

**Board of Selectmen’s Meeting Minutes
Board of Selectmen’s Meeting Room
October 23, 2007; 5:00 P.M.**

Board Members Present: Arthur D. Triglione, Sr., Chairman; Robert F. Woodward, Vice-Chairman; Robert J. McHatton, Sr.; Robert C. Bell; Joan M. Gardner

Town Manager, Mitchell A. Berkowitz was also present.

1. The **Public Hearing** to consider public comments regarding the possible relocation of the Gazebo in the downtown area was opened at 5:00 P.M. by Chairman Triglione. Bob Mawhinney suggested that the Board consider relocating the Gazebo to the Highland Lake Park area, more specifically the pine grove area or near the boat ramp. He said that this relocation provides a unique opportunity for Bridgton and encouraged public input. Ron Hatch agreed with Mr. Mawhinney and suggested that the Board write a letter to the Maine Department of Environmental Protection to see if this is a viable site. Chairman Triglione noted that there are three sites for consideration, the school, the Community Center and Highland Lake Park. Mr. Hatch said that all band members are not in full agreement as to where the gazebo should be placed; he added that all sites would be acceptable. Carmen Lone reported that the Community Center Board of Directors unanimously voted to welcome the gazebo to the center if that is the decision. Lengthy discussion ensued. The Board opted to contact the Department of Environmental Protection to see if Highland Lake Park would be feasible. The Board will hold another public hearing after receiving information from the Maine DEP. The public hearing was closed at 5:20 P.M.

2. **Call to Order**
Chairman Triglione called the meeting to order at 5:21 P.M.

3. **Public Comments; Non-Agenda Items**
Police Chief David Lyons introduced new Police Officers Donald McCormick and Joshua Muise. The Board welcomed them. Chief Lyons said that both officers make a great addition to the department.

4. **Presentations and Discussions**
**a. Update report regarding the Downtown Development Project;
Micah Niemy, Economic Development Director**

Micah Niemy provided the Board with an update regarding the downtown development project. He reported that work began on October 8th and the goal is to have the parking lots ready for use by December 1st. He submitted and reviewed the following “Corn Shop Brook Redevelopment Program Financial Report.”

Corn Shop Brook Redevelopment Program Financial Report
Prepared on October 23, 2007

Program	CDBG Budget	Committed Funds	Expended to Date	Grant Balance	Expected Surplus
Façade Program	\$66,500.00	\$30,395.00	\$20,234.00	\$46,266.00	\$34,605.00
Corn Shop Brook CleanUp	\$5,000.00	\$770.00	\$770.00	\$4,230.00	\$0.00
PondiCherry Park Kiosk	\$3,000.00	\$0.00	\$0.00	\$3,000.00	\$0.00
Planning	\$2,000.00	\$577.00	\$577.00	\$1,423.00	\$0.00
General Administration	\$3,500.00	\$0.00	\$0.00	\$3,500.00	\$0.00

PARKING LOT REDEVELOPMENT PROGRAM

	Parking Lot Revenue		Parking Lot Expenses
Parking Lots Fund	\$225,000.00	Original Contract	\$245,899.00
Façade Surplus	\$34,605.00	Change Order #1	\$3,500.00
Sewer Reserve Fund	\$15,000.00	Change Order #2	\$2,500.00
Lighting Donations Cash/Materials	\$10,000.00	Lighting Material	\$8,000.00
		Lighting Engineering	\$3,000.00
		Additional Engineering	\$3,000.00
Total Revenue as of 10-23	\$284,605.00	Total Expenses as of 10-23	\$265,899.00

Expected Surplus as of 10-23 \$18,706.00

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4. Presentations and Discussions (continued)

a. Update report regarding the Downtown Development Project

Mr. Niemy asked for guidance regarding the clean up of Corn Shop Brook. The Board asked Mr. Niemy to keep all non-invasive flora, keep the area as natural as possible and also make sure the flow of water is maintained.

b. FY 2009 Budget Development Limits and Guidelines

Town Manager Berkowitz reported that the development of the FY 2009 budget preparation is underway. Discussion ensued.

