

MINUTES

The Meeting was called to order at 6 P.M. by Chairman Haley. All Board Members were present. The Chairman read several prepared comments copies of which are attached to and made a part of these Minutes. No Executive Session was held. The Chairman asked that discussion of the suit against the Town be tabled until the next Meeting and it was. Haley/Murphy 4/1 (O'Connor opposed). The Chairman requested the Board use alternate legal counsel when the issue is taken up in Executive Session at the next Meeting and the request was approved. Haley/Murphy 5/0. Town Attorney Alan Shepard was present and provided a response in which he defended his years of service to the Town. The Town will wait for service by the Sheriff's Department. The Town Manager will obtain the services of an alternate attorney to advise the Board at the Executive Session on August 21, 2012. He noted that coverage may be provided by the MMA Risk Pool. O'Connor/Murphy 4/1 (Crichton opposed). The Chairman led those present in the Pledge of Allegiance.

MINUTES. The Board voted to approve the Minutes of July 31, 2012. Murphy/Ganiere 5/0. In follow up comments pertaining to RFP's for assessing and legal services, it was agreed that the Board may wish to take up one or both of the RFP's before a new Town Manager is hired. Murphy/O'Connor 5/0.

PUBLIC COMMENT. Comments were made about a situation where a fireman neglected to help a handicap person, about the Board of Selectmen not responding to a communication addressed to it, about a recent article in Foster's pertaining to a fire and staffing issues in the Fire Department. With regard to the letter directed to the Board, it was agreed Board Members may respond directly themselves or rely on the Chief's response to the questions that were asked. The Town Manager will be bringing proposals back to the Board to do a review of the Fire Department and its operations as previously authorized by the Board. Further comments pertained to the removal of a light by CMP adjacent to the roadway servicing rental property at 16 Jordan Street and the dangerous situation that has been created as a result and the continuing use of FOAA requests to obtain information. It was pointed out that Mrs. Murphy and Mr. Crichton have failed thus far to respond to such a request. One resident noted he had a number of questions pertaining to the last discussion about the Water Department Standpipe Project. He was not present when the Town Manager and Chief Water Treatment Plant Operator provided a final solution to the lagging project later in the Meeting.

MINUTES OF AUGUST 7, 2012 – PAGE 2

COMMUNICATIONS.

A. SAD 60 Board Member Peg Wheeler introduced James Ashe who is serving as Acting Superintendent. Mr. Ashe briefly described his background and noted that his was a courtesy call to get acquainted.

B. License Application. The Board approved a Massage Therapist License for Kayla LaPierre who was present. Crichton/Ganiere 5/0.

C. Audit Proposals. The Town Manager introduced new Finance Director Doug Mitchell, CPA. The Finance Director provided the Board Members with a list of five firms to which he had sent requests for audit proposals and the sealed bids of the four firms that had responded. The bids were opened in public and the amounts quoted for a three year term were read. The Board referred the bids back to the Finance Director to compare each with the terms of the RFP. Those that meet the criteria are to be forwarded to each Board Member electronically and be posted on the Town Website.

D. COAST Board. The Board received a letter from COAST Bus inviting a Board Member to serve on its Board as there is now a vacancy due to the departure of the former Town Manager who had served in that capacity. Following discussion, it was agreed to leave this appointment open pending the hiring of a new Town Manager or the receipt of a request to serve by a qualified citizen volunteer. Murphy/Ganiere 5/0.

E. Other. The Chairman distributed a copy of the recent decision in the case of Duffy v. Town of Berwick to all Board Members and to the Town Manager.

WARRANTS. The Board approved Payroll Warrant #1306 (\$43,033.51) and Town Accounts Payable Warrant #1305 (\$667,698.32). Murphy/Crichton 5/0.

REPORTS OF COMMITTEES. None.

NOMINATIONS-APPOINTMENTS-ELECTIONS. None.

UNFINISHED BUSINESS.

A. Water Department Standpipe Project Update. The Town Manager introduced Chief Operator Chris Weismann who provided another update to the Board on his continuing review of an alternative plan to postpone this lagging Project to the Spring of 2013. He presented a detailed outline of the Risk/Benefit Assessment and his recommendations - a copy of which is attached to and made a part of these Minutes. He noted some plant upgrades must be done this fall

MINUTES OF AUGUST 7, 2012 – PAGE 3

in order to accommodate our doing the entire Project using Berwick water and that funds would become available this fall, due to an expiring bond, that would allow for the cost of putting those upgrades in place. Following lengthy discussion, the Board voted to approve moving the Project to the Spring of 2013.

**Crichton/O'Connor 5/0.** The Town Manager explained to those present that the Water Department was not taxpayer funded but, instead was an Enterprise Fund, with revenue provided by the ratepayers. The Town Manager will have Mr. Weismann prepare a Timeline for the Board's information with regard to the rescheduled Project. Mr. Weismann will also communicate with the City of Somersworth with regard to clarifying or restating the existing agreement for fire suppression purposes.

