

**Minutes for Waterboro Board of Selectmen Meeting  
June 1, 2021, at Waterboro Town Hall  
6:00 p.m. Regular Meeting**

**1. PLEDGE OF ALLEGIANCE**

Chairman Abbott started the meeting at 6:00 p.m. with the Pledge of Allegiance. Attendance: Dennis Abbott, Dwayne Woodsome, Dana Brown, Dave Chauvette, Gordon Littlefield, Gary Lamb, Peter Smith, Julie Giles, Joshua Andrews, Clyde Smith, Hedy Smith, Clyde M. Smith, Jason Ramsell, Crystal Savage, Ashley Childress, Dylan Post, and Tom Lord.

**2. PUBLIC HEARINGS**

- a. Public Hearing is to receive comment on the proposed Waterboro Zoning Ordinance amendment to add #20-Solar Array's to Section 3.06.01 & #13-Solar Array to Section 3.07.02, and the proposed Solar Ordinance to become Section 4.14 of the Waterboro Zoning Ordinance Amendment.

**The intent of the Ordinance is to establish standards for any Alternative Energy Source to utilize while seeking to establish such facilities in Waterboro. These standards apply to Solar facilities proposed in the Town of Waterboro. Chairman Abbott added that in the future this ordinance may be amended to include other sources such as wind, geothermal, etc. but as of now it has only been amended for photovoltaic solar.**

**There were no questions or concerns submitted beforehand from any resident of the Town of Waterboro. Gary Lamb answered a question from the previous meeting that was asked by Dwayne Woodsome., "Why were commercial solar arrays only allowed in two zones in the draft ordinance; Forest/Agriculture and Agriculture/Residential"? The answer is, "The Planning Board thought this would minimize the visual exposure of large solar arrays to higher density residential and retail areas in town".**

**Selectmen Dwayne Woodsome was also concerned with whether or not the setbacks were correct for the current approved Solar project across the street from Town Hall. He feels this one does not meet the set-back requirement. Gary Lamb will check the survey that was submitted and get back to Dwayne on this. Chairman Abbott stated that this Solar Ordinance should help with these types of concerns for future projects.**

**Resident and engineer Clyde M. Smith addressed the Board. He is concerned with section 4.14.03 Subsection B4 (under abandonment & decommissioning) of the Proposed Solar Ordinance that states, "The developer shall provide a meter tied into the system and CMP pole at the street to show that the system is live". He feels this verbiage is incorrect because if you pull the meter it does not stop the system. You would need a G.O.A.B (Gang Operated Air Break Switch) on the pole, or a line-disconnect, in order to isolate it from the grid.**

**Selectmen Gordon Littlefield was concerned about whether these solar arrays could cause a fire or affect any type of communication. Gary Lamb and Chairman Abbott were uncertain on either one. Gary Lamb will look into these concerns and get back to the Board.**

**Chairman Abbott stated that the three solar farms that have been approved in the Town are under 5 megawatts in size and therefore are exempt from property taxes. This was a mistake of the previous Maine legislature. Gary Lamb stated that he believes that the legislature may be addressing this problem this coming Fall. Chairman Abbott also stated that the Maine Constitution states that with the Solar Arrays being exempt from taxes we should be reimbursed 50% of the taxable assets of these Solar Farms.**

**Chairman Abbott closed the Public Hearing on the Proposed Solar Ordinance at 6:20 p.m.**

- b. Immediately following the conclusion of the first Public Hearing: This Public Hearing is to receive comment on the Special Amusement Permit for the “York County Blues Festival”.**

**There were no questions or concerns submitted beforehand or from any resident of the Town of Waterboro. There were no questions or concerns raised by anyone attending the Public Hearing in person. Selectmen Dave Chauvette stated that there were no issues with the previous Blues Festivals according to Deputy Dwayne Faye’s email. Chairman Abbott stated that the liquor license is held by Rustic Taps who will be serving the alcohol.**

**Chairman Abbott closed the Public Hearing for the Special Amusement Permit for the “York County Blues Festival” at 6:22 p.m.**

- c. 7:00 p.m. – This Public Hearing is to receive comment on the New Liquor License for “Five Ponds Public House” located at 1041 Main Street, Units 103 & 104.**

**The Public Hearing started at 7:04 p.m.**

**There were no questions or concerns submitted beforehand from any resident of the Town of Waterboro. There were no questions or concerns raised by anyone attending the Public Hearing in person.**

