



BOARD OF SELECTMEN/ASSESSORS

Town of Berwick

April 16, 2013

MINUTES

Call to Order:

Selectwoman Murphy called the meeting to order at 6:00 p.m.

Roll Call:

Selectwoman Murphy, Selectman Crichton, Selectman O'Connor and Selectman Ganiere.

Staff Present:

Patrick Venne, Town Manager; Lynn Shearer, Interim Town Clerk

Pledge of Allegiance:

Selectwoman Murphy led those present in the Pledge of Allegiance.

Executive Session

MOTION

Selectman O'Connor moved:

To enter executive session under 1 M.R.S. Section 405(6)(D) to discuss labor contracts with the Town's Negotiator Dave Barrett, of MMA.

Seconded by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and Selectman O'Connor

OPPOSED: None

ABSTAINED: None

ABSENT: Chairman Haley

Regular Session

The Board returned from executive session at 7:19 p.m. and continued the meeting.

Approval of Minutes

April 2, 2013 Regular Meeting

MOTION

Selectman Crichton moved:

To approve the minutes of April 2, 2013.

Seconded by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor

ABSTAINED: None

OPPOSED: None

ABSENT: Chairman Haley

April 3, 2013 Emergency Meeting

The Board deferred voting upon acceptance of the minutes for its April 3, 2013 emergency meeting in light of Chairman Haley's absence.

First Public Comment

Tom Wright of Cemetery Road addressed the Board related to volunteerism and budgetary issues as well as his concerns over selling items related to Berwick's heritage. He also recommended a code of ethics for the Board.

Norman Albert of Pigtail Lane addressed the Board with questions related to the cost of the Town Manager position, as well as questions related to Fire Department, Highway and Police Department budgets and CIP requests. He also requested specific information related to Police Department staffing and equipment.

Moment of Silence

MOTION

Selectman O'Connor moved:

that the Board observe a moment of silence as an opportunity for the Town to pay its respects to Amy Harris and the Harris Family as well as family and friends of the Pendergast and Appleby families.

Seconded by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and Selectman O'Connor

ABSTAINED: None

OPPOSED: None

ABSTAINED: Chairman Haley

Communications

Mr. Venne advised the Board the communications provided in its packet were simply for its information and need not necessarily be discussed. The Board acknowledged this and moved on to approval of accounts payable warrants.

Approval of Accounts Payable Warrants:

As Presented:

TW	1340:	\$647,728.85
W	1340:	\$1,166.77
PR	1340:	\$44,057.19
TW	1341:	\$152,277.49
PR	1341:	\$42,441.76
W	1341:	\$9,478.61

MOTION

Selectwoman Murphy moved:

To accept the accounts payable warrants as presented.

Second by Selectman Crichton.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and Selectman O'Connor

ABSTAINED: None

OPPOSED: None

ABSTAINED: Chairman Haley

Reports of Committees:

Berwick Community Television

Terri Wright of BCTV discussed how that organization is opening itself up to the public more through such means as public service announcements.

Downtown Vision Committee

Jessica Sheldon, Co-Chair of the Committee, discussed the status of the Town-wide survey, which was delivered to residents online and through the mail. She indicated that, to date, over 300 responses have been received. Ms. Sheldon also highlighted some of the preliminary indications of the survey responses.

Frank Underwood, Co-Chair of the Committee, addressed the Board with respect to meeting dates for various presentations related to the Downtown.

ME DOT on Route 9 Bridge Reconstruction

Nate Benoit, of Maine Department of Transportation, addressed the Board with respect to lights and railing fixtures planned for the bridge to replace the current structure linking Berwick and Somersworth via Route 9. He indicated the Department is headed toward final design and would like to advertise for bids in November of this year, with construction to follow in 2014. Mr. Benoit indicated that, in order for this schedule to be met, agreements from both Somersworth and Berwick are necessary.

He also stated that the Town must pay for four lights along the bridge if it is interested in having such lights, and indicated the same is true for a waterline interconnection with Somersworth. With respect to a waterline, Mr. Benoit indicated that due to a difference in state funding laws on either side of the bridge, Maine would have to pay 100% of the cost for its half of the waterline, and Somersworth would only have to pay 20% of its half. Somersworth's interest in being reimbursed for its 20% was also discussed.

Mr. Benoit indicated a public hearing is planned for May 8, 2013 at Berwick Town Hall on the bridge plans, and again indicated the need for an agreement on the waterline. He indicated that the engineering firm currently being utilized for the bridge project, VHB, might also make sense to use for the waterline/utilities component of the project, if it moves forward, as this would allow the Town to take advantage of the 80% funding supplement on the New Hampshire side of the bridge for engineering costs of this component.

Regarding a potential gas line, Mr. Benoit indicated the same potential cost savings would not apply, because it is a private company and therefore the 80% subsidy on the New Hampshire side would be inapplicable, making this potential utility component of the new bridge available only at 100% cost.

Steven Hodgon of VHB Engineering introduced himself and addressed the Board for the purpose of providing some loose budget parameters as to what the utilities engineering may cost. He loosely estimated the total cost of the project to be in the vicinity of \$130,000-\$135,000, and said that for "programming purposes" this should be a good number to use. Mr. Hodgon indicated approximately \$100,000 of this cost would be related to construction, with engineering costs in the range of \$30,000.

Mr. Hodgon estimated Berwick's share of this figure to be near \$65,000-\$70,000. He indicated this would be a good figure to use for construction and engineering rough estimates, based on cost-sharing, but stressed the potential inaccuracy of this estimate in light of the limited information used to calculate it. Mr. Benoit and Mr. Hodgon explained to the Board that if Berwick used VHB engineering as the contractor, it may be responsible for 1/5 of the cost of Engineering on the New Hampshire side of the bridge, which would equate to approximately \$6,000 using \$30,000 as a conservative estimate of cost.

Selectman O'Connor indicated the primary question was one of policy related to whether the Town wants water from Somersworth, and indicated that if it does it makes sense to use VHB Engineering for the bridge waterline.

Jerry Quirion indicated the cost of the waterline would not raise taxes, but may have to be borrowed and could raise water rates. Mr. Quirion also said the Department needs to know whether the waterline will be going back on the bridge in the very near future. He indicated the Department has a public meeting with the utilities at 2:00 p.m. on May 8, 2013 and a public hearing at 6:00 p.m. on the same date.

Selectman O'Connor indicated the next Board meeting was in early May and asked if that would be sufficient in terms of a date at which the question of whether the waterline should be back on the bridge would be acted upon. The Department indicated this would be sufficient, and Mr. Benoit indicated that in terms of this year all that would be necessary is engineering costs, and installation of the waterline would not be billed for until it was complete, in the fall of 2014. 2014 would be when the larger sum of money becomes due under a scenario where the Town

opts to keep the waterline on the new bridge, and this figure would approximate \$60,000. This year engineering costs would be in the realm of \$6,000.

Selectman O'Connor asked the Board if it seems reasonable to address the question of the waterline on the May 7, 2013 regular meeting.

Mr. Quirion indicated that the waterline and light fixtures would need to be two separate agreements, and the same is true for any potential gas line sleeve installed. Mr. Benoit indicated the same basic issues exist with respect to a potential gas line, but no hard cost figures had been determined. Mr. Benoit estimated \$25,000 might approximate the cost of a gas line.

Dale Sprague, at-large Councilor in Somersworth, rose to address the Board in his capacity as an individual rather than on behalf of the City. He explained the history of the waterline as related to fighting fires at Prime Tanning, and referenced an agreement from the 1980s which requires Berwick to pay the City of Somersworth each year for the waterline even if it is not used. He also indicated there has not been any money paid in the past, and there has been no way to monitor use of the water. He asked if we even want this waterline, and questioned whether the State of New Hampshire would pay 80% of the cost of a waterline to benefit another state. Mr. Sprague also indicated Somersworth would probably require a meter pit with a cost range of \$20,000. He also discussed other possibilities for getting Berwick water from Somersworth.

Selectwoman Murphy said in the last twenty years the waterline has never been used.

Mr. Sprague indicated the City of Somersworth was spending millions on its Main Street, and is mandating the gas company to update its lines at the same time.

The Board proceeded to discuss the merits of the waterline relative to cost, including subjects concerning hydrant alternatives and how often the water might be necessary.

Frank Underwood indicated that the Town should only need for budgetary purposes this year is engineering costs for the separate cost items. He then proceeded to discuss the gas line potential. Mr. Benoit re-emphasized the gas line would cost 100% rather than the 20%-80% local-state split available for water design/engineering, because it is a private utility. Selectman Crichton opined that gas made sense for the Town, and indicated the cost of the waterline would stem from the enterprise fund in the Water Department.

MOTION

Selectman O'Connor moved:

To add a warrant article for the open Town Meeting to approve a \$10,000 fund for engineering services related to the potential of putting in gas and waterlines through the new bridge to be constructed going to Somersworth.

Second by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor

ABSTAINED: None

OPPOSED: None

ABSENT: Chairman Haley

Mike Reed addressed the Board relative to NH DOT's potential hesitancy toward funding a
Maine-based project.

MOTION

Selectman Crichton moved:

*To continue using the engineering firm which is being used on the Route 9 Bridge, VHB
Engineering, as the engineering firm for gas and other utilities on the Bridge.*

Second by Selectman O'Connor.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor

ABSTAINED: None

OPPOSED: None

ABSENT: Chairman Haley

Selectman O'Connor asked Mr. Underwood what the Board needs to accomplish before the next meeting with respect to the lights on the bridge. Mr. Underwood indicated the Board was all set with respect to the lights, and further indicated that he has a "spec sheet" that he would provide to either VHB Engineering or ME DOT.

Mr. Underwood also asked the Board to consider May 21, 2013 and June 20, 2013 as potential dates to hear presentations on two different topics related to the downtown: transportation and form-based zoning. He indicated May 21, 2013 is a regularly scheduled meeting and will be transportation-related. He further indicated June 20, 2013 is a Planning Board meeting and will involve a presentation on form-based zoning by Mr. Venne and the Town's Planner, John Stoll.

Mr. Underwood indicated the Town Planner would confirm the Planning Board's availability for a discussion on form-based zoning June 20, 2013. The Board then briefly discussed its schedule and agreed to have a transportation-related presentation on its May 21, 2013 regular agenda.

Mr. Underwood also inquired as to the Board's interest in having two of its members attend an infrastructure and traffic meeting with the City of Somersworth. Selectwoman Murphy and Selectman Crichton indicated they were available to attend such a meeting.

This concluded Mr. Underwood's remarks.

Unfinished Business

Transitional County Tax

The Board signed the last page of a document it previously acted upon but neglected to sign in its entirety, related to the payment method selected for transitioning to a new county tax cycle.

School Administrative District 60 Warrant

The Board signed ten copies of a warrant directing an election to be held regarding the school district budget, as witnessed by interim Town Clerk Lynn Shearer.

Ratification of Town Manager's Appointment of Jo Ann Lepley as Town Clerk

Mr. Venne explained the Board's role in ratifying the Town Manager's appointment of department heads and the Board acted upon his appointment of Jo Ann Lepley as Berwick's Town Clerk.

MOTION

Selectman Crichton moved:

That Jo Ann Lepley be appointed Town Clerk.

Second by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and Selectman O'Connor

ABSTAINED: None

OPPOSED: None

ABSENT: Chairman Haley

Land Purchase Installment Agreements & Quitclaim Deeds

The Board signed several documents as presented related to tax foreclosed properties, agreeing to quitclaim deeds or installment contracts for property owners who have either paid in full, or agreed to pay incrementally, all property taxes in arrears.

Town Meeting Warrant

Mr. Venne explained the Board was required to finalize and sign the Town Meeting warrant. Selectwoman Murphy indicated a motion was necessary to finalize the Warrant articles. Selectwoman Murphy indicated the Board had received a copy and Mr. Venne indicated he could make copies for anyone in the public who desired one. Selectwoman Murphy inquired as to whether the Board had any questions on the Warrant as presented, and Selectman O'Connor asked about Article 21 and the use therein of language related to a CIP Building Committee, which he indicated may have been dissolved after its last recommendation. A gentleman in the public identified as Mr. Stolpe confirmed the Committee had in fact been dissolved. Selectman O'Connor asked that the language in Article 21 of the Town Meeting Warrant related to the CIP Building Committee be removed due to this fact.

Selectman O'Connor also asked about Article 29, and whether it had been on previous Town Meeting warrants.

Selectman O'Connor also noted a new article moved earlier in the evening related to engineering expenses for the Route 9 Bridge. Mr. Venne indicated this should be Article 38 as it would come at the end of the open Town Meeting warrants. In light of another recommended article 38, the Board made this article number 39 in the Town Meeting Warrant instead.

Selectwoman Murphy inquired as to what certain articles accomplished, and the Board and Mr. Venne discussed the question.

MOTION

Selectman Crichton moved:

that the proposed Articles 28 and 38 as written be accepted as additions to the Town Meeting Warrant.

Second by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor

ABSTAINED: None

OPPOSED: None
ABSENT: Chairman Haley

MOTION

Selectman Crichton moved:

to accept Mr. Venne's recommendation that the motion previously made during the meeting related to \$10,000 for engineering expenses on the Route 9 Bridge for gas and waterlines be included on the Town Meeting Warrant as Article 39.

Second by Selectwoman Murphy.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor
ABSTAINED: None
OPPOSED: None
ABSENT: Chairman Haley

The Board continued its discussion of the Town Meeting Warrant, and acted upon the Town Meeting Warrant in its entirety.

MOTION

Selectman O'Connor moved:

to approve the revised budgets and Town Meeting Warrant, for fiscal year 2012, with the appropriate amendment previously mentioned to Article 21.

Second by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor
ABSTAINED: None
OPPOSED: None
ABSENT: Chairman Haley

Selectman Ganiere and Mr. Venne posed clarifying questions as to the intent of this motion and whether it only included an amendment to Article 21 or whether it addressed the other articles the Board had discussed. Selectman O'Connor indicated the motion was to approve the revised articles which would include an appropriate adjustment to Article 21 as previously stated. Mr. Venne clarified that the motion's language related to 'revised' and 'amended' also included addition of the articles discussed earlier in the meeting. Selectman O'Connor confirmed this was the intent, and with no objection the Board moved on to abatements and supplementals.

Abatements & Supplementals

None.

Public Comment

Andrea Ouimette of Pine Hill Mobile Home Park addressed the Board and suggested it begin earlier next year with respect to reviewing proposed department budgets.

Dave Stolpe addressed the Board and discussed concerns related to a lack of response by the Berwick Fire Department to an emergency services call placed by a resident with a history of questioning the operation of the Fire Department. He expressed concerns that the lack of response may have stemmed from what this resident stood for and talked about and questioned. He requested answers, and reminded the Board of budgetary specifics related to the Fire Department. The answers Mr. Stolpe requester related to what happened during the incident he referenced, why it happened that way, why there was no response, and which one of our fulltime firefighters was on call the day of the incident and in charge of any dispatches. The Board directed Mr. Venne to look into these questions prior to the next meeting.

Ms. Ouimette spoke again and suggested the Town finances be moved to an account at Kennebunk Savings Bank. The Board discussed the history of this issue with Ms. Ouimette and Mr. Venne.

Moment of Silence

MOTION

Selectman Ganiere moved:

to take a moment of silence for those who lost their lives in the horrible tragedy in Boston.

Second by Selectman O'Connor.

The Board took a moment of silence

Adjournment

MOTION

Selectman Crichton moved:

to adjourn.

Second by Selectman Ganiere.

VOTED: 4-0 IN FAVOR

IN FAVOR: Selectwoman Murphy, Selectman Crichton, Selectman Ganiere and
Selectman O'Connor

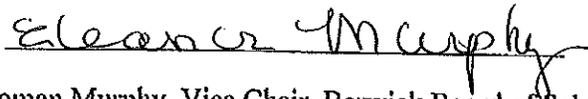
ABSTAINED: None

OPPOSED: None

ABSENT: Chairman Haley

Signed as approved by vote at the Board's May 7, 2013 meeting.

On behalf of the Board,



Selectwoman Murphy, Vice Chair, Berwick Board of Selectmen
