



# Town of Berwick

## BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

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Tuesday, February 25, 2020

6:30pm

Selectmen's Room  
11 Sullivan Street  
Berwick, ME 03901

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### 1. Call to Order

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

### 2. Roll Call

Board Members Present: Chair Thomas Wright, Selectman Noah Cobb and Selectman Kenneth Manning, Jr.

Board Members Absent: Vice Chair Ed Ganiere and Selectman Mark Pendergast

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

- January 28, 2020

**Motion:** Selectman Manning moved to accept the January 28, 2020 minutes as written. Selectman Cobb seconded the motion.

**The motion carried: 3:0**

- February 11, 2020

**Tabled**

### 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

None.

**7. Reports of Committees**

- **BCTV Committee**

None.

- **Envision Berwick Committee**

None.

**Department Reports**

- **Water Department**

Town Manager reported that a loan application was awarded through DHHS for \$1.2 million which is slated to be used for plant upgrades and improvements for better water quality. The loan is a drawdown loan. The plan will be presented to the BOS at a later date.

**Motion:** Chair Wright moved to accept the \$1,200,000 loan from DHHS. Selectman Manning seconded the motion.

**The motion carried: 3:0**

**8. Appointments/Presentations/Other Guests**

- **Presentations:**

- Dave Andreesen, Planning Board Chair; LUO Changes

Chair Dave Andreesen, Vice Chair Nichole Fecteau, Member David Ross-Lyons and Member Michael LaRue were present from the Planning Board.

Planning Board Chair Andreesen offered clarification on the proposed LUO changes that were presented to the BOS on February 11, 2020 by Planning Technician James Bellissimo. He stated that during the presentation of proposed changes to the marijuana section of the LUO and placing a temporary cap on allowed businesses in Town, Mr. Bellissimo indicated fatigue among Planning Board members. Planning Board Chair Andreesen clarified that none of the Planning Board members are fatigued with applications and all members are dedicated volunteers. They are all devoted to implementing the medical marijuana and recreational marijuana sales in Berwick properly. In response to the Select Board's remarks that the Planning Board's decision to put a temporary cap on marijuana businesses allowed in Town is an arbitrary decision, Planning Board Chair Andreesen stated the Planning Board is taking a slow approach to digest how many businesses will come into Town and determine the effect it will have; i.e., effects on Police Department, consequences from bordering a state that does not have legalized marijuana laws. There are currently 14 businesses in Berwick including grow facilities, potential recreational use storefronts and dispensaries. The Planning Board addressed the Board of Selectmen's concerns and revised the LUO to read:

**8.25.8 Permits**

**A. The number of Conditional Use permits granted in each zone as of June 9, 2020 shall be the limit of permits granted in each zone. The number of Conditional Use permits in each zone shall be tracked and monitored by the Town of Berwick Community Development & Planning Office. This provision shall be reviewed by the Berwick Planning Board and amended as needed on an annual basis.**

Planning Board Vice Chair Nichole Fecteau spoke. She stated the public attends the Planning Board meetings concerning medical marijuana, adult use, dispensaries or growth, and they are very educated on the subject. There are marijuana facilities located near residences. Ms. Fecteau noted that the Planning

Board's job is to relay information to the BOS. She stated it's hard to attract other businesses and does not want to see the Town overwhelmed with marijuana businesses.

Planning Board Chair Andreesen reported the licensing fee has been proposed at \$3,000 per year after Mr. Bellissimo researched other towns' fees. Mr. Andreesen expressed other concerns about residential areas being zoned for marijuana businesses and the traffic hazards on Route 4 with more businesses present. Mr. Andreesen reiterated that Mr. Bellissimo did a good job presenting the proposed changes but apologized for not being present at the February 11<sup>th</sup> BOS meeting. Mr. Andreesen closed by stating the LUO is a constantly changing document based on the needs of the Town.

Chair Wright spoke to the Route 4 traffic issues and stated the Town has met several times with DOT and unfortunately solutions to slow traffic would be at the Town's expense. DOT has installed rumble strips, posted signage and replaced signage. He stated statistically it is a low crash area if the fatal accidents are discounted and the fatal accidents have all been due to operator neglect. Chair Wright requested an addition to the proposed changes. He would like the permits to be reviewed by the Planning Board and the Board of Selectmen.

- Rick Vandenberg, Recreation Master Plan

Mr. Rick Vandenberg, Chair Recreation Master Plan Committee, stated he was present to answer any questions the Board had regarding the proposed Master Plan which was presented to the Board at its February 11, 2020 meeting. Ms. Natalie Gould and Mr. Scott Richardson, committee members, were also in attendance.

