

SELECTMEN MEETING MINUTES SEPTEMBER 7, 1999

Attending: Brenda Charland, Willis Lord, Millard Genthner, Patti Berry, John Hewes, Bob Fay, Pam and Jason L'Heureux, Steve Foglio, Diane and Eric Herlle, Paul Verrell, Sr. Moe Auger, Dan Godin.

Brenda Charland opened the meeting at 7 p.m.

NEW BUSINESS

1. Millard Genthner reported that the annual County Budget committee is this Thursday at 7 p.m. in the EMA room at the courthouse in Alfred.
2. The draft renewal contract for assessing services was given to the Board for review and will be on the agenda next week for a vote.
3. Jerry Daigle forwarded to the Board a draft of the tax rate figures for the Selectmen's review. The Board is prepared to set the tax rate at next weeks meeting.
4. The Board reviewed the letter of request from Hannaford Brothers regarding the traffic signals at the corner of Route 5 and 202, and the corner of Route 5 and Townhouse Road. Hannaford Brothers is requesting that the town take over maintenance of the traffic signals once a red light is installed at 202 & 5, and a flashing stop sign is installed at Townhouse Road. The request will be forwarded to the Planning Board for their recommendation. Patti will contact Hannaford Brothers and request what would happen if the town does not agree to this request. Bob Fay suggested that the town also contact Me. DOT and try to get them to place a traffic signal at the intersection of 202 & 5, not a flashing light. Bob stated that even if the town had to kick in a little money that it would be worth it.

APPOINTMENTS

7:15 Dan Godin requesting a consent agreement from the Board on his property located map 11 lot 81. This was discussed at last week's meeting and was brought forward to this week so the proper paperwork could be prepared. Brenda Charland made the motion to enter into a consent agreement in leau of legal action for a penalty of \$1.00. Willis Lord seconded. Motion carried with a vote of 3-0-0 in favor.

8:00 Moe Auger requests to meet with the Board to see what can be done to change the flood maps to depict that his property is not in a flood zone. Last October when we had a storm and there was flooding, his property did not flood at all. Moe has had surveys done to determine the elevation of his property. What is missing is the BFE marker. Basic Flood Elevation Marker. Steve Foglio reported to the Board earlier in this meeting that since the last town meeting approved \$1,000 for flood elevation pins, we have enough money to place four or possibly five pins. The intent is to start in the area where Moe Auger's property is, in the development off Old Alfred Road for the reason that Mr. Auger has been approaching the Board for assistance for over a year. Steve will be

working on this project to be carried out before winter. Patti reported that the State Planning office called to set a meeting with Steve Foglio to discuss the Flood Management Ordinance for the town. Patti stated that she will ask during that meeting for Moe, how the town can change an area from being considered to be in a flood zone. Patti will also check with Sebago Technics regarding what it takes to place the flood pins.

OLD BUSINESS

1. Patti passed out information and recommendations for the Selectmen to review regarding safety renovations to the town hall. Patti would like the Selectmen to review all of the information she has gathered and be prepared to make a decision next week on what to put out to bid. All agreed that this should go out to bid prior to special town meeting.
2. The Selectmen after reviewing the letter from the town attorney, Ken Cole, discussed the request from the Herlle's to accept their proposed zoning amendment under article 13.04 of the Waterboro Zoning Ordinance. The Selectmen agreed to send the Herlle's a letter offering that the selectmen will approve the proposed gravel pit ordinance as a referendum question at the annual town meeting in March of 2000. This will negate the requirement of them having to get the signatures required for a petition. There will have to be public hearings. The Selectmen will give the Herlle's two weeks to provide their answer to this offer.

SELECTMEN'S ASSISTANT REPORT

1. Patti reported that there is an MMA annual convention on September 30 and October 1.
2. Patti reported that there is a one day seminar put on by the town's law firm, Jensen Baird Gardner and Henry for Maine Municipalities regarding new Maine laws from the 119th Maine Legislature. This seminar will be held on September 29th and Patti suggested that herself and the three selectmen attend.

It was after this discussion that Mr. and Mrs. Herlle entered the meeting. Brenda Charland explained the earlier discussion. Diane Herlle stated that they would agree to that offer if the Selectmen put a moratorium on any new permits for gravel pits until after town meeting. Brenda stated that the Board was not prepared to make such an agreement at this time. Eric Herlle states he appreciates the offer but the town is not in compliance with its own rules. Eric suggests the Board get a second opinion on the attorneys advice because Eric feels it is wrong. Diane Herlle asked if Ken Cole stated in his advice that this proposed ordinance is legally impermissible. Eric states that if the town doesn't want to follow its own rules, that the Board should be careful because this decision could land in the Zoning Board of Appeals lap, and eventually in Superior Court. Brenda states that the ordinance is interpretational and according to the town's attorney, and we pay for his interpretation and we are going to follow his advice. Brenda added that since the subject of litigation has been brought up, this conversation has come to an end without the town's attorney present.