

Board of Selectmen's Meeting Minutes

July 10, 2012; 6:00 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 6:00 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Public Hearing; None

4. Public Comments; Non-Agenda Items

- Mike Tarantino submitted two documents to the Town Manager to be added to the agenda for the next Board Meeting; one from the Community Development Committee and one from the Historical Society.
- Ken Murphy requested permission from the Board to display the "Unofficial Welcome to Bridgton" sign at the Community Center on Depot Street. **Motion** was made by Vice-Chairman Taft to authorize use of the sign at the Community Center (conditional upon Sign Ordinance compliance and approval from the Code Enforcement Officer); 2nd from Selectman King. 5 approve/0 oppose
- Ken Murphy submitted a schedule of events for the "Bridgton Summerfest" scheduled for July 20th, 21st, and 22nd. He encouraged the Board and public to attend this event.
- Ken Murphy requested that the Board submit another letter to the State of Maine Department of Transportation requesting that the road from Route 93/302 to Hio Ridge Road be repaired. **Motion** was made by Selectman Woodward to direct the Town Manager to draft a letter as requested by Mr. Murphy noting the tourism and safety impact (the letter will be signed by the Board of Selectmen and Town Manager); 2nd from Selectman King. 5 approve/0 oppose
- Roxanna Hagerman submitted information to the Board regarding State Revenue Sharing noting that the difference between the anticipated amount and the actual amount of funding is approximately \$40,000.⁰⁰. The Board thanked Ms. Hagerman.
- William Barnes of 76 South Bridgton Road said that the article in the Bridgton News last week regarding the hiring of the Economic & Community Development Director made him very unhappy. Mr. Barnes contacted members of the Board of Selectmen; he noted that Selectman Woodward and Selectman McHatton did not return his telephone call. Both Selectman McHatton and Selectman Woodward apologized stating that they did not receive the message to which Mr. Barnes accepted their apology. Mr. Barnes also left a message requesting a return call at the Bridgton News which was not returned. He claimed that the Bridgton News did not fully report the story regarding the hiring process and Mr. Allen's relationship to Avesta Housing; as a result, his goal was to request that the Town Manager be fired, but has since learned the whole story and has apologized to the Town Manager. Mr. Barnes added that although the situation was not "illegal" he does not believe that the process was handled correctly. Discussion ensued.

Board of Selectmen's Meeting Minutes July 10, 2012; 6:00 P.M.

4. Public Comments; Non-Agenda Items (continued)

- Mark Lopez voiced concerns about the Board awarding the insurance bid to a company that did not submit the lowest bid. He added that the Board should be conducting Town business based on what is best for the taxpayers in the Town and noted that the difference of \$2,300 is a significant amount of tax money. Selectman McHatton responded that one of his main goals as a Selectman is to try to help the economy in Bridgton. Glen Zaidman believes in keeping as much as we can local but is concerned that the Town may be subject to a lawsuit. Town Manager Berkowitz responded that the policy of record is guided by the "lowest responsible bidder" and allows for Board discretion. Chuck Renneker was concerned that the Board may be awarding bids based on personal experience with the bidder and encouraged the Board to establish a clear and consistent policy. Lega Medcalf appreciates all the work that the Town Manager does; he's very knowledgeable and experienced. Ms. Medcalf believes in keeping business local even it means paying a little more, the value is well worth it. Vice-Chairman Taft suggested that the bidders be invited to make a presentation to the Board if an issue comes up that warrants an explanation or requires additional information to make an informed decision. Adam Grant believes in buying locally but added that Chalmers Insurance Company is selling the insurance policy to another vendor located outside of Bridgton.

5. Presentations and Discussions

a. Presentation by Mr. Botros; Highland Beach Family Concert

Mr. Botros was not present; therefore the Board took no action on this item.

b. Tour of the Re-Designed Town Website

Town Manager Berkowitz reported that the enhanced website is expected to be completed over the next few weeks.

c. Review and Approve the FY 2013 Sewer Enterprise Budget

Selectman Woodward disclosed that he owns property on the sewer system. Town Manager Berkowitz reported that the FY 2013 budget numbers were adjusted when we found out that Norway Savings Bank was installing a second meter which will reduce the irrigation volumes out of the sewer billing totals for each year, the revenues we expect have been adjusted and the final rate which would be \$13.34 per hundred cubic feet. The previous years' rate was \$12.45. The increase represents the continued funding of the CIP in the Sewer based upon the Board's decision to assure we had sufficient funding for capital repairs and field replacements in the future. Though the regular budget presented to you had these numbers, it is the Select Board acting as Sewer Commissioners who must formally adopt this and establish the new rate for billing purposes. **Motion** was made by Selectman Woodward to increase the sewer rate to \$13.34; 2nd from Selectman McHatton. 5 approve/0 oppose

6. Approval of Minutes; June 26, 2012 and June 29, 2012 Meeting with Salmon Point Campers

Motion was made by Vice-Chairman Taft for approval of the minutes from the June 26, 2012 Board Meeting; 2nd from Selectman McHatton. 5 approve/0 oppose

Motion was made by Vice-Chairman Taft for approval of the minutes from the June 29, 2012 Board Meeting; 2nd from Selectman Woodward. 3 approve/0 oppose/2 abstentions (King/McHatton abstained as they did not attend the meeting)

Board of Selectmen's Meeting Minutes

July 10, 2012; 6:00 P.M.

7. Correspondence and Other Pertinent Information

a. Recycling Committee Status Report

The Recycling Committee submitted the following status report to the Board. "The Recycling Committee has been reviewing the May 4, 2012 memo which outlined several tasks and goals which were initially approved by the Select Board. Our understanding is that at the June 12, 2012 Select Board Meeting, the Board did further discuss these and suggested that some of the tasks might better be reserved for future work with staff allowing the Committee to focus on the primary objectives of increasing recycling in the Town. We concur with the Select Board and will undertake two primary tasks over the next year. These are strongly related to each other and will require extensive work on behalf of the Committee. These are:

- 1) Review, draft and recommend changes to the town's current Solid Waste Ordinance bringing it into alignment with current expectations for improved recycling and reductions in our solid waste stream, ultimately saving taxpayers in costs associated waste disposal. Our goal is to present to the Select Board a new draft ordinance allowing the Board to place it before the voters in the June 2013 election.
- 2) We will recommend to the Select Board several public education programs and initiatives, all designed to address the necessary behavioral changes needed to improve recycling in our community. These will target all of our population groups and will be both short term and long term in duration

We believe the balance of the original tasks should be left with the Select Board to be addressed in the future as you may assign. To accomplish the two goals above, the Committee has identified one extremely critical element to make this work. We need the Select Board to provide their support for these efforts without reservation, showing the citizens that the commitment to recycle starts at the highest level within their community. We know that resources are limited however; this one resource can be provided 100% of the time without fiscal implication. Your vote to amend the Committee's charge with this level of commitment and support sets the positive tone we need to move ahead."

Motion was made by Selectman Woodward to amend the charge as requested by the Recycling Committee; 2nd from Selectman King. Vice-Chairman Taft suggested that alternative options to Ecomaine be fully reviewed first. 4 approve/1 oppose (Taft opposed)

8. Town Manager's Report

Town Manager Berkowitz reported the following:

Year End Fiscal Report: In reviewing our Expenses and Revenues as of June 30th the unaudited amounts are close to what we had projected. We expended about 93% of the budget and had a short fall in revenues of about 12%. We should have sufficient funds for the approved carry over amounts. We will further refine this with the Auditors.

Notice of Caucus: County Commissioner Neil D. Jamieson Jr. reminds our community which is part of the county's District 1 that there will be a municipal officials meeting on Monday August 13, 2012 at 6:30 PM held at the Cumberland County Courthouse at 142 Federal Street, Portland Maine to vote for two members to the County Finance committee whose term begin September 1, 2012. This is part of the new County Charter. If more than two Select Board members plan to attend we must post the proceeding per the State's Right to Know law.

Manager's Institute: On Wednesday August 22 thru Thursday August 23 I will be attending the annual Manager's Institute. This year it has been moved to Sunday River Resort. This year the focus will be on the updates of the Freedom of Information Act, Update on new state laws affecting municipalities, managing relationships as a municipal administrator and sharpening your memory.

Brag Field Meeting: We have asked that the representatives from BRAG and the Town meet on July 17th at 10 AM to discuss the opportunity to apply for a grant for the BRAG fields. The Land and Water Conservation Fund Grants may be used for some of the field maintenance structures and we wanted to discuss this further with the Parties. Both Doug and Bob are part of this discussion and we will also begin to address several other items and issues and will schedule another meeting as well to continue this effort.

Various Items: After the last meeting there were several items for follow up and for further Board information.

I have invited a representative from the Maine Historic Preservation Commission to the July 17th joint meeting. Though they cannot make it Anne has several documents that will permit the Committee to complete their task as well as be able to email any questions that may arise.

Board of Selectmen's Meeting Minutes

July 10, 2012; 6:00 P.M.

8. Town Manager's Report (continued)

As soon as the posts are delivered for the No Parking Signs they will be installed on the balance of Depot Street by Public Works.

I have checked with the Town Attorney's Office regarding a more detailed breakdown of the subject matters discussed on any specific day. Their advice has and continues to be to identify the general services rendered and to maintain a brief narrative which tends to maintain the attorney client privilege on subject matters they work on. If and when the invoices are part of a legal action involving the Town, the narratives are less likely to reveal important information. At some point additional detail may require further expense. My recommendation to the Board is to maintain the current billing narrative approach as advised.

Once we receive the draft of a proposed ordinance on Substandard Housing we will pass it to the Select Board for further review with the Planning Board and then with the Town Attorney.

Anne has completed her work and sent it to the Town Attorney for their review regarding "Local Preference" in housing. We will then forward the response to the Select Board once we receive them.

We will be receiving the specific language to be amended into the Shoreland Zone Ordinance that our Town Attorney and the MDEP have worked on. This is planned for the November ballot question.

Once Jim has completed the road paving list we will email that to the Select Board members.

Illegal Trash Dumping: With the summer finally here and everyone enjoying what Bridgton has to offer we are experiencing a problem of illegal trash dumping of household trash at the our various park receptacles. The receptacles are strictly for the day users . We will be enforcing this and will seek the necessary police assistance and will prosecute violators to the full extent of the law for littering.

Respectfully Submitted,

Mitchell A. Berkowitz, Town Manager

Chuck Renneker encouraged the Board to provide a memorandum of understanding to each vendor outlining specific circumstances to which the vendor is allowed to bill the Town for (more specifically, legal fees).

Selectman King suggested that the Town Manager leave out information similar to "Manager's Institute" to shorten the report up as the public does not need to know those specifics.

Selectman McHatton noted that visitors often dispose of their trash in a park receptacle on the way out of Town and hopes that the Police Department would take this into consideration. Chairman Hoyt commented that this more specifically targets residents. Town Manager Berkowitz added that often the bins overflow and then animals scatter the trash around and it does not look good to visitors of the community and the residents.

Chairman Hoyt asked if the proposed "Local Preference in Housing" will be reviewed by the Planning Board prior to the Board of Selectmen to which Town Manager Berkowitz replied, "yes."

9. Old Business

a. Review in General; Conflict of Interest and Disclosures

Town Manager provided the Board with the following legal opinion from Maine Municipal Association:

The general conflict of interest statute in Maine is 30-A MRSA section 2605 (<http://www.mainelegislature.org/legis/statutes/30-A/title30-Asec2605.html>), which reads in part: "**I. Voting.** The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest." (emphasis added) I believe that the language of section 2605(1) is broad enough to include a financial interest in any kind of issue that comes before the board that is voting on the issue, since it says "any question." That would include a quasi-legislative action taken by the selectboard, such as the adoption of operational policies or user fees for a town-owned campground. If a member of the selectboard has a personal relationship to the campground as a regular user of a campsite, I think that board member probably has a "direct pecuniary interest" in the issue of what the campground fees should be for the purposes of section 2605. Under the provisions of section 2605, we believe that a board member who has a conflict of interest must make his/her interest known for the official record and then abstain from any discussion of or voting on the issue as a board member. We think the board member may sit in the audience and participate as a member of the public on that issue following his/her abstention. It is not enough simply to note the conflict for the record and then proceed to participate in the board's discussion and voting.

If you look at section 2605, the language of section 2605(4) suggests that the phrase "pecuniary interest" is limited to settings where a board is being asked to decide an issue involving a business venture in which a board member may have a financial interest. We do not believe that a court would find that subsection 4 should be read so narrowly. We think that subsection 4 provides only a partial definition of "pecuniary interest," focusing on issues where a business relationship is involved, and that there are many other scenarios not addressed by subsection 4 that could present a "pecuniary interest" as interpreted and decided by the courts. The general rule of statutory construction is that when a law, policy or rule is adopted, it is viewed as being a declaration of the common law (i.e., rules established through court decisions), absent a clearly

Board of Selectmen's Meeting Minutes

July 10, 2012; 6:00 P.M.

9. Old Business

a. Review in General; Conflict of Interest and Disclosures (continued)

stated intent to the contrary in the law, policy or rule. Singer, 1A *Sutherland Statutes and Statutory Construction*, §26.4 (6th edition). The common law standard of conflict of interest in Maine was outlined in the Maine Supreme Court decision in *Lesieur v. Inhabitants of Rumford*, 113 Me. 317 (1915). The court held that the question to be asked in deciding whether a conflict of interest exists is whether the official is "placed in a situation of temptation to serve his own personal interests to the prejudice of the interests of those for whom the law authorized and required him to act . . ." We think that section 2605(1) is a reflection of that common law rule and that some of the provisions in subsection 4 expand upon that common law rule, but were not intended to replace the common law. Based on section 2605(1) and the common law rule of conflict of interest, I believe that the board member who is a regular user of the town-owned campground probably has a financial conflict of interest regarding user fees as interpreted by the Maine courts and as set out in 30-A MRS section 2605(1) of the Maine statutes.

A United States Supreme Court decision from last year, *Nevada Commission on Ethics v. Carrigan*, ___US ___ (June 13, 2011), upheld a Nevada conflict of interest rule in the face of a First Amendment challenge. The Nevada law required abstention in a case where a legislator's personal interest would cloud his or her independent judgment. The court found that a legislator does not have a personal First Amendment right to speak and vote on any given matter that comes before the legislative body and that the Nevada law was designed to protect the public for whom the legislator was elected to act.

On the issue of whether the board member who uses the town-owned campground may vote on operational policies related to the campground, that question doesn't necessarily involve a financial interest, in contrast to the user fee question. Although it doesn't clearly fall within the language of section 2605(1) for that reason, it probably still falls within the common law rule established in *Lesieur* quoted above, since as a user of the campground, the board member would be "placed in a situation of temptation to serve his own personal interests." Even if a vote on operational policies didn't fall within the rule established in *Lesieur*, both section 2605(6) and the town's Code of Ethics emphasize the importance of abstaining in order to avoid even the appearance of a conflict of interest. Although there is language in the town's Code suggesting that abstaining from the official vote is all that the law requires, I think it is important for the board member to abstain both from the discussion and voting in order to avoid any tainting of the process. As the Code provides, when there is any doubt about the existence of a conflict and the need for a board member to abstain, the remaining board members may make that determination.

I also want to comment about an issue that you and I discussed during our conversation on June 29th. You gave an example of a board of sewer commissioners making a decision to increase rates or extend a municipal sewer line to an area where no service exists and where all of the commission members own property that would be affected by the decision. I think those are cases where a court would probably apply "the rule of necessity." *E. g., Northeast Occupational Exchange, Inc. v. Bureau of Rehabilitation*, 473 A. 2d 406 (Me. 1984). Under that rule, the court acknowledges the conflict of all the board members but allows the board members to participate in the decision where no other body has the authority to act. If only a few members of the board were affected by a rate increase or a decision to extend a sewer line, and not enough members were disqualified to deprive the board of a quorum, I think a court would find that those few board members must abstain from the discussion and voting as a board member under the conflict of interest rules discussed earlier in this email.

I hope this is helpful. Feel free to contact me if there are additional questions about this.

Sincerely,
Becky Seel

Rebecca Warren Seel, Senior Staff Attorney
Legal Services Department
Maine Municipal Association
60 Community Drive, Augusta, ME 04330

Motion was made by Vice-Chairman Taft to table agenda item 9.b. until the next meeting to allow the Board time to fully review the legal opinion from Maine Municipal Association; 2nd from Selectman King. 4 approve/1 oppose (Hoyt opposed)

Chuck Renneker requested that all Town Committees be provided with a copy of the legal opinion from Maine Municipal Association.

b. Review Salmon Point Lease and Policies

The Board voted to table this item until the next regular meeting (see above).

**Board of Selectmen's Meeting Minutes
July 10, 2012; 6:00 P.M.**

10. SAD #61

a. Review and Execute the MOU with MSAD #61

The MSAD has determined that the Bridgton Memorial School does not have any anticipated use as a school building, that it continues to be an asset that serves the future needs and goals of the MSAD as storage and occasional over-flow classroom space. In accordance with Title 20-A M.R.S.A. Chapter 202 – Closing and Disposition of the Public Elementary and Secondary School Buildings the Board of Directors of the MSAD intends to offer the Property to the Town. This would occur if the property is declared surplus by a vote of the Board of Directors of the MSAD. The possible existence of hazardous materials on the property has been considered by the Parties and the Town has been successful in obtaining Federal Environmental Protection Agency funding for a Level I Site Analysis of the Property. **Motion** was made by Selectman Woodward to execute the Memorandum of Understanding with MSAD 61; 2nd from Selectman King. 5 approve/0 oppose

b. Review MSAD #61 Director Applications and Schedule Interviews

Town Manager Berkowitz reported that one application has been received and one application is forthcoming. The Board opted to invite both applicants to the meeting on July 24th for an interview.

11. New Business

a. Permits/Documents Requiring Board Approval

1. Victualer's License to Hidden Acres Farms

2. Liquor License Renewal to Lake Region House of Pizza

Motion was made by Selectman King for approval of agenda items 11.a.1. and 11.a.2.; 2nd from Vice-Chairman Taft. 5 approve/0 oppose

b. Bids, Awards and Other Administrative Recommendations

1. Award Bid; Public Works Heavy Duty Truck (cab and chassis)

The receipt of bids was closed at 2:00 P.M. on July 3, 2012. To follow are the bids received and their amounts.

O'Connor GMC Inc. – Augusta, Maine

\$90,574.00 (Western Star 4700)

- 8,500.00 (Trade-in Allowance)

\$81,854.00

(Alternate Bid)

\$89,035.00 (Western Star 4700SF)

-10,558.00 (Trade-in Allowance)

\$78,447.00

NOTE: Specifications for the alternate bid do not meet the Town of Bridgton bid specifications. Differences are highlighted in the alternate bid proposal.

CB Kenworth – Hermon, Maine

\$84,194.51 (2013 International 7500)

-10,500.00 (Trade-in Allowance)

\$73,694.51

Whited Peterbilt of Maine – Auburn, Maine

\$84,793.00

-18,000.00

\$66,793.00

Optional – add \$1,560.00 for 26,000lb rear end

Optional – add \$3,300.00 for 30,000lb rear end

Freightliner & Western Star of Maine – Westbrook, Maine

\$82,200.00 (Freightliner 108SD)

-10,000.00 (Trade-in Allowance)

\$72,000.00

Portland North Truck Center – Falmouth, Maine

\$81,315.00 (2013 International 7400 SFA 4x2)

-14,000.00 (Trade-in Allowance)

\$67,315.00

Board of Selectmen's Meeting Minutes

July 10, 2012; 6:00 P.M.

11. New Business

1. Award Bid; Public Works Heavy Duty Truck (cab and chassis) (continued)

Public Works Director Jim Kidder reported that the low bid did not meet the bid specifications and therefore recommended that the bid be awarded to Portland North Truck Center. **Motion** was made by Selectman McHatton to award the bid to Portland North Truck Center as recommended by the Public Works Director; 2nd from Vice-Chairman Taft. 5 approve/0 oppose

2. Award Bid; Heating Fuel Bid

The bid opening was scheduled for 1:00 P.M.; however, due to the interruption of in-coming calls to Mitchell Berkowitz, Town Manager, the opening was delayed. Receipt of bids was closed at 1:24 P.M. To follow are the bids received and their amounts.

C.N. Brown – South Paris, Maine

This bid was received via fax on July 3, 2012 at 12:08p.m.

#2 Fuel

Fixed Price - \$3.0922

Irving Buckeye S. Portland Rack +\$.19984

South Portland Weekly OPIS +\$.19984

K-1

Fixed Price - \$3.4822

Sprague Energy's Portland Daily Rack + \$.4944

LP

Fixed Price - \$1.649

NOTE: Fixed Prices Valid until July 3, 2012 @ 2:00p.m.

McBurnie Oil and Country Gas/Casco Oil – Denmark, Maine

This bid was received via fax on July 3, 2012 at 1:25 P.M. after receipt of bids was closed, therefore, was not accepted as a valid bid.

Town Manager Berkowitz requested authorization to contact CN Brown to negotiate a better price. **Motion** was made by Vice-Chairman Taft to authorize the Town Manager to contact CN Brown and negotiate the best price; 2nd from Selectman King. **Motion** was made by Vice-Chairman Taft to amend the motion to authorize the Town Manager to also accept or reject the bid from CN Brown if he is not able to negotiate the price downward; 2nd from Selectman King. 5 approve/0 oppose

3. Award Bid; Police Department Vehicles

Police Chief Schofield reported that after sending out RFP's to six dealerships we received four responses. The units are one 2013 Ford Interceptor sedan and one 2013 Ford Interceptor SUV. As the BOS may be aware, Ford has discontinued the Ford Crown Victoria Model police cruiser this year. The result of this decision made it difficult to choose which police package to bid out and to figure costs associated with new ancillary equipment such as radio mounts and vehicle striping. As a result of our research and consideration, to include vehicle performance reports, test drives, fuel mileage, costs plus an all-wheel drive capacity we have chosen the Ford Interceptor package. To follow is a spread sheet that helps explain costs and associated revenues to pay for this capital investment. The shortfall to this process will come from the departments forfeiture account upon your authorization. Chief Schofield recommended awarding the bid to Ripley & Fletcher as they have provided excellent service to the Town.

**Board of Selectmen's Meeting Minutes
July 10, 2012; 6:00 P.M.**

11. New Business

3. Award Bid; Police Department Vehicles (continued)

TOWN OF BRIDGTON- POLICE CRUISER BID SUMMARY

9-Jul-12

Revenues		Expenses	
Budget	\$45,000	Ford sedan	(\$24,627)
Carry forward	\$2,504	Ford SUV	(\$26,121)
Bryne grant	\$2,074	TRADE IN	\$5,700
		*Sticker / Paint	(2,000.00)
		Light bars	(3,500.00)
Total	\$49,578	Total	(50,548.00)

* denotes estimate

Revenues	\$49,578
Expenses	(\$50,548)
Difference	-970

VENDORS:		With trade in	Without trade in Price
Macdonald Motors	Sedan	\$24,097	
	SUV	\$26,270	
	Trade	(\$3,000)	
	Total	\$47,367	\$50,367
Quirk Motors	Sedan	\$24,505	
	SUV	\$26,344	
	Trade	(\$4,050)	
	Total	\$46,799	\$50,849
Casco Bay Ford	Sedan	\$24,627	
	SUV	\$26,121	
	Trade	(\$5,700)	
	Total	\$45,048	\$50,748
Ripley Fletcher	Sedan	\$25,964	
	SUV	\$27,910	
	Trade	(\$8,800)	
	Total	\$45,074	\$53,874

Spread between lowest and highest bids is **\$2,319 with trade in.**

Board of Selectmen's Meeting Minutes July 10, 2012; 6:00 P.M.

11. New Business

3. Award Bid; Police Department Vehicles (continued)

Motion was made by Vice-Chairman Taft to award the bid to low bidder, Casco Bay Ford; motion fails for lack of a 2nd.

Motion was made by Selectman Woodward to award the bid to Ripley & Fletcher; motion fails for lack of a 2nd.

Motion was made by Selectman McHatton to award the bid to Macdonald Motors; 2nd from Selectman King. Chuck Renneker reminded the Board that every time you help the local businesses through local preference you are taking the money out of the taxpayer household.

1 approve/4 oppose (Hoyt, King, Taft and Woodward opposed)

Motion was made by Selectman McHatton to award the bid to Ripley & Fletcher as recommended by the Police Chief; 2nd from Selectman Woodward. 4 approve/1 oppose (Taft opposed)

4. Approval of the FY 2013 Sewer Enterprise Fund Budget and Rate

This item was approved earlier in the meeting.

c. Legal Concerns

Town Manager Berkowitz reported that there are several legal concerns to be discussed in executive session.

d. Selectmen's Concerns

- Selectman Woodward noted that we all have our own beliefs and value system and based on those beliefs and his value system, he was elected by the voters to represent them. He added that when he votes as a member of the Board of Selectmen, he will continue to represent the voters through his value system.
- Selectman McHatton thanked Jim Kidder and the Public Works Department for cleaning the graffiti and leveling off the sign at the Skateboard Park prior to the Fourth of July. It is still in need of repair but looks much better. Chairman Hoyt encouraged Tom Tash to contact Scott Finlayson for help. Glen Zaidman still has the plans for the pipes and will turn them over to the Town.
- Vice-Chairman Taft had no concerns.
- Selectman King suggested that not only should the public keep their conversation short when getting their point across; this should also apply to Board Members.
- Chairman Hoyt suggested that part of the discussion between the designated Board Members and BRAG should involve storage of the new lawn mower. He added that he spoke with Bill MacDonald and there may be room to store the equipment in the snack shack.
- Chairman Hoyt requested that the Board discuss what to do with the Town Hall building during the historic preservation meeting. Vice-Chairman Taft agreed and said that this should be a priority.
- Chairman Hoyt asked for the status of the telephone at Stevens Brook Elementary. Police Chief Schofield responded that the mobile phone is no longer at the school but may be used by the Police Cadet prior to cancellation.

Board of Selectmen's Meeting Minutes July 10, 2012; 6:00 P.M.

11. New Business (continued) e. Other Matters

Town Manager Berkowitz requested that the Board approve use of the Selectmen's Meeting Room for the adult education group from MSAD 61 on Tuesday and Thursday from 1:00 P.M. until 3:00 P.M. from September through May. The Board directed the Town Manager to inquire about the Memorial School and Community Center prior to authorizing use of the Selectmen's Meeting Room.

Glen Zaidman asked what happened to the microphones in the room and why the microphone in the front is being used but is not turned on. Greg Jones, representing LRTV, responded that it is difficult to hear when people speak in the back of the room and said that they are working on the sound system.

Chairman Hoyt asked who in the Town Office coordinates committee meetings. Town Manager Berkowitz replied that Tom Tash schedules the meeting rooms while Laurie Chadbourne and Georgiann Fleck update the website when notices are submitted by committee members.

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

The Board reviewed the preliminary agendas for the July 17, 2012 (Training Meeting/Workshop) and the July 24, 2012 meetings.

13. Treasurer's Warrants

Selectman McHatton reported that outside agency funding is being paid out. He thanked everyone for their support of the fireworks display and also Ken Murphy and the Community Center for their fundraising efforts. Selectman McHatton noted that the April legal bill is now being paid out; May and June billing has not been received as of yet. He encouraged department heads to make their purchases in Bridgton when possible.

Motion was made by Selectman McHatton for approval of Treasurer's Warrants numbered 123, 124, 125, 126, 1, and 2; 2nd from Selectman King. 5 approve/0 oppose

Chairman Hoyt requested that the Board review the "Expense / Revenue Summary Report" for discussion at the next meeting.

14. Executive Session; MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Matters Related to Personnel" and Subsection 405.6.E. "Legal Matters" if needed.

Motion was made by Vice-Chairman Taft at 8:30 P.M. to enter into executive session following the signing of approved documents (8:42 P.M.); 2nd from Selectman King. 5 approve/0 oppose

Motion was made by Vice-Chairman Taft to exit executive session at 9:04 P.M.; 2nd from Selectman King. 5 approve/0 oppose

Salmon Point

General discussion involving Salmon Point floats and lines ensued. No formal action was taken by the Board.

15. Adjourn

Chairman Hoyt adjourned the meeting at 9:25 P.M.

Respectfully submitted,

Laurie L. Chadbourne, Town Clerk