

North Berwick Board of Selectmen Minutes August 21, 2018

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
AUGUST 21, 2018**

Present: Chairman Hall, Selectman Glemmo, Selectman Johnson, Jr., Selectman Johnson, Sr.

Absent: Selectman Cowan

Also Present: Dwayne Morin, Linda Dutch

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

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of August 7, 2018**

Dwayne stated that he had corrected one of the names. He changed the name Jeff Butlan to Butland.

Selectman Glemmo motioned to approve the minutes from August 7, 2018 as amended. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

3. Public Input

Linda Dutch stated that she would like to see the 50 mph changed to at least 40 mph on Route 9. Selectman Johnson, Sr. asked where the 50 mph started. Ms. Dutch said that, coming from Berwick, it starts right after the high school. Dwayne said that it is 40 mph from the intersection to just past the Hannaford's. It then goes to 50 mph to just before the school where it changes back to 40 mph and goes to 45 mph when you get into Berwick. Dwayne gave the Board a little bit of history. When the high school went in, the town requested that the speed limit be reduced in that area. We wanted to have a school zone in that area but the DOT denied all speed limit changes. Selectman Glemmo stated that where it turns to 40 mph heading into Berwick, he sees that there are more houses in that section. He said that the North Berwick section is now starting to get more housing in the area too.

Selectman Johnson, Jr. asked if it would make a difference with DOT now that there are more houses being added in the area. Dwayne said that if they make a request with DOT to change the speed limit, they will do a complete review of the road including engineering and State Police review. It is Dwayne's opinion, that they will not change it. He said that when they tried to change it when the school was built, they were told that engineering denied it. He said that there are new houses now and there are different people in the State House. Dwayne stated that the town cannot change the speed limits but we can make a request to them. It typically takes about 2 years to respond to the request. He stated that State highways are made to move people fast and Route 9 is a State road. Dwayne said that they had just wanted a school zone where the high

school was to go to a 15 mph. They have one on Route 9 in Berwick but they still wouldn't give it to us. We even had the Deputy Commissioner of the DOT come to a meeting. At the same time we were trying to get a light at the intersection of Route 4, Route 9 and Madison and they denied that light as well. They only gave us the light after the Deputy Commissioner, who lived in Eliot at the time, came to visit us and after the 3rd fatality had happened.

Dwayne said that if the Board wants to move forward with it, they need to send a request to the Police Department. The Chief can make comments about the speed limit change because they are the ones that are patrolling the area. Once we receive their comments, the Board would then decide if they wanted to proceed. If so, they would send a letter to the DOT to try and get it changed.

Chairman Hall closed the public input at 6:44 pm.

Chairman Hall stated that he wouldn't mind seeing it changed to 45 mph because the rest of the road doesn't go higher than 45 mph. Selectman Galemmo stated that they could ask the Chief to look into it and see what his comments are.

The Board of Selectmen agreed to request for the Police Chief to review the possibility of changing the speed from 50 mph to 45 mph on Route 9.

4. Unfinished Business:

A. Public Works: Project Updates

Dwayne stated that the parking lot on Maple Street is complete for the Maple Street Forest Project. The one on Route 9 is under construction right now and hopefully it will be completed sometime next week. Eastern Avenue is completely paved now. They have one culvert to do on Quarry Road. They are waiting to hear from Libby Scott to see when they can pave Quarry Road and Diamond Hill Road. He stated that Berwick is doing their end of Diamond Hill Road so when they do that part, they will also pave our end of it. This way we will have seamless pavement straight through. The goal is to do Bauneg Beg Hill Road in September. This will be a four week project and we will pave it at the latter part of September. They have to reconstruct one of the corners but the rest is shim and overlay.

Selectman Galemmo said that he doesn't get what the State did on Route 4. Dwayne said that he actually called the State about it. The State says that this is their new preferred methodology of paving roads. It is called ultra-thin wearing surface. Dwayne said he had called them about coming back and putting a surface on it but was told that this was the surface. Dwayne told them that there were big rocks and it wasn't a traditional surface. He said that for the residents that live on the road, it is much noisier for them now. Dwayne said that typically, you don't want a porous surface. A porous surface means that water will get down into the surface and will freeze and pop out all of the stuff that they just put in. The State said that it is the new pavement. They said that it has more emulsion in it so it will keep the water out. Dwayne said that he doesn't think it will do this.

