

Town Council Meeting
7/20/2010

COUNCIL PRESENT: Sally Strout Audrey Wilcox, Lillian Coulter, Nicholas Wood, Fred Gifford Excused.
Town Office staff present, Town Manager Melissa Doane

CITIZENS REQUEST: Shannon and Clarence Binette addressed the Town Council on the issue of open burning. Ms. Binette stated that they live on Highland Avenue and have had a continued issue with open burning, she has asthma and allergies and the smoke greatly aggravates these conditions. They are unable to enjoy their yard, screen house or open the windows because of the constant burning. Ms. Binette would like to have the Town enact an ordinance that would prohibit open burning, as it creates a health hazard. She would like stricter laws regarding open burning and would be willing to establish a committee as she feels this is important to all of the community. Manager Doane stated that she would welcome the formation of any committee however would caution Town Council enacting an ordinance that would affect the whole Town when it may be a neighborhood issue. She would like to seek an agreement within the neighborhood agreeing to burns however at certain times and maybe not so frequently. Manager Doane also stated that local ordinances can be drafted however they are created only to enhance State and Federal Law, local ordinances cannot change laws. The State of Maine permits open burning and little can be done at the local level. Manager Doane also stated that with local ordinances there is the issue of enforcement, the Town of Bradley does not have law enforcement and relies on coverage supplied by the County and the State Police. Chief Gifford agreed adding that residents are allowed to have open burns to cook, this could include marshmallows. Therefore the fires that are occurring in the neighborhood are allowable by law. Ms. Binette stated that she was aware of the law however it was being taken advantage of, in addition the law reads somewhere that a fire cannot be a nuisance. Manager Doane stated that Town attorney has informed her that in regards to the Bradley land use ordinance, that once there is a complaint it becomes a nuisance, however this issue is a State law and enforcement is with State officials, she suggested that if an agreement cannot be reached that the Binette's call law enforcement and see if they can assist in the issue. Councilor Strout asked what the burning permit procedure was; Chief Gifford stated that fire permits are issued for burns Monday through Friday 5:00 pm to 10:00 pm and Saturday through Sunday 8:00 am to 10:00 pm. These permits are for burning of brush and debris; open cooking fires do not require a permit by State law. Chief Gifford stated he will call the local Forest Ranger and ask for some direction as they deal with these issues frequently and bring something back for the Town Council, Manager Doane stated she can contact Maine Municipal Association and see what other Town's do. Ms. Binette was in favor of a neighborhood letter.

MANAGERS REPORT:

Manager Doane reported that she was on vacation during the week of 7/13/2010 to 7/16/2010 and everything appeared to have gone smoothly.

Manager Doane reported that the Maine Municipal Association ballot for Vice President is available. The choices are Sophia Wilson, Town Manger of Brownville and Clint Deschene Town Manger of

Hermon. Manger Doane stated that she has worked with both of these Managers and feel that both are qualified. Her recommendation however would be Clint Deschene as she has worked with him closely on several regional projects. He has provided great guidance and has a terrific understanding of municipal needs. There are also 3 director positions available, however there are only three running so the options are what they are, Michelle Beal City Manager Ellsworth, Marston Lovell, Councilor Saco and Robert Yandow, Town Manager, York. Councilor Coulter made a motion to elect Clint Deschene for Vice President of Maine Municipal Association, seconded by Councilor Wood, no discussion vote 4/0. Councilor Strout made a motion to elect the directors three candidates listed on the Maine Municipal Ballot, Councilor Wilcox seconded, not discussion vote 4/0.

Manager Doane will be filing liens for the 2009 tax commitment at the Registry of Deeds tomorrow, 36 accounts were affected.

The audit for the 2009-2010 fiscal years is scheduled for Tuesday July 27, 2010.

Bob Fenney, architect for the fire station project provided Manager Doane with an update regarding the project, there has been no change orders thus far, the project is going along smoothly. If the weather cooperates, the first part of the floor will be poured this week, the second part in the middle of next week. The plumbing, electrical and water underground lines are in. Mr. Fenney has reviewed the site and the water naturally goes to the old ditch which is towards Annabelle Labree's, he is going to have that ditch dammed up therefore forcing the water to the municipal property and catch basins. Dunbar and Brawn have figured the difference regarding the sprinkler system; they have figured a life safety sprinkler system which gives the Town a \$2800 credit. Mr. Fenney is waiting for the fire marshal approval, if the approval is received, Mr. Fenney would like Manager Doane to have the authorization to moving forward with the change order. There has been some discussion with Dunbar and Brawn about raising the height of the driveway by 6" this would get the driveway higher than the lawn and the pond. If the sprinkler system is approved the \$2800 credit could be used toward the driveway, they anticipate the cost to be about the same. The discussion has started regarding outside colors; Manager Doane would like to see the colors be the same as the Post Office and Municipal Building. A site visit has been scheduled for 6:00 pm on August 3, 2010. Town Council authorized Manager Doane to move forward with the sprinkler change order and agreed that the colors of the fire station should be the same as the municipal building and post office.

The crack sealing has been completed on Boynton Street, Cram Street, Elm Street, Highland Avenue and Parlin Street. Manager Doane added that there were some cracks on Elm Street that were too large to fill with crack sealing and some cracks on Parlin were filled with vegetation.

NEW BUSINESS:

Councilor Wilcox stated that there should be some discussion soon as to what is going to be done with the old fire station. Manager Doane informed Town Council that David Climo had expressed an interest in the building to use for his electrical business. She also added that the building is in very poor shape,

the second floor is falling down. Councilor Wilcox asked for verification regarding the right of way to the back parking lot, Manager Doane and Chief Gifford acknowledged that there is no right of way.

Councilor Strout asked what was going to happen with the plowing of the new fire station. Manager Doane stated that if the salt and sand shed is completed, the road plowing company will plow the road, a private contractor will be responsible for plowing the parking area. Councilor Strout asked if the road plowing contractor should do the parking area. Manager Doane stated she could ask them, however their first priority should be clearing the roads therefore that area may be delayed, the driveway contractor has to remove snow once it has accumulated to 2", therefore there should never be an issue prohibiting safe exit for the fire trucks.

UNFINISHED BUSINESS:

Councilor Wilcox made a motion to accept the July 6, 2010 minutes as presented, seconded by Councilor Coulter, no discussion vote 4/0. Later it was added by Councilor Strout that during the conversation regarding Town Council surplus being transferred, there was no mention of what the funds were to be used for. Manager Doane clarified that that funds were to be used for construction of a road at Knapp Cemetery, allowing access to more cemetery plots.

Town Council signed the Assessors Certification of Assessors Certification of Assessment Municipal Tax Assessment Warrant, Certificate of Commitment and Certificate of Assessment to be returned to Municipal Treasurer

MUNICIPAL WARRANTS: Councilor Coulter made a motion to accept warrant 5 in the amount of \$4700.83, warrant #6 in the amount of \$116,506.52 and warrant # 7 in the amount of \$57,170.00, seconded by Councilor Wilcox no discussion, vote 4/0.

NEXT MEETING: The next meeting is set for August 3 at 6:30 pm.

ADJOURN: Motion made Councilor Wilcox to adjourn, seconded by Councilor Coulter no discussion, Vote 4/0.