

**BOARD OF SELECTMEN/BOARD OF ASSESSORS
MEETING MINUTES
September 16, 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, Town Clerk Jo Anne Lepley
PLEDGE OF ALLEGIANCE

II. APPROVAL & SIGNATURE OF MINUTES

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to approve the September 2, 2014 BOS Meeting minutes.

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

Motion: It was moved by Selectman Ganiere and seconded by Selectman Pendergast to approve the September 10, 2014 Special Meeting minutes.

The motion carried unanimously; 4 – 0. (Chairman O'Connor was absent from that meeting)

III. FIRST PUBLIC COMMENT

Eleanor Murphy – Ms. Murphy spoke about the recent passing of Maurice Butler and all that both he and his wife, Jean, had done for the community and the handicapped children state-wide. Ms. Murphy stated that Mr. Butler had been a Selectman, Code Enforcement Officer and Sewer District Board member.

Chairman O'Connor asked for a moment of silence in memory of Mr. Butler.

Chris Weismann – Mr. Weismann spoke of his work association with Mr. Butler calling him "serious" and a "special person."

Jo Anne St. Pierre – Ms. St. Pierre asked questions regarding the proposed plan put forth by Fund of Jupiter. Ms. St. Pierre wanted more information on Fund of Jupiter stating that they were not "transparent" either about who they are or what they plan. The Town Manager gave as much background on the proposal and Fund of Jupiter as he had available.

Dave Stolpe – Mr. Stolpe stated that the money due the Sewer District should be a part of any monetary recovery from FOJ.

IV. REPORTS OF COMMITTEES

- a. **BCTV Committee - None**
- b. **Rec Committee Update - None**
- c. **Envision Berwick**

James Bellissimo, Co-Chair – Mr. Bellissimo stated that the Envision Berwick Committee (EBC) had voted to support the BOS in their efforts to work with the Fund of Jupiter (FOJ). They will be working with the Town Manager to provide a document of questions

asked by citizens regarding the proposal by FOJ. The EBC will also be working with the Town Manager and Planner on the traffic study.

1. River Front Committee – Dennis Dupuis will be presenting the River Front Committee’s latest findings and proposals at a BOS meeting in October.
2. Community Development & Events Committee – This group is already working on this year’s Christmas tree display and is looking into future use of the Estabrook School.
3. Economic Development Committee – The group is working with FOJ to arrange a tour of blue building at the Prime Tanning site.
4. Trails Committee – This committee is happy to announce the completion of the Penny Pond Trail and their next project is to connect the Penny Pond Trail with a network that would allow greater walking access to the recreation field, Knox Lane and Ridlon Road.
5. Preservation & Heritage – This committee will be meeting later this month.

Frank Underwood – Mr. Underwood further elaborated on:

1. The River Front Committee bringing their proposals to the BOS at an October meeting.
2. The EBC’s assisting the Town Manager in compiling questions for the FOJ proposal.

Dave Andreesen - Mr. Andreesen reported on the completion of the Penny Pond Trail and the future plans to expand the trail network. Also, there was no vandalism at the Penny Pond sites during the summer. The plan is to keep the trails ATV free and pedestrian and horse traffic only.

Paul Boisvert – Mr. Boisvert reported on the Preservation & Heritage Committee’s work with Mr. and Mrs. Goodrich to look for possible artifacts around the old Wedgewood Inn during excavation of the property.

V. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

- a. **Potential Interim Appointment to MSAD 60 School Board – Rachel Stoll**
The Town Manager explained that the candidate listed on the agenda, as well as several others, had withdrawn their names from consideration for various reasons. Late that day, a new candidate, Dustin Price, asked to be considered. Mr. Price was in the audience and went to the podium to introduce himself and answer any questions the BOS may have had.
Motion: It was moved by Chairman O’Connor and seconded by Selectman Wright to appoint Dustin Price as interim member of the MSAD 60 Board of Trustees to fill a vacancy created by resignation per Section 1653 of Title 20-A of the Maine Revised Statutes, such appointment being for a term lasting until the next annual municipal election, at which time a replacement must be elected to serve the remainder of the unexpired term.
The motion carried unanimously; 5 – 0.
- b. **Kevin P. Jessel Requested Appointment to Envision Berwick Committee**

The Town Manager introduced Mr. Jessel and explained that this would be the thirteenth and final position on the EBC. Mr. Jessel went to the podium and gave information on his background to the BOS.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to appoint Kevin Jessel to the Envision Berwick Committee, representing the public at large, for an initial term of the remainder of the Committee's first year, concluding July 15, 2015.

