

## **Recap of South Berwick Town Council meeting**

February 11, 2008 - Council Chambers

Town Manager Jeff Grossman, Councilors Suzanne Roberge, Robert T. Gagne, Michelle Kareckas, Jean Demetracopoulos and David Burke were present.

**Abbreviations:** In the interest of brevity I have abbreviated the names of the major players in the meeting. They are as follows:

JG - Town Manager Jeff Grossman  
RG-Councilor Robert T. Gagne  
JD -Councilor Jean Demetracopoulos

SR - Councilors Suzanne Roberge  
MK -Councilor Michelle Kareckas  
DB - Councilor David Burke

*(Note: These notes are taken from my written notes and do not include a full verbatim recap of the meeting. The notes represent my best effort for accuracy but may include some omissions or errors. I welcome corrections. This meeting included much discussion. I have tried to capture it as faithfully as possible but recognize the limitations of note taking. I apologize for the lack of polish on the writing but felt it was more accurate to only write from my notes rather than to try to fill in between the lines to create full sentences. If you were there and have corrections please post them.—Molly Colman, the236diner.com)*

### **The first order of business was approval of the following minutes:**

Town Council 1-28-08 –Accepted unanimously

### **Signing Of Treasurer's Warrant of February 11, 2008—Accepted unanimously**

### **Council Member Comments**

JD: Asked about answer to the questions she raised at the last meeting regarding whether it would be necessary to have an impact ordinance in place in order to apply any funds collected toward the St. Michael's property.

JD: Asked about progress of discussion with Eliot regarding dispatch consolidation.

MK: Said there are 5 open positions on boards and committees and about 45 people who have indicated an interest. (Missed some of comment due to acoustics) Asked what are next steps.

SR: Indicated that the Council should address Paul St. parking issues.

DB: Said that the Powderhouse Ski Club is doing a great job. They have brought in money to the town and bring great recreational opportunities for families.

DB: (Another comment not heard due to poor acoustics.)

SR: Received a memo from the police. The hand deliver the Town Council packets, usually on Friday, but in some instances like this past Friday the snow storm held them up so some packets were not delivered until Saturday morning. Councilors can pick up packets themselves by calling the police to make arrangements.

SR: The Board of Trade had a meeting on February 7. Approximately 30 people were in attendance.

SR: Tomorrow's scheduled workshop with the solid waste committee has been cancelled due to scheduling conflicts.

SR: (Due to acoustics, missed lead up to this—it was directed to MK) Town council code does not mention subcommittees, all meetings should be posted. MK indicated that town offices had been notified. SR indicated meetings should be posted on the bulletin board and website. MK indicated that it had been posted.

SR: Said she was discouraged that at the last meeting there had been the opportunity to foster better communication but the motion was voted down with no further discussion. It gave the appearance that decisions are being made out of the meeting.

SR: Town Manager Grossman has asked to move New Business #1 to the top of the agenda

### **1. Confirm Appointment of Library Director.**

An interviewing committee that included Charline Parsons, retiring South Berwick Librarian, Town Manager Grossman, and Elaine Pridham, Library Advisory Board member is recommending that Margaret Mary Ney be appointed Library Director. The Town Council confirmed the appointment unanimously. Ms. Ney thanked them and said she is excited to be joining the library.

### **Public Comment**

Scott Bourgoin, SAD 35 Technology Coordinator spoke on behalf of SAD 35 and urged the Council to look into running a fiber connection between all the schools. He has talked with other school districts where this option is being included in the negotiation with their cable provider. He said a fiber connection would ultimately save money because it would allow the district to have one network that would be easier and cheaper to maintain than multiple networks. He offered his assistance in any capacity.

JG: Responded that there would be significant cost, in the neighborhood of \$200,000 and South Berwick is not in the middle of the negotiations but near the end.

Roberta Orsini-Said they talked about this with Comcast and did not get a favorable response; Comcast said they had not done it in other towns.

Scott Bourgoin: Indicated that to his knowledge this is not new in the state and other school districts have stuck to their guns to make cable company do it.

John Capasso: Wants letter to Council read. SR indicated that would happen during Reports and Correspondence.

Steve Gold: He spoke on behalf of lot owners on Back Acres Lane. They have worked for three months to get the town to accept the road and have had no communication about why the road was not accepted.

SR: Town Council table acceptance at the last meeting pending ordinance re: subdivision. She understands there is only one house on the road at this time.

Steven Gold: Asked why and asked if lot owners could get a rebate on taxes. They have followed everything asked of them by the town and feel they are not being treated fairly.

??(missed name): Owner of the sole house on Back Acres Lane spoke. He has young children and the lack of plowing of the road creates a safety hazard to his family.

Cliff Cleary: Has observed that South Berwick residents are driving with New Hampshire plates.

Steve Barnhouse: He is a builder and said the owners of lots on Back Acres Lane have paid their taxes and want to know why the road acceptance has been postponed.

Steven Gold: Commented that they can't wait until other houses are built. Said "there is no dialogue here. We came to talk to you."

SR: There is no dialogue here.

### **Reports & Correspondence**

Letter from J. Capasso re Paul St. parking.

J. Capasso: The Town Council passed a parking ordinance that established parking permits of \$200. As owner of a mixed use building, this is a hardship. Other towns have similar ordinances but the cost of resident parking permits is nominal. The \$200 is a hardship. The Paul St. parking lot was bought with tax dollars for use by downtown residents.

SR: Parking is going to be on a future agenda.

## **Town Manager's Report**

JG Responded to JD's question about impact ordinance. Did not follow-up.

Update on REG Workgroup: LD 2003:

JG: Had a hearing before the BRED Committee to which they gave their overwhelming support for the idea pending some amendments. Another workshop with BRED is scheduled for February 26.

BRED is also interested in public comments. The REG had a public meeting at Marshwood High with approximately 30-35 in attendance. The REG plans to meet again on Feb. 22 or 23.

## **Unfinished Business**

### **Disposition of Bennett Road Property**

SR: The Town Manager has recommended that this piece of property be sold at auction or if not, the Conservation Commission should map it and develop a management plan.

Pat Robinson: She is not sure anyone on the Conservation Commission is qualified to set a price for the property or to develop a management plan—to have these done right would cost some money. There is a terrible road to the property and it is amongst conservation land.

Greg Hellyer: This parcel is in the middle of nowhere surrounded by undeveloped land. The area is some of the more sensitive land. It would be a shame to lose it. It is a wooded parcel with a very rough road.

MK: What would we gain by selling it?

Greg Hellyer: It is one piece of the puzzle of conservation land.

JD: The town's history over the last twenty years had been to look at potential uses of tax seized properties. Many pieces that are now conservation came from the tax map. This land is part of the bridge between Mount Agamenticus and Belle Marsh. "My preference is to keep it as conservation land."

JG: Clarified his recommendation. It is not now in conservation, his recommendation was to have the Conservation Commission look at it and if not of another use, develop a conservation plan. He said that the conservation lands are a puzzle and should be part of a plan.

Richard Clough: Says that in bad economic times every dollar counts. It may not be in the town's best interest to take it off the tax map for "just a nice place to walk."

SR: I believe the Planning Board has been asked to look at roads, for example Earls Road, that have only one way in. They may eventually need another egress. Maybe it's best not to put it in conservation because it may need to be used in another fashion.

RG: My concern is if the town sells it and someone buys and builds it they will be griping about the road. I do not want to sell it.

JD: I would not like to see it sold. The Conservation Commission could look at it.

MK: I agree with RG

DB: I think I'm going with the consensus but wonder if it's worth doing an appraisal so we know what it's worth.

The Council voted unanimously for the town to retain ownership of the lot.

## **New Business**

### **2. Discuss/Take Action on Master Plan Grant Application.**

A Master Plan subcommittee of the EDC is requesting permission from the Town Council to apply for a grant to do a Master Plan.

Cliff Cleary: Want to clarify that the sub committee had permission to pursue the grant.

DB: The maximum they can apply for is \$100,000. The sub-committee is having a conference call with the Foundation to get more information.

SR: There is not a lot of explanation in the summary in the packet. There is a need for an in-kind match. How will we come up with the match? There are lots of unanswered questions.

JD: Last summer the Town Council recommended that the EDC look at a master plan. I recommend we work on this. I would like more information but don't think we should stop the process. The grant is very competitive.

Roberta Orsini: The committee doesn't want to move ahead if the Town Council is not behind them.

JD: The deadline for the grant is March 5. There is one more Council meeting before the deadline.

DB: Some of the money already spent on St. Michael's would go toward the match.

JG: The committee needs the ability to move independently.

SR: I still question what the match is.

DB: There is one Council meeting before the grant is due.

MK: We have a grant policy.

JG: That's what we are doing here.

MK: Move to give permission to move ahead and have grant application ready for Feb. 25 Council meeting.

JG: Want to clarify. Does the application have to be completed by the 25<sup>th</sup>.

JD: There are critical questions and many unknowns. Not sure comfortable giving carte blanche.

SR: Is the motion that the application be completed or in draft for Feb. 25?

MK: The motion is to continue the process pending a draft on February 25

The motion passed unanimously.

### **3. Discuss/Take Action on ATV Enforcement Grant Application.**

Have had this grant for three years. All of the match is in-kind.

JD: Read last year's report. Do we get what we ask for?

The Council voted unanimously to submit the grant request.

### **4. Discuss/Take Action on Memorandum of Understanding with Comcast.**

The MOU provides for the build out to 294 homes without coverage and includes collection of fees for a local public access channel. There will be a public hearing.

Molly Colman: What is the timetable for a public access channel?

JG: I'm not sure

Molly Colman: Public access channel is important for access to town government. People should be able to watch Town Council meetings. Are there plans for podcasting?

Roberta Orsini: Money for equipment that will allow posting podcasts on the Town's web site and for better sound equipment will be in the 2009 budget.

JD: I have questions about the budget. Was it going to be 50/50 between Comcast and subscribers? If there is not enough to cover the whole build out, who will be left out? I see there are some private roads in the initial build out. What about putting the private roads at the end, after public roads are built out?

JG: There never was discussion of 50/50. It was always that Comcast would put \$200,000 toward the build out. I asked them to build it out in the most cost effective way and did not get into saying what should be done first.

RG: I don't like Comcast.

DB: I don't like them either but they are our only choice.

JD: What if they run out of money and it's not built out.

Council voted unanimously (Note: I'm unclear exactly what they voted on, I think they voted to move ahead with the MOU, possibly with some amendments—but I'm not certain. Any clarification is welcome.

#### **5. Discuss/Take Action on request to rezone Map 27 Lot 79.**

The Harringtons, owners of property at 153 Main St. request that their property be returned to Business zoning. This would allow them to continue to improve the property. The building currently houses two 5 bedroom apartments. They would like to convert it to 4 to 6 one bedroom apartments. Its current zoning is R1 even though they are surrounded by businesses.

Richard Clough: The change over of this zoning from B1 to R1 happened in 2000. If we had contract zoning we could change this property. This should be sent to planning.

JG: I agree with Richard. Recommend we send this to the Planning Board to look at.

MK: We don't have authority to change zoning here.

JG: The Council does have authority to change zoning.

JD: When you purchased did you know it was R1? Have you been to the Planning Board?

Owners: We thought it was business. We acted on misinformation. There have been some issues but we want to work with the town to work this out. The building is part of the entrance to South Berwick and if we can rezone we will put more into it to make for a more attractive entrance to town.

DB: I would like to see a hearing to change that side of Main St., running to Sewall Road to B1.

JD: Would like to see a design review prior to making zoning change and would like to see it done subsequent to approval of Comprehensive Plan.

JG: The Design Review process is not ready. I would go with DB. Planning Board would have to have a hearing.

Richard Clough: I suggest the change in zoning.

MK: Move to send to Planning Board for a zone change

DB: I'm going to vote against this motion.

Motion and second rescinded

DB: Move to request Planning Board hold a public hearing regarding extension of B1 to Sewall Road.

JG: Should there be a timeframe?

Motion was carried unanimously.

#### **6. Discuss/Take Action on Survey Contract for St. Michael's Property.**

For a contract for a survey with Civil Consultants. The total cost of the survey of \$2500 will be split with St. Michael's. The total breakdown is \$625 from the town, \$625 from the Library capital account and \$1250 from St. Michael's.

Motion to accept passed unanimously.

#### **7. Discuss/Take Action on Title Contract for St. Michael's Property.**

For \$2250 for title insurance in the event the town closes on the St. Michael's property.

DB: I'm not a big believer in title insurance. How long has the church been there?

From the audience: A long time.

DB asked for an opinion from Bonnie Gould, who was in the audience.

Bonnie Gould: If you have a title report and there are no problems and since it has been owned by the church for a long time most likely not a problem. Lender might require though.

JG: If we float a bond would need it.

Motion for \$2250 for Title Contract unanimously accepted.

#### **8. Discuss/Take Action on State Planning Office Grant.**

The Regional Efficiency Work Group is planning a second grant for \$25,000-\$30,000 to continue their efforts. Would go toward feasibility studies on potential projects the seven towns might consider.

South Berwick would be the fiscal agent.

JD: The application will go in under South Berwick. Grant is not written. We only have an executive summary. I cannot sign. The town does not have enough staff, another town should administer this time in the spirit of cooperation.

JG: I've been the chair. If you want to kill the effort don't approve the grant request. No other town will do it.

JD: Why not?

RG: We have taken the lead on it.

MK: I won't sign. I have questions about the former grant. Staff is pushed to the limit. Why won't other towns take on the grant?

SR: Other towns have contributed all along. Jack Murphy from Eliot has contributed a lot.

JG: All of the towns contributed. I am amazed you would kill it at this time—the only way to lower taxes is through regional effort. It will die.

DB: I'm concerned about the expense.

JG: It's not feasible if killed. This could have a significant positive impact. I know where we are going with this.

JD: This town is taking on a huge undertaking with St. Michael's and the master plan. We have too much for staff to do. Other towns have resources.

JG: Town are saying they have trust in me. They trust our staff. It's a slap in my face.

RG: Motion to approve grant request

SR: Second

JD: If we don't approve it doesn't mean the effort is dead.

SR: We've had a successful process. Jeff has pulled together towns representing 60,000 people. I recognize that there are problems with the legislation; it needs amending, but why stop the process?

MK: I looked at previous grant and report and have a lot of questions. Why is there workforce housing in it?

JG: I find that amazing that you just said we shouldn't provide workforce housing.

SR: Work force housing got incorporated into the same legislation. We have sat in support of what this group has done—it is the right thing to do. I think you are making a big mistake.

JG: MK, DB, JD all have the same opinion. Have you made this decision and discussed this before you came here?

MK: No. I questioned this report and asked for an executive session. I believe we should not be the fiscal agent.

MK: The money numbers are different in the report from the original invoices.

JD: The money does not add up.

?: Some invoices are pending.

MK: I question Craig Nelson's fees. Did he bill for lobbying?

JG: If you have questions about the report, you can send questions to the REG. If you want to make allegations that we have misused money, send them to the REG.

JD: The town applied for the grant. Craig Nelson is registered as a lobbyist. If we are fiscal agent, we are responsible for the money and reporting. The grant is over and there are still invoices outstanding. Is the town responsible for this overage?

JG: We have not over expended the grant. Mr. Nelson has stated that will forgive the bill if we do not get additional grant funds.

DB: I'm more confused tonight than before. Some are saying we are over extended, you are saying we are not. But there are invoices that have not come in.

DB: Out of a new grant, can we use money for bills?

JG: We are applying to Kennebunk Savings Bank for a grant. We can't use State Planning Office money for previously expended activities. We also received \$1000 from the EDC that can go to the invoices.

DB: What are the chances we can get a written assurance from Craig Nelson that he will forgive the bill?

SR: I trust that we have his assurance already. He said he would in a public meeting.

RG: It never ceases to amaze me here. You were successful at killing an industrial park, contract zoning, and now this.

MK: Who?

RG: Your group and your group.

MK: My whole objection to this is major questions about how the first grant was used. My group is South Berwick.

RG: I wish.

DB: Amend motion to move forward on grant application if a written assurance is obtained from Craig Nelson. My concern is the money. I want to make sure we can cover bills.

Motion to move forward with grant application passed three to two. (SR, RG, DB in favor, JD and MK against)

#### **9. Discuss/Take Action on Special Town Meeting date: March 10, 2008.**

To set up special town meeting to hold a special town meeting to transfer money to the Highway budget to cover winter maintenance.

Richard Clough: Read the article.

SR: Don't have the article. It will be for about \$100,000.

The motion to hold a special town meeting on March 10 unanimously passed.

MK: I request an executive session to discuss a personnel issue.

DB: I also request an executive session.

SR: If it's about an employee they have the right to know in writing and have an attorney present.

(Rapid back and forth discussion between MK, DB, SR about town code and reading of requirement of code regarding an executive session to discuss personnel issues.)

JG: IF it's to talk about me, it will be public and I will have my attorney present.

MK: I want to discuss personnel issues about the grant.

SR: If it involves an employee of the town, put it in writing so they have notice.

MK: I want to talk about the grant.

JG: Do it at the next public meeting.

MK: Motion to go into executive session.

Motion passed three to two (JD, MK, DB in favor, SR, RG against)

At this point SR, RG, JG and all town staff left the meeting. The remaining Councilors (JD, DB, and MK) asked that the public leave. When I left there was a back and forth discussion between the councilors and members of the audience about whether the meeting was legal.