

BOARD OF SELECTMEN/ASSESSORS
Town of Berwick
October 2, 2012
APPROVED MINUTES

Meeting called to order at 6:29 P.M.

Executive Session @ 6:29 PM pursuant to MRSA 405 (6) (A)

Selectman O'Connor moved to enter into Executive Session, Selectwoman Murphy seconded. All in Favor. 5/0

Out of Executive Session at 7:58 P.M.

ROLL CALL: Chairman Haley, Vice Chair Murphy, Selectman Crichton, Selectman Ganiere and Selectman O'Connor

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

APPROVAL OF MINUTES: *Selectman Murphy moved to accept the minutes of September 17th, 2012. Seconded by Selectman O'Connor. No amendments. 5/0*

Discussion: Page 4 regarding police detail, sentence states no policy for police details, Selectman O'Connor was under the impression that there was a policy. Chairman Haley stated that there is no policy it was a decision from the previous Board/Town Manager for the Captain and Chief of the Police Department not to work details during their regular work schedule.

Page 1, Chairman Haley watched the meeting from September 4, 2012 and there was an actual vote. ***Chairman Haley moved to amend the September 4, 2012 minutes on page 3 to reflect the vote was 4/0*** Original motion from September 4, 2012 meeting: Selectman O'Connor moved to hire engineering services to determine the validity of Jon. St. Pierre plans on Diamond Hill Rd. paving project. Seconded by Selectwoman Murphy. The vote of the original motion was 4/0. ***Selectman O'Connor seconded the Chair motion to amend. 5/0-*** Town clerk will amend the minutes of September 4, 2012

Chairman Haley had a moment of silence in remembrance of Keith Bowles a four term Selectman and a longtime resident with lots of community involvement.

PUBLIC COMMENT:

Mr. Perry- 50 Hall Road, speaking as a citizen and not a Planning Board member. Mr. Perry wanted to know; what is the status of the Sullivan School Project.

Mr. Rodrigues- 12 Wilson Street commented about Sullivan School Project.

Peg Wheeler- Blackberry Hill Road, commented about a building that Jerry Latarte owns and does he have a building permit for the work he is doing. Can CEO do the full job two days a week? Mrs. Wheeler wanted to know if the Planning/Assessor coordinator has been filled yet.

Ron Long- Sullivan School project. Chairman Haley stated that the Town is acting upon Legal Counsel for all Sullivan School Project issues. Mr. Long asked the Chair when Leah Rachin's report will be done. Chair replied she will be done on 10/19/12 and her submittal date is 10/22/12. This independent review on

the Sullivan school project will be a public document. Mr. Long asked if the Fire Department study will be public, Chair stated yes except for the regular exemptions of personnel. Mr. Long asked the Chair to comment on the lawsuit involving Bruce Plante.

Chairman Haley commented about the lawsuit of Bruce Plante vs. Town of Berwick; Judge Fritscke upheld the Board's decision of withholding the three e-mails. The final judgment was made to the Town without cost meaning; the Town will not be reimbursed by Bruce Plante for legal cost.

The second FOAA request made by Bruce Plante and his Attorney Libby is being handled by Sandra Guay for the Town of Berwick.

Representative O'Connor: Jay Martin, small business advocate will address the Downtown Vision committee on October 17th at 6:30. And their regular scheduled meeting will be held 11/5/12.

Representative O'Connor will come in on October 16th, 2012 for a quarterly update.

Mr. Holsten transfer station employee wanted to inform the Board and the audience at home that Saturday October 6th, 2012 is Hazardous Waste day 9 to 1

Mr. Hodges- 11 Jordan St, no more speed bumps on lower Jordan St in 2013.

COMMUNICATIONS:

- A.** Speed Bumps: Current speed bumps will be removed November 1st and speed bumps will be replaced spring in 2013 and will re-visit the placement at that time.
- B.** Lawn and Park Mowing estimate: recommendation from a company that was willing to mow the parks.
- C.** U.S.S Thresher Memorial Park: Letter from the U.S.S. Thresher memorial project group looking for Boards endorsement and monetary donation. ***Selectman O'Connor moved to endorse the U.S.S. Thresher Memorial and 50th dedication on April 07th, 2013 at the Kittery Memorial Circle. Seconded by Selectwoman Murphy. 5/0.*** Interim Town Manager will post dedication in the Town Office.
- D.** Other: Invitation to bid on the Fire Department Rehab. There was an omission by Foster's Daily Democrat on this bid that lightly impacted the pre-bid walk through; four bidders did apply to the original walk-through date. The AD was supposed to run on September 16th; Foster's will run the AD on September 27th. The bidders that already did the walk through do not need to attend. Only new bidders wishing to bid need to attend. Second pre-bid conference will be held on October 8th, 2012 at 10 am at the Fire Station. Bids are due to Civil Consultants by 4:30pm October 16th and will be open by the Board on the same date.
- E.** Interim Town Manager stated that the DEP has been notified that the tank alarm will not be installed by October 5th. DEP knows that the Town has complied with the order, with a contract with Portland Pump to fix the underground tank that didn't pass inspection in June.
- E.** Closing the Town Clerk's /Customer Service office on Nov. 6: Town Clerk, Melissa Albert asked the Board to close the office for the General Election, all the clerk's that work in the office live in

Berwick and can work all day for the election. This would avoid covering the windows for breaks and lunches that day. **Selectman O'Connor motioned to honor Melissa Albert, Town Clerk request to close the Customer Service window for November 6, 2012 for the General Election. Seconded by Selectman Ganiere. Motion passes 4/1 Selectwoman Murphy opposed.**

G. Chairman Haley read a letter from the Board of Directors of Property & Causality loss that the Town of Berwick will receive \$8802.00 for good loss experience.

