

**North Berwick Board of Selectmen Minutes July 24, 2018**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES JULY 24, 2018**

**Present:** Chairman Hall, Selectman Cowan, Selectman Johnson, Jr.

**Absent:** Selectman Galemmo, Selectman Johnson, Sr.

**Also Present:** Dwayne Morin, Michael DeRoy, Scott Strynar, David Ballard

Chairman Hall called the meeting to order at 6:30 pm.

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of July 10, 2018**

Dwayne Morin said that one of the names was misspelled. It was listed as Huston but it should have been Houston.

Selectman Cowan motioned to approve the minutes of July 10, 2018 as amended. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**3. Public Input**

There was no public input at this time.

**4. Unfinished Business:**

**A. Tax Acquired Property: Gordon Donnell Property**

Dwayne stated that on Page 12 of their packet were the results of the bid. They received 4 bids. The high bidder is Norman Pepin at \$7,500.00.

Selectman Cowan motioned to accept the bid of \$7,500.00 from Norman Pepin with the understanding that it has to be finalized within 30 days from today. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**B. Public Works: Project Updates**

Dwayne stated that Eastern Avenue has been shimmed. They are waiting for the Sanitary District to finish lifting the manholes. They did grind and base pave about 900 feet of Quarry Road. He stated that hopefully the trees will be cut. Once they are cut the guys will get back over there and finish Quarry Road.

They are currently working on the parking lots for the Maple Street trail. Dwayne stated that all of the trees were cut today for the Maple Street parking lot. He said that the garage is now complete and the old building has been torn down. After the parking lots are done, they will move on to the Bauneg Beg Road project.

**C. Code Enforcement:** Update on Enforcement Actions

Dwayne stated that they had talked about Mr. Anderson's removal of trees in the Shoreland zone. On page 17 is the plan that he submitted showing where he will be planting the new trees and bushes. He is planting maple trees, crabapple trees and bushes which will include 15 trees and 64 bushes. Dwayne stated that the Board needs to decide if they will impose a fine for cutting in the Shoreland zone. Both he and the Code Enforcement Officer are recommending that the penalty be waived upon successful completion of the replanting. They will be spending a significant amount of money with all the replanting.

Selectman Johnson, Jr. motioned to waive any fees and penalties and have them replant by 12/21/18. Selectman Cowan seconded the motioned. VOTE: 3-0

**Reminders: Next Board of Selectmen's Meeting** – August 7, 2018 – 6:30 pm Municipal Building

**5. New**

**Business:**

**A. Special Town Meeting:** Moratorium on Medical Marijuana Storefront Operations

Dwayne stated that everything has been posted and the Warrant for the Special Town Meeting is included in their packet. It is advertised for a Public Hearing on August 7, 2018 and the Special Town Meeting will be on August 14, 2018. He did invite all of the Planning Board members to all of the meetings. He stated that he has had the information on the website for about a week and a half.

Selectman Cowan motioned to approve the Warrant for the Special Town Meeting on August 14, 2018. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

Selectman Johnson, Jr. motioned to approve the Certification of Proposed Moratorium Ordinance Regarding Medical Marijuana Caregiver Storefronts and Order. Selectman Cowan seconded the motion. VOTE: 3-0

**B. Commitment FY18: Sign County Tax Form**

Dwayne stated that the County Tax for the current year did go up about \$10,000.00 in terms of overall yearly County Tax. However, our commitment to County Tax will be down about \$20,000.00 because we made our last payment on the fiscal year change last year.

Selectman Cowan motioned to approve the Assessors Return for the County Tax. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**C. Community Center: Discussion on Whether to Have Park Closed Dusk to Dawn**

Dwayne stated that our Community Center is currently not a dusk to dawn park. Most of our parks are dusk to dawn like the Canal Street, Bruce Abbott Park and Canoe Launch. This means that people are not allowed in these parks during this time. The main reason we did that for those parks is because they are in residential neighborhoods. It wouldn't be fair for people that live around these parks to put up with the noise at 2 or 3 o'clock in the morning. The Community Center is not like this. Dwayne stated that there are a few people who utilize the facility, specifically the walking trail, at night.

