

BOARD OF SELECTMEN/BOARD OF ASSESSORS
Regular Meeting Minutes
December 3, 2013

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

The First Public Comment, Reports of Committees and Unfinished Business were moved up to this point on the agenda.

First Public Comment

Selectwoman Murphy – Selectwoman Murphy stated that she had attended the first Arts Fair and it was wonderful. She wanted to thank Ruth Blean, Justin Bloom and everyone else who was involved.

Chairman O'Connor – Chairman O'Connor read a Press Release from the Berwick Police Chief that went over the events earlier in the day regarding the successful arrest of a sex offender who had approached two fifth grade students. The students were commended for their handling of the situation and giving detailed accounts that led to the arrest.

Reports of Committees

BCTV – None

Downtown Vision Committee – Frank Underwood reported on behalf of the DVC.

1. The DVC is working on adding their comments to the GLA report and getting a draft of the final to the BOS.

2. The DVC is working on a Holiday Tree and would like to make this an annual tradition and perhaps get the community involved by having people donate trees.

3. Mr. Underwood and the Town Manager updated the BOS on the PSNH land and Mr. Underwood submitted a letter to the Town Manager and BOS stating the Town's interest in the property. Chairman O'Connor read the proposed letter out loud. There was also discussion regarding the land abutting the Water Department land.

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to approve the letter and have the Town Manager sign it.

The motion carried unanimously; 5 – 0.

4. The Winter Farmer's Market is moving forward. Letters have been sent out to local farmers. The Recreation Department will act as sponsor for insurance purposes.

Recreation Committee – Recreation Director Kim Taylor gave the update on behalf of the Recreation Committee.

1. The Christmas Parade is scheduled for December 7th at 2:00 p.m. The Grand Marshall will be Tony Cincotta.

2. The Holiday Lights Contest judging will be December 16th through 19th. To nominate a home or business contact Ms. Taylor.

3. The Recreation Department will be setting up the out-door ice rink in late December. Chairman O'Connor inquired if the rink would be lighted. Ms. Taylor did not think there were lights, but would look into it.

NEW BUSINESS

a. Rec Field Policy and Use Agreement to be considered by Board

The Town Manager wished to note that there were two typographical errors on the second page.

Chairman O'Connor had concerns about the usage of the equipment in the concession stand and how to address the matter of the equipment being purchased by different organizations but being used by everyone. Ms. Taylor stated that the Rec Committee will look into an addendum that would address this. The use of AED equipment and its availability was discussed.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Haley to accept the proposed Rec Field Policy and Use Agreement with the amended typographical errors noted by the Town Manager.

The motion carried unanimously 5 – 0.

The Town Manager will bring back at the next meeting with corrections for the BOS to sign.

II. MANAGER'S REMARKS

Manager-Board Member Professionalism

Selectman Haley stated that he had contacted MMA Attorney Michael Stoltz and was advised that this item should be discussed in Executive Session per M.R.S. 405(6)(a). The 53 page document given to the BOS appears to be a "complaint" by an employee directed to a board member and would fall under this statute.

There was further discussion and an acknowledgement from the Town Manager that the document was a "complaint." The Town Manager stated that he did not have any reservations about an Executive Session and agreed there were things that should not be discussed in public.

Chairman O'Connor read a prepared statement about how the matter could be resolved in the public session and the BOS could move forward under strong protest from Selectman Haley that this was a violation of his right to request an Executive Session.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to go into Executive Session per M.R.S. 405(6)(a).

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

The BOS returned to Public Session at 8:05 p.m.

Chairman O'Connor stated that the BOS had resolved their differences and would act in a productive and professional manner going forward.

Legion Presentation

Lt. Colonel Peter Ogden, Director of Veteran's Services for the State of Maine presented Selectman Ganiere and Selectman Haley certificates of recognition for their service to their country.

III. APPROVAL & SIGNATURE OF MINUTES

a. November 19, 2013 Regular Meeting & November 21, 2013 Special All Boards Meeting

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to accept the November 19, 2013 Regular Meeting Minutes with the correction in line 2 of CAL to CALL.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the November 21, 2013 Special all Boards Meeting.

The motion carried 3 – 0. (O'Connor & Murphy abstained due to absence from that meeting)

IV. FIRST PUBLIC COMMENT – Moved to earlier in the agenda.

V. COMMUNICATIONS

- a. **Chairman O'Connor's letter to the Board - Discussed in Executive Session**
- b. **Department Updates**
- c. **Safety Committee and Safety Training Update**
Lance Lemieux of Maine Municipal Association's Risk Services division met with the Town Manager, Finance Director and Public Works Foreman to go over steps that would reduce the Town's cost for worker's compensation insurance. Management will be implementing as many of the suggested steps as practical; including the formation of a safety committee and a voluntary audit from Maine Department of Labor.
- d. **Update on building committee**
Research into this committee shows that the year term expired for the building committee without reappointed by the BOS. The consensus of the BOS was to direct the Town Manager to reinstate the building committee.
- e. **Streetlight Sensor / Leaves at Transfer Station**
Mr. Perschy is looking into the Streetlight Sensor. The issue of composting leaves at the Transfer Station is one of lack of space.
- f. **Budget Material on Website**
The Town Manager has placed the proposed budget schedule on the website.
- g. **Boiler Sensor, Grant Funding for Town Hall**
The Town Hall is currently equipped with a red light that is triggered when the temperature in the building drops below 62-65 degrees.
- h. **Farmer's Market Effort Update**
This item was discussed earlier under "Reports of Committees." There was some discussion regarding the liability insurance and the Rec Department's "umbrella" policy coverage as a sponsor. The Town Manager will look into it further.
- i. **Potential Land Acquisitions on River – Rochester Street & PSNH Property**
This item was discussed earlier under "Reports of Committees."
- j. **Update on Somersworth watercraft regulations**
The Town Manager reported that currently there does not appear to be any regulations as to the size or type of watercraft which can be used on the river.
- k. **EPA Site Assessment Grant Update**
- l. **Business Friendly Certification Application**
It was suggested to turn this over to the DVC's subcommittee for Economic Development.
- m. **Contract with American Ambulance of New England**
The Town Manger has been asked by American Ambulance to write the contract. It will be based on American Ambulance proposal for three years at "zero subsidy."

VI. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

WW	1419	\$3,880.40
TW	1420	\$131,919.35
PR	1420	\$38,037.90
WW	1420	\$3,682.14
TW	1421	\$61,866.59
WW	1421	\$316.91

PR	1421	\$34,593.60
TW	1422	\$47,159.60
PR	1422	\$39,082.58
WW	1422	\$1,950.07
PR	1423	\$60,943.31

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

The motion carried unanimously; 5 – 0.

VII. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to approve the installment contract at \$200.00 per month as presented at the previous meeting.

The motion carried unanimously; 5 – 0.

VIII. REPORTS OF COMMITTEES – This item was moved up earlier in the agenda.

- a. BCTV Committee Update
- b. Downtown Vision Committee Update
- c. Rec Committee Update

IX. UNFINISHED BUSINESS

- a. Rec Field Policy and Use Agreement to be considered by Board – This item was addressed earlier in the agenda

X. NEW BUSINESS

- a. Board to consider re-execution of CEO contract with Town of South Berwick

Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to extend the agreement in regard to services by the Code Enforcement Officer.

The motion carried unanimously; 5 – 0.

XI. ABATEMENTS/SUPPLEMENTALS

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to approve the abatement application.

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

XII. FIRE DEPARTMENT STUDY IMPLEMENTATION

- a. Policy Level Recommendations:

- 1. Full Board to Evaluate and Act on Nepotism Policy

The three areas of greatest concern addressed in the policy:

- 1. Compensated Employees with familial ties
- 2. Contractors with familial ties
- 3. Board members with familial ties

The “unique need/qualification” was discussed. Selectman Haley asked that “relationship to any Town Employee” question be added to the Town’s job application

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to accept the Nepotism Policy with the exclusion of the last sentence.

The motion carried unanimously; 5 – 0.

- ii. Board to define elements of request for facilitated group discussion RE: BFD

After discussion on how to move forward with this, the Town Manager was directed to send out an RFP to qualified facilitators with a description of the matter and see what comes back as suggestions as to how to move forward with this.

XIII. SECOND PUBLIC COMMENT

Tammy Cole – Ms. Cole was there to follow-up with information regarding Girl Scout Kelly Bridge and to enquire as to the status of a letter of recognition. The BOS was in favor of waiting until Ms. Bridge receives her Scouting award to present a letter of recognition.

XIV. OTHER BUSINESS / NON-AGENDA ITEMS

Selectman Crichton – Selectman Crichton inquired as to the status of the Truck Bid. The Town Manager stated that the bid was in the process of being re-written.

Selectman Crichton also stated that he did not want another season to go by without the Town roads being prioritized and work done.

Town Manager -- The Town Manager stated that the Fire Department had brought to his attention that a gate for access needed to be installed with the new Sewer Department fence. The cost would be \$400. The BOS gave the ok to proceed.

XIV. OPTIONAL EXECUTIVE SESSION

Riverfront Land Acquisitions per 1 M.R.S. Sec. 405(6)(C) – Not used

XV. ADJOURNMENT

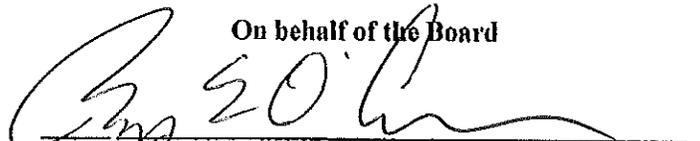
Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to adjourn.
The motion carried unanimously; 5 - 0.

The meeting adjourned at 10:04 p.m.

The December 03, 2013 BOS Meeting Minutes

Signed as approved at the Board's December 17, 2013 Meeting

On behalf of the Board


Bryan O'Connor, Chairman, Berwick Board of Selectmen