5. Approval of Minutes; October 9, 2007

Motion was made by Selectman Bell for approval of the minutes from the October 9, 2007 meeting; 2nd from Selectman Gardner. 5 approve/0 oppose

6. Request from Gerald Helwig for re-appointment to Appeals Board

Gerald Helwig submitted a request for re-appointment to the Appeals Board. **Motion** was made by Selectman Gardner to re-appoint Gerald Helwig as a regular member to the Bridgton Board of Appeals (*term to expire 4th Thursday of September 2012*); 2nd from Selectman McHatton. 5 approve/0 oppose

7. Correspondence and Other Pertinent Information

a. State of Maine and Cumberland County Sample Ballots; November 6th Election

The Board received a copy of the sample ballots for the November 6, 2007 Election.

8. Town Manager's Report

Town Manager Berkowitz reported the following in part:

State's Efforts to Reorganize Health Districts:

One of the lesser known efforts going in is the initiative to reorganize the State into 8 health districts. York and Cumberland Counties would each be one district with the balance of the state divided into the remaining 6. We are watching this closely since it is really an interesting approach to decentralizing the State's resources at the Dept. of Health and Human Services. It is also driven by a 10 point "essential public health services" principle. Portland has taken the lead in coordinating the meetings. One of the outcomes might be that local public health officers must meet some minimum standards to hold their position. We will continue to monitor this effort.

County Referendum Questions for November:

There will be several questions placed before the voters in November that relate to the county. This is only intended to give you a quick summary of each.

#1	Radio Technology	Upgrade radio's and data transmission	\$1,700,000
#2	Expand Medical Unit	County Jail upgrade	\$1,000,000
#3	Inc. Commissioners	Increase from 3 to 5 Commissioners	\$-0-

Energy Supplies Purchased:

After almost a month of market checks, obtaining price quotes from vendors and re-quoting due to the volatility of the energy markets we have selected CN Brown Company out of South Paris as our supplier for the three major fuels we use.

#2 heating oil \$2.399 LP gas \$1.845 K-1 \$2.699

We will be billed these fixed prices after each delivery. We initially contacted twelve vendors or representatives to make sure we had a competitive price. CN Brown provided our fuel/energy supplies last winter as well. We will continue to use Mr. Damon Brooks as our furnace technician in our municipal buildings except the Municipal Complex which continues to use Dan Libby who has the most knowledge of our heating system since its installation.

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8. Town Manager's Report (continued)

Adoption and Foster Parenting:

We are reminded that November calls attention to both foster parenting and adoption in the State of Maine. There is still a strong need for over 2,000 children to have a stable home and family environment in Maine.

State Reimburses Town for Police Academy:

The State of Maine has fully reimbursed Bridgton for the officer who joined the State Police. The \$28,215 will be deposited in the police revenue accounts unless we need those funds to pay for any additional academy tuition and overtime for officers.

Fire Department Equipment Testing:

Fire Chief Glen Garland reports the testing of the ground ladders and the aerial ladder passed their annual tests though some small repairs will be made based upon those tests.

Engines #1, 4 and 6 successfully completed their pump tests and the rebuilt pump on engine #5 also has passed its test.

Local Emergency Exercise Scheduled:

Bill Morrisseau, Emergency Preparedness Director has scheduled a table top exercise for Thursday, November 15 from 10 AM to 2 PM in the Select Board room. Designed to test some of the planning and decision making this is expected to reveal where Bridgton can continue to improve. It will involve primarily our own staff though we have extended invitations to key players including our hospital and the County Emergency Management Director. The scenario will be built around a weather related event.

Respectfully Submitted,

Mitchell A. Berkowitz, Town Manager

9. Old Business

a. Purchasing Policy and Local Preference

Town Manager Berkowitz submitted and reviewed the following:

You have asked that we review the concept of a "local preference" as part of the Town's purchasing policy. We have done this and offer the following information for your consideration.

What does Local Preference mean?: In its most simplest term it means what it states, to give some preference or consideration in the final decision of a purchase based upon the locale of the vendor or supplier. Many communities over the years have offered that it makes good sense (politics) to "shop locally". As with other municipal issues, this too has come under a greater amount of scrutiny and in recent years has been seen as a growing legal concern and in some instances becomes violative of the Interstate Commerce Clause doctrine of the U.S. Constitution.

