

BRIDGTON BOARD OF SELECTMEN'S MEETING AGENDA

DATE: Tuesday, February 9, 2021
TIME: 3:30 P.M.
PLACE: VIRTUAL

Board of Selectmen Recurring
Please join my meeting from your computer, tablet or smartphone.

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1. Call to Order
2. Pledge of Allegiance
3. Executive Session(s)
 - a. **3:30 P.M.** Per MRS Title 1, Section 405.A. for Discussion of Personnel
 - b. **4:00 P.M.** Per MRS Title 1, Section 405.6.C. for Discussion of Land Acquisition
4. **5:00 P.M.** Public Meeting and Informational Session: Maine Waste Discharge License/Maine Pollutant Discharge Elimination System Permit Application
5. Approval of Minutes
 - a. January 26, 2021
6. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
7. Committee/Liaison Reports
 - a. Ordinance Review Advisory Committee Recommended Amendments
 1. Consumer Fireworks Ordinance
 2. Ordinance to Control Disorderly Houses
 3. Ordinance Controlling Nudity in Commercial or Business Activities Not Requiring a Special Amusement Permit
8. Correspondence, Presentations and Other Pertinent Information
 - a. Wastewater Policy for Consideration of Low Income
 - b. Separate Victualer's License Requirements from Marijuana License Requirements
 - c. Discussion of Recycling Committee
 - d. Review of Town Committees and Their Charges
 - e. Discussion of Economic Development
9. **6:00 P.M.** Public Hearing: Special Amusement Permit to Campfire Grille
10. Approval of the Special Amusement Permit to Campfire Grille

11. New Business
 - a. Awards and Other Administrative Recommendations
 1. Proposed Addition to the Development Program for the Woodland Senior Living Tax Increment Financing District
 2. Consideration of Placement of Ballot Question for Zoning Change to 2 Cottage Street on the March 30, 2021 Special Town Meeting Referendum
 - a. Approval of the Order, Certification and Referendum Language
 3. Approval of Special Town Meeting Warrant for March 30, 2021
 4. Order to Authorize Award of Wastewater Collection Systems Upgrade Project Contract
 - b. Permits/Documents Requiring Board Approval
 1. Victualer's License to Campfire Grille
 2. Victualer's License to KJ's
 - c. Selectmen's Concerns
 - d. Town Manager's Report/Deputy Town Manager's Report
12. Old Business (Board of Selectmen Discussion Only)
 - a. Wastewater Status Update
 - b. Streetscape: Upper and Lower Main Street Status Update
 - c. Water Level Policy Administration
 - d. Town Hall Fees
 - e. Planning and Development Status
13. Treasurer's Warrants
14. Public Comments on Non-Agenda Items *(Each speaker may be limited to 3 minutes.)*
15. Dates for the Next Board of Selectmen's Meetings

February 23, 2021
March 1, 2021 at 9:00 A.M. (Budget Workshop)
March 2, 2021 at 3:00 P.M. (Budget Workshop)
March 9, 2021
16. Adjourn

**Town Manager's Notes
Board of Selectmen's Meeting
February 9, 2021**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Executive Session: Board Matters**
 - a. ***Motion:** Move to enter Executive Session pursuant to MRS Title 1 Section 405.6A to discuss a Personnel Matter.*
 - b. ***Motion:** Move to enter Executive Session pursuant to MRS Title 1 Section 405.6C to discuss a Land Acquisition.*
4. Public Meeting and Informational Session on Maine Waste Discharge License
5. **Approval of Minutes**
 - a. January 26, 2021
***Suggested Motion:** Move to approve the January 26, 2021 Selectboard Minutes.*
7. **Committee/Liaison Reports**
 - a. Ordinance Review Committee Recommended Amendments: Consumer Fireworks Ordinance, Ordinance to Control Disorderly Houses, Ordinances Controlling Nudity in Commercial or Business Activities not Requiring a Special Amusement Permit.
8. **Correspondence, Presentations and Other Pertinent Information**
 - a. Discussion requested by Selectman Zaidman on establishing a policy and funding to help low-income property owners connect to the wastewater system.
 - b. Discussion requested by Selectman Zaidman on having a separate victualer license application.
 - c. Discussion requested by Selectman Zaidman on the charge and direction of the Recycling Committee.
 - d. Discussion requested by Selectman Zaidman on reviewing Town Committees.
 - e. Discussion requested by Selectman Zaidman on setting a direction for pursuing economic development.
9. **Public Hearings**
 - a. To accept written and oral comments on a Special Amusement Permit Application for Campfire Grille. Appropriate Department Heads have signed off.
(Note: 1) Open Public Hearing- a) Anyone to speak in favor; b) in opposition; c) offer comments neither for nor against; 2) close Public Hearing)
10. **Action Items Following Public Hearing**
 - a. ***Suggested Motion:** Move to approve a Special Amusement Permit Application for Campfire Grille.*
11. **New Business**
 - a. Awards and Other Administrative Recommendations
 1. The Community Development Director is requesting that the Development Program for the Woodlands Senior Living TIF be amended to include the use of funds for and transportation to a childcare facility. Please see the information sheet in your binder.
***Suggested motion:** Move to revise the Woodlands Senior Living TIF to include use of the funds for and transportation to a childcare facility.*

2. Justin McIver, through his attorney, is requesting an amendment to the Land Use Ordinance for 2 Cottage Street. He is seeking to change the zoning from Downtown Village Neighborhood to Downtown Village Business 1. Please refer to the application, Certification and Order in your binder.

Motion: *Move to Certify the proposed Ordinance entitled "Amendment to the Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street," and Order that the municipal clerk keep this certified copy as a public record for the Special Town Meeting Referendum on March 30, 2021.*

3. In your binder, please find the Special Town Meeting Warrant for your approval.

Motion: *Move to approve the Tuesday, March 30, 2021 Special Town Meeting Warrant.*

4. In your binder, please find the Order to Authorize Award of Wastewater Collection Systems Upgrade Project Contract.

Motion: *I move that the Order entitled, "Order to Authorize Award of Wastewater Collection Systems Upgrade Project Contract," be approved in form presented to this meeting, and that an attested copy of said Order be included with the minutes of this meeting.*

b. Permits/Documents Requiring Board Approval

1. Campfire Grille has applied for a Victualer License. Appropriate Department Heads have signed off.

Suggested motion: *Move to approve a Victualer License for Campfire Grille.*

2. KJ's has applied for a Victualer License. Appropriate Department Heads have signed off.

Suggested motion: *Move to approve a Victualer License for KJ's.*

12. Old Business

- a. Wastewater Update
- b. Upper and Lower Main Street Status Update
- c. Discussion requested by Selectman Tworog regarding Water Level Policy Administration.
- d. Discussion requested by Selectman Tworog regarding Town Hall Fees. A copy of the **Policy for the Use of the Town Hall/Recreation Center** is in your binder. Please note that the Revenue Budget includes Town Hall Rental (010-0181).
- e. Discussion requested by Selectman Tworog regarding planning and development project status. A list of Planning Board and Department Review Applications is in your binder.



TOWN OF BRIDGTON

**3 CHASE STREET, SUITE 1
BRIDGTON, MAINE 04009**

NOTICE OF INTENT TO FILE MAINE WASTE DISCHARGE LICENSE/MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT APPLICATION

Please take note that, pursuant to 38 MRSA, Sections 413 and 414-A, the Bridgton Sewer Department of 3 Chase Street Bridgton, ME, intends to file a wastewater discharge permit application with the Maine Department of Environmental Protection (ME DEP). The application is for the discharge of 116,250 gallons per day of treated municipal wastewater into the a below ground disposal system on the WWTF property.

The application will be filed on or about February 15, 2021, and will be available for public inspection at DEP's Augusta office during normal business hours. A copy may also be seen at the municipal offices in the Town of Bridgton, Town Office.

A request for public hearing or request that the Board of Environmental Protection assume jurisdiction over this application must be received by the DEP, in writing, no later than 20 days after the application is found acceptable for processing, or 30 days from the date of this notice, whichever is longer. Requests shall state the nature of the issue(s) to be raised. Unless otherwise provided by law, a hearing is discretionary and may be held if the Commissioner or the Board finds significant public interest or there is conflicting technical information.

During the time specified above, persons wishing to receive copies of draft permits and supporting documents, when available, may request them from the ME DEP. Persons receiving a draft permit shall have 30 days in which to submit comments or to request a public hearing on the draft.

Public comment will be accepted until a final administrative action is taken to approve, approve with conditions or deny this application. Written public comments or requests for information may be made to the Division of Water Quality Management, Department of Environmental Protection, State House Station #17, Augusta, ME 04333-0017. Telephone: 207-287-3901.

A public meeting and information session will be held at 5 p.m. on February 9, 2021. We appreciate your attention to this matter. Please contact the Town of Bridgton at 207-647-8786 should you have any questions or require additional information.

Board of Selectmen's Meeting Minutes

January 26, 2021; 5:00 P.M.

Board Members Present (Virtual): Glenn R. Zaidman, Vice-Chairman; Carmen E. Lone; Paul A. Tworog; G. Frederick Packard

Board Member Absent: Liston E. Eastman, Chairman

Administration Present: Town Manager Robert Peabody; Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Community Development Director Linda LaCroix, Recreation Director Gary Colello

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. January 12, 2021

Motion was made by Selectman Packard for approval of the minutes from the January 12, 2021 Board Meeting; second from Selectman Tworog. 4 approve/0 oppose

4. Public Comments on Non-Agenda Items

Community Development Director LaCroix reported that the Planning Board will be bringing forth a recommended zoning change for the March Referendum Election.

5. Committee/Liaison Reports

On behalf of the Ordinance Review Committee, Deb Brusini reported that the Committee has completed their process for three ordinances and will be submitting them to the Board at their next meeting.

6. Correspondence, Presentations and Other Pertinent Information

There were no correspondence, presentations, or other pertinent information.

Brought new business forward.

9. New Business

a. Awards and Other Administrative Recommendations

1. Budget Timeline – Deputy Town Manager

Deputy Town Manager Fleck suggested a schedule for review of the FY 2021/2022 proposed budget with department heads and outside agencies. The Board supported this schedule and requested that the meetings also be offered virtually for public viewing.

b. Permits/Documents Requiring Board Approval

1. Marijuana Establishments License to the Great Atlantic Puffin Company

Kelli Bouthiette is intending to open an adult use marijuana establishment. She provided a summary of the application process and her plans for the business. **Motion** was made by Selectman Packard to approve a Marijuana Establishment License request from the Great Atlantic Puffin Company; second from Selectman Tworog. 4 approve/0 oppose

3. Tax Increment Financing District

- a. Order of the Board of Selectmen for a Referendum Vote
- b. Assessors Certificate of Original Assessed Value
- c. Notice of Public Hearing on March 9, 2021
- d. Special Town Meeting Warrant; March 30, 2021

Woodland Senior Living is requesting a Special Town Meeting to be held on March 30, 2021, to hold a public hearing on March 9, 2021 and vote on the proposed Woodlands Senior Living Municipal Development and Tax Increment Financing District. **Motion** was made by Selectman Tworog to set the Public Hearing for March 9, 2021 and Special Town March 30, 2021 at 8:00 A.M. to 8:00 P.M. at the Town Hall; second from Selectman Packard. 4 approve/0 oppose The Board requested that the TIF information be linked from the homepage on the website.

Motion was made by Vice-Chairman Zaidman to approve:

Order of the Board of Selectmen of the Town of Bridgton for a Referendum Vote

The Municipal Officers of the Town of Bridgton hereby order that the following question be placed on a referendum ballot to be submitted to the voters on Tuesday, March 30, 2021:

Question: Shall the voters of the Town of Bridgton, Maine designate a municipal tax increment financing district to be known as the Woodlands Senior Living Municipal Development and Tax Increment Financing District and adopt the Development Program for the district?

IT IS FURTHER ORDERED that a public hearing to be held remotely using GoToMeeting on the referendum question at 6:00 P.M. on March 9, 2021 at the following link: <https://www.gotomeet.me/BridgtonMaine/bos>

You can also dial in using your phone.

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

Access Code: 189-387-141

Second from Selectman Packard. 4 approve/0 oppose

6. Tax Abatements

Motion was made by Vice-Chairman Zaidman to approve the recommended January 26, 2021 tax abatements totaling \$1,355.47; second from Selectman Lone. 4 approve/0 oppose

7. Earned Paid Leave Policy

Motion was made by Selectman Tworog to include Addendum #1: Earned Paid Leave in the Town of Bridgton personnel Policy; second from Selectman Lone. 4 approve/0 oppose

8. Certificate of Commitment of Sewer User Rates Commitment #247

Motion was made by Selectman Packard to commit the October 1, 2020 to December 31, 2020 Sewer User Rate Commitment #247 comprising 2 pages totaling \$2,744.88 to the Treasurer for collection; second from Selectman Tworog. 4 approve/0 oppose

10. Old Business

a. Wastewater Status Update

b. Streetscape: Upper and Lower Main Street Status Update

Town Manager Peabody provided a brief update on the status of the Wastewater and Streetscape projects. He reported that an executive session is scheduled for 4:00 P.M. on February 9th for discussion of land acquisition; Brent Bridges, PE will be in attendance.

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

Deputy Town Manager Fleck read the following report into the record:

DEPUTY TOWN MANAGER'S REPORT / January 26, 2021

General

Samantha Eichel, Deputy Town Clerk, submitted her resignation effective February 19th. Samantha has worked for the Town for approximately 5 years. We wish her the best of luck in her next endeavor.

Bridgton Recreational Department

The Ice Rink is open! Monday, Tuesday and Wednesday 4:00p.m. to 7:00p.m.; Friday 4:00p.m. to 8:00p.m.; Saturday 12:00p.m. to 8:00p.m. and Sunday 9:00a.m. to 5:00p.m. COVID-19 protocol is being following with sign-in, screening, required face coverings, 1 hour limit for a maximum of 10 skaters. Skates are available for use and are disinfected after each use. Beginning February 1st, the Town Hall Gym will be opening! You can register at bridgtonmaine.org/bridgton-recreation. A staff member will contact you within 48-hours to confirm a time block. 60-minute blocks are \$15.00 per block which is limited to 1 block per week at this time. Supervision required for 18 and under, maximum number allowed per group is 5, users must follow CDC recommendations and pertinent executive orders. General times available are Monday-Friday 5:00p.m.; 6:00p.m. and 7:00p.m. and Saturday 9:00a.m. to 8:00p.m. and Sunday 9:00a.m. to 5:00p.m. When there is snow...The snowshoe club continues. For information on this, and more, contact the Recreation Director at 647-1126 or refer to our website at www.bridgtonmaine.org.

Bridgton Fire Department

The new Fire Department service truck will be designated as Squad 2 and is now in service at Central Station. The truck will tow the air boat and ATV trailers. The truck has room for 5 firefighters, an open rear bed with six cabinets to house a multitude of supplies ranging from medical/AED/gloves, eye, ear and COVID-19 protection to traffic control and vehicle extrication equipment. Two days after putting the truck in service we were called for an ice/water rescue in Oxford. The truck towed the boat excellent with 3 staff on board. On January 16, 2021 the forecast was for rain however it quickly turned into an unexpected snowstorm. DOT had a breakdown and could not plow Route 302 west for hours. A series of vehicle accidents began at six in the morning lasting throughout the day. Thank you to our Public Services Department for their assistance, and the response of our staff mitigating simultaneous service calls throughout town. The Fire Chief is waiting for potential scheduling by Cumberland County EMA for COVID-19 vaccinations that may be available after January 25th. The Fire Chief reviews proposed subdivisions, new businesses and attends Department Head Round tables and Planning Board meetings regularly.

Bridgton Health Officer

The Health Officer continues to participate in Zoom Meetings most recently MMA's "HR in the Age of COVID 19" as well as the CDC briefing held every Tuesday and Thursday at 2:00p.m. with Dr. Shah, Maine's CDC Director. Upcoming meetings include a Zoom meeting on January 28th at 7:30a.m. with the Bridgton Rotary Club, a meeting on January 29th with MCV for a discussion on Developing Affordable Housing Ownership with Residents to green their homes and bi-weekly meetings with Maine Health via conference call for COVID-19 updates— next meeting is scheduled for February 2nd at 8:30am. Educational Signs have been ordered at no cost from Maine CDC. Please be aware there are many scammers seeking your information so PLEASE DON'T GIVE OUT ANY OF YOUR PERSONAL INFORMATION if you are not sure. You can refer to the Maine.gov website - Maine Attorney General for any tips to be aware of and list of common scams to be aware of.

Until next time....be safe and be well.

Respectfully submitted, Georgiann M. Fleck, Deputy Town Manager

11. Treasurer's Warrants

Motion was made by Selectman Lone for approval of Treasurer's Warrants numbered 95-100 (all inclusive); second from Selectman Tworog. 4 approve/0 oppose

c. Selectmen's Concerns

- **Selectman Lone** had no concerns.
- **Selectman Tworog** reported that the Town seems to be spending a lot of time related to the administration of the water levels and offered to be the point person for citizens that have concerns about the administration of the policy. Vice-Chairman Zaidman directed this issue to the next agenda.
- **Selectman Tworog** requested that Community Development Director LaCroix prepare a report of the status of development projects in town (to include the building next to Tap House, the 144 Main Street Project and the gateway project on the corner).

7. 6:00 P.M. Public Hearings

a. New Liquor License Application to Stella's on the Square

Vice-Chairman Zaidman opened the public hearing at 6:00 P.M. Applicant Nicholas Orgo said that Stella's on the Square is intended to be a kitchen for a catering facility and social and/or special events but is not intended to be a full restaurant at this time. The public hearing was closed at 6:02 P.M.

b. Special Amusement Permit Application to Stella's on the Square

Vice-Chairman Zaidman opened the public hearing at 6:02 P.M. Applicant Nicholas Orgo said that special amusement will include live entertainment while being respectful and considerate of the neighborhood. The public hearing was closed at 6:06 P.M.