**Chairman Abbott closed the Public Hearing for the New Liquor License for “Five Ponds Public House” at 7:07 p.m.**

### **3. ANNOUNCEMENTS**

**Chairman Abbott announced that one week from today is the municipal Election, here at Town Hall, Tuesday, June 8, from 7 a.m. to 8 p.m. Gary Lamb reminded everyone that the front lobby counters for Tax payments, vehicle registrations, Dog licenses, etc. will be closed this day as the staff will be working the election.**

### **4. ADDITIONS OR DELETIONS TO AGENDA – none.**

### **5. APPOINTMENT – none.**

### **6. PUBLIC COMMENTS**

**Resident Clyde Smith, who lives on Deering Ridge Road, addressed the Board regarding an Agenda Item from the last meeting under Old Business, “Continue Discussion on Bennett Hill Road Dirt Section Legal Status”. His family has been living on Deering Ridge Road since he was a child. On March 16, 2021, this Board voted to close a portion of Bennett Hill Road demonstrating your position and establishing for the record that you had the authority to do so. Something you could only do if it was Town land. Since**

the 1955 vote that discontinued 20 roads to conserve costs for the Town, Bennett Hill Road was never abandoned. In fact, the Town has spent thousands and maybe some Federal money from the Patriot Day Storm in 2007, in keeping the entire length of Bennett Hill Road in good working order. Therefore, he believes that this whole road is Town owned. He believes to not put the current Board in a situation they did not create; the Town would be best served if the Selectmen would have a Public Hearing on this issue to give all individuals and groups a chance on being heard. It may also be something that can be put on a warrant for the people to decide on the best way to handle this road situation.

Chairman Abbott thanked resident Clyde Smith for his input and is holding further discussion until they reach this topic under Old Business #10B.

## 7. CORRESPONDENCE

- a. Treasurer's reports

## 8. REPORTS & STAFF INITIATIVES

- a. Selectmen's reports – none.

- b. **Town Administrator Gary Lamb's report**

**Selectmen Candidate Update** – Gordon Littlefield and Michael Provencher are the two candidates running for one Selectmen's vacancy currently occupied by Gordon. Instead of a conventional candidate's night, we have bios and recorded interviews with each candidate posted on the website. Our elections moderator Bob Powers gathered questions and he asked each candidate the same questions.

**June 8<sup>th</sup> Election** – The June 8<sup>th</sup> 2021 Municipal election is at Town Hall from 7 a.m. to 8 p.m. Absentee voting ends at 5 p.m. Thursday, June 3<sup>rd</sup>.

**Land Swap Update** - This transaction is pending financial closing per attorney's schedule.

**Fire Department Update:**

1. Central Station flooring work will occur mid-June with Central Flooring.
2. The roof snow stop materials have been ordered but the installation costs will probably be into the next Fiscal Year (FY).
3. Two mechanical CPR devices have been ordered, received, and are in service to date.
4. Our ladder truck will probably not be delivered before July 1. Therefore, staff is working with legal and banking folks on how best to escrow the \$200K down payment Selectmen want to use from our Rescue Billing Account before June 30<sup>th</sup>.

**Medical Marijuana Cultivation** – Our Planning Department has received an application for a commercial Medical Marijuana Grow Operation on the west side of Route 5 north of West Shore Road. The application is scheduled for initial review at the June 2<sup>nd</sup> Planning Board Meeting. Please remember this is a Medical Grow Facility since Waterboro voters prohibited any and all recreational retail marijuana businesses.

**Senior Parade** – There will be a parade of Massabesic Seniors who have graduated this Sunday at 10 a.m.. It will start on Straw Mill Brook Road and go to the High School. The Seniors will be in decorated cars which may be moving slowly to the school. They will not be walking and there will not be any floats. York County Deputies will be doing traffic control. Hopefully there will be a good turn-out of people from the community to show their support.

## 9. NEW BUSINESS

- a. Discuss/possible vote to approve the Amended Zoning Ordinance to add #20-solar arrays to section 3.06.01 & #13-solar array to section 3.07.02 & the proposed Solar Ordinance to become section 4.14 of the Amended Zoning Ordinance.

**Gary Lamb stated that he felt that this Proposed Solar Ordinance is not ready for approval yet as he stated in his memo to the Board. The definition of a Solar System**

does not include Solar Water Heating Systems and he feels there is much more work to be done on it.

Dwayne Woodsome made a motion to hold a workshop with the Planning Board, Lee Jay, and possibly someone from SMPDC & the Fire Chief and to have at least one Public Hearing before the Proposed Solar Ordinance will be voted on. Dave Chauvette seconded the motion. The motion passed 5 – 0.

- b. Discuss/vote to approve a Special Amusement Permit for the “York County Blues Festival”.

Gordon Littlefield made a motion to approve the Special Amusement Permit for the “York County Blues Festival”. Dave Chauvette seconded the motion. The motion passed 5 – 0.

- c. Discuss/vote to approve the serving of alcohol at the “York County Blues Festival”.

Dwayne Woodsome made a motion to allow Rustic Taps & Catering to serve alcohol at Friendship Park during the “York County Blues Festival”. Dana Brown seconded the motion. The motion passed 5 – 0.

- d. Discuss/vote to approve the New Liquor License for “Five Ponds Public House”.

Dwayne Woodsome made a motion to approve the new liquor license for “Five Ponds Public House”. Dave Chauvette seconded the motion. The motion passed 5 – 0.

#### 10. OLD BUSINESS

- a. Discuss/vote on the revised Personnel Policy

Dwayne Woodsome questioned whether or not employees have seen the revised Personnel Policy yet. Gary Lamb stated they have not. The Board will hold this vote until the next meeting so that the employees can view the revised version of the Personnel Policy.

- b. Continue Discussion on Bennett Hill Road Dirt Section Legal Status

Chairman Abbott stated that Mr. Smith brings up some valid issues. The road has never been abandoned but we need to still go through the processes and do more research before it is presented to the Town’s people. Gary Lamb stated that the Town’s attorney states that the discontinuation of the 16 roads in 1955 is a valid act even though the Selectmen who voted to have it discontinued in 1955 did not finish the processes outlined in the article. Hedy Smith stated that state statutes would state that the Town owns the road. Clyde Smith stated that we should ask our attorney to defend his/her position on why they feel that the statutes do not.

Gary Lamb stated that he was asked by the Board in the last meeting to talk with the Land Trust. The President of the Land Trust is ok with the Land Trust taking over the maintenance of the road to prevent the road from becoming paved in the future. Gary also is not sure that William’s road that is written in the 1955 discontinuance is Bennett Hill Road.

Dwayne Woodsome stated that Bennett Hill Road was called Bennett Hill Road before the 1947 fire.

Hedy Smith wanted to remind the Board that other people beside the Land Trust own pieces of Bennett Hill Road. She also stated that what people are looking at today in this culture, you want to be very careful not to put yourself in a place of conflict of interest regarding who you get your history information from.

Chairman Abbott stated that it is the Boards position that the Town owns the road and that is why the road has never been abandoned. However, we need to clear up the legality associated with the 1955 Town Meeting. The Board decided to put this topic on the next agenda for further discussion and research. Gary Lamb will be meeting with Clyde Smith this week to get some history information regarding Bennett Hill Road.

Resident Jason Ramsell addressed the Board with concerns of people who are not following the ATV ordinance and are riding the whole length of road of Bennett Hill Road. There was some discussion on this. Gary Lamb stated this was not a Board issue but an enforcement issue with the Game Wardens.

#### **11. OTHER**

- a. Discuss/vote to approve the minutes of the May 18, 2021, meeting.

Dwayne Woodsome made a motion to approve the minutes of the May 18, 2021 meeting. Dave Chauvette seconded the motion. The motion passed 3 -0-2. Gordon Littlefield and Dana Brown abstained as they were not present for this meeting.

#### **12. PENDING DECISIONS**

Revised Personnel Policy & Bennett Hill Road Dirt Section Legal Status

13. WEEK'S ACTION LIST – Gary to get Personnel Policy to Staff & put on the next meeting Agenda, Add continued Discussion on Bennett Hill Road to next meeting Agenda, Add Elect Selectmen Chairman & Vice Chair to next meeting Agenda.

#### **14. DISCUSSION OF AGENDA ITEMS**

Dwayne Woodsome stated that the next meeting on June 15<sup>th</sup> is the last meeting the Selectmen can move move as funds if needed unless a Special Meeting is called.

Next meeting Peter Smith, DPW Director will be giving a DPW Update and Josh Andrews can join him if wanted.

There was some discussion over closing the Transfer Station except for Recycling and household trash on Sundays due to the lack of staff.

Dwayne Woodsome made a motion to close the transfer station except for Recycling and household trash on Sundays for Waterboro & Hollis until we get sufficient staff. Dana Brown seconded the motion. The motion passed 5 – 0.

#### **15. ITEMS NEEDING SIGNATURE**

- a. Special Amusement Permit for the “York County Blues Festival”.
- b. New Liquor License for “Five Ponds Public House”.

#### **16. ADJOURN**

Dana Brown made a motion to adjourn the meeting at 7:27 p.m.

Dwayne Woodsome seconded the motion. The motion passed 5 -0.