Town Manager Eldridge stated it was a really good document.

Chair Wright stated under funding the needs assessment seems vague. He would like more detail as to what specific funding may be sought. He stated noting where the grants are and the funding could be found along with self-funding aspects would be beneficial. Mr. Vandenberg replied that the Committee gave a lot of thought to funding and the main reason it is glossed over is that if adopted the Master Plan will become part of the current Comprehensive Plan. He noted that specific to funding, the chapter would have been onerous and would have dominated the document. The cover letter which shapes the major issues, reiterates that funding should come from outside sources first.

Selectman Cobb stated the document was well done and well researched. He stated as long as the demand is present, he will support the effort. Mr. Vandenberg explained planned versus unplanned recreation such as a soccer program compared to a walk. He stated the demand is present for both. Selectman Cobb also supports a community center and suggested getting sponsors or funding other than taxes.

Chair Wright takes exception to Estabrook Park listed under inventory of trails and parks. He stated it is clear in the planning of the new fire station that the area would remain open space not to be used for anything else until a future use can be determined. Mr. Vandenberg responded that plans for a green spine that would extend from School Street to the Library are in the Master Plan and Estabrook would play a role in that whether it is a paved walking path or a place to linger. Chair Wright stated he would not support the Master Plan if Estabrook Park is included.

- Sterling Roop, US Census

Mr. Roop, Partnership Specialist, US Census Bureau, was present to speak about the upcoming census.

## The 2020 Census at a Glance

Counting everyone once, only once, and in the right place.

The U.S. Census Bureau is the federal government's largest statistical agency. We are dedicated to providing current facts and figures about America's people, places, and economy. Federal law protects the confidentiality of all individual responses the Census Bureau collects.

The U.S. Constitution requires that each decade we take a count—or a census—of America's population.



The census provides vital information for you and your community.

- It determines how many representatives each state gets in Congress and is used to redraw district boundaries. Redistricting counts are sent to the states by March 31, 2021.
- Communities rely on census statistics to plan for a variety of resident needs including new roads, schools, and emergency services.
- Businesses use census data to determine where to open places to shop.

Each year, the federal government distributes more than \$675 billion to states and communities based on Census Bureau data.

In 2020, we will implement new technology to make it easier than ever to respond to the census. For the first time, you will be able to respond online, by phone, as well as by mail. We will use data that the public has already provided to reduce followup visits. And, we are building an accurate address list and automating our field operations—all while keeping your information confidential and safe.

United States<sup>®</sup>  
**Census**  
Bureau

### KEY MILESTONES

- 2018**
  - 2018 End-to-End Census Test
  - 2020 Census questions sent to Congress by March 31, 2018
  - Six regional 2020 Census offices and 40 area census offices open
- 2019**
  - Partnership activities launch
  - Complete Count Committees establish
  - Census takers update address list in person
  - Remaining 248 area census offices open
- 2020**
  - Advertising begins in January 2020
  - Public response (online, phone, or mail) begins
  - **Census Day**—April 1, 2020
  - Census takers visit households that haven't responded
  - Apportionment counts sent to the President by December 31, 2020
- 2021**
  - Redistricting counts sent to the states by March 31, 2021

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@uscensusbureau

## Overview of Census Bureau Programs

### CENSUSES

- The **decennial census** is the once-a-decade population and housing count of all 50 states, the District of Columbia, Puerto Rico, and the Island Areas. The results of the census determine the number of seats for each state in the U.S. House of Representatives and are used to draw congressional and state legislative districts. Federal agencies use the results to distribute more than \$675 billion in federal funds each year.
- The **economic census** measures the nation's economy every five years, providing vital statistics for virtually every industry and geographic area in the country.
- The **Census of Governments** provides comprehensive data about the 90,000 state and local governments in the nation every five years.

### SURVEYS

- The **American Community Survey (ACS)** is an ongoing national survey—sampling approximately 3.5 million addresses annually—that provides vital information about our nation's housing and people. The ACS is the only source of comparable, quality information about the people in all our communities. These data show what the U.S. population looks like and how it is changing. ACS data are used to assess the past and present and to plan for the future.
- **Demographic surveys** measure income, poverty, education, health insurance coverage, housing quality, crime victimization, computer usage, and many other subjects.
- **Economic surveys** are conducted monthly, quarterly, and yearly. They cover selected sectors of the nation's economy and supplement the economic census with more-frequent information about the dynamic economy. These surveys yield more than 400 annual economic reports, including principal economic indicators.
- **Sponsored surveys** are demographic and economic surveys that we conduct for other government agencies. They include the Current Population Survey, the National Health Interview Survey, and the National Survey of College Graduates.

For more information, go to [census.gov](https://www.census.gov).  
Follow us [@uscensusbureau](https://twitter.com/uscensusbureau)  
Contact us at:

### Your information is protected by law

The law requires the Census Bureau to keep your information confidential and use your responses only to produce statistics. We cannot publicly release your responses in any way that could identify you. We will never share your information with immigration enforcement agencies such as ICE, law enforcement agencies such as the FBI or police, or allow it to be used to determine your eligibility for government benefits.

### Our Mission

To serve as the nation's leading provider of quality data about its people and economy.

### Our Vision

To be the trusted source for timely and relevant statistical information, and the leader in data-driven information.

### Census History

Thomas Jefferson directed the first decennial census in 1790. As required by the U.S. Constitution, a census has been taken every 10 years thereafter. In 1840, the Census Act authorized the establishment of a centralized Census Office. In 1902, the Census Office became a permanent organization within the Department of the Interior. A year later, it was renamed the Bureau of the Census and moved to the new Department of Commerce and Labor.

## How the 2020 Census will invite everyone to respond

### What to Expect in the Mail

When it's time to respond, most households will receive an invitation in the mail.

Every household will have the option of responding online, by mail, or by phone.

Depending on how likely your area is to respond online, you'll receive either an invitation encouraging you to respond online or an invitation along with a paper questionnaire.

#### Letter Invitation

- Most areas of the country are likely to respond online, so most households will receive a letter asking you to go online to complete the census questionnaire.
- We plan on working with the U.S. Postal Service to stagger the delivery of these invitations over several days. This way we can spread out the number of users responding online, and we'll be able to serve you better if you need help over the phone.

#### Letter Invitation and Paper Questionnaire

- Areas that are less likely to respond online will receive a paper questionnaire along with their invitation. The invitation will also include information about how to respond online or by phone.

### WHAT WE WILL SEND IN THE MAIL

On or between	You'll receive:
March 12-20	An invitation to respond online to the 2020 Census. (Some households will also receive paper questionnaires.)
March 16-24	A reminder letter.
	<b>If you haven't responded yet:</b>
March 26-April 3	A reminder postcard.
April 8-16	A reminder letter and paper questionnaire.
April 20-27	A final reminder postcard before we follow up in person.

### We understand you might miss our initial letter in the mail.

- Every household that hasn't already responded will receive reminders and will eventually receive a paper questionnaire.
- It doesn't matter which initial invitation you get or how you get it—we will follow up in person with all households that don't respond.

## CENSUS 101: WHAT YOU NEED TO KNOW

The 2020 Census is closer than you think!  
Here's a quick refresher of what it is and why it's essential that everyone is counted.

### Everyone counts.

The census counts every person living in the U.S. once, only once, and in the right place.



### It's about fair representation.

Every 10 years, the results of the census are used to reapportion the House of Representatives, determining how many seats each state gets.



### It's in the constitution.

The U.S. Constitution mandates that everyone in the country be counted every 10 years. The first census was in 1790.



### It's about \$675 billion.

The distribution of more than \$675 billion in federal funds, grants and support to states, counties and communities are based on census data.

That money is spent on schools, hospitals, roads, public works and other vital programs.



### It's about redistricting.

After each decade's census, state officials redraw the boundaries of the congressional and state legislative districts in their states to account for population shifts.

### Taking part is your civic duty.

Completing the census is mandatory: it's a way to participate in our democracy and say "I COUNT!"



**Census data are being used all around you.**

Businesses use census data to decide where to build factories, offices and stores, which create jobs.

Local governments use the census for public safety and emergency preparedness.

Residents use the census to support community initiatives involving legislation, quality-of-life and consumer advocacy.

Real estate developers use the census to build new homes and revitalize old neighborhoods.

**Your privacy is protected.**

It's against the law for the Census Bureau to publicly release your responses in any way that could identify you or your household.

By law, your responses cannot be used against you and can only be used to produce statistics.

**2020 will be easier than ever.**

In 2020, you will be able to respond to the census online.

**You can help.**

You are the expert—we need your ideas on the best way to make sure everyone in your community gets counted.

## 9. Unfinished Business

- Transfer Station Fee Increase

Town Manager Eldridge reported that Public Works did a comparison with other towns' fees and has requested to increase fees for small and full size pick up loads from \$15/25 to \$30/50.