8. Action Items Following Public Hearing

a. New Liquor License Application to Stella's on the Square

Motion was made by Selectman Lone to approve a Liquor License for Stella's on the Square; second from Selectman Tworog. 4 approve/0 oppose

b. Special Amusement Permit Application to Stella's on the Square

Motion was made by Selectman Lone to approve a Special Amusement Permit to Stella's on the Square; second from Selectman Packard. 4 approve/0 oppose

c. Selectmen's Concerns

- **Selectman Tworog** is strongly opposed to charging residents for use of the Town Hall. Discussion ensued. Vice-Chairman Zaidman directed this issue to the next agenda.
- **Selectman Packard** had no concerns.
- **Vice-Chairman Zaidman** requested that a copy of the monthly department head reports be provided to the Board again.

2. Victualer's License to Stella's on the Square

Motion was made by Selectman Packard to approve a Victualer's License for Stella's on the Square; second from Selectman Tworog. 4 approve/0 oppose

12. Public Comments on Non-Agenda Items

There were no public comments.

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

February 9, 2021

February 23, 2021

14. Adjourn

Vice-Chairman Zaidman adjourned the meeting at 6:20 P.M.

Respectfully submitted,

Laurie L. Chadbourne,
Town Clerk

Ordinance Review Advisory Committee
Recommended Ordinance Amendments for June 2021 Warrant

The summary below is updated since our workshop of October 13, 2020

Consumer Fireworks Use Ordinance

1. Hours which fireworks are allowed have been clarified to be easier to understand.
2. The celebratory nature of fireworks has been balanced with community expectations of peace and quiet during the work and school week:

Continue to allow fireworks on holidays and non-holiday weekends. Dis-allow use Monday through Thursday. Non-holiday weekends are Friday through Sunday, with fireworks allowed each day from 5 - 10 pm. This still allows fireworks to be shot on weekends year-round. Holiday times are unchanged, except for a conflict with the Statutes which was corrected by our attorney.
3. Added an age requirement to conform with Statutes
4. Added location where fireworks may be used safely. Fireworks must be shot-off 50 feet from a Structure (modified from original proposal of 100 feet). Structures do not include parking lots or permanent/temporary docks attached to the shoreland. Attorney also suggested that fireworks are not shot-off within 50 feet of combustible material.
5. Police Chief supports change
6. Attorney also made changes to the Statute references and legal housekeeping changes.

Ordinance to Control Disorderly Houses

1. Based upon consult with the Police Chief, "domestic abuse" was removed as a reason to declare a disorderly house. Attorney also agrees with this change.
2. Definitions added for a Residential property, a Disorderly House, and a Disorderly Event. These changes make utilization and enforcement easier to understand.
3. In Article IV section 4.2 we slightly tightened the threshold for declaring a Disorderly House, from three disorderly events in 90 days as opposed to the current 60 days. However - our attorney recommended 30 days. The Police Chief is still in favor of a longer period than 30 days, as 30 days is too lenient. The committee then determined that the original 60 day period was appropriate.
4. In Article V. We felt strongly that the officer responding should have sole discretion in deciding if a violation has occurred.

5. Our attorney recommended either repealing this ordinance or making additional edits to avoid potential legal challenges. Her advisory letter is attached. Chief Jones wants the ordinance continued, and the Committee concurs. Per the Chief, this ordinance is a useful tool to control disorderly events/houses in Town. The committee did incorporate all other attorney edits, with the exception of her recommendation to declare a disorderly house after three events in 30 days (refer to item 3).

6. Supported by CEO and Police Chief

Ordinance Controlling Nudity in Commercial or Business Activities Not Requiring a Special Amusement Permit

1. Housekeeping changes
 - a. Addition of Authority, Administration, and Enforcement articles
 - b. Edited for clarity of language, consistency of formatting, and grammatical changes
2. Created a definition of “explicit body parts”
 - a. The definition is not changed from the current ordinance but is now described in the “Definitions” section, so that the entire phrasing of the definition does not need to be repeated throughout the body of the ordinance.
 - b. This change makes the ordinance easier to read, increases consistency throughout the ordinance, and consequently makes the Ordinance easier to understand.
3. Changed Section 3.3 (now 5.3) to include visual media, such as film and video, and restructured the phrasing to increase clarity and reduce redundancy.
4. Clarified penalties to indicate that each person involved can be charged for each act which violates the ordinance, and that each instance in which the “acts” occur are considered additional offenses.
5. The Town attorney included multiple statutes and other legal housekeeping/clarification edits which we kept in their entirety.

CONSUMER FIREWORKS ORDINANCE

Redlined and clean copy enclosed

TOWN OF BRIDGTON **CONSUMER FIREWORKS USE ORDINANCE**

ARTICLE I. PURPOSE

Section 1.1. - Purpose

The purpose of this **Ordinance** is to regulate the **use of** consumer fireworks in the Town of Bridgton. This Ordinance does not regulate State permitted fireworks shows.

ARTICLE II. AUTHORITY

Section 2.1 - Authority

This Ordinance is adopted and hereafter amended pursuant to **30-A M.R.S. § 3001 *et seq.* and 8 M.R.S. § 223-A(2).**

ARTICLE III. DEFINITIONS

Section 3.1 - Combustible Material

A **Combustible Material** is a solid or liquid that can be easily ignited and burned.

Section 3.2 - Consumer Fireworks

As used in this Ordinance, “Consumer Fireworks” means any fireworks authorized by the State of Maine for sale to the general public, **as specifically defined in 8 M.R.S. § 221-A.**

ARTICLE IV. CONSUMER **USE OF FIREWORKS**

Section 4.1 – Age Requirement

No person under the age of 21 may sell, purchase, or use Consumer Fireworks.

Section 4.2 – Day and Time of Use

A. Holiday Use - Consumer Fireworks may be **used** between the hours of 9:00 A.M. and 12:30 A.M. **the following day on the specific dates listed below:**

1. **July 4th**
2. **December 31st**
3. **The Fridays, Saturdays, and Sundays immediately before and after July 4th**

B. Weekend Use – Except as provided in Section 4.2(A)(3), Consumer Fireworks may be used between the hours of 5:00 P.M. and 10:00 P.M. on Fridays, Saturdays, and Sundays.

Section 4.3 – Location

A. A person may use **Consumer Fireworks** only on that person’s property or on the property of another person who has consented in writing to the use of **Consumer Fireworks** on that property. **If the user is a tenant, written consent must be obtained from the landlord.** The

written consent shall contain the name and contact information for the property owner and, as applicable, the landlord.

- B. No person shall use, display, discharge, fire, or cause to be exploded Consumer Fireworks within 50 feet of any Combustible Material or within 50 feet of any buildings or structures, with the exception of parking lots and temporary or permanent docks connected to the shoreland.

ARTICLE V. PENALTY

Section 5.1

In addition to any applicable penalties provided by 8 M.R.S. § 223-A, a violation of this Ordinance is a civil violation punishable by a fine of \$75 for the first offense, \$300 for the second offense, and \$500 for the third or subsequent offenses.

ARTICLE VI. ENFORCEMENT

Section 6.1

This Ordinance shall be enforced by the Town of Bridgton Police Department.

ARTICLE VII. EXCEPTIONS

Section 7.1

Pursuant to 8 M.R.S. § 227-B, this Ordinance does not regulate, restrict, prevent, or prohibit fireworks displays, as defined in 8 M.R.S. § 221-A, or the issuance of fireworks display permit pursuant to 8 M.R.S. § 227-A.

ARTICLE VIII. FILING

Section 8.1

The Town Clerk is ordered to provide to the State Fire Marshal a copy of this Ordinance within 60 days of its adoption or amendment.

Enacted: June 11, 2013

Amended: _____, 2021

**TOWN OF BRIDGTON
CONSUMER FIREWORKS USE ORDINANCE**

ARTICLE I. PURPOSE

Section 1.1. - Purpose

The purpose of this Ordinance is to regulate the use of consumer fireworks in the Town of Bridgton. This Ordinance does not regulate State permitted fireworks shows.

ARTICLE II. AUTHORITY

Section 2.1 - Authority

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 *et seq.* and 8 M.R.S. § 223-A(2).

ARTICLE III. DEFINITIONS

Section 3.1 - Combustible Material

A Combustible Material is a solid or liquid that can be easily ignited and burned.

Section 3.2 - Consumer Fireworks

As used in this Ordinance, "Consumer Fireworks" means any fireworks authorized by the State of Maine for sale to the general public, as specifically defined in 8 M.R.S. § 221-A.

ARTICLE IV. CONSUMER USE OF FIREWORKS

Section 4.1 – Age Requirement

No person under the age of 21 may sell, purchase, or use Consumer Fireworks.

Section 4.2 – Day and Time of Use

A. Holiday Use - Consumer Fireworks may be used between the hours of 9:00 A.M. and 12:30 A.M. the following day on the specific dates listed below:

1. July 4th
2. December 31st
3. The Fridays, Saturdays, and Sundays immediately before and after July 4th

B. Weekend Use – Except as provided in Section 4.2(A)(3), Consumer Fireworks may be used between the hours of 5:00 P.M. and 10:00 P.M. on Fridays, Saturdays, and Sundays.

Section 4.3 – Location

A. A person may use Consumer Fireworks only on that person's property or on the property of another person who has consented in writing to the use of Consumer Fireworks on that property. If the user is a tenant, written consent must be obtained from the landlord. The

written consent shall contain the name and contact information for the property owner and, as applicable, the landlord.

- B. No person shall use, display, discharge, fire, or cause to be exploded Consumer Fireworks within 50 feet of any Combustible Material or within 50 feet of any buildings or structures, with the exception of parking lots and temporary or permanent docks connected to the shoreland.

ARTICLE V. PENALTY

Section 5.1

In addition to any applicable penalties provided by 8 M.R.S. § 223-A, a violation of this Ordinance is a civil violation punishable by a fine of \$75 for the first offense, \$300 for the second offense, and \$500 for the third or subsequent offenses.

ARTICLE VI. ENFORCEMENT

Section 6.1

This Ordinance shall be enforced by the Town of Bridgton Police Department.

ARTICLE VII. EXCEPTIONS

Section 7.1

Pursuant to 8 M.R.S. § 227-B, this Ordinance does not regulate, restrict, prevent, or prohibit fireworks displays, as defined in 8 M.R.S. § 221-A, or the issuance of fireworks display permit pursuant to 8 M.R.S. § 227-A.

ARTICLE VIII. FILING

Section 8.1

The Town Clerk is ordered to provide to the State Fire Marshal a copy of this Ordinance within 60 days of its adoption or amendment.

Enacted: June 11, 2013

Amended: _____, 2021

DISORDERLY HOUSE ORDINANCE

Redlined and clean copy enclosed

Attorney advice letter enclosed

TOWN OF BRIDGTON, MAINE
ORDINANCE TO CONTROL DISORDERLY HOUSES

ARTICLE I. PURPOSE

The purpose of this Ordinance is to protect the health, safety, and welfare of Bridgton residents by controlling persistent unlawful and nuisance activities occurring on residential properties without penalizing victims of crime or violence or deterring victims from seeking assistance or protection from law enforcement.

ARTICLE II. AUTHORITY

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 et seq.

ARTICLE III. ADMINISTRATION

This Ordinance shall be administered by the Town of Bridgton Select Board (the "Select Board") and the Town of Bridgton Police Chief (the "Police Chief").

ARTICLE IV. DEFINITIONS

Section 4.1 Disorderly Event means any one or more of the following situations created, originating, or conducted on a Residential Property which would unreasonably disturb an ordinary individual of normal sensitivities at or beyond the property line of the Residential Property:

- A. Excessively loud music or noise;
- B. Activating a device, or exposing a substance, that releases noxious and offensive odors; or
- C. Engaging in fighting without being licensed or privileged to do so.

Section 4.2 Disorderly House means any Residential Property to which law enforcement officers have been dispatched, in response to complaints or on their own initiative, three (3) or more times in any sixty (60) day period, and if three (3) or more such dispatches are substantiated Disorderly Events pursuant to Article V.

Section 4.3 Mixed-Use Building means a building used for any non-residential purpose that also contains a residential occupancy therein.

Section 4.4 Residential Property means:

- A. Any parcel of land on which a residential building or Mixed-Use Building is located;
- B. Any residential building, including single-family dwellings, multi-family dwellings, rooming houses, or boarding houses; or
- C. Any residential occupancy in a Mixed-Use Building.

ARTICLE V. DOCUMENTATION AND CLASSIFICATION OF DISORDERLY EVENTS

The Bridgton Police Department shall document all disturbance complaints and law enforcement officer dispatches, whether arising in response to a disturbance complaint or on the initiative of a

law enforcement officer, relating to conduct that may qualify as a Disorderly Event, as defined herein. The Police Chief shall review all such documentation and classify each such dispatch as either a substantiated Disorderly Event or as an unsubstantiated complaint or observation; *provided, however*, that the Police Chief shall not classify any such dispatch as a substantiated Disorderly Event if the dispatch arose from a disturbance complaint that was made by or on behalf of a potential victim of violence or crime in order to seek police assistance or protection for the complainant or for a resident of the affected Residential Property, including but not limited to protection from domestic violence.

ARTICLE VI. NOTICE OF CLASSIFICATION OF DISORDERLY EVENT

Whenever the Police Chief classifies a dispatch as a substantiated Disorderly Event pursuant to Article V, the Police Chief shall notify the owner, property manager, or rental agent of the affected Residential Property by phone and in writing within seven (7) days of each such classification. If, within any 60-day period, the Police Chief classifies three (3) or more dispatches as a substantiated Disorderly Event pursuant to Article V, the Police Chief shall notify the Select Board of the classification and provide the Select Board with all documentation relied on by the Police Chief to make the classifications that is not designated confidential by statute or is otherwise privileged or confidential.

ARTICLE VII. HEARING BY SELECT BOARD; ACTIONS

Upon receiving notice from the Police Chief pursuant to Article VI, the Select Board shall schedule a public hearing to determine whether the evidence supports a finding that the affected Residential Property is a Disorderly House. The Select Board shall provide written notice of the date, time, and place of the hearing to the property manager or rental agent, as applicable, and to the owner of the affected Residential Property by mail, certified with return receipt requested, or by delivery in-hand. If any of the Police Chief's classifications arose from the conduct of a tenant of the affected Residential Property, the Select Board shall also provide written notice of the date, time, and place of the hearing to the tenant by mail, certified with return receipt requested, or by delivery in-hand. The notice shall contain a statement of the alleged violation of this Ordinance and a summary of the possible monetary penalties, as set forth in Article XI.

The Chair of the Select Board or his/her designee shall preside at the hearing. The Police Chief shall be heard first and shall be followed by the person(s) named in the notice. Any party may cross-examine witnesses and may be represented by an attorney. After the hearing, the Select Board shall make written findings as to whether, based upon a preponderance of the evidence presented, the affected Residential Property is Disorderly House.

ARTICLE VIII. ACTIONS UPON FINDING OF A DISORDERLY HOUSE

If, after notice and hearing, the Select Board finds that the Residential Property in questions is a Disorderly House, the Select Board may enter into a consent agreement with the person(s) named in the notice to control or mitigate the type of conduct which led to a finding of Disorderly House. If the terms of a consent agreement cannot be agreed upon, the Select Board may refer the matter to the Town Attorney for legal action.

ARTICLE IX. VIOLATIONS

The following shall be violations of this Ordinance:

1. Maintaining a Disorderly House,
2. Failure to comply with the terms of a consent agreement.
3. Failure to appear at a duly noticed hearing by the Select Board concerning a Disorderly House.

Nothing in this Ordinance shall preclude the Town from seeking other remedies provided by law for the conduct described herein, including, without limitation, those remedies provided by 17-A M.R.S. § 501-A.

ARTICLE X. PENALTIES

Violation of this Ordinance shall be punishable by a civil penalty of not less than \$100 and not more than \$2,500. Each day that the violation exists shall constitute a separate offense. In addition to or in lieu of assessing a monetary penalty, the Town may enter into a consent agreement to correct or abate a violation of this Ordinance. The Town may also seek injunctive relief. If the Town prevails in a legal action to enforce this Ordinance, it shall also be entitled to an award of reasonable attorney's fees and costs.

ARTICLE XI. SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Enacted: June 12, 2007

Amended: _____, 2021

**TOWN OF BRIDGTON, MAINE
ORDINANCE TO CONTROL DISORDERLY HOUSES**

ARTICLE I. PURPOSE

The purpose of this Ordinance is to protect the health, safety, and welfare of Bridgton residents by controlling persistent unlawful and nuisance activities occurring on residential properties without penalizing victims of crime or violence or deterring victims from seeking assistance or protection from law enforcement.

ARTICLE II. AUTHORITY

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 et seq.

ARTICLE III. ADMINISTRATION

This Ordinance shall be administered by the Town of Bridgton Select Board (the "Select Board") and the Town of Bridgton Police Chief (the "Police Chief").

ARTICLE IV. DEFINITIONS

Section 4.1 Disorderly Event means any one or more of the following situations created, originating, or conducted on a Residential Property which would unreasonably disturb an ordinary individual of normal sensitivities at or beyond the property line of the Residential Property:

- A. Excessively loud music or noise;
- B. Activating a device, or exposing a substance, that releases noxious and offensive odors; or
- C. Engaging in fighting without being licensed or privileged to do so.

Section 4.2 Disorderly House means any Residential Property to which law enforcement officers have been dispatched, in response to complaints or on their own initiative, three (3) or more times in any sixty (60) day period, and if three (3) or more such dispatches are substantiated Disorderly Events pursuant to Article V.

Section 4.3 Mixed-Use Building means a building used for any non-residential purpose that also contains a residential occupancy therein.

Section 4.4 Residential Property means:

- A. Any parcel of land on which a residential building or Mixed-Use Building is located;
- B. Any residential building, including single-family dwellings, multi-family dwellings, rooming houses, or boarding houses; or
- C. Any residential occupancy in a Mixed-Use Building.

