

Town of Waldoboro, Maine
Select Board Meeting
Municipal Building – 1600 Atlantic Highway
March 12, 2019

1. Call to Order

The meeting came to order at 6:01 p.m., preceded by an executive session. Town Manager Julie Keizer was present, along with Select Board members Bob Butler, Clint Collamore, Jann Minzy, Abden Simmons and Katie Winchenbach, and Planning and Development Director Max Johnstone. The audience included Craig Lewis, David Philbrook, Robin Philbrook, Scott Simpson, Marcia Smolin and Freeman Zausner.

2. Pledge of Allegiance

3. Public Hearings – none

4. Citizen Comments

Bob Butler said rumors that he and his wife are leaving town are untrue.

5. Select Board Comments

Simmons reported that the Town has received a \$6,700 shellfish resiliency grant. The Shellfish Committee will put up matching funds. This will enable the Shellfish Committee to pay workers to move seed clams from areas in the river where harvesting is not permitted, to new open areas where the clams can grow to market size.

6. Town Manager's Report

- The auditors are here.
- A letter has been sent to Spectrum about broadband service to Chapel Road – see Item 8.3, p. 3.
- Keizer requests Select Board approval of an expenditure of \$1500 - \$2000 for two or three days of auditor assistance by two people at \$50/hour to improve the TRIO accounting system's chart of accounts. On motion of Collamore/Simmons, the Select Board voted unanimously to authorize this expenditure. The funds will come from the Town Manager's budget.
- We are working on the list of people and organizations to be invited to attend the Community Forum on April 24 – see Item 8.2, p. 3.
- Executive Assistant, I.S. Manager and Webmaster Liam Ducharme will leave Town employment on March 29 to set up his own business. People who see Liam this month should thank him for his years of service to the Town. Tanya Blodgett has been hired as Administrative Assistant.

7. Consent Calendar

7.1 Approval of February 26, 2019 Select Board Minutes as Revised

Select Board members made several corrections to the draft Feb. 26 minutes. On p. 1, Item 8.1, it was Select Board chairman Bob Butler who administered the oath of office to new Police officer DJ Jones. On p. 2 under Item 8.3 Presentation on FY 2017 and 2018 Audits, paragraph 3 refers to TRIO software as “new” and recommended that the Town “start to use” it. Actually the Town has been using TRIO software since 2011, but not to full capacity. At tonight's meeting the Select Board voted to authorize funds for auditor personnel to assist the Finance Director with up-dating the TRIO chart of accounts and establishing appropriate linkages among those accounts in order that TRIO can be utilized to its full potential (see Item 6, above).

7.2 Financial Warrants

Following the protocol the Select Board adopted at its second February meeting, Select Board members Butler and Minzy had signed all outstanding and unpaid warrants during the weekly Monday meeting with the Town Manager and Finance Director. Those warrants were made available during the meeting for the other Select Board members to sign. On motion of Collamore/Simmons, Board members voted unanimously to approve the financial warrants on the consent calendar.

8. Old Business

8.1 Maine Water Company Rate Increase

Water Company president Rick Knowlton and Mike Cummins were in for continued discussion of the need for a substantial rate increase (see Dec. 11, 2018 Select Board minutes, Item 11.1). Current revenues are not adequate to cover expenses and projected capital expenditures of \$100,000 over the next five years. Knowlton proposes a 28.8% rate increase to be implemented during calendar years 2019 and 2020. For the average customer, the proposed increase would translate into about 24 cents more per day or about \$20 more per quarter in water bills. The last rate increase was in 2005. Copies were given out of a six-page handout, "Waldoboro Water Department 2019 Financial Discussion". Knowlton said the local system is basically in good shape. They propose minimal capital spending to improve service lines, hydrants and meters. The aim is to manage the system to 2029 to build up a cash balance to the point where there is six months' to a year's worth of cash on hand. Utility rules allow such a cash build-up as a reserve fund or undesignated account.

Maine Water Company could buy the water system from the Town. It could then be operated either as a stand-alone utility, or integrated into Maine Water's Camden-Rockland Division, which includes seven towns from Camden to Owls Head, Union and Warren. He recommends the latter. Waldoboro would have the same water rates and the same set of books as the other towns in the Camden-Rockland Division. The Water Company would make investments in each town's system as needed, with the costs shared among all customers in the system.

