

# **Board of Selectmen's Meeting Minutes**

## **October 11, 2011; 6:00 P.M.**

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

### **1. Call to Order**

Chairman Triglione called the meeting to order at 6:00 P.M.

### **2. Public Hearing**

Chairman Triglione called the Public Hearing to hear public comment on the following 2 articles that will be presented to the voters on November 8, 2011 to order at 6:00 P.M.:

*ARTICLE 2. Shall the Board of Selectmen be authorized to accept on behalf of the Town a gift from the Loon Echo Land Trust, Inc. ("LELT") of approximately 66 acres of land located westerly of Stevens Brook in Bridgton, known as the Pondicherry Park properties, subject to prior approval by the Board of Selectmen with advice of counsel, of 1) the terms and conditions of a Conservation Easement and Right of First Refusal to be reserved by LELT, and 2) a related Pondicherry Park Stewardship Committee Agreement to be entered into by the Town of Bridgton, LELT, and Lakes Environmental Association, with the authority of the Board of Selectmen to accept the proposed gift to terminate, subject to renewal by the voters of the Town, if the proposed gift is not accepted by the Board of Selectmen on or before June 30, 2012?*

Chairman Triglione read Article 2 aloud. Glen Zaidman asked for clarification of the last sentence. Town Manager Berkowitz replied that if the article has passage, the Board will have authority to accept the gift on or before June 30, 2012. Mr. Zaidman asked why the voters are being asked to grant authority to the Board prior to finalizing the easement and right of first refusal. Town Manager Berkowitz replied that a draft copy of the first easement will be made available on the website for public viewing; the final details of the stewardship committee have yet to be worked through.

Earl Cash, Sr. asked why the Town is not waiting until the Annual Town Meeting in June to vote on this issue. Chairman Triglione replied that LEA and LELT have put a lot of time and effort into the project and have completed their obligation; the intent of the vote in November is to obtain public support and allow the Board to finalize the terms and conditions.

Discussion ensued.

Peter Lowell encouraged attendance at a public event at the park on Friday, October 21, 2011 at 7:00 P.M. where a hike through the park will take place wearing neon necklaces and bracelets.

*ARTICLE 3. Shall an ordinance entitled "Victualers Licensing Ordinance" be enacted?*

Chairman Triglione read Article 3 aloud. The purpose of the Victualers Licensing Ordinance is to ensure that establishments serving food or drink prepare their food and drink in a safe and sanitary environment. There was no public comment.

The public hearing was closed at 6:20 P.M.

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### **3. Public Comments - Non-Agenda Items**

- Greg Jones submitted a proposed fireworks ordinance to the Board for review. The Board requested that the Fire Chief review the document and that this item be placed on the next agenda for discussion.
- Bob Hatch reported that the bath house at Highland Lake Beach is deplorable and should be cleaned up. The Board requested that this item be placed on the next agenda for discussion.

### **4. Presentations and Discussions**

#### **a. "Welcome to Bridgton" Sign Options - Ken Murphy**

Ken Murphy, Nelle Ely and Ann Overman presented three options for a new gateway to Bridgton sign. Selectman Taft asked if the current sign is being considered as an option. Ray Turner commended Mr. Murphy for doing a remarkable job in working through this process. Vice-Chairman Woodward said that the sign should reflect the 'brand' of Bridgton and that has not yet been established. The Board authorized Mr. Murphy to present the four signs (the existing and the three new options) to the voters on Election Day and conduct an unofficial vote.

#### **b. Discussion of Sewer Management and Authority Options**

The Board opted to table discussion of this item until October 25, 2011 to allow the Town Manager time to review the options being considered with the Trustees of the Bridgton Water District.

#### **c. Avesta Housing (additional agenda item)**

Vice-Chairman Woodward recused himself due to a conflict of interest and joined the audience.

Town Manager Berkowitz reported Avesta informed the Town of their intention to build a twenty one residential housing complex for senior citizens (age 64+). Avesta is considering a site located on Route 117 and inquired about additional site opportunities in the downtown. As always, the Town is receptive to any client and when Avesta inquired about other site opportunities, we were able to put them in touch with the owner of a property on Main Street that would fit well to the walk-able downtown area.

Town Manager Berkowitz stated that there are two ordinances and a set of regulations that prohibit this kind of development in this location and in the downtown in general. Since all ordinance amendments must be approved by secret ballot, Mr. Berkowitz recommended that the Board seek voter consideration to amend the Shoreland Zoning Ordinance and the Site Plan Review Ordinance through a referendum election on December 13, 2011. He noted that the amendments may not only benefit this specific project but for the future development of the downtown.

Selectman Hoyt noted that the cost of conducting a special election (through ballot clerks hand counting) is approximately \$800.00 +/- . He supports the process of seeking voter consideration on this very important issue.

Selectman Taft supports the Avesta Housing Project but does not agree with rushing the process.

Glen Zaidman asked if amending the ordinances is for the betterment of the community.

Ray Turner thanked Avesta Housing for showing the community that this was an oversight in the planning and development process for the downtown and is happy that there are means to correct that oversight.

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### 4. Presentations and Discussions

c. Avesta Housing (additional agenda item) (continued)

Selectman King was initially concerned with the amendment that would benefit this project but realized that the amendments would benefit the entire general development district.

Town Manager Berkowitz and Economic & Community Development Director Manoian responded to several questions regarding the Avesta Housing project and the proposed amendments.

Chairman Triglione supports this project one hundred percent and is in favor of moving things as quickly as possible. He believes it is the Board's responsibility to the community to support any project that will enhance the downtown.

**Motion** was made by Selectman Hoyt to adopt the schedule for a special election to be held on December 13, 2011 as presented by the Town Manager; 2<sup>nd</sup> from Selectman King.  
4 approve/0 oppose/1 abstention (*Vice-Chairman Woodward abstained*)

### 5. Approval of Minutes – September 27, 2011

**Motion** was made by Selectman Taft for approval of the minutes from the September 27, 2011 Board Meeting; 2<sup>nd</sup> from Selectman Hoyt. 4 approve/0 oppose/1 abstention  
(*Selectman King abstained because he did not attend the last meeting*)

As discussed at the last meeting, Selectman Hoyt requested that the Town Manager seek an opinion from Maine Municipal Association to see if they recommend that recused Board members join the audience.

### 6. Correspondence and Other Pertinent Information

a. Bridgton / Childhood Cancer Awareness Week

The American Cancer Fund for Children requested that the Board approve a proclamation to adopt 10/31-11/5 as Bridgton Childhood Cancer Awareness Week. **Motion** was made by Selectman Taft to approve the Childhood Cancer Awareness Week (10/30-11/5) Proclamation as amended; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

b. BRAG Correspondence

The Board will add a request from BRAG to their agenda on October 25, 2011.

### 7. Town Manager's Report

Town Manager Berkowitz reported the following:

**Tree Growth Reimbursement:** The Town has received a state reimbursement for the amount of tree growth in Bridgton for the FY 2010 period. The \$62, 803 is lower than the \$88,028 dollars that we had budgeted for revenues. Under the changes made by the State we would expect the 2011 funds to come next August. Secondly, the funding for this reimbursement appears to be trending downward so that our FY 2013 budget number will be about \$60,000 and not the higher number we had anticipated.

**MMA Conference and Training Sessions:** This was the 75<sup>th</sup> MMA Conference and it lived up to its theme "Leadership in Action". The keynote speaker was Dr. Scott Paine, who is the University of Tampa's Chair for the Communications Department. He spoke of the changing of what is fact in a society that now uses social media and the ever present repetition of opinion which tends to dilute the facts today. This in turn changes the cultural and political moods of our country. I went to a refresher course on Wrongful Terminations and Harassment as well as some new pointers in dealing with Microsoft Excel software. The session of using social media such as Face Book and the like was an interesting session since it is relevant to our use in the Police, Recreation and Economic Development Departments. Perhaps the most engaging session dealt with the Maine Freedom of Access law and the way requests must be handled. The session also reviewed some of the key changes being proposed in this legislative session that would make it more onerous upon municipalities.

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## 7. Town Manager's Report (continued)

**Financial Report:** The first quarter of the fiscal year ( July 1 thru Sept. 30 ) saw revenues come in at 29.8% and expenditure go out at 26.5%, both against a year to date benchmark of 25%. We continue to hold strong on revenues and cash. Our next tax collection installment date is November 15, 2011.

**Special Town Referendum:** If the Select Board wishes to amend the Shoreland Zoning Ordinance and in conjunction with the Planning Board, amend the Site Plan Review Regulations so that the Avesta Senior Housing Investment Project could occur, the Board will need to discuss the details of the steps necessary since a joint meeting with the Planning Board would be required at your October 25<sup>th</sup> meeting. This could provide for a referendum vote on December 13, 2011.

I am requesting the Select Board have this discussion this evening or the time frame is such that we could not make the proposed changes for Avesta to consider the project at the Main Street site.

Respectfully Submitted,  
Mitchell A. Berkowitz  
Town Manager

## 8. Old Business

There was no old business.

## 9. SAD #61

a. Invitations to Bridgton Directors and Superintendent to attend Oct. 25 Meeting

Town Manager Berkowitz reported that the Superintendent and Bridgton Directors are not able to attend the October 25<sup>th</sup> Board Meeting and will work with them to re-schedule.

### School Board Director Resignation

Lesley Niemy submitted her resignation as a school board director. The Board directed the Town Manager to advertise for interest individuals to serve until the next annual election. Individuals should submit their letter of interest to the Town Manager and will be invited to attend a Board meeting.

## 10. New Business

a. Permits/Documents Requiring Board Approval

### 2011 Emergency Management Performance Grant

Todd Perreault, Emergency Management Director is seeking authorization to participate in the 2011 Emergency Management Performance Grant. **Motion** was made by Selectman Taft to authorize the Emergency Management Director to move forward with the grant application process; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

1. Adoption of the Appendices A, B, C for the General Assistance Ordinance

**Motion** was made by Selectman Hoyt for approval of 10.a.1; 2<sup>nd</sup> from Selectman King. 5 approve/0 oppose

2. Cemetery Deeds – Forest Hills Annex

A. June Warren – Section E Lot 52A

B. Warren F. Rouillard – Section H Lot 17B

**Motion** was made by Selectman Hoyt for approval of 10.a.2; 2<sup>nd</sup> from Selectman King. 5 approve/0 oppose

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### 10. New Business (continued)

#### 3. Abatements and Supplements

**Motion** was made by Selectman Hoyt for approval of the following abatements and supplements; 2<sup>nd</sup> from Selectman Taft (the Board requested additional information regarding the abatement for Patricia Grenda based on the reason). 5 approve/0 oppose

#### ABATEMENTS

| Tax Year            | Abate No. | Type | Account No. | Map/Lot   | Owner                              | Abated Value        | Abated Tax        | Reason  |
|---------------------|-----------|------|-------------|-----------|------------------------------------|---------------------|-------------------|---|
| 2011                | 11-03     | RE   | 3736        | 5/69F/2/0 | David A. Deptula & Alan J. Blosser | \$5,475.00          | \$69.53           | The land value was adjusted to reflect land use restrictions and topography issues on the property. |
| 2011                | 11-04     | RE   | 5556        | 5/69F/4/0 | David A. Deptula & Alan J. Blosser | \$9,713.00          | \$123.36          | The land value was adjusted to reflect land use restrictions and topography issues on the property. |
| 2009                |           | PP   | 544         | 0/0/0/0   | Laura Moorehead                    | \$30.86             | \$0.37            | No longer in Bridgton-uncollectable.  |
| 2010                |           | PP   | 544         | 0/0/0/0   | Laura Moorehead                    | \$900.00            | \$10.98           | No longer in Bridgton-uncollectable.  |
| 2011                | 11-05     | PP   | 544         | 0/0/0/0   | Laura Moorehead                    | \$900.00            | \$11.43           | No longer in Bridgton-uncollectable.  |
| 2008                |           | PP   | 1           | 0/0/0/0   | Philip P. & Donna M. Alexander     | \$21,550.00         | \$262.26          | No longer in Bridgton-uncollectable.  |
| 2009                |           | PP   | 1           | 0/0/0/0   | Philip P. & Donna M. Alexander     | \$43,100.00         | \$516.77          | No longer in Bridgton-uncollectable.  |
| 2010                |           | PP   | 1           | 0/0/0/0   | Philip P. & Donna M. Alexander     | \$43,100.00         | \$525.82          | No longer in Bridgton-uncollectable.  |
| 2011                | 11-06     | PP   | 1           | 0/0/0/0   | Philip P. & Donna M. Alexander     | \$43,100.00         | \$547.37          | No longer in Bridgton-uncollectable.  |
| 2008                |           | PP   | 574         | 0/0/0/0   | Jeff & Carol Snow                  | \$3,400.00          | \$41.38           | No longer in Bridgton-uncollectable.  |
| 2009                |           | PP   | 574         | 0/0/0/0   | Jeff & Carol Snow                  | \$3,400.00          | \$40.77           | No longer in Bridgton-uncollectable.  |
| 2010                |           | PP   | 574         | 0/0/0/0   | Jeff & Carol Snow                  | \$3,400.00          | \$41.48           | No longer in Bridgton-uncollectable.  |
| 2011                | 11-07     | PP   | 574         | 0/0/0/0   | Jeff & Carol Snow                  | \$3,400.00          | \$43.18           | No longer in Bridgton-uncollectable.  |
| 2011                | 11-08     | PP   | 389         | 0/0/0/0   | William Scotsman, Inc.             | \$1,160.00          | \$14.73           | Corrected depreciation schedule.  |
| 2011                | 11-09     | RE   | 1733        | 13/0/60/0 | Greg Willey & Joseph Cummings      | \$1,197.00          | \$15.20           | Removed building to assess to correct owner.  |
| 2011                | 11-10     | PP   | 23          | 0/0/0/0   | Mobile Mini, Inc.                  | \$620.00            | \$7.87            | No longer in Bridgton-uncollectable.  |
| 2008                |           | PP   | 425         | 0/0/0/0   | Patricia Grenda                    | \$2,000.00          | \$24.34           | No longer in Bridgton-uncollectable.  |
| 2009                |           | PP   | 425         | 0/0/0/0   | Patricia Grenda                    | \$2,000.00          | \$23.98           | No longer in Bridgton-uncollectable.  |
| <b>GRAND TOTALS</b> |           |      |             |           |                                    | <b>\$188,445.86</b> | <b>\$2,320.82</b> |   |

#### SUPPLEMENTS

| TAX YEAR           | NO.     | TYPE | ACCT NO. | OWNER                         | TAXABLE VALUE  | TAX/ PENALTY       | REASON  |
|--------------------|---------|------|----------|-------------------------------|----------------|--------------------|---|
| 2011               | 2011-02 | RE   | 5602     | Christian D. & Lynne E. Olsen | \$1,197        | \$15.20            | To assess the building to the correct owners. |
| 2011               | 2011-03 | RE   | 475      | Jack W. & Cherie B. Knight    | \$0            | \$16,477.50        | Failed to meet appropriate deadlines.         |
| 2011               | 2011-04 | RE   | 3236     | Alexandre & Marina Beliakov   | \$0            | \$69,165.20        | Failed to meet appropriate deadlines.         |
| 2011               | 2011-05 | RE   | 2880     | Wayne P. Hoover               | \$0            | \$564.00           | Failed to meet appropriate deadlines.         |
| 2011               | 2011-05 | RE   | 2885     | Wayne P. Hoover               | \$0            | \$252.30           | Failed to meet appropriate deadlines.         |
| <b>GRAND TOTAL</b> |         |      |          |                               | <b>\$1,197</b> | <b>\$86,474.20</b> |   |

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### 10. New Business (continued)

#### b. Bids, Awards and other Administrative Recommendations

##### 1. Award Sewer Line Reconstruction Bid

The receipt of bids as closed at 10:00 A.M. on September 28, 2011. To follow are the bids received and their amounts:

- St. Laurent & Son – Lewiston, Maine - \$63,991.00
- The Nelson Companies – Center Conway, NH - \$8,790.00
- DDI Construction – Gorham, Maine - \$7,962.00

Town Manager Berkowitz recommended that the bid be awarded to the low bidder, DDI Construction. **Motion** was made by Selectman Hoyt to award the bid to DDI Construction in the amount of \$7,962.00; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

##### 2. Approval of Engineering Contract Amendment - Sewer Work Vice-Chairman Woodward recused himself and joined the audience.

**Motion** was made by Selectman Hoyt to approve the amended Engineering Contract for inflow and infiltration and authorize the Town Manager to execute the document after the final amendments/revisions have been incorporated into the document; 2<sup>nd</sup> from Selectman Taft.

4 approve/0 oppose/1 abstention (*Vice-Chairman Woodward abstained*)

##### 3. Approval of the Town's Hazard Mitigation Plan

**Motion** was made by Selectman Hoyt for approval of 10.b.3; 2<sup>nd</sup> from Selectman King.

5 approve/0 oppose

#### c. Legal Matters

The Board will review legal matters in executive session.

#### d. Selectmen's Concerns

- Vice-Chairman Woodward requested that the Town Manager seek an opinion from Maine Municipal Association to see if they recommend that recused Board members join the audience.
- Selectman Hoyt reminded everyone of the special Veteran's Day celebration in Veterans Park that is held every year. Town Officials will coordinate with the Veterans that conduct the ceremony.
- Selectman Hoyt received an email that his dock at Salmon Point must be taken out for the winter as it can only stay in the water for seven months; this dock has never been removed in the past. He asked for clarification of a dock ordinance or regulation. Town Manager Berkowitz replied that this is State Law and he will contact the Department of Conservation for further clarification of submerged land issues.
- Selectman Taft had no concerns.
- Selectman King noted that the street light by the cross walk near the Methodist Church is not illuminated. Town Manager Berkowitz noted that the light may be out and will research this concern.
- Chairman Triglione had no concerns.

#### e. Other Matters

There were no other matters.

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

The Board reviewed their preliminary agenda for the October 25, 2011 and November 8, 2011 meetings.

**12. Treasurer's Warrants**

**Motion** was made by Selectman King for approval of Treasurer's Warrants numbered 31, 32, 33, 34, 35 and 36; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

**13. Executive Session - MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Matters**

Which if Discussed Publicly Would Disadvantage the Town Related to the Resolve of an 80K Legal Action by the Town and personnel matters"

**Motion** was made by Selectman Hoyt to enter into executive session at 8:55 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A. for discussion of matters which if discussed publicly would disadvantage the Town related to the resolve of an 80K legal action by the Town and personnel matters; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

**Motion** was made by Selectman King to come out of executive session at 9:30 P.M.; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

**14. Adjourn**

Chairman Triglione adjourned the meeting at 9:31 P.M.

Respectfully submitted,

Laurie L. Chadbourne  
Town Clerk