



Town of Berwick

BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, March 6, 2018

6:30pm

Selectmen's Room
11 Sullivan Street
Berwick, ME 03901

1. Call to Order

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

2. Roll Call

Board Members Present: Vice Chair Edward Ganiere, Selectman Rebecca England, Selectman Mark Pendergast and Selectman Joshua Plante.

Board Members Absent: Chair Thomas Wright

Staff Members Present: Town Manager Stephen Eldridge, Finance Director Maureen Finger and Town Clerk Patricia Murray.

3. Pledge of Allegiance

Vice Chair Ganiere led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- February 20, 2018

Motion: Selectman Plante moved to accept the February 20, 2018 minutes as written. Vice Chair Ganiere seconded the motion.

The motion carried: 2:0 with Selectmen England and Pendergast abstaining

5. First Public Comment

Vice Chair Ganiere extended an apology for his participation in the meeting with Lebanon. He believes the meeting was done with the best intentions and he looks forward to the joint meeting with North Berwick, Lebanon and MSAD 60.

Vice Chair Ganiere opened the first public comment.

Mr. Dustin Price, 18 Evergreen Drive, spoke. He stated he pulled recall petitions for Selectmen Pendergast and Wright. Mr. Price read a statement outlining the reasons he pulled recall petitions.

Mr. Don Young, The Berwick Historical Society, spoke. On Wednesday, March 13, 2018 there is a program on the US Constitution by Niles Schore.

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

6. Public Hearing

None.

7. Reports of Committees

- **BCTV Committee**

Town Manager Eldridge reported that the finished contract has been sent to Comcast.

- **Envision Berwick**

Town Manager Eldridge reported there is a joint meeting on March 13, 2018 with Planning Board, EBC, and Board of Selectmen.

8. Appointments/Presentations/Other Guests

- Presentation: Proposed changes to the LUO for June 12, 2018 Town Warrant

Mr. Dave Andreesen, Planning Board Chair, presented the LUO changes.

Land Use Ordinance

Amendments for Town Vote June 2018

Amendment 1.

FIGURE 1. – Map of Village Overlay District

See the Town of Berwick's Zoning Map at berwickmaine.org/maps as the map may be amended from time to time.

Amendment 2.

Section 5.2

D. Non-conforming Lots of Record

1. A vacant non-conforming lot of record may be built upon provided it is not contiguous with any other vacant lot in the same ownership. A vacant lot of record does not have to meet area or frontage requirements of this ordinance. However, all other dimensional standards of this ordinance shall be met unless a variance is obtained from the Board of Appeals. Buildings shall be limited to a single family or two-family dwelling unit **unless the property has frontage on Route 9 or Route 4 and the use is permitted in the pertinent zoning district.**

Amendment 3.

Section 2.2

Retail Use Marijuana: Means the cultivation, manufacture, distribution or selling of marijuana by a retail marijuana establishment or retail marijuana social club as referenced in MRS 7, Section 2442.

Amendment 4.

Land Use Table

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Retail Use Marijuana+	X	X	X	X	X	X	X	X	X	X

+ Retail Use Marijuana is prohibited until the laws at the State level are determined, after that point, the Planning Board will review the Retail Use Marijuana definition and Land Use Table.

Amendment 5.

Section 12.2

Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the municipal officers or the Planning Board, a fee of \$75 **\$250** shall accompany the proposal to cover the costs of hearings and advertisements

Amendment 6.

Section 8.3

F. Failure to achieve substantial completion of a subdivision within 3 years of the date of approval and signing of the plan shall render the plan null and void. Phased subdivisions must complete the first phase within 3 years and each phase thereafter within 3 years of the completion of the previous. ~~Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.~~

Amendment 7.

Section 7.21

E. Prohibition of Non-Storm Water Discharges

1. **2. Allowed Non-Storm Water Discharges.** The creation, initiation, origination and maintenance of the following non-storm water discharges to the storm drainage system are allowed **as long as they do not cause or contribute to a violation of the State's water quality standards:**

- a. Landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)); uncontaminated pumped ground water; uncontaminated flows from foundation drains; air conditioning and compressor condensate; irrigation water; flows from uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated flows from footing drains; lawn watering runoff; flows from riparian habitats and wetlands; residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used); hydrant flushing and fire fighting activity runoff; water line flushing and discharges from potable water sources; individual residential car washing; **and dechlorinated swimming pool discharges**
- b. Discharges specified in writing by the Code Enforcement Officer as being necessary to protect public health and safety; and
- c. Dye testing, with verbal notification to the Code Enforcement Officer prior to the time of the test.

9. Unfinished Business

- Land Purchase Cemetery Road; rescind motion

On January 16, 2018, the Board made a motion to place the purchase of the land on Cemetery Road for \$87,500.00 and additional funds of up to \$5,000.00 for a water line on the June 12, 2018 Town Meeting warrant. They have since decided to postpone this warrant article until the November 6, 2018 Election. This motion need to be rescinded.

Motion: Selectman England made a motion to rescind the motion to place the purchase of the land on Cemetery Road for \$87,500.00 and additional funds of up to \$5,000.00 for a water line on the June 12, 2018 Town Meeting warrant. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0

Motion: Selectman England made a motion to place the purchase of the land on Cemetery Road for \$87,500.00 and additional funds of up to \$5,000.00 for a water line on the November 6, 2018 Town Meeting warrant. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0

10. Town Manager Report

Town Manager Eldridge reported the following:

- A survey was distributed for the Transfer Station. Traffic flow complaints have been received. The survey results and recommendations for changes will be presented to the Board on March 20, 2018.
- Mr. Eldridge will be attending a dispatch meeting in Sanford on Wednesday, March 7, 2018. Berwick is considering moving dispatch services to Sanford.
- Mr. Eldridge has met with Maine DOT regarding Route 236 and Route 4. The State is going to be paving some of Route 236. They will inspect to see if some sections should be rebuilt. The State will also look at Route 4 for consideration of turning lanes.

- The salt/sand shed at Public Works has been closed due to contractors taking truckloads of salt/sand for business use. The general public can get salt/sand during open hours from 8am – 4pm, Monday – Friday.

11. Selectmen Communications

Vice Chair Ganiere announced a meeting between Select Boards of Berwick, North Berwick, Lebanon and MSAD 60 Board of Directors on March 19, 2018. At Noble High School library.

12. Approval of Warrants

02-22-2018 A/P Warrant #1834 \$ 66,103.38

Motion: Selectman Pendergast made a motion to accept A/P Warrant #1834 as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0

02-22-2018 Water A/P Warrant #0834 \$ 42,591.47

Motion: Selectman England made a motion to accept Water A/P Warrant #0834 as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0

03-01-2018 Payroll Warrant #1835 \$ 50,641.40

Motion: Selectman Pendergast made a motion to accept Payroll Warrant #1835 as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0

03-01-2018 A/P Warrant #1835 \$ 788,622.09

Motion: Selectman England made a motion to accept A/P Warrant #1835 as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0

03-01-2018 Water A/P Warrant #0835 \$ 4,179.73

Motion: Selectman Pendergast made a motion to accept Water A/P Warrant #0835 as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0

03-08-2018 Payroll Warrant #1836 \$ 46,448.64

Motion: Selectman Pendergast made a motion to accept Payroll Warrant #1836 as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0

13. New Business

- Board Approval of Town Manager’s Budget

Town Manager Eldridge presented his recommended budget. The Board made changes to the following:

- Assessor’s Office Account: change from \$76,550 to \$86,550 to cover the revaluation.
- Community/Agency Appropriations Account: change from \$15,536 to \$24,450 to cover the increase in donation to Coast Bus.

- Berwick Library Association: change from \$99,000 to \$104,000 as per request from the Library.

The Board approved all other line items as recommended by the Town Manager.

- MDOT – Permit for Roads exceeding weight limits

Town Manager Eldridge stated the Maine DOT requested a permit to haul equipment which will exceed legal weight limits on certain roads to complete construction projects.

Motion: Selectman England made a motion to accept and sign the permit request with a bond inclusion as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0

- Award Town Report printing bid

Town Clerk Murray reported two bids were received for the printing of the Annual Town Report; Snowman Group at \$1,709.86 and Digital Printing at \$5,665.00. She requested the bid be awarded to the Snowman Group.

Motion: Selectman Pendergast made a motion to award the printing bid to the Snowman Group for \$1,709.86 as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0

- Kristie Rabasca; MS4 Presentation

Kristie Rabasca, Integrated Environmental Engineering, Inc., was present. Ms. Rabasca helps the Town comply with the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. There are 30 communities in the State that are subject to this permit. Berwick has been subject to the permit since 2003. The permits run in 5-year segments. The current permit expires June, 2018. The DEP along with US EPA will draft the permit for review by the communities. Ms. Rabasca has trained the Code Enforcement Office, Public Works Supervisor and Planning Technician for their roles in stormwater upkeep.

14. Quitclaim Deeds and/or Installment Contracts

None.

15. Abatements/Supplements

- Abatement: Map R070 Lot 16, 11 Pond Road

Assessor McKenney explained this request is due to converting office space into residential use.

Motion: Selectman Pendergast made a motion to accept the abatement for Map R070 Lot 16, 11 Pond Road as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0.

- Abatement: Map R019 Lot 23-3, 7 Mathews Lane

Assessor McKenney explained this request is due to incorrect square footage reporting.

Motion: Selectman Pendergast made a motion to accept the abatement for Map R019 Lot 23-3, 7 Mathews Lane as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0.

- Abatement: Map R006 Lot 9B, 338 Little River Road
Assessor McKenney explained this request is due to incorrect site size.

Motion: Selectman England made a motion to accept the abatement for Map R006 Lot 9B, 338 Little River Road as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0.

- Abatement: Map R070 Lot 9-1, 361 Blackberry Hill Road
Assessor McKenney explained this request is due to a change in style classification.

Motion: Selectman England made a motion to accept the abatement for Map R070 Lot 9-1, 361 Blackberry Hill Road as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0.

- Abatement: Map R036 Lot 33-18, 16 Bobcat Lane

Assessor McKenney explained this request is due to the owner stating she submitted a homestead exemption form that was not received by the Assessing Department.

Motion: Selectman Pendergast made a motion to deny the abatement for Map R036 Lot 33-18, 16 Bobcat Lane as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 4:0.

- Abatement: Map U001 Lot 89, 24 Second Street
Assessor McKenney explained this request is due to the poor condition of the property.

Motion: Selectman Pendergast made a motion to accept the abatement for Map U001 Lot 89, 24 Second Street as presented. Selectman England seconded the motion.

The motion carried unanimously: 4:0.

16. Second Public Comment

Vice Chair Ganiere opened the second public comment.

Mr. Charles Galembo, North Berwick Board of Selectmen Member, spoke. He presented handouts and explained ED279. Mr. Galembo gave a history of MSAD 60 and the allocation of State funds.

Ms. Eleanor Murphy, Rochester Street, spoke. She spoke about the waiver that was introduced regarding the allocation of State funds to the school district. Ms. Murphy also spoke about the Sinclair Act.

Mr. Dustin Price, 18 Evergreen Drive, spoke. He thanked Selectman England for attending the MSAD Board meeting. He spoke about the difference in character presented at tonight's meeting compared to previous meetings. Discussion regarding meeting announcements ensued.

There being no further comments, Vice Chair Ganiere closed the second public comment.

17. Executive Session

- Title 1 §405(6)(A) – Discussion of Personnel
The Board did not enter executive session.

18. Other Business/Non-Agenda Items

None.

19. Adjournment

The meeting adjourned at 8:38pm.

Respectfully submitted,

**Patricia Murray
Town Clerk**

The March 6, 2018 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s March 20, 2018 Meeting.

On behalf of the Board
