

Board of Selectmen's Meeting Minutes

March 26, 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. Town Manager Berkowitz was absent and Executive Assistant Georgiann Fleck was present.

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."

Chairman Hoyt noted to the public that the Board of Selectmen had changed the format of the meeting.

Select Board Workshop to Discuss Methods to Recognize Volunteers

Chairman Hoyt opened the workshop at 5:00 P.M.

Vice Chairman Taft stated that he was in favor of holding a picnic at the Community Center. Selectmen McHatton and King agreed with the idea. Chairman Hoyt stated that he thought that having a picture taken was a good idea as well and he thought it would be the start of a good tradition but did not have an idea on where to put them. Vice Chairman Taft stated that the Town Report would be a good location. Chairman Hoyt questioned who would be considered a volunteer. There was limited discussion about that qualification and it was determined to be volunteers and town employees. Mr. Glenn Zaidman asked if significant others could go. The Board stated that the significant others could attend.

Chairman Hoyt closed the workshop at 5:10 P.M.

3. Approval of Minutes; March 7, 2013-Joint Workshop with the Sewer Committee and March 12, 2013
Motion was made by Vice Chairman Taft for approval of the minutes from the March 7, 2013 Workshop; 2nd from Selectman King. 4 approve/0 oppose/1 abstention (Selectman Woodward was not present)

Motion was made by Selectman King for approval of the minutes from the March 12, 2013 Board Meeting; 2nd from Vice Chairman Taft. 5 approve/0 oppose

4. Correspondence and Other Pertinent Information

a. DRAFT-General Committee Policy and Self Evaluation Form

Ms. Anne Krieg, Director of Planning, Economic and Community Development, reminded the Board of Selectmen that they were holding a joint meeting with the Committees at 6:00 P.M. on Wednesday, April 3rd. Ms. Krieg then reviewed in part the draft of the General Committee Policy and Self Evaluation Form and explained that this was just a first draft and more changes would be made by Friday and forwarded to the Board of Selectmen then. There was a brief discussion about Department Head formed committees. Selectman Woodward felt that staff formed committees are not formal committees. Chairman Hoyt suggested that the Board of Selectmen review the policy and submit suggested changes to Ms. Krieg for the April 3rd workshop. The Board concurred with Chairman Hoyt's suggestion.

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5. New Business

a. Permits/Documents Requiring Board Approval

1. Sewer Commitment #120

Motion was made by Selectman McHatton for approval of Sewer Commitment #120; 2nd from Vice Chairman Taft. 5 approve/0 oppose

2. Road Name – Map 9 Lots 23c through 23F

Motion was made by Selectman Woodward for approval of the road name “Smally Way”; 2nd from Vice Chairman Taft. 5 approve/0 oppose

3. Hawker & Peddler License to Bridgton Farmers Market

Motion was made by Vice Chairman Taft for approval of the Hawker & Peddler License to Bridgton Farmers Market; 2nd from Selectman McHatton. 5 approve/0 oppose

4. Quit Claim Deeds to Jenkins (9/23F & 9/23D), Bridgton Industrial Park, Inc. (13/93) and Tamisa Rowe (1/30E)

Motion was made by Selectman McHatton for approval of the Quit Claim Deeds for Harold Jenkins, Cynthia Jenkins, Bridgton Industrial Park, Inc. and Tamisa Rowe; 2nd from Selectman Woodward. 5 approve/0 oppose

b. Bids, Awards and other Administrative Recommendations

1. Appointments: Evan Miller, David Crowell & Ken Murphy to the Community Development Committee (terms?)

Chairman Hoyt stated that this item will be addressed under Executive Session.

- Selectman McHatton noted that the Board of Selectmen had received a letter of resignation from Comprehensive Plan Committee member Fred Packard. **Motion** by Selectman McHatton to accept the letter of resignation with thanks and a letter to the Comprehensive Plan Committee Chairman receive a letter stating that the resignation has been accepted; 2nd by Selectman Woodward. 5 approve/0 oppose

c. Legal Matter – none

d. Selectmen's Concerns

- **Selectman Woodward** – none
- **Selectman McHatton** asked about the deadline for referendum questions. Chairman Hoyt stated April 29, 2013.
- **Vice-Chairman Taft** stated that a citizen had brought an issue up about dog registrations and needs to talk to the Town Manager about the issue. He wants to have it addressed at the next Board meeting.
- **Selectman King** – none
- **Chairman Hoyt** – none

e. Other Matters – none

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6. Treasurer's Warrants

Motion was made by Selectman Woodward for approval of Treasurer's Warrants numbered 96, 97, 98, 99, 100 and 101; 2nd from Vice Chairman Taft. 5 approve/0 oppose

7. Committee Reports

a. Comprehensive Plan Committee – none

b. Community Development Committee

Mr. Mike Tarantino stated why he suggested a Committee Report section on the agenda. Selectman Hoyt asked about the Town owned lot report. Mr. Tarantino suggested that Mr. Chuck Renneker know more about this issue. Mr. Renneker stated that the Committee has been put together and at the Town Manager's suggestion will be on a Board of Selectmen's Agenda the end of March or beginning of April. Chairman Hoyt asked for a copy of the list. Mr. Renneker stated that it was in Chapter 9 of the Comprehensive Plan. Mr. Tarantino and Mr. Renneker stated that they would provide a new copy to the Board of Selectmen.

Lucia Terry asked for clarification on the time limit and the need to submit information. The Board of Selectmen explained that the time limit is for quick updates and the written information is for larger agenda articles.

Item 7.d. was brought forward.

d. Recycling Committee

Rewards Program for Recycling at the Transfer Station

Chairman Hoyt stated that at the request of the Recycling Committee this agenda item has been rescheduled to the next Board meeting.

c. Sewer Committee

Ms. Krieg reviewed her email with the Board of Selectman. Ms. Krieg updated the Board on motion for allocation to Depot Street Investments. The application was with George Sawyer, the Town of Bridgton's Engineer, for his review that is why the Sewer Committee did not have it for their review. The Sewer Committee reviewed it based on the applicant's explanation of the project and gave conditional approval for an additional 24 gpd. During the Engineer's review, he found that it should have been 84 gpd not 24 gpd. Mr. Sawyer has signed off on the additional 84 gpd allocation. Ms. Krieg stated that the Committee has not discussed the new allocation amount and she was reminded by Mr. Glenn Zaidman of the conversation between the Town Manager and Maine DEP about not approving allocations until the Inflow and Infiltration report has been completed. After a brief discussion, **motion** was made by Vice Chairman Taft to refer the application back to the Sewer Committee for their review of the new allocation amount; 2nd by Selectman King. 5 approve/0 oppose.

Selectman McHatton asked if the Committee would be able to make a recommendation. Mr. Zaidman stated that he believed the original recommendation would be approved and then it was the Board of Selectmen who would have to determine what the conversation was with Maine DEP and the Town Manager. Chairman Hoyt requested that the approval of the allocation and Items 1-4 from the Sewer Committee be placed on the next Board Agenda.

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7. Committee Reports CONTINUED

d. Recycling Committee

Rewards Program for Recycling at the Transfer Station

This agenda item was discussed earlier in the meeting.

7. Committee Reports Continued

e. Investment Committee – none

f. Other Committees – none

8. SAD #61

Ms. Karen Eller stated that he School Board held the last of the public comments on the proposed School District Budget. The School Board moved the budget forward for the public vote. Selectman Hoyt asked if the School Board went with the proposed cuts or were they added into the budget. Ms. Eller stated that the School Board approved the cuts.

Agenda Item 10.a. was brought forward

10. Public Comments and Presentations

a. Non-Agenda Items

- Mr. Barry DeNofrio spoke in reference to the Article in the Bridgton News about the assessments in the Town of Bridgton and appealing. Chairman Hoyt explained that the Board of Selectmen is budgeting for a revaluation and that taxpayers have a right to appeal their assessments within the proper timeframe.
- Mr. William Barnes thanked Vice Chairman Taft for bringing up his issue with the dog license. Mr. Barnes stated that he had a problem with the fairness of the Town. Mr. Barnes also had an issue with a picture on Facebook where a Bridgton police officer is asleep in a police cruiser.

9. Hearings

Public Hearing(s)

a. To Take Both Written and Oral Comments on the Proposed Community Development Block Grant Funded Projects for the Next Year

Chairman Hoyt opened the public hearing at 6:03 P.M.

Ms. Krieg asked if the Board had any questions on the recommendations of the projects to receive funding. Selectman McHatton asked if one of the projects has received funding previously. Ms. Krieg replied that yes they had and the applicant has revised the amount of their request downward and provided copies of the revised request to the Board. Selectman McHatton asked if the property owner would receive the benefits if the property owner were to sell. Ms. Krieg explained the quantifications and how the Town expends and is reimbursed. Selectman McHatton asked if there were any other projects that would be better suited to receive funding. Ms. Krieg explained why private projects are looked at as well as public projects. The Board of Selectmen asked the applicants some questions about their project.

Vice Chairman Taft asked Ms. Krieg if the sewer project should wait until the Inflow and Infiltration is complete. Ms. Krieg explained that it would not happen until that report is done as well as a feasibility study and the County wants those reports completed as well. Selectman Woodward asked about some of the other streets. Ms. Krieg stated that was why the project would wait until the feasibility study is complete.

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9. Hearings CONTINUED Public Hearing(s) CONTINUED

Mr. Zaidman asked if the inflow and infiltration costs more than what is being allocated can the money for the pipes be reallocated to fix the inflow and infiltration problem. Ms. Krieg stated that it can be reallocated.

Chairman Hoyt closed the public hearing at 6:18 P.M.

The vote on this item will be addressed later in the meeting.

Informational Hearing(s)

Chairman Hoyt moved 9. Informational Hearing b. forward on the agenda.

b. To Accept Both Written and Oral Comments on a Proposed Resolution to Appear Before the Voters at the June Election Entitled, Voters "A Resolution to Protect the Health and Safety of Local Citizens, Water Bodies and Other Natural Resources in Relation to the Possible Transport of Tar Sands Oils Through Maine". {This is a Resolution and Not an Ordinance}

Chairman Hoyt opened this hearing at 6:18 P.M. There were no public comments. Chairman Hoyt asked the Board if they wanted to forward the question to the referendum vote of the Town Meeting which will be addressed later in the meeting. Chairman Hoyt closed the hearing at 6:19 P.M.

a. Review Possible Ballot Questions which Must be Directed by the Select Board to the June Referendum No Later Than April 23, 2013

Chairman Hoyt opened this portion of the hearing at 6:19 P.M. and brought forward the question of the binding or non-binding vote of the Salmon Point question. Selectman Woodward asked if the formal language for the question had been received, the members of the Board of Selectmen stated that no the language had not been formalized. Chairman Hoyt stated that the Community Development Committee had submitted the language. Chairman Hoyt disclosed that he has a site at Salmon Point. **Motion** was made by Selectman Woodward to have Chairman Hoyt recuse himself from the table; 2nd by Selectman King. 4 approve/0 oppose

Vice Chairman Taft took over the meeting at 6:21 P.M. Selectman McHatton disclosed that he has a relative at Salmon Point. **Motion** was made by Selectman Woodward to allow Selectman McHatton to remain; 2nd by Selectman King. 3 approve/0 oppose

Selectman Woodward and Vice Chairman Taft indicated that they had not received the final language. Ms. Fleck reminded the Board of Selectmen that they had discussion but no decision had been made as to whether the vote was to be binding or non-binding and because there was no determination no language has been formalized and there is a pending legal question on Salmon Point from Attorney Dick Spencer. Selectmen McHatton and Woodward both felt it should be a non-binding vote because the public has not been well informed of the proposal. Vice Chairman Taft indicated he thought the vote was to be non-binding, but no vote was taken.

Mr. Renneker stated that Selectman McHatton made a motion for a non-binding question and because there was no second no action was taken on a binding question and the Board asked the Community Development Committee to gather the information the public would need to be informed. Mr. Renneker also stated that the Community Development Committee had emailed the question to the Board. Vice Chairman

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Taft stated that he recalls the email but was awaiting further guidance from the Town Manager and Attorney Spencer. Mr. Tarantino stated he would forward that information to the Board again.

9. Hearings CONTINUED Informational Hearing(s) CONTINUED

a. Review Possible Ballot Questions which Must be Directed by the Select Board to the June Referendum No Later Than April 23, 2013 CONTINUED

Selectman McHatton stated he felt whether the question was binding or non-binding if the Town finds a buyer for the campground the Board should take it back to the voters for final approval. Selectman King stated that he was in favor of Selectman McHatton's suggestion and his concerns. Mr. Bill Vincent asked if the Town could do a mass mailing to the tax base once the information has been put together. Selectman Woodward suggested the cost was a big impediment and some members of the Board do not agree on the issue. Selectman Woodward stated that there are other ways, newspaper articles, charette's, etc. that the information could get to the people. Vice Chairman Taft suggested that this issue be taken under consideration.

Mr. Peter Lowell spoke about how the Moose Pond Trust Fund was established and how the purchase of Salmon Point happened. Mr. Lowell suggested that selling the campground was not a good idea and not good economic development. Mr. Lowell also stated that the purchase of the campground was done as a long term investment. Mr. Lowell contacted the Bureau of Public Lands about whether the Town could sell the campground and use the money for tax relief. Initial response was that it seemed inconsistent with the intent of the Moose Pond Trust Fund and they have forwarded the question to the Attorney General's Office for their opinion. Vice Chairman Taft asked how long it would take to get an opinion. Mr. Lowell indicated that he did not think it would take too long.

Mr. Renneker stated that depending on the response from the Attorney General's Office and our Attorney the Board may have to rethink their process of using the funding. Ms. Fleck stated she would find out the status of the questions at Attorney Spencer's Office.

Mr. Scott Finlayson spoke against the sale of the campground. Mr. Finlayson also suggested that the Town should also look at future reparation for the loss of income.

