

**BOARD OF SELECTMEN/BOARD OF ASSESSORS
MEETING MINUTES
January 7, 2014**

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

CALL TO ORDER: 6:32 p.m.

ROLL CALL: Chairman O'Connor, Selectman Crichton, Selectman Ganiere, Selectman Haley, Selectwoman Murphy

OTHERS PRESENT: Town Manager Patrick Venne, Town Clerk Jo Anne Lepley

II. APPROVAL & SIGNATURE OF MINUTES

a. December 20, 2013 Special/Rescheduled Regular Meeting

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to approve the Special/Rescheduled Regular Meeting Minutes of December 20, 2013.

The motion carried unanimously; 3 – 0. (Ganiere and Haley were absent from that meeting)

III. FIRST PUBLIC COMMENT - NONE

The moving of agenda Items IVf, VIIIb, IXd, VIIIa, IXa, IXb, VIIa, and VIIb was discussed and approved by consensus of the BOS.

IV.f. Introduction of new Customer Service/Water Billing Clerk Margaret Price

The Town Manager introduced Margaret Price, the new Customer Service/Water Billing Clerk. The BOS welcomed Ms. Price.

VII.b. BOS to consider Planning Board appointment (alternate) of David Dow

Chairman O'Connor inquired as to whether or not Mr. Dow had prior experience on a Board or Committee and Mr. Dow answered that he did.

Motion: It was moved by Selectman Haley and seconded by Chairman O'Connor to not appoint Mr. Dow at this time.

Selectman Haley stated that he felt Mr. Dow did not have the qualifications. Chairman O'Connor asked Mr. Dow if he was familiar with the Town's Land Use Ordinance. Mr. Dow stated that he was not familiar with the Land Use Ordinance but he was familiar with construction and building development.

Selectman Ganiere asked why he was interested in the alternate position. Mr. Dow stated that he was retired and was looking for something to keep him busy.

Selectwoman Murphy stated that she was not concerned with the lack of experience.

Selectman Crichton suggested that this matter be tabled until the next meeting.

Tom Wright and Frank Underwood both spoke on how the Town is run by its citizens and there had never been an "experience" criteria to serve on a the Planning Board.

Selectman Haley stated that he would retract his motion and follow Selectman Crichton suggestion to table.

Selectman Haley retracted his motion and Chairman O'Connor retracted his second.

Motion: It was moved by Selectman Haley to table this item until the next meeting.

There was no second, the motion died.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to appoint David Dow as an Alternate Planning Board member.

The motion carried on a vote of 4 – 1. (Haley)

IX.d. License Renewals (2): Maureen Townsend, Licensed Massage Therapist, Applicant
Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton for the BOS to approve the renewal of Maureen Townsend's requested therapeutic massage license, for Maureen Townsend, LMT, located at 295 Route 236 in Berwick, until December 31, 2014.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy for the BOS to approve the renewal of Maureen Townsend's requested therapeutic massage establishment license, for Maureen Townsend, LMT, located at 295 Route 236 in Berwick, until December 31, 2014.

The motion carried unanimously; 5 – 0.

VIII. Budget Committee appointments

Mr. Ernie Creveling was in the audience and he came forward and gave some of his background information regarding budgeting experience. Mr. Creveling was the Town Administrator for the Town of Farmington, Maine and is currently the Administrative Services Director for the Town of Raymond, New Hampshire.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to appoint Ernie Creveling to the Town of Berwick Budget Committee for a term to expire on July 1, 2014 upon the commencement of Fiscal Year 2015.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to appoint Christine Dudley to the Town of Berwick Budget Committee for a term to expire on July 1, 2014 upon the commencement of Fiscal Year 2015.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to appoint Sharon Royce to the Town of Berwick Budget Committee for a term to expire on July 1, 2014 upon the commencement of Fiscal Year 2015.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to appoint Tammy Cole to the Town of Berwick Budget Committee for a term to expire on July 1, 2014 upon the commencement of Fiscal Year 2015.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to appoint Mark Pendergast to the Town of Berwick Budget Committee for a term to expire on July 1, 2014 upon the commencement of Fiscal Year 2015.

The motion carried unanimously; 5 – 0.

IX. a. FY 13 Audit Presentation

The Town's audit firm, RHR Smith, was represented by Bruce Nadeau. He reviewed the Balance Sheet and explained the Town's current expenditures/income ration using charts. Mr. Nadeau's three recommendations were:

1. Grow the surplus
2. Develop a "Fund Balance Policy."
3. Develop a "Capital Plan."

IX. c. MS4 Stormwater Presentation by Integrated Environmental, Inc.

Kristen Rabasca, President of Integrated Environmental Engineering gave a presentation regarding the Town's storm water program. She went over the history of the MS4 Permit and the requirement to have a 5-year Stormwater Program Management Plan. This presentation meets the Public Education & Outreach requirement.

VII. a. BCTV Committee Update – Q&A Period for Committee’s Operational Plan

Derek Gould, Terri and Tom Wright were present to represent BCTV. Selectman Haley had a question regarding the stipend. Mr. Gould stated that they had learned from other community television providers that they should ask for a 5% stipend from Comcast because that is what Comcast budgets for community television. By only getting 2.5% Comcast is keeping 2.5%. It can be asked for when renegotiating the franchise. Selectman Haley asked about the numbers for employee withholding. Ms. Wright explained where she had got those numbers from. Selectman Haley stated that he supports the BCTV proposal.

Chairman O’Connor had questions about raising additional revenues. Mr. Gould stated that similar to PBS, they could sell memberships and sponsorships.

Selectman Ganiere stated that he approved of the plan.

Paul Boisvert stated that he wanted to give the plan his personal support and felt that the Town underutilized the BCTV.

There was discussion about the lack of the BCTV Committee to recruit volunteers.

VII. b. Downtown Vision Committee Update

Frank Underwood represented the DVC. Mr. Underwood stated that the Final Comments should be ready to present at the January 21st BOS meeting. The committee is aware of the timeline for preparing warrant articles. Mr. Underwood touched on the meetings and activities of the DVC and its subcommittees.

1. The DVC has approximately \$1200 left in its budget and that would enable a “direct mailer” to the residents. The committee discussed both a “fact” sheet and a FAQ sheet.

2. January 2nd they met for two workshops at the high school. They presented to the teachers to incorporate some of the new ideas into their curriculum.

3. The Trails Committee has done a great job with Facebook.

4. The Economic Development Committee was looking into funding-grants.

5. The Sustainability Committee will be holding three indoor Farmers Markets on January 19th, February 16th, and March 16th.

6. The River committee meets January 8th and will be coming before the BOS on January 21st.

Paul Boisvert of the Preservation Committee stated that they are looking into a plan to match fallow farmland with prospective farmers.

At this point there was a discussion on “order of business” in Board Rules Section 6. The consensus of the BOS was to put it on the next agenda for possible amendments.

Chairman O’Connor inquired about the ice-rink and if it was still being installed. The Town Manager stated that he believes it is still going forward.

IV. COMMUNICATIONS

a. Department Updates – No Discussion

b. YCCAC Letter RE: Transportation for MaineCare recipients - FYI

c. FEMA Flood Rate Insurance Map Amendments Meeting – No Discussion

d. Safety Committee Meeting January 15, 2014

The Town Manager has formed a Safety Committee as recommended by MMA. There has been a meeting scheduled for January 15th with Lance Lemieux of MMA Risk Services. The Town Manager has also requested a voluntary Safety Audit through the Maine Department of Labor. This will trigger a grace period for compliance with applicable requirements.

- e. **Potential municipal revenue through encumbrance of Town-owned assets**
This item was an FYI item to show ways for the BOS to contemplate raising revenues in ways other than property taxes.

Frank Underwood stated that he had received permission to go into the Prime Tanning Building. Everyone was welcome to come. The DVC will be looking for historical items along the lines of the chimney. The tour will be January 11th at 9 a.m.

- f. **Introduction of new Customer Service/Water Billing Clerk Margaret Price – Moved up earlier in agenda**

- g. **Follow up on HVAC improvements**
The Town Manager updated the BOS on the HVAC improvements. Mr. Nichols of AEC has agreed to work with the Town as a qualifying partner for working toward attainment of funding for particular measures through Efficiency Maine (grant) and Efficiency Made Easy (incentive program). Mr. Nichols will draft a “memorandum of understanding.” The mou does not obligate any funding. Mr. Nichols is also looking into the incentive program in other communities to see if it is something which would benefit the Town. Mr. Nichols will be making other copies of the HVAC report available.

V. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

TW	1426	\$14,785.23
PW	1426	\$43,724.58
WW	1426	\$4,442.24
TW	1427	\$642,680.51
PW	1427	\$44,587.29
TW	1428	\$74,629.32
PW	1428	\$47,021.91

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to accept the Accounts Payable Warrants as submitted.

VI. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS – NONE

VII. REPORTS OF COMMITTEES

- a. **BCTV Committee Update – Q&A Period for Committee’s Operational Plan – Moved up earlier on the agenda**
- b. **Downtown Vision Committee Update – Moved up earlier on the agenda**
- c. **Rec Committee Update – NONE**

VIII. UNFINISHED BUSINESS

- a. **Budget Committee appointments – Moved up earlier on the agenda**
- b. **BOS to consider Planning Board appointment (alternate) of David Dow - Moved up earlier on the agenda**
- c. **Board to consider amended budget schedule**

Town Manager explained that he had moved the Police and Fire budgets to a non-regular meeting night. The consensus was to leave the Town Clerk's Office budget on February 18th. If two BOS members would be absent there would still be a quorum.

d. **Signature of Board Rules following unanimous modification of Rule #7 on 11/19/13**
It was discussed earlier to add the discussion of order of business to the next meeting agenda and postpone this item until after any changes are made.

e. **Signature of revised and approved contract with American Ambulance of New England**

The Town Manager explained that there had been two typographical errors noted on the last copy signed and that he had removed them and brought the contract back for signing. It is not necessary to sign due to the fact the correction did not change any wording or meaning.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Haley to sign the amended contract.

The motion carried on a vote of 4 – 1. (Murphy)

IX. NEW BUSINESS

a. **FY 13 Audit Presentation – Moved up earlier on the agenda**

b. **MDOT's Request for Agreement to Allow Municipal Overlimit Permit re: Rochester St.**

Motion: It was moved by Selectman Ganiere and seconded by Selectman Haley to accept or sign the MDOT request for Municipal Overlimit Permit.

The motion carried unanimously; 5 – 0.

c. **MS4 Stormwater Presentation by Integrated Environmental, Inc. – Moved to earlier in the agenda**

d. **License Renewals (2): Maureen Townsend, Licensed Massage Therapist, Applicant - Moved to earlier in the agenda**

X. ABATEMENTS/SUPPLEMENTALS

a. **Abatement Request RE: Tax Map U003, Lot 23-A**

Motion: It was moved by Selectman Haley and seconded by Selectman Crichton to approve as submitted the Abatement Request RE: Tax Map U003, Lot 23-A.

The motion carried unanimously; 5 – 0.

XI. FIRE DEPARTMENT STUDY IMPLEMENTATION

a. **Policy Level Recommendations:**

i. *Board to consider public nature of facilitated discussion*

There was discussion based on the recommendation of Attorney Bryan Dench to not hold the facilitated discussion in public. After several minutes, the discussion ended and the BOS moved on in the agenda in order to go into Executive Session for further discussion of this matter.

XII. SECOND PUBLIC COMMENT - NONE

XIII. OTHER BUSINESS / NON-AGENDA ITEMS

The Town Manager announced Town Planner John Stoll had tendered his resignation with five months' notice (until July 1, 2014). There was a short discussion as to how or if to fill the position.

XIV. POTENTIAL EXECUTIVE SESSIONS

a. **Prime Tanning Material – 1 MRS 405(6) (C)**

b. **Facilitated Discussion RE: Berwick Fire Department – 1 MRS 405(6) (E)**

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to enter into Executive Session per 1M.R.S. 405(6) (C) – Consultation between the Board and special legal counsel Patrick Venne concerning its legal rights and obligations.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to enter into Executive Session per 1M.R.S 405(6)(E) for Facilitated Discussion RE: Berwick Fire

Department.

The motion carried unanimously; 5 – 0.

XV. ADJOURMENT

The BOS adjourned from regular meeting to go into executive session at 10:00 p.m.

The January 7, 2014 BOS Meeting Minutes

Signed as approved at the Board's January 21, 2014 Meeting

On behalf of the Board

A handwritten signature in black ink, appearing to read "Bryan O'Connor", written over a horizontal line.

Bryan O'Connor, Chairman, Berwick Board of Selectmen