

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

## **August 28, 2012; 6:00 P.M.**

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

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

**1. Call to Order**

Vice-Chairman Taft called the meeting to order at 6:00 P.M.

**2. Pledge of Allegiance**

The Board recited the "Pledge of Allegiance."

**3. Public Hearing** – To accept Oral and Written Comments on a New Liquor License Application from Seduisant (Jessica Robinson) Located at 270 Main Street

**Motion** was made by Selectman King to postpone the public hearing due to administrative issues; 2<sup>nd</sup> from Selectman Woodward. 4 approve/0 oppose

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

Chuck Renneker apologized that the CPC meetings have not been televised and reported that Anne Krieg has agreed to operate the camera to provide video coverage of the meetings to the public.

Anne Krieg submitted and reviewed a memorandum of proposed spending of the Economic Development Budget Marketing Line Item (950-3-2112). The Board had no problem with the expenditures.

**5. Presentations and Discussions**

**a. Discussion and Develop a Plan for the Old Town Hall Building**

Following brief discussion, the Board opted to hold a workshop on October 16, 2012 for discussion and development of a plan for the old Town Hall building (located on North High Street).

**6. Approval of Minutes** – August 14, 2012

**Motion** was made by Selectman King for approval of the minutes from the August 14, 2012 Board Meeting; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

**7. Correspondence and Other Pertinent Information**

**a. Proposal for the Transfer Station Reuse Retail Store**

Town Manager Berkowitz submitted and reviewed the following proposal:

"During a discussion with one of the members of the recycling committee, the idea of improving the reuse retail store at the transfer station was raised. Mr. Ciliberto suggested that a better presentation could possibly produce more retail activity. Fitzy was asked to review this idea and came up with a recommendation that we now share with the Select Board.

By utilizing both volunteer organizations for weekend coverage and part time staff for weekday coverage we believe the store can be better organized, shelves properly stocked and kept clean for the customers. Further, we want to designate a location other than the store as a drop of point for all reusable and recyclable goods and clothing.

The costs for this have been estimated based upon the sharing of revenues for weekend sales with those organizations that are not for profit. The focus would be from May thru September annually. Retail sales are tracked daily and we would split the revenues 50/50. A five month period is estimated at \$3,825. Further, utilizing our part time staff on Tuesdays and Thursdays from 10-2 PM allows us to also have a backup person

## **Board of Selectmen's Meeting Minutes August 28, 2012; 6:00 P.M.**

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

#### **a. Proposal for the Transfer Station Reuse Retail Store (continued)**

who can relieve employees for their lunch time and to assist in the busy period. This person would organize the materials from the drop off point and place them in the store at the appropriate display areas such as clothing racks, shelving, and table displays. This work would prepare the store for the weekend sales activities. The five month period with part timers is estimated at a cost of about \$2,800 which included payroll taxes. The combined coverage is estimated at \$6,625, while extending the part timers for the other seven months brings that total to \$14,165. Remember this would be against the \$21,000 estimated revenue the store has consistently brought in. We also believe a cleaner well organized store will sell more as well.

With the Select Board's concurrence, we will start this as soon as possible and run thru mid-October. We can report the results and anticipate starting up again for May of 2013."

**Motion** was made by Selectman Woodward to authorize the Town Manager and Transfer Station Manager to work together and move forward with the Reuse-Retail Store at the Transfer Station; 2<sup>nd</sup> from Selectman King. 4 approve/0 oppose

#### **b. Receipt of the CDC Salmon Point Review and Proposal**

On behalf of the CDC, Mike Tarantino thanked the campers and town personnel for all the help and input. He also thanked Bill Macdonald for chairing this subcommittee and Public Works Director Jim Kidder for his assistance. Committee members were Ken Murphy, Adam Grant, Peter Morrison, Randy Sargent, Chuck Renneker (special), Jim Lavelle, Ted Sawyer, and Mike Tarantino (ex-officio). Although not a member of the subcommittee, Dee Miller was also a big help in pulling the report together. He said, "To be or not to be?" was the question that was brought to the table from the beginning. The Committee researched whether Salmon Point should be a business for the Town or something different. The report points out the sources used and the amount of research and personal time that was expended in preparing this document. Mr. Tarantino said that the saying goes, "we gave it our best shot." The report was presented to the Board of Selectmen by the CDC, for information and possible action. The committee offered to respond to any questions bearing in mind that a workshop is scheduled for September 4<sup>th</sup>. The Board thanked the CDC members for their hard work, time and effort in producing an in depth, detailed report.

