



**BOARD OF SELECTMEN/BOARD OF ASSESSORS
SPECIAL MEETING AGENDA
March 17, 2015
6:30 p.m.**

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

Call to Order: 6:30 p.m.

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

OTHERS PRESENT: Town Clerk Jo Anne Lepley, Finance Director Maureen Finger, Public
Works Foreman Robert Perschy, Water Plant Chief Operator Chris Weismann

Before starting the meeting, Chairman O'Connor asked that everyone join the BOS in a moment of silence for Gary Stenhouse. He remembered Mr. Stenhouse by stating that he had served the Town well on several occasions; he spoke highly of the staff and the Town itself. Mr. Stenhouse had unmatched energy and goodwill.

II. APPROVAL OF MINUTES

a. March 3, 2015 BOS Meeting Minutes

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to accept the March 3, 2015 minutes as presented.

The motion carried unanimously; 5 – 0.

b. March 10, 2015 BOS Special Meeting

Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to accept the March 10, 2015 minutes as presented.

The motion carried unanimously; 5 – 0.

Selectman Crichton asked that the **March 3, 2015 minutes reflect his objection to the overall cost structure the State is using for the Hubbard Road project.**

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to amend the motion for the March 3, 2015 minutes to include Selectman Crichton's objection to the overall cost structure the State is using for the Hubbard Road project.

The motion carried unanimously; 5 – 0.

III. FIRST PUBLIC COMMENT

Selectman Pendergast – Selectman Pendergast handed the BOS a packet that contained his research and questions on emergency dispatch.

IV. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

Selectman Wright asked that the BOS consider appointing Mr. Donald Young to the Envision Berwick Committee (EBC) to fill a vacancy. Mr. Young was present and addressed the BOS with his current volunteer activities and expressed his willingness to serve on the EBC. Selectman Crichton thanked Mr. Young for his stepping up to volunteer.

Motion: It was moved by Selectman Wright and seconded by Selectman Crichton to fill the remainder of the current opening on the Envision Berwick Committee.

The motion carried unanimously; 5 – 0.

V. REPORTS OF COMMITTEES

a. BCTV Committee – Terri Wright

Ms. Wright stated that the BCTV Committee currently has open positions and would welcome new members. Ms. Wright stated that the write-up for the annual Town Report was completed. There was discussion regarding the planned improvements including the process of getting quotes and the installation of wiring in the Town Hall auditorium.

It was the consensus of the BOS to move the BCTV Budget discussion up to this point on the agenda.

Chairman O'Connor reminded the citizens that the BCTV Budget funds does not come from tax dollars. BCTV is solely funded through franchise fees that are paid through cable subscriptions by Time Warner. Chairman O'Connor noted that the BCTV Budget including setting aside funds for future negotiations with the cable supplier contract.

b. Envision Berwick Committee (EBC) – Frank Underwood

Mr. Underwood reminded the BOS that the one year initial appointments to the EBC would be ending in June. The EBC is available to look into the regionalization issue and would apply for a grant for a feasibility study. The EBC would also look into the solid waste issues.

As far as State grant funding, Mr. Underwood explained that the Town had missed the opportunity to apply for 2015 – the deadline was back in January. The process for next year should be started now for projects/ideas to file a letter for next year.

Mr. Underwood stated that tours proposed at the March 3, 2015 meeting of the Prime Tanning site and Estabrook School are still in the works. A developer working with York Community College has scheduled a tour of the Estabrook School with Mr. Underwood and Mr. Perschy on March 25th at 9:00 a.m. There are two beverage companies who would like to schedule Prime Tanning tours, but due to the snow these will be later in the spring.

The sub-committees are working on different educational “101’s” similar to those that were held by the Downtown Vision Committee. He and Mr. Cremen are working on BCTV coverage.

The River Front Committee is working on a presentation and will be bringing a mailer to the BOS for their approval.

The Farmer’s Market was held over the weekend and was successful. Theas an issue with parking. Mr. Underwood brought up the idea of using Prime Tanning property for use by the vendors. Selectman Pendergast asked why the market was only held in the winter. Mr. Underwood replied that the winter market was their niche. They did not wish to compete with other summer markets at this time, but maybe would expand to summers in the future.

Mr. Underwood announced that Ashley Iber would be leaving her position with Work Force Housing, but the project would still move forward. Mr. Underwood would like it to be known that the EBC is “hosting” the project; they are neither for nor against. The EBC would also like to use the term “Mixed Use Pilot Project” with their dealing with the project. This would allow a project that would be in keeping with the “village overlay” zone proposed for the area chosen for the project. Selectman Pendergast stated that he has spoken with a developer and there are concerns about the “surrounding rents.” Mr. Underwood stated that the Work Force Housing project is another educational step.

