



# Town of Berwick

## BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

---

Tuesday, October 17, 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, and Selectman Joshua Plante.

Board Members Absent: Selectman Rebecca England and Selectman Mark Pendergast

Staff Members Present: Town Clerk Patricia Murray.

### 3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

### 4. Approval of Meeting Minutes

- October 3, 2017

**Motion:** Selectman Plante moved to accept the October 3, 2017 minutes as written. Vice Chair Ganiere seconded the motion.

**The motion carried: 3:0**

### 5. First Public Comment

Chair Wright opened the first public comment.

Ms. Louisa Sheldon, 65 Sullivan Street, spoke. She had concerns about the November 7, 2017 election and the Land Use Ordinance changes. Her concern is that the taxation rate which has been increased through the TIF program is not going to go towards the infrastructure for the town. She stated this is a concern since the Estabrook School was included in the TIF district to suit plans for that site. She thinks people are not stepping up to the plate. She is also concerned with the rate of absenteeism of Selectmen

at their meetings. She said items are being voted on by three members. She said it isn't fair to the residents that taxes increase around town where it's been expanded for the Town's needs and to not funnel that money back in to the Town of Berwick. A new fire department is being proposed, a new police department will be needed, the sober home recreation area will probably cost \$350,000.00 and if money doesn't get re-routed to the Town's needs it will be out of control.

Chair Wright responded. The Tax Increment Finance (TIF) District has been formed but no contracts have been signed. To say the money is not coming back in to the Town is wrong because there is no money yet. Discussion ensued regarding the TIF District timeline which is a 20-year TIF. Chair Wright clarified that TIF money can go towards infrastructure to support the needs of the Town. It cannot go directly towards the school district because of the tri-town district. Chair Wright explained that the purchase of 71 Sullivan Street (sober home) was \$155,000.00 and about \$2,000.00 in legal fees. The remaining \$43,000.00 is put aside for possible demolition. He said the \$350,000.00 is not a number that is associated with the property. There are no immediate plans for the property.

Ms. Sheldon asked if there is no contract with the TIF in two years would the TIF clock still be running. The Board confirmed. Chair Wright explained that the TIF takes the increase of value of the property and puts that increase into the TIF district which shields it from being included in the state valuation for the school budget for instance. It's similar to what North Berwick does with Pratt Whitney, etc.

Ms. Sheldon also noted the spectacle that occurred between members of the Board on August 15<sup>th</sup> needs to stop. Chair Wright noted it did stop. Ms. Sheldon stated there was a public panel interview to replace members of the Sewer District Board of Trustees and asked why the BCTV coordinator position wasn't handled similarly. She noted that could be redacted. Selectman Plante clarified that Ms. Sheldon is referring to blacking out the person's personal information from the resume that applied to the BCTV Coordinator position and was not hired. Chair Wright stated that Town Manager Eldridge checked with the Town's attorney who confirmed this information is not public. Selectman Plante stated he would check on whether a redacted copy is protected under privacy laws. Chair Wright explained the difference between hiring a Town employee which is done by the Town Manager and appointing volunteers to a board which is done by the Board of Selectmen. The Board of Selectmen does not get involved in the hiring of town employees.

Selectman Plante stated it will be important for the Board to look at needs and costs at 71 Sullivan Street prior to decisions. The existing parking area at the recreations fields should be looked at for reconfiguration to allow more spaces.

Ms. Eleanor Murphy, Rochester Street, spoke. She noted that the Town of Berwick runs under the State statute of a Town Manager form of government.

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

## **6. Public Hearing**

- November 7, 2017 State/Town Referendum Election

Chair Wright opened the public hearing. He read the town warrant articles.

### **ARTICLE 2:**

Shall the Town vote to adopt the proposed amendments to the Land Use Ordinance?

THE BOARD OF SELECTMEN RECOMMENDS YES/NO VOTE 3:0

### ARTICLE 3:

Shall the Town vote to adopt the Municipality of Berwick Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Stores and Retail Marijuana Social Clubs? THE BOARD OF SELECTMEN RECOMMENDS YES/NO VOTE 3:0

There was a question about the 3:0 vote on article 3. Town Clerk Murray explained that the Board had to originally vote on August 1<sup>st</sup> on the three options that were presented to the Board; a 180-day moratorium, a complete ban, or separating the 5 classes; store, cultivation facility, products manufacturing facility, testing facility, and social club. A motion was made to submit the moratorium for placement on the referendum ballot in November. The Board voted 3:2 on that motion. The 3:0 motion came at the September 19<sup>th</sup> meeting to finalize and accept the November 7, 2017 Referendum Warrant at which time each article was voted on and resulted in a 3:0 vote to recommend a “yes” vote on the ballot.

Ms. Louisa Sheldon, 65 Sullivan Street, spoke. She asked for clarification on Article 2. Chair Wright stated this would instate a 180-day moratorium on retail marijuana. She also asked about the changes to the LUO and the expanded village overlay district. She stated she disagree with the inclusion of the Estabrook school area because of the height issues and setbacks proposed. Chair Wright explained the village overlay district and what is included. She asked if the TIF district was in the village overlay district. Chair Wright confirmed. The map was reviewed and Chair Wright further explained the area of the village overlay district. Ms. Sheldon questioned whether her home was in the Village Overlay district. Discussion ensued regarding the district boundaries.

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

### 7. Reports of Committees

- **BCTV Committee**

Chair Wright stated negotiations with Comcast are on-going.

- **Envision Berwick**

Chair Wright reported that BCTV attempted to live stream the EBC Downtown Proposal by Mark Kehaya, Fund of Jupiter, which was held in the auditorium on October 12, 2017 but they were unable to get the audio to function. The video is available on-demand on the BCTV website.

### 8. Appointments/Presentations/Other Guests

- MSAD #60 Board of Directors extension until Town Meeting in May or June
  - Travis Doiron
  - Denise Mallett

Due to a misunderstanding the appointments for Mr. Doiron and Ms. Mallett were set until November 2017. An extension is being requested because the deadline for the November 7<sup>th</sup> ballot has passed.

**Motion:** Selectman Plante moved to extend the MSAD #60 Board of Directors appointments for Travis Doiron and Denise Mallett until the 2018 Town Meeting. Chair Wright seconded the motion.

**The motion carried unanimously: 3:0**

### 9. Unfinished Business

- Post Issuance Compliance Policy

This policy is requested by Maureen Finger, Finance Director as per direction from the Town’s Bond Counsel.

**Motion:** Chair Wright moved to adopt the Post Issuance Compliance Policy as presented. Vice Chair Ganiere seconded the motion.

**The motion carried unanimously: 3:0**

**10. Town Manager Report**

None.

**11. Selectmen Communications**

None.

**12. Approval of Warrants**

10-05-2017	A/P Warrant #1814	\$744,450.55
10-05-2017	Water A/P Warrant #0814	\$ 1,156.86
10-12-2017	Payroll Warrant #1815	\$ 49,581.44
10-12-2017	A/P Warrant #0815	\$100,783.16
10-12-2017	Water Warrant #1815	\$ 2,343.37
10-19-2017	Payroll Warrant #1816	\$ 48,595.60

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

**The motion carried unanimously: 3:0.**

**13. New Business**

- Supplement (Second) to Agreement for Rehabilitation and Sale of Real Estate

Chair Wright suggested tabling this item until Town Manager Eldridge's return.

**Motion:** Chair Wright made a motion to table the item Supplement (Second) to Agreement for Rehabilitation and Sale of Real Estate until the next Board of Selectmen Meeting. Vice Chair Ganiere seconded the motion.

**The motion carried unanimously: 3:0.**

**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**

None.

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

- November 7, 2017 BOS Meeting.

The next regularly scheduled Board meeting is scheduled for Tuesday, November 7<sup>th</sup> which is election day.

**Motion:** Chair Wright made a motion to move the November 7, 2017 BOS meeting to Wednesday, November 8, 2017. Selectman Plante seconded the motion.

**The motion carried unanimously: 3:0.**

**19. Adjournment**

The meeting adjourned at 7:02pm.

**Respectfully submitted,**

**Patricia Murray  
Town Clerk**

**The October 17, 2017 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s  
November 8, 2017 Meeting.**

**On behalf of the Board**

---