

Board of Selectmen's Meeting Minutes December 13, 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 - To Accept Oral and Written Comments on an Application from **BHOP, LLC dba Bridgton House of Pizza (256 Main Street) for a **New Liquor License and a Special Amusement Permit (Live Entertainment)****

Chairman Triglione opened the public hearing to hear public comment on the application from BHOP, LLC dba Bridgton House of Pizza (256 Main Street) for a new liquor license and a special amusement permit (live entertainment) at 6:00 P.M.

Town Manager Berkowitz briefly explained the location change for the Bridgton House of Pizza. No other comments were made.

Chairman Triglione closed the public hearing at 6:02 P.M.

3. Auditor's Presentation

Mr. Tim Gill of Runyon, Kersteen & Ouellette, did a brief presentation explaining his hand out. Mr. Gill explained the differences in the deficiencies, he noted that there were a few significant deficiencies; one was the preparation of the financial statements. Another significant deficiency was in the material audit adjustments. Mr. Gill stated that after a certain dollar level the auditors are required to list it as a deficiency. Another of the significant deficiencies had to do with the posting of the budget, inclusion of the enterprise funds, problem with the actual posting of the funds, etc. Mr. Gill also made comment that the inventory of capital assets list, the auditors should not be preparing the list, which the Town Manager and the Finance Department are addressing is listed as a deficiency, as well as General Assistance needing a check and balance system, which the Town Manager has addressed as well. Mr. Gill then went into more discussion of his handout. Mr. Greg Chabot also of Runyon, Kersteen & Ouellette stated that the Town is right at the level of recommendation by the Government Finance Officers Association recommends for the percentage of having the correct amount of capital. Mr. Mike Tarantino asked about the accrued payroll in the report. Mr. Gill explained that those are wages earned but not yet paid as of year end. Mr. Tarantino also asked if the Town was being cited for the adjusting entries, Mr. Gill replied that they were because the new standards require it if there is even one adjustment entry.

4. Public Comments; Non-Agenda Items – none.

5. Presentations and Discussions

a. Meeting with Bridgton Directors – MSAD #61 – none.

b. Presentation and Review of the Recycling Committee Recommendations-*Rescheduled for January 10, 2012*

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5. Presentations and Discussions CONTINUED

c. Multi-jurisdictional Authority to Bridgton Full Time Police Officers – Chief Schofield

Chief Schofield requested that the full time police officers be granted statewide arrest powers. Chief Schofield briefly explained why the Board of Selectmen must give the Department the authority, this authority has nothing to do with pursuit of violators, but does affect the department personnel when providing back up across Town line or while traveling across town lines because of geographic location it would allow our personnel to take the necessary steps if they see a criminal act. This would help protect the department personnel, and the Chief stated that the department personnel understood that this was not to allow our personnel to other towns to enforce the law; it is just to ensure that the police officers are on good legal standing. Selectman Hoyt asked about just the full time personnel. Police Chief Schofield stated that the way the state law is written it applies only to full time personnel. Selectman Hoyt asked if a Bridgton Police Officer is off duty and sees a crime do they have the authority to make an arrest? Police Chief Schofield stated that if the crime was in Bridgton then yes, but not in other towns as a Bridgton Police Officer, unless the Board of Selectmen grants the authority. Police Chief Schofield stated that in the staff meeting with his personnel they understand if the Board grants the authority it is to be used judiciously. **Motion** was made by Selectman Taft to grant the full time officers statewide arrest authority; 2nd by Selectman Hoyt. 5 approve/0 oppose

d. Revised Position Description for the Director of Economic and Community Planning and Development

