

Board of Selectmen's Meeting Minutes

November 12, 2019; 5:00 P.M.

Board Members Present: Glenn R. Zaidman, Vice-Chairman; Carmen E. Lone; G. Frederick Packard
Board Members Absent: Liston E. Eastman, Robert P. Murphy
Administration Present: Town Manager Robert Peabody; Deputy Town Manager Georgiann Fleck;
Town Clerk Laurie Chadbourne; Public Services Director David Madsen; Community
Development Director Linda LaCroix

1. Call to Order

Vice-Chairman Zaidman 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. October 22, 2019

Motion was made by Selectman Packard for approval of the minutes from the October 22, 2019 Board Meeting; second from Selectman Lone. 3 approve/0 oppose

4. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

5. Committee Reports

There were no committee reports.

6. Correspondence, Presentations and Other Pertinent Information

There was no correspondence or other pertinent information.

7. Public Hearing at 5:30 P.M. [This item was addressed later in the meeting.]

8. Action Items Following Public Hearing [This item was addressed later in the meeting.]

9. New Business

a. Awards and Other Administrative Recommendations

1. Vote to Authorize Lease Purchase of a 2020 Western Star Low Truck and Related Accessories in the Principal Amount of Up to \$172,143

Motion was made by Selectman Lone to authorize the Lease Purchase of a 2020 Western Star Plow Truck and Related Accessories in the Principal Amount of Up To \$172,143.00," be adopted in form presented to this meeting (see below). VOTE TO AUTHORIZE LEASE PURCHASE OF A 2020 WESTERN STAR PLOW TRUCK AND RELATED ACCESSORIES IN PRINCIPAL AMOUNT OF UP TO \$172,143.00; second from Selectman Packard. 3 approve/0 oppose

The Select Board of the Town of Bridgton (the "Town") hereby VOTES as follows:

1. That the Town Manager of the Town is authorized to accept the proposal of Gorham Savings Leasing Group LLC to provide tax-exempt lease purchase financing for a 2020 Western Star plow truck and related accessories (the "Equipment") in a principal amount of up to \$172,143.00 at an interest rate of up to 3.30% for a term of up to five (5) years, and any prior such action is ratified and confirmed;

2. That, under and pursuant to the provisions of Title 30-A M.R.S., Sections 5721, 5722, and 5728, all other applicable law, and approval of Article 22 raising and appropriating a sum of \$316,752.00 for long-term debt payments, including for the Equipment, at the Annual Town Meeting held June 11 and 12, 2019, the Town Manager is authorized to execute and deliver a tax-exempt Municipal Lease Purchase Agreement ME 1936-05 with Gorham Savings Leasing Group LLC, or its nominee, in the name and on behalf of the Town to finance the Equipment, with an aggregate purchase price of up to \$172,143.00, in such form and on such terms not inconsistent herewith as the Town Manager may approve (the "Lease");
3. That the Town Manager is authorized to execute and deliver on behalf of the Town such tax compliance certificates and arbitrage and use of proceeds certificates as may, in the Town Manager's judgment, be necessary or convenient to effect the transactions hereinbefore authorized;
4. That the Town Manager is authorized to covenant on behalf of the Town that (i) no part of the proceeds of the Lease shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Lease to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the "Code"), and (ii) the proceeds of the Lease and the Equipment financed by the Lease shall not be used in a manner that would cause the Lease to be a "private activity bond" within the meaning of Section 141 of the Code;
5. That the Town Manager is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Lease, and to take all other lawful actions necessary to ensure the interest portion of the rental payments under and pursuant to the Lease will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof;
6. That the Town Manager may designate the Lease as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Code;
7. That the Town hereby resolves and declares its official intent pursuant to Section 1.150-2(e) of the Treasury Regulations that the Town reasonably expects to use the proceeds of the Lease to reimburse certain original expenditures from the Town's general or other fund, paid not earlier than 60 days prior to adoption of this Vote or to be paid, which original expenditures have been or will be incurred in connection with costs of the Equipment; and that the Town reasonably expects that the maximum principal amount that the Town will issue to finance the Equipment is \$172,143.00, and further that an attested copy of this declaration of official intent be kept in the permanent records of the Town;
8. That the appropriate officials of the Town, acting singly, are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with the Lease;
9. That if the Town Manager or any other officer or official of the Town is for any reason unavailable to, as applicable, approve, execute, or attest the Lease or any related financing documents, the person acting in any such capacity, whether as a successor, assistant, deputy, or otherwise, is authorized to act for such officer or official with the same force and effect as if such officer or official had performed such act; and
10. That an attested copy of this Vote is to be filed with the minutes of this meeting.

2. Ordinance Review Committee Application from Kevin Raday

Motion was made by Selectman Lone to appoint Kevin Raday to the Ordinance Review Committee; second from Selectman Packard. 3 approve/0 oppose

3. Proposed Amendments to the Sewer Ordinance

David Madsen, Sewer Reclamation Superintendent, reviewed the proposed changes to the Ordinance. **Motion** was made by Selectman Packard to set a public hearing for November 26, 2019 at 5:30 P.M.; second from Selectman Lone. 3 approve/0 oppose

4. Consent Agreement with Maine Eco Homes (Violation of Shoreland Zoning Ordinance)

Motion was made by Selectman Packard for approval of the Consent Agreement between the Town of Bridgton and Maine Eco Homes; second from Selectman Lone. 3 approve/0 oppose

5. Confirmation of David Madsen at the New Public Services Director

Town Manager Peabody appointed David Madsen as Bridgton's Public Services Director and reviewed the proposed new organizational chart. **Motion** was made by Selectman Packard to confirm the appointment of David Madsen to the position of Public Services Director; second from Selectman Lone. 3 approve/0 oppose

b. Permits/Documents Requiring Board Approval

1. Victualer's License to Noble House Inn

Motion was made by Selectman Lone for approval of the Victualer's License to Noble House; second from Selectman Packard. 3 approve/0 oppose

2. Victualer's License to Little Mountain Store

Motion was made by Selectman Packard for approval of the Victualer's License to Little Mountain Store; second from Selectman Lone. 3 approve/0 oppose

c. Selectmen's Concerns

- **Selectman Packard** asked if Main Street will be repaired and repaved to which Town Manager Peabody responded, "yes."
- **Selectman Lone** had no concerns.
- **Vice-Chairman Zaidman** voiced concerns around the lack of a grievance procedures in the personnel policy for Department Heads and would like something incorporated prior to court proceedings. Town Manager Peabody responded that the current process is state law under the Town Manager form of government. He added that he will conduct additional research for the workshop session scheduled for November 26th.
- **Vice-Chairman Zaidman** asked when the Board will determine the dedication of the annual town report to which Town Clerk Chadbourne responded that she is not sure where the Administrative Assistant is in the process of preparing materials for the annual report.

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

a. New Liquor License to Vivo Italian Kitchen

Vice-Chairman Zaidman opened the public hearing at 5:30 P.M. for comment on a new liquor license application to Vivo Italian Kitchen. There were no public comments. The Hearing was closed at 5:31 P.M.

8. Action Items Following Public Hearing

a. New Liquor License to Vivo Italian Kitchen

Motion was made by Selectman Lone to approve the liquor license to Vivo Italian Kitchen; second from Selectman Packard. 3 approve/0 oppose

11. Treasurers Warrants

Motion was made by Vice-Chairman Zaidman for approval of Treasurer's Warrants numbered 51, 52, 53, 54, 55, 56, 57, 58, and 59; second from Selectman Lone. 3/0

Vice-Chairman Zaidman brought agenda item 10 forward.

10. Old Business

a. Wastewater Status Update

Wastewater Reclamation Superintendent David Madsen provided a brief wastewater status update after which Town Manager Peabody provided additional information.

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

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

"Manager's Report / 11/12/19

Personnel

The office will be closing tomorrow at 11:30 to allow staff the opportunity to attend funeral services for Rob Baker, Code Enforcement Officer, who recently passed away. Services will be held on Wednesday, November 13th at 1:00p.m. at the First Congregation Church, 17 E. Main Street, South Paris.

