

Board of Selectmen's Meeting Minutes

July 24, 2012; 6:00 P.M.

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

Board Member Absent: Robert F. Woodward

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

- Police Chief Kevin Schofield announced that Officer McCormick has been working with Maine Drug Enforcement Agency on a "drug take-back initiative." This program allows residents to turn in their unwanted/unused prescription drugs at a safe in the lobby of the Police Department for disposal in an efficient manner.
- Selectman King requested that secondary conversation from the audience be limited.
- Carol Ayer asked Police Chief Schofield if he is planning to start a community service juvenile diversion program. Chief Schofield replied that the idea is being considered but a proposal has not been created.

Chairman Hoyt brought agenda item 7.a. forward.

7. Correspondence and Other Pertinent Information

a. Bureau of Parks and Lands-Camp Wildwood Standard Easement of Submerged Lands

The Bureau of Parks and Lands (Bureau) has received an application from Camp Wildwood regarding their existing non-permanent (seasonal) structures of docks and adjacent berthing space, floats, and enclosed swim areas on submerged lands on Woods Pond in Bridgton, Maine. The Bureau's records indicate that the above structures were in place in 1975 and therefore were granted a "constructive easement" to occupy submerged lands for 30 years, meaning that a conveyance from the Bureau is not required until September 30, 2005. The owner has applied to convert the constructive easement to a standard conveyance (lease or easement). The notice was received by the Board of Selectmen and was posted as required by law.

5. Presentations and Discussions

a. Woods Pond Report and Update; Jeff Stearns

Jeff Stearns submitted and reviewed a report regarding the Woods Pond Watershed Survey dated July 18, 2012. Mr. Stearns noted that there are seventy four (74) sites with erosion problems. He will provide the Board with a final report early in the winter to provide more detail and to summarize the findings. The Board thanked Mr. Stearns.

Board of Selectmen's Meeting Minutes July 24, 2012; 6:00 P.M.

5. Presentations and Discussions (continued)

b. CDC Report Regarding Main Street Issues and Recommendations

A meeting of the CDC was held on June 20, 2012 at 7:00 A.M. at the Board of Selectmen's Meeting Room. In attendance were Dee Miller, Kenneth Murphy, Jim Mains, Mike Tarantino and Anne Krieg. Recently a meeting of Main Street property owners was called by the CDC and the owners were asked to provide what they feel is needed to help them in business or just what would help to make the downtown more inviting, etc. The input was forthcoming and many topics were presented. The list is now being studied by the CDC and items that are of merit will be brought forth as they are identified. It was agreed that the following be recommended to the BOS for their action:

Lighting: The owners said that the lighting in downtown is not bright enough and creates a "sleepy atmosphere" and the areas should be brighter. Could a lighting study be done?

Directional Signs: It is difficult to find parking, firms, etc. Could a system of directional signs be created to solve this problem?

Truck Route: Some owners felt that a truck route would keep trucks out of downtown and create a better climate for shoppers. The CDC is bringing this to the BOS but because of the nature of this type of topic it is being presented without a firm recommendation.

Three Ring Binder: A lot of interest was expressed for this project and when this endeavor is completed many hope that they can hook up. An update on the Town website is recommended.

Sewer: Several questions were asked on the sewer system and how everything will affect downtown, etc. The CDC has recommended that a plan be developed on the system and that this be communicated to the public. This recommendation is now passed on to the BOS.

Bridgton Historical Society: The CDC sometime ago recommended to the Historical Society that they take on a project to have plaques placed on some of the older homes in Town so that this would be a public attraction. The CDC recommends that if the funding in this proposal can be found that this project be funded. What the Society is asking for is permission to install a small bulletin board at the Depot Street parking lot and requests that the Town provide \$2,900.

The Board reviewed and acknowledged receipt of the recommendations.

c. Historical Society Walking Trail Proposal

The Bridgton Historical Society submitted a proposal for the establishment of a Historical Walking Trail in Bridgton. The idea for the Historical Walking Trail was brought to the BHS by local residents, and all are enthusiastically convinced that the trail will enhance tourism and promote downtown businesses. The Board encouraged the Historical Society to gather additional information and provide a more detailed proposal to the Board for consideration.

d. Highland Beach Talent Show and Fund Raiser; Mr. Botros

On behalf of the Interact Club (a group of teens ages 12-18), Mody Botros requested approval to use Highland Lake Beach on August 24, 2012 from 4:00 P.M. until 8:00 P.M. to hold a talent show for ages 18 and under. The show would be entitled "Beach Blitz" and funds raised at the event would be donated to Harvest Hills Animal Shelter. Discussion ensued. Selectman McHatton moved the question and closed debate. **Motion** was made by Selectman McHatton for approval of the request; 2nd from Vice-Chairman Taft.

4 approve/0 oppose Mr. Botros will further coordinate the event through the Police Department, Public Works Department and Recreation Department.

Board of Selectmen's Meeting Minutes July 24, 2012; 6:00 P.M.

5. Presentations and Discussions (continued)

e. **Emergency Management Update; Todd Perreault**

Todd Perreault, Emergency Management Director, provided the Board with an update on emergency management. He reported that he has been working on updating the emergency plans; risk mapping hazard mitigation, NIMS compliance and exploring grant opportunities. Mr. Perreault also reported that he had applied for and received grant funding (for a radio, power supply and microphones) and requested that the Board accept the grant. **Motion** was made by Vice-Chairman Taft to accept the grant; 2nd from Selectman King. 4 approve/0 oppose The Board thanked Mr. Perreault for his efforts.

Vice-Chairman Taft asked for the status of the new tanker truck. Fire Chief Glen Garland responded that the paperwork to transport the truck from Canada to the United States is in process; he will keep the Board informed.

f. **Presentation of a Grant Opportunity for BRAG Fields; Anne Krieg**

Anne Krieg, AICP – Director of Planning, Economic and Community Development, requested permission to pursue a grant from the Land & Water Conservation Fund, a federal program under the administration of the Maine Department of Environmental Conservation. The proposed project for funding is the BRAG Sports Complex. In a meeting on July 17, 2012 with staff, Bill MacDonald, Vice-Chairman Taft and Selectman McHatton, discussion involved the particulars of the project and the grant requirements. The Selectmen present felt that the project should be presented to the full Board for review prior to the investment of staff time into the preparation of the grant. The grant, if awarded, would fund specific aspects of the development of the BRAG fields. The grant requires an initial site visit with the grant administrator. The deadline to submit a form to request this visit is due before July 27, 2012. The site visit would likely occur in August or September. **Motion** was made by Selectman McHatton to authorize Ms. Krieg to explore this grant opportunity for the BRAG fields; 2nd from Vice-Chairman Taft. 4 approve/0 oppose

g. **Partial Review of Year End Expenses**

Town Manager Berkowitz provided the Board with an expense report for fiscal year 2012 and a summary report of all the accounts that were overdrawn last year. The Town Manager and Department Heads responded to several questions asked by the Board. In most cases, the accounts were over drafted due to unexpected expenditures.

6. Approval of Minutes; July 10, 2012 and July 17, 2012 (workshop)

Motion was made by Vice-Chairman Taft for approval of the minutes from the July 10, 2012 Board Meeting; 2nd from Selectman King. 4 approve/0 oppose

Motion was made by Vice-Chairman Taft for approval of the minutes from the July 17, 2012 Workshop; 2nd from Selectman King. 4 approve/0 oppose

7. Correspondence and Other Pertinent Information

a. **Bureau of Parks and Lands; Camp Wildwood Standard Easement of Submerged Lands**

This item was addressed earlier in the meeting.

b. **County MOU Relating to Information Technology Systems**

Town Manager Berkowitz reported that the MOU is to establish the responsibilities of the County and the responsibilities of the Municipality. **Motion** was made by Vice-Chairman Taft to table this item until the next meeting; 2nd from Selectman King. 4 approve/0 oppose

Board of Selectmen's Meeting Minutes July 24, 2012; 6:00 P.M.

7. Correspondence and Other Pertinent Information (continued)

c. Telephone Log; Local Preference Review

Anne Krieg reported that the general purpose of the telephone call was to commence legal review of the local preference question as outlined in Krieg's report dated July 9, 2012. Staff reviewed the points of home rule as a possible basis to allow local preference. The concept of using waiting list administration was a discussed option; that is, local preference would be provided when there are vacancies. This is distinctly different from a set-aside. Town regulatory authority was discussed, as to who enforces the provisions. Adding "children of elderly" to the definition of local preference was also discussed. A concern on municipal authority, even under Home Rule, was discussed at length. This will be the threshold focus of legal research and review. This is an extensive review as there is no other known Maine municipality that has this requirement nor is there case law; local preference in other communities is often a policy of local housing authority, which is distinct. It was clear amongst the group that the level of research required to ensure that the requirement is defensible will take considerable time. It was also noted the requirement may still be challenged and the Town should be made aware of this likelihood. Ms. Krieg noted that the work she has prepared thus far has been sent to Avesta Housing as their preliminary plan would fall under this requirement. They have not responded with any opinion as of this date. Ms. Krieg may solicit their comments as it will help with the research to know what the arguments or challenges are from a possible applicant. The group also agreed these facts should be noted to the Community Planning Committee and the Board of Selectmen as this will affect the ability to meet the timeline requirements for a fall 2012 Referendum Ballot. Discussion ensued. **Motion** was made by Selectman McHatton to obtain a cost estimate for legal expenses from the Town Attorney before moving forward with review of the local preference; 2nd from Selectman King. 4 approve/0 oppose

