



**BOARD OF SELECTMEN/BOARD OF ASSESSORS
REGULAR MEETING
April 21, 2015
6:30 p.m.**

- I. Call to Order: 6:30 p.m.**
ROLL CALL: Selectman Crichton, Selectman Ganiere, Selectman Wright
Selectman Pendergast
ABSENT: Chairman O'Connor
OTHERS PRESENT: Interim Town Manager Bruce Benway, Deputy Town Clerk Lynn Shearer,
Finance Director Maureen Finger
- II. APPROVAL OF MINUTES**
a. **April 7, 2015 BOS Meeting Minutes**
Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to approve the April 7, 2015 BOS Meeting Minutes.
The motion carried unanimously; 4 – 0.
- III. FIRST PUBLIC COMMENT**
Eleanor Murphy – Ms. Murphy stated that at the last meeting the discussion of Article 29 was not meant to insinuate that any of the current Department Heads would go over their budgets. The policy would also be for include future department heads and administrations.
- IV. PUBLIC HEARING – None Planned**
- V. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS**
a. **Appointment of Derek Gould to the BCTV Committee**
Motion: It was moved by Selectman Ganiere and seconded by Selectman Pendergast to approve Derek Gould's appointment to the BCTV Committee.
The motion carried unanimously; 4 – 0.

At this time, the Great Works Quitclaim Deeds were moved up in the Agenda.

The Finance Director explained that there were two Quitclaim Deeds regarding a thirteen lot subdivision off Hubbard Road. The Great Works Land Trust wishes to purchase this property and the Town currently has an installment contract with the owner. Attorney Sue Thibeau working on behalf of Great Works Land Trust, has requested that the BOS sign the two Quitclaim Deeds and then the Town hold them in escrow until the day of closing. Ms. Thibeau will bring a check to the Town Office and Ms. Finger will release the two deeds to her and then the deal can close. One is addressing the Town's release in interest of the back taxes and the second one releases the Town's interest in the liens recorded at the County Registry.

Selectman Wright stated that he knows of this deal through his brother who works for the Great Works Land Trust and that time is of the essence.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to approve the signing of the two proposed Quitclaim Deeds.

The motion carried unanimously; 4 – 0.

VI. REPORTS OF COMMITTEES

a. BCTV Committee

Terri Wright

1. Single Source will be coming in to do the wiring for the new robotic cameras before the election on May 12.
2. Tim has been working with the Fire Department on recruitment videos and the NOBLE High School Drug Awareness program. He is also working with the EBC, Berwick Historical Society and the Great Works Land Trust.
3. Three new microphones have been ordered for the BOS.

b. Envision Berwick Committee (EBC)

Frank Underwood

1. Site walk scheduled on Monday, April 27th with the Workforce Housing Coalition at 10:30 a.m.
2. The KACTS meeting, VHB wants to meet with EBC and have given four dates. A base map of existing conditions is what should come out of the KACTS study.
3. Frank Underwood and Tom Wright attended the USDA Rural Development Conference held on April 17th. Mike Jenkins is planning a visit in June to take a look and see what programs they have best fit the needs of Berwick. By that time, the Brownfield grant applications outcome will be known and the USDA can see how the programs can be linked.
4. April 22nd EBC is hosting a "101" regarding what the EBC has done, is planning to do and what they hope to accomplish. This is being taped by BCTV and is to be used as a PSA (public service announcement) for the EBC.
5. EBC is hoping to schedule "101's" on different topics such as Tax Increment Financing.
6. Spoke with Kristie Rabasca regarding the MS 4 permits. Moulton Street outfalls are the focus and the PS&H lands are involved. EBC will be working with Ms. Rabasca.
7. Mr. Underwood has given Ms. Finger and Mr. Benway some protocols regarding donations.
8. The last farmer's market is from 10:30 a.m. until 1:00 p.m. on Sunday, April 26th.

c. Riverfront Committee

Dennis Dupuis and Nichole Fecteau

Mr. Dupuis stated that since they appeared last, they committee has been researching and regrouping. The committee would like to start by requesting permission to begin their fundraising efforts.

