

Board of Selectmen's Meeting Minutes

February 25, 2014; 5:00 P.M.

Board Members Present: Bernard N. King, Jr., Vice-Chairman; Paul E. Hoyt;
Kenneth J. Murphy; Robert J. McHatton, Sr.

Board Members Absent: Douglas A. Taft, Chairman

1. Call to Order

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

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

- Vice-Chairman King requested that cell phones be put on vibrate and that the public leave the room to answer their cell phones.
- Vice-Chairman King stated that once the Board has made a motion and that motion has been seconded, public discussion will not be permitted.

3. Approval of Minutes

a. February 11, 2014

Motion was made by Selectman McHatton for approval of the minutes from the February 11, 2014 Board Meeting; 2nd from Selectman Murphy. 4 approve/0 oppose

4. Correspondence and Other Pertinent Information

a. Flood Insurance; FEMA Maps Update

Vice-Chairman King reported that when the appeals process begins on the new FEMA Floodplain Zones people can get a flood elevation certificate, which could cost up to \$500.00 to get the certificate.

Town Manager Berkowitz stated that a congressional delegation working with congress that would lower the premium for several years for those purchasing flood insurance – this is not yet an approved plan.

b. Inspection of Fire Damaged Structures; Maine Municipal Association

Town Manager Berkowitz reported that Maine Municipal Association provided the following legal opinion regarding fire damaged structures: "It is in my opinion that the Code Enforcement Officer can certainly conduct a site inspection and gather information for the Municipal Officers to review, but that the municipal officers need to conduct a legitimate review themselves under the dangerous buildings law (17 M.R.S.A. 2851). The Municipal Officers should not simply endorse the observations of the code officer because of the due process and private property interest implicated in the law. The Municipal Officers need to make proper inquiry and findings of fact. While their decision can be informed by a site investigation conducted by the Code Enforcement Officer, the responsibility to make findings lies with the Municipal Officers."

Town Manager Berkowitz added that the Municipal Officers must wait until the Fire Department, in conjunction with the State Fire Marshalls Office, has completed their review.

c. Correspondence from Chellie Pingree

Vice-Chairman King acknowledged correspondence from Chellie Pingree thanking Bridgton for their assistance and participation in the meeting on January 30th.

**Board of Selectmen's Meeting Minutes
February 25, 2014; 5:00 P.M.**

5. New Business

a. Permits/Documents Requiring Board Approval

1. Sewer Commitment #135

Motion was made by Selectmen Hoyt for approval of Sewer Commitment #135; 2nd from Selectman McHatton. 4 approve/0 oppose

2. Road Name; Sustainable Way & Eco Estate Drive

Motion was made by Selectman Hoyt for approval of Sustainable Way & Eco Estates Drive; 2nd from Selectman Murphy. 4 approve/0 oppose

3. Victualer License; Tarry-A-While Resort

Motion was made by Selectman Hoyt for approval of the Victualer License to Tarry-A-While Resort; 2nd from Selectman McHatton. 4 approve/0 oppose

b. Bids, Awards and Other Administrative Recommendations

1. Discussion of Regional Priorities for GPCOG

Director of Planning, Economic and Community Development Director Anne Krieg confirmed her attendance to the Regional Policy Forum at the Greater Portland Council of Government (GPCOG). She is pleased to represent the Town's interest at this event on February 27th at 4:30 P.M. She will encourage continued work with communities on comprehensive plans (digital mapping services), encourage expansion of the regional transportation delivery area to the Lakes Region for study and implementation of mass transit services in the future, and thank GPCOG for their continued work with Bridgton on the Memorial School. The Board agreed and added that expansion of transportation services to Bridgton be kept on their radar.

2. CDBG Project Review Committee Recommendations

Director of Planning, Economic and Community Development Director Anne Krieg informed the Board that the CDGB Oversight Committee convened and made recommendations for funding for 2014. Vice-Chairman King suggested that the Board only consider non-profit entities this year; the Board agreed. Discussion ensued. **Motion** was made by Selectman McHatton to move the application review to March 11th; 2nd from Selectman Murphy. 4 approve/0 oppose

Selectman Hoyt asked for an update regarding generators. Fire Chief Glen Garland reported that he has been discussing the need for generators for the Wastewater System, the Town Garage, the Municipal Complex, the School and the Community Center. The Fire Chief stated that they are reviewing grant options through FEMA and also exploring the opportunity to obtain surplus military equipment that may be available. Chief Garland will keep the Board informed on their efforts.

3. Discussion Regarding the 3rd Party Proposals; Memorial School

The Planning, Economic and Community Development Director Anne Krieg informed the Board that the Town received no bids for the Request for Proposals for the Memorial School. Town Manager Berkowitz requested authorization from the Board to meet with the School to discuss their intentions to retain or not and what their position is going forward. **Motion** was made by Selectman Hoyt to authorize the Town Manager and The Director of Planning, Economic and Community Development to meet with the School District to discuss the Memorial School; 2nd from Selectman McHatton. 4 approve/0 oppose

**Board of Selectmen's Meeting Minutes
February 25, 2014; 5:00 P.M.**

5. New Business CONTINUED

b. Bids, Awards and Other Administrative Recommendations CONTINUED

4. Discussion of Amendments to the Purchasing Policy

The Board and Town Manager reviewed the policy and opted to increase the Town Manager's authority to \$15,000 consistently throughout the policy. Discussion ensued. The Town Manager will provide an amended draft at the next meeting for Board review and consideration.

Vice-Chairman King brought agenda item 9 forward at 6:00 P.M.

9. Hearings – 6:00 P.M.

a. Public Hearings (none)

b. Informational Hearing (none)

5. Notice of Road Posting

Motion was made by Selectman Hoyt for approval of the annual road postings as follows:

SOUTH BRIDGTON: Burnham Road, Willis Park Road, Ingalls Road, Fosterville Road (to end), Winn Road, Swamp Road, North Road, Raspberry Lane and Camp Pondicherry Road, Wildwood and Moose Cove Lodge.

WEST BRIDGTON: Mountain Road, Hio Ridge Road, Sam Ingalls Road, Whitney Road, Highland Pines Road, Millbrook Road, Harmon Road, Issac Stevens Road, Kilgore Road, Cedar Drive, East Pondicherry Road, West Pondicherry Road and South Bay Road (Knights Hill Development).

NORTH BRIDGTON: Highland Road, Chadbourne Hill Road, Upper Ridge Road, Middle Ridge Road, Monk Road, Kimball Road, Highland Point Development.

VILLAGE AREA: Kansas Road, Pond Road, Dugway Road, Mt. Henry Road, Zion Hill Road.
2nd from Selectman Murphy. 4 approve/0 oppose

c. Legal Matters

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

d. Selectmen's Concerns

- Selectman McHatton has concerns to address in executive session.
- Selectman Hoyt asked if there is a plan for removal of the snow in the Depot Street parking lot that is pushed up against the roadside. Public Works Director Jim Kidder responded that snow removal in that parking lot is on the list of things to do.
- Selectman Murphy had no concerns.
- Vice-Chairman King received information that the snow in front of Stone Surface is being pushed onto the sidewalks; he then requested that the snow surrounding the fire hydrant in front of the same establishment be cleared. He also requested that the snow on the sidewalks in front of the Standard Gastropub be cleared.

e. Other Matters

Selectman Hoyt requested that the review of building permits when property taxes are delinquent be added to the future issues to which Town Manager Berkowitz responded that it is already listed.

**Board of Selectmen's Meeting Minutes
February 25, 2014; 5:00 P.M.**

6. Treasurer's Warrants

Motion was made by Vice-Chairman King for approval of Treasurer's Warrants numbered 78, 79, 80, and 81; 2nd from Selectman Murphy. 4 approve/0 oppose

7. Committee Reports

a. Comprehensive Plan Committee

Lucia Terry, of the Comprehensive Plan Committee, spoke about an open letter in response to the Bridgton News article of February 20th. Ms. Terry indicated that this would be the start of an open dialog between the Committee and the public. **Motion** by Selectman Hoyt to allow the publication of the open letter; 2nd by Selectman McHatton. Selectman Hoyt suggested that the dates for the next meetings be added. Selectman Murphy suggested that in addition add that the public is invited to all meetings in bold.

4 approve/0 oppose

b. Community Development Committee

Selectman Hoyt suggested that the Committee talk with the property owners of empty storefronts and try to help them to fill those empty buildings.

Vice-Chairman King noted that the Board of Selectmen has not yet determined which Committee will implement the Comprehensive Plan.

c. Wastewater Committee

Glenn Zaidman encouraged public attendance at the workshop scheduled for Thursday, February 27th, 2014.

Glenn Zaidman requested approval for a member of the Wastewater Committee to meet with the Planning Board to provide information on the Sewer Ordinance. **Motion** was made by Selectman Hoyt approve the Wastewater Committee's request; 2nd from Selectman Murphy. 4 approve/0 oppose

d. Recycling Committee

The public is encouraged to attend the joint meeting on March 4th.

Selectman Hoyt asked the Town Manager where the cat litter that is disposed of at the Transfer Station goes. The Town Manager will gather additional information from the Transfer Station Manager and report back to the Board.

e. Investment Committee

There was no Investment Committee Report.

f. Budget Committee

Bill Vincent reported that the Budget Committee will be finishing up within the next week or two.

Selectman Hoyt asked for an update regarding revenue sharing. Town Manager Berkowitz replied that he is still waiting for official confirmation.

8. SAD #61

Selectmen Hoyt asked the Town Manager to find out what the cost was to re-open Crooked River School.

**Board of Selectmen's Meeting Minutes
February 25, 2014; 5:00 P.M.**

9. **Hearings** – 6:00 P.M./a. *Public Hearings (none)*/b. *Informational Hearing (none)*

10. **Public Comments and Presentations**

a. Non-Agenda Items

Glenn Zaidman encouraged public attendance at a benefit supper for the Lyons family at the Black Horse Tavern tomorrow evening at 5:00 P.M.

b. Agenda Items

There was no public comment.

11. **Old Business (Select Board Discussion)**

a. Review of Deputy Town Manager Position Description

Town Manager Berkowitz provided the Board with a Deputy Town Manager position description. Selectman McHatton requested time to review the document and suggested that the Board consider this position at the next meeting when all five members are present. **Motion** was made by Selectman Murphy to move this item to the next meeting; 2nd from Selectman Hoyt. 4 approve/0 oppose

b. Review of Host/Hostess Position Description

Selectman Hoyt disclosed that he rents a site at Salmon Point. **Motion** was made by Selectman McHatton to allow Selectmen Hoyt to remain at the table for discussion; 2nd from Vice-Chairman King. 3 approve/0 oppose (Hoyt abstained)

Selectman Hoyt suggested that the operations season for the host/hostess begin May 22nd, the Board agreed. **Motion** was made by Selectman Hoyt to accept the description as amended to begin May 22nd; 2nd from Selectman Murphy. 4 approve/0 oppose

Selectman Hoyt suggested that a camper be designated as a back up host/hostess to fill in during the hours that the host/hostess is not available. Vice-Chairman King replied that the scheduling of hours be left up to the Recreation Director/Salmon Point Administrator.

Salmon Point Administrator Gary Colello reported that the commercial has been up and running since last week and that the notation that sites are available was recently added to the commercial.

c. Confirmation and Appointment of the Town Manager Application Screening Committee

Vice-Chairman noted that the members of the Town Manager Application Screen Committee are Mike Tarantino (Chairman), Stan Cohen (Vice-Chairman), Karen Eller, Eileen Rounds, Steve Stevens, Wayne Rivet and Georgiann Fleck.

d. Approval of the Consolidated Tax Acquired Property Policy

Motion was made by Selectman Hoyt for approval of the Consolidated Tax Acquired Property Policy; 2nd from Selectman Murphy. 4 approve/0 oppose

**Board of Selectmen's Meeting Minutes
February 25, 2014; 5:00 P.M.**

11. Old Business (Select Board Discussion) CONTINUED

e. Summary of the Tax Acquired Property Sales for FY 2011 and Approval of the Sale Values