d. LEA and Pondicherry Park Proposal

Peter Lowell submitted an email as follows:

"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. We would also like to use our new Pondicherry Park Fund to design and pay for new trail brochures. If this is enticing, please let me know what type of info you would like on the piece. I would see a map on one side and park rules and background on the other side. We could use both the Town logo and the Park logo."

The Board agreed that new park brochures would be nice but does not believe that the Town voted to dedicate \$5,000 from the Moose Pond Trust Fund to make brochures. Town Manager Berkowitz stated that restrictions are placed upon the funding which cannot be designated for brochures. The Board directed the Town Manager to forward the request to the Stewardship Committee.

e. Poverty Abatement

Town Manager Berkowitz reported that an application for a poverty abatement has been received and the Board is required to meet in executive session with the applicant and respond to that applicant within 30 days. The Board opted to meet on Wednesday August 1, 2012 at noon in executive session to review the application.

8. Town Manager's Report

Town Manager Berkowitz reported the following:

General Revenue Sharing Reduction: It would appear that the Town may face about a \$21,000 revenue sharing loss due to legislation in April of 2012. We will further review this with MMA.

Year End Revenue and Expenses: Chairman Hoyt identified several operational line items that appear to be overspent at year end. I will be meeting with the various Department heads. I will report the information at your next meeting.

Board of Selectmen's Meeting Minutes

July 24, 2012; 6:00 P.M.

8. Town Manager's Report (continued)

Notice of Class Action Suit: We have received a formal notice of a class action law suit against several banking institutions including JP Morgan regarding municipal "derivatives" issued between January 1, 1992 and August 18, 2011. We are checking prior bond issues and unless the Town went out to the bond market during this time it is unlikely that we are affected. If we find we are affected we will follow the instructions provided.

Derivatives were an alternative form of financing that relied upon variable rates rather than the fixed rates normally provided. In discussing this with the Maine Bond Market, they indicated it is unlikely our small town would be affected.

Eastern Slope Airport Authority Annual Meeting: Though we do not subscribe to the Authority they continue to invite us to their meetings in Fryeburg. This year's annual meeting will be Friday, August 17th. If any Select Board members would like to go please let me know and I will register you. The social hour starts at 6 PM with grilling at 6:45 followed by their meeting.

Change of Banking Institutions: As of Wednesday, July 18 we transferred all but \$40,000 of our operating cash to Norway Savings Bank. The amount remaining will cover our outstanding checks. The change in financial institutions was a result of the Town's request for proposals and an effort to reduce our costs of banking.

Water Quality Testing Results: We test our beach areas in accordance with State Health laws. E-coli is what is tested for. The limits set by the State are 235 per 100 mL. Woods Pond tested at 32, Salmon Point tested at 110 and Highland Lake tested at 25, all well within the limits.

Bridgton Festival and Art in the Park: Congratulations to the many volunteers who worked to create two very successful events in and for Bridgton. Both events continue to draw attention to the enjoyment of coming to Bridgton as well as the value of volunteers who continue to "step up to the plate" and take leadership roles for the community. The experience you have provided makes our community special and we encourage volunteers to continue their work. We also ask that more folks volunteer to help out by contacting the organization of their choice and pitch in.

Respectfully Submitted,
Mitchell A. Berkowitz, Town Manager

9. Old Business

a. **Interview of Candidate(s) for the Pondicherry Park Committee**

The Board opted to re-advertise with a filing deadline of August 23, 2012.

b. **Tabled 7/10/12; Review of Conflict of Interest and Ethics Code**

Motion was made by Vice-Chairman Taft to discuss this item; 2nd from Selectman King.

