



P.O. Box 187, Oakland, Maine 04963 • Ph. 207-465-7357 • Fax 207-465-9118

OAKLAND TOWN COUNCIL AGENDA
4/23/2025
6:00 pm
OAKLAND FIRE STATION

- I. Call to order
- II. Pledge of Allegiance
- III. Roll Call
- IV. To consider approving the minutes from April 9, 2025 and signing the weekly payables warrant.
- V. Business Agenda:

New Business:

1. Order – 75-2425 – OakFest 2025, Kathleen Paradis
2. Order – 76-2425 - Dangerous Building, Nathan Smart
3. Order – 77-2425 – Sign Sewer Commitment
4. Order - 78-2425 – Safety Committee
5. Order – 79-2425 – Monday, June 30th

Old Business:

1. Cascade Mill Property

Manager Updates (if any)

*Memorial Day Parade

Executive Session: Discussion of Confidential Records, 1 M.R.S.A. § 405 (6) (F)

Adjournment

Upcoming Meetings:

April 24 – Downtown TIF Committee Meeting – 3:00 p.m. Police Station

TOWN COUNCIL MEETING MINUTES
APRIL 9, 2025

Council Members Present:

Michael Perkins, Chairman
Dana Wrigley Vice Chairman
David Groder

Robert Nutting
Kelly Roderick

Others Present:

Kelly Pinney-Michaud, Town Manager
Abigail Marshall, IT
Chris Cowan, Lieutenant Oakland Police Dept
David Coughlin, Oakland Fire Chief
Dan Mayotte, Waterville Fire Department
Ray Gruber
George Bailey

Kathleen Paradis, Town Clerk
Nathan Smart, Code Enforcement Officer
Rick Stubbart, Chief Oakland Police Department
Aaron Parker, Recreation Director
Sara Batteese, Waterville Communication Center
Jon Cox

The meeting was called to order by Council Chairman Michael Perkins and led those present in the reciting of the Pledge of Allegiance.

1. **Roll Call:** Roll call was taken all five council members were present.
2. **To consider approving the minutes of the March 26th, 2025, meeting:** It was moved by Dana Wrigley and seconded by Robert Nutting and voted 3-0 to accept the minutes of the March 26th, 2025.

Business Agenda:

1. **George Bailey:** Oakland Resident George Bailey spoke to the council and asked that we abide by the Federal Executive orders set forth by President Trump when applicable to the Town. He stated that we follow the rules put forth by Governor Mills and would like us to continue with following the Presidents' Executive order.
2. **Health Officer:** Town Manager Kelly Pinney-Michaud explained that our current health officer Tony Thibodeau as stepped down. We need to appoint a new officer to replace Tony. Chief Coughlin recommended Nathan Smart Code Enforcement officer to take over this position. Nate would have to attend training for 4-6 hours and have an interview. It was motioned by Dana Wrigley, seconded by David Groder, and voted 5-0 to appoint Nathan Smart as our new health officer.
3. **Community Gardens:** Aaron Parker, Oakland Recreation Director gave an update on the community gardens at the Overlook Park. Aaron stated that this year we have a citizen who wants to donate seedlings for ½ price and conduct classes helping residents understand the concept of

growing and taking care of a garden. The first class would take place around the 31st of May. We would not charge this year for a spot and maybe next year we could start charging again. He also explained that we would harvest salsa, do some canning and work with the Healthy Northern Kennebec Organization, and donate fresh produce to the Oakland Food Pantry, if the harvest is plentiful. He would put together a flyer and put notifications on our websites for the town.

