

MINUTES

The Meeting was called to order by Chairman Haley at 6 P.M. All Board Members were present. The Board voted to enter Executive Session under the provisions of 1 MRSA 405, 6E to meet with Attorney Sandra Guay to discuss a legal complaint served on the Town. O'Connor/Murphy 5/0. The Board returned from Executive Session at 7 P.M. The Chairman reconvened the Meeting and led those present in the Pledge of Allegiance.

MINUTES. The Board voted to approve the Minutes of August 7, 2012 with two amendments. Murphy/O'Connor 5/0.

PUBLIC COMMENT. None.

COMMUNICATIONS.

A. Town Clerk Melissa Albert introduced her new Deputy Town Clerk, Berwick resident Lynn Shearer. She was warmly welcomed by all.

B. Service Issue. A recommendation by Mechanical Services, Inc. to install an oil solenoid valve on the oil supply line at the Berwick Town Hall at a cost of \$950 was approved. Murphy/Crichton 5/0. The Town Manager was authorized to sign the necessary paperwork.

C. Letters from York County. The Town Manager presented three letters from York County pertaining to a change in the County's Fiscal Year, the problems and costs associated with the Jail and, most importantly, the Notice to Municipal Officers of the caucus for the York County Budget Committee. The Town Manager explained in some detail each of the three documents. Mrs. Murphy agreed to attend the caucus on September 19, 2012 and some other Board Members may do so as well.

D. West Nile Virus. Chairman Haley notified everyone that word had just been received from the state of the presence of West Nile Virus found in mosquitoes in Lebanon. The Town Manager noted he had warned Department Heads about this as well so that our employees would be aware of it.

E. Offer from Resident. Rick E. Tibbetts submitted a written offer to volunteer to assist with the mowing of the roadsides for the Town. The Town Manager warmly welcomed the offer and said he and the Public Works Department Foreman would work with Mr. Tibbetts to see if we can provide the proper equipment and what insurance requirements might apply to a volunteer.

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F. Quit Claim Deed. The Board signed a Quit Claim Deed on property described on Map R054, Lot 33 of the Town Tax Maps and acquired by the Town through automatic foreclosure due to non payment of taxes in order to release the Town's interest in the property since all real estate taxes have now been paid. Haley/O'Connor 5/0.

WARRANTS. The Board approved Town Payables Warrant #1306 (\$84,764.53) and Town Payroll Warrant #1307 (\$40,021.11). Murphy/O'Connor 5/0.

REPORTS OF COMMITTEES.

A. Upcoming Meeting on September 19, 2012. Chairman Haley reminded everyone of the meeting to be held in the Upper Town Hall at 6:30 P.M. on Wednesday, September 19, 2012 to initiate the discussion on the downtown study authorized by the Town Meeting and on the formation of a new Economic Development Committee.

UNFINISHED BUSINESS.

A. Audit Proposals. The Board voted to accept a three year proposal for audit services from RHR Smith and Company starting with the year ending June 30, 2012 for a fee of \$9,500 per year. Crichton/Ganiere 5/0.

B. Fire Department Study. The Town Manager received proposals from: Neil D. Courtney, Fire Protection Specialist; Municipal Resources, Inc.; and from Emergency Services Consulting, Inc. He provided each Member with copies to review as they were quite detailed. A decision will be made at the Board Meeting to be held on September 4, 2012.

C. Old Sanford Road Parking Signs. The Chairman asked Ken Poirier to comment further on his previous request. Following discussion, it was agreed that new signs would replace the old faded No Parking signs on Old Sanford and Cranberry Meadow Roads except in front of 10 Old Sanford Road which will be removed. Murphy/Ganiere 5/0.

D. Comcast. The Town Manager received an e-mail response from the representative from Comcast who indicated a willingness to discuss cost sharing with the businesses along Route 4. The Chairman will communicate with one or more of those business owners about this development.

E. Public Works Department Issues. Foreman Robert Perschy and the Town Manager continued the discussion from the previous meeting regarding the shortage of manpower and the choices before the Board with regard to filling the unfilled third position in the Department or using independent contractors to do specific tasks for the Department. Board Members wished to have further information regarding using independent contractors and to determine actual costs to contract out such tasks as plowing and mowing v. the actual in-house costs for doing the same work. The Department also needs to define which tasks are most suitable for outsourcing.

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F. Water Department Standpipe Project Update & Timeline. The Town Manager explained that, following the two previous presentations from Chief Operator Chris Weismann and Board approval of postponing the Project until the spring of 2013, he had asked Mr. Weismann to prepare this final Timeline Document which would become a blueprint for proceeding with the equipment repairs and then the various parts of the Project. Mr. Crichton expressed concern about the weather and asked how it might impact the timeline. The Town Manager noted that it should not seriously impact it as weather was not the reason the Project did not go forward as originally planned but rather the long wait we had to hear from Somersworth. Nevertheless, he will alert Mr. Weismann to this so he can build in maximum flexibility with the painter. A full set of notes will be left for the new Town Manager. The Board approved the final Timeline a copy of which is attached to and made a part of these Minutes. O'Connor/Ganiere 5/0.

G. Cemetery Road. The Town Manager was asked about the speed limit issue and replied he had checked in Augusta and was advised that the request to lower the limit had been received and was in the process of being approved. He had previously advised the Board Members of this by e-mail. We will receive official notice from MDOT when that happens and then we can put up new signs.

H. Capital Improvement Projects. The Town Manager provided the Board with a list of CIP Projects he was currently working on. He asked and received permission to sign the formal contract with Civil Consultants to prepare the RFP for the remainder of the Fire Department Exterior Renovation Project. Crichton/Murphy 5/0.

I. Independent Review of Sullivan Street School Project. The Town Manager provided Board Members with a copy of the Notice being placed on the Town Website announcing open hours to come in to meet with Attorney Rachin on September 5th, 6th, 7th.

NEW BUSINESS.

A. Water Department Bond Anticipation Note. The Town Manager provided Board Members with copies of the authorizing vote to borrow from the Maine Bond Bank. Our current BAN will become part of the next bond issue.

B. Commit Taxes. Board Members signed the Tax Commitment for 2012/2013. The Town Manager explained they are being committed initially to Interim Tax Collector Melissa Albert and will be re-committed to the new Town Manager when that person is hired.

C. Tax Acquired Property. The Town Manager provided Board Members with a list of tax acquired properties to review.

D. MDOT Meeting on the Rochester Street Project. The Chairman reminded everyone it will be held in Chambers on Thursday, August 23, 2012 from 6 P.M. to 8 P.M.

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E. Special Board Meeting. The Board Members agreed to meet at 6:30 P.M. on Tuesday, August 28, 2012 with Attorneys Alan Shepard and Bryan Dench to review current and pending litigation. The Meeting will be held in Executive Session and the Town Manager will post the appropriate Meeting Notice. Crichton/Ganiere 5/0.

F. RFP for Legal Services. The Town Manager was asked to prepare a draft RFP and pass it along to the Board prior to his leaving for Europe in September. He was also asked if he could resume his Interim Position when he returns from his previously scheduled trip and he responded he would if a new Town Manager was not yet seated as was included in his original offer to the Board. He also reminded the Board that he cannot remain beyond October.

ABATEMENTS/SUPPLEMENTALS. None.

PUBLIC COMMENT.

Questions were asked about what uses could be made of the Lena Clark Fund monies especially as they may be needed for boiler repair/replacement costs and how much was available and about certain elements of some of the CIP Projects. Mr. Crichton will continue to work with the Town Manager on the various CIP issues. The Town Manager will search for the Energy Audits recently done for the Town. He will also check with CMP to see what policy exists regarding allowing signs on their poles in Berwick.

ADJOURNMENT. The Meeting was adjourned at 10:05 P.M. Crichton/Ganiere 5/0.

Respectfully submitted,

James K. McMahon

**James K. McMahon
Interim Town Manager**

Memorandum

Date: 16 August 2012

To: Jim McMahon, Interim Town Manager

From: Chris Weismann, Berwick Water Department

Subj: Standpipe Project Update and Timeline

Since the Board approved the rescheduling of the project, I have moved ahead with planning for the work in spring.

Project Funding

Virtually the entire \$300,000 proceeds from the short-term bond anticipation note (BAN) are on deposit in a Water Department account. At the same Town Meeting which approved the short-term note, a 10-year Maine Municipal Bond Bank (MMBB) loan to pay off the BAN was approved. The application for the MMBB bond has been submitted, and I do not foresee any complication developing in the project funding.

Reliability Upgrades at the Water Treatment Plant—An Integral Part of the Project

I have surveyed the entire plant process, listed items deserving attention, and contacted suppliers and technicians. There are about \$13,500 of necessary hardware and software programming costs, along with \$4,000 of valuable improvements, and as much as \$16,000 of potential costs that will require an analysis by an electric motor specialist before their priority can be evaluated. I am confident that the final cost of the necessary upgrades will be less than it would have cost to purchase water from Somersworth during the project, and represent a constructive capital investment in the Town's infrastructure.

Impact on Water Department Finances

The retirement of a \$245,000 annual bond payment in November 2012 will provide at least \$120,000 per year to fund Water Department operations, despite the debt that will come due in 2013, including the MMBB standpipe bond. This will cover all costs of the reliability upgrades.

Project Timeline

The weather will largely determine when the standpipe painting can begin. Steve Sanderson, the project engineer, tells me that, "typically we start the painting season in the beginning of April. Most of the products require a surface temperature of 40 F and above." Based on an April 1 contractor mobilization, here's the timeline I will be working to achieve:

- March 25 Water Dept. begins providing 24/7 pressure to Town, draining standpipe.
- April 1 to 22 Contractor sand blasts interior, starts exterior preparation.
- April 22 to 29 Coat interior and exterior, concrete base repair, caulking.
- April 29 to May 6 Demobilization
- May 6 to 22 Water Dept. fills standpipe, disinfects, tests, drains, refills. Department resumes normal operation.