The Board opted to hold a workshop session on September 4<sup>th</sup> to review all elements of Salmon Point.

#### **c. Taxes at Salmon Point**

This item was moved to a workshop on September 4, 2012.

#### **d. Shorey Park Update and Information – CDC Member Dee Miller**

Dee Miller submitted the following: "I would like to give you an update on the CDC proposed revitalization of Shorey Park. The Bridgton News will report, in the August 16 issue, that a Shorey Park Fund has been established to be maintained by the Bridgton Community Center. A request has been made for contributions (tax deductible) and volunteers to form a committee to administer the fund. An informational meeting is scheduled for Monday, August 20. The response to these requests will determine whether this project will go forward. There are no plans to request funds from the town. Current plans include improving water run-off, going through the park, removing and reusing the granite slabs located at the edge of the mill pond, replacing invasives with slow growing, low maintenance native plants, and upgrading the walking path and stairway. If the volunteers and public donations come about, work will be initiated as funds become available. No work will begin without obtaining the required permits, consulting the CDC, Office of Planning, Economic and Community Development, the Town Manager, and the Board of Selectmen."

The Board requested that Ms. Miller be invited to the next meeting and provide a presentation to the Board.

# Board of Selectmen's Meeting Minutes

## August 28, 2012; 6:00 P.M.

### 7. Correspondence and Other Pertinent Information (continued)

#### e. Wastewater Committee Request for Direction

Ray Turner requested that the Sewer Commissioners (Board of Selectmen) provide the Sewer Committee with direction for the future of the sewer system. Lengthy discussion ensued. The Board opted to hold a workshop session on October 16 to discuss all elements of the sewer system.

### 8. Town Manager's Report

Town Manager Berkowitz reported the following:

Award of PWD Truck Body Bid: As a result of further review we have awarded the dump body to Biking Cives (USA) of Sidney Maine due to the specifications for stainless steel and the added internal supports for strength and durability of the box.

Lease Agreement for Radio Tower: We have successfully executed a long term lease agreement for the placement of our radio equipment and transmission units atop Shawnee Peak. The annual lease fee will be \$2,400 and will increase to \$3,000 in the last five years going thru 2020.

Informational Meetings and Workshop Reminders:

August 30<sup>th</sup> - Fire Suppression Draft Ordinance Reviews

September 4 - Salmon Point Workshop with CDC

September 18<sup>th</sup> - Anne facilitated workshop on maintenance code

Update Regarding County Dispatch Systems: At the time we transitioned to the County for dispatching, the County had agreed to provide support for both types of Computer Aided Dispatching or CAD systems IMC and Spillman. The County asked the Kimball group to further review their operations and make recommendations to further improve their services and one of the key points was to go to a single CAD system to avoid duplications and confusion. Over the past several months the County along with the communities that receive the dispatch services had periodically met to review this type of change. While most agencies use Spillman, five communities use IMC; we are one of them. Though we may be partial to IMC, we continue to work with the other communities and the County towards a reasonable resolution to achieve a one CAD system. We have also stated that since we have made the investment, any change to a Spillman platform would require the county to cover all training costs and acquisition of the CAD for the County though we would pay the annual licensing fees. We will keep you informed.

Changes in Maine Care: There is a growing concern by towns and cities that the proposed changes to the Maine Care program will mean a shift of costs to our local taxpayers. Augusta has applied to the Federal Health and Humans Services agency for a waiver that would remove about #20,000 Maine people from the Maine Care Medicaid program and lowers the income eligibility levels for prescription drugs in the Maine Elderly program. In addition there would be an accumulative cap of 60 months for those on the program known as TANF though there may be an ineligibility status for those specific folks who do receive TANF. The overall effect would force folks who are still in need to go to their local general assistance programs for help or go without if they have no employment. In addition, the percentage that Maine towns and cities get as a reimbursement would also be lowered. The overall effect leaves our local taxpayers to pick up those costs. Bridgton is likely to face this as well and we will monitor this more closely on a monthly basis since it is likely to mean that we will exceed the funding approved by the Town Meeting in June.

Maine Freedom of Access Law Updated: This law continued to receive changes including the requirement that a "public access officer" be appointed who will coordinate all FOA requests and responses. In discussing this with Georgiann, we believe the Town Manager should be the FOA officer with Georgiann being the back up to assure timely responses to requests. The amended law also increases the cost of preparations in response to requests to be charged \$15 after the first hour. We are further researching aspects of the new requirements and will report on these to all Boards and Committees in the near future. Much of this information was reported during the Manager's Institute which I attended last week.

State Funds for Roads Assistance: We have received our first quarterly payment from the State for the road maintenance we do on those roads that would normally be done by the State. The amount of \$27,293 was deposited today. At this rate we are on track for the \$109,172 we had budgeted.

Respectfully Submitted,

Mitchell A. Berkowitz, Town Manager

Town Manager Berkowitz noted that the Fire Suppression Meeting will be held in the Board of Selectmen's Meeting Room.

**Motion** was made by Selectman Woodward to appoint the Town Manager as the "Public Access Officer" and to appoint the Executive Assistant to serve as backup; 2<sup>nd</sup> from Selectman King.

4 approve/0 oppose

# Board of Selectmen's Meeting Minutes

## August 28, 2012; 6:00 P.M.

### 9. Old Business

#### a. Foreclosure Package of Information and Auction

Town Manager Berkowitz submitted and reviewed a "Foreclosure Package of Information and Auction." After removing one property from the list due to payment, four properties remain: Map 9, Lot 20TG on Wildwood Road (property being reviewed, may be land locked, looking for easement) recommended bid \$10,000; Map 8, Lot 23D on Vista Drive (marginal bridge, private road)- recommended bid \$30,000; Map 8, Lot 10 on Carissa Drive (land only, private road) – recommended bid \$35,000; Map 5, Lot 78 on Sandy Creek Road (building in poor condition, fire department is reviewing for training site before final sale)- recommended bid \$35,000. **Motion** was made by Selectman King to authorize the Town Manager to move forward with the auction of tax acquired property after researching the Sandy Creek Property to determine the value of the building; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

#### b. Skateboard Park Update – Tom Tash and Jim Kidder

Recreation Director Tom Tash reported that he met with a group of youths that use the skateboard park and reviewed options for the future of the park. The group also discussed fund raising ideas to help with rebuilding the equipment and alternative locations for the park. Discussion ensued. **Motion** was made by Selectman McHatton to authorize the Recreation Director to move forward in reviewing future options and alternative locations for the skate board park; 2<sup>nd</sup> from Selectman King. 4 approve/0 oppose

#### c. Interview for Appointment to the Pondicherry Park Committee

Vice-Chairman Taft suggested that all future interviews for committee appointments should be conducted in executive session.

**Motion** was made by Selectman King to appoint Brian Cushing to the Pondicherry Park Committee; 2<sup>nd</sup> from Selectman Woodward. 4 approve/0 oppose

#### d. Review of Draft Charge and Work Items for the Fireworks Committee

Town Manager Berkowitz submitted and reviewed the following Fireworks Committee Charge and Mission:

Purpose, Charge and Mission of the Fireworks Committee: An ad hoc committee is being formed to develop a fireworks ordinance for the Town of Bridgton as a result of several drafts being offered. The Committee shall work together with other groups to combine, include or exclude elements for a new draft ordinance. The Committee shall make a full presentation to the Select Board no later than January 8, 2013. Besides developing the draft ordinance, an attached summary should include what the proposed ordinance does not include. The Committee shall work with the provisions of the current State Law MRSA Title 8, Chapter 9-A and the related subsections pertaining to Fireworks.

Right to Know Law: The Committee shall comply with the State's Right to Know Law by posting all agendas of meetings at the Town Offices at least seven calendar days in advance of the day of the meetings, maintain a public record of the meetings which shall include the names of those in attendance, date, time and location of the meeting, motions made and acted upon either in the affirmative or the negative and the time of adjournment. Said record shall be provided electronically to the assigned staff members along with the next agenda which shall be placed on the Town's Website. No meetings shall occur outside of the formally scheduled meetings and emails that conduct the business of the Committee shall become part of the public record.

Committee Makeup: The Committee members shall be appointed by the Select Board to serve until either they are dismissed by the Select Board or upon action by the Town Meeting/referendum approving or denying the fireworks ordinance, whichever occurs first. The Select Board may add as many voting members as they deem

# Board of Selectmen's Meeting Minutes

## August 28, 2012; 6:00 P.M.

### 9. Old Business

#### d. Review of Draft Charge and Work Items for the Fireworks Committee (continued)

necessary but volunteers may participate in the proceedings without any voting authority. At their discretion, the Select Board may replace members of this committee.

Interested citizens are asked to submit a Town Committee Application to be considered for appointment. Applications are available at the Town Offices and available through the Town Website, WWW.Bridgtonmaine.org.

The Staff members assigned include the Fire Chief, the Police Chief and other members as assigned by the Town Manager as needed.

Authority Limited: The Committee may coordinate with other Town Committees and staff members but may not incur any expenses nor make any obligations on behalf of the Town of Bridgton, unless first authorized by the Select Board. The Select Board shall receive interim status reports of the Committee's efforts.

The Committee as individuals or as a whole may not request of the Planning Board actions directly or indirectly related to aspects of the control, storage, possession, use or sale of fireworks to be incorporated into any other ordinances. Such actions should come as a recommendation directly to the Select Board.

Further clarifications and communications with the Select Board shall be through the Committee Chair.

The Committee may schedule public informational sessions for input, workshops as they deem necessary and regular meetings to complete their charge.

**Motion** was made by Selectman Woodward to accept the charge and mission as presented by the Town Manager; 2<sup>nd</sup> from Selectman McHatton. 4 approve/0 oppose

#### e. Review and Discuss Fee Schedule for the 2013 Salmon Point Season

This item was moved to a workshop on September 4, 2012.

#### f. Auction on the MOU with the County Information Technology Services –Tabled (7/24/12)

The Board took no action leaving this item on the table.

### 10. SAD #61 - None

### 11. New Business

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

##### 1. Application for a License for Incorporated Civic Organization; Loon Echo Land Trust, Inc. – Outside Fundraising Event on Lawn of Shawnee Peak on 9/15/2012 from 8AM until 6PM

**Motion** was made by Selectman King for approval of 11.a.1; 2<sup>nd</sup> from Selectman McHatton.  
4 approve/0 oppose

##### 2. Victualer's and Liquor License (new) for Seduisant (270 Main Street)

The Board took no action on this item due to administrative issues.

##### 3. Cemetery Deed – Forest Hills Annex – Section Y Lot 5 – Adams, Cheryl

**Motion** was made by Selectman Woodward for approval of 11.a.3.; 2<sup>nd</sup> from Selectman McHatton.  
4 approve/0 oppose

# Board of Selectmen's Meeting Minutes

## August 28, 2012; 6:00 P.M.

### 11. New Business

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

##### 4. Liquor License Renewal for Shawnee Peak

**Motion** was made by Selectman Woodward for approval of 11.a.4.; 2<sup>nd</sup> from Selectman McHatton.

4 approve/0 oppose

##### 5. Municipal Valuation Return

**Motion** was made by Selectman Woodward for approval of 11.a.5.; 2<sup>nd</sup> from Selectman King.

4 approve/0 oppose

##### 6. Accept Payment and Authorize Quit Claim Deed – Parcel 24/25

**Motion** was made by Selectman King for approval of 11.a.6.; 2<sup>nd</sup> from Selectman McHatton.

4 approve/0 oppose

#### b. Bids, Awards and other Administrative Recommendations - None

### Other Matters

#### Signage for Bridgton Academy

Bridgton Academy requested approval to move forward with placing a sign in the (town owned) small triangular area on Route 37. Public Works Director Jim Kidder reported that their intention is to clean up all the signage in the area and suggested that a sample sign be put in place for review. **Motion** was made by Selectman McHatton to allow the Academy to place a temporary sign in the small triangular area on Route 37 for Board review; 2<sup>nd</sup> from Selectman Woodward. 2 approve/2 oppose (Taft and King oppose)-(motion fails)

Vice-Chairman Taft asked Mike Tarantino and Anne Krieg to bring a proposal and their recommendations to signage throughout Bridgton back to the Board for review.

### Shoreland Zoning Ordinance

Town Manager submitted and reviewed the following:

***“Shall the amendments to an ordinance entitled “November 6, 2012 Amendments to the Town of Bridgton Shoreland Zone Ordinance” be enacted? Because there are several issues being address I have listed the main areas that our voters will be asked to approve. These are:***

#1 Amending Article 15A.1 to establish the minimum lot size in the GD-I at #20,000 square feet and in the GD-II at #5,000 square feet. This also allows for bedroom units greater than five and an additional bedroom for each #1,000 sf above the lot size of #5,000.

#2 Amending Article 15 A. to assure that within GD-II the exception to the minimum lot size and use meets the #5,000/#1,000 criteria and not the #60,000 sf criteria and that it applies to commercial, governmental, business and retail uses.

#3 Amending the Ordinance by including additional definitions that are consistent with those found in the Site Plan Review Ordinance.

#4 Amending the Ordinance by the addition of a new paragraph that ties the use of the first floor to the same requirements in the Site Plan Review Ordinance if the lot is greater than #20,000 s.f.

Thank you. Mitch”

The Board will conduct a public hearing on September 11, 2012. Town Manager Berkowitz assured the citizens that this will not change any intent from their previous votes; the amendments reflect the directive as set forth by the Department of Environmental Protection and the consent agreement.

