

**Town of Berwick
Board of Selectmen/Board of Assessors
Regular Meeting
May 21, 2013
6:30 P.M.**

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

PLEDGE OF ALLEGIANCE: Chairman Haley led those present in the Pledge of Allegiance.

OTHERS PRESENT: Town Manager, Patrick Venne

**Special Presentation:
Transportation 101**

A. Presentation by Kittery Area Comprehensive Transportation System (KACTS)

Mr. Venne explained that this is in conjunction with the work the Berwick Downtown Visioning Committee is doing. Mr. Venne introduced Jessica Sheldon of the Downtown Visioning Committee who explained that this is the second 101 meeting; the first being the Brownfield 101. Ms. Sheldon introduced the presenter for the Transportation 101 topic, Tom Reinauer. Frank Underwood, Chairman of the Downtown Visioning Committee (DVC), also spoke about some of the DVC's concepts regarding traffic plans.

There were questions about funding of specific projects and whether they all needed to go through the KATCS. Mr. Reinauer explained KACTS is more of a liaison between the communities and tries to keep track of all of the projects.

APPROVAL OF MINUTES:

May 07, 2013

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to approve the minutes of May 07, 2013.

The motion carried unanimously 5-0.

PUBLIC COMMENT:

Tammy Cole – Ms. Cole wished for the BOS to entertain the idea of some type of "marquee" style sign at the Town Hall; either digital or manual. She felt the current sandwich boards are too small and hard to see as people drive by.

COMMUNICATIONS

B. BFD Information on Status of Licensure for EMS Provision

Mr. Venne stated that this is an FYI item that the Fire Chief sent for clarification. Chairman Haley inquired if the BOS wanted to make this a discussion item. Selectwoman Murphy stated that she had a question regarding the difference between licensure and accreditation. Chairman Haley stated that he felt the Chief should have been present to further help with the clarification. Selectman O'Connor stated the memo was to clarify that the individuals who provide EMS are trained and certified and that the Town of Berwick does not have its own non-transport license, but has an arrangement through AMR.

Chairman Haley read the letter to the audience.

Chairman Haley indicated that the letter did not fully clarify the issue and felt that the Chief should come to the BOS so that it could ask him questions, probably when the BOS reviews the entire MRI study or possibly sooner. Chairman Haley referenced the top of page 25 in the MRI report as to where his questions stemmed from regarding licensing. Chairman Haley indicated he took exception to Chief Plante's written comments about the BOS and himself.

- C. MRI sent Civil Consultants Letter discussed at May 7, 2013 meeting**
Mr. Venne sent the Civil Consultants Letter to MRI as directed by the Board.
- D. BPD Letter to Senator Collins, re: Route 4**
Mr. Venne stated that the Police Department had written and sent a letter on May 7, 2013 prior to the BOS meeting that evening, requesting several changes.
- E. BPD directed patrols during rush hour**
Mr. Venne stated that the Berwick Police Department will be pursuing "directed patrols" to ensure visibility along the Route 4 corridor during rush hour traffic. Chief Towne believes that the BPD patrols the area in a reasonable and prudent manner using the currently available statistics. After the conclusion of the Attorney General's investigation of the recent fatal accident, Chief Towne will be able to discuss this matter in more detail with the BOS directly, if it desires.
- F. Initial South Berwick Response to Inquiry Related to Proposal to Patrol Route 4**
Mr. Venne researched this, and met with the South Berwick Town Manager and Assistant Town Manager. There was no recollection of such a proposal. Mr. Venne inquired about this arrangement with Chief Towne and he had no recollection of this proposal, but thought perhaps it stemmed from longstanding discussions regarding the combining the two towns' police departments.
- G. Proposal from South Berwick to Patrol Part of Route 4 as It heads into its Jurisdiction**
Mr. Venne stated that Chief Towne contacted him and indicated the South Berwick Police Department is working on a proposal to patrol a portion of Route 4 in conjunction with the Berwick Police Department. Mr. Venne stated he has not seen details of the proposal. Chief Towne indicated to Mr. Venne that he would not oppose such a proposal.
- G. (1) Suggest moving Agenda Item D under Unfinished business up to this point in meeting even though it is an "action item" under Unfinished Business rather than communication**

Mr. Venne suggested that the letter he was directed to draft to the State Department of Transportation with the BOS request for changes be moved up to this point in the meeting.
Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganiere to sign and forward the letter prepared by Mr. Venne on May 21, 2013, to Derek Olson, Southern Regional Traffic Engineer and Cathy J. DeSouza, Southern Region Assistant Traffic Engineer, Maine Department of Transportation, Region 1, regarding requesting traffic improvements on Route 4.