Town Manager Berkowitz reported that it has been some time since we dealt with the 2011 tax acquired properties. The Town advertised the live auction which successfully sold properties for a total price of \$35,925 that has since been received. This left several properties unsold and after discussion with the Board, the Board of Selectmen authorized the Town Manager to meet with the highest bidder during the auction to negotiate the possible sale of the remaining properties. To date I have had three meetings with Mr. McIver and as of this date the following properties and sale prices have been negotiated:

<u>Location</u>	<u>Outstanding taxes/fees</u>	<u>Settled Price</u>
250 So. Bridgton Rd. 5-31	\$1,909.71	\$7,000.00
Wildwood Road- 9-20-TG	\$719.75	<u>\$1,625.00</u>
		\$8,625.00
Sunny Brook Road-19A-46	\$3,606.99	\$4,300.00
Main Street- 24-72	\$1,007.56	<u>\$4,000.00</u>
		\$8,300.00
670 Kansas Rd.-6-33	\$2,360.89	\$10,000.00
0 Wildwood Rd.- 9-12A	\$3,604.85	<u>\$ 9,000.00</u>
		\$19,000.00
Amount of deposits received:		<u>-\$ 1,500.00</u>
Amount due the Town :		\$34,425.00

We had 10 properties for sale at auction of which we were advised by the Attorney not to sell one. This left a balance of accrued taxes owed-\$13,353.57.

The above properties would generate \$35,925.00. This means we would collect \$22,571.43 above the amount of taxes due the Town. Putting these back on the taxable property list is our goal and this sale would do so. [Just as an aside, the taxes due on the property not put up for sale are \$15,700.00 and we will have generated revenues from the sales that even exceed this amount when factored in.] Mr. McIver will also pay his share of the recording fees.

I have also developed the refund language mentioned in a previous email to you. This would occur if it were found that the process of notification by the Town to the last known address and owner was found to be deficient by the courts. In such cases we would only refund the settled amount for that parcel. The successful bidder would not be reimbursed for any of their legal or other diligent expenses or loss of any profits or income. Mr. McIver is having his attorney also review this language.

I hope to close the deal with quit claim deeds upon his full payment to the Town. Please confirm your acceptance of all of the transactions and the quit claim deeds will be prepared for you either at your March 11th or March 25th meeting.

Motion was made by Selectman Murphy to authorize the Town Manager to move forward with the FY 2011 tax acquired property sales; 2nd from Selectman Hoyt. 4 approve/0 oppose

**Board of Selectmen's Meeting Minutes
February 25, 2014; 5:00 P.M.**

11. Old Business (Select Board Discussion) CONTINUED

f. Affirm Amended Campsite Limitations Policy

Selectman Hoyt disclosed that he rents a site at Salmon Point; recused himself and joined the audience.

Paul Hoyt requested that the Board ask if Salmon Point may be grandfathered from this stipulation as Salmon Point was established prior to the Shoreland Zoning Ordinance. Town Manager Berkowitz will discuss this issue with the Code Enforcement Officer and report his findings back to the Board on March 11th.

Paul Hoyt rejoined the Board at the table.

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

February 27, 2014; Joint Workshop with Wastewater Committee

March 4, 2014; Joint Workshop with Recycling Committee

March 25, 2014; Regular Meeting

April 8, 2014; Regular Meeting

April 22, 2014; Regular Meeting

13. Executive Session – MRSA Title 1, Chapter 13, Subsection 405.6.C. “Discussion of Matters Related to Negotiations that if Discussed Publicly Could Disadvantage the Town”

Motion was made by Selectman Murphy to enter executive session at 7:14 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.C. to discuss matters related to negotiations that if discussed publicly could disadvantage the Town; 2nd from Selectman Hoyt 4/0

Motion was made by Selectman Murphy to exit executive session at 8:07 P.M.; 2nd from Selectman Hoyt. 4 approve/0 oppose

General discussion ensued regarding Economic Development and the Board requested that Anne Krieg be present at their March 25th meeting.

14. Adjourn

Vice-Chairman King adjourned the meeting the meeting at 8:18 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk