



Town of Berwick

BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, September 9, 2020

6:30pm

Via Zoom
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 (via Zoom), Selectman Noah Cobb (via Zoom), and Selectman Kenneth Manning, Jr. (via Zoom)

Board Members Absent: Selectman Mark Pendergast

Staff Members Present: Town Manager Stephen Eldridge, Planner James Bellissimo, Director of Public Works and Water Utilities Jody Gigon and Town Clerk Patricia Murray (via Zoom)

3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- August 25, 2020

Motion: Selectman Manning moved to accept the August 25, 2020, minutes as written. Vice Chair Ganiere seconded the motion.

The motion carried: 4:0

5. First Public Comment

Chair Wright opened the first public comment.

Chari Wright read a letter from Ralph Morang who is resigning from the BCTV Committee due to his employment with BCTV as Assistant Director.

Chair Wright read the following received via email:

I have been a resident in Berwick for about 18 years. In the last few years my family has been unable to drink our water or use it for cooking. I have called the water department and they are very nice and willing to flush the hydrants but this really doesn't accomplish anything long term. I'm hoping to find out what the real answer is. I'm frustrated with continually having to pay for my water when I cannot use it.

Please advise

Thank you

Leslie Slater

Sent from Gmail Mobile

Mr. Peter Hashem, 37 Guinea Road, spoke. Mr. Hashem received his 2021 tax bill and stated it went up \$300.00 He stated the school received 63% last year, this year the school is getting 47.1%. The Town received 36% last year and this year is receiving 50.9%. He stated the Town is shifting 14% from the school budget to the Town.

Chair Wright replied the tax rate is based on the three budgets (town, school and county) combined.

Mr. Hashem asked for an explanation of the increase in the distribution. Chair Wright explained the budget process. The school sets their budget separately from the Town. The voters vote on the budgets separately. Mr. Hashem reiterated his question of why the Town increased in percentage.

Mr. Hashem asked about Town employees receiving special privileges. He witnessed an employee getting money that was charged back at the Transfer Station for disposal of an air conditioner.

Mr. Robert Thomson, 35 Guinea Road, spoke. He spoke about the elderly being exempt from paying the school tax in other communities and urged Berwick to initiate this program. He stated he has been here since 1996 and has paid school taxes and doesn't believe the school curriculum is doing any good. He believes the liberalism in the schools is ridiculous; they stopped the Pledge of Allegiance. Chair Wright responded that he should bring his concerns to the School Board. Mr. Thomson stated that if one doesn't pay property taxes one should not lose their house to foreclosure. He stated his taxes go up every year and he doesn't get anything more for it. He gets plowed in every year and has to plow his driveway with a truck he pays to register every year. He inquired about Berwick's share of the school tax. Chair Wright explained the funding formula is based on population and property taxes in the three towns. Mr. Thomson expressed frustration with trying to contact the Police Department because dispatch is located in Sanford.

Mr. Hashem returned to speak. He stated people who rent in the Town do not pay their fair share of taxes.

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

6. Public Hearing

- Adult Use Marijuana Storefront License – Silver Therapeutics

James Bellissimo, Planner, explained this is the first round of licensing for the 29 license holders in Berwick. Both license holders present have been through the Planning Board process. Licensing is the most effective way of detecting issues such as odor control; the Board of Selectmen have the right to revoke licenses and to impose further conditions. The State of Maine has licensing requirements also that applicants must meet. This is an annual license.

Mr. Josh Silver was present via Zoom. Silver Therapeutics is located at 60 Route 236 and are working on their building permit. They are an adult use marijuana storefront. He and his partner, Adam Carofano, have businesses in Massachusetts. They have been through the special permit process, site plan process, and have responded to issues the Planning Board questioned. They have received the building permit from the Code Enforcement Officer. They will receive the final license from the State once a certificate of occupancy is received from the Town.

Mr. Robert Thomson spoke. He stated the decision regarding licensing should go to the citizens. He has concerns about the businesses being burgled. Chair Wright stated the Town has voted on allowing marijuana businesses in Town.

