

North Berwick Board of Selectmen Minutes February 1, 2022

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
February 1, 2022**

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

Absent: Selectman Johnson, Jr.

Also Present: Dwayne Morin, Brandon Piecuch, Chris Piecuch, John Smart, Cedar Gordon, Bill Burke

Chairman Galemmo opened the meeting at 6:30 pm.

1. Pledge of Allegiance

2. Review and Approve Minutes of January 18, 2002

Selectman Cowan motioned to approve the minutes of January 18, 2002 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

3. PUBLIC HEARING – Piecuch Med. Marijuana License -6:35

Chairman Galemmo read the Notice of Public Hearing as follows:

Town of North Berwick, Maine Board of Selectmen Public Hearing Medical Marijuana Establishment License Tuesday, February 1, 2022 Room 212, North Berwick Town Hall. The Town of North Berwick Board of Selectmen will be holding a Public Hearing on Tuesday, February 1, 2022 at 6:35 p.m. in North Berwick Town Hall Room 212 for a hearing on the application of Christopher Piecuch for a Medical Marijuana Establishment License for operating a Medical Marijuana Counseling Office located at 42 Market Street, North Berwick, Maine This Public Hearing is being held pursuant to The Town of North Berwick Medical Marijuana Licensing Ordinance. The Public is invited to attend this Public Hearing.

Dwayne spoke and stated how this was the first public hearing on medical marijuana and Christopher Piecuch has gone through the Planning Board process, he has gone through the conditional use process for his medical marijuana counseling office at 42 Market Street. That was approved around October of 2021. Dwayne said that the second part of that is licensing which is by the Board of Selectman because of the ordinance that was established for medical marijuana establishments.

Christopher Piecuch spoke and stated that there would be an office in the back of where the open storefront is now. They will have a receptionist out front to greet customers or patients that come in and that want to learn more about the use of cannabis. They can ask whatever questions they

have and then decide if they want to purchase anything or not. It is pretty straight forward and a lot of education involved in the process and how it could be beneficial to the individual.

Selectman Cowan inquired if he owned any other facilities similar to this one or if this was his first endeavor. Mr. Piecuch stated he had one two years back where Home Town Video was and he had operated a medical marijuana consulting office there and closed up a year and a half ago.

Cedar Gordon and Bill Burke stated that they are the owners of the building and are the landlord to this business. They want to help them get started in this business and answer any questions the Board may have building-wise. They stated that they have renovated the building. Selectman Johnson, Sr. inquired if this was a new establishment and Dwayne stated it is brand new.

Dwayne stated that if they wanted a sign, they would have to talk to the Code Enforcement Officer and there are certain criteria that have to be met. He stated that after they get an approval from the Board, there are two things that are needed which are a sign permit and an occupancy permit. He explained that the business owners have to receive permission to put up a sign.

Chairman Galemмо closed the Public Hearing at 6:45

Selectman Hall motioned to approve the license of Christopher Piecuch for a medical marijuana counseling office at 42 Market Street. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

4. PUBLIC INPUT: N/A

5. UNFINISHED BUSINESS:

A. COVID-19: ARPA Funding Review

Dwayne stated that he has provided an updated budget regarding the Communications Tower. This now includes the generator cost. He said it looks like it is going to be around \$197,000.00 to complete the project and pay for 3 years of maintenance. He said he has met with the Water District Superintendent and he does not have any issues with placing the communications tower at the water tank site. Dwayne said he has scheduled a meeting with the Water District Trustees on February 9 for the town to present to the Trustees and seek their permission. The only request that they had was to make sure that there will be enough room between the tank and the tower for a vehicle to drive around the tank for maintenance and this is certainly a reasonable request. This may result in having to move and add to the fence line or move the town closer to the road. Dwayne realized that the Board wants to keep the tower as less visible as possible. It could be placed way in the back, which would cost more to run the wires, or it could be moved closer to the front of the property. The other option is to place it where originally discussed and extend the fence line somewhat. Dwayne said that Mike recommended moving it slightly which would still be behind the tree lines in the front corner. Selectman Cowan suggested planting a few more trees where it is sparse to help with making the tower less visible. Dwayne stated that could be looked at. Dwayne said this tower would be 100 feet tall.

