

Board of Selectmen's Meeting Minutes April 23, 2013; 5:00 P.M.

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

1. Call to Order

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

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Approval of Minutes – April 9, 2013

Motion was made by Vice-Chairman Taft for approval of the amended minutes from the April 9, 2013 Board meeting [amend item #7 by moving "Sale of Surplus Land" from Committee Reports to Public Comments]; 2nd from Selectman Woodward. 5 approve/0 oppose

4. Correspondence and Other Pertinent Information

a. Establishing a Small Development Escrow Account for Phosphorous Mitigation – Lake Environmental Association (LEA)

Colin Holme, Assistant Director of LEA, asked the Board of Selectmen to consider creating a town owned escrow account to accept storm water compensation fees for small development projects that do not trigger state storm water review but are still evaluated by the town planning board. Bridgton's Subdivision regulations require applicants to meet phosphorus loading standards using the methodology outlined in the "MDEP's Storm Water Management for Maine." Bridgton's Site Plan Review ordinance has a similar standard. Using this system to control the phosphorus helps protect the lakes and ponds in this area from excessive nutrient loading and nuisance algae blooms. Because meeting the phosphorus standards outlined in this manual can be difficult on some sites, there is a compensation option that lets the developer "offset" up to 40% of the phosphorus allocation. This alternative, which is entirely voluntary, is frequently used by developers. However, it is not available to smaller development projects that fall below the state threshold for storm water review. Because of this, larger projects have more options and smaller development projects are at a disadvantage. By creating a town-owned dedicated escrow fund to accept phosphorus compensation fees from small projects, all types of development would be treated equally. Currently, the funds collected from larger projects (that do trigger state review) are used to correct or mitigate storm water problems in the same watershed as the development. If the town were to administer a similar fund, the monies could be used by the Bridgton Public Works Department to improve ditches, maintain catch basins or do other storm water related work. During a recent stakeholder meeting in Augusta regarding the current phosphorus regulations; developers, land use consultants and engineers all wanted this option available at the local level for smaller projects. Mr. Holme asked the Board to consider setting up this type of fund and LEA will offer assistance in helping to establish this system. LEA currently administers the DEP compensation fund in the region.

Discussion ensued. **Motion** was made by Vice-Chairman Taft to forward this to the Planning Board for their review and recommendation and also to obtain an opinion from the Maine Municipal Association; 2nd from Selectman Woodward. 5 approve/0 oppose

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5. New Business

a. Permits/Documents Requiring Board Approval

1. Memorandum to Direct Referendum Questions to Ballot

- Tar Sands Resolution
- Fireworks Ordinance
- Sale of Salmon Point
- Repeal of the Alarm System Ordinance Except for Call for Service, False Alarms and Fines (For November Ballot)

Chairman Hoyt moved this item to the "old business" section of the meeting (see agenda item 11)

2. Quit Claim Deed to John H. Butler

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

3. Application for Catered Function by Qualified Catering Organization: Lake Region Caterers at Bridgton Academy on 5/16/2013

4. Application for Catered Function by Qualified Catering Organization: Lake Region Caterers at Highland Lake Resort on 5/25/2013

Motion was made by Selectman King for approval of 5.a.3. and 4.; 2nd from Vice-Chairman Taft. 4 approve/0 oppose/1 abstention (Woodward abstained)

5. Auxiliary Mobile Golf Cart Liquor License Renewal; Bridgton Highland Country Club

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

6. Warrant and Notice of Election Calling Maine School Administrative District No. 61 Budget Validation Referendum; May 21, 2013

Motion was made by Selectman King for approval of 5.a.6.; 2nd from Selectman Woodward. 5 approve/0 oppose

b. Bids, Awards and Other Administrative Recommendations

1. Award Rufus Porter Preservation Contract Using CDBG Funding

Motion was made by Vice-Chairman Taft to endorse a \$5,000 contract with Margaret Gaertner using CDBG funds specifically allocated for the Rufus Porter Museum; 2nd from Selectman King. 5 approve/0 oppose

2. General Discussions Regarding the Town's Policy – Conflicts of Interest and Ethics

Chairman Hoyt said that a citizen brought it to the Board's attention that some committee members may be voting on issues where the members may have a future conflict of interest. The Board agreed that committee members should abstain from voting in that case. Mike Tarantino noted that committees are not mentioned in the Town's Code of Ethics. **Motion** was made by Selectman Woodward to amend the "Conflict of Interest Policy" to add the language "Board appointed Committees;" 2nd from Selectman King. 5 approve/0 oppose

c. Legal Matters

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

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5. New Business (continued)

d. Selectmen's Concerns

- **Selectman Woodward** encouraged public attendance at the MSAD 61 District Budget Meeting on May 7th at 6:30 P.M. at Lake Region High School.
- **Selectman McHatton** requested that an item be added to the next agenda for discussion of the July 4th fireworks display and possible funding.
- **Motion** was made by **Selectman McHatton** to seek voter consideration to ban consumer fireworks in Bridgton but to allow commercial displays as approved by the State Fire Marshalls Office; 2nd from Selectman Woodward. Discussion ensued. 2 approve/3 oppose (King/Taft/Hoyt opposed)
- **Vice-Chairman Taft** thanked whoever removed the tires on Kimball Road.
- **Vice-Chairman Taft** appreciates the CEO and Police Department for working on junkyard violations.
- **Selectman King** voiced concerns regarding people riding their bicycles on the sidewalks doing fancy tricks and also about the number of people hanging around the skateboard park not being there to use the equipment and requested that the police department provide extra patrols in that area. Chief Schofield thanked Selectman King and responded that the cadet program also provides an additional police presence downtown.