ARTICLE V. DOCUMENTATION AND CLASSIFICATION OF DISORDERLY EVENTS

The Bridgton Police Department shall document all disturbance complaints and law enforcement officer dispatches, whether arising in response to a disturbance complaint or on the initiative of a law enforcement officer, relating to conduct that may qualify as a Disorderly Event, as defined herein. The Police Chief shall review all such documentation and classify each such dispatch as either a substantiated Disorderly Event or as an unsubstantiated complaint or observation; *provided, however*, that the Police Chief shall not classify any such dispatch as a substantiated Disorderly Event if the dispatch arose from a disturbance complaint that was made by or on behalf of a potential victim of violence or crime in order to seek police assistance or protection for the complainant or for a resident of the affected Residential Property, including but not limited to protection from domestic violence.

ARTICLE VI. NOTICE OF CLASSIFICATION OF DISORDERLY EVENT

Whenever the Police Chief classifies a dispatch as a substantiated Disorderly Event pursuant to Article V, the Police Chief shall notify the owner, property manager, or rental agent of the affected Residential Property by phone and in writing within seven (7) days of each such classification. If, within any 60-day period, the Police Chief classifies three (3) or more dispatches as a substantiated Disorderly Event pursuant to Article V, the Police Chief shall notify the Select Board of the classification and provide the Select Board with all documentation relied on by the Police Chief to make the classifications that is not designated confidential by statute or is otherwise privileged or confidential.

ARTICLE VII. HEARING BY SELECT BOARD; ACTIONS

Upon receiving notice from the Police Chief pursuant to Article VI, the Select Board shall schedule a public hearing to determine whether the evidence supports a finding that the affected Residential Property is a Disorderly House. The Select Board shall provide written notice of the date, time, and place of the hearing to the property manager or rental agent, as applicable, and to the owner of the affected Residential Property by mail, certified with return receipt requested, or by delivery in-hand. If any of the Police Chief's classifications arose from the conduct of a tenant of the affected Residential Property, the Select Board shall also provide written notice of the date, time, and place of the hearing to the tenant by mail, certified with return receipt requested, or by delivery in-hand. The notice shall contain a statement of the alleged violation of this Ordinance and a summary of the possible monetary penalties, as set forth in Article XI.

The Chair of the Select Board or his/her designee shall preside at the hearing. The Police Chief shall be heard first and shall be followed by the person(s) named in the notice. Any party may cross-examine witnesses and may be represented by an attorney. After the hearing, the Select Board shall make written findings as to whether, based upon a preponderance of the evidence presented, the affected Residential Property is Disorderly House.

ARTICLE VIII. ACTIONS UPON FINDING OF A DISORDERLY HOUSE

If, after notice and hearing, the Select Board finds that the Residential Property in questions is a Disorderly House, the Select Board may enter into a consent agreement with the person(s) named in the notice to control or mitigate the type of conduct which led to a finding of Disorderly House. If the terms of a consent agreement cannot be agreed upon, the Select Board may refer the matter to the Town Attorney for legal action.

ARTICLE IX. VIOLATIONS

The following shall be violations of this Ordinance:

1. Maintaining a Disorderly House,
2. Failure to comply with the terms of a consent agreement.
3. Failure to appear at a duly noticed hearing by the Select Board concerning a Disorderly House.

Nothing in this Ordinance shall preclude the Town from seeking other remedies provided by law for the conduct described herein, including, without limitation, those remedies provided by 17-A M.R.S. § 501-A.

ARTICLE X. PENALTIES

Violation of this Ordinance shall be punishable by a civil penalty of not less than \$100 and not more than \$2,500. Each day that the violation exists shall constitute a separate offense. In addition to or in lieu of assessing a monetary penalty, the Town may enter into a consent agreement to correct or abate a violation of this Ordinance. The Town may also seek injunctive relief. If the Town prevails in a legal action to enforce this Ordinance, it shall also be entitled to an award of reasonable attorney's fees and costs.

ARTICLE XI. SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Enacted: June 12, 2007

Amended: _____, 2021

Memo from Legal - Disorderly House Ordinance

From: Agnieszka A. (Pinette) Dixon <ADixon@dwmlaw.com>

Sent: Tuesday, November 10, 2020 2:02 AM

To: Linda LaCroix <llaCroix@bridgtonmaine.org>

Subject: Disorderly Houses Ordinance

Hi Linda,

I've had a chance to review the Disorderly Houses Ordinance. The legal landscape has changed significantly with respect to these types of ordinances since it was last revisited back in 2008. Disorderly Houses ordinances are now commonly the subject of lawsuits (often brought by the ACLU) and present a legal liability to the Town.

In short, the plaintiffs in these lawsuits argue (very often, successfully) that these types of "anti-nuisance" ordinances penalize tenants and property owners based on or criminal activity occurring on a property over which they may not have any control, and they also deter crime victims from reporting crimes or calling 911 out of fear of being evicted or otherwise penalized. The plaintiffs assert that the ordinances violate constitutional and federal protections, including the First Amendment right to petition the government (which includes the right to report criminal activity or file a complaint with law enforcement), due process and equal protection rights, and federal fair housing act anti-discrimination rights. These lawsuits are often settled with substantial monetary payments going to the plaintiffs.

To avoid this liability, I would recommend that the Town repeal the ordinance altogether. If the Town nonetheless wishes to keep this ordinance in place, I suggest that it be amended as show in the attachments to narrowly tailor it to achieve the intended public health/safety/welfare goals. ("DW edits" shows my recommended fixes on top of the committee's revisions; "REDLINE POST-LEGAL" shows my edits as compared to the existing ordinance, and would be the one to bring to the BOS for adding to the warrant.)

Let me know if you have any questions or concerns about this. I'll send you my comments on the remaining ordinances in the morning.

Thanks,
Aga

Agnieszka A. (Pinette) Dixon
Attorney

207.253.0532 Direct | 207.713.6824 Cell
ADixon@dwmlaw.com

84 Marginal Way, Suite 600, Portland, ME 04101

800.727.1941 | 207.772.3627 Fax | dwmlaw.com

Memo from Legal - Disorderly House Ordinance

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Unintended transmission shall not constitute waiver of any privilege, including, without limitation, the attorney-client privilege if applicable. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the e-mail and any attachments from any computer.

NUDITY ORDINANCE

Redlined and clean copy enclosed

TOWN OF BRIDGTON
ORDINANCE CONTROLLING NUDITY IN COMMERCIAL OR BUSINESS
ACTIVITIES NOT REQUIRING A SPECIAL AMUSEMENT PERMIT

ARTICLE I. PURPOSE

The purpose of this Ordinance is to regulate nudity as a form of commercial or business exploitation and to regulate dress as a form of conduct in commercial or business activities other than those which require a special amusement permit based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Town, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *Iacobucci v. City of Newport, Ky.*, 479 U.S. 92 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir.1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984); and *N.W. Enterprises v. City of Houston*, 27 F.Supp. 2d 754 (S.D. Tex.1998)), as well as studies conducted in other municipalities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. The purpose of this Ordinance is not to impede the free exchange and expression of ideas or to prohibit the activity of breast feeding of children. The conduct regulated by this Ordinance is that which the community and Select Board in public meetings have clearly found to be offensive to the general welfare, public safety, and order of the Town of Bridgton and its citizens.

ARTICLE II. AUTHORITY

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 *et seq.*, 17-A M.R.S. § 854, and 17 M.R.S. §§ 2911-2913.

ARTICLE III. ADMINISTRATION

This Ordinance shall be administered by the Town of Bridgton Police Chief (the "Police Chief") and the Town of Bridgton Code Enforcement Officer ("the Code Enforcement Officer").

ARTICLE IV. DEFINITIONS

Section 4.1 - Theater. As used in this Ordinance, "theater" means (a) a building, playhouse, hall or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a

body of spectators can have an unobstructed view of the stage, or (b) a building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of said screen, or (c) an open-air or "drive-in" movie having a permanently affixed movie screen and permanently affixed devices for broadcasting the soundtracks of movies or motion pictures inside of the patrons' vehicles, (d) coffee houses, dinner theaters, or (e) similar establishments that host theatrical performances which may contain occasional nudity by bona fide stage actors during the course of those theatrical performances.

Section 4.2 - Museum, Art Gallery. As used in this Ordinance, "museum or art gallery" means any building or space within a building, interior or exterior display or any other location that serves the purpose of procuring, displaying, caring for and studying of objects, whether they be prints, paintings or items in three dimension such as sculptures, all of lasting interest or value.

Section 4.3 - Sales Person, Waiter, Waitress and Entertainer. A person shall be deemed a sales person, waiter, waitress or entertainer if such person acts in that capacity, without regard to whether or not such person is paid any compensation by the management of the business in which the activity is performed.

Section 4.4 - Expose. "Expose" or "exposed" means unclothed or uncostumed or not covered by fully opaque cloth or textile material.

Section 4.5 - Business means any retail establishment offering food, beverages, merchandise, products or services for sale to members of the general public, operated as a for-profit business and treated as such for federal or state tax purposes.

Section 4.6 – Patron means a customer of the business or a person from the general public, not an employee or owner of the business, who is on the premises to obtain, receive, or view the products, services, or live performances offered by the business.

Section 4.7 – Semi-nude means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breasts, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Section 4.8 – Semi-nude expressive dance or performance means an expressive dance or performance that is not obscene and in which the state of undress is a part of the communicative aspect of the dance or performance.

Section 4.9 – Explicit body parts means a person's genitals, pubic hair, buttocks, perineum or anus, or any portion of the female breast at or below the areola thereof. This definition shall

include exposure of the lower portion of the female breasts, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar apparel provided the areola is not exposed in whole or in part.

ARTICLE V. PROHIBITIONS

Section 5.1. – It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer or in any other capacity as an owner, manager, or employee in a business to knowingly expose his or her **explicit body parts**, or to employ any device or covering which is intended to give the appearance of or to simulate **explicit body parts**.

Section 5.2. It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose himself or herself as prohibited by Section 5.1 of this Ordinance.

Section 5.3. It shall be unlawful for a person operating a business to, at said place of business, display, cause, or permit the display of photographs, covers of magazines, newspapers, **films, video, or other printed or visual media which are visible to the general public using the sidewalks, streets, highways, or in an area open to minors, which** expose or show **explicit body parts** and which, each taken as a whole, lacks serious literary, artistic, political or scientific value and is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

ARTICLE VI. EXCEPTIONS

Section 6.1. Sections 5.1 and 5.2 of this Ordinance do not apply to a theater, museum, art gallery, or similar establishment which is primarily devoted to theatrical performances, the presentation of movies or the displaying of art in any medium.

Section 6.2. Sections 5.1 to 5.3 of this Ordinance do not apply to an educational institution, hospital, clinic, physician's office, **or** medical treatment facility.

Section 6.3. Section 5.1 and 5.2 of this Ordinance do not prohibit a semi-nude expressive dance or performance which satisfies the following requirements:

- a) The semi-nude expressive dance or performance occurs at least six (6) feet from any patron
- b) There is no contact between the person engaged in the expressive semi-nude dance or performance and any patron
- c) The semi-nude dance or performance occurs in a room of at least six hundred (600) square feet
- d) The business at which the semi-nude expressive dance or performance occurs does not require a special amusement permit and does not sell, serve, or give away alcohol to any patron incidental to or within twenty-four (24) hours of the semi-nude dance or performance.

Section 6.4 – This Ordinance does not apply to any act expressly permitted or expressly prohibited by any statute of the State of Maine.

Section 6.5 – This Ordinance does not apply to the exposure of the female breast incident to breast feeding children.

ARTICLE VII. ENFORCEMENT

This Ordinance shall be enforced by the Town of Bridgton Police Department and Code Enforcement Officer.

ARTICLE VIII. PENALTY

Section 8.1 - Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not more than \$500 (five hundred) for the first offense and for each offense thereafter in the same 12 month period, \$1000. Each day that such unlawful act or violation continues shall be considered a separate offense. Section 5.2 - In addition to any other penalty provided by the law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the town seeking an injunction to prohibit further and continued violation thereof.

ARTICLE IX. SEVERABILITY

Section 9.1. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Enacted: June 14, 2011

Amended: _____, 2021

TOWN OF BRIDGTON
ORDINANCE CONTROLLING NUDITY IN COMMERCIAL OR BUSINESS
ACTIVITIES NOT REQUIRING A SPECIAL AMUSEMENT PERMIT

ARTICLE I. PURPOSE

The purpose of this Ordinance is to regulate nudity as a form of commercial or business exploitation and to regulate dress as a form of conduct in commercial or business activities other than those which require a special amusement permit, based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Town, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington,*, 65 F.3d 1248 (5th Cir.1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984); and *N.W. Enterprises v. City of Houston*, 27 F.Supp. 2d 754 (S.D. Tex.1998)), as well as studies conducted in other municipalities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. The purpose of this Ordinance is not to impede the free exchange and expression of ideas or to prohibit the activity of breast feeding of children. The conduct regulated by this Ordinance is that which the community and Select Board in public meetings have clearly found to be offensive to the general welfare, public safety, and order of the Town of Bridgton and its citizens.

ARTICLE II. AUTHORITY

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 *et seq.*, 17-A M.R.S. § 854, and 17 M.R.S. §§ 2911-2913.

ARTICLE III. ADMINISTRATION

This Ordinance shall be administered by the Town of Bridgton Police Chief (the "Police Chief") and the Town of Bridgton Code Enforcement Officer ("the Code Enforcement Officer").

ARTICLE IV. DEFINITIONS

Section 4.1 - Theater. As used in this Ordinance, "theater" means (a) a building, playhouse, hall or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, or (b) a building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of said screen, or (c) an open-air or "drive-in" movie having a permanently affixed movie screen and permanently affixed devices for broadcasting the soundtracks of movies or motion pictures inside of the patrons' vehicles, (d) coffee houses, dinner theaters, or (e) similar establishments that host theatrical performances which may contain occasional nudity by bona fide stage actors during the course of those theatrical performances.

Section 4.2 - Museum, Art Gallery. As used in this Ordinance, "museum or art gallery" means any building or space within a building, interior or exterior display or any other location that serves the purpose of procuring, displaying, caring for and studying of objects, whether they be prints, paintings or items in three dimension such as sculptures, all of lasting interest or value.

Section 4.3 - Sales Person, Waiter, Waitress and Entertainer. A person shall be deemed a sales person, waiter, waitress or entertainer if such person acts in that capacity, without regard to whether or not such person is paid any compensation by the management of the business in which the activity is performed.

Section 4.4 - Expose. "Expose" or "exposed" means unclothed or uncostumed or not covered by fully opaque cloth or textile material.

Section 4.5 - Business means any retail establishment offering food, beverages, merchandise, products or services for sale to members of the general public, operated as a for-profit business and treated as such for federal or state tax purposes.

Section 4.6 – Patron means a customer of the business or a person from the general public, not an employee or owner of the business, who is on the premises to obtain, receive, or view the products, services, or live performances offered by the business.

Section 4.7 – Semi-nude means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breasts, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Section 4.8 – Semi-nude expressive dance or performance means an expressive dance or performance that is not obscene and in which the state of undress is a part of the communicative aspect of the dance or performance.

Section 4.9 – Explicit body parts means a person's genitals, pubic hair, buttocks, perineum or anus, or any portion of the female breast at or below the areola thereof. This definition shall include exposure of the lower portion of the female breasts, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar apparel provided the areola is not exposed in whole or in part.

ARTICLE V. PROHIBITIONS

Section 5.1. – It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer or in any other capacity as an owner, manager, or employee in a business to knowingly expose his or her explicit body parts, or to employ any device or covering which is intended to give the appearance of or to simulate explicit body parts.

Section 5.2. It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose himself or herself as prohibited by Section 5.1 of this Ordinance.

Section 5.3. It shall be unlawful for a person operating a business to, at said place of business, display, cause, or permit the display of photographs, covers of magazines, newspapers, films, video, or other printed or visual media which are visible to the general public using the sidewalks, streets, highways, or in an area open to minors, which expose or show explicit body parts and which, each taken as a whole, lacks serious literary, artistic, political or scientific value and is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

ARTICLE VI. EXCEPTIONS

Section 6.1. Sections 5.1 and 5.2 of this Ordinance do not apply to a theater, museum, art gallery, or similar establishment which is primarily devoted to theatrical performances, the presentation of movies or the displaying of art in any medium.

Section 6.2. Sections 5.1 to 5.3 of this Ordinance do not apply to an educational institution, hospital, clinic, physician's office, or medical treatment facility.

Section 6.3. Section 5.1 and 5.2 of this Ordinance do not prohibit a semi-nude expressive dance or performance which satisfies the following requirements:

- a) The semi-nude expressive dance or performance occurs at least six (6) feet from any patron
- b) There is no contact between the person engaged in the expressive semi-nude dance or performance and any patron

- c) The semi-nude dance or performance occurs in a room of at least six hundred (600) square feet
- d) The business at which the semi-nude expressive dance or performance occurs does not require a special amusement permit and does not sell, serve, or give away alcohol to any patron incidental to or within twenty-four (24) hours of the semi-nude dance or performance.

Section 6.4 – This Ordinance does not apply to any act expressly permitted or expressly prohibited by any statute of the State of Maine.

Section 6.5 – This Ordinance does not apply to the exposure of the female breast incident to breast feeding children.

ARTICLE VII. ENFORCEMENT

This Ordinance shall be enforced by the Town of Bridgton Police Department and Code Enforcement Officer.

ARTICLE VIII. PENALTY

Section 8.1 - Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not more than \$500 (five hundred) for the first offense and for each offense thereafter in the same 12 month period, \$1000. Each day that such unlawful act or violation continues shall be considered a separate offense. Section 5.2 - In addition to any other penalty provided by the law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the town seeking an injunction to prohibit further and continued violation thereof.

