

**Town of Waldoboro**  
**Background Information and Suggested Motions**  
**for Selected Items on the Board of Selectmen's Agenda of May 8, 2012**  
**Prepared by John Spear, Town Manager, May 4, 2012**

**2. Public Hearings -**

**7. Old Business –**

**7.1. Emergency Management Certificate Presentation to Kyle Santheson** – Tim Pellerin, Lincoln County EMA Director has asked to be on the agenda to publicly present Kyle Santheson with a Level One Basic Emergency Management Certificate. This matter was postponed from the meeting of February 28, 2012.

**7.2. Central Lincoln County YMCA** – Bill Najpauer, Kyle Santheson and I met with Craig Wilson, Executive Director of Central Lincoln County YMCA, on April 26<sup>th</sup> to further discuss redeveloping the AD Gray School as a YMCA. Craig indicated that the YMCA understands concerns which have been expressed that the Town needs to structure its agreement with the YMCA in a manner that fosters the successful use of the property and the Anne Gay Bailey trust funds. To that end Craig proposed that the town lease the property to the YMCA for a dollar per year for five years. During that period the YMCA would use the trust funds to conduct building renovations, including installing a new roof. At the end of the five year period ownership would automatically transfer to YMCA. During the lease period the YMCA would assume total responsibility operation and maintenance of the property, including management and costs.

If during the five year period the concept of a community YMCA in Waldoboro proved to not be feasible then the leasehold would be terminated and the renovated property would return to the town. I would point out that Craig does not anticipate this eventuality; he simply is proposing a mechanism intended to protect the Town's interest. This arrangement would also allow the possibility of obtaining CDBG funding for elements of the project related to day care and similar types of activity.

In this context the "property" includes the brick school building, the former library (white house) and the two associated land parcels and the tennis courts, but not the ball field.

We discussed the need for the project to continue to develop momentum by demonstrating activity. Craig is most anxious that the YMCA have a presence in the facility throughout next winter. He also would like to install a new roof this construction season. Consequently, waiting to November 6 to hold the referendum would be a problem. Current thinking is that holding single question referendum shortly after Labor Day, on Tuesday, September, 11, 2012, would be optimal. The cost would be in the \$800 to \$1,000 range.

If the sense of the Board is that I should further develop and refine the proposal in accordance with these parameters I will begin drafting a lease agreement that can be circulated to all concerned parties, including the trust fund trustees, for review and comment.

I have engaged Pinkham Environmental of Boothbay to conduct the asbestos survey at a cost of \$800. The report should be available in a couple of weeks. Once we have the report we can obtain prices for removal of the asbestos.

**7.3. Liquor License Application for Robert S. Barter, D/B/A Waldoboro Fitness Center** – At the meeting of April 24, 2012 the Board approved a Class III and IV liquor license application submitted by Robert S. Barter, D/B/A Waldoboro Fitness Center, 75 Winslows Mills Road. Mr. Barter would like to amend his application to include his parents, David W. Barter and Ruth A. Barter.

Craig McCabe, of the Liquor License Division of the Department of Public Safety has indicated that he will allow the application to be amended if the Town forwards a letter indicating that it approves of Mr. Barter's proposed amendment. Mr. McCabe also indicated that the Board need not hold another public hearing. If the Board wishes to grant Mr. Barter's amendment request, the following motion is suggested.

**Suggested Motion: I move to include David W. Barter and Ruth A. Barter on the Class III and IV liquor license application submitted by Robert S. Barter, D/B/A Waldoboro Fitness Center, 75 Winslows Mills Road which was previously approved by the Board at its meeting of April 24, 2012.**

## **8. New Business:**

**8.1. Maine Municipal Association Legislative Policy Committee Nominations-** Maine Municipal Association (MMA) is seeking nominations for membership on its Legislative Policy Committee for the period July 2012 to June 2014. Darryl McKenny currently serves as a representative from Senate District 20 and has indicated he is willing to continue. Information regarding the MMA Legislative Policy Committee is included in your packet.

**Suggested Motion: I move to nominate \_\_\_\_\_ to Maine Municipal Association Legislative Policy Committee for the period July 2012 to June 2014.**

**8.2. Tax Acquired Property** – Included in you packet is a list, current as of May 4, 2012, of tax acquired property. There are eleven properties on the list, four include land and buildings, five are buildings only and two are land only. As you may recall Ted Cotton (account # 498) submitted a letter to you back March 6, 2012 requesting that he be granted until May 31, to pay all taxes in full.

The Board has the authority pursuant to town meeting vote to “sell and dispose of tax acquired property under such terms as it deems advisable” or to retain ownership if it deems it serves the interest of the Town.

Bill Najpauer, Code Enforcement Officer, is recommending that the town demolish the buildings for account numbers 983, 935 and 940, due to their extremely poor conditions.

If the Board does put any of the properties out to bid, I would like to confirm that the past practice of accepting payment for all outstanding taxes prior to bid opening, and issuing quitclaim deeds to the former owner(s), remains acceptable practice.

**8.3. Draft Revised Personnel Policy-** As you may recall revising the 1981 personnel policy has been a priority since I was hired last August. It was put on hold pending completion of union contract negotiations with the Police and Public Works employees. Those negotiations were protracted and budget season came upon us and, unfortunately, once again revising the personnel policy was put on hold. I am, however, now most anxious to get a revised policy in place for the start of the new fiscal year on July 1. To that end you will find a draft revised policy in your packet. In revising the policy I have in general attempted to insure that it is:

- consistent with current law,
- consistent, where appropriate, with the police and public works collective bargaining agreement,
- consistent, where appropriate, with current practice
- clear, simple and as user friendly as possible
- fair to employees while retaining critical management rights.

I forwarded this draft to the Department Heads for review and comment on Friday, May 4, 2012, so obviously I have not had a chance to get their feedback. I do plan to discuss it with Department Heads at our meeting on May 10.

Probably the most substantive proposed change to the policy is that it limits employee appeals beyond the Town Manager. In my opinion this makes the policy consistent with the Town Manager plan statute and does not concede, or imply that the policy may concede, an important management right. It also eliminates the possibility that sensitive employee disciplinary matters might be reviewed in a forum where political considerations may prove to be more at the heart of the appeal than are facts.

Another substantive change, at least from current practice, is that salaried employees will no longer be entitled to compensatory time. It is not intended to mean that if an employee worked a Saturday or holiday that s/he would still need to work a full 40 hours Monday through Friday. It is intended to mean, however, that at time of employment separation there will be no such thing as accumulated comp time. In the end I feel that salaried employees need to work the hours it takes to accomplish the job, and if the job can't be accomplished in 40 to 50 hours a week, then other modifications need to be discussed.

I'm not looking for Board action on this matter at the meeting of the 8<sup>th</sup>. However, as the current policy states that amendments are subject to a 30 day review period, I am hopeful that the Board will be prepared to act on this at the June 12<sup>th</sup> meeting. I would be happy to review the draft in more detail at the meeting on May 8<sup>th</sup> and look forward to your comments or questions.