

**North Berwick Board of Selectmen's Minutes: August 4, 2009**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES AUGUST 4, 2009**

**Present:** Chairman Folsom, Selectman Bourbon, Selectman MacDougall and Selectman Drew.

**Absent:** Selectman Danforth

**Also Present:** Mike Johnson Jr., Jeannie Provencher, Phil Rowe, Shirley Corbin, Cole Corbin and Dwayne Morin.

Chairman Folsom opened the Board of Selectmen's Meeting at 6:35 p.m.

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of July 7, 2009**

Selectman MacDougall moved to accept the Minutes of July 7, 2009 as corrected, Selectman Drew seconded a motion. Vote, 3-1

**3. Public Input:** No Public Input

**4. Unfinished Business:**

**A. