



Town of Berwick

BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, January 17, 2017

6:30pm

Selectmen's Room
11 Sullivan Street
Berwick, ME 03901

1. Call to Order

Chair Wright called the meeting to order at 6:30pm.

2. Roll Call

Board Members Present: Chair Thomas Wright, Vice Chair Edward Ganiere, Selectman Rebecca England, Selectman Mark Pendergast and Selectman Joshua Plante.

Staff Members Present: Town Manager Stephen Eldridge, Finance Director Maureen Finger, Community Development and Planning Director John Stoll, Fire Chief Dennis Plante and Deputy Town Clerk Lynn Shearer.

3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- January 3, 2017

Motion: Selectman Plante moved to accept the January 3, 2017 minutes with one correction under the Second Public Comment section "antidotes" be changed to "anecdotes". Selectman Pendergast seconded the motion.

The motion carried unanimously: 5-0

5. First Public Comment

Chair Wright opened the first public comment.

- Mark Carboni, 75 Sullivan St, spoke. Mr. Carboni asked Town Manager Eldridge for an update on police complaints that he had filed. Town Manager Eldridge stated that no action needs to be taken on the complaints and that if Mr. Carboni finds any issue then he can seek legal counsel. Mr. Carboni said that he would be filing suit against the town.

- Selectman Plante remarked that he appreciates the work that the Town Manager Eldridge does the great communication between the BOS and Town Manager, and stands behind him.

There being no further comments, Chair Wright closed the first public comment.

6. Public Hearing

- Comcast Franchise Agreement

BCTV Coordinator Tim Cremmin and Consultant Tony Vigue were present. Mr. Cremmin stated this public hearing is to inform the public on where BCTV is on negotiations and to take questions from the public. Mr. Vigue will be assisting in negotiations with Comcast, as he has been assisting municipalities since 1982. Town of Berwick's franchise will expire in July 2017 and was for 10 years. Several steps to negotiate a new contract include cable history in the town, how well the cable company has performed, and any compliant issues. From that, a vision plan is drawn up for moving forward, then an RFP, based off the Maine Model Franchise Agreement that was created in 2005 by Maine Municipal Association and several other groups.

Presently a draft has been put together and will be presented to the BCTV Committee, they will then review to see if any other issues need to be addressed. One thing they are looking at is adding an additional channel; one for the government and the other one for the public. It might not be an issue right now, but could be in the near future.

A resident from Little River Road, asked about getting cable all the way down on Little River Road. She is about 100 yards from where the cable stops and asked what BCTV needs from the residents who do not have access to cable. Mr. Cremmin stated that will be one thing they will be negotiating with Comcast and she should email BCTV. Selectman England asked if the list of roads that do not have cable would be shared to know which roads are covered. Mr. Vigue mentioned that they will be looking at getting the number of required homes to continue the cable line down. He was not sure about what number the town presently has in the franchise agreement.

Discussion ensued regarding getting cable to homes currently not covered in the town. Chair Wright stated the he hears from residents, that currently do not have cable, how important it is to receive the information from the schools. Selectman England asked if it is known how many homes do not have cable on each of the roads not covered. This will be addressed in the negotiations.

A resident asked that if BCTV is issuing an RFP would others bid on it? Mr. Vigue stated that there are three cable companies in Maine and have a gentlemen's agreement with each other to stay out of each other's areas.

Another resident who lives on Diamond Hill Road, who has no cable, has spoken with Comcast and they stated that the Town will not pay to upgrade the wires. She has a cell bill of \$700/month. She asked if Mr. Cremmin will need an email from her as well. Mr. Cremmin stated yes. Chair Wright said that everyone who is effected should get in touch with BCTV.

Mr. Vigue stated that this franchise agreement is only for cable TV and not for phone or internet.

A resident from Little River Road asked if she would be able to have phone and internet service. Mr. Vigue said that more than likely they would include phone and internet.

Chair Wright asked Mr. Vigue to explain the increase for BCTV and where the funds are coming from. Mr. Vigue stated that the Town can request up to a 5% rental fee of the gross revenue for using the public right of way. Cable companies can then decide to absorb the cost as the cost of doing business or can pass it on to their customers. This is not a tax, it the cost of doing business. The Town currently is receiving 2.5% and will be negotiating for the full 5%, residents will see a slight increase to their bill.

Resident, Tammy Cole asked if the Town could do an RFP for phone and internet services only. Mr. Vigue stated that phone and internet are not part of the franchise agreement. The Town has no way to regulate phone or internet, it's up to the resident to choose a phone and internet company. If the cable company is running their lines, it makes financial sense for the cable company to offer phone and internet. Ms. Cole asked if BCTV is currently receiving 2.5%, is Comcast receiving the remained. Mr. Vigue stated yes. Ms. Cole also asked, if BCTV asks for another 2.5% will residents' bill go up? Mr. Vigue said yes, but the bills will not go up an additional 2.5%. Because, the cable company has other revenues from advertising that off sets the increase BCTV is requesting. Ms. Cole asked Mr. Cremmin, what if BCTV does not use all of the 5% revenue, what will happen to the remaining funds? Mr. Cremmin stated that the increase in funds will be used to purchase equipment, hiring a full-time coordinator and additional staff.

Chair of BCTV, Ms. Wright stated that currently BCTV has a part-time coordinator and one other individual who videotapes meetings. They are currently using more funds that what BCTV is receiving from Comcast. BCTV had set extra funds set aside for a new control room and studio and are tapping into those funds right now. With the extra revenue, nothing will be going to waste.

The Chair closed the public hearing at 7:05pm

- Establishment of Impact Fees

Community Development and Planning Director John Stoll was present. He stated that at the November 8, 2016 election the Town voted to adopt impact fees. Impact fees are fees assessed from new development to offset the cost of that new development. Mr. Stoll was looking for guidance from the BOS as what to use the impact fees for. Envision Berwick Committee voted to have the funds go towards Recreation and open space. Mr. Stoll stated that the fees need to go to new development and not offset existing deficiencies. Looking at the State model, it does not state how much open space is required per 1000 residences in town. Currently the Town has 13 acres per 1000 residences.

Discussion ensued regarding setting the rate for the impact fees / what the revenues from the impact fees will be slated for. Selectman Pendergast asked how soon the board will receive this information. Town Manager Eldridge asked to have it ready for the next BOS meeting, Tuesday, February 7, 2017.

A resident asked if this included any apartment buildings. Chair Wright stated yes. He also asked Mr. Stoll should the board review the current building / planning board fee. Mr. Stoll will have everything available for the next board meeting.

Selectman Pendergast inquired about the water & sewer hook-up charges. It was mentioned that the Water Department sets its own fees and the Sewer Department is a separate entirety from the Town.

Michelle Lino from 354 Little River Road, asked, would it be possible to have a building or Community Center in the open space, it would benefit the whole town. Mr. Stoll stated that leaving it as Recreation and open space it will give the Town some wiggle room to work on implementing things like that.

There being no other comments from the member of the public, the Chair closed the public hearing.

Selectmen Pendergast asked about using the gyms in MSAD #60. Town Manager Eldridge will reach out to Superintendent Steve Connolly for more information.

7. Reports of Committees

- BCTV Committee

Terri Wright reported that BCTV is in negotiations with Comcast and looking to expand their outreach. The Outreach Coordinator will meet with Superintendent Steve Connolly to look into recording the school board meeting again. If anyone is having an event, send the information to admin@bctv.comcastbiz.net. Looking at Library events; into live streaming website and have spoken with Town Manager Eldridge about a new website for the town, BCTV will assist with funds. Have asked Mr. Tim Cremmin, BCTV Coordinator, to look in to funding and developing this with the town. Should be user friendly and benefit users as well. When the Historical Society moves out of the little room located in the BOS room, BCTV will be setting up a control room with a studio; that would moving them out of the small room that they are currently using. Ms. Wright asked that if any residents that currently does not receive cable currently, please email admin@bctv.comcastbiz.net so that they can add your name to the list.

Ann Smith, Hubbard Road, asked about BCTV moving into the Historical Society room, she stated that the Historical Society voted at their last meeting to continue using the small room, as this is the only space that has a display area for the public. Town Manager Eldridge stated that he had spoken with Ron Vigue, President of the Historical Society and the Historical Society will be using the small room behind the stage. Ms. Smith indicated that the small room behind the stage was to be used to store items that were in a different location. Town Manager Eldridge stated that he has some ideas and will research.

- Envision Berwick

Chair Wright reported the next Age Friendly meeting will be January 25th, 2017 at 6pm in the BOS meeting room. The committee is currently working on an inventory of Berwick groups, organizations and institutions to learn how older adults are involved and how originations are age friendly. If you would like to have your organizations included, email envisionberwick@gmail.com

Friends of the Berwick River Front are in Phase 3 fund raising, for more information visit their Facebook page.

Berwick Historical Society will be meeting Wednesday, January 18, 2017 to tour the Paul Wentworth house in Rollinsford, NH at 7pm, more information is available on the Towns website.

Recreation Master Plan survey has over 336 responses so far. Postcards regarding the survey have been mailed, the deadline to respond is January 31, 2017. Recreation Master Plan will be hosting a recreation information night were all sport groups will be invited to learn about the surveys.

8. Appointments/Presentations/Other Guests

None

9. Unfinished Business

- MS4 Moulton Street Outfall Project Redesign

Community Development and Planner Director John Stoll updated the committee that Maine DEP has reported that there are two Outfalls, 005 & 006, located on Moulton Street that are in need of repair. This property was just recently purchased by the Town with some hope for open space or a park. The two Outfalls are in very bad shape and the Town is being mandated to correct them.

Kristie Rabasca of Integrated Environmental, presented a timeline of events. [The presentation is attached.](#)

Discussion followed regarding accepting Option 1 or Option 2. Mr. Stoll stated that the Outfalls Stormwater Design went out to bid about three years ago, requesting only the bare requirements, as to keep the Town compliant with DEP regulations.

MOTION: Chair Wright made a motion to proceed with Option 2 as presented to the BOS. Selectmen Pendergast seconded the motion.

The motion carried unanimously: 5-0

Town Manger Eldridge stated that this is only for Outfalls 005 & 006. Outfall 007 will be added to 2018 Warrant.

- Fire / Rescue Pumper Apparatus Purchase

Fire Chief Dennis Plante stated that the Town received five bids, three of them were not reviewed due to being over the allotted funding. Fire Chief Plante state that he is recommending Toyne, after extensive review of Emergency One and Toyne. They meet all of our requested specifications.

MOTION: Selectmen Ganiere made a motion to accept Toyne for \$945,001.80 with a trade in allowance of \$40,000. Selectmen English seconded the motion.

The motion carried unanimously: 5-0

- Pay as You Throw Program/Recycle Committee

Town Manager Eldridge reported that over 700 Recycle notices have been handed out. There has been very little fee back. Mr. Eldridge stated that at the next BOS meeting, February 7, 2017 there will be four different recycling companies presenting.

10. Town Manager Report

- Next Wednesday at 3pm, there will be a ceremony for the USS Springfield (SNN 761) at the Portsmouth Naval Shipyard.
- John Stoll, Director of Community Development and Planning, sat down with a couple who is interested in property on Blackberry Hill Road and setting up a Marijuana / Greenhouse. They have put together a business plan. Town Manager Eldridge stated that the State is looking into putting a moratorium in place first. Discussion regarding the request, ensured.
- Prime Tanning, having bi-weekly meetings. Mark Keyaya, Fund of Jupiter, will be meeting with prospects.
- Presented an overview of the upcoming budget year 2018. All budget meetings will be televised. Mr. Eldridge stated that the school budget might be coming in very high.

11. Selectmen Communications

- Chair Wright stated that he received the York County Sheriff's Office annual report. Copy will be in the Town Manager's Office.
- Chair Wright read a thank you card from Robert Crichton's family for the stone bench located at the Town Hall.
- Chair Wright read a letter from the Town of South Berwick stating they are working towards picking a site for building a new Police Station to service the safety needs of the community. The primary site is located on Route 4 near Blackberry Hill Road and across from Pond Road. Discussion ensued regarding working together with South Berwick.

12. Approval of Warrants

01/05/2017	A/P Warrant #1727	\$776,725.42
01/05/2017	Water Warrant #0727	\$ 2,067.85
01/12/2017	Payroll Warrant #1728	\$ 50,290.16
01/12/2017	A/P Warrant 1728	\$225,435.91
01/12/2017	Water Warrant #0728	\$ 609.32
01/19/2017	Payroll Warrant #1729	\$ 50,279.92

Motion: Chair Wright made a motion to accept the Accounts Payable Warrants as presented. Selectman Plante seconded the motion.

The motion carried unanimously: 5– 0.

13. New Business

None

14. Quitclaim Deeds and/or Installment Contracts

None

15. Abatements/Supplements

None

16. Second Public Comment

Chair Wright opened the second public comment.

- Eleanor Murphy, Rochester Street, spoke. Ms. Murphy stated that the Friends of the Library is in need of volunteers. They meet the first Wednesday of each month at 10:30am.
- Selectman Ganiere stated that the American Legion is looking for Juniors or Seniors in High School Oratorical program. Scholarships are available up to \$1,500. For further information contact Selectman Ganiere.

There being no further comments, Chair Wright closed the second public comment.

17. Executive Session

None

18. Other Business/Non-Agenda Items

- Chair Wright spoke about purchasing the Sober House, located on Sullivan Street. The owner is working on fixing the building to get it ready to put it on the market. Discussion ensued regarding purchasing. Town Manager Eldridge will speak with the current own.
- Chair Wright mentioned working on Berwick Road, the road is in very bad shape.

19. Adjournment

The meeting adjourned at 8:40pm.

Respectfully submitted,

**Lynn Shearer
Deputy Town Clerk**

**The January 17, 2017 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s
February 7, 2017 Meeting.**

On behalf of the Board
