

Town of Berwick



BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, July 18, 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 and Town Clerk Patricia Murray.

3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- June 20, 2017

Motion: Selectman Plante moved to accept the June 20, 2017 minutes as written. Selectman Ganiere seconded the motion.

The motion carried unanimously: 5-0

5. First Public Comment

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

6. Public Hearing

- August 8, 2017 Special Town Meeting Warrant

Chair Wright opened the public hearing.

Town Manager Eldridge stated the Board of Selectmen organized a committee to begin conceptual plans for the 71 Sullivan site should the warrant pass on August 8, 2017. The committee has met twice with Mike Lassel, Lassel Architects PA, who Mr. Eldridge introduced.

Mr. Lassel presented three conceptual plans. He stated his charge was to look at the existing building and to analyze the feasibility of it housing a community center. It was concluded that the existing building doesn't have the functionality for a community center. A historian also looked at the building and reported that there was nothing historical left at the site. With this information, Mr. Lassel went on to other options which include removing the existing 3 story building which if kept would require an elevator which would not be cost effective for the 700 square foot third floor, retaining the first floor structure which isn't conducive to the Town's needs, and demolishing the entire site to construct a building, phased over time, that meets the Town's needs.

Chair Wright noted this is an ongoing process. He stated he visited the site in early spring and the building was gutted down to the studs which he thought was a good thing. After further thought, he felt there is not a lot of usable space in the building. He stated that the Board is looking for public input after the results of the August 8, 2017 Special Town Meeting vote.

Paul Boisvert, Blackberry Hill Road, spoke. Mr. Boisvert is a member of the Planning Board and EBC. He stated that he was here when 71 Sullivan was a nursing home and watched it go to a sober home. He believes this property is the keystone to connect everything; Prime Tanning, Library, Estabrook, etc. together. He stated that if the building doesn't make sense and has no historical or architectural value, it can be demolished. He also stated there is time to make those decisions but the important piece now is to acquire the property as it is the keystone piece to tie the downtown together. Chair Wright added that this is a one-time opportunity.

Eleanor Murphy, Rochester Street, spoke. She agrees that the Town does have to buy it. She encouraged people to come vote on August 8th.

Chair Wright asked about price and the difference between building new and renovating the existing buildings. Mr. Lassel replied that renovation may incur a higher cost than building new.

Town Manager Eldridge stated the purchase price is \$155,000.00. The warrant article requests \$200,000.00 to cover the purchase price and any other expenses associated with closing/legal fees and also to winterize the buildings. He stated the cost to demolish all buildings is \$40,000.00 and to demolish one building is \$30,000.00.

Selectman Plante noted that the Board is discussing different options of what to do with the property but the problem is that \$200,000.00 is being sought without direction on where to go after the purchase. He stated that talk of renovation, demolition, parking lot use have prevailed and he reiterated that there is no plan. He stated that the new fire station could be housed there but again there is no plan or direction for land purchases. This is the primary reason he does not support the purchase of 71 Sullivan Street and why he is the lone vote against the warrant article. He stated these issues need to be reconciled before moving forward with the purchase.

Mark Carboni, 75 Sullivan Street, spoke. He stated a community center is great, a parking lot is great but asked what is wrong with utilizing Estabrook School. He stated a parking lot is what is truly sought not a community center so Estabrook School could be the community center. He stated this is a \$200,000.00 social experiment. He asked how the Town would pay for the next steps. Chair Wright replied that the

Estabrook School does not abut the Memorial Field. The 71 Sullivan property is not big enough for a fire station; 5 acres is needed. Chair Wright stated the \$200,000.00 is not to build a community center; it is to purchase some land that has potential for the Town. Selectman Pendergast asked if Mr. Carboni opposed using the property for a parking lot. Mr. Carboni replied that he is not opposed to a parking lot but at \$200,000.00 he questions the purpose. James Bellissimo, EBC Chair, stated the Estabrook School was determined not conducive for community center per a committee. Selectman Pendergast stated the gym at Estabrook could be utilized as a community center if a wing was torn down.

Discussion ensued regarding the Estabrook School.

Mr. Carboni inquired about privacy and the integrity of the neighborhood. He asked if a fence will be installed and if the land has been surveyed yet. Chair Wright stated the Town has not spent any money on it yet as it is not the Town's land yet. He stated nothing regarding fencing or buffers have been discussed yet.