4. **Updating the Waterville Communication Center:** Oakland Fire Chief David Coughlin introduced Dan Mayotte of the Waterville Fire Department and Sara Batteese Waterville Communications Center. Dan spoke to the council regarding a grant that is available to update the aging communication center as it has IT equipment over 20 years old. The Waterville Communication Center is 12th in the state for in taking emergency calls. The grant is \$100,000,000. He is requesting support from local communities and for local officials to write letters to Senator Collins in support of this project. The letters would have to be completed by the deadline of April 12th, 2025. Councilor Kelly Roderick asked what the plan would be if there was no funding. Dan stated that there may be other grants. Councilor Roderick also asked how this effects Delta Ambulance? A motion was made by David Groder seconded by Dana Wrigley and voted 5-0 to move forward with support for the new equipment for the communication center and gave permission for Town Manager to write a letter of support.

Old Business: The Town Manager updated the council on the 9 Pleasant Street property. She stated that herself along with Dana Wrigley, Nate Smart, Cheryl Gould, and building grounds director AJ Cain toured the building last Monday on the 7th and stated that the building is questionable. There were beams cut off in the attic, roof line sags, not sure if there are trusses on the addition. Councilor Wrigley stated that it was constructed in 3 sections, and it would be tough, and many renovations would need to take place in order to make it fit for a town office. Also, Kelly Roderick had asked for updates on the website and stated that she had noticed that some of the old information has now been corrected.

Managers' Report: The Town Manager informed the council that in Mid- May there would be a councilors' workshop regarding the sewer and fee structure with a Waterworth Presentation. She also stated that in this year's budget we may need a small rate increase. This will be held at the second council meeting in May. Kelly Pinney Michaud also educated the council on the HRT Program which is VOA Northern New England stated she met with Kristen Jiorle. This program would help the homeless and would give other resources to those in need in our community. This would be another resource available.

Other Business: Oakland Fire Chief asked the council to accept a \$200 Harbor Freight gift card to purchase equipment. It was affirmed by the council to accept the \$200 card. Kelly Roderick was also asked by a resident if we could put up a turtle crossing sign on McGrath Pond Road. There have been several incidents where these turtles have either been hit or have had a narrow escape. The Town Manager will ask the Public Works Director to have signs made. Also, there were inquiries regarding the paving on the Pond and Gallagher Roads where the water sits. We will speak to Jeff Hall on this situation.

Adjournment: It was moved by Kelly Roderick, seconded by David Groder, and voted 5-0 to adjourn.



Town of Oakland Accident Investigation Procedure

Accident/Incident Investigation

Purpose: To provide a process within which accidents/injuries and near misses can be properly reported and investigated.

Definitions:

An **accident/incident** is an undesirable event that results in personal injury or property damage.

A **near miss** is an event where no property was damaged and no personal injury sustained, but where, given a slight shift in time or position, damage and/or injury easily could have occurred.

Procedure:

When an accident/incident with injury occurs, follow the steps outlined in enclosure (1).

When an accident/injury occurs without injury or is only property damage, follow the steps outlined in enclosure(2).

For all accident/injuries and property damage, Department Heads will complete an employee accident/injury report, enclosure (3). This report will be reviewed by the Safety Committee to ensure corrective action has been taken and to apply lessons learned to other departments where appropriate.

For near misses, Department Heads will complete a near miss report, enclosure (4). This report will be reviewed by the Safety Committee to ensure corrective action has been taken and to apply lessons learned to other departments where appropriate.

Completed reports will be maintained in the Safety Committee binder.

WORKPLACE INJURY OR DEATH NOTIFICATION PROTOCOL

SERIOUS WORKPLACE INJURY OR DEATH

SERIOUS = an incident that results in an amputation, loss or fracture of any body part or that necessitates immediate hospitalization or formal admission to the inpatient service of a hospital or clinic for care or treatment

1. Seek Medical Attention – Call 911
2. Department Head Immediately Notify Town Manager
3. Department Head Immediately Notify HR Representative, see information below on what information you will need to report

MINOR WORKPLACE INJURY

1. Seek Medical Attention – highly encourage the employee to get medical care as soon as possible and to have any reports clearing the employee for work or restricting work faxed to the Town Office at 599-2864, if the employee seeks medical care we **will need** a clearance for return to work statement from the medical provider
2. Department Head Notify Town Manager within 24 hrs
3. Department Head Notify HR Representative within 24 hrs, see information below on what information you will need to report

