

Town of Waldoboro, Maine
Board of Selectmen Meeting Minutes
Municipal Building - 1600 Atlantic Highway
Tuesday, January 10, 2012 – 6:00 p.m.

1. **Call to Order** - This meeting was called to order by Vice-chairman Steve Cartwright at 6:00 p.m. with a quorum present. Other members present were Rebecca Maxwell, Ted Wooster, and Craig Cooley.

Others Present - Town Manager John Spear, Fire Chief Paul Smeltzer, EMS / REC Director Kyle Santheson, Public Works Director John Daigle, Police Chief Bill Labombarde, EMS Director Richard Lash, Ronald L. Miller, Duncan Morrell, Hans Nicoliasen, Katherine Winchenbach, Maine Water Representative Judy Wallingford, Mark Courtenay, John W. Higgins, Robert L. Butler, and Craig Lewis.

- 1.1. **Election of Chairman** - Steve Cartwright was nominated by Maxwell / Wooster. There were no other nominations. On the motion of Cooley / Wooster, the Board voted 4-0 to cease nominations.

On the motion of Maxwell / Wooster, the Board voted 4-0 to elect Steve Cartwright Chairman of the Board for the duration of this fiscal year.

- 1.2. **Election of Vice Chair** - Becky Maxwell was nominated by Wooster / Cooley. There were no other nominations.

On the motion of Wooster / Cooley, the Board voted 4-0 to elect Becky Maxwell Vice-chairman of the Board for the duration of this fiscal year.

2. **Public Hearings - None.**

3. **Adjustments to the Agenda - None.**

4. **Citizen Comments (For items not on the agenda)** - Ron Miller was present noting there are many street lights that are out in town. Cooley requested the Town Manager to have the Police Department fax a list of non-functioning street lights to Central Maine Power. John Higgins was present with comments regarding public comments at Board meetings.

5. **Town Manager's Report** - The Town Manager advised that:

- A representative from RHR Smith, the town's audit firm, is scheduled to attend the January 24, 2012 Board meeting to review the FY11 audit report,
- Unfortunately there were technical problems with the DVD recorder and there is no audio available for the January 3, 2012 Selectmen/Budget Committee workshop,
- He and Bill Najpauer are scheduled to meet with Jim Donovan, President and CEO of Lincoln County Health Care, on January 17th and Jim is also planning on attending the Board meeting of February 14th to discuss long term health care in Waldoboro,

- The Safety Works report with the results of their visit from December 19th was received on January 4th. Kyle Santheson has been reviewing it. There were no expensive building or equipment issues requiring remediation, but many training and related issues need attention,
- The Town is serving as a worksite for Britni Glaude as she participates in Youth Work Experience Training Program through Goodwill Industries for 20 hours a week over the next 12 weeks. This is at no cost to the town. It is hoped that she will learn secretarial job skills while helping out Administrative Assistant Liam Ducharme answering the phone and other projects,
- MMA has announced workers compensation rates for 2012 on a statewide basis are down 2.9%,
- The testing lab determined that the transfer station demolition debris grindings were not contaminated. If they had been, disposal costs would have been \$55,000 to \$65,000 higher. Thanks are in order to John and the transfer station employees for keeping this pile in good order,
- The voter method lawsuit briefing schedule from the Maine Supreme Court outlines several filing deadlines concluding April 25, 2012. Any decision will be sometime after that date and attorney Kelly expects it will be two to three months after April 25th, and
- The continuing and protracted union negotiations and the appeal in the voter method lawsuit means increased legal expenses. As of the 12/30/2011, the Legal Services Budget of \$6,000 is depleted. Additionally, \$4,298.25 has been expended from the \$8,000 contingency fund.

6. Consent Calendar - On the motion of Cooley / Maxwell, the Board voted 4-0 to approve the consent calendar as follows:

6.1. Approve Meeting Minutes for December 13, 2011 and January 3, 2012.

6.2. Financial Warrants & Reports:

6.2.1. Treasurer's Warrants #24, 25, 26, and 27.

6.2.2. Payroll Warrants #24, 25, 26, and 27.

6.2.3. Waldoboro HRA Operating Warrant - 24/2011.

6.2.4. Waldoboro Water Department Operating Warrant - None.

6.2.5. Financial Reports - December 2011.

6.3. Correspondence:

6.3.1. Maine Municipal Association RE: Property & Casualty Pool

6.3.2. Maine Judicial Supreme Court RE: Voting Method Lawsuit Appeal

6.4. Quitclaim Deed(s) for Payment of Taxes - None.

7. Old Business:

7.1. Social Service Agency Solicitation Process - At the Selectmen's meeting of April 26, 2011 the Board voted to "continue researching the placement of social service agencies on the tax bill with the anticipation of implementing this for the 2013 tax bill." It was the consensus of the Board to keep this item as a warrant item to be voted on.

- 7.2. Ice Skating Rink** - No ideal site has been indentified and Recreation Director Kyle Santheson continues to believe that in the long term the rear of the municipal building is the best site. However, it appears that Philbrook Field is the only viable option that presents a possible opportunity for the rink to be operational this season. This site does still present difficulties with water supply, lighting, and possible vandalism.

On the motion of Wooster / Cooley, the Board voted 4-0 to approve the temporary placement of the ice skating rink at the Philbrook Field contingent that it stays within budget.

- 7.3. Fiscal Year 2013 Budget Calendar** - This is a follow-up to the joint meeting with the Board and the Budget Committee last week. It was the consensus of the Board to change the submittal date to February 28 or 29 and have a joint meeting that night with the Selectmen and Budget Committee where the Town Manager would give a general presentation of the budget. The Board also directed the Town Manager to draft a proposed amendment to the Budget Committee Policy to allow further discussion for items that the Board and the Budget Committee disagree on, for the Board to consider at its January 24, 2012 meeting.

8. New Business:

- 8.1. Water Department Terms and Conditions** - As a result of rule modifications adopted earlier this year by the Maine Public Utilities Commission, the Waldoboro Water Department needs to update its Terms and Conditions. Aqua Maine had drafted a revised Terms and Conditions to bring the town into compliance, but needs approval from the Town prior to submitting the document to the PUC. Maine Water Representative Judy Wallingford noted that the majority of these Terms and Conditions are already in place.

On the motion of Cooley / Wooster, the Board voted 4-0 to authorize the Town Manager to execute the proposed Waldoboro Water Department Terms and Conditions, with an issue date of December 22, 2011, and authorize filing of the proposed Terms and Conditions with the Maine Public Utilities Commission.

- 8.2. Board of Selectmen Vacancy** - On the motion of Cooley / Maxwell, the Board voted 4-0 to fill the Board of Selectmen vacancy at the June 12, 2012 election.

- 8.3. Highway Construction Reserve Account** - The Town Manager requires any spending from the reserve accounts to be authorized by the Board. This causes difficulty with the Public Works Department as the Highway Construction Account has been used for both planned major capital projects as well as emergency and non-emergency items that occasionally occur. Therefore, he is requesting that the Board approve utilization of up to \$10,000 from the Highway Construction Fund for miscellaneous projects that may arise.

On the motion of Wooster / Maxwell, the Board voted 4-0 to authorize the Town Manager to expend up to \$10,000 from the Highway Construction Reserve Account for miscellaneous road projects in accordance with the plan proposed at the meeting by the Town Manager.

8.4. AFSCME Council 93 Prohibitive Practices Complaint - The Union representing Waldoboro Police and Public Works employees filed a Prohibitive Practices Complaint against the Town of Waldoboro. The complaint was filed with the Maine Labor Relations Board on December 30, 2011. It alleges that the Town violated the Maine Public Employees Labor Relations Law by unilaterally requiring police and public works employees hired prior to July 1, 2003 to contribute 15% towards of the cost of dependent health insurance. This deduction was implemented in October 2011 in accordance with action taken by the Board of Selectmen at its meeting of September 27, 2011. The Boards action was taken pursuant to a \$31,199 reduction to the employee benefits budget line imposed by a vote of the town at a town meeting held on July 9, 2011. It should be further noted that this action also affected five other employees not represented by the union.

8.5. Septic Waste Disposal Facility Agreement - The town's annual contract with Interstate Septic Systems Inc. of Rockland ME to provide a DEP approved disposal site for all properly licensed septic tank pumping services operating within Waldoboro expires January 31, 2012. Interstate is willing to enter into a contract extension of one (1) year at the cost of \$2,300, which is the same price as last year.

On the motion of Cooley / Maxwell, the Board voted 4-0 to authorize the Town Manager to execute a septic waste disposal agreement with Interstate Septic Systems Inc. of Rockland ME for the annual period ending January 31, 2013 in an amount of \$2,300.

8.6. Discuss the Possible Start of the Charter Process - This item was on the agenda at the request of John Higgins. After reviewing Higgins' letter dated January 3, 2012, the Board took no action on this item.

8.7. Budgeting for Energy - This item was on the agenda at the request of Hans Nicolaisen. Nicolaisen explained his thoughts on the need for either a fuel contingency fund or a high fuel oil budget.

9. Executive Session(s): On the motion of Maxwell / Wooster, the Board voted 4-0 to convene in executive session at 6:05 p.m. pursuant to 1 M.R.S.A §405(6)(D) for discussion of labor contracts between AFSCME Local 201, Unit 15, Waldoboro Police/Public Works and the Town of Waldoboro.

On the motion of Maxwell / Cooley, the Board resumed regular session at 7:25 p.m.

10. **Adjourn** – On the motion of Wooster / Maxwell, the Board voted 4-0 to adjourn at 7:25 p.m.

Board of Selectmen:
Town of Waldoboro, Maine

Steve Cartwright, Vice-chair

Rebecca B. Maxwell

Respectfully submitted,

Theodore M. Wooster

Liam D. Ducharme

Craig E. Cooley