

**Town of Berwick
Board of Selectmen/Board of Assessors
Special Meeting & Public Hearing
June 18, 2013
6:30 P.M.**

A. SPECIAL PRESENTATION/WORKSHOP:

Funding 101 – 6:35 P.M.

Mr. Frank Underwood explained that this was one of a series of “101” presentations. Jessica Sheldon introduced the presenter, Chuck Morgan, currently with SMRPC. Mr. Morgan gave a presentation on different financing options that included grants and loans.

Kenneth Poirier – Mr. Poirier stated that the Town should proceed with caution with funding programs.

Regular Meeting – Call to Order – 7:16 p.m.

A. ROLL CALL: Chairman Haley, Selectwoman Murphy, Selectman Ganiere, Selectman O’Connor, Selectman Crichton

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

OTHERS PRESENT: Town Manager, Patrick Venne; Town Clerk, Jo Anne Lepley, Highway Foreman, Robert Perschy

B. Board Reorganization: Election of Chair and Vice Chair

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to nominate Selectman O’Connor Chairman of the Board of Selectmen.

The motion carried unanimously; 5 – 0.

Selectman Haley congratulated Chairman O’Connor and passed the gavel.

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to nominate Selectman Crichton as Vice-Chair.

The motion carried unanimously; 5 – 0.

C. APPROVAL OF MINUTES OF June 4, 2013

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the minutes with the noted change.

The motion carried; 4 – 0 – 1 (Selectman Haley Abstained).

D. Public Comment – none

G. Reports of Committees

b. Downtown Vision Committee

Frank Underwood – Mr. Underwood stated that the Downtown Vision Committee had been busy getting the word out to the community regarding the Committee’s work and future steps and plans. The Committee may be subdividing into specific focus areas that would include trails, the river, preservation and heritage and economic and community development. There appeared to be interest in planning activities on the Town Common. Mr. Underwood stated that he would like members of the BOS to be a part of the subgroups.

F. COMMUNICATIONS

a. 300th Committee Update

Lisa Huestis – Ms. Huestis went over the 300th Celebration and touched on what transpired. She stated the weather had been a major factor and caused some last minute rearranging of the entertainment and vendors. Overall, the feedback has been very good, Ms. Huestis stated, and the Committee has been asked why this type of thing does not happen more often, according to Ms. Huestis. Ms. Huestis thanked the committee members, police department, fire department, other staff and volunteers for all of their hard work and time. Ms. Huestis stated that she is still looking for the time capsule that was buried fifty years ago as part of the 250th. Ms. Huestis also mentioned the new time capsule and asked for people to write ideas as to what they think should be included in the capsule. The new time capsule will be buried in the fall.

Members of the BOS thanked Ms. Huestis and the 300th Committee for all of their work.

b. Annual Town Meeting Summary

Mr. Venne stated that all secret referendum articles and all open meeting articles passed. The final tally for each was provided to the Board in its packet.

c. State Budget Update

Mr. Venne stated that the current budget includes a cut in Revenue Sharing of approximately 1/3 of what is currently distributed.

d. MSAD 60 FY14 ASSESSMENT

Mr. Venne stated that the MSAD 60 FY14 Assessment for Berwick will be \$6,399,697 (which is approximately \$9,000 more than last years)

e. Public Works Mechanic Position Filled

Mr. Venne announced that Jeremiah Cyr had been hired to fill the Public Works Mechanic Position. He is a Berwick resident with many years of experience as a mechanic.

f. Bridge Utilities Update/Price from VHB (If Project Moves Forward)

Mr. Venne updated the BOS on this project. Mr. Venne and Mr. Underwood spoke with Mike Smith of Unitil. Due to the limitations of the current system in Somersworth, Mr. Smith suggested that a multi-purpose utility sleeve without the gas line be installed for future use. The cost of the upgrade to the line and connection would currently cost the Town approximately \$900,000, or more, depending on where the connection is made. Somersworth currently is working on a 10 year moratorium of any disturbance of newly paved areas. Mr. Underwood stated he believe there is a way to work around the moratorium area.

Mr. Underwood also brought up the idea of using propane; it is still cheaper than oil, he stated.

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to have VHB continue with the plan to install the multipurpose utility sleeve only.

The motion carried unanimously; 5 – 0.

g. Update Regarding Investment Banking Account

Mr. Venne informed the BOS that he selected Kennebunk Investment Services, an affiliate of Kennebunk Savings Bank, as the financial institution to manage the Town's two investment accounts. Chairman O'Connor read the Resolution.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to adopt and sign the Banking Resolution as read by Chairman O'Connor.

The motion carried unanimously; 5 – 0.

h. MDOT Response to Board Letter Regarding Route 4 Traffic Improvement Request

Mr. Venne stated that in the written response (attached), MDOT is considering only the center rumble strip out of the several suggestions/requests made by the BOS in its letter to MDOT. Selectman Haley requested that Mr. Pendergast receive a copy of the letter from MDOT.

i. Request for Public Hearing re: CMP Substation and Corridor, Vicinity of Rte. 236

Mr. Venne stated that he has contacted, in writing, CMP and DEP requesting a public Hearing regarding the proposed new transmission line on Rte. 236. He had not heard back from either as of the date of this meeting.

E. Approval of Accounts Payable Warrant

TW 1349 Amt \$591,695.74

W 1349 Amt \$31,325.65

TW 1350 Amt \$128,566.02

PR 1350 Amt \$37,034.19

PR 1351 Amt \$34,922.98

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to approve all warrants as submitted.

The motion carried unanimously; 5 – 0.

F. Quitclaim Deeds and/or Installment Contracts

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to approve and sign the two Quitclaim Deeds presented to the Board of Selectmen on June 18, 2013.

The motion carried unanimously; 5 – 0.

G. Reports of Committees

a. BCTV Committee Update – none

b. Downtown Vision Committee Update – This report was moved up in the agenda

H. Unfinished Business

a. Board to discuss Road Paving Priorities & Review Engineering Bids for Diamond Hill Rd.

Mr. Venne stated that he had scanned and emailed the three bids to the BOS and had asked Mr. Perschy, Public Works Foreman,, to be present for questions.

There was a motion by Selectman Crichton and second from Selectwoman Murphy to accept the bid by Civil Consultants, but after discussion the motion and second were

withdrawn. The BOS decided to take no action, but they asked for clarification on whether the bid from Civil Consultants included "test pits."

b. Board Review of Legal Services RFP Responses

Mr. Venne explained the difference in discussing a "firm" in public session versus discussing an individual attorney in executive session. BOS discussion centered on cost and "full spectrum" services.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to accept the RFP bid of Skelton Taintor and Abbott.

The motion carried unanimously; 5 – 0.

c. Board to Discuss list of Priorities

After discussion, the BOS chose to make individual lists of what they would like to see on a new priorities list and submit them to the Town Manager. The Town Manager will bring back a new list at the July 2nd or July 16th BOS meeting.

d. Board to Review Town Hall HVAC RFP

No action taken. Move to next meeting on July 2nd.

e. Board to Review Ambulance Services RFQ (Request for "Qualifications")

Mr. Venne and the BOS discussed the differences between an "RFQ" and an "RFP."

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to send out the RFQ as drafted by the Town Manager.

The motion carried unanimously; 5 – 0.

I. New Business

a. Board to Sign Investment Banking Account Resolution - This item was moved up in the agenda

b. Board to Consider Manager's Recommendation re: In-House Counsel Appointment

Mr. Venne explained to the BOS that since he is the Town Manager and not the "Town's Attorney," any legal advice he gives is not covered under the attorney-client privilege of confidentiality, and executive sessions with him as legal counsel are inappropriate. Mr. Venne stated that his appointment as the Town's "Land Use Attorney" was never vacated or rescinded and that the BOS could "ratify" this position and also appoint him as "Special Attorney" for preliminary advice on matters. This would be in addition to the "Town's Attorney" whom they chose earlier in the meeting. This appointment would be at no additional cost(s) to the Town.

A motion was put forth by Selectman Haley that Mr. Venne be appointed as Planning and Land Use Attorney – This motion was withdrawn.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to ratify the appointment of Patrick Venne as Land Use Attorney and to appoint Patrick Venne as Special Counsel to the Town of Berwick.

The motion carried unanimously; 5 – 0.

c. Board to Consider Reappointment Request of Dave Stolpe, Berwick Sewer District Trustee

Mr. Venne presented Mr. Stolpe's request for reappointment to the BOS.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to reappoint Dave Stolpe as a Berwick Sewer District Trustee.

The motion carried unanimously; 5 – 0.

d. Board to Consider Resident Request for Marquee at Town Hall

Selectwoman Murphy stated that before going further the Sign Ordinance should be consulted. The design and possible placement of a sign at Town Hall was discussed.

e. Extension of Dispatch Service Agreement with Town of South Berwick

Mr. Venne explained that the estimated prices on page three of the draft agreement were subject to change. He advised that the BOS review this document. There was a short discussion regarding the possibility of more "regionalized" system being put into place during the contract and whether there may be more "cost sharing." **No action taken at this time.**

f. Board to Set Annual Land Use Permit Fee Schedule

Motion: It was moved by Selectman Ganiere and seconded by Selectman Haley to accept the recommendation of the Planning Board for Annual Land Use Permit Fee Schedule, including \$130 for Conditional Use applications; for site plans: \$100 for a minor site plan review, and \$200 for a major site plan review; \$130 for a Board of Appeals hearing; \$155 for an Ordinance Amendment request; for Minor Subdivisions, \$100 for a sketch plan review, \$200 for a preliminary subdivision plan along with \$200 additional for each lot in the subdivision, and \$150 for a final subdivision plan; for Major Subdivisions, \$200 for a sketch plan, \$200 for a preliminary subdivision plan along with \$200 additional for each lot in the subdivision, and \$150 for a final subdivision plan; and \$60 for a change of use application.

The motion carried unanimously; 5 – 0.

J. Abatements/Supplementals – none

K. Second Public Comment

Andrea Ouimette – Ms. Ouimette inquired as to whether or not the tax rate would be increasing. She also inquired as to whether Kennebunk Savings Bank would be considered for the Town's other banking business.

Kenneth & Marsha Poirier – Mr. Poirier thanked the BOS for the public comment. Mrs. Poirier thanked the BOS for working together.

L. Executive Session – none

M. Adjournment

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to adjourn.

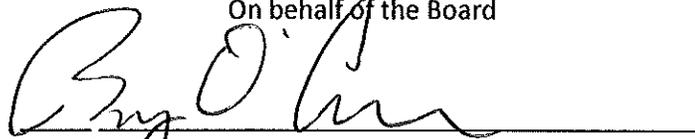
The motion carried unanimously; 5 – 0.

The meeting adjourned at 10:08 p.m.

The June 18, 2013 BOS Meeting Minutes

Signed as approved at the Board's July 2, 2013 Meeting

On behalf of the Board



Bryan O'Connor, Chairman, Berwick Board of Selectmen