



Town of Baldwin, Maine
SELECTMEN MEETING MINUTES
TUESDAY, SEPTEMBER 06, 2022 6:00 P.M.



Note: This meeting was recorded and can be viewed on the website www.baldwinmaine.org.
Attendance: Selectmen: Dwight Warren, Jim Dolloff, and Robert Flint, as well as members of the Public.

1. **Dwight Warren called the Selectmen meeting to order at 6:00PM.**
2. **Review/ Approve minutes**
Jim Dolloff requested a motion to accept and approve August 23rd, 2022, minutes as written. Dwight Warren seconded the motion, no discussion. Selectmen, Jim Dolloff, and Dwight Warren voted 2-0 to accept the minutes. (Robert Flint was not present for start of meeting.)
3. **Review/ Approve warrant**
Jim Dolloff requested a motion to accept and approve September 6, 2022, warrant. Dwight Warren seconded the motion. Selectmen voted 2-0 to approve the warrant.
4. **Town Office/Community Center- Water Treatment Project:** Robert Flint reported that it has been difficult to get Well Done Water to come out to pull the pipe to replace the pump. He suggested it might be best to call someone else and move forward as winter is approaching. The Selectmen were all in agreement.
5. **Town Ordinance -Dogs/Pets & Barking Dogs Complaints:** Dwight Warren reported that the Select Board met with the dog owners on Sand Pond Road, the CEO, and the ACO to try to resolve concerns regarding barking dog complaints, and work with the Planning Board towards obtaining a CUP for a dog kennel.
Neighbors in attendance spoke, communicating that they had attended Planning Board Meetings and have filed written complaints regarding the dogs barking, resulting in the violation of the Town's Barking dog ordinance. They wished to clarify the ordinance and learn what the Select Board planned to do to resolve the matter. CEO, Don Kent said the Town ordinance definition of a kennel is having six or more dogs and it's not permissible to have a kennel anywhere in town without first being granted a CUP. He said the dilemma is that a lot of us did not know that and we do now.
Planning Board Chair, Josiah Pierce stated that the Planning Board is going to do what is legal and that the force of the law drives the Planning Board towards a decision. He said when the application is received, deemed complete, a site walk, and public hearing will be conducted after which the application would be considered. If the applicant is in violation, the Planning Board must deny the application and the application cannot come back to the Planning Board with a CUP request for two years. Josiah said he will review the CUP process in detail again with the dog owners when they present to a Planning Board meeting. Jo said he needs to be sure that everyone has had their say and expressed their opinion of what's going on, noting as the law is now written, you assume that the permit is to be granted and you must prove that it can't be. For the Planning Board to find the dog owners to be in violation of the dog ordinance, they would have to be officially cited to be in violation. Jo Pierce said if they are found in violation of the ordinance then they must get rid of the dogs which would be a hardship for them, yet the noise would be a hardship for the neighbors if it continued. The neighbors said that they didn't want them to get rid of the dogs they just wanted quiet. One neighbor expressed concern about follow through with



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ordinance compliance, suggesting a certain amount of time be given to correct violations, if not, further action should be taken. It was also suggested that regular reports should be obtained by the Select Board from the ACO to assure communication. Another neighbor expressed concern about how secure the dogs are in kennels. Jo Pierce replied if the application goes ahead there will be a site walk. The public can come to site walk to determine that they are safe and secure, as well as speak with Planning Board and owners. It would be opportunity for public discussion. Jim Dolloff pointed out that safety and barking would be conditions in obtaining the CUP.

Robert Flint concluded by stating that there are a couple of different outcomes. The first being, the dog owners require the kennel license because they have six or more dogs. They would need to remove the outdoor dogs from Baldwin prior to applying for a kennel CUP. If the CUP is granted, the owners would need to comply with the conditions. Baldwin's barking dog ordinance originated because a kennel had noisy dogs. It is not something that people are going to adjust to. The Select Board told them at the meeting today to address the noise issue and then come back for the CUP application. Bob also said the Selectmen can work with the CEO to set some time limits to check on progress. The second outcome Robert Flint advised was to not give them a violation and call them back in for another discussion. Jo pierce will not put them on the Planning Board agenda until after the discussion. Dwight Warren said the Town will need to address others in town with five or more dogs.

