

TOWN OF BROWNVILLE
BOARD OF SELECTPERSONS MEETING MINUTES
Tuesday, April 25, 2023 ~ Immediately Following Special Town Meeting (6:00p.m.)
American Legion Post #92 ~ 67 Railroad Ave. Brownville

1. **Board of Selectpersons Meeting Call to Order** – Meeting was called to order by Chairman Byron Weymouth at 6:10PM
 - a. **Selectpersons Present:** Byron Weymouth, Shelly Ekholm, Alaina Zelkan, Jimmy Hartin & Kevin Emery
 - b. **Employees Present:** Kevin Black, Shawn Mitchell, Felice Lyford & Alicia Harmon
 - c. **Others Present:** Wendell & Leah Germon

2. **Approval of prior meeting minutes from March 20, 2023 –**

Motion to approve Meeting Minutes from March 20, 2023.

Motion: Kevin Emery, Second: Alaina Zelkan, Vote: Unanimous.

3. **Review of the Treasurer’s Warrants (Payroll, Accounts Payable, Water/Sewer)** – Warrants were signed by all members.
4. **Heat Pumps Proposal – Fire Stations, WW Treatment Plant, Water Pump Stations -**

After being notified about additional Efficiency Maine incentives for municipalities, Kevin reached out to Dave’s World to assess for heat pumps installed at both fire stations, Wastewater Treatment Plant and the pump stations on Front Street and Main Road. As a complete project (all 5 locations, 6 units), the total cost before incentives is \$39,278.56. Factoring in the incentives of 50% rebate, the cost to the Town would be \$19,678.28. As with the Town Office heat pumps, there is an additional cost for the 12-year warranty with bi-yearly cleaning which is \$6,000 for all 6 units. If we wanted to add that, the total would be \$25,678.28. If we wanted to do the projects separately, the cost would be up to \$3,000 more.

Motion to move forward with installation of heat pumps as outlined in the project quote from Dave’s World for a cost of \$39,278.56 with the addition of 12yr warranty for all 6 units @\$6,000 minus the Efficiency Maine incentives of \$19,600 for a total net cost of \$25,678.28; \$18,850.00 to come from ARPA funds with the remaining \$6,828.28 to come from Town Owned Property Reserve.

Motion: Shelly Ekholm, Second: Alaina Zelkan, Vote: Unanimous

5. **Shoreland Zoning Ordinance Review –**

Shawn completed the code enforcement course for shoreland zoning and was able to clarify the requirement to adopt the state’s guidelines as a minimum. In other words, we can modify theirs to make it stricter, but we cannot make it more lenient. This will need to go before the Town for final approval, and we will need to conduct a public hearing prior to a Special Town Meeting vote. Because this is a zoning ordinance, we must post a public hearing notice at least 13 days in advance, *AND* we must publish it in the paper twice, once at least 12 days before and once at least 7 days before. Shawn stated that we will be updating the 1997 Shoreland Zoning Maps to 2023 mapping. There will also be digital maps that will integrate with our GIS program, once they are updated.

Motion to set a public hearing to review and hear comments on the Amended Shoreland Zoning Ordinance required by the State (as written) for Tuesday, May 23, 2023 at 6:00p.m.

Motion: Alaina Zelkan, Second: Kevin Emery, Vote: Unanimous

6. **Commercial Solar Facilities Ordinance** – Felice asked the Board how they wanted to proceed with this Ordinance; do they want to open it up for discussion, put a poll out to the public? Discussion was had and the Board decided that the poll would be a great idea and they would also like to hold a Public Hearing.

Motion to set a Public Hearing for May 23, 2023 for a Commercial Solar Facilities Ordinance to immediately follow the Shoreland Zoning Ordinance Review.

Motion: Shelly Ekholm, Second: Jim Hartin, Vote: Unanimous

7. **Dangerous Buildings/Junkyards – Code Enforcement Authority** –

Under statute the Municipal Officers have the authority to enforce dangerous building and junkyard laws. That authority can be given to the Code Enforcement Officer, but must be done by official vote and documented to hold up in case things go to court. Part of the changes in the CEO job description were adding those responsibilities (and having regular office hours) as Felice had been sending the letters and following up. Felice will still help with the process as Shawn's time will be better spent learning all the ins and outs of the job in the beginning stages.

Motion to delegate the authority vested in the municipal officers pursuant to 30-A M.R.S.A. §3758-A (Junkyards and Automobile Graveyards Violations) to the Code Enforcement Officer. This delegation includes the authority to conduct site inspections, issue corrective orders, and enter property to remedy such violations and initiate a civil action to recover costs.

Motion: Shelly Ekholm, Second: Alaina Zelkan, Vote: Unanimous

Motion to delegate the authority vested in the municipal officers pursuant to 30-A M.R.S.A. §3428 (Malfunctioning waste water disposal units) to the Code Enforcement Officer. This delegation includes the authority to conduct site inspections, issue corrective orders, and enter property to remedy a malfunctioning system and initiate a civil action to recover costs.

Motion: Alaina Zelkan, Second: Kevin Emery, Vote: Unanimous

Motion to authorize the Code Enforcement Officer to act on behalf of the municipal officers pursuant to 30-A M.R.S.A. §§2851-2859 (Dangerous Buildings). This delegation includes the authority to conduct site inspections, issue corrective orders, and enter property to remedy such violations and initiate a civil action to recover costs.

Motion: Alaina Zelkan, Second: Kevin Emery, Vote: Unanimous

8. **Action on Tax Acquired Properties** –

In the process of obtaining quotes to remove the dangerous buildings the Town acquired through foreclosure, we received a couple of proposals. The first from Adam Coover, who did give us quotes on both the 844 Main Rd and 40 Van Horne Ave properties. Adam currently owns the property that surrounds 844 Main Rd and would like to tear down the structure and pay the outstanding balances in exchange for a quit claim deed. Regardless of the outcome, he has proposed \$6,875 for demo and removal of 844 Main Rd and \$3,375 for demo and removal of 40 Van Horne Ave totaling \$10,250 for both. We also approached Gerrish's for a quote, and they are quite busy with the KVHC medical building expansion and don't feel they would have time to tear them down.

Gerrish's are still interested in the property on Windy Hill and have moved forward with preparation of the land that sits behind it (and abuts the cemetery) to give a section to the Town to expand our cemetery. We have not received a formal proposal in writing from them, but we should continue to discuss. As advised by our attorney, we have added the third article to the special town meeting warrant to allow us to accept gifts of money and land for this very reason. We did offer 131 Spencer Rd property back to Justin Finkle so long as it was paid before 4/1. He agreed, but we did not receive payment and have not heard anything else from him. We did send him a notice to remove personal property though.

In reviewing the regulations for posting our tax acquired properties that are also dangerous, there is a regulation that we must give notice to all previous owners to allow them the opportunity to remove any personal property from within or on the property. They have 21 days from the date they receive the certified letter (we mailed them out 3/31/2023). Our attorney clarified we can move forward with deciding what to do with all the properties regardless.

Motion for Adam Coover to demolish 40 Van Horne Avenue for \$3,375.00, with work to begin after May 9, 2023.

Motion: Shelly Ekholm, Second: Kevin Emery, Vote: Unanimous

Motion to approve Adam Coover's proposal to tear down 844 Main Road and pay the outstanding taxes owed. Once all criteria is met a Quit Claim Deed will be issued.

Motion: Kevin Emery, Second: Alaina Zelkan, Vote: Unanimous

Motion to place three foreclosed properties for sale by sealed bid (14 Stickney Hill Rd, 162 Main Rd & 44 Railroad Ave) with a minimum bid equal to all monies owed to the Town for taxes, water, sewer and administrative fees. Deadline to be able to review at the next Board Meeting.

