

Board of Selectmen's Meeting Minutes

January 25, 2022; 5:00 P.M.

Board Members Present: Carmen E. Lone, Chairman; Glenn R. Zaidman, Vice-Chairman; Paul A. Tworog; Robert J. McHatton, Sr.

Board Members Remote: G. Frederick Packard

Administration Present: Town Manager Robert A. Peabody, Jr.; Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Police Chief Philip Jones; Recreation Director Gary Colello; Fire Chief Glen Garland; EMA Director Todd Perreault

1. Call to Order

Chairman Lone called the meeting to order at 5:05 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Approval of Minutes

a. January 5, 2022

Motion was made by Vice-Chairman Zaidman for approval of the minutes from the January 5, 2022 Board Meeting; second from Selectman McHatton. 5 approve/0 oppose

b. January 11, 2022

Motion was made by Vice-Chairman Zaidman for approval of the minutes from the January 11, 2022 Board Meeting; second from Selectman Tworog. 5 approve/0 oppose

c. January 18, 2022

Motion was made by Vice-Chairman Zaidman for approval of the minutes from the January 18, 2022 Board Meeting; second from Selectman Tworog. 5 approve/0 oppose

4. Public Comments on Non-Agenda Items

Police Chief Jones introduced new full time Police Officer Forest Wilson as the tenth officer on the force. The Board welcomed Mr. Wilson.

5. Committee/Liaison Reports

There were no committee/liason reports.

6. Correspondence, Presentations and Other Pertinent Information

a. Request from Bridgton EMA to Meet for Review of EOP, COOP, and the Sheltering Plans

Emergency Management Director Todd Perreault requested that the Board set up a workshop to review the EOP, COOP, and Sheltering Plans. The Board opted to meet at 2:00 P.M. on February 4, 2022 in the downstairs meeting room.

Item 7 and 8 were passed over until 5:30 P.M.

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

8. *Action Items Following Public Hearing*

9. New Business

a. Awards and Other Administrative Recommendations

1. Proposed Senior Property Tax Assistance Ordinance

The Board reviewed the Proposed Senior Property Tax Assistance Ordinance and suggested several areas for amendments.

Chairman Lone returned to agenda item 7 at 5:30 P.M.

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

a. To accept oral and written comments on a new Liquor License Application from The Noble House Inn (81 Highland Road)

Chairman Lone opened the Public Hearing at 5:33 P.M. to accept oral and written comments on a new Liquor License Application from the Noble House. Lynn and William Matthew Williams, new owners, were remote and introduced themselves. There were no public comments. Chairman Lone closed the hearing at 5:33 P.M.

b. To accept oral and written comments on a new Special Amusement Permit Application from The Noble House Inn (81 Highland Road) for live music and entertainment.

Chairman Lone opened the public hearing at 5:34 P.M. to accept oral and written comments on a new Special Amusement Permit Application from the Noble House Inn. There were no public comments. Chairman Lone closed the public hearing at 5:35 P.M.

8. Action Items Following Public Hearing

a. New Liquor License Application from The Noble House Inn (81 Highland Road)

Motion was made by Selectman McHatton to approve the new Liquor License application from the Noble House Inn; second from Vice-Chairman Zaidman. 5 approve/0 oppose

b. New Special Amusement Permit Application from The Noble House Inn (81 Highland Road)

Motion was made by Vice-Chairman Zaidman to approve the new Special Amusement Permit to the Noble House Inn; second from Selectman Tworog. 5 approve/0 oppose

Chairman Lone brought agenda 9 b2 forward.

b. Permits/Documents Requiring Board Approval

2. Victualer's License to The Noble House Inn

Motion was made by Vice-Chairman Zaidman to approve the Victualer's License to The Noble House Inn; second from Selectman McHatton. 5 approve/0 oppose

Chairman Lone returned to agenda item 9.

9. New Business

a. Awards and Other Administrative Recommendations

1. Proposed Senior Property Tax Assistance Ordinance

Town Manager Peabody responded to several questions asked by the Board. The Board opted to amend the document to include for at least twenty continuous years under purpose; to insert continuous after twenty under 1.3.c.; to include Town Manager, or his designee under 1.4.C; to change 90% to 80% under 1.5.A; and to change the second meeting in August to the first meeting in September under 1.6.A.

b. Permits/Documents Requiring Board Approval

1. Approval of Town Manager's Contract

Motion was made by Selectman McHatton to approve the Town Manager's Contract; second from Vice-Chairman Zaidman.

