

TOWN OF BOWDOINHAM SELECT BOARD MEETING MINUTES



Date: September 27, 2022

Time: 06:30 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, David Engler, at 6:30 p.m. This was a Zoom meeting in accordance with the Town's remote participation to board members and the public. Select Board members participating were David Engler, Mark Favreau, Jeremy Cluchey, Peter Lewis, Deb Smith and Nicole Briand, Town Manager.

II. Amendments to the Agenda

III. Approval of Consent Calendar

- A. Meeting Minutes
 - 1. September 13, 2022
- B. Warrants & Financial Reports
 - 1. Treasurer's Warrant #06

Favreau moved the Board approve the Consent Calendar, as presented; seconded by Cluchey. Vote was 5-0.

IV. Public Hearing

Convened 6:32 pm. Ended 6:34 pm. For both items.

- A. Act on Public Hearing for General Assistance Ordinance & Appendices
No comments from the public.
- B. Act on Public Hearing for CMP Easement Ballot Question
No comments from the public.

V. Action Items

- A. Act on General Assistance Ordinance & Appendices
Maine Municipal Association updated the model ordinance September 2022 which is in compliance with the State's rules and should be adopted by the Town. As well as the updated Appendices, which are updated on a yearly basis.

Favreau moved the Board approve the September 2022 General Assistance Ordinance with Appendices in its entirety; seconded by Smith. Vote was 5-0.

- B. Act on Certificate of Abatement

Favreau moved the Board approve the Certificate of Abatement for Poverty Abatement #2022-09-13-001 for \$1,019.86; seconded by Smith. Vote was 5-0.

C. Act on Election Clerk Appointments

Favreau moved the Board confirm Leslie Barker, Kirsten Coker, Donald Lamoreau, Linda Williams, Lynne Smith, Stephen Smith, Rachel Wildes, Karen Mayo, Thomas Walling, David Steen, William Ellis, Kevin Twine and Wendy Rose as Election Clerks for the November 8th, 2022 Election; seconded by Cluchey. Vote was 5-0.

D. Act on Deputy Clerk Appointment

Favreau moved the Board appoint Leslie Barker as Deputy Clerk for the purpose of processing absentee ballots for a term that expires November 9, 2022; seconded by Cluchey. Vote was 5-0.

E. Act on Cemetery Stone Repair

The Cemetery Committee is requesting \$1,600 from the Cemetery Reserve to have the Carleton Memorial in the Ridge Road Cemetery repaired. The memorial stone is leaning significantly, and we're concerned that the stone will fall over the winter.

Favreau moved the Board approve up to \$1,600 from the Cemetery Reserve for the repair of the Carleton Memorial in the Ridge Road Cemetery; seconded by Cluchey. Vote was 5-0.

F. Act on Gear for New Truck

Tobey has received two estimates to have a plow installed and two estimates for a sander on the new truck. Tobey is requesting that the Board approve the Bodwell estimate for the plow and sander.

Favreau moved the Board approve expending \$9,725.61 from the ARPA funds for a 4.5cy electric sander and \$10,545 from the Public Works Reserve for the fisher plow, as proposed; seconded by Cluchey. Vote was 5-0.

G. Act on Barton & Loguidice Recycling Barn Rehabilitation Design Services

The proposal from Barton & Loguidice for recycling barn rehabilitation design services is in your packet. This design work is needed to complete Exhibit C of the lease agreement for the recycling barn.

Favreau move the Board approve the contract with Barton & Loguidice for recycling barn rehabilitation design services, authorize the Town Manager to sign the agreement and to pay for their services from the Solid Waste & Recycling Reserve; seconded by Cluchey. Vote was 5-0.

VI. Discussion Items

A. Recycling Barn Lease Update

The Town Manager met with David Berry and Seth Berry to discuss their proposed lease amendments, there are some areas that need to be discussed before meeting with the town attorney and insurance.

1. Square Footage – The current floor area is 14,100+/- sf, the proposed amendment is considering vertical space to the square footage to meet the 15,500-sf threshold. The square footage needs to be actual floor space. If Mr. Berry cannot make more floor area available to meet the 15,500- sf as stated

in the petition, then the annual lease amount should be reduced to match available space.

2. The Term: the attorney recommends that the term starts once the town can start operations.
3. Use – The Solid Waste Committee would like to see the town move back to a transfer station. Mr. Berry now believes that it may be difficult to get permits to license the Barn as a transfer station facility. Mr. Berry is proposing renting the Barn as a recycling facility. Currently the lease is written as a transfer station, the wording of the lease can be changed. There was much discussion on this point; the Citizens Petition was not specific on the Barn being used as a Transfer Station.
4. Insurance –Language needs to be acceptable for both parties’ insurance needs. Currently the Town’s insurance company said they would not insure unless certain language is in the lease. Town Manager is working with the lawyer and the insurance company.
5. The paying of the improvements to the building.
 - a. Exhibit B - David Berry is agreeing to pay all of Exhibit B, except he is requesting that the Town pay 10% of the roof improvements and 50% of the costs of getting the fire alarm fixed.

Noted that structural repairs are the responsibility of the property owner, therefore the Board was not willing to pay for the roof improvements. The Board agreed to pay 10% of the fire alarm repair.
 - b. Exhibit C – B & L needs to complete the inspection of and design work for the Town to have a better understanding of the scope of the work needed and estimated idea of the cost to do said work.

Mr. Berry had question on why this needed to be done. Favreau explained that there are codes that must be met, and this survey and design work would make sure that the work needed to meet these codes is done.
6. Discussion was made to have wording added to the lease to protect both Mr. Berry and the Town that if the expense exceeds a manageable threshold that either party can get out of the agreement.
7. Lease Amount – Mr. Berry is proposing an annual increase in the lease of 3%. This is not in line with the Citizen’s Petition.
8. The Attorney recommends that the town does not sign the lease until ownership of the building is officially Sagadahoc Recycling Company.

Both parties are bound by the wording of the Citizen’s Petition that was voted on by the members of the town, the agreement of both parties need to adhere to this.

To see if the Town will authorize and direct the Selectboard to negotiate and enter into a

10 year lease agreement with the Sagadahoc Recycling Company to lease 15,000 sq. ft of it's building at 243 Post Road for \$19,392 per annum, plus 10% of costs related to specific improvements required by the Town, with terms and conditions of the lease to be agreed upon by the Board of Selectmen, and the leases signed by September 1, 2022?

The Board approved the lease prior to September 1st, but the Board has not signed the lease yet, due to ownership.

VII. Town Manager's Report

- Austin Musgrove has submitted his resignation, his last day will be September 30, 2022.
- The Office will be closed on Friday, October 7th, due to previously planned vacations.
- Staff has requested for the office to close at noon the Wednesday before Thanksgiving, as we have in the past, they will be using their vacation time.
- We've advertised for both the Code Enforcement Officer and Assistant Clerk positions and have begun the interview process.
- Darren will be moving to the part-time assessor's agent position effective October 3rd. He will continue to handle permits and permit inspections, until a new hire is made and appointed.
- The Fall Bulky Waste Day is scheduled for Saturday, October 1st.
- The server replacement went well, we're working to resolve issues as they arise, such as scanning. We found that our firewall is out of date, and we've order a new one which we hope to have installed next week.
- Mallon Brook culvert replacement on Dingley Road under construction, one lane of traffic is open. The in-water work will be completed by the first of October, and the job should be completed in the next month.
- The Fisher Road reconstruction work is underway. Tobey Frizzle requested that the should be extended, so I've approved a change work order of \$1,500 for the additional should work.
- We're schedule to pick-up the new 5500 Ram Truck on Wednesday, September 28th.
- We submitted our Community Resilience Grant Application for energy efficiency, (street lights and Town Office lighting)
- According to MDOT's Work Plan (22-24), they are just doing ditch work along Route 24. I'm working to see what may be planned for their next work plan.
- Public Works has the crack seal machine, so that will be in the focus of their work for the next few weeks.

VIII. Select Board Member's Request for Agenda Items for Next Meeting- None

IX. Announce Future Select Board Meetings

- A. October 11, 2022 - Regular Meeting
- B. October 25, 2022- Regular Meeting

X. Comments from the Select Board Members- None

XI. Comments from the Public

Nora Bishop publicly thanked the Select Board members and the Town Staff who supported her in the years she held the position as Election Warden for the town. She expressed special thanks to the two town clerks Pam Ross and Tina Magno as well as Public Work's employees for all their support and help.

David Engler on behalf of the Town thanked her for her service.

XII. Executive Session

A. Convene in Executive Session Pursuant to 1 M.R.S. §405(6)(A) to discuss personnel matter.
Convened 7:42 pm. Adjourned 8:03 pm.

Favreau moved the Board convene in Executive Session Pursuant to 1 M.R.S. §405(6)(A) to discuss personnel matter; seconded by Cluchey. Vote was 5-0.

At 8:03pm, Favreau moved the Board leave executive session; seconded by Cluchey. Vote was 5-0.

Favreau moved the Board approve the Employment Agreement Amendment for the Town Manager; seconded by Cluchey. Vote was 5-0.

XIII. Adjourn

Adjournment was at 8:05 p.m.

Select Board
Town of Bowdoinham, Maine

David Engler, Chair

Mark Favreau, Vice-Chair

Peter Lewis

Debra Smith

Jeremy Cluchey

Respectfully Submitted,

Lisa-Marie Curtis, Administrative Assistant