

MINUTES
Town of Bowdoinham
Select Board & Board of Assessors Meeting
April 9, 2019 at 5:30 p.m.

1. Call the Meeting to Order & Establish a Quorum at 5:30 p.m.

The meeting was called to order and quorum established by Board Chair Peter Lewis at 5:30 p.m. Select Board members Peter Lewis, Jeremy Cluchey, Thomas Walling, Judy Gray, and David Engler were present. Staff present included Town Manager William Post and Nicole Briand, Planning & Development Director. Also present was Joanne Joy, Comprehensive Planning Committee Chair, Wendy Rose, Community & Development Advisory Committee Chair, William Stanton, Comprehensive Planning Committee, Nate Drummond, Planning Board Chair, and Kevin Twine, Community & Development Advisory Committee member.

2. Public Hearing
 - A. To obtain public comments on the consideration of a new liquor license application for Three Robbers Pub. Public Hearing opened by Board Chair Peter Lewis. No comments from the public. Public Hearing closed at 5:31 p.m.
3. Amendments to the Agenda - None
4. Approve Consent Calendar
 - A. Meeting Minutes of March 26, 2019
 - B. Warrants and Financial Reports:
 1. Treasurer's Warrant # 64 for \$549,638.69
 - C. Reports & Communications
 1. Sheriff's Department March Incident Report
 2. Town Clerk & Registrar of Voters' March Activity Report
 - D. Quit Claim Deed(s)
 1. Andrew Ralich

On motion of Cluchey/Engler the Board voted 4-0-1 to approve the Meeting Minutes of March 26, 2019. Board Chair Peter Lewis abstained.

On Motion of Cluchey/Walling the Board voted 5-0 to approve the remainder of the Consent Calendar as presented.

5. Action Items
 - A. Act on Liquor License Application for Three Robbers Pub

The Manager stated that by law, there are very few reasons the Board could deny approval of a liquor license application for Three Robbers Pub, especially a new liquor license application. These reasons would include the conviction of an applicant of Class A, B or C crimes (not applicable for this application), noncompliance of the premises to be licensed (not applicable) and safety or health violations (not applicable).

On motion of Cluchey/Walling the Board voted 5-0 to approve the application for a liquor license for Three Robbers Pub.

B. Act on Appointment of Amanda Patterson to the Cemetery Advisory Committee

The Manager stated that Amanda Patterson is a new volunteer for this committee, and she would be filling the vacancy created by Albert Stehle's resignation.

On motion of Cluchey/Engler the Board voted 5-0 to approve the appointment of Amanda Patterson to the Cemetery Advisory Committee for a term ending June 30, 2020.

C. Act on Town Report Dedication and Spirit of America Award

The Manager included in the Select Board's materials the nominations he had received for the Town Report Dedication and Spirit of America Award. The Manager numbered the nominations for the Town Report Dedication and lettered the nominations for the Spirit of America Award in order to keep the recipients confidential until the awards are presented. The Manager requested that when the Board make a motion for each nominee, to please indicate the number or letter.

A motion by Walling for candidate A for Spirit of America failed for lack of a second.

On motion of Engler/Gray the Board voted 3-2 to approve the Town Report Dedication to candidate # 3.

On motion of Cluchey/Engler the Board voted 5-0 to recognize candidate B with the Spirit of America Award.

D. Act on Supplemental #1 for Peter & Nikki Sullivan in the amount of \$1,105.80.

The Manager stated the Sullivans are removing a parcel of land from the Tree Growth Program resulting in a supplemental tax assessment for the tree growth penalty.

On motion of Cluchey/Walling the Board voted 5-0 to approve Supplemental #1 for Peter & Nikki Sullivan in the amount of \$1,105.80.

E. Act on Supplemental #2 for Jeffrey & Janice Smith-DeBlieu in the amount of \$3,386.28.

The Manager stated the Smith-DeBlieus are removing a parcel of land from the Open Space Program in order to build a new house on the Wallentine Road. The supplemental is for the open space penalty.

On motion of Cluchey/Engler the Board voted 5-0 to approve Supplemental #2 for Jeffrey and Janice Smith-DeBlieu in the amount of \$3,386.28.

F. Act on Request by Cemetery Advisory Committee for use of Maxwell Trust Funds

On motion of Cluchey/ Walling the Board voted 5-0 to approve the request from the Cemetery Advisory Committee for use of the Maxwell Trust Fund in the amount of \$2,798.90.

6. Discussion Items

A. Proposed Amendments to the Land Use Ordinance

Nate Drummond, Comprehensive Planning Board Chair, explained that the Planning Board has developed proposed amendments to the Land Use Ordinance concerning floodplain management and marijuana-based businesses and medical marijuana. Floodplain Management amendments would consist of updating the ordinance to be in compliance with federal standards. The amendment would also consist of updating the ordinance to require 3 feet above the base flood elevation in the A zone as is currently required in the AE zones. The marijuana amendment would consist of updating the performance standards for marijuana based businesses. The amendment would also allow medical marijuana businesses with the same requirements as retail marijuana business.

Planning Board Chair Drummond stated that the Planning Board held two public hearings on the changes and received no input in response. Updates to the Floodplain Management Section of the Land Use Ordinance include changes in language to Zone A and Zone AE. Board member Engler asked if this could be explained in layman's terms. Planning & Development Director Briand explained that basically Zone AE has mapped data, whereas Zone A does not. Both zones have the same risk, however Zone A has less elevation information associated with it, so it is not so much riskier, it just has less information. Vice-Chair Cluchey asked what areas of town are affected by changes to Zone A and Zone AE. Nate Drummond responded that most construction occurs in AE Zones, and most A Zones are wetlands and rivers.

Planning Board Chair Drummond stated that the other proposed amendments are to medical marijuana. The State now allows towns to have standards and regulate medicinal and recreational marijuana establishments. Changes that are proposed are to add language to have some standards for recreational and medical marijuana, including definitions for medical marijuana establishments. Another proposed change is the setback from a school and church from 1000 feet to 500-foot setback.

Planning Board Chair Drummond stated there also would be changes to the sign ordinance to not allow any marijuana graphics on the signs. Vice-Chair Cluchey asked if other towns have done this with signs. Planning Board Chair Drummond responded in the affirmative, other towns have not allowed any marijuana graphics on signs.

B. Final Waterfront Mater Site Plan Presentation

Joanne Joy, Comprehensive Planning and Committee Chair reviewed the final master site plan for the waterfront redevelopment.

Committee Chair Joy stated that the estimated costs for different parts of the plan implementation are from engineer's and landscape architect's estimates. The Manager,

Planning and Development Director, as well as members of the Comprehensive Plan Committee believe these estimates are extremely high.

Committee Chair Joy explained to the Board that the Committee has not presented this master site plan page by page during the public forums, but they have shown the most sought-after pieces of the plan. She stated that the individual renderings of each of the aspects are not done because the Board wished to get approval of the Master Site Plan at the Town Meeting. It has always been very clear in all public forums throughout the process that costs will be a concern.

The Comprehensive Planning Committee feels that there are elements that would make a “complete” operational park. And as each element is added, there would be a public process. The costs associated with the plan are if each task is done by contractors and the Comprehensive Planning Committee believes the costs are high and exaggerated.

Committee Chair Joy stated that there are phases to the project that will take years to implement and just because items are listed in each phase, doesn’t mean they would be in that phase. Items can be moved from one phase to another. Committee Chair Joy also stated that she and the committee can’t stress enough that no costs are finalized. This is just a vision and any funding sources would be at future town meetings.

Committee Chair Joy stated that she understands that it is difficult to imagine their plan based upon the renderings, however the Committee will need to determine language and wording so that residents will understand that the vision is for vote and there is no funding associated with it.

Committee Chair Joy stated that hopefully there will be a lot of volunteer support such as community work days, help grooming the trails, and possibly some help from the Public Works Department in cleaning up the site. Committee Chair Joy stated that there are two site visits scheduled for May 18th and May 20th.

The Manager stated that the Public Works Department would be on board with helping to clear out the site, once they have relocated to the new facility.

Vice-Chair Cluchey inquired about the public forums that were mentioned by Joanne Joy and the tone of the public meeting comments. Committee Chair Joy stated that the comments were both helpful and supportive. She also stated that they are trying to reinforce that the costs will be changed and that the estimates are inflated.

Vice-Chair Cluchey inquired as to the fact that if there is no funding tied to this, what will the Comprehensive Planning Committee plan to do in the first year.

Committee Chair Joy stated the grant that the Town has already received is for additional shoreline stabilization planning to determine what permits will be needed.

Board member Judy Gray asked about shoreline stabilization work and how that is tied into the canoe/paddle put-in.

Planning & Development Director Briand stated that the Town has a grant for planning for shoreline stabilization and permitting. The Town could then apply for an additional

grant for construction of the stabilization. Another potential grant would fund the construction of a canoe/paddle boat launch.

C. Support of LD1141

Planning and Development Director Nicole Briand stated this bill is a resolve that would direct the MDOT to construct the Merrymeeting Trail from Topsham to Gardiner. She explained that the vision of a trail that connects Gardiner, Richmond, Bowdoinham, and Topsham has been explored for the past ten years. The Merrymeeting Trail has been designated a “Trail of Statewide Significance” by the DOT. Once it is finished, it will link our communities and bring social, economic, health and environmental benefits to the region. The Maine legislature is currently considering LD 1141, a resolve “Directing the Department of Transportation to construct the Merrymeeting Trail from Topsham to Gardiner.” The passage of this bill would mark a critical step forward for the Merrymeeting Trail. Director Briand and the Merrymeeting Trailblazers are asking for the Select Board’s support of LD 1141. The Select board can show their support by contacting the state legislators and let them know they support LD 1141; the Select Board can send their comments in writing in support of LD 1141 to the Transportation Committee Clerk Darlene Simoneau; the Select Board can attend the next hearing and provide testimony in support of LD 1141; and the Select Board can share the information by Doug Rooks with their networks.

Board member Engler stated that the material indicates the Town has already put money toward this, and if this is the case was this money from the TIF account.

Briand stated that each town put in \$1,000.00 to match a grant from the Outdoor Heritage Trust. The funds in Bowdoinham have in fact come out of the TIF account.

Vice-Chair Cluchey stated the Town meeting a few years ago discussed the Merrymeeting Trail as part of the CMP/Riverfront TIF.

Briand stated that LD 1141 is a resolve directing MDOT to construct the Merrymeeting Trail and was not submitted from anyone within the project currently. The Merrymeeting supporters are now seeking support for LD 1141.

Vice-Chair Cluchey stated that this bill, if approved, would get the trail in the MDOT work plan so that work could be done on costs, planning, and future funding sources could be identified. Passage of this bill would get the process started.

On motion of Cluchey/Engler the Board voted 5-0 to express its support for LD 1141 that instructs the MDOT to construct the Merrymeeting Trail from Topsham to Gardiner.

D. Pipeline Tax Increment Financing District Extension

The Manager stated the Community Development Advisory Committee has been working with Planning & Development Director Briand on the possible extension of the Pipeline TIF District. This TIF district expires on June 30, 2020, after it’s first 20 years. By law, the Town is allowed to extend it for 10 additional years. If it is not extended, the Town’s valuation would increase, and the Town would pay more for school and county

taxes and receive less in revenue sharing and education subsidy from the state. The Town would also need to move the expenses in this TIF budget into operating accounts, or eliminate these expenses.

The Manager stated the Community Development Advisory Committee is recommending to the Board that the Town extend the Pipeline TIF. The Pipeline TIF was adopted in 2000 for 20 years, and can be extended for another 10 years. The Manager explained that the Pipeline TIF budget currently support the following: Celebrate Bowdoinham, The Bowdoinham News, the Summer Concert Series, a portion of the Town's economic and community development department and other various community and economic development projects. Director Briand is currently working with the State on the necessary amendments that need to be made in order for the TIF to be extended. The Committee is planning to hold a public hearing on the amended TIF on Wednesday, April 17th at 6:30 as a part of the required process to amend the TIF. The Committee will then present the amended TIF to the Board at their April 23rd meeting.

Wendy Rose, Community Development Advisory Committee Chair, stated she strongly supports extending the pipeline TIF for 10 years. The projects funded by the TIF add to the residents' quality of life. Currently the Pipeline TIF revenue adds about \$75,000 for the approved projects, and if the TIF expires and is not extended, the Town would only realize about \$17,000 after county and school taxes were increased because of the increase in the town's valuation.

Board Chair Lewis asked for a show of hands in support of extending the TIF and the Select Board responded 4-1 in approval, with Board member Judy Gray opposed.

7. Town Manager's Report

Trees in Village Cemetery/Ridge Cemetery – The Manager stated that originally 5 or 6 years ago it had been brought before the Select Board for a resident to tap trees in the Village Cemetery and Ridge Cemetery. This tapping of the trees was used as an educational piece for the students of the Bowdoinham Community School regarding the maple syrup making process. The Manager stated that he recently received a complaint from a resident regarding the tapping of the trees in the cemeteries, and the complainant stated he felt this was very disrespectful to the cemeteries. The Manager stated that maybe what brought this complaint to light this particular year was the individual doing the tapping of the trees used bright orange buckets this year.

Board Chair Lewis was also approached by the resident regarding this matter. Chair Lewis stated that the resident was mostly concerned about the buckets and the fact that they were a bright orange. Chair Lewis would like to speak with the Cemetery Advisory Committee before the Board discusses the matter further.

Vice-Chair Cluchey asked what the Board had decided previously; did the Board grant access to anyone or just this one individual. The Manager stated that he would look in to the matter further, however he thought it was just limited to just this one individual, as he tied in the educational component.

Vice-Chair Cluchey expressed that he understood the resident's concern; however, he also appreciated the educational experience his daughter had this year in learning about the maple syrup making process.

Board Chair Lewis requested the tree tapping this matter be a discussion item at the next Select Board meeting. The Manager agreed that the May 14th Select Board meeting would be a good time for this matter to be a discussion item.

Public Works Facility Update – The Manager stated that work is moving along very well at the new facility. The interior of the building will hopefully be completely done and occupied by May 31st. The boilers were installed today, and flooring has been put down in the offices and breakroom. The interior of the garage is completely done, and the garage doors have finally been completely installed. Paving will hopefully begin in early May, depending on the weather.

The Manager stated that he has to get the final figure to the Bond Bank tomorrow as to how much exactly the Town will need to borrow for the project. The Town was authorized at \$2.6 million, and to date the Town is expected to spend about \$2,410,000 which included the Town's projected costs not yet paid for. The Town is still under budget, which is a good thing.

ConnectME – The Manager stated that he and Briand met with LCI last week to discuss strategy in anticipation of applying for the Connect ME grant. The Manager stated there had been a bit of a delay in opening up the grant for applications, as a new ConnectME Executive Director was appointed last week. The Manager stated the Town has a plan in place, an article will go out in the next newsletter in May, and the Town will hold a public meeting for residents to be informed and ask any questions. The Town and LCI are hoping to get as much public support as possible, as this is a big part of the grant application process. The Manager stated the Town should be ready to go once the grant is opened up.

8. Select Board Member's Request for Agenda Items for Future Meetings - None
9. Announce Future Select Board Meetings
 - A. April 23rd – Regular Meeting (Peter Lewis will not be present)
 - B. May 7th – Special Meeting (Public Hearing on Town Meeting Warrant/Warrant approval)
 - C. May 14th - Regular Meeting

10. Comments from Select Board Members

Board member Walling asked about the progress on the dangerous buildings. The Manager explained that the owners have a deadline of June 30th to remove the buildings or make them safe as directed by the Select Board.

11. Comments from the Public – None
12. Adjourn

The meeting adjourned by acclamation at 7:10 p.m.

Select Board
Town of Bowdoinham, Maine

Peter Lewis, Chair

Jeremy Cluchey, Vice-Chair

David Engler

Judith Gray

Thomas Walling

Respectfully Submitted,

Rebecca Bate, Admin. Assistant