6. **Student Scholarships:** Dwight Warren explained that there was unclaimed scholarship money that rolled over into Fund Balance that will need to be removed by the auditor for future scholarship availability. Administrative Assistant, Robyn Anderson confirmed that one of the scholarship recipients last year did not forward grade transcripts to redeem the Town of Baldwin and annual Channel 8 Scholarships. The Selectmen agreed to place an ad in the Shopping Guide and to keep the deadline for applications the same as the previous year.

7. **Reinhard Property (Map11 Lot 70) Division of Lot:** Recently retired CEO, Wes Sunderland discussed that in 2019 Marvin Reinhard wanted to divide his two and one-half acre lot and build on part of the property, selling the larger house that he had. Wes stated that he now, he is going to keep his house and sell the property. Wes said he wrote two correspondences in 2019 supporting the ordinance that the land would be non-conforming and could not be divided. The attorney for the Reinhard's wrote a letter pointing out a similar superior court case where although the land hadn't been divided, the intent of the use for the land was valid and the plaintiff won. Wes noted in the case of the Reinhard's land, they had his mother in a mobile home and was using it as a separate piece of land even though it had never been surveyed. Wes stated that the court case supports this, and that in 2019 it was brought to the Selectmen, and it was decided that it could be divided into two pieces of land and that he could sell one of them. Wes stated that recently he was working with the buyer of the land and the Town Clerk, Debbie advised him that the property could not be divided as it is non-conforming and not grandfathered. Wes said he tried to explain the case to her, but where there was still doubt, he wanted to bring it to the Select Board to confirm and make sure the decision made in late 2019 was final, that the land, although non-conforming, can be divided and the approximate one-acre lot can be sold.
Planning Board Chair. Josiah Pierce noted that he had helped the Reinhard's research and proved that they had paid separate taxes where the mobile home was. It was treated as and is a separate lot.



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CEO, Don Kent reported that tax records show that excise tax was paid on the mobile home and was billed as one piece of land with a house and trailer on it. Don questions how the land can be divided when two acres is needed for a building lot, and further stated that if a two- and one-half acre lot is split it, it goes against the ordinance, setting a precedence for others that want to divide land. Wes concluded that the final decision was based on the court case in another town, if Reinhard would contest and take it to court, he would win. Wes referred further to prior court cases. The Select Board agreed to research the situation further. No decision was made.

8. **19 Dearborn Road Status:** CEO, Don Kent reported that condemned signs have been removed from the 19 Dearborn Road property. He intends to hand deliver a letter tomorrow to the people staying on the property, which states that they are in violation and have thirty days to clear their belongings from the house and move off the property, so that the Town can go forward with the demolition of the house.
9. **Sand Pond Beach:** Beach Patrol, Chad Nason reported an incident of someone washing a four-wheeler at the beach, a missing no parking sign and a group of people from out-of-state swimming and performing baptisms on two different days. Chad expressed feeling challenged in making them leave the beach due to a language barrier. The Select Board agreed that the group would need to find another location and after failed attempts at communication, the sheriff would need to be called. It was agreed to keep the beach open for another couple of weeks, weather permitting.
10. **Fire Chief, Bruce Crawford:** Chief Crawford presented the EMA Plan for the Selectmen to review and sign.
He reported that the Fire Department plans to burn an old trailer on Harris Road in East Baldwin
11. **Town of Baldwin Employee Guidelines:** Jim Dolloff briefly referred to Employee Guidelines that the Select Board recently have been updating. Jim noted that the guidelines are meant to include everyone using the Town Offices and Community Center as a workplace, noting parking specifics, and time and mileage sheets. The Selectmen agreed the draft looked acceptable.

Reminders: Senior Lunch on September 21st, 2022.



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Public Question and Comment

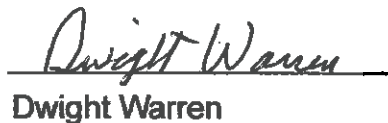
Kathy Pierce said the Historical Society had a picnic and tour of the building. There was a good turnout. The Library has new programs coming up with classes and speakers coming in. An author donated new books. A person is going to come in and read children stories and use puppets. Unfortunately there are not enough volunteers for the Auxillary to do a fall flea market/yard sale. A benefit supper is planned for next month.

Adjournment: Jim Dolloff made a motion to adjourn the scheduled Selectmen meeting at 7:31PM. Selectmen voted 3-0 to adjourn.

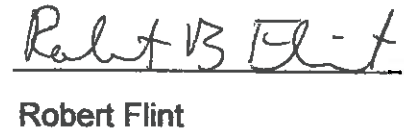
Respectfully submitted,



Jim Dolloff



Dwight Warren



Robert Flint