

**BOARD OF SELECTMEN/BOARD OF ASSESSORS
MEETING MINUTES
September 02, 2014**

I. CALL TO ORDER: 6:32 p.m.

ROLL CALL: Chairman O'Connor, Selectman Crichton, Selectman Pendergast, Selectman Wright
OTHERS PRESENT: Town Manager Patrick Venne, Town Clerk Jo Anne Lepley
ABSENT: Selectman Ganiere
PLEDGE OF ALLEGIANCE

II. APPROVAL & SIGNATURE OF MINUTES

Motion: It was moved by Selectman Crichton and seconded by Selectman Wright to approve the August 19, 2014 BOS Meeting minutes and the August 26, 2014 Special Meeting minutes.
The motion carried unanimously; 3 – 0. (Chairman O'Connor abstained due to absence)

III. PUBLIC COMMENT

Chairman O'Connor stated that he had driven passed an accident on the way to the meeting and that he wanted to remind everyone that Police and Firefighters are first responders to accidents and medical calls not just crime fighters and firefighters.

IV. REPORTS OF COMMITTEES

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

Frank Underwood – Mr. Underwood spoke on behalf of the Envision Berwick Committee. Mr. Underwood stated that they had just had an organizational meeting.
1. The Committee will meet the 2nd and 4th Tuesdays of every month at 5:30 p.m.
2. Co-chairs are James Bellissimo and Serena Galleshaw
3. The group is meeting next week with Tom Reinauer of KACTS to go over stakeholders

New Police Officer

The Town Manager introduced Officer Ronald Lund. He has 15 years of experience with the York County Sheriff's Department and is a proponent of community policing.

V. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

- a. Presentation of Liberty Mutual "Firemark" Award to Firefighter Captain/EMT Sam Tibbets & Firefighter/EMT Travis Doiron

This item was originally postponed due to both firefighters being on scene at an accident, but when both arrived later the presentation took place.

Mr. Scott Cunningham of Liberty Mutual presented Captain/EMT Sam Tibbets and Firefighter Travis Doiron with the "Firemark" Award for their actions at fire in Berwick in January 2014. Chairman O'Connor stated that this type of action usually goes unrecognized as "part of the job".

b. Consideration of Interim Appointment Requests RE: MSAD 60 School Board

The Town Manager went over the possible appointments for the MSAD School Board. The consensus of the BOS was to place this item on the next agenda and hopefully someone would come forward. They did not feel comfortable appointing someone to the position without a chance to meet them and ask questions. None of the potential candidates that had contacted the Town Manager were present.

c. Public Presentation by Fund of Jupiter RE: Prime Tanning Site

Attorney Roger Clement was present to represent Fund of Jupiter. Mr. Clement stated that Prime Tanning was in bankruptcy and Fund of Jupiter was the mortgage holder on the property. Although the bankruptcy court had approved the transfer of ownership to Fund of Jupiter, they were hesitant to take ownership due to the clean-up needed at the site. As a private developer, they cannot apply for grants from the EPA.

Meeting with the Town's Attorney Bryan Dench, the Town Manager, Town Planner and others, a move towards progress has been formulated. The Town is an entity that is entitled to apply for the EPA grants. If the Town forecloses for back taxes, it can apply for the grants, but at the same time be held harmless regarding the environmental issues. The Town would be responsible for the 20% match. The Town would then have the Fund of Jupiter pay the back taxes owed after the clean-up to recoup the 20%.

The Town Manager stated that what he is looking for is direction:

1. Pursue this
2. Draw the line and say "no"
3. They are interested but more research is needed before moving forward.

The Town Manager explained that this is a way to get the property to a "clean state."

The BOS had many questions regarding the Town's liability and what would happen if the grant money did not materialize. The foreclosure can be undone if the grant money does not come in.

Several residents spoke in support of the plan and others stated that perhaps this was something that should be taken slower.

The consensus of the BOS was to get the word out and educate the public as much as possible between the 16th and November 4th.

Motion: It was moved by Selectman Pendergast and seconded by Selectman Wright to have the Town Manager move ahead with Attorney Dench to craft the agreement and the warrant articles for the November 4, 2014 election.

The motion carried unanimously; 4 – 0.

VI. COMMUNICATIONS

a. Overview of Regionalization Subcommittee Meeting with South Berwick

The Town Manager reviewed the topics spoken about at the meeting: Police, Public Works, Assessing and Transfer Stations. The next meeting will be in a month or two. They will continue working on narrowing down some of the possible collaborative areas.

b. Dividend Refund from MMA Risk Management Services

The Town Manager explained that the Town received a refund/dividend from Maine Municipal's Risk Management Services. This is due to the insurance pool's over-all performance not the Town's individual experience. The amount of the check is \$7,675.00.