# Board of Selectmen's Meeting Minutes

## August 28, 2012; 6:00 P.M.

### 11. New Business

#### Other Matters (continued)

#### Local Option Exemption for Residents Permanently Stationed or Deployed for Military Service Outside of the State Ordinance

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this state. Town Manager Berkowitz submitted and reviewed the following proposed ordinance:

#### Exemption for Residents Permanently Stationed or Deployed for Military Service Outside of the State Ordinance

The Town of Bridgton exempts from the annual excise tax imposed pursuant to Title 36, Section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

**Motion** was made by Selectman McHatton to direct this proposed ordinance to the voters for consideration on November 6, 2012; 2<sup>nd</sup> from Selectman King. 4 approve/0 oppose

#### c. Legal Matters

Town Manager Berkowitz read the following response from Maine Department of Transportation into the record: "Dear Select Board Members: I am writing in response to your recent letter regarding Route 302 in Bridgton. The Maine Department of Transportation (MaineDOT) shares your belief regarding the importance of Route 302 to the state's economy. We also agree that the section between Route 93 continuing past the Hio Ridge Road is in need of improvement. In order to achieve MaineDOT's mission of responsibility providing the safest and most reliable transportation system given available resources, Commissioner David Bernhardt formalized the way we prioritize our transportation network under this new system. Route 302 is a Highway Corridor Priority 1 meaning with the possible exception of the Interstate, MaineDOT considers it among the most important highway corridors in the state. This priority ranking directly impacts our investment decisions. For instance, MaineDOT will be investing almost \$7.5 million to reconstruct over five miles of the Route 302 corridor between Bridgton and Fryeburg in the next couple of years. Unfortunately, even with this new approach to evaluating our transportation network, needs even on HCPs 1 exceed available funding. For example, we are responsible for about 8,500 miles of roads statewide, but have been able to fund only 53 miles for full reconstruction in 2011. While state maintenance forces will continue to do work to hold this section of Route 302 together, this capitol funding challenge means that no major improvements are currently funded on Route 302 from Route 93 westerly to the Hio Ridge Road. Although nothing is currently funded, MaineDOT engineers are currently conducting field reviews for projects that will be included in MaineDOT's next Work Plan. MaineDOT's Region 1 Office in Scarborough has already informed headquarters that this section of Route 302 is among their top priorities. While I am unable to commit any future capital resources at this time, the facts that this section of Route 302 is an HCP 1, has municipal support and is a top priority for MaineDOT's Region 1 make it a top candidate for future funding as it becomes available. Should you have any questions regarding our Work Plan, please do not hesitate to contact Martin Rooney within our Bureau of Transportation Systems Planning at 624-3317 or at [martin.rooney@maine.gov](mailto:martin.rooney@maine.gov). Sincerely, Bruce A. Van Note, Deputy Commissioner"

**Board of Selectmen's Meeting Minutes  
August 28, 2012; 6:00 P.M.**

**11. New Business (continued)**

**d. Selectmen's Concerns**

- **Selectman Woodward** had no concerns.
- **Selectman McHatton** had no concerns.
- **Selectman King** had no concerns.
- **Vice-Chairman Taft** requested that Earl Cash, Sr. be removed from the list of officials on the Community Center Board of Directors since he no longer serves on that committee.

**e. Other Matters - None**

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

The Board reviewed the preliminary agendas for:

- September 4, 2012 (Workshop; Salmon Point Review)
- September 11, 2012 (Regular Meeting)
- September 18, 2012 (Workshop)
- September 25, 2012 (Regular Meeting)

**13. Treasurer's Warrants**

**Motion** was made by Selectman McHatton for approval of Treasurer's Warrants numbered 16, 17, 18, 19, 20, 21, 22 and 23; 2<sup>nd</sup> from Selectman Woodward. 4 approve/0 oppose

**14. Executive Session -MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of Matters Related to Personnel" (if needed)**

**Motion** was made by Selectman Woodward to enter into executive session at 9:10 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A for *discussion of matters related to personnel and legal issues*; 2<sup>nd</sup> from Selectman King. 4 approve/0 oppose

**Motion** was made by Selectman Woodward to come out of executive session at 9:26 P.M.; 2<sup>nd</sup> from Selectman King. 4 approve/0 oppose

**15. Adjourn**

Vice-Chairman Taft adjourned the meeting at 9:26 P.M.

Respectfully submitted,

Laurie L. Chadbourne  
Town Clerk