**B. Capital Improvement Expenditures.** Mr. Crichton reviewed the Committee Report dated 3/7/11. It was agreed the Town Manager should follow up on the first three projects listed. The Town Manager also advised there could be a significant problem with the whistle device for the Town Hall underground fuel tank that could be an emergency situation that will need to be added to the list. The Town Manager reminded the Board that any funds left in this Account at the end of the year should be carried forward at the Annual Town Meeting until all have been expended for the purpose authorized.

**C. Berwick-Somersworth Bridge Project.** Mr. Crichton attended the public meeting held in Somersworth on August 2, 2012 and he reported on several issues that were discussed including traffic flow and the ability of the ambulance to cross over during construction. All agreed that Berwick will have to pay a portion of the cost of the ornamental lighting on the Bridge - estimated to be between \$10,000 and \$20,000. The Board agreed to place an Article on the Annual Town Meeting Warrant in 2013 to raise the funds. **Crichton/Ganiere 5/0.**

**D. Rochester Street Project.** The Town Manager noted that a Meeting on this Project is scheduled to be held in the Board Meeting Chambers on August 23, 2012. He also reported he could not find where the second half of the anticipated local match was ever raised and appropriated resulting in only \$70,000 being available. He stated the balance of the anticipated \$159,000 local share will have to be taken from the annual \$250,000 Road Funds. This prompted quite a lengthy discussion after which the Board voted to do so. **O'Connor/Ganiere 4/1 (Murphy opposed).**

**E. Comcast.** As requested, the Town Manager obtained a communication from Bryan Christiansen which he distributed in response to question(s) posed at prior meetings. Following discussion, he was asked to contact Mr. Christiansen to see if there is any opportunity for cost sharing to extend wiring to the outlying areas not served due to density requirements and/or to the new businesses on Route 4. He will do so.

MINUTES OF AUGUST 7, 2012 – PAGE 4

**F. Disorderly Housing Ordinance.** This was placed on the Agenda for discussion. It was referred to the Police Department with the request it be modified in draft form to suit Berwick and to be returned to the Board. Non Police elements should be identified as well – such as the involvement of the Code Officer.

**G. Adoption of the Amendments to the Board of Selectmen Policy.** Final approval was voted. Crichton/Ganiere 5/0. The Town Manager will distribute the amended Policy Document.

**NEW BUSINESS**

**A. Downtown Vision Project.** Frank Underwood provided a detailed history of the operation of the earlier Economic Development Committee and what it had accomplished. He suggested adopting a similar informal approach with the new Committee with the adoption of a Mission Statement and Goals & Objectives being the first order of business. He distributed a suggested Town Vision Process Document. Lengthy discussion ensued about this new Project authorized and funded by Article 24 at the 2012 Annual Town Meeting. The Town Manager observed that it would be logical for the Economic Development Committee to serve as the vehicle for implementing the Town Vision Process. It was agreed to hold a Public Meeting in the Upper Town Hall at 6:30 PM on September 19, 2012 to kick off public discussion of this effort. Mr. Underwood and the Town Manager were given permission to utilize the Town Website to assist in the development of this effort.

**B. 2012 Public Works Department Budget & Staffing Levels.** The Town Manager, acting in his capacity as Road Commissioner, provided a lot of information to the Board on the current status of staffing (2 persons plus the Foreman) on an existing unfilled position, on the use of part-time help to get the work done and on just how much work was getting done. He noted that the Department is not really able to do much due to its short staffing and budget constraints. He asked the Board Members to consider authorizing the filling of the full-time vacancy or abolishing it and hiring independent contractors to do the various summer tasks that are not now being adequately addressed. He cautioned against using part-time employees in lieu of filling the vacant position and noted there is not funding to do both. Lengthy discussion ensued. A decision on what to do was deferred until the Meeting of August 21, 2012. The Public Works Department Foreman will be asked to attend that Meeting. The Town Manager noted that he had started his Job Description Update Project and that it involved changes to several positions in both the Public Works Department and the Transfer Station.

MINUTES OF AUGUST 7, 2012 – PAGE 5

C. 2012 Paving Projects. The Town Manager provided Board Members with a copy of the 2011 State Bridge Inspection Reports showing work needed on two low use bridges in Berwick. Following lengthy discussion, the Board prioritized the bridge repairs along with the first five road projects in the Town Manager's Memo of July 31, 2012 for consideration in the 2012 Paving/Road Repair Work. The assistance of an engineer is likely.

D. New Deputy Town Clerk. The Town Manager advised the Board of the hiring of Lynn Shearer of Berwick as the new Deputy Town Clerk. He had not asked her to attend the Meeting but will do so for the Meeting of August 21, 2012. He was advised to have the employee be given a drug test if a Town Policy required it.

E. The Town Manager advised the Board that with the increasing workload it will be necessary for him to work additional days some weeks to get it all done. Under the terms of his Agreement with the Board, working additional days requires Board approval. It was given. Murphy/Haley 5/0.

F. Independent Review of Sullivan Street School Project. The Town Manager reported that Attorney Rachin had started her review on Monday.

PUBLIC COMMENT.

A resident commented on the possibility of paving Back Street with participation by some of the merchants. He also urged Selectmen Crichton to provide whatever information he may have to the Independent Investigator.

ADJOURNMENT. The Meeting was adjourned at 11:50 P.M.

Respectfully submitted,



James K. McMahon  
Interim Town Manager