Unfinished Business #a: Public Bid Opening & Potential Action on Town Hall Boiler RFP Responses

Chairman O'Connor opened the two bid responses.

Woodard & Curran	\$76,385
Mechanical Services	\$63,720

Mr. Tim Nichols of AEC stated that he had reviewed both the qualification and spec bids and both had met the bid standard. He recommended going with the lower bid.

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to accept the bid from Mechanical Services for \$63,720.

VII. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

A/P WARRANT	1508	\$68,882.86
WATER WARRANT	W1508	\$1,035.30
PAYROLL WARRANT	1509	\$36,807.37
A/P WARRANT	1509	\$55,342.22
WATER WARRANT	W1509	\$45,004.85
PAYROLL WARRANT	1510	\$38,314.09

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to accept the Accounts Payable Warrants as presented.

The motion carried unanimously; 4 – 0.

VIII. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

a. RE: Tax Map R063, Lot 003-002-000

Motion: It was moved by Chairman O'Connor and seconded by Selectman Crichton to accept the Quitclaim Deed for Tax Map R063, Lot 003-002-000 as presented.

The motion carried unanimously; 4 – 0.

IX. Unfinished Business

a. Public Bid Opening & Potential Action on Town Hall Boiler RFP Responses – This Item was moved up in the agenda.

b. Proposed Land Use Fee Structure Amendments

The Town Manager answered the BOS questions regarding the draft fee structure amendments. Selectman Crichton reiterated his stance on making the Planning Department self-funded and stated that he felt the proposed fees were still too low and should be increased another 10%. Chairman O'Connor wanted the fees posted on the website and public input before the voting on the matter on September 16th.

c. Consideration of Bedbug Infestation Treatment Ordinance

There was limited discussion regarding leverage and enforceability.

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to accept the proposed Bedbug Ordinance and place it on the November ballot.

- d. **Request for Authorization to Expend Contingency Funds for KACTS Grant Match**
Motion: It was moved by Selectman Crichton and seconded by Selectman Pendergast to approve spending \$1399.70 from contingency funds for the Town's KACTS grant match.
The motion carried unanimously; 4 -- 0.

Selectman Pendergast excused himself and left the meeting at 8:50 p.m.

X. NEW BUSINESS

- a. **Signature of Municipal Tax Assessment and Commitment Warrants**
Motion: It was moved by Selectman Crichton and seconded by Chairman O'Connor to sign the Municipal Tax Assessment and Commitment Warrants.
The motion carried unanimously; 3 -- 0.
- b. **Town Manager's Annual Performance Evaluation**
Selectman Crichton suggested that this item should be conducted in Executive Session. The Town Manager stated that he still would be all right with this conducted in public.

Chairman O'Connor felt that they should continue in public. He stated that he had spoken with Selectman Ganiere regarding the Evaluation and Selectman Ganiere had indicated that it could take place without him.

The scoring was done in a "block" score format. Three of the main areas the block score was 4 and one area it was a 3. Overall the BOS was happy with the job performance.

The discussion turned to salary compensation. Selectman Crichton stated that a \$5,000 increase would be appropriate. Chairman O'Connor wished to discuss with a full Board present.

XI. Second Public Comment

Tammy Cole -- Ms. Cole explained reservations she had regarding the Prime Tanning proposal.

1. Lawyer fees
2. Grant writing fees

The Town Manager answered the three questions.

1. The legal fees are for "discretionary" advice not litigation. Litigation is expensive. The advisory nature should keep the fees at \$5,000 or less.
2. The people who have volunteered to write the grant are doing so at no cost.

XII. Other Business/Non-Agenda Items

1. The Berwick/Somersworth Bridge will be closed from 9 p.m. until 6 a.m. on September 12th.
2. The Town Manger requested to lift the hiring freeze for a possible future hire at the Transfer Station.

Selectman Wright asked about the quashing of the subpoena. The Town Manager stated the requested items have been given to the court and a Judge will review and make a determination.

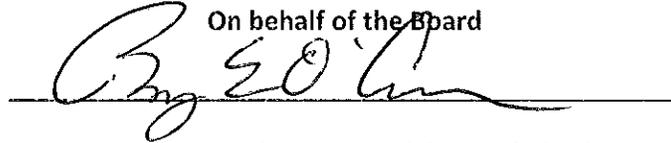
XIII. Potential Executive Sessions - None

XIV. Adjournment

Motion: It was moved by Selectman Wright and seconded by Chairman O'Connor to adjourn.
The motion carried unanimously; 3 – 0.

The meeting adjourned at 9:43 p.m.

The September 2, 2014 BOS Meeting Minutes
Signed as approved at the Board's September 16, 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