

**Town of Berwick
Board of Selectmen/Board of Assessors
Special Meeting & Public Hearing
June 4, 2013
6:30 P.M.**

SPECIAL PRESENTATION:

Salmon Falls Watershed 101 – 6:35 P.M.

Mr. Frank Underwood explained that this was one of a series of "101" presentations. Jessica Sheldon introduced the presenter, LaMarr Clannon, currently with Maine NEMO. Ms. Clannon gave a presentation on how to have growth and preserve the local water shed. Ms. Clannon explained what is considered non-point source water pollution and how to greatly mitigate the damage that it causes.

Regular Meeting – Call to Order – 7:30 p.m.

A. ROLL CALL: Selectwoman Murphy, Selectman Ganlere, Selectman O'Connor, Selectman Crichton
Absent: Chairman Haley

PLEDGE OF ALLEGIANCE: Selectwoman Murphy led those present in the Pledge of Allegiance.

OTHERS PRESENT: Town Manager, Patrick Venne; Town Clerk, Jo Anne Lepley

B. APPROVAL OF MINUTES OF May 21 & 29, 2013

Motion: It was moved by Selectman Ganlere and seconded by Selectman Crichton to approve as written the May 21, 2013 minutes.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Crichton and seconded by Selectman O'Connor to approve as written the May 29, 2013 minutes.

The motion carried unanimously; 4 – 0.

C. Public Comment

Dennis Dupuls – Mr. Dupuls requested the BOS look into the parking situation in the downtown area. According to Mr. Dupuls, the park and ride vehicles are so numerous, there seems to be less parking available to the downtown business community.

Oscar Stone – Mr. Stone stated his concerns over agenda items c. & k. under "Communications" and his concern over Mr. Dupuls asking the BOS to help with the parking issue.

Lisa Huestis – Ms. Huestis represented the 300th Committee. She requested the items on the agenda concerning the 300th Committee be moved up. The BOS agreed to do so.

Tammy Cole – Ms. Cole stated she had come before the BOS a couple of weeks prior to "plant a seed" regarding the possibility of a "marquee" style sign in the front of Town Hall. She requested that the BOS consider putting this on a future agenda. The BOS directed the Town Manager to put this item on the agenda.

Reports of Committees – c. 300th Committee Update

Lisa Huestis – Ms. Huestis went over the planned events for the upcoming 300th Anniversary of the Town. She stated the festivities will include a truck-tractor pull on Friday, June 7th, a parade, firemen's muster, games and fireworks on Saturday, June 8th, and a car show on Sunday, June 9th.

New Business – d. 300th Committee request to unearth suspected time capsule.

Lisa Huestis – Ms. Huestis reported that the 300th Committee had searched for and possibly found a time capsule that was buried 50 years earlier and that the Committee was requesting permission to dig up or unearth the time capsule.

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to grant permission to the 300th Committee to dig up, or unearth the time capsule.

The motion carried unanimously; 4 – 0.

Frank Underwood – Mr. Underwood stated that the Downtown Vision Committee had been working in conjunction with the 300th Committee and would have information and signs at the celebration to inform the citizens of Berwick of the work that had been and the work needed to move forward.

Oscar Stone – Mr. Stone stated his disappointment in the lack of acknowledgement given to the Town's tri-centennial on the cover of Berwick's Annual Town Report.

D. Communications

a. Town MS4 Permit (Oil SPCC Plan)

Mr. Venne explained that this is an FYI item. By Federal and State law the Town Garage is required to have a Spill Prevention Plan and this is being done.

b. Update on Bridge Utilities Discussion

Mr. Venne stated that he has been in contact with VHB, New Hampshire and Maine PUC's, Unitil, and the City of Somersworth. Somersworth owns the right-of-way (ROW) on its side of the bridge. They have declined the request for the multi-purpose sleeve. The gas line and sleeve have been referred to Committee. Mr. Venne has attempted to convey exactly the facts of what the Town of Berwick is requesting. VHB needs a decision on what the Town of Berwick wants for the bridge plans to move forward by mid-June. Unitil did not see a negative result for Berwick in the application process. Somersworth may have restrictions or stipulations in order for Berwick to connect.

c. Petition for Special Town Meeting, Retroactive Rezoning Amendment, RC/I Zone

Mr. Venne noted that this was an FYI item that someone had left in his Town mailbox. He stated it appears that this is possibly going out for signatures to force a Notary to have the requested rezone placed before voters. The claim would be that the BOS acted unreasonably in its decision to not place this on the Warrant for the Town Meeting.

d. Lena Clark Fund – availability for HVAC

After researching, Mr. Venne found that there is approximately \$25,000 in the Lena Clark Fund. He indicated this could be used for HVAC upgrades, but would suggest not using these funds as previously discussed. Instead he suggested using monies in the Capital Building

Expenses Fund. The wording he found for the Lena Clark Fund appears to limit the money to more "unforeseen" expenditures or emergencies, but could be construed to permit the HVAC work as a "one-time expense." Mr. Venne will release the RFP in line with previous BOS direction.

