

# Board of Selectmen's Meeting Minutes

## November 22, 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

- a. To hear public comment on the following 2 articles that will be presented to the voters on December 13, 2011:
- Article 2. Shall an ordinance entitled "Shoreland Zoning Ordinance" be amended?
  - Article 3. Shall an ordinance entitled "Site Plan Review Ordinance" be amended?

Chairman Triglione opened the public hearing to hear public comment on the two articles that will be presented to the voters via referendum ballot on December 13, 2011 at 6:00 P.M.

Ken Murphy reported that both he and Fred Packard voted not to recommend the revisions to the Shoreland Zoning Ordinance and the Subdivision Regulations. The vote was 3 approve/2 oppose (Murphy/Packard opposed) (*from Planning Board Meeting minutes: "Brian moved to approve the revisions to the Shoreland Zoning, Site Plan Review Ordinance and the Subdivision Regulations and recommend them to the Board of Selectmen. Dea 2nd. 3 Approve / 2 Oppose (Fred and Kenneth)"*) Mr. Murphy added that although they were in favor of the proposed amendments, they were not in favor of the quick process to seek voter consideration.

Selectman Hoyt suggested that a summary sheet of the amendments to the ordinances be provided to the voters rather than the entire ordinance where people must search through to find the proposed amendments. Vice-Chairman Woodward agreed and added the total version could be made available through posting on the website, posting at the office and upon request. Town Manager Berkowitz stated that he believes the Town has an obligation to provide the entire ordinance to the public. Town Manager Berkowitz will seek a legal opinion regarding producing summary sheets for voters.

Chairman Triglione closed the public hearing at 6:10 P.M.

### 3. Public Comments; Non-Agenda Items

- Colleen Morse reported that her daughter has been invited to Italy through the "People to People Program" during the summer of 2012. She requested use of land where the farmers market is located on Depot Street to sell Christmas wreaths to raise funds to assist with the expense. Selectman Taft suggested that Ms. Morse make contact with Carmen Lone from the Bridgton Community Center as well. **Motion** was made by Selectman Taft to allow Ms. Morse use of the property under the provision that Carmen Lone does not object; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose
- Ken Murphy submitted a proposal from the local sign company that assisted with the design of the sign. He reported that there were 504 votes cast on November 8<sup>th</sup> and 308 votes were cast for option 3 which was designed by Sue Lastra. The Board agreed to order five 'Welcome to Bridgton' signs and three 'Thank You for Visiting Bridgton' signs for promotion of the Town with the expenditure through the community development funds. **Motion** was made by Vice-Chairman Woodward to authorize the Town Manager to move forward with the purchase of the new signs after he verifies it meets the conditions within the purchasing policy, get the specifications and make the assignments to complete the process; 2<sup>nd</sup> from Selectman Taft. 5 approve/0 oppose

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### 4. Presentations and Discussions

#### a. Review Both Fire Chief and Mr. Jones' Fireworks Recommendations

Fire Chief Glen Garland reported that he has met with Mr. Greg Jones and discussed his proposed fireworks ordinance for the Town. Although there was good discussion, they disagreed on the issues. Specifically, Fire Chief Garland recommended that an ordinance be established to ensure that all of the provisions in the state law are being followed by the applicant such as:

- 1) Possession of property and current federal and state permits
- 2) Proof of current liability insurance
- 3) Proper storage and handling of product
- 4) The applicant is 21 years of age or older
- 5) The building used meets local, state and NFPA standards
- 6) The application is approved by police, fire and code enforcement annually

Fire Chief Garland also reported that the recently enacted State law governing consumer fireworks does not provide for the issuance of a local permit and for the Town to collect a reasonable fee for the same. The only other requirement is that the Town would have to notify the State of the initiation of this permit process at least 60 days prior to beginning the permitting process. Chief Garland added that this proposal would ensure that the state law is being followed by any vendors that chose to open in Bridgton without being overly burdensome to the business community, police and fire departments and the public at large.

