

**BOARD OF SELECTMEN/BOARD OF ASSESSORS
MEETING MINUTES
December 2, 2014**

I. CALL TO ORDER: 6:30 p.m.

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

OTHERS PRESENT: Town Manager Patrick Venne, Deputy Clerk Lynn Shearer, Finance Director Maureen Finger, Chief Timothy Towne

PLEDGE OF ALLEGIANCE

II. APPROVAL & SIGNATURE OF MINUTES

Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to approve the November 18, 2014 BOS Meeting minutes.

The motion carried unanimously; 4 – 0. (Selectman Pendergast was absent from that meeting)

III. FIRST PUBLIC COMMENT - NONE

IV. REPORTS OF COMMITTEES

a. BCTV Committee – Terrie Wright, Chair

1. Negotiations update

BCTV has asked Comcast for a map that outlines their service area in Berwick. They have also requested a file of customer complaints. BCTV is working on renewal plan and timeline. BCTV are working to develop a customer service survey consisting of items that can be included in negotiations.

2. BCTV's efforts to recruit volunteers to film BOS meetings and Planning Board

meetings have not been successful. The committee is looking into paying a "stipend" to someone to perform these duties. They are in contact with Maine Municipal Association regarding insurance issues.

3. BCTV will be establishing a CIP (Capital Improvement Projects) line in their budget to address future need for space.

Selectman Pendergast asked if Comcast would help with a CIP budget. The Town Manager explained that currently BCTV is funded through 2% of the franchise fee collected by Comcast and the percentage can be as much as 5%. The Town Manager also stated that space expansion for BCTV will be looked at during the overall look at the reutilization of space at Town Hall.

b. Rec Committee Update – Recreation Director Kim Taylor

1. December 6, 2014

a. Craft Fair from 9 a.m. – 1:30 p.m. There are 15 vendors

b. Parade 2 p.m. – This year's theme is "Classic Holiday Movies." There will be three bands, floats, and businesses

c. There will be activities at the Town Hall before the Tree Lighting Ceremony.

d. The Annual Home and Business Holiday Decorating Contest

Contact Ms. Taylor and she will add to the list for judging and viewing.

December 23rd the bus will go around and the judging will take place. This is a fun way to go and see the decorations.

- e. The Rec Department is working on setting up the skating rink. Volunteers are welcome.
- f. December 11th will be the next “Early Release” care day.
- g. The girls after school basketball program has started at the Hussey School.
- h. This January there will be 2 full-time, 3 year terms and 2 alternate, 1 year terms available.

The float judging will take place at 12:30 p.m.

c. Envision Berwick (EBC) – Frank Underwood

- 1. Eric Nichols from Coast Bus attended the last meeting. There is a “Clipper Express” route that has been established between Berwick and the Naval Yard. The “van pool” is not part of Coast Bus. This information will be given to VHB for the parking study.
- 2. The Town Christmas Tree came together well. Zoe and Steve Guptil made a “history” of the tree to place next to the tree. Jason Ballard went and got the tree early and cared for it at his home so that it would not be covered in ice.
- 3. The bridge lights are on, but one of them doesn’t light. The MDOT engineer thinks that there is too much light from surrounding lighting for the photocell to work. If this is the case, Mr. Underwood suggested removing the street light by Gateway Gas. He would work with Dave Sharples for the light on the Sommersworth side of the bridge.

Friends of the Berwick Riverfront Committee – Dennis Dupuis, Co-Chair

Mr. Dupuis explained that the committee had put together a packet for the Selectmen outlining the committee’s plan for them to start raising money and installing the proposed removable dock.

Page 1: A draft letter for fundraising

Page 2: Job delegation amongst the committee members to research items such as signage, public mailings, and grant money

Page 3: The “easy in/easy out” docking system. The committee’s goal is to have everyone from 6 to 106 to be able to access the river.