ARTICLE IX. SEVERABILITY

Section 9.1. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Enacted: June 14, 2011

Amended: _____, 2021

Town of Bridgton

VICTUALERS AND MARIJUANA ESTABLISHMENTS LICENSING ORDINANCE

Enacted 11/08/2011 (as the Town of Bridgton "Victualers Licensing Ordinance")
Revised 11/03/2020 (as the Town of Bridgton "Victualers and Marijuana
Establishments Licensing Ordinance")

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TOWN OF BRIDGTON
VICTUALERS AND MARIJUANA ESTABLISHMENTS LICENSING ORDINANCE

Enacted 11/08/2011 (as the Town of Bridgton "Victualers Licensing Ordinance")
Revised 11/03/2020 (as the Town of Bridgton "Victualers and Marijuana
Establishments Licensing Ordinance")

I. PURPOSE AND AUTHORITY

This Victualers and Marijuana Establishments Licensing Ordinance (the "Ordinance") is enacted pursuant to 30-A M.R.S. § 3001, 22 M.R.S. § 2429-D and 28-B M.R.S. § 402. The purpose of this Ordinance is to (a) ensure that establishments serving food or drink prepare their food and drink in a safe and sanitary environment and (b) to set forth procedures and standards for the issuance of municipal licenses for Marijuana Establishments in order to protect the public health, safety and welfare.

II. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth in the Town of Bridgton Land Use Ordinance, as may be amended from time to time: Marijuana Establishment; Marijuana Home Cultivation; Medical Marijuana Small-Scale Caregiver Operation.

III. LICENSE REQUIRED

A. **Victualer's License.** Except as provided in Section III.A.1, below, any establishment that serves food or drink prepared for consumption by the public within the corporate boundaries of the Town of Bridgton shall be required to annually apply for and possess a Victualer's License. A Victualer's License shall be specific to the premises and entity which is requesting the license. For example, a facility which is owned or operated at more than one location, or in the same location and is operated by different parties or personnel or which are physically separated, shall require separate permits. However, no license shall be required for an establishment which only serves food or drink prepared by a licensed establishment or by a licensed catering firm.

1. **Exemptions.** The following establishments are exempt from applying for and possessing a Victualer's License:

- a. A Public or Private School, Public Service Organization, Private Club, Church Organization, Fire Department, or any other non-profit organization selling food or drink on an infrequent basis to solely raise money for a charitable cause.
- b. Grocery stores, except those selling food items prepared on the premises
- c. Establishments selling food and drink only through vending machines.

This local exemption does not relieve an establishment of state requirements or other applicable ordinances, laws, and regulations. The Municipal Officers shall have the authority to decide if an establishment is exempt.

B. **Marijuana Establishment License.** Except as provided in Section III.B.1, below, effective January 1, 2021 (the "Effective Date"), a Marijuana Establishment may not begin or continue operations unless it has received and is in possession of a Marijuana Establishment License issued

pursuant to this Ordinance. A Marijuana Establishment that holds a Town of Bridgton site plan review permit and/or is operating as of the Effective Date shall submit a completed license application within 30 days of the Effective Date but shall have a grace period of 60 days after the Effective Date to receive a Marijuana Establishment License, which grace period may be extended by order of the Municipal Officers for good cause shown. A Marijuana Establishment License shall be specific to the premises, the Licensee, and the category of Marijuana Establishment identified in the application and approved in the license. A Licensee who intends to include a new category of Marijuana Establishment on the same premises or convert a Marijuana Establishment to another category that is not specifically approved in a license must obtain a new license for the expansion or change of use of the Marijuana Establishment.

1. Exemptions. The following establishments are exempt from applying for and possessing a Marijuana Establishment License:

- a. Marijuana Home Cultivation.
- b. Medical Marijuana Small-Scale Caregiver Operations.

This local exemption does not relieve an establishment of state requirements or other applicable ordinances, laws, and regulations. The Municipal Officers shall have the authority to decide if an establishment is exempt.

IV. LICENSING AUTHORITY

The Municipal Officers shall have the authority to approve or disapprove all applications and renewal applications for Victualer's Licenses or Marijuana Establishment Licenses.

V. APPLICATIONS; REVIEW PROCEDURES

The following review procedures shall apply for initial license applications, as well as renewal license applications. In reviewing a license application, the Municipal Officers may consider the requirements under this Ordinance and other applicable ordinances, laws, and regulations and, for license renewals, the Licensee's record of compliance with the same.

- A. Applicant: For the purposes of this Ordinance, the applicant shall be the owner of the establishment. If the owner is a business entity, the applicant shall be every officer, director, member, manager, and general partner of the business entity. If the applicant is not the person primarily responsible for the actual operation of the establishment, then the person(s) primarily responsible for the actual operation of the establishment shall be co-applicant(s) together with the applicant. The applicants and co-applicants are collectively referred to as "Applicant" in this Ordinance.
- B. Applications and Fees: An Applicant for a Victualer's or Marijuana Establishment License shall file with the Town Clerk a license application on a form prescribed by the Town Clerk, together with the following:
 1. A nonrefundable license application fee as provided in the Town of Bridgton Fee Schedule.
 2. Evidence of all state and other municipal approvals required to operate the establishment including, as applicable, a copy of the Applicant's state license application and supporting documentation, as submitted to the state licensing authority. If an application for such

approval is pending as of the date a license application is filed with the Town, the Applicant must submit a copy of the state licensing application.

3. A statement identifying all owners, officers, directors, members, managers, and general partners comprising the Applicant; their ownership interests in the establishment; and their places of residence at the time of the application and for the immediately preceding three years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration, or utility bills shall be provided.
 4. A release for each Applicant allowing the Town to obtain criminal records and other background information related to the individual(s). Failure to submit required releases for a background check is grounds for denial of a license. The cost of the background check shall be borne by the Applicant and shall be in addition to the application fee.
 5. A description and plan of the establishment for which a license is being sought.
 6. **If the application is for a Marijuana Establishment License**, (i) the specific categories of Marijuana Establishment for which the license is being sought (i.e., adult use marijuana cultivation facility, adult use marijuana products manufacturing facility, adult use marijuana store, adult use marijuana testing facility, medical marijuana caregiver retail store, medical marijuana inherently hazardous substances extraction operation, medical marijuana large-scale caregiver operation, medical marijuana manufacturing facility, medical marijuana registered dispensary, or medical marijuana testing facility); (ii) copies of any state or municipal licenses held by the Applicant for any other marijuana establishments owned or operated by the Applicant in Maine, as well as any notices of violation received from the state or any municipality for such marijuana establishment and proof that any violation has been resolved.
- C. **Initial Screening:** The Town Clerk shall initially review the license application to ensure that it is complete and to obtain review comments from the Town's Police Chief, Fire Chief, and Code Enforcement Officer. If the Town Clerk determines that an application is incomplete, the Town Clerk shall notify the Applicant of the additional information required to process the application. If such additional information is not submitted within 30 days of the Town Clerk's request, the Town Clerk may return the application as incomplete and the application shall be deemed denied.
- D. **Renewals:** Renewal license applications must be submitted to the Town Clerk in accordance with subsections B and C, above. The Municipal Officers shall annually review all renewal applications based on the review criteria set forth in Section VI.A, below, and for the purpose of determining the status of the Applicant's previous conformance to this Ordinance and all other applicable ordinances, laws, and rules and at such time make a decision to (1) approve the renewal request, (2) table the renewal request, setting a date for the Applicant to come before the Municipal Officers to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Clerk at least 30 days prior to the expiration date of the license.

VI. ISSUANCE OR DENIAL OF A LICENSE; INSPECTIONS

- A. **Review Criteria:** The Municipal Officers shall license persons of good moral character to establish or operate an establishment in accordance with the requirements set forth in this Ordinance and all other applicable ordinances, laws, and regulations. In determining whether to issue a license or deny a license application, the Municipal Officers shall consider:
1. Whether the Applicant has failed any part of a state inspection or local health inspection.
 2. Whether the Applicant has failed to provide sufficient evidence of compliance with applicable ordinances, laws, and regulations.
 3. Whether the Applicant is of good moral character. In determining good moral character, the Municipal Officers shall consider all evidence presented but shall, in addition, check the Applicant's criminal record, if any. Conviction of a class D or more serious crime is considered *prima facie* evidence that the Applicant lacks good moral character.
 4. Whether the Applicant has failed to pay an outstanding fine, penalty, or tax owed to the Town of Bridgton.
 5. **If the Applicant is requesting a Marijuana Establishment License**, whether the Applicant has had a license required for a Marijuana Establishment suspended or revoked by the Town, by another Maine municipality, or by the State.
 6. Whether the Applicant has provided false or misleading information in connection with the license application.
- In reviewing any license application pursuant to this Ordinance, the Municipal Officers may require and solicit review comments concerning the above-identified considerations from any public officers, departments, or boards of the Town.
- B. **Condition Precedent:** If a Licensee or establishment licensed under this Ordinance is also required to be licensed by a state authority created for the purpose of regulating and controlling the licensing of eating establishments or marijuana establishments, any license granted under this Ordinance shall not become effective until such date that the required state license issues; provided, however, that the failure to secure a required state license before obtaining a license from the Municipal Officers shall not toll the expiration date of the license as provided in subsection D, below.
- C. **Conditions of Approval:** Establishments must operate in accordance with all material representations made in the license application. The Municipal Officers may attach to any license issued pursuant to this Ordinance additional conditions and requirements that are reasonably designed to promote the health, safety, or welfare of the public.
- D. **License Term:** A license, when granted, shall be valid immediately following said granting of license and will expire one year from the date the license was granted. A Licensee who fails to obtain a renewal license prior to the expiration of the license shall cease operations until a renewal license is granted.

E. Inspections:

1. Initial License Inspection: An Applicant requesting a license for the first time shall have the establishment inspected by the Code Enforcement Officer, Police Chief, and Fire Chief prior to any action being taken on the license application by the Municipal Officers. Any alterations or changes to an establishment during the course of the Municipal Officers' review will require additional inspections.
2. Compliance Inspections: The Code Enforcement Officer, Police Chief, and Fire Chief shall have the authority to enter, with or without notice, a Licensee's premises to make any inspection reasonably necessary to determine compliance with the requirements of this Ordinance.

VII. SUSPENSION OR REVOCATION OF LICENSE; DETERMINATION OF VIOLATIONS

If after investigation, notice, and hearing, the Municipal Officers conclude that a Licensee is unfit to hold a license granted under this Ordinance, the Municipal Officers may suspend or revoke the license at any time. The suspension or revocation of a license issued by the State, the failure of a Licensee to acquire and maintain all necessary local and state approvals, or the violation by a Licensee of any applicable ordinances, laws, and regulations (including without limitation life safety code requirements) shall be *prima facie* evidence that the Licensee is unfit to hold a license. The Municipal Officers may suspend a license for any period of time that it considers proper. The Municipal Officers may also determine that an establishment which has not obtained a license is required to obtain a license, or that a licensed establishment has violated conditions and restrictions applicable to its license. Prior to ordering the suspension or revocation of a license or determining a license violation, the Municipal Officers shall provide the Licensee, at least three days prior to the hearing date, notice of the time and place of the hearing at which the license suspension, revocation, or violation will be considered. At the hearing, the Licensee shall be given an opportunity to hear the evidence in support of the charges against the Licensee and to be heard in the Licensee's own defense.

VIII. ASSIGNMENT OR TRANSFER

No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership of a licensed establishment shall require a new license. Licenses are limited to the premises for which they are issued and are not transferrable to another location. A Licensee seeking to operate in a new location must first acquire a license for that location.

IX. APPEALS

An appeal from any final decision of the Municipal Officers made pursuant to this Ordinance shall be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

X. PENALTY

Any act made unlawful by this Ordinance and any violation of this Ordinance shall be a civil violation subject to a penalty in accordance with 30-A M.R.S. § 4452. Each day that such unlawful act or violation continues shall be considered a separate offense. The Municipal Officers or their designee shall enforce the provisions of this Ordinance.

XI. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Community Development Committee
Roster**

Name	Archer, Helen	Title
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	(207)699-9992	
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Home		
Cell	(207)400-2776	
Other	(207)647-3724	
Name	Brusini, Deborah	Title Planning Board Liaison
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Home		
Cell	(978)502-0982	
Other		
Name	Bullard, Greg	Title
Address	257 Pond Road	
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	(207)712-3942	
Name	Flaherty, Ursula	Title Vice Chairman
Address	16 Knowles Point Road	
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Work	ursulaflaherty@hotmail.com	
Home	(508)254-6714	
Cell		
Other		

**Community Development Committee
Roster**

Name	Kevin Raday	Title
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E-Mail	kevin@raday.org	
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Home	(207)647-5205	
Cell	(215)218-0795	
Other		

Name	LaCroix, Linda	Title	Town of Bridgton Staff- Community Development Director
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Name	Lone, Carmen E.	Title	Select Board Liaison
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Name	McHatton, Robert J., Sr.	Title	Chairman
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Cell			
Other			

Name	Miller, Evan	Title
Address	60 Sunset Road	
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**Community Development Committee
Roster**

Name	Roth, Phyllis	Title
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Work		
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Cell		
Other		

Name	Sanborn, Margaret	Title
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The Community Development Committee was formed when the Economic Development Corporation was privately created and the Town's Economic Development Committee functions shifted to a different focus, that of development within the community.

MISSION AND CHARGE

The Community Development Committee (CDC) acts as an advisory committee. Its mission is to identify and prioritize the goals of Bridgton's Comprehensive

AUTHORITY

The Committee shall report to the Select Board at least quarterly, the work and progress they have achieved on various assignments and issues. As an advisory committee, the CDC makes recommendations to the Board for consideration. The Committee may request volunteers to assist their efforts, however such persons are not considered voting members of the Committee. The Committee may request additional authorization from the Select Board for specific activities.

PROCESS AND COMPLIANCE

Every member of the Committee shall comply with existing state law and the policies and procedures of the town including but not limited to the conduct and notice of meetings, the Town's Ethics and Guidelines Policy, conflict of interest laws and the Town Personnel Policies.

APPOINTMENTS

Members are appointed by the Select Board on an annual basis, usually in January of each year. The Board may also appoint members during the year as they deem necessary.

MEETINGS

The Committee shall hold regular public meetings, be responsible for the creation and posting of all agendas and the creation of the public record of each meeting in accordance with the prevailing state law. Such records shall be forwarded to the Select Board and any other entities they are working with.

AMENDMENTS

The Select Board may amend this Charge and Mission as they deem appropriate.

Recycling Committee Roster

Name	Chappell, Sally	Title	Chairman
Address	60 Punkin Valley Dr.		
E-Mail	Bridgton ME 04009 beepbeep207@roadrunner.com		
Work			
Home	(207)647-8154		
Cell			
Other			

Name	Fitzcharles, Kate	Title	
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E-Mail	Bridgton ME 04009 katie-fitz@yahoo.com		
Work			
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Cell	(207)890-5462		
Other			

Name	Johnson, Therese	Title	
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Work			

Name	Joss, Donna	Title	
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Work			
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Other			

Name	McDevitt, Maureen	Title	
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Name	Miller, Rachel	Title
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Home		
Cell	(862)222-5084	
Other		

CHARGE, MISSION AND AUTHORITY

NARRATIVE:

The Town of Bridgton operates a transfer station that has the capacity to accept separated recyclable materials from the waste stream. Over the course of years the recycling efforts have improved to the current practice of "Single Sort" which further encourages the separation of recyclables and has the ability to reduce the Town's overall costs associated with disposal. To guide the Select Board in matters of waste streams and recycling, a committee was established.

MISSION AND CHARGE:

The Recycling Committee is charged with the efforts to improve the recycling rate of the Town while reducing the disposal costs associated with the waste stream. Committee members shall become knowledgeable in the general operations of the transfer station, methods of disposal and recycling. Working with the Station Manager, town staff and Ecomaine as well as the community, the Committee shall recommend to the Select Board those policies, practices and procedures that might assist the Town in reducing its disposal costs. The Committee shall recommend any ordinance changes necessary to support the reduction of solid waste disposal costs, improve recycling opportunities and rates and provide other recommendations for consideration by the Select Board.

AUTHORITY:

The Committee shall report to the Select Board at least quarterly, the work and progress they have achieved on various assignments and issues. As an advisory committee, the Recycling Committee makes recommendations to the Board for consideration. The Committee may request volunteers to assist their efforts, however such persons are not considered voting members of the Committee. The Committee may request additional authorization from the Select Board for specific activities.

APPOINTMENTS:

Members are appointed by the Select Board on an annual basis, usually in January of each year. The Board may also appoint members during the year as they deem necessary.

MEETINGS:

The Committee shall hold regular public meetings, be responsible for the creation and posting of all agendas and the creation of the public record of each meeting in accordance with the prevailing state law. Such records shall be forwarded to the Select Board and any other entities they are working with.

AMENDMENTS:

The Select Board may amend the Mission and Charge as they deem appropriate.

Name	Chandel, Tom	Title
Address	PO BOX 7	
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Work	tomchand@gwi.net	
	(207)647-5711	
Name	Creem, Tim	Title
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Home	(207)647-8909	
Cell		
Other		
Name	Eastman, Liston E.	Title Liaison
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Home		
Cell	(207)577-0439	
Other		
Name	Gibbons, Albert "Ted" E. Jr.	Title
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Other		
Name	Nicholson, Norman C. Jr.	Title Chairman
Address	PO Box 306	
E-Mail	Bridgton ME 04009	
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Other		

Name	Peabody, Robert A. Jr.	Title	Ex-Official
Address	Town of Bridgton 3 Chase Street, Suite 1 Bridgton ME 04009		
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Work	(207)647-8786		

Name	Sullivan, Patrick "Skip"	Title	
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Work			
Home			
Cell	(203)214-4594		
Other			

NARRATIVE: The Investment Committee was formed when the Town of Bridgton established their trust funds. The need for compliance to state and federal law in addition to generally accepted accounting procedures while investing the principal and interest of the trust funds become the primary concern for the Town. The investment committee continues to in that role.

