

## **SELECTMEN'S MEETING MINUTES**

### **APRIL 29, 1997**

Regular meeting of the Waterboro Board of Selectmen.

Present: Bob Fay, Dennis Abbott, Dale Witman, Brenda Charland, Pat Sicard, Patti Berry, Millard Genthner, Bob Gobeil.

Guests: Wayne Paradis (DEP), Deborah Miles, Karen Lovell, Neil Courtney, Elias Smith, Ginny Pare', Beverly Sinclair

### **APPOINTMENTS**

6:45 Wayne Paradis from DEP entered on his request to speak to the Board regarding the lagoons on Bennett Hill Road. He proposes to put 2 test pits in each lagoon to sample the soil and find out what is in there. If we figure out what it is it will get us closer to cleaning it up. Would like to see this turned in to a normal piece of land again. The Board can hire the contractors to dig the test pit, or DEP can do all the work. If we hire it out the operator must be an OSHA certified operator for hazardous materials. The only thing Wayne would ask is that DEP have the ability to monitor the work. Bob Fay asks who picks up the tab. Wayne says the state would pay for it initially, but would probably eventually look for recovery. Wayne says he suspects if he contracted it, it would be more expensive than if the town hired contractors to do it. Wayne reports that last Saturday he did a walk around that site, and today he sampled the water and suspects there is iron in it. Dennis says that we have tested that water periodically and only found iron in it. Wayne said that he would like copies of that documentation if we had it. Dale asks if Wayne has a time frame for this to be done. Wayne said that it would be the end of summer or early fall before work would begin. Wayne suspects the Town might be able to get it done faster. Dennis says we could hire the work but would need someone to tell us what DEP wants. Wayne says they have an engineer and a geologist and the biggest thing is to ensure the safety of the operator. All he is looking for is digging down into the pit, look for layering and determine the depth of the contamination and how much soil needs to be removed. Dennis says there should be 1-2 foot of topsoil involved. Pat Sicard asks if we do the work will DEP still work with us as an advisor. Wayne says yes, he has to be there. He would want to observe the operations. Bob Fay asks can Wayne lay out on paper a draft work plan for Pat to use to get bids for this work. Wayne says he can supply that. The goal, Wayne says, is to get the sampling done and that could easily be done this summer. Bob Fay says that we have the equipment but he doesn't know if we have anyone OSHA certified for hazardous waste. Dale asks if there are funds available for this. Wayne says that there are funds that can be allocated for this. It depends on how much contamination there is. He suspects that we could do as many as 4 pits. Bob Fay would like to have a cost of the project. We may have to request money for this. Wayne assumes the state will try to get some of the money back that they've spent. Dale says it is his understanding that the lagoons were installed according to DEP specs, and were built according to DEP design, with their knowledge and blessings. In the future this can be a determining factor as to whom is financially responsible for the clean up costs. Wayne says that he is not looking for an answer tonight, he just wanted to begin the process. Bob

Fay says everyone wants to get this cleaned up. Dennis says this is a step in the right direction. Dennis adds it is his opinion that the lagoons on Bennett Hill Road are an extension of the Patent Leather Co. of S. Waterboro and thus already has determined the question of financial responsibility.

7:00 p.m. Deborah Miles enters on her request regarding a tax payment arrangement. Everyone goes over her statement of account which she has not seen yet. Patti gives her a copy of it and she will call the selectmen's office back when she figures out what she can offer, in the next week or two.

7:15 The Fire Dept. Ginny Pare', Beverly Sinclair, Elias Smith, Neal Courtney, and Karen Lovell, Town's attorney enter on the Selectmen's request regarding bringing the Fire Department into the municipality. Karen L. states it would be helpful to her to have the annual report that goes to the State, the most recent one filed. Bob asks does Karen need a copy of the minutes where the fire department voted to come under town government. Karen says yes. They are going to do an official vote at the next meeting, Karen will fax Ginny the wording, the vote should be to dissolve the corporation and to become part of the town. The department needs to file with Augusta an intent to dissolve the corporation. Ginny will also provide Karen a copy of the department's by-laws. Bob asks what the by-laws say about a quorum, Elias says there have to be 12 present to be a quorum and 2/3 to vote. Dale asks about dissolving of the assets of the department with regard to legal rights of heirs who have donated land etc. to the fire department. Karen says once the Fire department is dissolved, it doesn't own anything. The assets are to be transferred to another non-exempt entity. It would help her if she had a copy of deeds and any paperwork on how any assets came to the fire department. Dennis asks can that be challenged by a minority. Karen says yes that is one problem that has happened before. Bob Fay asks do the members of the department present have a consensus of how townspeople feel about this. They all think that a lot of people think the fire department already is part of the town. Neal Courtney says he wouldn't want the rules and regulations to be taken directly from the by laws. We should be sure everything is spelled out. The Fire Chief should be appointed. There should be job descriptions. It should be clear as to what fire prevention means, expressly suppression or also educational prevention programs. Karen asks does the fire department have some idea what they want. All issues are going to need to be discussed and defined. Karen says whatever corporate documentation, deeds, assignment documents. She will get the wording for Ginny for the vote before Monday. She would like the fire department to get an idea what they want, run it by the selectmen and get a draft of issues together from the Fire Department. Get all input from public hearings. Ginny asks Karen is there something she knows of that the department can use to go by to be sure everything is covered. Karen says she can give a bare bones checklist by Monday before the fire department meets. Dennis asks Pat if she discussed this with MMA, Pat has and they won't offer legal assistance for this. She thinks Neal Courtney may have a better handle on this. Neal says he knows of other towns, such as Andover, Poland, Wells that have done this. Dale asks Neal if he has paperwork on those towns, describing the process that the other towns have utilized, what problems these other towns may have encountered, how the problems were resolved and

what is the relationship like since these towns have made their transition to become a municipal fire department. Neal believes he has left us some paperwork already with the different town names, but we need to contact these towns to obtain those answers. Bob Fay says that we should check with towns that not only have brought the fire department in but already have a municipal fire department and how theirs is set up. Ginny says she can call towns that have done this. Bob says there was an article in the paper about the availability of volunteer during the day. Elias Smith says this can be a problem at times. Karen will get the information from Ginny and from Augusta and go from there.

Bob asks Karen where she's at with looking at our draft personnel policy. Karen says we will have it back by the end of this week. Bob says then the board will make their comments and send it back to Karen for a second review.

Bob asks Karen for an update on the Simanonok lawsuit. Karen says they are finishing documents for the insurance company. She is pretty optimistic, because of the fact that the Town was not properly served. The judge has given some leeway because Mr. Simanonok is representing himself. They don't want to dismiss it on a procedural technicality, would like to decide case on merits. The judge is letting everyone speak their case. Karen says this case doesn't belong in Federal Court, it should have gone through the Town's appeals process first then State Court. The Federal judge will be on solid ground to throw this out because it didn't go through state court first. Mr. Simanonok has filed 26 previous lawsuits. Bob asks Karen if she's clear about all communications from the law firm come to the selectmen's office first. Yes she is. Pat stated the selectmen have received copies of all communications from Karen.

Bob Fay asks Neal Courtney if he needs to meet with us again. Neal doesn't think so. He will just be meeting with the fire department. He said the platform of public meeting would be a good place to explain the mission. Bob says it is very important if the fire department wants this that they be at town meeting.

## **DISCUSSION**

1. The Board approved a request from Goodwill to have a key to the dump so that they can empty the Goodwill Box whenever they need to.
2. Bob Fay brings up with Millard, Hollis residents using the dump on weekends. Bob asks is there some way Hollis people can come in every Friday and Saturday, instead of every other. Millard says that Hollis has been no trouble whatsoever. The Contract is due to be renewed in June. Dennis asks can we make an informal agreement now to allow them to use the dump every weekend. Millard says on the off weekends he might turn away 3-4 Hollis people but as much as 15/20 sometimes. Bob moves to put this on hold and to continue as we are now until we renew the contract. Dennis and Dale agree. Motion passes. Pat will call Sylvia at Hollis Town Hall to set up a meeting with their selectmen to discuss the contract renewal.

3. The meeting with Alfred selectmen that Patti is trying to set up regarding New Road is discussed. The Board decided that a Monday night would be best for everyone, 2-3 weeks from now at 7:30 if available; Fred Fay also to be invited.
4. The meeting with the Nature Conservancy is discussed. Patti called them, but the office doesn't open until May 1. She will call them again. We may need legal opinions on this.
5. LR Higgins was called to transfer the Silver Bullet from Lake Arrowhead upon their request because it was full.
6. Request from Patti to work with Sharon and Bob K. to learn assessing Friday afternoons and periodically through the week as Sharon is doing assessing duties, at everyone's convenience. The Board OK'd this request.
7. The Draft agreements for the silver bullets at Lake Arrowhead and JD'S Redemption were looked at.
8. Randy Shcildroth put in a request to get a dump permit at no cost. He is volunteering to clean up Camp Laughing Loon. Bob says to make sure the letter of approval tells him to separate the painted wood from the non-painted wood. The Board approves his request. Bob thinks that any assistance we can give them the Town should. We should give them all the help and cooperation we can give.
9. Bob Moves the Board come in next week prepared to do personnel evaluation. It is agreed by all.
10. Dale stated that he presented a proposal to Bob Fay and Dennis Abbott confidentially on March 27 and submitted it publicly on April 17, which was when we agreed to discuss the restructuring changes and to resolve those issues. However, we failed to resolve those issues on April 17 and he had the impression that Bob F. and Dennis A. wanted to wait and see on how to accommodate the restructuring and that if that were the case, he would have to accept that answer. We have agreed to again discuss the restructuring on May 6. Bob asked if Pat got a ruling from MMA. Pat has called them and has not received an answer. Bob says to get Karen to do it. It is decided that the Board will discuss restructuring at the regular meeting Tuesday May 6<sup>th</sup>. There will be no extra meeting on Wednesday. Dale says a possible option is to use Article 4 from this town meeting, he thinks that covers us this year. Bob says to check with Karen about this. Bob says his attitude is that certainly will have to have some response to March Town Meeting as of July 1 but he doesn't see any need to change anything before then. He will not be on the Board after July 1. He thinks restructuring should take place in the new fiscal year.
11. The draft letter to DOT regarding a proposal of turning back some road maintenance to the town was discussed. It was decided to add a caveat to the letter stating if the Bill passes, our proposal is null and void.

12. Bob would like to make sure Brenda gets a copy of the draft personnel policy when Karen gets done with it.

13. Discussion of draft letter to the Road Commissioner, Fred Fay is discussed regarding the Town's purchase order policy. Dale is concerned that this would not allow Fred to shop around for the best prices. It is decided that this would not be the case, the board just wants some explanation of purchases before they happen. Fred can get the best prices and then present a purchase order to be signed by the purchasing agent.

14. Bob Gobeil is concerned that the Parks and Rec. doesn't have a maintenance contract yet. Dave Dittmer submitted a draft maintenance contract. Rt. 5 is not included in the contract. It is decided to put a hold on any action on this tonight. In the meantime maybe we should get someone to start doing some of the maintenance hired by the hour.

15. The request from Don Cargill to swap two of his lots in Lake Arrowhead for a town owned lot in Lake Arrowhead, was discussed. The Board decided to take this to town meeting for the townspeople to decide.

16. Pat Sicard reports that the roof is leaking again. She called Duane Fay and he will put caulking around the exhaust pipe, that's where the water is coming in. We need to have a discussion on repairing the roof.

17. Millard reminds everyone that the informational public hearing on SAD 57 budget is tomorrow night.

### **SIGNED**

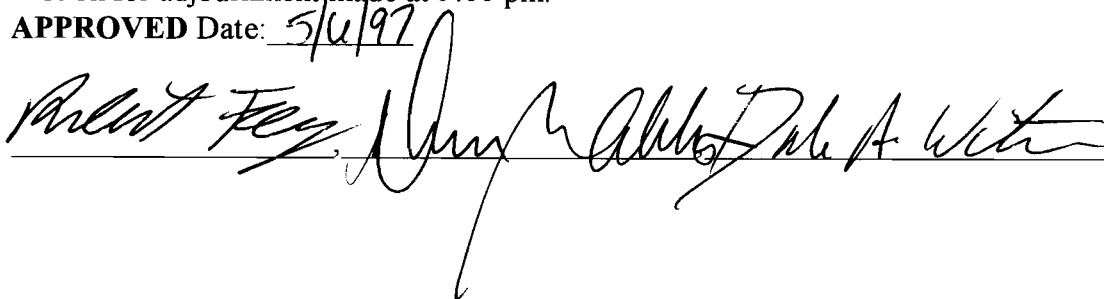
The Board signed the Warrant for Bills and Payroll. They also signed:

1. 5 lien release deeds for:
  - a. James & Brenda Towns
  - b. Lawrence & Carol Doyle
  - c. James & Elizabeth Reardon
  - d. Jere Munro
  - e. Raymond Green Investments Limited Partnerships.
2. Background check for Maine State Police.
3. Letter to Fred Fay, Road Commissioner, regarding purchase order policy.
4. Letter to Dianne Holden, Treasurer, regarding insurance account.
5. Pole location permit for Saco River Tel. & Tel. Co.
6. Selectmen meeting minutes for 4/8, 4/15, 4/17, 4/22.

### **ADJOURNMENT**

Motion for adjournment made at 9:00 pm.

**APPROVED** Date: 5/6/97

The block contains several handwritten signatures in black ink, written over a horizontal line. The signatures are cursive and appear to be those of the board members mentioned in the meeting minutes. The first signature on the left is clearly legible as "Robert Fay". Other signatures are less legible but appear to include "Dale", "Dave", and "Pat".