

**BOARD OF SELECTMEN/BOARD OF ASSESSORS
REGULAR MEETING
NOVEMBER 12, 2014**

- I. ROLL CALL AND PLEDGE OF ALLEGIANCE**
PRESENT: Chairman O'Connor, Selectman Crichton, Selectman Ganiere, Selectman Wright
ABSENT: Selectman Pendergast
Others Present: Town Manager Patrick Venne
- II. APPROVAL & SIGNATURE OF MINUTES**
Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to approve the minutes of the October 21, 2014 Regular Meeting as presented.
 The motion carried unanimously; 4 – 0.
Motion: It was moved by Chairman O'Connor and seconded by Selectman Crichton to approve the minutes of the October 29, 2014 Special Public Meeting as presented.
 The motion carried unanimously; 4 – 0.
- III. FIRST PUBLIC COMMENT – NONE**
- IV. REPORTS OF COMMITTEES**
- a. **BCTV – Ms. Wright** was not available. Selectman Wright stated that they have been communicating with the Town Manager by email regarding the contract negotiations with Comcast.
 - b. **Rec Committee Update – None**
 - c. **Envision Berwick Committee (EBC) – Frank Underwood**
 - 1. Mr. Underwood stated that the EBC had gone over the election results and were quite pleased with the way the vote had turned out. The Town needs to keep moving forward from this point. Regular updates will be given to the public at the BOS meetings and the monthly Town Manager's newsletter will be one of the instrumental tools in getting the updates out to the public. The Town Manager will be hosting a meeting regarding the Brownfields application on Friday with Rip Patten.
 - 2. Discussed the KACTS traffic study. Have a steering committee currently consisting of Tom Wright, Serena Galleshaw and Paul Boisvert. They are planning a site walk.
 - 3. The first Farmer's Market of the season will be November 16th. They will put a display of the proposed seven Prime Tanning subdivisions out for the public.
 - 4. Sidewalks to be included in the discussion of the CIP.
 - 5. Working with Mr. Ballard on the donated Christmas Tree.
 - 6. The traffic should be reopened this Friday.
 - 7. The new lights are on the Bridge.
 - 8. The State of Maine DOT is going to put the standard "Welcome to Maine" sign back on the bridge. If the Town comes up with something more aesthetically pleasing they would entertain it.
- Paul Boisvert – Preservation and Heritage Subcommittee.**
The Berwick Historical Society will be meeting November 13th in the BOS Meeting Room to add new members and many other items. Getting kids involved.
Serena Galleshaw – co-chair of EBC

Ms. Galleshaw stated that she was extending a cordial invitation to everyone to attend the Berwick Farmer's Market on November 16th, from 10 a.m. until 1:30 p.m. There will be a total of six this year. Contact Jessica Sheldon for vender information.

V. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

a. Michelle Manning RE: Potential Addition of Logan Street Trailhead Near Penny Pond

Ms. Manning stated that she lives at 38 Logan Street and she is there to speak on behalf of the abutters to the proposed Penny Pond trail extension. The neighbors and abutters are concerned about the loss of their privacy and the use of their properties.

Issues with Logan Street

1. Logan Street is dangerous for pedestrians
2. The S curve where the trail would come out would be dangerous
3. There is poor lighting and no sidewalks
4. There are several rotted trees in the neighborhood
5. Transient and drug users
6. There has already been vandalism

Ms. Manning used the trails in Sommersworth and Sanford as failed attempts to implement similar plans. The abutters have questions. They are mainly there to see if they need to get legal counsel.

Mara Burn – Ms. Burn is concerned with the safety of her grandchildren. Strangers walking past their yard would be scary for the children.

Michelle Manning - Ms. Manning stated that Ms. Fecteau originally encouraged the Trails Committee members to work closely with the abutters and community members regarding any plans to put trails in place in Berwick.

Dave Andreesen – Trails Committee

He joined the Trails Committee to be involved in the process. The vandalism has been addressed. The property in question is not a right-of-way or easement it is twenty-two acres of land that belongs to the Town of Berwick. Mr. Andreesen agrees that Logan Street is dangerous for pedestrians. He and Nicole Fecteau are willing to call the Penny Pond Trail complete.

Chairman O'Connor inquired as to whether there will be more parking. Mr. Andreesen stated that no new parking is planned.

Ms. Manning stated that originally it was a right-of-way until left to the Penny Pond project. Mr. Andreesen stated that it was deeded back to the Town as open space. The Town Planner stated that there could be an easement.

Selectman Wright stated that the citizens should have access to Town property. He does not feel the trail should be opened right away, but should look into it carefully and comprehensively.

Tom Manning - Mr. Manning implored the BOS to go walk through proposed area. He believes that there are other, alternative routes.

Chairman O'Connor suggested that the BOS go out and look at the property. The Town Manager stated that Town Planner John Stoll is researching the property and property rights. There are issues regarding easement vs. right-of-way. The BOS will look at the property individually and speak with the residents.

Mr. Andreesen suggested working with the home owners and marking their properties with No Trespassing signs.

Selectman Crichton suggested defining the property lines and looking into some sort of fencing method to direct people.

Ms. Manning has had concerns about the Sugar Maples for more than 15 years. She asked if there was any legal rules the Trails Committee had to abide by. The Town Manager stated that there is no land use rules for the Trails committee to abide by.

The BOS directed the Town Manager to place this item on the December 1, 2014 agenda.

- b. **Brad Scott of Spence and Mathews RE: Downtown Parking Issues**
Chairman O'Connor asked if anyone knew how long the 2 Hour parking limit had been in place. The answer was more than thirty years. The consensus was to wait until the parking study was done. Ms. Galleshaw stated that at a recent meeting with VHB, some of the residents wanted a quicker fix.

VI. **COMMUNICATIONS – Town Manager**

- a. **Comcast Agreement Renegotiation Process**
Town Attorney Bryan Dench would act as negotiator on behalf of the Town and would be paid from BCTV funds.
- b. **Town Hall Boiler Work Update**
The boiler work is 90-99% complete. After applying an epoxy to the floor, there was a leak during a rain storm and the epoxy needs to be reapplied. Mr. Perschy will repair the leak and the epoxy will be reapplied at no additional cost to the Town.
- c. **Progress Regarding Board's Resolution for Achieving a Safer Route 4**
There will be directed patrols, but to have a dedicated patrol, there will have to be an increase in manpower and there is little room in the budget for that. The agreement with South Berwick would have to include reciprocity. Samantha Chaney has spoken to a new contact at DOT. If the core samples come back and show the road stable enough, then it would be just a matter of painting and that would be at virtually no cost. The DOT does not have the core sample results back at this time.
- d. **CIP Committee Meeting Overview**
The Committee consists of the Planning Board and Mark Pilgrim. The Town Manager stated that the primary role of the committee is that of an advisory role to him and the BOS.

VII. APPROVAL OF ACCOUNTS PAYABLE WARRANTS		
A/P WARRANT	1517	\$85,104.15
WATER WARRANT	W1517	\$16,857.59
A/P WARRANT	1518	\$144,873.66
PAYROLL WARRANT	1518	\$40,011.06
A/P WARRANT	W1518	\$16,457.03
A/P WARRANT	1519	\$627,544.80
WATER WARRANT	W1519	\$2,522.81
PAYROLL WARRANT	1519	\$36,920.83
PAYROLL WARRANT	1520	\$39,903.75

MOTION: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve the Warrants as presented.

The motion carried unanimously; 4 – 0.

VIII. UNFINISHED BUSINESS

a. Signature of Approved Agreement with FOJ RE: Cleanup of Prime Tanning Site

The Town Manager stated that the copy being signed today was signed by Mark Kehaya acting on behalf of the Fund of Jupiter and is an exact copy of the agreement that was voted on by the Town on November 4th. The only minor change was grammatical. Selectman Wright thanked the citizens who voted for this agreement. Chairman O'Connor echoed the sentiment. The vote was 2 -1 in favor of the agreement. Selectman Ganiere

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to sign the agreement presented to the Board of Selectmen today between the Town of Berwick and the Fund of Jupiter. There is a bankruptcy hearing scheduled for later this week.

The motion carried unanimously; 4 – 0.

b. Update on Options for Handling Materials not Accepted at Annual Hazardous Waste Day

Storage is not an option. An alternative date of November 22nd is open for a second hazardous waste day.

Chairman O'Connor stated that contingency funding has been reduced in an effort to keep taxes down. He did not think expending the funds would be good this year. Next year appropriate more. There is close to \$30,000 in contingency. Selectman Wright agreed to not use the contingency funds this early in the budget cycle

c. Proposed Rescheduling of Public Hearing for Water Rate Increase to January 20, 2015

The intended increase was pushed back due to the audit deadline. The January 20 date was proposed by Chris Wisemann. The proposed estimated increase will be 11.41%. Mrs. Murphy stated that would be an \$8 increase for the average user.

The consensus of the BOS was to hold the Hearing on January 20, 2015.

IX. NEW BUSINESS

a. Appointment of Budget Committee Members for FY 16 Fiscal Planning Cycle

This is not a final or closed list. Any further appointments would be welcome.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to appoint Christine Dudley to the Budget Committee for a term of 1 year for the purpose of reviewing, scrutinizing and making recommendations to the Board of Selectmen regarding the Town Manager's proposed budget.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to appoint Andrea Ouimette to the Budget Committee for a term of 1 year for the purpose of reviewing, scrutinizing and making recommendations to the Board of Selectmen regarding the Town Manager's proposed budget.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to appoint James Morris to the Budget Committee for a term of 1 year for the purpose of reviewing, scrutinizing and making recommendations to the Board of Selectmen regarding the Town Manager's proposed budget.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to appoint Tammy Cole to the Budget Committee for a term of 1 year for the purpose of reviewing, scrutinizing and making recommendations to the Board of Selectmen regarding the Town Manager's proposed budget.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to appoint Eleanor Murphy to the Budget Committee for a term of 1 year for the purpose of reviewing, scrutinizing and making recommendations to the Board of Selectmen regarding the Town Manager's proposed budget.

The motion carried unanimously; 4 – 0.

Andrea Ouimette – Ms. Ouimette inquired whether the Budget Committee members were allowed to go to the department heads with any questions. The Town Manager stated that yes they would be allowed and the department heads will be at the meetings.

X. ABATEMENTS AND SUPPLIMENTALS

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to deny the requested abatement as recommended by the Assessor.

The motion carried unanimously; 4 – 0.

XI. QUITCLAIM DEEDS/INSTALLMENT CONTRACTS

a. Tax Map U004, lot 029-000-000

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve signature of the municipal quitclaim deed, and associated real estate transfer tax form, whether by the Board or Town Manager, related to Tax Map U004, Lot 029-000-000.

The motion carried unanimously; 4 – 0.

XII. SECOND PUBLIC COMMENT

Eleanor Murphy – Ms. Murphy stated that the land discussed earlier on Logan Street in the late 70's early 80's there were "paper roads."

Chairman O'connor stated that the Town Planner should have more information at the next meeting.

XIII. OTHER BUSINESS/NON AGENDA ITEMS

Backhoe Lease

The BOS decided to lease a new backhoe. The bids were received and voted upon. The standard lease agreement included the indemnification of CAT while using the machine. The Town Manager discussed this with Town Attorney Dench. They did not receive bids, but proposals and could have been rejected based on that fact. Other municipalities have signed. The Town would defend Catepillar in the case of a lawsuit.

Selectman Wright asked if there would be an additional cost to the Town. The Town Manager stated that this would be for the mechanical malfunctioning of the equipment.

There is a maintenance schedule.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to sign the lease agreement as presented.

The motion carried unanimously; 4 – 0.

Hubbard Road

Selectman Crichton asked if DOT had gotten back to the Town Manager. The Town Manager stated that he had not heard back, but would follow-up.

XIV. POTENTIAL EXECUTIVE SESSION – NONE

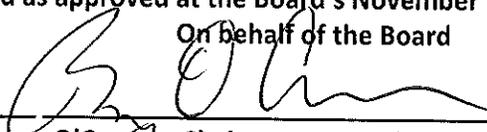
XV. ADJOURNMENT

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to adjourn.

The motion carried unanimously; 4 – 0.

The meeting adjourned at 8:05 p.m.

**The November 12, 2014 BOS Meeting Minutes
Signed as approved at the Board's November 18 , 2014 Meeting
On behalf of the Board**



Bryan O'Connor, Chairman, Berwick Board of Selectmen