The minimum water bill in Waldoboro currently includes 75 gallons of water use per day. Many Waldoboro residents use less than that. The minimum bill as part of the C-R Division would cover 25 gallons per day, with customers paying incrementally more for water use over that amount. The purpose of the billing structure is to promote water conservation. Most customers in Waldoboro are paying for more water than they use. It is more equitable to make customers pay for the water actually used.

The Water Company could pay Waldoboro more than the utility's current outstanding debt of \$1.272 million, perhaps \$1.7 million - \$1.8 million. Knowlton said that the Town could hire an outside consultant to advise about the proposed purchase, or appoint a subcommittee to negotiate with the Water Company. Butler and Simmons volunteered to serve on the subcommittee. Keizer said she is ready to make the decision tonight. The Town of Waldoboro should not be in the water business.

Knowlton said that the Camden-Rockland Division has a capital investment program of \$3 million per year. It would not be hard to find \$300,000 or even \$500,000 to put into the Waldoboro system per year if necessary. The local system is basically in good shape, thanks to work done in 2005 - 2006, but Waldoboro has miles of water pipes dating back to the 1900s. When streets are torn up for repairs/reconstruction is a good time to replace old pipes.

In answer to a question from Butler, Knowlton said that the Board of Maine Water Company's parent company, Connecticut Water Services, has only one member from Maine: Brad Hunter, a retired banker from Falmouth. In response to another question from Butler, Knowlton reassured the Board that if the Camden-Rockland Division were to purchase the Waldoboro utility funding from Waldoboro would not be used under a "robbing Peter to pay Paul" scenario. He said the condition of the Rockland-Camden Division's infrastructure was similar to Waldoboro's.

Knowlton said the Water Company needs permission from the Public Utilities Commission before it can implement the rate increase. The proposed rate increase package would be sent to the PUC. Notice would be sent to local customers. A public hearing would be scheduled. The Town and the Water Company could agree to stay on course or modify the agreement, depending on input at the public hearing. The Town could petition the PUC to do a full investigation if local customers want one. This would involve a delay of some months, and involvement by the Public Advocate's office.

VOTE: On motion of Simmons/Collamore, Select Board members voted unanimously to start the process of exploring the sale of the local water utility to Maine Water Company and to request the Public Utilities Commission to review the proposed rate increase.

Simmons asked if the rate increase can be spread out over several years. A 28.8% increase in a single year is too much. Knowlton agreed that the rate increase can be spread out over two or three years. Select Board members Butler and Simmons will be a subcommittee working with the Town Manager and the Water Company, with advice from the Town attorney and Town auditors.

8.2 Invitation List for Community Forum April 24

A community forum is scheduled for Wednesday April 24 to discuss urgent issues in Waldoboro such as food insecurity, poverty, and drug use. What services do we currently provide? What additional services are needed? The "Y" provides services for children and seniors in other communities. We don't have these services in Waldoboro, and there is a need. A leadership forum is proposed, to identify local needs and figure out how to address real and perceived issues. Participants will be invited to help us determine what is needed. People and groups will attend by invitation. Suggestions for participants can be given to the Town Manager.

This meeting is not about building a recreation center. Butler recalled the leadership forum the "Y" held in Damariscotta to talk about a planned new swimming pool for the "Y". It turned out that nobody wanted a swimming pool and the Damariscotta "Y" cancelled plans for the pool, and moved in very different directions to meet Damariscotta's community needs.

8.3 Chapel Road Internet Connectivity

A letter has been sent to Spectrum asking why they have not started work to install broadband service on Chapel Road. Robin Philbrook is a Chapel Road resident who has been working with other residents. She works in cardiac rehab at Penobscot Bay Medical Center. It is hard for her to keep up with necessary skills without broadband access at home. She can access broadband elsewhere, but that is not as convenient as being able to do so at home. A couple of home businesses moved to Chapel Road believing that they would have connectivity. It is a hardship for them not to be connected. She asked how long the Town will wait for feedback from Spectrum before taking the next step. Keizer told her that Spectrum has nine months from November 21, 2018, in which to respond. The Town cannot take the next step until the end of that nine-month period.

