

Board of Selectmen's Meeting Minutes

December 11, 2018; 5:00 P.M.

Board Members Present: Liston E. Eastman, Chairman; Glenn R. Zaidman, Vice-Chairman; Robert P. Murphy; Carmen E. Lone; G. Frederick Packard

Administration Present: Town Manager Robert Peabody; Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Public Works Director Jim Kidder; Fire Chief Steve Faye

1. Call to Order

Chairman Eastman 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. November 28, 2018

Motion was made by Selectman Packard for approval of the minutes from the November 28, 2018 Board Meeting; second from Vice-Chairman Zaidman. 5 approve/0 oppose

4. Public Comments on Non-Agenda Items

Fire Chief Steve Faye apologized for not being in attendance at the last two meetings due to a scheduling conflict. He thanked the residents that voted to support and affirm the new fire protection and safety code.

Deb Brusini requested an update on the Community Development Director/Planner position to which Town Manager Peabody responded that he will re-advertise the position after the holiday season. Ms. Brusini added that the Planning Board has missed the support from that position.

5. Committee Reports

Robert McHatton, Sr. stated that the Community Development Committee supports the hiring of a Community Development Director.

Robert McHatton, Sr. reported that the CDC appointed a liaison to attend various other meetings such as the Planning Board and Land Use Committee Meetings to keep the CDC informed of what is happening around town.

Robert McHatton submitted a proposal and work scope summary for Bridgton Economic and Market Analysis for Board review and requested that this item be added to the agenda in January.

Deb Brusini reported that the Ordinance Review Committee has completed revisions to seven ordinances and will be forwarding the information to the Board for their review and considerations. She also requested additional membership.

G. Fred Packard attended a meeting regarding the Eastern Slope Airport and reported that changes to the bylaws and membership will be finalized at their next meeting.

6. Correspondence, Presentations and Other Pertinent Information

a. Crooked River Elementary School Project; Al Smith, Superintendent of Schools

Al Smith, Superintendent of Schools, School Board Member Karla Swanson-Murphy, School Board Member Deb Albert and Finance Officer Sherrie Small were present. Ms. Swanson-Murphy and Ms. Albert reviewed a slideshow presentation which provided information regarding the new design for Crooked River which will be presented to the voters in March of 2019. There will be several public forums in January.

Selectman Lone asked what will happen to the displaced adult programs currently at Crooked River to which Superintendent Smith responded that those programs will be moved to the High School.

The Board thanked the representatives for their presentation.

Chairman Eastman brought agenda item 7 forward at 5:32 P.M.

7. Public Hearing at 5:30 P.M.

a. To accept written and oral comments on the Town's intent to file a wastewater discharge permit modification application with the Maine Department of Environmental Protection ("MDEP").

Chairman Eastman opened the public hearing to accept written and oral comments on the Town's intent to file a wastewater discharge permit modification application with the Maine Department of Environmental Protection ("MDEP") at 5:32 P.M.

Catherine DiPietro submitted and reviewed the following information:

December 11, 2018

To: Town Manager and Select Board

From: Catherine DiPietro

Re: Proposed Increase in Discharge to Dodge Field

I believe that there are both technical and public relations issues that make this NPDES application unwise. The technical issues are outlined below.

The April 19, 2018 renewal of the MEDEP waste discharge license permitted discharge of 30,800 gallons a day between the two separate wastewater discharge fields (Dodge and Lower Ballfield). It mandated a wastewater treatment plant operator which the Town has hired, and reporting of the average weekly flow to each wastewater discharge site every month.

The permitted flow to each field as well as the actual reported flows through October of this year are presented below.

	Wayside	Lower BallField
Permit, GPD	18,900	12,670
Date		
1/2/18	10,859	11,237
1/9/18	11,994	12,223
1/16/18	16,384	14,051
1/25/18	13,930	13,176
2/6/18	13,467	12,448
2/13/18	12,250	12,575
2/21/18	13,654	13,113
2/27/18	13,763	14,749
3/6/18	11,308	12,708
3/13/18	11,568	13,441
3/21/18	12,448	13,941
3/27/18	12,133	13,063
4/4/18	11,337	13,960
4/10/18	11,621	14,554
4/17/18	12,621	15,094
4/24/18	12,872	16,632
5/1/18	9,912	12,774
5/8/18	5,100	13,830
5/15/18	8,716	13,878

