

Board of Selectmen's Meeting Minutes

August 8, 2017; 5:00 P.M.

Board Members Present: Gregory N. Watkins, Chairman; Glenn R. Zaidman, Vice-Chairman; Robert P. Murphy; Robert J. McHatton, Sr.; G. Frederick Packard

Administration Present: Town Manager Robert A. Peabody, Jr.; Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Fire Chief Steve Fay; Public Works Director Jim Kidder; Community Development Director Audrey Knight

1. Call to Order

Chairman Watkins 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

a. July 25, 2017

Motion was made by Selectman Packard for approval of the minutes from July 25, 2017 Board meeting; second from Selectman Murphy. 5 approve/0 oppose

b. August 1, 2017

Motion was made by Selectman Murphy for approval of the minutes from the August 1, 2017 Board meetings; second from Selectman Packard. 5 approve/0 oppose

4. Public Comments and Presentations on Non-Agenda Items

Mary Shorey had submitted an email to the Board Members and Town Manager expressing concerns regarding the new closing hours of the parks and beaches. She said that the parks provide a safe place for walking dogs and the early closure makes this difficult. Ms. Shorey requested that the Board reconsider the closing times.

Hans Risch has not received a response from an email to the Town Manager requesting additional information about the stones from the Moose Pond Causeway. Town Manager Peabody responded that he is working through the details with the Public Works Director and will respond when the information is available.

Hans Risch noted that the sidewalks are a liability to the town and encouraged the Public Works Department to fill in the cracks for safe passage.

5. Committee Reports

Chuck Renneker reported that he has resigned as Chairman of the Community Development Committee. He added that the Land Use Committee has been working diligently.

Bill Vincent reported that the recommendation of the Land Use Committee is to reorganize and rebuild the Ordinance with the help of Community Development Director Knight and wait until June to seek voter consideration. **Motion** was made by Vice-Chairman Zaidman to follow the recommendation of the Land Use Committee; second from Selectman Packard. 5 approve/0 oppose

6. Old Business

a. Proposed Land Use Ordinance Education

Community Development Director Audrey Knight and the Land Use Zoning Ad Hoc Committee submitted and reviewed the following information:

This memo will cover several items.

1. Land Use or Zoning Ordinance Status and Recommendations
2. Land Use and Zoning approach for Marketing and Branding
3. Timeline, Charge & Amendments to Site Plan Review

1. Status and Recommendations.

The Land Use Committee has been working very diligently to create a code that would impose the least amount of restrictions on property owners, while using site and structure standards to lend cohesiveness, potentially protect against conflicting uses and preserve existing character. However, the Draft code has not yet been tested with potential projects to determine if it will have the intended outcomes. Additionally, after further legal discussions it is advisable to zone the town at one time. *Primarily for these two reasons, the LUZC is recommending to the Selectmen that the ordinance as discussed herein be prepared for the June Ballot, with educational efforts and work on the other districts occurring over the winter.*

As a reminder, Land Use Policy has already been adopted for the Town. At a minimum, all development applications should be reviewed against these policies. The Adopted or Enacted Comprehensive Plan and Future Land Use Map (Chapter 11) establishes district boundaries based on existing characteristics, and serves as the basis for a simple zoning ordinance. The LUZC has undertaken the most challenging districts in the current Draft Ordinance (Downtown Village Business District; Downtown Village Neighborhoods and the Inner and Outer Corridors).

The Comprehensive Plan and Future Land Use Map, Enacted November 4, 2014, establishes the following land use and zoning districts:

- ❖ Downtown Village Business District
- ❖ Downtown Village Neighborhood
- ❖ Inner Corridor
- ❖ Lakeside Neighborhood
- ❖ Outer Corridor
- ❖ Outer Village Neighborhoods
- ❖ Rural Neighborhood
- ❖ Conservation Planning Areas

2. Approach.

Zoning protects property values and communicates development and use expectations to the market and community as a whole. It assures a business that neighboring development will complement their offerings and perhaps expand their customer base. (Think Trip Chaining and retail destinations) For home owners, it assures that rights for peaceful enjoyment of property are preserved and that value and marketability will not deteriorate.

Additionally, and perhaps more importantly from a Town management perspective, zoning allows the town to anticipate and project the need for facilities, services and increased maintenance based on more predictable land uses, populations and densities and their associated needs. Water, wastewater, road conditions, parking, police, fire, trash, traffic, trips, schools and all other community services (like issuing permits and answering the phones) are planned, paid for, and scaled to serve certain volumes, beyond which problems start to arise.

Education of the value and benefits to the community is needed, before a town vote is called. Creating an understanding that this effort implements the Comprehensive Plan, protects existing character, while giving more predictability to investors and visitors, is essential. Employing graphic illustrations in a communications strategy would be a strong element, and could require a potential budget of \$2,000 - \$5,000.

With the BlackFly marketing efforts underway and ready to be launched this fall, it is very appropriate for the town to come together on a vision of the future. Asking and answering the question "What do you want the town to look like and be in 5, 10 or 20 years?" can inform all major BOS and PB decisions. BlackFly's research included target audiences which are worth considering when thinking about the quality and characteristics of the town and its development moving forward.

3. Charge and Site Plan Review.

In putting together a time line, and gain perspective on the work and charge of the LUZC, I came across the following memo. The important aspect is that six years ago changes to the Site Plan Review Ordinance (SPR) were seen to address the Portland Road, and given priority clearance by the Selectmen. This is still a valid approach for many of the issues that the current draft code aims to solve. For many of you this is not news, but it does help to illustrate that if land uses are not going to be geographically based by district, then general site plan development and performance standards can be implemented through improvements to the SPR.

“Town of Bridgton, Minutes of the Select Board Workshop

March 15, 2011, 6:00p.m.

Present: All members of the Select Board, Approximately 25 citizens, Media, Alan Manoian- Economic and Community Development Director, Mitchell Berkowitz- Town Manager

The Chair opened the workshop with a greeting to the citizens and then entertained individual Board member questions relevant to the Comprehensive Plan update specifics.”... “As a result of the presentation the Select Board was clear as to the charge to the staff and the tasks. These are: The Director of the Office *will develop specific design standards that would be applied to the Rt. 302 corridor for future development.* The standards would be reviewed by the Committee and then be offered as an amendment to the Site Plan Review Ordinance and placed before the voters at the November 2011 elections. *The standards will include the contextual and functionality requirements for the Rt. 302-Portland Road Corridor. The intent would be to also use these standards, where appropriate, for other areas of our town as the land use section is updated.*”

The Site Plan Review and Subdivision Ordinances provide project oversight for a wide array of projects that have a significant impact on the Town. Some of the goals and objectives within the draft Land Use Ordinance could be accommodated with amendments to these two documents. This could either be a short term or long term fix to address development pattern issues.

The ideal or preferred approach is to build on the existing ordinances, reduce redundancies, and establish a more unified ordinance that addresses land development as a whole. (See the Town of Cornish (population 1,500!) Table of Contents attached.) This approach may take longer to accomplish, but over the next month, a scope and schedule can be developed. *The LUZC recommends the development of an ordinance that covers the Town, and if possible combines all land development ordinances into one consumer friendly document.*

Motion was made by Vice-Chairman Zaidman to approve the expenditure of up to \$5,000 as recommend by the Community Development Director for public education; second from Selectman Murphy.
4 approve/1 oppose (Selectman McHatton was opposed)

b. Proposed Waste Water System Expansion Education

Town Manager Peabody reported that the education process is starting with an income survey. He does not believe the information will be ready for voter consideration in November. **Motion** was made by Selectman Packard to direct the Town Manager and Community Development Director, in conjunction with the Wastewater Committee, to move forward with community education; second from Vice-Chairman Zaidman.
5 approve/0 oppose

7. Correspondence and Other Pertinent Information

a. Planning Board Chairman Collins; Transfer Station Regulations

The Planning Board voted to request guidance from the Board of Selectmen on how to consider the restrictions noted in the Impact Statement from Transfer Station Manager Bob Fitzcharles. Mr. Fitzcharles concerns center on the traffic load of users delivering trash and recyclables to the Transfer Station. Mr. Collins recommended an ad-hoc committee to recommend language to address those concerns. Town Manager Peabody responded that there is no evidence to support his concerns at this time. He added that, at an earlier meeting, the Board of Selectmen directed the Town Manager to fully review the operations at the Transfer Station. The Board will revisit this issue upon receipt of the findings.

