

SELECTMEN'S MEETING MINUTES
NOVEMBER 16, 1993

Regular meeting of the Waterboro Board of Selectmen.

PRESENT: Chm. Frank R. Allen, Jr., Dennis G. Abbott and John C. Monteith.
Also present: Selectmen's Assistant Dwayne Morin, Water District Trustee David Benton, Fire Dept. members Jerry Pare' and Mike Emmons, and John Miller. Also present was Tom Ogden.

REPORT OF STANDING COMMITTEES:

DWAYNE MORIN: Dwayne discussed the following issues with the Board of Selectmen.

1. Special Town Meeting is scheduled for December 7, 1993 and the warrant would be ready by next Tuesday. Dwayne discussed the Lion's Club article regarding loaning the club \$150,000.00 for physical improvements. Chm. Allen made the motion to have the article read that the loan would be at term of 10 years with a variable interest rate 2 points above prime as published by the Wall Street Journal on the anniversary date of the loan. Sel. Abbott seconded, voted, passed. Dwayne said that Atty. Roger Elliott is reviewing the draft Lion's article.

2. Commonwealth Dynamics: Dwayne explained that he and Tim Gimple of Wright Pierce met with Peter Strachan of Commonwealth Dynamics to discuss the assessed liquidated damages of \$6,800. for failing to complete the project on time. Dwayne stated that as directed by the Selectmen he could not reduce the amount of liquidated damages. Peter Strachan claimed that the tank was completed by the deadline but the entire project was not. He felt that the liquidate damages were unjust because the tank was functional and that the entire project completion was determined by the Town due to the capacity of Town's wells to fill the tank. Dwayne and Tim stated to Peter that the contracts stated the projects completion and the not the tank was the reason for liquidated damages. Sel. Abbott stated that on numerous occasions, Commonwealth was informed of the possibility of liquidated damages if the project wasn't complete on time. Chm. Allen added that they did not work weekends to complete the project any faster that they could have. Sel. Abbott made the motion to inform Commonwealth that the liquidated damages will remain \$6,800.00. Chm. Allen seconded, voted,

passed.

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3. Parking lot plowing: The Board reviewed the two bids submitted for the plowing of town owned parking lots. 1) Fred Fay for \$2,040.00 and 2) Dwayne Woodsome's bid was not opened due to the fact it was submitted after the 5:00 p.m. deadline. Sel. Abbott made the motion to award the plowing to Fred Fay on a one year contract with the second year as an option. Chm. Allen seconded, voted, passed.

Fire Dept. bills: The Fire Dept. failed to submit their bills for payment for the third week billing cycle. The Dept. asked if we could pay the bills next week. The Board voted to okay the bills for next week but to inform the Fire Dept. that in the future if bills are submitted late they will be placed in the next payment cycle.

Pace Landing Subdivision: Dwayne explained to the Selectmen that a legal opinion on the Town's responsibility for Pace Landing was obtained from Chris Vaniotis of Bernstein, Shur, Sawyer & Nelson. Chris wrote two positions 1.) The town cannot issue anymore building permits within the subdivision until the conditions of the roads are met and 2.) That the Town should pursue the two outstanding letters of credit. SBM Corporation is now in ownership of four lots, one currently being built upon. All landowners were deeded a 1/15th interest in the road. There is some question as to the ownership of Long Causeway Road. Mr. Beck obtained ownership from Albert Cameron but there is no evidence that this ownership was transferred to SBM or the landowners. The Selectmen asked for an opinion from Chris regarding the ownership of the road and if Beck still owns the road, how does the Town proceed. Dwayne was approached by Ron Burke of Pace Landing to find out if they could contract with the town to plow and sand Pace Landing Drive for the ensuing winter. The snowplowing contracts allow for roads to be added to the contract. The Selectmen voted to obtain a cost from Foglio, Inc. for snowplowing and from Glenn Bean, Sr. for sanding and present it to Mr. Burke. The Pace Landing Association will be required to pay all costs up front and agree that this will be done for one year only and that the Town & Foglio, Inc. be indemnified from liability. In discussion of Pace Landing a comment was made that Atty. Roger Elliott was present at the landowner's meeting last Sunday as counsel for SBM Corporation. Sel. Abbott felt that Roger should not be involved in any aspect of the Pace Landing case since he represents both the Town & SBM. Sel. Abbott felt that because all of the parties, Town, SBM &

landowners, were involved in this problem, that Roger is in a conflict of interest if he represents either the Town or SBM Corp. Sel. Abbott made the motion to contact Mark Gagnon at SBM Corp. to find out who will be representing them if Roger is involved in any aspect that Mark be asked to refrain from using him in anyway.

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Should SBM continue to utilize Roger, the town will be forced to take action to remove Roger due to a potential conflict of interest. Chm. Allen seconded, voted, passed.

NEW BUSINESS:

WATERBORO WATER DISTRICT: David Benton met with the Selectmen to explain Chapter 616 of the P.U.C. regulations. Under Chapter 616 all districts or departments must produce a policy on whether the district will fund water main extensions or not fund extensions and the people requesting the extensions must fund the entire cost. Dave explained that the Water District voted a policy to not fund any water main extensions. However, under Chapter 616 of the P.U.C. regulations, an appointed Board must receive approval from the Selectmen in regard to the policy. This is due to the fact that the first Board of Trustees was appointed by the Selectmen. Once one member of the Trustees has been elected by popular vote then the Board of Trustees is eligible to make its own policies without Selectmen approval. Dave stated that Charlie Drapeau is drafting a letter to the P.U.C. for the Selectmen to sign. This letter states the districts policy not to fund main extension. Sel. Abbott made the motion to sign the letter when presented. Sel. Monteith, seconded, voted, passed.

