

SELECT BOARD MEETING AGENDA

DATE: Tuesday, April 25, 2023

TIME: 5:00 P.M.

PLACE: Select Board Meeting Room, 10 Iredale Street, Bridgton

Please join the meeting from your computer, tablet, or smartphone.

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1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes:
 - a. April 11, 2023
4. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
5. Committee/Liaison Reports
6. Correspondence, Presentations and Other Pertinent Information
 - a. Road Damage on Holden Hills (Private Way)
7. 5:30 P.M. Public Hearings
 - a. Special Amusement Permit Application from Stella's on the Square located at 6 North High Street for Live Music and Shows
8. Action Items Following Public Hearing
 - a. Special Amusement Permit Application from Stella's on the Square located at 6 North High Street for Live Music and Shows (renewal)
9. New Business
 - a. Awards and Other Administrative Recommendations
 1. Disposal of Property on Sleigh Bell Lane (Map 9, Lot 3 and Lot 4)
 2. Open-Ended or Capped Warrant Articles for Budget Items
 - b. Permits/Documents Requiring Board Approval
 1. Application to Register Beano/Bingo from St. Joseph's Men & Women's Club
 2. Lake Level Policy Amendments
 3. Business Licenses
 - a. Victualer's License to Stella's on the Square located at 6 North High Street (renewal)
 - b. Victualer's License to Ruby Food located at 160 Main Street (renewal)
 - c. Medical Marijuana Caregiver Retail Store License to Maine Only Cannabis located at 316 Portland Road (renewal)
 4. Certificate of Commitment of Sewer User Rates Commitment #274
 - c. Select Board Concerns
 - d. Town Manager's Report/Deputy Town Manager's Report

10. Old Business (*Board of Selectmen Discussion Only*)
 - a. Wastewater Status Update
11. Treasurer's Warrants
12. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
13. Dates for the Next Board of Selectmen's Meetings
May 9, 2023 (Regular Meeting)
May 23, 2023 (Regular Meeting)
June 13, 2023 (Regular Meeting and Annual Town Election)
14. Adjourn

Town Manager's Notes
Board of Selectmen's Meeting
April 25, 2023

3. Approval of Minutes:

- a. April 11, 2023

Suggested Motion: Move to approve the April 11, 2023, Selectboard Minutes.

6. Correspondence, Presentations and Other Pertinent Information

- a. In your binder please find information regarding Holden Hills and the use of public funds to maintain a private way.

7. Public Hearing (5:30PM)

(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)

- a. To accept written and oral comments on a Special Amusement Permit from Stella's on the Square.

8. Action Items Following Public Hearing

- a. ***Suggested Motion: Move to approve Special Amusement Permit for Stella's on the Square.***

9. New Business

- a. Awards and Other Administrative Recommendations

1. In your binder, please find an informational packet for placing both Map 9 Lot 3 and Map 9 Lot 4 out to bid.

Suggested motion: Move to place both Map 9 Lot 4 and Lot 3 out to bid subject to the terms and conditions set forth in the packet provided the Board.

2. A warrant article seeking an appropriation can be stated in an open-ended form or include a cap or limit. In the latter, the appropriation may be amended reducing the amount, but may not be increased. Please refer to pertinent section of the MMA "Town Meeting & Elections Manual" found in your binder.

Suggested Motion: Move to designate "capped" warrant articles for appropriations.

- b. Permits/Documents Requiring Board Approval

1. In your binder is an Application to Register Beano/Bingo from St. Joseph's Men and Women's Club.

Suggested motion: Move to approve the Application to Register Beano/Bingo from St. Joseph's Men and Women's Club.

2. The Public Safety Director is requesting certain changes be made to the Lake Levels Policy and Procedures Policy. The Director will be present to discuss the proposed revisions.

Suggested motion: Move to approve the revised Lake Levels Policy and Procedures Policy.

3. Business Licenses:

- a. Victualer's License to Stella's on the Square.

Suggested motion: Move to approve a Victualer's License to Stella's on the Square.

- b. Victualer's License to Ruby Food.

Suggested motion: Move to approve a Victualer's License Ruby Food.

- c. Medical Marijuana Caregiver Retail Store License to Maine Only Cannabis.

Suggested motion: Move to approve a Medical Marijuana Caregiver Retail Store License to Maine Only Cannabis.

4. Pursuant to 30-A M.R.S. § 3406 (copy of statute in your packet), please refer to Certificate of Commitment of Sewer User Rates: #274 in your packet.

Suggested motion: Move to commit the January 1, 2023, to March 31, 2023, Sewer User Rate Commitment #274 comprising 3 pages totaling \$2,727.75 to the Treasurer for collection.

12. Old Business

- a. Wastewater Update

Select Board Meeting Minutes
April 11, 2023; 4:30 P.M.

Board Members Present: Carmen E. Lone, Chair; Robert J. McHatton, Sr., Vice-Chair; Paul A. Tworog; Kenneth J. Murphy; Carrye Castleman-Ross

Administration Present: Town Manager Robert A. Peabody, Jr, Deputy Town Manager Georgiann Fleck; Town Clerk Laurie L. Chadbourne; Police Chief Phillip Jones; Community Development Director Victoria Hill; Recreation Director Gary Colello; Executive Assistant Nikki Hodgkins

1. Call to Order

Chair Lone called the meeting to order at 4:30 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. 4:30 P.M. Executive Session per MRS Title 1 § 405.6.D. for Discussion Regarding the Fraternal Order of Police Collective Bargaining Agreement

Motion was made by Select Board Member Murphy to enter executive session at 4:31 P.M. per MRS Title 1 Section 405.6.D. for discussion regarding the Fraternal Order of Police Collective Bargaining Agreement; second from Select Board Member Tworog. 5 approve/0 oppose **Motion** was made by Vice-Chair McHatton to exit executive session at 4:48 P.M. ; second from Select Board Member Tworog. 5 approve/0 oppose

4. Action Items Following Executive Session

Motion was made by Chair Lone to approve the Memorandum of Agreement between the Town of Bridgton and Fraternal Order of Police Collective Bargaining Agreement; second from Select Board Member Tworog. 5 approve/0 oppose

5. Approval of Minutes:

- a. March 7, 2023
- b. March 28, 2023

Motion was made by Vice-Chair McHatton for approval of the March 7, 2023 and March 28, 2023 Select Board Meeting Minutes; second from Select Board Member Murphy. 5 approve/0 oppose

6. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

7. Committee/Liaison Reports

Select Board Member Tworog reported that Pondicherry Park will be providing a revised map and brochure to include trail mobility.

8. Correspondence, Presentations and Other Pertinent Information

a. Comprehensive Plan Update

Community Development Director Victoria Hill provided the Board with a brief Comprehensive Plan update.

b. Broadband Update

Community Development Director Victoria Hill provided a brief broadband update.

Brought agenda item 11 forward.

11. New Business

a. Awards and Other Administrative Recommendations

1. Greater Portland Council of Governments (GPCOG) General Assembly Delegates 2023

The Greater Portland Council of Governments Annual Summit is scheduled for Thursday, May 25, 2023 at St. Joseph's College with a lead-in meeting to the Summit of GPCOG's General Assembly. **Motion** was made by Chair Lone to appoint Chair Lone and Town Manager Peabody as delegates and Select Board Member Castleman-Ross as an alternate delegate for the Town of Bridgton; second from Select Board Member Murphy. 5 approve/0 oppose

2. Dedication of Annual Town Report (July 1, 2021 to June 30, 2022)

Motion was made by Vice-Chair McHatton to dedicate the July 1, 2021 to June 30, 2022 report to George Kimball and Mike Tarantino; second from Select Board Member Murphy. 5 approve/0 oppose

9. 5:30 P.M. Public Hearings

a. New Liquor License Application from Sundown Lounge located at 18B Depot Street

Chair Lone opened the public hearing to hear public comment on a new Liquor License Application from Sundown Lounge at 5:28 P.M. Chair Lone closed the public hearing at 5:29 P.M.

b. Special Amusement Permit Application from Sundown Lounge located at 18B Depot Street

Chair Lone opened the public hearing to hear public comment on a new Special Amusement Permit Application from Sundown Lounge at 5:29 P.M. Owner Mitchell Slattery was present and reported that he intends to only have live entertainment from 5PM until 10PM, he also understand that this permit is contingent upon Planning Board review and approval. Chair Lone closed the public hearing at 5:31 P.M.

10. Action Items Following Public Hearing

a. New Liquor License Application from Sundown Lounge located at 18B Depot Street

Motion was made by Select Board Member Tworog for approval of the new Liquor License Application from Sundown Lounge located at 18B Depot Street; second from Vice-Chair McHatton. 5 approve/0 oppose

b. Special Amusement Permit Application from Sundown Lounge located at 18B Depot Street

Motion was made by Select Board Member Tworog for approval of the Special Amusement Permit Application (**from 5PM-10PM**) from Sundown Lounge conditional upon review and approval by the Bridgton Planning Board; second from Select Board Member Murphy. 5 approve/0 oppose

b. Permits/Documents Requiring Board Approval

1. Kids to Park Days Proclamation

Motion was made by Select Board Member Murphy to proclaim May 20, 2023 as Kids to Park Days in the Town of Bridgton; second from Select Board Member Tworog. 5 approve/0 oppose

2. Warrant and Notice of Election Calling Maine School Administrative District No. 61 Budget Validation Referendum on May 23, 2023

Motion was made by Select Board Member Tworog to countersign the Warrant and Notice of Election Calling Maine School Administrative District No. 61 Budget Validation Referendum; second from Vice-Chair McHatton. 5 approve/0 oppose

3. Victualer's Licenses

a. Sundown Lounge located at 18B Depot Street (new)

b. Wolfie's Links, LLC (food truck) located at Food City Parking Lot (new)

- c. Morning Glory Diner located at 78 Portland Road (renewal)
- d. Big Apple Bridgton #1107 located at 16 Portland Road (renewal)
- e. Big Apple Bridgton #1000 located at 93 Main Street (renewal)
- f. Heathrow Corp DBA Food City located at 295 Main Street (renewal)

Motion was made by Select Board Member Tworog to approve the Victualer's Licenses to Sundown Lounge, Wolfie's Links, LLC, Morning Glory Diner, Big Apple Bridgton #1107, Big Apple Bridgton #1000 and Food City; second from Select Board Member Murphy. 5 approve/0 oppose

4. Marijuana Establishment License

- a. Marijuana Registered Dispensary and Medical Marijuana Caregiver Retail Store to Neptune's Native Grown located at 224 Portland Road (renewal)

Motion was made by Select Board Member Tworog for approval of Marijuana Registered Dispensary and Medical Marijuana Caregiver Retail Store to Neptune's Native Grown; second from Select Board Member Castleman-Ross. 5 approve/0 oppose

c. Selectmen's Concerns

- **Select Board Member Murphy** had no concerns.
- **Select Board Member Castleman-Ross** hopes the businesses in Bridgton have a great summer.
- **Select Board Member Tworog** thanked the Public Services Department for repairing the plow damaged areas and encouraged the public to contact the Director with any road concerns.
- **Vice-Chair McHatton** had no concerns.
- **Chair Lone** asked about the status of the CMP pole on Elm Street to which Select Board Member Tworog responded that CMP has replaced the pole.

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

Deputy Town Manager Fleck read the following report dated April 11, 2023 into the record:

Town Clerks Office

Nomination papers for the following offices (all three-year terms) - (2) Select Board Member/Assessor/Overseer of the Poor; (1) Planning Board Member; (1) Planning Board Alternate Member; (2) MSAD #61 Director; (1) Water District Trustee are due at the close of business on Friday, April 14, 2023.

General

Earth Day cleanup is scheduled for Saturday, April 22nd beginning at 8:30a.m. – 10:30a.m Meet at the Bridgton Community Center, 15 Depot Street, Bridgton, wear bright colors, gloves and bags will be provided. Sponsored by Loon Echo Land Trust.

The Town of Bridgton, with Sargent Corporation, will be re-starting construction on the **wastewater expansion project** beginning Monday, April 17th. Updates will be posted on the Town of Bridgton website as they become available.

Sidewalk construction for **Elm Street and Highland Road** began on Monday, April 10th. A time-line is posted on the Town of Bridgton website and updates will be posted as they become available.

It is with regret that we report the passing of **Valarie Woodman**. Valarie worked at the Bridgton Transfer Station for 9 years (2007-2016). We extend our sincerest condolences to her spouse, family, and friends.

Bridgton Recreation

We are getting ready for **spring sports** next week. **Kids to Parks Day** is Saturday May 20th. **Summer Programs** are open for registration. **July 3rd Craft Fair** still has space for vendors! We have 24 vendors so far. **Lifeguard/WSI/Summer Rec Staff Training** starts mid June.

Public Services Department

Spring clean-up has begun in and around town. Roads will be un-posted on Thursday, April 13th.

Fire Department

As the spring clean-up season has begun I would like to remind citizens and visitors alike that the burning of yard debris, leaves, brush, tree limbs, etc. requires a **burning permit**. These are available at no charge online at www.maine.gov/burnpermit through the Maine Forest Service. There will be times, particularly, in the next few weeks that conditions will be too dry to burn and the permit system will not issue permits on those days. Permits can also be issued in person at the Bridgton Police Department M-F from 0900-1600. Please keep in mind that any permitted burn **MUST** be attended by an adult at all times and must be completely extinguished before being left unattended. It is legal to have a small contained (outdoor fireplace or fire pit) fire for cooking, warming, or recreational use. Again, these fires must be attended by an adult and completely extinguished before being left unattended. Any questions please feel free to call 647-8814 during business hours or email ggarland@bridgtonmaine.org

Bridgton Police Department

BPD is currently hiring for immediate patrol openings, please call or stop in if interested.

Officer Chaine and Officer Gibbs are now in their 4th week of **K9 Patrol School**.

Bridgton PD is taking part in the bureau of Highway Safety distracted driving enforcement campaign this month
U Drive. U Text. U Pay.

The estimated economic cost of tangible losses resulting from all motor vehicle traffic crashes in the United States in 2019 (the most recent year for which cost data is available) was \$340 billion, of which \$98 billion resulted from distracted-driving crashes. When quality-of-life valuations are considered, the total value of societal harm from motor vehicle traffic crashes in the United States in 2019 was an estimated \$1.37 trillion, of which \$395 billion resulted from distracted-driving crashes.

Please refer to our website www.bridgtonmaine.org for more information on events, etc. and to subscribe for alerts.

Until next time....be safe and be well
Respectfully submitted,
Georgiann M. Fleck, Deputy Town Manager

12. Old Business

a. Wastewater Status Update

Town Manager Peabody provided a brief wastewater status update.

13. Treasurer's Warrants

Motion was made by Select Board Member Tworog for approval of Treasurer's Warrants numbered 1094 through 1099, all inclusive; second from Select Board Member Murphy. 5 approve/0 oppose

14. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

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

April 25, 2023 (Regular Meeting), May 9, 2023 (Regular Meeting), May 23, 2023 (Regular Meeting), June 13, 2023 (Regular Meeting and Annual Town Election)

16. Adjourn

Motion was made by Vice-Chair McHatton to adjourn the meeting at 6:00 P.M.; second from Select Board Member Murphy. 5 approve/0 oppose

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk

November 27, 2018

Robert Peabody
Town Manager
Town of Bridgton
3 Chase Street, Suite 3
Bridgton, ME 04009-1264

RE: Town Maintenance of Private Roads

Dear Bob:

I am writing in response to your questions whether the Town has a duty or obligation to plow and/or sand private roads in order to provide access to properties along those roads for emergency vehicles; and whether or not there are any circumstances under which it would be legally permissible for a Town to plow or sand a private road.

As a general rule, the law in Maine is that it is not permissible for municipalities to plow or sand private roads. This issue was directly addressed in 1989 in an Opinion of the Justices of the Maine Supreme Court which is reported at Maine Reporter 560 A.2d 552 (Me. 1989). The justices of the Maine Supreme Court reasoned as follows:

The legislative power under Article IV, Part Third, Section 1 of the Maine Constitution includes the power to tax, but only to the extent that tax revenues are spent for public purposes [citation omitted]. The maintenance at taxpayer expense of privately owned roads . . . would be an unconstitutional appropriation of public funds for the benefit of the private property owners Any indirect public benefits derived from the proposed expenditure upon private roads from which the public are or may be barred are outweighed by the public detriment . . . [citation omitted].

In addition, under 14 MRS § 7551-A(1)(A) any person, including municipal employees, who enter the land of another without permission may be liable to the owners in a civil action if they:

“damage[s] any road, drainage ditch, culvert, bridge, sign or paint marking; or do[es] other damage to any structure on property not that person’s own.”

Under 14 MRS § 7551-B(3) and (4), the measure of damages for such a trespass may include actual damages, costs and attorneys’ fees.

In 2009, the Legislature created a limited exception to the general rule that municipalities may not perform maintenance on private roads. Chapter 501 of the Laws of 2009 enacted 23 MRS § 3106 which provides that a municipality may appropriate public funds to repair a private road,

November 27, 2018

Page 2

way or bridge under limited circumstances as defined therein in order to prevent storm water runoff pollution from reaching a great pond.

Although the general rule prohibits the expenditure of public funds to maintain private roads based on the public purpose doctrine under Article IV, Part Third, Section 1 of the Maine Constitution, 23 MRS § 3106 suggests that some limited exceptions to the general rule may be permissible where the purpose of the expenditure is to further a public, rather than a private, purpose, such as, in the case of § 3106, the protection of the water quality of a great pond.

Notwithstanding the general rule set forth in the Opinion of the Justices cited above, and recognizing that the town could arguably be liable for damage to a private road under a trespass theory, it is nonetheless my opinion that a reviewing court would be more likely than not to support the plowing or sanding of a private road by a municipality in an emergency situation where the lives or safety of first responders or members of the public would otherwise be at risk or where town equipment, such as a fire truck, would be at risk of significant damage. Although there is no statutory or case law in Maine that specifically addresses the issue, it is my view that, where the safety of town personnel or valuable municipal equipment are immediately at risk, a town may lawfully sand or plow a private road.

In suggesting that the courts would likely uphold such a limited public emergency exception to the general rule against maintaining private roads, I would advise the Town to limit its use of this exception to serious emergency situations where the official in charge of the emergency response advises the Town that without such sanding or plowing, there will be a serious threat to human life or safety, or to town equipment.

The municipal officials charged with making such emergency decisions should do so cautiously and sparingly and only where there is an immediate threat to human life or safety or a likelihood of significant damage to Town equipment. In making these decisions, the town officials should be mindful of the fact that it is the responsibility of the private owners on private roads to maintain them and that the town has no duty or obligation to do so. The town officials should also be mindful of the fact, that apart from this narrow emergency exception, it is a misappropriation of public funds to use them for maintenance of private ways.

I hope that this letter has been responsive to your questions. If you or the members of the Board of Selectmen have any questions, please do not hesitate to give me a call.

Very truly yours,



Richard A. Spencer

RAS/kmr



Plowing Private Roads & Driveways Revisited

Maine Townsman - November, 2003

It's been a long time (almost 15 years) since we've reminded readers about the legalities and liabilities of plowing private roads and driveways at public expense, so let's revisit the topic.

In 1989 the Maine Supreme Court confirmed what MMA attorneys and others had long advised: that maintenance, including plowing, of private roads at public expense is an illegal expenditure of public funds for a private purpose, in violation of the State Constitution's "public purpose" clause (see Opinion of the Justices, 560 A.2d 552 (Me. 1989)). This clause authorizes the State to impose taxes (of which the property tax is one example) but only for public purposes. The Court reasoned that there is no public purpose in maintaining a private road because, even if it is not posted or gated, public access can be restricted at any time (a private road is, after all, private property).

The constitutional problem is not avoided by granting "permission" to the municipality to plow a private road – consent does not confer a public right of access, and it can be withdrawn at will.

Nor can the prohibition against plowing private roads at public expense be overcome by popular vote (say, by town meeting or referendum) because no such vote can supercede the State Constitution.

And it is irrelevant that the practice has been longstanding – there is no "grandfathering" of a continuing constitutional violation.

Besides the constitutional problem, there is a very practical reason why municipalities should not be plowing private roads. The Maine Tort Claims Act (14 M.R.S.A. §§ 8101-8118) limits the liability of municipalities and their agents and employees while engaged in legitimate governmental activities, such as plowing public roads. (The limit is \$400,000 for municipalities and \$10,000 for employees.) Because plowing private roads is not an authorized public activity, it is conceivable that a municipality and its agents and employees would not be protected by the MTCA or covered under the municipality's insurance policy. In other words, a municipality and its agents and employees might be held liable without limitation and without insurance coverage for personal injury or property damage caused while plowing private roads.

For more on plowing and maintenance of private roads, see MMA's Municipal Roads Manual, available free to members on MMA's web site at www.memun.org. (By R.P.F.)

Return

This information is intended for general information purposes only and is not meant as legal advice. This information should not take the place of a thorough review of pertinent statutes, consultation with legal counsel, or other specific guidance on the subject.

Laurie Chadbourne

From: Laurie Chadbourne
Sent: Friday, April 7, 2023 12:55 PM
To: Libby Graffam
Cc: Robert "Bob" Peabody, Jr.; David Madsen
Subject: RE: Selectmen agenda
Attachments: HOLDEN HILLS.pdf

Hi Libby,
This item will be added to the Select Board Agenda on April 25th as requested.
Attached please find the documents that we spoke about.
Let me know if you have any questions.
Laurie

From: Libby Graffam <libbyggg@gmail.com>
Sent: Friday, April 7, 2023 12:50 PM
To: Laurie Chadbourne <lchadbourne@bridgtonmaine.org>
Subject: Re: Selectmen agenda

You don't often get email from libbyggg@gmail.com. [Learn why this is important](#)

Laurie,

I just got off the phone with my attorney and he would like me to add Legal Dispute, could you please change it for me, thank you

On Fri, Apr 7, 2023 at 12:46 PM Libby Graffam <libbyggg@gmail.com> wrote:

Good afternoon Laurie,

Could you please add me to the agenda for April 25, 2023 at 5pm, please and thank you.

Topic:

Dispute with the Town of Bridgton and Public Works department regarding road damage caused by the town. And the Public Works department refusing to continue to plow our road stating the it's a private road.

State Aid Roads	12,786.00
Painting Traffic Lines	500.00
Sidewalks	3,000.00
	<u>\$85,286.00</u>

Article 21. On motion it was voted to transfer the following accounts from the Excise Taxes:

Tar Account	\$37,400.00
Bush Control	1,500.00
Roads & Bridges	19,008.97

Article 22. On motion it was voted not to accept the "Big Sandy" road as a Town Road

Article 23. On motion it was voted to accept as a Town Road the road extendin from the Sweden Road so-called into the Holden Development.. a distance of approximately 650 ft

Article 24. On motion it was voted to raise and appropriate the sum of \$1,830.00 for to the Androscoggin Valley Regional Planning Commission for 1974.

Article 25. On motion it was voted to raise and appropriate the sum of \$950.00 for band concerts for the ensuing year..

Article 26. On motion it was voted to raise and appropriate the sum of \$500.00 to be paid over to the Eastern Slope Airport Authority for the maintenance and operation of Airport located at Fryeburg.

Article 27. On motion it was voted to raise and appropriate the sum of \$2000.00 for care and planing of trees for the ensuing year.

Article 28. On motion it was voted to raise and appropriate the sum of \$7,200.00 for support of the Western Maine Counseling Service..

Article 29. On motion it was voted to raise and appropriate the sum of \$2,000.00 for staffing and running expenses for the Bridgton Information Bureau for the ensuing year. trun said sum over to the Chamber of Commerce.

Article 30. On motion it was voted to raise and appropriate the sum of \$6,000.00 for advertising t he Town for the ensuing year, said sum to be administered by the Board men, to be kept ina special account to be used for advertising and promotine the four season recreational advantages of the Town.

Article 31. On motion it was voted not to raise and appropriate the sum of \$482.90 paid to the State of Maine Publicity Bureau.-- by voice undecided--show of hands under by ballot 79-79 ~~Summation~~

Article 32. On motion it was voted to appropriate from the Revenue Sharing Trust Fund Summer and Winter Recreation the sum of \$5,600.00 for 1974.

Summer Recreation	\$3,100.00
Winter Recreation	2,500.00
	<u>\$5,600.00</u>

Article 33. On motion it was voted to raise and appropriate the sum of \$700.00 to support the Bridgton Jaycees in sponsoring the annual Fourth of July Fireworks..

Article 34. On motion it was voted to raise and appropriate the sum of \$750.00 for support of WCBB Channell 10 television.

Article 35. On motion it was voted to appropriate from the Revenue Sharing Trust Fund sum of \$14,000.00 for the balance due on the purchase of a Fire Truck

Article 36. On motion it was voted to appropriate from the Revenue Sharing Trust Fund sum of \$15,600.00 to pay the balance due on the Revaluation Contract.

Article 37. On motion it was voted to raise and appropriate the sum of \$20,000.00 for Reserve Fund for the purchase of land for recreational use.

Article 38. On motion it was voted to transfer the sum of \$750.00 to the Snowmobile Committee and \$894.00 to Parks and Picnic Grounds from The Snowmobile Registration

Article 39. On motion it was voted to raise and appropriate the sum of \$1,100.00 for

Annual Town Meeting
March 1974

Article 22. To see if the Town will vote to accept as a Town Road, then "Big Sandy" road, a distance of approximately one mile from the Upper ridge Road to the Northeastern end of Highland Lake.

Not recommended by the Board of Selectmen
Budget Committee No action

Article 23. To see if the Town will vote to accept as a Town Road, the road extending from the Sweden Road so-called into the Holden Development, a distance of approximately 650 feet. Recommended by the Board of Selectmen

Budget Committee No Action

Article 24. To see if the Town will vote to raise and appropriate \$1,830.00 for dues to the Androscoggin Valley Regional Planning Commission for 1974.

Recommended by the Board of Selectmen

Recommended by the Budget Committee (10-0)

Article 25. To see what sum of money the Town will vote to raise and appropriate for the concerts for the ensuing year.

Appropriated 1973

\$ 950.00

Requested 1974

\$ 950.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (9-2)

Article 26. To see if the Town will vote to raise and appropriate \$4500.00 to be paid to the Eastern Slope Airport Authority for the maintenance and operation of the Airport located at Fryeburg.

Recommended by the Board of Selectmen

Not recommended by the Budget Committee (1-8)

Article 27. To see what sum of money the Town will vote to raise and appropriate for the care and planting of trees for the ensuing year.

Appropriated 1973

\$3,000.00

Requested 1974

\$2,000.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (11-1)

Article 28. To see what sum of money the Town will vote to raise and appropriate for the support of the Western Maine Counseling Service.

Appropriated 1973

\$6,000.00

Requested 1974

\$7,200.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (7-4)

Article 29. To see what sum of money the Town will vote to raise and appropriate for the staffing and running expenses for the Bridgton Information Bureau for the ensuing year. To see if the Town will vote to turn said sum over to the Chamber of Commerce.

Appropriated 1973

\$1,000.00

Requested 1974

\$2,000.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (12-0)

Article 30. To see what sum of money the Town will vote to raise and appropriate for advertising the Town for the ensuing year, said sum to be administered by the Board of Selectmen, to be kept in a special account to be used for advertising and promoting the four-season recreational advantages of the Town.

Appropriated 1973

\$4,000.00

Requested 1974

\$6,000.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (6-5)

Article 31. To see if the Town will vote to raise and appropriate the sum of \$482.90 to be paid to the State of Maine Publicity Bureau, to be expended and used for advertising the natural resources, advantages and attractions of the State of Maine in accordance with the provisions of Chapter 91, Section 108 M.R.S.A. 1954.

Recommended by the Board of Selectmen

Recommended by the Budget Committee (7-2)

Article 32. To see what sum of money the Town will vote to appropriate from the Revenue Trust Fund for Summer Recreation and Winter Recreation for 1974.

Appropriated 1973

\$2,500.00

Summer Recreation

3,200.00

Winter Recreation

\$ 5,700.00

Requested 1974

\$3,100.00

2,500.00

\$5,600.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (10-1)

Article 33. To see what sum of money the Town will vote to raise and appropriate to support the Bridgton Jaycees in sponsoring the annual Fourth of July Fireworks.

Recommended by the Board of Selectmen

Annual Town Meeting
March 1974

MEMO

TOWN OF BRIDGTON

TO: BRIDGTON PLANNING BOARD CHAIR AND MEMBERS
FROM: MITCHELL BERKOWITZ
RE: INFORMATION TO THE PLANNING BOARD
DATE: JULY 15, 2009

At their July 14, 2009 meeting the Select Board received information from some of the residents within the Holden Hills subdivision which includes Justin Way and Cody Way. The primary reason for their presence at the meeting was to request the Select Board to step in and assist the residents with a road way that they termed as incomplete, substandard and dangerous. There was about 45 minutes of discussion after which the Select Board continued their discussions.

Some of the Facts Known:

This subdivision was originally approved at the request of the applicant Mr. Jim Gibbons in the 1970's. On the approved mylar it specifically states the approval with a "non-conforming" road. Since that time a road association was formed (circa 2005-2006) by the developer. The road lacks many of the construction materials necessary for a year round stable road. The Developer has been less than responsive to the resident's requests to have the road improved to some modicum of travel ability. The Select Board on July 14, 2009 did express empathy and sympathy to the speakers but reiterated that this appeared to be a civil matter between the Association and the Developer. A package of documents was handed to the Select Board by the speakers and the Town Manager provided one of the speakers with documents related to the formation and recording of the Holden Hills Association.

Next Step:

The Select Board has asked the Manager to discuss this issue with the Town's Attorney and specifically to seek advice as to what, if any role, the Town may have now with regards to assuring the compliance to the conditions of approval given in the 1970's by the Planning Board. This will be done and reported to the Select Board and then the Planning Board on and after July 28. A summary will also be conveyed to the Holden Hills Association.

The Select Board's intent is not to interfere with the Planning Board but to keep you informed of the events and information since they may have further implications in how the Town conducts business in the future. Issues of Engineer inspections and certifications, Performance Bonds and the like might be a topic for discussion between the two boards in the future.

NEW STREETTYPE ROAD

FOX CROSSING RD.	TOWN ROAD. 0.4 MI.
FRANCES BELL DR. *	PRIVATE.
FRIENDSHIP ACRES. *	PRIVATE ROAD.
FROST FARM RD. *+	PRIVATE ROAD.
GAGE ST.	TOWN ROAD. 0.2 MI.
GALLINARI WAY. *	PRIVATE ROAD.
GAMMON RD.	PRIVATE ROAD.
GARDEN WAY. *+	TOWN ROAD. 0.1MI. TO DEAD END.
GIBBS AVE.	TOWN ROAD. 0.1 MI.
GOLDEN RD. *+	PRIVATE ROAD.
GORDONS HWY. *+	PRIVATE ROAD.
GRADY LN. *+	PRIVATE ROAD.
GRANT LN *	PRIVATE ROAD.
GRAYLAND DR. *+	PRIVATE ROAD.
GRAYS WAY *+	PRIVATE ROAD.
GREEN ST.	TOWN ROAD. 1.4 MI.
GRIST MILL RD. *+	TOWN ROAD. 0.6 MI. TO NAPLES LINE.
GROVERS WAY. *+	PRIVATE ROAD.
HAGGETTS WAY *+	PRIVATE ROAD.
HANCOCK DR. *+	PRIVATE ROAD.
HANSEL AND GRETEL. *+	PRIVATE ROAD.
HARBORSIDE. *	PRIVATE ROAD.
HARMON RD. +	TOWN ROAD. 0.4 MI. TO DEAD END.
HARRISON RD. *	STATE - TOWN PLOW. 4.1 MI.
HATCH DR.	PRIVATE ROAD.
HAWK ROAD.	TOWN ROAD. 0.3 MI.
HAZENS LANDING RD. *+	PRIVATE ROAD.
HEATHERS BRANCH *+	PRIVATE ROAD.
HEATHERSFIELD DEVELOPMENT	PRIVATE ROAD.
HEBB DR. *	PRIVATE ROAD.
HEMLOCK POINT LN. *	TOWN ROAD. 0.1 MI.
HERBETH LN. *+	PRIVATE ROAD.
HIDDEN HOLLOW LN. *+	PRIVATE ROAD.
HIGHLAND PINES RD. *	TOWN ROAD. 0.9 MI.
HIGHLAND POINT RD. *+	TOWN ROAD. 2.6 MI. CONTRACT PLOW.
HIGHLAND RD.	TOWN ROAD. 2.9 MI TOTAL. MAIN ST TO SANBORNS G
HILLCREST AVE.	TOWN ROAD. 0.1 MI.
HIO RIDGE RD.	TOWN ROAD. 3.6 MI.
HOLDEN HILLS *+	TOWN ROAD. 0.2 MI TO DEAD END.
HOLLY LOOP. *+	PRIVATE ROAD.
HOLT LN. *+	PRIVATE ROAD.
HORSESHOE DR. *+	PRIVATE ROAD.
HOSPITAL DR. *	PRIVATE ROAD.
HOTCHKISS LN. *	TOWN ROAD. 0.3 MI.
HOWARD TRAIL *	PRIVATE ROAD.
HUMMINGBIRD LN. *+	PRIVATE ROAD.
INGALLS RD. *+	TOWN ROAD. 1.1 MI. TO DEAD END.
INNISFREE RD.	PRIVATE ROAD.
IREDALE ST.	TOWN ROAD. 0.1 MI.
ISAAC STEVENS RD.	TOWN ROAD. 0.5 MI. TO DEAD END.
ISLAND POINT DR. *	PRIVATE ROAD.

1. meeting - March 1974

Voted to accept 650° road
into Halden Sec.

The Holden Rd. is Town
maintained 650' in as per
T. meeting of 3/74.

Deeds from Holden Bros. to

DalRic, DalRic to R & D
do not mention Town Rd.

However, deed from R & D to
Jim Gibbons. - mentions the
Town Road - eludes to the fact
that interior road is Town
maintained road (this is
incorrect.)

State Aid Roads	12,786.00
Painting Traffic Lines	500.00
Sidewalks	3,000.00
	<hr/> \$85,286.00

to

Article 21. On motion it was voted to transfer the following accounts from the Excise Taxes:

Tar Account	\$37,400.00
Bush Control	1,500.00
Roads & Bridges	19,008.97

Article 22. On motion it was voted not to accept the "Big Sandy" road as a Town Road

Article 23. On motion it was voted to accept as a Town Road the road extendin from the Sweden Road so-called into the Holden Development.. a distance of approximately 650 feet.

Article 24. On motion it was voted to raise and appropriate the sum of \$1,830.00 for dues to the Androscoggin Valley Regional Planning Commission for 1974.

Article 25. On motion it was voted to raise and appropriate the sum of \$950.00 for band concerts for the ensuing year..

Article 26. On motion it was voted to raise and appropriate the sum of \$500.00 to be paid over to the Eastern Slope Airport Authority for the maintenance and operation of the Airport located at Fryeburg.

Article 27. On motion it was voted to raise and appropriate the sum of \$2000.00 for the care and planting of trees for the ensuing year.

Article 28. On motion it was voted to raise and appropriate the sum of \$7,200.00 for support of the Western Maine Counseling Service..

Article 29. On motion it was voted to raise and appropriate the sum of \$2,000.00 for the staffing and running expenses for the Bridgton Information Bureau for the ensuing year and trun said sum over to the Chamber of Commerce.

Article 30. On motion it was voted to raise and appropriate the sum of \$6,000.00 for advertising t he Town for the ensuing year, said sum to be administered by the Board of Selmen, to be kept ina special account to be used for advertising and promotine the four-season recreational advantages of the Town.

Article 31. On motion it was voted not to raise and appropriate the sum of \$482.90 to be paid to the State of Maine Publicity Bureau.-- by voice undecided--show of hands undecided by ballot 79-79 ~~Summation~~

Article 32. On motion it was voted to appropriate from the Revenue Sharing Trust Fund for Summer and Winter Recreation the sum of \$5,600.00 for 1974.

Summer Recreation	\$3,100.00
Winter Recreation	2,500.00
	<hr/> \$5,600.00

Article 33. On motion it was voted to raise and appropriate the sum of \$700.00 to support the Bridgton Jaycees in sponsoring the annual Fourth of July Fireworks..

Article 34. On motion it was voted to raise and appropriate the sum of \$750.00 for the support of WCBF Channell 10 television.

Article 35. On motion ir was voted to appropriate from the Revenue Sharing Trust Fund the sum of \$14,000.00 for the balance due on the purchase of a Fire Truck

Article 36. On motion it was voted to appropriate from the Revenue Sharing Trust Fund the sum of \$15,600.00 to pay the balance due on the Revaluation Contract.

Article 37. On motion it was voted to raise and appropriate the sum of \$20,000.00 for the

Article 22. To see if the Town will vote to accept as a Town Road, then "Big Sandy" road a distance of approximately one mile from the Upper ridge Road to the Northeastern end of Highland Lake.

Recommended by the Board of Selectmen
Budget Committee No action

Article 23. To see if the Town will vote to accept as a Town Road, the road extending from the Sweden Road so-called into the Holden Development, a distance of approximately 650 feet. Recommended by the Board of Selectmen

Budget Committee No Action

Article 24. To see if the Town will vote to raise and appropriate \$1,830.00 for dues to the Androscoggin Valley Regional Planning Commission for 1974.

Recommended by the Board of Selectmen

Recommended by the Budget Committee (10-0)

Article 25. To see what sum of money the Town will vote to raise and appropriate for band concerts for the ensuing year.

Appropriated 1973

\$ 950.00

Requested 1974

\$ 950.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (9-2)

Article 26. To see if the Town will vote to raise and appropriate \$4500.00 to be paid over to the Eastern Slope Airport Authority for the maintenance and operation of the Airport located at Fryeburg.

Recommended by the Board of Selectmen

Not recommended by the Budget Committee (1-8)

Article 27. To see what sum of money the Town will vote to raise and appropriate for the care and planting of trees for the ensuing year.

Appropriated 1973

\$3,000.00

Requested 1974

\$2,000.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (11-1)

Article 28. To see what sum of money the Town will vote to raise and appropriate for the support of the Western Maine Counseling Service.

Appropriated 1973

\$6,000.00

Requested 1974

\$7,200.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (7-4)

Article 29. To see what sum of money the Town will vote to raise and appropriate for the staffing and running expenses for the Bridgton Information Bureau for the ensuing year, and to see if the Town will vote to turn said sum over to the Chamber of Commerce.

Appropriated 1973

\$1,000.00

Requested 1974

\$2,000.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (12-0)

Article 30. To see what sum of money the Town will vote to raise and appropriate for advertising the Town for the ensuing year, said sum to be administered by the Board of Selectmen, to be kept in a special account to be used for advertising and promoting the four-season recreational advantages of the Town.

Appropriated 1973

\$4,000.00

Requested 1974

\$6,000.00

Recommended by the Board of Selectmen

Recommended by the Budget Committee (6-5)

Article 31. To see if the Town will vote to raise and appropriate the sum of \$482.90 to be paid to the State of Maine Publicity Bureau, to be expended and used for advertising the natural resources, advantages and attractions of the State of Maine in accordance with the provisions of Chapter 91, Section 108 M.R.S.A. 1954.

Recommended by the Board of Selectmen

Recommended by the Budget Committee (7-2)

Article 32. To see what sum of money the Town will vote to appropriate from the Revere Sh Trust Fund for Summer Recreation and Winter Recreation for 1974.

Appropriated 1973

\$2,500.00

Summer Recreation

3,200.00

Winter Recreation

\$ 5,700.00

Requested 1974

\$3,100.00

2,500.00

\$5,600.00

al Haunted
vestigation

Cody's Way

Justins Way

Holden Hills

Holden Hills

Holden Hills

650

Kimball Rd

Kimball Rd

Kimball Rd

Kimball Rd

Creation of Municipal Roads

There are three basic methods for creating municipal roads:¹ (1) dedication and acceptance; (2) laying out and taking under State law,² which includes purchase and acceptance and eminent domain; and (3) prescriptive use.³ The first two methods are “formal” in the sense that documents are executed and there is a prescribed process by which the road is accepted. The last method, prescriptive use, is “informal” in the sense that it occurs over time without following any statutory procedure, and usually does not involve the exchange or recording of documents.

In addition, town ways can be created by operation of law⁴ or by MaineDOT reclassification.⁵ Also, a town way may result from the discontinuance of a State highway.⁶ These methods are outside the municipality’s control.

Dedication and Acceptance⁷ ✱

Roads must be accepted by the municipal legislative body before becoming town ways or public easements. The exception is for roads created by prescription.

By State statute, dedication and acceptance is a two-step process.

Dedication. First, the landowner must file with the municipal officers (selectmen or council) a “petition, agreement, deed, affidavit or other writing” describing the property that the owner intends to dedicate (give) to the municipality for highway purposes, and stating that the owner waives any claim for damages. Dedication also may be accomplished by the sale of lots with reference to a subdivision plan, recorded in the registry of deeds, which shows or describes the property as a road. (If more than one person has a legal interest in the road, all must join in the dedication.) In either event, the better practice is to memorialize the dedication in a deed that the municipality’s legislative body can accept (see Appendix A for a sample warrant article for acceptance and Appendix B for a sample road deed).

Acceptance. Second, the legislative body of the municipality must vote to accept the dedication,⁸ and once the dedication is accepted, the municipality acquires a fee simple interest in the property (see Chapter 1 for discussion of the nature of title interest). A fee simple interest is granted by default, unless the dedication document (deed) or acceptance article states otherwise.⁹ Note that before December 31, 1976, municipalities generally acquired easement interests, except where the municipality acquired the fee interest in the so-called “rangeways” laid out by the colonial proprietors of Massachusetts or where a deed expressly conveyed the fee interest.

Municipalities should record the deed to the road and, although not required by law except for eminent domain and for discontinuance, should **record** a certification of the acceptance in the registry of deeds to create an official record of the acceptance.

Alternative Means of Acceptance. A vote by the legislative body is not the exclusive means by which a municipality may accept a dedication of property for road purposes. A municipality also may accept a dedication by prescription (at least twenty consecutive years of use by the public),¹⁰ or by some affirmative act, such as the reconveying of the property subject to the rights of the public to use it as a public street.¹¹ Because acceptance of a road as a town way creates significant municipal responsibilities and liabilities (discussed later in this manual), it is better for a municipality to affirmatively accept the dedication of a way by vote of its legislative body than to accept it informally by long public use or by some other affirmative act.

Conditional Acceptances Not Valid. A very important legal limitation on dedication and acceptance is that a road may not be accepted on a conditional basis, such as the occurrence of some future event. Maine courts have declared conditional acceptances void.¹² For example, a town meeting vote to accept a road provided (or on condition) that it is widened to fifty feet and paved is a conditional acceptance, and so is invalid.



Purchase and Acceptance¹³

Purchase and acceptance is voluntary: the landowner agrees to sell his property and the municipality agrees to buy the owner's property.

A municipality may obtain property for road purposes by purchase and acceptance. This differs from a dedication in that the landowner is paid for the property; it is not a gift to the municipality. Purchase and

acceptance is voluntary: the landowner agrees to sell and the municipality agrees to buy the property, as opposed to eminent domain, which is a forced sale.

The municipal officers should contact the owners of the land in question and discuss the purchase price. It may be appropriate for the municipal officers to hire an expert real estate appraiser, depending upon the type or amount of property to be purchased, in order to arrive at an agreed upon fair price that will minimize the need for the municipality to take the property by eminent domain. At this point, the municipal officers cannot sign any contracts or otherwise bind the municipality to purchase the property unless the contract expressly is contingent upon approval by the legislative body. The municipal officers should make it clear to prospective sellers that the purchase will require approval of the legislative body, both to accept the property and to appropriate the money to buy it.

Appendix A contains a sample article authorizing purchase and acceptance of property for highway purposes. Appendix B contains a sample deed that can be used to convey property or interests to municipalities for road purposes.

Eminent Domain

Eminent domain, also called “laying out and acceptance” or “condemnation,” is a process which allows the municipality to purchase private land for public use even if the landowner objects.¹⁴ A municipality may use eminent domain to take property for many purposes¹⁵ but the discussion in this manual is limited to road purposes.

Eminent domain can be used to create either a town way or a public easement.¹⁶ Title to land taken by eminent domain (for road purposes) after December 31, 1976 is in fee simple unless otherwise specified in the condemnation documents.¹⁷

Eminent domain is available if “the municipal officers determine that public exigency (necessity) requires the immediate taking of such property interests, or if the municipality is unable to purchase it at what the municipal officers deem reasonable valuation, or if title is defective.” We recommend that the municipal officers first ask the owner to sell voluntarily for a reasonable price; if no reasonable amount is agreed upon, the municipality then may use eminent domain.

Procedure: By State statute, eminent domain is a multi-step process which is described below. Appendix C contains forms for this process.

- First, the municipal officers, either upon petition or on their own initiative, give written notice of their intentions to take certain property, to include a description of the proposed way.¹⁸ This notice must be posted for at least seven days in two public places in the municipality and in the vicinity of the proposed way.
- Second, they meet at the scheduled time and place to determine the location of the proposed way and whether circumstances require a taking.
- Third, they file with the clerk an order of condemnation, specifying the property to be taken and the damages to be paid to the landowners of record.¹⁹ (The determination of damages is a critical matter and is discussed further below). In a town meeting community, a copy of the order is sent to the owners by registered mail, but no check is issued until the voters approve the transaction. In a town or city council municipality where the municipal officers have been granted the power of appropriation by charter, the condemnation order and a check for damages are *served* upon the owners.
- Fourth, and only in a town meeting municipality, the voters approve the taking and appropriate the money to pay damages, and a check is *served* upon the owners of record. (This is one of the rare instances in which the town meeting may vote to *increase* the dollar amount (for damages) in a warrant article).
- Fifth, a deed or a certificate evidencing the taking and attested by the town clerk is recorded in the registry of deeds.²⁰ The taking is complete and title to the property

passes: (1) to the town (in a town meeting community) when the check is served or the certificate is recorded, whichever occurs first, and (2) to the town or city in a council community when the order and check are served or the certificate is recorded, whichever occurs first.²¹

Damages.²² The damages to which the landowner is entitled include not only the fair market value of the land taken, but also may include “severance damages,” which is the reduction in value to the remaining land as a result of the taking.²³ Municipal officers should obtain the services of a real estate appraiser for any major taking. An expert’s determination will be given great weight if the matter goes to court. Underestimating damages can be costly to the municipality, as the court may fix a substantially higher price than was anticipated and litigation can be costly. Also, an expert appraisal should provide the public with greater assurance of the fairness of the amount of damages being offered and may reduce the likelihood of appeals on the issue of damages.

Appeals. A party may appeal an eminent domain proceeding to Superior Court. The time allowed for an appeal depends upon whether the issue on appeal is the amount of damages or the necessity for the taking. Appeals of the damages award must be made within sixty days after the taking.²⁴ If, however, the landowners feel that the taking itself was not for a public use or a public exigency (necessity), they must appeal within thirty days of the taking, pursuant to Rule 80-B of the Maine Rules of Civil Procedure.²⁵ The courts are unlikely to overturn the legislative body’s determination that a public use and a public necessity exist to support the taking unless the determination has no rational basis.²⁶

Prescriptive Use

A public road can be created by long-term public use, without any formal acceptance or taking by the municipality. Prescriptive use is recognized at common law and by statute.²⁷ A road created in this manner is called a “prescriptive easement.” Depending upon the type of use that has been made of the road, a road created by prescriptive use can be a town way, a public easement, or even a private right-of-way. These distinctions are discussed later in this section.

Prescriptive use is similar to adverse possession (commonly known as “squatter’s rights”), except that the user is entitled only to the use of the property, not to full ownership and possession of it.²⁸

Elements of Prescriptive Use. The requirements for creation of a public road by prescription parallel those for establishment of a prescriptive easement.²⁹ Prescriptive use has several elements: (1) there must be continuous, uninterrupted use by the municipality, the general public or private individuals for at least twenty consecutive years; (2) the use must be “under a claim of right, adverse to the owner, with his knowledge and

acquiescence, or a use so open, notorious, visible, and uninterrupted that knowledge and acquiescence will be presumed.”³⁰ A prescriptive easement will not arise where the use is with the landowner’s permission or agreement. For example, if a municipality has plowed and maintained a school bus turn-around on privately-owned land adjacent to a public road for twenty-five years with the landowner’s permission, the turn-around has not become part of the public way. Similarly, where a municipality has (illegally) plowed a private road for a number of years at the request of the homeowners along that road, the homeowners’ permission to do so shows a lack of adverse use that may defeat their argument that the municipality must maintain their road.

Also note that a town way also will not arise by prescription where the municipality holds a right-of-way over property and simply permits the public to use it as access to a public facility.³¹ This principle was emphasized in a case where the abutters to a town owned right-of-way argued that the Town was required to maintain the so-called “Dump Road” because for over fifty years, the Town had allowed the public to travel over this road in order to access the town dump. The Town did not accept the road as a right of way, nor did it own the fee in the road, nor had there been a dedication of a town way to the Town when it acquired the right-of-way. After the Town ceased to use the road for access to the dump, it closed the road by placement of a pile of gravel and then ceased to keep the road in good repair (although it did perform some plowing and maintenance on the road at the request of abutters to this road). The Law Court observed that the use of the road by neighbors (one of whom owned the fee in the road) and by the public was permissive—not adverse—and so did not create a town way by prescription.

Sporadic, minor repairs financed by the municipality are not enough to create a town way or public easement by prescriptive use.³² Also, occasional recreational use by the public (hiking, hunting, fishing, cross-country skiing, snowmobiling or using all-terrain vehicles) is not sufficient to create a public way by prescription; there is a rebuttable presumption that such use is permissive, and not adverse.³³

Prescriptive use can cut both ways. A municipality can rely on it to exercise legal control over a road and to keep abutters from blocking the road. On the other hand, it may be used against the municipality by landowners who assert that the municipality has a duty, based on past maintenance, to continue to repair and maintain a road.

While prescriptive use may obligate a municipality to maintain a town way, at common law neither prescriptive use nor adverse possession can be used to take interests in real property away from the State or municipalities.³⁴ The “longtime buildings and fences” law, creates one exception to this doctrine

that a person cannot acquire property interests from the sovereign by adverse possession or by prescriptive use (this law is discussed further in Chapter 4 regarding road boundaries).³⁵

Type of Road Created. The type of road created by prescriptive use will depend on the particular facts of use and maintenance. If, for example, the general public uses a privately-owned road for twenty years in the requisite manner and the municipality maintains it at a level consistent with the maintenance of other town ways, then it is likely that the road will be declared a town way. However, unlike a private road established by prescription, the use of a town way "is not restricted by the type or extent of traffic which utilized the road during the prescriptive period"; the level of use of the public way may increase or decrease with the demands of the public.³⁶

Whether the town way or public easement is created by prescription rather than by dedication and acceptance, purchase and acceptance, or eminent domain, does not change the municipality's obligation to maintain the road. The municipality's obligation to maintain a town way and its right (but not the obligation) to maintain a public easement are based on the type of road (town way, public easement or private road), and not on how the municipality acquired its legal interest in the road. Therefore, the fact that a town way was created by prescription rather than by a formal method does not reduce the municipality's maintenance obligation.

Not all roads created by prescriptive use are open to the public. For example, if a particular individual crosses a neighbor's property in an open and notorious manner for over twenty years, that person may have obtained a private right to continue doing so, but this right is to use a private road, and is not available to the general public. The scope and nature of a prescriptive easement for a private road (as compared with a town way or public easement acquired by prescription) are determined by its use and its users during the prescriptive period.³⁷

Proving prescriptive use is a complex factual matter, and can only be determined by a court.

How Prescriptive Use is Determined. Usually, this is done through a declaratory judgment action.³⁸ As noted above, the mere fact of use for twenty years is not alone sufficient to prove prescriptive use. The party seeking to prove prescriptive use also must establish the other elements. This

can be difficult since there usually are no documents (deeds, town meeting records, and so on) accompanying the prescriptive use process. Municipal officials often must piece together the history of use and maintenance and make their own preliminary decision about the existence of a prescriptive easement and what type of road it is. That decision is subject to court review, if contested. Municipal officials may find that it is cheaper and faster to take a road by eminent domain rather than to litigate the issue of prescriptive use.

Boundaries of Road Created by Prescriptive Use. The actual use and maintenance of the road determines the width and location of a road created by prescriptive use. Ditches and areas beyond the traveled portion of the road may be part of the prescriptive easement, but only if the municipality has exercised control over those areas for the

requisite time and manner. If there has been no maintenance or control of land outside the travel way (as is often the case with public easements), then the public right of way is limited to the traveled way only.³⁹

Paper Streets

The laws surrounding paper streets are complex. To understand how they operate, it is necessary first to understand what a paper street is. A "paper street," referred to in State law as a "proposed, unaccepted way,"⁴⁰ is a road shown on the face of a subdivision or plan, but which never actually was constructed on the face of the earth. Upon the sale of lots with reference to a recorded subdivision plan, the public acquires rights of "incipient dedication" to accept the streets shown on the plan when and if the municipality's legislative body deems it appropriate to do so (usually after the developer has constructed the road in accordance with local road standards). The individual lot owners also acquire private rights over all of the streets shown on the plan.⁴¹

State law establishes the nature and duration of public and private rights in paper streets in subdivisions recorded on or after September 29, 1987.⁴²

For subdivisions recorded prior to September 29, 1987, the nature and duration of public and private rights in paper streets are established by 23 M.R.S.A. § 3032 and by court decisions. See *Callahan v. Ganneston Park Development Corp.* and *Glidden v. Belden*. (See Chapter 3, "Disposing of Municipal Roads," for a discussion of the nature and duration of public and private rights in paper streets.

Beyond the question of rights in paper streets is the question of ownership of the land under a paper street. Ownership is determined by the date of dedication. For streets dedicated prior to December 31, 1976, abutters own to the centerline.⁴³ For streets dedicated after December 31, 1976, the municipality acquires fee simple

interest in the way, unless otherwise provided.⁴⁴ This means the municipality will own all rights in the road (subject to utility easements) and the land beneath it (upon acceptance).

Note: where a paper street was dedicated prior to December 31, 1976, and where the fee (title to the land) is otherwise reserved for transfer after December 31, 1976, or where the municipality has not yet accepted the incipient dedication of the street, the abutters own to the centerline unless the developer has specifically reserved title.⁴⁵

Because many subdivision plans have been recorded depicting streets that never have been constructed or used, and yet lots in such subdivisions have been sold, questions have arisen frequently about the status of public and private rights in these roads. In addition, the existence of these paper streets has constituted a legal obstacle to other uses of the property that underlies them, given the uncertainty regarding the existence of public and private rights to pass over this property. For these reasons, terminating rights in paper

streets is an important topic which is discussed in Chapter 3, “Disposing of Municipal Roads.”

¹ *Avaunt v. Town of Gray*, 634 A.2d 1258 (Me. 1993); *Hartwell v. Stanley*, 2002 ME 29, 790 A.2d 697.

² 23 M.R.S.A. § § 3022 and 3023.

³ See *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251, 1254; *Stickney v. City of Saco*, 2001 ME 69, 770 A.2d 592, 601; *Longley v. Knapp*, 1998 ME 142, 713 A.2d 939; *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996); and *Inhabitants of Town of Manchester v. Augusta Country Club*, 477 A.2d 1124 (Me. 1984).

⁴ 23 M.R.S.A. § 3021(3)(B) regarding former county ways.

⁵ 23 M.R.S.A. § § 53 and 3021(3)(C).

⁶ 23 M.R.S.A. § 651.

⁷ 23 M.R.S.A. § 3025.

⁸ *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996); *Comber v. Inhabitants of Dennistown*, 398 A.2d 376 (Me. 1979); and *Harris v. City of South Portland*, 118 Me. 356, 108 A.326 (1919).

⁹ 23 M.R.S.A. § 3025.

¹⁰ *Glidden v. Belden*.

¹¹ *Vachon v. Inhabitants of the Town of Lisbon*, 295 A.2d 255 (Me. 1972); *Avaunt v. Town of Gray*, 634 A.2d 1258 (Me. 1993); *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251.

¹² *State v. Calais*, 48 Me. 456 (1860); and *Wardens of Christ's Church v. Woodward*, 26 Me. 172 (1846).

¹³ 23 M.R.S.A. § 3030.

¹⁴ 23 M.R.S.A. § § 3022, 3023.

¹⁵ See for example 30-A M.R.S.A. § § 3101, 4746, 5108 and 5204.

¹⁶ 23 M.R.S.A. § 3022.

¹⁷ 23 M.R.S.A. § 3023.

¹⁸ 23 M.R.S.A. § 3022.

¹⁹ 23 M.R.S.A. § 3023.

²⁰ 23 M.R.S.A. § 3024.

²¹ *Luce v. City of Portland*, 556 A.2d 656 (Me. 1989).

²² Damages in an eminent domain proceeding are determined in accordance with 23 M.R.S.A. § 3029 and 23 M.R.S.A. § § 154-154E.

²³ *August Realty Inc. v. Inhabitants of Town of York*, 431 A.2d 1289 (Me. 1981); *McTeague v. MaineDOT*, 2000 ME 183.

²⁴ 23 M.R.S.A. § 3029.

²⁵ 23 M.R.S.A. § 3029.

²⁶ *Brown v. Warchalowski*, 471 A.2d 1026 (Me. 1984); and *Ace Ambulance Service, Inc. v. City of Augusta*, 337 A.2d 661 (Me. 1975); *Dyer v. MaineDOT*, 2008 ME 106.

²⁷ 14 M.R.S.A. § 812 and 23 M.R.S.A. § 3030.

²⁸ For a detailed discussion of these concepts, see Creteau, *Principles of Real Estate Law* (1977); Cowan, *Maine Real Estate Law and Practice*, Vol. 1 (1990); and *McKenna v. Searsmont*, 349 A.2d 760 (Me. 1976).

²⁹ *Lyons v. Baptist Sch. of Christian Training*, 2002 ME 137; *S.D. Warren Co. v. Vernon*, 1997 ME 161, 697 A.2d 1280.

³⁰ *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251, 1255-1256; *Stickney v. City of Saco*, 2001 ME 69, 770 A.2d 592, 601; *Longley v. Knapp*, 1998 ME 142, 713 A.2d 939; *S.D. Warren Co. v. Vernon*; *King v. Town of Monmouth*, 1997 ME 151, 697 A.2d 837; *Taylor v. Nutter*, 687 A.2d 632 (Me. 1996); *Great Northern Paper Co. v. Eldredge*, 686 A.2d 1075 (Me. 1996); *Inhabitants of Town of Kennebunkport v. Forrester*, 391 A.2d 831 (Me. 1978); and *Inhabitants of Town of Manchester v. Augusta Country Club*, 477 A.2d 1124 (Me. 1984), quoting *Dartnell v. Bidwell*, 115 Me. 227, 230, 98 A.743 (1916).

-
- ³¹ See *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251.
- ³² *Comber v. Inhabitants of Plantation of Dennistown*, 398 A.2d 376 (Me. 1979); Articles: Maine Roads and Easements, 48 Me. L. Rev. 197 (1996).
- ³³ *S.D. Warren Co. v. Vernon*; *Comber v. Inhabitants of Plantation of Dennistown*; and *Inhabitants of Town of Kennebunkport v. Forrester*.
- ³⁴ *Portland Water Dist. v. Town of Standish*, 2006 ME 104; *Town of Sedgwick v. Butler*, 1998 ME 280, 722 A.2d 357; *Flower v. Town of Phippsburg*, 644 A.2d 1031 (Me. 1994); *Phinney v. Gardner*, 121 Me. 44 (1921); *Carey v. Whitney*, 48 Me. 516 (1860).
- ³⁵ Title 23 M.R.S.A. § 2952.
- ³⁶ *King v. Town of Monmouth*, 1997 ME 151, 697 A.2d 837; and *McKenna v. Searsmont*, 349 A.2d 760, 762-763 (Me. 1976).
- ³⁷ *Mill Pond Condo. Ass'n v. Manalio*, 2006 ME 135; *Gutcheon v. Becton*, 585 A.2d 818, 822 (Me.1991); *Pace v. Carter*, 390 A.2d 508 (Me. 1978); and *Pillsbury v. Brown*, 82 Me. 450, 19 A.858 (1890).
- ³⁸ 14 M.R.S.A. § 5951, *et seq.*
- ³⁹ See *Jost v. Resta*, 536 A.2d 113 (Me. 1988) (nature and scope of prescriptive easement, including width, are factual issues).
- ⁴⁰ 23 M.R.S.A. § 3031.
- ⁴¹ See *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996); and *Callahan v. Ganneston Park Development Corp.*, 245 A.2d 274 (Me. 1968), which discuss the creation of public and private interests in rights-of-way through the depiction of “paper streets” on recorded subdivision plans.
- ⁴² Title 23 M.R.S.A. § 3031.
- ⁴³ Unless the developer has specifically reserved title; see 33 M.R.S.A. § § 460, 469-A.
- ⁴⁴ 23 M.R.S.A. 3025.
- ⁴⁵ This is not the case if the dedicated paper street is a “rangeway,” see *Glidden v. Belden*.

Sample Articles for Dedication and Acceptance and for Purchase and Acceptance

1. Dedication and Acceptance

Article _____. To see if the Town, pursuant to 23 M.R.S.A. § 3025, will vote to accept the dedication made by _____ (name of grantor) of [an easement interest or title in fee simple (choose one)] in a strip of land bounded and described as follows: (insert description from deed here), and to accept and establish a [public easement or town way (choose one)] on said strip of land.

(Note: In the foregoing article, be certain to decide whether title will be by easement or in fee simple, and delete the inappropriate one; likewise, decide whether the legal status of the road is a town way or public easement, and delete the inappropriate language.)

2. Purchase and Acceptance

Art. _____. To see if the Town, pursuant to 23 M.R.S.A. § 3030, will vote to authorize the municipal officers to execute all documents necessary to purchase from _____ (name of seller) a strip of land bounded and described as follows: (here, insert deed description), title to said land to be [an easement interest or in fee simple (choose one)], to accept and establish a [public easement or town way (choose one)] on said strip of land, and to [raise and appropriate or appropriate from surplus (choose one)] the sum of \$ _____ to purchase the aforementioned strip of land.

(Note: In the foregoing article, be certain to decide whether title will be by easement or in fee simple, and delete the inappropriate one; also, decide whether the legal status of the road is a town way or public easement, and delete the inappropriate language and decide whether the town meeting will be voting to raise and appropriate funds for purchase from taxes or from surplus and delete the inappropriate language)

Road Deed, Warranty Deed

**Sample Road Deed
Warranty Deed**

KNOW ALL PERSONS BY THESE PRESENTS that _____ of _____, County of _____, and State of Maine ("Grantor(s)"), for consideration paid, the receipt of which is acknowledged, grants and conveys to the Town/City of _____ a Municipal corporation under the laws of the State of Maine with a mailing address of _____, Maine _____, located in the County of _____ and State of Maine ("Grantee"), with Warranty Covenants, the land located in the Town/City of _____, County of _____, and State of Maine (hereinafter referred to as "the Premises"), which land is more particularly described as follows:

(Description and encumbrances, if any)

Said Premises are conveyed for highway purposes pursuant to 23 M.R.S.A. § 3025. The Grantor(s) voluntarily convey this property to Grantee without claim for damages.

_____, spouse of the Grantor, releases all rights in the Premises being conveyed (if applicable).

WITNESS my/our hand(s) and seal(s) this _____ day of _____, _____.

WITNESS

GRANTOR(S)

State of Maine

Date: _____, _____

_____, ss. (County)

Personally appeared the above-named _____ and acknowledged the above instrument to be his/her/their free act and deed

Before me,

Notary Public/Attorney at Law

(Print Name)

Laurie Chadbourne

From: Laurie Chadbourne
Sent: Friday, April 7, 2023 12:23 PM
To: news@bridgton.com; ads@bridgton.com
Subject: Public Hearing Notices

TOWN OF BRIDGTON NOTICE OF PUBLIC HEARING

The Municipal Officers of the Town of Bridgton will hold a Public Hearing at 5:30 P.M. on Tuesday, April 25, 2023 to accept oral and written comments on a special amusement permit application from Stella's on the Square located at 6 North High Street for live music and shows from 5PM until 10PM.

Please advertise in the Bridgton News on April 13, 2023.

Kindly confirm receipt.

Thank you,
Laurie

Laurie L. Chadbourne
Bridgton Town Clerk
Registrar of Voters & General Assistance Administrator
State of Maine – Dedimus Justice & Notary Public

Main 207.647.8786 Direct 207.803.9950

Town of Bridgton
3 Chase Street, Suite 1
Bridgton, ME 04009
www.bridgtonmaine.org

SPECIAL AMUSEMENT PERMIT APPLICATION

As defined in Section 201 of the Town of Bridgton Special Amusement Ordinance, no Licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained approval from the Board of Selectmen for a Special Amusement Permit.

The application for a Special Amusement Permit should be filed on this form with the Board of Selectmen or its designated agent (Town Clerk). Payment of a \$25 fee is required at the time the application is filed. A copy of the Special Amusement Permit Ordinance is available upon request from the Bridgton Town Clerk.

The Board of Selectmen shall, prior to granting a permit, hold a public hearing within 30 days of the date you file your completed application at which time testimony will be received from you or your designated agent and/or any interested member of the public. Failure to attend the public hearing may result in a delay in issuing the permit.

Name of applicant: Nicholas Orger

Address of applicant: 6 N. High st

Telephone # of applicant: 207-803-8402

Name of business: Stella's on the Square

Address of business: 6 N. High st

Telephone # of business: 207-803-8402

Location of business (if different from address of business): _____

Is business a: ☐ corporation / ☐ partnership / ☒ proprietorship

Type of Entertainment Planned: Live music / shows

Hours of Entertainment Planned: 5-10

Has applicant ever had a license to conduct the business described herein denied or revoked or has the applicant or any partner or corporate officer ever been convicted of a felony? ☐ Yes / ☒ No If yes, please provide full details: _____

Current Liquor License #: _____ Expiration Date: _____ ☐ copy attached

Current Dance License #: _____ Expiration Date: _____ ☐ copy attached

Signature: N Orger Date: 4-7-23

FOR OFFICE USE ONLY:

AMOUNT PAID \$55.00 (\$25.00 PERMIT + \$30 ADVERTISING)

DATE SUBMITTED 4/7/2023

RECEIVED BY: [Signature]

BOARD OF SELECTMEN

DATE OF APPROVAL ____/____/20____

TOWN CLERK'S OFFICE • 3 CHASE STREET, SUITE 1 • BRIDGTON, ME 04009 • (207) 647-8786

REVISED 07.2015

TOWN OF BRIDGTON

MEMO

TO: Select Board
FROM: Laurie L. Chadbourne, Town Clerk
RE: Stella's on the Square
DATE: April 18, 2023

April 25, 2023 Select Board Meeting

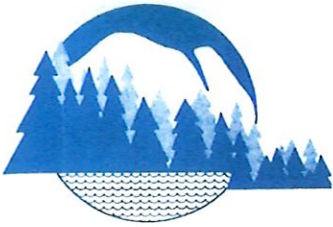
7. 5:30 P.M. Public Hearings

- a. Special Amusement Permit Application from Stella's on the Square located at 6 North High Street for Live Music and Shows
☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

8. Action Items Following Public Hearing

- a. Special Amusement Permit Application from Stella's on the Square located at 6 North High Street for Live Music and Shows (renewal)
☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

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



THREE CHASE STREET, SUITE #1
BRIDGTON, MAINE 04009

Phone- 207-647-8786
Fax- 207-647-8789

MEMO

FROM: Nikki L. Hodgkins, Executive Assistant
TO: Bridgton Board of Selectmen
Carmen Lone, Chairwoman, Robert McHatton Sr., Vice Chairman
Paul Tworog, Ken Murphy, Carrye Castleman-Ross
Robert A. Peabody, Jr, Town Manager
Georgiann M. Fleck, Deputy Town Manager
RE: Tax Acquired Property – 0 Sleigh Bell Lane, Map 49A Lot 3 & 4
DATE: 04/25/2023

Enclosed please find copies of the bid notice and complete bid package for tax-acquired property at
0 Sleigh Bell Lane Map 49A Lot 3 & 4

Notices will be posted as follows:

Town of Bridgton Municipal Building Lobby Posting

Town of Bridgton Website

Town of Bridgton Facebook Page

Maine Municipal Association

Bridgton News – May 10th & May 17th

Greater Bridgton Lakes Region Chamber of Commerce Site & Facebook Page

Lake Region Television Site & Facebook Page

Sincerely,

Nikki L. Hodgkins
Executive Assistant

Enclosure



Request for Bids

Sale of Tax Acquired Property
Bridgton, ME

Love always.
BRIDGTON
MAINE

Notice of Tax Acquired Property Sale

The Town of Bridgton is accepting sealed bids for the purchase of the municipality's interest in Tax Acquired Property **for the below listed property**. Bids must be received no later than **Friday, May 19th, @ 12:00 p.m.** at which place and time they will be opened and read aloud.

Property Information:	0 Sleigh Bell Lane	Map & Lot: M: 49A L: 4	Acr: 0.35 +/-
Minimum Bid Required:	\$300,000	Required Deposit	\$25,000
Special Requirements:	Property will be sold As-Is Where-Is, with a municipal Quitclaim Deed. There are no warranties or guarantees of any kind.		

General Conditions

1.) Bidders are required to submit:

- a) This completed and signed Bidder Information Form.
- b) A deposit in the form of a certified check, cashier's check, or money order in an amount of **\$25,000**. Personal checks will not be accepted. The successful bidder's deposit will be credited against the purchase price. The successful bidder will be responsible for the cost of the recording the deed and paying its share of transfer tax owed on the transaction, in accordance with Maine Law.

2.) The town of Bridgton acquired this property through tax lien foreclosure and will convey whatever interest it has in the property. The property will be sold as-is, where-is, by Municipal Quitclaim Deed, with no warranties or guarantees of any kind, including without limitation as to title, environmental, or permitting. It is each bidder's responsibility to perform its own due diligence.

3.) Closing must occur by the thirtieth (30th) day following the date of execution of the purchase and sale agreement by seller, unless another date and time agreeable to both parties has been established.

4.) Deposits will be returned to unsuccessful bidders within twenty-one (21) days of the date the successful bidder is announced. The Town of Bridgton will notify bidders when they are available for pickup or mail return.

5.) In the event that a successful bidder fails to timely complete the purchase, for any reason, the town may terminate the Purchase and Sale Agreement. Required deposit amount will be refunded within twenty-one (21) days upon the termination of the agreement. The Board of Selectmen may thereafter negotiate a sale of the property with any or all unsuccessful bidders.

6.) The municipal officers reserve the right to reject any and all bids.

7.) Bids that do not conform to these conditions will be rejected. Late or incomplete bids will not be opened or considered. No emailed or faxed bids shall be accepted.

Process/Timeline

This Request for Bids will be posted on the Town website, the Town Facebook page, and the Town will advertise the fact of this bid request in the local newspaper.

All bids must be received no later than **Friday, May 19th @ 12:00 p.m.** in the municipal clerk's office: Bridgton Municipal Complex, 3 Chase St., Suite 1, Bridgton, Maine, 04009. Due to the uncertainty of timely delivery via USPS, please be sure that all mailed bids are mailed in plenty of time to arrive before the required due date and time.

Each bid must be received in writing and in a sealed envelope marked "[Tax-Acquired Property Bid – 49A & Lot # 4](#)" on the outside, including this completed form and the required deposit.

Bids will be opened and read aloud by the Bridgton Town Manager or designee at the Bridgton Municipal Complex, 3 Chase St., Suite 1, Bridgton, ME 04009 on **Friday, May 19th, @ 12:00p.m.**

Received bids will be reviewed and the winning bidder will be selected by the Board of Selectmen on **Tuesday, May 23rd, @ 5:00 p.m.** at the scheduled Selectboard Meeting. The awarded bidder will be notified within 3-business days.

Bidder Information

Bidder Name (First & Last)		Bid Amount \$	
Street Address			
City	State	Zip Code	
Telephone #	E-mail Address		
Payment Method	<input type="checkbox"/> Certified Check # _____	<input type="checkbox"/> Cashier's Check # _____	<input type="checkbox"/> Money Order # _____

Signature _____

Date _____



Highland Lake

ORES
OWN
N.M.E.
1"=50'

MAG. NORTH
SEPT. 1966

○ = IRON PIPES

Sleigh Bell

0 Sleigh Bell Lane

Map 49A Lot 3 & 4

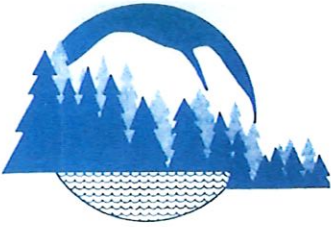
\$239,542.90

N/A

\$239,542.90

As of : 03.20.2023

[illegible]



THREE CHASE STREET, SUITE #1
BRIDGTON, MAINE 04009

Phone- 207-647-8786
Fax- 207-647-8789

MEMO

FROM: Nikki L. Hodgkins, Executive Assistant
TO: Bridgton Select Board
Carmen Lone, Chairwoman, Robert McHatton Sr., Vice Chairman
Paul Tworog, Ken Murphy, Carrye Castleman-Ross
Robert A. Peabody, Jr, Town Manager
Georgiann M. Fleck, Deputy Town Manager
RE: Tax Acquired Property – 0 Sleigh Bell Lane Map 49A Lot 3 & 4
DATE: 04/25/2023

The Town of Bridgton has tax-acquired the property at 0 Sleigh Bell Lane, Map 49A Lot 3 & 4. The town is recommending a sale of each lot via sealed bid. Please note that the lots were combined for tax purposes but will be sold as separate parcels. To date the town has \$60,581.89 in current and expected expenses. The proposed timeline is detailed below:

Bids Due: Friday, May 19th, 2023 @ 12:00 p.m.

Sealed Bid Opening: Friday, May 19th, 2023 @ 12:00 p.m. at the Bridgton Municipal Complex. Summary of bids will be provided to the Board of Selectmen for consideration.

Sealed Bid Results Review: Tuesday, May 23rd, 2023, at Selectboard Meeting for Select Board to award the winning bidder.

Sincerely,
Nikki L. Hodgkins
Executive Assistant

Enclosure

REQUEST FOR BIDS

SALE OF TAX-ACQUIRED PROPERTY

BRIDGTON, MAINE

The Town of Bridgton is accepting sealed bids for the purchase of the municipality's interest in Tax- Acquired Property located at [0 Sleigh Bell Lane, Map 49A Lot 4](#)

Minimum Bid Requirement	\$ 300,000.00	Required Deposit	\$ 25,000.00
Special Requirements (if applicable)	Property will be sold As-Is, Where Is, with a Municipal Quitclaim Deed. There are no warranties or guarantees of any kind.		

- All bids must be received in writing in a sealed envelope clearly marked on the outside:
[“Tax-Acquired Property Bid – 0 Sleigh Bell Lane, Map 49A Lot 4 “](#)
- All bids must be received no later than [Friday, May 19th, 2023, at 12:00 p.m.](#) at which date and time they will be opened and reviewed aloud by the Bridgton Town Manager or designee at the Bridgton Municipal Complex, 3 Chase Street, Suite 1.

FOR MORE INFORMATION ON GENERAL CONDITIONS OF MUNICIPAL TAX-ACQUIRED PROPERTY SALES, PLEASE CONTACT:

Robert A. Peabody, Jr., Town Manager or Georgiann M. Fleck, Deputy Town Manager
at: 207-647-8786
or visit the Town of Bridgton's web-site: www.bridgtonmaine.org.

Nikki Hodgkins

From: Benjamin J. Plante <BPlante@dwmlaw.com>
Sent: Friday, January 21, 2022 4:03 PM
To: Georgiann M Fleck; Robert "Bob" Peabody, Jr.
Cc: Nikki Hodgkins
Subject: Sleigh Bell Lane Tax Acquired Property

Bob and Georgiann,

Following up on our previous conversation last year, Nikki asked me to summarize my thoughts regarding the tax acquired Sleigh Bell Lane property (Tax Map 49A, Lots 3 and 4) (hereinafter, collectively the "Sleigh Bell Lane Property") formerly owned by Kathe Lipin.

Although the matter is not entirely free from doubt, it appears as though the validity of the tax liens that were recorded against the Sleigh Bell Lane Property, for unpaid property taxes in tax years 2010 and 2011, may no longer be challenged pursuant to the provisions of 36 M.R.S. § 946-B. As a result, it is my opinion that the time period to challenge the Town's tax taking of the Sleigh Bell Lane Property has likely expired, and therefore title to the Sleigh Bell Lane Property has definitively vested in the Town.

The Town recorded tax liens against the property for unpaid property taxes in the 2010 tax year (recorded in the Cumberland County Registry of Deeds at Book 28836, Page 292), and for unpaid property taxes in the 2011 tax year (recorded in the Cumberland County Registry of Deeds at Book 29845, Page 45). From a lis pendens recorded in the Cumberland County Registry of Deeds, by Joan Lipin, it appears as though Kathe Lipin died on August 3, 2010.

The property taxes assessed to Kathe Lipin in 2010 for the Sleigh Bell Lane Property appear to have been properly assessed to her while she was living. On the other hand, I do have some reservations regarding whether the 2011 taxes were properly assessed, as Ms. Lipin had apparently died by the time those taxes were assessed and committed to her.

Nevertheless, 36 M.R.S. § 946-B provides that "[a] person may not commence an action against the validity of a governmental taking of real estate for nonpayment of property taxes after the earlier of the expiration of a 15-year period immediately following the expiration of the period of redemption and October 13, 2019. This subsection applies to a tax lien recorded after October 13, 1993 and on or before October 13, 2014."

Both of the liens in question were recorded after October 13, 1993, and before October 13, 2014. Additionally, it is my understanding that section 946-B's October 13, 2019 date has passed without any challenge to the validity of the tax liens recorded for unpaid property taxes in either the 2010 or 2011 tax years. Accordingly, section 946-B appears to bar any action regarding at least the tax lien corresponding to unpaid property taxes in 2010, and "[d]isability or lack of knowledge of any kind does not suspend or extend the time limits," in the statute. See 36 M.R.S. § 946-B(4).

I hope that this is helpful, and please feel free to reach out if you have any questions.

Ben

Benjamin J. Plante

Attorney

207.771.9228 Direct

BPlante@dwmlaw.com

84 Marginal Way, Suite 600, Portland, ME 04101

800.727.1941 | 207.772.3627 Fax | dwmlaw.com

DrummondWoodsum

ATTORNEYS AT LAW

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.

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to Register Beano/Bingo

MGCU - 5000

****The application (to include the house rules) and registration fee must be received by the Gambling Control Unit at least ten business days prior to the Bingo Occasion****

Beano/Bingo: \$5.00 Special Per Game Registration; \$12 Calendar Week (Monday through Sunday); \$36 Calendar Month; \$400 Calendar Year

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. Organization Name: St Joseph's Men + Womens Club

Organization Number (NPO or NCO): NPO 3019 Federal Tax ID # (EIN): _____

Business Address: St Joseph Church Hall 225 S. High St

City: Bridgton State: ME Zip Code 04009

Mailing Address: 479 Fosterville Rd. Phone: Church office 207 743-2606

City: Bridgton State: ME Zip Code: 04009

2. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
Thomas Leonard. Pres.	479 Fosterville Rd.	Bridgton ME 04009	207-468-1522	N/A.

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
--------------	---------	----------	-------	-------------------

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
--------------	---------	----------	-------	-------------------

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
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3. Location where Beano/Bingo is to be conducted:

BUILDING	ADDRESS	CITY/ZIP
St Joseph Church	225 S. High St	Bridgton ME

4. Person responsible for conduct of Beano/Bingo:

NAME	DAYTIME PHONE & EVENING PHONE
Thomas Leonard	207-468-1522

E-Mail Address: leonard2051@gmail.com

5. Check the day(s) of the week you will be conducting Beano/Bingo:

Mon ☐

Tue ☐

Wed ☐

Thu ☒

Fri ☐

Sat ☐

Sun ☐

6. What time do the doors open? 5³⁰ PM What time does the game start? 6³⁰ PM

7. Dates – Please specify the dates of the Bingo Occasion(s). If more space is needed, please attach a separate sheet of paper with this information on it.