Page 4: Schematic of the dock

Page 5: Pricing

Selectman Wright asked the Town Manager to ensure the collecting of contributions was done in a legally appropriate way. The Town Manager stated that the 2005 Town Meeting had granted continuing authority to the BOS to accept donated and grant funds. The Finance Director stated that an account similar to the 300th account would be set up and all money coming in and all expenditures would be documented. Selectman Pendergast stated that there a lot of that type of docking system available and should be put out to bid.

Mr. Dupuis commented that the goal is to put people on the river without them touching or polluting the river. Residents are already “policing” the area and collecting trash and other even larger items like a partial canoe. The committee is being careful to make sure all regulations and concerns are being addressed. Selectman Pendergast asked about parking and was assured there is plenty of parking for this type of river access.

The consensus of the BOS was to approve the proposed plan of action.

Farmers’ Market – Serena Galleshaw

Ms. Galleshaw stated that the turnout was around 300 people; which is approximately the same as the first market of last year. The next market will be on December 14th and will be from 10 a.m. until 1:30 p.m. There are 20 vendors.

Introduction of New Police Officer Kevin Ledoux

Chief Towne introduced Officer Kevin Ledoux. Officer Ledoux started his career in Kingston, RI and then went to the Auburn Police Department and most recently spent eleven years with the York County Sheriff’s Department. Chief Towne stated that Officer Ledoux brings a wealth of knowledge and experience and will be an asset to the department.

New Business: a. Proposal to Write Off Inactive Delinquent Personal Property Tax Accounts & Proposal for Collection Method on Active Accounts

Finance Director Maureen Finger explained the proposal and why it was being requested. Collecting taxes owed on Personal Property is not as an effective process as collecting Property Taxes. There is limited resources available to collect the back taxes, the taxes are in many cases lower than it would cost to collect. The use of a collection agency would cost approximately 1/3 of the amount collected. Some of the discussion included the amounts suggested to be written-off and whether or not there should be an attempt at collection of those amounts.

Motion: It was moved by Chairman O’Connor and seconded by Selectman Pendergast to permit the Tax Collector and his or her Deputy or Deputies to pursue collection of delinquent personal property tax account obligations for active and non-active business located in Berwick, both now and in the future, by use of a collection agency.

The motion carried unanimously; 5 – 0.

V. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

a. Discussion & Public Comment of Draft EPA Grant Application & Analysis of Brownfield Cleanup alternatives – Former Prime Tanning Lots

The Town Manager suggested that the Chairman conduct this item like a Public Hearing. The Public was asked to sign a sign-in sheet which would be attached to the questions and the application. The Town Manager announced that Rip Patten, Rick Vandenberg and Fund of Jupiter (FOJ) attorney Roger Clement were in attendance. Notice was posted on Social Media and in the newspaper.

Rip Patten – Mr. Patten explained that the grant application was for three \$200,000 grants for three lots – lot #4, lot #5 and lot #6. Lot #4 would have asbestos abatement, building removal and a soil covering system for placement of the proposed Main Street. Lot #5 would have building demolishing, asbestos abatement for the building of a quick service retail area. Lot #6 would have building removal, asbestos abatement and a soil covering system for a green space. Mr. Patten stated that the down had a great solidifying their plans for the site and the Envision Berwick work was being used in the grant proposal. The five components of the grant are:

- 1. Community need
- 2. Specific project to meet that need
- 3. Community Partners
- 4. Community Benefits
- 5. Staff to manage the grant

The grant is very competitive, but Berwick has a very good chance.

Chairman O’Connor opened the Public Hearing at 7:35 p.m.

- 1. **Frank Underwood –** Mr. Underwood asked if the funding for three grants would be at the same time and if funds were left over from one could the funds be used to do a lot-line adjustment to increase the size of another lot.

2. **Selectman Pendergast** – Selectman Pendergast asked what would happen if additional funds were needed to complete the clean-up.
3. **Chairman O'Connor** – Chairman O'Connor asked why those three lots were chosen to be done first.
4. **Serena Galleshaw** – Ms. Galleshaw's question was whether the clean-up procedures were determined by what the eventual use for the lot would be and would this determine any change in future use.
5. **Dennis Dupuis** – Mr. Dupuis asked if there was any known grants or funding for current businesses that may be adversely affected by the project (He used the businesses in Sommersworth and the remaking of their Main Street as an example).
6. **Serena Galleshaw** – Ms. Galleshaw inquired about a timeline.

Chairman O'Connor closed the Public Hearing at 7:41 p.m.

Mr. Patten returned to the podium to answer the questions posed by the public.

1. The EPA would probably not allow the funds to be used for lot-line adjustment and then use the expanded area in another grant proposal. They are not expecting funds not to be used.
2. There should not be that drastic of cost overruns. There is other funding available through other sources to complete the project if needed. Rick Vandenberg stated that there is a lot of environmental information available regarding the lots and the EPA asks that you consider all of that when you apply for the grant.
3. The reason these three lots were chosen:
 - Lot #4 – the parking study is ties into this lots use as Main Street
 - Lot #5 - the sooner quick service retail space can be available the better for all involved
 - Lot #6 – this was derived from public input to remove some of the unsightly blight which currently exists
4. The type of remediation/clean-up is specific to the proposed development of the lot. Ms. Galleshaw asked when or if the property would lose its "Brownfield" designation. Mr. Patten explained that it will never lose that designation, but it will be officially mediated and managed in place. Ms. Galleshaw asked what the process would be if, in the future, the Town wished to change what was there. Mr. Patten explained that the same process would be used in the future that is being used now. Mr. Vandenberg stated that the owners of the property would always be on a "Voluntary Response Action Program."
5. Mr. Patten stated that he was not aware of any grants to cover business losses from this project. Mr. Vandenberg explained that there must be a Community Involvement Plan as part of the Grant. This should help avoid what happened in Sommersworth.
6. Mr. Patten stated that after the grant application is submitted there will be a two week public comment period. The grant announcements should take place in April or May and the project should be ready to go in July.

Selectman Pendergast asked Mr. Clement about who to contact for a possible tour or the property by a potential business owner. Mr. Clement stated to have them contact him directly.

- b. **Michelle Manning & Neighbors of Penny Pond RE: Trails Proposal** – This item postponed to a meeting in the spring.

VI. COMMUNICATIONS

a. **Critical Dates for Town Meeting & Proposed FY 16 Budget Schedule**

The Town Manager stated that this was based on a May 12th Town Meeting date to coincide with the School Budget election. The consensus of the BOS was to approve the budget timeline.

b. **Transfer Station Staffing and Safety Procedures Update**

Staffing

There has not been a new-hire for the Transfer Station at this time. The final two candidates, one is no longer interested and the other one needs more hours. During this period two of the Transfer Station employees have been trained to operate the heavy equipment. This leaves the option to re-advertise and remove the heavy equipment operation from the job description.

Safety Procedures

The Safety Committee, Maine Municipal Association's Risk Management Division and the Maine Bureau of Labor's "Safety Works" division recommend that the Transfer Station Employees receive Hepatitis B and Tetanus vaccines. The cost of this would be no more than \$2,000 and would need to be taken out of contingency funding to have this year and will be budgeted for next year. Those employees who wish not to receive the vaccines would sign a waiver.

The BOS discussed puncture proof gloves and whether the vaccines should be made mandatory for employment.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Pendergast to offer the Hepatitis B and Tetanus vaccines to employees of the Transfer Station if they so choose and include the expenditure of contingency funds up to \$2,000.00.

The motion carried unanimously; 5 – 0.

c. **Hubbard Road Realignment Update**

The Town Manager stated that the MDOT has decided to use a full detour in order to get the work completed faster. The road closure is scheduled to begin July 1st and end in September. A question arose regarding whether the loss of an ambulance in Lebanon would affect mutual aid and response times. The consensus of the Fire Chief ambulance provider and Police Chief was this should not affect response times.

d. **Comcast Negotiation Update**

The Town is about two years away from the negotiation of a new contract. The letter that was recently received was more of a formality which preserves the rights of Comcast to retain its rights to renewal and the hardware it has laid out in the Town.

VII. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

Water Warrant	1521	\$2,459.20
AP Warrant	1521	\$76,232.59
AP Warrant	1522	\$69,734.66
Water Warrant	1522	\$3,457.13
Payroll Warrant	1522	\$39,056.92
Payroll Warrant	1523	\$67,578.98

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

The motion carried unanimously; 5 – 0.

VIII. Unfinished Business

a. Executive Session RE: Negotiation of Maine Association of Police labor Contract

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to enter into Executive Session pursuant to 1 MRS 404(6)(d) for the purpose of discussing a potential labor contract with the Town's labor negotiators related to the Maine Association of Police and unionized members of the Berwick Police Department.

The motion carried unanimously; 5 – 0.

The BOS entered into Executive Session at 7:49 p.m.

The BOS returned to regular session at 8:07 p.m.

b. Opportunity to approve proposed Union Agreement RE: Maine Association of Police

Motion: It was moved by Chairman O'Connor and seconded by Selectman Pendergast to accept and sign the agreement between the Town and the Maine Association of Police for the period of July 1, 2013 through June 30, 2016.

The motion carried unanimously; 5 – 0.

IX. New Business

- a. Proposal to Write Off Inactive Delinquent Personal Property Tax Accounts & Proposal for Collection Method on Active Accounts. – This item was discussed earlier on agenda.**

X. Abatements/Supplementals – None

XI. Quitclaim Deeds/Installment Contracts – None

**XII. Second Public comment
Selectman Pendergast**

- 1. Inquired as to why the new backhoe was sitting out in the elements at the Transfer Station instead of undercover at the Highway Department and suggested that it be driven back and forth and primarily left at the Highway Department.**
- 2. Asked that the Town Manager look into sealing the cracks that are starting to form on the newly paved roads to keep them from getting larger.**
- 3. The reason he voted to increase the Town Manager's salary was based on how much in legal fees the Town Manager had saved the Town.**

Selectman Ganiere stated that he had voted for the salary increase because he agreed with the legal fees savings and because he felt the Town Manager had done a phenomenal job and put the Town on a good path forward. The other members of the BOS agreed.

Andrea Ouimette – Ms. Ouimette stated that she was glad they made those statements because the people needed to know.

XIII. Other Business/Non-Agenda Items

1. The Town Manager brought up the issue about the temperature at Town Hall over the weekend. The power went out and the boiler did not reset itself. The Town Manager has contacted Mechanical Services and this is being addressed.
2. The Town Manager asked if the BOS would allow for Town Office to be closed on December 26th. The consensus of the BOS was that it would be fine and to be sure to give ample notice to the public.
3. The Town Manager asked Selectman Pendergast and Selectman Wright about their availability for the local collaboration group. The issue of contracting for dispatch should be discussed. The Police Chief is looking into contracting with Kittery.
Selectman Pendergast stated that he did not believe the group was making any forward progress.

XIV. Potential Executive Session

- a. **Note (a) Above Under Unfinished Business**

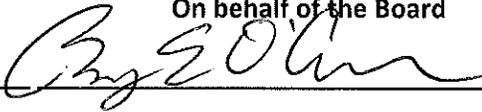
XVI. Adjournment

Motion: It was moved by Selectman Ganiere and seconded by Selectman Pendergast to adjourn.
The motion carried unanimously; 5 – 0.

The meeting adjourned at 9:05 p.m.

The December 2, 2014 BOS Meeting Minutes
Signed as approved at the Board's December 16, 2014 Meeting

On behalf of the Board



Bryan O'Connor, Chairman, Berwick Board of Selectmen