

BOARD OF SELECTMEN/BOARD OF ASSESSORS

MINUTES

November 19, 2013 Regular Meeting

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

CALL TO ORDER: 6:31 P.M.

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

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

II. PUBLIC HEARING ON GENERAL ASSISTANCE ORDINANCE ADOPTION

The Public Hearing was opened at 6:32 p.m. Chairman O'Connor stated that the Hearing was for:

- a. Adoption of Appendix B – Food Maximums
- b. Adoption of General Assistance Ordinance 2013

There was no public comment.

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to close the Public Hearing.

The motion carried unanimously; 5 – 0.

(The Public Hearing was closed at 6:34 p.m.)

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to adopt Appendix B – Food Maximums and adopt General Assistance Ordinance 2013.

The motion carried unanimously; 5 – 0.

III. APPROVAL & SIGNATURE OF MINUTES

a. **October 30, 2013 Special Regional Meeting Workshop & November 6, 2013 Special Meeting**

Motion: It was moved Selectman Haley and seconded by Selectman Crichton to approve the October 30, 2013 Special Regional Meeting Workshop minutes as published.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to approve the November 6, 2013 Special Meeting minutes.

Selectman Haley wished to add under Article 7-a "Selectman Haley also generally objected to writing the Grant prior to getting the property owner's consent." Selectman Crichton stated that it was his understanding that the grant contained the consent issue as a mandate and due to time constraints this grant was moved forward. Selectman Haley stated that the "last minute" nature of applying for grants is a concern. In that instance, the "trampling of landowner rights" had him concerned.

Selectwoman Murphy withdrew the motion:

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to approve the November 6, 2013 Special Meeting minutes with amendments.

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

Moment of Silence

Chairman O'Connor requested a moment of silence in recognition of the passing of Berwick resident Ted Lageaux.

Chairman O'Connor requested a moment of silence in recognition of the passing of Berwick resident and Transfer Station employee Gene Cole.

IV. FIRST PUBLIC COMMENT

Michael LaMontagne – Mr. LaMontagne wished to speak about the frequency with which he pays his water bill. Mr. LaMontagne was told that he could pay his water annually if he so chose. A check was given to the Town Clerk to cover four quarters of the base rate charged.

Ruth Bleau – Ms. Bleau spoke on behalf of the Berwick Art Association. The Association will be holding its first art fair on Saturday, November 30th, at the Summit Church from 10 a.m. until 4 p.m.

Serena Galeshaw – Ms. Galeshaw spoke on behalf of the Sustainability Sub-committee. She went over the committee's plans for a possible winter Farmer's Market at Town Hall. The Town Manager stated that he was working with Jessica Sheldon on this matter.

- Dave Stolpe** –
1. The sensor activated light at the bridge intersection is broken again.
 2. The BOS agenda is too long; the issues people are interested in should be at the beginning.
 3. He questioned the Transfer Station container for leaves that are then shipped.

Item "a" under New Business was moved up to this time on the agenda.

a. Amendment to Waste Management Contract Rates - Pete Lachapelle of WM to Present

Mr. Lachapelle explained that the proposed amendment was in regards to how the single-stream recycling was priced. Under the current contract, the price was tied to an index that was based on speculation versus a new pricing that was tied to the actual contracts for the processing. A typographical error was discovered and will be changed. Selectman Haley wished to state that the Town of Berwick does recycle, but pays a little extra for the privilege of not having to sort at home or at the Transfer Station by using Waste Management's "single-stream" system.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to authorize the Town Manager to sign the amendment to the Waste Management Contract as amended.

The motion carried unanimously; 5 – 0.

Item "c" under Unfinished Business was moved up to this time on the agenda.

c. Board to hear presentation by Tim Nichols of AEC Engineering re: HVAC options at Town Hall

Mr. Nichols presented AEC's findings of the building audit. The Town Hall is in good shape Structurally, but the heating, cooling and electrical systems are not. The boiler's reliability is in question; the liner is cracked and it is leaking. The buildings "envelope" is in need of weatherization, which currently does not meet code standards.

Selectman Haley asked if the condition of the boiler was a danger to staff. Mr. Nichols stated that it was not a danger to staff so much as the amount of damage that could happen if the boiler stopped working and the pipes froze or burst causing water damage.

Mr. Nichols went over the possible available grants that would help defray some of the costs of fixing some of the costlier suggestions in the study. Selectwoman Murphy asked about the "life" of windows stating that some of the windows had been replaced in the 1980's. Mr. Nichols stated that it depends on several factors and suggested other ways to weatherize the windows.

Mr. Underwood asked if there was information regarding the underground oil tank and Mr. Nichols stated that he did not have that information.

Ms. Bleau had questions regarding the financing and cost of geothermal systems.

Chairman O'Connor suggested that the BOS should go with the recommendation of having the boiler Monitored and to reinstate the Buildings Committee. The consensus of the BOS was to have the Town Manager look into a monitoring system. The consensus of the BOS was to also bring back the Building Committee. The consensus of the BOS was to look into grant funding.

V. COMMUNICATIONS

Chairman O'Connor suggested that the BOS read the Town Department Updates on their own and address any questions they may have to the Town Manager and to not read this section line by line. The BOS members concurred.

a. Town Department Updates

1. Fire Department

2. Finance Department

3. Police Department

3. a. New Berwick Police Officer, Adam Watson, was introduced to the BOS.

3. b. Selectman Haley asked if the Berwick PD was still actively looking for Berwick resident vehicles that are registered in New Hampshire. Chief Towne was present in the audience and explained that they were and went over the process that it takes to complete that type of investigation.

4. Public Works

Chairman O'Connor suggested that the Fire Chief and Police Chief be involved in the process of prioritizing road paving projects.

5. Planning Department

Selectman Haley found it interesting that the professor who spoke at the conference regarding York County did not mention taxation.

6. Recreation Department

7. Town Clerk's Office

8. Water Department

b. Worker's Compensation Premium Increase

The Town was recently notified that its "experience mod" increased from .97 in 2013 to 1.35 for 2014. This is 37.8% increase and the 2014 premium is estimated to be \$78,108. This increase was not budgeted for and will negatively impact the 2014 budget. The Town will have to find savings in the General Expense budget to cover this shortfall or ask at Town Meeting to cover the overage with unassigned fund balance. The anticipated overage amount is \$16,000. The MMA's Risk Management Services looks at a three year history of worker's comp claims to determine the mod. The Town has had three losses over \$10,000 in 2011 and 2012 and these losses will affect the Town's worker comp premiums for the next few years.

The Town will be working with MMA's risk Management Loss Control division to develop plans to reduce the number of worker's comp claims.

c. Economic Forecast for York County

The Town Manager went over the pertinent information for Berwick. A memo was included in the BOS packets.

d. Resident Michael LaMontagne to Speak on Town's Water Billing Practices – This was addressed under public comment.

e. Land Acquisition Potential Update/Appointment of informal River Committee Members

The Town Manager updated the BOS on what had transpired since the last regular meeting. The Town Manager, Recreation Director Kim Taylor and resident Dennis Dupuis have toured the proposed land and have had discussions regarding the City of Somersworth's proposed plans. Kim Taylor and Code Enforcement Officer Joe Rousselle have met with Chris Coppi of Maine DEP to discuss permitting and regulations.

The Town Manager and BOS discussed the request by residents to form a riverfront committee. The BOS consensus was to officially sanction the committee and to have the committee advertisement posted on the website.

VI. APPROVAL OF ACCOUNTS PAYABLE WARRANTS - NONE

VII. OUTCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

a. Finance Director's input on installment contract questions and request for guidance

The policy that the Town of Berwick uses for repayment is an MMA modelled policy.

Selectman Haley stated that his main concern had been whether or not accruing interest was somehow calculated and added to the payment. The fact that the MUNIS software does this automatically was the answer he was looking for. Selectman Haley also stated that he felt the supporting documents provided were insufficient.

There was also a question and discussion as to whether a late charge could also be added and whether there should be a time limit for the repayment and how far in arrears before there is concern and possible action taken.

The consensus was to bring the contract back to the next meeting

VIII. REPORTS OF COMMITTEES

a. BCTV Committee Update - None

b. Downtown Vision Committee Update

Frank Underwood spoke on behalf of the committee.

1. The new committees are developing mission statements and holding meetings on their own along with meeting once a month with all of the committees.

2. The final report should be completed shortly. When it is completed the DVC will be able to revise its agenda and make possible suggestions for Town Meeting warrant articles.

