

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

**Board Members Present:** Robert J. McHatton, Sr., Chairman; Robert C. Bell, Vice-Chairman; Arthur D. Triglione, Sr.; Joan M. Gardner, Robert F. Woodward

**Town Manager,** Mitchell A. Berkowitz was also present.

**1. Public Hearing**

**Public Hearing to take oral and written comments of future priority uses of the proposed set aside amounts of CDBG funding over the next 3-5 years.**

Chairman McHatton opened the public hearing at 5:36 P.M. The Town Manager also recognized members of the Economic Development Committee as well as Mr. Aaron Shapiro of Municipal Oversight Committee for Cumberland County. The Town Manager explained the changes in the CDBG process. Micah Niemy provided background information on the program. H.U.D. (Housing and Urban Development) limits where the money can be spent, it must fall under one of three areas: benefit low to moderate income people, eliminate slum or blight or meeting an urgent need (i.e. health or safety). The Economic Development Committee has recommended that the money be used to repair and expand the municipal sewer system downtown, the other item to be addressed should be to repair the Walker Shop Bridge. Mr. Niemy went into further details on these items.

Mr. Triglione asked about the cost to repair the bridge. The Town Manager stated that in consulting with the Public Works Director the Town has an arched plated bridge and components that have a certain span based on toe to toe. The Town Manager then contacted M.D.O.T. (Department of Transportation) and asked them to look into the possibility of allowing us to get a sign off from the State and to actually engineer and put the plated arched bridge in place. They have done some preliminary work and determined that the distance of the current abutments is 10' greater than the width at its widest point of the plated arched bridge. This would require some in stream masonry work to support the bridge, anytime you enter a stream bed it involves D.E.P. (Department of Environmental Protection). This is the next challenge in the process.

There was further discussion. The public hearing was closed at 5:50 P.M.

**2. Call to Order**

The meeting was called to order at 5:50 P.M. by Chairman McHatton.

Chairman McHatton stated for the public the results from the Special Town Meeting which was held on Monday, February 12, 2007. The article dealing with the Tax Increment Finance District was defeated 24 in favor, 25 opposed.

**3. Presentation(s) and Actions :**

**a. Mr. Phil Nadeau- Service Center Coalition**

Mr. Phil Nadeau of the Service Center Coalition explained what the Coalition was and what they can do for the municipality if the Town was to join the Coalition. Mr. Nadeau answered some questions from the Board of Selectmen.

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

**b. Mr. Dennis Berube- Assessing Agent- Abatements and Supplements**

Mr. Berube was not present for the meeting; the Town Manager presented the reports to the Board of Selectmen. **Motion** was made by Mr. Woodward to approve the abatements and supplements as recommended by the Assessor's Agent. 5 approve/0 oppose.

<b>Abatements</b>			
<i>Account No.</i>	<i>Abated Value</i>	<i>Abated Tax</i>	<i>Reason</i>
3158RE	\$0.00	\$0.00	Denied as the applicant has not met his burden of proof
5435RE	\$48,000.00	\$542.40	Adjusted value to reflect current market value.
5436RE	\$48,000.00	\$542.40	Adjusted value to reflect current market value.
1721RE	\$279,430.00	\$3,157.56	The building was assessed to the incorrect owner.
1780RE	\$37,000.00	\$418.10	Duplicate bill.
1780RE	\$30,800.00	\$337.26	Value was adjusted to reflect its status as additional acreage.
1780RE	\$9,250.00	\$185.93	Value was adjusted to reflect its status as additional acreage.
4388RE	\$47,180.00	\$533.13	Reviewed the property and adjusted the condition of the building and corrected the acreage.
5343RE	\$38,580.00	\$435.95	The property was assessed to the incorrect owner.
5343RE	\$39,500.00	\$432.53	The property was assessed to the incorrect owner.
5312RE	\$35,400.00	\$400.02	The property was assessed to the incorrect owner.
5312RE	\$35,400.00	\$387.63	The property was assessed to the incorrect owner.
1817RE	\$38,300.00	\$432.79	The property was assessed to the incorrect owner.
1817RE	\$38,300.00	\$419.39	The property was assessed to the incorrect owner.
430PP	\$3,900.00	\$80.27	Tax Collector Abatement – account is uncollectible.
430PP	\$3,900.00	\$42.71	Tax Collector Abatement – account is uncollectible.
430PP	\$3,900.00	\$44.07	Tax Collector Abatement – account is uncollectible.
5361RE	\$13,900.00	\$157.07	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5362RE	\$13,180.00	\$148.93	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5363RE	\$16,980.00	\$191.87	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5364RE	\$13,870.00	\$156.73	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5365RE	\$13,000.00	\$146.90	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5367RE	\$13,000.00	\$146.90	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5366RE	\$14,470.00	\$163.51	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5368RE	\$15,010.00	\$169.61	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5369RE	\$13,540.00	\$153.00	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
5370RE	\$13,000.00	\$146.90	The valuation was adjusted to reflect the limitations that were in place on 4/1/06
1695RE	\$79,200.00	\$894.96	This is a common lot, the value is inherent in the subdivided lots.
5360RE	\$18,480.00	\$208.82	The valuation was adjusted to reflect the limitations that were in place on 4/1/06

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

<b>Supplements</b>			
<i>Account No.</i>	<i>Supplemented Value</i>	<i>Supplemented Tax</i>	<i>Reason</i>
122PP	\$53,400.00	\$603.42	Account was left off tax rolls.
5383RE	\$263,430.00	\$2,976.76	Building was assessed to incorrect owner.
1128RETG	\$0.00	\$19,794.00	Voluntary Tree Growth Penalty.
5343RE	\$38580.00	\$435.95	Property was assessed to incorrect owner.
5343RE	\$39,500.00	\$432.53	Property was assessed to incorrect owner.
5312RE	\$35,400.00	\$400.02	Property was assessed to incorrect owner.
5312RE	\$35,400.00	\$387.63	Property was assessed to incorrect owner.
1817RE	\$38,300.00	\$432.79	Property was assessed to incorrect owner.
1817RE	\$38,300.00	\$419.39	Property was assessed to incorrect owner.
1908RETG	0.00	\$20,586.00	Voluntary Tree Growth Penalty.

**c. Joint discussion with the Bridgton Water District Trustees**

**Areas of common concerns\***

**Establishing a formal meeting opportunity for the future**

These items were tabled until the March 5, 2007 meeting of the Bridgton Water District.

**d. Review and recommendations-Loan Advisory Committee- 3 Loans**

Micah Niemy presented the recommendation of the Loan Advisory Committee. Mr. Niemy explained to the Board of Selectmen that the grants are actually loans and the loans represent 1/3 of the total cost. The applicants do all the work and submit the receipts and then they receive the loans. If the applicants spend beyond the amount listed on the application there is no adjustment to the loan amount. The Committee recommends approving the following façade loan applications and amounts:

- Ann & Andrew Lowell – 186 Main St. - \$4,869.00
- Peter Oberg – 150 Main St. - \$2,931.00
- Craig Jud – 191 Main St. - \$5,749.00

**Motion** was made by Vice-Chairman Bell to approve the recommendations of the Loan Advisory Committee; 2nd by Mr. Triglione. Mr. Niemy explained that this was all dependent upon the vote of the referendum election tonight. If the article passes then the Town will sign a contract with the State and the funds will be made available and the Town will need to sign contracts with the applicants. **Amended motion** was made by Vice-Chairman Bell to approve the recommendations of the Loan Advisory Committee pending passage of the article at the referendum election, the amended motion was 2nded by Mr. Triglione. The Town Manager asked who would be authorized to execute the contracts; Mr. McHatton stated the Town Manager would execute the contracts. 5 approve/0 oppose.

Mr. Niemy explained that there will be a second round of applications.

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

**4. Approval of Minutes-January 23, 2007**

**Motion** was made to approve the Minutes of January 23, 2007 by Mr. Bell; 2nd from Mr. Triglione. 4 approve/0 oppose/1 abstained. (*Mr. Woodward abstained as he was absent from the last meeting*)

**5. Public Comments- Non-Agenda Items**

There were no public comments.

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

**a. Recommendations from the Investment Committee**

The Town Manager reviewed in brief his memo; the Investment Committee met on February 5, 2007 and reviewed the statements from the Vanguard Fund. The Committee recommends no change in the current investment strategy. The Committee will meet again on April 23, 2007 at 7:30 A.M. to review the next quarterly statements.

**b. Representative to ECO-Maine Mahlon Johnson- Single Stream Recycling and discussions**

This item was addressed under the Managers Report.

**7. Town Manager's Report:**

The Town Manager reported the following:

**RFP Notices:**

The Town will be soliciting proposals for the conduct of a hydraulic analysis of both septic fields as part of the Sewer Committee efforts to determine the best methods of improving the field capacities. We will be sending out the notices to several engineering firms with a return deadline of March 1.

**State Proposal Would Reduce Local Excise Revenues:**

The Maine Better Transportation Association has proposed legislation that would reduce the amounts of excise revenues a community receives and use those funds to sustain the flow of revenues to improve and maintain the state's transportation infrastructure. If approved a community would forfeit 4% of the collected excise tax in 2007 and 8% in 2008. This would incrementally increase until 2011 when 20% of the communities excise tax would be shifted to the State. Our current estimate at 4% would be just about \$31,000 or ½ the amount we receive from the State for Urban Rural improvements. MMA is staying on top of this one.

