

**Waterboro Board of Selectmen Meeting
March 10, 2015 Meeting Minutes**

EXECUTIVE SESSIONS: Selectman Littlefield moved to enter into executive session per Title 1 M.R.S.A. §405 (6)(A) to meet with board and committee applicants at 5:25 pm, seconded by Selectman Abbott, voted and passed, **4 yeas**. Selectman Littlefield moved to come out of executive session at 5:31 pm, seconded by Selectman Gale, voted and passed, **4 yeas**.

EXECUTIVE SESSION (This was originally scheduled for the end of the meeting but was moved up due to extra time available.): Selectman Littlefield moved to enter into executive session per Title 1 M.R.S.A. §405 (6)(D) to meet with the Town Administrator to discuss provisions of his current contract at 5:33 pm, seconded by Selectman Abbott, voted and passed, **4 yeas**. Selectman Gale moved to come out of executive session at 5:45 pm, seconded by Selectman Littlefield, voted and passed, **4 yeas**. No further action was necessary pursuant to the executive session.

PRESENT: Chairman Girard, Selectmen Abbott, Gale and Littlefield, Town Administrator Gary Lamb, Sharon Abbott, Tammy Wells, Brigit McCallum, Code Enforcement Officer Glenn Charette, Public Works Director Doug Foglio, Brigit McCallum, Charlie Drapeau, Tim Neill, Nancy Roberge, Administrative Assistant Christina Silberman and IT Manager David Lowe. Absent: Selectman Woodsome. Gerald D. Silbert was present for hearing of delegation. Dianne Holden was present for appointments. Kyle & Meghan Donovan with Realtors Tom & Kathy Worster were present for the consent decree item under reports and staff initiatives. Two unidentified people left after Mr. Charette's report. Mr. & Mrs. Grover arrived during new business.

PLEDGE OF ALLEGIANCE: Chairman Girard opened the meeting with the Pledge of Allegiance at 6:00 pm.

HEARING OF DELEGATION: Gerald Silbert of Townhouse Road acknowledged that we have had a very hard winter and the plows ran out of places to put the snow. The snowplow destroyed his mailbox. He had placed the mailbox where he was instructed to. He has no other place to put the mailbox and it is a problem. Chairman Girard asked that he leave his name with Ms. Silberman to have someone will follow up with him.

ANNOUNCEMENTS: None.

ADDITIONS OR DELETIONS TO AGENDA: None.

APPOINTMENTS: Waterboro Land Trust - Discuss/vote on a request from the Waterboro Land Trust for the Town to transfer the deeds for two parcels of land. Doug Foglio explained that there is a lot on Amy Lane in Ham's Cove that was transferred to the Land Trust previously but the deed was never changed. The Land Trust would like the deed transferred over. There is a second lot on Bagley Road that has not been assigned a tax map and lot number that the Land Trust would like transferred also. This piece has been surveyed by Sebago Technics. The survey notes that this is a town owned lot. Selectman Littlefield moved to have the Town Administrator follow up on transferring the deed for the Hams Cove lot to the Land Trust, seconded by Selectman Abbott, voted

and passed, **4 yeas**. Selectmen Littlefield moved to have the Assessor investigate the lot on Bagley Road before further action by the Selectmen, seconded by Selectman Gale, voted and passed, **4 yeas**.

HEARING OF DELEGATION continued: Brigit McCallum reported that the Silas Brown Rd. is deteriorating along the side of the road. She said that the New Dam Road is in great shape now thanks to the Public Works team.

Public Works Director Doug Foglio spoke about the proposed Dollar General Store. He showed a map of the proposed project. There was no peer review done of the traffic study provided by Dollar General prior to the site plan approval. Due to some controversy (over the proposed entrance), he personally hired Gorrill Palmer, a firm that specializes in traffic studies, to represent him. Mr. Foglio communicated that if the Dollar General can show that their plan meets standards, and Gorrill Palmer agrees, then he will issue a driveway permit. Dollar General has since submitted a new plan which will need MDOT approval and permission from the Town to widen the road. Mr. Foglio said he does not know what the next step is.

CORRESPONDENCE: Chairman Girard reviewed the following correspondence:

- a. Treasurer's Reports
- b. Listing of prior consent agreements/decrees
- c. Motor Vehicle Agent's February 2015 report

REPORTS & STAFF INITIATIVES:

a. Code Enforcement Office: Discuss/vote to approve a consent agreement. Code Enforcement Officer Glenn Charette explained the request for a consent agreement from Kyle and Meghan Donovan. They have owned the home since 2010. It was purchased with the violation which was not discovered. He recommended that the fee should be enough to cover the cost of the town's legal expenses, approximately \$500.00. Realtor Tom Worster spoke on behalf of the Donovans. Selectman Abbott moved to approve the consent agreement with a fine of \$500.00, seconded by Selectman Gale, voted and passed, **4 yeas**. The Donovan's are responsible for the cost of filing the consent agreement with the Registry of Deeds.

Mr. Charette handed out a report on dangerous buildings and nuisance properties and explained that this is not a complete list. He explained that the items in red have been abated. Selectman Abbott indicated that the properties on Deering Ridge Road have had some work done. Mr. Charette asked the Selectmen to provide him with the address of any properties they see with an issue. Chairman Girard said that the Garnik property should be a priority as they have had some legal action already.

b. Selectmen's reports: Selectman Littlefield reported that Mike Risti did very well at the regional wrestling match. He also reported that he attended the 12 Town Group last night. The speaker was Fletcher Kittredge of GWI and he talked about a fiber optic network called the "three ring binder". This is a mechanism that the Federal Government wants to implement, and has partially implemented, to allow connections for fiber optic gigabyte transmissions and streaming through the internet instead of through cable. This is in the early changes and there is a cost for this. This would enhance economic development. Mr. Littlefield said that we should keep this on our radar and be ready to "board the train" as it comes by.

Selectman Gale reported the Library Trustees met. They are conducting a silent auction and are working on revising their bylaws. The Community Garden Committee met and they discussed what completing the shed. They also discussed better ways for plot owners to communicate with one another and offer assistance, such as having Master Gardeners available for questions.

Selectman Abbott said EcoMaine is having an art contest to paint a silver bullet and entries are due by March 27th. EcoMaine is now serving 25% of the state population. The Economic Development Committee is working to wrap up their chapter for the comprehensive plan update. The town is now a member of the Biddeford Saco Chamber of Commerce. They have scheduled a "business after hours" event at Biddeford Savings Bank in Waterboro on March 19th from 5-7 pm and everyone is invited. GWI was also present at the EDC's business summit and identified the fiber optic expansion as a key infrastructure need for economic development.

Chairman Girard said that she attended the Road Review Committee's special meeting. They reviewed the final draft of the driveway ordinance. They discussed the bylaws and what the purpose of the Committee is. They would like to have a workshop with the Selectmen on April 14th to talk about what they have done to date and what the Selectmen would like to see them do in the future.

d. Town Administrator Gary Lamb's report: Mr. Lamb reported the following:

- He has narrowed down the applications to 14 out of 143 for the front office vacancy. He would like direction from the Budget Committee and Selectmen on whether this should be a full or part time position.
- He has completed his recommendations to the Budget Committee. They will be meeting tomorrow and are working on their recommendations to the Selectmen.
- Information on the Dollar General project arrived today. He envisions the applicants will obtain the MDOT permits prior to going back to the Planning Board to get their amendment approved.
- He joined a meeting today with the DEP Shoreland Zoning Coordinator and Mr. Charette to discuss why the town does not have a proper shoreland zoning map. Mr. Foglio found a draft map by Sebago Technics that is pretty far along and should not take much to finish. They will be working on this.
- Roads are now posted for heavy loads.
- Nomination papers will be available tomorrow for the Board of Selectmen, School Board and Water District Trustee.

NEW BUSINESS

a. Conduct a quarterly budget review: Mr. Lamb conducted a review of the budget through December 2014.

b. Discuss/vote to approve a change of zone request fee: Selectman Abbott moved to immediately implement a \$500.00 fee for anybody requesting a change in zone, other than internally, seconded by Selectman Littlefield, voted and passed, **4 yeas**. Selectman Abbott moved to reconsider the previous vote, seconded by Selectman Littlefield, voted and passed, **4 yeas**. Selectman Abbott moved to charge a \$1,000.00 fee for anybody requesting a change in zone, other than internally, seconded by Selectman Gale, voted and passed, **4 yeas**.

c. Discuss/vote to schedule public hearing on the proposed Driveway Ordinance:

Chairman Girard explained that there are two proposals for a driveway ordinance. One is presented by the Road Review Committee and one is presented by the Planning Board. Both proposals have had legal review. Chairman Girard outlined two changes to the Road Review Committee's version. Chairman Girard said there are a couple of options. We could publish both ordinances for public hearing and take comment on both then the Board can decide from there to adopt one or the other or go back and take pieces from both. We could vote to approve one or the other and send just one to public hearing. Town Attorney

Natalie Burns is available to attend the March 24th meeting if needed for a public hearing. Tim Neill spoke and acknowledged that the Road Review Committee put a lot of work into this, as did the Planning Board. He said that the Selectmen have the power to approve this ordinance but he would like to see it go to the voters because it would be so far reaching. Selectman Gale said most people will want to know what the major differences are between the two ordinances. Selectman Abbott explained that the Road Review Committee was asked to draft this ordinance. When it went to the Planning Board they should have made a recommendation to support it or not and give the reasons. For some reason, the Planning Board decided to draft a new version. Selectman Abbott moved to send a clean copy of the Road Review Committee version, with the corrections, back to the Planning Board and ask them to review it and make their recommendation on whether it should be adopted in this format and the reasons why, seconded by Selectman Gale. Mr. Charrette indicated that the Planning Board did review the Road Review Committee version and discussed it quite a bit. He can check the Planning Board minutes for their comments and forward these to Mr. Lamb. Mr. Foglio said he feels that it was wrong of the Planning Board to come up with their own version without even speaking with the Public Works Department. He suggested people look at other town's ordinances and look at the issues we are having in town. **The motion was withdrawn.** The Selectmen decided that they will review the Planning Board minutes with their comments on the Road Review Committee's version at the next Selectmen's meeting before voting to go to public hearing with one document.

d. Discuss/vote to schedule a public hearing on proposed amendment to the Zoning Ordinance, Article 2, Section 2.08 – Size Reductions or Increases: Chairman Girard explained that there has been ongoing discussion about variances going to the Planning Board. There is a proposed amendment to the ordinance that has been submitted by the Town Attorney that eliminates the Planning Board's involvement and changes some setbacks. The Planning Board has proposed an amendment that eliminates the Planning Board's roll in variances but does not change any setbacks. Mr. Lamb clarified that the Planning Board's version sends all variances to the Zoning Board of Appeals. The Selectman asked the Town Attorney to prepare a version with prescriptive criteria to allow a pre-zoning lot, that they can document existed before zoning was implemented in town, to have slightly reduced setbacks. Changes were made to the Planning Board's recommended version after their public hearing was held. Selectman Littlefield moved to send the proposed amendments back to the Planning Board for public hearing and their recommendation, seconded by Selectman Abbott, voted and passed, **4 yeas.**

e. Discuss/vote to appoint a Selectman as representative at upcoming meetings with RSU 57 Superintendent: Selectman Abbott moved to appoint Selectman Littlefield as the representative at the RSU #57 Superintendent's Six Town Group meetings, seconded by Selectman Gale, voted and passed, **4 yeas.**

f. Discuss/vote to schedule a workshop with the Budget Committee: The Selectmen scheduled budget workshops at 6 pm on March 17th, March 31st, and April 7th if needed.

g. Discuss/vote on board & committee appointments: Selectman Littlefield moved to appoint Rosemary Whittaker to the Library Board of Trustees, Crystal Arsenault to the Old Home Days Committee, Deb Eisenhower to the Old Home Days Committee and Kristen Carll to the Community Garden Committee, seconded by Selectman Gale, voted and passed, **4 yeas.**

h. Discuss vote to accept a committee members resignation: Selectman Gale moved to accept the resignation of Todd Smith from the Community Garden Committee, with gratitude, seconded by Selectman Littlefield, voted and passed, **4 yeas**.

OLD BUSINESS:

OTHER

a. Discuss/vote to approve the minutes of the February 24, 2015 regular meeting: Selectman Gale moved to approve the minutes of the February 24, 2015 regular meeting, seconded by Selectman Littlefield, voted and passed, **4 yeas**.

PENDING DECISIONS:

a. Discuss strategies for implementing the Comprehensive Plan.

WEEK'S ACTION LIST:

- Mr. Lamb will work with the Assessor on confirming town ownership of the Bagley Road lot that the Land Trust would like transferred to them.
- Obtain the Planning Board's comments on the Road Review Committee version of the driveway ordinance for the Selectmen to review for their next meeting.
- Notify the Planning Board to conduct a public hearing on the Zoning Amendment for section 2.08.

DISCUSSION OF AGENDA ITEMS

- Review the Planning Board's comments on the Road Review Committee's proposed driveway ordinance and vote to schedule a public hearing.

ITEMS NEEDING SIGNATURE

- a.** Minutes of the February 24, 2015 regular meeting
- b.** Consent Agreement

The Board recessed briefly prior to entering executive session.

EXECUTIVE SESSION (Selectman Abbott left prior to this.): Selectman Littlefield moved to enter into Executive Session per Title 1 M.R.S.A. §405 (6)(A) to meet with board and committee applicants at 8:07 pm, seconded by Selectman Gale, voted and passed, **3 yeas**. Selectman Gale moved to come out of Executive Session at 8:20 pm, seconded by Selectman Littlefield, voted and passed, **3 yeas**.

ADJOURN: Selectman Gale moved to adjourn the meeting at 8:20 pm, seconded by Selectman Littlefield, voted and passed, **3 yeas**.

APPROVED: Date: _____