Louisa Sheldon, 65 Sullivan Street, spoke. Her property abuts 300 feet of 71 Sullivan Street. She stated she has an extensive history with the previous owner regarding parking, water damage, snow plowing. She stated the Town imposed some conditions when the business was allowed in. She asked if fines have been collected for zoning violations. Town Manager Eldridge stated the taxes are always paid. He stated the Town and the current owner have been in court over code violations since 2016. The fines would be determined by the judge. If the Town does not get approval to purchase the property from voters on August 8th the court proceedings will resume. If approval is granted the fines will be waived. She asked about buffering. Selectman Pendergast replied he would add a fence and green space. Discussion regarding ordinance waivers ensued. Chair Wright noted the discussion was going off subject. He reiterated the hearing is about purchasing 71 Sullivan Street for Town use. Selectman Pendergast stated it will be used for parking for the field and a buffer and greenery will be put up. Ms. Sheldon asked if parking spaces could be moved away from her home; it is currently 14 feet from her house. Chair Wright encouraged Ms. Shelton to become involved in the planning of the site development. Selectman Plante noted that the Board of Selectman has talked about different ideas about what can be done with the property. Comments from BOS leads to a fog about the future with the property. Spending \$200,000.00 for the initial acquisition doesn't mean the final price tag is already determined. Selectman Plante reported that only for 2016 were the taxes for 71 Sullivan Street paid on time. The 2017 taxes are currently overdue. If the Town acquires this property it is another \$5500.00 the town is not taking in annually. The Town would have to maintain the property without a plan as to what the property will become with future monies to be spent.

Chair Wright explained that the owner has two potential buyers from Massachusetts which would keep the property a sober home/rehabilitation home. Town Manager Eldridge explained that this needs to be at the August 8th date because the other buyers want to act. More discussion ensued regarding a parking lot and buffers. Mr. Carboni noted fixing the area up would be good. More discussion regarding demolition ensued.

Eleanor Murphy gave a history of the sober home. Ms. Murphy and Ms. Sheldon continued giving examples of issues with the property and the history of ownership. Ms. Sheldon reiterated the need for privacy and buffers.

Natalie Gould, Recreation Committee Chair and Member Recreation Master Plan Committee, spoke. She stated both committees have been looking at this property among others for recreation use. She stated the focus should be whether or not the Town wants this piece of property for the Town for Town use or to let it remain a sober home. She stated the location is perfect to connect the field to the downtown. Selectman Plante asked if there is a recreation master plan. Ms. Gould replied not yet.

Selectman Plante stated Ms. Gould is speaking on behalf of the recreation department and needs to inform him that the town does not have a master plan for recreation. He noted that the push is to replace a sober home with a recreation site and such statements could produce unwarranted fears. He stated that the Town did not properly enforce code requirements on the 71 Sullivan Street property and it accrued for years and now the Town is acting. He stated the Town has not affirmatively assessed code violations and penalties on the property and now the Town is looking to acquire the property without a recreation master plan and without direction on use or an idea of how much money will need to be put into the property. Ms. Gould stated the Recreation Master Plan Committee was formed last fall. The master plan will take more than six months to develop. A survey in January showed that 95% of people responding wanted a community center in town and acquiring this property could fulfill that need but may not be deemed the best place for a center. Another point in the survey was the need for parking at the recreation field. She stated they don't have the answer right now but there is a deadline. Selectman Plante stated the deadline is to acquire the property, to ignore the fines due from the current owner and if a new sober home were to come in, it's an opportunity to force code compliance before the facility is opened and to continue to enforce code. Selectman England stated the cost of attorney fees to go to court will accumulate quickly. Selectman Plante stated the attorney fees would be covered if the Town won the case. Town Manager Eldridge stated attorney fee payment would be determined by the judge. More discussion of the possible future of the property including estimated maintenance costs ensued. Selectman England stated without acquiring the land there are no options for the Town. Selectman Ganiere stated this is a unique opportunity to purchase the property and that the residents are better off if the Town is the owner of the property. Selectman Plante stated the Town Finance Director does not support the purchase. Selectman Pendergast stated the Finance Director supports the purchase with the demolition.

Loyd Dussault, Sr., 108 Knox Lane, spoke. He asked if the quote price for demolition included the removal of debris. The Board concurred that the price includes demolition, removal of debris and fill in.

Chair Wright read the Warrant Article:

ARTICLE 1

To elect a Moderator to preside at said meeting.

ARTICLE 2

Shall the Town authorize:

- 1) the Board of Selectmen and Treasurer to raise a sum not to exceed \$200,000 for the purchase, renovation, and capital improvements for property located at Map/Lot U003-011, 71 Sullivan Street, Berwick, Maine ("Property"), and further authorize the Board of Selectmen to determine the manner such funds are raised, including, any combination of either use of Undesignated Fund Balance Reserves and or rural development loans (i.e., federal funds), grants, or the issuance of general obligation securities of the Town of Berwick, Maine, including temporary notes in anticipation of the sale thereof, and further authorize the Treasurer and Chairman of the Board of Selectmen the authority and discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, current or advance refunding(s) of any said securities, and form(s) and other details of said securities, including execution and delivery of said securities against payment therefor and to provide for the sale thereof; and
- 2) the Town Manager and Board of Selectmen to negotiate, as part of the Town's purchase of the Property, and as part of the consideration therefore, full resolution of a

pending land use action in *Town of Berwick v. Six Step Realty Trust, et al.*, Docket No. SPRDC-CV-2017-00009)?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 4:1

Note: The Property will expand upon and enhance existing property of the Town and will be used for community related activities. Impact Fees are expected to be used to help pay down any loan or bond.

Purchase Price: \$155,000
Renovation: \$ 45,000 (legal and stabilization)
Total \$ 200,000

Louisa Sheldon asked what happens if the building is still standing a year from now. Selectman Pendergast stated it will take two days to knock the building down and fill the hole. He stated the other proposals spoken about are in the future. Ms. Sheldon asked for clarification that the vote in August is just for the funds to purchase the property. The Board confirmed.

Mr. Carboni asked how long after the vote will the building be demolished. Chair Wright stated that demolition still needs to be determined; it is just one option.

Tammy Cole, Ally Pond Road, spoke. She stated this is a fantastic opportunity for the Town and the possibilities are numerous. She compared the situation with the unpaid fines at 71 Sullivan Street to the Prime Tanning site. The Town will benefit from both properties in the future. She asked who decides on the demolition and how the extra \$45,000 will be spent. Chair Wright said it would not go to a public vote but the Board of Selectmen would work with the Recreation Committee and others for any decisions.

James Bellissimo, EBC, spoke. He stated Fund of Jupiter is paying the back taxes on the Prime Tanning site.

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

7. Reports of Committees

- **BCTV Committee**

BCTV is now streaming live. Contract negotiations with ComCast are ongoing. The programming schedule is now available.

- **Envision Berwick**

James Bellissimo, Chair reported.

- Public hearing July 27th on adopting form based code for the Village Overlay District.
- Stack of bricks from the Prime site can be reused. A landscape architect has been contacted regarding a design for a memorial sculpture. Mr. Bellissimo asked the Board for direction on who would take charge of this project. Town Manager Eldridge suggested talking to Mr. Kehaya of Fund of Jupiter.
- Great Falls clean-up day is this Saturday from 9-1. Invasive species and garbage will be removed in preparation of a riverfront park.
- Berwick for a Lifetime had a successful community forum.

8. Appointments/Presentations/Other Guests

- Planning Board Alternate Member
 - Lisa Heath

Not present.

- Michael LaRue

Mr. LaRue stated he lives on Pine Hill Road. He moved to Berwick in January. He is employed by BMW Peabody for 11 years. He is interested in public service. He is a grange member. Selectman Pendergast asked his views on planning. Mr. LaRue replied he likes farming and will be a homesteader after one year of residency. He appreciates the small town way of life.

- Melinda Proulx

Ms. Proulx lives on Pine Hill Road. She is from Connecticut. And works as an apparel designer. She wants to be involved and be a part of the community.

Motion: Selectman Plante moved to appoint Michael LaRue as Alternate Member of the Planning Board with a term to expire December 1, 2017. Selectman Ganiere seconded the motion.

The motion carried unanimously: 5-0

- Re-Appointment EBC
 - Ruth Bleau

Motion: Chair Wright moved to reappoint Ruth Bleau to the Envision Berwick Committee for a two year term to expire June 30, 2019. Selectman Pendergast seconded the motion.

The motion passed: 5:0

9. Unfinished Business

- Fire Station Design RFP

Town Manager Eldridge reported that ten proposals were received. Most had a price per hour listed. The committee is reviewing the proposals. Selectman Pendergast asked how the design is possible without a location. Mr. Eldridge replied part of the task is looking at existing Town properties which could accommodate the station and at other possible sites.

10. Town Manager Report

- Mr. Eldridge received a petition requesting speed bumps at Logan Street when the road is rebuilt. He spoke to Scott Libby who will look into it.
- Prime Update: There was an oil pipe break (with no leakage) which delayed work. The current work should be completed by end of month.
- MMA Executive Board appointees

Motion: Chair Wright moved to appoint the members to the MMA Executive Board as stated on the ballot. Selectman Plante seconded the motion.

The motion passed: 5:0

- Marijuana ordinance – The Planning Board has made recommendations for changes to the ordinance submitted by the Board of Selectmen. The recommendations include a sunset provision until December 31, 2018, a moratorium for 180 days if the ordinance fails, and/or a separate vote on the five license classes. Further discussions will happen at the August 1, 2017 meeting. Selectman Pendergast invited public comment. Ms. Jody Rogers, Stratham, NH, spoke. She and her sons own property at 420 Portland Street and holds a permit for medical marijuana cultivation. She presented the Board an informational packet. She attended the Planning Board public hearing on the marijuana ordinance. She believes the Planning Boards issue was the timeline to come up with regulations. She noted the Town of Berwick voted in favor of Question 1 to legalize marijuana at the State referendum election. She stated her opinion is that regulation is the

best way to control marijuana use and sales. The State is compiling a rigorous vetting process for people applying for licenses. The State will be granting licenses for the five classes separately. She thinks voting separately is a good idea. She thinks Berwick has a unique opportunity.

- The Library Committee has invited the Board of Selectmen to visit the Library for a meeting. This would need to be on an off meeting night. The Board agreed to attend on an off Tuesday.

11. Selectmen Communications

12. Approval of Warrants

06-22-2017	A/P Warrant #1751	\$ 133,158.17
06-22-2017	Water Warrant #0751	\$ 4,390.74
06-15-2017	Payroll Warrant #1752	\$ 51,024.76
06-29-2017	Water Warrant #0752	\$ 2,349.76
06-29-2017	A/P Warrant #1752	\$ 204,656.08
07-06-2017	Payroll Warrant #1801	\$ 66,442.01
07-06-2017	A/P Warrant #1801	\$687,949.14
06-30-2017	A/P Warrant #1753	\$118,284.55
06-30-2017	Water Warrant #0753	\$ 6,865.55
07-13-2017	Payroll Warrant #1802	\$ 53,623.62
07-13-2017	A/P Warrant #1802	\$ 36,378.23
07-13-2017	Water Warrant #0802	\$ 2,751.39
07-20-2017	Payroll Warrant #1803	\$ 54,301.79

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

- Foreclosed Property Bids

Chair Wright opened the bids. Two were received; \$2,000.00 for M/L R017-032, 0 Togue Road from Joseph Patenaude and \$5,500.00 for M/L R054-008-B-002 from Joseph Patenaude.

The Board asked for the minimum bid request. Town Manager Eldridge will supply at the next meeting.

- Clock Bids

12 bids were received for the clocks. The high bids were clock 1:30 from David Emery at \$1,219.79, clock 9:03 from David Emery for \$819.79, and clock 11:36 from Theodore Taskar for \$279.00.

Motion: Selectman Plante made a motion to accept the highest bids for the three clocks as presented. Selectman Ganiere seconded the motion.

The motion carried unanimously: 5-0.

- Selectmen to set Polling Hours

Motion: Selectman Plante made a motion to set the polling hours for the August 8, 2017 Special Town Meeting from 8:00am to 8:00pm. Selectman Ganiere seconded the motion.

The motion carried unanimously: 5-0.

- Resolution regarding the Economic Impacts of the combined Courthouse in York County

This is regarding the new courthouse construction in Biddeford but the District Attorney would be located in Alfred.

Motion: Selectman Pendergast made a motion to sign the resolution as presented. Selectman Ganiere seconded the motion.

The motion carried unanimously: 5-0.

- Contingency Fund for consultation at 71 Sullivan Street

Town Manager Eldridge reported that fees resulting from Lassel Architects consultation on the 71 Sullivan Street property were not budgeted for and he is requesting the money come from the contingency fund.

Motion: Selectman Ganiere made a motion to authorize utilizing contingency funds to pay Lassel Architects in the amount of \$8,500.00 as presented. Selectman England seconded the motion.

The motion carried unanimously: 5-0.

14. Quitclaim Deeds and/or Installment Contracts

- Installment Contract for Map R050 Lot 010-000

Motion: Selectman Plante moved to accept the Installment Contract for Map 050 Lot 010-000 as written. Selectman Pendergast seconded the motion.

The motion passed: 5:0

15. Abatements/Supplements

- Supplemental Assessment Tree Growth Penalty Map R040 Lot 010-A

Motion: Selectman Plante moved to accept the Supplemental Assessment Tree Growth Penalty for Map R040 Lot 010-A as written. Selectman England seconded the motion.

The motion passed: 5:0

- Supplemental Assessment Tree Growth Penalty Map R029 Lot 016

Motion: Chair Wright moved to accept the Supplemental Assessment Tree Growth Penalty Map R029 Lot 016 as written. Selectman Plante seconded the motion.

The motion passed: 5:0

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

Executive Session

- Title 1 §405(6)(A) - Discussion of Personnel

Motion: Selectman Ganiere made a motion to enter into Executive Session per MSRA Title 1 §405(6)(A) – Discussion of Personnel. Selectmen England seconded the motion.

The motion carried unanimously: 5 – 0.

The Board entered into Executive Session at 9:00pm.

The Board resumed its regular meeting at 9:15pm. Chair Wright noted no actions were made during the Executive Session.

18. Other Business/Non-Agenda Items

None.

19. Adjournment

The meeting adjourned at 9:15pm.

Respectfully submitted,

**Patricia Murray
Town Clerk**

The July 18, 2017 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s August 1, 2017 Meeting.

On behalf of the Board