e. Other Matters

- **Selectman King** suggested that the Town Manager's evaluation be conducted at the second meeting in May.
- **Selectman McHatton** volunteered to participate in the interview process with the three contractors that submitted proposals for the Town Hall.
- **Chairman Hoyt** reported that he received correspondence from a school board committee member requesting that the Board appoint a back up liaison to the Facilities Ad Hoc Committee. Selectman Woodward volunteered to attend the meetings on behalf of the Board when Selectman King is unavailable.
- **Chairman Hoyt** suggested that the Town withhold payment to the State of Maine equal to the amount of state funding reduction. Town Manager Berkowitz noted that the Clerk's Collection Office acts as an agent to the State and believes that withholding payment may result in legal ramifications.

Chairman Hoyt brought agenda item 8.a. forward. The public did not have a problem with conducting the public hearing after agenda item #8.a.

8. SAD #61

a. Superintendent Kathleen Beecher will Provide and Overview of the Proposed MSAD #61 FY 2014 Budget

Superintendent Kathleen Beecher provided an overview of the Proposed MSAD #61 fiscal year 2014 budget and also responded to several questions asked by the Board. Discussion ensued. **Motion** was made by Selectman Woodward to direct the Town Manager to draft a letter for Board signature in opposition to the Governor's Retirement Proposal; 2nd from Selectman King. 5 approve/0 oppose (copies will be sent to the school department, legislators and surrounding towns)

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6. Treasurer's Warrants

Motion was made by Vice-Chairman Taft for approval of Treasurer's Warrants numbered 107, 108, 109, 110 and 111; 2nd from Selectman Woodward. 5 approve/0 oppose

9. HEARINGS: 6:00 P.M. [Return to Agenda Order After Hearings]

Public Hearing to Accept Written and Oral Comments on the Proposed FY 2014 Town Budget

Chairman Hoyt opened the public hearing to accept written and oral comments on the Proposed FY 2014 Town Budget at 6:30 P.M. Town Manager Berkowitz provided a summary based upon the changes made by the Board of Selectmen; he added that the changes also assume the full loss of state revenue sharing and other state revenues. It provides for the use of up to \$125,000 of surplus whether that comes from year end FY '13 savings or last minute state revenues that are reinstated.

Budget Committee Chairman Bill Vincent requested that the Board reconsider repairing the furnace at the West Bridgton Fire Station. The Board requested that the Fire Chief provide a cost estimate for the furnace repair as well as information on alternative heating options to the Board for review at their next meeting.

Todd Perreault reported that Fire Chief Garland has not had the opportunity to revise the position descriptions and as a result, there will be no organizational changes at this time. Mr. Perreault noted that the salary line items should remain and if the position is not filled, the funds should be divided out to the district chiefs that take on additional duties. Town Manager Berkowitz added that any organizational changes, including reassignment of funds, would be reported to the Board of Selectmen for approval. The Board requested a copy of the current position description for the Assistance Fire Chief.

Chairman Hoyt closed the public hearing at 6:50 P.M.

7. Committee Reports

a. Comprehensive Plan Committee

There was no report.

b. Community Development Committee

There was no report.

c. Sewer Committee

Glenn Zaidman reported that there may not be a quorum of the sewer committee at the workshop with the Board. Vice-Chairman Taft said that a committee can hold a meeting and formulate minutes with recommendation but must indicate the lack of quorum. Selectman Woodward agreed and added that a quorum is required to take official action (vote) but committees do not need a quorum to have discussion and make recommendations. The Board concurred.

d. Recycling Committee

Town Manager Berkowitz reported that the Recycling Committee is working on the rewards program and recycling percentage.

e. Investment Committee

There was no report.

f. Other Committees

There was no report.

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8. SAD #61

a. Superintendent Kathleen Beecher will Provide and Overview of the Proposed MSAD #61 FY 2014 Budget

This item was reviewed earlier in the meeting.

b. Warrant for District Budget Meeting at Lake Region High School on May 7, 2013

The Board received a copy of the Warrant for the District Budget Meeting at Lake Region High School on May 7, 2013.

9. HEARINGS: 6:00 P.M. [Return to Agenda Order After Hearings]

Public Hearing to Accept Written and Oral Comments on the Proposed FY 2014 Town Budget

This item was reviewed earlier in the meeting.