Motion: Shelly Ekholm, Second: Alaina Zelkan, Vote: Unanimous

9. Department Head Updates

a. Administration –

- Board members received an updated budget and were asked if they had any questions, they didn't.
- Our new fire proof file cabinets were delivered on Thursday 4/20/23. They are in their respective new places, but we still have some work to do with moving files and organizing better. Dennis Green donated his time and a great deal of material to make a riser/stand for the two cabinets in the Assessor's office. It's beautiful! We are so lucky to have him, and other dedicated community members, helping out when they are able!

b. Public Works –

- The 1998 Cat Loader bucket is in need of repair or replacement. Kevin got some estimates to repair it. Purchasing a new bucket is an option; however, it's not cost effective as the quality is far below what we can have done with a repair. Kevin has a quote for a new bucket and one for repair. He asked for a second quote to repair, but we didn't receive one. Ronald Mullens submitted a quote for \$4,300 (it is a 1.8cyd bucket) and a quote from Milton for the pins and seals (needed whether or not its new or repaired) for the amount of \$1,610.45 totaling \$5,910.45 for a repair. Milton provided a quote for two new buckets (1- 1.7cyd and 1- 1.9cyd) The 1.7cyd is \$6,140, the 1.9cyd is \$6,441. Adding in the pins and seals as well as a new cutting edge (estimate \$700-\$800 as the one we have is not the right size) the 1.7cyd would total \$8,550.45 and the 1.9cyd would total \$8,851.45. He would like

to do the repair (as it is much better quality in the end and will extend the life beyond what a new one would) and requests it be paid for out of Highway Reserves (approx. \$134k available).

Motion to have the loader bucket repaired/rebuilt, plus purchase the pins/seals from Milton for up to \$6,500.00 to be paid out of Highway Reserves.

Motion: Shelly Ekholm, Second: Alaina Zelkan, Vote: Unanimous

- We will be offering Spring Cleanup again this year. Once again, we will be limiting what we are able to take as some things are too expensive and/or bulky for us to dispose of. A poster/notification has gone out on our Facebook page, website and posted at the office. The dates will be May 16-17th.

c. Public Safety

- Roof on the Village Fire Station is looking pretty tattered. There doesn't appear to be any leaks at this time, but the foam insulation could be masking it. Shawn requested several quotes for replacement and only received one from Seth LaGoy for a metal roof at a cost of \$9,000. If the Board would like to proceed, I would recommend approving funds to be spent from Town Owned Property.

Motion to have Seth LaGoy install a metal roof on the Village Fire Station for the estimated amount of \$9,000 to be paid out of Town Owned Property.

Motion: Alaina Zelkan, Second: Kevin Emery, Vote: Unanimous

- So far this year we are at 153 calls. All trucks are up and running and things are going great. Chief stated that the Department is on par for about 400 calls for this year.
- There had been discussion at the Fire Department Business Meetings about moving to an Association and getting out of the Auxiliary. Members voted and we will be moving ahead with the Brownville Fire Association. The Auxiliary will still be running until the Association gets going.

d. Parks & Recreation

- Working on getting internet installed for additional security cameras and remote access to the live feed. Since we have never had it there in the past, it's taking Spectrum some time to survey and determine what will be needed to install. This was part of the Rec budget this year.
- There has been vandalism to the dug outs, so Davis Field is currently closed until repairs and regular maintenance can be completed. Last winter the garage door was damaged and a door has been ordered, once it comes in the door will be replaced.
- The playground equipment has needed some toddler seats for infants and smaller children. We have had a hard time getting quotes for them, but Alicia finally got a response from Miracle Recreation Equip Co for \$255/ea. The other equipment was paid for out of Town Owned Property.

Motion to purchase two toddler seats to install on the playground equipment to be paid out of Town Owned Property for an amount up to \$510.

Motion: Alaina Zelkan, Second: Kevin Emery, Vote: Unanimous

e. Water/Sewer

- SEWER JETTER– Allied Equipment out of Hartland brought a used sewer jetter for demonstration on 3/29. We were all impressed with the condition of the machine and its capabilities. There were a few minor things Kevin wanted replaced prior to purchasing. Allied agreed to do the work and deliver it when complete. We sent them a purchase order for \$25,000 and took delivery of the used sewer jetter on Thursday 4/20. Subsequently, we cut a check out of sewer reserve for \$25,000 as previously approved by the Board.

10. Open Session

- LAND ACQUISITION – We’ve been working with the attorney to move forward with the acquisition of land abutting the Village Fire Station. We have entered into a purchase and sale agreement with the seller which was contingent upon town meeting approval tonight. We also have the article to accept any gifts of money or property, so that we can accept a section of land abutting our cemetery from Gerrish’s which will extend the sale of new lots for quite a few years.

Motion to authorize the Town Manager to execute the necessary documents to complete the purchase of land located at 43 Church Street and abutting the Village Fire Station for the amount of \$2,800 plus closing/legal costs all to be paid out of Town Owned Property.

Motion: Shelly Ekholm, Second: Alaina Zelkan, Vote: Unanimous

- RUSSELL ROAD PROPERTY – LEAH & WENDELL GERMON –Leah & Wendell are requesting the Town issue a Quit Claim Deed to them for property on Russell Rd that was advertised for bid in 2021 by the Town. The Town had previously sought legal advice on this matter and a decision was made by the Board to proceed as advised. Wendell and Leah would like the Board to reconsider and were not asking for an answer at the meeting, they would like the Board to think about it and get back to them.
- DOL/BLS COMPLAINT INSPECTION – We have received the official citation from the State regarding their inspection on 2/13/2023 for the BLS violation related to the fuel spill at Graves in January. They are assessing a penalty of \$700. We have asked for a “penalty discussion” which will likely significantly reduce this penalty as we have already taken corrective action to update the training for several members at a HazMat Operations level and will work to get the remaining members trained to that level as well. Kevin has requested a voluntary Safety Works visit so we can be made aware of any other deficiencies we may have, without a penalty. Once the complaint is closed out, they can set up a time to inspect us.
- PLANNING BOARD APPOINTMENT SHEET CORRECTIONS – The Board previously voted to re-appoint Felix Blinn and Lynn Weston to the Planning Board for 1-year terms; however, a typo on the expiration date has been corrected and the Board needs to sign the corrected versions. Alicia will have them prepared before the meeting.

Motion to sign the corrected appointment sheets for Planning Board for Felix Blinn & Lynn Weston to expire in 2024.

Motion: Alaina Zelkan, Second: Shelly Ekholm, Vote: Unanimous

- BUILDING PERMIT – WELLHEAD PROTECTION AREA – Per our Wellhead Protection Ordinance, all building permit applications in the protected area must be

approved by the Board of Selectpersons (vs the Code Enforcement Officer). We have one for Shawn Mitchell for 51 Henderson St, to add a 16x24 deck and install a sliding door that requires Board action.

Motion to approve the building permit application for Shawn Mitchell, 51 Henderson St for addition of a 16x24 deck and install as sliding door.

Motion: Shelly Ekholm, Second: Alaina Zelkan, Vote: Unanimous

- Underpass project is moving along. Felice spoke with Dirigo Engineering and our Engineer has reached out to HUD Environmental person to see if they needed anything else. HUD needed verification from the bank and they have received that.
- A Board member asked when the email conversion was going to happen. Felice e-mailed Sierra Communications to check on the status earlier that day.
- Kevin spoke with Robinsons and asked about fuel delivery to our pump stations if power were to go out. Robinsons will come out and deliver in these instances for continuity of our utility services.

11. Next Meeting & Agenda Items – Set for Tuesday, May 23, 2023 with Public Hearings for amendment to the Shoreland Zoning Ordinance and Commercial Solar Facility Ordinance. Board agenda items will also include consideration of the application for a renewal of the liquor license at North & Souths and opening of tax acquired property sealed bids.

12. Adjournment – Motion to adjourn at 8:20PM

Motion: Alaina Zelkan, Second: Kevin Emery, Vote: Unanimous

Respectfully submitted,

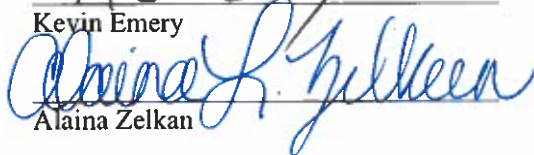
Alicia M. Harmon
Town Clerk


Byron Weymouth, Selectboard Chair


Shelly Ekholm


Kevin Emery

James Hartin


Alaina Zelkan