**Fire Department Receives Grant:**

Chief Garland has reported the Department received the grant from the Gaylen Cole Family Foundation for three thermal imaging cameras. These will be place on engines in each outlying station house to maximize town wide coverage. We wish to thank the Foundation for their grant of \$20,000 to match our set aside amount of \$8,000.

**MDOT and Pedestrians:**

In discussing with Carmon Lone the requirements to assure a safe passage for students coming for their activities at the Community Center, we contacted the MDOT who have responded affirmatively. They have some signage that would be installed both on the approach ways and the Bridge on Depot Street reminding drivers to use one lane when pedestrians are on the bridge. Though it will require an ordinance to enforce, we intend on installing them in advance as a courtesy to everyone using the bridge.

# **Board of Selectmen's Meeting Minutes**

## **Board of Selectmen's Meeting Room**

### **February 13, 2007; 5:30 P.M.**

#### **MSAD #61 Budget:**

Superintendent Frank Gorham had dropped off the MSAD #61 proposed budget less some possible capital improvements. Over the next few weeks I will review this for the Board though the binder is available for any of the members to review.

#### **Committee Vacancies Lead to Posting:**

We have prepared a notice for the Bridgton News encouraging volunteers to apply for several vacancies including the Appeals Board, Loan Advisory and Investment Committees. Applications are available at the Town Office.

#### **Eco Maine and Single Sort Recycling:**

Our representative, Mahlon Johnson and myself participated in their presentation about single sort recycling. In the coming weeks we will meet with Bob Fitzcharles our Transfer Station Manager and review this information and the possible opportunities for Bridgton.

#### **Musher Bowl Success:**

The rescheduled Musher Bowl this past weekend was both well attended and provided the competitors with one great facility. One of the highlights was the new sport of skijouring using a dog to pull the skier. The Chamber is to be commended for their efforts to promote the region through this unique activity. Coverage included TV as well as print media. We congratulate the Chamber on another job well done.

#### **Personnel:**

We have received written notice that Gary Chadbourne will be resigning his position in the Police Department effective February 20, 2007. We understand that Gary has successfully pursued a law enforcement position with the Federal Court System in Portland. Our community has had the benefit of Gary's dedicated and skilled services for more than two decades. We wish Gary the best in his future endeavors and that he enjoy the same professional success he had while being a Bridgton Police Officer.

## **8. Old Business:**

### **a. Alarm System Ordinance; Proposed changes**

Mr. Woodward briefly reviewed the proposed changes of the ordinance. Mr. Bell asked about fines for unregistered alarms. Mr. Woodward stated that the first time is a warning and after that it will be \$200.00. Mr. Triglione questioned the term resident and non-resident. Mr. Woodward stated that by definition resident is an alarm within the town boundaries, non-resident is an alarm outside the town boundaries. *See attached Draft Revision for further details.*

Police Chief Lyons questioned the Board about the current system, "If it breaks down and cannot be repaired would it be replaced?" If it is not replaced, then the people who are on the system currently should be advised. After some further discussion it was determined that there should be a letter sent out advising them of this situation after the new ordinance is passed.

Mr. McHatton requested this item be voted on the next agenda as a separate article.

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

**8. Old Business: CONTINUED**

**b. Transfer Station Fee proposal for non-profit organizations**

The Town Manager at the Board's request prepared some guidance for the charging of a fee to those entities that do not pay property tax to help cover the cost of the disposal of their solid waste. The Town Manager stated that there is a State Law that deals with direct charges of fees and services, and that there is language in there that what you do must be equally charged across the board, it must be equitable, and there are specifics as to the areas that can be charged and the areas that can not be charged. There is also a cap as to how much can be charged.

Mr. McHatton mentioned that O'Donnell and Associates had done some research as to who could be charged and who could not be charged. The Town Manager was directed to contact O'Donnell and Associates, get more information and present it at the next meeting.

There was a small amount of further discussion.

**c. Discussion/nominations for Red Cross Heroes Awards**

There was no discussion on this item.

**d. Discussion-Portland Water District Vision/Mission Plan\***

This item will be addressed at the meeting with the Water District on March 5, 2007.

**e. Review/Accept Final Plan of Relocated Right-of-Way of Adams Pond Rd.**

The Town Manager stated that the Board directed him to realign the Adams Pond Rd. to remove any structures in the right-of-way. That realignment was done by adjusting the width of the road right-of-way. The Town is not looking to take anybody's property and the final map reflects varying widths of the road to establish what interest the Town has in the road. The Town Manager also briefly read a statement from Mr. William Dow in which he had questions about where the property lines were on the map. The Town Manager suggested that a letter to Mr. Dow explaining that the purpose of the map was not to establish or affirm the property lines, it is merely to establish the Town's interest and right-of-way for the Adams Pond Rd. The Town Manager stated that the Board's acceptance is solely for establishing the Town's interest and makes no assertions or attestations as to the accuracy of the property lines.

Ms. Gardner asked if the verbiage would be in the recording. The Town Manager stated that it would be and a letter will be sent to Mr. Dow expressing the same message. Mr. Joseph Reardon also suggested that a letter be sent to Mr. Getchell as well.

**Motion** was made by Ms. Gardner to accept the survey; 2nd from Mr. Triglione.  
5 approve/0 oppose

**9. SAD #61**

There were no items for discussion.

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

**10. New Business:**

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

**1. Abatements and Supplements for Approval**

This item was addressed under Item 3B of the agenda.

**2. Street Name – Orchard Creek Dr. – Joseph P. Gallinari**

**3. Application for Catered Function by Qualified Catering Organization;  
Lake Region Caterers at Howell Labs; 2/22/07**

**4. Forest Hills Annex Cemetery Deeds to Cynthia J. Gaudette 2 Grave Lot  
Section F Lot 12 and 2 Grave Lot Section F Lot 15**

**4.A. Pole Permit Application – North Road**

**Motion** was made by Mr. Woodward to approve Items a. 2 through a. 4A; 2nd from Vice-Chairman Bell. 5 approve/0 oppose

**5. Review and award of the electrical generator for the Central Fire  
Station. (see attached bid information)**

At the request of the Town Manager this item was tabled to the next meeting.

**6. Board of Appeals Appointment - John Schuettinger**

**Motion** was made by Vice-Chairman Bell to reappoint John Schuettinger to the Appeals Board for a term starting January 2, 2007 until the 4<sup>th</sup> Thursday of September, 2014; 2nd by Mr. Triglione. 5 approve/0 oppose

**b. Legal Matters-Proposed Legislation regarding Water and Sewer District Fees  
and appeals of rates to the Select Board and then Town Meeting**

Mr. McHatton stated that part of this item will be addressed with the Water District on March 5, 2007, he then asked the Town Manager about the Sewer District portion of the item. The Town Manager responded that the way the legislation is written would allow the consumers who disagree with the rates that are established for water consumption/sewer usage to have an appeal process that goes to the Select Board and then to a town meeting. The Town Manager stated that from the water rate stand point the Town has nothing to do with establishment of those rates. The water district is a quasi-municipal entity governed by the PUC (Public Utilities Commission), and to insert the appeal process and the Select Board into that is fraught with frustration. From the sewer side the Board recommends the rates and town meeting approves or opposes the proposed new sewer rate. That portion is already addressed by the voters.

The Town Manager also stated that there was a second legal issue that had come to his attention late that afternoon. The Town Manager stated he had no paperwork but had received a last minute phone call about a Superior Court appeal in the Appeals Board decision of the Snapdragon LLC case. The Town Manager is waiting to get the documentation, but if the information is accurate the Town must now hire an attorney to defend the decision of the Appeals Board.

**Board of Selectmen's Meeting Minutes  
Board of Selectmen's Meeting Room  
February 13, 2007; 5:30 P.M.**

**c. Selectmen's Concerns**

**Selectman Woodward** had no concerns.

**Selectman Triglione** had no concerns.

**Selectmen Gardner** had no concerns.

**Vice Chairman Bell** had no concerns.

**Chairman McHatton** asked if the Board wants to take action in joining the Maine Service Center Coalition. Mr. Berkowitz questioned if it was to be a budget item or did the Board want to do it in advance of the budget. It was the consensus of the Board that this should be addressed as a budget item in the upcoming budget year.

**d. Other Matters**

The Town Manager stated that checks were released early as a result of the new Board policy.

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

The Board reviewed the agenda for their February 27, 2007 meeting.

**12. Treasurer's Warrants**

**Motion** was made by Mr. Woodward for approval of Treasurer's Warrants numbered 631, 632, 747, 748, 749, and 750; 2<sup>nd</sup> by Ms. Gardner. 5 approve/0 oppose

**13. Executive Session Per MRSA Title 1, Chapter 13, Subsection 405.6.D. "Discussion of labor contracts and negotiations and matters related to the collective bargaining agreement"**

**Motion** was made by Joan Gardner to enter executive session MRSA Title 1, Chapter 13, Subsection 405.6.D at 7:40 P.M. to discuss labor contracts and negotiations and matters related to the collective bargaining agreement; 2<sup>nd</sup> by Robert Woodward. 5 approve/0 oppose

The executive session was attended by all Board Members, the Town Manager and Police Chief David Lyons.

**Motion** was made by Joan Gardner to exit executive session at 9:30 P.M. second by Robert Woodward. 5 approve/0 oppose

**14. Adjourn**

The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Dawn E. Taft  
Deputy Clerk

*Next Regular Meeting: February 27, 2007*