The motion carried unanimously; 5 – 0.

VI. COMMUNICATIONS

a. Update on Town Hall Boiler Replacement Project Timeline

The boiler replacement work is tentatively scheduled to take place from September 18, 2014 through October 10, 2014 and should be fully installed by October 15, 2014. The contractor found an additional tank which needs to be replaced and one tank was left out of the bid. The one left out is critical to the replacement, and therefore the Town Manager feels the Town should not be charged for it. The second tank is less critical and can either be replaced now or at a later time. The Town Manager suggested the less critical tank be replaced during the work.

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to move forward with replacing the second tank at a cost not to exceed \$2,500.00.

The motion carried unanimously; 5 – 0.

b. VHB Downtown Parking & Traffic Analysis Approach

There is a meeting scheduled on September 22, 2014 with VHB and KACTS to sit down and identify the appropriate stake holders in the process.

c. Fund of Jupiter Planning Board Presentation & Offer to Advance Grant Match Funds

FOJ's attorney, Roger Clement presented the FOJ proposal to the Planning Board. The proposal included subdividing the property into 7 lots. The FOJ also put forth a suggestion that they would advance the Town the matching funds for the grant in return for a lower reacquisition price.

There was a lengthy discussion regarding accepting the funds in advance, controlling the type of housing by Land Use Ordinance. Chairman O'Connor stated that the BOS had purposefully chosen the current Town's attorney because of his experience in this type of project and that the BOS is moving forward methodically and with transparency.

d. Tentative Meeting Date with EPA Region 1 RE: Brownfields Cleanup Grant Process

There is a tentative meeting date for this, but if the warrant article for the FOJ proposal does not go on the warrant, it will be cancelled.

e. Cost of Propane Tank Swaps for Transition to Champagne Energy

The cost of the propane tank swap will be between \$600 and \$700. Selectman Crichton noted that the new tanks were smaller.

f. Vandalism & Installation of Motion Detector Lights at Recreation Field

Dave Stolpe – Mr. Stolpe explained what type of lighting was being installed. The light turn on when it's dark; they are not motion activated. The Town Manager asked about the brightness and any possibility that the residents in the area will be bothered by the constant illumination. Mr. Stolpe explained that the lights have the ability to be placed at specific angles and the new led lighting does not have such a wide area that is light.

Selectman Pendergast asked the Town Manager to look into the police department's patrol practices.

VII. APPROVAL OF ACCOUNTS PAYABLE WARRANTS		
A/P WARRANT	1510	\$619,799.49
WATER WARRANT	W1510	\$2,854.16
PAYROLL WARRANT	1511	\$37,616.04
A/P WARRANT	1511	\$66,129.07
WATER WARRANT	W1511	\$33,078.09
PAYROLL WARRANT	1512	\$38,973.15

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. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS – NONE

IX. Unfinished Business

It was consensus to move "b" up to this point.

b. Presentation of Water Rate Increase Figures & PUC Filing Request

Chris Weismann, Chief Operator, explained that the tentative proposed rate increase would be 11.01%. Ms. Bolotsky is waiting for the 2014 Final Audit figures before finalizing the report. He explained the PUC rules and formula regarding the annual Fire Protection fee the Town pays to the Water district and the reasons for the request for the rate case to be filed. Mr. Weismann stated that what he was looking for was support from the BOS to file the rate case. Even if the support is not there, the rate case will in all likely hood find in favor and approve.

Mr. Underwood explained the concept and rules as he understood them of the PUC's Fire Protection formula.

Motion: It was moved by Selectman Ganiere and seconded by Chairman O'Connor for Mr. Weismann to move forward with scheduling the public hearing.

The motion carried unanimously; 5 – 0.

Jay Wheeler, Sewer District Administrator – Mr. Wheeler commented on what a good thing a brewery business would be to both the water and sewer districts.

a. Finalization of November Town Meeting Warrant

It was the consensus of the BOS to review the entire warrant and vote on the whole warrant after discussion.

Chairman O'Connor read the Articles in order.

Article 2 – Town of Berwick Bedbug Treatment Ordinance

Selectman Pendergast was concerned that it did not have "teeth." Selectman Wright stated that it was a starting point and could be always be amended.

Article 3 – Disorderly Building Ordinance

Residents Donald Young and Jo Ann St. Pierre spoke of their concerns. Mr. Young stated that he had found a grammatical error and the way it had been originally written and that it is hard to enforce. Ms. St. Pierre also was concerned because of the enforceability.

Article 4 – FOJ Agreement

Ms. St. Pierre stated that she was worried about transparency and who FOJ is. She stated that at the last BOS meeting, FOJ's representative had mentioned four subdivisions and at the Planning Board meeting, it had been seven.

Selectman Wright stated that the BOS was moving very methodically forward with the proposal and everything is above board and transparent. It is a tentative proposal and will most likely change.

Mr. Underwood brought up ideas for the Town usage of the property and stated that working with Mr. Clements he has been assured that there is a complete understanding of the Town's vision plan. It is important that the \$117,000 owed to the Sewer District be included in any negotiations when FOJ reacquires the property.

Articles 5 & 6 – by Petition

Articles 5& 6 were placed on the warrant by petition and are in regards to the selling of alcohol on Sundays and the selling of alcohol for off-premises consumption on Sunday.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to approve the Warrant for the November 4, 2014 Special Town Meeting.

The motion carried unanimously; 5 – 0.

- c. **Signature of Appointment Paperwork for Larry Huntley as Interim Deputy CEO**
This was unfinished business from the last meeting.

X. Public Hearing

- a. **Adjustments to Land Use Permit Cost Recovery Structure & Other Administrative Fees**
The BOS stated that the fee adjustments were a step in the direction of the Planning and Code Enforcement departments becoming self-funded.

Ken Raine – Mr. Raine stated that he was concerned with some of the increases being outrages. The Town Manager and BOS explained where the amounts came from and why they felt it was necessary for the Planning and Code Enforcement departments to become self-funded.

Motion: It was moved by Selectman Crichton and seconded by Selectman Pendergast to accept the recommendations for fee increases as presented.

The motion carried unanimously; 5 – 0.

XI. New Business

- a. **Request for Child Safety Signage – Evergreen Drive**

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to authorize the Town Manager to cause to be installed within the public right of way in the vicinity of 17 Evergreen Drive a sign cautioning motorists of the potential presence of an autistic and deaf child in the neighborhood, to be paid for either out of the Public works budget or contingency funding, as determined most appropriate by the Manager.

The motion carried unanimously; 5 – 0.

XII. Abatements/Supplementals

- a. **Tax Map U001, Lot 79**

The house in this request was burned a fire and is uninhabitable.

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere that the Board of Assessors grant an abatement of \$1,357.86 plus any applicable interest related to an adjustment in the assessed value of real property located at Tax Map U001, Lot 79, in

accordance with Subsection 1 of Section 841 of Title 36 of the Maine Revised Statutes, upon the recommendation of Assessors' Agent Michael Pelletier, due to error or mistake in assessed value.

XIII. Second Public Comment

Donald Young – Thanks to Brian Cincotta for letting him borrow his copy of “The History of Berwick.” Prices over one hundred years ago compared to today was interesting. Mr. Young also wished to thank the Town Manager, BOS and other Town officials for the work they do.

XIV. Other Business/Non-Agenda Items - None

XV. Potential Executive Session

a. Opportunity to Continue Manager's Evaluation

Motion: It was moved by Selectman Pendergast and seconded by Selectman Crichton to enter into Executive Session per 1 MRSA (6) (A) to continue discussion of the Town Manager's evaluation.

The motion carried unanimously; 5 – 0.

The BOS entered into Executive Session at 9:25 p.m.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to end the Executive Session.

The motion carried unanimously; 5 – 0.

The Executive Session ended at 9:51 p.m.

Selectman Ganiere – The Town Manager has proven himself to the BOS and Berwick residents and an increase is a reward for a great job.

Selectman Pendergast – Transparency-it's all laid out. Performance warrants the increase.

Chairman O'Connor – Even with a salary increase, the surrounding Towns pay more.

Selectman Wright – The Town Manager is doing an excellent job, but with budget constraints he could only support a 2.6% increase.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to approve \$7,500.00 salary increase for the Town Manager to be effective immediately.

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

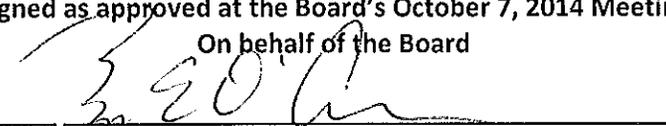
XVI. Adjournment

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

The motion carried unanimously; 5 – 0.

The meeting adjourned at 9:56 p.m.

**The September 16, 2014 BOS Meeting Minutes
Signed as approved at the Board's October 7, 2014 Meeting
On behalf of the Board**



A handwritten signature in black ink, appearing to read "Bryan O'Connor", is written over a horizontal line.

Bryan O'Connor, Chairman, Berwick Board of Selectmen