



**Selectmen's Meeting**  
**MINUTES - AMENDED ON May 20<sup>th</sup>, 2021**  
**Bristol Town Office, April 21<sup>st</sup>, 2021**

*Selectmen Present: Chad Hanna, Kristine Poland, Paul Yates*

*Also Present: Chris Hall (Town Administrator); Jessica Westhaver (Treasurer); Rachel Bizarro (Clerk); Laurie Mahan and Sandra Lane (Parks Commissioners); Lara Decker (Parks Director); John Stolecki, Robert Ball and Rick Poland Jr. (Harbor Committee); Paul Leeman, Jr. (Fire Chief); Scott Sutter (Fire Chief-nominee); Steve Lackovic (Shellfish Committee); Natasha Salvo; William Gerstmeyer; David Morse.*

The Board was called to order by Chair Hanna at 7.00 pm.

Report on Executive Session: Chair Hanna reported that the Board had met in Executive Session on Wednesday, April 14<sup>th</sup>, at 7 pm, to discuss personnel matters pursuant to M.R.S. Title 1, chapter 13, section 405.6.A. Hanna reported that in Executive Session the Board had agreed:

- To employment contract terms for the new Fire Chief;
- To defer a meeting of all departments' staff, previously discussed, until the completion of the ongoing compensation review;
- To bring the policy on use of municipal vehicles to this day's meeting for public discussion;
- To hold a further Executive Session, with the Town Administrator, on additional personnel matters.

It was moved by Yates, seconded by Poland, to approve the Minutes of the meeting of March 31<sup>st</sup>. Motion passed, 3 - 0.

**Bid Opening:**

Two bids were received for the replacement of the damaged metal roof on the Hanna Landing Storage Building, with a 24 gauge standing seam steel roof as follows:

- Williams Construction Company, \$27,630;
- Maine Highlands Contracting, \$67,657.

After verifying that both bids were for similar scopes of work and materials, and that both had supplied proof of insurance, it was moved by Yates, seconded by Poland, to accept the bid from Williams Construction Company in the amount of \$27,630.00. Motion passed, 3 - 0.

**Appointments:**

The Board reviewed and agreed to a Contract of Employment between the Town and Scott Sutter, as Fire Chief and EMS Director, Fire Warden, Director of Civil Emergency

Preparedness, and Compliance Officer. Chief-designate Sutter confirmed his agreement to the contract terms. It was moved by Hanna, seconded by Yates, to sign the Contract of Employment and to appoint Sutter as Chief effective May 1<sup>st</sup>, 2021. Motion passed, 3 – 0. Selectmen signed the Employment Agreement and the Certificate of Appointment.

Town Clerk Rachel Bizarro swore in Chief Sutter.

Poland read out the following proposed appointments:

To serve in office until the end of the 2022 Town Meeting:

**Comprehensive Plan Committee:** Rebecca Cooper, James Doherty, Peter Fischer, and John Stolecki.

It was noted that this brings the total appointments to this Committee to 19, the limit previously agreed. Chair Hanna noted that any interested residents would still be welcome to contribute their views and that all Town departments and Committees would be expected to work with the Comprehensive Plan review.

It was moved by Poland, seconded by Yates, to approve these appointments. Motion passed, 3 – 0, and Selectmen signed the Appointments.

### **New Business:**

2022 Maintenance Paving: Hanna reported that Hagar Enterprises was the only contractor to attend the Contractors' Pre-bid Meeting. They had submitted a bid as follows:

- Paving as specified on Pemaquid Point Loop, Benner Road, Southside Road, Poor Farm Road and Upper Round Pond Road, and at the Bristol / South Bristol Transfer Station and Town Garage: \$ 365,750
- Additional shoulder work, Benner Road: \$ 14,600.

It was moved by Yates, seconded by Poland, to accept Hagar's bids totaling \$ 380,350. Motion passed, 3 – 0.

West Strand Road: Referring to the shore erosion previously reported on Town land, affecting the private West Strand Road, Hall reported that Hagar had given an estimate of \$ 55,865 to stabilize the eroded area. He believed that residents of the road would be equally happy with the eroding section of the through road closed off to vehicular traffic, and noted the presence at the meeting of David Morse, a year round resident of the road.

Mr. Morse confirmed that his preference would be to place boulders at each end of the eroding section, roughly for 100 yards west from the intersection with Ridge Way.

In discussion, Chief Leeman noted that it might be best to maintain through access for emergencies, perhaps with a chain and Knox box. He and Chief Sutter will take a look at the road and report back with recommendations.

Mooring permit appeal: Natasha Salvo had written to the Board appealing the revocation of her Mooring Permit in Round Pond harbor. John Stolecki, chair of the Harbor Committee, explained that Ms. Salvo had breached the terms of her Permit in

allowing rental of the mooring for use by boats other than those described in the Permit; and she is now seeking to place a 36 foot boat on a mooring placed for a 22 foot boat. Ms Salvo said she appreciated Stolecki's clarity, but she regretted the way she was described in Harbor Committee meeting minutes. She wanted to confirm that the mooring hardware were hers to sell to the next user of that mooring space, which Stolecki affirmed. It was moved by Poland, seconded by Yates, to uphold the revocation of Ms. Salvo's mooring privilege as recommended by the Harbor Master. Motion passed, 3 – 0.

Shellfish Enforcement: Steve Lackovic, chair of the Shellfish Conservation Committee, reported an increasing amount of poaching in the Town's shellfish beds, which the limited number of hours of enforcement activity by the Sheriff's Deputies showed no sign of abating. He requested approval of the board to use his Committee's funds to contract for an additional Shellfish Warden, separate from the LCSO contract. The proposed contract would be with Brent Barter, who had served as Bristol's Shellfish Warden from 2009 to 2012 when he was employed by the Lincoln County Sheriff's Office. The Shellfish Committees of Bristol and South Bristol jointly proposed to fund up to 10 hours a week of his time, up to a maximum of \$3,000 for one year, to be split between the two towns. In discussion, it was clarified that the Committee has the funds available; the Warden would have the power to issue Summonses and confiscate gear of unlicensed harvesters. The Board expressed their support, and tabled the matter to May when a draft contract would be brought to the Board.

### **Old Business:**

Harbor Committee: John Stolecki requested input from the Board on their expectations for the current Harbor Committee review of the Town's Harbor Ordinance. He felt that changes in the Ordinance may be moot if there is no enforcement; the current issues around storage of floats on landings are derived from the lack of enforcement of the existing Ordinance, and of the agreements with the float haulers, rather than problems with the Ordinance itself.

In discussion, it was suggested by Chair Hanna that it may be best to take away the root cause of the problem by taking floats away from the Town Landings; the loss of income to Parks could be compensated by their charging the Harbor Committee for the cost of their crew maintaining the Landings. He suggested holding a hearing on whether to remove floats from storage on Town property. Stolecki agreed that might be the cleanest solution, but he felt the Town should be offering services such as this to residents. Stolecki also indicated support for a review, by the Comprehensive Plan Committee, of options for enforcement of Ordinances, in reply to a question from the Town Administrator as to whether it is time to consider a full-time Harbormaster with law enforcement credentials, as in many other coastal communities.

Poland asked if, in the light of this discussion, it makes sense for the Harbor Committee to continue their review of the Harbor Ordinance. Stolecki thought not. A final point was that it may be good to send information on mooring rules and availability to realtors in the area, as there is a good deal of misunderstanding or false assumptions of availability of mooring space on the part of homebuyers.

Policy on use of Town Vehicles: This matter was referred to the board by Town Office staff after insurance questions were raised when submitting details of the new Town vehicles (Fire and Parks). Because it involves the ‘take-home’ use of vehicles by the Fire Chief and the Parks Director, it had initially been discussed in Executive Session on April 14<sup>th</sup> but was referred to open session for resolution.

Poland referred to the Human Resources Policy Handbook section on Assignment of Municipal Vehicles, which has been in effect since 2016. This makes it clear that vehicles can be taken home only in cases where the employee has an officially designated 24-hour on-call status. The nature of the Fire Chief’s job description aligned with our current policy, and the board deemed it appropriate for this vehicle to be parked at the Fire Chief’s residence outside of normal office hours in the event of emergencies. Poland’s concern was that the Parks Director’s job description does not specify 24-hour on-call status. For the Parks Commission, Laurie Mahan and Sandra Lane confirmed that the Director is expected, and does in fact, respond at all hours to alarms and emergencies in the Town Parks. Hall offered to review the position’s job description and amend it to clarify the on-call expectation, and bring it back on May 5<sup>th</sup>.

Hanna suggested that until May 5<sup>th</sup>, Decker be allowed to continue to use the vehicle on a ‘take-home’ basis, as the job does require it. He moved to allow the use of the Parks Director’s vehicle on an interim basis while the position’s job description is reviewed. Yates seconded, and the motion carried, 2 – 1.

For the Parks Commission, Mahan asked if wider questions of cooperation with other Town departments could be placed on the agenda for May 5<sup>th</sup>.

Review of compensation structure: Poland reported that she had worked on this assignment this day with the Treasurer, Jessica Westhaver. They had not completed the salary review, but were close to completing a review of the Human Resources Policy Manual. They are close to a draft on overall compensation policy, and are working on salary structure for which they need input from the town’s Auditor, William Brewer. Hall asked at what point the Town Administrator would be brought into the conversation, and was assured he would be before any recommendations are brought before the Board. The matter was tabled to a future meeting.

### **Regular Business:**

Supplemental Tax Warrant: It was proposed by Poland, seconded by Yates, to approve Supplemental Tax Warrant number 2021-0001, on property at Map 008, lot 011-A, in the sum of \$663.12. Motion passed, 3 – 0.

Liquor Licenses: Selectmen reviewed applications for renewals of on-premise liquor licenses from The Anchor Inn and The Contented Sole. It was move by Poland, seconded by Yates, to approve both applications. Motion passed, 3 – 0.

Twenty-two applications were received from the 1812 Farm for Special Entertainment Permits. It was move by Hanna, seconded by Yates, to authorize the Town Administrator to delegate authority to approve Special Entertainment License Applications, on the understanding that he would bring any unusual or possibly controversial applications to the Board. Motion passed, 3 – 0.

Building permit applications were reviewed and approved for work at Map 002, lot 053;

Map 010, lot 058-G-3; Map 016, lot 025; Map 026, lot 002; and Map 033, lot 058.

Warrants: Selectmen reviewed and approved Payroll and Accounts Payable Warrants for the Town, Bristol Fire and Rescue, Bristol Consolidated School, the Parks Department, and the Bristol – South Bristol Transfer Station.

Correspondence: Hall reported a letter had been received from the Bureau of Alcoholic Beverages and Lottery Operations (BABLO), asking the Town to update its Local Option Authority for liquor licenses. The categories of license holder had changed since the town passed its Ordinances in 1968 and 1975, as a result of which some Bristol establishments technically lacked standing to serve alcohol. The Legislature had given BABLO a deadline to regularize all Towns' Local Option Authority of July 1, 2022, and around 340 towns will have to hold a vote to clarify their status. Hall circulated the wording needed, which Bristol could vote upon at the March 2022 Town Meeting. This will be added to the list of prospective Warrant Articles for 2022.

Public Comments: Poland asked about a meeting attended by members of the Fish Committee and Parks Commission on Monday, April 19<sup>th</sup>. Hall reported that it had been called by the fish ladder contractors, to invite input for the landscape architect working on the park layout for the fish ladder. Poland reminded everyone that meetings that involved a quorum of a committee's members required public notice, even if no formal business was transacted.

Poland also asked why all Town Officials had not been invited to the gathering on Sunday April 18<sup>th</sup>, at which Fish Committee member Rick Poland and Chair Hanna had ceremonially opened the fish ladder gate. Hall noted this was not a meeting of the Selectmen, which would require notice; it was deliberately low key because of Covid and scheduled at short notice to allow for the weather and the schedule of the Fish Committee chair. While word of mouth had spread, no advance notice had been given by the Town other than to the Fish Committee volunteers and the Lincoln County News. Poland asked Yates how he became aware of the event. Yates noted that he saw activity as he was driving by and decided to stop. Town Clerk Rachel Bizarro expressed disappointment that the fish counters were not notified of the event.

Westhaver noted that a stretch of Old Route 130, proposed for access to a new solar array on the Hanley property, had not been officially discontinued by vote of the Town. This was added to the list of items for a future Town Warrant. Westhaver also asked the Board for a short Executive Session to discuss a personnel matter.

Chief Sutter noted that there exists a parking problem adjacent to Reilly's Market which is creating access restrictions that may be hazardous in an emergency. Yates noted that this week the temporary bank structures are being removed, which may improve the situation.

The Chair gave notice of forthcoming Public Meetings as follows:

- Harbor Committee, Thursday, April 22<sup>th</sup>, 5.00 pm at Bristol Town Office
- Comprehensive Plan Review Committee, Tuesday April 27<sup>th</sup>, 7.00 pm at the Town Office

- Shellfish Committee, Monday, May 3<sup>rd</sup>, 6.30 pm at the Town Office
- Parks and Recreation Commission, Tuesday, May 4<sup>th</sup>, 5.30 pm at the Ellingwood Information Center
- Selectmen, Wednesday, May 5<sup>th</sup>, 7.00 pm at the Town Office

It was noted that Selectmen should attend the first meeting of the Comprehensive Plan Committee, on April 27<sup>th</sup>.

It was moved by Hanna, seconded by Yates, to enter into Executive Session pursuant to M.R.S. Title 1, chapter 13, section 405.6.A to discuss a personnel matter as requested by Westhaver. Motion passed, 3 – 0, and the Board entered Executive Session at 9.15 pm.

The Board came out of Executive Session at 9.28 pm, and Chair Hanna announced that no action would be taken as a result.

There being no further business, the Board adjourned at 9.29 pm.

Respectfully submitted,

Chris Hall  
Town Administrator