Selectman Johnson, Jr. said that it was one of the worst paving jobs he has ever seen. There are still mounds of pavement alongside the road and the seams are not matching. Dwayne stated that when the State does the plowing, the seams will probably level out. Dwayne was told by the State that this is what they are planning to use all over the State now. Their test pilot was on Route 1 outside of Wells and they liked it. This is the 2nd project that they have done using this method. They are also going to use it on Route 9 from Portland Street to 109 in 2019.

B. Special Town Meeting: Moratorium on Medical Marijuana Storefront Operations

Dwayne stated that the Moratorium did pass so we are currently under Moratorium. He said that there is one project that is before the Planning Board this Thursday night. He stated that our attorneys are currently reviewing the application to let us know what they think. Dwayne said that they have already told the applicant that they can't display sales, but one of the things that they do want to start selling is CBD oil or hemp oil. By definition, hemp oil actually falls under Medical Marijuana because it is an extract of marijuana. Dwayne stated that there are different kinds of CBD oils. Some contain THC and some do not. The Federal Government says that if you make CBD oils out of the stocks and seeds of the male plants, it is not illegal. However if you make it out of anything else, it is considered a Class 1 drug and it is federally illegal. In Maine, it would be part of the Medical Marijuana project. One of the things that this applicant wants to sell is edibles.

Selectman Galemmo stated that from the Town Meeting and the Selectmen's meeting that they had before that, it appears like residents are in favor of Medical Marijuana. He asked Dwayne what the next steps would be. Dwayne thinks it would be a good idea to have a combined meeting with the Planning Board to start talking about what they want to do. Dwayne stated that he has been collecting items that show what other towns are doing. He has looked at setbacks from different areas within our community. He stated that from the old bank to the church in town it is 305 feet. South Portland has made their setbacks at 300 feet from churches and synagogues and 1000 feet from schools and parks. Dwayne said that the State law only requires 1000 feet from schools but we can downgrade it to 500 feet with a Town Meeting vote. The State has no setbacks from houses of worship so this is something that the towns can decide for themselves. He stated that we typically define setbacks for schools, parks and churches.

Dwayne stated that the current application that is being looked at is within 500 feet of a school. Right now, it is not the law. The law starts in October. Dwayne said that the definition for liquor is door to door but for marijuana, it is property line to property line. The elementary school has such a huge property. It stretches all the way down the river. When you actually run the line from property line to property line, it is actually within 500 feet.

Selectman Galemmo stated that one of his biggest concerns is the appearance of it. Dwayne said that for the current applicants it is an existing storefront and they are not going to be installing any signs. The only thing they are going to do is put their company name in the window. The company name is East Coast Roots and the design is an Elm tree. Selectman Galemmo said that this would be fine. He just doesn't want to see marijuana plants, psychedelic colors and other things like that. Dwayne said that when they originally did the setbacks for the dispensaries, they picked 200 feet. The reason they did that is because they picked the Village Center zone as

the only place that a dispensary could go. If they didn't reduce it to 200 feet, it couldn't have gone anywhere so they would have picked a zone that it could go in which is against State law. Dwayne stated that the new law is very clear that it needs to be 1000 feet from schools and we can pick what we want regarding parks and houses of worship. Dwayne said that most towns have made them all available in their Commercial zones only.

Dwayne stated that they can have the Planning Board come in at the October 2nd meeting. This will allow the Planning Board to have a few meetings on their own to discuss it. Dwayne said that they have to look at other land uses such as manufacturing and decide if we want to allow it in our town. He stated that there are 5 land uses that they need to review. Some of them are cultivation, retail, manufacturing and dispensaries. Selectman Galemmo agreed that they need to talk about things like cultivation. He asked if they had a choice regarding allowing cultivation. Dwayne stated that they can't stop the individual person from growing but on a commercial scale we can set up limitations. He said that the law changed and it is not by plants anymore. It is measured by square footage. Dwayne said that the State has created a 3 tier level. The primary tier is under so many square feet which he thinks is 2,500 sf. Each tier has an increased square footage. Dwayne said that Sanford and South Portland have said that their home growers cannot be more than 120 sf. Anything over that is considered to be a commercial grow. Selectman Galemmo asked if the State regulations on cultivation state whether it has to be indoors. Dwayne doesn't think that they specify whether it is for outdoors or indoors. He looked it up in his paperwork and it states that it used to be that it had to be in an enclosed facility but they changed that. The access has to be limited to just the caregiver and the people that work for them. It has to be in a secure area.

Selectman Johnson, Sr. asked what will stop big tobacco companies from coming in and taking over. Dwayne said that right now, it is the Federal Government that is stopping that from happening. He said that as soon as banking opens up, big tobacco will be nationwide. Selectman Johnson, Sr. stated that he thinks that regulation is going to be very tough. Chairman Hall agreed and said that he believes that there will be a lot more people that will attend our other meetings when we discuss this issue. He said that their job is to honor what these people want and to protect everybody else.

Reminders: Next Board of Selectmen's Meeting – Sept. 4, 2018 – 6:30 pm Municipal Building

5. New Business:

A. Commitment FY19: Establish Tax Rate for FY19

Dwayne said that they have been talking about this for a couple of months but today is the day they need to establish the tax rate for FY19. They narrowed it down to 2 tax rates for the Board to decide on. They can do either \$12.85 or \$12.90 and Dwayne is recommending that they do \$12.90. He is recommending the \$12.90 because he believes that they will see a large increase in the school budget and also because this was the last year of Pratt's big push for capital. He stated that the difference in the commitment is \$37,000. He said that this will not make or break anything but it could help hedge some things over the course of the years.

Dwayne stated that for the average taxpayer, if the tax rate is changed to \$12.90 it will be an increase of about \$75.00 in their yearly tax bill. He stated that for our largest taxpayer, Pratt & Whitney, it would be an increase of \$7,500 if the rate is at \$12.85 and \$8,100 if the rate is at \$12.90.

Selectman Johnson, Sr. motioned to approve the tax rate to be \$12.90 for FY19. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

B. Transfer Station: Complaint Regarding Saturday Closures on Town Meeting and Mill Field Festival Days

Dwayne stated that he received a phone call on Monday from a lady. She stated that every time she goes to the Transfer Station on Saturday, it is closed. Dwayne told her that this was impossible because we only close the Transfer Station 1 ½ days on Saturdays unless it is a holiday like Christmas. The lady asked why they would do that. He told her that they close it on Town Meeting day at 12:00 so our citizens and employees can attend Town Meeting. The lady stated that she didn't understand that because the people that work there don't even live in town. Dwayne stated that even though our department head doesn't live in North Berwick, he is required to attend Town Meeting as part of his job. She asked him why it was closed this past weekend. Dwayne told her that it was because of the Mill Field Festival. They are trying to encourage people to come to the Festival. Instead of having competing interests where the Transfer Station is open and the Festival is going on, it shows where are town focus is. It is our town event and our employees take part within the festival. The woman said that she was upset and a lot of other people were upset. Dwayne told her that it was a Board of Selectmen decision. He told her that he had no problem bringing it to the Board but he told her that he felt that these things should not be open during the Town Meeting and the Mill Field Festival.

The woman also stated that they never notify people when they will be closed. Dwayne told her 2 weeks before they close, they always put it on the sign. She was not aware that there was a sign when you drive into the Transfer Station. Chairman Hall stated that when people look up the town Transfer Station hours online, they could probably indicate that they will be closed on Town Meeting day and for the Mill Field Festival. Dwayne said that would be a great idea. He will also add it to our brochure and any other town announcements.

6. Other Business:

There was no other business at this time.

7. Review and Approve Warrants and Correspondence:

Warrant: August 14, 2018 - \$ 7,162.22
Warrant: August 21, 2018 - \$ 615,196.99

Selectman Galemmo motioned to approve the Warrant of August 14, 2018 for the amount of \$7,162.22 and the Warrant of August 21, 2018 for the amount of \$615,196.99. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 7:54 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

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.