FIRE DEPARTMENT: Fire Dept. met with the Board and John Miller to review the preliminary questions provided by John to aid in establishing a draft contract for services between the town and the department. The following is a synopsis of the discussion on a question by question basis.

1. Who appoints the Fire Chief?

The Selectmen appoint the Fire Chief on a yearly basis. Historically the Chief appointed is the Chief elected by the Fire. Dept.

a. Is he first elected?

The Fire Dept. elects a Chief for a two year term. Elections are held in November.

b. How long has the current chief held his appointment?

Mike Emmons is the current Chief and he has been Chief for 7 years. He currently

has one year left in his two-year term

Discussion was held concerning the possibility of a Chief not being elected by the Dept. but still hold an appointment by the Selectmen.

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John Miller stated that although the Fire Chief is an annual appointment it is also a continuing appointment and therefore the person can only be removed by just cause. Both the Board and the Fire Dept. agreed that this can be rectified by a change in the Fire Dept.'s by laws or a contract provision stating that once a chief is not elected he must resign as the appointed chief. In addition, the contract provision should also state that the Board of Selectmen will appoint the elected Chief as Town's Fire Chief.

c. How is he paid?

Chief receives a stipend that is paid by the Town. Stipend is determined during the budgeting process.

d. What course of action will the Board of Selectmen take if a new chief is elected by the volunteers?

Answered by the discussion on question b.

e. Who sets the chief's compensation, if any?

The Chief's compensation is set though the budget process and ultimately approved by Town Meeting vote.

f. What sets the Chief's authority as to personnel?

The Chief's authority to personnel is set by the by laws of the Fire Dept. The Chief appoints engine chiefs.

Discussion was held on whether the Fire Dept. was notified is one of the firefighters or EMT's loose their license. Jerry said that their insurance company runs a check on all licenses once a year to make sure they are valid. A question was raised as to what happens if someone has a loss of license for 30 days? Jerry stated they would only know if the person told them. The parties agreed that this could be handled by a by law change that states all members must notify the Chief when loss of license occurs.

2. How are the EMT's selected?

EMT must be licensed prior to being accepted as EMT's in the department. Once they are active members for six months, the department will pay for training that

needs to occur.

a. How are they paid?

EMT like firefighters are paid \$5.00 a call. This stipend is paid once a year, usually in December. A question was raised if the Town Meeting failed to fund the stipend is there a by law that states they must be paid.

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Mike stated that like the Chief's and Deputy Chief's stipend, if the funds are not raised at Town Meeting, then no one is paid a stipend. There is no provision anywhere that states an EMT or firefighter will automatically receives \$5.00 a call.

b. Do they also drive?

EMT do drive the ambulances. The Dept. holds driver training that is mandatory for all drivers. This is outline in their by-laws.

c. Who owns the equipment?

Mike and Jerry stated that the Town owns four pumpers, rescue 1 and one half of rescue 2. Sel. Abbott stated that although the Town raises funds to purchase equipment and is paid by the Town, the equipment is purchased in the Fire Dept. name and is therefore in their ownership. The Town had a legal opinion on this subject a couple years back.

Mike and Jerry also explained that the rescue holds a fund raiser in which they ask for \$15.00 per family which allows members of that family free rescue services. The funds from this fund raiser purchases all the rescue equipment and materials (i.e. bandages, medicine, oxygen, etc.)

d. Who prescribes the training?

The Fire Dept. by-laws and state requirements prescribes training.

e. What funds the ambulance service?

This was answered by question 2C.

3. Who else receives compensation?

All firefighters, EMT's receive \$5.00 per call except the Chief, 2 Deputy Chief's, Rescue Chief and Deputy Chief. All stipends are based on Town Meeting approval.

4. Does the Town provide any accident insurance or loss of pay insurance?

Town Worker's Compensation and Unemployment Compensation.

After discussion on the questions, the Selectmen entered into contract with John Miller as facilitator of the contract. All parties were given a copy of the contract. The Selectmen asked John to start drafting a contract for review at the next meeting. The Selectmen asked Jerry to provide the Town with a copy of the Fire Dept. by-laws.

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Dwayne will assemble a packet to include the minutes of this meeting, the Fire Dept. by-laws and 5 years of Town Meeting warrants and minutes. Dwayne will get a packet to all three parties.

The next meeting will be held January 11, 1994 7-8 p.m.

TOM OGDEN: Mr. Ogden owns property on Ossipee Lake, Map 29 Lot 2. Mr. Ogden believes that his taxes are too high on his property for the amount of services he receives. Sel. Abbott explained that taxes are based on fair market value and not the amount of services rendered. Mr. Ogden believes his property to be over valued. He said he has 25 feet of water frontage and a 16 x 24 camp and it is valued at \$41,000.00. The Board informed him that if he fills out an abatement application, the tax assessor's agent, Bob Konczal, will review to see if he is overvalued.

Board signed the warrant for payment of bills and payroll.

ADJOURNMENT:

The motion for adjournment was made at 9:10 p.m.

approved: _____