Chairman Haley asked the Board to suspend the rules and take Item A, New Business out of order: Discussion with Police Chief accepting private duty assignments; **Selectman Ganiere motioned to take item out of order, seconded by Selectman O'Connor. 5/0**

Chief Towne came to the podium and explained to the Board that he and Captain Locke would like to do detail work during their regular scheduled work hours. Chief and Captain are salaried employees and would make up their regular time during the work week when they do details. Details are paid by private entities not by the Town taxpayers. Chief Towne stated that it would give him and the Captain some extra money and protection/safety for these private companies during work on the streets. Chief Towne drafted a policy for the Board to review and sign for the salaried police officers to work details. Selectman Crichton asked Chief Towne to draft an ordinance for private entities working on the streets of Berwick mandatory to have police detail. Chief stated that he would work on drafting that ordinance. Chief Towne stated that doing details during their regular 40 hour week is not double dipping that all hours are made up within that work week. A complaint was made with the State a few years ago and was investigated and deemed that is was not double dipping per Chief Towne. **Selectman Crichton moved to adopt the police detail policy to be effective immediately and sign the policy on October 16th, 2012, and be placed in the policy book, seconded by Selectwoman Murphy. 4/1 Selectman O'Connor opposed.** Interim Town Manager will provided one policy with a sheet for the Board members to sign on the October 16th meeting for adopting the police detail policy.

Discussion: Selectman O'Connor supports the policy but he feels it should be in standard operating procedures for the Manager oversee versus a Board policy.
Policy will be placed in the Policy book and the Police Departments standard operating procedure.

Chairman Haley asked Chief Towne why he and the Captain were no longer allowed to participate in ICMA that the Town provides as a benefit. Chief Towne stated that a previous Board had a few minute discussion and decided to take away the benefit. Interim Town Manager will check into why this benefit was taken away. Chief Towne stated that there was no explanation as to why it was taken away.

Chief Towne stated that he has lost the ability to use his reserve officers due to; they reached their maximum hours they can work by State statute. Chief did not fill a position in June during the budget process to meet his 3% cut but, now this position is in demand due to his part-time reserve officers are at the max hours. Chief Towne would like to get have this position without asking the town for more money. The reserve officer money that has not been used will be used in the full-time employee salary budget. **Selectman Crichton moved to remove the hiring freeze on the Police Department, Seconded by O'Connor. 5/0**

Selectman Crichton moved to allow the Police Chief to hire Police Officer to fill his void. Seconded by Selectwoman Murphy. 5/0

APPROVAL OF ACCOUNTS PAYABLE WARRANTS:

TW1312 \$85,755.39
PR1312 \$34,777.14
TW1313 \$668,219.44
PR1313 \$34,778.58
W1313 \$5,428.93

Selectwoman Murphy moved to accept the warrants, seconded by Selectman Crichton. 5/0

Chairman Haley wants Interim Town Manager to check with the Finance Director regarding the negative amounts on warrant # 1312.

REPORTS OF COMMITTEES:

Selectman Crichton said weather permitting the Town Hall front steps will be finished on Saturday. If weather does not cooperate it will be finished next week.

UNFINISHED BUSINESS:

Pete Finley from MRI will perform the Fire Department study. Chairman Haley will be the contact person and the authorized signer. ***Selectman Crichton moved to authorize Chairman Haley to sign the document from MRI to perform the Fire Department study due to conflict of interest with Interim Town Manager signing the document. Seconded by Selectman Ganiere. 5/0***

Chairman Haley would like the Interim Town Manager to contact Atty. Brian Dench about legal fees that accrued during the BOA process and his assistance with the Planning Board for their proceedings. What is the breakdown of amounts billable to Bateman?

Highway Department Staffing: Berwick has 6 winter routes. Normally the Highway dept. has four full-time employees and two part-time. Currently the town has two part-time and two full-time. Town is taking in RFP's for contracting plowing for the winter. Robert is interviewing for 2 part-time employees. Robert Perschy needs to be at the 10/16/12 meeting. Robert and the Town Manager will look at the budget numbers to see the available funds to hire a full-time employee and the 2 part-time.

Chairman Haley had a letter from Southern Maine Parent Awareness, which stated they helped seven Berwick families in the amount of \$758.89 and looking for the Board to fund \$250.00 to their program. Chair wants the Interim to make copies for the Board for the next meeting and discuss at 10/16 meeting.

Selectwoman Murphy had a letter from Peg in the Garden, looking for a donation for finishing a path at the Library. Chair asked to put this letter in the Boards packet and will discuss at October 16th meeting.

PUBLIC COMMENT:

Peter Perry- asked the Board if the Board received a performance bond for town paving. Chairman Haley stated that Belanger paving got the bid and Interim Town Manager Jim McMahon verified that they had the proper insurance. Interim Town Manager Stenhouse will look into the insurance that was given by Belanger and get back to the Board. Mr. Perry would like the Town to have a full-time code enforcement officer.

Jody Wright- 12 Wilson St, commented about crimes in Berwick, six foot wooden fence that was put up behind her house at the Sullivan School project parking lot.

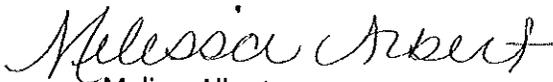
Chairman Haley moved to enter into Executive Session per MRSA 405 (6) (E) seconded by Selectwoman Murphy. 5/0

ABATEMENTS/SUPPLEMENTALS: NONE

ADJOURNMENT:

Selectman Crichton moved to adjourned meeting at 11:43P.M., seconded by Selectwoman Murphy. 5/0

Respectfully Submitted,



Melissa Albert
Town Clerk