

# Board of Selectmen's Meeting Minutes

## July 9, 2013; 5:00 P.M.

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

1. **Call to Order**

Chairman Taft 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 – June 25, 2013 and July 2, 2013**

**Motion** was made by Selectman Hoyt for approval of the minutes from the June 25, 2013 Board Meetings; 2<sup>nd</sup> from Vice-Chairman King. 5 approve/0 oppose

**Motion** was made by Selectman Hoyt for approval of the minutes from the July 2, 2013 Board Meeting; 2<sup>nd</sup> from Selectman McHatton. 5 approve/0 oppose

4. **Correspondence and Other Pertinent Information**

**a. Discussion of Roberts Rules as a Meeting Guideline**

**Motion** was made by Selectman McHatton to authorize Chairman Taft to determine if the meetings should be conducted using "Roberts Rules or Order" or the "Maine Municipal Guidelines"; 2<sup>nd</sup> from Vice-Chairman King. 5 approve/0 oppose

5. **New Business**

**a. Permits/Documents Requiring Board Approval**

1. Land Installment Agreement with the New Sanctuary Cove, LLC

This item was removed from the agenda.

Town Manager Berkowitz reported that in some cases, it takes a great deal of time to compute and re-compute contract amounts. He recommended that the Board adopt a working policy regarding Land Purchase Installment Contracts and will present a draft copy for consideration at the next meeting on July 23<sup>rd</sup>.

**b. Bids, Awards and Other Administrative Recommendations**

1. Possible Amendment or Retraction of the Alarm Ordinance

Police Chief Schofield reported that in the early 1980's, the Town adopted the Alarm Systems Ordinance. Since dispatching services were relocated to Cumberland County in 2011, he recommended that any part of the ordinance that makes reference to the annual fees and maintenance fees be removed. **Motion** was made by Selectman McHatton to direct the Police Chief and Fire Chief to amend the Ordinance as necessary for voter consideration at the next election; 2<sup>nd</sup> from Vice-Chairman King. 5 approve/0 oppose

Chief Schofield will bring the draft amendments back to the Board on August 13<sup>th</sup> for their review.

2. Planning Board Alternate Position

The Annual Town Meeting failed to fill the vacant alternate position on the Planning Board. At their Meeting on July 2, 2013, the Planning Board Members requested that the Board of Selectmen not pursue filling the vacant alternate position because the meetings are consistently well attended by the five regular members and one alternate member. Since the Planning Board Ordinance stipulates that the Board shall consist of five (5) regular members and two (2) alternate members, **motion** was made by Selectman Hoyt to direct the Town Manager to seek public interest; 2<sup>nd</sup> from Vice-Chairman King. 5 approve/0 oppose Town Manager Berkowitz will discuss this issue with the Planning Board; if there is no public interest in the appointment, the town will seek nomination at the November election or seek an ordinance amendment.

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### 5. New Business (continued)

c. **Legal Matter**; There were no legal matters.

#### d. **Selectmen's Concerns**

- **Selectman McHatton** reported that he received an email communication regarding flowers, plants, etc. and shared it with Board Members, Committee Members, the Town Manager, and others that he thought would find it interesting.
- **Selectman McHatton** asked for the status of downtown signage. Chairman Taft replied that this issue will be discussed under agenda item 7.b.
- **Selectman Hoyt** asked what the Maine Department of Transportation is doing in the downtown. Chief Schofield replied that they have placed many traffic counters throughout town but does not know what the study is for.
- **Selectman Hoyt** said that the fireworks were awesome. Selectman Murphy replied that over \$500 was donated through the "boot system." He will prepare a full financial report for the Board at the next meeting.
- **Vice-Chairman King** voiced concerns regarding the dispatching of an officer to the wrong location during two separate calls. Chief Schofield responded that the 911 caller misinformed the dispatch center of the correct location and that the situation was quickly resolved; he will gather additional information regarding the second call before the Town follows up with formalized correspondence.
- **Selectman Murphy** commended all involved in the parade on the Fourth of July; he also recognized and appreciated the efforts by Selectman McHatton. All of the events were very well attended.
- **Chairman Taft** had no concerns.

