

Board of Selectmen's Meeting Minutes

August 14, 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

- Barry Denofrio requested that the Board establish a committee to determine whether the Town should conduct a revaluation. He realizes that there is a process and expense but feels that a fair tax base is most appropriate. He suggested that the Committee provide a report back to the Board and a recommendation in a four to six month time period outlining the positive impact and/or negative impact. Town Manager Berkowitz noted that the Town is setting aside funds each year towards the next revaluation (estimated cost of \$160,000-\$200,000). If the values drop, the tax rate will increase. Mr. Denofrio reiterated that a revaluation may be in order to fairly assess each taxpayer. Town Manager Berkowitz reported that any property owner may apply for tax abatement within one hundred eighty five days of the original commitment date if they believe they are being over assessed. Town Manager Berkowitz suggested that a representative from O'Donnell & Associates be invited to a future meeting to provide the Board and public with a better understanding of assessments and the revaluation process.
- On behalf of the Comprehensive Plan Committee, Greg Watkins, reported that the committee has been reviewing updates on several chapters of the Comprehensive Plan and chapter two indicates a decline in the twenty to forty year old age bracket. He suggested that the Office of Community Development pursue the "Realize Maine Network." The "Realize Maine Network" is a coalition of Maine-based organizations working together to retain and attract young people to Maine, empower them to reach their greatest career and civic opportunities to keep them living, working, and thriving in our state. The network engages over 4,000 Mainers between age 20 and 40 from York to Presque Isle. The Board agreed that exploring the network is well within the charge assigned to them by the Board.
- Selectman McHatton quoted a passage from a letter to the editor by Mark Lopez that was in the Bridgton News last week, "We do not need grandstanding by some of our elected officials about fighting for local businesses. These officials were elected to be good stewards of our tax dollars. Keep raising taxes and the citizens will continue to have less money to support local businesses. In the seventh year of an economic downturn, we need fiscal prudence. Period." Selectman McHatton said that he will continue to vote to support local businesses. Mr. Lopez responded that Selectman McHatton should spend his own money supporting local businesses but should not be spending taxpayer dollars by awarding bids to local businesses when they are not the lowest bidder.

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5. Presentations and Discussions

a. Proposed Ordinances

1. Local Fireworks Ordinance – Proposed Ban of Fireworks (ordinance copies attached)

Town Manager Berkowitz noted that there are several individuals that contributed to the drafting of a proposed local fireworks ordinance. The Board opted to establish a committee (which would include the Police Chief and Fire Chief) to review all concerns and create one clear and concise ordinance. Lengthy discussion ensued. The Board directed the Town Manager to draft a committee structure and bring it back to the Board on August 28th for their review. Anyone interested in serving on this committee is encouraged to complete a committee application and submit it to the Town Manager.

2. Fire Protection Ordinance – Fire Suppression Committee (copy of ordinance attached)

Representing the Fire Suppression Committee, Brian Thomas reported that the committee studied information from the National Fire Prevention Association, State Fire Marshal's Office, ordinances from many surrounding communities, and other sources. The result is a draft Fire Prevention Ordinance. As noted on the draft, the document needs the review of the Town's Attorney to put the administrative portions in order, and to make sure there are not any amateurish errors in the substance of the draft. The Committee requested that the Board forward the draft to the attorney for review and schedule a formal hearing on September 11 and advertise the hearing. With Board agreement, the proposed program is this: Public informational meetings at the Town Office on Tuesday, August 21st and Thursday, August 30th, both at 6:00 P.M.; incorporate changes to the draft as indicated by public input; present the document to the BOS on September 11, 2011, for a formal hearing so the proposal can be presented to the voters in the November general election. Discussion ensued. The Board agreed to move forward with the informational sessions. The Board opted to seek voter consideration at the next annual town election to allow more time for public input.

3. Rental and Vacant Property Maintenance Code (copy of ordinance attached)

Ken Courtois, representing a group of community citizens that drafted an ordinance, reviewed a proposed "Rental and Vacant Property Maintenance Code." Lengthy discussion ensued. **Motion** was made by Selectman McHatton to seek voter consideration at the 2013 annual town meeting to allow additional time for public input; 2nd from Selectman King. 5 approve/0 oppose The Board opted to hold a workshop on September 18, 2012 at 6:00 P.M. in the downstairs meeting room for public input and discussion. The Board thanked Mr. Courtois and the Committee for their time and efforts in preparing the draft ordinance.