DEPARTMENT HEAD INFORMATION NEEDED FOR REPORTING TO HR REPRESENTATIVE

1. Employee's Name
2. Job Title
3. Date of Injury or onset of illness and time of event
4. Where did the event occur
5. Description of injury or illness, parts of body affected and object/substance that directly injured the employee or made the employee ill
6. Was employee seen at the ER

GUIDELINES FOR HR REPRESENTATIVE

1. Notify DOL within 8 hrs of a workplace death and 24 hrs of a serious workplace injury that required immediate hospitalization, including amputation, or loss or fracture of any body part. Maine DOL (592-4501)
2. Notify MMA immediately upon notice for a death or serious workplace injury. Recommend filing online at <http://www.memun.org/insuranceServices/RiskManagementServices.aspx>. If online is unavailable call 1-800-590-5583 during normal business hours and for AFTER HOURS (after 4:30 PM or weekends) 624-0182.
3. OSHA forms 300 & 301 shall be filled out as soon as possible after notification.
4. MMA First Report of Injury shall be filled out as soon as possible after notification.

PROPERTY DAMAGE OR ACCIDENT WITHOUT INJURY PROTOCOL

1. Confirm that no injury occurred
2. If an accident or property damage to someone other than TOP call Police 465-2202 so a report can be made
3. Gather information and take pictures of damage
4. Notify Town Manager within 24 hrs
5. Notify HR Representative within 24 hrs

DEPARTMENT HEAD INFORMATION NEEDED FOR REPORTING TO HR REPRESENTATIVE

6. Vehicle information, if a vehicle was involved: Year, Make, Model, VIN, Plate
7. Driver's information if a vehicle was involved: Name and Address
8. Damage Estimate to our vehicle that was involved
9. All other claims – Damage Estimate, description of damages
10. Witnesses, if any – Name and Phone

GUIDELINES FOR HR REPRESENTATIVE

5. Gather information from Department Head, Police Report if one was done
6. MMA Property and Casualty Claim reporting shall be filled out as soon as possible after notification.

Employee Accident / Incident Investigation Report

General Information(Supervisor Enters Data)

Employee Name:

Accident Information (Supervisor Enters Data)

Date of Incident:

Day of Week:

Time of Incident: AM PM.

Date Reported to Supervisor:

Supervisor's Name:

Department Incident Occurred In:

Machine:

Job Title:

Body Part(s): L/R.

Injury Type:

Symptoms:

Did Employee get Medical Attention?

If Yes, what type: First Responder, Emergency Room, Company Health Care Provider or Other.

Did Employee miss any work other than the day of the injury?

Witnesses Names:

Describe the Incident:

Accident Information (Employee Enters Data)
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Employee's Description of Incident:

Employees opinion on what directly was the root cause of the incident(Be Specific):

Incident/Accident Analysis Section(Investigating Personnel)

Check items listed below judged to be contributing factors in the causes of the incident.

Unsafe Acts

<ul style="list-style-type: none"><input type="checkbox"/> Horseplay<input type="checkbox"/> Inattention to Surroundings<input type="checkbox"/> Using tools or equipment in unsafe manner.<input type="checkbox"/> Failure to get assistance<input type="checkbox"/> Bypassing safety devices<input type="checkbox"/> Operating equipment with removed guard(s)	<ul style="list-style-type: none"><input type="checkbox"/> Unsafe lifting & carrying<input type="checkbox"/> Failure to wear PPE<input type="checkbox"/> Unsafe position or use of the body<input type="checkbox"/> Failure to warn or signal<input type="checkbox"/> Machine not properly locked out<input type="checkbox"/> Failure to follow proper operating proceduresOther (Please note specifics)
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Unsafe Conditions

<ul style="list-style-type: none"><input type="checkbox"/> Inadequate guards and safety devices<input type="checkbox"/> Lack of adequate warning systems<input type="checkbox"/> Poor design<input type="checkbox"/> Close clearance or congestion	<ul style="list-style-type: none"><input type="checkbox"/> Defective tools or equipment<input type="checkbox"/> Poor Housekeeping<input type="checkbox"/> Poor Storage practices<input type="checkbox"/> Lack of Preventive Maintenance<input type="checkbox"/> Other _____
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Corrective Actions To Prevent Reoccurrences(Investigating Personnel)

<ul style="list-style-type: none"><input type="checkbox"/> Provide Additional Training<input type="checkbox"/> Install Guard or Safety device<input type="checkbox"/> Improve protective equipment<input type="checkbox"/> Improve housekeeping	<ul style="list-style-type: none"><input type="checkbox"/> Action to improve design<input type="checkbox"/> Reprimand, council or discipline<input type="checkbox"/> Additional equipment needed<input type="checkbox"/> Other _____
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Describe corrective action to be taken:

Please Attach Additional Notes if Needed.

Person Responsible for Corrective Action:

Date:

Estimated date of Completion:

Date Completed:

Comments:

Safety Committee Chair

Date

Department Head

Date

Near-Miss Reports

Date: **Time:** **AM PM**

Department: **Location:**

Person Reporting:

Witnesses:

Description of what happened:

What might have caused near miss:

Supervisor Investigating:

Recommended Plan of action:

Reviewed by Department Head:

Reviewed by Safety Committee:

SAFETY COMMITTEE

April 23, 2025

The Town of Oakland recognizes that its employees are the town's most valuable assets. It is therefore imperative to create a safe and healthy working environment for all full-time, part-time, and volunteer workers. The continued implementation of a safety policy will help the town pursue the goal of an accident-free work environment for all our employees and at the same time safeguard municipal resources.

To help meet these goals, the Town will provide safety training to all employees based on the hazards of their job duties. The Town will also provide the necessary personal protective equipment to help reduce exposure to potential hazards and will allocate resources or take other action as needed to correct hazardous conditions that are brought to our attention.

It will be the responsibility of each employee to follow all safe work rules and procedures. Whenever an employee is unsure of how to proceed, they should wait until proper instructions are received. All employees are obliged to report any and all unsafe working conditions to their immediate supervisor. It is the responsibility of each department head to monitor and assist employees in the safe performance of their duties. Safe work behaviors and attitudes will be part of each employee's annual performance evaluation.

This mission statement will be reviewed in the first quarter of each new year and revised as needed to achieve the goal of making Oakland an accident-free workplace.

Oakland Town Council Agrees:

Michael Perkins, Chair

Robert Nutting

Kelly Roderick

Dana Wrigley, Vice Chair

David Groder

Date: _____

Title 30-A: MUNICIPALITIES AND COUNTIES
Part 2: MUNICIPALITIES
Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS
Chapter 151: HEALTH, WELFARE AND IMPROVEMENTS

§3106-B. Municipal authority to manage abandoned properties

(REALLOCATED FROM TITLE 30-A, SECTION 3106-A)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Property defects" means the conditions that, in the judgment of the municipality, contribute to blight as a result of the continued lack of care, maintenance or security of a property. [RR 2015, c. 1, §35 (RAL).]

B. "Responsible parties" means the owner or owners of record. [RR 2015, c. 1, §35 (RAL).]

[RR 2015, c. 1, §35 (RAL).]

2. Municipal authority. In accordance with this section, the municipal officers or the officers' designee may regulate the care, maintenance and security of property determined to be abandoned under subsection 4 (./30-A/title30-Asec3106-B.html), if the responsible parties fail to address the property defects after notice and an opportunity to comply. The municipality may recover its costs from the responsible parties. The authorities established by this section may not be construed to replace or supplant any municipal authority to provide for basic necessities under Title 14, section 6026-A (./14/title14sec6026-A.html) or address dangerous properties under Title 17, chapter 91, subchapter 4 (./17/title17ch91sec0.html). Municipal action under this section may not be interpreted to bestow any responsibility on the municipality to safeguard or otherwise preserve or protect abandoned property.

