

Town of Berwick
Board of Selectmen/Board of Assessors
Regular Meeting
October 15, 2013
6:30 P.M.

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

CALL TO ORDER: 6:30 P.M.

ROLL CALL: Chairman O'Connor, Selectman Crichton, Selectman Ganiere

ABSENT: Selectwoman Murphy, Selectman Haley

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

II. APPROVAL & SIGNATURE OF MINUTES

- a. October 1, 2013 for consideration & September 17, 2013 for signature as corrected
Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the October 1, 2013 as submitted.

The motion carried unanimously; 3 – 0.

III. FIRST PUBLIC COMMENT

Michael Wright, Great Works Regional Land Trust – Mr. Wright went over the history of the working relationship between the Town of Berwick and the Great Works Regional Land Trust and stated that he hopes that it will continue to grow. Mr. Wright invited the Town's citizens to attend the dedication and opening of their first trail in Berwick on Sunday, October 27th at 1:00 p.m. The trail is located off of the unpaved section of Diamond Hill Road.

Mark Pendergast – Mr. Pendergast spoke about the possible recall petitions and his concern that the Police Department Study implementation was not completed and that the Fire Department study may also go unaddressed.

[At this point the BOS agreed to move up the Recreation Policy and the Planning Board application]

- a. **Rec Committee Policies re: Tobacco Use and Dogs at Memorial Field**
There was discussion regarding whether the BOS should approve this as a "Policy" vs. an "Ordinance." It was the consensus of those present to bring back the overall "Use" Policy at a later date.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve the Tobacco Policy as submitted.

The motion carried unanimously; 3 – 0.

Recreation Director Kim Taylor was given this opportunity to give the Recreation Committee Update:

Ms. Taylor went over the plans for the annual "Trunk-n-Treat" and the repair of the sprinkler system at the recreation field.

- b. **Board to consider Planning Board Application of Mr. Arthur Ream III**

The Town Manager stated that there was a current Alternate Planning Board Member position which needed to be filled. Mr. Arthur Ream III applied for the position; his resume was included in the BOS packet.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to appoint Arthur Ream III to the open Alternate Planning Board position.

The motion carried unanimously; 3 -0.

IV.

COMMUNICATIONS

a. Departments Update

Fire Department

1. Crew chief Dave Reynolds has announced that he plans to retire.
2. There were 15 applicants for on-call fire fighters and 7 applicants were chosen as finalists. Interviews have been scheduled for October 17, 2013 from 9am – 5pm.
3. The Fire Department, Police Department and Berwick Volunteer Fire Fighters Association is working together for Fire Safety Day at the Knowlton School.
4. There were 21 calls for service during this reporting period.

Finance Department

1. The MUNIS contract expires in 2015 and the Finance Department is looking at into options.
2. The Finance Department is awaiting the Final Audit.
3. Transfer of banking services to Kennebunk Savings should be completed by the end of October.
4. The Finance Department has been working on standardized budget templates.
5. A budget schedule is in the works.

Police Department

1. The Town Manager and Police Chief will be interviewing 11 candidates on October 22, 2013.
2. The new Police Cruiser was delivered.
3. There was a temporary solution to the parking issue at Hussey School; the recreation field was used.
4. The Police Chief recommends a policy be developed regarding road races and parades.
5. The Disorderly Housing Ordinance is being enforced. The Town Manager attended a meeting in Portland where this Ordinance originated. According to Attorney Trish McAllister, the City of Portland has had success in enforcing their ordinance, but they have an individual dedicated to its enforcement and a court that sets aside a specific date and time for hearings on those matters.

Planning Department

1. The Planning Board approved a minor sub-division on Wentworth Road and adopted “Findings of Fact” on the CMP Substation as well as an “Agricultural Change of Use” put forward by David Kathios on Route 9.
2. The Downtown Vision Committee will have its draft report completed by the end of October.

Public Works

1. The Department is still mowing, although now on a reduced schedule.
2. The parking signage near the Hussey School is being cleaned and reinstalled.
3. The contractors who bid on the Diamond Hill Road project have been notified of the delay in moving forward.

Recreation Department

Presented earlier in the agenda.

Town Clerk's Office

1. Tax payments began to come in.
2. Due to the Maine Sales Tax increase from 5% to 5.5% on October 1st, the vehicle registrations were dominated by people who bought new or new to them vehicles. The process for new vehicle registration is long and time consuming. We apologize for any

inconvenience to other customers who had to wait longer than usual while this was occurring.

September 2012 Excise Tax Total: \$71,548.93

September 2013 Excise Tax Total: \$89,687.57

This is an increase of \$18,138.64.

Water Department

- 1. The Chief Operator has instituted an “on call” system which ensures at all times someone will be available by phone and within 30 minutes of the Treatment Plant 24/7 if needed.
- b. **MDOT Info RE: Process for Installation of Rumble Strips – Rte. 4**
MDOT (Maine Department of Transportation) has awarded a contract for the installation of centerline rumble strips on Route 4 to Surface Preparation Technologies LLC of Pennsylvania. Residents with questions or concerns on the installation may contact MDOT representative Clem Baxter at 207-215-3802, or contact the Town Manager.
- c. **Budget Committee Information**
The BOS packet contained an old but informative article written for the Maine Municipal Association on various approaches to budget committees around the State. The Town Manager will bring his recommendations for a budget committee to a future meeting.
- d. **Town Manager’s Efficiency Efforts – Response to inquiry of Resident Mike Reed**
The BOS agenda packet included a written response to Mike Reed’s question of the Town Manager’s time and how it is spent.
- e. **Clarification of Value Assessments for Higher-end Properties**
The BOS agenda packet included an explanation from Municipal Resources, Inc. (the Town’s contracted assessor), on how the properties in Berwick are assessed. The concern that higher-end homes are undervalued does not appear to be justified. In each of the three most recent years, assessment indications for homes have been within the acceptable range for purposes of establishing equitable assessments.
- f. **Additional Information on BSD request for water usage rates**
Due to the MUNIS software billing system, the Town was unable to accommodate the BSD’s request. The Finance Department, the BSD IT engineer and Mr. Wheeler will meet to see if they can devise what information is needed and how to extract the information from MUNIS.
- g. **Status of No Parking Sign in front of Stone Agency**
The missing sign was located and reinstalled on October 10, 2013.
- h. **MDOT Letter RE: Repairs to Messenger Bridge, Vicinity of Pine Hill/Little River roads**
The letter received from MDOT outlines the current repairs begun on October 6, 2013. The bridge will be open during the project, but will have two lanes of reduced width from the concrete barrier used to protect workers.

V. **APPROVAL OF ACCOUNTS PAYABLE WARRANTS**

TW	1414	\$619,124.91
WW	1414	\$3,772.50
PW	1414	\$37,217.16
TW	1415	\$120,102.48

TW	1415A	\$2,017.49
WW	1415	\$1,209.20
PW	1415	\$37,872.90

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to accept the warrants as presented.

The motion carried unanimously; 3 – 0.

VI. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS - NONE

VII. REPORTS OF COMMITTEES

- a. BCTV Committee Update - None
- b. Downtown Vision Committee Update - None
- c. Rec Committee Update – Moved up to earlier in the agenda.

VIII. UNFINISHED BUSINESS

- a. **Selectmen to Open Sealed Bids in Response to Ambulance Services RFP**

There were to responses:

- 1. South Berwick Rescue
 - Ambulance Service – \$64,800
 - One Dedicated Ambulance with additional staff - \$182,520
- 2. American Ambulance
 - Dedicated Ambulance - \$492,000
 - Dedicated Service – 39,000
 - Dedicated Paramedic – 270,000

There were questions concerning the prices and whether the insurance companies and patients will be charged more if the Town subsidy was less. There was discussion about whether to have separate meetings in Executive Session or have an open meeting with both present.

It was consensus of the BOS to have representatives from both South Berwick Rescue and American Ambulance either at the next meeting or November 19, 2013.

- b. **Board to determine whether to meet on November 5, 2013 – Election Day**
The consensus of the BOS was to reschedule the November 5, 2013 BOS meeting to November 6, 2013.
- c. **Town Manager's Public Probationary Period Evaluation – postponed**
Mark Pendergast – Mr. Pendergast spoke on behalf of the Town Manager. Chairman O'Connor was concerned about having this item continued. Chairman O'Connor suggested that the rescheduled meeting on November 6, 2013 should be limited to the Town Manager's evaluation and the Ambulance Contract.
It was the consensus of the BOS to limit the agenda to Accounts Payable, any other pertinent Town business, Ambulance Contract discussion and the Town Manager's evaluation.

IX. NEW BUSINESS

- a. **Rec Committee Policies re: Tobacco Use and Dogs at Memorial Field – Moved to earlier in the agenda.**
- b. **Board to consider Planning Board Application of Mr. Arthur Ream III – Moved to earlier in the agenda.**
- c. **Board to Consider MDOT Contract RE: Rte. 9 Bridge Lighting**
The Town Manager presented an agreement that had been rewritten by MDOT regarding the Route 9 Bridge Lighting.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to the Town Manager authority to sign the agreement.

The motion carried unanimously; 3 – 0.

d. **Board to Consider waiving formal bid requirements re: Public Works Loader**

The Town Manager explained his request for waiving formal bid requirements for the Public Works Loader. It appeared that there is a “sole provider” situation with Mick’s Bodyworks being the “sole provider.” Audience members Mike Reid and Mark Pendergast made suggestions that could possibly be more cost effective.

Motion: It was moved by Chairman O’Connor and seconded by Selectman Ganiere to waive the formal purchasing policy and to have the Town Manager go out to bid to see what work is needed and bring back at a later date.

The motion carried unanimously; 3 – 0.

X. **ABATEMENTS/SUPPLEMENTALS - None**

XI. **FIRE DEPARTMENT STUDY IMPLEMENTATION**

a. **Policy Level Recommendations: Nepotism Policy**

Due to not having a full BOS present; it was decided by those present to have a discussion but not to have an action vote.

The Town Manager explained that the New Policy mirrors the State’s Nepotism Policy and uses a 4th degree of sanguinity to decide nepotism. The Town’s attorney researched the legality of retroactively applying the policy and his conclusion was it cannot be done.

b. **Manager’s Update on Administrative Aspects: *Recruitment Schedule***

This item was under Fire Department Update. (Manager’s Update on Administrative Aspects is an ongoing agenda item)

XII. **SECOND PUBLIC COMMENT**

Karen Chandler – Ms. Chandler suggested the use of a hand mike. Ms. Wright of BCTV stated that the current camera set-up would not allow her to follow the speakers with a hand mike.

Mike Reid – Mr. Reid suggested changes to the agenda to allow items citizens may be interested in to be placed earlier.

Tammy Coles – Ms. Coles stated her concerns regarding the Messenger Bridge construction and the width of the bridge for two lanes during the project.

XIII. **OTHER BUSINESS / NON-AGENDA ITEMS**

1. The Town Manager updated the BOS on the status of moving forward with a “facilitated” discussion as recommended in the MRI Report. There are several expert facilitators and the Town Manager is compiling a list of contacts. The consensus was to address this further at the November 19, 2013 Regular meeting.

2. Chairman O’Connor mentioned the Comcast rate change for reactivations.

3. Chairman O’Connor stated that he wanted Crew Chief Reynolds to be recognized for his twenty-plus years of volunteer service. The consensus was to present him with a letter and a plaque.

4. The Town Manager went over the State’s “Certified Business Friendly” program/application. The consensus was to apply for the May 3, 2014 deadline.

XIV. **EXECUTIVE SESSION – The Town Manager stated that these two items could now be discussed in public**

a. **Info update re: riverfront land at Map 5, Lot 21-1 off Rochester Street
1 M.R.S. 405(6) (C)**

The owner of this property has decided to ask the original price of \$29,000 for this particular property. This would have to go before the voters at Town Meeting. It may still be on the market at the time of the next Annual Town Meeting. A Special Town Meeting with a ballot vote would have costs associated.

**b. Status of Land at Former Site of Prime Tanning According to Fund of Jupiter
1 M.R.S. 405(6) (C)**

The current role of the BOS is that of "gate keeper" for what the Town would like to see happen with the property. The Town Manager suggested the engagement of Town Attorney Bryan Dench in the process. Chairman O'Connor stated that he wanted Town to be pro-active. Selectman Crichton stated that a meeting with Mr. Dench would be beneficial and his expertise invaluable.

XV. ADJOURNMENT

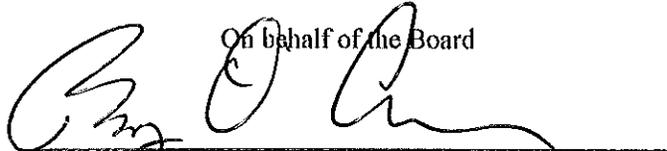
Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to adjourn.
The motion carried unanimously; 3 – 0.

The meeting adjourned at 8:56 p.m.

The October 15, 2013 BOS Meeting Minutes

Signed as approved at the Board's November 06, 2013 Meeting

On behalf of the Board



Bryan O'Connor, Chairman, Berwick Board of Selectmen