

# **Board of Selectmen's Meeting Minutes September 24, 2013; 5:00 P.M.**

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

**Board Member Absent:** Paul E. Hoyt

**1. Call to Order**

Chairman Taft called the meeting to order at 5:00 P.M.

**2. Pledge of Allegiance**

The Board recited the "Pledge of Allegiance."

**3. Approval of Minutes – September 10, 2013**

**Motion** was made by Selectman Murphy for approval of the minutes from the September 10, 2013 Board Meeting; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

**4. Correspondence and Other Pertinent Information**

**a. Bridgton Arts and Crafts – Sign Inquiry and Information**

Members from the Bridgton Arts and Crafts Society provided the Board with a packet of information pertaining to the history of their directional sign that was removed by the Town in July. Town Manager Berkowitz reported that the Sign Ordinance was adopted pursuant and consistent with Article VIII-A of the State of Maine Constitution, 30-A MRSA §3002. The Town of Bethel is seeking a waiver from Maine Department of Transportation that would allow the Town to regulate directional signs. The Town Manager will report the results of their efforts at the next meeting to possibly do the same in Bridgton. Meantime, the group will continue to work with the Code Enforcement Officer. The Board thanked the group for providing the information and attending the meeting.

**b. Legal Opinions - Disclosure and Recusal**

Chairman Taft had requested that the Town Manager submit a request for a legal opinion from MMA regarding disclosure and recusal. Town Manager Berkowitz reported that MMA confirmed that the Board has consistently applied their recommendations regarding disclosure and recusal. Their full opinion is available for public review at the Town Office.

Selectman McHatton requested that the Town Manager read MMA's response regarding a potential conflict of interest with his sister renting a campsite at Salmon Point. Town Manager Berkowitz responded that MMA had reported in part that "Member B (Selectman McHatton) does not have a direct financial or personal connection to the campground as a camper himself. His connection to the campground is that his sister is a camper there. I don't think the Member B has a direct or indirect financial or personal conflict of interest for the purposes of State Law and don't believe that a court would find that he must abstain under State law from the board's discussion and voting related to campground user fees or operational policies."

**c. Bridgton Water District – Sale of Property**

The Water District Board of Trustees voted to pursue the sale of a prior water resource piece of property located on Highland Lake. **Motion** was made by Selectman Murphy not to pursue the purchase of the property; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

**5. New Business**

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

**1. Automobile Graveyard-Recycling Business/Junkyard Permits to:  
Powerhouse Salvage/Ovide's Used Cars**

*(This item was approved after the public hearing.)*

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### 5. New Business

#### a. Permits/Documents Requiring Board Approval (continued)

##### 2. Victualer's License to Ricky's Diner

**Motion** was made by Selectman McHatton for approval of 5.a.2.; 2<sup>nd</sup> from Selectman Murphy.

4 approve/0 oppose

##### 3. Application for Catered Function by Qualified Catering Organization – Lake Region Caterers at Norway Savings Bank on September 16, 2013

**Motion** was made by Selectman McHatton for approval of 5.a.3.; 2<sup>nd</sup> from Vice-Chairman King.

4 approve/0 oppose

#### 4. Sewer Commitment #128

**Motion** was made by Vice-Chairman King for approval of 5.a.4.; 2<sup>nd</sup> from Selectman Murphy.

4 approve/0 oppose

#### b. Account(s) Review and Status

Town Manager Berkowitz reported two line items appeared to be over-drafted due to a misapplication of the expense. Both accounts (009 and 240) have been corrected and although the bottom line does not change, each specific line item now reflects its current status.

#### c. Bids, Awards and Other Administrative Recommendations

##### 1. Designation of the Town Manager as Bridgton's Voting Delegate to MMA

**Motion** was made by Selectman McHatton to designate the Town Manager as Bridgton's voting delegate to MMA; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

##### 2. Notice of Contract Amendment #2 for the I & I Work with Wright Pierce Engineers

**Motion** was made by Selectman McHatton for approval of "Amendment No. 2 to Agreement between Town of Bridgton and Wright-Pierce for Inflow and Infiltration (I/I) Evaluation"; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

Public Works Director Jim Kidder reported that the I & I work is moving along fairly well with minimal problems.

