



Town of Berwick

BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, October 23, 2018

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 Ed Ganiere and Selectman Mark Pendergast

Board Members Absent: Selectman Rebecca England and Selectman Kenneth Manning, Jr.

Staff Members Present: Town Manager Stephen Eldridge, Fire Chief Dennis Plante, Public Works Supervisor Robert Pershey and Town Clerk Patricia Murray.

3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- October 9, 2018

Motion: Vice Chair Ganiere moved to accept the October 9, 2018 minutes with the addition of Vice Chair Ganiere to the Roll Call. Selectman Manning seconded the motion.

The motion carried: 3:0

5. First Public Comment

Chair Wright opened the first public comment.

Ms. Terri Wright, Cemetery Road, spoke. She reminded people that Trunk N Treat is Tuesday, October 30 at Town Hall from 5:30 to 7:00pm. She stated BCTV will also have their room open for families to see themselves on TV.

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

6. Public Hearing

- November 6, 2018 Town Referendum Election

Chair Wright opened the public hearing and read the November 6, 2018 Warrant:

ARTICLE 1

To elect a Moderator to preside over the meeting.

ARTICLE 2

Shall the Town vote to adopt the Amendments to Land Use Ordinance regarding Medical Marijuana?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 3

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

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 4

Shall the Town vote to designate any Town owned property a Safe Zone as described in Title 17-A §1101 and Title 30-A, section 3253?

Note: Title 17-A §1101 reads “Safe zone means an athletic field, park, playground or recreational facility that is designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.” Title 30-A, section 3253 reads “A municipality may designate an area of the municipality that is frequented by minors as a safe zone under Title 17-A, section 1101, subsection 23. A safe zone designated pursuant to this section must be conspicuously marked by the municipality with an informational sign using wording provided by the Commissioner of Public Safety.”

Drug crimes committed within 1000 feet of a safe zone have increased penalties. (17-A MRSA Chapter 45)

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 5

To see if the Town will vote to (1) approve the design, construction and improvements of a new fire station and the design, construction and improvements for a police department building renovation including all other reasonable costs related thereto (together, the “Project”); (2) appropriate a sum not to exceed \$6,000,000 for the costs of the Project; (3) to fund this appropriation, authorize the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of Berwick, Maine, including temporary notes in anticipation of the sale thereof and refunding obligations, in an aggregate principal amount not to exceed \$6,000,000?

Financial Statement

1.	Total Town Indebtedness	
	a.	Bonds Outstanding (Town) \$1,125,000
	b.	Bonds Authorized and Unissued \$ 0

c.	Bonds to be issued if this vote is approved	<u>\$6,000,000</u>
	Total	\$7,125,000

2. Costs

At an estimated interest rate of 3.75 % the estimated cost of the bond will be:
20 years

a.	Principle	\$6,000,000
b.	Interest	<u>\$2,742,594</u>
	Total	\$8,742,564

Validity

The validity of the bond or the voter's ratification of the bond may not be affected by any errors in the above estimate. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Stephen G. Eldridge
Treasurer, Town of Berwick

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0]

ADVISORY REFERENDUM QUESTION
(NON-BINDING OPINION POLL)

ARTICLE 6

If Article 5 funding is approved by the voters of the Town of Berwick, should the Town build the new fire station on the property that consists of 6 acres located on Cemetery Road, Berwick, Maine; or the property known as the Estabrook School, 20 Wilson Street, Berwick Maine. (vote for one):

- Cemetery Road
 Estabrook School

Brandon Morrill, Cemetery Road, spoke. He said two of his neighbors did not receive the mailing regarding the public hearing. Mr. Morrill stated the bid presented looked padded so that both properties came out costing the same. He asked if there would be demolition at Estabrook regardless of where the new fire station is built. Chair Wright stated demolition at Estabrook would be slated in the future if the Town retained the property but would not need to be done for the Cemetery Road project. Mr. Morrill also expressed concern over the weight of the trucks on Cemetery Road and Ridlon Road and sirens going off during funerals. He stated the building proposal were the same for both properties which is not typical in construction bids.

Larry Kerr, Cranberry Meadow Road, Spoke. He asked for clarification on the amendments to the LUO is Articles 2 and 3. Chair Wright read and explained the exhibits for the articles. Mr. Kerr also asked about the estimated bond interest rate on Article 5. Town Manager Eldridge explained those rates are from the bond bank.

Leanna Simao, Diamond Hill, spoke. She asked for the details on Article 2. The Board explained the amendments to the LUO including medical marijuana and odor control.

Brandon Morrill, Cemetery Road, spoke. He stated his property has grandfathered animals because his property is not zoned for the animals. He asked if the odor control would affect his animals. Chair Wright explained the zones which this would affect and clarified “a permitted use” in the R2 zone.

Leanna Simao, Diamond Hill, spoke. She asked for confirmation that zone R3 does not allow medical marijuana facilities. Chair Wright explained that commercial use is allowed in R3 on Routes 4 and 9 and that individual caregivers are regulated at the State level.

Susan Morse, Jordan Street, spoke. She asked if medical marijuana storefronts are allowed. Chair Wright explained there are State laws regarding medical marijuana. Berwick’s LUO pertains to the town. Medical marijuana storefronts are allowed.

Judy, Old Sanford Road, spoke. She asked for explanation on Article 6 and it being non-binding. Chair Wright replied that this is a way to get the voters preference but does not bind the Town to that site in case the site is not suitable for the construction. The Board will take the vote into account.

Mike Ouellette, Route 236, spoke. He asked for the break down of the Police Department renovation proposal in Article 5. The Police Department renovation is estimated at \$277,000.00.

Kathleen Campbell, Woodlily Lane, spoke. She inquired about the progress regarding the community center/senior center in Town. She also asked if Estabrook School was being considered for senior housing. Chair Wright responded that several options are being looked at for a community center including a partnership with the House of Hope who received donations for a center.

Tony Cincotta, Cranberry Meadow, spoke. He asked about the cost difference between the two proposed sites. Chair Wright replied that the Cemetery Road site is roughly \$100,000.00 less which includes a new water line. The Estabrook site proposal includes demolition. Mr. Cincotta noted that there is ledge and wetlands at the Estabrook site.

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

7. Reports of Committees

- **BCTV Committee**

No report.

- **Envision Berwick**

No report. Town Manager Eldridge stated a traffic study is being conducted in the next 8 to 9 months in the downtown area.

Department Reports

- **Public Works**

Robert Pershey, Public Works Supervisor, reported the following:

- The crew is finishing up summer work and getting ready for winter.
- Culvert replacement and ditching is underway.
- Public Works is preparing for leaf removal in ditches and at Town properties and cemeteries.

- They are also working on plow equipment.
- A new mechanic was hired. He has been preparing the truck and equipment for use.
- DEP inspected the underground tank. There are a few issues to fix. The existing tanks are 30 years old and are due to be replaced next year.
- Mr. Pershey is working with Town Manager Eldridge on a road maintenance plan.

- **Fire Department**

Chief Dennis Plante reported the following:

- The on-call roster is down to 25 from 32.
- The per diem positions were added in July and is working well but it is difficult to get applicants.
- The department has responded to approximately 700 calls with a majority being medical aid.
- The department structure will change due to full time staffing; the paid staff will be receiving officer qualifications.
- Changes with dispatch is going well.

8. Appointments/Presentations/Other Guests

- Dan Vincent; Code Enforcement Officer, NFPA 101 Life Safety Code Administrator, Plumbing Inspector and Building Inspector; without term

Motion: Vice Chair Ganiere moved to appoint Dan Vincent Code Enforcement Officer, NFPA 101 Life Safety Code Administrator, Plumbing Inspector and Building Inspector without term. Selectman Pendergast seconded the motion.

The motion carried: 3:0

- Ralph Morang, BCTV 3-year term

Ralph Morang was present. Mr. Morang is a photographer and videographer. He has been shooting for BCTV since February.

Motion: Vice Chair Ganiere moved to appoint Ralph Morang to the BCTV Committee for a three-year term ending June 30, 2021. Selectman Pendergast seconded the motion.

The motion carried: 3:0

9. Unfinished Business

None.

10. Town Manager Report

Town Manager Eldridge reported the following:

- The new wheel loader for Public Works will be delivered next Friday.
- EPA issued a final closure for 7.8 acres at the Prime site.
- The Salmon Falls mock chemical spill exercise was filmed by BCTV.
- The Police Department has a drug collection on Saturday.
- The new Finance Director, John MacLeod, will start Monday.

11. Selectmen Communications

None.

12. Approval of Warrants

10-11-2018	A/P Warrant #1915	\$ 174,680.87
10-11-2018	Water A/P Warrant #0915	\$ 3,354.03
10-18-2018	A/P Warrant #1916	\$ 53,020.76
10-18-2018	Water A/P Warrant #0916	\$ 2,154.36
10-18-2018	Payroll Warrant #1916	\$ 49,561.22
10-25-2018	Payroll Warrant #1917	\$ 66,299.47

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

The motion carried: 3:0

13. New Business

- Maine Revenue Services 2018 Municipal Valuation Return

Town Manager Eldridge explained this is an annual form that Assessing needs to submit to the State. The form needs Select Board signatures and is due to the State on November 1, 2018.

Motion: Selectman Pendergast made a motion to accept the 2018 Municipal Valuation Return as presented. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3:0.

- CMP Pole Petition # 10300497167 Diamond Hill Road

The permit request is for construction and maintenance of poles beginning at 245 Diamond Hill Road.

Motion: Vice Chair Ganiere made a motion to approve Pole Permit Request #10300407167. Selectman Pendergast seconded the motion.

The motion carried: 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.

Ms. Eleanor Murphy, Rochester St, spoke. She stated she gets fire trucks going past her house from Berwick and Somersworth. She also stated she had never had a complaint while serving on the Board of Selectmen regarding the old ambulance service. Lately she has heard from two different people about the current ambulance service.

Mr. Tony Cincotta, Cranberry Meadow, spoke. He asked about the feasibility of putting an ambulance at the new fire station. The preliminary design includes that possibility.

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

17. Executive Session

None.

18. Other Business/Non-Agenda Items

19. Adjournment

The meeting adjourned at 8:06pm.

Respectfully submitted,

**Patricia Murray
Town Clerk**

**The October 23, 2018 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s
November 13, 2018 Meeting.**

On behalf of the Board
