

**Town of Waldoboro, Maine
Board of Selectmen Meeting
Municipal Building
1600 Atlantic Highway
MINUTES
Tuesday, May 10, 2005 6:00 p.m.**

Meet at Public Landing at 5:30 p.m. to view Harry Cabot property.

1. Call to Order.

The Board of Selectmen met at the Municipal Building on Tuesday, May 10, 2005 at 6:00 p.m. to conduct town affairs. The meeting was called to order by Chairman Kathleen Blodgett, with a quorum present.

Members present were Ted Wooster, Ellen Winchenbach, Rebecca Maxwell and Chairman Kathleen Blodgett. Absent was Gordon Webster.

Staff present was Town Manager Lee Smith, Code Enforcement Officer John Black, Police Chief Leroy Jones, Director of Public Works John Daigle, and Administrative Assistant Michael Ducharme.

Residents present were Frank Abel, Henry B. Cabot, Glen Brown, Tom Creamer, Gerry Creamer, and Arthur Creamer. Also present were Nancy Dail, Robert Grant, Lincoln Davis, William Branigan, Jennifer Merritt, and Shelley D. Pease from the Waldoboro Business Association; Norman Golden, Steve Cartwright, Elaine B. Abel, Bill Blodgett, John D. Morris II, and Secretary Susan Alexander from the Land Use Committee; Lincoln County Economic Development Office Director Amy Winston; Stephen Cole representing Coastal Enterprises Incorporated; Chairman of the Lloyd Davis Fish Trust Sam Chapman; and local dairy farmer Richard Spear.

Representing the press was Michael Colbert representing the Lincoln County News and Art Mayers representing the Courier Gazette and the Lincoln County Weekly.

2. Citizen Comments. (for items not on the agenda).

None.

3. Public Hearing(s).

None.

4. Approve Consent Calendar.

On the motion of Maxwell / Wooster, the Board **VOTED: To approve the consent calendar as follows (Vote 4-0 Webster Absent):**

A. Regular meeting minutes - April 26, 2005.

B. Warrants & Financial Reports:

1. General Fund Warrants 43 and 44.
2. Payroll Warrants 43 and 44.
3. Water Department Operating Warrant - #TBA.
4. Water Department Capital Warrant - #TBA.

C. Departmental Reports.

5. Communications.

On the motion of Wooster / Maxwell, the Board **VOTED: To accept and place on file the following correspondence (Vote 4-0 Webster Absent).**

A. MDOT Commissioner David Cole re: Jefferson Street.

Commissioner David Cole responded to a letter sent by the Waldoboro Business Association. The Commissioner had intended to send a letter with 2 attachments but mistakenly sent 3 copies of the same letter. The Commissioner seems to feel that Waldoboro has not done all that we could to get the project done. The Town Manager and Nancy Dail feel the Commissioner has dropped the ball. In a letter from the Commissioner he states he has asked his Federal Funding Policy Advisor Herb Thompson to look into other funding sources that could potentially supplement this project's funds. The Town has not yet heard from Mr. Thompson. At this time there is no resolution to the placement of granite curbs and sidewalks in the Jefferson St. project.

B. Maine Department of Human Services re: Lead/Copper Rule.

As a result of a request from the Town Manager, Lead and Copper Rule Manager Amilyn Stillings from the Department of Health and Human Services has approved a request to delay source water monitoring, water quality parameter monitoring, and corrosion control treatment recommendation development until after Waldoboro has completed start up with a new source water. She also mentioned because Waldoboro is switching to a new source water, we will need to remain on a 6-month sampling schedule until we have passed two consecutive 6-month rounds of testing for lead and copper.

C. WBA re: Land Use Ordinance comments.

The Waldoboro Business Association has requested two more changes to the Proposed Land Use Ordinance in order to ready it for Town Meeting. The proposed changes are as follows:

- 1) Article 5, section K, subsection 2 – Delete the requirement for a specified number of Home Occupation employees other than residents. Change to read "Residents. A home occupation shall be carried on substantially by

residents of the dwelling unit. Persons other than dwelling unit residents may participate in the home occupation, providing that there is no adverse impact to the residential character, traffic, or nuisance requirements of Article 5 section K.”

- 2) Article 16 page 13 – Home Occupation. – Delete reference to the employment of no more than two persons. Change to read “An occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.”

D. WUD - re: Industrial Wastewater Discharge Permit.

A permit has been signed by John Fancy and the Town Manager allowing the Waldoboro Water Department to discharge backwash waste waters containing low levels of uranium from the water filtering system to the Waldoboro Utility District's waste water treatment facility.

E. MDEP - re: Industrial Wastewater Discharge Permit.

Due to solicitation from Waldoboro Utility District Superintendent John Fancy, Gregg Wood from the Bureau of Land and Water quality has no objections to the Waldoboro Water Department discharging backwash waste waters containing low levels of uranium from the water filtering system to the Waldoboro Utility District's waste water treatment facility.

6. Committee & Departmental Reports.

None.