MISSION AND CHARGE: The Investment Committee acts as an advisory committee and resource to the Select Board. Upon acceptance and approval of the Committee's recommendations regarding investment of the funds, the Select Board, shall authorize the Town Manager to execute the recommendations and report back to both the Select Board and the Committee. The Committee shall review performance of the investments, how they are structured and recommend the investment strategies that account for risk and return on investments, in accordance with prevailing law and accepted investment practices.

AUTHORITY: The Committee shall report to the Select Board at least quarterly, the work and progress they have achieved on various assignments and issues. As an advisory committee, the Committee makes recommendations to the Board for consideration. The Committee may request volunteers to assist their efforts, however such persons are not considered voting members of the Committee. The Committee may request additional authorization from the Select Board for specific activities.

APPOINTMENTS: Members are appointed by the Select Board on an annual basis, usually in January of each year. The Board may also appoint members during the year as they deem necessary.

MEETINGS: The Committee shall hold regular public meetings, be responsible for the creation and posting of all agendas and the creation of the public record of each meeting in accordance with the prevailing state law. Such records shall be forwarded to the Select Board and any other entities they are working with.

AMENDMENTS: The Select Board may amend this Charge and Mission as they deem appropriate.

Name	Brusini, Deborah "Deb"	Title
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Work		
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Cell		
Other		
Name	Eastman, Liston E.	Title Liaison
Address	6 Hurley Road	
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Work		
Home		
Cell	(207)577-0439	
Other		
Name	Garland, Glen	Title
Address	4 Harmon Road	
E-Mail	Bridgton ME 04009 grgarland62@gmail.com	
Work		
Home	(207)595-3162	
Cell		
Other		
Name	Kevin Raday	Title Vice-Chair
Address	51/63 Alpine Rd.	
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Work		
Home		
Cell	(215)518-0795	
Other		
Name	Mary Tworog	Title
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Other		

Name	Rudin, Leonard	Title	Chair
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Work	(845)598-2055		
Home	(845)598-2055		
Cell			
Other			

Name	Samantha Zawistowski	Title	Secretary
Address	Address Withheld at Committee Member Request		
E-Mail	Bridgton ME 04009 s.e.zawistowski@gmail.com		
Work			
Home			
Cell	(860)808-4287		
Other			

NARRATIVE: The Ordinance Review Committee is formed to review ordinances and recommend changes excepting those ordinances that are under the purview of the Planning Board i.e. Site Plan Review, Land Use Ordinance and Tower Ordinance.

MISSION AND CHARGE: The Ordinance Review Committee acts as an advisory committee and resource to the Select Board. The key elements of the Committee's mission are to review approved Ordinances, draft Ordinance revisions and present their recommendations to the Select Board for the Town Meeting Warrant. Suggested revisions may come from the Select Board, Planning Board, Appeals Board or from the Committee during June, July and August and are kept on file in the Office of Planning and Community Development.

A proposed work plan is presented to the Select Board at the first meeting in August for approval. The Committee submits their draft revisions to the Select Board at the Board's first meeting in February.

AUTHORITY: The Committee shall report to the Select Board at least monthly on their work and progress. As an advisory committee, the Ordinance Review Committee makes recommendations to the Board for consideration. The Committee may request volunteers to assist their efforts, however such persons are not considered voting members of the Committee.

PROCESS AND COMPLIANCE: Every member of the Committee shall comply with existing state law and the policies and procedures of the town including but not limited to the conduct and notice of meetings, the Town's Ethics and Guidelines Policy, conflict of interest laws and the Town Personnel Policies.

APPOINTMENTS: Members are appointed by the Select Board and will serve three (3) year terms. The initial terms of the Committee shall be one member for a one (1) year term, two members for two (2) year terms and two members for three (3) year terms. The Committee shall consist of three (3) to seven (7) of which one (1) will represent the Planning Board and remainder will be citizens. The Town Manager or Deputy Town Manager will be ex officio members. The Director of Planning and Community Development will serve as staff to the Committee.

MEETINGS: The Committee shall hold regular public meetings, be responsible for the creation and posting of all agendas and the creation of the public record of each meeting in accordance with prevailing state law. Such records shall be forwarded to the Select Board and any other entities they are working with.

AMENDMENTS: The Select Board may amend this Charge and Mission as they deem appropriate.

**Pondicherry Park Stewardship
Committee Roster**

Name	Edwards, Daniel	Title	Member of Subcommittee for Park Maintenance
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Other			
Name	Evans, Jon	Title	Alternate
Address	31 Evans Road		
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Work			
Home			
Cell	(207)632-8510		
Other			
Name	Hayes, Leigh	Title	Alternate
Address	14 Pleasant Street		
E-Mail	Bridgton ME 04009 lmachayes@gmail.com		
Work			
Home	(207)647-9540		
Cell			
Other			
Name	Jewett, Mary	Title	Lakes Environmental Association Committee Chairman
Address	110 Pond Road		
E-Mail	Bridgton ME 04009 mary@leamaine.org		
Work			
Home	(207)647-8580		
Cell			
Other			
Name	Klausner, Rick	Title	Loon Echo Alternate Representative
Address	4 Kezar Heights Road		
E-Mail	Bridgton ME 04009 rklausn1@gmail.com		
Work			
Home	(207)461-2441		
Cell			
Other			

**Pondicherry Park Stewardship
Committee Roster**

Name	Lagoda, Mark	Title	Town of Bridgton Representative
Address	24 SKILLIN CIRCLE		
E-Mail	BRIDGTON ME 04009 MARKLAGODA@GMAIL.COM		
Work			
Home			
Cell	(207)595-9219		
Other			

Name	Tworog, Paul	Title	Town of Bridgton Alternate/ Board Liason
Address	4 Hillcrest Ave.		
E-Mail	Bridgton ME 04009 selectmantworog@bridgtonmaine.org		
Work			
Home			
Cell	(207)595-8209		
Other			

Name	Zaidman, Glenn	Title	Town of Bridgton Representative
Address	337 Wildwood Road		
E-Mail	Bridgton ME 04009 selectmanzaidman@bridgtonmaine.org		
Work			
Home	(207)647-9593		
Cell			
Other			

Committee Agreement Pondicherry Park Stewardship Committee

WHEREAS, Loon Echo Land Trust, Inc. ("LELT") conveyed certain lots or parcels of land in the Town of Bridgton, Cumberland County, Maine ("Pondicherry Park") to the Town of Bridgton ("Town"), by deed dated June 27, 2012 and recorded in the Cumberland County Registry of Deeds;

WHEREAS, said deed reserved to LELT a perpetual conservation easement ("Conservation Easement") protecting Pondicherry Park, dated June 27, 2012 and recorded in the Cumberland County Registry of Deeds;

WHEREAS, the Conservation Easement provides for the execution of a committee agreement in order to establish the Pondicherry Park Stewardship Committee ("Committee"), and this agreement ("Committee Agreement") hereby fulfills said requirement;

WHEREAS, Lakes Environmental Association ("LEA") has collaborated with LELT and the Town in the acquisition of and planning for the Pondicherry Park project;

NOW THEREFORE, in consideration of the mutual promises exchanged in this Committee Agreement, the parties hereby agree as follows:

1. PURPOSES

The Purpose of the Committee is to develop and amend the Pondicherry Park Management Plan ("Management Plan") and implement the management activities, all in accordance with the terms and restrictions of the Conservation Easement, under the direction of the Town of Bridgton.

2. APPOINTING MEMBERS

2.1. The following organizations and entities are designated as the Appointing Members ("Appointing Member"):

- 2.1.1. **Loon Echo Land Trust, Inc.**, a Maine nonprofit corporation qualified as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code (IRC), having a mailing address of 8 Depot Street, Suite 4, Bridgton, Maine 04009; and;
- 2.1.2. **Lakes Environmental Association**, a Maine nonprofit corporation qualified as exempt from federal income tax under Section 501(c)(3) of the IRC, having a mailing address of 230 Main Street, Bridgton, Maine 04009; and
- 2.1.3. **Town of Bridgton**, a body corporate and politic organized and operating under the laws of the State of Maine, with a mailing address of Three Chase St., Suite 1, Bridgton, Maine 04009.

- 2.2. Additional Appointing Members may be admitted upon unanimous approval of the then current Appointing Members.

3. COMMITTEE COMPOSITION

- 3.1. Committee Members. LEIT and LEA shall each have the right to appoint up to one (1) individual, and the Town shall have the right to appoint up to three (3) individuals, to serve as regular committee members ("Committee Members") for all purposes of conducting Committee business.
- 3.2. Alternate Committee Members. Each Appointing Member shall also have the right to appoint up to one (1) alternate member ("Alternate Committee Member") and shall, by approval of the Chairperson, vote in the absence of the Committee Member until adjournment of that meeting.
- 3.3. Subcommittees. The Committee may establish subcommittees ("Subcommittee") as working groups to help accomplish its Purposes. All Subcommittees are required to bring their recommendations to the Committee for approval. Subcommittees may have as many members as the Committee deemed necessary, however, should there be more than two (2) persons on a Subcommittee, all agendas must be posted seven (7) days in advance of their meeting (as described in Section 3.3.11) with a public record created within ten (10) days after the meeting (as described in Section 3.3.9).

4. COMMITTEE ADMINISTRATION

- 4.1. Terms. At the time this Committee Agreement is implemented and the Committee is formed, each Committee Member shall be assigned to serve a one (1), two (2) or three (3) year term. Such terms shall be assigned to each Committee Member by a random drawing and at least one (1) of the Town's designated Committee Members shall initially serve the one (1) year term. The other terms to be assigned at random include two (2) year terms and three (3) year terms. At the expiration of these assigned terms, each successive Committee Member shall be appointed for a term of three (3) years.
- 4.2. Voting. The Committee shall make their decisions by a majority vote of at least sixty (60) percent of the total number of Committee Members considered present at the meeting.
- 4.3. Chairperson. The Committee shall elect a Chairperson ("Chairperson"), Vice Chairperson and a Recorder ("Recorder") to serve for a term of one (1) year.
- 4.4. Quorum. Sixty (60) percent of the total number of Committee Members shall be required to constitute a quorum for the transaction of Committee business at any meeting. If a quorum is not present when a duly called or held meeting is convened, the Chairperson may appoint the designated Alternate Committee Member to serve until adjournment of that meeting. Committee Members using an integrated audio-visual interactive media may be considered present for the purposes of establishing a quorum and voting.
- 4.5. Meetings. Meetings of the Committee shall be open to the public. The Committee shall hold at least four (4) quarterly meetings per calendar year.
- 4.6. Recording. The Recorder shall maintain the public record of the meetings of the Committee and such public record shall be made available to the public within ten

(10) calendar days after the date of the meeting. Such recordings shall include the date, time and location of the meeting; persons present; motions made and resulting vote (initialing the first and last name of the dissenting voter(s)); time adjourned; and any other information that is appropriate, with sufficient detail to adequately describe the key points of the issues and basis for recommendations or decisions made.

4.7. Reporting. The Committee, preferably through the Chairperson, shall provide a written or verbal executive summary of the Committee's activities to the Select Board following each meeting of the Committee.

4.8. Right To Know Law- All meetings of the Committee and Subcommittee (if greater than two (2) persons) shall be subject to the Right to Know Law (Freedom of Information Act) with agendas to be posted at least seven (7) days in advance of the meeting.

5. COMMITTEE RESPONSIBILITIES

5.1 The Committee and any assigned Subcommittees shall be responsible for the following tasks, activities and goals. Such tasks, activities and goals include but are not limited to the following:

- Assure the implementation of the Management Plan.
- Oversee the voluntary efforts within and for Pondicherry Park.
- Maintain public information on Pondicherry Park issues.
- Develop and assist in Pondicherry Park related fundraising activities.
- Record and report the status of work to the Select Board at least quarterly.
- Record and report any violations within Pondicherry Park to the appropriate authorities.
- Keep current on all park and recreational related management activities for similar parks.
- Recommend additional activities and projects to the Select Board for authority to proceed.

6. REVIEW OF COMMITTEE AND COMMITTEE MEMBERS

6.1 Committee Review. The Appointing Members, together, shall review and evaluate the effectiveness of the Committee at anytime, but not less than every five (5) years. The review and evaluation shall include consideration of the Committee size; the scope of its assigned responsibilities; and the overall performance and achievement of the responsibilities. After such review, the results shall be reported to the Select Board prior to making any changes or amendments to this Committee Agreement.

6.2 Committee Member Review. The Committee shall review the performance of its individual Committee Members annually by using a self assessment tool to assure each individual Committee Member's continued participation, effectiveness and success on the Committee. Such self assessment tool shall take into consideration the removal of any Committee Member who has more than three (3) unexcused absences annually. All review results shall be provided to the Select Board within ten (10) days after the review. If the Select Board believes action should be taken to remove a Committee Member, the Select

Board shall call a meeting of the Appointing Members and such Committee Member may be removed by a unanimous approval of then said Appointing Members.

7. CONFLICT RESOLUTION

7.1. The Appointing Members recognize the need to establish a procedure that permits the resolution of conflicts that may arise amongst the parties as to the roles, responsibilities and interpretations of the Committee Agreement and operations of Pondicherry Park. To that extent the following has been established:

- 7.1.1. Conflicts amongst the Committee Members shall be directed to the Select Board for resolution.
- 7.1.2. Conflicts between the Committee and the Select Board shall be directed to the Select Board.
- 7.1.3. When conflicts amongst the Appointing Members require a third party intervention, the costs shall be split equally amongst the Appointing Members.

7.2. The selection of a third party to either hear an appeal by any of the Appointing Members or to mediate a resolution shall include contacting the Maine Municipal Association (MMA) to determine if they will provide a neutral third party. Absent of the MMA providing a person, the parties may contact a mediation group recommended by the MMA or a similar group such as the American Arbitration Association in the attempt to select a third party by other mutually agreeable means to avoid a protracted legal disagreement.

8. COORDINATION WITH MANAGEMENT PLAN AND CONSERVATION EASEMENT

- 8.1. Notwithstanding any part of this Committee Agreement, the Town is responsible for enforcement of laws in Pondicherry Park, and abiding by the terms of the Management Plan and the Conservation Easement.
- 8.2. Notwithstanding any part of this Committee Agreement, LET has the unilateral right to monitor and enforce the terms of the Conservation Easement in accordance with the terms of Paragraph 9 thereof.

9. FINANCIAL MATTERS

9.1. Adequate funds to meet the relevant terms of the Conservation Easement and Management Plan are a critical component to the success of Pondicherry Park. The Town of Bridgton will be diligent in its annual recommendation to the Annual Town Meeting to secure appropriate funding for annual maintenance and management.

10. LEGAL STATUS

10.1. This Committee Agreement shall not be deemed to create any general relationship of agency, partnership, or joint venture among the parties hereto, and Appointing

Members shall make no such representation to anyone. The Committee shall exist as a standing committee of the Town.

11. AMENDMENT

11.1. This Committee Agreement will be reviewed by the Appointing Members from time to time and may be amended by a majority vote of the Appointing Members.

12. MISCELLANEOUS


12.1. This Committee Agreement may be separately signed in counterpart originals.

IN WITNESS WHEREOF, the Members, by their duly authorized representatives, have signed and sealed this Committee Agreement as of the dates indicated below.

MEMBERS:

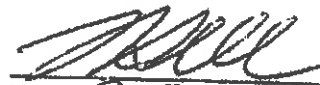
Loon Echo Land Trust, Inc.

June 24, 2012
Date


By: Aaron Nicholson
Its: President


Lakes Environmental Association

June 24, 2012
Date


By: Peter Lavelle
Its: Executive Director

Town of Bridgton

June 27, 2012
Date


By: Mitchell Berkowitz
Its: Town Manager

**Project Liaison AD HOC Committee
Roster**

Name	Kevin Raday	Title	Committee Member
Address	51 Alpine Road		
	Bridgton ME 04009		
E-Mail	kevin@raday.org		
Work			
Home	(207)647-5205		
Cell	(215)518-0795		
Other			

Name	Lucia Terry	Title	Committee Member
Address	115 Pond Road		
	Bridgton ME 04009		
E-Mail	terry.lucia@gmail.com		
Work			
Home	(207)647-8786		
Cell	(207)415-9837		
Other			

Name	Nelle Ely	Title	Committee Member
Address	53 Portland Road		
	Bridgton ME 04009		
E-Mail	nelleely1@gmail.com		
Work			
Home	(207)647-4411		
Cell			
Other			

Name	Robert McHatton Sr.	Title	Committee Member
Address	207 South High St.		
	Bridgton ME 04009		
E-Mail	mchrob@hotmail.com		
Work			
Home	(207)647-4280		
Cell			
Other			

Project Liaison Ad Hoc Committee
Charge, Mission and Authority

MISSION: The Project Liaison Ad Hoc Committee (PLC) will seek to facilitate communication and encourage cooperation between stakeholders during the course of the Wastewater and Streetscape construction projects (the Projects).

CHARGE: Through active communication about details, schedules, and concerns, help foster better engagement and a strong working relationship between all parties to the benefit of the Projects and the community.

AUTHORITY: Develop a plan for regular communication with stakeholders, including outreach activities in the community and regular reports to the Selectboard. Develop a set of responses to certain types of questions. and a response pathway for others.

PROCESS AND COMPLIANCE: Every member of the Committee shall comply with existing state law and the policies and procedures of the town including but not limited to the conduct and notice of meetings, the Town's Ethics and Guidelines Policy, conflict of interest laws and the Town Personnel Policies.

APPOINTMENTS: The Selectboard will invite members of the current Wastewater, Community Development, and Land Use Zoning Committees to sit on the PLC. The Selectboard will invite applications and appoint members to fill the seats (11-15). Appointed members will serve for the duration of the constructions and to the conclusion of the Projects. The Town Manager and Deputy Town Manager will serve as ex-officio members.

