

**Town of Berwick
Board of Selectmen/Board of Assessors
Regular Meeting
October 01, 2013
6:30 P.M.**

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

Call to Order – 6:34 p.m.

ROLL CALL: Chairman O'Connor, Selectman Crichton, Selectwoman Murphy, Selectman Haley, Selectman Ganiere

Others Present: Town Manager, Patrick Venne; Town Clerk, Jo Anne Lepley, Transfer Station Attendant Neil Holkinson

II. APPROVAL & SIGNATURE OF MINUTES

a. Approval of September 17, 2013 & signature of amended minutes for September 3rd, 10th & 13th
Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to accept the September 17, 2013 minutes with corrections.

Selectman Haley asked that the following amendments be made to the minutes:

1. Under Item II - 6:35 a.m. – change to p.m.
2. Under Item III – to include the language that “there was no second and the motion died.”
3. Under the Fire Department Update – change the number of total calls to 17.
4. Page 4 – The Town Clerk’s update #1 sentence #3 – remove “the” before “both”.
5. Page 6, paragraph 5- remove the “he” immediately after “Selectman Haley.”
6. Page 6, paragraph 5, #4 – add “Consensus to identify the top three (3) cost drivers.
7. Page 7, top of page – remove “not”.

Motion: It was moved Selectwoman Murphy and seconded by Selectman Crichton to approve the September 17, 2013 minutes as amended.

The motion carried unanimously; 5 – 0.

III. FIRST PUBLIC COMMENT

Milke Reid – Mr. Reid inquired as to the percent of time the Town Manager spends over seeing staff, inspecting the Town’s physical assets, working on cost cutting measures, and working on projects moving the Town forward. The Town Manager will respond to this question in writing.

Oscar Stone – Mr. Stone commented on the missing “No Parking” sign on the corner of the Cumberland Farms property, an Appeals Board hearing not posted properly and gave an update on his recall petition drive.

Ken Poirier – Mr. Poirier stated that this is the best Board of Selectman in thirty years and that the Town Manager is very good, but new. He stated that Boards are not easy and to please vote “no” should there be a recall election.

Frank Underwood – Mr. Underwood gave an update on the river front property he discussed with the BOS at the last meeting. The owner appeared to be willing to work with the Town.

Tom Wright – Mr. Wright wished to state that he was not using his sister’s misfortune to further his political aspirations and the recall petition he has started is not “out of spite.” The request for a “study” of the Fire Department Study is not necessary.

[Unfinished Business Items a, b, c were moved up to this point.]

- a. A letter from the BOS was read and presented to Rebecca Chasse for her work with feral cats. Peg Wheeler also gave an update as to what has happened to date with the 37 cats found in a Berwick home. Wheeler suggested having landlords request proof of spay/neuter would help the Problem.
- b. A letter and plaque was presented to Captain Jerry Lock for 25 years of service.
- c. A letter and plaque was presented to Sergeant Jeffrey Scott for 25 years of service.

IV. COMMUNICATIONS

a. Departments Update

Fire Department

- 1. There have been eleven applications for five on-call positions that the Fire Department is currently recruiting for.
- 2. The department has responded to 20 calls from 9/9/13 – 9/23/13.
- 3. Last week, the Fire Station had a roof drain leak which needed repair. Apparently, during repairs to the roof last year, the contractor unhooked a drain from its suspension but neglected to re-hook the pipe upon completion of the job. The repairs have been made at no cost.

Finance Department

- 1. The Finance Director had made a copy of the expenditures of the Lena Clark Trust account and is in the packet.
- 2. The Water Bills are going out.
- 3. The audit firm RHR Smith has made its final site visit. The final audit report should be ready for the BOS to schedule in early November.
- 4. The Town Manager has requested that the Finance Director develop a standard template for each department to use in for preparing their budgets.

The Town Manager brought up the Budget Committee which had been established by vote at Town Meeting last year. There was discussion and public input. **It was the consensus of the BOS to have the Town Manager compile information from other towns regarding their budget committees and make recommendations to the BOS to move forward with the establishment of Berwick’s Budget Committee.**

Police Department

- 1. There have been six applicants for the current open position at the Police Department. Out of the six, four meet the stated qualifications.
- 2. Chief Towne conducted a site walk with School Principal Audra Beauvais and Superintendent Steve Connolly to address the overflow parking problem discussed at the previous meeting. Chief Towne has stated that he believes that instead of erecting more signage, adding additional parking areas could be useful. There are already “No Parking” signs in the discussed area that may be in need of cleaning or replacement. Chief Towne will work with Public Works Foreman Robert Perschy to address this matter. During the next school event, Chief Towne will have officers in the area to enforce the parking rules.

Planning Department

- 1. At its September 19, 2013 meeting, the Planning Board approved the following applications:
 - 1. A Conditional Use for a change of use to agricultural land for David Kathios along Route 9; and

2. A Conditional Use for a "Control House" for Central Maine Power in connection with its substation and transmission line plans.
2. On October 3, 2013, the Planning Board will hear the following applications:
 1. A Conditional Use plan for vehicle storage and maintenance at 33 Guinea Road; and
 2. A minor subdivision plan on Wentworth Road.
3. The Planning Board will be attending training put on by the legal services division of Maine Municipal Association in Saco this month. The Board of Appeals may be interested in an in-house training workshop related to the proper legal procedures for reviewing applications before the Board.
4. The Town's Planner was able to discern, using geographic information systems mapping the mean geographic center of Berwick for inclusion in the recently re-released Ambulance Services RFP. It was determined that it is approximately the intersection of Cemetery and Cranberry Meadow Roads.

Public Works Department

1. The Public Works Department is still engaged with mowing public land and is also working with the Police Department on cleaning and reinstalling "No Parking" signs.
2. The Department has begun cleaning debris from ditches around Town to avoid costly damage from flooding.
3. The Department has completed a new set of Truck Bid specifications. The "specs" were not crafted around an existing vehicle.
4. Diamond Hill Road Project
After a lengthy discussion of the Diamond Hill Road Project, it was the Consensus of the BOS to not open the bids that had been received for the paving.

Recreation Department Update

1. The Recreation Committee will next meet on October 9, 2013 at 6:30 p.m.
2. On October 30, 2013, the Department will hold its annual Halloween "Trunk-n-Treat."

Town Clerk's Department

1. The Town Clerk and Deputy Clerk attended the fall meeting of the York Clerk Association. The training/workshop portion was "Vital Records."
2. General Assistance appointments have begun to increase with colder weather Beginning.
3. Lynn Shearer and Lory Faucher have started their new schedules approved by the BOS in September.

Water Department Update

1. In response to accidental discharges to the environment of "backwash" water which occurred several weeks ago and reported to the Department of Environmental Protection (DEP), the DEP sent a letter of warning to the Water Department. Matt Hight, of DEP scheduled a site visit, but did not show up and did not reschedule. Chief Operator Chris Weismann has made sure this type of incident does not reoccur.
2. The Maine Drinking Water Program conducted a Sanitary Survey of the Water Department on September 19, 2013. The survey found the Department is capable of reliably supplying water which is safe for consumption.

- b. **CMP Public Hearing**
Central Maine Power held a Public Hearing on September 23, 2013 regarding its planned substation project in the vicinity of Route 236 and Power House Road. Approximately 20 members of the public attended and Berwick Community Television recorded the event.
- c. **All Boards Meeting Date – November Potential**
The tentative date for the “All Boards” meeting was discussed. November 21, 2013 worked for four of the five BOS members. Chairman O’Connor will try to arrange his schedule to be available.
- d. **Regional Meeting Date – October Potential**
After discussion, it was consensus to hold the Regional Meeting on October 30, 2013 at 7:30 p.m.
- e. **MSAD #60 Grant Application**
The Town Manager went over the request from MSAD #60 Superintendent for the Town Manager to sign an acknowledgement of receipt of a copy of a \$4,000,000 grant application.

V. **APPROVAL OF ACCOUNTS PAYABLE WARRANTS**

TW	1412	\$112,593.48
WW	1412	\$963.31
TW	1413	\$53,459.92
PW	1413	\$36,601.41
PW	1414	\$38,251.12
WW	1413	\$281,948.06

VI. **QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS - NONE**

VII. **REPORTS OF COMMITTEES**

- a. **BCTV Committee Update – Tom Wright**
 - 1. BCTV has had some equipment issues that will be fixed
 - 2. The volunteers have been busy covering all of the recent meetings
- b. **Downtown Vision Committee Update – Frank Underwood**
 - 1. The Committee is waiting for their final report. It should be ready by mid-October.
 - 2. The DVC has gone ahead and started moving forward-they do not want to lose the momentum from the work these past months. The sub-committees are helping to move forward and are helping to build a sense of community.
- c. **Rec Committee Update – Kim Taylor**
 - 1. Ms. Taylor went over the “Trunk-n-Treat” Plans and history.
 - 2. The Rec Committee is hoping to get ideas for Senior Activities.

VIII. **UNFINISHED BUSINESS**

- a. **Presentation of Thank You Letter to Rebecca Chasse – Moved up to earlier on the agenda**
- b. **Presentation to Captain Locke of Thank You Letter re: Length of Service – Moved up to earlier on the agenda.**
- c. **Red Barn Professional Services Cats Issue – Moved up to earlier on the agenda**
- d. **BOS to prioritize goals and objectives**
There was discussion regarding how to prioritize the list and agreement that many items on the list have been addressed or are a current priority and to make sure the list is brought back for periodic review.

Budgets – This item has already been started with regards to the Budget Committee. Chairman O'Connor stated that the budget process needs to start earlier this year.

Real Estate – Selectman Haley stated that PSNH & Prime Tanning are urgent. The property spoken of by Mr. Underwood needs urgent attention.

The Town Manager will:

1. Contact the property owner to schedule an Executive Session.
2. Research the issue of "policing" the river.

Land Use Planning

1. The DVC work should take priority.

Economic & Community Development

1. Community Events Committee
2. Selectman Haley asked that the Town set a goal to become one of the Governor's "Business Friendly" communities. Set a goal to complete in 12 -24 months.

Town Policies

Consensus that this needs to be a top priority.

1. Nepotism Policy – This policy needs to be reviewed and strengthened and it needs to undergo a legal review. The policy needs to be consistent with current practices. Selectman Haley asked that as part of legal review "retroactivity" should be looked into.

Public Communications / Transparency

1. It was the consensus of the BOS that the next annual report should include salaries of Town employees and School District employees.
2. Selectman Haley stated that the Town should consider a public relations strategy. The Town Manger had suggested a "branding" strategy to include a motto or slogan.

Regional Collaboration

This item is being addressed in an ongoing fashion.

Town Manager

The BOS is currently working on the six month performance review and will also work on the goal setting for the Town Manager.

Capital Planning & Investments

1. Have Mr. Perschy work on a 10 year paving plan for roads.
2. Have Department Heads work on a 10 year capital improvement plan.

Fire Department & EMS

Chairman O'Connor stated that this item is currently an ongoing item for discussion and implementation. The BOS is currently waiting for responses to the EMS RFP.

Personnel

Selectman Crichton asked if the job descriptions had been completed. The consensus was they are not finished. Chairman O'Connor asked the Town Manager how he would make changes to a job description.

Selectman Haley would like the BOS to look into productivity and efficiency. Look into efficiency models similar to the ones used in business.

Chairman O'Connor would like the Town Hall environment to encourage employees to come forward with their own ideas in the productivity and efficiency.

Assessing & Valuation

There was discussion regarding the revaluation of the Town and how much it would cost. Selectman Haley stated that he believes there are several homes in Town that are undervalued. This would need to be discussed in Executive Session.

Manager's Suggestions

The idea for a Town Property Use Policy, not just a Town Hall Use Policy was discussed.

- e. Board to consider forms for evaluation of Town Manager and whether Self Evaluation is Desired

There was a lot of discussion as to what forms and what style of "score" to use in the Town Manager's evaluation.

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to adopt the "Kennebunk" Town Manager Evaluation Form.

The motion failed on a vote of 2 – 3 (Ganiere, O'Connor, Haley).

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to adopt the "Ellsworth" Town Manager Evaluation Form.

The motion carried on a vote of 4 – 2 (Crichton, Murphy).

Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to have the Town Manager fill out a self-evaluation form using the "Ellsworth" form.

The motion carried on a vote of 4 – 1 (O'Connor).

It was consensus of the BOS to schedule an Executive Session on Thursday, October 10, 2013 at 7:30 p.m. to complete the Town Managers six month review.

f. **Board to unseal and review bids for paving of Diamond Hill Road (4)**

It was determined earlier in the agenda to not open the bids at this time.

g. **Budget Committee – Board to consider process for appointment**

This item was discussed earlier on the agenda.

h. **Potential Discussion of Town Manager's Letter to Staff**

The Town Manager had, a few weeks back, sent a letter to staff that Selectman Haley wished to discuss. Selectman Haley was of the opinion that the wording was heavy handed and that he is an advocate of more open lines of communication. The Town Manager assured Selectman Haley and the BOS that his intention was not to be heavy handed, but to ensure that everyone in the Town's employ understood the "chain of command." Selectwoman Murphy stated that an organizational chart was probably a good idea.

i. **The Sharing of Cost of Fence Installation with the Sewer District**

At the last their last meeting, the BOS voted to pay half of the cost of a fence the Sewer District is having put up. The BOS voted to approve half of \$3,600.00 (\$1,800.00). The \$3,600.00 is half of the cost. The BOS instructed the Town Manager to check with the Sewer District and confirm whether or not they used a bidding process that included three quotes. If the Sewer District had received the three quotes and this was the lowest, the Town Manager was to move forward. If not, the Town Manager was to solicit two more bids before proceeding.

IX. NEW BUSINESS

a. **Reassessment of Transfer Station Fees for Disposal of Particular Items**

Transfer Station employee, Mr. Neil Hokinson, was available to answer any questions. The BOS asked Mr. Hokinson which items the Town made money from. It was discovered that the Transfer Station Fee Sheet had not been updated in many years.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to eliminate the \$5.00 fee from items the Town makes a profit from.

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

b. **Reassessment of Policy RE: contribution of recyclables from Transfer Station to BVFFA**

The discussion centered around the perception of the donated bin by Berwick Iron & Metal for use by the Berwick Volunteer Fire Fighters Associated to collect recyclables for fund raising. BVFFA is not a department of the Town. The Town bin and BVFFA bin should be clearly marked.

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to allow the recycle bin donated by Berwick Iron & Metal to remain where it is for use by BVFFA for fund raising.

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

c. **Media/Public Relations Strategy/Campaign/Policy to be Considered**

It was the consensus of the BOS that this is a possible goal moving forward.

- d. **Selectmen to set date for November 5, 2013 Town Meeting public hearings (2)**
The BOS set the Public Hearing date for October 24, 2013 for the upcoming referendum election on November 5, 2013.
- e. **Renewal of Junkyard Licenses: *Berwick Iron & Metal, Heavy Truck Sales, Southern New Hampshire Hydroelectric, L&S Equipment, and Pete's Motor Parts***
 - Motion:** It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the renewal of the Junkyard License for Berwick Iron & Metal.
The motion carried unanimously; 5 – 0.
 - Motion:** It was moved by Selectman Crichton and seconded by Chairman O'Connor to approve the renewal of the Junkyard License for Heavy Truck Sales.
The motion carried unanimously; 5 – 0.
 - Motion:** It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the renewal of the Junkyard License for Southern New Hampshire Hydroelectric.
The motion carried unanimously; 5 – 0.
 - Motion:** It was moved by Selectman Crichton and seconded by Selectwoman Murphy to approve the renewal of the Junkyard License for L&S Equipment.
The motion carried unanimously; 5 – 0.
 - Motion:** It was moved by Selectman Crichton and seconded by Selectwoman Murphy to approve the renewal of the Junkyard License for Pete's Motor Parts.
The motion carried unanimously; 5 – 0.

- f. **Exception from Transfer Station Registration Requirement for Sticker Issuance**
Under the current Transfer Station Ordinance, transfer station stickers are issued to Berwick residents when they register a vehicle. There are Temporary permits that are issued to residents who do not register a vehicle with the Town. The Ordinance also grants the BOS the authority to make exceptions for the Ordinance. A local auto dealer has asked for such an exception.
Motion: It was moved by Selectman Haley to approve the exception request for a Transfer Station sticker.
There was no second; the motion died.

X. ABATEMENTS/SUPPLEMENTALS - NONE
XI. FIRE DEPARTMENT STUDY IMPLEMENTATION

- a. **Board to Prioritize & Discuss Policy Level Recommendations**
 - Nepotism Policy –** Gave direction to the Town Manager earlier in the agenda regarding this item.
Selectman Haley gave a list of items he felt are policy level recommendations beginning on Page 161: 1.3.5, 1.3.6, 1.5.3, 1.6.1, 1.7.2, 2.2.3, 2.2.4, 2.3.9, 2.3.10, 2.3.11, 2.5.2, 2.5.3, 2.5.5, 2.5.8., 2.5.9, 2.6.1, 2.6.5, 3.2.1, 3.2.2, 3.2.3, 3.2.4
The consensus of the BOS was to instruct the Town Manager to look into facilitating a meeting as suggested in recommendation 2.5.3.
- b. **Proposal for Outside Investigative Review**
 - Selectman Haley stated that he had concerns with the need to address immediately the personnel issues that came to light in the anonymous survey implemented by MRI. Selectman Haley is concerned that the anonymity of the survey would be compromised and that the Fire Chief should not be involved in the follow-up.
Motion: It was moved by Selectman Haley to empower the Town Manager to investigate the behaviors identified in Selectman Haley's email using assurative and protective measures to get the details of what happened and act upon them.
There was no seconded. Selectman Haley restated his motion.
Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere that this Board direct the Town Manger to investigate the five issues in Selectman Haley's email identified in the

anonymous survey regarding poor working conditions at the Berwick Fire Department; with the intent of getting the details that led to that feedback and acting on it accordingly.
The motion carried on a vote of 3 – 2 (O'Connor, Crichton).

XII. SECOND PUBLIC COMMENT

Andrea Ouimette – Ms. Ouimette addressed the BOS with her concerns that there is seemingly a new undercurrent of bad feelings and the recalls need to stop. Ms. Ouimette thanked the BOS and Town Manager for all of the work they are doing.

XIII. OTHER BUSINESS / NON-AGENDA ITEMS

Town Manager -Berwick Sewer District Letter re: a billing system based on water usage

Selectman Haley- A citizen had concerns that the new “Disorderly Housing” Ordinance is not being enforced.

XIV. 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 11:47 p.m.

The October 01, 2013 BOS Meeting Minutes

Signed as approved at the Board’s October 15, 2013 Meeting

On behalf of the Board


Bryan O'Connor, Chairman, Berwick Board of Selectmen