

**Town of Waldoboro, Maine**  
**Board of Selectmen Meeting Minutes**  
**Municipal Building - 1600 Atlantic Highway**  
**Tuesday, February 23, 2010 – 6:00 p.m.**

1. **Call to Order** - This meeting was called to order by Chairman Collamore with a quorum present. Present were Ted Wooster, Robert Butler, and Pro-tem Chairman Becky Maxwell.
  - **Staff:** Town Manager William S. Post, General Assistance Administrator Darryl McKenney, and Planning & Development Director Patrick Wright.
  - **Public:** John Lawrence and Marcia Smolin.
  - **Media:** Andrew Benore representing the *Village Soup* and Mary Ellen Crowley representing *Lincoln County Television*.
  
2. **Citizens Comments** (For items not on the agenda) - None.
  
3. **Approve Consent Calendar** - On the motion of Maxwell / Wooster, the Board voted 4-0 to approve the consent calendar as follows:
  - 3.1. **Meeting Minutes:**
    - 3.1.1. Regular Meeting Minutes – February 9, 2010
  - 3.2. **Warrants & Financial Reports:**
    - 3.2.1. General Fund Warrants 33 & 34.
    - 3.2.2. Payroll Warrants 33 & 34.
  
4. **Action Items:**
  - 4.1. **Act on Resignation of Selectman John Blamey** - John Blamey's letter of resignation is on file at the office of the Town Clerk. He has developed a condition which prevents him from attending the Board meetings and full recovery is not assured. Blamey was on the Board of Selectmen / Assessors and also was the Chairman of the Economic Development Committee. Collamore stated the Town has been fortunate to have Blamey serve on these Boards / Committees. Maxwell added the citizens of Waldoboro have lost a great Selectman. Wooster added his level of expertise will be impossible to duplicate. Butler also added he was doing so much for the Town and to be stopped the way has been just isn't fair, and he hopes we see him back.

On the motion of Wooster / Maxwell, the Board voted 4-0, reluctantly, to accept the resignation of John T. Blamey.
  
  - 4.2. **Act on Agreement by and between the Town of Waldoboro and Bruce Hyman Planning, Inc. for the Community Visioning Project** - There were 8 proposals from various consultant teams. The proposals varied in cost from \$4,000 to \$40,000. Through the interview process, the Town Manager, Planning & Development Director, and William 'Bo' Yerxa have recommended Bruce Hyman Planning, Inc., who is working with Richardson & Associates and Theodore & Theodore Architects on the project. The proposed cost for the project is \$16,480 plus expenses which is estimated at \$2,000 (for mileage, postage, printing, etc.).

This is the beginning part of the Comprehensive Plan update, so it will be funded through the Comprehensive Plan Reserve Fund.

Wright feels that the Visioning Process is more than just a document, but also a way to get the opinion of the voters plus help develop communication between the constituents and local Government. The Visioning Process is the community's process and we can use that for guiding Gateway One and other processes.

There will be 3 'neighborhood meetings', as well as other methods, to solicit opinions of the Town. The Community Visioning Process is scheduled to be completed by August 30, 2010.

On the motion of Butler / Maxwell, the Board voted 4-0 to approve the agreement with Bruce Hyman Planning, Inc. for the amount of \$16,480 plus an estimated \$2,000 in expenses and authorize the Town Manager to execute the agreement on behalf of the Town provided that Richardson & Associates and Theodore & Theodore Architects are listed in the body of the contract as sub-contractors and that their sub-contracts with Bruce Hyman Planning, Inc. inform in substance acceptable to the Town Manager are attached to and made a part of the Town's agreement with Bruce Hyman Planning, Inc.

- 4.3. Act on Approval of Gateway 1 Funding Request** - Since the Town signed the Gateway One Start-up Agreement a few months ago, we are eligible for \$29,500 in start-up funds from the Gateway One Project. The funds can be used for planning services or technical assistance necessary for local consideration and adoption of the Gateway One Plan and technical assistance in developing a special area plan or planning study identified in or supported by the Gateway One Plan. We had intended to use some of the funds to reconcile the upcoming Community Visioning Process with Bruce Hyman Planning, Inc., however the Economic Development Committee felt the Visioning Process should be our own process and not mixed up with the Gateway One Process.

In the draft application for funding, we describe the activities and planning processes that we plan on undertaking with said funding. They are:

- Professional help to determine how the Gateway One Plan and the Visioning Process match up,
- Help to determine how the Gateway One Plan and the Comprehensive Plan match up,
- Analysis and public education regarding a Tax Increment Financing (TIF) District or Districts. A TIF is an economic development tool where the Town would define a district where they would like to encourage economic growth, and any increase of property taxes would be fed back into the infrastructure of the District or other economic development purposes, and
- Streetscape improvement planning for the downtown area.

On the motion of Butler / Wooster, the Board voted 4-0 to approve the Gateway One Funding Request as submitted.

- 4.4. Act on Appointments to the Community Energy Committee** - It was announced this week that Waldoboro received the \$10,000 Energy Efficiency Grant which will fund the hiring of an energy auditor to review the efficiency of the Town owned buildings. This could lead to future grants to initiate some of the auditor's recommendations. A requirement to our receiving this grant is to appoint a Community Energy Committee, which was to the Board's liking anyway. We have been advertising for the positions and have received 4 applications for the 5 positions. The final position could be filled with a Board member or re-advertised. All 4 of the applicants are more than qualified, and recommended by the Town Manager, for the positions.

On the motion of Wooster / Maxwell, the Board voted 4-0 to appoint George Seaver, Hans Nicolaisen, Steve Bird, Mark Vannoy, and Bob Butler to the Community Energy Committee.

- 4.5. Act on Consent Agreement by and between the Town of Waldoboro and Tom and Barbara Mullaney** - June 2009 a Shoreland Zoning tree cutting violation was uncovered resulting in at least 20 mature trees being destroyed near the river. A preliminary consent agreement is ready to be approved which has a replanting requirement that will re-establish the destroyed buffer along with a \$2,000 fine.

On the motion of Butler / Maxwell, the Board voted 4-0 to approve the consent agreement by and between the Town of Waldoboro and Tom & Barbara Mullaney.

- 4.6. Act on Resignations of Budget Committee Members Paul Smeltzer and Marilyn Hillman** - This year Smeltzer is Fire Chief and has resigned since he feels uncomfortable voting on budgets when he has to work directly with those affected. Hillman has moved out of Town, making her ineligible for membership on the Budget Committee, and therefore resigned. This leaves the Budget Committee membership at 7 members, with the empty seats to be advertised to be filled at the upcoming June election.

On the motion of Maxwell / Wooster, the Board voted 4-0 to accept the Budget Committee resignations of Paul Smeltzer and Marilyn Hillman.

**5. Discussion Items:**

- 5.1. Discuss Land Use Ordinance Amendment Proposals** - The proposed Land Use Ordinance Amendments for the June 2010 Referendum Town Meeting are summarized as follows:

- **Article 5.X. Transmission Lines** – New Specific Performance Standard that allows electrical transmission lines to exceed the current height restriction on structures (42 feet). Prohibits steel lattice type towers, and requires a visual impact analysis, mitigation strategies, and monetary

offset where there is a demonstrated damage to real property values due to the visual impact of the structure.

- **Article 5.Z. Wireless Telecommunications Facilities** – Amendment to specific performance standard that would allow wireless high speed (broadband) internet access throughout the town. Currently, this use is included in the standard provisions for Cell Phone Towers, which are only allowed within 300 yards of Route 1. These structures may currently reach a height of up to 195' in height. The proposed language would allow wireless internet service providers to construct towers up to 120' in height that service a fixed location anywhere in town, with the exception of the historic village district. This is designed to allow expansion of the wireless broadband communication.
- **Article 6.B. Subdivisions** – Amendment that requires any alteration of an approved subdivision gain approval from the Planning Board. This would include "lot splits" created within a subdivision approved after June 8, 2010.
- **Article 6.H. Subdivision and Site Plan** – Amendment to provisions that require a project have "sufficient water". This language clarifies the responsibilities of a developer to provide and maintain fire fighting infrastructure when it is determined that fire fighting investments are needed for the project to be acceptable.
- **Shoreland Zoning** – Amendment that allows a structure to be built within 75' of the upland edge of a "lower value" wetland greater than 10 acres. The current setback is 100'.
- **Shoreland Zoning** – Map amendments and updated list in ordinance to reflect state minimum requirements. The official shoreland zoning map needs to be updated to designate high and moderate value wetlands as "Resource Protection" zoning.
- **Shoreland Zoning** – Amendment that requires new and replacement systems constructed within the shoreland zone to submit proof of a pre-paid contract to have septic tank pumped once every two (2) years for a period of at least ten (10) years.

The Planning Board has voted on, and approved, with the exception of Article 5.Z. They are planning on voting on that Article and schedule a public hearing at their next regular meeting. The public hearing is anticipated to be scheduled for Wednesday, March 24, 2010 at 7:00 p.m.

- 5.2. Discuss Appointments to the Economic Development Committee** - There is one vacancy to the Economic Development Committee and two applicants. The Selectmen's seat is also available.

On the motion of Maxwell / Butler, the Board voted 3-1 (Wooster abstained) to interview the 2 applicants for the position and appoint Ted Wooster to the Selectmen's seat.

**5.3. Discuss Consent Agreement Policy for Land Use Ordinance Violations** - The Town Manager and Wright have drafted a Consent Agreement Policy for the Board's consideration which would allow minor Land Use Ordinance Violations to be handled through consent agreements that would be approved by the Town Manager.

The conditions of the policy were outlined as follows:

1. No illegal structure shall be allowed to remain.
2. The amount of fine shall not exceed \$500 (five hundred dollars).
3. The administrative consent agreement shall be approved by the Town Manager.
4. The agreement shall contain a clear description of the violation, corrective actions that are required to be taken, and a date by which corrective measures and payment of fine are required.
5. If a violator fails to meet all of the conditions in the time prescribed, the agreement shall be void, and the matter shall be referred to the Board of Selectmen.

Butler is concerned that, down the road, different people may just impose a smaller fine rather than bringing the issue to the Board.

The Board would like to revisit this after a definition of what is a minor infraction is and also to allow the Board to amend as necessary.

**6. Executive Session(s)** - On the motion of Maxwell / Butler, the Board voted 4-0 to convene in executive session at 7:12 p.m. pursuant to 1 M.R.S.A. §405 (6)(F) as Philbrook Fund Trustees to discuss applications #10-11 and #10-13.

On the motion of Butler / Maxwell, the Board voted 4-0 to resume regular session at 8:07 p.m.

On the motion of Butler / Wooster, the Board voted 4-0 to expend \$1,395 and \$100 per month for the next year for Philbrook Fund Application #10-13 and review the situation on an 'as required' basis during the next 12 months.

On the motion of Butler / Wooster, the Board voted 4-0 to expend \$5,166.24 for Philbrook Fund Application #10-11 and put a lien on the property in the same amount.

**7. Adjourn** - On the motion of Wooster / Maxwell, the Board voted 4-0 to adjourn at 8:10 p.m.

Board of Selectmen:  
Waldoboro, Maine

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Clinton E. Collamore, Sr., Chair  
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Rebecca B. Maxwell, Co-chair

Respectfully submitted,

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Theodore M. Wooster

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Michael C. Ducharme  
Administrative Assistant

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Robert L. Butler