9. New Business

9.1 Medomak Watershed Based Plan Presentation - deferred

9.2 Planning Board Presentation on Draft Revisions to Land Use Ordinance Art. 7 Shoreland Zoning and Art. 10 Non-Conforming Uses

Planning Board chairman Scott Simpson spoke about proposed updates to the local Land Use Ordinance, previously discussed in August 2018. The State has made a number of revisions to its model ordinances. The Town needs to bring its local Land Use Ordinance into line with the State's model ordinance language. The Planning Board has made a number of changes intended to make the ordinance text clearer and easier to

Minutes, Waldoboro Select Board Mtg. March. 12, 2019, p. 4

use, as well as comply with the State's mandated changes. A summary sheet has been prepared that will be available at the public hearing on Wednesday night, March 13 (not held, due to lack of audience).

A major change to the Land Use Ordinance is regarding timber harvesting in the Shoreland Zone. The State will now take responsibility for supervising timber harvesting and enforcing regulations, so much text has been removed from Article 7 of the LUO.

The State has changed the minimum required setback of manure storage from the water to 100', from 75'. Planning Board members have discussed whether to recommend that Waldoboro's minimum setback for manure storage be increased to more than the State's minimum setback distance. Planning Board members have had input from people at various State agencies. The consensus is that it is hard to justify increasing the setback distance, and that if we did increase it we might be found in violation of the Right to Farm Act. One Planning Board member favors increasing the minimum required setback because of global warming and sea level rise. The Planning Board strongly recommends working to increase public awareness of the importance of preserving water quality as it is affected by activities near the shoreline.

VOTE: On motion of Collamore/Simmons, Select Board members voted 5 - 0 to hold a public hearing on revisions to the Land Use Ordinance as part of the regular Planning Board meeting on Wednesday, March 13, starting at 6 p.m. (The public hearing was not held, because no members of the public attended.)

9.3 Moratorium on Marijuana Cultivation and Dispensaries; Town Meeting Vote March 26

Under LD 1539 that took effect on Dec. 13, 2018, an amendment to Maine's medical marijuana legislation requires municipalities to "opt-in" for any new medical marijuana businesses that wish to operate in town. See Planning and Development Director Max Johnstone's memo to the Select Board dated Dec. 7, 2018. At the January 8, 2019 Select Board meeting, Johnstone was asked to draft moratorium language to be ready for public hearing this spring, in time for town vote in June. At the Jan. 22, 2019 Select Board meeting, Select Board members voted 3 - 1 - 1 (Butler abstaining, Winchenbach opposed) to place a moratorium on medical marijuana dispensaries and cultivation facilities until June 2019 town meeting.

On March 9 Johnstone gave the Select Board copies of a draft Waldoboro Medical Marijuana Ordinance. This proposed ordinance is distinct from Waldoboro's existing ordinance regarding recreational/adult use of marijuana ("Ordinance prohibiting Retail Marijuana Social Clubs and Retail Marijuana Establishments in the Town of Waldoboro"). The proposed new ordinance would not affect the operation of any medical marijuana facility already approved by the municipality and operating legally in Waldoboro prior to enactment of the proposed ordinance, but would prohibit any new medical marijuana establishments, including registered caregiver retail stores, registered marijuana dispensaries, and marijuana testing and manufacturing facilities, unless and until the ordinance is amended to permit such activities and facilities.

Keizer said that the Select Board needs to set a date for a vote on placing a moratorium on marijuana dispensaries, to be effective until June 2019 Town Meeting. On motion of Simmons/Winchembach, Select Board members voted 5 - 0 to hold an open Town Meeting at the next Select Board meeting, March 26, at 6:00 p.m. Assessors' agent Darryl McKenney will serve as moderator. The text of the proposed moratorium will be placed on the Town web site. Chairman Butler suggested deferring discussion of the text of the moratorium until the March 26 meeting.

10. Executive Session

At 7:45 p.m., on motion of Collamore/Simmons, Select Board members voted 5 - 0 to go into executive session as Philbrook Fund Trustees. They came out of executive session at 7:55 p.m. On motion of Collamore/Simmons, they voted 5 - 0 to approve the following requests:

2019-9 Community Housing Improvement Project (CHIP) \$799.36

2019-10 Community Housing Improvement Project \$1,455.15

2019-11 Community Housing Improvement Project \$853.16

2019-12 Achorn's Electric \$253.27

On motion of Collamore/Simmons, the Select Board voted 5 - 0 to adjourn at 7:58 p.m.

Select Board:
Town of Waldoboro, Maine

Robert L. Butler, Chair

Katherine W. Winchenbach, Vice Chair

Clinton E. Collamore

Joanne Minzy

Abden S. Simmons