

Town of Berwick  
Board of Selectmen/Board of Assessors  
Regular Meeting  
August 20, 2013  
6:30 P.M.

I. **ROLL CALL AND PLEDGE OF ALLEGIANCE**

Call to Order – 6:30 p.m.

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

**PLEDGE OF ALLEGIANCE:** Chairman O'Connor led those present in the Pledge of Allegiance

**OTHERS PRESENT:** Town Manager, Patrick Venne; Town Clerk, Jo Anne Lepley; Finance Director, Maureen Finger; Assessor's Agent, Scott Marsh

II. **EXECUTIVE SESSION – 1 M.R.S. Section 405(6)(C)**

**Motion:** It was moved by Selectman Ganiere and seconded by Selectman Haley to enter into Executive Session per 1 M.R.S Section 405(6)(C) for the purpose of discussing with Assessor's Agent Scott Marsh of Municipal Resources Incorporated the condition of real property valuation regarding the Prime Tanning and the Sullivan School sites, as well as for the purpose of discussing with Special Council Patrick Venne such information as it relates to the Town's options for overlay levels regarding potential tax abatement and related litigation.

**The motion carried unanimously; 5 – 0.**

**The BOS returned to the regular meeting at 7:24 p.m.**

III. **APPROVAL OF MINUTES**

a. August 6, 2013 Regular Meeting

**Motion:** It was moved by Selectman Crichton and seconded by Selectwoman Murphy to approve the minutes as written.

**The motion carried unanimously; 5 – 0.**

IV. **FIRST PUBLIC COMMENT – NONE**

At this time, Chairman O'Connor wished to extend his and the Board of Selectmen's condolences to the Town of Berwick's Chris Weismann, Chief Water Operator, on the loss of his wife Rebecca. Chairman O'Connor asked for a moment of silence.

At this time, Chairman O'Connor wished to extend his and the Board of Selectmen's condolences to South Berwick's Town Manager Perri Ellsworth on the sudden loss of his brother. Chairman O'Connor asked for a moment of silence.

V. **COMMUNICATONS**

a. **Town Department Updates**

The Town Manager stated that he had inadvertently placed the SAFER Grant under the Fire Department Updates. He introduced Lt. Sam Tibbetts of the Berwick Fire Department who was present at the meeting to go over the proposed SAFER Grant application and answer any questions the BOS may have.

Selectman Haley stated that he was concerned that the reason the MRI Fire Study had not been postponed the evening before was so the SAFER Grant application could be completed before the upcoming deadline. Chairman O'Connor stated that there had been several items that the BOS had been postponing for the final MRI Fire Study and that the SAFER Grant was only a part of the larger picture.

After Lt. Tibbetts presented the information on the SAFER Grant, there were questions regarding the "lingering" costs of the grant and Terms and Conditions. The consensus of the BOS was to put the Safer Grant on the next agenda and to have a completed version of the application for the grant available to the BOS before the that meeting in order for the BOS to discuss the grant and vote on whether to support the grant.

Selectman Haley stated his thoughts on waiting until after some of the derogatory issues in the MRI study were addressed before moving forward with the SAFER Grant application.

**Thomas Lavigne** – Mr. Lavigne stated that the Safer Grant that was applied for in 2008 had been done incorrectly and that there would be residual costs to the current Safer Grant. He also stated that he had been able to get to the application on line.

The Town Manager went through the department reports and noted the following:

**Police Department**

1. The Police Department made a notable arrest of people involved in drug trafficking. The estimated value of the drugs was \$30,000.
2. The bicycle patrols have begun.
3. The new cruiser has been ordered.

**Finance Department**

1. The Finance Department has filed 232 liens. The total lien amount due the Town is \$520,000 with \$487,000 in taxes and the remainder in fees associated with the lien process.
2. The audit for FY 2013 is in process.

**Planning**

1. The new Planning Board Chair is John Higgins.
2. The Police Department is currently fully permitted. There is a 30 day appeal period. Chairman O'Connor offered a "thank you" to Mr. Perri on behalf of the BOS for his service on the Planning Board. The BOS wished to present Mr. Perri with a letter or certificate of recognition.

Selectman Haley brought up the prior list of repair and improvement projects for the Police Department. The BOS instructed the Town Manager to bring this item back as an agenda item for discussion. The Town Manager was also instructed to sign the letter to Mr. Perri.

3. The Town Planner, John Stoll, was meeting with the Executive Director of the Heart of Biddeford, which is a non-profit organization, to see if there are items that can be used in Berwick with redevelopment.

**Public Works**

1. The Town received five (5) truck bids, copies of which have been given to the BOS. The Town Manager will be meeting with the Highway Foreman to discuss the bids and then bring Mr. Perschy's recommendations back to the BOS at the next meeting.

Selectwoman Murphy stated that she strongly feels that the bids should be opened at the BOS meetings.

**Recreation Department**

1. The Summer Camp season has ended.
2. The Recreation Committee does not meet during the summer months.
3. There has been no further vandalism at the recreation field.

**Town Clerk's Office**

The Town Clerk's office has ended the "direct to message" answering system. When someone calls the Town Office a "real" person answers the phone.

**Water Department**

The Water Department project of painting the standpipe is coming to an end. Currently the process of refilling the standpipe is occurring and there may be intermittent loss of water pressure during this process. After the standpipe is refilled, the water will be tested and if it passes, nothing further will need to be done. If the water test fails, then the standpipe will need to be emptied and filled again.

**b. Route 9 Bridge Utilities Update**

The Town manager went over the latest updates for the utility sleeve proposal for the Rte. 9 Bridge. Selectman Crichton explained his hesitancy over supporting the project calling it an "unfortunate waste of money." There was some further discussion of the merits of this project and the options the Town would have in the future for natural gas. **Motion:** It was moved by Selectman Crichton and seconded by Selectman Ganiere to abandon the current discussion of putting a utility sleeve through the Rt. 9 Bridge.

**The motion carried unanimously; 5 – 0.**

**c. Interlocal Agreement with South Berwick re: Joint Traffic Patrol of Routes 4 & 236**

The Town Manager explained that this is not a simple project due to the potential legal issues. The Town's attorney will go over any such agreement before finalizing. This is one of Attorney Dench's areas of expertise.

**d. "All Boards" Meeting Update**

The two dates of September 5<sup>th</sup> and 19<sup>th</sup> will not work for everyone. An alternate date of September 4<sup>th</sup> was suggested. The Town Manager will continue the scheduling process through email.

**e. Regional Meetings Update**

The Town Manager stated that there is interest and so far North Berwick is suggesting Wednesday meetings. The BOS directed the Town Manager to schedule by email and to invite all the members here they will host the meeting.

**f. Background on Lena Clark Trust & Cemetery Trust**

The Town Manager was instructed to get a copy of the will to Mr. Dench and to get an opinion on whether the Town is entitled to just the interest or the entire amount. Staff will research records to help with this issue.

**g. Joint Meeting with Sewer District**

The joint meeting with the Sewer District has been scheduled and posted.

**h. In-house designation/appointment of "Media/Notice Coordinator"**

The Town Clerk has been designated as the "Media/Notice Coordinator."

**i. Town Attorney Bryan Dench's involvement in pending litigation**

The Town's new attorney Bryan Dench has every confidence in former Town attorney, Alan Shepard to argue the case and Mr. Dench will review, at "no cost" the case-file for the Berwick Iron & Metal litigation in case there is a future need.

**E. APPROVAL OF ACCOUNTS PAYABLE WARRANTS**

TW	1406	\$84,253.70
WW	1406	\$2,877.43
PW	1407	\$43,232.81
TW	1407	\$37,333.74
PW	1408	\$39,965.78
WW	1407	\$4,840.94

**F. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS – NONE**

**G. REPORTS OF COMMITTEES**

- a. **BCTV Committee Update – NONE**
- b. **Downtown Vision Committee (DVC) Update**  
Jessica Sheldon gave the update.
  - 1. She went over the second mailer.
  - 2. Described some of the action steps to carry forward including identifying six possible subcommittees to form.
- c. **Recreation Committee Update - NONE**

**H. Unfinished Business**

- a. **Board to set date for workshop related to prioritization of goals & objectives**  
The consensus of the BOS was to make this an agenda item for the October 1, 2013 meeting and noted that several items on the list have been addressed.
- b. **Thank you letter to Rebecca Chasse – Board to review/authorize signature**  
The letter was approved and read into the record by Chairman O'Connor, but the Town Manager was instructed to put the letter on bonded paper with a seal and signature of the Chairman.
- c. **Board to Sign Updated Purchase Policy – Not available for this meeting**
- d. **HVAC Engineering Proposals – Board to Select**  
**Motion:** It was moved by Selectman Crichton and seconded by Selectman Haley to accept the proposal by AEC Group for their services of Town Hall facility engineering assessment.

The motion carried unanimously; 5 – 0.

**I. New Business**

- a. **Board to set mil rate for FY 2014**  
**Motion:** It was moved by Selectman Haley and seconded by Selectman Crichton to set the Fiscal Year 2014 mil rate at \$16.05 per \$1,000 allowing for \$39,000 in overlay.  
The motion carried unanimously; 5 – 0.
- b. **VHB Engineering Services Contract – Board to consider (Re: Route 9 Bridge Utilities)**  
Discussed earlier in the agenda and is no longer necessary.
- c. **November Warrant Issues**  
The Town Manager explained that this was informational regarding some proposed changes to the Ordinances by the Planning Board. The Planning Board has not held its hearing as of yet, so there is nothing for the BOS to do regarding this item at this time.
- d. **Consideration of Planning Board Applicant – Frank Underwood**  
**Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to appoint Frank Underwood as a regular member of the Planning Board.

The motion carried unanimously; 5 – 0.

Selectman Haley stated that he would like the Code Enforcement Officer to look into the lack of a playground at the Bateman Project.

- J. ABATEMENTS/SUPPLEMENTALS – NONE
- K. SECOND PUBLIC COMMENT - NONE
- L. ADJOURNMENT

**Motion:** It was moved by Selectman Crichton and seconded by Selectman Haley to adjourn.  
The motion carried unanimously; 5 – 0.

The meeting adjourned at 10:00 p.m.

The August 20, 2013 BOS Meeting Minutes

Signed as approved at the Board's September 3, 2013 Meeting

On behalf of the Board

A handwritten signature in black ink, appearing to read "Bryan O'Connor", written over a horizontal line.

Bryan O'Connor, Chairman, Berwick Board of Selectmen