

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

Call to Order – 6:35 p.m.

- I. 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

II. APPROVAL OF MINUTES

- a. July 2, 2013 Regular Meeting**

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Haley to approve the revised minutes.

The motion carried unanimously; 4-0. (Selectman Ganiere was absent from the July 2, 2013 Meeting)

III. FIRST PUBLIC COMMENT – NONE

Oscar Stone – Mr. Stone stated that he was concerned with transparency and noticing of meetings.

Justin Bloom – Mr. Bloom represented the Berwick Art Association (BAA) and explained the BAA was pursuing permission to paint a mural on the Prime Tanning wall. The Town Manager Patrick Venne reminded them of the Maine law regulating signs.

Frank Underwood – Mr. Underwood asked Mr. Bloom to return to the podium and explain their upcoming event.

Justin Bloom – Mr. Bloom explained their upcoming exhibition at the Our Lady of Peace Church.

IV. COMMUNICATIONS

- t. Low Cost Spay & Neuter Clinic Proposal of Peg Wheeler o/b/o Redbarn LLC
(This item was moved up in the agenda)**

Peg Wheeler explained that as the contractor for the Town of Berwick for animal shelter services, due to the number of stray and feral cats in town, her veterinarian bills have become much too high. Ms. Wheeler explained the success of the spay/neuter program in the Kittery area. The results have been significant in reducing the stray and feral cat population. Ms. Wheeler wished to recognize Rebecca Chasse for her work with the feral cats in Berwick; especially those around the Transfer Station.

Motion: It was moved by Selectman O'Connor and seconded by Selectwoman Murphy to send a "thank you" letter to Rebecca Chasse.

The motion carried unanimously; 5 – 0.

- a. Bridge Update**

Mr. Venne explained that an issue had developed over placement of "vents" on the bridge for the placement of the proposed utility sleeve. This item will be discussed in length, along with other aesthetic issues with utilities, at a 'utilities pre-coordination' meeting on August 19, 2013.

- b. Finance Update: Est. Revenues/Mil Rate Process/Investments
Estimated Revenues**

Mr. Venne stated that Finance Director Maureen Finger has estimated that Town revenues will be approximately \$69,000 short of the \$1,700,000 voted on at Town Meeting. Mr. Venne stated that this is a conservative estimate and not a certain thing due to the fact revenues can change. A special Town Meeting can be called at any time with 7 days' notice to address the issue if necessary.

Mil Rate

Mr. Venne, Ms. Finger, and the Assessor's Agent Michael Pelletier will be meeting on August 12, 2013 to set the mil rate recommendation for the BOS to adopt at the next scheduled BOS meeting on August 19, 2013.

Investments

The transfer of the Lena Clark Trust Fund and the Cemetery Trust accounts to LPL Financial, affiliated with Kennebunk Investments, is now complete.

Mr. Venne went over the information he had researched regarding the Lena Clark Trust Fund and Cemetery Fund as instructed at the prior meeting. The BOS instructed Mr. Venne to look into what the original amount of the fund was and how it was meant to be used.

Audit for FY 2013

The audit for last fiscal year will commence the week of August 12th.

c. Water Department Update/Sewer District Meeting Request

1. The process of painting the standpipe began on July 23, 2013. The Water Department contributed approximately \$2,500 toward the installation of a "dry hydrant" which will permit the Fire Department to siphon water directly out of the Salmon River.
2. The Water department has installed and activated the "dewatering bag" that is part of the alternative process discussed at the prior BOS meeting for suspending solids. When the bag is full, it will be transported to the Turkey Landfill for disposal.

Berwick Sewer District Board of Trustees – Meeting Request

The Board has a request forwarded to it by Jay Wheeler of the BSD. It would be appropriate to schedule this meeting, if desired, either during the meeting or via email.

d. Planning Department Update/MS4 Permit Audit Request

1. The Downtown Vision Committee is working towards finalization of its recommended "vision report" for consideration at an upcoming Town Meeting warrant to appending it to the Town's 1991 Comprehensive Plan. The DVC is planning on forming four sub-committee groups to focus on specific areas in the vision plan.
2. The Town Planner is preparing an RFP for new tax map creation/updates for use by the Assessing/Planning/ Code offices and the public at large. The RFP will include a request for geographic information "shape files" which are a digital form of paper tax maps and will permit in-house updates going forward.
3. The Town Manager included an FYI on the "Economic Development Benefit of Trees."

