

**Minutes of the Waterboro Board of Selectmen Meeting
August 28, 2018 at Waterboro Town Hall**

5:45 p.m. – Executive Session -- 6:00 p.m. Regular Meeting

EXECUTIVE SESSION

- a. Pursuant to 1 M.R.S.A §405 (6)(a), to interview committee applicant.

PRESENT: Selectmen Dennis Abbott, Dwayne Woodsome Tim Neill, and Ted Doyle. Gordon Littlefield was absent. Also in attendance were Gary Lamb, David Lowe, Julie Giles, Christine Torno, Tammy Wells, Todd Abbott, Roger Letendre and Joe Gunther.

1. PLEDGE OF ALLEGIANCE

Chairman Abbott opened the meeting at 6:04 p.m. with the Pledge of Allegiance.

2. PUBLIC HEARINGS

3. ANNOUNCEMENTS

4. ADDITIONS OR DELETIONS TO AGENDA

5. APPOINTMENT

6. PUBLIC COMMENTS

7. CORRESPONDENCE

- a. Treasurer's reports
- b. Press Release – Workmen's Comp dividend check
- c. Senator Woodsome's Newsletter

8. REPORTS & STAFF INITIATIVES

- a. Selectmen's reports

Tim Neill commented that the Library Board of Trustees is down three members and is a good time to get involved and become a member.

- b. Town Administrator Gary Lamb's report

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

- **Town Planner vacancy update** - Eight applications received so far and they are being screened in preparation for interviews.

- **Fire station roof bid** - six bids were received by the 5:00 p.m. on August 17th deadline:

McLaughlin Builders \$141,700
RTD Roofing \$155,800
Performance Roofing \$179,050
Gladu Roofing \$204,860
Williams Roofing \$114,630
Maine Highlands Contracting \$169,757

We are meeting with Williams Roofing Wednesday, August 29th at 1:00 pm. Their reference checks so far look very good and unless something different occurs, we will award the bid to Williams Construction.

- **Old Alfred Road update** - see attached paving quote
- **Workers' Comp** - I am pleased to report that we have had another good year in terms of very little lost time due to on the job injuries. We recently received a rebate check for \$2,497 from our MMA insurer because of our good performance. Thanks to all employees who continue to be extra safety conscious on the job.
- **Legal issues** -
- **Barth court case** - Mr. Barth obtained a building permit in 2005 for a new island residential dwelling. The building permit expired one year later and was not renewed. CEO Glenn Charette ruled that he needs to submit a new Building Permit application conforming with today's building codes and ordinances. Mr. Barth disagreed and filed an administrative appeal with the Zoning Board of Appeals (ZBA). The ZBA upheld the CEO's ruling. Mr. Barth is now taking the ZBA and Town to Superior Court. MMA is obligated to defend us under our liability insurance coverage...and has hired Norman Hanson and DeTroy firm to represent us. Very preliminary paperwork thus far.
 - **Blaney property** - structural building activity has been observed at this property and the owner refuses to obtain a building permit or allow the CEO on his property. Notices of violation have been sent to the owner but court action may be needed to achieve compliance. Natalie is involved with Glenn on this.

9. NEW BUSINESS

- a. Discuss/possible vote to appoint an applicant to the Transfer Station/Recycling Committee.

Ted Doyle made a motion to appoint John R. Noel to the Transfer Station/Recycling Committee for a term to expire June 30, 2021. Tim Neill seconded. The motion passed 4-0.

Dwayne Woodsome made a motion to appoint John R. Noel to the Old Home Days Committee. Ted Doyle seconded. The motion passed 4-0.

- b. Discuss/vote to grant the ATV Club permission to use a portion of Deering Ridge Road for its Annual Fright Night Ride on October 20, 2018.

Tim Neill made a motion to grant the ATV Club permission to use a portion of Deering Ridge Road for its Annual Fright Night Ride on October 20, 2018. Ted Doyle seconded. The motion passed 4-0.

- c. Discuss possible goals workshop dates to include the DPW Director, Fire Chief, and Recreation Director.

The Board of Selectmen will hold a goals workshop on September 18, 2018 at 6:00 p.m. with the DPW Director, Fire Chief and Recreation Director in attendance.

10. OLD BUSINESS

- a. Discussion/possible vote on proposed Charter amendments concerning budget default provisions and to allow a non-binding vote in November regarding ATV road access.

“Shall the Town approve the proposed amendment to Section 212 of the Charter as printed below?”

