

**BOARD OF SELECTMEN/BOARD OF ASSESSORS  
MEETING MINUTES  
May 20, 2014**

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

**CALL TO ORDER: 6:30 p.m.**

**ROLL CALL: Chairman O'Connor, Selectman Crichton, Selectwoman Wright, Selectman Pendergast**

**Absent: Selectman Ganiere**

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

**II. APPROVAL & SIGNATURE OF MINUTES**

**Motion:** It was moved by Selectman Crichton and seconded by Selectman O'Connor to approve the May 5, 2014 minutes with a check on VIII as to who recognized the Boy Scouts.

**The motion carried unanimously; 2 – 0.**

**III. REPORTS OF COMMITTEES**

**a. BCTV Committee**

The Town Manager stated that there is a finalist who will be interviewed on May 22, 2014 for the new department head position for BCTV.

**b. Downtown Vision and & Friends of the Riverfront**

**Frank Underwood** - Mr. Underwood stated that Article #3, the proposed addendum to the Comprehensive Plan, had passed and now the Town and DVC (Downtown Vision Committee) should begin moving forward with implementation. Mr. Underwood, on behalf of the DVC, thanked the citizens of Berwick for their support. Mr. Underwood presented a copy of the Beta Report for inclusion in the time capsule that is slated to be opened in fifty years.

The Town Manager updated the BOS on the 2.7 acre parcel of PSNH land. Jennifer DuCharme has determined that even an easement would require the Town to pay for a surplus determination. Currently, this is not monetarily feasible.

**c. Rec Committee Update**

The Town Manager updated the BOS on the Recreation Department's new self-funded software.

**IV. FIRST PUBLIC COMMENT - NONE**

**V. ELECTIONS/APPOINTMENTS/PRESENTATIONS/OTHER GUESTS**

**a. Appointment/Election of Board Officers (Chair and Vice Chair)**

It was the consensus of those present to postpone this item until the end of the meeting see whether Selectman Ganiere would arrive before the end of meeting.

**b. Sewer District Board Appointment Requests (2) – Kenneth Hall & Nelson Goodwin**

Mr. Goodwin and Mr. Hall answered questions regarding their length of service (Goodwin eleven (11) years, Hall two (2) years). Selectman Pendergast inquired whether the Sewer District accepts waste from other towns and if not, why. Mr. Hall stated that the District used to, but it was a money losing venture. The District is working on reforming the fee schedule and it could be possible in the future.

**Motion:** It was moved by Chairman O'Connor and seconded by Selectman Wright to re-appoint Kenneth Hall to the Berwick Sewer District for a term to commence

concurrently with the expiration of his present term in June 2014 and to last thereafter during satisfactory service for a term of three years post-commencement.

**The motion carried unanimously; 4 – 0.**

**Motion:** It was moved by Chairman O'Connor and seconded by Selectman Wright to re-appoint Nelson Goodwin to the Berwick Sewer District for a term to commence concurrently with the expiration of his present term in June 2014 and to last thereafter during satisfactory service for a term of three years post-commencement.

**The motion carried unanimously; 4 – 0.**

**c. Reappointment of Terri Wright to BCTV Committee**

**Motion:** It was moved by Chairman O'Connor and seconded by Selectman Pendergast to reappoint Terri Wright to the Berwick Community Television Committee.

**The motion carried on a vote of 3 – 0. (Selectman Wright recused himself due to his marital relationship with Ms. Wright)**

**VI. PUBLIC HEARING**

**a. June 10, 2014 Special Town Meeting/Secret Ballot Vote**

The Town Manager reviewed the legal reasons as to why there was a need for a Public Hearing.

**Chairman O'Connor opened the Public Hearing at 7:07 p.m.**

There was no discussion.

**Chairman O'Connor closed the Public Hearing at 7:08 p.m.**

**VII. COMMUNICATIONS**

**a. Introductory Packet to New Board of Selectmen Members – No Discussion**

**b. Memorial Day Parade Traffic Detour Route – No Discussion**

**c. Annual Contract Price Adjustment for Waste Management Services**

There will be an increase due to inflation of 1.3%. The contract is through 2018. The Town Manager was asked to look into the possibility of ending the contract sooner.

**d. Former Water Treatment Plant Demolition Update**

The demolition should take place between mid – June and late July.

**e. Town's Approach to Recent Subpoenas of Municipal Officials/Officers**

The Town's attorney is objecting to the recent subpoenas.

**f. Town Hall HVAC Design –Build RFP Update**

AEC will do the RFP work for \$130 per hour with an estimate of 20 hrs. Oak Point gave an estimate of \$125 per hour with 32 hrs. After discussion as to whether the cost was too high and how the previous BOS arrived at the decision to have an engineering firm write the RFP, the consensus of the BOS was to move forward with AEC.

**g. Town Meeting & Election Results – No Discussion**

**VIII. APPROVAL OF ACCOUNTS PAYABLE WARRANTS**

AP Warrant	1445	\$46,789.63
Water Warrant	1445	\$2,784.27
Payroll	1446	\$38,027.60
AP Warrant	1446	\$60,610.17
Water Warrant	1446	\$3,388.75
Payroll	1447	\$47,189.27

**Motion:** It was moved by Selectman Wright and seconded by Selectman Crichton to approve the Accounts Payable Warrants as presented.

The motion carried unanimously; 4 – 0.

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

**X. UNFINISHED BUSINESS**

**a. Action on Pine Hill Road Reclamation & Paving RFP Responses**

The Town Manager explained the review process completed by Civil Engineer's Jay Stevens. There was lively discussion led by Selectmen Crichton and Pendergast.

Selectman Crichton felt the item should be tabled for one meeting and Selectman Pendergast stated that only Boulanger Paving had correctly bid the project and in his opinion the others should not be accepted and the bid awarded to Boulanger Paving.

**Motion:** It was moved by Selectman Pendergast and seconded by Selectman Crichton to award the contract for the Pine Hill Road Reclamation & Paving to Boulanger Paving in the amount of \$299,455.

The vote tied 2 – 2 (O'Connor and Wright against)

The consensus was to wait until the end of the meeting and have a revote.

**b. Review of Sam Mathews Waste Collection Measurements for MSAD 60 Schools**

The consensus of the BOS was to have the Town Manager contact Mr. Mathews and ask if he would be willing to attempt a more accurate weighing process if the Town paid for the extra expense incurred.

**c. Appointment Recommendation for MMA Legislative Policy Committee**

**Motion:** It was moved by Selectman Crichton and seconded by Selectman Pendergast to nominate Selectman Wright as a candidate for the MMA Legislative Policy Committee.

The motion carried unanimously; 4 – 0.

**d. Review of Contents for RFP Related to Grant-Funded Traffic & Parking Analyses**

The consensus of the BOS was the RFP was ok.

**e. Review & Signature of Personnel Policy Update RE: Sick Time Transfers**

The addendum of Sick Time Transfers to the Personnel Policy was signed by the BOS.

**XI. NEW BUSINESS**

**a. Annual Municipal Ratio Declaration**

The Town Manager explained that the Town's Assessing Agent and the State recommended the 108%. Selectman Pendergast asked if this meant an increase in taxes and the Town Manager answered "no."

**Motion:** It was moved by Selectman Crichton and seconded by Chairman O'Connor to accept the recommendation to set the Annual Municipal Ratio at 108%.

The motion carried unanimously; 4 – 0.

**b. Opportunity to Apply for Rural Development Grant**

The Town Manager stated that this is a grant that is supposed to be used in rural areas of rural communities, and could not be designated for use in the implementing the Downtown Vision Plan. He also explained that it is a highly competitive grant and there are no continuing financial obligations connected to this grant.

The consensus of the BOS was to apply for the grant.

**XII. Abatements/Supplementals – None**

**XIII. Second Public Comment**

**Jim Chandler – Boulanger Paving**

Mr. Chandler cleared up questions the BOS may have had about site visits, hidden fees and costs regarding the Pine Hill Road Paving Bid.

**Motion:** It was moved by Selectman Crichton and seconded by Selectman Pendergast to award Boulanger Paving the Pine Hill Road Paving Bid in the amount of \$296,455.

**The motion carried unanimously; 4 – 0.**

**Eleanor Murphy** – Mrs. Murphy asked that the Mathews name please be spelled correctly – using one T not two.

After Selectman Crichton asked if the Appointment/Election of officers could be tabled until the next meeting it was decided to move forward with this item.

**Motion:** It was moved by Selectman Crichton and seconded by Selectman Wright to reappoint Bryan O'Connor as Chair of the Board of Selectman.

**The motion carried unanimously; 4 – 0.**

**Motion:** It was moved by Selectman Pendergast and seconded by Selectman Wright to reappoint Robert Crichton as Vice Chairman of the Board of Selectman.

**The motion carried unanimously; 3 – 0. (Selectman Crichton abstained)**

**XIV. Other Business/Non-Agenda Items -None**

**XV. Potential Executive Session**

**Motion:** It was moved by Selectman Crichton and seconded by Selectman Wright to enter executive session pursuant to 1 M.R.S. Section 405(6) (E) for the purpose of consulting special legal counsel Patrick Venne concerning the Town's Legal rights and duties as well as pending litigation related to subpoenas served upon Town employees in the matter of Bruce and Dennis Plante v. Ronald P. Long, Docket Number CV-13-148.

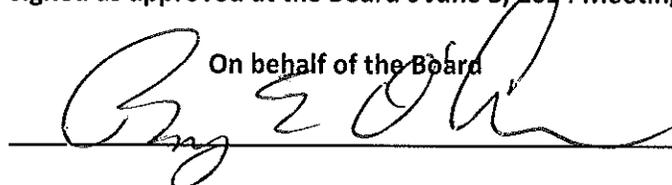
**The motion carried unanimously; 4 – 0.**

**The Board of Selectman entered into executive session at 8:48 p.m.**

**XVI. Adjournment**

**The May 20, 2014 BOS Meeting Minutes  
Signed as approved at the Board's June 3, 2014 Meeting**

On behalf of the Board



**Bryan O'Connor, Chairman, Berwick Board of Selectmen**