

**Town of Berwick  
Board of Selectmen/Board of Assessors  
Regular Meeting  
September 17, 2013  
6:30 P.M.**

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

Call to Order – 6:31 p.m.

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

**Others Present:** Town Manager, Patrick Venne; Town Clerk, Jo Anne Lepley

**II. PUBLIC HEARING**

**a. Amended GA Ordinance – Board to Consider Recommended Appendices**

The Public Hearing was opened at 6:35 p.m. There was no discussion. The Hearing was closed at 6:36 p.m.

**Motion:** It was moved by Selectman Crichton and seconded by Selectman Ganlere to accept the General Assistance Appendices as presented.

The motion carried unanimously; 5 – 0.

**III. APPROVAL OF MINUTES**

**a. September 3, 2013 Regular Meeting, September 10, 2013 Special Meeting & September 12, 2013 Special Meeting**

**Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Crichton to accept the September 3, 2013 Regular Meeting Minutes.

Selectman Haley requested the minutes be amended to change "Mark Reed" to "Mike Reed" and to change the numbering.

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

The motion carried unanimously; 5 – 0.

**Motion:** It was moved by Selectman Ganlere and seconded by Selectwoman Murphy to accept the September 10, 2013 Special Meeting Minutes.

Selectman Haley requested that language be added to the motion made by Selectman Ganlere that there was no second and the motion died.

**Motion:** It was moved by Selectman Ganlere and seconded by Selectwoman Murphy to accept the minutes as amended.

The motion carried unanimously; 5 – 0.

**Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Ganlere to accept the September 12, 2013 Special Meeting Minutes.

Selectman Haley requested:

1. The spelling of Wheeler's name be corrected.

2. The first sentence be changed to read "residual amounts of alum sludge were still being detected at the Sewer District, but that overall alum sludge has diminished."

**Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Ganlere to accept the minutes as amended.

The motion carried unanimously; 5 – 0.

**IV. FIRST PUBLIC COMMENT**

**Mary Ellen Wright – Ms. Wright** wanted to thank the Berwick Fire Department, Berwick Police Department and all the Mutual Aid responders for their efforts in fighting the fire at her home

on September 12, 2013 that was caused by a lightning strike. She thanked everyone in the community for being so kind.

**Tom Wright** – Mr. Wright also thanked everyone on behalf of his sister for their support and thanked the first responders and mutual aid responders. Mr. Wright then went over his reasons for starting a recall petition to recall Selectman Haley.

**Dave Stolpe** – Mr. Stolpe spoke about “d” under Communications and that the Town had rejected the last proposal.

**Jay Wheeler (Sewer District)** – Mr. Wheeler discussed the fence that was spoken about at the Special Meeting on September 12, 2013. Selectman Haley had asked that this Item be placed under “Other” on the agenda and asked that the BOS discuss it at that time.

**Dennis Dupuis** – Mr. Dupuis addressed the current recall(s) and how he began to think about the previous recalls and how everything came to a standstill. He stated that he felt that the current BOS had begun the process of moving forward and that a recall would end that process.

**Ken Poirier** – Mr. Poirier thanked the BOS and the Town Manager and stated “no recalls!”

**Peg Wheeler** – Ms. Wheeler stated that she felt there were many layers to the MRI Fire Department report and there needs to be a thoughtful approach to what is done.

**Peter Cook** – Mr. Cook the coalescing that is taking place in the community is the bi-product of good leadership in and out of Town Hall.

**Frank Underwood** – Mr. Underwood stated that this is the one year anniversary of the Downtown Vision Committee. He went over the Committee’s progress and the upcoming items the Committee will be working on.

**V. COMMUNICATIONS**

**a. Town Departments Update**

**Fire Department Update**

The Town Manager went over the Fire Department Update:

1. The Fire Department continued to receive compliments on the handling of the house fire on September 12, 2013.
2. The Fire Department has completed its annual ladder testing, 1/3 of the annual hose testing and the dry hydrant behind Gateway Gas has been discontinued now that the standpipe is painted and operational again.
3. The SAFER Grant was submitted.
4. The Fire Department, in conjunction with the Berwick Volunteer Firefighter’s Association, is planning a public safety day in October.
5. The Department responded to 19 calls in the past two weeks:
  - a. 6 medical aid calls
  - b. 2 alarm activations for carbon monoxide
  - c. 2 for smoke detector alarms
  - d. 2 for false alarms
  - e. 4 related to motor vehicle accidents
  - f. 3 were for a report of smoke

**Finance Department Update**

1. The tax bills for FY 2014 were mailed to property owners on Friday, September 6<sup>th</sup>.
2. Between September 10<sup>th</sup> and 24<sup>th</sup>, RHR Smith & Co. will be performing follow up work to complete the 2013 audit.
3. The Finance Department has been working with Kennebunk Savings to implement a plan for switching banking services.
4. The Finance Department is working with Kennebunk Savings to more accurately break out the interest from the principle in the Lena Clark trust.

#### **Planning Department**

1. The Planning Board held a public hearing regarding the proposed Land Use Ordinance amendments that the BOS will need to approve for November Warrant.
2. The Planning Board confirmed the findings of fact and conclusions of law regarding its approval of use of the current location of the Berwick Police Department.
3. At the next Planning Board meeting the Planning Board will:
  - a. Hear a second presentation of CMP's application to construct a substation off of Rte. 236 on Powerhouse Road.
  - b. Hear a minor subdivision off of Wentworth Road
  - c. Hear an application for conditional use at 9 Kathios Lane.
4. No applications are pending before the Board of Appeals.
5. After meeting with the Executive Director of the "Heart of Biddeford" the Town Planner will prepare a report for management and the BOS.

#### **Police Department Update**

1. The Police Department has placed an order for the cruiser approved by the BOS.
2. The Department had hosted two low cost spay & neuter clinics.
3. The Department conducted a safety checkpoint. They stopped 555 cars on the Rte. 9 Bridge. Six arrests resulted. The funding for this event was through a grant known as "Drive Sober Maine."
4. The Department is seeking a fulltime certified officer to replace Officer Timothy Williams.
5. Officer Milton Fogg has returned to his duties as School Resource Officer on a fulltime basis.
6. The Department is receiving necessary annual training.

#### **Public Works Department Update**

1. The Public Works crew continues to mow public lands around Town.
2. Mechanic Jeremiah Cyr is completing tune up work on Truck #7. Three inspections of Department vehicles remain.
3. Public Works Foreman Robert Perschy is preparing to re-write the dump truck bids but has not yet begun this task.

#### **Paving of Diamond Hill Road**

1. The Town Manager stated that the preliminary design plan for the dirt section has been completed. The test pits have revealed ledge under the road bed. The ledge bears directly on the recommended speed limit and associated costs for blasting. If the BOS approves a 25 mph speed limit the ledge would not have to be blasted. Both Mr. Perschy and Chief Towne agree with recommended speed limit of 25 mph. Selectman Crichton preferred to see the blasting done. Selectwoman Murphy stated that the 25 mph speed limit was not enforceable.

**Motion:** It was moved by Selectman Haley and seconded by Selectman Ganiere to set the 25 mph speed limit for the dirt section of Diamond Hill Road.

**The motion carried on a vote of 3 - 2 (Crichton, Murphy)**

2. The cost of paving Diamond Hill Road will be nearly \$100,000. This amount would place in the category of "formal bidding" per the Purchasing Policy. Due to the limited number of contractors in the area and the lateness of the season, the Town Manager asked if the BOS would allow him to use the "informal bid" process. The four paving contractors contacted for the "informal bid" process were included in the packet.

**Motion:** It was moved by Selectman Haley and seconded by Chairman O'Connor to authorize the Town Manager to engage in the "informal bid" process for Diamond Hill Road to the four contractor samples brought to the Board.

**The motion carried on a vote of 3 - 2 (Crichton, Murphy)**

### Recreation Committee

The Recreation Director Kim Taylor presented the update:

1. The recreation field is being used by many teams.
2. There has been no new vandalism. The lights seem to help.
3. The Rec Department is looking into discount ski and lift tickets and x-country rentals for youth.
4. Ms. Taylor is looking forward to working with the Vision Committee.
5. The annual Trick or Treat will be held October 30, 2013.
6. The annual Holiday Parade will be December 7<sup>th</sup> at 2 p.m.
7. Ms. Taylor stated that the Recreation Committee will be working on a "use" policy for the Rec Field that will include a "No Dogs" policy and a "Tobacco Free" policy.

### Town Clerk's Office

1. The Department had its annual General Assistance audit completed by DHHS. The Department is in compliance. Deputy Clerk Lynn Shearer was commended on her documentation and the use of the "Wel Pac" software system. Ms. Shearer recently completed both the introductory and advanced General Assistance training.
2. The Clerk's office will commence the new work schedule for Ms. Shearer and Ms. Faucher on Monday, September 23<sup>rd</sup>.
3. The Clerk and Deputy Clerk recently tested the new State voting machines and they functioned without error.

### Water Department Update

The cost for painting the standpipe came in slightly over cost, and the bill for the quality assurance inspection of that painting from Apex Engineering came in slightly under cost. There was more epoxy filler used than anticipated to fill depressions caused by erosion. The Department and Finance are working out a way to cover the shortage.

#### b. Hiring Freeze Origins

The hiring freeze was voted at a Special BOS Meeting as a non-agenda item on February 5, 2011.

#### c. Planning Board Notice of Decision – Police Station (With Findings of Fact) – This item was discussed earlier under Planning Department Update.

#### d. Status of Prime Tanning Lot Purchase Funds (\$130,000 Previously Approved)

The Town Manager was asked at a prior BOS meeting to get some clarity on the status of the \$130,000 appropriated at Town Meeting for purchase of a specific piece of Prime Tanning's land in the downtown area. The Town's auditing firm and Finance Director both agree that this sum is shown in financial statements as "designated fund balance, meaning that it is an earmarked portion of the Town's accumulated surplus funds still shown as available for use. The Town's attorney, Bryan Dench has confirmed that these funds are still available for the designated use.

After discussion and some public input; the consensus of the BOS was to place this item on the Annual Town Meeting Warrant to be "undesignated."

#### e. Parking in front of Hussey School

The Town Manager stated that he had received an email from Steve Connolly, Superintendent of MSAD 60, regarding on street parking across from the Hussey School. Police Chief Plante was also concerned due to the inability for fire trucks to get through when there is parking on both sides. Mr. Perschy has the same concern regarding public works vehicles and equipment. There was a short discussion and input from Peg Wheeler.

**Motion:** It was moved by Selectman Haley and seconded by Selectwoman Murphy to have the Town Manager and Highway Foreman resolve the issue by placing ten new "No Parking" signs across from Hussey School.

The motion carried unanimously; 5 – 0.

- f. **Form for Town Manager's Evaluation (Town Forms to be Provided)**  
The BOS had been given copy of an MMA PowerPoint presentation and several samples of forms used to evaluate Town Managers. The job description mirrors the MSRA description. The consensus was to discuss the process when they meet in two weeks. The BOS will request the "self" evaluation from the Town Manager in two weeks if they would like to include it in their process.
  - g. **Clarification regarding Insurance requirements for Town EMS non-transport license**  
The Town Manager had further researched this item as requested at the prior meeting. Michelle Pelletier of the Maine Municipal Association's risk pool insurance division highly recommends liability insurance to cover court/legal fees in the event that someone brings suit against the Town.
  - h. **Update on York County Budget Committee Litigation**  
The matter had now gone to the Superior Court in the form of a Complaint. In mid-October, a legal brief will be filed, which will be responded to prior to oral argument at a date to be scheduled in the future. The County Commissioners have rejected the Budget Committee's request for some sort of more amicable dispute process, like arbitration. Selectman Haley stated that it was worth noting 2/3 of the communities had responded with financial support.
  - i. **BIMR litigation update**  
The Town Manager stated that the oral arguments in that case had been heard on September 11<sup>th</sup>. The Justices would issue an opinion in approximately six weeks.
  - j. **CMP Substation Public Hearing Date**  
The CMP Substation Public Hearing date had been set for September 23, 2013 at 6:30 p.m.
  - k. **Regional Meeting Date Update**  
The Town Manager is attempting to reschedule the Regional Meeting.
- VI. APPROVAL OF ACCOUNTS PAYABLE WARRANTS**
- |    |      |              |
|----|------|--------------|
| TW | 1410 | \$576,169.34 |
| WW | 1410 | \$77,114.53  |
| TW | 1411 | \$110,434.65 |
| WW | 1411 | \$9,628.00   |
| PR | 1411 | \$37,868.07  |
| PR | 1412 | \$45,747.87  |
- Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Crichton to approve the warrants as presented.
- The motion carried unanimously; 5 – 0.
- VII. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS - NONE**
- VIII. REPORTS OF COMMITTEES**
- a. **BCTV Committee Update**  
Terry Wright – 1.) Ms. Wright showed the colored BCTV logo. 2.) The BCTV board planned on attending the Alliance Community Media Conference. 3.) Joining the Maine Community Alliance 4.) Called for volunteers.
  - b. **Downtown Vision Committee Update**  
Frank Underwood – Mr. Underwood spoke about the river area becoming more "family friendly." He also mentioned possible land purchases.
  - c. **Recreation Committee Update – Given under the Recreation Department Update**
- IX. UNFINISHED BUSINESS**
- a. **Board to determine if Town EMS non-transport license is warranted**

Currently the EMS members of the Fire Department are licensed under the agreement with AMR. Lt. Tibbetts stated that the application fee is \$150.00. Lt. Tibbetts and Chief Plante were not certain how long the initial application process would be. Selectman Haley asked Chief Plante why the license was not applied for in 2008. Chief Plante responded that it evolved into being part of the AMR contract/license.

**Judy Burgess** – Ms. Burgess addressed the BOS and asked that they support the EMS non-transport license.

**Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to have the Town apply for a non-transport EMS license.

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

**b. Ambulance RFP – Board to amend & authorize approved version**

The BOS voted to rescind the document as originally prepared by the Fire Department. Some of the items, such as training, are not in the AMR contract but are currently being provided.

**Motion:** It was moved by Selectwoman Murphy and seconded by Selectman Ganiere to accept the ambulance RFP.

**Discussion:**

Chairman O'Connor asked about the requirement for one ALS level ambulance to be available. Lt. Tibbetts stated that the current contract does not have this. Lt. Tibbetts described the different sizes and types. Most of the companies that responded to the RFQ have gone to the "big box" trucks and would not be a major cost item.

Selectman Crichton questioned page 5, Item 5 regarding the requirement to have the vehicle(s) registered in the State of Maine. Selectman Crichton did not believe that was required. Consensus was to have that removed.

Selectman Crichton asked about the "stationed no further than 15 minutes from the geographic center of Town." Lt. Tibbetts estimated Cranberry Meadow to be the geographic center. Lt. Tibbetts stated that 15 minutes is a long time to wait for an ambulance.

Selectman Haley stated that he has not been in favor of full-time fire service for Berwick or in favor of full-time EMS service for Berwick and his stance on this matter may come out in his comments on that document.

Selectman Haley suggested:

1. All "interpretations" be sent to all respondents

Consensus was to agree.

2. "Requests for changes in specifications and or Terms and Conditions" are addressed to the Town Manager and come before the BOS.

Consensus to change to address to Town of Berwick, Town Manager.

3. Is a "box truck" ambulance necessary?

4. Haley suggested having the respondents identify the top three (3) cost drivers.

Consensus was to agree.

5. Haley asked if the "in house training" would preclude any of the RFQ respondents and does this "cost" extra money. Lt. Tibbetts stated that it is not necessary to be in the contract.

Consensus was to remove this item.

Selectman Crichton suggested that at this point, the BOS should wait for the proposals and see what the different respondents propose. Selectman Haley stated that he was trying to eliminate the items that would add cost to what the Town currently provides. Selectman Haley asked about the "satisfaction surveys". Lt. Tibbetts stated that making the surveys part of the contract would be the only way to get information that the BOS could use in making decisions in the future. Selectman Haley suggested the Fire Department collect this information. Lt. Tibbetts stated that there may be HIPPA concerns.

**Consensus was to request semi-annual reports sent to the Fire Department.**

Selectman Haley asked that the dispatch charge be eliminated.

**Consensus was to eliminate the request to ask for payment of dispatch fee.**

Selectman Haley asked about the "negotiate with the Town the amount paid to the Town for ALS to BLS transfers.

**Consensus was to go with the standard reimbursement rate.**

Selectman Hales asked about paragraph 7, "ICS Structure". Lt. Tibbetts stated that this was the current industry standard.

Chairman O'Connor asked about the "free transport for Town employees." Lt. Tibbetts stated that is in the current contract.

Chairman Haley asked if Item 11, paragraph 2 was still necessary now that the BOS has voted to go forward with the transport license. Chairman O'Connor wished to leave it in. **Consensus was to state "6 months or until Town's license is approved."**

**Consensus was to include language in the cover letter stating that the Town of Berwick reserves the right to choose the best proposal for the Town.**

**Motion:** It was moved by Selectman Ganlere and seconded by Selectwoman Murphy to release the RFP with the noted amended changes.

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

**c. Lena Clark – legal opinion on what Town may spend**

The Town Manager reviewed the legal opinion of the expenditure of the funds in the Lena Clark Trust. The Town Meeting did not alter Ms. Clark's will and currently the amount available from the trust to spend is approximately \$28,702.83. The Finance Director is working with Kennebunk Savings to separate out the "interest" and putting into a second investment account due to the low interest currently available in "savings" accounts.

**d. Board to review Thank-you letters to Captain Locke and Sergeant Jeff Scott for Length of Service**

Chairman O'Connor read the letters aloud. The letters were signed by the BOS. The Town Manager stated that plaques had also been ordered.

**e. Rebecca Chasse – Potential Thank-You Letter Presentation**

Ms. Chasse was unable to attend tonight's meeting, but may be able to attend the October 1, 2013 meeting.

**f. Peter Perri – Thank You Letter Update**

Mr. Perri will be unable to attend a BOS meeting. The letter will be mailed.

- g. **Purchasing Policy – Board to Consider Corrective Change & Re-execute**  
The Town manager presented the revised “Purchasing Policy” for signature with the requested removal of 26A.  
**Motion:** It was moved by Selectman Crichton and seconded by Selectman Ganlere to accept the “Purchasing Policy” as written.  
The motion carried unanimously; 5 – 0.
- h. **Board to consider/sign slightly amended Mutual Aid Agreement re: Rte. 4**  
**Motion:** It was moved by Selectman Ganlere and seconded by Selectman Haley to resign the amended Restated Mutual Aid Agreement re: Rte. 4.  
The motion carried unanimously; 5 – 0.
- i. **Board to Sign November Warrant Articles**  
The BOS signed the Certification of the Warrant for the November 5, 2013 election.
- j. **Board to Discuss: Implementation of FD Study Recommendations**  
**Motion:** It was moved by Selectman Ganlere and seconded by Selectwoman Murphy to have the Study sent to the Fire Department for its evaluation and recommendations on the recommendations which can then be sent to the Town Manager for presentation to the Board. At the same time, the Board will act upon certain policy specific issues based on feedback and input from the Fire Department.