#### d. Legal Matters

Town Manager Berkowitz reported that legal matters will be discussed in executive session.

#### e. Selectmen's Concerns

- **Selectman McHatton** requested that an agenda item at the next meeting for discussion of seeking voter consideration to ban fireworks in Bridgton.
- **Vice-Chairman King** had no concerns.
- **Selectman Murphy** had no concerns.
- On behalf of Selectman Hoyt, **Chairman Taft** asked for an update regarding the soil erosion at Salmon Point. Public Works Director Kidder responded that remediation depends on the lake levels and the amount of rain.
- **Chairman Taft** was not able to locate any official documentation but recollected that discussion at a workshop session indicated that the CPC committee received public consensus that residents want controlled growth. Mike Tarantino confirmed.

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### **5. New Business (continued)**

#### **f. Other Matters**

Vice-Chairman King reminded the Board to give thought to the informal evaluation of the Town Manager to be conducted in November.

Town Manager Berkowitz reported that according to Public Works Director Jim Kidder, the contractor has begun the milling and grinding work for the lower 1.7 miles on the Kansas Road and will continue to work until the base is ready to receive pavement. Though one lane will remain open, traffic will be slower through this construction period and we suggest alternative routes.

Town Manager Berkowitz reported that the sewer construction work on Main Street will continue for the next two weeks. We have discovered several sections requiring additional work and will continue until the week of the Fryeburg Fair. During that period we will move to the side streets.

Town Manager Berkowitz noted that the Town continues to seek volunteers to work on various committees which advise the Board of Selectmen.

Town Manager Berkowitz reported the Town Hall will be closed for the annual floor sealing and maintenance program from September 23<sup>rd</sup> until October 19<sup>th</sup>.

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

**Motion** was made by Selectman McHatton for approval of Treasurer's Warrants numbered 26, 27, 28, and 29; 2<sup>nd</sup> from Vice-Chairman King. 4 approve 0 oppose

### **7. Committee Reports**

**a. Comprehensive Plan Committee - No report was submitted.**

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

##### **1. Tax Acquired Property Report w/ Recommendations**

On behalf of the CDC, Mike Tarantino recommended that all parcels, with the exception of Property 2 (Map 19A Lot 46) and Property 8 (Map 49A, Lot 3&4) be marked/auctioned for sale at a time deemed appropriate by the Board.

Town Manager Berkowitz recommended that the Board sell the property through live auction and establish a minimum price for each parcel as follows: Map 9/Lot 12A \$6,000; Map 19A/Lot 46 \$9,000; Map 9/Lot 20TG \$2,500; Map 8/Lot 10 \$22,900; Map 8/Lot 23D \$31,900; Map 6/Lot 33 \$12,900; Map 5/Lot 31 \$10,900; Map 25/Lot 18-2 \$39,900; Map 24/Lot 72 \$5,299. **Motion** was made by Selectman McHatton for approval of the Town Manager's recommendation 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

##### **2. Correspondence – Mike Tarantino**

Chairman Taft read the following letter of resignation from Mike Tarantino into the record: "Someone once told me that if you give of your time you also give part of your life. If this is true then I have given about sixteen years of my life. This started with the old Economic Development Committee and now with the Community Development Committee. It has been a great experience and a worthwhile endeavor. I leave this with only respect and praise for all the people that I have had to deal with for I have been treated with professionalism at all times. The only reason for this decision is that it is time. I will ask at the next meeting of CDC that a new chair be voted on and I will stay on till Jan 1, 2014 for purposes of transition. Once again thank you all for our patience and understanding."

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### **5. New Business (continued)**

#### **2. Correspondence – Mike Tarantino (continued)**

Chairman Taft stated that he respects Mr. Tarantino and appreciates his sixteen years of devotion to Bridgton. He added that working with him has been a pleasurable learning experience and he will be greatly missed.

Selectman Murphy stated that he has had the pleasure of working with Mr. Tarantino on two Boards and noted that he has been a highly respected mentor. He added that Mr. Tarantino is an extremely talented man that this Town has been blessed to have.

Selectman McHatton also thanked Mr. Tarantino for his professional service to Bridgton.

Vice-Chairman King expressed his gratitude for all the time Mr. Tarantino has invested in Bridgton, he appreciates that he shared his experience, wisdom and expertise.

**Motion** was made by Vice-Chairman King to accept the resignation; 2<sup>nd</sup> from Selectman Murphy.  
4 approve/0 oppose Town Manager Berkowitz will prepare correspondence from the Board to Mr. Tarantino.

**c. Waste Water Committee - No report was submitted.**

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

The Board received a memorandum regarding recycle bins at public events for review and consideration at the next meeting.

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

Town Manager Berkowitz reported that the Investment Committee and Town Manager continue to work with Norway Savings Bank executing the necessary trust fund documents.

### **8. SAD 61**

School Board Member Karen Eller reported that at the meeting last night, one long term goal and six short term goals were established. The long term goal is to direct an ad hoc committee to look at education today and programming requirements. The short term goals are: funding capital improvements; parking at Songo Locks School; consider implementing redistricting on voluntary basis (Songo Locks to Stevens Brook Elementary or Sebago); update projection reports through 2018; apply for State construction funding based on the geo study; consider mandatory redistricting; adding to capital improvement for future elementary facility.

### **10. Public Comments and Presentations**

#### **a. Non-Agenda Items**

Roxanna Hagerman asked if the Parking Ordinance prohibits overnight parking on Main Street. Vice-Chairman King replied that overnight parking is prohibited from November 15<sup>th</sup> through April 15<sup>th</sup>. Ms. Hagerman stated that she notified Chief Schofield that an unregistered vehicle was parked on the roadside. Chief Schofield responded that the vehicle was legally parked but because it was unregistered, he notified the owner and the vehicle was voluntarily removed.

Roxanna Hagerman asked who is in charge of requesting or issuing a search warrant. Vice-Chairman King replied that search warrants are at the discretion of the Police Department. Town Manager Berkowitz added that search warrants are a law enforcement matter and he has no influence over their discretion.

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## 10. Public Comments and Presentations

### a. Non-Agenda Items (continued)

Roxanna Hagerman asked if the Town Manager is required to be a resident of Bridgton. Selectman McHatton replied that the position description does not include a residency requirement.

Recreation Director Gary Colello noted that the Lets Move Program requires a photograph of the Board and requested that one be taken at the next meeting.

### b. Agenda Items

Mike Tarantino noted that he had a chance to review some of the town owned property and encouraged the Board to consider selling.

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

**a. Public Hearings:** To Receive Input Regarding Applications from Paul Gallinari (Powerhouse Salvage) and Ovide Corbeil (Ovide's Used Cars) for Renewal of Their Automobile/Junkyard Permits to be Issued for October 2013 until October 2014 Pursuant to the Provisions of 30-A MRSA 3751 et seq.

Chairman Taft opened the public hearing to receive input regarding applications from Paul Gallinari (Powerhouse Salvage) and Ovide Corbeil (Ovide's Used Cars) at 6:01 P.M. Vice-Chairman King asked if Paul Gallinari's son, (also named Paul Gallinari), was the applicant for Powerhouse Salvage to which Chairman Taft replied, "yes." There were no other comments. Chairman Taft closed the hearing at 6:02 P.M.

**b. Informational Hearings:** *None*

## 5. New Business

### a. Permits/Documents Requiring Board Approval

#### 1. Automobile Graveyard-Recycling Business/Junkyard Permits to:

- Powerhouse Salvage
- Ovide's Used Cars

**Motion** was made by Selectman Murphy for approval of 5.a.1.; 2<sup>nd</sup> from Vice-Chairman King.  
4 approve/0 oppose

## 11. Old Business

### a. Volunteer Assignments – Recreation Department

Recreation Director Gary Colello provided the Board with a copy of the proposed "Criminal Background Check" through the State Bureau of Investigation which he will use for all volunteers/coaches for the Recreation Department. Chairman Taft asked what the turnaround time is and Director Colello replied approximately ten days. **Motion** was made by Vice-Chairman King for accept the form and procedures; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

### b. Final Draft – Sidewalks and Public Spaces Policy

Selectman McHatton noted an error on page 3, number 6: "minimum 36" clearance" should read "minimum 40" clearance." **Motion** was made by Selectman McHatton for approval of the Policy as amended; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

### c. Salmon Point Issues

Selectman McHatton and Selectman King visited three campgrounds in Bridgton (Lakeside Pines, Bridgton Marina, and Vicki-Lynn) and one in Naples (Colonial Mast).

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## 11. Old Business

### c. Salmon Point Issues (continued)

#### 1. Washer and Dryer

Vice-Chairman King reported that Lakeside Pines has eight washers and six dryers, Bridgton Marina and Vicki-Lynn do not have any washers or dryers, and Colonial Mast has a coin operated washer/dryer. He noted that Salmon Point has one washer/dryer and believes that is adequate. Selectman McHatton agreed and added that the campground is very close to the Town laundry-mat. **Motion** was made by Vice-Chairman King to not purchase another washer and dryer for Salmon Point; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

#### 2. Individual Site Electric Metering

Vice-Chairman King reported that the sites at Lakeside Pines each have a meter assigned and the camper pays the bill, Bridgton Marina has a meter assigned to each site and the camper pays the campground owner, and Vicki-Lin does not have individual meters. The Salmon Point Campground Manager is in the process of obtaining quotes for individual site electric metering. **Motion** was made by Vice-Chairman King to table this item to October 8<sup>th</sup>; 2<sup>nd</sup> from Selectman Murphy. 4 approve/0 oppose

#### 3. Wi-Fi for the Campground

Vice-Chairman King reported that Lakeside Pines, Bridgton Marina and Vicki-Lin do not offer Wi-Fi. **Motion** was made by Selectman McHatton to not pursue Wi-Fi; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

#### 4. Fiscal Policy and Procedure Confirmation

Town Manager Berkowitz reported that over the past few years we have experienced "past due" accounts that normally get resolved. He requested that the Board approve the following fiscal policy:

"Purpose: To process consistently any past due accounts from any lessee that includes any of the associated fees that may be attributed to the leased site at Salmon Point through a series of notifications and procedures.

Procedure: Upon determining that a lessee has a balance that is past due the Town will send a formal notice to the lessee at their last known mailing address providing the details of the delinquency and the steps needed to resolve the outstanding balance.

If the Lessee has refused to acknowledge the Town notice and/or not resolved the outstanding balance within two weeks of mailing of the first notice a second letter will be sent (certified mail-return receipt) notifying the lessee of the original amount outstanding, the current interest charges as well as the mailing fee involved and that they must resolve this balance due before the end of the camping season but no later than October 15 of that camping season. Further, the Town will not accept any payment for the prospective camping season but will apply any over winter payments or other partial payments to the amount outstanding before it will issue any lease for the proceeding season. If the lessee has refused service and has not resolved the outstanding balance due the Town will send a final certified notice informing them to vacate the site within twenty (20) calendar days. Further, if the lessee has not removed their structures and personal effects within this notice period, the Town will remove the items to a storage area at the campground and will pursue the outstanding amount in small claims court. The notice will indicate that the items relocated will not be consistent with our current policy for any lessee. The only remedy to the Lessee is to pay the outstanding balance BUT they have forfeited their site and will not be considered for any open site in the succeeding five (5) years."

Lengthy discussion ensued. **Motion** was made by Selectman Murphy to move the question and close debate; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose **Motion** was made by Selectman McHatton to accept the policy as recommended by the Town Manager; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

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### **11. Old Business (continued)**

#### **d. Proposed Amendments to the Alarm Systems Ordinance – Chief Schofield**

Chief Schofield provided the Board with proposed amendments to the Alarm Systems Ordinance. He reported that the focus of the Alarm Systems Ordinance should be how to respond and manage false alarms to the same address. Anything related to the communication center was removed. The Town Manager recommended that the fine penalty be removed from the ordinance and adopted annually through the fee schedule. **Motion** was made by Vice-Chairman King to accept the proposed amendments and reflect the penalties in accordance with the rate schedule policy; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

#### **e. Report on Obstructed View of Traffic Signage – Chief Schofield**

Chief Schofield reported that he, Lieutenant Madura and Public Works Director Kidder checked for obstructed road signage. To follow is the list that depicts their findings:

- Route 302 near Venezia Rt 93 speed limit sign partially blocked by a tree limb;
- No parking signs North High Street near the Town Hall faded (not imminent but will need replacement in the next year or two);
- Rte 107 40 MPH sign near Adams Pond Cemetery;
- Portland Road, maple tree in front of school zone sign;
- Rte 117 45 MPH sign north bound at the Denmark town line.

Selectman McHatton noted that there is a large bush at the end of Willett Road that blocks a clear view to the right. Chief Schofield noted that the bush is located on private property but will request voluntary action from the property owner.

**Motion** was made by Selectman Murphy to direct the Town Manager to contact the Maine Department of Transportation and request that they address these issues as soon as possible; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

#### **Salmon Point Advertising**

Selectman McHatton reported that Lakeside Pines and Bridgton Marina advertise through the Maine Campground Association. **Motion** was made by Vice-Chairman King to table discussion regarding advertising until the next meeting to allow the Town Manager and Recreation Director time to gather additional information for Board review (to include costs); 2<sup>nd</sup> from Selectman Murphy. 4 approve/0 oppose

#### **County Budget Committee**

**Motion** was made by Selectman McHatton to appoint Selectman Murphy to represent the Board on the County Budget Committee; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

#### **Saturday Office Hours**

Chairman Taft read the following memorandum from the Town Clerk into the record: “The Town Clerk’s Office was open on three Saturdays during fiscal year 2012/2013. To follow is the number of customers that took advantage of these additional office hours: April 27<sup>th</sup> = 14 customers; May 25<sup>th</sup> = 24 customers; June 29<sup>th</sup> = 19 customers. While the numbers are not extremely high, I believe that it is advantageous to maintain office hours for these three days per year.” The Board agreed to maintain the hours.

#### **Fire Department Job Descriptions**

Vice-Chairman King requested an update from the Fire Department at the next meeting to include new job descriptions.

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

October 8, 2013; October 22, 2013; November 12, 2013; November 26, 2013

**13. Executive Session; MRSA Title 1, Chapter 13, Subsection 405.6.A. & D. "Discussion of Matters Related to Personnel" and "Preparation for Labor Negotiations"**

**Motion** was made by Selectman Murphy to enter into executive session at 6:55 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A. and per MRSA Title 1, Chapter 13, Subsection 405.6.D.; 2<sup>nd</sup> from Vice-Chairman King. 4 approve/0 oppose

**Motion** was made by Vice-Chairman King to come out of executive session at 8:07 P.M.; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

**Motion** was made by Vice-Chairman King for approval of the letter of support for the Lakes Environmental Proposal; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

Selectman McHatton raised some concerns regarding the police cruiser bid which the Town Manager will discuss with the Police Chief.

**14. Adjourn**

Chairman Taft adjourned the meeting at 8:30 P.M.

Respectfully submitted,

Laurie L. Chadbourne  
Town Clerk