

BUCKSPORT TOWN COUNCIL MEETING
7:00 P.M., THURSDAY, AUGUST 9, 2018
TOWN COUNCIL CHAMBERS – BUCKSPORT TOWN OFFICE
MINUTES

1. Call Meeting To Order

Meeting called to order by Mayor David Keene at 7:00 PM

2. Roll Call

Members Present: Mark Eastman, Paul Rabs, David Kee, David Keene, Peter Stewart, Paul Gauvin and Robert Carmichael, Jr.

3. Presentation of any Town Council Recognitions - None

4. Consider minutes of previous meetings

- a. July 26, 2018 Town Council Minutes

Motion by Councilor Gauvin, seconded by Councilor Carmichael to approve.

Vote: 7-0.

- b. July 26, 2018 Finance Committee Minutes

Motion by Councilor Gauvin, seconded by Councilor Carmichael to approve.

Vote: 7-0.

- c. July 26, 2018 Regulatory Review Committee Minutes

Motion by Councilor Gauvin, seconded by Councilor Kee to approve. Vote: 7-0.

5. Receive and review correspondence and documents - None

6. Ordinances to Consider/Introduce

- a. Second Reading – Chapter 13 Property Maintenance Standards

Jeff Hammond, CEO reviewed Chapter 13 changes.

Motion by Councilor Stewart, seconded by Councilor Gauvin to hold a public hearing at the next council meeting. Vote: 7-0.

- b. Second Reading – Chapter 5 Building Codes and Standards

Jeff Hammond, CEO – discussed that the Town Had received a letter from Jill Johanning of Alpha 1 in regard to clarification of what building activities should require a permit.

Pearl Swenson - Senior Resource Committee – discussed ADA Codes, the \$500 grants that the town offers to help business with handicap accessibility, and other accessibility improvements that the town has made. She reviewed the AlphaOne letter and asked the Council to consider reinstating permits for some of the items identified in the letter.

Motion by Mayor Keene, seconded by Councilor Gauvin to send this back to Regulatory Review for discussion of the Alpha One letter. Vote: 7-0.

c. Third Reading – Chapter 12 Traffic & Safety

Jeff Hammond, CEO explained that a modification was proposed in article 3 regulations - sec.12-302; to allow overnight parking for 2 parking spaces based on terms of sale of the old Chamber office. It also addresses scooters on the walkway and makes clear that motorized scooters/devices for those with ability challenges are allowed in all location. Motion by Mayor Keene, seconded by Councilor Stewart to go to public hearing. Vote: 7-0.

7. **Discussion Items (Manager Clarification and Direction, or Council Discussion and/or Input on Issues)**

a. Regulatory Review Committee Update – 8-09-18 meeting

Councilor Rabs – discussed an update on mobility devices, regulations on saw mills, which was sent back to the Planning Board; RV regulations for year round living which would require a contract between owner and the town, and that tiny houses on wheels should be considered.

b. Finance Committee Update – 8-09-18

Councilor Kee reported that the Town had received 4 bids for acquisition of two police cruisers

c. Legal Opinion – Town Code & Town Charter re: Employment & Council Service Town
Manager reported that the in the Town Carter only full-time employees and their spouses are prohibited from serving on the Town council. Under Council Rules, Political Activities, no employees are allowed to campaign for office. A second legal opinion recommended making Council Rules consistent with the Town Charter as a way of reducing infringement on first amendment rights and to eliminate the conflict between the two documents. Motion by Councilor Gauvin seconded by Councilor Carmichael to send this to regulatory review committee to make Council Rules consistent with the Town Charter. Vote 5 – 1-1 (opposed Councilor Stewart, abstained Councilor Rabs).

Councilor Rabs asked to continue to serve on Fire/Ambulance while this process was ongoing. The Town Manager indicated that the conflict that existed created a problem for his candidacy for office, since the conflict for employment was not due to being on the council – but in running for another term which is what was not allowed for any employee.

Councilors Gauvin and Carmichael did not interpret the code this way, and believe that Councilor Rabs can continue to serve in both capacities

Resident Nancy Minott – Is concerned if we break rules of the Town Code or Charter that don't agree, but wonders if it is an emergency can the Council make a vote due to emergency nature of the item?

Councilor Carmichael believes that there is no clear understanding that it is not appropriate for Councilor Rabs to continue on the Fire Department.

Councilor Kee-section 2.08 supports the Council's right to determine the actions of its members.

Resident Mike Ormsby – asked if the rules had been changed since he had heard of the charter regulation but not the Town Code one. Councilor Stewart indicated that the rules had been in place since 1972.

Resident Pearl Swenson asked why the Council would take a chance on losing someone with experience and skills because of this.

Councilor Carmichael praised Councilor Rabs as being one of the most prepared and valuable councilors.

Motion by Councilor Gauvin, seconded by Councilor Carmichael to allow Councilor Rabs to continue on call ambulance driver/firefighter pending outcome of the Regulatory Review Committee process. Vote 6 – 1 (Stewart opposed)

d. Non-binding referendum – Single Use Plastic Bag Ban

The Town Manager indicated that she had been contacted by numerous people who wished to address this proposed item.

Resident Donna Smith indicated that to address concerns about bags without handles – she showed paper bags that have handles. Orono, Belfast & Bar Harbor all have single use plastic bag bans. Plastic particles are found in our water; and are a major source of pollution.

Resident Nancy Minot indicated that this item had been an item that was raised as a concern during the Heart & Soul process. She believes they are harmful to the environment and that we should take small sets to eliminate single use plastic bags.

Mike Ormsby believes that it should go out to referendum to vote - all townspeople have right to speak on the subject.

Resident Don White referred to an article Bangor Daily News in August about problems with plastic; and he also spoke with the City Manager Belfast who indicated there were no complaints about the plastic bag ban there.

Economic Development Director Rich Rotella suggested putting a container at the transfer station to collect single use plastic bags rather than put local businesses at a disadvantage.

Resident John Paul Lalonde believes that it is a matter of taking pride in the community and it would be a good thing for town.

Hans Krichies believes it would be very good for the town.

Ruth Crowley from Orland noted that Reny's department stores use paper bags.

Mary Jane Bush-believe that banning plastic bags can make a major change, and the Town should take leadership and move forward and vote tonight to support banning single use bags.

Paul Rabs thanked Heart & Soul and agree with a new article on the global level of impact from China compared to the United States. He noted that Hannaford has reusable containers as well as a choice of paper or plastic bags.

Councilor Carmichael stated that there are a number of issues - environmental, personal choice for people and that his preference would be a council vote.

Councilor Stewart believes it is an individual choice.

8. Agenda Items

- a. To approve Resolve #2019-09 to approve purchase of 2 police cruisers.

Motion by Councilor Stewart, seconded by Councilor Gauvin to approve. Vote: 7-0.

- b. To approve Resolve #2019-10 to approve the pier reconstruction bid.

Motion by Councilor Gauvin, seconded by Councilor Carmichael to approve. Vote: 7 – 0.

- c. To approve Resolve #2019-11 to approve a non-binding referendum question related to banning single use plastic bags for the November 2018 election.

Motion by Councilor Stewart, seconded by Councilor Gauvin. Vote: 1-5-1. In favor – Keene – Opposed Eastman, Rabs, Gauvin Carmichael, Stewart – abstained Kee.

Motion by Councilor Eastman, seconded by Councilor Carmichael to send back to regulatory review committee. Vote: Carmichael, Rabs, Kee, Eastman in favor, Opposed: Keene, Stewart, Gauvin. Motion passed.

9. Resignations, Appointments, Assignments, and Elections - None

10. Approval of Quit Claims, Discharges, and Deeds

- a. Deed for Sale of Map 52 Lot 28 to Rosemary & Mark Bamford

Motion by Councilor Gauvin, seconded by Councilor Stewart to approve. Vote: 7 - 0

Motion by Councilor Stewart, seconded by Councilor Gauvin to add an item to the agenda. Vote: 7-0.

Downeast Maine LLC - 1943 tax lien needs to be released

Motion by Councilor Gauvin, seconded by Councilor Stewart to approve. Vote: 7-0

11. Town Manager Report

a. Department Head Reports

b. Manager's report

The Manager's Report is hereby attached and made a part of the minutes. In addition, the Manager reported that Solar Panels are being installed on the town garage, the IT person met with Spectrum and a new part was installed and should stop the poor cable tv reception. The Marina cameras are working, and as a result of trucking on Bucksmills Road police are enforcing the provisions against truck weights over 34,000 unless going to a residential and have provided bonding and received a permit from the Town.

Councilor Kee noted that an article in the Wall Street Journal is a big deal for a small town, and people just might come to Bucksport.

12. Set Public Hearings, and/or Hold Public Hearings and Approval of any Licenses or Permits - No licenses

Chapter 13 & 12 - public hearings to be held at the next Council meeting.

13. Discussion of Items Not on the Agenda for Council and Public

Mr. Austin asked about a report on survey regarding drainage problem.

Mayor Keene said the Town should be receiving that information soon. The Town Manager indicated that the proposal was to construct the parking lot on the Nason lot and address the drainage issues that impact the buildings in front of that lot.

Jeff Hammond reported that Wilson Hall roof tower is showing signs of movement- and he has concerns of the tower collapsing as a result and that it is a safety concern. The Council directed the Manager to take steps to correct the problem.

Economic Development Director Rich Rotella presented a draft stage plan of the EPA grant ADAPT master plan that identifies potential development strategies. Councilor Eastman requested that the former fitness center area be on the next agenda for discussion.

14. Upcoming Public Hearings, Designation of Topics for Committee Assignment, and Scheduling of Committee Meeting

a. Infrastructure Committee Meeting – Sign change, accessibility discussion – town dock at 6 p.m. on August 23rd.

Regulatory Review will be at 5 p.m., on August 23rd.

15. Adjournment

Motion by Councilor Gauvin, seconded by Councilor Eastman to adjourn at 9:10 p.m. Vote: 7-0.

Respectfully submitted,

*Kathy L. Downes
Council Secretary*