e. Estimate on FY 2014 mil rate

Mr. Venne stated that if everything passes on the Town Warrant, the mil rate will go up to about \$70 per \$100,000 valuation.

f. Investment Account Options

Mr. Venne stated that Bank of America had contacted the Town several months ago and wanted the Town to remove its investment accounts because they were not profitable. The Finance Director has received three bid proposals from financial institutions looking to accept the Town's investment accounts. There was discussion regarding having a bank branch located in Berwick handle the investments and whether Kennebunk Investment Services was the same as Kennebunk Savings Bank. Mr. Venne asked the BOS for its thoughts on the bidding process in light of what he called "special circumstances" related to timing, stemming from the fact that Ms. Finger entered the process late and after previous discussions had occurred with Bank of America which is looking for the Town to withdraw its investments as soon as possible.

Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganiere to waive the formal bidding process due to the special circumstances.

The motion carried unanimously; 4 - 0.

The BOS asked that Mr. Venne notify them of his decision and what he based his decision on.

g. Re-bidding road projects/update on engineering bids

Mr. Venne explained that the Public Works Foreman had contacted the original bidders for the paving projects. One of the bidders could hold the bid at the original cost, but, it was discovered that the lowest bid had been for only part of the project and they submitted a bid for the entire project after the other bids were already unsealed. In order for the bidding to be fair, Mr. Venne suggested, the project should be put out to bid again.

Selectman Crichton stated that the Engineering should be first in order to see what the scope of the paving projects entail. All of the roads should be brought up to State Standards in order to avoid having constant repairs.

Mr. Venne indicated he would scan and email the bids he has received for Engineering.

h. Update on Comcast

Mr. Venne indicated Mr. Christiansen stopped by the Town Office and he gave Mr. Venne list of underserved roads in Berwick and also gave him the formula Comcast uses to determine service area based on profitability: 25 houses per mile. Ten or more roads in Berwick do not meet the standard. Comcast will not fund extension of service to these areas but the BOS could increase fees to customers to cover the cost. Mr. Venne indicated this could occur through an increase in the franchise fee, currently a percentage of consumer bills, or through a flat rate applied uniformly to all consumer bills. Selectman Crichton suggested that the Town discover if the businesses on Route 4 are interested in financing the service themselves.

i. Update on Fire Department repair of Squad 5 service vehicle

Mr. Venne informed the BOS Chief Plante received a quote of \$500 for the repair of the Squad 5 vehicle. After going over the on-call wages and finding the expenditures lower than anticipated, the Fire Department was able to pay for the repairs.

j. CMP Notice of Intent to File Natural Resources Protection Act permit application

This is in regard to the Route 4 Substation. The BOS suggested that there should be a Public Hearing in order for CMP to answer any concerns or questions from the public.

k. Police Station Zoning Compliance Update

Mr. Venne's research on this item showed that the Change of Use did go before the Planning Board, but per request of the previous Town Manager, had action upon it postponed in light of the recall election of 2012, which left the application in limbo. The Change of Use Permit will be placed on the next available Planning Board agenda.

l. Dennis Plante – American Legion's Firefighter of the Year for 2013

Chief Plante has been recognized as by the American Legion as the State of Maine Firefighter of the Year for 2012-2013 and is now eligible for the National honor of Firefighter of the year. Selectwoman Murphy read the letter of recognition and stated that Chief Plante will be honored at a ceremony in Augusta on June 15th at 9:45 a.m. Selectman O'Connor thanked the American Legion and congratulated Chief Plante.

m. North Berwick Hannaford Proposal – Public Scoping Meeting Invite from MDOT

This item was erroneously placed on the agenda.

E. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

TW 1347 AMT \$131,045.46

TW 1348 AMT \$74,552.48

PR 1348 AMT \$38,416.74

W 1347 AMT \$256.99

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to approve the warrants.

The motion carried unanimously; 4 – 0.

F. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganiere for the BOS to sign and affirm the installment contract presented to the BOS on June 4, 2013.

The motion carried unanimously; 4 – 0.

G. REPORTS OF COMMITTEES

a. BCTV Committee Update

Terry Wright

Ms. Wright reported as follows:

1. She is training a new volunteer, James Bellissimo;
2. The video for the Tri-centennial is done;
3. The Historical School House video is ready;
4. Berwick Fire's Fire Prevention Public Service spot is ready; and
5. Berwick Police want a Public Service spot instructing on the use of Child Safety Seats.

b. Downtown Vision Committee – This report was moved up in the agenda

c. 300th Committee Update – This report was moved up in the agenda

New Business – b. Tony Cincotta Introduced Request to Light Veteran's Flag at Lourdes Cemetery

Mr. Cincotta explained that in 2010 he began this effort due to the fact Flag Code requires illumination of an American flag flown during the night hours. The first item that needs to be addressed is bringing the electric power down the pole where it will be attached to a meter. CMP will do this at no cost, but the Town was asked to agree to be billed for the monthly

electric cost. Mr. Cincotta explained what other materials need to be purchased and installed. He will be soliciting donations from area businesses and individuals for this project and labor will also be donated.

Selectman Ganiere asked about solar power. Mr. Cincotta stated that it may be better, but he has been told there is a cost in replacing and maintaining batteries. The current plan does not require as much maintenance.

Selectman Crichton put forth a motion that was seconded by Selectman Ganiere to pay for the cost of power on a monthly basis and whatever costs that are not covered by donations.

Both Selectman Crichton and Selectman Ganiere rescinded the motion.

Motion: It was moved by Selectman Crichton and seconded by Selectman O'Connor to proceed with securing power from CMP as paid for by the Town.

The motion carried unanimously; 4 – 0.

H. UNFINISHED BUSINESS

a. **Board to select three potential dates for MRI to present final F.D. Report**

The BOS set June 24, 2013 as one potential date but, after a few minutes of everyone checking for other mutually convenient dates, the consensus of the BOS was to continue this scheduling matter in email form with the Town Manager.

b. **Ambulance RFQ**

Mr. Venne gave an update on the Request for Qualifications that the BOS requested be sent out. The extension of the AMR contract had been completed and the RFQ could now be sent out.

c. **Police Department Electrical Power Update**

Mr. Venne stated that he had spoken to the Police Chief regarding this issue and that the Chief did not feel this was currently an urgent matter. Mr. Venne also stated that the Town's attorney feels the Town is within its legal rights to underground a new electric line from Route 9.

A resident named Dave Stolpe stated that the major issue is that the current switch gear is located in an area that is also old. Mr. Stolpe stated his opinion that if there was an arson fire or vandals got in and damaged anything, the station would become inoperable.

Selectman O'Connor stated that the BOS should not move forward with this until after the Conditional Use Permit application has completed the Planning Board Process.

The consensus of the BOS was to wait until after the Planning Board Process is complete.

I. NEW BUSINESS

a. **Appointment of Jo Anne Lepley as hunting and fishing license agent**

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton to accept the Town Manager's nomination of Jo Anne Lepley as the hunting and fishing license agent.

The motion carried unanimously; 4 – 0.

b. **Tony Cincotta to Introduce Request to Light Veterans' Flag at Lourdes Cemetery – This agenda item was moved up**

c. **Regulation of parking in Town Hall lot**

There was discussion as to whether or not there was a parking issue and what the Town's responsibility was to help businesses with this issue. Selectman O'Connor made but rescinded a motion to have the Town Manager ask Coast and the vans to explore alternatives for park and ride lots.

Motion: It was moved by Selectman Ganlere and seconded by Selectman O'Connor to table this item.

The motion carried unanimously; 4 – 0.

d. 300th Committee Update – This item was moved up in the agenda.

e. Temporary waterline on Rte. 9 bridge – Action on Agreement with Somersworth
Mr. Venne reviewed the new agreement with Somersworth for Somersworth to supply water on an emergency basis during the summer painting of the Berwick standpipe. Because of the lack of an agreement of how much Berwick should pay in the original agreement, Somersworth was asking for a good faith payment of \$500.

Selectman Crichton put forth a motion to table this item and Selectman Ganlere seconded. Selectman Crichton and Selectman Ganlere withdrew the motion and second.
Motion: It was moved by Selectman Ganlere and seconded by Selectwoman Murphy to not enter into the contract with Somersworth for emergency water.

The motion carried unanimously; 4 – 0.

f. ABATEMENTS/SUPPLEMENTALS – none

J. PUBLIC COMMENT

James Bellissimo – Mr. Bellissimo stated that one of the Survey Items that the Downtown Vision Committee would like to begin looking into is the large request for hiking and biking trails in Berwick.

K. EXECUTIVE SESSION – 1 M.R.S. 405(6)(A) & (C)(D) – Discussion of employment assignments and duties of Public Works mechanic position and discussion of real property and economic development re: Prime Tanning and discussion of General Government Unit labor contract with Town Manager

Motion: It was moved by Selectman O'Connor and seconded by Selectman Ganlere to go into Executive Session per – 1 M.R.S. 405(6)(A), (C) and (D) regarding discussion of employment assignments and duties of Public Works mechanic position, discussion of real property and economic development re: Prime Tanning and discussion of General Government Unit labor contract with Town Manager.

The motion carried unanimously; 4 – 0.

The BOS entered into Executive Session at 10:02 p.m.

L. ADJOURNMENT

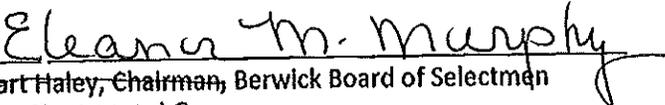
MOTION: It was moved by Selectman Crichton and seconded by Selectman Ganlere to adjourn.

The motion carried unanimously; 4 – 0.

June 4, 2013 BOS Meeting Minutes

Signed as approved at the Board's June 4, 2013 Meeting

On behalf of the Board


Bart Haley, Chairman, Berwick Board of Selectmen
VICE CHAIR,