Chairman Haley read the letter for the record.

Amended Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganiere to send this letter prepared by Mr. Venne to Derek Olson and Cathy J. DeSouza with edits made to reflect State Route "4" versus State Route "9".

The motion carried unanimously; 5 – 0.

H. Response to BOS question related to BPD handling detail work ("flagging")

Mr. Venne stated that after checking the current Collective Bargaining Agreement with the Town's Police Union, and with Chief Towne, there is not a policy in place or ordinance in place requiring police officers instead of flaggers. As far as Mr. Venne can ascertain, the private contractors are requesting the police officers' presence.

The BOS raised concerns about the possibility of scheduling for flagging detail cutting into the number of officers available for regular patrol. Selectman O'Connor stated that his understanding from Chief Towne earlier presentation was that these duties were scheduled above and beyond any regularly scheduled patrol hours.

Chairman Haley stated that he would like to know if these contractors feel that there is some "unwritten rule" that they must contract the officers. He feels it should be made clear that it is optional.

The rate schedule was discussed and the profitability of the practice.

Mr. Venne will ask that Chief Towne appear at a future BOS meeting in order to clarify that it is optional for contractors to contract with the Town for police officers.

I. Speed Bumps on Lower Jordan

At the last BOS meeting on May 7th, the BOS requested more information on the placement of the speed bump on lower Jordan Street. Mr. Venne spoke with Robert Perschy of the Public Works Department and also with Police Captain Locke. The Police Department does not believe the speed bump to be necessary. Lower Jordan Street will not have a speed bump. The work has not been completed yet on the placement of the approved speed bumps.

J. Update on Bridge Utilities

Mr. Venne reported to the BOS that neither the proposed water line sleeve or the proposed sleeve and line for natural gas were approved by Somersworth. Mr. Venne stated he would like to attend a meeting of the Somersworth Public Works Utility Committee and present the requests to directly to it.

Mr. Venne explained that the Town of Berwick is asking for "distribution" but because the line will cross the NH/ME border, Unitil is looking at "transmission." Unitil needs to submit an application to FERC, the NH PUC and the ME PUC. It would take approximately six months to complete the process without a guarantee that it would be approved. There is nothing to suggest it would not be approved.

There was discussion regarding connecting to the current gas line in Maine, which is several miles away.

Bridge engineer VHB estimated that their drawing will be at 85% complete on July 1st and indicated it therefore needs to know if the sleeves and pipeline should be included by mid-June.

There was further discussion and the consensus of the BOS was to go forward and "get it done." Mr. Venne will submit the Town's requests to the Somersworth Public Utilities Committee. It was suggested that Chairman Haley contact the Somersworth Mayor.

K. Update on Paving of Diamond Hill Road

Mr. Venne stated that at the last meeting, there had been questions as to whether just the bids for engineering or the engineering had been authorized. After checking the minutes, the BOS had authorized the submission of bids. Currently, only one bid had been received and Mr. Perschy will solicit two more for the engineering of Diamond Hill Rd.

The expenditure of the roads funds was discussed in conjunction with the current budget over-expenditures. The auditor recommended no expenditure of the roads funds until after July 1st. When asked why the wait, Mr. Venne explained that the auditor knows how much has been over-expended, but will not know until the end of the fiscal year for a total in unexpended funds.

It was the consensus of the BOS to get the bids out for a July action item.

L. Bryan Christiansen of Comcast – no answer – invited to May 21st meeting via voicemail

Mr. Venne explained that he had left a message for Mr. Christiansen regarding coming to a future meeting. Cost share information with local businesses had been given back in August of last year. Mr. Christiansen will come to a meeting in June.

M. Update on Talks with Fund of Jupiter and SMRPC re: Prime Tanning Site

Mr. Venne will be attending a meeting at attorney Roger Clement's office (attorney for Fund of Jupiter) to discuss Brownfield Development Options along with Rick Patten and Paul Schumacher) on May 23rd.

N. Update on Bulk Mailing of Town Meeting Ballot

The Town Meeting Warrant questions had been printed and folded and would be mailed the following day. The cost for the printing and mailing is \$1,400.

Approval of Accounts Payable Warrants

The Warrant amounts were read aloud by Selectwoman Murphy.

TW 1345 Amt of \$113,319.53

W 1345 Amt of \$1,547.78

TW 1346 Amt of \$86,949.28

PR 1346 Amt of \$35,346.07

PR 1347 Amt of \$40,513.56

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganlere to approve Warrants: TW 1345, W 1345, TW 1346, PR 1346, PR 1347.

The motion carried unanimously; 5-0.

NEW BUSINESS

QUITCLAIM DEEDS AND /OR INSTALLMENT CONTRACTS – none

REPORTS OF COMMITTEES

A. BCTV COMMITTEE UPDATE

No Report

B. Downtown Vision Committee (DVC)

Frank Underwood

1. The DVC will be meeting with Gates-Leighton to review the results from the first Charrette and the Survey.
2. Reserved dates for future "101" presentations:
 - a. Salmon Falls Watershed 101 – June 4, 2013 at 6:30 p.m.
 - b. Funding 101 – June 18, 2013 at 6:30 p.m.

A third, Form Based Code, will be done for the BOS and Planning Board on June 20, 2013.

3. There will be an "After Hours" event on June 19th at the Kennebunk Savings Bank, sponsored by the Somersworth Chamber of Commerce, from 5 p.m. – 7:30 p.m.
4. The DVC is ready for the 300th Celebration on June 8th and 9th.

Unfinished Business

A. Board to finalize position on MRI Draft Fire Department Study changes

Chairman Haley wanted to discuss changes. Selectman O'Connor stated that he felt that the "Requester" of a report should not make changes, but the "Subject" of a report should be allowed to suggest changes.

The BOS moved on to the next item.

B. Regional Meetings Update and Request to Schedule Local Meeting with South Berwick Only – Wednesday, June 19 @ 6:30 p.m.

Mr. Venne stated that he has spoken with the Town Manager and Assistant Town Manager for South Berwick and that they requested to meet with the BOS before the larger regional meeting.

The date suggested is June 19th at 6:30 p.m.

The consensus of the BOS was to set the meeting with the Town of Berwick for June 19, 2013 at 6:30 p.m.

C. Board to Certify Disorderly Building Ordinance for Public Hearing Notice on Ballot Referenda

Motion: It was moved by Selectman O'Connor and seconded by Selectwoman Murphy that: We, the Selectpersons of the Town of Berwick, do hereby Certify that the attached Town of Berwick Ordinance, "Disorderly Building Ordinance," is a true copy of the Ordinance approved by the Board of Selectmen to be included and posted with the Town Meeting Warrant and submitted to the voters of the Town of Berwick for approval. The proposed Town Ordinance was submitted by the Town Manager, Patrick Venne, to the Town Clerk after Public Hearing on April 16, 2013 at 6:30 p.m.

The motion carried unanimously; 5 – 0.

**D. Board to Review and Sign Letter to DOT re: Requested Route 4 Improvements
Moved to earlier in meeting.**

E. Update on Options for Covering Over-Expenditures in Legal/unfunded Liabilities – RHR Smith & Co

Discussed under Communications "K."

F. Diamond Hill Road paving options

Discussed under Communications "K."

G. HVAC update – Board to be updated with respect to its previous action regarding HVAC options for Town Hall

As directed at the May 7, 2013 BOS meeting, Mr. Venne researched the minutes and discovered that in November 2012, there was a motion by Selectwoman Murphy to table the item. It was tabled.

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganlere to take this item off the table.

The motion carried unanimously; 5 – 0.

After discussion, Mr. Venne was directed to research the availability of funds in the Lena Clark fund and to see if the BOS could authorize the expenditure of these funds for the engineering phase.

Motion: It was moved by Selectman O'Connor and seconded by Selectwoman Murphy to, if the funds in the Lena Clark Fund can be used for the engineering study, move forward with an appropriate evaluation of the heating and cooling system for Town Hall and solicit bids, three minimum.

The motion carried unanimously; 5 – 0.

New Business

A. Planning Board Mission Statement

Chairman Haley read the proposed Planning Board Mission Statement. When questioned as to whether he approved of this, Mr. Venne stated that it was for the BOS to decide what it wanted from Planning.

Motion: It was moved by Chairman Haley and seconded by Selectman O'Connor to accept the proposed Planning Board Mission Statement.

The motion passed unanimously; 5 – 0.

B. Banking Services RFP

Mr. Venne explained that this was an "Information only" item. No action taken.

C. Appointments: Jo Anne Lepley, Town Clerk, as General Assistance Administrator; Registrar of Voters; Excise Tax Collector; and Motor Vehicle Agent

Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganlere under M.R.S.A, Title 30-A § 2636, that we approve Patrick Venne's appointment of Jo Anne Lepley as General Assistance Administrator, with and for the Town of Berwick. The appointment is without term unless specified by law.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganlere under M.R.S.A, Title 30-A § 2636, that we approve Patrick Venne's appointment of Jo Anne Lepley as Registrar of Voters, with and for the Town of Berwick. The appointment is without term unless specified by law.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganlere under M.R.S.A, Title 30-A § 2636, that we approve Patrick Venne's appointment of Jo Anne Lepley as Excise Tax Collector, with and for the Town of Berwick. The appointment is without term unless specified by law.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Ganlere and seconded by Selectman O'Connor under M.R.S.A, Title 30-A § 2636, that we approve Patrick Venne's appointment of Jo Anne Lopley as Motor Vehicle Agent, with and for the Town of Berwick. The appointment is without term unless specified by law.

The motion carried unanimously; 5 – 0.

D. Utility Pole Permit Request

Mr. Venne explained that this item is correspondence from Central Maine Power (CMP) notifying the Town that it has applied for a pole placement permit and that there could be possible tree trimming. CMP was also asking for approval of the pole location from the BOS. Mr. Venne had Mr. Perschy look at the plan and he approved of it.

Selectwoman Murphy stated that the paperwork was not as exact as it had been in the past when CMP submitted this type of request.

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganlere to accept the recommendation.

The motion carried unanimously; 5 – 0.

PUBLIC COMMENT

Mr. Stolpe – Mr. Stolpe commented that at the last meeting, when he got up to speak, BCTV went to a commercial. Mr. Stolpe asked the BOS for a copy of the Chief Plante's letter for himself and Mr. Willey. Chairman Haley and Selectwoman Murphy gave him their copies.

Mr. Stolpe asked that the question of the undergrounding of electric to the Police Department be revisited.

The BOS discussed this item at length. There are legal issues resulting from the lease with the Bateman Project and Mr. Venne was asked to look into this by getting a legal opinion on legality of running pole power from Route 9 underground to the Police Station over leased land. There are also issues arising from zoning that Mr. Venne would need to look into.

Chairman Haley – Chairman Haley went over a couple of items he had received.

1. The Water Department discovered that a back-flow meter failed at the Town Office. While doing this repair, it was discovered that the 75 year old pipe may need to be replaced and the Water Department is seeking estimates.
2. The Police Department Monthly Update.
 - a. The investigation of the Route 4 fatal accident was nearing completion.
 - b. There will be a full-time officer position opening up soon.
 - c. Officer Gregory Sevigny will graduate from the Maine Criminal Justice Academy on May 24, 2013.
 - d. The Department began its annual ATV patrols in the Ridlon Rd. area.

- e. The Department is getting ready to request to go to bid for the restroom facilities at the Police Department.

Agenda Additions

The Municipal Assessor, Scott Marsh, has prepared a Ratio Declaration for the BOS. The Town has had a ratio of 105% and the Municipal Assessor is recommending 109%. Mr. Venne will be meeting with Mike Pelletier regarding this. Mr. Venne will get more information and place on the May 29, 2013, Public Hearing Agenda.

Mr. Venne asked for approval to sign a two-year contract extension with MUNIS. The Finance Director, Maureen Finger, is requesting a two-year extension versus a renewal in order to go out and look at the different options.

Motion: It was moved by Selectman Ganlere and seconded by Selectwoman Murphy to accept Mr. Venne's recommendation to extend the contract with MUNIS for two-years.

The motion carried unanimously; 5 – 0.

Executive Session – 1 M.R.S. 405(6) (D) for the purpose of discussing labor contracts with Town Manager

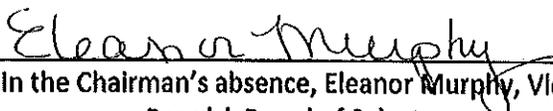
Motion: It was moved by Chairman Haley and seconded by Selectman Ganlere to go into Executive Session per 1 M.R.S. 405(6)(D) for the purpose of discussing labor contracts with the Town Manager.

The motion carried unanimously; 5 – 0.

May 29, 2013 BOS Meeting Minutes

Signed as approved at the Board's June 4, 2013 Meeting

On behalf of the Board


In the Chairman's absence, Eleanor Murphy, Vice Chair,
Berwick Board of Selectmen