6. Approval of Minutes – July 24, 2012

Motion was made by Selectman King for approval of the minutes from the July 24, 2012 Board Meeting; 2nd from Vice-Chairman Taft. 5 approve/0 oppose/1 abstention (Woodward abstained because he was absent from the meeting)

7. Correspondence and Other Pertinent Information

a. Letter of Re-assignment and Delay on Application – Lega Medcalf

Lega Medcalf submitted a letter of resignation from the Recycling Committee. Ms. Medgalf noted personal reasons for the resignation. The Board acknowledged Ms. Medcalf's resignation and thanked her.

b. Fire Department Update Memo from Chief Garland

Fire Chief Glen Garland submitted a memorandum to the Board regarding Fire Department Updates (grants, truck replacement, dispatch, bids and equipment purchases and training).

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7. Correspondence and Other Pertinent Information (continued)

c. Memo from Planning Board – Meeting Room Chairs

At the Planning Board Meetings of July and August members discussed that the chairs provided in the Board of Selectmen's meeting room (at the table) are no longer adequate. Because of their age the springs have broken down and therefore no longer give proper support. As a result, the Planning Board members respectfully request that the Board of Selectmen consider replacing the chairs with other chairs that are both comfortable and provide the necessary support for the duration of the meetings. If at all possible we encourage the Board to make this quality investment now rather than in the next fiscal year. Town Manager Berkowitz noted that the chairs are approximately \$300-400 each and would need to purchase a dozen. **Motion** was made by Selectman McHatton not to buy any chairs this year; 2nd from Selectman King. 5 approve/0 oppose Selectman King noted that the correctional facility in Windham does re-upholstery and encouraged the Town Manager to obtain a quote. Selectman McHatton suggested that Town Manager Berkowitz check with local upholstery merchants.

8. Town Manager's Report

Town Manager Berkowitz reported the following:

Town Manager's Report / Tuesday; August 14, 2012

Financial and Fiscal Information:

A quick look back over the past 29 months reveals and reflects the same picture that our economy was experiencing. Our Trust Funds portfolio as of February 9, 2010 had declined from a high of about \$2.3m to a low of about \$1.586M. As of July 10, 2012 that same portfolio increased to about \$2.235m. While we lost about 38% back then, we gained the values back which also covered our annual withdrawals. Over this period we gained about 40.9% or a little of 16.9% annually. We have now drawn down our FY 2013 amounts leaving about \$2.15m of value in the portfolio. The Investment Committee meets again on August 27th to review the investments portfolio.

We have completed our first month of the new fiscal year and at a bench mark of 8.33% we have expended 7.65% and brought in about 10% of our tax collections thus far.

Annual Staff Training:

The Annual Staff Training is scheduled for Thursday, September 20, 2012 from 8-11 AM. During that time the Town offices will remain closed except for police department emergencies. The training content will include a complete review of the Town's harassment and discrimination policy, Electronic communications policy, Evacuation procedures, Safety in the work place, and the updates of the right to know law. There will also be a review of customer services issues. If we finish the training earlier we will open the doors for business at that earlier time.

Notice of Informational Sessions:

The Fire Protection Committee will conduct two public informational meetings at the Town Offices regarding the proposed Fire Protection Ordinance. These are scheduled for Tuesday August 21st and Thursday August 30th both starting at 6 PM.

Website Status Report: In the early summer I had reported that our staff team was in the process of changing the way our website home page and subsequent pages looked. After a team effort we were able to upload this new format last week. The new format will now require that we establish the necessary links to content that exist as well as changing out the content that is no longer relevant. We just experienced some of the linking issues with the tax maps and that has been remedied today. The Staff team will be meeting tomorrow to continue the work to make the Town's website a useful tool.

Property Tax Reminders: Several points of information.

-Taxes are due as of 4:00 PM tomorrow, August 15, 2012.

-We are recording the liens that we sent to specific property owners. This will be done this Friday.

-Those properties which are foreclosed will still be able to pay off their amounts due by August 31, 2012 at 4:00 PM. Remember the payoff will include the outstanding interest and costs plus the taxes for 2010, 2011 and 2012. Please contact the Town Clerk's office for detailed information about your property taxes. We encourage folks who fall into this group to contact the Town and make every effort to resolve their outstanding accounts before we advertise these properties for auction. At that point the flexibility of the Town to work with property owners is greatly reduced.

Respectfully Submitted:

Mitchell A. Berkowitz
Town Manager

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9. Old Business

a. Local Preference Ordinance Status/Information

•Estimated Cost/Expenses

Per Richard Spencer, Drummond Woodsum, to date \$1,368.00 has been expended on preliminary work in regards to a Local Preference Ordinance. An additional \$2,500.00 - \$3,000.00 is expected if they proceed with the preparation of an Ordinance.

•Recommendation from CDC

At a meeting of the CDC held on August 8, 2012 at 7:00 A.M. in the BOS Room, the following committee members were present, Dee Miller, Mark Lopez, Jim Mains, Chuck Renneker, Ken Murphy and Mike Tarantino. Staff Anne Krieg was also present. Mark Lopez made a motion that the Town should follow its regular procedure on drafting an ordinance on Local Preference as it has done in the past with other ordinances. This was seconded and voted.

Selectman Woodward noted that there is not another ordinance in the State to use as a model, therefore any new ordinance would need full review by the Town Attorney prior to seeking voter consideration.

Vice-Chairman Taft said that standard procedure is for the Town Attorney to review ordinance language before seeking voter consideration; he agreed that the Committee should do the research and present a draft ordinance to the Board of Selectmen.

Motion was made by Vice-Chairman Taft to authorize the Community Development Committee to create a draft local preference ordinance; 2nd from Selectman King. 3 approve/2 oppose (Hoyt/McHatton opposed) (*The Board will follow the standard procedure and the Town Attorney will review the draft ordinance prior to voter consideration*)

Lengthy discussion ensued. Selectman McHatton moved the question and closed debate.

The Board requested that the draft ordinance be submitted to them at their first meeting in January, 2013; Town Manager Berkowitz will provide written correspondence of this request to the CDC members.

b. County Technology MOU (tabled 7/24/12)

The Board took no action on this item.

c. Review of Salmon Point Lease Elements (tabled 7/24/12)

Mike Tarantino requested that this issue be tabled until August 28th. Chairman Hoyt disclosed that he has a site at Salmon Point. The CDC will deliver their report to the Board at the meeting on August 28 and the Board scheduled a workshop session for September 4, 2012 for fully review and discussion of Salmon Point.

d. Follow up- LEA Offer for Pondicherry Park Trail Brochure Clarified

Peter Lowell reported that to follow up on our obligation to help with the park, LEA will commit to monitor and do minor (no or low cost) repairs on: 1) The Dunning Bridge 2) The Ham Bridge 3) The River Trail. LEA has a Pondicherry Park Fund and intends to create a brochure (using both the Town logo and park logo). **Motion** was made by Vice-Chairman Taft to accept their offer; 2nd from Selectman King. 5 approve/0 oppose

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9. Old Business (continued)

e. Execute letter to MDOT- Rt. 302 Renovation Support

Motion was made by Selectman King to execute the letter to MDOT; 2nd from Selectman Woodward. (the letter will be slightly amended prior to execution) 5 approve/0 oppose

10. SAD #61 - None

11. New Business

a. Permits/Documents Requiring Board Approval

1. Forest Hills Annex Cemetery Deed to Deborah & Carl Therriault (H22B; 4 grave lot)

Motion was made by Selectman Woodward for approval of 11.a.1; 2nd from Selectman King. 5 approve/0 oppose

2. Sewer Commitment #110

Motion was made by Selectman King for approval of 10.a.2; 2nd from Vice-Chairman Taft. 5 approve/0 oppose

b. Bids, Awards and other Administrative Recommendations

1. Award Bid - Transfer Station Compaction Container

The receipt of bids was closed at 2:00 P.M. on July 31, 2012. To follow are the bids received and their amounts:

East Coast Containers – Waterbury, CT: standard \$9,200.00; heavy duty \$10,150.00

Atlantic Recycling Equipment LLC – Rollinsford, NH: \$9,486.00

Maguire Equipment Inc – Reading, MA: \$10,386.00

Wastequip – Statesville, NC: *declined to bid*

Transfer Station Manager Robert Fitzcharles recommended awarding the bid to the low bidder, Atlantic Recycling Equipment. **Motion** was made by Vice-Chairman Taft to award the bid to Atlantic Recycling Equipment as recommended by the Transfer Station Manager; 2nd from Selectman King. 5 approve/0 oppose

Chairman Hoyt brought agenda item 11.b.4. forward.

4. Affirm Award; Purchase of the Used John Deer Backhoe- Transfer Station

Transfer Station Manager Robert Fitzcharles recommended the purchase for \$45,900 for a used John Deer backhoe. **Motion** was made by Vice-Chairman Taft for approval of the purchase; 2nd from Selectman Woodward. 5 approve/0 oppose

2. Award Bid - Public Works Dump Body Equipment

Public Works Director Jim Kidder requested that the Board either table this item or authorize the Town Manager to accept the bid after he has time to thoroughly review the specifications. **Motion** was made by Selectman King to table this item; motion fails for lack of a second. **Motion** was made by Vice-Chairman Taft to authorize the Town Manager to accept the bid after review and recommendation by the Public Works Director; 2nd from Selectman Woodward. 5 approve/0 oppose

2a. Award Bid for Paving

Public Works Director Jim Kidder recommended awarding the bid to Pike (\$67 surface and \$69 base). **Motion** was made by Selectman King to award the bid to Pike as recommended by the Public Works Director; 2nd from Vice-Chairman Taft. 5 approve/0 oppose

Chairman Hoyt requested that a report be provided to the Board regarding the upcoming road repairs.

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11. New Business

b. Bids, Awards and other Administrative Recommendations (continued)

3. Award Bid - Large Diameter Hose

Fire Chief Garland recommended awarding the Large Diameter Hose bid to HSE Gould in the amount of \$9880.98. **Motion** was made by Selectman Woodward to award the bid to HSE Gould as recommended by the Fire Chief; 2nd from Selectman McHatton. 5 approve/0 oppose

4. Affirm Award - Purchase of the Used John Deere Back Hoe - Transfer Station

The Board took action on this item earlier in the meeting.

5. Lease Agreement – Shawnee Peak Holdings Inc.

Motion was made by Selectman Woodward to execute the lease agreement with Shawnee Peak Holdings, Inc.; 2nd from Vice-Chairman Taft. 5 approve/0 oppose

c. Legal Matters

Town Manager Berkowitz requested that a legal matter be discussed in executive session.

d. Selectmen's Concerns

- **Selectman Woodward** noted that the handrail at the municipal complex has been painted but may not have been sanded down first. Public Works Director Jim Kidder responded that the project is still in process.
- **Selectman McHatton** had no concerns.
- **Vice-Chairman Taft** encouraged the Town Manager to contact the Correctional Facility in Windham and obtain a quote for the repair the meeting room chairs.
- **Selectman King** had no concerns.
- **Chairman Hoyt** asked for the cost of the tree removal at Salmon Point. Town Manager Berkowitz responded that he has not yet received the bill and noted that the wood was hauled away. Vice-Chairman Taft suggested that the wood be cut up and sold to campers at Salmon Point. Chairman Hoyt suggested that campers be given the opportunity to do the work and keep the wood for their use at the campground.
- **Chairman Hoyt** requested that proper signage for “no smoking” is displayed at Woods Pond.

e. Other Matters

Town Manager Berkowitz reported that the “Safe Routes to School” has been submitted and is being considered.

Chairman Hoyt requested that the Town Manager contact the Community Development Committee (CDC) and the Sewer Committee and direct them to forward their agendas and meeting minutes to all Board Members.

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

The Board reviewed the preliminary agendas for their August 28, 2012 and September 11, 2012 meetings.

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13. Treasurer's Warrants

Motion was made by Selectman McHatton for approval of Treasurer's Warrants numbered 9, 10, 11, 12, 13, 14 and 15; 2nd from Selectman King. 5 approve/0 oppose

14. Executive Session -MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Matters Related to Personnel" (if needed)

Motion was made by Vice-Chairman Taft to enter into executive session at 9:40 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A for discussion of matters related to personnel and legal issues; 2nd from Selectman King. 5 approve/0 oppose

Motion was made by Vice-Chairman Taft to come out of executive session at 10:05P.M.; 2nd from Selectman King. 5 approve/0 oppose

15. Adjourn

Chairman Hoyt adjourned the meeting at 10:05 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk