



BOARD OF SELECTMEN / BOARD OF ASSESSOR
Meeting Minutes
September 6, 2016
6:30pm

Call to Order

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

I. Roll Call and Pledge of Allegiance

Board Members Present: Chair Thomas Wright, Selectman Edward Ganiere, and Selectman Mark Pendergast.

Staff Members Present: Town Manager Stephen Eldridge, Community Development and Planning Director John Stoll, and Town Clerk Patricia Murray.

II. MINUTES

a. Minutes from BOS regular meeting August 16, 2016.

Motion: Selectman Ganiere moved to accept the August 16, 2016 minutes as written. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3-0

III. FIRST PUBLIC COMMENT

Chair Wright asked if any members of the audience had comments.

Mr. Neil Hokinson, Transfer Station Supervisor, spoke. He stated that this Saturday, September 10, from 9 to 1 is Hazardous Waste Day. The location is 534 Route 4 in Berwick. No hazardous waste will be accepted at the Berwick Transfer Station.

Ms. Ruth Bleau, 55A School Street, spoke about the possibility of a warrant article on the ballot in November to convert the Estabrook School into senior housing. She believes this may be a bit preliminary; she stated EBC Age-Friendly Berwick is planning to send a survey and believes this should be postponed until there is more knowledge and information as to what the town's needs are.

Mr. Mark Carboni, 75 Sullivan Street, spoke. He stated he sat through two mass briefings with DEA enforcement officers and Berwick was noted both times as a rampant heroin area. He asked what is being done to stop this. He stated he sees needles on the street downtown and at the recreation fields. He asked for updates and stated the Police aren't doing anything about it. He noted the police log had 26 summons/arrests but more than half were vehicle infractions and had no substance abuse summons or arrests. He said profiling vehicles isn't catching the dealers. He noted the hiring of another EMT but questioned how to stop the drug users before they overdose and the EMTs bring them back to life. Town Manager Eldridge responded that the Berwick Police Department is doing a good job. They work with the DEA, federal agents and state agents and have made quite a few arrests involving heroin. Town Manager Eldridge noted this was the first time he heard of

needles being in the streets and at the recreation parks. He stated the Recreation Program was held all summer and nobody mentioned finding needles at any of the recreation areas. He stated he doesn't know if this was a new issue and he would update Chief Towne. He stated the town has had very good success and it's never going to end. He assured Mr. Carboni the issue is being worked on. Selectman Pendergast stated he doubts the PD is profiling cars.

IV. PUBLIC HEARING

a. Proposed Ordinance Amendments; Fireworks Ordinance, Littering Ordinance and Bedbug Treatment Amendment

Mr. John Stoll, Director of Community Development and Planning, presented the draft [Fireworks Ordinance](#).

Chair Wright reiterated the changes to the original proposal changing the time limit for shooting off fireworks from 10pm to 9pm and the Police Department's ability to enforce the ordinance.

Chair Wright asked if any members of the audience had any questions.

Mr. Mark Carboni, 75 Sullivan Street, spoke. He stated he sets off firework displays and questioned the 9pm limit. He stated it gets dark at 9pm in July and the time limit isn't feasible and now the Police can issue fines and penalties. Chair Wright responded that Selectman Plante brought residents' concerns forward regarding fireworks going off late at night. He also stated the legislature discussed the 9pm time constraint being too early in summer. He stated the penalties were unenforceable as written in the first draft and this draft makes it clearer. Mr. Stoll clarified that Berwick does not have a Firework Ordinance in place currently; this is a new ordinance. State law states a 10pm limit. The Board agreed that the time should follow state law and be until 10pm.

Motion: Selectman Ganiere moved to accept the Fireworks Ordinance as presented with the amendment to Article 4B changing 9pm to 10pm. Chair Wright seconded the motion.

The motion carried unanimously: 3-0

Mr. John Stoll, Director of Community Development and Planning, presented the draft [Littering Ordinance](#).

Chair Wright asked if any members of the audience had any questions. There were no comments.

Motion: Selectman Ganiere moved to accept the Littering and Animal Waste Ordinance as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3-0

Mr. John Stoll, Director of Community Development and Planning, presented the amended [Bedbug Treatment Ordinance](#).

Mr. Stoll noted that he checked other surrounding towns' ordinances and he could only find one in Biddeford. Their maximum penalty is \$2500.00 which is what Berwick's Town Attorney recommends.