MS4 Permit Audit

On July 10, 2013 the Town was audited for compliance with a state-mandated permit for discharges in municipal systems for storm water. The auditors noted the need for a Storm Water Pollution control plan for the Transfer Station and

the need for the Fire Department to discontinue washing its trucks on site. DEP has not released the final findings of its audit, but it is due shortly.

e. Fire Department Update/MRI Fire Department Study Presentation Date

1. The Fire Department will be utilizing a dry hydrant to siphon water out of the Salmon Falls River during the painting of the standpipe.
2. The Fire Department is establishing temporary "run card," which is a detailed staffing plan for certain sectors of town and specific types of mutual aid calls during the standpipe shutdown.

MRI Study

MRI will be presenting its final Fire Department study on August 19, 2013. The Town Manager reminded the BOS that when they receive their final copies to not release any information which would violate applicable confidentiality laws is paramount. Mr. Venne also went over the laws associated with Executive Sessions and employee rights regarding executive sessions.

f. Police Department Update

1. The BOS packets included estimates for a possible new police cruiser that was reviewed with the Town Manager.

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to authorize the Police Department to move forward with the purchase of the Dodge Cruiser.

The motion carried unanimously; 5 – 0.

2. Officer Mike Howie (formerly a reservist) has replaced Officer Shane Heath who recently left the Department.

Captain Locke and Sergeant Jeff Scott have both reached the 25-year service mark.

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to issue both Captain Locke and Sergeant Scott a Certificate of Thanks for their service and dedication.

The motion carried unanimously; 5 – 0.

3. Crime in Berwick is lower than the same time last year.
4. The Berwick Police Department has started a bicycle patrol. Selectman Haley stated that he wants to make sure that the every safety precaution is taken to ensure the safety of the officers involved.

Status of Police Station Planning Board Review

There was discussion regarding what was said versus what was perceived as being said between the Town Manager and the Planning Board at the Planning Board meeting which had taken place the night before on August 1, 2013, regarding the Town's application for conditional use for the current placement of the Police Station. The Town Manager stated that the Planning Board has tabled this item and is looking for clarification in the Town's application.

g. Rec Department Update

The police department has made several arrests in regards to the vandalism that had taken place earlier in the summer. The Town Manager has asked Recreation Director Kim Taylor to look into a quote for motion activated lights at the recreation field.

h. Public Works Department Update

1. Public Works is in the process of coordinating the engineering related to the paving plans for Diamond Hill Road.

2. Public works has prepared a RFP for a new dump truck that was funded in the 2013 Town Warrant.

i. Town Clerk's Update

The Town has received new state voting machines, and instead of purchasing the machines they will be leased. Training for the use of the machines will be August 8th.

j.

k. MDOT Plans to Reconstruct Route 9 Retaining Wall

The Town has been notified by MDOT that there are plans to reconstruct the retaining wall on Route 9. Residents with questions are encouraged to contact Robert Betz or Dennis Lovely. The Town Manager stated that he had the contact information.

l. Status of "all boards" Meeting Request; Regional Meeting Requests; S. Berwick Meetings

1. The idea of an "all boards" meeting had been suggested in an exchange of emails. The boards are currently receptive of the idea, but the Town Manager explained that because of the current Police Department issue; the meeting should be postponed until after a decision has been made to avoid any appearance of undue influence.
2. The Town Manager explained that he had not pursued the regional meeting because of the summer schedule and would now do so. It was suggested that the Town Manager contact the other towns and ask if they are interested and if so, ask them to submit a list of items for a possible agenda.
3. The Town of South Berwick has appointed to councilors to meet with Berwick's two Board members and the two Police Chief's. The meetings can be held one hour prior to the Berwick BOS meetings on the first and Thursdays of the month.

m. Eagle Scout Ryan Glick – Public Service Project at Lord's Cemetery

Mr. Glick chose the refurbishing of cemetery stones in the Lord's cemetery as his project to reach Eagle Scout. There was \$850 left in the project fund which he has given to the Town. The Finance Director has placed this money in a fund to be used to pay electric costs of the proposed flag lighting at the cemetery.

n. CMP Substation Request for Public Hearing

The request to DEP for a public hearing on this matter was denied; but John Carroll of CMP heard of this request and he would be pleased to hold another public hearing. He will contact the Town Clerk to arrange a hearing at Town Hall. Mr. Carroll noted that hearings before the Planning Board before the project begins.