7. Official Action.

A. Act on Town Meeting Warrant.

Please see the attached draft Warrant for details about the articles.

• **Articles 3-7. Land Use Ordinance proposal.**

Articles 3 and 4 address whether the proposed Land Use Ordinance should be enacted and amending the Comprehensive Plan to be consistent with the proposed Land Use Ordinance.

Articles 5 and 6 address whether single-wide manufactured homes will be allowed in the Residential District and amending the Comprehensive Plan to be consistent with this.

Article 7 addresses whether docks or other facilities will be permitted over mudflats and amending the Comprehensive plan to be consistent with this.

These items could be voted on at Town Meeting or by referendum. If these Articles are placed on the Warrant, the Warrant could be amended having the Articles voted on by referendum if decided at the Public Hearing for the Proposed Land Use Ordinance on May 24, 2005.

Nancy Dail asked how the general public would be educated to the changes and the Public Hearing. She commented that public hearing notices are not very effective. The Town Manager informed that the Land Use Committee is printing a mass mailing that would address many of the more common questions and note the date, time, and place of the Public Hearing.

On the motion of Maxwell / Wooster, the Board **VOTED: To place Articles three through eight on the Town Meeting Warrant (Vote 4-0 Webster Absent).**

- **Article 8. An Ordinance to reestablish the Waldoboro Planning Board and Board of Appeals.**

This Article was created due to a petition submitted by William Branigan. The Article discusses if the Planning Board and the Board of Appeals should be elected positions rather than appointed by the Board of Selectmen.

William Branigan would like this to be a 'stand alone' ordinance voted on by referendum. Branigan feels people might not vote the way they feel due to the 'peer pressure' that a show of hands might produce.

The Maine Municipal Association has been involved with the Article and the petition and feels legally the petition should not be accepted because of the poor wording. The problem being for every time we need to guess the intention of the petition we risk a lawsuit down the road.

On the motion of Maxwell / Wooster, the Board **VOTED: To decline the petition and initiate a Warrant Article worded to avoid the problems on the petition as a compromise with the opportunity for someone to propose a written ballot for this Article (Vote 4-0 Webster Absent).**

- **Article 8A. An Ordinance to amend the Shellfish Ordinance.**

Currently the Shellfish Conservation Commission has to wait for the Town Meeting in order to adjust or establish shellfish license fees. The Shellfish Ordinance Amendments would allow the Board of Selectmen to establish shellfish license fees after notice of public hearing. The amendments would also allow for a recreational shellfish license holder to dig up to one-half bushel (raised from the one peck limit) of clams for use of the licensee's immediate family. The license fees would also be raised, to acquire funds to seed the flats, using the following schedule:

	Current License Fee	Proposed License Fee
Residential Commercial	\$80.00	\$100.00
Junior Residential Commercial	\$20.00	\$50.00
Non-resident Commercial	\$160.00	\$200.00
Non-resident Junior Commercial	\$40.00	\$100.00
Resident Recreational	\$5.00	\$10.00
Non-resident Recreational	\$10.00	\$20.00

- **Article 9. Quarry Hill property easement.**

This Article was created due to a petition submitted by Steve Cartwright. It addresses the placement of a permanent easement on the Quarry Hill property.

- **Article 10. Harry Cabot property.**

Harry Cabot is proposing to sell to the town a small parcel of shoreline property in the flood zone which connects two existing town-owned properties (one to the north and one to the south). He would donate up to \$2,000 of the proceeds of the sale to make the area more public friendly. for the sum of \$10,000.

On the motion of Wooster / Maxwell, the Board **VOTED: To postpone action on the Harry Cabot property pending further information (Vote 4-0 Webster Absent).**

- **Articles 11 - 33. Budget and finance articles.**

- **Article 34. Property tax cap limit article.**

- **Articles 35 - 38. Boiler plate articles.**

B. Act on Cross Street Pump Station Contract #03.

Apex Construction, the low bidder for the Cross Street Pump Station bid, has met all the bidding requirements.

On the motion of Wooster / Winchenbach, the Board **VOTED: To award the Cross Street Pump Station contract to Apex Construction at a bid of \$794,200.00 (Vote 4-0 Webster Absent).**

C. Act on Depot Street Water Main Contract #04.

The Depot Street Water Main contract is for roughly 10,000 feet of water main (6 inch main from the pump station to Cross Street, 8 inch main from Cross Street to the Quarry property at \$45 per linear foot, and 12 inch main from there to Route One at \$55 per linear foot).

On the motion of /, the Board **VOTED: To award the Depot Street Water Main contract to George C. Hall & Sons, Inc. at a bid of \$1,039,251.00 (Vote 4-0 Webster Absent).**

D. Act on Lincoln County Economic Development Office proposal for Economic Development Strategic Planning Sessions - A Collaborative Process (Presented by: Amy Winston, LCEDO Director).

Amy Winston was present to discuss a Lincoln County Economic Development Office (LCEDO) proposal for Economic Development Strategic Planning Sessions. The sessions would help determine the community's next step in overcoming the loss of Osram Sylvania and align economic development efforts with Waldoboro's goals, interests, and values. Winston feels Waldoboro is a priority in Lincoln County.

On the motion of Winchenbach / Maxwell, the Board **VOTED: To accept the Lincoln County Economic Development Office proposal for Economic Development Strategic Planning Sessions - A Collaborative Process (Vote 4-0 Webster Absent).**

E. Act on Alewife Harvesting Plan for 2005 season. (Presented by Sam Chapman, Chairman of Davis Fish Committee)

The Lloyd Davis Trust trustees met to discuss the issue of harvesting alewives during the 2005 season. Also attending the meeting were an Inland Fisheries and Wildlife warden, a Department of Marine Resources MPO, and a retired fisherman who was involved in past alewife harvesting in Waldoboro. Due to this meeting, the Lloyd Davis Fish Trust Board members propose the Town of Waldoboro prohibit the harvesting of alewives in 2005.

Glen Brown was present to argue Waldoboro has a huge alewife run based on a one day harvest that he had conducted and visual inspection. He also feel the Alewife Harvesting Plan for the Medomak River needs to be rewritten to accommodate other traps.

On the motion of Wooster / Maxwell, the Board **VOTED: To prohibit the harvesting of alewives in 2005 and reopen the discussion at a later date for the 2006 harvest (Vote 5-0 Webster Absent).**

F. Act on Request to Study or Investigate the Cost for the Lincoln County Sheriff's Department to provide police services to Waldoboro. (Presented by: Selectman Ted Wooster)

Wooster feels that due to this year's difficult budget process we need to take a look at saving money and possibly combining some of our services. All the small towns have EMS, fire and police. The police are currently funded at 3 levels (state, Town, and county). He would like to explore replacing the police department with the Lincoln County Sheriff's Department, and then look at other

departments at a later date.

Chief Leroy Jones stated he was not aware of any Municipality turning over their law enforcement department to the county level. One of the main reasons for this is the loss of local control. Once you give that control to another entity, you have to go along with their desires. He feels that all police services we currently have are needed due to the volume of calls for service. The real question is can Lincoln County Sheriff's Department provide services when and how we need them.

Another study was done on the police department a few years ago, and the result at that time was that we were understaffed with patrolmen.

The Town Manager feels that the Town budget is still misunderstood. Although the Town budget has gone up an average of \$17,000 per year, the voters voted in a \$300,000 increase in property taxes for the school budget last year, this year will probably be over \$200,000, as will next year. Within 3 years SAD40's budget will have *increased* by the amount of the Municipality's total budget which took the Town over 200 years to get to. He feels the focus is on the wrong level of government.

On the motion of Winchenbach / Wooster, the Board **VOTED: To appoint a subcommittee to initiate a study to investigate the cost for the Lincoln County Sheriff's Department to provide police services to Waldoboro (Vote 4-0 Webster Absent).**

G. Act on RFP for Investment Management Services and appointment of Investment Subcommittee.

The Town of Waldoboro is seeking proposals from financial institutions for providing investment management of the Town of Waldoboro Trust and Reserve Fund Portfolio which has a current value of approximately \$2,412,439. Currently we are using Key Bank.

On the motion of Wooster / Maxwell, the Board **VOTED: To seek proposals to find out which financial institution may serve us best (Vote 4-0 Webster Absent).**

H. Act on Dick Spear request to use Quarry Hill property.

Local dairy farmer Dick Spear would like to use the Quarry Hill field to plant corn and work the field. He feels the work he does to the property will increase its value providing a mutually beneficial situation. His plans are to work the property for a 5 (five) year period, and at that time, re-approach the Board of Selectmen for a renewal at their discretion. He would like to start working the land mid May. Spear commented he would take care of any issues that he may cause to the gravel road.

On the motion of Wooster / Maxwell, the Board **VOTED: To allow Dick Spear**

to farm the Quarry Hill Property for a period of 5 years (Vote Webster Absent).

I. Act on request to purchase automatic load covers (gravel tarps) for public works trucks.

The State Police have stopped several Public Works dump trucks for uncovered loads. The public works department has requested 4 (four) semi-automatic load covers (gravel tarps) for the public works dump trucks. These covers would provide better safety and control of the dump truck loads. They have been priced at \$975 each for a total of \$3900 not installed for the 'crank-up' type. Public Works Director John Daigle averaged the costs for \$1,099 each for the electric type and \$1,600 each for the hydraulic type.

On the motion of Maxwell / Winchenbach, the Board VOTED: To authorize the Public Works Department to spend up to \$5,000 to purchase 4 (four) electric load covers (Vote 4-0 Webster Absent).

8. Adjourn.

On the motion of Winchenbach / Wooster, the Board VOTED: To adjourn at 08:51 p.m. (Vote 4-0 Webster absent).

Michael C. Ducharme
Administrative Assistant

Kathleen M. Blodgett
Chairman

Rebecca B. Maxwell

Gordon E. Webster

Theodore M. Wooster

Ellen A. Winchenbach

Board of Selectmen
Waldoboro, Maine