

Town of Waldoboro
Background Information and Suggested Motions
for Selected Items on the Board of Selectmen's Agenda of December 13, 2011
Prepared by John Spear, Town Manager, December 9, 2011

2. Public Hearings

7. Old Business

7.1 Revise Agenda to Include Pledge of Allegiance as Regular Item - This matter was tabled from the Board meetings of November 8, and November 22, 2011. It was added to the November 8, 2011 agenda as an adjustment to the agenda pursuant to a letter submitted to Chairman Collamore from Katie Winchenbach, dated November 1, 2011. As requested I have investigated if any procedural requirements govern revising agendas and, according to the MMA legal department, this matter is strictly at the discretion of the Board. I have no suggested motion.

7.2 Quarry Hill Agricultural Lease Agreement – At the Board meeting of June 14, 2011, the Board voted to table action on a proposed agricultural lease agreement with Spear Farms Inc. for 10 acres of land at Quarry Hill *“until verbiage could be placed in the lease regarding the road maintenance”*. Robert Spear of Spear Farms Inc., John Daigle and I have agreed on proposed draft language to address the road concerns. It is found at Section 4 in the draft lease agreement that was in your packet. The draft also updates the commencement of the lease to January 1, 2012.

Eileen Dondlinger, Finance Director, advises me that when the lease was under discussion last June, concerns regarding the term of ten years had also been expressed. Robert Spear has indicated that he would prefer a ten year lease, as had been originally discussed, but that he would be agreeable to eight years.

A copy of an email from the Conservation Commission concerning this matter was included in your packet. Also, as the Medomak Valley Land Trust holds a conservation easement on this property, I have notified that agency's Executive Director, Liz Petruska, that this matter is on the agenda.

As I understand it, currently there is no written lease. Spear Farms has been using the property for agricultural purposes since being granted permission to do so, for a five year period, by a vote of the Board of Selectmen at its meeting of May 10, 2005.

Suggested Motion: I move to approve the agricultural lease agreement with Spear Farms Inc. for 10 acres of land at Quarry Hill for a (number to be inserted) year period, beginning January 1, 2012, with an annual rent amount of four hundred dollars (\$400.00).

8. New Business

8.1 Resignation of Clinton Collamore from the Board of Selectmen – Clint Collamore submitted a letter of resignation from the Board of Selectmen via email on December 8, 2011. Clint stated that he had mailed a hard copy of his letter, so I assume it will be available for the Board meeting of December 13, 2011. State law requires the Board to act upon acceptance of the resignation.

8.2 Ice Skating Rink Donation – As I reported at the Board meeting of November 22, 2011, the Alan and Tonia Gould Family Foundation is offering to donate \$5,000 for the creation of an ice skating rink. Recreation Director Kyle Santheson has been evaluating potential locations and trying to determine costs and challenges associated with these different locations. Kyle will be at the meeting to discuss his findings which are summarized on the sheet included in your packet. Kyle is recommending that the rink be located at the rear of the municipal building. If the Board wishes to accept this generous donation a suggested motion follows.

Suggested Motion: I move to accept the donation of \$5,000 from the Alan and Tonia Gould Family Foundation for the creation of an ice skating rink to be located at the rear of the municipal building.

8.3 Site Plan Review Fees Waiver – The Board, at its December 28, 2010 meeting, voted to waive Site Plan Review fees under \$1,000 in areas considered growth areas under the comprehensive plan (Commercial, Industrial and Village Districts) for calendar year 2011. This fee waiver expires on December 31, 2011. The stated purpose of the fee waiver is to “encourage more small business development in Waldoboro”. The members present at the Economic Development Committee meeting of December 10, 2011 recommend that the Board of Selectmen extend this waiver for 2012.

Suggested Motion: I move that Site Plan Review fees under \$1,000 in the Commercial, Industrial and Village districts be waived for the period January 1, 2012 to December 31, 2012.

8.4 Blood Borne Pathogens Program and Hazard Communication Plan – Included in your packet were revised and updated Blood Borne Pathogens Program and Hazard Communication Plans. These revised plans will bring the town’s existing plans up to current standards. These were two of the issues identified as action items by the town insurance provider in earlier review memos that were discussed at the Board meeting on November 8, 2011.

Suggested Motion: I move to approve the Blood borne Pathogens Program and Hazard Communication Plan presented to the meeting.

8.5 Municipal Building Control System Weatherization – At its meetings of November 17 and December 1, 2011, the Community Energy Committee reviewed the two proposals submitted in response to its solicitation to provide HVAC control upgrade services for the municipal building with funds from the town’s EEAG grant. The

committee elected to recommend that the proposal submitted by McGuire Controls of Falmouth ME be accepted. McGuire proposes to install a modern HVAC control system, as more fully described by their proposal included in your packet, for \$11,700.

McGuire estimates a 12% to 15% electrical savings (electricity used for HVAC purposes) as well as a 10 to 17% oil savings. It is estimated that the pay back period would be in the seven year range, well under the life expectancy of the control system.

This requires Board approval in accordance with the town's purchasing policy due to the fact that it exceeds \$10,000.

Suggested Motion: I move to accept the proposal of McGuire Controls of Falmouth ME., in the amount of \$11,700, to provide and install a new HVAC control system in the municipal building with funds from the town's EEAG grant.

8.6 FY 13 Budget Calendar In your packet is a draft budget calendar for FY 13. It is very similar to last year.

A few comments/questions have been posed to me regarding the budget process/calendar. First, a budget committee member and another resident have expressed the belief that the budget committee should be more involved in the development of the budget; in particular the commentators felt that the committee reviewing budget items after the Selectmen seemed "backward". Second, there has also been a comment suggesting that the budget committee shouldn't meet and review the budget at the same meeting(s) as the Selectmen. Finally, in light of the recent court decision in the voting method lawsuit, the question of *referendum* versus *open town meeting* has been asked of me by staff as well as a few residents.

As to the first issue, I am advised that the longstanding history in Waldoboro is that the budget committee reviews and makes recommendations upon budget items proposed by the Selectmen. This history is consistent with the town's Budget Committee Policy, which states, in part, that the budget committee shall "*review all town meeting articles which call for an appropriation or expenditure of money as proposed by the municipal officers*". This practice is also consistent with my experience and I would venture to say the majority of municipalities in Maine. State law says very little regarding the role of budget committees, but does say, at 30-A MRSA 2528 (5), that the recommendation of the budget committee shall be printed on the ballot for articles requesting an appropriation of money voted on by referendum if the budget committee was established by vote of town meeting or charter.

As to the second issue, I am advised that the recent history in Waldoboro is for the budget committee to conduct its business at meetings held simultaneously with the Selectmen. This is what the proposed FY 13 Budget Calendar reflects. Staff members have indicated that a sequential process has been employed in Waldoboro in the distant past. My experience has primarily been the joint meeting format, but I do know other municipalities in Maine utilize sequential meetings.

I am not recommending nor suggesting the Board make any changes concerning either of these two matters, but did feel I would be remiss if I didn't make the Board aware that I had received the above noted comments.

As to the third issue, that is the question of *referendum* versus *open town meeting*, the draft calendar does not contemplate either method. I thought it would be inappropriate for me to presuppose either method in the draft calendar, as this is exclusively a decision the Board of Selectmen.

Although I did want to distribute a draft calendar at this time, it by no means needs to be immediately finalized. Considering this matter at a future meeting would obviously allow time for thoughtful consideration. Consequently I have no suggested motion.

8.7 Occupy Wall Street Support Resolution - This item is on the agenda at the request of board member Steve Cartwright that was placed with the Chair. The proposed resolution, as drafted by Steve Cartwright, was included in your packet. I have no suggested motion.

8.8 CDD Phase II Landfill Capacity Survey Update – Public Works Director John Daigle has requested that Pine Tree Engineering update the remaining capacity survey for the CDD phase II landfill. Pine Tree last updated this survey in October 2009. The update will provide information regarding the anticipated remaining time that the CCD phase II landfill may remain open and thus assist with planning a future course of action. Pine Tree indicates the survey update will cost \$3,070.

Suggested Motion: I move to approve expenditure of up \$3,070 from the Phase Two Inert Landfill Closure Reserve to update the CDD phase II landfill capacity survey.

8.9 Municipal Charter Information -At the October 25, 2011 Board meeting I was asked to prepare a brief overview presentation regarding municipal charters; their typical purposes and the process of adoption. In your packet you will find copies of the enabling statute, that is Title 30-A Sections 2101 – 2109, as well as another document I thought you would find informative. I will be prepared at the meeting to provide a brief presentation regarding this matter.