**Berwick Transfer Station 698-5917**  
**Tuesday, Saturday & Sunday**  
**8:00 am to 4:00 pm**

**All household trash must be bagged!**

<b>Fees for Resident/Non-Commercial Disposal ~ Fee Revised Aug 2013</b>		
	<b>FULL LOAD</b>	<b>HALF LOAD</b>
<b>SPECIAL WASTE: (Rock, Wood, Mixed Loads)</b>		
Small Pick-up Load	\$30.00	\$7.00 (If less than half)
Full Size Pick-up Load	\$50.00	\$12.00 (Discretion of attendant)
<b>BULKY WASTE</b>		
*Mattress - Twin/Full	\$5.00/\$10.00	
*Box Spring - Twin/Full	\$5.00/\$10.00	
Stuffed Chair/Recliner	\$5.00/\$10.00	
Stuffed Sofa/Sleeper	\$10.00/\$15.00	
<b>APPLIANCES &amp; WHITE GOODS</b>		
Washer & Dryer	\$0.00	
Stove	\$0.00	
Hot Water Heater	\$0.00	
Dishwasher	\$0.00	
Large Items (Furnaces, Tanks, etc.)	\$0.00	
Mixed Loads of Scrap Metal	<b>See Attendant</b>	
*Refrigerator	\$15.00	
*Freezer	\$15.00	
*Air Conditioner	\$15.00	
*Dehumidifier	\$15.00	
<b>TIRES</b>		
*Passenger & Light Truck W/WO rims	\$3.00	
*Heavy Truck Tires W/O Rims	\$12.00	
*Heavy Truck Tires W/Rims	\$20.00	
<b>LIQUID WASTE</b>		
Waste Oil	<b>See Attendant</b>	
<b>UNIVERSAL WASTE ITEMS</b>		
*Televisions & Computer Monitors: up to 14 inches	\$6.00	
15 to 24 inches	\$12.00	
25 inches or console	\$25.00	<b>See Attendant</b>
Monitors	\$10.00	
<b>PROPANE TANKS – 20 lbs Grill Tanks</b>	\$3.00	

**Motion:** Selectman Cobb moved to approve the increased fee request from the Transfer Station. Selectman Manning seconded the motion.

**The motion carried: 3:0**

- Public Safety Access Road Name

Chair Wright noted Fire Chief Plante preferred the road not be named after a person.

**Motion:** Selectman Manning moved to name the access road to the fire station “Public Safety Way”. Selectman Cobb seconded the motion.

**The motion carried: 3:0**

### **10. Town Manager Report**

Town Manager Eldridge reported the following:

- DOT will be paving the following: Route 236, Route 9, Rochester Street, Hubbard Road. The Town was awarded the grant for Saw Mill Hill design project a year early through KACTS.
- Mr. Eldridge will arrange a budget presentation by the Superintendent of Schools and School Board Members in March.

Selectman Manning asked for clarification on the Recreation Thursday Early Release program. Town Manager replied that Kim Taylor, Director, resigned on Monday, February 17<sup>th</sup>, and there will be no Early Release Program until a replacement is found. Town Manager Eldridge stated Chris McDonough will continue to work on summer camp applications. The ad for the Director’s position is posted.

Selectman Manning noted Ms. Taylor has implemented a lot of good things in town.

### **11. Selectmen Communications**

None.

### **12. Approval of Warrants**

<b>02-27-2020</b>	<b>A/P Warrant #2035</b>	<b>\$1,069,354.46</b>
<b>02-27-2020</b>	<b>Water A/P Warrant #035</b>	<b>\$ 19,387.21</b>
<b>02-27-2020</b>	<b>Payroll Warrant #2035</b>	<b>\$ 57,035.62</b>

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

**The motion carried: 3:0**

### **13. New Business**

- June 9, 2020 Annual Town Meeting Warrant

Chair Wright read the June 9, 2020 Annual Town Meeting Warrant. The Board will make recommendations at the March 10, 2020 meeting.

### ARTICLE 1

To elect a Moderator to preside over the meeting.

### ARTICLE 2

To elect by secret ballot, two Selectmen (who also serves as Assessor and Overseer of the Poor) for three years and one School Board Members for MSAD #60 for three years.

### ARTICLE 3

Shall the Town vote to adopt the proposed amendments to the Land Use Ordinance? (Exhibit A attached hereto).

### ARTICLE 4

Shall the Town vote to adopt the proposed amendments to the Land Use Ordinance regarding Adult Use Marijuana? (Exhibit B attached hereto).

### ARTICLE 5

Shall the Town vote to adopt the proposed addition of the Marijuana Establishment Licensing Ordinance to the Land Use Ordinance regarding Marijuana Establishments? (Exhibit C attached hereto).