8. New Business

a. Awards and Other Administrative Recommendations

1. Agreement to Repair Damaged Signs

Selectman McHatton and Town Manager Peabody met with Nelle Ely to resolve the repair and/or replacement of the damaged wayfinding signs. In accordance with the terms of her contract, she has submitted a proposal to repair and reseal the damaged signs. **Motion** was made by Selectman Packard to direct the Town Manager and Town Attorney to work with Nelle Ely on a legal and binding agreement for the repair/replacement; second from Chairman Watkins. 5 approve/0 oppose

2. Lease Agreement between Town of Bridgton and State of Maine

The Board reviewed a Lease Agreement between the Town of Bridgton and State of Maine for use of the downstairs space. The lease is for three years with a monthly rent of \$200. **Motion** was made by Selectman McHatton to approve the Lease Agreement between the Town of Bridgton and State of Maine Department of Administrative & Financial Services on behalf of the Secretary of State Bureau of Motor Vehicles commencing on August 1, 2017 and ending on July 31, 2020; second from Selectman Packard. 5 approve/0 oppose

3. Bridgton Fire Department Operational Changes

Fire Chief Stephen Fay submitted and reviewed the following:

“To the Bridgton Board of Selectmen,

As the Chief of your Bridgton Fire Department my first six months have been an experience with some unique challenges that have been reviewed by the Department Chiefs and which have resulted in some operational changes. We have split the town into two distinct districts with each district having two stations which has allowed for an efficient span of control. Personnel now have been assigned to a Captain and each Captain has a Deputy Chief to contact with District, Station, Apparatus, and Subordinates concerns. These are good operational practices, recognized as fire service norms, which enhance the operational aspect of the Bridgton Fire Department. With that being said, there is another aspect that I need to address for the town.

My position as Fire Chief comes with five responsibilities. They are as follows:

1. Foremost is my safety and the safety of each member of the Bridgton Fire Department.
2. The next is to ensure that as each member ages; they are afforded a good quality of life.

The next three are to the town citizenry and its visitors:

1. That each person who lives, works, plays in, and/or visits Bridgton is provided as safe as possible an environment free from recognized and potential danger. This is something that is expected by people going about their daily routine and rarely given any thought while engaging in any routine or special occasion. (View it as when you leave town and go to somewhere unfamiliar to you)
2. That the town is protected from economic disruption and all loss is kept as low as possible so as to minimize direct and indirect impact from incidents.
3. That the town is protected from liability and litigation.

It is these three concerns that need to be scrutinized closely. At present Bridgton has very little in regard to Fire Code reference and enforcement. The only code that has been placed as ordinance is with regard to sub divisions.

On almost a daily basis I am requested to sign a license renewal for business or a plans review application with regard to inspection or fire protection. There is no inspection program in place because the Fire Department has nothing in the way of ordinance to refer to. With no fire code ordinance it is my opinion, and the opinion of legal counsel that I have described this with, that the town may be risking its financial health operating in this manner. It has the potential to open the town up to litigation in the event an incident occurs with a life and/or monetary loss that is deemed preventable through a recognized standard.

Because the only town ordinance (Fire Protection for Subdivisions Only) with regard to fire protection refers to the National Fire Protection Association the argument becomes that the town has recognized an agency/entity as having the reference and expertise, recognized globally, to provide anyone with **fire protection** information. The existence of a national recognized entity for public

safety, The National Fire Protection Association (NFPA) is a United States trade association, albeit with some international members, that creates and maintains private, copyrighted standards and codes for usage and adoption by local governments. Further, in the town's ordinance, NFPA 1 is the first item referenced. NFPA 1 Fire Code: Provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings. Further, the full code also references 130 NFPA documents. The other component to NFPA 1 is NFPA 101, Life Safety Code. This code establishes minimum requirements for new and existing buildings to protect building occupants from fire, smoke, and toxic fumes.