3. There has already been community interest in getting involved in the Trails Committee. Chairman O'Connor asked if there was a contact person. Mr. Underwood stated that the committees are working to establish contact information. Planner John Stoll is helping to organize.

c. Rec Committee Update – None

IX. UNFINISHED BUSINESS

a. Board to act on Ambulance Service RFP Responses

American Ambulance – Chris Hogan presented for American Ambulance. Mr. Hogan went over the basics that were presented to the BOS in the RFP.

South Berwick Rescue – Assistant Chief Nick Hamel presented for South Berwick Rescue. Assistant Chief Hamel inquired as to whether he could also pass out a hand-out.

There were several questions for both regarding response times and staffing and equipment levels.

The hand-out by South Berwick Rescue was a revised proposal with a lower bid proposal hinging on fewer manned hours by the second ambulance.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to enter into exclusive negotiations with South Berwick Rescue.

Selectman Crichton was not in favor of the motion. He stated that American Ambulance should be given equal opportunity to revise their proposal. Selectman Haley stated that before their revised proposal, South Berwick Rescue had been strongest and the Board had a time line. Selectman Crichton stated that based on their RFP, American Ambulance was better equipped. American Ambulance stated that they were prepared to give a new bid.

Selectwoman Murphy rescinded her second. Selectman Haley rescinded his motion.

American Ambulance put forth a bid of zero (0) subsidy and no change in the terms of the proposed contract. They agreed for this to be a three (3) year agreement.

The discussion returned to response times with Chairman O'Connor stating that South Berwick had the better response time. Selectman Crichton stated that they had to provide the same level of basic service. Selectman Haley stated that the zero subsidy was too big of a difference in price. **Motion:** It was moved by Selectman Crichton and seconded by Selectman Haley to accept the revised offer of American Ambulance of New England.

The motion carried on a vote of 3 – 2 (O'Connor, Murphy)

b. Budget – Manager to Present Recommendation RE: Schedule & Committee Framework

The Town Manager requested the BOS approve the budget schedule he presented at the last meeting. The schedule is not set in stone and should be seen as tentative.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to accept the Town Manager's Budget Schedule as proposed.

The motion carried unanimously; 5 – 0.

The Town Manager explained that up until now he has had very little public interest in the formation of the Budget Committee. He suggested changing the language to state "up to eleven members" and using language that would ensure the Budget Committee was an advisory only committee.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to form the Budget Committee per the Town Manager's suggested motion.

The Town Manager's suggested Motion read:

"I move to structure the Berwick Budget Committee, adopted previously by majority Board action, as follows: the Board of Selectmen shall appoint any odd number of residents, up to eleven, for one year terms and for the purpose of reviewing, scrutinizing and making recommendations to the Board of Selectmen regarding the Town Manager's budget, in accordance with the Board's approved budget schedule."

The motion carried unanimously; 5 – 0.

c. Board to hear presentation by Tim Nichols of AEC Engineering re: HVAC options at Town Hall – Moved to earlier on the agenda

d. Rec Committee's Proposed Rec Field Use Policy and Agreement - postponed

e. Board to consider water bill funding request RE: cemetery flag site

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to accept this bill, which should be approximately \$275 annually.

The motion carried 5-0

X. NEW BUSINESS

a. Amendment to Waste Management Contract Rates - Pete Lachapelle of WM to Present – moved to earlier on the agenda

b. Resident Inquiry: Chain of Title Pertaining to former Town land in Acton, ME

This item was asked to be put on the agenda by resident Tom Lavigne. Mr. Lavigne stated that the property in question had been improperly sold and that it still belongs to the Town of Berwick. The current assessed value of the property is \$279,000 and Mr. would like the Town to regain ownership and then sell it to off-set taxes.

The Town Manager informed the BOS that he had two Maine Municipal attorneys take a look at what they have deemed a "bizarre" chain of events. Both attorneys concluded that what was done was done and that it is a "dead issue."

There was a discussion as to whether the Town should have legal counsel look further into the matter.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to inform Mr. Lavigne that the Board of Selectman will take no action on this issue.

The motion carried unanimously; 5 – 0.

Mr. Haley wished to state for the record that the Fire Chief and President of the BVFFA were invited to the meeting. The Fire Chief was on vacation and the President of the BVFFA declined due to short notice.

- c. **Presentation of Length of Service Recognition to Firefighter Dave Reynolds – Postponed, Mr. Reynolds had been present earlier but left.**
- d. **Board to open sealed bids for grinding of brush at Transfer Station**
The Town received two bids for grinding of brush at the Transfer Station. The first bid opened was from Doucette Excavating of Berwick for \$2,450. The second bid opened was from Oakwood Lumber of North Berwick for \$2,500.
Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to accept the bid from Doucette Excavating and Logging Services for \$2,450.
The motion carried unanimously; 5 – 0.
- e. **DOT property “taking” valuation for public properties impacted by Rochester St. project**
This is a “taking” in a temporary means and will have minimal impact on the property. The \$250 is the minimum the State must pay in these situations.
Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to accept the State’s settlement offer of \$250.
The motion carried unanimously; 5 – 0.

XI. ABATEMENTS/SUPPLEMENTALS

- 1. **Motion:** It was moved by Selectman Haley and seconded by Selectwoman Murphy to approve the abatement in the amount of \$25.13 for Great American Financial Services.
The motion carried unanimously; 5 – 0.
- 2. **Motion:** It was moved by Selectman Crichton and seconded to approve the abatement in the amount of \$139.64 for M U002, L 23-3
The motion carried on a vote of 4 – 1. (Haley)
- 3. **Motion:** It was moved by Selectman Crichton and Seconded by Selectman Ganiere to table this item (R 025, L 13-E) until the next meeting in order to give BOS members time to look at the property and/or meet with the Assessors’ Agent.
The motion carried unanimously; 5 – 0.

XII. FIRE DEPARTMENT STUDY IMPLEMENTATION

- a. **Policy Level Recommendations:**
 - i. *Full Board to Evaluate and Act on Nepotism Policy*
Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to table this item to the next meeting due to the late time and importance of the item.
The motion carried unanimously; 5 – 0.
 - ii. *Board to define elements of request for facilitated group discussion RE: BFD*
Motion: It was moved by Selectwoman Murphy and Selectman Ganiere to table this item to the next meeting due to the late time and importance of the item.
The motion carried on a vote of 4 – 1. (O’Connor)
- b. **Update on Administrative Aspects:**
 - i. *Department Input on Recommendations*
Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to table this item to the next meeting due to the late time and importance of the item.
The motion carried unanimously; 5 – 0.

XIII. SECOND PUBLIC COMMENT

Tammy Cole – Ms. Cole wished to note that there are others in the community who deserve to be recognized for volunteerism to the Town.

1. **Kelly Bridge** – To earn her Girls Scout Gold Award, Ms. Bridge completely re-did the Second Chance Shop at the Transfer Station.

2. **Clara Hokinson and Irene Waterman**, for their work at the Second Chance Shop.

Andrea Ouimette – Ms. Ouimette wanted to let the BOS know that she was disappointed in the ambulance service decision.

Caron Chandler – Spoke to the BOS regarding her thoughts on the earlier discussion of the land that was sold by the BVFFA.

XIV. OTHER BUSINESS / NON-AGENDA ITEMS

1. **Chairman O'Connor** wished to extend his apologies to Mr. Reynolds for not moving his recognition up to earlier in the agenda.

2. **Chairman O'Connor** proposed to change Board Rule #7 to “by noon on Wednesday or Thursday. There was discussion as to whether it should be Wednesday or Thursday with compromise of Wednesday at end of business.

Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to change Board Rule #7 to “Wednesday by the end of business.”

The motion carried unanimously; 5 – 0.

XV. EXECUTIVE SESSION

a. **Update on Options Regarding Prime Tanning Site** – 1 M.R.S. Sec. 405(6)(C)

Motion: It was moved by Chairman O'Connor and seconded by Selectwoman Murphy to enter into Executive per 1 M.R.S. Sec. 405 (6)(C) to receive an update on options regarding the Prime Tanning site.

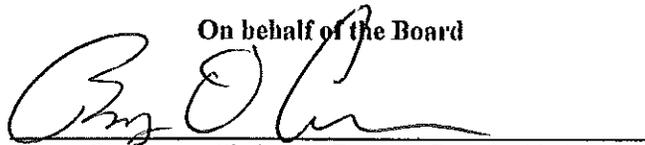
The motion carried on a vote of 4 – 1, Haley Opposed

XVI. ADJOURMENT

The November 19, 2013 BOS Meeting Minutes

Signed as approved at the Board's December 3, 2013 Meeting

On behalf of the Board


Bryan O'Connor, Chairman, Berwick Board of Selectmen