Selectman Tworog had a semi-lengthy statement that raises some questions. "I don't believe that the proposed new employment contract with the Town Manager is the best deal for the Town. The major provisions for salary level / increase, retirement plan level / increase and automobile allowance are all too rich. In addition, the payout provision on accrued vacation is both unfavorable to the Town from a financial position as well as an incentive for poor employment practice. Finally I don't think the three-year term is in the Town's best interest. Let me be clear, this contract is just more than should be required for the Town to retain / obtain a competent Town Manager. It is not a questioning of the competency of the current Manager. I'll cover my major concerns from two perspectives; the first and most important is the Town, the second and obviously much harder to do is a comparison to other towns. Since I'm kind of a numbers guy, I'll start with numbers. The current base salary of the Town Manager is \$112,986, although he is currently being paid at a higher rate due to the absence of the head of the Department of Public Works. The base salary however that is set at \$112,000 is approximately 45% more than the amount paid at the end of his probationary period on 1/1/2015 which means that he has gotten over time a steady and large increase of average annual increase of 6.5%. The new request increases the base salary by 13.8% to \$128,586 or an increase of roughly \$16,000 in cash. I don't know how many of our Town's taxpayers have seen such percentage increases or earn that level of dollar amount but I think it's very few and I am concerned about that. I do think that of course you do need to look at other towns and there is certainly a mix in other Towns that depends on population, valuation, and location in particular. Some data can be a year behind, it's very hard to compare benefits, salaries are a little easier, but again tricky to go on. That said, the \$128,000 figure would be greater than what is being paid in North Yarmouth, Casco, Raymond, North Berwick, Bucksport, South Berwick, Ellsworth, Waterboro, Topsham, Bath, Skowhegan, and Gray. There are some Towns however with much bigger populations in the 8,000 to 12,000 range and in different locations like Cumberland, Yarmouth, Freeport, and Falmouth who do pay slightly more. That said, it seems like the dollar salary amount is outside what should be paid. Looking at the other pieces of this contract, and again returning to the original contract and the history behind it. Originally, the original contract provided a 5.5% contribution of salary to a retirement plan above and beyond social security. So the position is covered by social security but above and beyond social security there was a 5.5% contribution to a retirement plan. That has since grown to 8% of salary. This new contract is looking to increase that retirement contribution to 10%. Since the salary base itself is higher the dollar increase is from \$9,039 to \$12,858 dollars or a 42% increase in the amount of dollars that the Town would need to provide to the retirement account. Finally, in terms of direct cash compensation is an automobile allowance. It's somewhat strange to have an automobile allowance other than the original contract, which was set at the standard IRS per mile, it is now \$3,600 per year, the new request is to increase that by 33% to \$4,800 dollars per year. This is unusual in that really it is only a different category of salary, automobile allowances that are not based on actual business mileage are treated exactly the same as salary so the Town pays this amount in cash, the Town contributes to social security and Medicare based on that amount of money. The recipient is taxed on it as ordinary income so this is just a different category. So let me conclude then and just put all those pieces together, put all the current cash pieces together and we get \$125,625, we look at the proposed pieces and we get \$146,244 for a 16.4% increase in the cash piece of compensation. There's two other pieces of note in this proposal, one which would never be able to really be described, seems like a mere technicality in terms of vacation accrual it is anything but a technicality, currently the Manager has reached a cap of accrued unused vacation time, under the proposed change, he would get paid directly for further unused vacation time no matter the reason that the vacation time wasn't used. This provides from an HR perspective; this provides a financial incentive to really encourage the very poor practice

of not taking vacation time. Second, it's a 3-year contract, it should be noted that the Town is locking into this, not really the Manager. It should be noted that despite getting prior contractual increases, the Town Manager continued to look for better jobs which he would continue to be able to do, fortunately, he has not been able to actually obtain a better job than Bridgton offers. I for one believe this is because Bridgton is a great town with a great staff and wonderful opportunities. This proposal is just much more than the Town needs to offer to attract and retain a quality Town Manager. A much more realistic and fair cash compensation deal for the Town and the Town Manager's position would be a 3% salary increase to \$116,375. This requested increase in the retirement to 10%, the requested increase in the auto allowance to \$4,800, these pieces total \$132,812, this is overall 5.7% increase still substantial but fair. That is my comments on the motion and on the proposal."