### ARTICLE 6

Shall the Town vote to adopt the proposed amendment to the Subdivision Regulations? (Exhibit D attached hereto)

### ARTICLE 7

Shall the Town vote to adopt the proposed Rezoning Request for 1 Lot at 20 Rochester Street from R1 to C/I and Village Overlay District? (Exhibit E attached hereto)

### ARTICLE 8

Shall the Town vote to adopt the proposed Recreation Master Plan? (Exhibit F attached hereto).

### ARTICLE 9

Shall the Town vote to use up to **\$2,900,000** from estimated revenues to reduce the amount to be raised by taxation in Fiscal Year 2020/2021, which begins July 1, 2020?

### ARTICLE 10

Shall the Town vote to raise and appropriate the sum of **\$346,325** for the General Expense Account for Fiscal Year 2020/2021, which begins July 1, 2020?

**NOTE:** This Account will be used to fund a variety of general expenses which are not easily classified from an accounting perspective under other departments, including a variety of required insurance premiums, audit services, legal services rendered by the Town Attorney, streetlights, traffic signals, interest on returned escrow balances, and miscellaneous expenditures requested from the Board of Selectmen.

### ARTICLE 11

Shall the Town vote to raise and appropriate the sum of **\$411,431** for the Town Administration Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 12

Shall the Town vote to raise and appropriate the sum of **\$297,482** for the Town Clerk Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 13

Shall the Town vote to raise and appropriate the sum of **\$202,800** for the Planning Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 14

Shall the Town vote to raise and appropriate the sum of **\$114,400** for the Assessor's Office Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 15

Shall the Town vote to raise and appropriate the sum of **\$180,150** for the Town Hall Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 16

Shall the Town vote to raise and appropriate the sum of **\$10,000** for the General Assistance Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 17

Shall the Town vote to raise and appropriate the sum of **\$1,997,749** for the Police Department Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 18

Shall the Town vote to raise and appropriate the sum of **\$1,091,148** for the Fire Department Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 19

Shall the Town vote to raise and appropriate the sum of **\$1,138,674** for the Public Works Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 20

Shall the Town vote to raise and appropriate the sum of **\$297,662** for the Berwick Public Library Account for Fiscal Year 2020/2021, which begins July 1, 2020?

ARTICLE 21

Shall the Town vote to authorize the expenditure of all revenues received from the State of Maine Urban/Rural Initiative Program for Fiscal Year 2020/2021 for road improvements as authorized by the Program with unspent balances to be carried forward each year?

ARTICLE 22

Shall the Town vote to raise and appropriate the sum of **\$546,317** for the Refuse Disposal Account for Fiscal Year 2020/2021, which begins July 1, 2020?

**NOTE:** This Account will be used to fund the operations of the Berwick Transfer Station during Fiscal Year 2020/2021.

### ARTICLE 23

Shall the Town vote to raise from taxes the sum of **\$120,901** and appropriate the sum of **\$100,000** from the existing Recreation Revenue account for a total of **\$220,901** for the Recreation Account for Fiscal Year 2020/2021, which begins July 1, 2020? The current balance in the Recreation Revenue account is **\$151,817**.

### ARTICLE 24

Shall the Town vote to raise and appropriate the sum of **\$542,037** for Debt Service to cover this appropriation for Fiscal Year 2020/2021, which begins July 1, 2020 and as authorized by the passage of Article 31 & 32 at the 2016 Annual Town Meeting and Article 5 at the November 6, 2018 Referendum Election?

**NOTE:** The voters approved the issuance of general obligation bonds up to \$1,000,000 for two fire trucks and up to \$125,000 for new windows in the Town Hall auditorium and repair of the Town Hall clock. The voters approved the issuance of general obligation bonds not to exceed \$6,000,000 for the design, construction and improvements of a new fire station and the design, construction and improvements for a police department building renovation.

### ARTICLE 25

Shall the Town vote to raise and appropriate the sum of **\$26,450** for the Community/Agency Appropriations Account for Fiscal Year 2020/2021, which begins July 1, 2020?

**NOTE:** This account will be used to make contributions to and at the request of the following outside agencies or purposes: COAST Bus Service, American Legion Citizen Recognition Dinner, Memorial Day, Holiday Decorations, York County Shelter and the Seacoast Shipyard Association.

### ARTICLE 26

Shall the Town vote to raise and appropriate the sum of **\$196,388** for the annual Fire Protection (i.e., fire hydrants) costs for Fiscal Year 2020/2021, which begins July 1, 2020?

