

TOWN OF BOWDOINHAM SELECT BOARD MEETING MINUTES



Date: December 8, 2020

Time: 5:30 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 5:30 p.m. This was a zoom meeting to comply with the Governor's Executive Order. Select Board members participating were David Engler, Jeremy Cluchey, Peter Lewis, Thomas Walling, Mark Favreau, and Nicole Briand, Interim Town Manager.

II. Amendments to the Agenda

Briand added item 5(C) Executive Session for Real Estate.

Briand added item 6(E) Update from the Age Friendly Committee by Gracia Woodward.

III. Approval of Consent Calendar

- A. Meeting Minutes:
 - 1. November 24, 2020
 - 2. December 1, 2020
 - 3. December 3, 2020
- B. Warrants & Financial Reports:
 - 1. Treasurer's Warrant #11 for \$91,401.46:
 - Accounts Payable Warrant #27 - \$54,819.58
 - Accounts Payable Warrant #28 - \$14,247.39
 - Payroll (12/08/20) - \$22,334.49
 - 2. November Financial Reports
- C. Reports and Communications
 - 1. Sagadahoc Sheriff's Incident Report

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

IV. Action Items

- A. Act on Appointment of Registrar of Voters

Cluchey moved the Board to appoint Pamela Ross as Registrar of Voters for a term ending January 1, 2023; seconded by Favreau. Vote was 5-0.

B. Act on Supplemental Assessment #1

Mr. & Mrs. Blake, owners of property referred to as Map R07, Lot 012 are transferring 1.00 acre to a family member. This one acre is classified as Ordinary Open Space land as defined by Title 36 M.R.S. §§1101-1121. The Penalty calculation on the assessed value of this one acre since 1991 is \$5,136.00.

Cluchey moved the Board to approve Tax Supplement #1 for Bradford & Marla Blake in the amount of \$5,136.00; seconded by Favreau. Vote was 5-0.

C. Act on Contract with Mitchell & Associates for Master Site Plan Phase II for Redevelopment of Waterfront Property

Briand explained that the goal of this phase of the project is to further develop the Master Site Plan to permit level engineering drawings for the redevelopment of the former public works property. This phase will be partially funded with a Shore & Harbor Planning Grant from Maine Dept of Marine Resources Maine Coastal Program.

Cluchey moved the Board to authorize Nicole Briand, Interim Town Manager, to sign the contract with Mitchell & Associates for Phase 2 of the Master Site Plan Redevelopment of Waterfront for \$29,500; seconded by Walling. Vote was 5-0.

D. Act on Municipal Services Impact Statement for Site Plan Review Application

Briand presented the Site Plan Review received by CEO, Darren Carey, from the Food Pantry to add an awning and “gazebo” next to the entrance to facilitate outside distribution of food to clients.

Cluchey inquired whether he should abstain given his relationship to the application signer. No conflict of interest was determined by the Board.

Favreau moved that the Board has no concerns, as the proposed project will not have unreasonable adverse impact on municipal services; seconded by Walling. Vote was 5-0.

V. Executive Sessions

A. At 5:45 pm, Cluchey moved the Board to Convene in Executive Session Pursuant to 1 M.R.S. §405 (6) (E) to consult with the Town Attorney regarding tax lien foreclosure process, tax interest and fees; seconded by Favreau. Vote was 5-0.

At 6:45 pm, Cluchey moved the Board to leave the Executive Session; seconded by Walling. Vote was 5-0.

Lewis moved to clarify the motion made on May 26, 2020 that waived interest for unpaid taxes that were due in 2020 to include unpaid fees; seconded by Cluchey. Vote was 4-0 (Favreau abstained as he was not part of the original vote).

Lewis moved the Board to extend the deadline from the December 31, 2020 to April 30, 2021 to waive interest and fees on unpaid taxes that were due in 2020; seconded by Walling. Vote was 5-0.

B. At 6:55 pm, Lewis moved the Board to 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 with respect to municipal licensing for automobile recycling businesses and William Panzino's Planning Board application to store vehicles and to process/recycle limited components of said vehicles at 791 Carding Machine Road; seconded by Cluchey. Vote was 5-0.

At 7:30 pm, Lewis moved the Board to leave the Executive Session; seconded by Cluchey. Vote was 5-0. No action was taken.

- C. At 7:35 pm, Cluchey moved that Board to Convene in Executive Session pursuant to 1 M.R.S. 405(6)(C) – To discuss interest in real estate property that property owner is interested in selling; seconded by Favreau. Vote was 5-0.

At 7:46 pm, Cluchey moved the Board to leave Executive Session; seconded by Walling. Vote was 5-0. No action was taken.

VI. Discussion Items

A. Panzino – Automobile Recycling License Pre-Application Workshop

After the Executive Session, Leah Rachin provided explanation to Mr. Panzino of his options for continuing his application process. Rachin pointed out that BOTH the Planning Board Approval and a license from the Select Board are required for the type of business that he plans to open. These are two separate processes in which it is incumbent upon the applicant to present and to ensure that they can prove and establish that they meet all criteria for each process.

Rachin also noted that, normally, the Planning Board process is done prior to Select Board licensing; however, to expedite Mr. Panzino's application, the Select Board may allow the applicant to obtain the Select Board license first. After Mr. Panzino stated that he has provided all necessary documentation, Rachin advised Mr. Panzino that the Select Board criteria are different from the Planning Board criteria. Mr. Panzino stated that he will begin the Select Board application process.

Briand noted that an abutter has submitted information in opposition to the application. It is incumbent upon the applicant to say why the opposition is unfounded and address any concerns that have been raised.

B. Review Social Media Policy – Leah Rachin, Town Attorney

Rachin presented the Social Media Policy that Peter Lewis (as Chair) asked to have developed. She discussed the importance of having a comprehensive Social Media Policy for the Town and for Town Personnel. Cluchey shared his concerns that the proposed policy is overly broad and unnecessarily prohibitive, and suggested it be scaled back significantly. The Board will review the policy and add as an Action Item in a future meeting.

C. Review Policy for Budget Requests by Community Service and Social Service Agencies.

During last year's budget process, questions were raised regarding how the policy should be applied to Bowdoinham Historical Society's requests. After reviewing the policy, it was

unanimously agreed that the application process is cumbersome and needs to be streamlined.

It was also determined that the Historical Society is exempt from the application process and will work directly with the Finance Committee for its funding.

D. Recycling Program

1. Temporary Facility Update – The Town received approval from ME DOT this week and will open at the Public Works location for Recycling Thursdays/Saturdays. The only caveat being when there is inclement weather, the Recycling Operations will be suspended for the day to allow trucks to service the roads.
2. Repairs, Improvements, Needs for Recycling Barn – Briand provided the Board with a list of Structural and Fire Safety items that need to be addressed before the Barn is safe to operate in. She stated that the Board will need to review and discuss the list of repairs/improvements and the Town will need to have a draft of costs for the Budget in March to be ready for the Town meeting in June.

She stated that we are currently pursuing a dual track regarding our Recycling Program. We are looking at the cost associated with staying in the Barn versus other permanent options. The Solid Waste Committee is still charged with defining what the Town wants in a recycling program.

David Berry offered to pay for the repairs and have the Town pay for the improvements. He then offered to pay for all repairs and improvements whereby the Town would only be responsible for reimbursing Mr. Berry if the lease is renewed in June. Finally, he offered to make the improvements at no cost to the Town. He emphasized that he is eager to get the Barn open.

It was suggested that the Town schedule a separate Executive Session with the Town Attorney to discuss who would be legally responsible for the repairs / improvements on the Barn.

Engler advised Mr. Berry that the Board is not ready to take any action on verbal offers at this time.

3. Process & Timelines –not discussed.

E. Age Friendly Committee updated by Gracia Woodward

Ms. Woodward announced a new, exciting program being offered. Age Friendly volunteers will offer to seniors (over 75 yrs) assistance with snow shoveling/plowing, food, rides, picking up groceries, etc. as well as periodic wellness calls. This is a volunteer program and services are provided at no charge. The Town Office will take requests and email them to the Committee. The Board thanked Ms. Woodward and the Age Friendly Committee for this very timely program.

VII. Town Manager's Report

- A. Petition CMP – It has been brought to our attention by several Town citizens that there is an area of Bowdoinham that loses power more often than other areas. Briand has reached out to Rep. Seth Berry regarding the steps that can be taken to petition CMP for service improvement. Essentially, there needs to be a lead person who can collect documentation (which can be obtained from CMP) and gather at least 10 people for the petition. Briand asked the Board if they are interested in pursuing this petition at this time. Briand would like to encourage people to spread the word that there is an avenue to follow for filing a petition to have CMP improve its services in this area. We will need volunteers to spearhead this project.
- B. Earned Time Off – New Legislation effective January 1, 2021: Briand has spoken with the State about the intricacies of this new legislation and how it affects a Municipality. There are several municipal positions that will be difficult to determine the Earned Time Off. In the meantime, she is working with Fire Chief Frizzle on how to re-organize Volunteer Firefighter and EMS credit system to where they will only get paid per emergency call. If we pay them for the meetings and training, they are considered Town employees and would qualify for the Earned Time Off.

Briand stated that the other positions such as Harbor Master, Animal Control and Health Officer will be required to earn time off, according to the new legislation.

The Employee Policy will be changed to reflect the new Earned Time Off law in January 2021.

- C. Briand gave the CEO Update:
 - 1. Krechkin has made progress cleaning up his building.
 - 2. DeLair property is in the process of sale, but there is a title issue delay.
 - 3. 61 Bay Rd. – Darren met with Ryan Builders regarding preserving the property on behalf of the Bank. The building has significant structural deficiencies. The Town may need to address this property as a dangerous building in the future.
- D. Small Community Grant: Briand updated the Board stating that the contract has been signed with CCE Construction to replace the septic system on S. Pleasant Street property using funds from the Small Community Grant.
- E. Holiday Lights Contest: Briand stated that Madeline is putting out information online and has made ballot boxes for voting. We have 14 houses registered and we hope everyone gets out to see the houses and votes.

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

IX. Announce Future Select Board Meetings

- A. December 14 & 15, 2020 – Town Manager Candidate Interviews
- B. December 20, 2020
- C. January 12, 2021

X. Comments from the Select Board Members

Cluchey stated that he received a call from Pete Feeney regarding the Blue (USPS) Mailbox on his property. USPS has requested that he put down gravel and make sure the area around the box is maintained and shoveled. Mr. Feeney is concerned about any possible liability he may incur with the box.

XI. Comments from the Public – None.

XII. Adjourn

Adjournment was at 9:45 p.m.
Select Board
Town of Bowdoinham, Maine

David Engler, Chair

Jeremy Cluchey, Vice-Chair

Peter Lewis

Thomas Walling

Mark Favreau

Respectfully Submitted,

Kelly Hodson, Administrative Assistant