10. Public Comments and Presentations

a. Non-Agenda Items

- Police Chief Schofield reported that a drug drop off box will be available at the Community Center on April 27th from 10:00 A.M. until 2:00 P.M. There is also a receptacle at the Police Department for drop off anytime during regular business hours.
- Bob Casimiro encouraged the Board and public to attend a meeting regarding immigration at the Community Center on Friday, May 17th from 6:00 P.M. until 7:30 P.M.
- Roxy Hagerman said that she was very disappointed that nobody from the Board went to see the Governor on Saturday night.
- Town Manager Berkowitz reported that he will be posting the Manager's Report on the Town website.
- Town Manager Berkowitz reported that the Town Office will be open on Saturday, April 29th from 8:00 A.M. until 11:30 A.M.

b. Agenda Items

1. Colin Holme; Lakes Environmental Association

This item was reviewed earlier in the meeting.

11. Old Business (Select Board Discussions)

a. Final Review and Authorization of the Business Friendly Application

Director of Planning, Economic and Community Development Director Anne Krieg provided the Board with a current draft of the Business Friendly application to the State. The submission deadline is May 2, 2013. Final draft work will be cleaning up formatting and adding comments from the Select Board or BECD/Chamber.

b. Final Review and Authorization of the Policy on Committee Procedures

Director of Planning, Economic and Community Development Director Anne Krieg provided the Board with the "Draft III Policy on Town Committee Procedures." Lengthy discussion ensued regarding the language on quorums and deadline for preparation of the meeting minutes. The Board directed the Town Manager to seek legal guidance from the Maine Municipal Association. Selectman King closed debate.

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11. **Old Business (Select Board Discussions)** (continued)

c. **Review of Amendments to the Purchasing Policy (tabled 4/9/2013)**

Vice-Chairman Taft suggested that the Board table this item until May 14, 2013 to allow time to conduct more research and review other policies.

d. **Review/Action on the Sale of Surplus Property**

Motion was made by Selectman McHatton to direct the language for action on the sale of surplus property as presented by the Town Manager (through Maine Municipal Association) to the Annual Town Meeting Warrant; 2nd from Selectman Woodward. 5 approve/0 oppose

e. **Reconsideration of the Request for the Use of the Bridgton Ham Complex by the Bridgton Recreation Department [Additional Documents Attached]**

The Board of Selectmen representatives met with Bill MacDonald of BRAG and reviewed the complex status and their efforts to date as well as their request to have the BOS reconsider the April 9th decision regarding the use of the Complex by Bridgton Recreation Teams. **Motion** was made by Vice-Chairman Taft to reconsider the vote taken on April 9th; 2nd from Selectman McHatton. 5 approve/0 oppose The Board Members voiced concerns regarding the responsibility and damage to the fields, BRAG has agreed to take on full responsibility. **Motion** was made by Selectman Woodward authorize the Recreation Director to schedule games at the BRAG fields; 2nd from Selectman McHatton **Motion** was made by Selectman Woodward to amend the motion to include subject to a "use agreement;" 2nd from Selectman McHatton. 3 approve/2 oppose (King/Taft opposed)

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

1. Memorandum to Direct Referendum Questions to Ballot

▪ Tar Sands Resolution

Motion was made by Selectman King to direct the "Tar Sands Resolution" to the Annual Town Meeting Referendum Ballot; 2nd from Selectman McHatton.
5 approve/0 oppose

▪ Fireworks Ordinance

Motion was made by Selectman McHatton to direct the "Fireworks Ordinance" to the Annual Town Meeting Ballot Referendum Ballot; 2nd from Selectman Woodward.
5 approve/0 oppose

▪ Sale of Salmon Point

Chairman Hoyt recused himself due to a conflict of interest and turned the meeting over to Vice-Chairman Taft. Selectman McHatton disclosed that his sister rents a site at Salmon Point. **Motion** was made by Selectman Woodward to allow Selectman McHatton to remain; 2nd from Selectman King. 3 approve/0 oppose **Motion** was made by Selectman Woodward to direct the non-binding referendum question regarding the sale of Sale of Salmon Point to the Annual Town Meeting ballot; 2nd from Selectman King. 4 approve/0 oppose Vice-Chairman Taft turned the meeting back over to Chairman Hoyt.

▪ Repeal of the Alarm System Ordinance Except for Call for Service, False Alarms and Fines (For November Ballot)

The Board did not take any action on this item.

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

April 25, 2013 at 1:30 P.M.; Joint Meeting – BOS and BRAG Committee
April 30, 2013 at 6:00 P.M.; Joint Meeting – BOS and Sewer Committee
May 9, 2013 at 1:00 P.M. – Joint Meeting – BOS and BEDC Committee
May 14, 2013 at 5:00 P.M. – Regular BOS Meeting

13. Executive Session per MRSA Title 1, Chapter 13, Subsection 405.6.A “Discussion of Matters Related to Personnel” – Specifically to Update the Board on Outstanding Personnel Matters

Motion was made by Selectman Woodward to enter into executive session at 8:20 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A. for discussion of matters related to personnel; 2nd from Selectman King.
5 approve/0 oppose

Motion was made by Vice-Chairman Taft to exit executive session at 8:40 P.M.; 2nd from Selectman King. 5 approve/0 oppose

14. Adjourn

Chairman Hoyt adjourned the meeting at 8:41 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk