

## BOARD OF SELECTMEN

### MEETING MINUTES

1-31-95

*Present:* Dennis Abbott, John Monteith, Robert Fay, and Dwayne Morin.

*Also Present:* Robert Gobeil, Frank Allen and Glenn Bean.

#### *REPORT OF STANDING COMMITTEES*

##### *Dianne Holden*

Dianne met with the Board to discuss the findings of the Motor Vehicle Sticker Analysis. Margaret has researched the stickers and in the final analysis, the Town cannot account for 24 stickers over a two year period. These 24 stickers are assumed to be a result of individual sticker purchases in which the application for purchase was sent to the State. It has only been in the past year that this form became a duplicate form. Dianne has sent a letter to the Bureau of Motor Vehicle outlining the findings and describing the actions to be taken to rectify the situation.

##### *Fire Department Building Committee*

The Board discuss the Fire Department Building committee meeting with Dwayne and Dianne. A few of the members feel that the committee should have made a decision by now. Kevin has been supportive of the committees ideas. Dennis mentioned that the committees only instruction from the town meeting vote was to have a report by the next town meeting.

The Fire Department has outlined their capital improvements over the next five years. They need a new engine and two new tankers. To accommodate the equipment, both the north and south station need to be retrofitted. Bob mentioned that he cannot see putting money into the Pearl street station, the Town should be looking to establish a station on Rte 202. The committees current idea is to establish costs of new stations and to contact landowners on Rte. 202 to see interest in either selling or donating land for a new fire station. Discussion was also held on a new municipal complex. Dennis thinks that this is at least five years in the future and the other Board members agreed. The question is whether to build a satellite station in north and south and concentrate on a new municipal complex or whether a new station in south will hold the fire department until a municipal complex is build in the future. future being five to ten years away.

Discussion was held on whether the Town should hire a consulting firm to give the Town and the Fire Department an independent analysis of the Fire department. This would eliminate any finger pointing down the road as to the Town telling the Fire Department what to do or vice versa. Board asked Dwayne to investigate who performs such studies and at what cost.

### ***Town Structure Committee***

It was moved and seconded to appoint Clinton Woodsom to the Town structure Committee. Vote 3-0 in favor.

### ***Dwayne Morin***

Dwayne discussed the following issues with the Board:

- **DEP** - The DEP is requesting permission to place five monitoring wells around the Waste Lagoons Site. The Bard gave the DEP permission on two separate occasions to perform tests at the waste lagoons. The DEP has stated that these tests were unsuccessful, in fact the machinery used during the testing was destroyed both times. The Town was notified by the EPA that the site was not included on the "Superfund" priority list. When Dwayne talked to the DEP, they stated they were aware that it did not make the list but that they feel obligated to the residents of the State of Maine and Town of Waterboro to discover if any contamination has occurred. They state that over the life of the lagoons many chemicals were deposited and there are no "surface" traces showing. This lends them to believe that the chemicals have migrated into the groundwater and lower strata of the ground. This, testing will either confirm the existence of contamination and what should be done or it will show no contamination and the site removed from the DEP list.

The Board felt that this area has been tested to over and over and no traces of contamination have been found. All the landowners have had their wells tested by the DEP on several occasions and there has never been a sign of contamination. The Board voted to deny the DEP permission to test at this time, however if they would like to discuss this matter further, the Board would be willing to meet with the DEP at a regularly scheduled Selectmen's meeting. Dwayne to contact the DEP with the Boards decision.

- **Skating Pond** - Alden has contact Dana Blackburn's insurance company and everything is on-line for the pond to be used for skating. Once activity is proposed, the Town merely needs to contact Alden and he will proceed accordingly.

- **RWS** - The RWS Board has enacted a short term fix to the potential shortfall projected by RWS staff. The RWS Board has voted to unappropriate \$500,000.00, originally set aside for tube replacement and scrubber repair, and free up the \$1.2 million "Dravo" settlement funds to cover any shortfall. In addition the Board voted to set a meeting to vote on the establishment of a \$5 million line of credit for reserves. (In order for RWS to borrow funds, a 30-day notice must proceed the vote) The Finance Committee was ordered to prepare a revised budget by the March meeting, once the results of the lower tipping fees can be measured so that in the event an additional municipal assessment is needed, there would be plenty of time to receive the funds prior to the close of the fiscal year. The Board also decreased the commercial tipping fee from \$68.00 to \$55.00 and allowed the RWS to enter the spot trash market. One problem that exists is what is called the Bond covenant. In RWS's bonds there is a provision that RWS must at all times have enough projected income, cash reserves, and assets to cover 125% of the operating costs of the plant. There has never been a problem with meeting the covenant because the projected income always met the bond covenant criteria. With the problems encountered with waste-flow agreements and the uncertainty of commercial trash, the bond covenant is in jeopardy. This coupled with RWS's decision to under fund cash reserves to keep tipping fees low causes the immediate problem of shortfall and possible violation of the bond covenant. (For information purposes, violation of the bond covenant would forever hinder RWS's ability to borrow funds in addition jeopardizes RWS's bond rating)

Frank Allen mentioned that this is an accurate account of what happened and he would keep the Board of Selectmen abreast of any upcoming RWS news. The Executive Committee will be meeting over the next couple of months to come up with long term solutions to the waste flow problem.

- **Newsletter** - Martha has prepared a newsletter and wishes the Board would review and comment back to her on the contents. The Board reviewed the newsletter and had a few comments. The Board directed Dwayne to review the newsletter with Martha prior to printing.
- **Walton case** - The Walton case is now finalized. In the warrant this week there is a check written to Smith Elliott Smith and Garmey in the amount of \$20,000.00. This represents the settlement fee of the case. Yesterday, January 30, 1995, Judge Steven Perkins signed the judgment decree worked out between the Town and Mr. Walton. Roger is now in the process of receiving Mr. Walton's sworn affidavit stating he will not appeal the judgment and Roger is also drafting a deed from the Town to Walton for the Three lots.

- **Parks and Recreation** - Members of the Shaker Valley Little League have approached Dwayne to write a letter so that they can solicit donations for the construction of a new little league baseball field at Friendship Park. The Parks and Recreation discussed this with the Board at the beginning of the year. They were planning to construct a field according to the plan created when the first field was constructed. Dennis stated that he doesn't have a problem with a new field, however, he does have a problem with Shaker Valley Little league soliciting donations for the Little League. Under the Little League regulations, if the Little league receives donations then the Little League organization owns those donations and any item purchase with the donations. If the Shaker Valley Little league would like to solicit donations for the Waterboro parks and Recreation so that a little league ballfield is built for the Town, then Dennis does not have a problem with this. He does not want to see the ballfield built with Little League funds and the little league own the field. The Board voted to allow the soliciting of donations with the explicit condition that all solicitation must stress that the ballfield is for the Town of Waterboro Parks and Recreation for all kids to utilized and not just for the little league. All donations must be made to the town of Waterboro or them Waterboro Parks and recreation.
- **Brad Kimball** - Brad was in on Monday and he claims that the gate at the Rte. 5 Boat launch swung open when he attempted to pass through and did damage to his Cherokee in the amount of \$491.10. This occurred on Sunday January 22, 1995. He is asking the Town to pay for the damages because the Town has liability of the gate since it is not securely fastened. Dwayne asked Brad to write down what happened so that he could present it to the Board but he has not done so. Dwayne has contacted Karen for a legal opinion as to the Town's liability and she will be getting back to him within the next couple of days. Her first inclination was not to pay the bill until she has a chance to review the tort claims act. The Board felt that the Town does not have any liability. The Board voted to table the request until legal counsel's opinion is received.

## *APPOINTMENTS*

### *7:00 p.m. Robert and Pamela Lenz*

Back in 1991 the Lenzes bought a house from Bob MacAuliffe on Sunrise Lane (Map 42 Lot A-38). When Mr. MacAuliffe was building the house a boundary dispute, with Mr. Davis the abutter, was started when MacAuliffe destroyed a rock wall. The boundary dispute is now settled between the Lenzes and the Davises and the Lenzes need to enter into a consent agreement. The Board had voted to enter into a consent agreement due to the boundary dispute. The original survey of Lake Arrowhead Estates showed the boundary line in a different location than the boundary dispute finally placed the line. Due to this error, the Lenzes house has a rear setback of only 20 feet instead of the required 35 setback. Robert Fay moved that the board enter into the consent agreement with the Lenzes and the monetary penalty be set at \$0.00 due the discrepancies with the surveys. John Seconded the motion. Vote 3-0 in favor.

## *OTHER BUSINESS*

### *Robert Gobeil*

#### Parks and Recreation

Bob wanted to inform the Board that Bergeron excavating has started on the skate park/tennis courts at Friendship Park. The Board had given Parks and Recreation permission to start the project with the aid of donated labor and as long as funds were available. Bob stated that in the near future, there will be a need for gravel and wanted to know if the Selectmen would allow gravel to be taken from the Town's pit. Dennis questioned what kind of gravel will be needed. Bob did not know if it needed to be crushed gravel or if bank gravel will suffice. Bob will determine what kind of gravel is needed and report back to the Selectmen.

Bob also wanted approval for the disposal of stumps and brush from the project to be at the Town's Burn area at no charge. The Selectmen approved allowing Bergeron excavating to bring the brush and stumps associated with the project to the Town burn area at no charge. Dwayne to contact the Dump Attendants.

#### Old Home Days

Bob asked if the Board would allow him to advertise for volunteers to help in this year's Old Home Days. The Board voted to allow Bob to advertise for volunteers and the cost of advertising to come from the Old Home Days budget. Dwayne mentioned that the Old Home Days committee has not submitted a budget for the upcoming annual town Meeting. Bob stated that he will work on submitting a budget.

The Selectmen asked Bob if they were planning to hold the event at the High School again or at Friendship Park with the Fire Works at the High School. Bob mentioned that he would like to see the event at friendship Park because the electricity situation is better than the High School and the P.A. System is all setup at Friendship Park. Bob said that he has already been contacted by the Fire works company and has tentatively scheduled them for the proposed date.

### ***Planning Board***

Dennis mentioned to the other Board members that he would like to meet with the Planning Board at the next meeting to discuss the contents of their minutes from the January 26, 1995 meeting. During the meeting, Dwayne Woodsome made a motion to have the Town Planner do no work and also questioned the need for performing planning. Dennis mentioned that this is not the first time that Dwayne Woodsome and John Roberts have stated that they do not want to perform planning activities and when Dwayne Morin attempts to follow the Boards instructions, these two question the need for planning changes. Unfortunately, Dwayne Morin was not present at the last Planning Board meeting due to the conflict with the RWS meeting that evening. Dennis thinks that the Selectmen appointed the Board and they can question their motives and intentions and ultimately ask them to step down from the Board if the Selectmen deem it necessary. Dennis asked if the Board wanted the Selectmen to intervene. The Board moved to have Dennis attend the next Planning Board meeting to discuss this situation with the Board. Dwayne to schedule the Selectmen on the next Planning Board agenda.

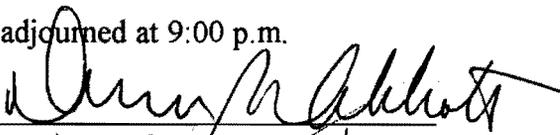
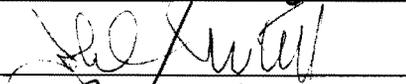
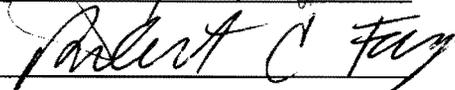
### ***Executive Session***

Robert moved and John Seconded to go into Executive Session to discuss Code Enforcement Personnel matters. Vote 3-0 in favor. Entered Executive Session at 8:15 p.m.

John moved and Robert seconded to come out of executive session. Vote 3-0 in favor.

Robert moved and John seconded to appoint Timothy Nelson Code Enforcement Officer and Deputy Plumbing Inspector and to appoint Steve Foglio Deputy Code Enforcement Officer and Plumbing Inspector provided they will enter into a contract for employment with the Town of Waterboro. Dwayne to present both Steve and Tim with a copy of the contract for their review. Vote 3-0 in favor.

No further business, meeting adjourned at 9:00 p.m.

  
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- **BMV Sticker analysis** - Dianne has finished reviewing the Town's BMV stickers. to date the Town can not account for 24 stickers over the two year period. Many of this are attributed to independent sticker purchases which require the town to issue the stickers but does give the town a receipt since the paperwork goes directly to the State. Dianne has issue a letter to the BMV and is awaiting their comments.
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