TOWN OF BOWDOINHAM SELECT BOARD MEETING MINUTES

Date: June 8, 2021
Time: 5:30 pm

I. Call Meeting to Order and Establish a Quorum

The meeting was called to order and quorum established by Select Board Chair, David Engler at 5:30 p.m. Select Board members participating were David Engler, Jeremy Cluchey, Peter Lewis, Thomas Walling, Mark Favreau, and Nicole Briand, Town Manager.

II. Amendments to the Agenda

No amendments.

III. Public Hearing – Marijuana Cultivation License

A. A Marijuana License Application from Mystic Operations, LLC for marijuana cultivation at 50 Pork Point Road (R10-028).

B. A Marijuana License Application from North Fire, LLC for marijuana cultivation at 239 Carding Machine Road (R06-040-B).

Engler opened the Public Hearing at 5:30 pm. There being no comments from the public, Engler closed the Public Hearing at 5:32 pm.

IV. Approval of Consent Calendar

A. Meeting Minutes:
   1. May 25, 2021

B. Warrants & Financial Reports:
   1. Treasurer's Warrant #23 for $56,802.35:
      - Accounts Payable Warrant #69 - $22,233.64
      - State Fee Warrant #68 - $4,479.34
      - State Fee Warrant #67 - $3,911.71
      - Payroll (6/3/21) - $26,177.66
   2. May Financial Reports

C. Resignations

   1. Mason Griffin, Recreation Director

2. David Lewis, Emergency Management Director

D. Communications

1. Sagadahoc Sheriff's Incident Report
2. Xfinity – Programming Advisory
3. Notice of Junkyard Violation – 710 Post Road

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

Mr. Engler thanked Mason Griffin and David Lewis for their service to the Town.

V. Licensing

A. Marijuana Business License for Marijuana Cultivation Facility – Applicant: Mystique of Maine, LLC; Property: 50 Pork Point Road (Map R10, Lot 028)

- **Cluchey moved the Board find the performance standards for this proposed project were reviewed as part of the Planning Board's Site Plan Review application process which received its Site Plan Review permit from the Planning Board on March 25, 2021; seconded by Favreau. Vote was 5-0.**
- **Cluchey moved the Board finds this application is for a new business and proposed cultivation facility has not begun operation. The proposed cultivation facility shall meet the conditions of its Site Plan Review Permit; seconded by Walling. Vote was 5-0.**
- **Walling moved the Board approve this Marijuana Cultivation Facility Business License application with the following Conditions of Approval:**
  - **The applicant shall reimburse the Town for all noticing fees.**
  - **The applicant shall obtain the necessary State Licenses and approvals prior to operation.**
  - **The applicant shall comply with their Site Plan Review Permit from the Planning Board, dated March 25, 2021.**

  Seconded by Favreau. Vote was 5-0.

B. Marijuana Business License for Marijuana Cultivation Facility – Applicant: North Fire, LLC; Property: 239 Carding Machine Road (Map R06, Lot 040-B)

- **Cluchey moved the Board find the performance standards for this proposed project were reviewed as part of the Planning Board's Site Plan Review application process which received its Site Plan Review permit from the Planning Board on April 29, 2021; seconded by Favreau. Vote was 5-0.**
- **Walling moved the Board finds this application is for a new business and proposed cultivation facility has not begun operation. The proposed cultivation facility shall meet the conditions of its Site Plan Review Permit; seconded by Cluchey. Vote was 5-0.**
- **Favreau moved the Board approve this Marijuana Cultivation Facility Business License application with the following Conditions of Approval:**
  - **The applicant shall reimburse the Town for all noticing fees.**
  - **The applicant shall obtain the necessary State Licenses and approvals prior to**

operation.
  - The applicant shall comply with their Site Plan Review Permit from the Planning Board, dated April 29, 2021.

Seconded by Walling. Vote was 5-0.

C. Marijuana Business License for Marijuana Cultivation Facility – Applicant: Kindbud, LLC; Property: 21 Dinsmore Cross (Map R06, Lot 017)

- Walling moved the Board find Kindbud, LLC's application for a Marijuana Business License complete; seconded by Cluchey. Vote was 5-0.
- Favreau moved the Board schedule a public hearing for Kindbud, LLC's application for a Marijuana Business License on June 22, 2021; seconded by Cluchey. Vote was 5-0.

Engler thanked the Planning Board for their tremendous job in presenting their applications to the Select Board and for the hours spent in meetings and preparation.

VI. Action Items

A. Act on Midcoast Humane Agreement for Services

Cluchey moved the Board approve the Midcoast Humane and Town of Bowdoinham Agreement for Services, as presented and authorize Nicole Briand, Town Manager, to sign the agreement; seconded by Favreau. Vote was 5-0.

B. Act on Approval Concert Series Schedule of Events

Favreau moved the Board approve the Summer Concert Series at Mailly Waterfront Park; seconded by Walling. Vote was 5-0.

C. Act on Phase II Environmental Site Assessment Contract for Waterfront Project

Walling moved the Board authorize Nicole Briand, Town Manager to enter an agreement with Haley Ward for a Phase II Environmental Site Assessment for the former Public Works Property; seconded by Cluchey. Vote was 5-0.

D. Act on Mailly Waterfront Park Policy

Cluchey moved the Board approve the Mailly Waterfront Park Policy as presented; seconded by Walling. Vote was 5-0.

E. Act on Emergency Doors Project for Coombs Municipal Building

Briand stated that she received two estimates of the six requested for the installation of two emergency exit doors for the Coombs Municipal Building. As suggested by the Town Attorney for possibly hiring a sitting Board member for services, Mr. Favreau left the room and recused himself from this discussion and vote. (The estimates provided were anonymous and numbered 1 and 2.)

Cluchey moved the Board authorize Nicole Briand, Town Manager, to sign contract with #2 for the installation of the emergency doors at the Coombs Municipal Building and authorize use for the Town Office/Town Hall Reserve for funding this project; seconded by Walling. Vote was 4-0 (Favreau recused).

F. Act on Approval of Roof Replacement Project for Coombs Municipal Building

Cluchey moved the Board authorize Nicole Briand, Town Manager, to sign contract with ABL Rodney for the roof replacement and chimney repair at the Coombs Municipal Building and authorize use for the Town Office/Town Hall Reserve for funding this project; seconded by Favreau. Vote was 5-0.

G. Act on Approval of Road Striping

Briand stated that once again other area companies declined to provide estimates due to their current workload. We received only two estimates for this work.

Favreau moved the Board authorize Nicole Briand, Town Manager, to sign a contract with Lucas Striping, LLC for the road striping; seconded by Walling. Vote was 5-0.

H. Act on Acceptance of 12' Rock Solid Enclosed Cargo Trailer from Bowdoinham Fire & Rescue Association

The Bowdoinham Fire & Rescue Association has purchased for donation to the Bowdoinham Fire Department a brand new 12' Rock Solid enclosed cargo trailer to transport the cold-water rescue gear.

Cluchey moved the Board accept the 12' Rock Solid Enclosed Cargo Trailer from Bowdoinham Fire & Rescue Association; seconded by Walling. Vote was 5-0.

VII. Discussion Items

A. Dangerous Building & Violations Update – Darren Carey

Recycling Barn: Carey's report was based on the May 5th, 2021 report from Helen Watts, Criterium Engineers. The apartment is not occupied but the floor loads should be strengthened prior to occupancy. Repairs are ongoing towards the rear of the building to improve the framing. The November 1, 2021 deadline is still in place for repair of the roof. Helen Watts stated the building is safe for public access.

61 Bay Road: There is no update at this time, but Carey is optimistic that things may change in the next month or two. The property is secure and is being managed by a compliance company out of Ohio.

170 Dingley Road: One family member is eager to move the trailer but cannot since she is not a personal representative. Lines of communication are open but none of the heirs wish to take the responsibility. Violations include Junkyard and Potential Dangerous Building. The way forward is a Violation Process.

Active Violations:

710 Post Road: Junkyard, second Letter of Violation issued

143 White Road: second Letter of Violation issued

64 Dinsmore Cross Road: first Letter of Violation issued

VIII. Town Manager's Report

Office: Briand stated that the Town Office will close at noon on Wednesday, June 9th for Town Meeting preparation. Town Meeting will be at 6 pm on June 9th. The office will close at noon on Wednesday, June 30th for FY22 setup.

Ratio Declaration: Briand stated that the Ratio Declaration was not done correctly at the last Board Meeting. We can only add 10% of 83% (8.3) to 83% not a full 10%. Mr. Carey has adjusted the form and submitted it to the state. Rob Duplisea of RJD Appraisal will be coming to the Board's June 22nd meeting to discuss certified ratios and our schedule for re-evaluation.

Public Works: Briand stated that Public Works finished sweeping the village area. They have rented an excavator for the road work on Carding Machine and Dingley Roads and will focus on these over the next two months. She shared that our 2021 Road Work for Dingley and Carding Machine Roads have gone out to bid and proposals are due back by June 10th. The work for the Fire Station parking lot should be going out to bid shortly.

Pond Road Engineering: The results of the vernal pool surveys identified three pools none of which were found to be significant.

Cemeteries & Cemetery Committee: We are working with our attorney to establish access to Temple-Randall Cemetery. They are in the process of completing the title work so we can start the process to establish our access rights.

Centers Point Road Parking Area: Briand stated that we are meeting with MDIF&W on June 16th to discuss the parking plan and permitting requirements.

Briand stated that our Fire Chief will perform the duties of Emergency Management Director until we find a replacement for David Lewis.

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

None.

X. Announce Future Select Board Meetings

A. June 9, 2021 – Town Meeting

B. June 22, 2021 – Regular Meeting

C. July 13, 2021 – Regular Meeting

D. July 27, 2021 – Regular Meeting

XI. Comments from the Select Board Members

Walling suggested that Briand ensure that we have protection against Ransomware.

XII. Comments from the Public

None.

XIII. Executive Sessions

A. At 6:35 pm, the Board convened to Executive Session pursuant to 1 M.R.S. section 405(6)(E), to consult with the town attorney to discuss possible action, relating to the Main Street Blinking Light. At 7:03 pm, Favreau moved the Board to come out of Executive Session; seconded by Cluchey. Vote was 5-0.

   1. No action was taken as a result of Executive Session

B. At 7:05 pm, Cluchey moved the Board convene in Executive Session pursuant to 1 M.R.S. section 405(6)(E), to consult with the town attorney to discuss possible land use enforcement action, including, but not limited to statutory dangerous building proceedings, relating to the property located at 84 Ridge Road; seconded by Favreau. Vote was 5-0. At 7:38 pm, Cluchey moved the Board come out of Executive Session; seconded by Favreau. Vote was 5-0.

   1. Cluchey moved the Board authorize the Town Attorney to commence dangerous building proceedings via statutory dangerous building process for 84 Ridge Road; seconded by Walling. Vote was 5-0.

XIV. Adjourn

Adjournment was at 7:40 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