### ARTICLE 27

Shall the Town vote to appropriate the sum of **\$100,000** for the purpose of investing in the capital purchase and replacement of Fire Department apparatus and vehicles for Fiscal Year 2020/2021 and place this amount into the Fire Department Capital account established for this purpose, with any unspent balances to carry forward each year until full expended?

### ARTICLE 28

Shall the Town vote to appropriate the sum of **\$400,000** from Unassigned Fund Balance for Fiscal Year 2020/2021 and authorize its use for road, bridge, and sidewalk construction and repairs, as well as Town parking lots and public ways, and including expenses for curbing, drainage and

engineering fees when required, with the funds to be used in conjunction with the State of Maine Urban/Rural Initiative Program, and with unspent balances to be carried forward each year?

#### ARTICLE 29

Shall the Town vote to raise and appropriate the sum of **\$300,000** for its use for road, bridge, and sidewalk construction and repairs, as well as Town parking lots and public ways, and including expenses for curbing, drainage and engineering fees when required, with the funds to be used in conjunction with the State of Maine Urban/Rural Initiative Program, and with unspent balances to be carried forward each year?

#### ARTICLE 30

Shall the Town vote to raise and appropriate the sum of **\$20,000** as the first lease payment for the purchase of one new police cruiser for Fiscal Year 2020/2021, which begins July 1, 2020 and place this amount into the Police Capital Equipment account established for this purpose with unspent balances to be carried forward each year until fully expended and authorize the Board of Selectmen to enter into a lease purchase agreement on terms it deems appropriate with the balance to be repaid over a period of no longer than five (5) years?

#### ARTICLE 31

Shall the Town vote to raise and appropriate the sum of **\$42,000** for Fiscal Year 2020/2021, which begins July 1, 2020, and authorize its use to continue addressing storm drainage system outfall issues identified by the Maine DEP during an audit of the Town's stormwater drainage system, and place this amount into the Planning Capital Reserve account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** If approved these funds will be used for the design work on outfall 8 located on First Street and the eventual repairs as determined by the design work.

#### ARTICLE 32

Shall the Town vote to raise and appropriate the sum of **\$20,000** and authorize the Board of Selectmen to hold it in a Contingency Account and to use it to meet unanticipated expenses and emergencies that might occur during the Fiscal Year 2020/2021, which begins July 1, 2020 and with unspent balances to be carried forward each year?

#### ARTICLE 33

Shall the Town vote to raise and appropriate the sum of **\$24,000** for the Federal Stormwater Program for Fiscal Year 2020/2021, which begins July 1, 2020 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used for the purpose of implementing State and Federal permitting requirements for discharges from municipal separate stormwater sewer systems (MS4s).

#### ARTICLE 34

Shall the Town vote to raise and appropriate the sum of **\$3,750** for Economic Development purposes for Fiscal Year 2020/2021, which begins July 1, 2020 and place this amount into the

account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** The Envision Berwick Committee working through the Town's Planning Department will contract for technical assistance, grant writing assistance, consultant assistance to develop financial options, purchase site amenities, allowance for printing and mailings, match grant funds, and to leverage other funding that the Town is eligible to apply for. Also, any grant match or any funds used to advance the implementation of the Comprehensive Plan, as Amended, will be approved by the Board of Selectmen.

### ARTICLE 35

Shall the Town vote to raise and appropriate the sum of **\$1,000** for Emergency Management for Fiscal Year 2020/2021, which begins July 1, 2020 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used for the purpose of funding expenses like provision of shelter, food supplies and other associated costs during emergencies which occur within the Town.

### ARTICLE 36

Shall the Town vote to appropriate the sum of **\$62,500** from the Unassigned Fund Balance for SCBA, Personal Protective Gear, Mobile Radio, and CPR equipment for Fiscal Year 2020/2021, which begins July 1, 2020 and place this amount in the account established for this purpose with unspent balances to be carried forward each year until fully expended?

### ARTICLE 37

Shall the Town vote to appropriate the sum of **\$100,000** from the Unassigned Fund Balance for the for Fiscal Year 2020/2021, which begins July 1, 2020 for fuel tank replacement at Public Works as required by DEP?

**NOTE:** Fuel Tanks will be replaced in July 2020.

### ARTICLE 38

Shall the Town vote to raise and appropriate the sum of **\$15,000** for the Unfunded Liabilities Account for Fiscal Year 2020/2021, which begins July 1, 2020 and place this amount in the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used to satisfy existing obligations to employees who have accrued compensated absences such as vacation time or sick time, if and when such entitlements must be paid out upon employee departure from the Town's staff. The current balance in this account is **\$106,235** and the Town's compensated absences balance as of June 30, 2019 was **\$301,033**.