Motion: Chair Wright moved to approve the Adult Use Marijuana Storefront License for Silver Therapeutics. Selectman Cobb seconded the motion.

The motion carried: 4:0

- Adult Use Marijuana Storefront; Marijuana Caregiver Retail Store; Medical Marijuana Production Facility – Tricann Alternatives

Mr. Aaron Barth and Ms. Kellie Roberge were present via Zoom. They have a retail medical marijuana and manufacturing operation facility at 514 Portland Street which has been in operation for two years. Their grow operation is in North Berwick. They have applied for and received a conditional approval for adult use facility. The operational plan was not approved because the current law states that a caregiver licensee cannot own or operate an adult use store. They are planning a separate structure for the adult use operation. It is in the review stage with the State. They will also need approval from the Planning Board.

Vice Chair Ganiere asked if the Town has received any complaints or Police reports regarding break-ins or other similar activity. Town Manager Eldridge stated there have been none. Chair Wright concurred and stated he has asked the Police Chief who reported other than an occasional false alarm there have been no instances.

Motion: Vice Chair Ganiere moved to approve the Adult Use Marijuana Storefront License; Marijuana Caregiver Retail Store; Medical Marijuana Production Facility for Tricann Alternatives. Selectman Cobb seconded the motion.

The motion carried: 4:0

Chair Wright closed the Public Hearing.

7. Reports of Committees

None.

- **BCTV Committee**

None.

- **Envision Berwick Committee**

James Bellissimo spoke about the Berwick Stories series by Jeremy Kastan. Videos are available on the EBC Facebook and YouTube pages.

Department Reports

Chair Wright introduced Mr. Jody Gigon, the new Director of Public Works and Water Department. Mr. Gigon is from New York. He is looking forward to working in Berwick. The Board welcomed Mr. Gigon.

8. Appointments/Presentations/Other Guests

- BCTV Committee
 - Bobbi-Jo Hutchins

Ms. Hutchins was present and stated she has a background in HR and has been working at BCTV for a year as a Broadcast Technician.

Selectman Cobb asked if there was any conflict with her position and being a committee member. Town Manager Eldridge stated it was not a conflict.

Motion: Vice Chair Ganiere moved to appoint Bobbi-Jo Hutchins as a Member of the BCTV Committee without term. Selectman Manning seconded the motion.

The motion carried: 4:0

- Maureen Nikitas

Ms. Nikitas was present via Zoo. She has volunteered for BCTV and videotaped school board meetings. She has a background as an ASL interpreter.

Motion: Vice Chair Ganiere moved to appoint Maureen Nikitas as a Member of the BCTV Committee without term. Selectman Manning seconded the motion.

The motion carried: 4:0

9. Unfinished Business

- Lounge License Corner Point Brewery

Mr. Jamie Blood was present via Zoom. He has submitted a completed application for his lounge license. This was previously discussed at the August 11, 2020 BOS Meeting. The item was tabled because the application was incomplete.

Motion: Selectman Manning moved to approve the lounge license for the Corner Point Brewery. Selectman Cobb seconded the motion.

The motion carried: 4:0

- Pandemic Policy

The policy was presented for Board approval.

**The Town of Berwick
Pandemic Practices**

Policy:

It is the policy of the Town of Berwick to provide a safe and healthy environment for all employees. The threat of seasonal flu virus and other viruses coupled with the potential for a large-scale outbreak of a pandemic virus has prompted the Town to outline a policy for all employees. This policy is based on information obtained from the Maine Center for Disease Control (CDC) and the federal Center for Disease Control.

Definition:

A pandemic flu like virus is an influenza-based infection, which means it targets the lungs. Symptoms include, but are not limited to cough, fever, chills, body aches, shortness of breath and occasionally nausea and vomiting. A cough or sore throat, combined with a fever (temp above 101F), is considered by CDC to be *Influenza-like Illness (ILI)*.