7-6-23

8-3-23

7-13-23

8-10-23

7-20-23

8-17-23

7-27-23

8-24-23

8. Does the organization own all the equipment used in operating Beano/Bingo? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. **Please write your organization name and number on the sheet.**

9. Has any current officer of the organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. **Please write your organization name and number on the sheet.**

10. Does the organization have any delinquent / outstanding Disposition of Funds Reports? Yes ☐ No ☒

If "YES" include all reports with this application. If the reports are not included, this application is considered incomplete.

11. Fair Association Only: Attach a list of the names and home addresses of the persons operating or assisting in the registered activity. Please write your organization name and number on the list.

12. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo will take place unless a separate "Letter of Approval" is attached to this application.

☐ Check here if you have attached a "Letter of Approval." Letters that have an expiration date of greater than five years from the issue date will not be accepted by this office.

Municipal Consent to Register

The undersigned municipal officers of the City/Town of _____ hereby certify that we consent to the registration by _____ to operate Beano/Bingo in accordance with the provisions of 17 M.R.S.A. Chapter 13-A and in accordance with the Rules promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the operation of Beano/Bingo.

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

13. The applicant agrees to obey Federal, State of Maine laws, and rules governing Beano/Bingo promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: Thomas Leonard

Print Name: Thomas Leonard Title: President

Date: 4-6-23 Age 18 or older: Yes ☒ No ☐

NOTE: Ensure a Copy of the House Rules for Bingo are attached to the application.

Town of Bridgton
Lake Levels Policy and Procedures

I. Purpose:

To establish a clear policy and procedure for monitoring and maintaining the proper lake levels of the waters of both Highland Lake and Woods Pond, both Fall and Spring.

II. Process in the Fall:

- We will begin lowering the waters at the dams to winter levels (*see sections V & VI*), starting every Fall no later than ~~October 15th~~
November 1st
- Winter levels should be achieved on or about ~~November 15th~~
December 1st

III. Process in the Spring:

Weather permitting (*ice out*), we will begin adjusting the waters at the dams to summer levels (*see sections V & VI*), starting every Spring no later than *May 1st*.

- Summer levels should be achieved on or about *May 20th*.

IV. Maintenance / Construction Levels:

NOTE: Beginning in the Fall of 2021, we will be lowering the waters to maintenance / construction levels once every 4 years, *if weather allows. The town will inform the Lakes Region Water Level Committee when maintenance draw-down begins to confirm receding waters can accept the added volume.* This will allow lakefront property owners to perform dock repairs, place rip rap and perform other waterfront improvements that may be needed with appropriate town and State (*Natural Resources Protection Act*) permitting.

- Highland Lake's level will be lowered to: 5' with the capability of going lower if approved permitting, as required, has been completed.

V. Highland Lake – Seasonal High's & Low's:

- (Summer) High = 6.2 feet (+/- plus or minus 0.2 feet) at the dam
- (Winter) Low = 5.4 feet (+/- plus or minus 0.2 feet) at the dam

VI. Woods Pond – Seasonal High's & Low's:

- (Summer) High = 4.2 feet (+/- plus or minus 0.2 feet) at the dam
- (Winter) Low = 3.5 feet (+/- plus or minus 0.2 feet) at the dam

VII. Adjustments:

Lake levels will be adjusted, at the discretion of the Public Services Director, for any conditions, including but not limited to weather, at any time.

TOWN OF BRIDGTON

MEMO

TO: Select Board
FROM: Laurie L. Chadbourne, Town Clerk
RE: Business Licenses
DATE: April 18, 2023

April 25, 2023 Select Board Meeting

9. New Business

b. Permits/Documents Requiring Board Approval

3. Business Licenses

a. Victualer's License to Stella's on the Square located at 6 North High Street (renewal)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

b. Victualer's License to Ruby Food located at 160 Main Street (renewal)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

c. Medical Marijuana Caregiver Retail Store License to Maine Only Cannabis located at 316 Portland Road (renewal)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

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

CERTIFICATE OF COMMITMENT OF SEWER USER RATES
COMMITMENT #274

April 2023

Route 3

To: Robert A. Peabody, Jr., the Treasurer of the Municipality of Bridgton, Maine.

Attached is a true list of the sewer rates established by us pursuant to 30-M.R.S. § 3406 for those properties, units and structures on **Route 3**, required by local and State Law to pay a sewer rate to the municipality, for the **period beginning 1 January 2023 and ending 31 March 2023**. This list is comprised of 3 pages which are attached to this certificate.

The date on which the rates included in this list are **due and payable is 25 May, 2023**. You are hereby required to collect from each person named in the attached list, his or her respective amount as indicated in the list; **the sum-total being \$ 2,727.75**. You are hereby required to charge interest at a rate of 6.0% per annum on any unpaid account balance. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State Law.

Given under our hands this **25th day of April 2023**.

Carmen Lone, Chair

Robert McHatton, Sr., Vice-Chair

Paul Tworog

Kenneth Murphy

Carrye Castleman-Ross

Billing Edit Report

Seq	Previous	Current	Cons	Water	Sewer	Total	Acct	Name	Location
Book #									
*1	57300	58200	900	0.00	128.66	128.66	339	HARTIGAN, LISA M 0024-0092B	1 KANSAS RD.
*2	30241	33498	3257	0.00	302.70	302.70	530	HEATHROW CORPORATION 0024-0102	295 MAIN ST.
*4	6639	8564	1925	0.00	160.59	160.59	534	BRIDGTON GREAT START PRESCHOOL 024-034	292 MAIN ST.
*3	14576	17954	3378	0.00	507.73	507.73	535	SUBWAY - HERO CO., LLC 024-034	292 MAIN ST.
*5	66650	68660	2010	0.00	465.12	465.12	536	WILMOT, ABRAM 024-046	320 MAIN ST.
*6	8220	9165	945	0.00	130.06	130.06	547	MORSE, ELIZABETH F. 0024-0014	4 MEADOW ST.
*8	99900	99900	0	0.00	100.63	100.63	568	MERRILL, ANGELA M 0024-0050	366 MAIN ST.
*14	106150	109225	3075	0.00	196.41	196.41	570	STUART, THOMAS J 0024-0096	377 MAIN ST.
*10	8269	9199	930	0.00	129.60	129.60	572	WARNER, JESSICA 0024-0068	1 GREEN ST.
*16	21735	22585	850	0.00	127.11	127.11	602	GRIGSBY, GREGORY B 024-094	411 MAIN ST.
*7	30815	31475	660	0.00	121.19	121.19	714	NUMBERG, BETTY ANN 024-048	342 MAIN ST.
*12	112300	112800	500	0.00	116.20	116.20	717	KIMBALL, DAN 0024-0022	3 PINE ST.
*13	99600	100400	800	0.00	125.55	125.55	718	MCLAUGHLIN, MICHAEL 0024-0022	3 PINE ST.
*9	80400	80900	500	0.00	116.20	116.20	778	MERRILL, ANGELA M 0024-0050	366 MAIN ST.
Total:				0.00	2,727.75	2,727.75			

Consumption Report

- - - - Sewer - - - -										
Book	SEWER	RESRV	EDU	4	5	6	7	8	9	Total
3	19,730	0	0	0	0	0	0	0	0	19,730
Total:	19,730	0	0	0	0	0	0	0	0	19,730

Calculation Summary Report

<u>Water</u>		<u>Sewer</u>	
Override	0.00	Override	0.00
Flat	0.00	Flat	0.00
Units	0.00	Units	2,113.20
Consumption	0.00	Consumption	614.55
Miscellaneous	0.00	Miscellaneous	0.00
Adjustments	0.00	Adjustments	0.00
Tax	0.00	Tax	0.00
Total	0.00	Total	2,727.75

User Category Summary

Category	<u>Water</u> Count	Cons	Amount	Category	<u>Sewer</u> Count	Cons	Amount
				1 SEWER METER	14	19730	2,727.75

* = Override

If a municipal budget committee has not been established by article, ordinance or charter, but is, for example, an informal committee appointed by the municipal officers, then state law does not require the municipal officers to include the committee's recommendations. Recommendations from an informal budget committee may appear on the warrant for an open town meeting, but we advise against including them on the warrant for a secret ballot election. We also advise against including recommendations on non-budgetary articles. This is because the content of ballots is prescribed by statute, and there is no provision for the inclusion of recommendations other than as discussed above.

MMA publishes an Information Packet entitled *Budget Committee*. It includes a sample ordinance for establishing one.

Format of Articles in Relation to Their Associated Recommendations

Budget and other recommendations should be separated from the text of the article to which they pertain (e.g., with a double-line-skip), and the source of each of the recommendations should clearly be identified. This applies as well to open town meeting articles as to secret ballot articles and ballots. Confusion of article text and recommendations can give rise to legal challenges to town meeting action on an article. For further information on budget article formats, refer to "A Review of Some Sample Budget Article Formats" in the Legal Notes Appendix.

Open-ended vs. Capped Money Articles

In designing the warrant for an open town meeting, the municipal officers will want to be aware of the effects of different formats for appropriations articles.

An article seeking an appropriation can be written in an open-ended format ("To see what sum the Town will vote to raise and appropriate") or with a cap or limit ("To see if the Town will vote to raise and appropriate the sum of \$10,000"). The first of these article forms can be amended from the floor to state any amount under the sun, while in the second the amount can be reduced by amendment but cannot be increased above the stated figure.

Because the town meeting warrant is the municipal officers' document, the municipal officers retain full discretion over which article format to use (except for those appropriations articles that arise by petition or where a municipal charter specifies a particular format). They can therefore consciously limit the flexibility of the voters in town meeting. The "capped" format assures voters that town meeting can in no event vote to spend more than the stated amount.

The “capped” format is also occasionally used to limit the potential for having a dominating “single-issue” faction vote to spend exorbitantly on their issue of interest.

Overdraft Authority

Selectmen have only limited authority to expend or obligate amounts above what the town meeting appropriates. It may be helpful for the municipal officers (and any budget committee) to be aware of this limited overdraft authority when preparing budget articles. Since overdrafts generally are not permitted, the municipal officers may wish to seek a contingency or emergency fund appropriation, or account transfer authority from the voters.

Recommended Warrant Articles

A number of other helpful articles are sometimes overlooked or forgotten. Here are some suggested articles, with explanation.

Authorization for Expenditures in First Quarter of Next Budget Year

Article: To see if the town will vote to authorize the municipal officers to spend an amount not to exceed 3/12 of the budgeted amount in each budget category of the ____ annual budget during the period from January 1, ____ to the ____ annual town meeting/annual town operating budget meeting. [Strike one, as appropriate, depending on whether you vote your budget in the same meeting as the one in which you elect your municipal officials for the ensuing year, or hold a later budget meeting under the authority of a separate warrant.]

Explanation: This is a forward-looking article that provides continuing spending authority to the municipal officers for municipal expenditures made after the end of the budget or fiscal year being voted on in other parts of the same warrant but before the next annual town meeting or other meeting at which the next annual budget is adopted. The continuing authority is stated as a fraction of a 12-month budget (the sample here assumes a town in which the budget year is the calendar year, and so allows continuing spending through the month of March without further town meeting vote).

Interest Rate on Abated Taxes

Article: To see if the town will vote to set the interest rate to be paid by the town on abated taxes pursuant to 36 M.R.S. § 506-A.

Explanation: If taxes are paid but later abated, the municipality must refund the abated taxes and pay interest on them. Title 36 M.R.S. § 506-A provides that the rate of interest set by the