

Board of Selectmen's Meeting Minutes October 22, 2013; 5:00 P.M.

Board Members Present: Bernard N. King, Jr., Vice-Chairman; Paul E. Hoyt Robert J. McHatton, Sr.;
Kenneth J. Murphy

Board Members Absent: Douglas A. Taft, Chairman

1. Call to Order

Vice Chairman King called the meeting to order at 5:00 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Approval of Minutes – October 8, 2013

Motion was made by Selectman Hoyt for approval of the minutes from the October 8, 2013 Board Meeting; 2nd from Selectman Murphy. 4 approve/0 oppose

4. Correspondence and Other Pertinent Information

a. Correspondence – Feedback from Prior Speaker

Vice Chairman King summarized the thank you letter from Bob Montgomery Thomas, who complimented the Board of Selectmen on their professionalism.

5. New Business

a. Permits/Documents Requiring Board Approval

1. Sewer Commitment #130

Selectman Hoyt asked for clarification of the warning notation on the calculation report. It was explained that it did not currently trigger any penalties and was a function of the billing program as comparison of quarter to quarter. **Motion** was made by Selectman Hoyt for approval of 5.a.1.; 2nd from Selectman McHatton. 4 approve/0 oppose

2. Approval of Warden for November 5, 2013 Referendum Election

Motion was made by Selectman Murphy for approval of 5.a.2.; 2nd from Selectman Hoyt.
4 approve/0 oppose

b. Bids, Awards and Other Administrative Recommendation

1. Town Hall Report Review

Town Manager Berkowitz stated that a draft of the report was sent to the Board of Selectmen via email for their review. The draft report will be formally presented at the November 12, 2013 meeting.

2. Approval of Amendment to the General Assistance Ordinance

Town Manager Berkowitz stated that the Board of Selectmen had recently approved the guidelines for the 2013-2014 year; however there had been changes that need to be approved. Selectmen Murphy asked if these were changes made by the State of Maine. Town Manager Berkowitz replied yes. Selectman Hoyt asked if this was a policy or an ordinance and can the Board of Selectmen make the change. Town Manager Berkowitz stated that it was an ordinance that the Board of Selectmen can make changes to. **Motion** was made by Selectman Hoyt to approve the amendment to the General Assistance Ordinance; 2nd by Selectman McHatton. 4 approve/0 oppose

3. Audit RFP's – Review and Recommendations

Town Manager Berkowitz stated that this would be addressed after the Executive Session.

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5. New Business CONTINUED

c. Legal Matters

Town Manager Berkowitz reported that legal matters will be discussed in executive session.

d. Selectmen's Concerns

- **Selectman McHatton** stated that there had been some confusion about his request on not increasing the site fees and not charging the site fees at Salmon Point for the existing lessors.
- **Selectman McHatton** also asked if there was a way to eliminate the grass on the sidewalks. Public Works Director Jim Kidder stated that he and Lucia Terry have been discussing the problem. There does not seem to be an environmentally safe way to do so at this time.
- **Selectman Hoyt** stated that he has viewed the new website for Salmon Point which is a good start; however he suggests contacting the campers to see if they have other pictures that they wish to share that would give another representation of the campground. Town Manager Berkowitz stated that there will be an effort to create a photo gallery and all campers and persons are welcome to submit photos. Vice Chairman King asked if the pictures should be reviewed by the Board of Selectman. Consensus of the Board was no.
- **Selectman Murphy** agreed with Selectman McHatton on the grass in the sidewalks and asked Public Works Director Kidder if they could use an edger. Mr. Kidder stated that there was too much edging to be effective.
- **Selectman Murphy** asked if anything has been done about enforcing the numbering of buildings. Town Manager Berkowitz stated that nothing has been done at this time.
- **Vice-Chairman King** had no items for concern.

e. Other Matters

Selectman Hoyt stated that he has given the names of a couple of people who are interested in helping the Recreation Director with the Skate Park. Selectman Hoyt stated that the safety of the people using the park is the main priority, and equipment maybe replaced at a later time if necessary.

6. Treasurer's Warrants

Motion was made by Selectman Hoyt for approval of Treasurer's Warrants numbered 34, 35, 36, 37, 38 and 39; 2nd from Selectman McHatton. 4 approve/0 oppose

7. Committee Reports

a. Comprehensive Plan Committee there was no report.

Selectman Hoyt asked about having the Chairman of the CPC speak about managed growth. Town Manager Berkowitz stated he will ask Mr. Wisner to come to the next Board of Selectmen's meeting.

b. Community Development Committee there was no report.

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7. Committee Reports CONTINUED

c. Wastewater Committee

Vice Chairman King stated that their next meeting will be Thursday, October 24th at 6:00 P.M. Selectman Hoyt asked if the procedures for the additional allocation and waiting list are in place. Town Manager Berkowitz reminded the Board of Selectmen that the procedures had been a request of the Sewer Committee and they are in place. Selectman Hoyt then asked if the CEO and the Sewer Superintendent need to sign off on the request. Town Manager Berkowitz stated that by law the operator is the one who needs to sign off on the request.

d. Recycling Committee

Town Manager Berkowitz reminded the public that the Recycling Committee will be sponsoring and E-Waste Collection Saturday, from 9:00 A.M. to 2:00 P.M. at the Depot Street Parking Lot. They will be collecting televisions, digital picture frames, printers and cartridges, monitors, laptops and game systems. Selectman Hoyt asked if the list is available. Town Manager Berkowitz stated that it will be posted in the Town Manager's Report for tonight's Board of Selectmen's Meeting on the website. Vice Chairman King asked if there were fees for disposal of these items at the Transfer Station. Town Manager Berkowitz stated that there are fees for some of the items but did not recall the rates.

e. Investment Committee

Town Manager Berkowitz stated that the Town has completed the transfer of the Vanguard Investment Portfolio through Norway Savings Bank Asset Management Group to Exchanged Traded Funds and we are now in compliance with State Law. The two trust funds that have been converted are making money and the third will be established under the same guidelines.

8. SAD 61

Karen Eller, MSAD 61 Director, reported that at the School Board met on Monday, October 21, 2013 and reviewed ten policies. Ms. Eller reported that she sits on the Curriculum Committee, Finance Committee and the Personnel Committee and should the Board of Selectmen have any questions please let her know. Ms. Eller reported that the Curriculum Committee will be reviewing the high school and sexual health issues in either November or December with recommendations to the full School Board after the start of the new calendar year. Selectman Hoyt asked if the topic was the handing out of condoms in the school. Ms. Eller replied yes and it would be a draft policy that would be presented after the first of January. Selectman Hoyt asked Ms. Eller to keep the Board of Selectmen informed.

Vice Chairman King moved the following agenda items forward:

10. Public Comments and Presentations

(Each speaker may be limited to 3 minutes and your documents must be received by the Wednesday prior to the Board meeting)

a. Non-Agenda Items

Police Chief Schofield reported that the Animal Control Officer and Bridgton Veterinary Hospital will be holding a Rabies Clinic Saturday, October 26, 2013 from 1:00 P.M. to 3:00 P.M. and the Central Fire Station. Dogs need to be leashed and under control and cats must be caged and under control. The fee is \$10.00 per shot. Chief Schofield reminded people that as of January 1st all dogs need to be licensed and have a current rabies certificate.

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10. Public Comments and Presentations CONTINUED

a. Non-Agenda Items CONTINUED

Police Chief Schofield also reported that the Police Department will be holding a Drug Take Back Day on Saturday, October 26, 2013 from 10:00 A.M. to 3:00 P.M. at the Community Center which will dispose of unused prescription medication. Police Chief Schofield also reminded the public that there is a drop box for same program available Monday through Friday 8:00 A.M. to 4:30 P.M.

Mr. Mark Lopez stated that he visited Rochester, New Hampshire's Town Office and noted they have a policy to waive the building permit fee for military veterans for their primary residence or additions to their primary residences. Mr. Lopez is requesting that the Board of Selectmen consider the same policy. Selectman Hoyt requested that this be addressed at the November 12th Board Meeting.

b. Agenda Items - none

11. Old Business-(Select Board Discussions)

a. Recycling Policy for Events

Town Manager Berkowitz clarified that the number of recycling containers must equal the number of trash containers. Event organizers are responsible for providing the containers and clean up. **Motion** was made by Selectman Hoyt to approve the Recycling Policy; 2nd by Selectman Murphy. 4 approve/0 oppose

b. Sidewalk Along Route 302 South to Hannaford – Update

Public Works Director Kidder stated that after the last Board of Selectmen Meeting, he spoke with four contractors about the proposed sidewalk giving them the same specifications as the company that is doing the work for Hannaford as well as for using hot top curb. Two companies stated that they were not interested the other two companies did not come in at much savings and he would like to recommend holding off until next spring and have the Public Works Department do the project. Town Manager Berkowitz then explained that the Public Hearing would still be necessary to expend the funds for the materials. Selectman Murphy asked if the Economic and Community Development Director had a grant for the project. Mr. Kidder replied that the only money available is FEMA Reimbursement funds and then be reimbursed through the TIF Fund. Selectman Hoyt asked if most of the cost was material or labor. Mr. Kidder responded labor. Vice Chairman King recommended that any decision be put off until after the public hearing.