The active work of the committee will require outreach, as individuals or in pairs. Meetings will be useful for planning the campaign. Developing materials and events, and reporting/replying to questions and concerns, as well as formulating reports to the Selectboard at each of their meetings, once construction begins.

MEETINGS: The Committee shall hold regular public meetings, no less than twice a month, and will be responsible for the creation and posting of all agendas and the creation of the public record of each meeting in accordance with the prevailing state law. Such records shall be forwarded to the Select Board and any other entities they are working with.

AMENDMENTS: The Select Board may amend this Charge and Mission as the deem appropriate.

TOWN OF BRIDGTON

MEMO

TO: Board of Selectmen
FROM: Laurie L. Chadbourne, Town Clerk
RE: Agenda Item 9 and 10
DATE: February 3, 2021 *Laurie*

Agenda Item 9. 6:00 P.M. Public Hearing: Special Amusement Permit to Campfire Grille

Agenda Item 10. Approval of the Special Amusement Permit to Campfire Grille

▪ **Campfire Grille**

518 Portland Road

Special Amusement Permit

☒ CEO ☒ Fire ☒ Police ☒ Tax Collector ☒ Town Clerk

Complete applications are on file at the Town Clerk's Office and available for Board review.

Town Clerk's Office * 3 Chase Street, Suite 1, Bridgton, ME 04009 * lachadbourne@bridgtonmaine.org

Proposed addition to the Development Program for the Woodlands Senior Living TIF District

The Covid-19 pandemic has impacted residents of Bridgton on many levels, not the least of which is pressures on Bridgton families to find, pay for, and get their children to licensed day care facilities in and around Bridgton. For any one of these reasons, or combination of these reasons, parents can find themselves unable to keep or maintain a job without a safe, certified place to leave their children. There is no indication that we can be assured this circumstance will change post-pandemic given the impact of long-term unemployment, reduced employment, or voluntary unemployment generated by the need to care for children for whom daycare is not feasible.

We recently learned that subsidies for and transportation to a child day care facility, including before and after school care, can be included in the development program of the economic development TIF approved for the proposed senior living facility. For the reasons we noted above we propose taking advantage of this option by amending the approved development program related to the Woodlands Senior Living TIF to include \$50,000 to be spent on subsidies that would reduce or eliminate the cost of daycare, and for the establishment of a transportation service for those families who cannot transport their children to local daycare either because of a lack of a vehicle, or timing for drop-off and pick-up at a day care facility that interferes with their required work hours.



Attorneys at Law

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LESLIE E. LOWRY III
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SALLY J. DAGGETT
ROY T. PIERCE
BRENDAN P. RIELLY
NICHOLAS J. MORRILL

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NICHOLAS S. NADZO
RICHARD H. SPENCER, JR.

**YORK COUNTY
OFFICE**

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
(207) 985-4932 (Fax)

January 19, 2021

Deb Brusini, Chair
Town of Bridgton Planning Board
3 Chase Street, Suite 1
Bridgton, ME 04009

Re: Application for Amendment to Land Use Ordinance
Owner: The Carry All Corner, LLC
Address: 2 Cottage Street
Map/Lot: Map 23, Lot 148

Dear Ms. Brusini:

I am writing on behalf of my client, Justin McIver, who is the sole manager of The Carryall Corner, LLC, which owns the property at 2 Cottage Street in Bridgton (Map 23, Lot 148) (hereinafter, the "Property").¹ This letter will serve as my client's application for a zoning amendment, seeking to change the zoning of the Property from Downtown Village Neighborhood to Downtown Village Business I. Because there currently is no application form for such a request, this letter includes the information requested in Article V, Section 5 of the Town of Bridgton Land Use Ordinance ("Ordinance").

I. Proposed Amendment

A proposed amendment to the Town of Bridgton Land Use Ordinance ("Ordinance") may be initiated by a property owner by written request to the Planning Board. *See* Bridgton, Me., Land Use Ordinance, Art. V, § 5(b)(1). The Carryall Corner, LLC is the owner of certain real property in Bridgton located at 2 Cottage Street, which is improved with a mixed-use building

¹ Attached is a map showing the Property to be affected by the amendment and properties located within 600 feet of the Property, as well as a map showing the existing land uses of the Property.

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consisting of two commercial suites on the ground floor and two residential dwelling units on the second floor. One of the two commercial suites is occupied by the Bavarian Chocolate Haus, and the other had been occupied by Bear Bones Beer until its recent closure.

This requested amendment arises due to my client's recent discovery that, under the Ordinance as adopted in June 2019, the Property is zoned in the Downtown Village Neighborhood ("DVN") district, despite its very close proximity to Main Street. With Bear Bones Beer now closed, my client had intended to fill the space by renting to a new tenant, Calvin Gorrell, who would like to open a brick oven pizzeria (Nora Belle's Pizza) at that location. Normally, this would be a simple matter of submitting an application for change of use to the Code Enforcement Officer. The problem, however, is that a restaurant is not a permitted use the DVN district; rather, it is permitted under the Downtown Village Business I ("DVB-I") district. Therefore, we are seeking to an amendment to change the zoning of the Property to the DVB-I district, which is described in the Ordinance as follows:

"In this area are located town government uses including police and fire departments; the District Court; public services such as the Bridgton Public Library and Bridgton Community Center; parks; retail, professional, and service businesses, **including restaurants and bars; along with single family homes and apartments.** Pondicherry Park lies in the center of Town along Stevens Brook. Both on-street and off-street parking are available. Businesses are encouraged to remain as unique, independent enterprises offering complementary yet diverse goods and services appealing to both residents and visitors. The scale, pattern and character of Bridgton's historic town center shall be maintained."

Bridgton, Me., Land Use Ordinance, Art. II, Sec. E(1) (emphasis added). Although this description of the zone perfectly describes the mixed-use building at 2 Cottage Street, the Property was zoned instead in the DVN district, which focuses primarily on residential uses outside of the Main Street area.

We assume that this zoning of the Property was not intended at the time the Ordinance was adopted. At that time, Bear Bones Beer had already been operating as a tavern for several years and held a special amusement permit that was issued by the Board of Selectmen on September 12, 2017.² A tavern is not a permitted use in the DVN district, and one would assume that the Town did not intend to create a nonconforming use at the time it adopted the Ordinance.

² By issuing the special amusement permit, the Board of Selectmen found that the tavern use was not "detrimental to the public health, safety or welfare" and would not "violate municipal ordinances, or rules and regulations, articles or bylaws." Bridgton, Me., Special Amusement Ordinance, Art. II, Sec. 201(5).

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Nonetheless, as it stands today, Bear Bones Beer could not get approved as a tavern in that location.

Accordingly, we are requesting an amendment to the Official Zoning Maps that would change the zoning for the Property from DVN to DVB-I.

II. Consistency with Comprehensive Plan

As required by Art. V, Sec. 5(b)(2)(d) of the Ordinance, this request for zoning amendment is consistent with the Town of Bridgton Comprehensive Plan. One of the primary objectives of the Comp Plan is to “reinforce the concept of Bridgton’s downtown village lifestyle, as a special and attractive aspect of small-town life.” (Comp. Plan at 11-9.) Some of the other key provisions of the Comp Plan that relate to the Property are as follows:

- “The Downtown Village Business District represents Bridgton’s traditional downtown along its Main Street and includes several off-Main Street areas as shown on the Future Land Use Map.” (Comp. Plan at 11-10.)
- “These mature, developed areas have traditionally accommodated a higher density of Bridgton’s population, a greater mix of businesses and institutions, and an overall higher intensity of use than occurs in the rest of the Town. Furthermore, presently much of the Town’s commercial and a large part of its social activity take place in the Downtown Village Business District. This designation is intended to encourage the preservation, revitalization, and some expansion of development in the Downtown Village Business District and to protect it from encroachment from incompatible uses.” (Comp. Plan at 11-8.)
- “The Town could adopt an approach to dealing with existing buildings that encourages their full utilization by allowing flexibility in their use. Permitted uses may include higher density residential, comparable to the intensity and design of existing development in the surrounding village, community facilities, and appropriately scaled retail, office, service, and other nonresidential uses suitable for a central business area and mixed use village.” (Comp. Plan at 11-9.)

As the Comp Plan’s stated goals describe, an important aspect of the village lifestyle is having complementary commercial uses, including restaurants. In addition, having a variety of options for permitted commercial uses, as provided in the DVB-I district, is essential to ensure that commercial spaces do not remain vacant for very long. The requested zoning amendment

Jensen Baird
Gardner Henry

January 19, 2021
Page 4

would provide this flexibility by allowing all of the permitted uses in the DVB-I district at the Property, which is located just off Main Street. And, as described above, such amendment would be consistent with the Comp Plan.

III. Conclusion

My client developed 2 Cottage Street with the belief that it could be used for a wide variety of commercial uses—such as the tavern that was there until recently, the retail shop that remains, and the restaurant that he hopes will be there in the future. His goal was to develop the Property in a way that would contribute to the vibrant village lifestyle. But with the limited uses allowed under the DVN zoning, much of the value of the development has been taken away. Therefore, given the requested zoning amendment's consistency with the Comprehensive Plan, we respectfully request that the Planning Board forward this application to the Board of Selectmen with a recommendation of the written request as submitted.

Thank you for your attention to this matter.

Sincerely,

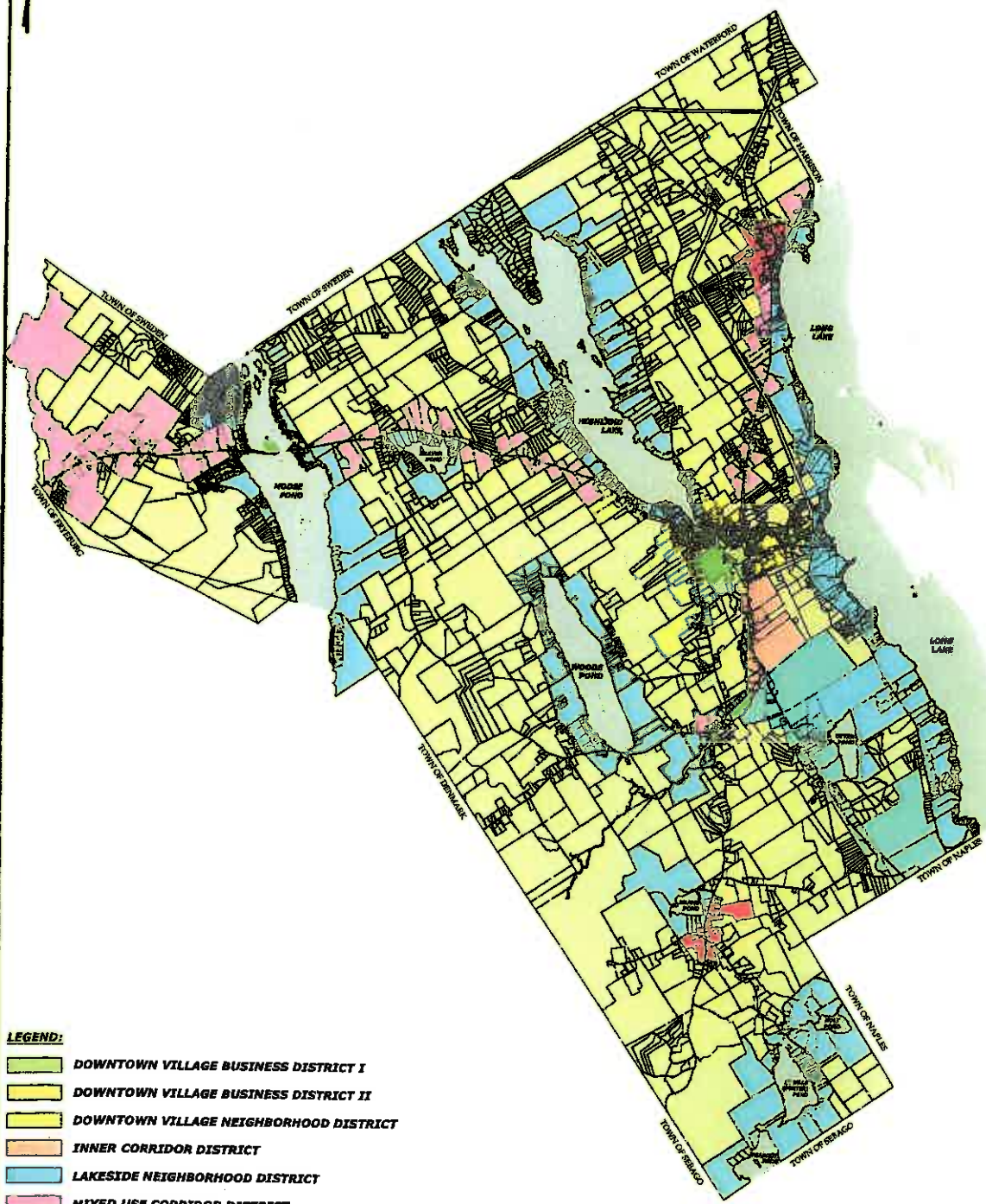
A handwritten signature in blue ink, appearing to read "Mark A. Bower".

Mark A. Bower, Esq.

MAB/gw

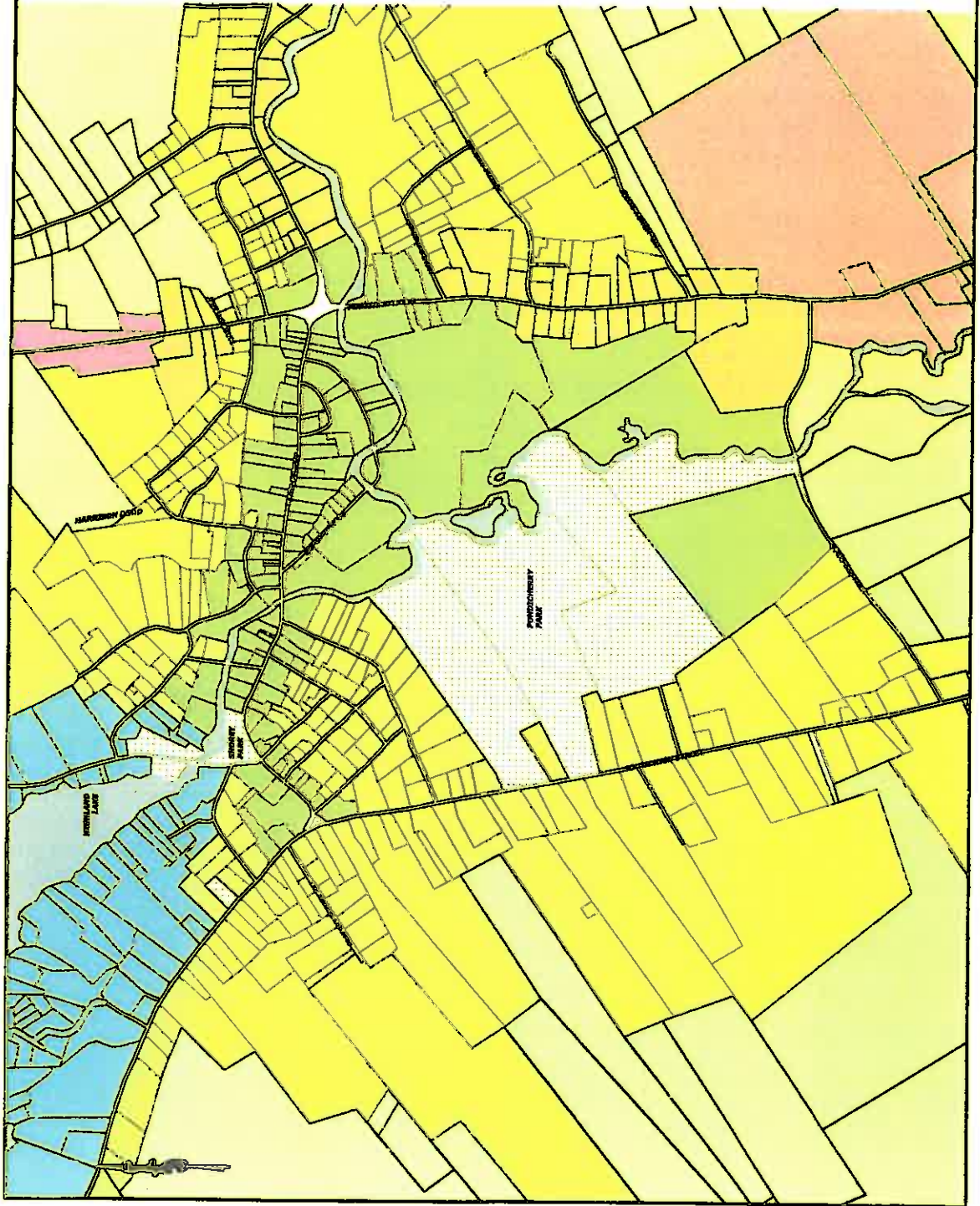
cc: Justin McIver (via email)

