

North Berwick Board of Selectmen Minutes September 3, 2019

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
SEPTEMBER 3, 2019**

Present: Chairman Cowan, Selectman Johnson, Jr., Selectman Galemmo, Selectman Hall, Selectman Johnson, Sr.

Also Present: Dwayne Morin

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

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of August 20, 2019**

Dwayne Morin said that he only changed the word “rewire” to “rebar”.

Selectman Galemmo motioned to approve the minutes of August 20, 2019. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0 Abstain: 1

- 3. Public Input**

There was no public input at this time.

- 4. Unfinished Business:**

- A. Capital Projects: Updates**

Dwayne stated that they are working on Bauneg Beg Hill Road right now. If everything goes right, they should be done there in about 3 weeks. They have been there for about a week and have Hammond Road to Linscott Hill Road done in terms of ditching and culvert work. The next section is the worst section. We will actually be removing pavement from the road.

Dwayne stated that they did order the truck. We will hopefully see it in March.

After the workers are done on the road then they will work on the salt and sand shed. They will then work on the bridges for the walking trails.

- B. Hartford Lane: Gate Blocking Public Easement**

Dwayne said that he sent the letter out to Mr. Genest regarding the gate. Mr. Genest came in to the office and said that he has removed the gate. He stated that he didn't know that he was in violation of the rules.

C. **Linscott Road:** Review Letter Regarding Possible Intersection Realignment

Dwayne said that he sent the letter out to the Weaver's and they called him when they received it. They would like to sit down and discuss it with the Board. They couldn't be here tonight but they will be at the meeting on the 17th. The Weaver's told him that they went through something like this before when they owned property in Wells. Mr. Weaver did have one question. He wanted to know if this was something that would drag on for years. He stated that when he sold his property in Wells, it took about 4 years to get it all done. Dwayne told him that we were not planning on it taking that long. Selectman Galemmo stated that if the Weaver's agree to sell, we would need to have it voted on at Town meeting. So they would have to wait until then and if it was approved we would close as soon as we could on it. Selectman Galemmo said that if they are not willing to sell than it ends right there and we need to figure out a different way to deal with the intersection. Dwayne stated that he did contact Hussey to let them know that the Weaver's are willing to discuss their options.

Dwayne said that he had another conversation with somebody else at DOT. He will be advocating for us for a little bit and he agrees that some of the speed limits need to be moved. He doesn't know if he will be able to move the speed limit beyond Linscott Road but he wants to at least move them away from Portland Street. He told Dwayne that it might be a good idea for them to do another speed study. Dwayne stated that the State's main concern is accidents. Dwayne does not believe that it will cause any accidents if somebody is doing 30 mph and has to wait 1000 feet to accelerate. It will at least not cause any more accidents than is already happening there. Selectman Johnson, Sr. asked why they think it would cause more accidents. Dwayne said that the State Law states that the assumption is that people will drive safely. Depending on the surroundings, people will drive at a safe speed. If people feel that they can drive faster, they will drive faster. If they think that people can drive faster and the speed limit is less than this can cause accidents. Dwayne said that we use speed limits to adjust people's behavior. We also do this by enforcing the limits. He stated that if we change the speed limit out there, we will have our police officers and signboards out there to enforce the limit so people will realize that it is now a 30 mph speed limit. There won't be any accidents because we will do our due diligence to make sure of that. Dwayne told them that we already have documentation of accidents there. Dwayne told them that we have step down speed limits in all of the other areas in town but we have no step downs here. He stated that we have no accidents on Route 4 and it steps down. Our 30 mph speed limit starts before the school on one end and before the railroad tracks on the other end. Dwayne also told them that when the speed limits were established, all of the houses along Route 9 weren't there.

Dwayne said that it is not a cure all. They may need to do a lot of little things to get the desired outcome. They are currently looking into it.

D. Streetlight Project: Update

Dwayne stated that the School Board agreed to take on the LED streetlight project. In order to make that work, their streetlights need to be added to our streetlight account and we then need to sign an agreement with the school that says they will pay for those streetlights. He contacted the Superintendent and said that the best way to do this is to do a Memorandum of Understanding that says what we are going to do and how we are going to do it. He has included a draft Memorandum of Understanding in the Selectmen packets. It states that we agree to include their streetlights and other equipment into our streetlight account. We will amend our contract with Affinity to furnish and install the LED streetlights. Their CMP Net Book Value will be added to our Net Book Value and we will invoice MSAD #60 on a quarterly basis for the energy, transmission and delivery charge for the 13 streetlights and five 20 foot brackets that will be transferred to us. We will invoice for any maintenance work on the LED streetlights not covered by the Affinity warranty. The school's bill will be \$1,016.00 per year. This agreement will stay in effect until State Law allows for School Districts to own their own streetlights.

Chairman Cowan had a few suggestions for some changes on the draft Memorandum. On the first page, in the 4th and 5th paragraph, the word "it's" should be spelled "its". Also on the 2nd page, under #3, the 3rd sentence currently reads, "...that these increase in costs...". It should read, "...that these increases in costs...".

Dwayne said that he is still waiting for the final numbers from CMP before sending the final copy out to the Superintendent. He should have those numbers by the end of the week.

Reminders: Next Board of Selectmen's Meeting – September 17, 2019 – 6:30 pm Municipal Building

5. New Business:

A. Police Department:

Dwayne stated that they have had one vacancy on the Police Department since they lost Officer Begin. Some of the Reserve Officers had applied. They went through the process of completing physical assessments, polygraphs and mental assessments. After all of this, Chief Peasley is recommending that Robert Welch be appointed as a full time Officer effective tomorrow if the Board approves him tonight. Dwayne said that he has been helping out a lot and working 40 hours a week without any benefits. He will probably attend the Winter Academy.

Selectman Galemno motioned to approve Robert Welch to be the new full time Police Officer. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

B. Salt/Sand Shed: Update on Project

Dwayne said that he is in the process of getting numbers for the salt and sand shed. He has only received one quote but would like to try and get at least one more. He stated that he asked 3 local businesses to give us a price. One of them has submitted a quote, another is waiting for the price of the rebar and he has not heard anything from the third one. Chairman Cowan asked if there was a time limit on when the work needs to be completed. Dwayne said it needs to be done by the end of October because we will need to put some sand in the building. Selectman Johnson, Sr. asked if they had to form it and Dwayne said that it would be. He said that all of the rebar is tied in. They will have 2 lines of rebar with down rebar. Dwayne said that it would probably take them a day to do that part. After that, they would have to set up the forms and pour. Selectman Hall asked what the thickness was for what they were pouring. Dwayne said that it was 8 inches.

Dwayne said that his concern is that they don't have another Board meeting until the 9/17. He said that if he does get pricing in this week, he may send an email out to all of them to let them know what the pricing is and find out what they want to do. Selectman Hall asked if the quote that he had received was within their budget. Dwayne said that it was not but it was very close.

6. Other Business:

Dwayne stated that there were some Stop Work Orders posted at Cathy's Restaurant and he received a complaint. He stated that when we started talking about Medical Marijuana, we had talked about manufacturing which is the extraction of oils from marijuana plants. Manufacturing is considered a Land Use. Under the current State Law, Medical Marijuana Manufacturing is only when you take material from outside your own grow. For example, if he was a medical marijuana caregiver and he was going to extract oils from other people's marijuana and then give it back to them, it is Medical Marijuana Manufacturing. However, if he just used his own marijuana and extracted oils from it, it is not considered Medical Marijuana Manufacturing. It is considered Caregiver Manufacturing and there are zero regulations other than the fact that they cannot use flammable materials to extract the oils. One of the materials that is not on the list but everyone is using is ethanol or alcohol. There is now a bill that is being presented to the Legislature stating that ethanol should be added as a Hazardous Substance. The only way that a caregiver could not manufacture in our town is if there was something in the Zoning Ordinance that stated that they could not manufacture in a particular zone. Unfortunately, in our Commercial Zones, we allow manufacturing. Our downtown Commercial Zones do allow for manufacturing so a caregiver in this zone could do it. It could be conditioned but they could do it anywhere. It could be across from a church or school.

Chairman Cowan asked how this was missed. Dwayne stated that it is because ethanol is not considered a flammable hazardous material under the current State Law. Chairman Cowan asked if the tenant where the Stop Work Orders was located was manufacturing by using ethanol. Dwayne said that they were. Dwayne did state that this tenant has opted to leave town. He stated that they were not in violation because they were manufacturing but because they were in violation of their Conditional Use Permit which was for the CBD store. They didn't come to the Planning Board to get a change of use. They would not have been able to get before the

Planning Board until the beginning of October and that it could take about 3 months before they could get their permits so they decided to leave town instead.

Dwayne stated that if someone did come into town at his point and they were a Caregiver manufacturer, if they can prove that they are using only their materials and selling it just to their patients, they can manufacture. He stated that in our Commercial zones, if the square footage is under 2,500 square feet, a person can do manufacturing in our town. He believes that they should probably review this. Selectman Galemmo stated that there could be non-marijuana manufacturing and it would limit these as well. Dwayne gave an example. He said that if they wanted to make candles at their house and do it on a commercial scale, they would not be allowed to do so. Chairman Cowan asked if they could specify specific items. Dwayne said that they cannot say “no” to Medical Marijuana because we are not allowed to regulate caregivers. The State allows us to regulate large operations but we cannot limit individual caregivers. We can limit them based on our Zoning criteria but it has to be Zoning criteria that is uniform across the town.

7. Review and Approve Warrants and Correspondence:

Warrant:	August 27, 2019	- \$	0.00
Warrant:	September 3, 2019	- \$	240,683.15

Selectman Galemmo motioned to approve the Warrant of September 3, 2019 for the amount of \$240,683.15. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 7:18 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

9. Reopening of Meeting:

Dwayne had one more thing to discuss with the Board so they reconvened the meeting at 7:19 pm.

Dwayne stated that he had received some questions from the Conservation Commission. One of the things that they wanted to know if the Town should take the Maple Street project and give it to the Great Works Land Trust or another agency. Dwayne told the Commission that he didn't think that this would be an appropriate thing to do. He said that our town already voted to put it in conservation and we accepted State and Federal money to develop it. He said that he doesn't believe that we could pass it on to someone else because of the funds accepted.

Dwayne stated that they also asked about poison ivy and he explained what was decided by the Board for this.

Dwayne said that they also wanted to know if the Town should purchase the property next door to us for conservation purposes. He told them the history and how we actually tried to buy that piece of property at one time but the Town voted against it. He said that the potential for development of this property are not great because of the wetlands that are on it.

Dwayne said that they also wanted to know what the plans were for the property on Ford Quint Road. He told them that we had taken them from tax acquired property status and that they were supposed to report back to let us know if the land was of value enough for us to keep.

Dwayne told the Commission that it might be a good idea for them to meet with the Board to discuss these issues. He said that the Selectmen usually meet with the other Boards and Committees anyway. He said that the Planning Board is working on some Zoning stuff so it would be a good idea for them to come in as well. The Parks and Rec Committee will come in as well at some point.

Selectman Hall asked what kind of Zoning changes the Planning Board was looking at. Dwayne said that they were looking at some definition changes as well as some setback changes in the Residential I and Residential II Districts. Chairman Cowan asked what prompted them to look at these changes. Dwayne said that some of it was from regular review and the setback issue was brought up by a developer. They are also looking to see if we should increase Commercial on Route 4 on the north side of the town. Dwayne and the Selectmen discussed the setbacks in regards to what they currently were and what kind of changes might be recommended. Dwayne has told the Planning Board that when they are considering any changes, they need to make sure that it also coincides with our Comprehensive Plan.

Dwayne said that he was contacted by a solar farm company and they want to build a solar farm in our town. The company said that they would like to put it on the Maple Street property but they can't do that because we have put that property in conservation. He is meeting with them on Thursday to discuss other options. They were also looking at the property where the old dump was located. This could be a good place. They want to lease 20 acres and put in a 500 megawatt facility which is a pretty big solar farm.

Dwayne said that he is also starting to renegotiate our streetlight price. He said that our deal ends in December of 2020 but they might be interested in extending that deal. We would finish out our contract and then extend it out from there. They believe that it will be under \$.05. If he can extend it for another 4 or 5 years, it would be a great benefit to the town.

10. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 7:36 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Wendy Cowan

Selectman: Jonathan Hall

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.

