

**Town Council Meeting
April 23, 2024**

Roll Call and Open Public Hearing: Councilor Lugdon, acting as Council chair, opened the public hearing.

Public Comment:

Land Use Ordinance Amendments: Code Enforcement Officer Dean Bennett presented changes to the land use ordinance that were recommended by the Planning Board. These changes are due to recent law changes that have a large impact on local land use and growth management. Mr. Bennett indicated that the intent of the changes was to promote affordable and attainable housing, however the changes have made home rule, the authority for local governments to make local regulations specific to their community, almost non-existent. These changes leave the impression of a one size fits all regarding housing regulations. The new laws include passing manufactured housing bills that allow mobile homes/tiny homes in any area that residential homes are permitted, even if a municipality has previously restricted them in specific zones or districts. The largest change that affects the Town of Bradley is the Affordable Housing Law. This law allows lots in a growth area the ability to have 3 dwelling units and in rural areas 2 dwelling units. These changes require changes to the land use ordinance to address the additional dwellings and the schedule of uses by allowing dwellings and units in the respective districts. Dean further stated that these laws do not have restrictive rules regarding parking, driveway or egress standards, however the law does have considerations for soil testing and septic. He added that there are only minor changes needed to the ordinance, as the Town of Bradley ordinance already had allowances that promoted affordable and attainable housing.

Mr. Bennett also stated that an additional change recommended by the Planning Board is language around the administrative appeals process. The change notes that if an administrative appeal is requested the Board of Appeals board will act in "de novo". He further explained that if the decision that is being considered for appeal did not require public notice or abutter notification, the board will hear testimony from the code enforcement officer and the claimant. Those making the appeal are obligated to point out errors that were made. If the decision did require a public hearing and abutter notification, the board will look at evidence that was presented to make the decision. This appeal process will assist with ensuring that an appeal is based on facts and what was used in the decision-making process, not on information that was not used in the process so there are no wrongfully intended appeals.

Councilor Lugdon asked for clarification on the request for appeals and the timeline. Mr. Bennett explained that the Board of Appeals will receive the request typically from the code enforcement officer upon notification from the claimant. Laws create a specific timeline that must be met.

Audience member Audrey Wilcox asked if these new laws changed the ability for deed restrictions such as covenants. It was explained that those are still allowed, however, municipalities do not enforce those restrictions. Enforcement would come from the developer and would be part of the sale.

2024-2025 Municipal Budget: Manager Doane stated that there are no changes in the net budget from the April 9th meeting. The budget is still \$48.78 below the self-imposed budget cap. She further explained that in her final review she did discover an error in the solid waste line item. The amount that is needed is \$51,500. On the 9th she presented as \$41,500. To keep the budget at a flat COLA, she removed \$10,000 from the road line item. There was also a small change in the carry forward amounts as Mark Gifford requested new flags be purchased in the current budget, therefore decreasing those amounts by \$1000. Audience member Audrey Wilcox asked what the increase in the ambulance subsidy was. Manager Doane explained that in the last fiscal year the amount was \$134,176, in this budget year the amount was \$156,620. Councilor Lugdon explained that the large increases started when the Town of Milford stopped using the Old Town service and there had been an open dialogue with Old Town regarding the increases. The discussion continued, highlighting the need for residents to have high quality ambulance service.

Close Public Hearing: Councilor Lugdon closed the public hearing.

Open Town Council Meeting: Councilor Lugdon opened the Town Council meeting; all members were present except for Councilor Ketch who was excused.

Mark Gibson, Town of Bradley Assessing Agent-Re-evaluation of Real Estate and Personal Property Value:

Mr. Gibson presented several ratio schedules; these schedules provided details on the market sales and market value. The prices in real estate have been above what anyone would have expected. The sales are occurring, the banks are lending funds, and the appraisals are coming in high. The schedules that he presented included sales data from 2021, 2022 and 2023. He explained each schedule presented and recommended that the Town Council move forward with the schedule that assesses properties at 95% and not include the inflation factor. He further explained that there is data available to justify a higher schedule, however with his recommendation he believes residents will adjust to the new valuation amounts easier. Mr. Gibson's goal is to provide an updated assessment that captures the average increase in the market, not the highest value. This will provide a fair and equitable assessment to each property.

Manager Doane stated that she and Mr. Gibson had been discussing this new assessment when the property sales started coming in much higher than current assessed value. They had hoped that the market would settle down. That has not occurred. Maine State Law dictates that municipalities must maintain a ratio of 70% or higher; the current assessment is at 68%. This is determined by the State each year when they review the assessing records. With the decreased ratio comes decreased state funding and subsidies. She provided the example of the residents that have the Homestead Exemption. The decrease in ratio provides a \$20,000 exemption and with a 68% ratio that amount will be less. Bringing the ratio to 95% will bring this exemption back to the full \$25,000.

Councilor Lugdon asked if there was a mechanism to inform the residents of the increase in valuation and has there been a determination if taxpayers will be paying more out of pocket. Mr. Gibson stated he had a document that he could provide that should be mailed with each tax bill. Regarding "out of pocket", it is hard to know. He further explained that properties may have larger increases in valuation due to factors such as neighborhoods, land improvements etc., however the commitment is determined at the Town Council, voter and RSU level. Manager

Doane stated that the exacts are not known, but the municipal budget increase is below the cost of living and well below inflation; she believes that the RSU Board is attempting to do the same. She is hopeful that the increase in the budgets will be absorbed by new valuation and re-evaluation increases on non-residential properties. Councilor Lugdon questioned if a side-by-side comparison could be made in regards to what the actual tax amount would be with the current ratio and the new. Mr. Gibson offered that he believed it would be confusing and would provide the mentioned document to Council for consideration. Councilor Wade stated that he was agreeable to the 95% sale schedule as it does present an average. He added the additional exemption value will also assist with tax amounts.