Dwayne also talked to the Water District about Brewer Road and Lower Main Street. He said that the entire Lower Main Street was estimated to cost \$178,000.00. He said that the Water District put together an estimate to fix just the area of Lower Main Street around Hussey Seating and that estimate is \$75,000.00. Dwayne suggested perhaps increasing the Water District allotment from ARPA funds to also cover that project and Brewer Street. There was another main break in that area last week resulting in a hydrant currently not operational until Spring. Water had to be shut off to Lower Main residents for a few hours while it was repaired.

Selectman Cowan indicated that what was discussed and what the Board agreed on was to allot \$80,000.00 to each department and let them prioritize and decide how they would spend the \$80,000.00 of ARPA money. Dwayne said that the Water District had prioritized in that they wanted to repair Brewer Street first and then Lower Main Street. Dwayne stated that Brewer Street would be \$36,000.00 and Lower Main Street would be \$75,000.00 for a total of \$111,000.00.

Chairman Galemme stated that they would receive \$80,000.00 from ARPA funds and if they want to fund one and a half projects with that and put in the rest of the money themselves, that would work and be consistent. The Board feels that it should be consistent across the Board with each department receiving \$80,000.00.

Dwayne stated that the communications budget is simply a budget and hopefully they can come in under that. For example, the consultant quoted \$35,000.00 for a shed and Dwayne believes that they can build a shed for less than that. He believes there are some areas where money can be saved. He also stated that \$15,000.00 is allotted for engineering and it may be more than that. Selectman Cowan asked Dwayne what the cushion would be and he stated it would be around \$62,5000.00.

Selectman Hall asked if the town was going to be paving Brewer Road regardless of whether they fix the pipe or not. Dwayne said they are but it is at least two years out on that. Selectman Hall said he'd like to see both Brewer Road and Lower Main Street completed but if it is not as much as a priority to pave that road, then they should choose. Selectman Hall also asked about when this is put on the ballot, will there be three separate questions. Dwayne stated it would be one question and referenced #13 on the warrant, Article 44.

B. REFERENDUM QUESTIONS: Review Attorney Comments

Dwayne said that after the Planning Board met and looked over the questions, he said he sent everything out to the town attorney and they responded indicating that there was a problem regarding the proposed language. Although we copied it from other communities, a Maine Supreme Court Case is very clear that the Town does not have home rule authority as it relates to liquor laws. He said that towns can limit locations to zoning districts but cannot include additional setback restriction within that zoning other than the 300 foot setback from churches and schools that is allowed under the State Law. He included the attorney's updated language and memo on the subject as well as the Supreme Court Case ruling. Dwayne referenced setbacks from sensitive areas and said that the setback from schools and daycares is mute as there are none in the commercial zone. His main concern is the setback from town parks. He said parks are not part of the state's setback from sensitive areas. He said our Attorney recommend creating

a Park Overlay Zone for all our parks within the town that restricts “adult” type land uses such as liquor, marijuana, etc. The zone would extend 300 feet around the parks. We don’t have time to implement that for this Town Meeting but we could place it before voters at the November Election. Selectman Hall inquired whether from one town meeting to the next, someone could open a bar. Dwayne said a bar could be opened anyways and it does not stop a bar from opening but maybe they could get closer to a park but most likely won’t happen due to zoning.

Dwayne stated the attorney also made a couple minor changes regarding the driveway and the animal control wording.

Selectman Cowan motioned to accept the recommendations of the town attorney. Selectman Hall. seconded the motion. VOTE: 4-0

C. PERSONNEL POLICY: Amendment to Section 6.3 Holidays to add Juneteenth

Dwayne stated that the Board had put forth an Amendment to the Personnel Policy to add Juneteenth as one of the recognized holidays. A memo went out to all of the employees and he did not receive any feedback other than one question regarding our police contract. He said that the police contract is set to be re-negotiated at this time next year. The police actually have more holiday than our current staff has. Selectman Cowan stated that her preference would be to have consistency with this holiday.