Section 212 – Method of Abolishing the Town Meeting. At any time, not less than fifteen percent (15%) of the registered voters of the Town may petition over their personal signatures for a referendum to vote upon the question abolishing the Town Meeting. The Board shall call such a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk. The proper election officials of the Town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose. If at such general election or special election a majority of the electors of the Town voting on the question shall vote for the abolition of the Town Meeting of the Town of Waterboro, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Board. The Board shall set the budget and final approval shall be by referendum vote of the registered voters of the Town. Once the Town Meeting is abolished pursuant to this Section, the procedures and time periods established in this Charter for Special Town Meeting or Annual Town Meeting shall apply to the regular or special budget referendum vote. The regular budget referendum vote shall be held on the second Tuesday in June of each year. To reinstate Town Meeting, the process shall follow the same procedure as was done establishing referendum voting. If the referendum process is adopted, approval of any appropriation in addition to or supplementary to the annual budget appropriation shall require an additional referendum, if such additional or supplemental appropriation exceeds a cumulative amount equal to one percent (1%) of the annual municipal budget as approved at the preceding Annual Town Meeting.

(Explanatory note: underlined text is the proposed new text)

Ted Doyle made a motion to approve the language in Section 212 as written and place the question on the ballot for referendum voting. Dwayne Woodsome seconded. The motion passed 4-0.

“Shall the Town approve the proposed amendment to Section 904 of the Town Charter as printed below?”

Section 904 – Procedure to be Followed.

1. The proposed budget prepared by the Administrator shall be reviewed by the Board which shall approve the preliminary budget with or without amendments.
2. The complete Town budget as approved by the Board shall be printed and distributed, and the Board shall fix the time and place for holding a public hearing on the budget, and shall give public notice pursuant to State law.
3. The Board shall then review the budget and recommend it with or without amendment to the Annual Town Meeting. The reviewed budget shall be made available to the public at least fourteen (14) days prior to the Annual Town Meeting.
4. The Board shall, in Article form, list those accounts which should lapse at the end of each fiscal year in the Annual Town Meeting Warrant; such funds shall be placed in the surplus account.
5. If the Town has abolished the Town Meeting and adopted the budget referendum vote, the following procedures shall apply:
 - a. If one or more operational budget items do not pass at the regular budget referendum vote, the Board of Selectmen shall hold two additional public hearings on the proposed revisions to those items before holding a special budget referendum vote on those items.
 - b. After the end of the current fiscal year and prior to the special budget referendum vote on the failed items, the budget for such items shall be set at 50% of the prior fiscal year budget for those items.
 - c. There shall only be one special budget referendum vote on any items that are not passed at the regular budget referendum vote.
 - d. If any item fails to pass at the special budget referendum vote, the budget for that item shall be set at 85% of the prior fiscal year budget for that item. This limit shall apply to the entire fiscal year, including any amount expended prior to the special budget referendum.

The Board of Selectmen changed the language as presented by adding the word “operational” after the word more in Section 5a and also removing the words “85% of” in Section 5d.

Ted Doyle made a motion to send the language in Section 904 with the changes made back to Natalie and, if approved, place on the ballot for referendum voting.

“Are you in favor of allowing ATV usage on certain Town roads if approved by the Board of Selectmen?”

Todd Abbott presented a map showing the roadways that are being requested as access routes for ATV’s.

The Board reviewed the question language and changed the word “approved” to “controlled” and “the Board of Selectmen” to “Municipal Ordinance”.

“Are you in favor of allowing ATV usage on certain Town roads if approved controlled by the ~~Board of Selectmen~~ Municipal Ordinance?”

- b. Discussion/possible vote on funding approval ballot question for new fire truck.**

Ted Doyle made a motion to put a referendum question on the ballot for funding, not to exceed \$614,640, for a new fire truck. Tim Neill seconded. The motion passed 4-0.

11. OTHER

- a. Discuss /vote to approve the minutes of the August 7, 2018 regular meeting.**

Dwayne Woodsome made a motion to approve the minutes of the August 7, 2018 meeting. Ted Doyle seconded. The motion passed 4-0.

12. PENDING DECISIONS

- a. Old Alfred Road paving update and Board of Selectmen recommendation.**

Gary Lamb presented the paving estimate of \$258,966 for Old Alfred Road from F. R. Carroll Inc. Following discussion, it was the consensus to move forward with this project and get it done this season. Future discussions should be made with MDOT to prohibit trucks on this roadway.

13. WEEK’S ACTION LIST

14. DISCUSSION OF AGENDA ITEMS

15. ITEMS NEEDING SIGNATURE

- a. Minutes of the August 7, 2018 regular meeting**

16. REMINDERS

17. ADJOURN

Dwayne Woodsome made a motion to adjourn the meeting. Ted Doyle seconded. The motion passed 4-0. The meeting adjourned at 7:08 p.m.

These minutes were approved by the Waterboro Board of Selectmen on September 11, 2018.

_____/s/_____
Dennis Abbott

_____/s/_____
Dwayne Woodsome

Gordon Littlefield

_____/s/_____
Tim Neill

_____/s/_____
Ted Doyle