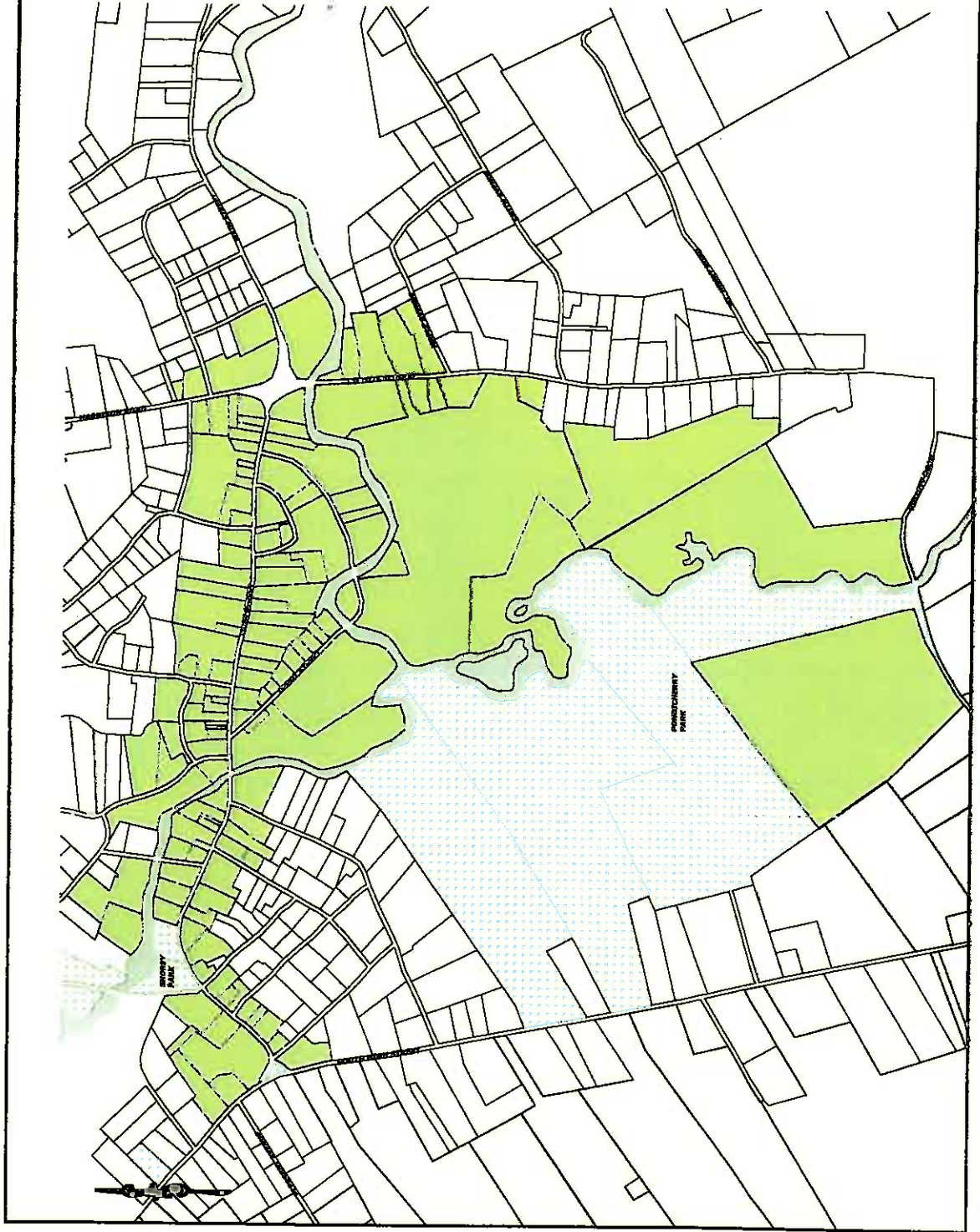
10



- LEGEND:**
- DOWNTOWN VILLAGE BUSINESS DISTRICT I
 - DOWNTOWN VILLAGE BUSINESS DISTRICT II
 - DOWNTOWN VILLAGE NEIGHBORHOOD DISTRICT
 - INNER CORRIDOR DISTRICT
 - LAKESIDE NEIGHBORHOOD DISTRICT
 - MIXED USE CORRIDOR DISTRICT
 - OUTER CORRIDOR DISTRICT
 - OUTER VILLAGE DISTRICT
 - RURAL NEIGHBORHOOD DISTRICT
 - PARCEL BOUNDARIES PER TOWN TAX MAP
 - TOWN-OWNED LAND (PARK, BEACH, ETC.)
 - LAKE, POND, OR RIVER

**OFFICIAL ZONING MAP
TOWN OF BRIDGTON, MAINE
MAP 1 of 11
JANUARY 2021
(NO SCALE)**

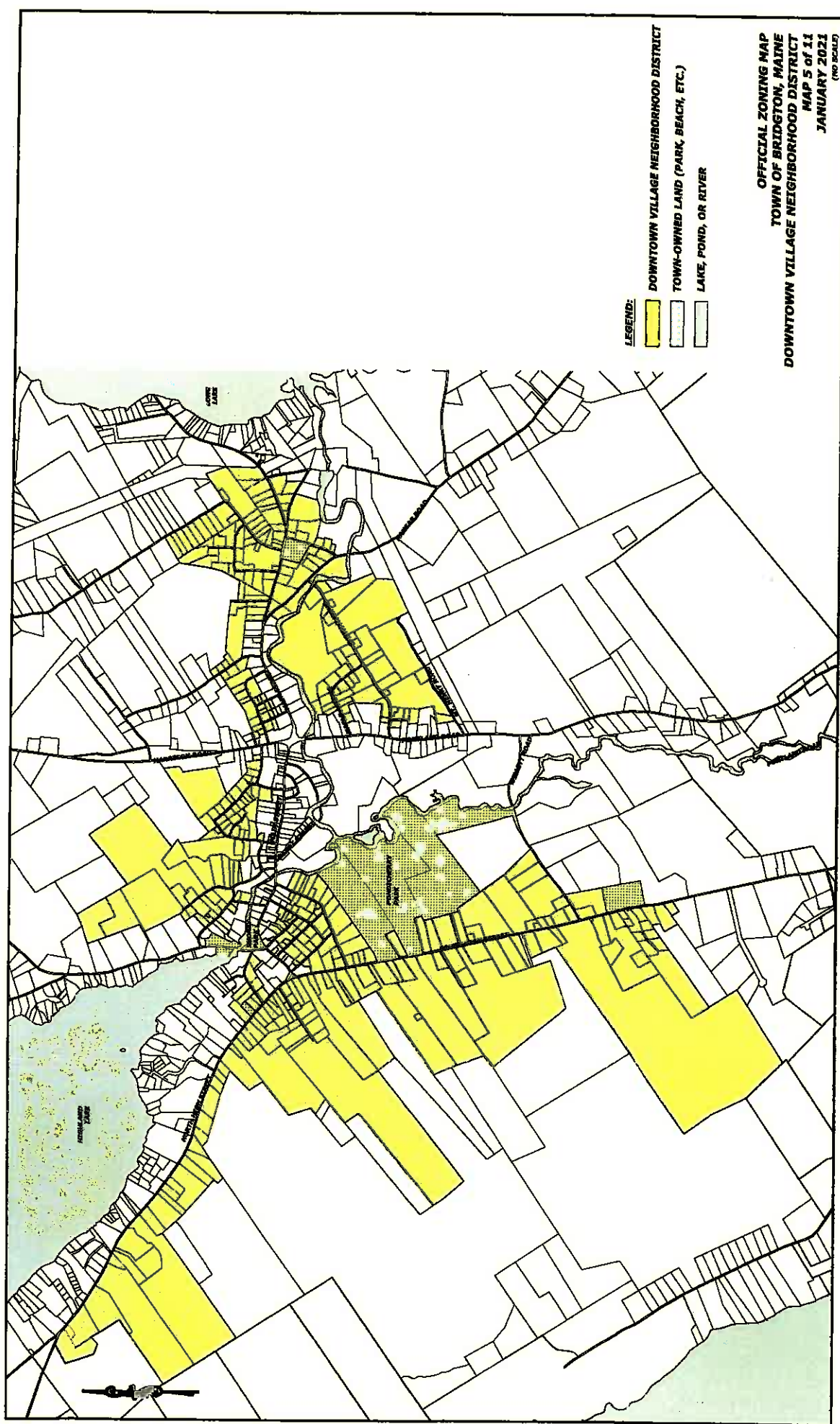




LEGEND:

-  DOWNTOWN VILLAGE BUSINESS DISTRICT I
-  TOWN-OWNED LAND (PARK, BEACH, ETC.)
-  LAKE, POND, OR RIVER

**OFFICIAL ZONING MAP
TOWN OF BRIDGTON, MAINE
DOWNTOWN VILLAGE BUSINESS DISTRICT I
MAP 3 of 11
JANUARY 2021
(NO SCALE)**



TOWN OF BRIDGTON
RECOMMENDED TIMELINE FOR THE 2 COTTAGE STREET ZONING MAP AMENDMENT
FOR ADOPTION AT THE MARCH 30, 2021 SPECIAL TOWN MEETING REFERENDUM
January 26, 2021

	STEPS	PROJECT LEGAL TIMELINE (Land Use Ordinance, Art. V, § 5 30-A M.R.S. § 4352)	SUGGESTED DATES (Based on March 30, 2021 Referendum)
1.	Applicant submits proposed zoning amendment.	None; allow time for other deadlines, below. See LUO Art. V, § 5.B for details on what is needed to accompany the request.	Wednesday, Jan. 20, 2021
2.	Planning Board Work Session.	None; allow time for other deadlines, below. This work session may be used to determine application completeness and schedule a public hearing as required by Step 3, below.	Thursday, Jan. 21, 2021
3.	Planning Board Regular Meeting.	Planning Board ratifies change to the public hearing schedule from February 16 to February 9, 2021.	Tuesday, Feb. 2, 2021
4.	Notice of Planning Board public hearing sent to abutters.	<p>Notice of proposed amendment (including a map showing the area to be rezoned) must be given by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each abutting parcel is assessed; the municipal officers must prepare and file with the Town Clerk a written certificate indicating those persons to whom notice was mailed, at what address, when and by whom it was mailed, and from what location it was mailed. LUO Art. 5, § 5.E.5; 30-A M.R.S. § 4352(9).</p> <p><i>Note: This abutter notice provision is not required by statute and will be proposed to be removed as part of the ordinance consolidation project; I recommend complying with this notice requirement, even though it may not technically apply here.</i></p>	<p><u>No later than</u> Wednesday, Jan. 27, 2021</p> <p>(The applicant will do this)</p>
5.	Notice of Planning Board public hearing posted at Town Office and published twice in newspaper.	Notice of Public Hearing must be posted at least 13 days before the public hearing in the Town Office.	<u>No later than</u> Wednesday, Jan. 27, 2021
6.		First newspaper notice must be published at least 12 days before the public hearing. 30-A M.R.S. § 4352(9)-(10).	<u>No later than</u> Thursday, Jan. 28, 2021
7.		Second newspaper notice must be published at least 7 days before the public hearing. 30-A M.R.S. § 4352(9)-(10).	<u>No later than</u> Tuesday, Feb. 2, 2021
8.	Planning Board holds public hearing.	Within 45 days of Planning Board's application completeness determination; allow time for other deadlines, below. 30-A M.R.S. § 4352(9)-(10).	Tuesday, Feb. 9, 2021 4:00 PM
9.	Planning Board votes to recommend inclusion of the amendment on the warrant.	Following conclusion of the Planning Board's public hearing, the Planning Board must make a recommendation to the Select Board as to whether to include the proposed zoning amendment in the town meeting warrant. LUO Art. 5, § 5.E.7.	Tuesday, Feb. 9, 2021

	STEPS	PROJECT LEGAL TIMELINE (Land Use Ordinance, Art. V, § 5 30-A M.R.S. § 4352)	SUGGESTED DATES (Based on March 30, 2021 Referendum)
10.	Selectboard votes on Planning Board recommendation and orders Town Clerk to place referendum question on the ballot.	<p>After receiving the recommendation from the Planning Board, the Select Board must by a majority vote determine whether to place the proposed zoning amendment on the town meeting warrant. LUO Art. 5, § 5.E.8.</p> <p>Normally, the order to place the referendum question on the ballot must occur at least 60 days before the election. 30-A M.R.S. § 2528(5); <u>however</u>, Executive Order EO 56 FY 19/20, subsection H, suspends and modifies this statutory deadline to 30 days before the election. See also Executive Order EO 8 FY 20/21, which repeals some provisions of EO 56, but not subsection H.</p>	<p>Tuesday, Feb. 9, 2021 6:00 PM</p> <p>(No later than Sunday, Feb. 28, 2021)</p>
11.	Selectboard finalizes town meeting referendum warrant.	None; allow time for other deadlines, below.	TBD
12.	Notice of Selectboard hearing published.	At least 7 days before the Selectboard public hearing. 30-A M.R.S. § 2528(5).	<u>No later than</u> Tuesday, Mar. 2, 2021
13.	Selectboard holds hearing on referendum questions.	At least 10 days before the election. 30-A M.R.S. § 2528(5). If the Selectboard revises the ordinance after its hearing, the Selectboard will, in most cases, need to call a new hearing on the revised draft.	Tuesday, Mar. 9, 2021
14.	Selectboard certifies copy of zoning map amendment to Town Clerk and posts it as it does the warrant; town meeting warrant posted.	At least 7 days before election. 30-A M.R.S. § 3002; 30-A M.R.S. § 2523(4).	<u>No later than</u> Tuesday, Mar. 2, 2021
15.	Town Meeting / Referendum Election.		Tuesday, Mar. 30, 2021

CERTIFICATION OF PROPOSED ORDINANCE ENTITLED "AMENDMENT TO TOWN OF BRIDGTON OFFICIAL ZONING MAPS TO REZONE A PARCEL OF LAND LOCATED AT 2 COTTAGE STREET," AND ORDER

The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street" to be voted on at a referendum election of the Town of Bridgton on March 30, 2021 under the following secret ballot question:

Question ² Shall the Town vote to rezone 2 Cottage street known as Map 23 lot 0148 from the Downtown Village Neighborhood district to the Downtown Village Business I district by enacting an ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street"?

(Note: A "Yes" vote on Question 1 will enact the ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street," changing that lot from the Downtown Village Neighborhood district to the Downtown Village Business I district. Copies of the text of the ordinance are available from the Town Clerk.)

BE IT FURTHER ORDERED, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of said proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of said proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the Special Town Meeting Referendum on March 30, 2021 and shall be made available to the voters at the Special Town Meeting Referendum on March 30, 2021.

Dated: _____, 2021

A majority of the municipal officers
of the Town of Bridgton

A true copy of the proposed ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street," is attached hereto.

Attest: _____
Laurie Chadbourne, Town Clerk
Town of Bridgton

RETURN

Cumberland County, ss.

State of Maine

I certify that I have posted an attested copy of the proposed ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street," at

being conspicuous public places within the Town of Bridgton on _____, 2021, which is at least seven (7) days next prior to the date of the March 30, 2021 Special Town Meeting Referendum.

Laurie Chadbourne, Town Clerk
Town of Bridgton

**AMENDMENT TO TOWN OF BRIDGTON OFFICIAL ZONING MAPS TO REZONE A
PARCEL OF LAND LOCATED AT 2 COTTAGE STREET**

The Town of Bridgton Land Use Ordinance is proposed to be amended by repealing and replacing the official zoning maps, numbered 1, 2, 3, and 5, and attached to the ordinance at appendix 1, in order to rezone the parcel of land located at 2 Cottage Street, and more specifically described as Tax Map 23 Lot 0148 on the Town of Bridgton Tax Maps, from the Downtown Village Neighborhood (DVN) district to the Downtown Village Business I (DVB-I) district.

Town of Bridgton
SPECIAL TOWN MEETING
Tuesday, March 30, 2021

State of Maine

County of Cumberland, ss

TO: Phillip A. Jones, a resident of the Town of Bridgton.

Greetings: In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Bridgton in said County and State, qualified by law to vote in town affairs to meet at the Town Hall located on North High Street in said Town on Tuesday, the 30th day of March at 8:00 o'clock in the forenoon to 8:00 o'clock in the evening to vote on Article 1 through Article 3 [A person who is not registered as a voter may not vote at the Town Election].

Article 1. To elect a Moderator to preside at said meeting and to vote by written ballot.

Article 2. Question 1. Shall the voters of the Town of Bridgton, Maine designate a municipal tax increment financing district to be known as the Woodlands Senior Living Municipal Development and Tax Increment Financing District and adopt the Development Program for the District?

Article 3. Question 2. Shall the Town vote to rezone 2 Cottage street known as Map 23 lot 0148 from the Downtown Village Neighborhood district to the Downtown Village Business I district by enacting an ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street"?

(Note: A "Yes" vote on Question 2 will enact the ordinance entitled, "Amendment to Town of Bridgton Official Zoning Maps to Rezone a Parcel of Land Located at 2 Cottage Street," changing that lot from the Downtown Village Neighborhood district to the Downtown Village Business I district. Copies of the text of the ordinance are available from the Town Clerk.)

Given under our hands on this 9th day of February 2021.

Municipal Officers/Board of Selectmen:

_____	/ Liston E. Eastman
_____	/ Glenn R. Zaidman
_____	/ Carmen E. Lone
_____	/ Paul A. Tworog
_____	/ George Frederick Packard

A true copy of the warrant,

Attest: _____
Laurie L. Chadbourne, Town Clerk

February 9, 2021

Motion: I move that the Order entitled, "Order to Authorize Award of Wastewater Collection Systems Upgrade Project Contract," be approved in form presented to this meeting, and that an attested copy of said Order be included with the minutes of this meeting.

**ORDER TO AUTHORIZE AWARD OF WASTEWATER COLLECTION SYSTEMS
UPGRADE PROJECT CONTRACT**

Be it Ordered by the Board of Selectmen of the Town of Bridgton, as follows:

That the Board of Selectmen accepts the base bid of Sargent Corporation ("Sargent") to construct the Town's Wastewater Collection System Upgrades Project (the "WCSU Project"), awards the WCSU Project contract to Sargent at a construction cost of \$7,421,275, authorizes the Town Manager in consultation with the Town's legal counsel to execute and deliver a contract between the Town and Sargent to effect construction of the WCSU Project and ratifies and confirms any action previously taken by the Town Manager in accordance with the foregoing; and

That, whereas Sargent has priced the Route 302 Extension Alternate for the WCSU Project at \$123,470, and whereas the Town's engineer recommends delaying acceptance of the Route 302 Extension Alternate until after the Town has awarded a contract for the Town's wastewater treatment facility and pump station upgrades, the Town Manager, following that award, is authorized to execute and deliver a change order to the WCSU Project contract at a construction cost of up to \$123,470 to effect the construction of the Route 302 Extension Alternate.