Selectman Cowan motioned to amend the Personnel Policy to include Juneteenth and that we open the police contract to make an amendment to the contract just on the one item of Juneteenth; Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

D. FY23 BUDGET: Continued Review

Dwayne stated that the budget books are all done. He is around five cents on the mill rate utilizing additional revenues they had. Not much as changed. He stated that our assessor is going to be asking for some changes to values. He does not think it is going to be across the board. There are certain areas in Town that are distinctively off. Town wide our property values are off. One of the things that is really off is that on every property, if it is an improved property, there is an improvement rate on that property. If the property is out in the country, it is \$15,000.00 and in town, the amount is \$10,000.00. They received updated costs and the amounts really should be \$19,000.00 for the country (farm & forest) and \$15,000.00 for in town.

Dwayne stated that Verna’s goal is to start inspecting houses because it has been since 2006 since that has happened. Within a three-year time period, she would look at every house in Town. This would be over the course of several years.

Historically the largest increase in the budget has been about 5%. This year is the highest it has ever been due to the cost of everything going up. Selectman Johnson, Sr. clarified with Dwayne that the budget is going up 13% but it is all paid for by funds we already have and we are not raising taxes to fund it. Chairman Galemme stated that a five-cent increase on the mill rate would be \$20.00 on a \$400,000.00 home. Dwayne stated the average home would increase by about \$25.00 which is not bad considering the budget increases.

Dwayne stated that the Budget Committee begins on Wednesday February 2, 2022. He has moved the meetings to the Community Center to allow for more social distancing as the 12-member committee would be in close quarters in the Town Hall Meeting Room. There is an internet problem at the Community Center but he is hopeful that this can be resolved next week.

Reminders: Next Board of Selectmen's Meeting – February 15, 2022 – 6:30 pm
Budget Committee – February 2, 2022 – Community Center – 6:30 pm
Budget Committee – February 9, 2022 – Community Center – 6:30 pm

6. NEW BUSINESS:

A. BUDGET COMMITTEE: Resignation of Jeremiah Johnson

Dwayne stated that the town has received Jeremiah Johnson's resignation form the Budget Committee and the Cemetery Trustees. The board will need to accept the resignations.

Selectman Hall motioned to accept the resignation of Jeremiah Johnson. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

B. BUDGET COMMITTEE: Appointment to Fill Johnson Term

Dwayne stated that Gregg Drew has indicated that he would be willing to be appointed to fill Jeremiah's term until the next election in April. He provided the Board with his application. Dwayne indicated Gregg is a former Selectman, Parks and Recreation Trustee and Budget Committee member.

Selectman Cowan motioned to appoint Gregg Drew to fill Jeremiah Johnson's term. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

C. TOWN REPORT: Cover, Dedication and Quote from Edison Press

Dwayne stated that the Board needs to discuss ideas for the cover of the Town report and dedication. He provided a sample and has received the quote from Edison Press and stated it actually went down from last year.

Selectman Cowan motioned to accept the quote from Edison Press of \$5,071.42. Selectman Hall seconded the motion. VOTE: 4-0

7. OTHER BUSINESS:

Dwayne stated in regards to Parks & Rec, there are new people involved with the Mill Field Festival and new ideas are being presented. They are also looking at summer camp and looking to one additional week being dedicated to special needs children. Selectman Hall questioned if Waban was going to be involved in the one week of special needs children and if we would be able to access Bauneg Beg through Waban and if so, they may let the summer camp use Bauneg Beg as a swimming area going forward. Dwayne said he would look into that.

8. Review and Approve Warrants and Correspondence:

Warrant: February 1, 2022 - \$ 96,640.00

Selectman Hall motioned to approve the Warrant of February 1, 2022 for the amount of \$96,640.00. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

9. Adjournment:

Selectman Cowan motioned to adjourn the meeting at 7:54 p.m. Selectman Hall seconded the motion. VOTE: 4-0

Respectively Submitted,
Jennifer Berard, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Jonathan Hall

Selectman: Michael Johnson, Jr.

Selectman: Wendy Cowan

Selectman: Michael Johnson, Sr.