4 approve/0 oppose

Vice-Chairman Taft and Selectman King commended members of the Sewer Committee for disclosing potential conflicts of interest, and then recusing themselves from acting as a member and voting.

c. **Tabled 7/10/12; Start Review of Salmon Point Lease Elements**

Motion was made by Vice-Chairman Taft to continue to table this item until August 14, 2012 (pending review of the CDC study and their recommendation); 2nd from Selectman King.

3 approve/1 oppose (Hoyt opposed)

d. **Authorize the CEO or the Town Manager to Sign Applications for Approved Structures at Salmon Point Campground**

Town Manager Berkowitz noted that the owner of the property must be the applicant on building permit applications and requested that the Board authorize the Town Manager or CEO to sign on behalf of the Town of Bridgton when a camper at Salmon Point applies for a building permit.

Chuck Renneker asked why seasonal campers that sign a one year lease are allowed to build permanent or semi-permanent structures at the campground and not required to pay a tax on said structure.

Board of Selectmen's Meeting Minutes

July 24, 2012; 6:00 P.M.

9. Old Business

d. Authorize the CEO or the Town Manager to Sign Applications for Approved Structures at Salmon Point Campground (continued)

Motion was made by Selectman McHatton to authorize the Town Manager and Code Enforcement Officer to execute building permit applications on behalf of the Town but to put a hold on all application until the Board fully reviews all elements of Salmon Point, including the recommendations from the CDC; 2nd from Vice-Chairman Taft. 4 approve/0 oppose

Glen Zaidman asked why permits are being issued and questioned compliance of the Shoreland Zoning Ordinance.

e. Tax Acquired Property Update and Possible Actions

Town Manager Berkowitz provided a tax acquired property update and requested direction from the Board. **Motion** was made by Vice-Chairman Taft to conduct a live auction (to include a minimum bid amount) in September; 2nd from Selectman King. 4 approve/0 oppose

f. CEO Status of Signs Report

Rob Baker, Code Enforcement Officer, provided the Board an update of the status of signs.

g. Additional Vote on Fire Tanker

Motion was made by Selectman McHatton for approval of the following vote and to authorize any future paperwork:

“That under and pursuant to the provisions of Title 30-A of the Maine Revised Statutes of 1964, as amended to date and authorization of the voters of the Inhabitants of the Town of Bridgton at town meeting on June 13, 2012, the Treasurer of the Town be and hereby is authorized to execute and deliver a tax-exempt lease purchase agreement with Tax-Exempt Leasing Corp., or its nominee, in the name and on behalf of the Inhabitants of the Town of Bridgton, for a Fire Department Vacuum Tanker Truck, said lease purchase agreement to be in the aggregate principal amount of Seventy Five Thousand Dollars (\$75,000) payable over a term not to exceed one (1) year with interest at an annual rate not to exceed 3.84%, and otherwise in such form and on such terms not inconsistent herewith as the Treasurer in consultation with the Town’s legal counsel deems to be in the best interests of the Town; and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of said Code; and that the Clerk of the Town be and hereby is authorized to execute and deliver any certificates with respect to proceedings of the Town in connection therewith, and that the Treasurer and Chair of the Board of Selectmen, acting singly, be and hereby are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a “private activity bond” or an “arbitrage bond” within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the “Code”); and that the Treasurer and Chair of the Board of Selectmen, acting singly, be and they hereby are authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure the interest portion of the rental payments under and pursuant to the tax exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof.”

2nd from Selectman King. 4 approve/0 oppose

**Board of Selectmen's Meeting Minutes
July 24, 2012; 6:00 P.M.**

10. SAD #61

a. Interview of Candidates for the Director Vacancy

Greg Jones and Karen Eller both submitted "Town Committee Applications" to serve as a Bridgton representative on the School Board. Selectman King asked several questions to both applications to which they responded. The Board agreed that both applicants are extremely qualified and would represent Bridgton very well. **Motion** was made by Selectman King to appoint Karen Eller to the MSAD 61 Board of Directors; 2nd from Vice-Chairman Taft. 4 approve/0 oppose The Board encouraged Greg Jones to seek election at the next annual town meeting.

11. New Business

a. Permits/Documents Requiring Board Approval

1. Accept Payment and Approve Quit Claim Deeds to Thomas Smith (Parcel 18/31/84) and Bear Creek Construction (Parcel 18/31/80)

Motion was made by Selectman King for approval of 11.a.1.; 2nd from Vice-Chairman Taft.

4 approve/0 oppose

2. Request Permission to Use Various Locations Throughout Bridgton and Victualer (Fast Food) License

Motion was made by Vice-Chairman Taft for approval of 11.a.2.; 2nd from Selectman King.

4 approve/0 oppose

Vice-Chairman Taft voiced concerns regarding allowing multiple units use of the same area and the potential conflicts.

3. Bridgton Historical Society Blue Grass Festival Liquor License

Motion was made by Selectman McHatton for approval of 11.a.3.; 2nd from Vice-Chairman Taft.

4 approve/0 oppose

4. Easement Deed to Marinis Hronarakis

Motion was made by Selectman McHatton for approval of 11.a.4.; 2nd from Vice-Chairman Taft.

4 approve/0 oppose

5. Sewer Commitment #109

Motion was made by Selectman McHatton for approval of 11.a.5.; 2nd from Selectman King.

4 approve/0 oppose

b. Bids, Awards and Other Administrative Recommendations

1. MMA Annual Election for Vice-President and Executive Committee

Motion was made by Selectman McHatton to authorize the Town Manager to cast a ballot for the MMA Annual Election for Vice President and Executive Committee on behalf of the Board; 2nd from Selectman King.

4 approve/0 oppose

c. Legal Matters

There were no legal matters.

Board of Selectmen's Meeting Minutes July 24, 2012; 6:00 P.M.

11. New Business (continued)

d. Selectmen's Concerns

- Selectman McHatton thanked Selectman King for asking the interview questions to Ms. Eller and Mr. Jones. He also thanked Selectman King for doing a fine job in serving on the School Board in prior years.
- Selectman McHatton requested that the Town Manager ensure that there are no Shoreland Zoning Ordinance violations at Salmon Point.
- Selectman McHatton requested that Chairman Hoyt ensure that the Board has fully discussed each item before opening it up for public discussion.
- Selectman McHatton asked Public Works Director Kidder for a can of spray paint to cover the graffiti at the Skateboard Park; Recreation Director Tash will paint over the graffiti.
- Selectman McHatton requested that the Board discuss implementing a deadline for completion of the Comprehensive Plan (possibly by the next annual town meeting); Town Manager Berkowitz will add this to the agenda for the next meeting on August 14, 2012.
- Selectman McHatton requested that the Board discuss the recent amendments to the Site Plan Review Ordinance at their next meeting (August 14, 2012).
- Vice-Chairman Taft had no concerns.
- Selectman King had no concerns.
- Chairman Hoyt asked Anne Krieg for a Farragut Park update. Ms Krieg plans to have information and a sketch for the next CDC meeting in two weeks and she will copy that information for the Board.
- Chairman Hoyt asked for an update of the Skateboard Park. Recreation Director Tash reported that he is exploring some new programming and grant opportunities to provide youth recreational activities. He noted that the grants are very competitive. The Board requested that Director Tash review options and potential grants and report back to the Board. Public Works Director Kidder noted that some of the equipment is unsafe and dangerous; he will either repair or remove the unsafe equipment and report back to the Board on August 28th.
- Chairman Hoyt reported that he will be attending a Planning Board meeting to request that each amendment to an ordinance be voted on as a separate referendum question. The Board directed Mr. Hoyt to make that request as a citizen and not as a Board representative.
- Chairman Hoyt requested that the future of the Town Hall building be added to the August 28th agenda for discussion.
- Chairman Hoyt asked the Town Manager what the final oil price is. Town Manager Berkowitz responded, "\$3.0328 per gallon."
- Chairman Hoyt reminded the Town Manager that he would like an up-to-date copy of the Committee Member Listing.
- Chairman Hoyt asked who maintains the swim lines at Salmon Point. Town Manager Berkowitz replied that the responsibility is with the Salmon Point Campground Manager. Chairman Hoyt suggested that the recreation director take care of the lines at Salmon Point since he takes care of all the other swim lines in the Town.

**Board of Selectmen's Meeting Minutes
July 24, 2012; 6:00 P.M.**

11. **New Business** (continued)
e. Other Matters
There were no other matters.

12. **Agendas for the Next Board of Selectmen's Meetings/Workshops**
The Board reviewed the preliminary agendas for the August 14, 2012 meeting.

13. **Treasurer's Warrants**
Motion was made by Selectman McHatton for approval of Treasurer's Warrants numbered 3, 4, 5, 6, 7 and 8; 2nd from Vice-Chairman Taft. 4 approve/0 oppose

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.**
The Board opted not to enter into executive session.

15. **Adjourn**
Chairman Hoyt adjourned the meeting at 10:15 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk