

**Minutes of the Waterboro Board of Selectmen Meeting
July 11, 2017 at Waterboro Town Hall**

5:30 p.m. – Executive Session

6:00 p.m. – Workshop with Town Attorney concerning DEP August public hearing testimony, June 2018 ballot/warrant organization, options for minor vs. major charter changes. Regular voting meeting followed at conclusion of the workshop.

5:30 p.m. – Executive Session pursuant to 1 M.R.S.A §405 (6)(A), to interview an applicant for the Public Safety Committee.

A motion was made by Ted Doyle to enter into executive session at 5:31 p.m. Tim Neill seconded. Motion passed 4-0 (Gordon Littlefield absent). Gordon Littlefield arrived at 5:34 p.m.

Dwayne Woodsome made a motion to come out of executive session at 5:40 p.m. Gordon Littlefield seconded. Motion passed 5-0.

5:45 p.m. – Executive Session pursuant to 1 M.R.S.A §405 (6)(A), to interview an applicant for the Community Garden Committee.

A motion was made by Dwayne Woodsome enter into executive session at 5:44 p.m. Gordon Littlefield seconded. Motion passed 5-0.

Dwayne Woodsome made a motion to come out of executive session at 5:48 p.m. Gordon Littlefield seconded. Motion passed 5-0.

PRESENT: Selectmen Dennis Abbott, Tim Neill, Dwayne Woodsome, Gordon Littlefield and Ted Doyle. Also in attendance were Gary Lamb, David Lowe, Dave Benton, Attorney Natalie Burns, Brigit McCallum and Jack Seery.

1. PLEDGE OF ALLEGIANCE

Chairman Abbott opened the workshop/voting meeting at 6:02 p.m. with the Pledge of Allegiance.

Item #1 - Ossipee Lake Petition

Gary Lamb presented the following history on the issue:

- A few months ago, Maine DEP contacted the Town about a 2007 petition from Cleo Smith and 59 other waterfront owners, who at the time were asking DEP to mandate a lower summer lake level by 10 inches and lower fall water levels every 10 years.

- This petition had been overlooked, misplaced or otherwise just not dealt with in a timely fashion by DEP. Now in 2017 DEP was stating the petition was valid and a public hearing will be scheduled and DEP would mandate the lake level unless the petitioners withdrew the petition.
- Staff started working on this issue with our attorney and we formally objected, stating that the 59 signers to the petition are not valid in 2017 because some have died, some have sold their property, and some now want their names removed from the petition now that they understand what the petition does. Late last week DEP ruled against our request and is considering the petition to be valid.
- Consequently, (unless the petition is withdrawn), a public hearing will be held Monday August 21, 2017 by DEP to accept public comment on lowering the annual Ossipee Lake summer level and fall level every 10 years. DEP has not set a time or place for this hearing yet...but it will probably be at a Waterboro school and start around suppertime.
- Also on August 21, an afternoon technical session will be held at which town staff, our dam operator, some or all selectmen, etc. can testify and be cross examined in front of DEP. The public can attend this session but cannot participate.
- If both these meetings are held, DEP will then vote and set a mandatory lake level for Little Ossipee Lake....and this is a level the Town must maintain.
- Staff is working on submitting formal testimony to DEP by July 18th. There is no deadline for public comments and those can be made the evening of August 21 by anyone attending in person.

Questions raised were: who will participate in the hearing? If we have a local ordinance approved before the August deadline, will it stop the hearing? Do we have insurance coverage if we are sued?

Natalie responded that the Town has the right to adopt an ordinance. There is a draft from 2007 that needs to be approved by the Board of Selectmen and then by the Commissioner. The DEP needs to be asked if the Town adopts the ordinance, will it stop the hearing? Natalie also commented that if the DEP governed the lake levels, the Town would be mandated to comply. She felt that DEP would be the one to be sued. The Board of Selectmen discussed who should attend the hearing. It was suggested that 1 or 2 BOS members and those with knowledge of the boat launch and history of the area. This testimony needs to be prepared and submitted by Tuesday, July 18th.

It was discussed whether or not the Board of Selectmen should appoint a Lake Committee.

Dave Benton commented that 10 inches will make a big difference at the end of the ramp. He will do a measurement and provide his findings.

Gordon Littlefield questioned as to why the State denied our appeal that showed a decrease of names on the petition due to those who have either died, moved, or requested their names be removed from the petition.

Items #2 – Substantive and non-substantive changes in the Charter.

The main question was would it require a referendum question to be able to change the Town Charter to add a provision to allow last year's budget figures as a default if an article on the referendum budget question failed. This would fill the gap for funding until a Special Town Meeting could be held. She feels this can be done as an amendment. This would require a referendum and requires a petition with 30% of those who voted in the last gubernatorial election.

Item #3 – June 2018 ballot/warrant organization

There is nothing in the Town Charter that prohibits the departmental budgets from being combined into a single article(s).

2. PUBLIC HEARINGS

3. ANNOUNCEMENTS

4. ADDITIONS OR DELETIONS TO AGENDA

Dwayne Woodsome made a motion to add a catering permit for New England Restaurant Group, Inc., to the agenda under New Business, Item #9g. Ted Doyle seconded. The motion passed 5-0.

5. APPOINTMENT

6. PUBLIC COMMENTS

7. CORRESPONDENCE

- a. Treasurer's reports**
- b. Motor Vehicle and Excise Tax reports**
- c. Saco River Community Television Financial Report**
- d. Senator Woodsome's Newsletter**

8. REPORTS & STAFF INITIATIVES

- a. Selectmen's reports**

Ted Doyle reported that he stopped by Sunday after Old Home Days to commend the Old Home Days Committee members for the great job they did.

b. Town Administrator Gary Lamb's report

Town Administrator Gary Lamb's report was delivered as follows:

- The Economic Development Committee had a booth at Old Home Days with informational material. About 3-4 o'clock, the storm came up and they were unable to stay as everything got wet.
- There is a Selectmen Goals workshop - scheduled for Tuesday July 18th at 6pm. Ted Doyle cannot attend so do we reschedule or conduct the meeting as planned?

The Board of Selectmen decided to meet on August 1st at 6:00 for its goals workshop.

9. NEW BUSINESS

a. Discuss/vote for appointments to the Community Garden Committee.

Tim Neill made a motion to appoint Nancy Carlson and Jon Gale to the Garden Committee for terms to expire 6/30/2020. Ted Doyle seconded. The motion passed 5-0.

b. Discuss/vote for an appointment to the Public Safety Committee.

Dwayne Woodsome made a motion to appoint Joshua Godard to the Public Safety Committee for a term to expire 6/30/2020. Ted Doyle seconded. The motion passed 4-0-1(Gordon Littlefield abstained).

c. Discuss/vote for a re-appointment to the Old Home Days Committee.

Ted Doyle made a motion to appoint Claire Tutt to the Old Home Days Committee for a term to expire 6/30/2020. Gordon Littlefield seconded. The motion passed 5-0.

d. Discuss/vote for an appointment to the ecomaine Board of Directors and an Alternate.

Dwayne Woodsome made a motion that appointments remain status quo. Gordon Littlefield seconded. Dennis Abbott will serve as member and Gary Lamb as Alternate for a term to expire 6/30/18. The motion passed 5-0.

e. Discussion on the advertisement for a Public Works Director.

The Board of Selectmen will further discuss at the July 27th meeting. They are to get back to Gary Lamb with comments regarding the job

description. They discussed advertising in the Smart Shopper, the Waterboro Reporter, the Shoppers Guide, MMA, Sanford News, and both the Town's website and Facebook page. The ad should be run for a couple of weeks.

- f. Discuss/vote on recent idea for new Planning Board sub-committee.**

Gordon Littlefield made a motion that the Board of Selectmen recommend to the Planning Board to not appoint an Ad-hoc Committee and that the Planning Board proceed forward with public hearings on recommended changes. Dwayne Woodsome seconded. The motion passed 5-0.

- g. New England Restaurant Group, Inc. Catering Permit.**

Dwayne Woodsome made a motion to approve the application for a catering permit to New England Restaurant Group, Inc. Tim Neill seconded. The motion passed 5-0.

10. OLD BUSINESS

11. OTHER

- a. Discuss /vote to approve the minutes of the June 27, 2017 regular meeting.**

Dwayne Woodsome made a motion to approve the minutes of the June 27, 2017 meeting. Gordon Littlefield seconded. The motion passed 5-0.

- b. Discuss/vote to approve the minutes of the June 17, 2017 Annual Town meeting.**

This item was postponed to the July 25, 2017 meeting so members had more time to review and edit these important minutes.

12. PENDING DECISIONS

- a. Review Comprehensive Plan task list.**

13. WEEK'S ACTION LIST

Prepare material for DEP hearing

14. DISCUSSION OF AGENDA ITEMS

**Final review of PWD job description
Public Hearing on draft of a proposed Dam Control Ordinance
Catering Permits – Staff approval
McLucas Road Ext.
Executive Session – Interview RSU#57 Applicant**

15. ITEMS NEEDING SIGNATURE

- a. Minutes of the June 27, 2017 regular meeting
- b. Minutes of the June 17, 2017 Annual Town meeting

16. REMINDERS

17. ADJOURN

Gordon Littlefield made a motion to adjourn the meeting. Tim Neill seconded. The motion passed 5-0. The meeting adjourned at 7:24 p.m.

These minutes were approved by the Waterboro Board of Selectmen on July 25, 2017.

Dennis Abbott

Dwayne Woodsome

Gordon Littlefield

Tim Neill

Ted Doyle