February 9, 2021
A true copy, attest:

Clerk, Town of Bridgton

(file attested copy with meeting minutes)

TOWN OF BRIDGTON

MEMO

TO: Board of Selectmen
FROM: Laurie L. Chadbourne, Town Clerk
RE: Agenda Item 11b1 and 11b2
DATE: February 3, 2021

Agenda Item 11.b.1. Victualer's License to Campfire Grille

▪ Campfire Grille

518 Portland Road

Victualer's License Renewal

☒ CEO ☒ Fire ☒ Police ☒ Tax Collector ☒ Town Clerk

Agenda Item 11.b.2. Victualer's License to KJ's

▪ KJ's

320 Portland Road

Victualer's License Renewal

☒ CEO ☒ Fire ☒ Police ☒ Tax Collector ☒ Town Clerk

Complete applications are on file at the Town Clerk's Office and available for Board review.

Town Clerk's Office * 3 Chase Street, Suite 1, Bridgton, ME 04009 * lchadbourne@bridgtonmaine.org

TOWN OF BRIDGTON
POLICY For the Use of the TOWN HALL/RECREATION CENTER
26 North High Street

The Town of Bridgton recognizes that the Town Hall is a substantial community asset. To maximize the use of the Hall a strict scheduling process has been implemented. To minimize the burden on taxpayers, a users' fee will be charged. The Town currently collects approximately one-third of the operating costs of the Hall in fees.

PRIORITY OF USE

1. Municipal functions (Town Meetings, Public Hearings, Elections, etc.); Town recreation programs.
2. Groups using the Hall on a long-term basis or for annual events as long as the agreements are signed a minimum of two months prior to the date of the event. The Recreation Director is authorized to obtain signed agreements up to a year in advance of the event in order to ensure the availability of the Hall for a particular date.
3. All other groups on a first come, first served basis.

FEE FOR USE

1. \$100 per day by in town, nonprofit groups (plus \$50 custodial fee)
2. \$200 per day by all others (plus \$50 custodial fee)
3. Fee may be reduced for multiple use
4. Long-term contracts may be negotiated
5. No fee for town-sponsored events
6. \$10 per hour plus 5% of gross income for long-term commercial use, which shall be defined as a scheduled hourly use of the Hall one to five times weekly for a period of more than four weeks
7. All deposits/fees paid to the Town are nonrefundable

NOTE: A custodial fee of \$50 will be charged for events which, in the opinion of the Recreation Director, require custodial service (such as wedding receptions or dances).

REGULATIONS

The Recreation Director is authorized to grant approval for the use of the Town Hall/Recreation Center in accordance with this policy and the following regulations:

1. Request for the use of the Hall must be made in a timely fashion to the Recreation Director. The process shall be to call first and check if dates are available. An agreement shall be completed and returned for authorized signature. No date is confirmed until contracts have been signed by both parties. Fees must be paid at this time.
2. The Town reserves the right to deny anyone or any organization the use or rental of the Hall and facilities when, in the opinion of the Recreation Director, the use may jeopardize the safety of the public; such activities might overtax the capacity of the building; create an untenable traffic or parking situation; or when such use would not be in the best interest of the inhabitants of Bridgton. The Police Chief and/or the Board of Selectmen may require police coverage of certain events, the cost of which will be borne by the lessee.
3. Lessee(s) shall be held liable for any damage to the Hall, facilities or premises incurred during the period reserved under this agreement. Damage must be reported to the Recreation Director. No nails or screws may be driven or screwed into walls, doors or floors, but may be used in a strip of 1" X 4" board which extends around the Hall at a height of 5' for this purpose. Use of pushpins or thumbtacks is allowed.

4. Lessee(s) shall be responsible for cleaning, picking up and removing any and all materials they wish to retain following an event. For events requiring a custodian, the custodian shall be responsible for closing and locking the Hall and turning out lights.

5. Lessee(s) shall be responsible for removing excess trash (i.e. any trash not fitting in waste cans provided) for noncustodial events. A trash dumpster is available across the parking lot for disposal.

6. Tables and chairs may not be taken or used outside of the building. Groups requiring tables and chairs outside the Hall must provide their own.

7. Groups wishing to use the marquee must submit the message they want in writing at least one week before requested starting date. PLEASE KEEP MESSAGES BRIEF. Not all requests for marquee use may be accommodated.

8. Combination to the Hall may be obtained by contacting the Town Office (647-8786) two days prior to the event. Please keep this combination confidential. Keys for the Hall office may be obtained (if needed) by contacting the Recreation Director two days prior to the event.

9. The use of alcohol may be permitted only with approval of the Recreation Director AND the Chief of Police. Functions at which alcohol is available may require the presence of a uniformed officer. Groups must indicate on the contract if alcohol will be available. Groups are financially responsible for an officer if one is required. Groups must take full financial and legal responsibility for any ramifications as a result of alcohol being used or served at an event at the Town Hall. Any person or group providing/serving alcoholic beverages to others must present a certificate of insurance naming the Town as an additional insured for the event. BYOB events do not require such certification but this agreement makes it clear that each person bringing alcoholic beverages on to Town property will be responsible for his/her own actions.

EXEMPTIONS

Certain charitable or nonprofit groups may be declared exempt from fees by vote of the Board of Selectmen. Groups which have made a significant monetary donation and/or contribution of services to further Town activities may be considered for exemption upon recommendation by the Recreation Director.

Exempted groups shall be responsible for cleaning the Hall and premises, turning out lights and locking the Hall after their events.

adopted April 28, 1992

section 9 revised July 28, 1992

fees, custodial service revised Feb. 13, 1996; 2001

**TOWN OF BRIDGTON
TOWN HALL/RECREATION CENTER
Facility Use Form**

Date submitted _____

Contact person _____ Phone _____

Address _____

Organization _____

Nature of program _____

Occupancy _____

Date and Time IN

Date and Time OUT

The State Fire Marshal has set the capacity of this building at: 225 when tables and chairs are used; 299 without tables and chairs.

Requested: ____ Sound System ____ Number of tables ____ Number of chairs

Will alcohol be present at this function? ____ Yes ____ No

NOTE: Any person or group providing/serving alcoholic beverages to others must present a certificate of insurance naming the Town as an additional insured for the event. BYOB events do not require such certification but each person bringing alcoholic beverages on to Town property will be responsible for his/her own actions. A BYOB form must be submitted for Town approval before mailing to the state with a \$10 fee.

Combination to the Hall may be obtained by calling the Town Office (647-8786) two days prior to the event.

I have read and understand the policies and regulations governing the use of the Town Hall/Recreation Center. I accept full responsibility for the activities of the group I am representing in this agreement.

Rental Fee: _____ Signed _____
Lessee

Fee Paid: _____ Signed _____
Recreation Director

Marquee information: _____
(Please be brief)
15 letters per line
maximum

The Board of Selectmen reserves the right to abrogate an agreement when it deems that extenuating circumstances exist or it would be in the best interest of the Town. In this situation all deposits/payments made to the Town will be refunded in full.

BRIDGTON TOWN HALL

Groups exempt from fees for use of the Town Hall as approved by vote of the Board of Selectmen:

**Bridgton Lions Club
Chickadee Quilters
Scout groups
Bridgton Historical Society
Cafe Dove Teen Center
Bridgton Public Library
Good Neighbors
Landmark Human Services**

February 14, 1996

January 29, 2021

To Mr. Bob Peabody and Bridgton Selectboard,

Thought this info might be helpful at this time. My personal concern led to the enclosed petition. My thinking at the time was that, although Phil Gulakunst (rec. director at the time) was in and out of the gym quite often and was, therefore, very familiar with our program, he would not be one of those casting a vote. Therefore, I thought each selectboard member should also at least be familiar with our program prior to voting on it.

This resulted in a discussion prior to the vote. It was decided that, since the town's recreation program covered programs for kids of all ages, it offered nothing for seniors. And, since the leadership was (and is) all voluntary, there is "no charge". This was a deciding factor. The Jumping Janes would continue to attend free of charge, sponsored by the town. With the volunteer leadership, the town would, in turn, offer this program free of charge to seniors.

As you will note, there is no fee for town sponsored or co-sponsored events and activities such as the Boy Scouts and Jumping Janes.

Dot Kimball

2009
Petition

October 20, 2009
To: The Brighton Education
Re: Possible Monetary Charge for Town Hall of use

In response to the discussion of the Town at the October 27, 2009
meeting's meeting, we would like to offer the following input:

Our exercise group, known as the Jumping Beans & Jocks, meets weekly
on Monday, Wednesday, and Friday at the town hall. We are ourselves in
and look in when falling. There is no clean-up required, although we
do not lights as well as best in colder weather. The majority of this
group are in their 50's and 60's. We have two participants in wheelchairs,
and some who have had knee (or other) replacements who aren't able to
do all the exercises, but as that they can join their class. Not only
is the town hall accessible for their use, but also provides space for
them to walk around the perimeter with their walkers. Occasionally, a
physician will recommend our group to certain patients. Our curriculum
focuses mostly on jumping and stretching, rather than machines.

The class has been in existence for approximately 25 - 30 years,
originally started by Mula Cherry, Arthur Wilbur, and others, with the
program brought back from vacation by these individuals. The attendance
varies in number according to the season, with average attendance around
25. The leadership is all volunteer, and the class has always been free
of charge. Although not restricted to seniors, this program is a great
benefit to our seniors in that it not only helps in maintaining
flexibility, but also provides a comprehensive social network.

We fear that any monetary charge imposed by the town would be a gross
disservice not only to our group, but to the town as well, in that in
all probability we would have to disband. We desperately hope that any
proposed tax monetary policy would not interfere with this longstanding
beneficial program offered by our group.

Sincerely,

Betty Adams
Carol Hicks
Pat Anderson
Lynette R. Kottler
(Carol Adams)
Lillian Lovell
Therese C. Connerley
Frances Mamo
Mildred Davis
Marian R. Kline
John Reynolds
Edna Th...

Della M. (Mama) (Mama)
Beth Davis
Doris Brown
Edith Chappell
Robert D. Wright
Margaret Fisher
Lila Parent
David Davis
Elizabeth Davis
Linda Davis
Cathy Davis
Linda Davis

Issues continue to simmer

By Mike Corrigan
Staff Writer

Bridgton selectmen find themselves standing in the middle of the road leading to the town hall — or at least in the middle of the process leading to road policy and town hall use policy. They have begun discussions on both issues, continued them Tuesday night, and won't have a resolution on either for several weeks or months.

The road standard question involves setting planning board standards that work for future homebuyers and the town. Selectmen will meet with the planning board jointly on Nov. 24 to discuss the issue further. Currently, the planning board can approve substandard roads, and developers know, going in, that these can never be accepted as town roads. Sometimes problems arise with these roads and groups come to the town looking for rectification; heretofore, the selectmen have felt that their hands are tied. Selectmen are hopeful of setting a higher minimum standard, and are perhaps even looking at requiring at least town road *minimum* — without guaranteeing that these subdivision roads would be accepted by town meeting. (That decision is up to the town meeting body.) There is a real interest, in any case, in getting all roads built in town in the future, to minimum standards. There may ensue talks, as well, of a 180-day moratorium, until adequate and legal standards can be developed and okayed by town meeting.

Selectmen may talk about the subject at their Nov. 10 meeting.

The town hall use question involves looking hard at (as with the roads) setting a minimum standard, a "one straight shot across-the-board fee," as Selectman Paul Hoyt put it Tuesday. This standard would apply to a fee for use of the hall, even by nonprofit groups, with perhaps a higher tier of payment established for for-profit groups and for larger,

money-making events.

This would simplify the current rules and their application, help recover town expenses, and eliminate at least some of the gray areas encountered now, when the town must divine the level of benevolence and relative benefits of various nonprofits, weighing the current applicant against the others, to determine total or partial waiver of use fees.

Selectman Woody Woodward and Town Manager Mitch Berkowitz agreed after Tuesday's discussion that they would sit down with Recreation Director Phil Gutekunst and hammer out some fair, consistent and clear rules governing town hall use in the future. Then, selectmen plan to look over that document at an upcoming meeting and tweak it where needed, before adopting it as a new policy. Selectmen agreed Tuesday that they did not want to let groups (not co-sponsored by the town) have free use of the 158-year-old building heretofore, because there is a base cost that accrues to the town for every single use. In that light, they began with this new standard Tuesday, by rejecting a Bridgton Hospital request that came before them for free use of the hall next month.

Accomplishments. Economic and Community Development Director Alan S. Manolian came before selectmen to give his first-year progress report. He noted several major accomplishments, a few continuing developments and a couple of roadblocks.

The Bridgton Economic Development Corporation is nearly set up and ready to roll, and that will provide energy and muscle to move Bridgton forward in several areas of development and growth, he noted.

Major accomplishments included the sewer project now just finishing up (accomplished with no tax money) that doubles the capacity of the handling of sewage discharge for the downtown; work to continue with the

automatic annual Community Development Block Grant money that was used to pay for the sewer upgrades; a new town website ready to go on-line; and work on establishing a Bridgton young professionals organization.

Depot Street planning has been accomplished, and there will soon be a follow-up committee to talk about development possibilities for the street, with more knowledge in hand of actual floodplain restrictions. Money was obtained this year for grants for facade improvements in and near Pondicherry Square — but Manolian said more spadework must be done to get all the businesses on the same page then to line up for facade improvements.

Two upcoming, very important meetings involve Bridgton's economic future: the Nov. 5 education/economic summit involving 30 area business and school leaders, an all-day forum set up for Down East Inc.'s offices; and the upcoming second charitable in Depot Street's future.

The educational component has received great cooperation from the schools, particularly at the vocational level, for starting programs in wind, solar and green and alternative energy, in an attempt to provide workers for future industries in those fields, a long-range plan that would keep more graduates in the Lake Region, and attract upwardly mobile, Green Age businesses to Bridgton, as well.

A \$100,000 brownfields grant was obtained to study the old school property on Depot Street, and work may begin on that soon, Manolian said.

Town Hall fees changed

By Mike Corrigan
Staff Writer

Bridgton selectmen have amended the town hall fees.

"This policy parallels what we've got, and defines it better," said Bridgton Recreation Director Phil Gutkunst, after last week's meeting.

Discussions over the past few weeks, registered dissatisfaction with the current policy; it was considered too vague, and not providing adequate compensation for the town for the use of the historic building, which townspeople will consider refurbishing in a vote next June.

Fees help cover wear and tear, cleaning, heat, lights and

staff time.

Fees will be:

\$100 per day by any not-for-profit group or resident. (Must be Bridgton-based.)

\$200 per day by all others.

- There will be no fee for town-sponsored or co-sponsored events and activities. (Gutkunst said that this allows flexibility for sponsorship of recreation activities, and recreation-oriented programs, such as the Boy Scouts and Jumping Janes.)

- Reduced daily fees may be established by the rec director, who schedules the hall, when the town shares in the gross income of an event. The fees

vary, according to whether it is a short-term or a long-term rental agreement.

- Multiple uses of the facility in the same day may have a reduced fee, but no less than \$10/hour.

- Fees associated with homecoming celebrations for immediately retiring or returning Bridgton military personnel may be fully waived on written request.

- A custodial fee of at least \$50 shall be charged for events which, in the opinion of the rec director, require custodial service.

- Any other exemptions not listed are no longer available to any applicant.

PLANNING BOARD AND DEPARTMENT REVIEW APPLICATIONS

2020 and 2021 to date (2/3/2021)

Date	Project	Property Owner	Planning Board	Department Review	Approved date	Pending	Expires	Notes
2020								
January 7, 2020	Wood Ponds Village	Ira Socket	X		withdrew application			Subdivision
January,7, 2020	Sanborn Gravel Pit	Philip Sanborn	X		Denied			Grandfather of gravel pit
January,7, 2020	Groundcover café	Lucia Terry	X		withdrew application			Apartments and restaurant
March 3, 2020	Middle Ridge Estates I	Mark Lopez	X		April 16, 2020			April 16, 2022 Subdivision
March 3, 2020	144 Main Street	Justin McIver	X		May 21, 2020			May 21, 2022 Restaurant
April 21, 2020	BD Solar Farm	Dirigo Solar	X		June 2, 2020			July 7, 2022 Solar Farm
April 21, 2020	Senior Housing Development	Developers Collaborative	X		July 21, 2020			July 21, 2022 Senior Housing
April 21, 2020	Brown Mill Farm	Terry & Sandra Swett	X		July 7, 2020			July 7, 2022 Barn Events
July 7, 2020	NFI North	Paul Dann	X		August 4, 2020			August 4, 2022 Educational facility
August 10, 2020	Maine Only Bud Bar	Stephen Zogopoulos	X		September 15, 2020			September 15, 2022 Medical Marijuana Storefront
September 1, 2020	Packard Family Subdivision	Richard Packard	X		September 1, 2020			September 1, 2022 Subdivision
September 1, 2020	Middle Ridge Estates II	Mark Lopez	X		October 6, 2020			October 6, 2022 Subdivision
Septemeber 1, 2020	Marks Lawn & Garden	Mark Cartonio	X		November 3, 2020			November 3, 2022 Events
October 6, 2020	Puffin Co	Kelly	X		December 29, 2020			December 29, 2022 Adult Use Marijuana Retail store
November 3, 2020	Moose Pond Marina	James Davenport		X	October 27, 2020			October 27, 2022 Storage Building
November 3, 2020	Canuvo	Glenn Peterson		X	October 27, 2020			October 27, 2022 Expansion
December 1, 2020	Granite & Cabinet Creations	Clayton Howe		X	November 17, 2020			November 27, 2021 Addition for fabrication
2021								
January 5, 2021	Starks Storage Facility	Keith Harnum	X				X	Storage Units
January 5, 2021	Mountain Rd Storage	Mark Lopez	X				X	Storage units
January 5, 2021	Harmon Rd Subdivision	Justin McIver	X				X	Subdivision
January 5, 2021	Eco Veiw Estates	Justin McIver	X				X	Subdivision revision
January 19, 2020	Kimball Rd Subdivision	Mark Lopez	X				X	Subdivision