

TOWN OF BOWDOINHAM SELECT BOARD MEETING MINUTES



Date: February 9, 2021

Time: 4:00 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 4:00 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. Executive Sessions

- A. At 4:00 pm, Walling 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 discontinuing a public easement that currently exists in Jenkins Road, which was discontinued as a public road by the town meeting in 1978; seconded by Cluchey. Roll call vote was 5-0.

At 4:28 pm, Walling moved the Board to leave Executive Session; seconded by Favreau. Vote was 5-0. Paul Denis joined the public meeting to respond to questions and concerns from the Board.

Cluchey moved the Board to authorize the Town Attorney to assist the Select Board with the commencement of discontinuance proceedings for the center portion of Jenkins Road; seconded by Favreau. Roll call vote was 5-0.

- B. At 4:42 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 the Board's legal rights and duties with respect to the property tax lien and automatic foreclosure process; seconded by Favreau. Roll call vote was 5-0.

At 5:03 pm, Lewis moved the Board to leave Executive Session; seconded by Cluchey. Roll call vote was 5-0.

Lewis moved the Board to authorize the Treasurer, pursuant to 36 M.R.S. § 944 and Town Meeting Warrant Article #30, to waive the automatic foreclosure of tax liens for properties listed on the FY2019 Liened Properties Spreadsheet with the exception of the four highlighted properties noted as having previously foreclosed, and, to authorize the Treasurer to record waiver of foreclosure notices for said

properties in the registry of deeds prior to the expiration of the right of redemption; seconded by Cluchey. Roll call vote was 5-0.

III. Amendments to the Agenda

Engler announced two amendments to the Agenda. (1) Delete item 6-E – Act on appointment of Town Manager; (2) Add Executive Session 1 M.R.S. §405 (6) (A) Personnel Matter to review proposed employment agreement for Town Manager.

IV. Approval of Consent Calendar

A. Meeting Minutes:

1. January 19, 2021
2. January 20, 2021
3. January 21, 2021
4. January 26, 2021, as amended

B. Warrants & Financial Reports:

1. Treasurer's Warrant #15 for \$85,148.49:
 - Accounts Payable Warrant #42 - \$55,768.65
 - State Fee Warrant #41 - \$3,276.55
 - State Fee Warrant #40 - \$2,598.49
 - Payroll (1/28/21) - \$23,509.80
2. January Financial Reports

C. Reports and Communications

1. Sagadahoc Sheriff's Incident Report

Cluchey moved the Board to approve the Consent Calendar, as presented with revised minutes for January 26, 2021; seconded by Favreau. Roll call vote was 5-0.

V. Licensing

A. Automobile Recycling License; Applicant – William Panzino; Property – 791 Carding Machine Rd (R05-035)

- Public Hearing at 5:30pm – the Board commenced with Action Items, took a 10-minute break, then resumed to Item V. Licensing

The Board recognized John Bannon, who represents Sharon and Matt Kegerreis. Mr. Bannon referred to the letter he sent to the Select Board dated November 4, 2020. He reminded the Board that all State Statutes MUST be met by the applicant for the Board to approve the Automobile Recycling License. He stated that there are many provisions of the ARB Licensing Law that Mr. Panzino's application does not conform with. He is not waiving those arguments, but for the sake of this meeting will focus on the setbacks that prohibit the project that is proposed under MSRA §3755 (A) (4) and §3754 (A) (4). Limitations on graveyard, automobile recycling business and junkyard permits.

1. Mandatory 300 ft setback from all drinking water supplies; the proposed project is within this setback.
2. Mandatory 500 ft setback from all cemeteries. The Thomas Family cemetery is within the setback. There is nothing in the statute that states that the cemetery cannot be private. The storage lot fails to meet this statute.
3. 100 ft setback between vehicle containing fluids or vehicles being recycled from either a waterbody or freshwater wetland subject to statutory definition. The wetlands on property do not meet the statutory definition; therefore, are waived. However, the waterbody does meet the statutory definition and is within 100 ft of the Abagadasset River. This is not waivable.

Carol White, Certified Geologist, described her limited ecological study in the area which concurs with Mr. Bannon's letter.

Sharon Kegarreis stated that she and her husband, Matt Kegarreis, own and run a 77-acre organic farm on prime agricultural soil. They have worked very hard to build up the soil organically, with no pesticides and that the potential of an oil spill or other chemicals would be devastating to their farm. She commends Mr. Panzino for his entrepreneurial spirit but suggested that Carding Machine Road is just not the right location for an auto recycling business. She asked the Board to deny Mr. Panzino's request for a license at this location based on Mr. Bannon's arguments.

Mr. Panzino responded to Bannon's presentation stating that he believes that his plan exceeds the State Statutes. He described his interpretation of "dismantling a car" and "cemetery". Mr. Panzino argued that the Abagadasset River does not run through or near his property. He also stated that St. Germain's in Westbrook, who he has been working with regarding the environmental issues, has determined that Mr. Panzino's proposed business plan "exceeds expectations". Mr. Panzino also stated that the DEP in Augusta determined that his plan exceeds expectations.

Public Hearing ended at 6:16 pm.

VI. Action Items

A. Act on Discontinuance of Jenkins Road Public Easement

Motion made after Executive Session.

B. Act on Town Meeting Format for June 2021

Cluchey moved the Board to set the Town's special Town Meeting for budget and warrant articles for the fiscal year 2021-22 for June 9, 2021; seconded by Walling. Roll call vote was 5-0.

C. Act on Employee Health Insurance Renewal

Cluchey moved the Board to approve the Harvard Pilgrim's Renewal Maine's Choice for employee's health insurance plan; seconded by Walling. Roll call vote was 5-0.

D. Act on Amendments to Personnel Policy for Employee Benefits

Cluchey moved the Board to approve the proposed amendments to the Personnel Policy, to change HRA amounts to \$5,000 for full-time employees and \$2,500 for eligible part-time employees; seconded by Favreau. Roll call vote was 5-0.

VII. Discussion Items

A. Historic Advisory Commission discussion – Betsy Steen & William Stanton

Ms. Steen and Mr. Stanton presented their proposal for Establishing a Historic District and Commission. The primary reason is to preserve the character of the village and its quality of life. Alterations continue to be made to contributing historic properties causing them to become non-contributing. Without protection, the town's character may be eroded to a degree that it loses those features that distinguish it from other communities and define its history.

Mr. Stanton announced that the Brooklyn Bride is eligible to be on the National Registry of Historic Bridges.

There are different approaches to establishing and overseeing a historic district. The recommended approach would be to establish a historic district and appoint a commission to oversee it by working with property owners and persuading them to only consider changes that will maintain the historic character of the village.

Cluchey asked about order of operations. Mr. Stanton answered that the Select Board can appoint a Commission. A District would require a vote, etc. The Commission could establish a boundary and educate the community. Property owners could also obtain advice from the Commission.

Engler thanked Ms. Steen and Mr. Stanton for their helpful presentation. Public comments were positive for this Commission.

VIII. Town Manager's Report

Briand announced the first Waterfront Design Workshop with Mitchell & Associates will be Wednesday, February 10 at 6:30 pm via Zoom. We will be looking at design concepts for redevelopment of the old Public Works property.

Public Works is busy with winter maintenance. The two trucks are now working, as well as the sidewalk machine.

Public Works and Solid Waste are reorganizing and consolidating the Public Works facility to better accommodate the Solid Waste program.

Incident: The gas tank at Public Works overflowed causing injury to the driver (outside vendor). Our tank has been inspected with no issues. We are waiting for more information.

Due to family emergencies, the Town Office staff are re-adjusting schedules to ensure full coverage Mon – Thurs. We expect this to continue for a couple more weeks.

Janet Smith, our former finance person, is consulting with Nicole, Interim Town Manager and Eli, Finance Administrator, for the next month for training and to prepare for the audit.

We have reach out to Mid Coast Economic Development District for Planning to assist with budget starting. The Planner can work for the Town up to 15 hours per week to keep Planning Projects going in the short term. The Planning Board has 2 new applications in process.

CMP – Solar Project Update: CMP has revealed that they do not have the infrastructure to support solar projects that they have already approved. We are waiting to determine how our project and interconnection fee may be impacted by this finding. Therefore, we are structuring the Warrant Article for the Town Meeting so that the Town will authorize the Select Board to sign the Power Purchase Agreement. This will give us more time to sort out the needs for infrastructure at the State level.

Traffic Light Update: The trucker’s insurance has denied the Town’s claim twice. Consolidated Communications has now submitted a claim to the trucker’s insurance. We are waiting.

IX. Select Board Member’s Request for Agenda Items for Next Meeting.

A. Panzino License Application discussion.

X. Announce Future Select Board Meetings

A. February 23, 2021

B. March 9, 2021

C. March 23, 2021

XI. Comments from the Select Board Members

Favreau inquired to the deadline for a decision on the Licensing Application by Panzino. Briand advised that the Board would need to discuss this at length at the February 23rd meeting and make a **decision at the March 9th meeting**. Walling and Cluchey asked about obtaining further clarification on some of the conflicting information and Briand advised that any clarification is the responsibility of the applicant to provide.

XII. Comments from the Public

Joan Snowdeal pressed the Select Board to pay more attention to our local cemeteries. She stated that we have volunteers who are trying to take care of the cemeteries. She is asking for help from the Town because they are all in very bad shape. Tony Lewis added that three residents attended the last Cemetery Committee meeting pleading for more upkeep. The Committee would like to see more support from the Town in the form of staffing from Public Works to assist with cemetery upkeep. Engler asked Lewis to have the Cemetery Committee create a budget for repairs. Elaine Diaz announced that the Committee is moving ahead with tree removal at cemeteries, contracting with a licensed arborist, using funds available to the Committee. She added that they should have budget estimates ready for the next Select Board Meeting.

Cathy Curtis, Recycling Advisory Committee Chair, thanked Eli and Madeline at the Town Office for their hard work and willing assistance with the Recycling Surveys.

XIII. Executive Session

At 7:20 pm, Cluchey moved the Board to Convene in Executive Session Pursuant to 1 M.R.S. §405 (6) (A) for a personnel matter to review proposed employment agreement for the Town Manager; seconded by Favreau. Roll call vote was 5-0.

Executive Session ended at 7:55 pm.

Cluchey moved the Board to authorize David Engler, Select Board Chair, to continue negotiations with the Town Management candidate, as discussed; seconded by Favreau. Roll call vote was 5-0.

XIV. Adjourn

Adjournment was at 7:55 p.m.
Select Board
Town of Bowdoinham, Maine

David Engler, Chair

Jeremy Cluchey, Vice-Chair

Peter Lewis

Thomas Walling

Respectfully Submitted,

Kelly Hodson, Administrative Assistant

Mark Favreau