Selectman Hoyt stated that he agreed with having a committee but queried why the selection committee did not include a professional in the expertise field. Chairman Triglione read the Town Managers recommendation of a selection committee and the make up of the committee. Vice Chairman Woodward feels that the Town Manager should be able to do the hiring without the committee. Selectmen Taft and King both stated that they feel there should be a hiring committee and that it should include an expert in the field. Town Manager Berkowitz stated that he was willing to add a professional that is not an applicant. Mr. Adam Grant asked if the Town is going to hire someone why not add the position of the sewer supervisor. Chairman Triglione explained that the sewer supervisor has a specialty that is needed for the position. Mr. Grant asked if the position description was available and if the Chamber of Commerce should do the job of the planner. Vice Chairman Woodward stated that the Chamber of Commerce does not have personnel or time to do this position. Mr. Mark Lopez asked if the Town had considered adding other Towns. Town Manager Berkowitz stated that in the past Lake Region Development Council had a local planner that did several towns and it did not work because they were not able to devote their time equally among all the towns they were representing. Mr. Earl Cash stated that some of the original job description has shifted to the Economic Development Corporation. Vice Chairman Woodward stated that yes, some of the jobs had been shifted. Mr. Cash stated that he feels the title should change and the Economic portion of the title be removed. Mr. Ken Murphy asked what the time line was for hiring for the position. Chairman Triglione replied that the memo states the potential hire date would be February 14th. Mr. Murphy asked about the salary for the position. Town Manager Berkowitz and Chairman Triglione explained the how the salary for the position is comprised. Mr. Glenn Zaidman asked that the job description be read. Town Manager Berkowitz read the narrative of the position. Mr. Cash stated that the title might demand more money. Mr. Grant asked if it was a salaried position, which was confirmed. Mr. Zaidman suggested that there be a base salary with incentives for meeting certain goals. Town Manager Berkowitz stated that he disagreed with the idea. Mr. Lopez suggested hiring consultants. Chairman Triglione stated that the potential to go through the budgeted amount quickly was much more likely than if the person was under salary. Mr. Lopez suggested waiting until winter was over before hiring. Town Manager Berkowitz stated that there was a need to go forward with the position now and not wait until after winter. Selectman Taft reminded everyone that there was a potential for not finding qualified applicants. Mr. Tarantino asked how the position was going to be advertised. Town Manager Berkowitz stated that it would be on the AICP Journal, newspapers, and the website as well. **Motion** to authorize the appointment of a committee with the addition of a professional from the field and approve the job description was made by Vice Chairman Woodward; 2nd by Selectman Hoyt. 5 approve/0 oppose. Selectman Hoyt asked if the Vice Chairman had problems with the job description. Vice Chairman Woodward stated no that all job descriptions are subject to change. Selectman King also asked if the job description was permanent. Town Manager Berkowitz stated that the job description was a guideline based on payroll comparisons and the final candidate will know that it is subject to change.

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5. Presentations and Discussions CONTINUED

e. Compensatory Policy and Recommendations

Town Manager Berkowitz briefly explained why the topic was on the agenda. Selectman Taft asked the Town Manager check to make sure what the Federal standards for law enforcement personnel are. Vice Chairman Woodward asked if CTO time was mandatory or a policy. Town Manager Berkowitz stated that it is a policy. Vice Chairman Woodward asked if the Town has "Management Rights" to refuse the CTO hours. Selectman Taft stated that injury time should be considered. Selectman King asked if holiday hours are considered as part of the maximum 480 hour CTO federal guideline. Town Manager Berkowitz stated he would research the question. Public Works Director Jim Kidder asked if it was going to be consistent through out all departments, as Public Works already has a "cap" on the CTO hours. Town Manager Berkowitz stated he would have to research this item as well. Mr. Tarantino stated that other states have a timeline as to when the CTO time had to be used, does Maine. Town Manager Berkowitz stated that Maine's FLSA is comparable that over the next few weeks the CTO time was used. **Motion** was made by Vice Chairman Woodward to allow the Town Manager to talk to the bargaining heads without opening up negotiations; 2nd by Selectman Taft.

5 approve/0 oppose

6. Approval of Minutes; November 22, 2011 and November 29, 2011-Workshop

Motion was made by Selectman Taft for approval of the minutes from the November 22, 2011 Board Meeting; 2nd by Vice Chairman Woodward. 5 approve/0 oppose

Motion was made by Selectman King for approval of the minutes from the November 29, 2011 Workshop; 2nd from Selectman Hoyt. 5 approve/0 oppose

7. Correspondence and Other Pertinent Information

a. E-Mail from CDC – Recommendations for Overnight Parking and Parking on Depot Street

Town Manager Berkowitz read the e-mail that came from the CDC. Town Manager Berkowitz stated that the addition of a sidewalk would account for the gutter issue. The Board of Selectmen asked Public Works Director Jim Kidder for his opinion of the request. Mr. Kidder explained that plowing that end of Depot Street is a problem, but he feels that there needs to be designated parking spots and not allow them to park wherever they wish. Vice Chairman Woodward asked who the overnight parking spots for. Mr. Tarantino stated that after talking with Town Manager Berkowitz the spots cannot be reserved for anyone specific. Mr. Tarantino also stated that the public parking lots are posted for no overnight parking; the CDC is asking that winter overnight parking should be legal. Vice Chairman Woodward questioned if the Town should be responsible for providing parking and the property owners/landlords should be responsible for providing and entering into the parking spots. Mr. Bill Vincent stated that Depot Street is not wide enough to allow parking on either side of the road. Selectman King agreed with Mr. Vincent's statement and both sides should be posted for "no parking". Town Manager Berkowitz reminded the Board that Board of Selectmen directed the Town Manager and staff to recreate the sidewalk. Selectman Hoyt stated that he was in favor of posting Depot Street for no parking but not in favor of overnight parking, he also stated that he would like to walk the site before a decision is made. Mr. Murphy stated that maybe the sidewalk should be addressed first. **Motion** was made by Vice Chairman Woodward to table the item until the next meeting; 2nd by Selectman Taft. 5 approve/0 oppose

8. Town Manager's Report

Town Manager Berkowitz reported the following:

State Revenue Sharing: We have just received our November share of the Revenue Sharing and I track this in since it accounts for almost 13% of our revenues after taxes. To date we have received \$127,538 which is 45.2% against the benchmark of 41.6%. My concerns lie in the first quarter of 2012 and the amounts we receive may be more reflective of the economy.

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8. Town Manager's Report CONTINUED

Revenues and Expense Report: With the close of November we were 41.7% into our budget year. Expenses were 44.9 % year to date while revenues were 47.3%. In addition, our cash flow appears to be solid and our property tax collections for the second payment due November 15th was about 47 %. This indicates some slippage if the trend continues since this would only be about a 95% collection rate. We would remind all tax payers to make their quarterly payments and if they want to pay more frequently for budgeting purposes please contact the town offices.

Projecting the revenues and cash flows we are expected to have about \$1.6M prior to the February 15, 2012 quarterly payment and therefore would not need to borrow funds for operations.

Tax Foreclosure Notices Sent: Pursuant to state statutes, we have sent out 118- 45 day notices to those property owners who are delinquent on their 2009 property taxes. We are encouraging full payments before the deadline of January 21, 2012 otherwise the Town's lien automatically forecloses and the property owners lose their properties. Last year we sent out 100 notices and ended up with 13 automatic foreclosures. Having just completed the tax sales on the 2008 foreclosed properties, it would appear that the national and local trends are similar.

Deertrees to help the Fuel Collaboratives: The Holiday good will continues as the fund raising special, " Christmas with Deertrees" moves to center stage with music and words on December 17 starting at 3 PM in the Bridgton Academy Chapel. All proceeds will go to the Bridgton and Harrison Fuel Collaboratives for this winters heating assistance. Donations of \$5 are accepted at the door though any person may donate more. We want to than Deertrees for this wonderful and thoughtful effort.

Chairman Triglione also mentioned that those unable to attend the benefit donations can still be made to the Bridgton Fuel Collaborative through the Community Center.

Staff Christmas Party: The annual staff Christmas party will be on Friday, Dec. 23 from about 9 AM to 1 PM. This year we are trying a brunch approach and will continue to staff the counter and provide services to all customers. A reminder however is that we will be closed on Monday December 26 and Monday January 2 to acknowledge both holidays which fall on the previous Sunday. We invite the Select Board members to also come in and share some of the Holiday treats.

Respectfully Submitted, Mitchell Berkowitz, Town Manager

9. Old Business

a. Review of BRAG Complex Operations

Town Manager Berkowitz informed the Board of Selectmen that he will be meeting with BRAG, Public Works, Recreation, and Andy Madura to start to discuss the maintenance and operations of the BRAG Field Complex for recommendations that will be brought to the Board of Selectman. Selectman King asked if this was similar to Pondicherry Park. Chairman Triglione and Town Manager Berkowitz replied that it was not the same as Pondicherry Park. Chairman Triglione stated that there was no conservation easement. Town Manager Berkowitz stated that the only restriction was on the Cal Ripken Field, and that the Cal Ripken Teams have a priority. Selectman Hoyt stated there is a deed restriction that the property can only be used for recreational activities. Chairman Triglione brought up the problem with his concern about the proposed name of the complex. Chairman Triglione mentioned that the complex name was the "Anna & Kendall Ham Foundation Complex"; he feels that as the Town was the major contributor in funds the Town should be recognized in the name of the field. Town Manager Berkowitz stated that he had contacted Bill Macdonald from BRAG who stated he needed to get back to the Town after contacting the Ham Foundation.

- Mr. Adam Grant reminded the Board of Selectmen that the Board was going to create a committee to review changes to Salmon Point.

10. SAD #61 – See Presentations and Discussions Above

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11. New Business

a. Permits/Documents Requiring Board Approval

1. Municipal Quitclaim Deed – Foreclosure Auction – Djordjevic, Walter & Patricia A.

Motion was made by Selectman King for approval and signing of the Municipal Quitclaim Deed to Walter & Patricia A. Djordjevic for Map 35 Lot 5-21; 2nd from Selectman Taft. 5 approve/0 oppose

2. BYOB Permit at Town Hall on 1/28/2011: LEA for Bluegrass Festival

Motion was made by Selectman Taft to approve the BYOB Permit for LEA's Bluegrass Festival; 2nd from Vice Chairman Woodward. 5 approve/0 oppose. Vice Chairman Woodward noted the date on the application should be 2012 not 2011.

3. Victualer License (Fast Food) to Friends of the North Bridgton Library

Motion was made by Vice Chairman Woodward to approve the Victualer (Fast Food) License for Friends of the North Bridgton Library; 2nd from Selectman Taft. 5 approve/0 oppose

4. Liquor License & Special Amusement Permit to BHOP, LLC dba Bridgton House of Pizza

Motion was made by Selectman Taft to approve the Liquor License and Special Amusement Permit for Bridgton House of Pizza; 2nd from Selectman Hoyt. 5 approve/0 oppose

5. Sewer Allocation Purchase – Bridgton House of Pizza

Motion was made by Selectman Taft to approve the purchase of 80 gpd of sewer allocation to Bridgton House of Pizza; 2nd by Selectman King. 5 approve/0 oppose. Vice Chairman Woodward asked if the Lower Ballfield Sewer Bed can hold the additional allocation. Town Manager Berkowitz replied that the system would hold the additional allocation.

b. Bids, Awards and other Administrative Recommendations

1. Award Bid – Town of Bridgton Signs

Vice Chairman Woodward requested that the Loon on the "Thank You" sign be replaced with the word "Bridgton", the Board concurred with Vice Chairman Woodward. **Motion** was made by Vice Chairman Woodward to award the bid for the "Welcome to Bridgton" and "Thank You for coming to Bridgton" signs as amended to Muddy River Signs; 2nd by Selectman Taft. 5 approve/0 oppose

2. Telephone Voicemail Policy

Selectman King thought two hours was too long a time to respond to voicemails. Vice Chairman Woodward suggested changing the language to read "The employee shall check their voicemail when they see the notification on the phone or no longer than two hours if not in the office." **Motion** was made by Vice Chairman Woodward to approve the Telephone Voicemail Policy as amended; 2nd by Selectman Taft. 5 approve/0 oppose

3. Decision of Appointments to the Budget Advisory Committee

This item will be addressed under Executive Session.

c. Legal Matters

1. Status of the North High Street Property

Town Manager Berkowitz reported that the Code Enforcement Officer and Fire Chief have inspected the property and more details will be discussed under Executive Session.

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11. New Business CONTINUED

d. Selectmen's Concerns

Vice-Chairman Woodward – commented that a citizen had commented that they were very pleased with the new trackless sidewalk plow, however, after it went through the plow filled it all in. Public Works Director Jim Kidder mentioned that the goal is to keep the sidewalks open as much as possible.

Vice Chairman Woodward – extended holiday wishes to everyone.

Selectman Hoyt – mentioned he had requested a summary sheet on the changes to the ordinances. Town Manager Berkowitz it would be done in the future. Chairman Triglione stated that the changes in the ordinances should be creating the summary sheet. Town Manager Berkowitz stated that he would talk to the Planning Board Secretary about it.

Selectman Hoyt – asked for a list of people who are interested in the EDC. Selectman Taft asked if the EDC had any recommendations. Vice Chairman Woodward replied no.

Selectman Hoyt – asked for an update on the Timber Harvest Funds. Mr. Zaidman asked if the money in the account had been used. Town Manager Berkowitz stated that they had not been used. Mr. Zaidman then asked if the Board was going to look into how the monies would be spent. Selectman Hoyt stated that was what he was proposing.

Selectman Taft – none.

Selectman King – mentioned that a citizen approached him on whether any citizen can shut down Route 302, specifically Main Street. Selectman King also stated that the citizen was very upset about how the detours were set up. Chairman Triglione echoed these statements, and suggested that better publicity and more thought about the details for the "Parade of Lights." Selectman Taft suggested putting signs out a few days before the event like the Town of Harrison does for their parades.

Chairman Triglione – none.

e. Other Matters

- Selectman Hoyt suggested that the article about the ice arena in Hebron be paid attention to as Bridgton Ice Arena is run the same way.
- Selectman Taft mentioned that Saturday, December 17, 2011 from 7:30 A.M. to 10:00 A.M. at the Masonic Lodge there will be a "Breakfast with Santa" benefitting BRAG, the Child Identification Program (CHIP) will be available as well. Selectman Triglione asked if there was a charge, Selectman Taft responded that only the Breakfast will be charged \$7.00 for adults, children free.
- Selectman Hoyt also mentioned that meeting with the School Board does not have to be altogether it can be on an individual basis.
- Town Manager Berkowitz mentioned that he has send to letters to Maine Department of Transportation in reference to Route 302 West and the second for a traffic study on Mountain Road,

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11. New Business CONTINUED

e. Other Matters CONTINUED

- Town Manager Berkowitz also mentioned the letter from Treeco offering their services, free of charge to clean up the dead areas of Sabatis Island. Vice Chairman Woodward stated that he had no problem with that as long as the company understood that the Town will show no favoritism towards any future endeavor and that they perform the service with the same professionalism and safety as if they were being paid. Public Works Director, Jim Kidder stated that the agreement with the Department of Conservation restricted use of the island and that it must be kept in its natural state. Mr. Murphy asked if we own the island. Mr. Murphy was informed that we rent the island for \$1.00. Mr. Murphy asked why. Chairman Triglione responded that a group of West Bridgton citizens asked the Board of Selectmen to create this area for recreational purposes. Selectman Hoyt suggested that the Town Manager and Public Works Director get in contact with the Treeco; 2nd by Vice Chairman Woodward. 5 approve/0 oppose. Selectman Taft thinks that this policy needs to be clarified.
- Town Manager Berkowitz announced the results from the Special Town Meeting:
Question 2 – Yes 200 No 106
Question 3 – Yes 200 No 105

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

The Board received their agendas for the December 27, 2011 and January 10, 2012 Board meetings.

There was a brief discussion on whether there would be a meeting on December 27th. Vice Chairman Woodward stated he would not be here. Selectmen Taft, King and Hoyt stated they feel there should be a meeting. Based on the consensus of the Board they will be meeting on December 27, 2011.

13. Treasurer's Warrants

Motion was made by Selectman King for approval of Treasurer's Warrants numbered 52, 53, 54, 55, 56 and 57; 2nd from Vice Chairman Woodward. 5 approve/0 oppose

14. Executive Session; MRSA Title 1, Chapter 13, Subsection 405.6.A. "Permitted Deliberations to Start the Annual Town Manager Performance Review"

Motion was made by Vice Chairman Woodward to enter executive session per MRSA Title 1, Chapter 13, Subsection 405.6.A. "Permitted Deliberations to Start the Annual Town Manager Performance Review" and "Other Legal Matters" at 8:27 P.M.; 2nd by Selectman Taft. 5 approve/0 oppose

Motion was made by Selectman Taft to exit executive session per MRSA Title 1, Chapter 13, Subsection 405.6.A. "Permitted Deliberations to Start the Annual Town Manager Performance Review" and "Other Legal Matters" at 10:10 P.M.; 2nd by Vice Chairman Woodward. 5 approve/0 oppose

14. Adjourn

Chairman Triglione adjourned the meeting at 10:10 P.M.

Respectfully submitted,

Dawn E. Taft, Deputy Town Clerk