Current Purchasing Policy: The most recent version of this policy was enacted on January 8, 2002. Within its stated purpose is the following, "to increase public confidence....and to promote the fair and equitable treatment of all suppliers of goods and services". The Policy further defines the outcome of such a policy: "The Bid most advantageous to the Town means a bid chosen on the basis of price, quality of merchandise, suitability of merchandise and the service reputation of the vendor, and therefore may not necessarily mean the lowest bid received."

How Can the Town Still acknowledge a local vendor or supplier? First of all our review of about a dozen Maine municipalities purchasing policies indicates very similar language and concepts that our version lists. Not one expressly states that a local preference will be given. However, when purchasing decisions are made it is clear the review of the competitive bid process does not mean we are required to make an award based solely on the lowest bid price. In fact other considerations are included such as price, quality, reputation and what is also termed "full or life cycle costs". In cases of supplies or services, the initial cost may be relatively inexpensive but when we look at the operational costs, the total life cycle cost of one item may very well be higher than its competitor making the unit price alone only a consideration.

Since it remains our responsibility to acquire goods and services at the most cost effective price, all of the other considerations must be applied as well. One of those is the ability to provide the necessary "service" for the item a vendor is selling and when being local accounts for decreased down time. This would be of importance. Beyond these considerations, local preference can lead to legal implications since the vendor not chosen may feel that a level of discrimination was applied. That can take on a whole new definition in our very diverse global markets of today.

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9. Old Business

a. Purchasing Policy and Local Preference (continued)

Recommendation: While the Purchasing policy may be amended from time to time to improve its purpose, I cannot recommend any amendments that expressly state a local preference. What we currently do when evaluating a purchase already includes our concerns for shopping locally when it makes both "dollars and sense".

At this time the only amendments the Board might consider related to the purchasing authority and dollar levels above which a formal advertised bid process is required though our policy does allow for informal competitive bidding when the Manager believes it to be in the best interest of the Town.

Secondly, I have found several instances in the last year and a half when the use of a Town credit card would have been more effective in purchasing goods. I am exploring this further and will report my recommendations to the Board later this fiscal year.

Respectfully,
Mitch

The Board thanked the Town Manager and opted not to amend the policy at this time. Vice-Chairman Woodward suggested that if the Town Manager pursues the issue of obtaining a credit card for the Town that a debit card would provide the same ability to purchase without incurring "debt."

b. Single Sort Recycling; Mahlon Johnson

Mahlon Johnson provided the Board with a verbal update regarding the last Board of Directors meeting. He noted that the year end report indicated that Eco-Maine has a large surplus that will be deposited into three funds, all to benefit the taxpayers. Mr. Johnson noted that the Open House at Eco-Maine was well attended. He provided to the Board a packet of information entitled "A Guide to Our Single-Sort Facility." The Board thanked Mr. Johnson for keeping them well informed.

10. SAD 61; none

11. New Business

a. Permits/Documents Requiring Board Approval

1. Sewer Commitment

Motion was made by Vice-Chairman Woodward for approval of sewer commitment #30; 2nd from Selectman Bell. 5 approve/0 oppose

2. Approval of the contract extension January 1, 2008-December 31, 2012 with the Lewiston-Auburn Water Pollution Control Authority

Motion was made by Selectman Bell for approval of the five year agreement between the Town of Bridgton and the Lewiston-Auburn Water Pollution Control Authority; 2nd from Selectman Gardner. 5 approve/0 oppose

3. Acceptance of donation of both a lighting pole and fixture (matching) from Snapdragon, LLC for the Depot Street Parking Lot

Snapdragon, LLC, the entity that owns the property on which the Magic Lantern is located, has offered to donate to the Town a light pole and fixture to be used at the Depot Street parking lot. It has been the intention throughout the project to coordinate lighting with the Magic Lantern so as to create a consistent style throughout the parking lot. The light pole and fixture are valued at approximately \$2,000. The Economic Development Director recommended that the Board of Selectmen accept this donation from Snapdragon LLC and direct the Economic Development Director to draft a letter of thanks to Snapdragon LLC. **Motion** was made by Vice-Chairman Woodward to accept this donation; 2nd from Selectman McHatton. 5 approve/0 oppose

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11. New Business (continued)

4. Tax Anticipation Note; Legal Document Approval

Motion was made by Selectman McHatton for approval of the following:

Voted: That the Board of Selectmen of the Town of Bridgton hereby authorizes a borrowing in anticipation of tax receipts for the 2007-08 fiscal year in the original principal amount not to exceed One Million Dollars (\$1,000,000) from TD Banknorth, N.A. on behalf of the Town with interest thereon at 3.79% per annum.

Voted: That under and pursuant to the provisions of Title 30-A M.R.S.A. Section 5771, the Chair of the Board of Selectmen and the Treasurer of the Town be and they are hereby authorized to borrow in anticipation of tax receipts from TD Banknorth, N.A. in the name of the Town of Bridgton the sum of up to One Million Dollars (\$1,000,000) at the interest rate of 3.79%; and that the Chair of the Board of Selectman and the Treasurer be and they are hereby authorized to issue general obligation securities of the Town of Bridgton in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000) and to execute and deliver a note or notes under the seal of the Town and attested by the Town Clerk, dated on or about October 31, 2007 in such form as the Chair of the Board of Selectmen and Treasurer may approve; and that the appropriate officials of the Town be and hereby are authorized to execute and deliver on behalf of the Town such documents and certificates as may be required in connection with such borrowing; and that no part of the proceeds of said borrowing shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the notes to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the notes be designated as qualified tax exempt obligations within the meaning of Section 265(b)(3) of said code; and that the Chair of the Board of Selectmen and the Treasurer be and they are hereby authorized to covenant on behalf of the Town to file any information report and pay and rebate due to the United States in connection with the issuance of the notes, to take all other lawful actions necessary to ensure the interest on the notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the notes to become includable in gross income of the owners thereof.

2nd from Vice-Chairman Woodward. 5 approve/0 oppose

OTHER

Request for Extension of Junkyard Ordinance Compliance

John Crowley requested an extension of time to come into compliance with the junkyard citation at 523 South High Street. He reported that due to extenuating personal circumstances, he will not be able to meet the October 31, 2007 deadline. Rob Baker, Code Enforcement Officer, recommended that the Board deny this request as he has had ample time over the past year to comply. Chairman Triglione respects the recommendation of the Code Enforcement Officer but will agree to the extension due to the extenuating circumstances. **Motion** was made by Selectman McHatton to grant an extension to December 15, 2007; the Town Manager and Code Enforcement Officer will create a consent agreement to include a specific list of what must be accomplished by that date; 2nd from Vice-Chairman Woodward. 5 approve/0 oppose

New State Fee for Oil Changes

Town Manager Berkowitz reported that effective October 1, 2007 the Town must remit monthly to the State of Maine a fee for oil changes. This simply means that we must now record all oil changes based upon motor vehicle weight and monthly transmit the fee to the State of Maine.

b. Legal Matters

Town Manager Berkowitz requested an executive session at the end of the meeting to discuss a personnel issue.

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11. New Business (continued)

c. Selectmen's Concerns

Vice-Chairman Woodward, Selectman Gardner and Selectman Bell had no concerns.

Selectman McHatton requested that the Town Manager draft a policy prohibiting employee use of town owned equipment for their review.

Chairman Triglione reported that the out houses at Highland Lake Park are unsightly and alternatives should be considered.

d. Other Matters

Town Manager Berkowitz reported that the outside lights at the Municipal Complex have been fixed and should be working properly now.

12. Agendas for the Next Board of Selectmen's Meeting/Workshops

November 13, 2007

13. Treasurer's Warrants

Motion was made by Selectman Bell for approval of Treasurer's Warrants numbered 45, 46, 47 and 48; 2nd from Selectman Gardner. 5 approve/0 oppose

14. Executive Session

MRSA Title 1, Chapter 13, Subsection 405.6.A. "Discussion of matters related to the current status of Management and Labor in the Police Department and Personnel Matters."

Motion was made by Selectman Bell to enter into executive session at 6:45 P.M. per MRSA Title 1, Chapter 13, Subsection 405.6.A; 2nd from Vice-Chairman Woodward. 5 approve/0 oppose

Chief Lyons and Lieutenant Madura were invited into the executive session.

Motion was made by Selectman Bell to come out of executive session at 7:29 P.M.; 2nd from Selectman McHatton. 5 approve/0 oppose

15. Adjourn

Chairman Triglione adjourned the meeting at 7:30 P.M.

Respectfully Submitted,

Laurie L. Chadbourne
Town Clerk

Next Board of Selectmen's Meeting: November 13, 2007