

Board of Selectmen's Meeting Minutes

May 14, 2013; 5:00 P.M.

Board Members Present: Paul E. Hoyt, Chairman; Douglas A. Taft, Vice-Chairman;
Robert F. Woodward; Bernard N. King, Jr.; Robert J. McHatton, Sr.

1. Call to Order

Chairman Hoyt 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 – April 23, 2013

Motion was made by Selectman King for approval of the minutes from the April 23, 2013 Board meeting; 2nd from Vice Chairman Taft. 5 approve/0 oppose

4. Correspondence and Other Pertinent Information

There was nothing under this agenda item.

5. New Business

a. Permits/Documents Requiring Board Approval

1. Review of Assessment Ratio - Denis Berube, Agent

Mr. Berube explained the assessment ratio was and what it represented. He also explained the difference between the assessment ratio and the coefficient of dispersion (quality rating). Mr. Berube requested that the Board use the certified ratio of 110% and allow him to sign the necessary paperwork for the State that will start the reimbursement process for the Homestead Exemptions. Selectman McHatton asked how this would affect the tax base. Mr. Berube replied that by certifying at 110% the Town would factor the Homestead, Veteran and Blind Exemptions, as well as the Tree Growth and Personal Property accounts to name a few. He also stated that by using the 110% ratio the Town would be admitting that the assessments are 10% high for abatement purposes. Chairman Hoyt asked if the Town used the 110% ratio now does that present a problem for the 2016 scheduled revaluation. Town Manager Berkowitz stated that the ratio would have to be below 70% or above 110%. Chairman Hoyt asked if the Town was still on track to which Town Manager Berkowitz stated yes the Town was. Selectman Woodward asked if the ratio trends backward that could present an issue. Mr. Berube stated that the coefficient of dispersion would be a bigger issue as well. Mr. Barry Denofrio repeated his complaint about waterfront properties needing adjustment and urged all waterfront properties to appeal their assessments. **Motion** was made by Selectman McHatton to authorize Mr. Berube to sign the necessary documentation and certify the ratio at 110%; 2nd by Selectman Woodward. 5 approve/0 oppose

2. Sewer Operational Budget – FY 2014

Chairman Hoyt tabled this item to the May 28, 2013 meeting.

3. Sewer Operations and Organizational Discussion

Chairman Hoyt noted that this was on the future issues list. Chairman Hoyt noted that the outline provided to the Board was based on discussions with the Sewer Committee and other input. Town Manager Berkowitz gave a brief summary noting the formalization of the division based on the Sewer Ordinance that is in place.

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5. New Business CONTINUED

a. Permits/Documents Requiring Board Approval CONTINUED

3. Sewer Operations and Organizational Discussion CONTINUED

Selectman McHatton felt this was the best representation of the process. Vice Chairman Taft asked Public Works Director Jim Kidder for comments. Mr. Kidder stated that he and the Town Manager had talked over the scenario and felt this best approach at this time. Vice Chairman Taft asked if the advisory committee was to continue. Town Manager Berkowitz stated yes they would continue to advise the Board of Selectmen. Mr. Glenn Zaidman asked if the consultant engineer, who is under contract, would be the Town Engineer. Town Manager Berkowitz clarified that the current scenario shows the Town having an engineering firm that is advising the committee on the Inflow and Infiltration work (Wright Pierce) and we have George Sawyer, an engineer but not a contract engineer, because we do not have a licensed operator the State allows us to use and engineer for that purpose. The intent is to have an internal licensed operator to act as Superintendent and to have contracted engineer as the engineer of record.

Mr. Zaidman stated that the committee recommended that there be one firm to oversee all projects and to have multiple firms would be a waste of taxpayer dollars. Town Manager Berkowitz stated that the Town had a licensed operator until 2009, since then the Town has been trying to get an employee in house trained. Mr. Zaidman stated that he hopes that if the in house employee does not complete the training, the Town should hire an operator that would be available to oversee all projects, grow with the system and do all the mapping as currently no connection point maps can be located. Selectman McHatton stated that because of what has happened that is why the Town is where it is currently, and to have the division fall into public works and the department has the equipment available to them.

