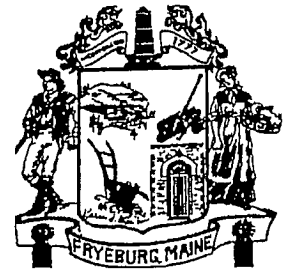


The Town of Fryeburg

Settled 1762 - Incorporated 1777

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Selectman's Meeting
July 16, 2009

1. Chairman Hall declared a quorum and opened the meeting with the Pledge of Allegiance at 6pm.
2. Manager's Report:
 - a. Some items on agenda need attorney advice, so will have to skip over some.
 - b. Skateboard Park? 2 young gentlemen came in to request and make suggestions. They suggested that one could be constructed somewhere at the Rec complex. Rick Buzzell suggested cementing the ice hockey rink and have summer Skateboard Park there by Legion Building. Years ago it had been brought before the Selectmen and nothing came of it. Chairman Hall suggested letting the Rec Committee deal with it since it falls under their realm, and have the kids assist them with design and building.
 - c. We are forcing a Customer Survey on the patrons of the Town Office. 35-40 have been completed so far with no negative remarks as of yet. David Knapp suggested posting the survey on the website.
3. Treasurer's Report:
 - a. See attached
 - b. Will be transferring funds from Road Bond account to Operating account to cover contract dispersal made this pay period.
 - c. Martin expressed interest in swapping banks back to TD Bank because they will:
 - I. Subaccount
 - II. No charges for early withdrawal of CD's or transfers
 - III. All costs will be written in to the compensating balance.Ed would like the board to be involved prior to actually changing. Please copy all info received and put in Selectmen's boxes.
4. Public Forum: Cliff spoke at the beginning of public forum to let people know that he will allow only limited responses from the public on the rest of the agenda items.

- a. George Bucknell spoke on the actual need of Public Works grader or not. He has spoken with Steve Estes and found out the Estes does the contract work for the town grading. He does 11.4 miles plus the Menotomy Road. Steve told George that he grades 4 hours / mile and that 11.4 miles would cost approximately \$6,000.00 each time it's done and should be done 2 times per year. George said it would be less expensive to bid out the grading to be done at \$12,000.00 per year than to spend over \$500,000.00 after wages and maintenance to own one. Bill Mosher spoke up and said he believes that a grader would be an asset because more than one person would be able to run it. They would use it for grading the dirt roads as well as ditching the other roads. Tom said that this is why the Selectmen are putting on the warrant for the Special Town Meeting coming up, to let the people decide. Cliff asked what the maintenance costs would be for the life of a grader. George stated that the Volvo grader they were looking at is too expensive to run and maintain according to Steve Estes. The residents, as well as George, can't afford to have their taxes increase because of this. Cliff wondered what the feasibility of "sharing" with other surrounding towns would be. George suggested the Town may be better off to outsource all Highway items, plowing, grading etc. Cliff told George he appreciated his input.

- b. Edward Fremont asked if there was a plan for the Menotomy Road. Will it be completed this year or not? The Selectmen and Gary said yes. Edward replied that it is a rock road and the rocks are sharp. It is not passable as it is. Nothing has been done yet and a discussion needs to be had now, not tomorrow or next week. Are you paving it this year or not.

- c. Ed Wilkey mad a motion to bring agenda item G up now and allow participation. It was 2nded and approved by all 3 selectmen. Cliff would like to put down something that would pack nicely until the price for paving materials drops a little more. What is the current pricing? The Selectmen are aware that there are problems with the road as it is now and tire issues as well. Deb Lennon is concerned that the edge of the "crack fault" could break up with the 2' drop as it is now. Gary Whitten responded that the road is just "roughed in" and will have a 2'-3' shoulder when it's complete. Eric Bloomberg wanted to clarify that there was a road bond passed and that the selectmen were asked what the plan was and has any engineering been done yet? The townspeople were told that the road would be done right and it seems right now that no one has any direction. "Am I wrong in assuming that?" Cliff responded by saying that was what he understood as well. He thought that David Chase, who is overseeing the Haleytown project, would be overseeing Menotomy Road as well, but David declined that offer. Chris Kanzler asked if the bond was to pave the Menotomy Rd as well? Martin responded that yes it is. \$750,000.00 was approved for reconstruction up to Bog Pond Rd. But the other phases were not clearly defined for Menotomy Rd . Several people have "voted" to keep the road dirt. Eric Bloomberg wanted this explained. Peter Fletcher wanted to know where are we now? Gary responded with "We have spent \$253,000.00 so far and are right on track to where we are

headed." They have laid 1' of gravel over Gore-Tex fabric. Gary would like to pave up to Bog Pond Rd with just a base coat for this year. Right now the savings over last years pricing is \$20.00/ton. Ed Wilkey asked if phase 2 would be finish coat. Gary said yes, but wait 1 year before applying. It would be around \$122,000. @ \$65.00/ton for Topcoat for the whole length of Menotomy Rd. Cliff want to clarify that this means we wait till the fall of 2010 for the Top coat. Gary said yes. \$365,625.00 @ \$65.00/ton. They will reclaim. They are waiting to start until they receive the paving bids. Deb Lennon is concerned that a couple of places don't seem as wide and Gary said that they will be widened, and the surface will be thinned down in front of her (Deb's) house. Mr Fremont wants to know when it will be tarred, he wants a game plan and a time frame. Gary says it will be 1 – 2 weeks before he can start and then 1 – 2 weeks to get to Bog Pond. The rest of it will be done by winter. Peter Fletcher says he would rather see 6" of ¾" gravel & let it set for the winter. That would allow it to settle & build the shoulders up. Mr Freemont would gladly leave it dirt if it can be like the Golden Road up north. Judy Redding wanted to know why we can't do the dirt roads like New Hampshire's. She lived on a dirt road in Bartlett for 6-8 years and never had any issues with it. Gary was asked how we are buying the material for the road, by the ton or by the yard and Gary answered by the ton. Eric's commented that we have a plan, Gary seems to know what he's doing & seems legit, let him get it done. Deb agreed as she has to drive most of the road all the time. Mrs Fremont (Darlene) said that it seems smart to go from the dead end end of the road and work back to 302. Peter Fletcher said we need to get the Police Dept down there to slow traffic down Eric suggested lowering the speed limit to 20mph. Police Chief Weymouth told the residents there wouldn't be a problem getting the Police down there, but residents should be prepared, because if residents that live on the road are stopped, the fines will be double, so he doesn't want to hear any complaints regarding that, because people WILL be ticketed. Gary said they are waiting to see whether they are paving or not, and if they aren't going to be paving for a while, they would put down Calcium Chloride. Mr & Mrs Fremont want to know where everyone is on Menotomy road, are you paving soon or not, because if you are not, then the town needs to start paying for tire replacements for residents of the road. Tom Klinepeter wanted to know when will dollar figure be received, Gary said as soon as we get the price /ton. There are just 2 bidders, F R Carroll and Pike Industries. George suggested that when paving begins, that the haulers for the far end go in through Bog Pond Rd and come out all of Menotomy Rd empty. Tom mad a motion to go with the lowest price / ton and accept it for paving the 2" base coat. Ed 2nded. Motion carried 3 – 0. Martin said he will post the results next week when they are available.

David Knapp made a comment that speed is a factor all over town, not just on Menotomy Road. The town needs to be thinking of a permanent traffic calming solution. Cliff wanted to know if we could put "Pass at own risk" signs up. Deb Lennon wanted to know if you could put speed bumps at the

end of Menotomy by her house. Lois Caffrey asked if it were possible to get "portable" speed bumps. Cliff asked how they go about doing the portable speed bumps. Gary will look into this. Ken Brown commented that it is tourist season & a lot of income is generated by them. It's not just Menotomy Rd that is dealing with the traffic from them. Mark Strange said that in the last 4-5 years the canoe traffic on Menotomy Rd has increased steadily and is not sure why. It's a dead end road. Cliff asked if we can limit the traffic to residents only. Martin will check into. Deb Lennon wanted it know that it's her summer too. She is taking a risk of getting hit when the non residents turn around in her dooryard. Mr Fremont would like to look at putting a "Dead End" sign at the 302 end of the road. Gary already has a new sign for that. It was decided to just put a base coat on until next year so the road can settle.

d. Public Forum continued:

Dick Krasker would like the Bridgton News to correct the location of the Special Town Meeting to read at Mollycokett Middle School.

- e. Roger Brown would like to know what the policy is on outside entertainment. He was told that we have a Noise Ordinance that is subject to the decibel meter. Roger stated that the noise level from Cassidy's restaurant is unacceptable, especially when they have outside entertainment. The noise echoes off from Jockey Cap rock, and we need to reiterate the noise ordinance. Cliff asked if Katie the Code Enforcement Officer has been spoken to about it yet. Martin answered yes, and Katie told him they only requested outdoor seating for the restaurant, nothing was said about entertainment. She is looking into and counting the seating. She is also working with the State on this issue. Ed Wilkey asked if any Special Amusement Ordinances were in place. And the answer was not yet. In the meantime, it is hoped that the Police Chief can deal with it on a local level. David Knapp told us that there are Noise Standards in the Land Use Ordinance, but we need a meter to enforce it. The Police Chief has spoken with them and at the time they passed the "Straight Face Test". The owner claims he will work with the Town for an acceptable resolution to all. They have been cooperating. The Chief let them know that the State Law says "no outside entertainment". Ed Wilkey asked if we have any authority on seating capacity. The State is coming to assess. A question was asked about the Sewer system. It need to meet State requirements or they will lose their permit. The Chief would like to see what happens in the coming weekend. The owner stated that he will be complying. Martin asked the other restaurants in Town if they have any entertainment, and the Oxford House said no, and 302West told Martin their entertainment may not continue.

f.. It was asked if we could post things on the website please, and also to get back to people on issues they bring up as well/

g. David Knapp has 3 things 1. Sidewalk funds, what is the plan and can it be synchronized with the bike and pedestrian committee? 2. What is the

agenda for September for the Bike and Pedestrian plan? And 3. What is the Grant Status for the crosswalk signal by the Academy. Please respond. Martin told David that the Contract has been signed since last June and is now in the hands of DOT. Dave said he would call to light a fire under them about it. David then presented the Route 113 Corridor Committee an award from GPCOG. A commendation for Shared Commitment . He also wanted the Town to know that the State is committed to going after a Stimulus Grant in the amount of 30 million dollars for a mega berth in Portland in conjunction with DOT. Portland seems to want to go alone, but everyone makes out better if we all apply together. Cliff asked if we should be looking for grants on our own and David replied that the window is open now, we can call SMRPC for assistance. Julia should be able to help with application. David Kinsman told us that the section of the old railbed is funded for 4.1 miles. That encompassed the Visitors Center to the Airport. It's called the Rail with Trail. Tom Klinepeter also told us that David Knapp is now the Chair of the 113 Corridor Committee has a lot to do with spearheading the local projects. They are also looking for 4 volunteers to help create a Corridor Management Plan. The group encompasses from Stow to Standish. They would like help making recommendations on what they can do to enhance the Scenic Byway. Dick Krasker asked if any of them were working with Conway NH end. We were told that NH DOT is a whole new entity unto themselves and don't play well with their neighbors. David is exchanging emails hoping to make a bridge in that direction.

5. License and permits:

1. Oxford House Inn Liquor License renewal. No issues with police, Tom motioned and Ed 2nded to renew, motion carried 3-0 in favor
2. Mt Washington Valley Chamber of Commerce Special Events Liquor License for Agricultural Dinner between Weston's and Sherman's Farm. Tom motioned and Ed 2nded to grant Special License, motion carries 3 – 0 in favor
3. CMP Pole Permit at beginning of McNeil Rd. Tom motioned and Ed 2nd to approve, motion carried 3 – 0 in favor. Martin will take of.

6. New Business

- a. Accept Gift from Bike Rally. It will be placed at the Library. It is in the shape of a bike. The rack currently at the Library will be moved to the Town Office or Bradley Park, wherever it is needed most. Ed moved and Tom 2nded to accept gift, motion carries 3 – 0
- b. Town Office fence will be removed as it is currently unsafe. Tom moved and Ed 2nded to remove fence, motion carries 3 – 0
- c. Parks Committee had 2 resignations, Roland Wiley and Clyde Watson gave their resignations last month, and the Committee and Town accepted their resignations. It was suggested to let the Committee meet to sort out what they will do from here on out and they will come back to Town to let them know what they will do. The Committee strongly suggested that the Town recognize Roly for his 50 or so years of service, and knowledge, as

well as Clyde's knowledge and years of service. It was duly noted by the Selectmen. If there are any opening to be filled on the committee, they will be advertised, and the Selectmen will make appointments at the August 13 Special Town Meeting for any and all committees and boards needing them. The Chief of Police suggested that we have applicants make a list of qualifications they feel they have, and list the reason why they would like to be on that particular board or committee and go from there.

7. Old Business:

- A. River Barge Ordinance. Is it a policy or ordinance? Chief gave all selectmen a copy to look over. He would like to have changes/suggestions back by July 20th so he can present finished product at July 30 meeting for approval. The question was asked if we can do this or is the State supposed to, and the Chief responded that the State has nothing to do with the local enforcement. The proposed ordinance would have all barges register and make a cash deposit at Swans falls put in to keep the other put ins running smooth and quick. They would be required to go to Swans Falls to put in, because only 1 put in will be handling the cash. The Chief said that so far things are going smoothly. The rumor is out that there is more enforcement on the river. There is a 10 minute unloading time frame allowed and only 2 arrests so far this year. David Knapp thinks that a public hearing should be held regarding deposit for barges and that the money goes back into river enforcement.
- B. Review of correspondence with Police Chief: The attorney suggested having the complainant speak directly with the Chief, and since that time there has been no contact or correspondence (over 1 month). The chief feels that it is a dead issue and it didn't happen to start.
- C. PD Line item revision: The Chief reduced the Training and Reserve line. The chief has also put in for 2 more grants and is waiting to hear back. Also wants to remind the Selectmen that he has the paperwork for the NIMS 700 course they are required to take, so please see him prior to going online to complete the course.
- D. Land Use Violation enforcement: tabled to July 30 so Kate and Peter can speak about time and figures needed to enforce, also to see if court costs are recoverable.
- E. ICMA Conference and Manager's attendance: The managers contract provides \$2,500.00 for professional development for him each year the cost of registration for conference is around \$650.00 for registration around \$1,200.00 if travel motel and food are included. Sept 12- 16th this year in Montreal. Cliff would like to know what the town gets in return. Martin will bring in the agenda to the Selectmen to have them look it over to see if there is anything they would like to see him attend. Martin did let the selectmen know that he has already applied for his passport which will be needed if he is to attend.

- F. Pooper Scooper ordinance: Selectmen acknowledged that they dropped the ball on this. Not clear if it is enforceable or not. This ends up being like the town barrels relocating and painting. It needs to be done, but gets put on the back burner. The Selectmen will look over again and update at next meeting on July 30, and possibly hold a hearing on August 6th. Tom made a motion do that and then put on Special Town meeting agenda. It was 2nd and carried 3 – 0
- G. Comprehensive Plan Update and Land Use Ordinance update. Cliff requested the public record of the vote to resurrect this committee. He spoke with someone at the State Planning Office and he was told we just needed a review. The State has someone assigned to this area who will guide us through the review checklist for free. Why did we vote to expend \$7,000.00 to update and redo if this is offered for Free. Tom and Ed both said the public vote was in April, the same night that the \$10,000.00 was asked for and the steering committee appointed. The plan needs to stay consistent with Title 30A that was funded. The review is an unfunded mandate. Cliff wanted to make sure Tom and Ed understood that it just needs to be reviewed, and that there is a checklist to go by. Tom and Ed felt that we may not need to expend the money, but we need to go over the plan anyway to find out if we have to redo some sections. Cliff asked Tom for the list of people appointed to the Steering Committee. Tom started listing off: A O Lucy, Martin, Tom, Gene Bergoffen, Ted Raymond, David Andrew, David Hastings to name a few off the top of his head. Cliff is adamant that all we need is a review that is free, and wants a copy of the public record of appointment meeting. Ella and Martin to check the April 9th and 23rd minutes. Lisa Ackley will check hers too. Cliff does NOT want to "ReDo" Martin said it DOES have to be at least reviewed. Ed & Tom again stated: Have the Lady from the State come down to meet with the group and board of selectmen. We at least need to start the committee again and get more input. We want to get as many people involved as possible because it can be a long process. Bill Mosher asked "Isn't it cut and dried?" Ed and Tom both said yes, but you can decide to do more, it's a guideline and you should try to have the Land Use Ordinance mirror it so there isn't any question as to what you "meant" to do. You have to "fit" it to your town. There are issues in this one that we need to deal with. Cliff wanted to know what they were. Tom listed off where the growth of town is, where the affordable housing is where your zones are what do you want to be able to do in certain areas. Ken Brown is concerned that both Ted and Gene were forced off the Planning Board and both have recently criticized the board and how it is run. Cliff agreed. Tom would like to just get it going again. Have it like the last time where anyone who would like to be on it was on it. We need to educate the public on the need for volunteers. Place an ad in the paper

and add to committees. Cliff agreed to have an audience with the Lady from the State and he was to email a copy of the checklist he had to the other selectmen and Martin. Martin asked if it was ok to meet with members of the steering committee Monday morning or not. What does the board want me to ask them. It was ok'd by the board as long as the members knew that NO MONEY would be expended until after we meet with the Lady from the State. Martin will be meeting with them Monday morning between 9 and 9:30am.

H. Discussions over Cliff moves and it was 2nede to go into executive session regarding MSRS406E at 9:18pm