5/23/18	8,679	10,979
5/30/18	7,348	12,327
6/5/18	3,847	11,855
6/12/18	7,238	11,406
6/19/18	6,243	10,778
6/26/18	7,362	10,772
7/3/18	No Data	No Data
7/10/18	No Data	No Data
7/17/18	5,949	7,605
7/24/17	8,399	12,481
7/31/18	9,319	9,602
8/7/18	8,630	10,148
8/14/18	9,140	9,785
8/21/18	8,439	9,594
8/28/18	9,458	9,894
9/4/18	8,309	9,329
9/12/18	9,236	7,025
9/19/18	12,606	10,495
9/25/18	10,333	8,655

As can be seen by the data in red, the Lower Ballfield system is the one that is currently over the permitted flow limit, not Dodge Field.

In August of this year, the Town, the Town Engineer and the MEDEP (August 17, 2018 letter from W&C to MEDEP), discuss the desire for a license increase for LOWER BALLFIELD to its former capacity of 21, F462 gallons per day. The letter from the TOWN ENGINEER to MEDEP reviews the capacity of both disposal areas and states

“It appears from this increase from the original designed combined capacity of 32,235 was due to the increased capacity of each bed from the original 768 gpd with the installation of the Oxypro systems. It appears that this was essentially changed in the Dodge Field calculation that adjusted the capacity to 18,900 gallons per day. IN CONCLUSION, it appears that the Dodge Field loading rate and capacity is APPROPRIATE based on the soils, hydraulic loading, and strength of waste due to the OxyPro pretreatment system performance.”

Finally, the Table in the same letter provides data with regard to total suspended solids (TSS) and biological oxygen demand (BOD5) removal through the Oxypro units for both Lower Ballfield and Dodge Field. The Lower Ballfield achieved greater than 90% removal of both of these critical parameters while Dodge Field achieved greater than 90% of the TSS but only 71% of the BOD.

The USEPA standards for treated wastewater (40 CFR 133.102) are presented below. The following paragraphs describe the minimum level of effluent quality attainable by secondary [treatment](#) in terms of the parameters - BOD5, [SS](#) and pH. All requirements for each parameter shall be achieved except as provided for in [§§ 133.103](#) and 133.105.

(a)BOD5.

(1) The 30-day average shall not exceed 30 [mg/l](#).

(2) The 7-day average shall not exceed 45 [mg/l](#).

(3) The 30-day average [percent removal](#) shall not be less than 85 percent.

The Dodge Field oxypro effluent was unable to achieve ANY of the above requirements in the samples collected for the August letter. Treatment efficiency typically goes down as the water temperatures cool and the microbes growth rate diminishes. Thus, it is likely that the Dodge Field BOD removal is less now than it was when the samples were collected prior to the August letter.

In short, there are no good TECHNICAL reasons while the Town should be pursuing an increase to the loading capacity to the Dodge Field.

Which brings us to the public relations issue.

So why exactly is the Town asking to increase the loading capacity of Dodge Field?

The Town campaigned hard to get voter approval of a totally new system in November and was ultimately successful. In all of the mailings, presentations, publications and official announcements from the Town, the existing wastewater system was described as both "at capacity" and "can't be expanded". The new systems was, as you know, voted in.

What now can the Town say to voters if it appears that those statements were not true?

What could it potentially do to voter trust when the Town needs another major capital expenditure ?

Brent Bridges responded that the licenses currently being held have the ability to increase capacity by ten percent at the Dodge Field and fifty percent at the Lower Ball Field. Testing and monitoring going forward will ensure accurate reporting.

Doug Oakley supports the information submitted by Ms. DiPietro and asked why voters were told the system was at capacity during the election process. He stated that it would have been nice to know that the system capacity could be increased by two thirds. Mr. Oakly believes the Town has misrepresented this issue.

Town Manager Peabody said that the system is at the point where it will run for three more years while the new system is being installed. The request is to adjust the licensing and doesn't not know if it will be granted or not.

Deb Brusini said that it would be helpful to understand how this capacity request could be related to the equivalent dwelling units and translated to business. Mr. Bridges responded that for the next 3 years, the current capacity at Dodge Field has one EDU available and the current capacity at Lower Ball Field has fifteen

available; the application would increase the Dodge Field to one more and the Lower Ball Field system to eighty more. He added that the demands on the systems are different.

Tom Smith stated the information was available during the presentations for a new system and asked why it was not provided to the public; he asked if there is enough current capacity for the hotel as presented. Town Manager Peabody responded that the hotel already has capacity under the current license.

Chairman Eastman closed the public hearing at 6:13 P.M.

b. BRAG (Bridgton Recreation Advancement Group); 15 Minute Update by Lyn Carter

Lyn Carter, president of BRAG at Ham Complex, introduced herself and her husband, Larry Carter as Complex Manager. Ms. Carter reported that BRAG meets on the second Wednesday of each month at the Bridgton Community Center and encouraged public attendance. Mr. Carter provided the Board with information on their efforts to date.

7. Public Hearing at 5:30 P.M.

a. To accept written and oral comments on the Town's intent to file a wastewater discharge permit modification application with the Maine Department of Environmental Protection ("MDEP").

This item was addressed earlier in the meeting.

8. New Business

a. Awards and Other Administrative Recommendations

There were no awards and other administration recommendations.

b. Permits/Documents Requiring Board Approval

1. RUS 1780-27, Loan Resolution Security Agreement

Motion was made by Selectman Lone to approve the resolution entitled, "RUS Bulletin 1780-27 Loan Resolution," be adopted in form presented to this meeting, which Resolution provides for the Town to have a bond resolution or ordinance prepared providing for the Town's issuance of bonds in the principal amount of up to \$10,437,000 in such form and containing such items as the United States Department of Agriculture (the "Government") shall require to fund a portion of the costs of a Sanitary Sewer Facility Project (the "Project"), for the Town to accept a grant of up to \$10,000,000 upon terms offered by the Government to fund other costs of the Project, and for the Town to give various assurances and security to the Government with respect to the Bonds and the Project (the "Loan Resolution"); that the Loan Resolution bearing the results of this vote completed by the Clerk be executed and delivered under seal in the name of the Town by the Chair of the Board of Selectmen and attested by the Clerk; and that the Clerk file an attested copy of the completed Loan Resolution with the minutes of this meeting; second from Vice-Chairman Zaidman. 5 approve/0 oppose

2. RUS Grant Resolution

Motion was made by Selectman Packard for approval of the resolution entitled "Resolution to Authorize Acceptance of \$10,000,000 Grant for Sewer Project" be adopted in form presented to this meeting and that the Clerk include an attested copy of said Resolution with the minutes of this meeting; second from Selectman Murphy. 5 approve/0 oppose

3. Resolution to Authorize General Obligation Bonds

Motion was made by Selectman Murphy to approve the resolution entitled "Resolution to authorize issuance and Sale of General Obligation bonds in principal amount of \$10,437,000 for Wastewater System Upgrades" be adopted in form presented to this meeting and that the attested copy of said resolution be filed with the minutes of this meeting; second from Selectman Packard. 5 approve/0 oppose

4. Legal Services Agreement

Motion was made by Selectman Packard to approve the Legal Services Agreement between the Town of Bridgton and Drummond Woodsum & MacMahon for bond counsel and owner's counsel services; second from Selectman Murphy. 5 approve/0 oppose

5. Woodard & Curran Contract

Motion was made by Vice-Chairman Zaidman to approve the agreement between the Town of Bridgton and Woodard & Curran for professional services; second from Selectman Packard. 5 approve/0 oppose

6. Accept Donation of \$100 to Pondicherry Park from Margaret Miller

Motion was made by Selectman Packard to gratefully accept the \$100 donation to Pondicherry Park honoring Kathy and Harvey Snyder made by Andrew and Margaret Miller; second from Selectman Lone. 5 approve/0 oppose

7. 2019 Appointment of Robert A. Peabody, Jr. as Town Manager, Tax Collector, Treasurer and Road Commissioner

Motion was made by Vice-Chairman Zaidman to appoint Robert A. Peabody, Jr. as Town Manager, Tax Collector, Treasurer and Road Commissioner for a one-year term commencing January 1, 2019 and ending December 31, 2019; second from Selectman Packard. 5 approve/0 oppose

8. 2019 Confirmation of Town Manager's Appointments

Motion was made by Vice-Chairman Zaidman to confirm the Town of Bridgton 2019 Annual Appointments submitted by the Town Manager; second from Selectman Packard. 5 approve/0 oppose

9. Tax Collector's Abatement

Motion was made by Vice-Chairman Zaidman to abate \$36,682.76 of Personal Property taxes assessed to Everett and Dorothy Snow III, Account Number 226, for the years 2006-2012; second from Selectman Murphy. 5 approve/0 oppose

Town Manager Peabody reported that, going forward, delinquent accounts will be collected through small claims court.