Vote: 2 approve/3 oppose (Zaidman, Tworog and Packard were opposed)

Town Manager Peabody was excused from the meeting.

*2. Victualer's License to The Noble House Inn
This item was addressed earlier in the meeting.*

3. Certificate of Sewer User Rates Commitment #259

Motion was made by Vice-Chairman to commit the October 1, 2021 to December 31, 2021 Sewer User Rate Commitment #259 comprising 2 pages totaling \$2,674.42 to the Treasurer for collection; second from Selectman Tworog. 5 approve/0 oppose

4. Budget Time Line; Deputy Town Manager

Budget review was scheduled for Monday, February 28, 2022 at 9:00 A.M. and Tuesday, March 1, 2022 at 9:00 A.M.

c. Selectmen's Concerns

There were no Selectmen's concerns.

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

This item was addressed after agenda item 11.

10. Old Business (*Board of Selectmen Discussion Only*)

a. Wastewater Status Update

Deputy Town Manager Fleck provided a brief update after the Manager's Report.

b. Pay-Per-Bag Discussion

Vice-Chairman Zaidman and Selectman Tworog would like to see a presentation from the bag campaign company before directing this to the voters. Selectman McHatton would like this to be considered at Town Meeting in June. The Board directed the Deputy Town Manager to contact Waste Zero to request a presentation.

11. Treasurer's Warrants

Motion was made by Selectman McHatton for approval of Treasurer's Warrants 75, 76, and 77; second from Vice-Chairman Zaidman. 5 approve/0 oppose

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

Deputy Town Manager Fleck read the following into the record:

TOWN OF BRIDGTON DEPUTY TOWN MANAGER'S REPORT

January 25, 2022

General: Dogs must be re-licensed by January 1st of each year. After January 31st there is a state mandated late fee of \$25.00. The 2019 tax liens will automatically foreclose on January 28th. Please contact the Town Clerk's Office to check the status of your account if it is delinquent. We were notified by the Maine Center for Disease Control and Prevention of a rabid racoon recently identified in our town. Some pointers are stay away from wild and stray animals; vaccinate your pets and livestock and do not touch bats or other wild animals. If you have additional questions or concerns, please contact the Maine CDC at 1-800-821-5821.

Public Works Department: From November 15 - April 15 no vehicle shall be parked on the public street or way from 11:00p.m. to 7:00a.m. per MRSA 29A Section 2068-2069 and the Bridgton Traffic Ordinance. Any vehicle violating this parking ban may be fined per the Town of Bridgton Fee Schedule or may be towed at the owner's expense.

As per MRSA 17A Section 505 and MRSA 29A Section 2396, no person(s) shall plow, shovel or otherwise deposit snow, this includes snowblowing, into the limits of any traveled public way.

Is it important to keep your driveways and private roads cleared and sanded so that, if the need arises, emergency personnel can safely access your property.

Community Development Director: An application was submitted to the Cumberland County Government for American Rescue Plan funds to help pay for costs associated with the new wastewater treatment plant and system upgrades. Linda thanks the Code Enforcement Officer, Finance Department, Brent Bridges of Woodard and Curran for assisting with the application. Work has begun in earnest on the Comprehensive Plan update with a target date of Town Meeting in June 2024 for completion. Community Development Block Grant applications were submitted to the town this past week. An open mic meeting is scheduled for Wednesday, January 26th for applicants to discuss their request with the Community Development Advisory Committee. The Town put forth an application for funding to replace the sidewalk on Elm Street from Main Street to Bennet Street.

Code Enforcement: We were recently notified by our attorney that the Bridgton Hotel has gone through the appeal at the Maine Supreme Judicial Court and the decision rendered that "contrary to neighbors' contentions, the Bridgton Planning Board did not clearly err in characterizing the proposed installation of a stormwater management and phosphorous control system, therefore the court denied the appeal and upheld the Planning Board's decision. For the month of December the Code Office issued 6 building permits (last year 10); 230 building permits were issued for the year 2020 - valuation \$58.5 million (241 in 2019 valuation approximately \$22 million). The Planning Board is reviewing 5 applications for development.

Bridgton Recreation: Summer Rec sand Swim is currently open for registration. We are looking to hire lifeguards, water safety instructors and camp staff. The ice rink is open daily starting at 10:00a.m...please check the website for current hours and ice conditions. Free Skates to borrow, warming room with hot chocolate, and music... it is always a fun time at the rink! Be sure to visit after the sun goes down to skate under our fantastic lights!

Health Officer: Catherine Pinkham, Health Officer, is currently arranging a vaccination clinic at the Bridgton Community center. More details to follow as this event matures.

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

Respectfully submitted, Georgiann M. Fleck, Deputy Town Manager

Deputy Town Manager Fleck also provided a brief wastewater status update.

Selectman Tworog asked for an update on payment from the Water District to which the Deputy Town Manager will follow up with the Town Manager.

12. Public Comments on Non-Agenda Items

Recreation Director Colello requested permission to comment on an agenda item to which Chairman Lone approved. Director Colello said, "I'm just curious what the Board's actions will be going forward with the Town Manager. There wasn't elaboration, it appears that he has walked out of the room. We have, it seems no Town Manager. I don't know what the situation is but I'm sitting here as staff very confused. I know you all know the job market, you all are smart individuals, have you spoken to towns such as North Yarmouth who took three years to find a new Town Manager? Have you spoken to the Town of Casco that took two and a half years to find a Town Manager? I'm just kind of curious to what those of you that voted no, what the intentions are because at this point, I'm very confused as a citizen who lives in this town with everything going on with all the

projects and everything going on, it's wise of the Town to move to a different direction in leadership. I'm just trying to understand as a staff person and a community member who is invested in this Town, who spent time in this Town to make it a better place, to see that someone who has put effort in to make this a better place, it doesn't necessarily make me feel very good." Chairman Lone responded that the Board will request another meeting with the Town Manager to look at this contact. Selectman Tworog added that we are in negotiations with the Town Manager, the Town Manager has not resigned. Recreation Director Colello said, "It makes me really question, do I have the support when I put in the effort that I put in, the time that I put into my life for the betterment of this community, this Town because I believe Bob does the same as I do and to know that I might not be supported all the time, and that's fine but these types of things are very odd because there have also been people that sat right here and didn't even get to start a job, that were voted away in an odd way. The economic developer before Linda and before the other person, she sat right here and got voted out before she could even start her job. Whatever the behind the scenes stuff was that for but I'm just saying it doesn't feel good as a staff to see that the Town Manager get literally berated about his personal life and things that he can go and get different jobs and things like that, we all can. And I think that they should be aware that appreciation goes a long way here sometimes and often times it feels like there's not as much appreciation as needed." Chairman Lone thanked Gary.

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

~~January 27, 2022~~ February 1, 2022 Bridgton Recreation Advancement Group (BRAG)

February 8, 2022

February 22, 2022

Deputy Town Manager Fleck requested permission to speak on an agenda item to which Chairman Lone approved. Deputy Town Manager Fleck said, "Thank you. I just wanted to say that I've worked closely with Bob as a town manager and I think that he does a fabulous job. He's followed the projects through. Also want to remind the Board that when you had a meeting, not too long ago, that staff retention was at the top of the list and that also includes management. I'd just like to put that out for the public and for the Board, to remind the Board. Thank you." Chairman Lone thanked Deputy Town Manager Fleck.

Vice-Chairman Zaidman asked Deputy Town Manager Fleck if the Board can enter executive session to discuss town matters, specifically for personnel matters, to which Deputy Town Manager Fleck responded that if it involves a certain individual, that individual has the right to be at that meeting. Vice-Chairman Zaidman asked how the Board can meet to discuss subjects as a Board. Chairman Lone responded that the Board will set up a meeting and go into executive session to negotiate the Town Manager's contract.

14. Adjourn

Motion was made by Selectman McHatton to adjourn the meeting at 6:27 P.M.; second from Chairman Lone. 5 approve/0 oppose

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk