

**BOARD OF SELECTMEN/BOARD OF ASSESSORS
MEETING MINUTES
January 21, 2014**

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

CALL TO ORDER: 6:31 p.m.

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

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

II. APPROVAL & SIGNATURE OF MINUTES

a. **January 7, 2014 Regular Meeting**

Motion: It was moved by Selectwoman Murphy and seconded by Selectman Haley to approve the Regular Meeting Minutes of January 21, 2014.

The motion carried unanimously; 5 – 0.

III. FIRST PUBLIC COMMENT

Tammy Cole – Ms. Cole apologized for missing the January 7th meeting when she was appointed to the Budget Committee. She thanked the BOS for her appointment to the committee.

Agenda Item VII – Reports of Committees was moved up this point in the agenda.

a. **BCTV Committee Update – NONE**

b. **Downtown Vision Committee Update/Friends of the Riverfront Presentation**

Dennis Dupuis & Nichole Fecteau – Mr. Dupuis and Ms. Fecteau presented the BOS with an update of the work that has been accomplished to date regarding the installation of a boat ramp and the research into what to do with the old water treatment plant on the site. They stated that the reason they were there was to seek validation of their efforts and asked the BOS to officially recognize them as a committee.

Motion: It was moved by Selectman Haley and seconded by Selectman Gantere to establish Friends of the Berwick Riverfront Committee with a limited role of attaining quotes for development of a ramp and removal of the old water treatment plant building and update the role of the committee as needed in the future.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Dennis Dupuis to the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Nichole Fecteau to the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Scott Richardson to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Craig Plaisted to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Cameron Plaisted to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Joshua Mathews to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Virginia Charon to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Bob Flynn to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Bob Flynn to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Kim Taylor to of the Friends of the Berwick Riverfront Committee.

The motion carried unanimously; 5 – 0.

Selectman Haley wished to note that this Committee has an open membership and encouraged anyone who is interested to join.

c. Recreation Committee Update

Kim Taylor, Recreation Director – Ms. Taylor presented the update.

1. The Holiday lights and bus tour had gone very well.
2. The indoor Farmer's Market had been very successful and thanked Jessica Sheldon an the many volunteers.
3. The skating ring had been set up and now was waiting for the recent snowfall to be removed in order to flood the rink for freezing.
4. The Lords & Ladies dance is scheduled for or Saturday, February 8th.
5. Attatash discount ski tickets will be available.
6. There is another trip planned to Harry's Farm for sledding, skating and cross-country skiing.

At this point Agenda Item IX. a. was moved up.

IX. a. Planning Board Appointment Request of Peter Galfetti

Mr. Galfetti introduced himself to the BOS and stated that he was looking for a way to get more involved in the community.

Motion: It was moved by Selectman Haley and seconded by Selectwoman Murphy to appoint Peter Galfetti as an Alternate Planning Board Member.

The motion carried unanimously; 5 – 0.

At this point Agenda Item IX. b. was moved up.

IX. b. Discussion with Cumberland Farms RE: Permitted Alcohol Sales, etc.

Matthew Durand, Esq. - Mr. Durand introduced himself as legal counsel for Cumberland Farms and introduced Ray Roy Area Sales Manager and Michael Lonsi General Manager of the Berwick store. Mr. Durand stated that he was there to represent Cumberland Farms' wish to be allowed to sell alcohol for off-premises consumption on Sundays. The Town Manager gave a brief history of this matter in the Town.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Haley to include a repeal of the restrictions to sell alcohol for off-premises consumption on Sundays.

The motion carried unanimously; 5 – 0.

Select Haley stated that he had received several complaints from residents regarding parking and snow removal at the Cumberland Farms site. Mr. Lonsi stepped forward and addressed those issues. Mr. Durand stated that he would bring the parking issue back to Cumberland Farms' Planning Department for review of the original site plan which had been done in 1997. The Town Manager stated that Chief Towne was looking into the parking enforcement issue. The snow plowing issue was also explained by Mr. Lonsi.

IV. COMMUNICATIONS

a. **Department Updates – No Discussion**

- b. **Update on EPA site specific Cleanup Grant Application RE: Prime Tanning**
Mr. Rick Vandenberg of Weston & Sampson explained that the grant submission deadline was January 22nd. He was very optimistic about the grant application being approved. For Grant submittal purposes, he identified the four community based partners as:

1. Mobilize Maine
2. Choose to be Healthy Maine
3. Conservation Law Foundation
4. Workforce Housing Coalition of the Greater Seacoast

The Town Manager emphasized that this grant is not a proposal for more housing in the downtown area.

- c. **Update on Transfer Station Removal from MS4 Stormwater Permit Requirements**
According to the Town Planner in his memo, the Town's contracted stormwater engineer has determined, in conjunction with the Maine Department of Environmental Protection that the Transfer Station is not located within an "urbanized area" and will not need to complete a stormwater prevention plan. Integrated Environmental will be reimbursing the Town for its expense.

d. **Budget Committee Meeting January 23, 2014**

Due to the resignation of one of the previously appointed members, the Budget Committee is back down to four members. The first meeting of the Budget Committee will take place on Thursday, January 23rd, at 5:30 p.m.

e. **HVAC Update**

The Town Manager had been in contact with Tim Nichols of AEC regarding the signed letter of understanding, but still had not received it as of the meeting. Mr. Nichols correspondence included a note that Efficiency Maine has historically not had an easy experience working with municipalities due to procurement bidding processes.

f. **Board Communication to Public RE: MRI Study Recommendation II-5-3 (on facilitated group discussion)**

It was the consensus of the BOS to table this item until BCTV was back on the air.

g. **Internal Investigation of MRI Fire Department Survey Results Update**

The Town Manager updated the BOS on where he was in his internal investigation of the online survey results stemming from the MRI Study of the Berwick Fire Department. He has been in contact with Attorney Dench regarding what information and the proper format of the information he can share with the BOS.

h. **Union Mediation Update**

The Town Manager, David Barrett, Selectman Crichton and Selectwoman Murphy met with the Union Steward and Business Agent for a mediated session. No agreement was reached and the next mediated session has been scheduled for February 5th.

i. Safety Committee and MDOL Audit

The Town Manager requested a safety audit from MDOL that was done on January 15th. The results have not yet been received. The Safety Committee has been formed with Starr Glenn of the Water Department acting as chair/coordinator.

V. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

TW	1428A	\$44,862.38
WW	1428	\$757.90
TW	1429	\$91,093.95
PW	1429	\$39,295.36
WW	1429	\$1,648.20
PW	1430	\$42,492.21

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

The motion carried unanimously; 5 – 0.

VI. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS – NONE

VII. REPORTS OF COMMITTEES

- a. BCTV Committee Update – None
- b. Downtown Vision Committee Update – Moved up earlier on the agenda
- c. Rec Committee Update – Moved up earlier on the agenda

VIII. UNFINISHED BUSINESS

- a. BOS to consider modified Board Rules

Motion: It was moved by Selectman Crichton and seconded by Selectwoman Murphy to adopt the revised Board of Selectman Rules.

The motion carried unanimously; 5 – 0.

IX. NEW BUSINESS

- a. Planning Board Appointment Request of Peter Galfetti – Moved up earlier on the agenda
- b. Discussion with Cumberland Farms Reps RE: Permitted Alcohol Sales, etc. – Moved up earlier on the agenda
- c. BOS to consider KACTS funding re: transportation or stormwater mitigation
Kittery Area Comprehensive Transportation System (KACTS) has approximately \$50,000 in funding for projects related to transportation or stormwater mitigation. After discussion, it was the consensus of the BOS to try for several small projects to see if one gets funded. The discussed projects included:
 - 1. Parking study
 - 2. Bus stop improvements
 - 3. Bike paths/lanes
- d. BOS to consider MDOT Contract for Rochester Street

Motion: It was moved by Selectman Crichton and seconded by Selectman Haley to approve the MDOT Contract for Rochester Street.

The motion carried unanimously; 5 – 0.

X. ABATEMENTS/SUPPLEMENTALS

- a. Hardship Abatement – 49 Rochester Street (executive session)

XI. Second Public Comment

John Higgins – Mr. Higgins stated that the Planning Board was very disappointed to learn of the Town Planner John Stoll's resignation. The current Planning Board felt that the Town was losing a valuable asset and asked if there could be something worked out for Mr. Stoll to stay.

Mr. Higgins also stated that he agreed with Selectman Crichton regarding the use of an engineer without any connection to a possible company that would bid on future projects.

XVII. OTHER BUSINESS/NON-AGENDA ITEMS

Select Haley inquired about the grant for the Police Department to run "Sobriety Check Points." The Town Manager has spoken with the Police Chief regarding the policy of all grants must be accepted by the Board of Selectmen.

XIII. POTENTIAL EXECUTIVE SESSIONS

a. **Resignation of Town Planner Discussion (optional) 1 M.R.S. Section 405(6)(A)**

b. **Hardship Abatement 49 Rochester Street 1 M.R.S. Section 405(6)(F)**

Motion: It was moved by Selectman Ganiere and seconded by Selectman Crichton for the Board to enter into executive session pursuant to 1 MRS 405(6)(A) and 1 MRS Section 405(6)(F) for the purposes of discussion the Town Planner's resignation and discussion of information contained in records received by the Town access to which is denied the public by 36 MRS 841(2)(E) in connection with a hardship and poverty tax abatement regarding 49 Rochester Street.

The motion carried unanimously; 5 – 0.

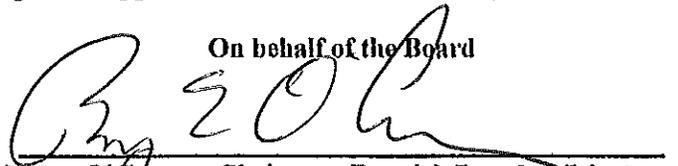
XIV. ADJOURNMENT

The BOS adjourned from regular meeting to go into executive session at 8:52 p.m.

The January 21, 2014 BOS Meeting Minutes

Signed as approved at the Board's February 4, 2014 Meeting

On behalf of the Board


Bryan O'Connor, Chairman, Berwick Board of Selectmen