[RR 2015, c. 1, §35 (RAL).]

3. Notice of foreclosure; designation of representative. When initiating a foreclosure action on a property, a foreclosing mortgagee shall notify the municipality where the property is situated and designate an in-state representative responsible for the property.

[RR 2015, c. 1, §35 (RAL).]

4. Determination of abandonment. Before a municipality may initiate corrective action measures to address property defects pursuant to this section, either a court or the municipal officers must have determined that the property has been abandoned according to the evidence of abandonment described in Title 14, section 6326, subsection 2, paragraph A (./14/title14sec6326.html), C (./14/title14sec6326.html), D (./14/title14sec6326.html), E (./14/title14sec6326.html), F (./14/title14sec6326.html), G (./14/title14sec6326.html) or H (./14/title14sec6326.html).

A. The municipal officers shall provide notice to the responsible parties and hold a hearing before making a determination that a property has been abandoned. The notice of hearing must:

(1) State the scheduled date, time and location of the hearing; and

(2) Inform the responsible parties that, upon a finding of abandonment, the municipality may require the responsible parties to correct any property defects within 30 days of the issuance of a notice to correct or, if a permit is required to correct property defects, the municipality may require the responsible parties to promptly seek a permit and to correct the defects within 30 days of the issuance of the permit. [RR 2015, c. 1, §35 (RAL).]

B. A hearing under paragraph A (./30-A/title30-Asec3106-B.html) may be held no less than 7 days after receipt or publication of the notice. [RR 2015, c. 1, §35 (RAL).]

C. An order issued by the municipality determining that a property is abandoned may be combined with the notice to correct set forth in subsection 5 (./30-A/title30-Asec3106-B.html). [RR 2015, c. 1, §35 (RAL).]

[RR 2015, c. 1, §35 (RAL).]

5. Notice to correct. Upon a finding of abandonment, the municipal officers may give written notice to the responsible parties to correct identified property defects. The municipal notice to correct under this section must:

A. Identify the property defects; [RR 2015, c. 1, §35 (RAL).]

B. State the municipality's intention to take appropriate preventive or corrective measures to address the property defects; [RR 2015, c. 1, §35 (RAL).]

C. Identify the measures the municipality will take if the responsible parties have not remedied the property defects identified within 30 days of the notice to correct; [RR 2015, c. 1, §35 (RAL).]

D. State the municipality's intention to subsequently recover the municipality's direct, legal and administrative costs from the responsible parties; and [RR 2015, c. 1, §35 (RAL).]

E. Inform the responsible parties of their ability to avert the municipality's actions by remedying the property defects as identified in the notice. [RR 2015, c. 1, §35 (RAL).]

[RR 2015, c. 1, §35 (RAL).]

6. Notice process. A notice required to be given under this section is governed by the following.

A. Notice must be hand-delivered or mailed by certified mail, return receipt requested, to the responsible parties. Notice is sufficient if the signed receipt is returned or the certified mail is returned as refused by the recipient. [RR 2015, c. 1, §35 (RAL).]

B. If the address of the responsible parties cannot be determined with reasonable diligence, the notice is sufficient if it is published twice consecutively in a daily or weekly newspaper having general circulation in the municipality in which the property is located. [RR 2015, c. 1, §35 (RAL).]

[RR 2015, c. 1, §35 (RAL).]

7. In-state representatives. Mortgagees who have initiated a foreclosure on a property shall designate a representative whose place of business is within this State to be responsible for responding to municipal inquiries regarding the property. The foreclosing mortgagee shall provide the municipality in which the property is located

with the contact information for the mortgagee's in-state representative. For the purposes of this subsection, "contact information" means both a mailing address and a direct telephone number with a functioning voice mailbox, as well as the responsible party's direct e-mail address when available.

