeau, Dale Witman and SAD #57 Director Millard Genthner.

REPORT OF STANDING COMMITTEES:

MILLARD GENTHNER: Millard stopped in to see if the Board had read their copy of the fact finding report on SAD #57 and if they had any questions. The Board will review the report further.

NEW BUSINESS:

JOHN & ELEANOR ROBERTS MAP 8 LOT 53A: They are in the process of re mortgaging and a class D survey showed that they are in violation of the Waterboro Zoning Ordinance. The first class D survey that was done April 19, 1985 was okay. The second survey done January 15, 1993 showed that they are in violation. 3.7 feet from one corner and 13.8 from the other corner of the building. Their attorney, James Shirley, doesn't feel the consent decree that the Town uses would protect them from any further action in the future and he has drawn up a consent decree that needs to be signed by the Selectmen and a judge. Chm. Abbott explained that the Town has had the current consent decree drawn up by a reputable law firm. John told the Board that he can't get clear title if the Board doesn't sign their attorney's consent decree. Chm. Abbott told them that they need to discuss the problem before discussing consent decrees, alternatives need to be looked at, the decree is the last resort. Chm. Abbott went further that the Board has issued 30 consent decrees in the past and have not had a problem. Some have moved their building, relined lot lines, and others have paid fines. Chm. Abbott after reviewing the decree drawn up by Attorney Shirley feels not sure if in violation or not, calls for their dwelling conforms to minimum front yard setback. John told the Board that as far as banks are concerned, class D surveys are only good for 5 years. Chm. Abbott told them that there was another case where there was a question if there was a violation or not, and the Town stayed all fines and fees until a class A survey was done. Will a survey be done? John told the Board that his attorney told him that the cost of a class A survey will cost a minimum of \$1,500. and they thought it would be cheaper to go for a consent decree. Sel. Monteith asked if he went through the right channels, Code Enforcement Office, Zoning Board of Appeals, or the Planning Board. John told the Board that he had not but he did talk to Dwayne Morin about it. Dwayne told the Board that Atty. Shirley seems to have a problem with the Town's consent decree and it is a discrepancy between the attorneys.

Selectmen's mtg.
3/2/93 page 2

Eleanor told the Board that People's Heritage will not process their mortgage unless Atty. Shirley gives them his stamp of approval which he will not unless the consent decree that he drew up is used, and the banks attorney, Arthur Dumas is in agreement with Atty. Shirley, they are caught in the middle. Chm. Abbott stated that using Atty. Shirley's consent decree looks like the one the Town is using is no good. People's Heritage has approved of the one the Town has used in the past, in fact the Board just issued one on January 26 and the closing took place the next day. Also asked who gave Atty. Shirley permission to go to Chris Vaniotis. John told the Board that he did after he talked to Dwayne. Dwayne told the Board that he informed John that they needed to go before the Board before going through the attorney. Chm. Abbott stated that he will not sign it until the Town's attorney Chris Vaniotis reviews it. John told the Board that is why he told his attorney to contact Chris Vaniotis to save time. Chm. Abbott asked how long they have known the closing was set for March 5th. Eleanor told the Board for 30 days. Chm. Abbott told them that this is the first time a violation has been presented by an individual without going through the Code Enforcement Office first. The Code Enforcement Office handles zoning violations. Chm. Abbott asked Dwayne to contact Chris Vaniotis in the morning to get a legal opinion on what happens if the Board uses Atty. Shirley's consent decree. Dwayne stated that he told John to have his attorney call him, he never heard from him until yesterday when he received a call from Chris Vaniotis concerning the fax that was sent to him from Atty. Shirley's office. At that point Dwayne had to call Atty. Shirley. John asked if the Board would sign both decrees, Atty. Shirley's and the one the Town uses so if Chris Vaniotis after reviewing it gives the okay then they can pick it up because the one Atty. Shirley drew up needs to be signed by a judge. Chm. Abbott cannot see why Atty. Shirley is calling it a clear title when it is a zoning violation not a clear title problem. Also the Board is upset that this had to be taken up at the eleventh hour. John told the Board that he wanted to come in last week but Dwayne told him to wait. Dwayne told the Board that he did not know that there was a deadline. John asked again if the Board would sign and keep the originals. Chm. Abbott told him that they have not done that in the past but is receptive to signing and the originals staying in the town office and waiting to see what Chris Vaniotis has to say. Has a problem with using Atty. Shirley's consent decree, will it set a precedence for the future and what about the other 30 that they have issued. If Chris says to go with the Towns, then the Board will go with the Towns consent decree. Chm. Abbott stated that the Board needs to discuss fines. Sel. Monteith asked how many days ago did Dwayne know about the violation. Dwayne told the Board 47 days ago. Chm. Abbott stated that the minimum fine is \$1,500. Sel. Monteith made the motion to set the fine at \$1,500. Sel. Allen seconded, voted passed. The fine to be paid before any consent decree is released.

Selectmen's mtg.
3/3/93 page 3

Dwayne gave them a copy of the letter that will be faxed into Chris Vaniotis concerning the consent decree and he will be talking to Chris Vaniotis in the morning.

TIM NELSON: Tim has a problem with how the Robert's case was handled. With them going directly to the Board and bypassing the CEO office. CEO office was not asked for their recommendation, case was not even discussed with them. Chm. Abbott agrees and need to redefine how cases are handled and need to set rules on procedure to be given out to people who have zoning violations.

SWEEPER: Road Commissioner Fred Fay has requested an warrant article for the purchase of a sweeper in the amount of \$6,000. to be on the Special Town Meeting warrant for March 16. The Board voted that this request will not be one the Special Town Meeting warrant but will be on the Annual Town Meeting warrant. Dwayne told the Board that Fred did not know where the money should come from to pay for the sweeper.

DISCUSSION:

The Board will hold a Public Hearing at 6:45 PM before the Special Town Meeting on March 16th for the Town of Waterboro Interim Ordinance Concerning Location of Adult Businesses.

Bids have been received for the printing of the Town Report. Two bids were received. One from Lincoln Press in the amount of \$6,386. and from Form Systems in the amount of \$3,890. Board voted to award the printing of the Annual Town Report to Form Systems in the amount of \$3,890. for 2500 copies.

Damage done to the fire station from Fred Fay moving the snow back with the town tractor can be taken on the insurance. Have not received a bill as of yet. Chm. Abbott made the motion that if the bill hasn't been received by March 5th, then the Fire Dept. will have to pay for the damage. Sel. Allen seconded, voted passed.

Chm. Abbott made the motion to go into executive session to discuss personnel matters at 8:45 p.m.

Board went back into regular session at 9:23 p.m.

There will not be a Selectmen's meeting held on March 9th due to two Selectmen being out of Town.

Selectmen's mtg.
3/3/93 page 4

Board signed the warrant for payment of bills and payroll.

Board signed the warrant for Special Town Meeting that will be held on March 16th at 7:00 p.m.

approved: 