The Bridgton ordinance continues to further references NFPA 13R (Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height) and NFPA 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting).

It is because of this restricted ordinance that references the NFPA and NFPA 1 that I feel puts the town in a questionable state should legal action arise with regard to large life or monetary loss. The fact that Bridgton has documents that reference the Fire Chief to sign and making note in those documents with regard to "inspections" has led me to bring this to your attention and my request for further study and then recommend to "modernize" Bridgton's Fire Protection Ordinance.

A brief description of what the code does with business

In general, the fire code succeeds when an agency works with partners in the community to be more performance based rather than prescriptive it is not just opening the book and applying a rule. The code needs to be examined as how it applies to a business in a way that meets the intent.

Every code adopted will always have some kind of burden on new business or on existing ones trying to remodel or rehab and now falling under a newer code. Balances need to be weighed. What is the extent of the work being done? Does reconfiguration present additional hazards? With regard to a new occupancy, is it more hazardous than previous occupancy? These are a few the things that must be looked at as they always challenge any community and especially a community that is trying to prosper and is progressive.

It is the Department's view that this needs to be addressed as an educational partnership and not a punitive action toward the community. We are willing to foster a program that is sympathetic to existing businesses and their ability to adapt to changes that will be required to meet the current code. Some of the requirements may be waived due to a "grandfather" approach, others may be granted a reasonable time frame to meet adherence. It is hoped that our view of helping the community in promoting as safe an environment as is considered reasonable by our citizens and visitors will be achieved by this request.

Respectfully submitted,
Stephen P. Fay
Chief of Department"

Motion was made by Selectman Packard to direct the Town Manager to work with the Fire Chief and provide a recommendation report back to the Board; second from Selectman McHatton. 5 approve/0 oppose

4. Community Development Committee Organizational Changes

Representing the Community Development Committee, Chuck Renneker requested that the Committee membership consist of eleven voting members with two alternates. This proposal would alleviate the number needed for a quorum. **Motion** was made by Selectman Packard to approve the proposal as requested; second from Selectman McHatton. 5 approve/0 oppose

5. Discussion of Town Hall Front Door

The front door of the Town Hall presents both security and energy efficiency challenges. Jeff Frey, Clerk of the Works, has solicited proposals to replace and retrofit the doors. The Board requested a visual before consideration. **Motion** was made by Vice-Chairman Zaidman to table until the next meeting on August 22nd to allow Mr. Frye time to gather the requested material; second from Selectman Murphy. 5 approve/0 oppose

b. Permits/Documents Requiring Board Approval

There were no permits or documents requiring Board approval.

c. Selectmen's Concerns

- **Selectman McHatton** asked if the Community Development Director made reference to zoning throughout the entire town to which Town Manager Peabody confirmed that Director Knight is exploring that option.

- **Selectman Packard** reported that the life safety inspection regulations are getting tighter and tighter from the lending field.
- **Selectman Murphy** thanked the Fire Chief for moving forward in the right direction.
- **Selectman Murphy** expressed interest in expanding the cemetery on South High Street by reviewing property ownership and costs. Consensus of the Board was to direct the Town Manager to determine property lines through deed research and a survey to provide the Board with a firm understanding of ownership.
- **Vice-Chairman Zaidman** had no concerns.
- **Chairman Watkins** had no concerns.

d. Town Manager's Report/Deputy Town Manager's Report

Town Manager Peabody submitted and read the following report into the record:

“The Police Department sponsored first National Night Out was a great success. There were between 250 and 300 attendees. The event included fishing pole give-a-ways by Gene Ellison along with fishing instruction; Family Crisis gave out hundreds of snow cones sponsored by FireFly Boutique; a fifty-fifty raffle was sponsored by Lakes Region Substance Abuse Coalition and Safe Kids Maine gave CPR demonstrations. Campfire Grill sponsored the entertainment; LEA had an educational booth; Lakes Region Towing had a tow truck on display; Reny's donated lawn chairs for a raffle and the Rotary gave out free popcorn. The Bridgton News and Maine Street Graphics helped with graphic design and advertising. Lastly, Hannaford's gave away hot dogs, drinks and chip and Q-Team donated \$250 to help with costs. Other participants included the Bridgton Fire Department, Maine Wardens Service and Maine Forest Service. Special thanks to Ashley Hunter, Public Safety Administrative Assistant who coordinated the event with the help of Caleb Gilbert of Opportunity Alliance, Suzanne Grace of Safe Kids Maine and the Town's Park Ranger, Madison Day.

South Station was vandalized on July 23rd resulting in damage to the apparatus doors and a broken with an estimated repair cost of \$3,200. The individuals have be apprehended and the Town is seeking restitution. Work has also begun on removing and replacing the Station's propane system.

The paving program is underway. Fosterville Road is currently being paved. When that is complete, Fox Crossing, Middle Ridge and the end of Upper Ridge will follow. Burnham Road is scheduled to prep this year and paved in next year's budget.

Some of you may have noticed a difference in the lower Town Office parking lot. Using the Efficiency Maine rebate program, the lights were upgraded to LED and new globes were installed. Also the County Workers painted the poles black.

The new downstairs office space is almost ready to be used. Electricians are working on installing phone lines, computer lines and general electrical outlets in the new offices.”

Chairman Watkins noted that a request was made at Town Meeting to provide public notice of the paving timeline and locations. Town Manager Peabody responded that the information is posted to our website and also announced at Board Meetings. Wayne Rivet from the Bridgton news was present at the meeting and will report accordingly.

9. Treasurer's Warrants

Motion was made by Selectman McHatton for approval of Treasurer's Warrants numbered one hundred twenty six and eight through thirteen; second from Selectman Packard. 5 approve/0 oppose



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

PAUL R. LEPAGE
GOVERNOR

ROBERT G. HASSON, JR., Ed.D.
COMMISSIONER

July 28, 2017

Board of Selectmen
Town of Sebago
406 Bridgton Road
Sebago, ME 04029

✓ Board of Directors
RSU 61/SAD 61
900 Portland Road
Bridgton, ME 04009

Dear Sebago Withdrawal Committee:

In response to the July 27, 2017 submission of the approved "Withdrawal Agreement between RSU 61/SAD 61 and the Town of Sebago", I am granting conditional approval of the agreement in accordance with 20-A MRSA §1466(4)(C).

The following public hearing shall be held to discuss the merits of the proposed agreement of withdrawal:

Date: August 14, 2017
Time: 7:00 pm
Location: Sebago Town Office
406 Bridgton Road, Sebago, Maine 04029

The regional school unit board shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing. The chair of the regional school unit board shall conduct the hearing. Procedures for the public hearing shall be in accordance with 20-A MRSA §1466(6). Within 30 days following the hearing, the withdrawal committee shall forward the final agreement to me, as the commissioner.

If you have any questions, please feel free to contact Paula Gravelle at 624-6792.

Sincerely,

Robert G. Hasson, Jr., Ed.D.
Commissioner of Education

cc: Alan Smith, Superintendent, RSU 61/SAD 61
Dan Stockford, Attorney, Brann & Isaacson
Richard Spencer, Attorney, Drummon Woodsum

RGH/pg

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Chairman Watkins is planning to attend the public hearing.

11. Public Comments and Presentations on Non-Agenda Items

Hans Risch asked the Board to consider extending the town office hours during the week to accommodate residents that work the same hours.

12. Dates for the Next Board of Selectmen's Meeting and/or Workshop

*August 22, 2017

*September 12, 2017

13. Executive Session

a. Per MRS Title 1 405.6.C; Community Center Lease Agreement

Motion was made by Vice-Chairman Zaidman to enter into executive session at 7:44 P.M. per MRS Title 1 405.6.C for discussion of the Community Center Lease Agreement; second from Selectman Packard.

5 approve/0 oppose

Motion was made by Vice-Chairman Zaidman to exit executive session at 8:35 P.M.; second from Selectman McHatton. 5 approve/0 oppose

14. Action Items Following Executive Session

There were no action items following executive session.

15. Adjourn

Chairman Watkins adjourned the meeting at 8:37 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk