

**TOWN OF BELGRADE**  
**PUBLIC HEARING/BOARD OF SELECTPERSONS MEETING**  
**TUESDAY/ MAY 5, 2009/ 6:30 P.M./ TOWN OFFICE**

**PUBLIC HEARING CONVENED 6:30 P.M./ SELECTPERSONS MEETING CONVENED 6:50 P.M./  
ENTERED INTO EXECUTIVE SESSION 8:30 P.M./ RE-ENTERED BOARD MEETING 8:35 P.M./  
ADJOURNED 8:37 P.M.**

**Officials in Attendance:**

<b>Dan Newman</b>	<b>Selectperson, Chair</b>	<b>Peter Rushton</b>	<b>Planning Board, Chair</b>
<b>Chris Merrow</b>	<b>Selectperson, V. Chair</b>	<b>Bruce Galough</b>	<b>Transfer Station &amp; Recycling Com.</b>
<b>Ricky Damren</b>	<b>Selectperson</b>	<b>Scott Damren</b>	<b>Facility Maintenance</b>
<b>Melanie Jewell</b>	<b>Selectperson</b>	<b>Gary Fuller</b>	<b>Code Enforcement Officer</b>
<b>Bruce Plourd</b>	<b>Selectperson</b>	<b>Greg Keene</b>	<b>Transfer Station &amp; Recycling Com.</b>
<b>Dennis Keschl</b>	<b>Town Manager</b>		

**Others in Attendance:** Diane Oliver, Bill Hudson, Adam Gardner and Stephanie Yeaton

**Public Hearing**  
**Liquor License application for Winebar, Inc. (House of Bacchus)**

Dan Newman declared a quorum. Melanie Jewell made a motion at 6:30 p.m. to open the public hearing for review and public comment on a new application for a liquor license Winebar, Inc. as allowed by Maine State Statute 28 § 653 (1). Ricky Damren seconded the motion. **CLOSED 5/0** Bill Hudson, Adam Gardner and Stephanie Yeaton were present for the public hearing.

The Town Manager provided an overview of the application for a liquor license for Winebar, Inc. This is a new business located within the House of Bacchus in Belgrade Lakes Village. The Manager asked business owner, Bill Hudson, about the application showing a premise diagram with numerous parking allocations, which is represented in the sketch. Bill said it was his intention to remove a portion of the front lawn and to also allocate some of the space in the driveway, but right now it was along the roadside. The Town manager informed the Board according to the Commercial Review Development Ordinance the business does not meet the parking criteria. The ordinance states under section 9 Parking, B.2.c. "No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles. Also there is a Standard for the number of parking spaces required per table for this particular business.

Dan Newman stated he felt the business does not meet the Town's Commercial Development Review Ordinance and there are a number of issues with the parking in three areas of the ordinance.

Code Enforcement Officer, Gary Fuller told Bill that if their intention is to remove a section of lawn, then this widens the entrance to the property and because it is a State road they would have to check with Department of Transportation to see if this is permissible. Gary asked how many seats were they anticipating placing.

Bill said that they were intending to have 49 seats at the business.

Gary informed Bill that there must a one parking space for every two seats, so they would need 20 parking spaces to comply with the ordinance.

The Town Manager pointed out that there is one section in the ordinance that authorizes waiver requirements.

Gary Fuller stated the Planning Board may be able to grant a waiver that meets the requirements of the ordinance; however this does need to go before the Planning Board.

Dan Newman said he still felt that the parking creates a hazard, especially in the village where there is a limited parking.

Bill Hudson stated that there is basically no parking area in the village and this is why they were considering removing a portion of the lawn.

The Town Manager stated that there is a streetscape plan that could allocate some public land for this purpose, but because of loss of funding it has not moved forward.

Dan Newman said he thought when the state revises the village roadway; there may be some space that is taken by eminent domain. He further stated he felt Bill needed to check with Maine DOT before they could move forward to do anything with the Town, and then go to the Planning Board to get on the agenda to see what they may or may not waive.