After further discussion, **motion** was made by Selectman King to table this issue until all legal opinions have been received; 2nd by Selectman Woodward. 4 approve/0 oppose

At 6:55 P.M. Vice Chairman Taft closed the informational hearing and Chairman Hoyt returned to the table.

b. To Accept Both Written and Oral Comments on a Proposed Resolution to Appear Before the Voters at the June Election Entitled, Voters "A Resolution to Protect the Health and Safety of Local Citizens, Water Bodies and Other Natural Resources in Relation to the Possible Transport of Tar Sands Oils Through Maine". {This is a Resolution and Not an Ordinance}

This item was addressed earlier in the agenda.

At 6:56 P.M. Chairman Hoyt closed the hearings. Mr. Renneker made a point of order and Mr. Tarantino questioned the motion and vote that took place regarding Salmon Point during the informational hearing.

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- Tar Sands Resolution – **Motion** by Selectman McHatton to forward the resolution to the Referendum Vote of the Town Meeting Warrant; 2nd by Selectman Woodward. 5 approve/0 oppose

9. Hearings CONTINUED

- CDBG Funding – **Motion** was made by Selectman Woodward to approve the submitted recommendations; 2nd by Selectman King. 5 approve/0 oppose
- Salmon Point – **Motion** was made by Vice Chairman Taft to table Salmon Point Article until the Board receives response to the legal opinions; 2nd by Selectman King. 4 approve/0 oppose/1 abstention (Mr. Hoyt abstained)

10. Public Comments and Presentations

a. Non-Agenda Items

This item was addressed earlier in the meeting.

b. Agenda Items

Chairman Hoyt explained to the public that this is where they would make comments on the agenda items under Old Business and under the heading of Old Business the discussion would occur at the Selectmen's table only.

There were no comments.

11. Old Business

a. FY 2013 Budget Proposal-Revenues and Expenses-Schedule a Budget Workshop (April 1 or 2 at 5:00 P.M. or Come in Earlier on April 9?)

The Board determined that they would meet on April 2nd at 5:00 P.M. (See discussion after the Executive Session for changes)

b. Non-Binding Referendum Question Regarding the Possible Sale of the Salmon Point Campground

This item was addressed under Agenda Item 9. Informational Hearing(s) a.

- Police Chief Kevin Schofield thanked the C.H.O.I.C.E.S. committee for their efforts in assisting the Police Department this year. Chief Schofield explained what the program was and the basketball fundraiser was a huge success. Chief Schofield indicated that the Police Department beat the Teachers for the third straight year. Selectman Woodward stated that he believed about \$1,200.00 was raised.

c. Discussion of Volunteer Recognition

Motion was made by Selectman King to hold a picnic at the Community Center for all the volunteers and employees at a date to be determined and to have photos taken of the Committee Members on one of their meeting nights with the pictures and identification of the members to be placed in the Town Report and on the Town's Website.; 2nd by Vice Chairman Taft. 5 approve/0 oppose

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

The Board reviewed their preliminary agendas for the April 2nd, April 3rd, April 9th and April 23rd Meetings.

- Vice Chairman Taft thanked the public for their patience with the new agenda process.

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13. Executive Session

Motion was made by Selectman King to enter into Executive Session per M.R.S.A. Title 1, Chapter 13, Subsection 405.6.A "Discussion of Matters related to Personnel" at 7:15 P.M.; 2nd by Selectman Woodward.

5 approve/0 oppose

Motion was made by Selectman King to exit the Executive Session at 7:52 P.M.; 2nd by Selectman Woodward. 5 approve/0 oppose

After exiting Executive Session **motion** was made by Vice Chairman Taft to appoint Dave Crowell, Evan Miller and Ken Murphy to the Community Development Committee; 2nd by Selectman King.

5 approve/0 oppose

- There was discussion regarding Ms. Krieg's responsibilities to the Town as a Planner and to each Committee including establishing minutes and creating policies. This item will be discussed further at the joint meeting between the Board of Selectmen and the Committees on April 3, 2013.
- There was discussion regarding how items are submitted to the Board of Selectmen for action from various Committees. Options discussed included setting up a point person within the Town Office, setting up a mail box. The Board will discuss with the Committees at their joint meeting on April 3, 2013.
- There was discussion regarding the Town of Bridgton Dog Control Ordinance and how fines are assessed. This item will be addressed at their April 9, 2013 meeting.
- The Board changed the meeting time for the April 2, 2013 Budget Workshop to 6:30 P.M. so all members could attend.

14. Adjourn

Chairman Hoyt adjourned the meeting at 8:09 P.M.

Respectfully submitted,

Dawn E. Taft
Deputy Town Clerk