



# Town of Berwick

## BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

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Tuesday, June 19, 2018

6:30pm

Selectmen's Room  
11 Sullivan Street  
Berwick, ME 03901

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### 1. Call to Order

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

### 2. Roll Call

Board Members Present: Selectmen Thomas Wright, Edward Ganiere, Rebecca England, and Kenneth Manning, Jr.

Board Members Absent: Selectman Mark Pendergast

Staff Members Present: Town Manager Stephen Eldridge and Town Clerk Patricia Murray.

### 3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

### 4. Approval of Meeting Minutes

- June 5, 2018

**Motion:** Vice Chair Ganiere moved to accept the June 5, 2018 minutes as written. Selectman England seconded the motion.

**The motion carried: 3:0 with Selectman Manning abstaining.**

### 5. First Public Comment

Chair Wright opened the first public comment.

Ms. Louisa Sheldon, 65 Sullivan Street, spoke. She stated the excavation work at 71 Sullivan Street (Town owned property) has begun. On May 5, 2018, she contacted the Code Enforcement Officer and the Town Manager by mail; certified and regular respectively. She had previously emailed the CEO twice. She has not had any response from the CEO or Town Manager. Excavation started without any notice. Her house and windows were shaking due to the close proximity of the digging. She stated the Board is aware of the history of her concerns of the previous negligence and lack of oversight of the parking lot from the two previous owners. Ms. Sheldon stated she wants to know what is going on as she

is in the process of hiring legal council due to the lack of responses. Chair Wright replied that the excavator will remove the asphalt and some loam to level the lot for a parking area. Ms. Sheldon asked if the Town requires performance bonds for this work. Chair Wright stated that a performance bond was not necessary. When questioned about receiving mail, Town Manager Eldridge replied he didn't recall receiving any mail from Ms. Sheldon. He stated he would speak to the CEO regarding the certified mail. Ms. Sheldon stated the Board is not acknowledging the fact that the work is subject to Planning Use Regulation. Town Manager Eldridge replied that it is town property and the plans to level the lot have been in place since the decision to demolish the building was finalized. Ms. Sheldon asked Chair Wright if he invited her to the planning of the 71 Sullivan Street project. Chair Wright stated everyone was welcome at the planning discussions and any subsequent meetings, some of which Ms. Sheldon was in attendance. Plans to create a parking lot were discussed. Ms. Sheldon again asked about land use regulations. Discussion regarding the placement of the parking lot ensued. Town Manager Eldridge stated the parking lot will be towards the back of the property with a ten-foot span between the existing recreation field fence and the new lot and will come back beyond the apple tree. There will be twenty feet or more between the existing fence and the abutting residences. There will be approximately forty to fifty parking spaces. Ms. Sheldon asked if this project is subject to the adopted form-based code and if it plays into any set-backs. Town Manager Eldridge replied that they are looking at the existing set-backs. Ms. Sheldon spoke about obtaining a restraining order to stop the work.

Chair Wright commended the Town Clerk and the election staff for their work on Tuesday's election.

Chair Wright spoke about the fatal car accident on Route 4. He commended the first responders; police, fire, and EMS from Berwick and surrounding towns. Contact has been made with Maine DOT and neighboring towns to implement changes to Route 4 to make travel safer. Ideas include turning lanes, electronic signage, increased police presence. Discussions will continue.

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

## **6. Public Hearing**

None.

## **7. Reports of Committees**

- **BCTV Committee**

Ms. Terri Wright, BCTV Coordinator, was present. BCTV has started a junior reporter program. Camden Brow aired interviews for the American Legion Car Show. MSAD 60 Board meeting have been taped for a year. Livestream is up and running. Video posting will go to the BCTV on-demand site before YouTube. Check both sites for videos. The Memorial Day parade was livestream. Ms. Wright thanked staff of volunteers. There is a new sign on the door of the BCTV studio/office.

- **Envision Berwick**

Ms. Pat Boisvert was present. Two members of EBC attended the Build Maine conference. Conceptual designs for the Great Falls Park near Moulton Street are available online at [www.greatfallspark.me](http://www.greatfallspark.me). Sample engraved Prime bricks are available in the Planning Office. The committee is also doing preservation work on town records.

## **8. Appointments/Presentations/Other Guests**

- Mark Kehaya, Fund of Jupiter

Chair Wright reported that Mr. Kehaya was in town to meet with contractors, developers and potential clients. The closing date is still tentative. Chair Wright proposed changing the July 3<sup>rd</sup> BOS meeting to Monday, July 2<sup>nd</sup> so Mr. Kehaya can be in attendance.

- **Trustees of the Berwick Sewer District**

- Kevin Gray
- Ken Hall
- Ben Niles

Chair Wright reported there are two openings on the Board of Trustees of the Berwick Sewer District. Ms. Stephanie Rochefort, Chair Sewer District Trustees, spoke. Ms. Rochefort stated the plant is run with ethics and integrity. They are looking for people to round out the Board and continue on a good path.

Mr. Kevin Gray was not present.

Mr. Kenneth Hall spoke. Mr. Hall retired from the NH National Guard. He served on the Sewer Board previously. He volunteers for Habitat for Humanity. Mr. Hall is a lifelong resident of Berwick.

Mr. Ben Niles was present. Mr. Niles is a ten-year resident. He is a safety director for a large general contractor. Mr. Niles has coached youth sports.

**Motion:** Vice Chair Ganiere moved to appoint Kenneth Hall to the Berwick Sewer District Board of Trustees for a three-year term. Selectman England seconded the motion.

**The motion passed: 4:0.**

**Motion:** Vice Chair Ganiere moved to appoint Ben Niles to the Berwick Sewer District Board of Trustees for a three-year term. Selectman England seconded the motion.

**The motion passed: 4:0.**

## 9. Unfinished Business

- Spirit of America Volunteer Program

The Board nominated The Charles S. Hatch Post 79 for the Spirit of America.

**Motion:** Vice Chair Ganiere made a motion to nominate The Charles S. Hatch Post 79 for the Spirit of America Volunteer award. Selectman England seconded the motion.

**The motion carried unanimously: 4:0**

## 10. Town Manager Report

Town Manager Eldridge reported the following:

- The search for a new Finance Director continues. To date there are five applicants.
- On June 21<sup>st</sup> an Emergency Response Training Exercise will be conducted in Berwick and Somersworth. This may affect roads use along the Salmon Falls River.

## 11. Selectmen Communications

Chair Wright reported the following:

- Comcast sent notification of package equipment changes.
- Maine Municipal Association Legislation Policy Committee is electing members. The ballot contains Senate District 34 and 35. Both openings have one candidate running.

**Motion:** Chair Wright made a motion to elect William Wood, Jr. for Senate District 34 and Perry Ellsworth for Senate District 35 to the MMA Legislative Policy Committee. Vice Chair Ganiere seconded the motion.

**The motion carried unanimously: 4:0**

## 12. Approval of Warrants

06-07-2018	A/P Warrant #1849	\$ 750,656.12
06-07-2018	Water A/P Warrant #0849	\$ 3,273.80
06-14-2018	Payroll Warrant #1850	\$ 55,093.65
06-14-2018	A/P Warrant #1850	\$ 88,099.60
06-21-2018	Payroll Warrant #1851	\$ 55,375.23

**Motion:** Chair Wright made a motion to accept the Accounts Payable Warrants as presented. Vice Chair Ganiere seconded the motion.

**The motion carried unanimously: 4:0**

## 13. New Business

- June 12 Election Results

Town Clerk Murray reported the Town election results: all warrant articles passed and Kenneth Manning was voted in as Selectman. Ed Ganiere won the write-in vote. The MSAD 60 Budget passed. The State referendum passed and the State is calculating several Primary elections. There was a total of 1009 voters.

- BOS Rules and Regulations

Chair Wright proposed a change in meeting date for the first July meeting. He also discussed changing the meeting night to accommodate schedules which will be revisited.

**Motion:** Chair Wright made a motion to change the regularly scheduled July 3, 2018 meeting to Monday, July 2, 2018 at 6:30pm. Selectman England seconded the motion.

**The motion carried unanimously: 4:0**

- Election of Board of Selectmen Chair and Vice Chair

**Motion:** Vice Chair Ganiere made a motion to elect Tom Wright as Chair of the Board of Selectmen. Selectman England seconded the motion.

**The motion carried unanimously: 3:0 with Chair Wright abstaining.**

**Motion:** Selectman England made a motion to elect Selectman Ed Ganiere as Vice Chair of the Board of Selectmen. Selectman Manning seconded the motion.

**The motion carried unanimously: 4:0.**

## 14. Quitclaim Deeds and/or Installment Contracts

None.

## 15. Abatements/Supplements

None.

## 16. Second Public Comment

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

**17. Executive Session**

- Title 36 §841(2)(E) – Poverty Abatement
- Title 1 §405(6)(C) – Acquisition of Real Estate Property

**Motion:** Chair Wright made a motion to enter into Executive Session per MSRA Title 36 §841(2)(E) – Poverty Abatement and MRSA Title 1 §405(6)(C) – Discussion of Acquisition of Real Estate Property. Vice Chair Ganiere seconded the motion.

**The motion carried unanimously: 4:0.**

**The Board entered into Executive Session at 7:20pm.**

**The Board resumed its regular meeting at 7:55pm.**

**Motion:** Chair Wright made a motion to deny the Poverty Abatement application as discussed in Executive Session. Vice Chair Ganiere seconded the motion.

**The motion carried: 4:0**

**18. Other Business/Non-Agenda Items**

Vice Chair Ganiere reported the American Legion Ladies Auxiliary will hold a yard sale at the Town Hall on Saturday, June 23<sup>rd</sup>.

**19. Adjournment**

The regular meeting adjourned at 7:57pm.

**Respectfully submitted,**

**Patricia Murray  
Town Clerk**

**The June 19, 2018 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s August 7, 2018 Meeting.**

**On behalf of the Board**

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