Discussion regarding time constraints ensued. Selectman Pendergast recommended that the notification process by the tenant should include notice to the Town's Code Enforcement Officer.

Chair Wright asked if any members of the audience had any questions. There were no comments.

Motion: Selectman Ganiere moved to accept the Bedbug Treatment Ordinance as presented with the amendment to section 6A to include notification in writing to the Town Land Use Code Enforcement Officer. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3-0

b. Proposed Land Use Ordinance amendments

Mr. John Stoll, Director of Community Development and Planning, presented the proposed Land Use Ordinance amendments.

[Article XV Community Facilities Impact Analysis – Draft](#)

Mr. Stoll provided the Board with a comparison sheet with building permit fees from other municipalities. Mr. Stoll suggested the following changes: change North Berwick to Berwick in 15.1 line 3, change occupancy permit to building permit in 15.4A line 4, remove the example: (e.g., a fixed rate multiplied by the number of bedrooms, a per unit per square foot, amount of traffic generated, etc.) in 15.4C.

Chair Wright asked if any members of the audience had any questions.

Ms. Hershey Hirschkop, South Berwick, spoke. She asked if the Town would credit existing structures when calculating the impact fee since the existing use would not change.

Motion: Chair Wright moved to accept Proposed Land Use Ordinance amendment as presented with the suggested changes. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3-0

Amendment to Article 8.6 C2.

Current: All apartment buildings and all dwellings in a multi-family development shall be connected to the Berwick water supply and distribution system where it exists, at no expense to the town.

Proposed amendment: All apartment buildings and all dwellings in a multi-family development, this does not include two-family, or owner occupied units, shall be connected to the Berwick water supply and distribution system.

Mr. Stoll stated the purpose of the change is to require all multi-family units to be on town water and sewer to help with orderly development as development proceeds out from the urban core. Chair Wright noted his support for this amendment. Discussion ensued regarding residential versus commercial properties and the Comprehensive Plan and growth limitations. Mr. Stoll replied that the Comprehensive Plan supports the proposed amendment. He reiterated that the amendment will comply with the Comprehensive Plan. Selectman Pendergast stated he would like to see the amendment amended to include three-family dwellings instead of two-family dwellings.

Town Manager Eldridge recommended giving Mr. Stoll direction to begin updating the 1991 Comprehensive Plan which has not been updated since 2004 which would lead to updating the Land Use Ordinance.

Chair Wright asked if any members of the audience had any questions. There were no comments.

Motion: Chair Wright moved to accept Proposed Land Use Ordinance amendment as presented with the suggested changes. Selectman Ganiere seconded the motion.

The motion carried: 2-1 with Selectman Pendergast opposing

Selectman Pendergast questioned enforcement of the ordinance amendment. Mr. Stoll stated it is definitely difficult to enforce with the current staff but they mostly respond to complaints.

c. The Housing Partnership – donation from the Town of Berwick of the Estabrook School for affordable 55+ Senior Housing

Ms. Hershey Hirschkop, Senior Project Manager, the Housing Partnership, was present. Mr. Stoll read the warrant article language; ARTICLE 6 Shall the Town vote to authorize the donation of the Estabrook School; a portion of Map U4, Lot 142 to the Housing Partnership for the construction of an affordable (55+ or 62+) Senior Housing facility (as outlined in the attached Purchase and Sales Agreement)? (Exhibit F attached hereto)

Ms. Hirschkop stated that Mr. Marty Chapman, Executive Director, presented a detailed discussion at the August 16 2016 meeting and asked if the Board had any further questions. The Board did not have questions. Chair Wright asked if any members of the audience had any questions.

Ms. Ruth Bleau, 55A School Street, spoke. She asked how the need for this housing was determined. Ms. Hirschkop replied that through her experience there is always a need for senior and affordable housing due to fixed incomes, downsizing etc. She stated there is a waiting list for all of their properties. Chair Wright added that the Town charrette held in 2015 demonstrated the need for senior housing. He also stated Envision Berwick Committee sent surveys out several years ago and that resulted in people stating the need for affordable senior housing. Ms. Bleau replied that Age Friendly Berwick Committee is in the process of sending a survey to residents and she feels there is no need to rush before those results are compiled. She stated there was talk of the downtown structure housing second floor apartments and the possibility of an affordable housing standalone unit within the site. She doesn't want the Town to be premature with its decision on this matter. She doesn't know if it's the best possible use for this building. She doesn't want to see the Town donating a piece of property before needs and wants are determined. She wants to be sure this is the right spot for senior housing. Chair Wright reiterated his belief that this is a good location for senior housing and that the need is present. He stated the property is deteriorating and this is a chance to put the property back on the tax roll. It will fulfill a need that is in Berwick. He stated there has been talk about using Estabrook as a community center but the building is not conducive for a community center; it is too linear. Ms. Bleau stated it would be nice to have that building as a destination from a trail system; a coffee house, a wine bar, a skateboard park, school etc. She feels strongly that the Town should wait to find out what the EBC survey says. If we are donating then we should have all facts before a decision is made. Chair Wright stated the Town has reached out to developers and have received no response. Selectman Pendergast added that the building has asbestos issues and roof problems. He stated he would like to see the housing 62 and older. Ms. Hirschkop added that the building is well suited for affordable housing and a community center is not feasible. She highlighted the positives of the property for senior housing which include close to downtown, close to the Police Department, etc. Economically and sustainability wise it is a good project.

Mr. Stoll presented the proposed warrant article: ARTICLE 6 : Shall the Town vote to authorize the donation of the Estabrook School; a portion of Map U4, Lot 142 to the Housing Partnership for the construction of an affordable Senior Housing facility as outlined in the attached Purchase and Sales Agreement? (Exhibit F attached hereto)

Ms. Hirschkop stated she would check on the age restriction and report her findings. Mr. Stoll stated that the Land Use Ordinance defines elderly housing as 55+. That is for performance standards only for density exceptions. Since the Housing Partnership would not seek a density exception they would not be bound to the age restriction of 55+.

Motion: Chair Wright moved to approve the proposed warrant article as presented. Selectman Ganiere seconded the motion.

The motion carried unanimously: 3 - 0

V. REPORTS OF COMMITTEES

a. BCTV Committee

No report.

b. Envision Berwick Committee (EBC)

Chair Wright reported the first fall meeting is scheduled for September 8 at 5:30pm.

VI. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

- a. **Appointment of Code Enforcement Officer, Joseph Rousselle, to administer and enforce National Fire Protection Association (NFPA)101 Life Safety Code for the Town of Berwick.**

Town Manager Eldridge stated this appointee enforces more commercial properties and non-profits to comply with fire and life safety codes. The Fire Marshall and Berwick's Code Enforcement Officer can enforce these codes.

Motion: Selectman Ganiere made a motion to appoint Joseph Rousselle as National Fire Protection Association (NFPA)101 Life Safety Code Administrator and Enforcer. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3– 0.

VII. UNFINISHED BUSINESS

- a. **Pay as You Throw Program/Recycling Committee**

Town Manager Eldridge reported the first meeting went well and he expects more participation at the next meeting which will be scheduled this month.

VIII. TOWN MANAGER REPORT

Town Manager Eldridge reported the Town Water Health Warning has been removed. The manganese levels have dropped thanks to the work of Water Operator Chris Weisman and engineering firm Wright Peirce.

Notices will be sent out this week. The full [report](#) is on the website.

One structure was demolished at Prime Tanning today.

Diamond Hill Road paving is complete. Pond Road has been paved and Wentworth is scheduled later this week.

The auditors have completed their work on the Town financial records. They gave high praise to Maureen Finger, Finance Director.

The MAP contract will be ready for the next BOS meeting.

The MMA annual meeting is coming up. Mr. Eldridge asked if any Board members were interested in going.

There was no interest from the Board members present.

Town Manager Eldridge noted a letter received from a resident praising the efforts of emergency personnel during the fire on Berwick Road. Chair Wright will read the letter.

A letter was received from the Governor's office. The Governor has awarded Berwick with a \$10,000.00 matching grant to help compensate the water system repair effort. Mr. Eldridge praised Beth O'Connor for her efforts.

IX. SELECTMEN COMMUNICATIONS

Chair Wright read a thank you note from Sarah Therrien, recipient of the Noble High Memorial Scholarship.

Chair Wright read a letter from a resident commending the emergency services personnel for their efforts and the great job they did working together.

Town Manager Eldridge noted that two firefighters were commended by Chief Plante for their successful rescue efforts during the recent fire.

Chair Wright reported the Town received a dividend check in the amount of \$7536.00 from Maine Municipal Association for worker's compensation rebate.

X. APPROVAL OF WARRANTS

08/18/2016 Payroll Warrant #1707-1 \$ 1,356.35

08/18/2016	A/P Warrant #1707	\$ 59,655.68
08/18/2016	Water Warrant #0707	\$ 390.55
08/25/2016	Payroll Warrant #1708	\$ 48,788.61
08/25/2016	A/P Warrant 1708	\$ 386,708.77
08/25/2016	Water Warrant #0708	\$ 2,907.92
09/01/2016	Payroll Warrant #1709	\$ 53,050.21
09/01/2016	A/P Warrant #1709	\$693,563.40
09/01/2016	Water Warrant #0709	\$ 45,296.84
09/08/2016	Payroll Warrant #1710	\$ 48,324.15

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

The motion carried unanimously: 3 – 0.

XI. NEW BUSINESS

a. Bond Resolution

Town Manager Eldridge stated this is a request to proceed with the purchase and outfitting of two fire engines, and to the structural renovations and related improvements to the Town Hall Auditorium, including the purchase and installation of the new windows and repairs to the auditorium walls and the repair or replacement of the clock movements in the Town Hall's clock tower as voted at the June 14, 2016 Town Meeting. It is the intention of the Board of Selectmen to reimburse its Project expenditures with proceeds of one or more tax-exempt bonds in a cumulative maximum principal amount of \$1,125,000.

Motion: Chair Wright made a motion to proceed with the purchase and outfitting of two fire engines, and to the structural renovations and related improvements to the Town Hall Auditorium, including the purchase and installation of the new windows and repairs to the auditorium walls and the repair or replacement of the clock movements in the Town Hall's clock tower as voted at the June 14, 2016 Town Meeting. Selectman Ganiere seconded the motion.

The motion carried unanimously: 3 – 0.

Town Manager Eldridge reported that a masonry company repaired the auditorium wall for \$2,650.00 instead of the \$25,000.00 estimate. They replaced the brick where necessary and sealed the outside wall. He stated the issue came from water entering the wall from the roof and it has been recommended to install gutters. Chair Wright requested gutters be added near the Town Clerk's office to eliminate any future flooding.

b. Bids for Reroofing of Doran Gymnasium and Public Works Salt Shed

Town Manager Eldridge reported that these jobs were put out to bid and a pre-bid mandatory meeting was attended by two contractors; from Waterville and Gardner. One submitted a bid and the other did not. One other bid was received but the contractor is ineligible because he did not attend the mandatory pre-bid meeting. The only eligible bid is for \$14,800 for the gymnasium and \$67,500 for the salt shed. Mr. Eldridge stated the gymnasium money is in the budget but the estimated budget for the salt shed is \$30,000.

Motion: Selectman Pendergast made a motion to deny the bids received and to direct Town Manager Stephen Eldridge to negotiate the bid for reroofing Dorian Gymnasium and the Public Works Salt Shed. Selectman Ganiere seconded the motion.

The motion carried unanimously: 3 – 0.

XII. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

None.

XIII. ABATEMENTS/SUPPLEMENTS

- a. **Abatement request for Map R053-008, 529 School Street. Homestead exemption removed in error.**

Motion: Selectman Ganiere made a motion to accept the Abatement request for Map R053-008, 529 School Street. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3 – 0.

- b. **Abatement request for Map R024 Lot 5-1, 97 Ridlon Road. Homestead exemption was not applied.**

Motion: Selectman Ganiere made a motion to accept the Abatement request for Map R024 Lot 5-1, 97 Ridlon Road. Chair Wright seconded the motion.

The motion carried unanimously: 3 – 0.

- c. **Supplemental Tax Warrant: Map R041 Lot 019, 0 Sanford Road; owner requesting to withdraw property from the State's Tree Growth Program.**

Motion: Chair Wright made a motion to accept the Supplemental Tax Warrant request for Map R041 Lot 019, 0 Sanford Road. Selectman Ganiere seconded the motion.

The motion carried unanimously: 3 – 0.

XIV. SECOND PUBLIC COMMENT

Chair Wright asked if any members of the audience had comments. There were no comments.

XV. EXECUTIVE SESSION

None.

XVI. OTHER BUSINESS/NON-AGENDA ITEMS

None.

XVII. ADJOURNMENT

The Meeting adjourned at 8:22pm.

Respectfully submitted,

**Patricia Murray
Town Clerk**

The September 6, 2016 BOS Meeting Minutes – Signed as approved at the Board of Selectmen's September 20, 2016 Meeting.

On behalf of the Board
