

TOWN OF BOWDOINHAM SELECT BOARD MEETING MINUTES



Date: August 27, 2024

Time: 6:30 pm

I. Call Meeting to Order and Establish a Quorum

The meeting was called to order and a quorum was established by Select Board Chair, Joanne Joy, at 6:30 p.m. Select Board members participating were Joanne Joy, Deb Smith, Mark Favreau, Allen Acker, Peter Feeney and Nicole Briand, Town Manager.

II. Executive Session

A. Convene in executive session, pursuant to 1 M.R.S. § 405(6)(E), to consult with the Town Attorney regarding the Board's legal rights and duties relating to the possible discontinuation of a portion of Dingley Road.

Convened 6:32 pm. Adjourned 7:28 pm.

Acker moved the Board enter Executive Session Pursuant to 1 M.R.S. §405 (6) (E) to consult with Town Attorney regarding the Board's legal rights and duties relating to the possible discontinuation of a portion of Dingley Road; seconded by Favreau. Vote was 5-0.

Acker moved the Board leave executive session; seconded by Feeney. Vote was 5-0.

Acker moved the Board to approve a public hearing, to hear from the public and interested parties regarding possible discontinuation abandonment of a portion of Dingley Road; seconded by Favreau. Vote was 5-0.

B. Convene in Executive Session Pursuant to 1 M.R.S. §405 (6) (A) to discuss Town Manager review. (moved to after agenda item #11)

Convened 9:05 pm. Adjourned 9:49 pm.

Acker moved the Board enter Executive Session Pursuant to 1 M.R.S. §405 (6) (A) to discuss Town Manager review; seconded by Feeney. Vote was 5-0.

Feeney moved the Board leave executive session; seconded by Favreau. Vote was 5-0. No action was taken.

III. Amendments to the Agenda

- Amendments to the Warrant for Maine-Ly Paving payment

IV. Comments from the Public

- Martha Cushing expressed her thanks to the Solid Waste Committee for the diligent work they did to produce an excellent Solid Waste Ordinance for the people of Bowdoinham. She stated she had concerns about comments made at the previous Select Board meeting regarding the ordinance. She stated she reviewed Board

members' comments and did not feel that any of them gave reasonable reasons for not putting the ordinance on the November 5th Ballot.

She felt the Solid Waste Committee members were qualified individuals, who did their research and did extensive work putting together the purposed ordinance.

- Pat McDonough asked the Board if during their Executive Session regarding Dingley Road if they had set a public hearing and if they would be considering how a decision would affect the neighboring property owners.
Briand answered that a public hearing was not yet set, once a date was set it would be posted.
Feeney added that the hearing would be to communicate the options and receive feedback on how this would affect people.

V. **Approval of Consent Calendar**

- A. Meeting Minutes
 - 1. August 12, 2024
- B. Warrants & Financial Reports
 - 1. FY25 Treasurer's Warrant #4

Acker moved the Board approve the Consent Calendar, as presented; seconded by Favreau. Vote was 3-0. Feeney and Smith abstained due to being absent from the previous meeting.

VI. **Action Items**

- A. Act on Bid Award for Waterfront Improvements Phase 2
The Town received four bids for this phase of the project. This phase of the waterfront improvements is being funded by the Land Water Conservation Fund Grant 23-00909 with matching funding from the CMP/Waterfront TIF and Rideout Trust.

Acker moved the Board award the Waterfront Improvement Phase 2 Contract for LWCF 23-00909 to Bedard Excavation and authorize the Town Manager to sign the contracts; seconded by Favreau. Vote was 5-0.

- B. Act on Solid Waste Management Ordinance
The Board reviewed an updated purposed ordinance with an email from Wendy Cunningham outlining the changes that were made. The Board then entered a lengthy conversation about the ordinance, beginning with Joy saying until recently she was not aware that if the town was approved for the transfer license that the State, then considered them having a transfer station. She asked Briand for an update on that process.
Briand stated that the Town has begun the process with talks with the Maine DEP and is working on a plan to schedule an updated meeting to go over the process before submitting a formal application.

Joy expressed her continued concern of referencing a transfer station in the ordinance and suggested changing the wording to a municipal solid waste and recycling facility. She also asked if the definition health officer could be removed since the health officer is not referenced anywhere in the ordinance as well as correcting wording on page four from a volunteer board to volunteer committee.

Acker expressed that the vote on this ordinance should be done at an open Town Meeting not on a secret ballot. He felt there should be room for open public discussion.

Favreau stated that an ordinance cannot be changed at a Town Meeting. Also, that there had been many opportunities for public opinion about the ordinance. He went on to state

that two years at the Town Meeting the citizens voted to keep the solid waste and recycling program. He feels that this ordinance should be on the November 5th ballot.

None of the Board members felt that changes Joy mentioned would change the intent of the document. The Board then reviewed changes in the wording of the ordinance with the Town Manager.

Changes included but not limited to:

- Changing transfer station references to solid waste and recycling facility
- Change volunteer board to volunteer committee.
- Change reference to public hearing to be notified at least 10 days prior to
- Reference to shall consult change to with advice of

Feeney moved the Board approve the Solid Waste Management Ordinance as amended and order the Town Clerk to place the following question on the November 5, 2024 Town Meeting Warrant: Shall an ordinance entitled, "Solid Waste Management Ordinance" be enacted, repealing and replacing the Town's Solid Waste Ordinance of 1994: seconded by Favreau. Vote was 4-1. Acker opposed.

VII. Discussion Items

A. Animal Control Ordinance

For the Town to be able to enforce requiring dog owners to clean up after their pets or no dogs allowed, the Town needs to amend its animal ordinance. Briand suggested making a change to ordinance to add the enforcement of fines and putting the amended ordinance on the November 5th ballot.

The Board discussed this change and felt that the entire ordinance needed updating and to wait till this was done before presenting it to the Town for a vote.

VIII. Town Manager's Report

Closures:

Town Office:

- Labor Day – Monday, September 2nd
- Elections – Tuesday, November 5th

Solid Waste & Recycling - Saturday, September 14th for Celebrate Bowdoinham

Events:

- Celebrate Bowdoinham – Saturday, September 14th.

Updates:

- The Town Hall project is underway.
- The Town's financial audit is underway, the auditor was in the office August 27th.
- The Town's signage grant was successful. The Town is waiting for additional information on the yellow building grant application.

Favreau commented that DOT will be renovating the bridge, and asked Briand if the State had given any further information on how that project would look and if it would interfere with the new park and the yellow building? Briand said they had not.

IX. Announce Future Select Board Meetings

- A. September 10, 2024 – Regular Meeting
- B. September 24, 2024 – Regular Meeting

X. Comments from the Select Board Members

- Favreau mentioned to the Board that there had been changes made to the State's Cannabis laws and that the Town needs to revise their ordinance to adopt the State's new rules. Also, there are businesses in town that now need new licenses and cannot receive them until this is done. Briand said she would talk to the Planning Board.
- Acker asked if it was possible to have a presentation from Maine Waste Energy. How they operate, how efficient the burning of waste into energy is and the process for that.
- Joy presented the Board with thank you cards made by the kids in art camp.
- Smith asked how they would go about getting the speed limit on the Brown Point Road lowered.

XI. Comments from the Public

- A question was asked if there had been a follow-up to the previous meeting's complaint about the Messer property. Briand responded that she would have to check with the Codes Enforcement Officer.

XII. Adjourn

Adjournment was at 9:50 p.m.

Select Board
Town of Bowdoinham, Maine



Joanne Joy, Chair

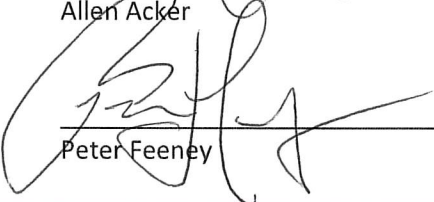
Debra Smith, Vice-Chair



Mark Favreau



Allen Acker



Peter Feeney

Respectfully Submitted,



Lisa-Marie Curtis, Administrative Assistant