He stated that the reason this is coming up is because there is a gentleman that had an encounter with a State Police Officer at night time. Our town officer came onto the scene and to diffuse the situation, he asked the gentleman to leave. Comments were made by our officer that shouldn't have been made such as, "You are not supposed to be here after dark.". The gentleman became angry and posted some comments on Facebook that stated that the Town had basically kicked him out instead of coming to see us to discuss the situation. We did finally get to talk to him on Monday and told him that he can walk there at night unless at some point we make it a dusk to dawn park.

Dwayne stated that there were a lot of comments made and some of them were because they were concerned. He is asking the Board if they wish to change it to a dusk to dawn park or if they want to keep it open. He stated that he has heard from some of the neighbors and they have no problems with people using the trails after dark. He said that some of the concerns were with possible vandalism or unsavory activities that may occur. Selectman Cowan asked if they had had any activities happen. Dwayne said that somebody did spray paint the back side of the building and we did catch them. Selectman Cowan asked if this had happened after dark and Dwayne said that it had. Dwayne said the parents did pay restitution to fix it. Dwayne said that somebody had also been caught trying to set our swing set on fire. There has been more than one incident of couples being caught in compromising situations. Dwayne said that part of the regular checks for our police officers is to check the area every night. Dwayne said that the incidents that have happened are not significant and do happen in other parks as well. He stated that, in his personal opinion, it does not need to be a dusk to dawn park. He said that if they start seeing issues that can't be handled by our Police Department, they can re-evaluate it. He stated that, since the last week in June, the facility is now under videotape surveillance. There are 3 cameras that cover the majority of the swing set, playground areas and most of the parking lots. Selectman Cowan asked if this was posted there. Dwayne said that it was not. They do not post any of the facilities that have cameras.

Dwayne stated that they put the walking trail there for people to use. He said that, out of all the enhancements they have done at the Community Center, the trails have been the most well received and most utilized by far. The gentleman that was caught doing it at night has been doing it since April. He is an insomniac and walks between 2:00 and 4:00 in the morning because it is too hot in the day. He walks 3 miles every night. There has never been any issues with him. Chairman Hall asked why the State Trooper was out there. Dwayne said that when Police Officers see people driving in the middle of the night and veer into a public facility when an officer is following them is considered suspicious behavior. This trooper lives in town and he was heading home at that time.

Selectman Cowan stated that she doesn't want to punish people that aren't causing a problem for those that do. At this point, she doesn't see a reason to change anything. The rest of the Board agreed.

**D. Roads:** Accept Road Name for Carr Development – Country Way

Dwayne stated that they paved 2/3 of the development last Friday. In order for them to get addresses, they need to name the road. They are proposing the name to be Country Way.

Selectman Johnson, Jr. motioned to approve the name of the road at Country Estates to be called Country Way. Selectman Cowan seconded the motion. VOTE: 3-0

**6. Other Business:**

Dwayne said that he has been checking to see what other towns are doing regarding Medical Marijuana so that when we start looking at what we want to do, we will have some ideas. He is compiling the different Ordinances from around the State. He said that there is not a lot out there right now because most towns have either totally prohibited it or have not addressed it yet. For example, the Town of Sanford currently allows for Medical Marijuana land use activities but prohibits Recreation land use activities. The performance standards for Medical Marijuana are pretty stringent especially in the area of odor and security. These are some of the similar type of performance standards that we need to look into to make sure that we are protecting residents. He said that the Town of Sanford requires all Medical Marijuana cultivation facilities pay a yearly \$1,500.00 fee to the town so the town reviews them on a yearly basis. We will need to decide on the what kind of advertising to make sure it is neutral so there are no pot leaves on the signs and determine what kind of language they can use.

**7. Review and Approve Warrants and Correspondence:**

Warrant:	July 17, 2018	- \$ 712,912.73
Warrant:	July 24, 2018	- \$ 0.00

Selectman Cowan motioned to approve the Warrant of July 17, 2018 for the amount of \$712,912.73. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**8. Adjournment:**

Selectman Johnson, Jr. motioned to adjourn the meeting at 7:15 pm. Selectman Cowan seconded the motion. VOTE: 3-0

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.