#### e. **Other Matters**

- Town Manager Berkowitz reported that, per approval by the Board on June 25<sup>th</sup>, he is moving forward to execute the agreement with Woodard and Curran for the Wastewater Feasibility Study.
- Town Manager Berkowitz complimented all that were involved in the events surrounding the Fourth of July holiday. He encouraged local businesses to review this opportunity for ways to keep people in the area.
- Town Manager Berkowitz reported that the Salmon Point drinking water testing results were good, the spigot is fully functional and located at the entrance of the Salmon Point Campground.
- Town Manager Berkowitz reported that a ceiling HVAC unit at the Police Department needs to be replaced.
- Town Manager Berkowitz reported (in part) that the interview committee reviewed over 36 applications and after reference and backgrounds checks which supported the top candidate, Mr. Gary Colello from Laconia, NH will become the town's next recreation director. He brings with him a strong commitment for programming which includes sports and fitness; has completed his Masters of Education with a concentration on Athletic Administration. Mr. Colello will be in Bridgton on July 23<sup>rd</sup> and 24<sup>th</sup> for two day of transition and training with our current recreation staff and interim director, Corinne Davis. Mr. Colello will formally begin mid August.
- George Maguire requested permission to place a private leach field under the municipal park/playground. Discussion ensued. The Board directed Mr. Maguire to meet with the Sewer Committee for discussion of his request.

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### **9. Hearings: 6:00 P.M.**

#### **a. Public Hearings; None**

#### **b. Informational Hearings; General Assistance Ordinance Appendices**

**Motion** was made by Selectman McHatton to adopt the MMA Model Ordinance GA Appendices A for the period of July 1, 2013 – June 30, 2014; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

### **6. Treasurer's Warrants**

**Motion** was made by Selectman McHatton for approval of Treasurer's Warrants numbered 134, 135, 136, 1, 2 and 3; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

### **7. Committee Reports**

#### **a. Comprehensive Plan Committee**

Bob Wisner reported that three public gatherings are scheduled as follows: July 29<sup>th</sup> at Campfire Grille; August 5<sup>th</sup> at Tannery Pub; August 19<sup>th</sup> with the location to be announced. All meetings will begin at 4:00 P.M. and end at 7:00 P.M. He encouraged public attendance.

#### **b. Community Development Committee**

Mike Tarantino reported that signage will be discussed at their meeting tomorrow morning.

#### **c. Sewer Committee**

Wastewater Committee Chairman Ray Turner submitted the following four meeting notes to allow faster exchange of critical information to our designated staff contact Ms. Anne Krieg:

- 1) Computer with a projector and a recoding devise at each of our scheduled meetings;
- 2) The committee has and will table any requests for additional allocations until a definitive agreement is reached between the Town Manager and Maine DEP;
- 3) Please direct the CEO to annotate restaurant's application for additional allocation with the notation that a grease trap will be installed as per code;
- 4) Please direct staff to notify the wastewater committee chairman when the existing spreadsheet is updated this quarter; the committee will then update their flash drives with the new data.

#### **d. Recycling Committee**

The Board invited the Recycling Committee to attend the next meeting (July 23<sup>rd</sup>) for discussion of the Solid Waste Ordinance and possible amendments for required recycling.

#### **e. Investment Committee**

Town Manager Berkowitz reported that the Town is moving forward with the agreement with Norway Savings Bank. He added that the annual draw down of trust funds as authorized by Town Meeting is in process.

#### **f. Other Committees**

Vice-Chairman King reported that the Fire Suppression Committee is meeting on Tuesday at 6:00 P.M.

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**8. SAD #61**

**a. Review of the Proposed MOU Between the Town and the District for the Memorial School and the Brownfield Site Remediation Project**

**b. Review of a Joint Press Release Regarding the MOU**

Director of Planning, Economic and Community Development Anne Krieg reviewed the "Memorandum of Understanding" and Press Release from the School Superintendent's Office. Ms. Krieg reported that GPCOG has offered to assist us with coming up with a plan for development by first hosting a charrette with residents and stakeholders to determine what the community would like to see there. She added that there may be a requirement for a third party to receive the funding; she will further research this issue and report her findings back to the Board accordingly.

**9. Hearings: 6:00 P.M.; a. Public Hearings/b. Informational Hearings; General Assistance Ordinance Appendices This agenda item was addressed earlier in the meeting.**

**10. Public Comments and Presentations**

**a. Non-Agenda Items**

Bob Wiser asked why "no parking" signs were not posted on Main Street during the parade. Chief Schofield responded that it was an oversight on ordering the signs but they will be posted again next year.

Vice-Chairman King asked the Town Manager about Time Warner Cable changes. Town Manager Berkowitz responded that Time Warner Cable will continue to carry the local access channel but only in a digital format which may require some customers to contact TWC and make arrangements for a digital converter – receiver for older televisions. Selectman Hoyt noted that the contract stipulates that CSPAN and CSPAN-2 will be provided at no cost and they should be crediting accounts if those channels are not provided; he encouraged the public to contact TWC at 1-855-286-1736 with any inquiry.

**b. Agenda Items**

There were no public comments regarding agenda items.

**11. Old Business & Select Board Discussions**

**a. Discussion of a Local Housing Preference Ordinance (Tabled from March 2013)**

Vice-Chairman King supports legal review of a "Local Housing Preference Ordinance." Selectman Hoyt asked what problem we would be fixing by spending up to \$3,000 (in addition to the \$1,600 already spent). Selectman McHatton agreed and said that spending funds on this issue is a waste of taxpayer money. David Crowell suggested that the Town use an established ordinance from another State and modify it to fit Bridgton instead of spending money on research. Chairman Taft said that the Board should protect the residents and provide them preference; we should be proactive rather than reactive. Selectman McHatton agreed with protecting residents and giving them first opportunity but does not agree with spending the funds. Chairman Taft asked if the Maine Municipal Association would provide legal assistance. Town Manager Berkowitz responded that the Town Attorney would draft the ordinance so that it is as defensible as possible; MMA would not assist the Town in defending a violation. **Motion** was made by Selectman McHatton to take no further action regarding a local preference ordinance; 2<sup>nd</sup> from Selectman Hoyt. 2 approve/3 oppose (Taft/King/Murphy opposed) The Town Manager will forward the information from the Community Development Committee to the Board of Selectmen for review. **Motion** was made by Selectman McHatton to table this item to July 23<sup>rd</sup>; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

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### 11. Old Business & Select Board Discussions (continued)

#### **b. Discussion of Salmon Point Report/Fees and Review of the Winslow Park Fee Structure**

Selectman Hoyt disclosed that he rents a site at Salmon Point.

The Board scheduled a workshop session for July 30<sup>th</sup> at 6:00 P.M. to discuss all elements of Salmon Point. The CDC, Mr. Doucette, Campers and public are all invited. Notice will also be posted at Salmon Point. **Motion** was made by Vice-Chairman King to limit the workshop to two hours, with time extension in half hour increments to be voted on by the Board; 2<sup>nd</sup> from Selectman Murphy. 5 approve/0 oppose

Selectman Hoyt noted that there are five available sites at the campground and encouraged the Town Manager to promote those sites. **Motion** was made by Selectman McHatton to rent the sites for the remainder of this camping season to Bridgton residents at a 50% discount; 2<sup>nd</sup> from Vice-Chairman King. The Town Manager suggested that the sites be offered using a pro-rated fee schedule. Lengthy discussion ensued. **Motion** was made by Selectman McHatton to move the question and close debate; 2<sup>nd</sup> from Vice-Chairman King. 5 approve/0 oppose Vote on original motion: 4 approve/1 oppose (Taft opposed)

#### **c. Discussion Regarding Marketing of Bridgton as a Possible Priority of the Select Board**

Vice-Chairman King noted that the Board needs to move forward with some of the items on the current list of priorities to be able to better market Bridgton. Discussion ensued. The Board requested that the Town Manager provide them with a strategic plan process.

#### **d. Review of the Proposed Draft; Sidewalk Use Policy**

Director of Planning, Economic and Community Development Anne Krieg submitted a draft "Sidewalk Use Policy" for Board review and comment. She reported that the original intent of this effort was to regulate the use of sidewalks for café use; however, as the downtown is (nicely) growing and expanding and is full "bloom" this summer; it became apparent that the policy should cover all private uses of a sidewalk and public way. The intent is also not to inhibit or discourage the use of town property as a commercial entity but to recognize that the use of public spaces and sidewalks: Is property that is owned by the Inhabitants of the Town of Bridgton and thus should be reviewed and a fee assessed; should respect the private property owners who pay taxes and use their properties for commercial uses; should be planned to allow free, safe and convenient access of vehicles and pedestrians and not constrict abutting commercial or residential properties; is part of a healthy and vibrant downtown community; draws attention to our core business district to the thousands of vehicles that pass through our community daily. The fee assessed should be nominal but reflect intent to a person that is using Town property. She recommended that if the use is for less than 30 days in a one year period, or for construction related activity, it should be \$50; otherwise, if it's an annual use (seasonal), \$175 should be assessed for vendors and outdoor cafes using Town property. One common method to encourage a use in a municipality, such as the use of sidewalks for commerce, is to minimize the permitting requirement. A staff review process is offered instead of a public review; this will allow a quick turnaround time for the applicant as they will not have to coincide with Board application deadlines. It should be noted that if an applicant is aggrieved by a decision, then they can come to the Select Board to review their application. Ms. Krieg added that she is sure there are other philosophical and technical points for discussion on the proposed policy; this draft should be used as a starting point for these discussions.

Selectman Murphy stated that the sidewalks on Main Street and along Lower Main Street are in need of repair.

Selectman McHatton does not agree with this additional regulation; he prefers to keep Bridgton a quaint little town. He added that businesses already pay a real estate and personal property tax. Mike Tarantino agreed and added that a simply policy for regulation with no fee charges would be sufficient.

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### 11. Old Business & Select Board Discussions

#### d. Review of the Proposed Draft; Sidewalk Use Policy (continued)

Selectman Hoyt appreciates the hard work done by Ms. Krieg in creating this policy but since the Town already owns the sidewalks, the Town has the authority to make businesses aware of what is acceptable and what is not. **Motion** was made by Selectman Hoyt not to pursue the "Public Spaces and Sidewalks Policy" any further; 2<sup>nd</sup> from Selectman McHatton. 2 approve/3 oppose (Taft/Murphy/King opposed)

**Motion** was made by Selectman Murphy to direct Ms. Krieg to amend the policy to remove the permit process and separate the requirement for fixed business versus mobile, temporary businesses; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

#### e. Downtown Ornamental Lighting Project

Director of Planning, Economic and Community Development Director Anne Krieg updated the Board on the downtown ornamental lighting project. This project entails retrofitting the downtown ornamental lights to be dark sky compliant and thus more efficient as to light coverage and energy use. Additionally, Depot Street has been added to this project scope to add new lights. The source of funding for this project will be a future year of Community Development Block Grant funds (CDBG) as outlined in the recommendations from the CDBG oversight task force. It is likely this project will move forward next year (summer 2014). Before then, staff will prepare a cost estimate for each light. This year, as Depot Street is planned for improvements with current CDBG funds, we will be placing new ornamental street lights that meet the criteria for energy and light coverage efficiency. In both phases, Efficiency Maine has a rebate program whereby the Town will be reimbursed on a per unit basis for using these specified types of lights and/or retrofits.

#### f. Fire Department Re-Structuring

Fire Chief Garland reported that the department is moving forward with a restructuring of the officer positions and responsibilities. This is being done for several reasons:

- 1) Clarification of chain of command on administrative matters;
- 2) Better supervision of personnel;
- 3) Put in place a plan of succession for future leadership of this department;
- 4) Provide better leadership and accountability in the middle ranks both on and off the fire ground;
- 5) Provide for better follow through and accountability on projects;
- 6) Allow for better tracking of department activities;
- 7) Allow for Chief Officers to deal with more strategic level issues and decisions;
- 8) Improve process by which improvements in service delivery are made.

Chief Garland provided the Board with information on the current structure within the department and the proposed restructuring going forward. He will report the successful candidates along with updated position descriptions to coincide with the change to the Board next month.

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

July 23, 2013

July 30, 2013 (workshop)

August 13, 2013

August 27, 2013

September 10, 2013

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13. **Executive Session**; MRSA Title 1, Chapter 13, Subsection 405.6.A.  
"Discussion of Matters Related to Personnel"

**Motion** was made by Vice-Chairman King to enter into executive session at 8:33 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A. for discussion of matters related to personnel; 2<sup>nd</sup> from Selectman Hoyt.  
5 approve/0 oppose

**Motion** was made by Selectman Hoyt to come out of executive session at 8:51 P.M.; 2<sup>nd</sup> from Vice-Chairman King. 5 approve/0 oppose

14. **Adjourn**  
Chairman Taft adjourned the meeting at 8:52 P.M.

Respectfully submitted,

Laurie L. Chadbourne  
Town Clerk