c. Update Regarding the Time Warner Cable Franchise Contract

Town Manager Berkowitz reviewed the summary he prepared for the Board of Selectmen. The Board of Selectmen reviewed each of the questions presented and agreed that the Town be part of a negotiation group, for the benefit of potential cost savings, continue to charge 3% to the subscribers, be creative in benefits to the subscribers, do 3 five year contracts without evergreen clauses, continue non exclusivity and have the Town Manager report to the Board of Selectmen on the progress. Gail Geraghty asked how long the Town had been without a contract and was informed since 2012. **Motion** was made by Selectman Hoyt to approve the seven items for the Time Warner Cable Franchise Contract; 2nd by Selectman McHatton. 4 approve/0 oppose

d. Review Fire Suppression Committee Draft – this item was moved to the November 12, 2013 meeting.

e. Recommendations for the Review of the Depot Streetscape 2010 Project. (Verbal)

f. Memorial School – Charette Overview and Discussion

The Board of Selectmen most of the times discussed both e. and f. at the same time.

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11. Old Business-(Select Board Discussions) CONTINUED

e. Recommendations for the Review of the Depot Streetscape 2010 Project. (Verbal) CONTINUED

f. Memorial School – Charette Overview and Discussion CONTINUED

Town Manager Berkowitz stated that there were Board Members, Committee Members and public present. They did a walk through outside and inside of the structures and met in a room at Stevens Brook Elementary, where each group came up with their own vision of how the property of the Memorial School could be utilized. So the Town could demonstrate how the Federal Funds would be expended. Greater Portland Council of Government will be summarizing this and reporting to the Board of Selectmen and the community. Vice Chairman King found it very enlightening and there were a lot of good ideas, comments and opinions. Selectman McHatton stated that there is still some confusion about the 3rd party involvement. Selectman Hoyt stated that most of the ideas he heard was community centered and not business minded. Vice Chairman King stated that his table was not like that. Selectman Hoyt felt that the 3rd party aspect needed to be discussed based on the timelines presented and the 3rd parties would need time as well. Town Manager Berkowitz explained that the need for a 3rd party was so the Town, who is considered a primary polluter and the MSAD also is considered a primary polluter, can access the Hazardous Waste Remediation Funds needs to have a 3rd party. Selectman McHatton stated that in order to eliminate the 3rd party was to not take the federal funds, which was confirmed by the Town Manager. Selectman McHatton asked if there was a known dollar amount.

At this point Vice Chairman King stopped the discussion to hold the public hearing.

9. Hearings: 6:00 P.M.

a. Public Hearing(s) – The use of the Route 302 TIF Funding up to \$42,500, to Construct a Sidewalk along Route 302 South for Approximately 440 Feet to Connect to the Northerly Entrance of Hannaford and Their New Internal Sidewalk

Vice Chairman King opened the public hearing at 6:01 P.M. Mr. Bill Vincent stated that Public Works Director Kidder's suggestion of doing the sidewalk project in house was a good idea. Ms. Geraghty asked what a TIF was and where the money came from. Town Manager Berkowitz explained how the TIF District was formed and how the money that is in the fund was raised. Town Manager Berkowitz stated that the funds are for infrastructure use in the area of Pondicherry Square to the Drive In, and is for a 30 year time period. If the funds are not used they go to the State. Selectman McHatton also stated there was a second type of TIF (credit enhancement) that goes directly back to the developer. Selectman Murphy asked if the \$42,500 would come back to the Town for the expenses incurred by Public Works. Town Manager Berkowitz stated that when the TIF District was adopted there was language that stated the Board of Selectmen could expend up to \$50,000 a year without a vote from town meeting. Town Manager Berkowitz continued to state that the Board of Selectmen can authorize the use of the funds but instead of paying a contractor the funds would be used to purchase the materials and not include labor. Mr. Vincent asked why not include the labor. Town Manager Berkowitz stated that he would have to check the TIF language but does not believe the Town can reimburse itself from the TIF for labor costs. Vice Chairman King closed the public hearing at 6:12 P.M.

Motion was made by Selectman Hoyt to not take the proposals and to keep the project in house and approve the use of the TIF Funds up to \$42,500 for all legal and allowable expenses; 2nd by Selectman Murphy. 4 approve/0 oppose

b. Informational Hearing(s) – None

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10. **Public Comments and Presentations** - addressed earlier in the meeting.
(Each speaker may be limited to 3 minutes and your documents must be received by the Wednesday prior to the Board meeting)
- a. Non-Agenda Items
 - b. Agenda Items
11. **Old Business-(Select Board Discussions)**
- a. **Recycling Policy for Events** – addressed earlier in the meeting.
 - b. **Sidewalk Along Route 302 South to Hannaford – Update** – addressed earlier in the meeting.
 - c. **Update Regarding the Time Warner Cable Franchise Contract** – addressed earlier in the meeting.
 - d. **Review Fire Suppression Committee Draft** – addressed earlier in the meeting.
 - e. **Recommendations for the Review of the Depot Streetscape 2010 Project. (Verbal) CONTINUED**
 - f. **Memorial School – Charette Overview and Discussion CONTINUED**

The Board of Selectmen continued with the discussion of the above agenda items after the close of the public hearing.

Town Manager Berkowitz stated that the Depot Streetscape project is under the CDBG funds, which is what the Town used for the Depot Street Parking Lot. Town Manager Berkowitz recommends that a set of criteria and elements that the Board of Selectmen are looking for in a proposal and allow all 3rd party entities make their proposals to the Board of Selectmen. Selectman Murphy asked what the time frame was for determining this. Town Manager Berkowitz stated he wanted a draft RFP for the Board of Selectmen on November 12, 2013 in order to meet all the deadlines. Vice Chairman King asked what the consequences were for not meeting the deadlines. Town Manager Berkowitz stated that the Town would not receive any funds and if they were to try to apply again the Town would not be looked at favorably. Selectman Murphy asked how the school's arrangement for turning the property over to the Town. Town Manager Berkowitz stated that it was not a problem, but it is the 3rd party that the Town has to have an arrangement with future use for the property has to be demonstrated. Selectman Hoyt asked how the Town will go about getting the 3rd parties. Town Manager Berkowitz stated that there will be advertising in some of the larger area newspapers, architects and engineers and the people they work for, word of mouth. Mr. Vincent stated he thought the 3rd party was going to be the Economic Development Corporation. The Town Manager stated that it has been discussed but no decision had been made. Anne Krieg, Economic and Community Development Director, reminded the Board of Selectmen that the Brownfield Funds are either a grant for non-profit entities or a low cost loan for for-profit entities. Selectman Murphy asked if the Economic Development Committee's priority to attain the building. Ms. Krieg replied that it is a priority but there have been no formal motions on the subject. The Town Manager confirmed the timelines, procedures and deadlines with Ms. Krieg. Ms. Krieg stated that there is a second charette planned for November 13, 2013 at 5:00 P.M. at this charette a few scenarios will be presented to the public to help finalize the plan for the Board of Selectmen. **Motion** was made by Selectman Hoyt directing staff to create a draft RFP for the Memorial School 3rd party role for November 12, 2013; 2nd by Selectman Murphy. 4 approve/0 oppose

- Vice Chairman King provided the Board of Selectmen and the Town Manager a copy of the MSAD 61 School Board Policy on the Non-Voting Student Policy and would like to have the Town Manager make the appropriate changes for the Board of Selectmen's review on November 12, 2013.

12. **Agendas for the Next Board of Selectmen's Meetings/Workshops**
November 12, 2013; November 26, 2013; December 10, 2013; December 17, 2013

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- Selectman Hoyt announced that the Town Office will be open on October 30, 2013 from 4:00 P.M. to 7:00 P.M. for Election Activities only.

13. Executive Session; MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Matters Related to Personnel," Fire Department Personnel and Other Matters and MRSA Title 1, Chapter 13, Subsection 405.6.E "Legal Matters"

Motion was made by Selectman Murphy to enter into executive session at 6:28 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A. and MRSA Title 1, Chapter 13, Subsection 405.6.E.; 2nd from Selectman McHatton. 4 approve/0 oppose

Motion was made by Selectman Hoyt to come out of executive session at 8:27 P.M.; 2nd from Selectman Murphy. 4 approve/0 oppose

After exiting Executive Session the following items were addressed:

- Consensus of the Board of Selectmen was to have Selectman Hoyt appointed to the Depot Streetscape Committee.
- **Motion** by Selectman Hoyt to approve the auditing firm of RHR Smith Auditing for the 2014-2016 fiscal years; 2nd by Selectman Murphy. 4 approve/1 oppose (Selectman Hoyt opposed)
- **Motion** by Selectman Hoyt to dedicate this year's Town Report to "All military personnel, active and inactive who have served on domestic or foreign soil" and to use a picture of the American Flag; 2nd by Selectman McHatton. 4 approve/0 oppose
- Selectman Hoyt asked that the issue of Public and Private Roads be put under the future agenda items.

14. Adjourn

Vice Chairman King adjourned the meeting at 8:39 P.M.

Respectfully submitted,

Dawn E. Taft
Deputy Town Clerk