Application:

This policy applies to all employees of the Town.

- Department Heads will be responsible for monitoring the health and vacancy rates caused by the spread of the virus. The goal is to continue to provide a high level of service to Berwick residents.
- Supervisors/Department Heads must be vigilant and watch for employees who appear sick. If you suspect an employee has an influenza-like flu, the best way to verify this is to ask the employee whether they are running a fever. If the employee believes he/she has a fever, they should be sent home immediately and should receive medical clearance prior to returning to work. If the Department Head or other supervisor reasonably observes an employee displaying other symptoms that could be an ILI, the employee should be sent home and should conduct his or her own further evaluation.
- The Town/Department Heads will make available hand sanitizer, disinfecting wipes and gloves as needed/available and provide dividers and signage where applicable. Individual departments may require additional PPE based on duties, contact with the public and potential risk of being exposed.
- All essential employee positions will be identified as well as minimum hours required to fulfill that position in the event that the Town may be forced to look at alternative staffing levels and/or an adjustment to work schedules, if vacancy rates escalate. In addition, Department Heads may consider reassignments and covering vacancies with other capable employees.
- Group meetings will be limited based on need and management approval. Conference calls and/or group emails will be utilized as a first option. Public meetings will be filmed live as much as possible so public access can be limited for the health of the public and committee members. Any decision to close places of gathering will be based on guidance from the Maine CDC.
- Traveling for Town business will be approved/denied on an individual basis by the Town Manager.
- Employees are expected share the responsibility of protecting themselves and co-workers by cleaning their workspace, wearing a mask when social distancing is in question and when in a confined area with limited ventilation and monitoring themselves for signs of illness or for known exposure.
- Access to buildings will be limited and all entering are asked to wear masks to protect the public and employees. Signage is to be posted on all public entrees.

Universal Precautions:

- Wash hands with soap and water for at least 20 seconds, or if soap is not available, an alcohol-based hand sanitizer with 70% alcohol
- Avoid touching eyes, nose, and mouth with unwashed hands
- Keep minimum of six feet apart in performing work tasks to the maximum extent possible
- Avoid shaking hands or other physical contact to maximum extent possible
- Avoid contact with people who are sick or not feeling well
- Avoid close contact with people who are sick; including shaking hands
- Stay home when sick
- Cover coughs or sneezes with tissues, then throw tissue(s) in the trash

- Clear and disinfect frequently touched objects (computers, telephones, door handles, light switches, railings, microwave, refrigerator etc.) and surfaces in accordance with directions provided for “disinfecting” objects or surfaces
- During meetings/personnel interactions all must keep a minimum distance of 3 feet apart
- Gloves will be provided for times when employees will be handling possible contaminated material (money, incoming mail, etc.)

Criteria for Closing:

Town management will follow the Center for Disease Control and the Maine State Department of Health and Human Services guidelines for the illness. Should departments need to close due to a COVID-19 concern, the Town will pay employees for a time period deemed necessary to clean the facility(s) as needed and ensure that any quarantine period is observed by those affected. Options to work from home will be reviewed by management as an alternative should the need arise.

Employee:

- If you experience an influenza-like illness, you must follow the CDC Guidelines:

I think or know I had COVID-19, and I had symptoms

You can be around others after:

- 10 days since symptoms first appeared **and**
- 24 hours with no fever without the use of fever-reducing medications **and**
- Other symptoms of COVID-19 are improving (*Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation*)

Most people do not require testing to decide when they can be around others; however, if your healthcare provider recommends testing, they will let you know when you can resume being around others based on your test results.

Note that these recommendations **do not** apply to persons with severe COVID-19 or with severely weakened immune systems (immunocompromised). These persons should review additional guidelines and work with their doctor for direction.

More information at www.cdc.gov

- **TRAVEL: Any employee choosing to travel out of the state for a gathering/vacation etc., must upon their return, self-quarantine for 14 days. These 14 days can be taken as unpaid leave, or the employee may choose to use vacation time and then earned comp/personal day. If symptoms or illness develop, the illness period will qualify as sick leave. Shortening of the quarantine period will only be accepted with valid documentation from a health care provider.**
- **TRAVEL: Employees traveling locally to provide care-giving services (no mass transportation with large groups of people) are exempt from the traveling/quarantine restrictions at this time. It is understood that these employees will be extremely cautious and follow all the CDC guidelines.**
- Employees infected at work or in the course of their duties will be expected to take their sick/vacation/personal/comp time for time out of work. Should it be found that the

employee has contracted COVID-19 in the course of their duties, lost work will be covered by Workers' Compensation and the Town will cover any hours missed not reimbursed by Workers' Compensation.

- If an employee is found to have contracted the virus off duty, the town/Workers Compensation will not cover the sick hours taken.

IF THE EMPLOYEE HAS A POSITIVE TEST RESULT, THEY MUST HAVE A DOCTOR'S NOTE TO RETURN TO WORK.

Information:

Anyone seeking information on the Town's position/action will be directed to the Town Manager, Freedom of Information Officer. In his absence Thomas Wright, Chairman of the Board of Selectmen. This policy is subject to change as CDC/State of Maine guidelines are updated.

Motion: Vice Chair Ganiere moved to adopt the Pandemic Practices Policy as presented. Selectman Cobb seconded the motion.

The motion carried: 4:0

10. Town Manager Report

Town Manager Eldridge reported the following:

- A punch list meeting was scheduled today for the Fire Station but the site is not ready for a punch list yet. There is a crack in the apparatus bay which need to be fixed, landscape needs to be completed and furniture needs to be moved in. The Certificate of Occupancy is scheduled for next week and the punch list will be generated after that.
- Plans for road work will be confirmed next week.
- The 71 Sullivan Street parking lot should be completed this week; the area has gravel and the entryway will be paved.
- The Water Department has seen some personnel changes. Mr. Gigon will head the department going forward. The engineer firm has changed and has started research on the geology and alternative water sources. Recommendations for drill sites should be forthcoming in about a month which will require test pitting, test drilling and water sampling. If an alternate water source proves to be non-existent then design will begin to upgrade the current water plant. Grant money is being sought and the \$1.2 million loan from Maine Drinking Water Program will go to the voters for approval in January. The water, although discolored, meets all State safety requirements and is safe to drink and use. The manganese levels are not above health hazard levels. Residents should call Town Manager Eldridge or Mr. Gigon with questions or concerns regarding the water.
- Selectman Manning asked if the Town was notified about paving on Route 9. Town Manager Eldridge stated the Town was notified. The Town questioned why the State was paving since there is a culvert on Old Sanford Road that needs replacing. The State will repair the culvert next year.

11. Selectmen Communications

None.

12. Approval of Warrants

09-03-2020	Payroll Warrant #14	\$ 69,096.34
09-10-2020	Payroll Warrant #15	\$ 63,719.67

09-08-2020

A/P Warrant #16

\$2,886,836.07

Motion: Chair Wright made a motion to accept the Accounts Payable Warrants as presented and on the condition of the inspection of a majority of the Board of Selectmen. Selectman Cobb seconded the motion.

The motion carried: 4:0

13. New Business

None.

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

- Title 1 §405(6)(C) – Economic Development

Motion: Chair Wright made a motion to enter into Executive Session per MSRA Title 1 §405(6)(E) – Consultation. Selectman Cobb seconded the motion.

The motion carried: 4:0

The Board entered into Executive Session at 7:31pm.

The Board resumed its regular meeting at 7:50pm. Chair Wright noted no actions were made during the Executive Session.

18. Other Business/Non-Agenda Items

Selectman Cobb noted hazardous waste day is September 12, 2020, at 2 Industry Drive.

19. Adjournment

The meeting adjourned at 7:50pm.

Respectfully submitted,

Patricia Murray

Town Clerk

The September 8, 2020 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s September 22, 2020 meeting.

On behalf of the Board