Review of the Minutes: Councilor Lugdon made a motion to accept the minutes of 4/9/2024, seconded by Councilor Wade. Councilor Clemons mentioned that he had sent changes to Manager Doane prior; she noted the minutes reflect those changes. Vote 4/0.

Citizens Request: Ann Delaware stated that the 4 Season Seniors are going to be having a luncheon tomorrow the 24th at Saint Ann's Church at 11:30 am.

Audrey Wilcox informed the Town Council that over the winter there has been an excessive amount of littering on Cram Street, Baker Lane and Ten Road. There were also cans being thrown into Great Works Stream. She reported the issue to Melissa and Dean, and they watched for instances. It was finally seen, and the situation hopefully has been resolved. Manager Doane clarified that she received a picture of a vehicle that was throwing the cans. She notified the Sheriff's Department and they spoke to the owner of the vehicle. Melissa also added that there has been discussion on community boards regarding the speeding on Bradley streets and roads. She requests that the Sheriff patrol the areas each time they are in Town. The Town also pays for a special patrol. There is not much more that could be done. However, Melissa did suggest that if a resident sees a vehicle that is speeding to either report the plate to dispatch or even contact her and she will report to them. A violation may not be given to the owner of the vehicle, but hopefully the conversation will deter further speeding. Councilor Lugdon stated that the only other thing that could be done would be to have a full-time police coverage, which would greatly affect the out of pocket tax money.

Manager Report: Melissa reported that on April 10th she submitted to the municipal attorney, John Hamer, the resolution that the Town Council approved at the April 9th meeting. That afternoon she received an email from Mr. Hamer apologizing for the lack of response and acknowledge that there was a failure in communication. He also reported that the practice is in a transition and he will be moving more towards employment work. Stephen Wagner, the attorney who represented the town during the December hearing, will now be our municipal attorney. Mr. Wagner is the head of the municipal practice group.

Melissa also received an update regarding 114 Cram Street. As no payment was made for the penalties or attorney fees, a motion to file a contempt of court was completed on March 18. When this is heard, the town will request a clean up be done in a specific timeline, or the town will clean up the property and file a lien against the property. The Town will also request a re-payment plan for all penalties, attorney fees and clean up fees. In addition, a motion has been filed regarding the dangerous building order. Mr. Wing was served on January 12 and Mr. Hayden was served on March 7 and the Town must wait for the scheduling of the hearing.

Mark Gifford has made a request to purchase new flags in the amount of \$1600.00. There is currently \$1000.00 in the flag budget. Additional funds of \$150 are available in municipal

grounds, and \$100 from general supplies. Melissa would like Town Council to consider using the \$350 available in non-profit donations to make up the difference. Councilor Wade made a motion to approve the use of the non-profit funds, seconded by Councilor Clemons. Vote 4/0.

By May 1st of each odd numbered year, it is necessary to appoint election clerks. Melissa asked that the Town Council appoint Marva Cote, Ruthann Lucas, Ruthann Shorette and Ann Delaware. This appointment does not require that each of them work the election or prevent the town from having other clerks assist with the elections. Councilor Wade made a motion to appoint those recommended, seconded by Councilor Clemons. Vote 4/0.

As Melissa prepares the 2024 Town Report, she would like to know if Town Council would consider closing the office on Friday, July 5th, as July 4th is a holiday. Holidays are printed in the report. It has been suggested that the State of Maine will be declaring it a holiday and the Judicial Branches have already announced they're closing. Councilor Wade made a motion to approve the closure, seconded by Councilor Clemons. Vote 4/0.

Melissa provided a memo to the Town Council asking for them to consider placing a warrant article on the June ballot asking the voters if they would approve using \$50,000 for cemetery restoration and \$100,000 for future cemetery land acquisition and development. She stated that as she has reported previously there is very limited cemetery space in Bradley and if land should become available it would be great to have the funds available. In addition, there has been discussion of possibly developing the tax foreclosed property at 43 Highland Avenue into a cemetery. If it is determined that the area is appropriate for cemetery space, funds will be needed for development. Councilor Lugdon suggested that explanation be provided, because anyone outside of the Town Council meetings likely do not know the need for Bradley cemetery plots. Manager Doane agreed, and stated she can add something to the Town Report and will post on the website. She added that the only lots available are those at Evergreen which are cremation only as the area is extremely wet. Additional lots are on Knapp Cemetery but they are on a hill and are less desirable. Audrey Wilcox stated that if the area on Highland Ave is developed, the surveying, roads and plotting will be costly. Manager Doane added that if the \$50,000 is approved she would like to have further discussions with Council regarding the improvements to Knapp Cemetery such as removing bamboo and tree clearing. Councilor Clemons made a motion to add the article to the June ballot, seconded by Councilor Wade. Vote 4/0.

New Business: Councilor Lugdon asked about letters that were provided in the Council information packet regarding land use violations. Manager Doane explained that she provided those letters to the Council to inform them of her and Dean's ongoing effort to have properties willful comply with the land use ordinance.

Unfinished Business: Motion to approve the land use amendments as discussed in public hearing made by Councilor Wade, seconded by Councilor Clemons. Vote 4/0.

Motion to approve the 2024-2025 municipal budget as discussed in public hearing, made by Councilor Clemons, seconded by Councilor Wade. Vote 4/0.

Municipal Warrants: Motion to accept the municipal warrants as presented made by Councilor Lugdon, seconded by Councilor Wade vote 4/0.

Next Meeting: The next meeting was set for May 7, 2024

Adjourn: Motion to adjourn made by Councilor Wade seconded by Councilor Lugdon. Vote 4/0.