Greg Jones recommended a proposed ordinance to regulate the sale, possession and usage of consumer fireworks, protection of personal safety and to protect public and private property. The Board reviewed the contents of the proposed ordinance and Mr. Jones responded to several questions.

Vice-Chairman Woodward said that there appears to be a lot of redundancy between the proposed ordinance and State law. Chairman Triglione believes that State law takes all concerns into consideration and if a problem arises, the Board will address it at that time. Chairman Triglione agreed with Fire Chief Garland's recommendation but noted that the Board did not ask anyone to prepare and submit an ordinance for Board consideration and does not see the necessity for an ordinance over and above the one proposed by Chief Garland. Selectman Hoyt supports Fire Chief Garland adding that the Board has time to further define an ordinance. Selectman King concurs with Fire Chief Garland and encouraged the Board to move forward with the establishment procedures. Earl Cash suggested that the Town give time for State law to work before establishing a more restrictive ordinance. Chuck Renneker agreed with Mr. Cash noting that the town and police department are very practical as long as a disturbance is not being created. **Motion** was made by Vice-Chairman Woodward to support the creation of an ordinance to address the Fire Chiefs concerns to include a better definition of State law as well as consideration of certain times of year and limiting the use (the Town Manager will verify if the Town would receive the civil penalty fines through local ordinance); 2<sup>nd</sup> from Selectman King. 4 approve/1 oppose (Chairman Triglione opposed because he believes that the ordinance should only represent the recommendations of the Fire Chief)

#### b. Review of the Responsibilities and Roles of the Community and Economic Development Director

Town Manager Berkowitz reported that last Tuesday, Alan Manoian indicated that he would be tendering his resignation effective December 1<sup>st</sup>; on Wednesday, Mr. Manoian recognized that it was not in a professional interest to leave without completing some of his obligations and he agreed to stay until the end of the day on January 2, 2012. Town Manager Berkowitz and Mr. Manoian have been meeting and will continue to meet and work with members of the Comprehensive Plan Committee, Community Development Committee and the Sewer Committee to ensure a smooth transition. Town Manager Berkowitz added that not only does Bridgton need an Economic Development Director, Bridgton also need a Planner; he intends to provide a recommendation for the Board on December 13<sup>th</sup> for the future roles and responsibilities of that position.

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### **4. Presentations and Discussions (continued)**

b. Review of the Responsibilities and Roles of the Community and Economic Development Director (continued)

Selectman Taft reported that he attended the Comprehensive Plan Committee Meeting and as a result, requested that Mr. Manoian get the information to the Committee as soon as possible to allow time for review of the documents and for Mr. Manoian to respond any questions prior to his departure.

Personally speaking, Chuck Renneker said that the Comprehensive Plan Committee was first charged to manage the Portland Street and then the arteries. Discussion and misunderstanding as to whether the Comprehensive Plan should be updated first has been ongoing. It was proposed that the nine months of work done by the Comprehensive Plan Committee be put aside to work on the Comprehensive Plan. Mr. Renneker added that the Committee is staying on track with the original charge and plans to finish form based codes for the major arteries of Town and will then go back and work on the update to the Comprehensive Plan. The Board supports the direction of the Comprehensive Plan Committee.

### **5. Approval of Minutes; November 8, 2011**

**Motion** was made by Selectman Hoyt for approval of the minutes from the November 8, 2011 Board Meeting; 2<sup>nd</sup> from Selectman Taft. 5 approve/0 oppose

### **6. Correspondence and Other Pertinent Information**

a. Request for Anti-Jake Brake Signage; Mountain Road

Brian Thomas submitted a request for anti-jake brake signage on the Mountain Road. He reported that since the repaving of Mountain Road, the amount of traffic has increased. The road starting at Shawnee Peak and going north has seen an increase in trucks (dump trucks, 18 wheelers) using their engine brake when coming down this slope. He requested that the Town install one or two "no engine brakes"; one located at the beginning of the Shawnee Peak lower parking lot area and the other just before or after Village Road.

David Ehrman, resident of Mountain Road, reported that Mountain Road is posted at 35mph and many vehicles go much faster. Chief Schofield said that since there are not many speed limit signs posted on the road, it may be helpful to add speed limit signs. Selectman Taft requested additional law enforcement in the area when possible. On behalf of the Board, Town Manager Berkowitz will submit a letter to the Maine Department of Transportation to request that they review the area for a possible speed limit reduction. In the meantime, the Public Works Director will put up additional speed limit signs on the road. The Board also opted to allow the citizens to pay for 'pedestrian signs' (to be placed on the roadway) and two "no engine brake" signs (to be placed on the downward side of each hill) and directed the Public Works Director to obtain cost estimates for the signage and then to place them accordingly.

b. CDC Recommendations for Road Improvements and Depot Street Development

On behalf of the Community Development Committee, Mike Tarantino, recommended to the Board that a letter be sent to the DOT regarding the section of Route 302 that is between the start of Route 93 to Hio Ridge Road. This section is in need of repair and is causing drivers to ride the middle part of the road creating a hazard. Many "band aid" measures have been applied to this section but do not last, especially during the winter months.

On behalf of the Community Development Committee, Mike Tarantino thanked the Board for their support for the recent recommended changes to the Shoreland Zoning Ordinance for the Depot Street and surrounding areas. This will be a benefit to the community's future development.

**Motion** was made by Vice-Chairman Woodward to send a letter to the Maine Department of Transportation requesting a review of the section of the road as recommended by the CDC; 2<sup>nd</sup> from Selectman Taft. 5 approve/0 oppose

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### 4. Presentations and Discussions (continued)

#### c. Letter from the Comprehensive Plan Committee - Staffing

On behalf of the Comprehensive Plan Committee, Lucia Terry submitted the following letter addressed to Town Manager Berkowitz: "Dear Mitch, The purpose of this letter is to voice our frustration and concern for the dysfunction of Alan Manoian's role in the Comprehensive Plan Committee's work. We have tried very hard over many months to work with the increasing inconsistency of guidance and support from Alan. Rather than be empowered to do the work before us, the committee feels manipulated and back-burnered. It would appear that Alan's time and attention is not able to be focused enough on our committee's needs to accomplish the goals of his own schedule. Again and again our process has been help up as he has not delivered the materials we need to work, causing confusion and frustration. We've watched as Alan's workload has taken his attention in diverse directions. It is our intention and hope that the sharing of this concern be constructive. We will be developing a schedule for our work with the intent that a new way may be found to accomplish our goals. Sincerely yours, Lucia Terry, Comprehensive Plan Committee" Town Manager Berkowitz noted that he is addressing the concerns.

#### d. Letter from the Bridgton Economic Development Corporation - Changes in Appointments

Lee Eastman, President of the Bridgton Economic Development Corporation, submitted the following letter addressed to Town Manager Berkowitz: "Dear Mr. Berkowitz, This letter is to inform you and the Select Board that at the November 15, 2011 meeting of the Board of Directors of the Bridgton Economic Development Corporation, the Board asked Ms. Holly Dvorak to fill an opening on the Corporation Board, which Ms. Dvorak accepted. This move of Ms. Dvorak from a town appointment member of the board, to a private sector member of the board, results in the Town having the ability to appoint a replacement for Ms. Dvorak to serve for the duration of her term. I would be happy to discuss the needs of the Corporation with you, or any other you wish, as you look to fill this very important position. Sincerely, Lee Eastman, President, Bridgton Economic Development Corporation"

The Board opted to review the original list of interested individuals and also to advertise for new individuals that may have an interest in serving.

### 7. Town Manager's Report

Town Manager Berkowitz reported the following:

**Community Development Block Grant Program:** As a result of the efforts by Alan and myself the County CDBG program has accepted that the original intent of having Bridgton participate in the program was to also offer Bridgton the annual set-aside of an amount that is driven by a formula. The vote yesterday to amend the "Cooperation Agreement" was unanimous for the next five year term. This will mean they will review our demographics in 2016 to determine if the set aside should continue beyond this period.

**Sewer System Update:** Between Tuesday Nov. 8<sup>th</sup> and Monday Nov 14<sup>th</sup> a total of 32 commercial and residential properties connected to the Downtown Bridgton Wastewater Disposal System were inspected for evidence of Inflow & Infiltration into the unified system; these are in addition to the 14 properties inspected in Nov. of 2010.

Inspected properties connected to the Wayside/Dodge Disposal Field had minor or limited evidence of I&I problems (including need to replace septic tank lids and minor tank seam separation) and no illegal sump-pump hook-ups were located.

Inspected properties connected to the Harmon/Lower Ball Disposal Field (in several cases) had major or significant evidence of I&I problems (including major septic tank seam separations, and a major manhole structure seam separation); the primary I&I trouble spot is the Main Line & several private septic tanks located in the so-called Pondicherry Row line of buildings on the north side of Main Street. Several other properties also showed septic tank seam separation in the Lower Main Street area. No illegal sump-pump hook-ups were located.

The firm of Wright-Pierce is currently producing a detailed report of the full inspection process which will be completed within 2-3 weeks for submission to the Board of Selectmen and Bridgton Wastewater Management & Planning Committee.

**Peabody Pond Dam:** I have been approached by a representative for the Town of Sebago who indicates that he is coordinating the efforts to repair the dam on the Peabody Pond. This pond is abutted by the Town's of Bridgton, Sebago and Naples. The details have yet to be worked out and I will keep the Board informed once I have those.

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### 7. Town Manager's Report (continued)

**State Revenue Sharing:** We received \$21,000 in revenue sharing which brings our total received to date to \$120,612 leaving a balance due of \$161,733. This means as of November we have received about 1% more than the year to date amount thus far.

Respectfully Submitted, Mitchell Berkowitz, Town Manager

On behalf of the Board and Town, Town Manager Berkowitz wished the citizens a Happy Thanksgiving.

### 8. Old Business

a. Tabled Item – Draft Fireworks Ordinance - Mr. Jones (*This item was addressed earlier in the meeting.*)

b. Action by the Board Regarding the Annual Report Dedication

Selectman Taft recused himself during the discussion due to a potential conflict of interest. Selectman Taft re-joined the Board. **Motion** was made by Vice-Chairman Woodward to dedicate the Annual Town Report to Nancy Smoak and Jim Rivard; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose Chairman Triglione stated that this is always a difficult decision to limit the dedication to only two individuals when many others that passed had also greatly contributed to the community. Town Manager Berkowitz suggested that the Board consider honoring those that are still living so they can appreciate being acknowledged by the community.

### 9. SAD #61

Selectman King reported that he and Vice-Chairman Woodward attended a workshop at the Middle School; Bill Diamond and David Hastings were both present. Discussion involved the need for a change in the EPS formula. The Board is also reviewing ways to cut the budget but they are not sure of the direction at this point. Vice-Chairman Woodward added that there are exciting things happening within the school system.

### 10. New Business

a. Permits/Documents Requiring Board Approval

1. Sewer Commitment #95

**Motion** was made by Selectman Hoyt for approval of Sewer Commitment #95; 2<sup>nd</sup> from Selectman King. 5 approve/0 oppose

2. Approval of a Homeland Security Grant Application for Police Department Computers

Police Chief Kevin Schofield submitted a memo to request authorization to apply for and receive funding through the Homeland Security Grant Program. In an effort to enhance both the department's technological capacity and create redundancy in our emergency communications system, the department will attempt to procure lap top computers to install in our four (4) primary patrol cruisers. He is also seeking funding to procure the necessary brackets and hardware to install and mount the laptops as well as the necessary computer software to run the lap tops. This funding will also be used for training to have officers properly trained in the functioning of the software. The grant does cover 100% of the cost and there is no matching requirement. **Motion** was made by Selectman Taft to authorize Chief Schofield to move forward with the Home Land Security Grant and authorize Chairman Triglione to execute the document; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

3. EMPG Grant

The Town received formal notification of the award of a Local Capacity Grant under the 2011 Emergency Management Performance Grant (EMPG) through the Maine Emergency Management Agency (MEMA). **Motion** was made by Vice-Chairman Woodward to accept the EMPG Grant; 2<sup>nd</sup> from Selectman Taft. 5 approve/0 oppose

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**10. New Business** (continued)

a. Permits/Documents Requiring Board Approval (continued)

4. Release Deeds

Gregory & Mary Gambino – Map 57 Block 4 Lot 85

Michaela Evans – Map 15 Lot 37C

**Motion** was made by Selectman King for approval of release deeds for Gambino and Evans (as corrected); 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

5. Abatements

**ABATEMENTS**

Tax Year	Abate No.	Type	Account No.	Map/Lot	Owner	Abated Value	Abated Tax	Reason
2010	10-38	PP	425	0/0/0/0	Patricia Grenda	\$2,000.00	\$24.40	No longer in business in Bridgton-uncollectable.
2011	11-12	PP	425	0/0/0/0	Patricia Grenda	\$2,000.00	\$25.40	No longer in business in Bridgton-uncollectable.
2011	11-13	RE	4047	43/0/13/0	Dennis & Barbara Brown-75% Int. & Brown Lumber Company-25% Int.	\$100,158.00	\$1,272.01	The building was removed prior to 4/1/2011.
2011	11-14	RE	4684	57/2/38/0	Steven P. & Constance M. Kennedy	\$13,730.00	\$174.37	Adjusted story height to reflect 1 1/2 story and adjusted condition.
2011	11-15	RE	930	7/12/4/0	Alexander Entin	\$100,970.00	\$1,282.32	Adjusted grade and condition based on physical inspection which revealed deferred maintenance.
2011	11-16	RE	475	5/0/44/TG	Jack W. & Cherie B. Knight	\$16,477.50	\$16,477.50	The property owner has submitted his plan, abatement is necessary to remove the non compliance penalty.
<b>GRAND TOTALS</b>						\$235,335.50	\$19,256.00	

**Motion** was made by Selectman Hoyt for approval of the abatements; 2<sup>nd</sup> from Selectman Taft. 5 approve/0 oppose

6. Municipal Quitclaim Deed - Foreclosure Auction - Renneker, Charles R.

**Motion** was made by Selectman King for approval of the Quitclaim Deed to Charles Renneker; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

7. 2012 Annual Appointments

Selectman Taft recused himself due to a potential conflict of interest and joined the audience. **Motion** was made by Selectman Woodward for approval of the 2012 Annual Appointments; 2<sup>nd</sup> from Selectman King. 4 approve/0 oppose/1 recusal (Taft recused)

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### 10. New Business (continued)

#### b. Bids, Awards and other Administrative Recommendations

Town Manager Berkowitz reported that he has not started the bid process for surplus equipment. Selectman Taft encouraged Town Manager Berkowitz to add miscellaneous equipment from the police department that is no longer being used to the list.

#### c. Legal Matters

- Town Manager Berkowitz reported that the 'Randall Consent Agreement' has been filed.
- Town Manager Berkowitz reported that a single property owner in the downtown has refused to allow town officials in his building to gain access to inspect the sewer system, however is willing to comply to have a third party inspection.

#### d. Selectmen's Concerns

- **Vice-Chairman Woodward** wished happy holidays to all.
- **Selectman Taft** recommended that the Board set up a schedule for discussion of the Salmon Point issues.
- **Selectman Taft** recommended that the Budget Committee Members be appointed soon to allow them time to review the budget documents.
- **Selectman Taft** asked for a status update of the Lyons property (dangerous building) on North High Street. Town Manager Berkowitz reported that the Town is following State law and will provide the Board with an update from the Town Attorney.
- **Selectman King** agreed that discussion of the issues involving Salmon Point should begin soon. He requested that Selectman Hoyt not submit a formal proposal or recommendation but welcomes his input as a citizen of the community during the discussion. Later in the meeting, Selectman King clarified that the reason for this request is due to the conflict of interest issues that were raised during discussion of this issue a few months ago.
- **Selectman King** asked of the public safety administrative assistant answers the 647-8814 line during the day and if she dispatches the animal control officer. Town Manager Berkowitz replied that calls to 647-8814 are generally answered during the daytime and if an officer needs to be dispatched, the calls are transferred to Cumberland County Dispatch Center. Selectman Taft added that he has been very pleased when making contact with the local police department as well as with Cumberland County Dispatch.
- **Selectman Hoyt** recommended that the Pondicherry Park Agreement and Stewardship Committee be discussed. The Board agreed to hold a workshop session.
- **Selectman Hoyt** recommended that the Board have discussion again regarding the renovations to the Town Hall.
- **Selectman Hoyt** noted that at the last meeting the Board signed a memo of understanding between the Town and the Economic Development Corporation; he asked if this agreement will still be valid after Mr. Manoian leaves employment. Town Manager Berkowitz replied that the agreement will continue and that he (Mr. Berkowitz) will act as a resource to the Corporation.
- **Selectman Hoyt** recommended that the Board review the timber harvest account that currently has a balance of \$68,733.
- **Chairman Triglione** stated that the dangerous building on North High Street is a high priority item and requested that an agenda item be placed on every agenda to provide the Board with an update going forward until the issue has been resolved.

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

#### d. Selectmen's Concerns

- **Chairman Triglione** asked Town Manager Berkowitz for an update on the bottle collection container at the Transfer Station. Town Manager Berkowitz replied that the Transfer Station Manager is reviewing options.

#### e. Other Matters (*There were no other matters.*)

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

The Board received their agendas for the December 13, 2011 and December 27, 2011 Board meetings.

### **12. Treasurer's Warrants**

**Motion** was made by Selectman King for approval of Treasurer's Warrants numbered 45, 46, 47, 48, 49, 50 and 51; 2<sup>nd</sup> from Vice-Chairman Woodward. 5 approve/0 oppose

### **Other**

- **Board Meeting on December 27<sup>th</sup>**

Vice-Chairman Woodward reported that since the Board has not typically met on the 4<sup>th</sup> Tuesday of December, he has made other plans and will not be able to attend if the Board does decide to meet. The Board opted to keep their options open at this time and make their decision on December 13<sup>th</sup>.

- **Upcoming Election Reminder**

Chairman Triglione reminded everyone to get out and vote on December 13, 2011; the polls are open from 8:00 A.M. until 8:00 P.M.

### **13. Executive Session; MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Personnel Matters"**

The Board opted not to enter into executive session.

### **Personnel Policy Amendment**

Town Manager Berkowitz recommended that the Board adopt an amendment to the Town's Personnel Policy, Article 25, Section 3 that would delete the current language for reimbursement and substitute the following language:

"Delete references 1-5 and insert "Fifty percent (50%) of the single level of the current health insurance plan paid through the Town's payroll system over 49 weeks, effective January 1, 2012."

**Motion** was made by Vice-Chairman Woodward for approval of the amended language; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

**Motion** was made by Vice-Chairman Woodward to authorize Town Manager Berkowitz to meet with the Public Works employee leadership to request they accept this same language change for their agreement; 2<sup>nd</sup> from Selectman Hoyt. 5 approve/0 oppose

### **14. Adjourn**

Chairman Triglione adjourned the meeting at 9:20 P.M.

Respectfully submitted,

Laurie L. Chadbourne, Town Clerk