

## SELECTMEN'S MEETING

March 10, 2009

PRESENT: TammyJo Girard, Evan Grover, Dennis Abbott, Jon Gale, Nancy Brandt, Pam Witman, David Lowe, Chief Matt Bors, Tom Depeter, CMP, Louis Vitali, Mariner Tower, Frank Allen, Judy Carll, Doug Foglio, Alicia Fisk, and members of the Waterboro Land Trust.

Selectman Abbott opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

### APPOINTMENTS

6:00 – Tom Depeter addressed the board regarding their previous meeting in January. Stated that he felt the major issue coming out of the previous meeting was information and communication. In the last ice storm he provided a bulletin about 5 pm each day to Bob Bohlman who then distributed it and a conference call at 6:30 to go over the information contained in the bulletin. Stated that first thing in the morning he provides a table with the most up to date information to Bob who also disperses that information. Did state that the information changes a lot from 5 pm when he provides the data to 9 pm when the crews end their day. Selectman Gale questioned if they could get a list of roads that are out so they know where to focus their efforts and Tom stated that you can get that information on their web-site [www.cmpco.com](http://www.cmpco.com). Selectman Grover questioned if they could get a report on where the work is being done and Tom stated that the work plan is based on circuitry and not town borders so would be very difficult. Selectman Abbott stated that they need someone in town involved in the conference call and Chief Bors stated that he did participate in a lot of them. Selectman Girard noted that there is a lot more information this time and appreciated the effort. Board did note that the disconnect is between EMA and the town.

6:15 – Louis Vitali, Owner of Mariner Tower and Chris Choffey, Chief Development Officer for Mariner Tower. Chris explained that they received communication from T-Mobile and AT&T stating that they have gaps in coverage in the Waterboro area. Their job is to locate property for a tower, execute a lease for that property and then construct the tower. The property that they have located which belongs to the town there may be some difficulty accessing it and Chris questioned that if they do enter into a lease how do they get there and how do they bring utilities in. Selectman Abbott explained that the town is in the process of transferring the land to the Land Trust and Selectman Gale explained that the reason for the town giving the land to the land trust. Chris explained that this is low impact use and generates income either for the town or the land trust. Stated that if the town is not interested they will seek out private landowners. The town would hold a long term lease and payment would be made monthly. Selectman Abbott questioned if the town had a need would they be given space on the tower and Chris stated that municipal use would be given top spot with no rent. Selectman Grover expressed interest in the coverage area. Selectman Abbott questioned what kind of revenue we're talking about and explained that they do need to talk with the land trust. Doug stated that they need to look at the deed from when the town originally obtained the land, believes the deed states that it must be retained as conservation land. Doug stated that the land trust would be interested in sitting down with the board to discuss this.

6:30 – Dep. Shawn Sanborn reported on the first two months of the year. Stated that there have been 7 reported assaults, 7 burglaries, 16 other thefts, 12 vandalisms, 5 drug violations, 5 drug equipment, 2 disorderly conduct, and 30 other offenses. See attached complete reports. Reported that there is a new sex offender in town located near the high school but owned the property prior to the ordinance and therefore is exempt. Reported on a pot grow on Old Portland Road which was handled by the state police. Requested that if anyone knew where they could locate a \$700 LCD overhead projector it was taken from Massabesic High School and they are looking for it. Reported that he is having a harder time catching

speeders. Also reported that he has added a lot of crash photos to the web-site. Discussed the Sheriff's Dept. roll in reviewing the records of the new pawn shop.

7:00 – Selectman Abbott opened the Public Hearing on the Capital Improvement Projects and explained that acceptance or rejection does not guarantee or eliminate funding for these projects. Jack Seery explained what the library is requesting in their capital plan. Motion by Selectman Gale and seconded by Selectman Grover to close the public hearing at 7:05 p.m.

Motion by Selectman Grover and seconded by Selectman Girard to add EcoMaine letter of mutual understanding to the agenda as item #6 under new business. Vote 4-0-0.

### **TOWN ADMINISTRATOR'S REPORT**

1. Reported that she has received the contract from DPS for dispatch services and the figure in the contract is \$52,181.00 and this does not include the 9% increase which is still with the PUC. Last year was approximately \$31,000.
2. Reported that we received a notice from York County requesting that we pay half our on April 1<sup>st</sup> and the second half on October 1<sup>st</sup>. There is an increase of \$26,545.24. Selectman Abbott stated that the April payment is not in this fiscal budget as we already paid the full year in October. They understand that they have a cash flow problem but so does everyone else. The Town Administrator will respond by letter.

### **SELECTMEN'S REPORT**

1. Selectman Gale reported that the 12 Town Group will be meeting on Monday and a Route 202 Corridor Meeting will be held at 5:30.

### **COMMITTEE REPORTS**

1. Brigit reported that the Transfer Station/Recycling Committee will be selling composters. Orders must be received by May 2<sup>nd</sup>. Also stated that she will be doing a class through adult education on composting for anyone interested in learning how to compost.
2. Clint reported that they need to add the flow control ordinance to an agenda in the next couple of weeks. Selectman Abbott stated that he has what they discussed with Kevin Roche and it will be on next weeks agenda.

### **NEW BUSINESS**

1. Motion by Selectman Gale and seconded by Selectman Grover to accept the Capital Improvement Plan as written. Vote 4-0-0.
2. Motion by Selectman Grover and seconded by Selectman Girard to grant the extension with Time Warner Cable through June 1<sup>st</sup>. Vote 4-0-0.
3. Motion by Selectman Gale and seconded by Selectman Grover to proceed with assessment for Carthage Lumber for lost tree growth. Attorney Jim Katsificas spoke on behalf of Les Bois Carthage stating that there is no physical change on that property so there is nothing that would require withdrawal from Tree Growth. If they are to proceed with the assessment then Les Bois Carthage will request an abatement, if that is denied then it will go all the way to the Supreme Court if necessary which will cost both sides approximately \$35,000 to \$50,000 in legal fees. Asked that they vote against the supplemental assessment. Selectman Abbott stated that we could not have our attorney present this evening so the board is not in a position to debate. Suggested postponing until all parties involved are present. Paul Fortin, principal with Les Bois Carthage stated that he has made many calls in the last few days and the overwhelming opinion that he got was that a paper sub-division does not constitute a change of use. Encouraged the board to check with Maine Revenue Service, MMA and others for advice prior to making this decision.

Selectmen Grover and Girard felt waiting a week or two for more information would not hurt anything. Mr. Fortin requested something in writing from the town's attorney explaining his opinion. Vote 1-3 with Selectmen Abbott, Grover and Girard opposing. Motion by Selectman Gale and seconded by Selectman Girard to table until we can have the Assessor and Counsel present. Vote 4-0-0. Will see if Ken can come in next week.

4. Reviewed sample pawn broker ordinances and Selectman Gale stated that they all had their good points and Selectman Abbott stated that he like the one from Fort Fairfield as it was all encompassing. Discussed daily reports to York County Sheriff on items coming in. Selectman Girard felt they need to do a criminal background check, no purchase from minors, item to be retained for 72 hours, and a disclaimer regarding inspection by the CEO and Fire Dept., as well as posting the license and all requirements. Selectman Gale felt regarding good moral character they could just state no felony conviction or indictment on stolen property. Need to put an ordinance together and agree on it then can schedule the public hearing. Selectman Girard agreed to rework the Biddeford Ordinance into a draft and will bring back next week then can send for legal review.
5. Discussed the letter of mutual understanding from EcoMaine that we are moving to single sort and will not go back to multiple sort. Motion by Selectman Gale and seconded by Selectman Grover to direct Selectman Abbott as Chairman to sign for the board. Vote 4-0-0.

### **OLD BUSINESS**

1. Discussed the ditches in the area of Old Alfred Road. Selectman Girard stated that the Road Review Committee did look at it last fall. Selectman Abbott not sure what to do other than looking at the ditching so need to get a report from the committee. Also need to clarify who's responsibility it is to clean out the ditch running through Friendship Park. Bob Powers thought ditching would greatly improve things. Will get Tom involved to research running water down the Old Alfred Road through the water district and discussed the water quality. Selectman Grover noted that some residents don't have the money to pay for water testing and Selectman Girard stated that Sen. Courtney had mentioned grants for residents so she will follow up with him.

### **OTHER**

1. Motion by Selectman Grover and seconded by Selectman Gale to sign the warrants for bills and payroll. Vote 4-0-0.
2. Motion by Selectman Gale and seconded by Selectman Grover to sign the minutes of 3/3/09 as written. Vote 4-0-0.
3. Motion by Selectman Girard and seconded by Selectman Grover to sign the Assessor's Notice. Vote 4-0-0.
4. Selectman Abbott read the reminders

### **DISCUSSION OF AGENDA ITEMS**

1. Old Business – Review draft pawn brokers ordinance & establish a Public Hearing
2. New Business – Flow Control Ordinance
3. Establish a workshop with the land Trust
4. Meet with Attorney Ken Cole and Jerry Daigle, Assessor re: Supplemental billing to Carthage Lumber

Motion by Selectman Girard and seconded by Selectman Gale to go into Executive Session at 8:14 p.m. per M.R.S.A. 1 §405 (6)(A) for a Personnel Issue. Vote 4-0-0.

Motion by Selectman Girard and seconded by Selectman Gale to come out of Executive Session at 9:10 p.m. Vote 4-0-0.

**ADJOURNMENT**

Motion by Selectman Girard and seconded by Selectman Gale to adjourn at 9:10 p.m. Vote 4-0-0.

**SIGNED:**

- 1. Warrants for bills & payroll
- 2. Minutes of 3/3/09
- 3. Assessor's Notice
- 4. Letter of Mutual Understanding with EcoMaine

**APPROVED:**

Date: \_\_\_\_\_

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