Brenda Day has been appointed Acting Code Enforcement. Linda LaCroix began her duties as Community Development Director on Thursday, November 7th.

Matt Regis, new hire, is graduating from the Maine Criminal Justice Academy (MCJA) on Wednesday, November 27th.

The Town of Bridgton is currently accepting application for Administrative Assistant to the Code Enforcement Officer, Community Development Director and both the Board of Appeals and Planning Board. Application deadline is Friday, November 22nd at 4:00p.m. or until a qualified applicant is found. Also, The Town is accepting application for a seasonal full-time manager at for Salmon Point Campground for the 2020 season and beyond. Application deadline is open until the position is filled. Information for both positions is on the Town of Bridgton website at www.bridgtonmaine.org.

Bridgton Fire Department

The department conducted two vehicle extrication and specialized equipment trainings with vehicles donated and prepped by Ovides. A third training is planned during which time the vehicles will be used for live fire training.

The Department sent five members to training in Limington. The training focused on responding to structure fire with limited staffing, recruitment retention issues, sizing up the scene on arrival, mutual aid, and various types of offensive fire attack.

The department assisted the Recreation director with the placement of new Christmas lights on the tree next to the Bridgton News building. The ladder truck was utilized and used as a training exercise during the detail. The ladder truck was sent with a crew to Lake Region High School for the annual truck or tread event, for public relations and fire prevention.

The department held its annual awards dinner on November 9th.

Recreation

Much is happening this time of year with registration for Lake Region Youth Basketball Grade K-6. Adult and family trips are scheduled for Magic of Christmas on December 13th; Polar Express on December 20th; and Disney on Ice on December 21st and don't forget Festival of Lights on December 7th. On Tuesdays and Thursday is Playgroup and open gym on Friday nights at the Town Hall. Information is on the Town of Bridgton at www.bridgtonmaine.org.

Public Works

Reminder to the public, that from November 15th – April 14th no vehicle shall be parked on the public street or way from 11:00p.m. to 7:00a.m. per the Bridgton Traffic Ordinance. Also, as per MRSA 17A Section 505 and MRSA 29A Section 2396, no person(s) shall plow, shovel or otherwise deposit snow into the limits of any traveled public way.

Financials

Before you tonight are the September financials and the Revenue and Expenditure Summary Report. As you will note, the benchmark is 25% for the month. Revenues are at 34.6% and Expenditures at 25.7%.

Projects

The Town of Bridgton and project engineers, HEB Engineers and Woodard & Curran, invite the public to provide feedback on the fall construction season, with the goal of improving construction and public relations next spring when work resumes. The date of the public meeting is Monday, November 18th in the downstairs meeting room (Iredale Street entrance) from 4:30-6:00pm. Light refreshments will be served."

Deputy Town Manager Fleck reported that on July 9, the Board met with the Town Attorney to review the involvement of Select Board Members in employee issues at which time the attorney advised that under the town manager form of government, the Town Manager is solely responsible for all employees. Town Manager Peabody reiterated that he will review other ways an appeal process may be set up for Department Heads.

10. Old Business

a. Wastewater Status Update [*This item was addressed earlier in the meeting.*]

b. Streetscape: Upper and Lower Main Street Status Update

Town Manager Peabody provided a brief Upper and Lower Main Street status update.

11. Treasurer's Warrants [*This item was addressed earlier in the meeting.*]

12. Public Comments on Non-Agenda Items

Deb Brusini asked how any further revisions to the Sewer Ordinance after the public hearing would be handled to which Town Manager Peabody responded that the Board is authorized to amend the Ordinance without going to town meeting by conducting a public hearing. He added that any further changes not reflected in the proposed document would require another public hearing prior to Board adoption.

13. Dates for the Next Board of Selectmen's Meetings

November 26, 2019 * December 10, 2019 * December 24, 2019

The Board opted not to meet on December 24, 2019.

14. Adjourn

Vice-Chairman Zaidman adjourned the meeting at 5:45 P.M.

Respectfully submitted,



Laurie L. Chadbourne

Town Clerk