Bill stated that there is 25 feet on the right-hand side of the building, on the side of the garage and possibly they could consider designating this space to parking and have only ten tables with two chairs.

Gary Fuller stated it was premature to hold this public hearing, because he does not believe that MDOT is not going to allow for this to happen. Gary said that he would place this on the agenda for the May 21<sup>st</sup> meeting of the Planning Board.

The Town Manager asked if the board thought it would be feasible to approve of the liquor license, pending the approval and resolution of parking by the Planning Board and MDOT.

Chris Merrow made a motion to close the public hearing at 6:50 p.m. Melanie Jewell seconded the motion. **CLOSED 5/0**

Dan Newman asked for a motion to open the board meeting. Ricky Damren made a motion to open the Selectpersons meeting. Melanie Jewell seconded the motion. **CLOSED 5/0** Ricky Damren made a motion to approve of the liquor license for Winebar, Inc., pending approval of the Planning Board and resolution of the parking with MDOT. Melanie Jewell seconded the motion. **CLOSED 5/0**

#### **Order of Business:**

1. The board reviewed the meeting minutes of the April 21<sup>st</sup>, 2009 meeting. Ricky Damren made a motion to approve of the April 21, 2009 minutes as presented. Bruce Plourd seconded the motion. **CLOSED 5/0**

#### **Unfinished Business: Add on Agenda Item:**

1. Diane Oliver was present from the Belgrade Lakes Region Business Group. **(Please see the attached letter of request)** Diane informed the Board that the property formerly used for the release of the barge on Long Pond for the fire works is involved in a number of discussions of which there are underlying issues. The Business Group is looking towards utilizing one of the local public access areas on Long Pond. There are two areas which the group was looking to utilize; one was the Peninsula Park and the other would be the Public Beach off Lake Shore Drive. The State Fire Marshall would need to approve the access. The Business group feels that Peninsula Park would be a more appropriate space as it seems to be a safe location away from people and the barge could be brought up into the area. The space would have to be shut down from noon to 8 pm., and after 8 p.m. could be re-opened for the public viewing of the Fire Works. The porta- pottie would have to be relocated to outside of the entrance of the gate and the Business group would be willing to put up a barricade, tape off the area and place signs letting residents know the park would reopen after 8:00 p.m for viewing. The Business Group would also

need the help of the Fire Department. Melanie Jewell made a motion to approve of the Belgrade Lakes Region Business Group to use Peninsula Park for the release of the barge for the July 4<sup>th</sup> fire works display and to authorize the closure of the park from the hours of 12:00 am to 8:00 pm, to include the placement of a barricade and signs at the entrance of the Park letting residents know that the Park would re-open after 8:00 pm. Ricky Damren seconded the motion. **CLOSED 5/0**

1. The Town Manager stated that the Transfer Station & Recycling Committee has reviewed the clean wood and the disposal cost. They have chosen to recommend to the Board a 25% reduction of the cost of the disposal of wood at the Transfer Station. This will go to a public hearing if the board approves of the fee. The Town Manager said there is also a draft version of the Swap Shop Flyer. Currently the committee is not asking for approval of the flyer as they will be reviewing it at their next meeting. The Board approved of the flyer; however Melanie Jewell requested that the committee remove the exclamation marks and the underlining on the signage. The board asked if the building could be relocated to another area to make it more assessable, near the recycling center was suggested. The Town Manager stated he would speak to the committee about it.

Chris Merrow made a motion to place the clean wood fee amendment to the Transfer Station Rules & Regulation document to a public hearing to be held on June 2<sup>nd</sup> at 6:30 p.m. at the Center for All Seasons. Melanie Jewell seconded the motion. **CLOSED 3/2 AGAINST (RICKY DAMREN & BRUCE PLOURD)**

2. The Town Manager stated he had met with Lesley Jones from Hatch Hill Recycling. She came and looked at our Transfer Station, specifically the bailing of recyclables. We currently bail 300-400 tons a year. Hatch Hill would like to expand their recycling program; however the Town would be looking at bailing 3,000 to 4,000 tons a year. They would deliver the recyclables to us and pay us \$25 to \$40 a ton for processing. The Town Manager stated he did not believe this is just something we could enter into without the approval of the town. The Town Manager will provide more information as it comes up. To also be considered is the wear and tear to the town's equipment, and would provide more hours for employees. The Transfer Station committee has not reviewed the proposal as of yet.

3. The office is continuing to look for a case for the sound system.

#### **New Business:**

1. The Board reviewed the bids for the 2009 Municipal Paving program. There were six bids. (See the attached spreadsheet) The Town Manager recommended the Board accept the bid submitted by Bruce Manzer. Ricky Damren made a motion to award the 2009 Municipal paving bid to Bruce Manzer in the amount of \$425,167.01. Melanie Jewell seconded the motion. **CLOSED 5/0**

2. The Board reviewed the bids for the roof replacement of the North Belgrade Community Center. There were only three bids. The Town manager recommended the Board accept the bid submitted by Jarr Management, Inc. for the amount of \$16,500. This bid is about \$1,500 more than was budgeted for, but was the only complete bid. Ricky Damren made a motion to award the bid of the roof replacement of the North Belgrade Community Center to Jarr Management, Inc. for the amount of \$16,500. Bruce Plourd seconded the motion. **CLOSED 5/0**

3. The Town Manager informed the Board that he has asked the Planning Board to move forward and may have the amendment to the Shoreland Zoning Ordinance done and on the November or March referendum. The Town will continue to use the current ordinance we are using. The only way we would have to abide by the new rules is if the DEP comes in and forces the Town. DEP will be selecting random Towns to review to see if they are in compliance.

4. The Town Manager addressed the policy on the acceptance of subdivision roads. He stated this was brought to everyone at town meeting and the Board needs to consider what they would like to do in regards to the ordinance, if they want to take a stand. Ricky Damren stated that if the town is not ever

going to accept it maybe we should not require people to build to specs. Bruce Plourd stated that there are guidelines to subdivision roads and he does not see there is a problem with them, as the legislative body makes the decision on whether or not to accept the road.

Melanie Jewell stated the ordinance is clean and that just because the road is built to specs does not mean that it will be accepted. Dan Newman says he thinks that there should be some sort of road standard as we currently have or people would be building poor roads.

Bruce Galouch stated he heard from town meeting is that people do not want to accept any more dead end roads.

The Town Manager stated that any change in road standards would have to go to a vote, and does the Board want to recommend the Planning Board review this issue.

Peter Rushton, Planning Board, Chair, stated that the problem that occurred with this road may have been a communication issue and the board maybe the board is part of the breakdown of the communication. The individuals who purchased this property brought sentiment to the town meeting, and therefore the road was accepted.

Gary Fuller stated that in Sidney they changed their ordinance to state that the road must be 50% built out prior to being considered to become a town accepted road.

Dan Newman stated he would like to see a two exit road. Bruce commented this would mean a change to the entire ordinance. Dan responded by stating he felt a dead end road served no benefit to the general public.

The Town Manager recommended the board allow him to draft a policy in conjunction with the road committee to submit to the board and the Planning Board for their review. He further stated he will look to see what other towns are doing as far as road acceptance.

5. There was no action on this agenda item. The Town manager stated he would be contacting Terry Merchant from Maine DOT to place a bid with the State for joint bidding of the salt for the winter snowplowing. Last years bid was \$73.39 per ton.

6. The Town Manager stated he had drafted an amendment to the Selectpersons bylaws addressing the change in term. The change in term means that the officials would not take office until the end of the town meeting. The problem with swearing in new officials after the secret ballot referendum portion of the town meeting is that the new officials have not been part of the budget process and it makes it difficult for new officials to sit at the table during the town meeting and be able to speak on the town warrant. Ricky Damren made a motion to approve of the amendment to the Selectpersons bylaws. Bruce Plourd seconded the motion. Motions rescinded. Melanie Jewell made a motion to table approval of the Selectperson bylaws with the officials being sworn in at the end of the town meeting until the Town Manager revises the bylaws and brings them back to the board. Ricky Damren seconded the motion.

**CLOSED 5/0**

7. The Town Manager stated there is only one confirmed case of Pandemic Flu by the CDC currently, he will keep the board updated on the status.

8. The Board reviewed the following policies; Streetlight policy, Policy on closing of the Transfer station, ADA Policy and the Policy on processing of Municipal Warrants & payment of bills

9. The Board reviewed the resignation of Norma Blazer to the Long Range Planning Committee. Ricky Damren made a motion to accept the resignation with regret and to send her a certificate of appreciation for her service to the town. Bruce Plourd seconded the motion. **CLOSED 5/0**

10. The Town manager informed the Board that there is a tentatively a recipient of the Boston Post Cane. It is Esther Childs. The Manager will visit her next week with the Town Clerk to confirm she will accept the cane. Ricky Damren made a motion to approve of the Boston Post Cane recipient, Esther Childs contingent on her acceptance of the cane. Melanie Jewell seconded the motion. **CLOSED 5/0**

11. The Town Manager stated that the meeting for the building committee for Wednesday, May 6<sup>th</sup>, is a formational meeting to work out the funding, work plan, timeframe and to see who is interested in continuing on the committee and to see what new interest there is to be on the new committee. He would

like the nominations and the appointments to be placed on the agenda for the next regularly scheduled board meeting. Dan Newman stated that he would like to continue on the committee. The Board discussed a timeframe for the meeting of two hours.

12. The Board reviewed the **Municipal Warrant # 20** for the amount of **\$66,536.63**. Ricky Damren made a motion to approve of **Municipal Warrant # 20** for the amount of **\$66,536.63**. Melanie Jewell seconded the amount. **CLOSED 5/0**

13. The Board reviewed **Manual Warrant #2387** for the amount of **\$22,051.15**. Bruce Plourd made a motion to approve of **Manual Warrant # 2387** for the amount of **\$22,051.15**. Ricky Damren seconded the motion. **CLOSED 5/0**

14. The Town Manager asked the Board if they would authorize him to write a letter in support of the Firefighters Pension program. They agreed. Ricky Damren made a motion to authorize the Town Manager to write a letter in support of the draft legislation to establish a pension program for firefighters. Melanie Jewell seconded the motion. **CLOSED 5/0**

15. The Board reviewed the Ratio Declaration and Reimbursement Application. Ricky Damren made a motion to accept the application and send it in to the State. Melanie Jewell seconded the motion. **CLOSED 5/0**

#### **Updates & Announcements:**

- \* **Town Manager – Please see the attached updates**
- \* The Town Manager informed the board that he was researching changing the town's phone service to Time Warner. This would save the Town approximately \$1,200 to \$1,400 a year.

#### **Executive Session:**

Melanie Jewell made a motion to enter into executive session for the purpose of reviewing a request for a poverty abatement pursuant to Title 36 M.R.S.A. § 841-844. Ricky Damren seconded the motion. Melanie Jewell made a motion to re-enter the board meeting at 8:35 p.m.. Bruce Plourd seconded the motion. **CLOSED 5/0** Melanie Jewell made a motion to approve of the recommendation of Town Clerk, Cheryl Cook, to abate both years of taxes for Case # 1 – 09. Ricky Damren seconded the motion. **CLOSED 5/0**

Melanie Jewell made a motion to adjourn the meeting at 8:37 p.m. Ricky Damren seconded the motion. **CLOSED 5/0**

Respectfully Submitted,  
Mary J. Vogel, Executive Secretary to the Board of Selectpersons