

Town Council Meeting

March 26, 2023

Open Town Council Meeting: Council Chair Mark Ketch opened the Town Council meeting; all Town Council members were present. Also present were Town Manager Melissa Doane and Fire Chief Eric Gifford.

Bangor Area Comprehensive Transportation System (BACTS): The executive director of BACTS, Sara Devlin, and Planner of BACTS, Madeline Jensen were present to discuss the organization. Ms. Devlin stated that BACTS is a federally designated Metropolitan Planning Organization (MPO) that coordinates transportation planning and capital investment decisions with the state, municipalities, and the public. The policy committee which is made up of a representative from each member municipality is responsible for the decision-making. The members of BACTS include Bangor, Bradley, Brewer, Hampden, Hermon, Milford, Old Town, Orono, Orrington, Penobscot Nation, and Veazie. The eligibility for capital projects and studies is based on Census Data and vehicle miles traveled. The MPO is responsible for maintaining regional transportation vision, conducting planning, allocation of federal funds, and engaging the public in transportation planning and decision-making. The MPO capital projects, studies, technical assistance, and contracts/grants with Maine DOT. One of the grants the MPO is currently engaged in is the Safe Streets and Roads for All, the cost allocated to Bradley is \$377.00 and if a project is found in Bradley such as crosswalks, signals, bike lanes, etc, the cost would be minimal. These projects would be highlighted on Route 178 as that is a Maine DOT roadway. Town Council asked how Bradley benefits from the participation, Ms. Devlin explained that if there are any concerns regarding capital projects on Route 178, they will all be directed through BACTS. She further explained that there is limited funding, however noted that Route 178 was on the pavement management plan. Councilor Wade stated that a majority of the traffic on Route 178 is from areas outside of Bradley. Many traveling to the Brewer uses that route as they can go 50 miles an hour without signals. Ms. Devlin stated she could get a report that is based on cell phone data as to where the travelers are coming from.

Review of Minutes: Councilor Ketch made a motion to accept the minutes of 2/27/2024, seconded by Councilor Lugdon, Councilor Hatch noted a typo for correction, vote 5/0.

Citizens Request: Resident Michael Eastman was present and stated that he and several other residents would like to have an update regarding 3 Cram Street and 114 Cram Street. Manager Doane reported that she and the code enforcement officer have been in contact with the property owner of 3 Cram Street, the expectation is that he will clean up the household trash that has accumulated outside; the town has purchased him contractor bags and explained he can place 5 bags out per week for curbside pickup. In addition, Melissa has contacted the caseworker at Penobscot County to request a house visit to hopefully offer some programs for home repair or housing placement. Melissa added that he is in violation of the land use ordinance because the accumulation of household trash, the fallen building, or the condition of the home is outside the requirements offered in the ordinance. In regards to 114 Cram Street Melissa reported that the judgment was that Mr. Wing immediately take all steps to correct, abate, and eliminate the junkyard, non-permitted signs, and storage of excrement, trash, and other debris not stored in a safe and sanitary manner. Mr. Wing shall not further violate the land use

ordinance, or otherwise allow trash and debris to accumulate on the property. Mr. Wing must also pay to the Town within 30 days of January 30, 2024, civil penalties totaling \$2800 and must also pay attorney fees in the amount of \$11,833.74. The attorney fees are payable 30 days after March 12, 2024. Melissa stated that none of this judgment has taken place and it will likely be necessary for the Town to file a motion for contempt in April. In regards to the proceedings to receive a court order to condemn the property, the summons was filed last week with Mr. Wing, he is supposed to file an answer within 20 days, and then the court should schedule a hearing.

Mr. Eastman stated that he and the residents feel it is important to treat all property owners the same and that is why 3 Cram Street is a concern; the home has been deteriorating for 7 years. Melissa stated she agreed and that is exactly why there has been contact made. She added that the Town would much rather have willful compliance and work with a property owner who is willing to do something than spend tax dollars on legal fees. The owner, Mr. Harris has communicated that he would like to clean the property, but he has limitations, if the owner wants to work on compliance the Town will promote that. She added that Mr. Wing does not want to do anything and is defiant in doing the exact opposite.

Mr. Eastman mentioned that Mr. Wing will be going back to court on May 7 for the littering charges both charges have been joined together. Councilor Lugdon noted that Mr. Wing's behavior in court is outrageous and the court officials and judge allow it to happen. Melissa added that she is constantly asked to do something about Mr. Wing, she is not sure what, she read a letter that Mr. Wing sent to the judge, and if she did that she would be in jail. If a judge can't and won't do anything for his behavior what can a town manager do? Councilor Hatch asked if during the condemnation hearing the Town could request a psych evaluation. Melissa stated that the town's purview is the land use ordinance, and a psych evaluation and assistance are the purview of law enforcement and the court system.

Managers' Report: Melissa provided an updated foreclosure schedule policy that has been reviewed by the municipal attorneys. There are more changes in the law forthcoming in this legislative session, therefore Melissa recommends waiting for final approval. The changes being proposed are even if the prior owner does not request the alternative sale the municipality will have to send any remaining funds from a sale to Maine Revenue Unclaimed Property.