Mr. Underwood stated that the BOS start thinking about the formation of a “technical advisory committee” in conjunction with the Brown Fields application. Representative Beth O’Connor is moving the “Pine Tree Zone” application ahead. There was a slight pause when there was consideration of adding Sanford to the same application.

Mr. Underwood has read Article 25 of the Draft Warrant and he supports the Article as it is written.

Chairman O’Connor asked Mr. Underwood about the removal of the Christmas tree. Mr. Underwood stated that as soon as it is accessible it will be removed.

Selectman Crichton brought up the subject of staggered terms on the EBC. Mr. Underwood stated that this first year was a “trial” year and he supports staggered terms. The EBC will discuss this issue at their next meeting.

Selectman Crichton inquired as to the payment of invoices with regards to Article 25. Mr. Underwood stated that it would be the as or similar to the Downtown Vision Committee. Everything would go through Town Planner John Stoll and Finance Director Maureen Finger.

The subject of donations to the various EBC projects was discussed. There must be a way for donations to be made. Judy Burgess stated that the light posts had been donated. Selectman Crichton asked that it be looked into.

VI. UNFINISHED BUSINESS

a. Budget

1. BCTV – Addressed earlier on the agenda

2. Water Department

Chief Water Operator Chris Weismann stepped to the podium to answer any questions that the BOS may have regarding the Water Department budget. Mr. Weismann stated that there are some issues that need to be addressed regarding water quality. There are minerals in the water that become particles during the chlorination process. The water sometimes turns color. The “fix” for this problem would be to go to a ultra-violate system instead of a chlorination system.

The Water Department operates with an Enterprise Fund. The proposed budget includes the rate increase submitted to the PUC. The estimated rate increase would generate approximately \$64,000 and this would be used for Capital Improvements.

There was a \$22,100 difference in what the Budget Committee recommends and what was requested.

Selectman Crichton asked about the extension of the water lines. Mr. Weismann explained that the PUC looks at whether there is a “need” or a “request” to extend lines. A need would be something of an urgent nature to the existing system and a request would be by a developer or property owner. Residents cannot be forced to hook up to the system.

Selectman Pendergast asked if the water main is sufficient to handle a 100 lot mobile home proposal on Blackberry Hill. Mr. Weismann stated that it is close, and that it would be a wait and see situation.

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to approve the Budget Committee’s recommended budget.

The motion carried unanimously; 5 – 0.

3. Transfers

Finance Director Maureen Finger stepped up to go over these budget items.

1. Public Fire Protection

Motion: It was moved by Chairman O’Connor and seconded by Selectman Ganiere to approve \$201,534 for Public Fire Protection.

The motion carried unanimously; 5 – 0.

2. The Sewer District asked for \$39,000 for a betterment fee. It was the consensus of the BOS not to approve this fee due to the fact there was no accompanying information to explain exactly what the fee was for. Mrs. Murphy went to the podium and explained the history of the fee.
No motion made.

3. Transfers Out

Proposed CIP

Roads	\$320,000
Public Works Vehicle	\$165,000
Fire Station Repairs	\$10,000
SCBA & Bottles	\$5,000
Outfalls 5 & 6	\$60,000

Mr. Perschy came forward to discuss the public works vehicle. The mechanic and Mr. Perschy have discussed the possibilities and have concluded that the 12 year old dump truck should be replaced. Selectman Ganiere asked about the maintenance of the vehicles. Selectman Pendergast stated that they maintenance is excellent.

Chairman O'Connor suggested removing \$30,000 from the Roads amount and using that for the \$30,000 in Article 25 for Economic Development.

Resident Leanne Simao stated that she recently moved to Berwick and lives on Diamond Hill Rd. She asked that the money remain in roads and that Diamond Hill be repaired.

Selectman Pendergast asked the Finance Director about bonding. Ms. Finger replied that it is a process that would require the BOS to decide on CIP projects and then go out for bonding either in the private sector or the State Bond Bank. The private sector has lower interest but higher upfront costs than the State Bond Bank. The interest rate at the State Bond Bank is still low.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere (for discussion purposes) to move the \$30,000 from Roads to Economic Development.

The motion failed on a vote of 1 – 4 (O'Connor)

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to approve the Transfers Out as presented.

The motion carried on a vote of 3 – 2 (O'Connor, Crichton)

4. Contingency Funds

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve the \$15,000 for Contingency Funds as presented.

The motion carried unanimously; 5 – 0.

5. Transfer CI Funds

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve \$187,450 as presented for Transfer CI Funds.

The motion carried unanimously; 5 – 0.

6. Water Department Debt Service

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve \$21,634 as presented for Water Department Debt Service.

The motion carried unanimously; 5 – 0.

VII COMMUNICATION – NONE

Chairman O'Connor noted that the Town had a Fire Truck Down.

Selectman Pendergast asked about a CIP Bond. Finance Director Maureen Finger replied that a 5 year CIP plan would have to be done first.

VIII. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

A/P WARRANT	1536	\$675,050.05
WATER WARRANT	0536	\$3,296.32
PAYROLL WARRANT	1537	\$48,963.30
A/P WARRANT	1537	\$77,802.67
WATER WARRANT	0537	\$3,157.21
PAYROLL WARRANT	1538	\$49,506.35

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

The motion carried unanimously; 5 – 0.

IX. NEW BUSINESS

a. Vote to Accept Two Police Department Grants

1. Maine Highway Safety Funds – Seatbelt Enforcement

Motion: It was moved by Chairman O'Connor and seconded by Selectman Crichton to accept the Seatbelt Grant as presented.

The motion carried unanimously; 5 – 0.

2. 2015 Evidence Based Impaired Driving Enforcement

Motion: It was by Chairman O'Connor and seconded by Selectman Wright to accept the Evidence Based Impaired Driving Enforcement Grant as presented.

The motion carried unanimously; 5 – 0

b. Draft Warrant – Acceptance

Article 1	Accept	5 – 0	Article 2	Accept	5 – 0
Article 3	Accept	5 – 0	Article 4	Accept	5 – 0
Article 5	Accept	5 – 0	Article 6	Accept	5 – 0
Article 7	Accept	5 – 0	Article 8	Accept	5 – 0
Article 9	Accept	5 – 0	Article 10	Accept	5 – 0
Article 11	Accept	5 – 0	Article 12	Accept	5 – 0
Article 13	Accept	5 – 0	Article 14	Accept	5 – 0
Article 15	Accept	5 – 0	Article 16	Accept	5 – 0
Article 17	Accept	5 – 0	Article 18	Accept	5 – 0
Article 19	Remove	5 – 0	Article 20	Accept	5 – 0
Article 21	Accept	5 – 0	Article 22	Accept	5 – 0
Article 23	Accept	5 – 0	Article 24	Accept	5 – 0
Article 25	Accept	5 – 0	Article 26	Accept	5 – 0
Article 27	Accept	5 – 0	Article 28	Accept	5 – 0
Article 29	Accept	5 – 0	Article 30	Remove	3 – 2
Article 31	Accept	5 – 0	Article 32	Accept	4 – 1
Article 33	Accept	5 – 0	Article 34	Accept	5 – 0
Article 35	Accept	5 – 0	Article 36	Accept	5 – 0
Article 37	Accept	5 – 0	Article 38	Accept	5 – 0
Article 39	Accept	5 – 0	Article 40	Accept	5 – 0
Article 41	Accept	5 – 0	Article 42	Accept	5 – 0
Article 43	Accept	5 – 0	Article 44	Accept	5 – 0
Article 45	Accept	5 – 0	Article 46	Accept	5 – 0

Article 47 Accept 5 – 0 Article 48 Accept 5 – 0

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to waive the Selectmen's 9:00 p.m. meeting limit.

The motion carried unanimously; 5 – 0

c. Set Public Hearing Date for 2015 Warrant

The Town Clerk explained that the latest the Public Hearing could held was May 1st and that she recommended to hold it during a regularly scheduled BOS meeting. She would not be available for the April 21st meeting.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to schedule the Public Hearing for the 2015 Town Meeting Warrant for April 7, 2015.

The motion carried unanimously; 5 – 0

d. Special Event Application – Approval of signatory

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to allow the Chairman Interim Town Manager to sign the application.

Mike Hennessey of House Hope came forward and stated that due to timing, the event would have to be rescheduled and a new application with a new date submitted.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to withdraw the prior motion.

The motion carried unanimously; 5 – 0

X. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

a. RE: R036-004-017-000 - (2) Quitclaim deeds for 2012 and 2013.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to approve both Quitclaim Deed as presented.

The motion carried unanimously; 5 – 0

Finance Director Maureen Finger presented the BOS with a draft letter from the Town of Berwick to the Berwick Sewer District requesting an abatement for the Prime Tanning sewer fees now that the Town owns the property.

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to allow Chairman O'Connor to sign on behalf of the Board of Selectmen.

The motion carried unanimously; 5 – 0

XI. ABATEMENTS/SUPPLEMENTALS

1. Abatement: Tax Map R034 Lot 22-1 Hubbard Road

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to accept the abatement as recommended by the Assessor's Agent in the amount of \$348.

The motion carried unanimously; 5 – 0

2. Abatement: Tax Map R034 Lot 22 Hubbard Road

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to accept the abatement as recommended by the Assessor's Agent in the amount of \$267.12.

The motion carried unanimously; 5 – 0

3. Abatement: Tax Map R004 Lot 4-2 306 Long Swamp Road

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to accept the abatement as recommended by the Assessor's Agent in the amount of \$658.

The motion carried unanimously; 5 – 0

4. Abatement: Tax Map R068 Lot 5 10 Nursery Lane

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to accept the abatement as recommended by the Assessor's Agent in the amount of \$658.

The motion carried unanimously; 4 – 0 (Pendergast abstained)

5. Supplemental Assessment: R068 Lot 5-1 16 Nursery Lane

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere that a supplemental tax be issued in the amount of \$2,705.

The motion carried unanimously; 4 – 0 (Pendergast abstained)

XII. SECOND PUBLIC COMMENT

Eleanor Murphy – Ms. Murphy stated that article 30 on the draft warrant was a way for the Town's department heads to have permission for "open ended spending" and that articles 30 and 31 had been defeated at Open Town Meeting the year before

Finance Director Maureen Finger explained to the BOS that it was a way for the Town Manager to cover "unforeseen" expenditures by bringing these to the BOS for permission to cover from another line item in the budget that may be underspent.

Ms. Murphy stated that this was not in alignment with the Town's form of government. These issues have in the past and should be in the future brought to Town Meeting for a vote.

XIII. OTHER BUSINESS/NON-AGENDA ITEMS

Chairman O'Connor – Chairman O'Connor added for approval of the letter he had written on behalf of the BOS for the Town Report.

Motion: It was moved by Selectman Crichton and seconded by Selectman Wright to approve the letter written by the Chairman for the Town Report.

The motion carried unanimously; 5 – 0

Chairman O'Connor – Chairman O'Connor stated that Alan Gould of Municipal Resources (MRI) had emailed him regarding the current Town Manager Recruitment Process. He wished to know the BOS wishes regarding a selection panel. After discussion of whether to have a citizen's panel and the timeline that they wished to pursue; it was the consensus of the BOS to go with a selection panel(s) of MRI staff and the BOS.

Due to the unexpected passing of Interim Town Manager Gary Stenhouse, MRI has chosen a replacement Interim Town Manager. Bruce Benway is a retired Town Manager who lives in Biddeford, Maine. He was a Town Manager in Biddeford and for the last several years in Killingly, Connecticut. He will be available approximately three days per week and at the rate of \$55.00 per hour. Mr. Benway was present and introduced himself.

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to appoint Mr. Benway as Interim Town Manager.

The motion carried unanimously; 5 -0

Motion: It was moved by Chairman O'Connor and seconded by Selectman Ganiere to appoint Mr. Benway as Interim Treasurer.

The motion carried unanimously; 5 – 0

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to appoint Mr. Benway as Interim Road Commissioner.

The motion carried unanimously; 5 – 0

Motion: It was moved by Chairman O'Connor and seconded by Selectman Wright to appoint Mr. Benway as Health Officer.

The motion carried unanimously; 5 – 0

IVX. POTENTIAL EXECUTIVE SESSION – None

XV. ADJOURNMENT

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

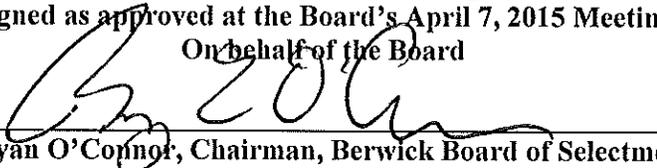
The motion carried unanimously; 5 – 0

The meeting adjourned at 9:54 p.m.

The March 17, 2015 BOS Meeting Minutes

Signed as approved at the Board's April 7, 2015 Meeting

On behalf of the Board



Bryan O'Connor, Chairman, Berwick Board of Selectmen