

**Town of Waldoboro, Maine  
Board of Selectmen Meeting Minutes  
Municipal Building  
1600 Atlantic Highway  
Tuesday, September 27, 2005 6:00 p.m.**

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**1. Call to Order.**

The Board of Selectmen met at the Municipal Building on Tuesday, September 27, 2005 at 6:00 p.m. to conduct town affairs. This meeting was called to order by Chairman Carleton Johnson, with a quorum present.

Members present were Ted Wooster, Ellen Winchenbach, Delia Mohlie, Rebecca Maxwell and Chairman Carleton Johnson.

Staff present was Town Manager Lee Smith, Code Enforcement Officer John Black, and Administrative Assistant Mike Ducharme.

Others present were Jennifer Merritt from the Waldoboro Business Association; Realtor Robert H. Whear; and residents Karen Farnsworth and Lydia Templeton.

From the press was Michael Colbert from the Lincoln County News.

**2. Citizen Comments.**

**A. Norman Golden re: Production of Biodiesel**

*Actual communication occurred after the Executive Session, number 8 of this document.*

Norman Golden asked the Selectmen to undertake a feasibility study via an appointed committee to investigate the pros and cons of biodiesel. He feels we could create our own fuel for heating and public works vehicles. Funds could be raised to support the venture by the transfer of fuel to the School District and Public Library. He also mentioned local farmers might help grow crops for fuel in a cooperative venture. This avenue could remove some of our dependency on the fuel oil industry and support a fuel assistance program to help some residents of the town. He noted that one acre of soy could be equal to 100 gallons of fuel.

The Board of Selectmen have taken this information under advisement.

**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 5-0):**

**A. Regular meeting minutes - September 13, 2005.**

**B. Warrants & Financial Reports:**

1. General Fund Warrants 10, 11 and 12.
2. Payroll Warrants 11 and 12.
3. Water Department Operating Warrant - #56.
4. Water Department Capital Warrant - #TBA.

**C. Departmental Reports.**

1. Solid Waste – August 2005.

**5. Communications.**

**6. Committee & Departmental Reports. – None.**

**7. Official Action.**

**A. Execute warrant and order for SAD#40 District Referendum for 11/8/05.**

If approved by the Selectmen the warrant would read as follows on the November 8, 2005 referendum: "Shall the member towns of Maine School Administrative District No. 40 ("MSAD 40"), subject to a district wide majority vote, jointly petition the Maine Legislature through their municipal officers to establish a cost sharing formula for MSAD 40 which is the same formula adopted by the voters of MSAD 40 in 1992 (based on 50% valuation and 50% student population) and restore the authority of the voters of MSAD 40 to change that cost sharing formula when they deem necessary pursuant to 20-A M.R.S.A. Section 1301(3) to be effective beginning in fiscal year 2006-2007?" A public hearing has been scheduled on October 24, 2005 at Medomak Valley High School.

Wooster asked if there was a consensus among the five towns. Johnson responded that there is a consensus to go forward with the vote, but to say there is a consensus in reference to going back to the 50 / 50 method of taxation would be a stretch. He also added that in the near term this is probably the only chance that this district is going to have an opportunity to attempt to regain the local control of how the allotment will be on the school funds.

Johnson went forward to say that he does not think the other communities will hold separate local public hearings in addition to the October 24<sup>th</sup> district wide hearing to be held at Medomak Valley High School at 7:00 p.m. He added we could hold a public hearing if we felt necessary and representatives from MSAD #40 would attend, or we could produce a mailer like some towns have done (and so has MSAD #40). Wooster asked if we could view the other towns informational brochures and Johnson volunteered to collect the samples for the next meeting.

On the motion of Maxwell / Mohlie, the Board **VOTED: To execute the warrant and order for SAD#40 District Referendum for 11/8/05 (Vote 5-0).**

**B. Act on Discretionary Investment Agency Agreement and Investment Objectives w/First Advisors for:**

- (1) **Town of Waldoboro Cemetery Fund and**
- (2) **Town of Waldoboro Trust Fund.**

These documents detail the terms and conditions of investing the Town of Waldoboro's Cemetery and Trust Funds with First Advisors. Town Attorney Peter Lynch has reviewed and approved both of the agreements. The Investment Committee has recommended the following:

- For the Cemetery Fund - 'Income with Growth' meaning 20 – 50% equity and 50 – 80% fixed / cash. The objective would be to produce a modest level of current income along with principal growth. Growth of principal is of secondary importance. This account would be invested with a greater weight of bonds over stocks.
- For the Trust Fund – 'Growth with Income' meaning 50 – 80% equity and 20 – 50% fixed / cash. The objective here would be to produce long-term capital appreciation and a rising stream of income. The level of current income and variability of principal in the short-term are of secondary importance. This account would be invested with a greater weight of stocks over bonds.

On the motion of Wooster / Winchenbach, the Board **VOTED: To accept the Discretionary Investment Agency Agreement and Investment Objectives with First Advisors for the Town of Waldoboro Cemetery and Trust Funds as presented (Vote 5-0).**

**C. Review and/or Act on Draft A Resolution Approving Sale of Cable System and Franchise Transfer from Adelphia to Time Warner.**

Time Warner would like all of the towns involved to approve or deny the sale of cable systems and franchise transfer from Adelphia to Time Warner without a transfer agreement. They feel the franchise renewal process would be the appropriate time for a transfer agreement.

The Steering Committee feels we need to protect ourselves by having an appropriate transfer agreement in place before the transfer is approved.

The Town Manager did mention that paragraph 11 of the resolution states: "Within three (3) years of closing of the Sale, Time Warner shall extend its cable plant serving the Franchise Authority to provide service to all roads in the Franchise Authority with a density of at least 15 homes per mile." Our existing contract already calls for 9 homes per mile so the resolution would be a step backward.

On the motion of Wooster / Maxwell, the Board **VOTED: To table this item until after the next Steering Committee meeting being held at the Auburn Town Hall on Thursday, September 29<sup>th</sup> (Vote 5-0).**

**D. Act on request for a swap shop building at transfer station.**

Resident Steve Cartwright has made a suggestion to the Board to place a building at the transfer station for the purpose of recycling good used items in the form of a swap shop building. At their regular meeting December 14, 2004 the Board of Selectmen voted to allocate funds on the 2006 budget for this project and to explore the costs before committing to an amount.

Ted Wooster queried if the vocational education program at the High School is currently busy with other construction or could they take on a project like this. The answer was not known by the members but it was the general consensus that this was a good avenue to check in to.

Winchenbach thought the prices on the brochure provided were a bit high when talking to some of the local contractors. She agreed to look into other options.

Johnson suggested Winchenbach consult with Public Works Director John Daigle and Transfer Station Operator Richard Moran in an effort to solicit their thoughts.

On the motion of Wooster / Maxwell, the Board **VOTED: To table this item until further investigation has been done by Ellen Winchenbach in reference to size, pricing, and placement (Vote 5-0).**

**E. Act on disposal of tax acquired property. (See List Attached)**

Below is a list of properties which have reached the status of tax acquired:

<b>Name</b>	<b>Location</b>	<b>Building Value</b>	<b>Land Value</b>	<b>Taxes Due 9/14/05</b>
Collyer, Rebecca	381 Gross Nk.	\$34,000	None	\$1,848.05
Cotton, Pearl G.	103 Union Rd.	\$32,000	\$30,000	\$2,379.89
Dodge, Todd L.	961 Dutch Nk.	None	\$28,000	\$1,912.77
Harvey, John	449 Gross Nk	\$13,000	None	\$452.13
Harvey, Rhoda	383 Gross Nk.	\$35,000	None	\$5,483.23
Jackson, Bradford Eric	253 Castner Rd.	\$3,000	\$11,000	\$932.51
Sanborn, Sheldon	432 Gross Nk.	\$7,000	\$6,000	\$679.57
Stover, Marie	600 Gross Nk.	\$13,000	None	\$234.33
Sykes, Robert E.	225 Old County Rd.	\$4,000	None	\$766.44

The Town Manager explained that the adopted policy for dealing with tax acquired property is as follows:

1. The former owners will be given the opportunity to redeem by paying the accumulated taxes and costs.
2. The former owners must also pay taxes, cost, and interest on any subsequent liens and delinquent taxes.
3. The property which best serves the Town will not be sold and remain town owned.

4. Any property to be sold will be sold to the highest bidder after advertisement of said sale. If the highest bid is not equal too or greater than the amount owed, the Selectmen reserve the right to refuse any and all bids.

*A copy of this policy is on file at the Town Office for review.*

Mohlie asked if the former property owners will have an opportunity speak on their behalf. Johnson assured that they have in the past and they would entertain any discussion or plea for financial help on an individual basis.

On the motion of Johnson / Mohlie, the Board **VOTED: To instruct the Town Attorney to notify the former property owners that they have 90 days to pay their liens and delinquent taxes in order to redeem title to their properties or the Selectmen will move forward as per the Tax Acquired Property Procedure (Vote 5-0).**

**F. Act on an appointment to the Quarry Hill Easement Committee.**

Mohlie stated the Selectmen had appointed Fred Libby and he has since declined. Claire Bowley's name has been mentioned in the past as a possibility. She has accepted the responsibility but the Board needs to confirm her appointment.

On the motion of Wooster / Johnson, the Board **VOTED: To appoint Claire Bowley to the Quarry Hill Easement Committee (Vote 5-0).**

**8. Executive Session(s).**

On the motion of Maxwell / Wooster, the Board **VOTED: To convene in executive session at 6:45 p.m. to discuss a Philbrook Fund Application, a revised subordination agreement, and a legal matter (Vote 5-0).**

**A. Convene as Philbrook Fund Trustees to act on:**

1. **Philbrook Fund Application #06-02 - tabled from last meeting.**

On the motion of Maxwell / Wooster, the Board **VOTED: To table this item until the next meeting (Vote 5-0).**

**B. Act on revised subordination agreement.**

On the motion of Johnson / Mohlie, the Board **VOTED: To approve the application contingent to confirmation that mortgage payments are current and to authorize the Town Manager to sign the agreement (Vote 5-0).**

**C. Review Consent Agreement regarding Land Use Violations.**

The Selectmen advised that any and all non-conformities be addressed in order to bring the property up to code (the Code Enforcement Officer should

**inspect the property and report as to the conformity of septic, electrical, life safety code, etc.), have the Town Attorney draft the consent agreement, and have the Town Attorney review the agreement with the applicant's attorney.**

On the motion of Maxwell / Wooster, the Board **VOTED: To reconvene as Selectmen in regular session at 7:30 p.m. (Vote 5-0).**

**9. Adjourn.**

On the motion of Maxwell / Johnson, the Board **VOTED: To adjourn at 7:45 p.m. (Vote 5-0).**

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Michael Ducharme  
Administrative Assistant

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Carleton E. Johnson  
Chairman

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Rebecca B. Maxwell

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Theodore M. Wooster

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Ellen A. Winchenbach

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Delia W. Mohlie

Board of Selectmen  
Waldoboro, Maine