

SELECTMEN'S MEETING MINUTES

August 25, 2003

PRESENT: Willis Lord, Eric Herrle, Doug Foglio, Nancy Brandt, Pam Witman, Bob Fay, Jason L'Heureux, Bob Gobeil, Clint Andrews, John & Wendy Carter, Tom Cyr, Fred Fay, Frank Allen, Paul Verrell, Sr., Ralph Bowley, Don & Darthea Drew, Paul Kussman, Pam L'Heureux, Russ Lowell, David Woodsome, Edie Hutchinson, Ruth Blake, Larry Jacobsen, Patti McIntyre, Cindy Gilmore, Kevin McIntyre, Dean Look, Dave Benton, Kevin & Nancy Nelson, Mike Morris, DEP, Jean Rundgren, Brigit McCallum, Sandra Jorgensen & Ed Chamberlain.

Selectman Lord opened the meeting at 7:00 p.m.

APPOINTMENTS

7:00 – Discussed two Consent Decree's to correct violations which occurred 2-3 years ago. Joseph Vitko has agreed to replant and to pay a fine of \$750.00, there will be 28 trees planted on Mr. Vitko's lot. Deb St. Pierre of York County Soil recommends replanting seedlings from the property and just relocating them. Mike Morris of DEP said that they feel this is reasonable and agree to it. Motion by Doug to accept both agreements with Vitko and Patch. Patti stated that Mr. Vitko's failure to comply will result in legal action. Eric had a problem with the amount of the fine as did Willis. Doug stated that it will be reforested in a couple of years and that is what's important. Patti explained that they will be planting trees as well as ground cover. Mr. Vitko stated that he has worked with several CEO's and there were originally no trees on that lot but it was covered in sumac which he removed. He did not realize that he had to replace with other ground cover. Did not intentionally do anything wrong. Has been working closely with the soils people and would like to put this behind him and go forward. Doug's motion seconded by Eric. Vote 2-1 with Willis opposed.

7:30 – Kevin Nelson addressed the board regarding his research to lease a vehicle in lieu of insurance coverage. Stated that the cost for insurance will be \$2,500-\$5,000. To cover a municipal vehicle the cost would only be approximately \$900. Reviewed his research into leasing a municipal vehicle. Stated that last year he brought in \$10,000 in fines and fees and that will be doubling this year with the increase in fines. Has brought in \$2,800 just in the months of April, May and June at \$10.00 per animal. Felt this lease could be paid out of his revenues. Stated that they could also save \$6,200 per year by purchasing a plow package and not having to put the municipal parking areas out to bid. Felt that the town could pay for this just in savings without ever having to touch the revenue. Dave Benton questioned if this eliminates the plow already agreed upon for the town tractor. Also questioned others such as the Fire Chief and CEO also getting a vehicle. Fred Fay stated that there should not be a plow on the town tractor. That during the winter this is to be used to fill the trucks with sand and salt and needs to be available for that reason. Nancy stated that regarding his insurance that Per MMA he is covered by Maine Tort Claims. And does not need extra liability insurance. Stated that any employee doing town business is covered under Maine Tort. Willis recommended a trailer to keep the animals out of his vehicle. Doug stated that this is not a full time job. If the town is going to start buying vehicles they should buy for a lot of others not the ACO. Feels that he has overstepped his bounds. Doug stated that he thinks the Animal Control Officer should resign from that position and we'll hire somebody who will take the job under the terms that he was hired under. Motion by Eric to take the proposal before the Finance Committee and Public Safety Committee for their recommendation. Seconded by Willis. Vote 2-1 with Doug opposed.

NEW BUSINESS

1. Request to purchase two lots. Tabled until the next meeting to allow the Assessor to look into them.
2. Motion by Doug and seconded by Eric to allow the Cemetery Committee to store their equipment in the Town Hall as long as the gas is removed first. Voted. Passed.
3. Discussed the grant for a sand/salt shed. David explained that grant papers will be out in two weeks. Also explained that 51% of the population has to be low-moderate income in order to be eligible and SMRPC did not feel that Waterboro would fit into this category. The deadline for the grant application is December 6th.
4. Discussed striping the roads and David explained that they will be done in September like always.

OLD BUSINESS

1. Discussed plowing private roads. Doug suggested that the town enter in contracts releasing liability and the property owners pay a portion of the cost. Paul Kussman questioned by what process does an approved public road go from public to private. Stated that Eon Way was an approved road and has been maintained and plowed for over 30 years. Eric read a list of roads that meet the definition under prescriptive use and Eon Way was not included. Stated that Eon Way is clearly listed as a public way for 2/10 mile. Eric also felt they should get a liability release and charge \$1.00 on all those roads in question. Paul read from MMA the definition of prescriptive use. Willis stated that the town has always designated funds for seasonal roads which is illegal but has been done anyway. Stated the common law relieves the municipality of liability unless it's negligence on the part of the equipment operator. Doug felt they should request the town attorney be present at a workshop to ask these questions. Willis questioned if the town will have to build these roads. Fred felt they should do as Eric stated. Also felt they should go after David Eon to complete the road as in the plans. Doug discussed the tremendous number of roads that have never been legally abandoned. Suggested that they straighten this out one and for all. Doug suggested having the attorney in within two weeks. Also stated that the Board of Selectmen should take all roads with no buildings, hold a hearing and bring to town meeting for official discontinuation. Eric felt they should come up with a contract for future questionable roads and get the attorney in as soon as possible.
2. Doug reported on his findings for new steps at the old town hall. 10' wide with 5 steps, 5' x 10' platform times 2 and does not include handrails will cost for stone \$2,050 each and for natural \$1,550 each. Will take three weeks to be installed.
3. Discussed the burn pit and the recommendation from DEP. Eric felt they need to make a reasonable attempt to reduce the size of the footprint. Read the list of recommendations from DEP. Paul Kussman requested that this go to the Transfer Station Committee for their review and recommendation. Discussed stumps. Doug felt they should clean out the pit, mix with top soil and have tested.

OTHER

1. Discussed a letter of credit from Carthage Lumber. Discussed the cost of underground utilities. Doug felt that the figure for gravel needs to be increased from \$165,000 to \$212,000. Motion by Doug and seconded by Eric to send this to the attorney and that he be authorized to work with their attorney to draft the letter appropriately and send a note to the Planning Board asking that they revisit the \$165,000 figure. Voted. Passed.

2. Willis reported that the County Budget Caucus will be held on September 3rd and they need an elected member from our district.
3. Willis noted that there is a copy of the tax bill that needs to be looked at by the Selectmen
4. Discussed committee appointments.
5. Larry Jacobsen reported that the refund applications are available at town hall.
6. Motion by Eric and seconded by Willis to go into Executive Session for a Personnel Issue.
7. Motion by Doug and seconded by Eric to come out of Executive Session.
8. Motion by Doug and seconded by Eric to appoint Nancy Brandt as Waterboro's first Town Administrator. Vote 2-1 with Willis opposed.
9. Motion by Eric and seconded by Doug to accept the minutes of 8/11/03 as written. Voted. Passed.
10. Doug read the list of reminders.
11. Motion by Doug and seconded by Eric to end the televised portion of this meeting at 9:45 p.m.

SIGNED:

Warrant for Bills and Payroll

1. Minutes of 8/11/03

APPROVED

Date _____