Ms. Fecteau stated that the property is now safe for moving forward. The committee has learned that having contact with the water is something that they would like to avoid. It is simply to be used as a point of access for canoes and kayaking. Their contact at the DEP, Chris Coffey, has been advising them in the process. The first summer would be the platform and dock and signage regarding invasive plants, pollution, wakes, etc. The next summer they would like to add ADA accessibility. The third item would be to build a "conservation" building. The last item is to begin teaching about the river and to keep the area clean. The next step in accomplishing these items is to begin fundraising and they are asking permission to begin the process.

The ramp will be removed seasonally. Parking will be available on the lot for approximately twenty-five cars. The more people on the river the monitoring of the river will happen. The committee is looking into were the dock will be stored when removed from the water. Recreation Director Kim Taylor is looking into the insurance (it will be under Recreation)

There was no legal issues regarding the fundraising.

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to approve the start of the Riverfront Committee's fundraising.

The motion carried unanimously; 4 – 0.

VII. UNFINISHED BUSINESS

a. Municipal Resources Inc. (MRI) – Assessing Contract

Mr. Benway suggested that the BOS accept the proposed two-year contract with MRI. There is a 90 day written notice to end the contract. Ms. Finger stated that the \$5,000 expense is mostly mileage.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to accept the proposed two-year contract for assessing services from Municipal Resources Inc.

The motion carried unanimously; 4 – 0.

b. Town Attorney’s Opinion Regarding Article 29 on the Town Meeting Warrant

Mr. Benway summarized that the Town’s Attorney wrote that there was nothing in the law that would keep Article 29 from being voted by secret ballot. The cost of the opinion was \$200-\$300.

c. Outstanding Personal Property Accounts

Ms. Finger was there for a follow-up from her meeting with the BOS in January. Approximately \$49,000 was turned over to a collection agency. The agency did not want anything more than four or five years old. Ms. Finger is asking that \$12,138.09 be written-off for inactive/older accounts.

Motion: It was moved by Selectman Ganiere and seconded by Selectman Wright to write off the \$12,138.09 in non-active Personal Property accounts.

The motion carried unanimously; 4 – 0.

VIII COMMUNICATION - NONE

IX. APPROVAL OF ACCOUNTS PAYABLE WARRANTS

A/P Warrant	1541	\$66,992.52
Water Warrant	0541	\$801.00
Payroll Warrant	1542	\$51,238.36
A/P Warrant	1542	\$90,658.41
Water Warrant	0542	\$2,360.01
Payroll Warrant	1543	\$46,394.11

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere to approve the warrants as presented.

The motion carried unanimously; 4 – 0.

X. NEW BUSINESS

a. Bid Opening: New Six Wheel Plow Truck with Plow/Wing and Body/Sander

Five bids were available. Selectman Crichton stated that the bids would be opened and taken under advisement then given to the Town Manager and Department Head for review. The result will be announced at the next BOS meeting. The bids are available for review after the meeting.

1. Portland North	\$164,970
2. Daigle & Houghton	\$166,694
3. Freightliner	\$164,031
4. Western Starr	\$172,870
5. Liberty	\$165,000

b. Standpipe Painting Reserve Funds

This has been brought to the Town by the water rate case consultant deriving from a question and answer session with the PUC. This is to clarify what the \$12,000 per year is for.

Motion: It was moved by Selectman Crichton and seconded by Selectman Wright to authorize the creation of a Standpipe Painting Reserve Account with annual contributions from the Water Department's income beginning in fiscal year 2016 with funds earmarked for the maintenance and painting of the standpipe dependent upon approval by the PUC. **The motion carried unanimously; 4 – 0.**

- c. **Riverfront Committee – Moved to earlier in the agenda**
- d. **Great Works Land Trust – Property purchase – moved to earlier in the agenda**

XI. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

Ms. Finger explained that the Quitclaim Deeds a & b were both 2013 tax foreclosures owned by the same individual and both have been paid in full. These were paid in full without entering in an installment contract.

- a. **Quitclaim Deed for: U004-061-000-000**
- b. **Quitclaim Deed for: R062-001-00A-000**

Ms. Finger explained that these seven properties were paid in full with an installment contract. Selectman Pendergast asked if this was a property owner they were no longer going to offer installment contracts going forward. Ms. Finger stated that she will bring a new policy that commercial properties will not be offered an installment contract and keep that for primary residences only. Ms. Murphy stated that back in the 70's when the policy was adopted it was not meant for commercial properties. Ms. Finger asked to write the policy and bring it back after MMA review.

- c. **Quitclaim Deeds for:**
 - R036-036-000-000**
 - U001-002-000-000**
 - U002-020-000-000**
 - U004-101-000-000**
 - U004-127-000-000**
 - U004-127-00A-000**
 - U007-043-000-000**

Motion: It was moved by Selectman Wright and seconded by Selectman Pendergast to accept the Quitclaim Deed for U004-061-000-000.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to accept the Quitclaim Deed for R062-001-00A-000.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to accept the Quitclaim Deeds for R036-036-000-000, U001-002-000-000, U002-020-000-000, U004-101-000-000, U004-127-000-000, U004-127-00A-000, U007-043-000-000.

The motion carried unanimously; 4 – 0.

XII. ABATEMENTS/SUPPLEMENTALS - None

XIII. SECOND PUBLIC COMMENT

Ann Doiron - Mrs. Doiron asked where her abatement request stood after the County Commissioners ruled in her favor. Mr. Benway explained that her matter was scheduled to be taken up during the Executive Session. She will be learn of the decision after the vote, if any, following Executive Session.

Dave Stolpe - Mr. Stolpe wished to speak about the betterment fee that was submitted by the Sewer District. Mr. Stolpe apologized for not being present for questions when the warrant was being finalized. He is the current chairman of the Sewer District Board of Trustees. It is the same request submitted since 1975. It has not increased or changed since 1975 and he does not know

why it was rejected. Why was the Library funded but their simple request not put on the ballot. Fees or rate hike will have to be considered.

Selectman Wright stated that he could not approve a warrant article with a single sentence in front of him for justification. \$39,000 may seem small, but he is still responsible for everything on the warrant. The Sewer District knows that this has become a contentious issue and someone from the District should have been present. The Library asked for funding and they came with their budget and answered questions as to why they were asking for the funds. BCTV came with their budget and does not receive any tax payer money. He supports the betterment fee and feels that the Sewer District is an integral part of the Town's economic development, but he cannot put a request for funds on the warrant without more of an explanation. Selectman Pendergast agreed with Selectman Wright. He would like the Sewer District to give their budget to the Budget Committee, like the Library does, and allow it to be reviewed.

Mr. Stolpe stated that one of the seven departments requested an amount that has gone on the Warrant since 1975. Selectman Pendergast needs information to back-up the request. Selectman Ganiere stated that the BOS have been trying to get out of the "this is the way it as always been done" mind-set. Even though Mr. Stolpe had been ill, someone should have been there to explain and answer questions.

IVX. EXECUTIVE SESSION

- a. **MRSA Title 36 § 841(2) – Poverty Abatements**
- b. **MRSA Title 1 § 405 (6)(E) – Legal**

Motion: It was moved by Selectman Crichton and seconded by Selectman Ganiere enter into Executive Session per MRSA Title 36 § 841(2) and MRSA Title 1 § 405 (6)(E).

The motion carried unanimously; 4 – 0.

The BOS entered into Executive Session at 8:10 p.m.

The BOS ended Executive Session at 8:41 p.m.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to have the Town Attorney file a Rule 80 Appeal.

The motion carried unanimously; 4 – 0.

Ann Doiron spoke on her behalf regarding her request for an abatement and her appeal. She stated that this has been going on since October. Selectman Wright stated that they were not appealing the ruling in her favor, but rather the County Commissioners' ruling for three years.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to deny the abatement request for 176 Rochester Street.

The motion carried unanimously; 4 – 0.

Motion: It was moved by Selectman Wright and seconded by Selectman Ganiere to table the abatement request for 465 Hubbard Road.

The motion carried unanimously; 4 – 0.

XV. OTHER BUSINESS/NON-AGENDA ITEMS

Selectman Ganiere mentioned the fire on Logan Street that displaced a family with three children and how the community stepped up and helped. He said "thank you" to all who helped.

Special Town Meeting would have to be called for the Sewer District. Ms. Finger stated that if the election was in November to take it out of unassigned fund balance or check for unexpected revenues. She would not recommend a supplemental tax bill.

XVI. ADJOURMENT

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

The motion carried unanimously; 4 – 0.

The meeting adjourned at 8:48 p.m.

The April 21, 2015 BOS Meeting Minutes
Signed as approved at the Board's May 5, 2015 Meeting
On behalf of the Board



Bryan O'Connor, Chairman, Berwick Board of Selectmen