Gail Gary – Ms. Gary questioned whether this project would impact her in a negative way. Although she is not an "abutter" of Berwick Iron & Metal, the noise from that approved use does impact her and many others on Route 236 who were told that it would not affect them.

o. Town Hall Phone System

The Town Manager has asked the Town Clerk to look into changing the phone system to "direct answer" instead of the current system.

p. Television in Town Hall lobby – public notices

The Town Manager explained his idea for a television in the Town Hall lobby. The BOS felt this was a good idea.

q. Boston Post Cane

The town Clerk has indicated that the Boston Post Cane must be passed on to the Town's oldest living resident, and has requested input from the Board or general public be forwarded to her for consideration as she searches for this person.

r. Comcast Memo to Board Regarding Encryption of Services

The memo details how Comcast will soon be encrypting its basic service provision, which may require additional equipment to continue service receipt.

s. MS Bike Race – August 10th & 11th

This route of the race will bring the cyclist through Berwick on Route 9. Chief Towne received a copy of this planned race and did not feel extra police details were necessary.

t. Low Cost Spay & Neuter Clinic Proposal of Peg Wheeler o/b/o Red barn LLC – addressed earlier in the agenda/meeting

u. Update on funding opportunities for gas line extension – Maine State Gas Bill /Grants

The Town Manager was unable to locate any grant funding that pertains to connecting to natural gas. He asked the Town Planner to continue researching this matter and will report any findings to the BOS.

Approval of Accounts Payable Warrant

TW	1352A	\$181,708.16
W	W1352A	\$18,131.64
TW	1402	\$584,638.13
PY	1402	\$42,990.76
W	W1402	\$2,069.63
TW	1403	\$67,876.49
W	W1403	\$1,596.83
TW	1404	\$72,358.07
PY	1404	\$44,605.79
W	W1404	\$5,411.38
TW	1405	\$643,633.29
PY	1405	\$47,018.01
W	W1405	\$11,181.26
PY	1406	\$19,578.23

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to accept the Accounts Payable Warrant as presented.

The motion carried unanimously; 5 – 0.

V. Quitclaim Deeds and/or Installment Contracts – (3)

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to approve the three Quit Claim Deeds presented to the BOS on August 6, 2013.

The motion carried unanimously; 5 – 0.

VI. Reports of Committees

a. BCTV Committee Update – Terri Wright

1. Lisa Huestis has been training on the use of the equipment.
2. School Board meetings will be videotaped and put on the website.
3. FCC rulings regarding cable TV close captioning.
4. The tri-centennial videos are up on the website.
5. Berwick Art Association is interested in partnering.

6. They are still looking for volunteers.
 7. A BCTV Blog.
- b. Downtown Vision Committee Update –Frank Underwood**
1. The DVC has prepared a mailer with the summary of the results of the questionnaire.
 2. Steering group is meeting August 7th at 3:30 pm.
 3. Different groups are beginning to get involved
 4. Definition of subcommittees
 5. DVC will be learning more about the river.
 6. DVC is working on getting a tour of the Prime Tanning building
 7. CMP is looking at undergrounding the power lines. The question will be if Comcast and Fairpoint will also agree.
 8. The timeline is to have a working draft of the report by September.

Paul Boisvert – Mr. Boisvert brought up the concern of communicating to the public. Chairman O'Connor replied that this was on the BOS list for improvement.

VII. Unfinished Business

a. Selection of Banking Services Institution

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Crichton to approve Kennebunk Savings Bank as the “sole source” for the Town of Berwick’s banking business.

The motion carried unanimously; 5 – 0.

b. Status of Interlocal agreement with S. Berwick re: mutual patrol of routes 4 & 236

The Town Manger stated that he had been given the task by those involved to draft an Interlocal Agreement for the purposes of joint patrol of routes 4 & 236. After speaking with MMA, this task is complicated due mostly to insurance and legal issues. Mr. Venne is will bring back a workable final result, but would like to get a legal opinion from MMA first.

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to table this item until the next meeting.