Mr. Charles Renneker stated that the Town has used some of the CDBG money towards the sewer project instead of using that money elsewhere the Town has used tax dollars. Chairman Hoyt asked how this change will impact this year's budget. Town Manager Berkowitz stated that he needed the Board of Selectman to formally approve the creation of the division in Public Works, and the budget would still be an enterprise fund, included in the upcoming budget are the necessary fees and charges for revenues to support the division including personnel and a reserve. Town Manager Berkowitz stated that he has talked to Mr. Kidder about compensation because of his expanded responsibilities and authority and they need to determine what that amount will be. Vice Chairman Taft asked when the support person will be in place to assist. Town Manager Berkowitz stated that by fall. Mr. Zaidman asked if the people need to vote on this issue because it changes the Sewer Ordinance. Chairman Hoyt stated no it does not because it is part of the existing ordinance. Town Manager Berkowitz stated that the Sewer Ordinance is under the authority of the Board of Selectmen the same as the Traffic Ordinance. **Motion** was made by Selectman Woodward to approve the creation of the sewer division within Public Works; 2nd by Vice Chairman Taft. 5 approve/0 oppose

4. Request to use Main Street Sidewalk for Coloring Contest on August 17th by Magic Lantern

- 7. Victualer License/Liquor License to Homestead 1821 Corp.**
- 8. Victualer License to Highland Seafood, LLC**
- 9. Victualer License to The Big Kahuna Café**
- 10. Victualer License/Pool Room/Liquor License/1 Pinball Machine to Punkin Valley Inn**

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5. New Business CONTINUED

a. Permits/Documents Requiring Board Approval CONTINUED

11. Victualer License to Tarry-A-While

12. Victualer License to The Gazebo

13. Application for Catered Function by Qualified Catering Organization; Campfire Grille (Fireman's Retirement Party at Town Hall on 6/7/2013)

Motion by Vice Chairman Taft to move items 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 as a block approval; 2nd by Selectman King. Chairman Hoyt stated that item 15 had someone who wanted to comment on this item and that there was a public hearing for this item. It was also noted items 6 and 14 had public hearings as well. **Motion** was made by Vice Chairman Taft to amend the items to 4, 7, 8, 9, 10, 11, 12 and 13; 2nd by Selectman King. 5 approve/0 oppose

5. Request to set up Vendor Cart on Highland Lake Beach, on Depot Street and on Woods Pond Beach/Victualer License to Foggy Dogs (Hot Dog Stand)

Town Manager Berkowitz stated that Woods Pond Beach could not be permitted as the deed prohibits commercial activity. Town Manager Berkowitz then noted that there a specific location on Highland Lake Beach that they can be located but no designation on Depot Street and any additional requests may have to be determined by a lottery system. Town Manager Berkowitz stated that for safety purposes the best location is in the area between the openings for the parking lot (next to the Community Center, where the Farmer's Market is located). Mr. Renneker stated that the Town should consider a fee for the vendor's use of Town owned land, beyond the licensing fee. Mr. Denofrio had concerns about trash containment. Town Manager Berkowitz stated that the letter from the Town giving the vendor permission states that the vendor has to maintain the area and trash is to be carried in and carried out. Mr. Denofrio concurred that the Town should get a fee for the use of the property. Selectman Woodward had concerns that the vendor would leave the carts over night or set up in the middle of the Farmer's Market. Town Manager Berkowitz stated that one of the conditions would be that the carts could not be left overnight. Selectman McHatton asked that because they are talking about this by the Community Center, should the Community Center be talking about this. Chairman Hoyt stated that this was and will be Town land and the Town will have to make the determination. Town Manager Berkowitz suggested the area by the Maple tree and the most northerly access to the parking lot. The Board concurred with that suggested location.

Vice Chairman asked about when the Board should talk about establishing the fee for the use of the property. Town Manager Berkowitz stated that to establish a new fee the Board should wait until after July for the new calendar year. Chairman Hoyt requested that this item be put on the future issue list.

Motion was made by Vice Chairman Taft for approval of the use of Highland Lake Beach, and Depot Street and approve the Victualer License for Foggy Dogs (Hot Dog Stand); 2nd from Selectman King. 5 approve/0 oppose

6. Victualer License /License/Liquor License/Special Amusement Permit to Beef & Ski (Note: Public Hearing)

This item was addressed after agenda item 9.Public Hearing 2.

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5. New Business CONTINUED

a. Permits/Documents Requiring Board Approval CONTINUED

7. Victualer License/Liquor License to Homestead 1821 Corp.

8. Victualer License to Highland Seafood, LLC

9. Victualer License to The Big Kahuna Café

10. Victualer License/Pool Room/Liquor License/1 Pinball Machine to Punkin Valley Inn

11. Victualer License to Tarry-A-While

12. Victualer License to The Gazebo

13. Application for Catered Function by Qualified Catering Organization; Campfire Grille (Fireman's Retirement Party at Town Hall on 6/7/2013)

Agenda items 5.a.7. through 5.a.13. were addressed earlier in the meeting.

14. Municipal Officers' Certification of Official Text of a Proposed Ordinance; "Town of Bridgton Consumer Fireworks Ordinance"

This item was addressed after the Public Hearings.

15. Municipal Officers Certification of Official Text of a Proposed Resolution; "A Resolution to Protect the Health and Safety of Local Citizens, Water Bodies and Other Natural Resources in Relation to the Possible Transport of Tar Sands Oils through Maine"

This item was addressed after the Public Hearings.

16. Annual Town Meeting Warrant (See Old Business 11 a. for Discussion)

Chairman Hoyt moved agenda item 11.a. up in the agenda for discussion.

Selectman McHatton stated that the annual funding for the fireworks is \$6,500.⁰⁰ and \$2,800.⁰⁰ has already been raised. **Motion** was made by Selectman McHatton to have the Town fund 50% of the \$6,500.⁰⁰; 2nd by Selectman Woodward. Selectman Woodward asked why half. Selectman McHatton stated that he thought this was a good starting point for discussion. Discussion ensued on the fund raising efforts for the fireworks. Selectman McHatton stated he would have no problem changing his motion. Vice Chairman Taft stated that some of the money had been held over from the prior year. Chairman Hoyt asked what was meant by held over. Vice Chairman Taft and Mr. Ken Murphy stated that not all the funds were used the prior year and some donations came in later. Chairman Hoyt asked when the contract needed to be signed, the response was June 30th. Chairman Hoyt suggested the Town fund \$1,000.⁰⁰. Selectman McHatton amended his motion to have the Town fund \$1,000.⁰⁰ or less if the full amount of funds are raised; 2nd of the amended motion by Selectman Woodward. 3 approve/2 oppose (Vice Chairman Taft and Selectman King opposed)

Chairman Hoyt asked how the Board approves the Annual Town Meeting Warrant with the change. Town Manager Berkowitz stated the easiest way would have the money come out the contingency line and the following year have a separate line item for the Fireworks funding.

Selectman Woodward questioned the \$10,000.⁰⁰ reduction in the Fire Department line. Town Manager Berkowitz stated he would have to research the answer. Chairman Hoyt asked where the question about the Fire Department Balances going to the Fire Department Equipment Reserve. Town Manager Berkowitz stated that the question was eliminated with the programming of the Capital Improvements or Investments program for the Fire Department. Chairman Hoyt also pointed out under

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16. Annual Town Meeting Warrant (See Old Business 11 a. for Discussion) CONTINUED
Moose Pond Trust Fund money the Perley Mills Project funding is in that line and Article 10 is the question to allow the Board of Selectman to sell Town owned lands determined to be surplus. Mr. Renneker asked if there were any provisions for the proceeds of any surplus land designated to a specific fund. Chairman Hoyt stated the funds would go to the General Fund. Mr. Renneker suggested that these funds be put into a savings account similar to the current trust funds. Chairman Hoyt stated that right now they are seeking permission to sell the surplus land and put the money in the General Fund. In the future if more property is sold consideration on setting up a savings account or trust fund could occur. Town Manager Berkowitz stated that according to the warrant article the money would go to the General Fund, however, if the Board determined that it was appropriate they could set up a reserve at a future town meeting voter consideration could be sought to set up a reserve.

Chairman McHatton asked if the Board of Selectmen wanted an open or closed warrant. **Motion** was made by Vice Chairman Taft to approve and close the Annual Town Meeting Warrant; 2nd by Selectman King. Selectman Woodward concurred stating that these times require a closed warrant. Chairman Hoyt stated that the times require a closed warrant. Selectman McHatton stated that he was not in favor of a closed warrant. Selectman King stated that because of the very good job done by the Budget Advisory Committee and the Board he is in favor of a closed warrant. **Motion** was made by Vice Chairman Taft to move the question; 2nd by Selectman King. 5 approve/0 oppose. Vote on the original motion was 4 approve/1 oppose (Selectman McHatton opposed)

Chairman Hoyt moved Agenda Item 9 forward.

9. PUBLIC AND INFORMATIONAL HEARINGS - 6:00 P.M.-[Return to Agenda Order After Hearings]

PUBLIC HEARING(S)

1. Public Hearing: To Hear Public Comment on the Following Questions that will be Presented to the Voters Via Referendum Ballot on June 11, 2013:

Shall an ordinance entitled "Town of Bridgton Consumer Fireworks Ordinance" be enacted?

Chairman Hoyt opened the public hearing at 6:07 P.M. There were no comments on this question. Chairman Hoyt closed the public hearing at 6:08 P.M.

Shall a resolution entitled "A Resolution to Protect the Health and Safety of Local Citizens, Water Bodies and Other Natural Resources in Relation to the Possible Transport of Tar Sands Oils through Maine" be adopted?

Chairman Hoyt opened the public hearing at 6:08 P.M. Mr. David Cyr and Mr. Nick Payeur of Portland Pipeline were present and gave informational packets to the Board of Selectmen for their information. Mr. Cyr explained that while Bridgton is not in Portland Pipeline's impact zone it is a concern that the proposed resolution is instilling fear and misinformation to the public and urged the voters to not approve the resolution. Mr. Cyr gave a brief history to the Portland Pipeline and its achievements. Mr. Cyr also stated that the resolution may impact the competitiveness of Portland Pipeline. Mr. Cyr and Mr. Payeur fielded several questions from the public and the Board of Selectmen. Chairman Hoyt closed the public hearing at 6:35 P.M.

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9. PUBLIC AND INFORMATIONAL HEARINGS - 6:00 P.M.-[Return to Agenda Order After Hearings] CONTINUED

PUBLIC HEARING(S) CONTINUED

2. Public Hearing: To Accept Oral and Written Comments on an Application from Beef & Ski (243 Portland Road) for a Special Amusement Permit (live entertainment).

Chairman Hoyt moved this item up in the agenda. Chairman Hoyt opened the public hearing at 6:35 P.M. There were no comments. Chairman Hoyt closed this public hearing at 6:36 P.M.

3. Public Hearing: To Accept Oral and Written Comments on an Application from Beef & Ski (243 Portland Road) for a New Liquor License.

Chairman Hoyt moved this item up in the agenda. Chairman Hoyt opened the public hearing at 6:36 P.M. There were no comments. Chairman Hoyt closed this public hearing at 6:37 P.M.

1. Public Hearing: To Hear Public Comment on the Following Questions that will be Presented to the Voters Via Referendum Ballot on June 11, 2013: CONTINUED

Salmon Point Property - Non-Binding Referendum Question

Do you favor having the Bridgton Select Board issue a request for proposals for the purchase from the Town and development of a portion of the Town owned property at Salmon Point, not including the beach and parking areas, with the request for proposals to contain the following terms and conditions?

1. Any sale of the Property by the Town of Bridgton will be subject to final approval by the Select Board and the Bridgton Town Meeting;
2. The purchase price for the Property shall be at least \$2,000,000;
3. The developer shall satisfy the Board of Selectmen that the development proposal for the Property will generate at least \$75,000 per year in new revenues for the Town;
4. The failure of any proposal to satisfy the foregoing parameters shall be grounds for rejection of the proposal by the Select Board; and
5. The Select Board retains the right to reject any and all proposals not deemed by the Select Board to be in the best interest of the Town.

Informational Note: It is the intent of the Select Board that the beach areas at Salmon Point be retained by the Town; that the beach areas be restricted, in perpetuity, against future sale or development; and that the proceeds from the sale of the Property be transferred to the Moose Pond Land Trust Fund.

At 6:37 P.M. Chairman Hoyt recused himself from the table and turned the meeting over to Vice Chairman Taft. Vice Chairman Taft opened the public hearing at 6:35 P.M. Selectman McHatton advised the Board of Selectman that he has a relative in the Salmon Point Campground. **Motion** was made by Selectman Woodward to allow Selectman McHatton to remain at the table; 2nd by Selectman King. 3 approve/0 oppose

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9. PUBLIC AND INFORMATIONAL HEARINGS - 6:00 P.M.-[Return to Agenda Order After Hearings] CONTINUED

PUBLIC HEARING(S) CONTINUED

1. Public Hearing: To Hear Public Comment on the Following Questions that will be Presented to the Voters Via Referendum Ballot on June 11, 2013: CONTINUED

Mr. Renneker stated that he understood that the portion of the proceeds from that portion of the land that was being sold that was originally funded by the Moose Pond Trust Fund had to be returned to the Trust Fund and that any additional funds be used at the Board of Selectmen's discretion, to set up trusts for other purposes. Town Manager Berkowitz replied that according to Attorney Dick Spencer, all the funds had to be returned to its origin even in excess of the original principal amount. Mr. Renneker stated for clarification that any money used for BRAG, etc. from the Moose Pond Trust Fund and if that property is sold then all the proceeds would have to go to the Moose Pond Trust Fund. Town Manager Berkowitz stated according the Town's Attorney, yes that statement was accurate.

Mr. Denofrio questioned why the Town was considering selling and why in this manner. He stated that the Town should get the lot appraised. Selectman Woodward explained the original concept behind the question, as did Mr. Renneker. Mr. Renneker asked the Town Manager if he had a list of all the projects the Moose Pond Trust Fund money has been used on in case any are sold so that the money is returned to the Trust Fund.

Mr. Earl Cash explained that the Town has built up the campground since this property was purchased; he also talked about Mr. Doucette's letter in the Bridgton News.

Paul Hoyt asked for confirmation that the Town intends to keep the Beach and the parking area. Town Manager Berkowitz stated the beach and a well-defined parking area will be retained by the Town. Mr. Hoyt asked how the Town can put development restrictions on the property. Town Manager Berkowitz stated that it can be done with a conservation easement and deed/convenient restriction.

At 6:55 P.M. Vice Chairman Taft closed the public hearing on Salmon Point. Chairman Hoyt rejoined the table.

INFORMATIONAL HEARING(S) - None

Chairman Hoyt closed all Public and Informational Hearings at 6:56 P.M. and returned to the agenda.

5. New Business CONTINUED

a. Permits/Documents Requiring Board Approval CONTINUED

17. Discussion of the Implementation Phase of the Comprehensive Plan

Chairman Hoyt stated the reason this item was on the agenda. Selectman McHatton stated that the Comprehensive Plan will have a set of priorities in it, at that time the Board and will establish committees/subcommittees to ensure the priorities are completed. Mr. Renneker stated that he felt the discussion should wait until the Comprehensive Plan is almost complete and he pointed out that the Board is asking a lot of the Comprehensive Plan Committee and the Board should consider utilizing more than just the Comprehensive Plan Committee. Selectman McHatton concurred with Mr. Renneker. Selectman Woodward concurred as well.

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5. New Business CONTINUED

a. Permits/Documents Requiring Board Approval CONTINUED

17. Discussion of the Implementation Phase of the Comprehensive Plan CONTINUED

Chairman Hoyt does not agree that the Comprehensive Plan has to be complete. Selectman Woodward stated that the groundwork can be started so when the plan is complete the implementation process will be ready.

Mr. Renneker stated that the Community Development Committee will be leading a walk around Salmon Point and answer questions about the Ballot Question. Chairman Hoyt asked where the Community Development Committee was going to meet. Mr. Renneker stated in the current parking lot.

Selectman Woodward stated that the Board of Selectmen should have a committee comprising of members of the Comprehensive Plan Committee and the Community Development Committee to assist the Board of Selectmen with planning the implementation of the Comprehensive Plan. Chairman Hoyt stated the previous Comprehensive Plan designated what needed to be done and who should do it. Chairman Hoyt believes that the Comprehensive Plan Committee already doing this and having the various committees do their part of the recommendations through the Board of Selectmen and have the Comprehensive Plan Committee as is. Selectman McHatton stated that he agreed with Mr. Renneker and wait until the Plan is done, and he mentioned the fact that there will be a new Board as of June. Selectman McHatton recommended waiting until then to make any decisions. The rest of the Board of Selectmen concurred.

18. Sewer Commitment #123

Motion was made by Selectman King for approval of Sewer Commitment #123; 2nd from Vice Chairman Taft. 5 approve/0 oppose

Agenda Item 5.a.14. was addressed at this time.

14. Municipal Officers' Certification of Official Text of a Proposed Ordinance; "Town of Bridgton Consumer Fireworks Ordinance"

Motion was made by Selectman King to sign the Municipal Officers Certification of Official Text of a Proposed Ordinance; "Town of Bridgton Consumer Fireworks Ordinance; 2nd from Vice Chairman Taft. 5 approve/0 oppose

Agenda Item 5.a.15. was addressed at this time.

15. Municipal Officers Certification of Official Text of a Proposed Resolution; "A Resolution to Protect the Health and Safety of Local Citizens, Water Bodies and Other Natural Resources in Relation to the Possible Transport of Tar Sands Oils through Maine"

Motion was made by Selectman King to sign the Municipal Officers Certification of Official Text of a Proposed Ordinance; "Town of Bridgton Consumer Fireworks Ordinance; 2nd from Selectman McHatton. 5 approve/0 oppose

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5. New Business CONTINUED

a. Permits/Documents Requiring Board Approval CONTINUED

Agenda Item 5.a.6. was addressed at this time.

**6. Victualer License /License/Liquor License/Special Amusement Permit to Beef & Ski
(Note: Public Hearing)**

Motion was made by Selectman McHatton for approval of the Victualer License, Liquor License and Special Amusement Permit for Beef & Ski; 2nd from Selectman Woodward. 5 approve/0 oppose

b. Bids, Awards and Other Administrative Recommendations

1. Review Perennial Point of View Proposal for Future Bidding of Work

Town Manager Berkowitz stated that Ms. Lucia Terry thought that the Board of Selectmen should be aware that in the future the money spent doing the work she is doing would be different than they are today. Ms. Terry is proposing that the Town continue with Perennial Point of View for the coming fiscal year and through the summer and fall she will put together a bid specification sheet for the bidding process for the 2014/2015 Fiscal Year. Mr. Cash stated that the current system is working well for the Town. **Motion** was made by Selectman McHatton to have Public Works and Perennial Point of View continue forward for this year and have the Town Manager and Ms. Terry work together to formulate a specification sheet; 2nd by Vice Chairman Taft. 5 approve/0 oppose

2. Appointment Requests - Sewer Committee

- David Crowell
- Lucia Terry

This item was addressed under executive session. Selectman King noted that the names should not appear on the agenda.

3. COPS Grant Application/Information- Chief Schofield

Police Chief Schofield gave a brief power point presentation explaining the need to apply for the COPS/FAST Grant for additional personnel. Chief Schofield explained what the grant will and will not cover and what the Town is responsible for, which includes a three (3) year commitment for the grant and one (1) additional year after the grant. Selectman King asked if the person hired would be academy trained or not. Chief Schofield stated that the grant proposal urges the hiring of Armed Services Veterans but it is not mandatory, academy training is not covered by the grant. Chief Schofield answered several more questions by the Board of Selectman and the public including questions about penalties for applying for the grant. Selectman King **moved** the question; 2nd Vice Chairman Taft. 5 approve/0 oppose

Motion was made by Selectman McHatton to move forward with the grant application; there was no second and the motion fails.

c. Legal Matters

Town Manager Berkowitz stated that this agenda item was to be discussed in executive session.

d. Selectmen's Concerns

- **Selectman Woodward and Selectman McHatton** had no topics under this agenda item.

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5. New Business CONTINUED

d. Selectmen's Concerns CONTINUED

- **Vice Chairman Taft** brought up the fact of the proposed legislation about retirement packages for fire department personnel and suggested that the Town Manager get in touch with the Service Center Coalition opposing the legislation. **Motion** was made by Selectman McHatton that the Town Manager write a letter opposing this legislation to the Town's Representative in the Legislature and Senate, Service Center Coalition and the Governor stating the opposition to the legislation; 2nd by Selectman Woodward. 5 approve/0 oppose
- **Selectman King** asked if the timing on the walk light could be adjusted as most people cannot complete crossing before the light turns.
- **Selectman King** also asked what the status of the proposed legislation on workers compensation for first responders that had been "toned out" for an emergency call. Town Manager Berkowitz stated that he would have to research that status of the legislation.
- **Chairman Hoyt** stated he had several inquiries and comments about there being no food at the snack shack at the BRAG Field.

e. Other Matters

Chairman Hoyt asked about the Policy on Town Committee Procedures and started reviewing the drafts. Ms. Terry stated the workshop reviewed Draft 3 and they would not meet again. Chairman Hoyt stated he wanted to go forward with what was agreed upon after the last workshop and make any adjustments as needed. Selectman Woodward agreed with Chairman Hoyt. Selectman McHatton asked if the re-writes were basic. Ms. Terry stated that the changes were not substantive. Several Board Members did not agree. Selectman McHatton questioned the quorum issue. Vice Chairman Taft asked what the opinion was from Maine Municipal Association on the quorum dilemma. Ms. Anne Krieg, Economic and Community Development Director, stated that she had consulted with Maine Municipal Association's Legal Staff and their opinion was if it is an appointing authority and they do not have regulatory or statutory authority then as part of the policy that the committee can meet without a quorum to make a recommendation. If the quorum is continual problem then there is a bigger issue. Ms. Krieg stated that under Draft 4.1 it was in the policy based on the conversation with Maine Municipal Association that it is under the Board of Selectmen's authority to grant them permission to hold a meeting. There was further discussion about the committees getting permission to meet without a quorum. Chairman Hoyt asked for better clarification about rare circumstances.

Selectman Woodward questioned the use of a verbal resignation; he feels it should be a formal resignation to the Board of Selectmen, unless otherwise incapacitated. Selectman McHatton asked what if a person refuses to give a formal resignation. Selectman Woodward stated that the Board of Selectmen can remove them from the committee. The Town Manager explained the formal process. Mr. Cash asked what the difference was between the Board of Selectmen and the Committees in not having a quorum. Selectman Woodward stated that the Board of Selectmen is legally required to have a quorum and committees are not. Further discussion ensued. **Motion** was made by Selectman Woodward to approve Draft 4.1 with the exception of Section F. which will have "taking actions" removed; 2nd by Selectman McHatton. 5 approve/0 oppose

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5. New Business CONTINUED

b. Bids, Awards and Other Administrative Recommendations CONTINUED

e. Other Matters CONTINUED

Mr. Zaidman asked if the liaison to the committee could have a vote. The Board stated that would be irregular so they could not do that. Ms. Terry stated that the committees had not approved Draft 4.1 therefore it was not a formal document. Selectman Woodward stated that it was a formal document with the vote of the Selectmen.

6. Treasurer's Warrants

Motion was made by Vice-Chairman Taft for approval of Treasurer's Warrants numbered 112, 113, 114, 115, 116, 117 and 118; 2nd from Selectman Woodward. 5 approve/0 oppose

7. Committee Reports (Information must be received by the Wednesday before)

a. Comprehensive Plan Committee – none.

b. Community Development Committee – none.

c. Sewer Committee – none.

d. Recycling Committee

Town Manager Berkowitz informed the Board of Selectmen that the "R Bucks" Program was going to be started on May 23, 2013.

e. Investment Committee

Vice Chairman Taft asked about the email the Town Manager sent in reference to the Town's Attorney writing a document, and the firm does minor work for Norway Savings Bank which creates a conflict between Norway Savings Bank and the Town. Town Manager Berkowitz explained that both the Town and Norway Savings Bank will have to sign off on the document because of that issue.

f. Other Committees – none.

8. SAD #61

- Notice of Amounts Adopted at Budget Meeting on 05/07/2013
- Reminder: District Budget Validation Referendum on 05/21/2013; polls are open 8:00 A.M. until 8:00 P.M.

These were FYI items.

9. PUBLIC AND INFORMATIONAL HEARINGS - 6:00 P.M.-[Return to Agenda Order After Hearings]

This item was addressed after agenda item 5.a.16.

10. Public Comments and Presentations

a. Non-Agenda Items

There were no comments.

b. Agenda Items

There were no comments.

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11. Old Business & Select Board Discussions

a. Fourth of July Fireworks Funding

This agenda item was addressed under 5.a.16.

Chairman Hoyt asked to see the Town's Policy on seasonal dock removal.

12. Agendas for the Next Board of Selectmen's Meetings/Workshops

May 28, 2013

13. Executive Session – MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Matters Related to Personnel", Specifically to Update the Board on Outstanding Personnel Matters

Motion was made at 8:48 P.M. by Selectman King to enter into executive session per MRSA Title 1, Chapter 13, Subsection 405.6.A."Discussion of Matters Related to Personnel", specifically to update the Board on an outstanding personnel matter; 2nd by Selectman Woodward. 5 approve/0 oppose

Motion was made by Selectman King to exit executive session at 9:30 P.M.; 2nd by Vice Chairman Taft. 5 approve/0 oppose

***Motion** was made by Selectman King to appoint David Crowell and Lucia Terry to the Sewer Committee; 2nd by Selectman McHatton. 5 approve/0 oppose*

14. Adjourn

Chairman Hoyt adjourned the meeting at 9:33 P.M.

Respectfully submitted,

Dawn E. Taft
Deputy Town Clerk