[RR 2015, c. 1, §35 (RAL).]

8. Recovery of costs. All responsible parties are jointly and severally liable to a municipality for its direct, legal and administrative costs incurred while remedying or attempting to remedy the property defects pursuant to this section. The responsible parties shall reimburse the municipality for its costs within 30 days after demand, or a special tax may be assessed against the property in the amount of those costs and may be collected in the same manner as other state, county and municipal taxes are collected.

[RR 2015, c. 1, §35 (RAL).]

9. Appeals. An appeal from a finding of abandonment by the municipal officers pursuant to this section is to the Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B.

[RR 2015, c. 1, §35 (RAL).]

SECTION HISTORY

RR 2015, c. 1, §35 (RAL).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 1/07/2025 11:10:17.

Abandoned Property

From Gray Louis <glouis@bernsteinshur.com>

Date Wed 4/16/2025 1:19 PM

To Kelly Pinney-Michaud <kmichaud@oaklandmaine.us>

Hi Kelly,

Thank you for taking the time to speak with me yesterday morning. Linked [here](#) is Bernstein's large file share site. Please send me the Haley Ward report when you have a chance.

As we discussed, given the unpaid property taxes on the property, the Town should be able to foreclose. Outlined below is the steps necessary to take to automatically foreclose. Many municipalities perform these steps as a matter of course. Accordingly, there is a possibility that Oakland has already done so. However, to the extent that this is not the case, these steps are included here.

The first step in doing so would be for the tax collector to notify Cascade Properties in writing that unless the tax is paid within 30 days, a tax lien mortgage certificate will be recorded. Pursuant to [36 M.R.S. § 942](#) this notice must be provided between eight months and one year after the taxes are committed. Accordingly, depending on Oakland's commitment date, commencing this process may need to wait. This 30-day notice must contain very specific language, accordingly if the Town does elect to pursue this route, we would suggest you reach out to Bernstein so that we can work together in drafting the notice.

After the 30 days has expired, the Town has 10 days for the tax collector to file the tax lien mortgage certificate with the registry of deeds, as well as providing copies to the owner, mortgagees, and municipal treasurer.

Next, the Town must wait 18 months for the property to automatically foreclose. A final notice must be sent to the owners and mortgagees 45 days before the 18-month period expires. Once this period ends, title to the property will pass to the Town.

You mentioned that you are unsure if the Town will seek to retain possession of the property or sell it. Pursuant to [36 M.R.S. § 943-C](#) If the Town elects to sell the property, it will must return to Cascade any proceeds from a sale, less the amount owed in taxes, other municipal liens, costs incurred in foreclosing on the property, and amount spent improving the property. Similarly, if the Town retains possession, it likely will have to pay Cascade the fair market value of the property less these same amounts.

We also discussed the possibility of initiating a dangerous buildings proceeding to ensure that the Town could recoup the cost of clearing the dangerous conditions on the property. As mentioned above, many municipalities perform the requirements necessary to foreclose as a matter of course. Assuming, however, that Oakland has not, the determining the property to be dangerous would allow the Town to abate the conditions more quickly. Simply put, after a relatively quick process, outline in [30-A M.R.S. § 2851](#), the Town could clear the dangerous conditions and imposed a special tax for the cost incurred in doing so. This would allow the property to be cleared before the Town takes ownership following the 18 month waiting period. U

Similarly, assuming an automatic foreclosure has not occurred, the Town could adjudge the property to be abandoned pursuant to [30-A M.R.S. §3106-B](#). Similar to the dangerous buildings process, this would require extra effort on the part of the Town—but may allow it to improve the property more quickly than waiting to foreclose.

Please let me know if you have any questions or would like to discuss these issues further.

Thank you,

Gray Louis

Gray Louis

he/him/his pronouns

Attorney

207 228-7347 direct

207 774-1200 main

207 774-1127 fax

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