The motion carried unanimously; 5 – 0.

c. York County Budget Committee Request for Legal Services Funding

Motion: It was moved by Selectman Ganiere and seconded by Selectwoman Murphy to remove \$430 from the Legal Accounts Fund to help fund the York County Budget Committee request for Legal Services Funding.

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

VIII. New Business

a. Blueprint for covering previous over expenditures

The Town Manager reviewed proposed plan for covering the over-expenditures from the 2012 Budget for Legal and Administration accounts. Ron Smith (auditor) has identified \$108,000 line item that was set aside at an earlier point to cover unfunded liabilities that can be used to pay severance packages when employees leave. The remaining balance can be paid out of a separate contingency fund established by the

current Board in the amount of \$15,000 for the same purpose, as well as through savings in the 2013 budget.

Motion: It was moved by Chairman O'Connor and seconded by Selectwoman Murphy to approve the Blueprint recommendations for rectifying from an accounting perspective our 2012 overdraft accounts in the email from Ron Smith and spoken of by our Town Manager.

The motion passed on a vote of 4 – 1 (Murphy)

b. Bryan Dench Retainer Agreement as New Town Attorney

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Haley to allow Town Manager Patrick Venne to sign the Retainer Agreement with the new Town Attorney Bryan Dench.

The motion carried unanimously; 5-0.

c. Appointment of Statutorily Mandated Public Access Officer

Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to appoint Town Manager Patrick Venne as the Statutorily Public Access Officer.

The motion carried unanimously; 5 -0.

Selectman Haley - Selectman Haley raised the issue of who should represent the Town in the Berwick Iron and Metal court case. Mr. Shepard, the Town's previous attorney was at the point of oral arguments, but Mr. Dench is the Town's new attorney.

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to have the Town Manager get a cost estimate from Mr. Dench for "getting up to speed" on the case at no charge per the proposal and if Mr. Dench feels that it would be a worthwhile endeavor, the Town Manager is to engage Mr. Dench.

The motion carried unanimously; 5 – 0.

d. Purchasing Policy

The consensus of the BOS the Town Manager will put a clear statement in the Purchasing Policy that anything over \$5,000 will go to the BOS for approval. The Purchasing Policy will be brought back at the August 20, 2013 meeting.

e. Ambulance RFQ Responses – Unsealing & Review

The four Ambulance RFQ Responses Opened:

1. American Ambulance
2. South Berwick Rescue
3. Care Plus
4. AMR

The BOS will discuss the qualifications at the September 3, 2013 BOS meeting.

f. HVAC RFP

The two responses to the HVAC RFP were opened:

1. AEC Group
2. Oak Point Associates

Motion: It was moved by Selectman Crichton and seconded Selectwoman Murphy to review the proposals and take action at the August 20, 2013 meeting.

(No vote was taken)

g. CMP Pole Permit Request

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the CMP Pole Permit.

The motion carried unanimously; 5 – 0.

h. November Warrant – Board to Consider Warrant for Fall Election

Any items that are of interest to put on a Town Meeting Warrant are to be brought back to the next BOS meeting on August 20, 2013.

i. MDOT LRAP Certification Form – Board to Sign for URIP/LRAP funding receipt

Motion: It was moved by Selectman Haley and seconded by Selectman Ganiere to designate Patrick Venne to sign the MDOT LRAP Certification Form.

The motion carried unanimously; 5 – 0.

Selectman Haley – Selectman Haley inquired about the SAFER Grant. The Town Manager explained that it was a “retention incentive” grant. The BOS had issues of what to do when the grant money ran out.

The Fire Department will prepare the grant and then the application will be placed in the BOS packet for the Board of Selectmen to review. A Fire Department member should be available to answer any questions.

IX. ABATEMENTS/SUPPLEMENTALS – None

X. SECOND PUBLIC COMMENT

Ken Poirier – Mr. Poirier suggested that the BOS look into what the SAFER Grant will entail. He also stated that Mr. Venne did not “bully” the Planning Board.

Mr. Venne – He asked for clarification on his role going before the Planning Board. The consensus of the BOS was that he had the confidence of the BOS to represent the Town of Berwick in this application request.

XI. ADJOURNMENT

The meeting was adjourned at 11:03 p.m.

The August 6, 2013 BOS Meeting Minutes

Signed as approved at the Board’s August 6, 2013 Meeting

On behalf of the Board



Bryan O’Connor, Chairman, Berwick Board of Selectmen