



BOARD OF SELECTMEN / BOARD OF ASSESSOR
Meeting Minutes
August 16, 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 Rebecca England, Selectman Edward Ganiere, and Selectman Joshua Plante.

Staff Members Present: Town Manager Stephen Eldridge, Community Development and Planning Director John Stoll, Finance Director Maureen Finger, Assistant Finance Director Lisa Huestis and Town Clerk Patricia Murray.

II. MINUTES

a. Minutes from BOS regular meeting July 19, 2016 and August 2, 2016

Motion: Selectman Plante moved to accept the July 19, 2016 minutes as written. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3-0

Motion: Selectman Ganiere moved to accept the August 2, 2016 minutes as written. Selectman England seconded the motion.

The motion carried unanimously: 4-0

III. TOWN MANAGER REPORT

Town Manager Eldridge gave an update of the Prime Tanning Project. The contractor has been on site and will provide a schedule. Equipment will be moved on site Monday, August 22, 2016. Demolition should begin at the end of the month. There is concern about EnviroVantage being on task and on schedule. The Town has a meeting tomorrow with Credere Associates (the project engineer firm) and EnviroVantage.

Town Manager Eldridge stated that paving and grinding was expected to start on July 18th but has been postponed until August 17th. They will begin with Diamond Hill Road. Once the road is ground and graded, paving can begin.

Town Manager Eldridge reported that the Water Department has been working diligently to go through the complete system, cleaning out the recycling part of the process as well as the tanks to rid the water of excess levels of manganese. Filters will also be cleaned. Once the cleaning is completed, the water will be retested and will hopefully result in normal levels of manganese which is .05. Berwick has worked with Somersworth, who has a system similar to Berwick's. Mr. Eldridge said they have been very helpful and he thanked them for their assistance. He stated all recycling material from the bags has been removed from the recycling system, i.e.

minerals, have been removed. He stated the town will alert residents when the water is good to drink. He reiterated that the water is not hazardous but the water should not be given to infants as a precautionary measure. According to the State, the level of manganese at which it should be monitored is .7 mg/1 and Berwick is currently at .514. The Town has handouts available for residents at Town Hall. He stated the Town is taking this situation extremely seriously and is working quickly to remedy the situation. He also stated residents can call him with any questions or concerns; his door is always open. Mr. Eldridge stated he made a request of Wright Pierce, a large engineering firm in Maine specializing in water, to advise the Town on this situation. Bottled water is available at the Fire Station for residents on the water system. If the station is not manned please be patient since the staff is most likely out on a call and will be back. Poland Springs has donated the bottled water for distribution and is willing to supply more if need be. Mr. Eldridge also cautioned well users to have their water tested since water levels are low.

Chair Wright commended Town Manager Eldridge for his quick response to the situation and for his diligence in finding information and solutions by contacting State agencies and others. Town Manager Eldridge thanked Selectman Pendergast for his contribution to the effort by being a great resource.

IV. FIRST PUBLIC COMMENT

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

Selectman Pendergast spoke. He stated that neither republican nor democrat representatives returned any calls from the Town seeking assistance with the manganese issue. He encouraged Berwick residents to complain to Augusta. He stated that it was very disappointing to him that when we needed assistance and several calls were placed to government agencies/offices, no return calls were received. He called the Governor's office, MEMA, Army National Guard, York County and several others. The only response he received was from Senator Ron Collins. He stated the bureaucrats are not doing their jobs and they should be voted out of office. He said this is a small town that needed help and calls went unanswered. Selectman Pendergast said the only reason we received help from Poland Springs was because he called a friend who is a lobbyist at the company. He stated that we are sending tax dollars to Augusta and residents should question the government offices. Augusta is not performing. Selectman Pendergast stated he is not happy with the performance of the Town Water Department; he is very disappointed in them.

Selectman Pendergast also stated he had a message from a resident who complained about the no good signs hanging around Berwick. The complaint stated from Sullivan Street to Notch Lane there are eight signs that mean nothing, school zone and school zone lights that haven't been in service for 22 years. Town Manager Eldridge stated this was the first he heard of that and he will check the signs although he can do nothing about any State signs.

Chair Wright stated he was with Selectman Pendergast on Thursday when he was making the calls and he reiterated the frustration level was very high.

Selectman Pendergast continued to state he was not happy with the Prime Tanning site progress. He said EnviroVantage have missed every deadline to date and he doesn't understand why. He urged the residents to call them.

V. PUBLIC HEARING

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

Mr. John Stoll, Director of Community Development and Planning, spoke to the proposals. He was approached to draft the Fireworks Ordinance amendment. The purpose of the ordinance is to set the hours for firework use and to set a penalty that the Police Department can use to enforce the ordinance. Mr. Stoll suggested the BOS weigh in on setting the hours set and penalties; the ordinance does not regulate sales or displays. The change to hours permits firework displays daily from 12pm to 9pm except on 12/31 and 7/1 which is 9am to 12am. The

ordinance also addresses a 50 foot distance from combustible structures and fire danger conditions set by the Maine Forest Service. The penalty is set at \$50.00 for the first offence, \$100.00 for second offence and \$250.00 for a third offence.

Chair Wright clarified that the ordinance remains the same except for the changes in hours and penalties. Mr. Stoll confirmed and added that sales would be regulated by the Town's Land Use Ordinance and by the State. Chair Wright asked why the changes are being proposed. Selectman Plante replied that residents have reached out to him regarding the hour limits of setting off fireworks; most felt 10:30 or 11:00pm on a random week night was too late and disruptive to sleep, animals and children. He stated there is also an issue of fire safety with firework embers landing on homes and combustibles. Selectman Plante stated this ordinance gives people a parameter of the responsibility of using fireworks. Chair Wright stated he receives calls from people with animals that are affected by fireworks.

Chair Wright asked if any members of the audience had any questions. Ms. Eleanor Murphy commented. She stated she agrees with Selectman Plante because she hears fireworks from Bridge Street and trying to sleep is difficult.

Mr. Stoll presented the Littering and Animal Waste Ordinance which is a new ordinance. This will also give the local authority, Berwick Police Department, the opportunity to enforce fines and collect revenue from offenders. The ordinance gives the Police Department the choice of having the offender remove the waste without a fine. The offender will also have the chance to pay the fine without a court appearance. Mr. Stoll stated the ordinance will be reviewed by the Town Attorney prior to warrant.

Selectman Pendergast asked if receptacles would be placed around town for people to dispose of trash. Mr. Stoll replied that would be ideal to encourage compliance. Chair Wright noted the Envision Berwick Committee has discussed designing a compatible, standard streetscape and he believes there is money for trash receptacles and benches, etc. Mr. Stoll added that the ordinance may refer to discarded signs also. He will have the Town Attorney review.

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

Mr. Stoll presented the Bedbug Treatment Ordinance Amendment. He stated the amendment results from the difficulty of enforcement he and the Code Enforcement Officer encountered last year. It took ninety days to get an answer because they couldn't go to court for ninety days. By that time the complainants were already vacated from the building. The amendment will strike paragraph C of Section 6; Enforcement, which gives a third opportunity for the offending party to not comply. Mr. Stoll stated two chances are plenty. Selectman Pendergast questioned why the offenders are given two chances; it should be one. Mr. Stoll replied he would support one chance. He revised the amendment to include striking Paragraph B of Section 6 which will eliminate the second chance for compliance. Mr. Stoll stated he would incorporate a fine into Paragraph A; \$100.00 a day until compliance. Selectman Pendergast stated a \$250.00 fine per day is more appropriate. Selectman Ganiere suggested a minimum of \$500.00 per day until compliance. Selectman England concurred. Mr. Stoll stated he would have a ten day period for reply. Selectman Pendergast expressed disagreement. Chair Wright stated they had to give due notice. Mr. Stoll will confer with the Town Attorney regarding a reasonable time. Mr. Stoll will present an amended document at the next BOS meeting.

Chair Wright asked if any members of the audience had any questions. Several audience members expressed agreement with Selectman Pendergast.

b. Proposed Downtown Municipal Development and Omnibus Tax Increment Financing (TIF) District and Development Program

Mr. Stoll provided the Board with a valuation sheet which captures the existing value of the downtown area. A TIF allows capturing the existing tax value of a certain district and as property values and property taxes

increase, that money can be captured and used towards a specific use such as street improvements, power lines etc. Mr. Stoll has been working with a consultant to develop this TIF application. The TIF will need to be adopted at town meeting. Town Manager Eldridge stated any new assessed value gets sheltered and it does not affect the Town's county tax, school formula, or revenue sharing. The money would be protected for the duration of the TIF. Mr. Stoll stated the adjusted value is 12.5 million for the Village Overlay District which was created by the Planning Board and includes the two major parcels that are undeveloped. Once Prime is demolished the value can be captured. Once development moves forward, that increment can be captured. Best possible scenario was estimated at a \$7 million increment over 20 years once developed.

Selectman Pendergast asked about including Route 4. Mr. Stoll replied that Route 4 could be a separate TIF. The Route 4 TIF will be revisited for the June ballot.

The TIF proposal for the Village Overlay District will be on the November ballot for approval. It will be further discussed at Public Hearing tentatively scheduled for October 18, 2016.

Chair Wright commented that this TIF would be a twenty year TIF and that the clock starts ticking once the Town adopts the TIF and the Department of Community Economic Development approves it. Mr. Stoll confirmed and stated that the opportunity to amend the TIF is available and could be done at any vote.

Discussion regarding credit enhancement agreements ensued.

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

REPORTS OF COMMITTEES

a. BCTV Committee

Town Manager Eldridge reported that a lot of information has been received from ComCast. Legal council is reviewing information. Mr. Eldridge asked that people who are without internet/cable service call him or BCTV as extending service is part of the negotiation.

b. Envision Berwick Committee (EBC)

James Bellissimo reported. Regular EBC meeting will commence September 9th at 5:30. The meetings may be televised live on BCTV. Mr. Bellissimo stated EBC will help produce a Frequently Asked Questions document for the TIF. The Recreation Master Plan Subcommittee is developing a survey which will serve as a foundation for the Master Plan. Age Friendly Berwick sent an RFP for bids on survey design and printing. Two bids were received. Analytic Insights for \$500.00 for 750 mailings and Portland Research Group for \$6610.00 for 450 surveys. Mr. Bellissimo and Age Friendly Berwick Committee recommends Analytic Insights.

Motion: Selectman Ganiere moved to accept the RFP from Analytic Insights as presented. Selectman Plante seconded the motion.

The motion carried unanimously: 5-0

Mr. Bellissimo also reported that EBC would like to use \$3000.00 to contract with SMPDC. Town Manager Eldridge noted that the Board does not need to approve since Berwick is already in a contract with SMPDC. Mr. Bellissimo noted that this contract will include SMPDC weighing in on survey results and producing an action plan. The Board supports the contract.

VII. APPOINTMENTS/PRESENTATIONS/OTHER GUESTS

None.

VIII. UNFINISHED BUSINESS

a. Pay as You Throw Program/Recycling Committee

Town Manager Eldridge is scheduling a meeting on August 18 or 25. .

b. Award of the Town Hall Auditorium Design and Structural Repair Bid

Town Manager Eldridge reported that no bids were received on the RFP. He reached out to individual companies and received a proposal from F Di Donato for \$2650.00 for masonry work. Once the wall is opened work may increase time and labor. Money will come from the Lena Fund for this work.

Motion: Selectman Plante moved to accept the proposal from F Di Donato as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 5-0

IX. SELECTMEN COMMUNICATIONS

None.

X. APPROVAL OF WARRANTS

08/04/2016	A/P Warrant #1705	\$669,302.72
08/04/2016	Water Warrant #0705	\$ 3,001.53
08/11/2016	Payroll Warrant #1706	\$ 52,219.44
08/11/2016	A/P Warrant 1706	\$ 90,194.55
08/11/2016	Water Warrant #0706	\$ 401.73
08/18/2016	Payroll Warrant #1707	\$ 53,657.52

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

The motion carried unanimously: 5- 0.

XI. NEW BUSINESS

a. Set Tax Rate and Accept Tax Commitment

Ms. Maureen Finger, Finance Director, presented the Tax Rate and Commitment. The Assessing Agent outlined the change in valuation and the impact of the homestead exemption increase. The Assessor is recommending a tax rate of \$16.85, however the Town Manager and Finance Director would like the Board to consider a tax rate of \$16.80. The difference is in the overlay and she and the Town Manager believe the overlay at \$16.80 is sufficient at 50,000 compared to 84,000 with the rate of \$16.85.

Chair Wright noted county tax appropriations increased roughly 1.25%, municipal appropriations increased 1.81%, and school appropriations increased 4.1% with total appropriations increasing 2.99% while state and other revenues are expected to be about the same. The net tax dollars to be raised by the local property tax has increased by roughly 3.78%.

Selectman Pendergast questioned what we get for paying county taxes. Selectman Plante replied that county tax went up because of the termination of the Board of Corrections. Selectman Plante gave several more examples. Lengthy discussion ensued.

Motion: Selectman Ganiere made a motion to set the tax rate at \$16.80 and to accept the tax commitment as presented. Selectman Plante seconded the motion.

The motion carried unanimously: 5- 0.

b. Safe/Vault bids

Town Manager Eldridge reported that one bid was received. The bid was for \$100.00. Chair Wright noted the minimum bid was set at \$600.00. The Board did not accept the bid and directed the item go back to bid.

c. Berwick Senior Housing – Hershey Hirschkop

Mr. Marty Chapman, Executive Director and Ms. Hershey Hirschkop, Senior Project Manager Housing Partnership were present. Mr. Chapman stated the Housing Partnership is interesting in acquiring the Estabrook School for development as low income senior housing. The Housing Partnership is a non-profit organization working with a mission to provide affordable housing or workforce housing. Workforce housing is for working people at the low end of the income scale and retired seniors. The Housing Partnership has developed about 400 units in their 30 year history. Their territory is the seacoast from Rye, NH to Kennebunk, ME. Affordable housing is financed using public funds from a variety of state and local sources. Because of the funding, they are required to meet certain household needs. Mr. Chapman's presentation included showing previous projects in Exeter NH, South Berwick, Kittery, Kennebunk, Dover NH (a historical preservation project at Robbins Auto building) etc. Most of their developments are rental properties. The Housing Partnership also provides home buyer education for prospective buyers. Mr. Chapman stated conversations began with Frank Underwood, EBC member. They then spoke with John Stoll, Director of Community Development and Planning. The Estabrook School property is an interest because it is an existing building, schools make good conversions for housing because each classroom is an apartment, and the property is within walking distance to downtown. They have investigated, hired an architect to produce a schematic plan, and have developed a useful site plan. They may propose a small addition to get to proper scale which is typically about 24 units. The main building could house about 16 or 18 units at present. Mr. Chapman stated senior housing is a huge need. Mr. Chapman noted that The Housing Partnership is a nonprofit but they develop their housing with a product known as a low income housing tax credit; the IRS gives credits to high net worth institutional investors. The Housing Partnership competes for those credits at the State level and if awarded they sell the credits to an investor who becomes the majority owner.

Selectman England asked if The Housing Partnership manages the properties. Mr. Chapman replied that they use a third party property manager or asset manager who would oversee the day to day operations.

Mr. Pendergast commented that he works at a lot of their projects and is concerned about the lack of landscape maintenance and the lack of parking spaces. Mr. Chapman replied that they have more than adequate parking. Discussion ensued regarding winter snow removal and parking. Mr. Chapman offered to give the Board a tour of other properties.

Selectman Ganiere expressed concern for repeating the problems which occurred at another site of low income housing. He believes that a 55+ community would be the most advantageous.

A discussion regarding other sites ensued. Ms. Hirschkop stated they were supplied with a comprehensive list of possible sites in Berwick and settled on the Estabrook School. Ms. Hirschkop explained that the state is only awarded a certain number of tax credits and they put caps and limits on the amount of investment for each project; this can limit the size of the project. Larger companies, such as Avesta, have a capital revolving fund which Housing Partnership does not have. Housing Partnership relies on public funding.

Chair Wright inquired about timelines. Ms. Hirschkop replied a pre-application is due on Tuesday which they plan to submit. Mr. Stoll gave them a schedule for the Planning Board. Eventually the project will be on the town warrant for the November vote. The final application is due in October, which is prior to the vote, but Maine Housing allows for waiver submission to discuss site control; a requirement for the application. The construction schedule is a twelve month project. If credits are awarded they will be a forward commitment for 2017. If everything goes to plan; construction could begin in the spring of 2017. The driving force behind the schedule are the architectural drawings.

Chair Wright asked what the difference between demolishing the building and someone else owning the building versus leasing the Sullivan School. He asked the advantages to the Town. Mr. Stoll replied that the most important advantage is that the Town gets a chance to decide who controls the property. He wasn't sure how taxes would differ from a lease property. Property taxes are collected from the Sullivan School lease. Mr.

Chapman stated as a developer, he would much rather own the site. Chair Wright replied that he doesn't want the Town to own the site. Mr. Stoll stated that the site is sub dividable and the parcel could be subdivided.

The warrant article will be presented to the Board at its September 6th meeting. The Board unanimously agreed the project is needed and they support it.

d. Impact Fees

Mr. John Stoll, Director of Community Development and Planning, spoke. Impact fees are charges that can be assessed on new development to offset the costs associated with that development. The Board of Selectmen will decide the structure of the impact fees which can be set annually. As example, North Berwick charges \$500.00 for each new bedroom; the fees are used for the purchase of recreational space. Mr. Stoll supplied the Board with a proposed ordinance which outlines the possible uses. Mr. Stoll stated Berwick currently has very high building fees and if the proposed impact fee ordinance is adopted then the need to remain competitive with surrounding areas should be taken into consideration. Chair Wright read the list of acceptable uses which include, waste water collection and treatment facilities, municipal water supplies, solid waste facilities, fire protection facilities, etc. Chair Wright noted that North Berwick has collected \$304,000 since 2000 for bedroom impact fees.

This proposed ordinance is not under Public Hearing tonight because it needs to go through Planning Board first and will go to public hearing at the September 6, 2016 Board of Selectmen meeting.

XII. QUITCLAIM DEEDS AND/OR INSTALLMENT CONTRACTS

- a. Map R044, Lot 040-00A-000. Completion of repurchase agreement.

Motion: Selectman Plante made a motion to accept the quitclaim deed for Map R044-040-00A-000. Selectman Ganiere seconded the motion.

The motion carried unanimously: 5 – 0.

XIII. ABATEMENTS/SUPPLEMENTS

None.

XIV. SECOND PUBLIC COMMENT

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

Ms. Eleanor Murphy commented. She stated the counties in Maine are different than most other states. In Maine, they are stepchildren of legislature. They were created by statute. She believes it is duplicate government; there are 29 towns in York County and about 14 have their own police departments. The towns that do still pay for the County Sheriff.

XV. EXECUTIVE SESSION

None.

XVI. OTHER BUSINESS/NON-AGENDA ITEMS

None.

XVII. ADJOURNMENT

The Meeting adjourned at 8:28pm.

Respectfully submitted,

Patricia Murray

Town Clerk

The August 16, 2016 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s September 6, 2016 Meeting.

On behalf of the Board