**Discussion:** It was suggested by Chairman O’Connor that the Board members bring back policy level discussions for upcoming meetings, and receive monthly updates regarding how operational and administrative recommendations of the report are being looked at, responded to, worked on, and what barriers are coming up.

It was clarified by Selectman Ganlere that this motion entails the Board bringing back a list of policy level issues to prioritize from the Study recommendations.

The motion carried on a vote of 3 – 2. (Crichton, Haley)

This item will be an ongoing agenda item with regular updates and discussion.

- X. **NEW BUSINESS**
  - a. **Speed limit for Diamond Hill Road Dirt Section – Board to Consider – This item was addressed under the Communications section of the agenda.**
  - b. **Four day workweek for Town Hall – Board to Consider**  
The Town Manager does not believe there would be a big cost savings. Selectman Haley stated that he was looking at the convenience for the residence to have extended hours.
- XI. **ABATEMENTS/SUPPLEMENTALS**  
**Motion:** It was moved by Chairman O’Connor and seconded by Selectman Crichton to accept the abatement request as presented.  
The motion carried unanimously; 5 – 0.  
**Motion:** It was moved by Chairman O’Connor and seconded by Selectman Haley to approve the supplemental assessment as presented and sign the collector’s warrant.  
The motion carried unanimously; 5 – 0.
- XII. **SECOND PUBLIC COMMENT**  
**Judy Burgess – Ms. Burgess stated that she hoped the BOS would treat the Fire Department Study the same as the Police Department. She suggested cutting off New Vehicle Registrations thirty minutes before closing.**

**Don Burgess** – Mr. Burgess stated that he had ridden in the “van” type of ambulance on a couple of occasions and thinks the “box” type would be better for the patients.

**XIII. OTHER BUSINESS / NON-AGENDA ITEMS**

**Transfer Station** – Chairman O’Connor stated that a citizen had brought a dryer to the Transfer Station and had been charged \$5. Berwick Iron & Metal pays the Town for the scrap metal. The policy for the Transfer Station needs to be brought back for re-evaluation.

**Foster’s Reporter Letter** – Selectman Haley stated that the BOS had been sent a letter by email from a Foster’s reporter asking about the problem with the stray cats and whether or not the Town will be forth coming with any financial support for cats. Selectwoman Murphy stated that the State does not require Town’s to give financial support for stray cats.

**Splitting Cost of Fence with Sewer District** - Selectman Haley inquired as to whether they should decide whether or not to split the cost of the previously discussed fence.

**Motion:** It was moved by Selectman Haley and seconded by Selectman Ganlere to split the cost of the fence around the Town of Berwick’s property adjacent to the Sewer District Property at a cost of \$1,800 to come from the Town’s contingency fund.

The motion carried unanimously; 5 – 0.

**Letter from Mr. Grace** – Selectman Haley stated that he felt Mr. Grace’s concerns should be placed on the next agenda.

**Communication Policy for Town Employees** – The Town Manager handed out information for the BOS to review.

**XIV. ADJOURNMENT**

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

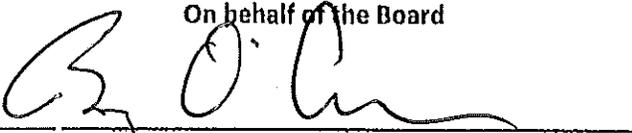
The motion carried unanimously; 5 – 0.

The meeting adjourned at 12:01 a.m.

The September 17, 2013 BOS Meeting Minutes

Signed as approved at the Board’s October 1, 2013 Meeting

On behalf of the Board

  
Bryan O’Connor, Chairman, Berwick Board of Selectmen