### ARTICLE 39

Shall the Town vote to raise and appropriate the sum of **\$25,000** for the for Fiscal Year 2020/2021, which begins July 1, 2020 and consecutive fiscal years for grant matching funds to be placed into this account and carried forward each year?

**NOTE:** This funding will be used for 20% matching funds for KACTS (Kittery Area MPO), MDOT (Maine Dept. of Transportation) road programs, and Community Development Block Grants if awarded.

#### ARTICLE 40

Shall the Town vote to appropriate the sum of **\$41,600** from the Unassigned Fund Balance for Fiscal Year 2020/2021, which begins July 1, 2020 and authorize its use for the purchase of Police Department capital items (including radios, taser equipment, fire arms replacement, furniture, 3 laptop replacements, server and modems)?

#### ARTICLE 41

Shall the Town vote to appropriate the sum of **\$300,000** from the Unassigned Fund Balance for Fiscal Year 2020/2021, which begins July 1, 2020 and authorize its use for the purchase and installation of a full-size elevator at Town Hall?

**NOTE:** The Town Hall does not comply with ADA Guidelines. The installation of an elevator will provide ADA compliance for all floors of Town Hall. (Exhibit G)

#### ARTICLE 42

Shall the Town vote to appropriate a sum not to exceed **\$120,000** from the Unassigned Fund Balance for Fiscal Year 2020/2021, which begins July 1, 2020 and authorize its use for the installation of radiant heat in the apparatus bay of the new fire station?

**THE BOARD OF SELECTMEN RECOMMENDS YES/NO VOTE**

#### ARTICLE 43

Shall the Town vote to appropriate the sum of **\$50,000** from the Unassigned Fund Balance for Fiscal Year 2020/2021, which begins July 1, 2020 and authorize placing it in the Recreation Reserve Account to be used for Capital Projects?

**THE BOARD OF SELECTMEN RECOMMENDS YES/NO VOTE**

#### ARTICLE 44

Shall the Town vote to authorize the Board of Selectmen to enter into a purchase and sale agreement with landowners for the purchase of property that allows the expansion of Memorial Field.

**NOTE:** Funding for the purchase will be used from Impact Fees that are allowed to be used for these types of community projects.

#### ARTICLE 45

Shall the Town vote to authorize the use of interest money from the Lena Clark Trust Fund Interest Account when there are major repairs or maintenance needs at the Town Hall?

**NOTE:** The Trust Fund was established to take care of the Town Hall. Interest from the Trust Fund is in an Investment Account with LPL Investments through Quadripoint Investment Management. The interest balance as of June 30, 2019 was **\$99,766**, which was the close of the prior Fiscal Year. Interest funds are not used for every day repair or maintenance costs but instead are being allowed to accumulate for one time or major unforeseen repairs or expenses. Approval of this Article will authorize these kinds of expenditures from the Interest Account should it become necessary to make them during Fiscal Year 2020/2021.

#### ARTICLE 46

Shall the Town vote to charge interest on unpaid taxes at the rate of **9.00%** per annum, and to set the date when taxes committed for Fiscal Year 2020-2021 (July 1, 2020 through June 30, 2021) become due and payable as October 15, 2020 and April 15, 2021, with said interest to be collected after October 16, 2020 and April 16, 2021, and allow the Tax Collector to accept prepayment of taxes prior to the Tax Commitment Date?

#### ARTICLE 47

Shall the Town Vote to set an interest rate of **4.00%** as allowed by state law as the rate to be paid to taxpayers who pay amounts in excess of amounts finally assessed and authorize any such interest paid, uncollectable taxes or abatements granted to be charged against the annual overlay?

Mr. Ken Raine, Sidney Drive, asked what capital expenses Recreation has. Town Manager Eldridge replied this would include bathrooms, equipment replacement, new fields. This is the first time money is being put away for Recreation.

- Personal Property Appraisal Contract

Town Manager Eldridge introduced an annual personal property appraisal contract with Real Estate Research Consultants, Inc. The annual cost will be \$9,120.00 based upon 152 personal property accounts. Assessor McKenney has worked with the company and stated he and his team are not as versed in personal property assessment as Real Estate Research Consultants.

**Motion:** Selectman Manning made a motion to accept the contract with Real Estate Research Consultants, Inc. for \$9,120.00 as presented. Selectman Cobb seconded the motion.

**The motion carried: 3:0**

#### **14. Quitclaim Deeds and/or Installment Contracts**

None.

#### **15. Abatements/Supplements**

- Abatements:

Assessor Paul McKenney presented the following:

- R010-8, 7 Keay Road

The subject property is single-family dwelling that had a change in quality grade from average to average +10 during the revaluation's field review. After Assessing conducted a full interior and exterior inspection at the owner's request, it was determined that the quality grade was in fact average.

As a result of this change, the assessed value was reduced by \$15,200 from \$250,700 to \$235,500.

Therefore, it is recommended that an abatement be granted for in the amount of \$266.46.

**Motion:** Selectman Manning made a motion to accept the abatement in the amount of \$266.46 for Map-Lot R010-8, 7 Keay Road as presented. Selectman Cobb seconded the motion.

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

- R036-24-C, 20 Sunset Lane

The subject property is single-family home with in-law unit on 2<sup>nd</sup> floor, a detached garage & in-ground pool with distant views of the mountains. The property owner asserts that the assessed value does not reflect its current condition and that the land is not assessed the same as a similar parcel on the same street. The owner provided a home inspection report from a month before the owners purchased the home in 2013.

Assessing conducted an interior and exterior inspection and found the condition to be overall fair. Also noted were design flaws including the large hot tub cannot be removed without cutting the wall or the hot tub, and construction defects including poorly installed, inoperable windows, and the lack of flashing in some areas on the roof. Corrections to the property card included removing the gas fireplace, adding the extra kitchen for the in-law unit, correcting the bath count, adjusting the value of the hot tub and pool to reflect its current condition.

At the owner's request, a review of the neighborhood was conducted. As a result, a correction was made to the neighborhood code (from 50 to 60) for 22 Sunset Ln to reflect the same neighborhood code (60) for all parcels on Sunset Ln. It was also determined that the neighbor's property, 22 Sunset Ln, has mountain views that are considered inferior to the subject due to its lower elevation creating some obstruction by the surrounding trees. This difference is reflected in the higher site index (6) for the subject. In fact, 27 Sunset Ln, 36 Sunset Ln, and 40 Sunset Ln are all at lower elevations with obstructed mountain views and are assessed with the same neighborhood code (60) and site index (5) as 22 Sunset Ln.

As a result of the noted adjustments and corrections the assessed was reduced by \$57,500 from \$459,500 to \$402,000. It is recommended that an abatement be granted for in the amount of \$1,007.98.

**Motion:** Selectman Cobb made a motion to accept the abatement in the amount of \$1,007.98 for Map-Lot R036-24-C, 20 Sunset Lane as presented. Selectman Manning seconded the motion.

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

- R036-35, 170 Pine Hill Road

The subject property is 7-family unit that has been under construction since 2010. The building is estimated at being 42% complete. The property owner is concerned that the assessment does not consider the condition in addition to the cost to complete. Assessing conducted an interior and exterior inspection and found that the condition was not typical of a building under construction due in part to being under construction for 10 years and significant water infiltration in the basement during heavy rains. The adjustment reflects the amount that would have been depreciated had the building been complete in 2010.

Therefore, it is recommended that an abatement be granted for in the amount of \$641.60.

Discussion ensued regarding condemning the building. Chair Wright advised Town Manager Eldridge to refer to the Code Enforcement Officer. This item was tabled.

- Acct 716, 4 Coffin Road

Great Works Test Boring is a business located at 4 Coffin Rd. On February 12, 2020, Assessing received an email from the Finance Director, Lisa Vargas, informing Assessing that S.W. Cole purchased this

company July 2016 and immediately moved the equipment (personal property) to New Hampshire. The Finance Director has recommended an abatement for fiscal years (FY) 2017-18, 2018-19, 2019-20 as a means to clear this account.

Municipal officers may abate a property owner after one year but within three (3) years from the date of commitment. This would apply for FY 2017-18 & 2018-19.

Assessors may abate a property owner within 185 days from the date of commitment. This would apply for FY 2019-20.

Therefore, it is recommended that an abatement be granted for FY 2017-18, 2018-19 & 2019-20 in the amount of \$196.33, \$201.48, & \$200.68, respectively, plus any accrued interest.

**Motion:** Selectman Manning made a motion to accept the abatement in the amount of \$196.33, \$201.48, & \$200.68 for Acct 716, 4 Coffin Road as presented. Selectman Cobb seconded the motion.

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

**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**

None.

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

Chair Wright expressed concern regarding the coronavirus. He is concerned about people at Town Hall. He would like hand sanitizer, masks and gloves available for the public.

**19. Adjournment**

The meeting adjourned at 8:04pm.

**Respectfully submitted,**

**Patricia Murray  
Town Clerk**

**The February 25, 2020 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s  
March 10, 2020 meeting.**

**On behalf of the Board**

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