10. Establishment of Project Liaison Committee

Motion was made by Selectman Packard to approve the charge, mission and authority of the Project Liaison Committee; second from Vice-Chairman Zaidman. 5 approve/0 oppose

11. Land Use Enforcement; 85 Hidden Hollow Lane

Motion was made by Vice-Chairman Zaidman to authorize and direct Town counsel to file a Rule 80K enforcement proceeding against Mr. Guiliani and Mr. Lee in Maine District Court; second from Selectman Lone. 5 approve/0 oppose

c. Selectmen's Concerns

- **Selectman Packard** voiced concerns regarding earlier discussion of the sewer system project noting that the leach field is worn out and is in need of repair regardless of any additional allocation be granted.
- **Selectman Murphy** had no concerns.
- **Vice-Chairman Zaidman** had no concerns.
- **Selectman Lone** agreed with Selectman Packard and noted that she is looking forward to a qualified person to manage and report on the system.
- **Chairman Eastman** had no concerns.

d. Town Manager's Report/Deputy Town Manager's Report
Town Manager Peabody submitted and reviewed the following report:

**Manager's Report
12/11/18**

An important reminder that with winter weather upon us, it is important to keep your driveways and private roads cleared and sanded so that, if the need arises, emergency personnel can safely access your property.

Regarding weather events, please be aware that we post information on the Town's Facebook page and the Town's website. Additionally, all the local television channels are notified when the Town Office closes.

Fifty-nine (59) 45-day foreclosure notices (for the 2016 tax liens) were mailed out on Friday, December 7th. The date of foreclosure is January 21, 2019.

A reminder that the 2019 dog licenses are available for renewal.

The Town Office will be closed on December 20th from 11:30am till 1:30pm for the Annual Staff Holiday Luncheon.

In addition to the Town Manager's Report to the Board of Selectmen the Deputy Town Manager reported the following, "I would like to wish everyone a very Merry Christmas and a Happy New Year! Additionally, 2019 will prove to be an exciting time for Bridgton as we move forward with major improvements to our wastewater system, Main Street and Lower Main Street. I for one am very excited about these changes and look forward to the beginning of construction as actual proof that we are on the move as a community for the betterment and improvement of our community for the citizens and businesses. So come on in 2019 and lets' get moving!!!"

9. Old Business

a. Wastewater Expansion Update

Brent Bridges thanked the Board for the contract authorization. He intends to provide bi-weekly reports to the Board. The process begins with preliminary soils work and surveying. He has had discussion with the Water District, HEB Engineering and Milone & McBroom and will work together to ensure that all projects integrate.

Town Manager Peabody reported that updated information can be found on the home page of the Town website.

Vice-Chairman Zaidman requested that the meeting with the Water District be scheduled as soon as possible. He also requested that correspondence be sent to the CDC, Wastewater Committee and Land Use Committee to seek interest in serving on the new Project Liaison Committee.

b. Streetscape Projects Update

Town Manager Peabody reported that he is working with HEB Engineers and Milone & McBroom on the projected schedules; he plans to have contracts for Board review in January.

10. Treasurer's Warrants

Motion was made by Vice-Chairman Zaidman for approval of Treasurer's Warrants numbered 49, 50, 51, and 52; second from Selectman Packard 5/0

11. Public Comments on Non-Agenda Items

- Robert McHatton, Sr. stated the he believes the backpack program funding through the CDBG Funds is money well spent and hopes the Board continues to support the program.
- Robert McHatton, Sr. stated that he believes that personal property tax anti-business and should be abolished.
- Robert McHatton, Sr. asked if the project liaison committee was established to which Vice-Chairman Zaidman responded that the Board did approve the committee and he will be attending the CDC meeting tomorrow to discuss this issue with members.

12. Dates for the Next Board

- January 8, 2019
- January 9, 2019 at 5:00 P.M.; Workshop to Discuss Legal Counsel
- January 22, 2019

13. Executive Session

a. Per MRS Title 1, Section 405.6.E.; Legal Matters / Private Roads

Motion was made by Vice-Chairman Zaidman to enter into executive session at 7:14 P.M. per MRS Title 1, Section 405.6.E. for discussion of legal matters/private roads; second from Selectman Packard.

5 approve/0 oppose

Motion was made by Vice-Chairman Zaidman to exit executive session at 8:10 P.M.; second from Selectman Murphy. 5 approve/0 oppose

14. Action Items Following Executive Session

The Board took no action.

15. Adjourn

Chairman Eastman adjourned the meeting at 8:11 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk