

TOWN OF BOWDOINHAM SELECT BOARD MEETING MINUTES



Date: September 14, 2021

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. Select Board members participating were David Engler, Jeremy Cluchey, Thomas Walling, Mark Favreau, and Nicole Briand, Town Manager.

II. Amendments to the Agenda

- 3.B – Treasurer’s Warrant #5 amended to include Warrant 17
- 5.L – Act on Maine Emergency Management CDBG Award
- 6.B – Special Town Meeting

III. Approval of Consent Calendar

A. Meeting Minutes:

1. August 24, 2021

B. Warrants & Financial Reports:

1. Treasurer’s Warrant #5 for \$1,198,131.56.56:
 - Accounts Payable Warrant #15 - \$1,126,568.89
 - State Fee Warrant #13 - \$3,355.81
 - State Fee Warrant #14 - \$4,588.25
 - Payroll (8/26/21) - \$33,798.24
 - Payroll (9/09/21) - \$28,695.37
 - Accounts Payable Warrant #17 (Celebrate) - \$1,125.00
2. August’s Financial Reports

C. Communications

1. Sagadahoc County Sheriff’s Incident Report
2. Stop Work Order – Letter of Violation – U01-017

Favreau moved the Board approve the Consent Calendar as presented; seconded by Cluchey. Vote was 4-0.

IV. Public Hearing

A. Dangerous Building Proceeding, Pursuant to 17 M.R.S. §§ 2851-2859 Delair, 84 Ridge Road (R02-001-A)

Town Attorney, Leah Rachin, was present for the Public Hearing. She explained that the task of the Select Board is to hear the evidence to determine whether or not the structure at issue is, in fact, a dangerous building pursuant to state statute.

CEO, Darren Carey, proceeded to give the background for the property at 84 Ridge Road owned by Mr. Todd Delair. In July 2019, the single-family dwelling was destroyed by fire. The roof and walls had partially collapsed in the basement. By fall of 2019, Mr. Carey noticed that there had been no progress in the clean-up and spoke to Mr. Delair, who explained that he was working with his insurance company to have it cleaned up. Carey sent another letter on February 3, 2020 after seeing no progress. Mr. Carey sent a letter of violation & order by regular and certified mail on April 20, 2020 giving Mr. Delair until May 20, 2020 to secure the basement and remove the remnants of the structure. On May 21, 2020, a visual inspection of the property found no evidence of progress. On May 26, 2020, a second letter of violation & order to correct was mailed giving Mr. Delair until June 16, 2020. Again, no progress was made. On July 20, 2020 a third letter of violation & order to correct was mailed and Mr. Carey referred the matter to the Town Attorney. Mr. Carey updated the Select Board and sent a letter from the Town Attorney in September 2020. In September of 2020, Mr. Delair informed Mr. Carey that he had a buyer. Mr. Carey contacted the potential buyer, Mr. Shawn Roberts, who confirmed that he had a purchase and sale agreement and was happy to secure the basement and remove the remnants of the structure. In January 2021, Mr. Carey was notified that the sale had not gone through and, after discussion with Mr. Roberts, referred the matter back to the Town Attorney in May 2021.

Mr. Carey concluded that the property was abandoned after the fire in 2019 and has not been maintained. All that remains of the dwelling is a collapsed roof, burnt exterior walls, debris from the fire, fractured/damaged foundation, and an unsecure basement. He finds that the structure is not suitable and cannot support a single-family dwelling. In his opinion, it is fairly clear in evidence that this meets the state statute according to Section 2-A.

There have been letters received by the Town from citizens stating that the basement needs to be secured and that someone could fall in causing injury or death.

Mr. Todd Delair was present at the meeting and stated that he agrees with Mr. Carey. However, he shared that the insurance allowed \$15,000 to clean the property then took that money out of the sale of the house he purchased. Mr. Delair stated that he does not have \$15,000 to clean the property. He stated that Leonard Skelton, III is interested in purchasing the property. He asked what would need to be done about this and what the deadline would be.

Mr. Favreau responded that he needs to clear debris, fill the concrete walls into the hole and fill the hole with sand, leaving no more than a three-foot drop.

Mr. Delair responded stating that only one boat is his and the other two just showed up. He believes the white Ford Mustang is gone.

Mr. Carey stated that the Town received an estimate of \$7,900 to clean up remains, bury concrete, and fill the hole (not including additional items left on property).

Leonard Skelton, III, a Bowdoinham resident, asked the Select Board what the process is for the whole house and land. Also, he is looking to know what to do before purchasing the property.

Engler responded that this is a Public Hearing to determine if this is a dangerous building.

Favreau responded that it needs to be cleaned up.

The Town Attorney, Leah Rachin, outlined the next steps for the Select Board and stated that an order by the Select Board would be against the property, not the property owner; therefore, the new owner would be obliged to follow the order.

Richard Joyce, Bowdoinham resident, requested that a temporary fence on the site until things are settled to keep anyone from wandering in.

Engler closed the Public Hearing at 6:02 pm.

V. Action Items

A. Act on Dangerous Building Proceeding, Pursuant to 17 M.R.S. §§ 2851-2859:

84 Ridge Road Tax Map R02-001-A, Todd Delair

Thomas Walling stated that the open hole is filled with debris, there is sharp sheet metal, the remains of the roof are sticking up, and we have no idea what is in the cellar hole. Additionally, there are old boats and a burnt car. He stated that his main concern is that the building is an easy walk from the Elementary School and curious kids could get hurt.

Favreau stated that the building is structurally unsafe, unstable, and unsanitary. Also, there has been inadequate maintenance and dilapidation.

Walling moved that, based on the evidence, the Board finds the structure located at 84 Ridge Road to be a dangerous building as defined in the statute; seconded by Cluchey. Vote was 4-0.

Favreau moved that all building materials and debris should be removed except for concrete which may be pushed in and then the remaining hole will be back-filled with clean fill to grade; seconded by Cluchey. Vote was 4-0.

Cluchey moved that the Town require the remediation be complete 60 days from today; seconded by Favreau. Vote was 4-0.

Favreau moved the Board to direct the Town Clerk to record the Order in the Registry of Deeds; seconded by Cluchey. Vote was 4-0.

Cluchey moved the Select Board authorize the Town Manager to undertake whatever mitigation must be done and that all reasonably related expenses will be passed on to the property owner if mitigation steps have not been taken, as directed; seconded by Favreau. Vote was 4-0.

B. Act on Supplemental Assessment #3

Bonnie and Alan Pomeroy have requested to remove 12.60 acres of their property (R03-046-D-001) from the Maine Tree Growth Tax Law resulting in a supplemental tax assessment for the tree growth penalty of \$8,934.04.

Walling moved the Board approve Supplemental #3 in the amount of \$8,934.04; seconded by Favreau. Vote was 4-0.

C. Act on Committee Appointments

- a. Bradford Foley for Town Hall Restoration & Preservation Committee, expires 2023.

Cluchey moved the Board approve Bradford Foley for Town Hall Restoration & Preservation Committee with a term of office that expires June 30, 2023; seconded by Favreau. Vote was 4-0.

- b. Sarah Stapler for Town Hall Restoration & Preservation Committee, expires 2024.

Cluchey moved the Board approve Sarah Stapler for Town Hall Restoration & Preservation Committee with a term of office that expires June 30, 2024; seconded by Favreau. Vote was 4-0.

Rachelle Tome for Town Hall Restoration & Preservation Committee, expires 2024.

Cluchey moved the Board approve Rachelle Tome for Town Hall Restoration & Preservation Committee with a term of office that expires June 30, 2024; seconded by Favreau. Vote was 4-0.

Cluchey expressed his gratitude for all.

D. Act on Recreation Director Appointment – Christopher Whitney

Cluchey moved the Board confirm the Town Manager’s appointment of Christopher Whitney as Recreation Director and Older Adult Services Coordinator; seconded by Favreau. Vote was 4-0.

E. Act on November 2, 2021 Election Warden Appointment

Cluchey moved the Board approve Tina Magno, Town Clerk, to appoint Nora Bishop as Warden for the Election to be held on Tuesday, November 2, 2021; seconded by Favreau. Vote was 4-0.

Cluchey extended his thanks to Nora for always doing this so well and for helping Tina with her first election.

F. Act on Annual Town Meeting Warrant

Cluchey moved the Board approve the Town Meeting Warrant for November 2, 2021, as presented; seconded by Walling. Vote was 4-0.

G. Act on Funding from Reserve Accounts

Cluchey moved the Board authorize use of the Employee Safety Reserve for funding the 1st Floor Emergency Door project; seconded by Walling. Vote was 3-0 (Favreau abstained).

H. Act on Town Office Renovations Agreement for Engineering Services

Favreau moved the Board approve the agreement with Pine Tree Engineering for the Town Office Renovations project, in the amount not to exceed \$19,500,

to be paid from Capital Improvement Reserve; seconded by Cluchey. Vote was 4-0.

- I. Act on Fire Station Parking Lot Paving Bid Award

Walling moved the Board award the Fire Station Paving contract to Aceto & Sons Earthwork; seconded by Cluchey. Vote was 4-0.

- J. Act on Municipal Services Impact Statement for Site Plan Review Applications

1. Site Plan Review Amendment Application for Marijuana Cultivation; Applicant – Five Buds Farm, LLC - Tax Map R02-063-F

Cluchey moved the Board has no concerns, as the proposed project will not have unreasonable adverse impact on municipal services; seconded by Walling. Vote was 4-0.

2. Site Plan Review Amendment Application for Marijuana Establishments; Applicant – Scott Gallant - Tax Map U01-017

Cluchey moved the Select Board has the following concerns:

- **Impact on parking**
- **Impact on traffic on School Street**
- **Impact on staff time in monitoring and enforcing conditions of approval**
- **Impact on issues arising from easement granted to Kathy Gallant by the Town**

Seconded by Favreau. Vote was 4-0.

Favreau requested the Planning Board not give conditions of approval.

- K. Act on FY22 Tax Rate and Tax Commitment

Briand requested the Board set the tax rate at 16.97, an increase of 0.58% from last year in order to have an overlay of \$57,000. She stated that this could help offset a portion of Town's re-evaluation that is being discussed for next year. Briand stated that the declared ratio is dropping. It was at 91% before COVID sales and will continue to drop which impacts the Homestead Exemption. The completion of the re-assessments will allow residents to receive 100% of the Homestead Exemption.

Briand also stated that she would like for the Town to start taking small steps to increase the undesignated fund and reserve funds to pay for smaller capital expenses and help off-set future borrowing. This year our debt service budget is \$429,249 and next year it will be \$486,119. The goal is to revise the capital improvements program to keep from having to Bond for smaller projects such as paving in the future and reduce debt service.

Cluchey moved the Board set the tax rate for Fiscal Year 2022 at 16.97; seconded by Walling. Vote was 4-0.

- L. Act on Maine Emergency Management CDBG Award

Briand announced that Eli Rubin, Finance Administrator, applied for and received a Maine Emergency Management CDBG Award for our COVID-19 Expenses that were incurred between January 20, 2020 and January 20, 2021 in the amount of \$2,901.97. This award does not cover additional expenses incurred for Town Meeting.

Cluchey moved the Board accept the Maine Emergency Management CDBG Award for COVID-19 Expenses; seconded by Favreau. Vote was 4-0.

VI. Discussion Items

A. Goal Setting

Briand discussed the details of the many projects the Town has and asked for guidance from the Board for prioritizing.

B. Special Town Meeting

Briand stated that we are not able to add the question to use reserve funds to the November ballot as planned because an order had to be approved by the Select Board and given to the Town Clerk 60 days prior to the election (September 3rd). The alternative option is to call a special Open Town Meeting on October 20th at 7:00 pm, which will allow the Board to approve the warrant at the September 28th meeting. She is talking with the school to see if we could hold the meeting there. Briand apologized for the oversight.

The Board agreed to the Special Open Town Meeting on October 20, 2021 at 7:00 pm.

VII. Town Manager's Report

American Rescue Plan Update – Briand stated that we have received our first payment of \$161,380.95 and should receive our second payment of \$161,380.95 next year for a total of \$322,761.90. We need to review the rules on how the monies can be spent. Project costs must be incurred by December 31, 2024. The money needs to be fully spent by December 31, 2026.

MSAD 75 Funding - The School Board reduced the municipal assessment by \$350,000 and Bowdoinham's assessment was reduced by \$66,288.

RJD Appraisal will be starting their second quarter property card updates on October 4th.

Tax bills will be mailed by the end of September.

EMS Update – Briand advised the Board that the two entities that have mandated vaccinations are Maine EMS and Maine CDC. Both have 90-day emergency mandates requiring the vaccine. Of Bowdoinham's 7 EMS responders, we have 3 currently refusing vaccinations. She shared that one of the refusals is for family medical reasons, and is seeking exemption; however, if that fails, he is willing to be vaccinated.

Road Work – Briand stated that the remaining work on Carding Machine and Dingley Road is scheduled for October. Letters are going out to residents on these roads. Public Works will spend the next two weeks preparing Dingley Road for All State.

Brooklyn Bridge – Briand shared that the painting project on Brooklyn Bridge has begun and is expected to take 3-4 weeks.

The Main Street/River Street blinking light has been installed and we are currently waiting on the electrical permit for CMP to turn the light on. Briand stated that it could take 7-10 days after the permit is approved to turn on the light.

Briand thanked the Town staff, Public Works and the Fire Department for their help with Celebrate Bowdoinham. The day went great! She added that the weather was perfect.

Walling added that Public Works did a great job.

Favreau commended Tobey and crew on how great the Town Landing looks.

Bulky Waste Day is scheduled for October 2nd.

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

IX. Announce Future Select Board Meetings

- A. September 28, 2021 – Regular Meeting
- B. October 12, 2021 – Regular Meeting
- C. October 26, 2021 – Regular Meeting

X. Comments from the Select Board Members

Cluchey stated that the Blue Mailbox is gone. He inquired floating possibly getting another Blue Mailbox in town.

Cluchey mentioned the possibility of using ARPA funds to collaborate with other towns on EMS services.

Cluchey expressed his thanks to Public Works and staff for Celebrate. It was wonderful. He shared that his daughter won the KenDucky Derby and she wanted to share that she will donate half of the winnings to Midcoast Humane Society and is sharing the other half with her brother.

XI. Comments from the Public

Richard Joyce spoke to the Gallant Property mentioning the setbacks and easement. He also mentioned that his brother's property is next door and stated that there are surveys to be considered. He is concerned that there may be a smell.

Allen Acker shared that there will be a site walk (interior and exterior) on the property at 3 pm the following day, with no public comment. The Public Hearing and Planning Board meetings are on the website.

Allen Acker spoke as a CPC member regarding the Recycling Barn. He does not want to move the Recycling to Pond Road. Mr. Acker stated that the Select Board is to select and support all committees. The vision statement of the CPC was to preserve and promote the recycling program at the Barn. The Select Board and Town Manager

are responsible for purchase and upgrade of the Barn up to \$150,000 until 2024. This was voted on and approved by the Town in 2014. No Select Board has honored the CPC vision.

Mr. Acker suggested that instead of building a new recycling center at Pond Road, the Town build a new Town Office that is much more acceptable. He shared that the current Town Office building is a school building that renovated 42 years ago.

XII. Adjourn

Adjournment was at 8:18 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