In January the Town had two properties that were subject to automatic foreclosure. One property owned by Roger Black and Shelby Marquard has made their payments in full; a deed will need approval under new business. The other property owned by Terry Coulter of 43 Highland Avenue remains unpaid. All the letters that have been sent to Mr. Coulter have been returned undeliverable as the property is vacant. The property is 1.47 acres of land with a small home and a small garage. Melissa would like to have the Town Council's thoughts on keeping the property, demolishing the buildings, and developing the property into cemetery space. The only real space available in Town for full burials is Knapp Cemetery on Route 178. The cemetery is on a hill so that is difficult and cremations are recommended. The remaining space in Evergreen is very wet and cremation only, and in addition, full stones are not permitted, the markers must be flush with the ground due to land movement. Melissa has contacted the Maine Municipal Association and the municipal attorney to inquire how the new laws affect municipal ownership. Maine Municipal Association stated that rules are still being written and recommendations would be forthcoming. They did suggest, however, that because the property has been what appears to be abandoned for more than 60 days, it should be added to the Town's liability

insurance, the town could also obtain fire insurance if the Town Council feels that is appropriate. The property does include personal property, if it is decided to keep the property, the law requires that notice be given to the prior owner that they have 21 days to remove the property. If notice cannot be delivered via mail, notice is required twice consecutively in a daily paper. Town Council was in favor of exploring this option, Councilor Wade noted a determination would need to be made as to where the septic system was. Councilor Ketch noted that research would need to be done for cemetery development as well, such as if a fence or hedge is needed.

Two residents have come forward with an interest and intent to serve on the Planning Board, their appointments must be made by the Town Council. Louis Knapp of 409 Main Street who is a longtime, if not lifetime Bradley resident who served on the Town Council in the 90's, and Jessica Coakley who lives at 61 Bullen Street and became a registered voter in Bradley in 2013. Councilor Lugdon made a motion to appoint Louis Knapp and Jessica Coakley to the Planning Board, seconded by Councilor Hatch vote 5/0.

The planning board met last week to discuss the changes needed to the land use ordinance to meet the Affordable Housing law requirements and make some changes in regard to appeals. Dean provided a memo today outlining the changes. It will be necessary to have a public hearing regarding these changes, Melissa would recommend doing so at the same time as the municipal budget public hearing on April 23, 2024. Councilor Ketch inquired about the road frontage requirements in the ordinance, Melissa stated that Dean could answer the specifics, however, a minimum road frontage is needed to constitute a buildable lot.

Melissa stated that she enjoyed her work at the National League of Cities conference in Washington DC. She originally wondered if she would have anything to contribute being from a smaller rural community, however, she spoke to the delegation about illegal marijuana growths coming to small rural towns without their own law enforcement and limited code staff, also about the mental health crisis and how it really affects small towns because again limited staffing.

Nomination Papers will be available on March 28 for two Town Council seats, Lugdon and Wade.

New Business: Councilor Ketch noted that an E-Waste proposal was provided to the Town Council, he noted that the cost seemed to be high with many unknowns. Melissa stated that she has contacted a few other vendors and may have additional information in the future. She also stated that each year the Challenger Center in Bangor has an event that is by donation.

Councilor Hatch made note of a new charitable donation from Sweetser that provided and asked how the request would be processed. Melissa stated that typically the Town Council approves a set amount in the municipal budget for non-profit donations, currently, that amount is \$1000. Once the budget is approved the Town Council reviews each request and makes a determination on how to disburse the funds.

Councilor Ketch mentioned that the property of 257 Main Street has been doing a substantial cleanup. Melissa noted that the trailer on the lot will be removed and a new one installed. The new owner has been provided with information about the spring clean-up and the restriction of two loads.

Councilor Ketch made a motion to accept the Municipal Quitclaim Deed for 123 Penney Lane May 7 Lot 16 L25 for Roger Black and Shelby Marquard due to payment of all outstanding real estate taxes automatically foreclosed on January 12, 2024, seconded by Councilor Lugdon vote 5/0.

Councilor Lugdon noted that the judgements provided against Robert Wing were dated January 30, 2024 and March 12, 2024, he asked when Melissa when she had received them. She stated she contacted the attorney Thursday March 21 requesting an update. Councilor Lugdon was not impressed that the attorney does not seem to be on top of this matter and perhaps a different attorney be sought. All members agreed that it was unacceptable and a communication should be sent notifying the firm of the Town Councils concerns.

Unfinished Business: The Town Council reviewed the 2024-2025 municipal budget, Melissa added that a draft budget from RSU 34 had been received and it currently represents a \$74,355 increase. She also added that Bradley has \$54,913 remaining in the school surplus fund. Councilor Wade made note of the data that was received from the City of Old Town regarding the EMS service. He would like to know how many calls each partner had. The Town Council agreed that the cost-sharing formula of per capita does not appear to be reasonable, the amount of use should also be a consideration. Town Council was also in agreement that there is not really any other alternative for EMS service and the increase from \$134,175 to \$156,617 will have to be absorbed. Councilor Lugdon asked Melissa if she would be reviewing for additional carryforwards; she stated she would do so before the public hearing on April 23, 2024.

Municipal Warrants: Councilor Ketch made a motion to accept the municipal warrants as presented, seconded by Councilor Lugdon vote 5/0.

Next Meeting: The next meeting was set for April 9, 2024.

Adjourn: Councilor Wade made a motion to adjourn, seconded by Councilor Clemons vote 5/0.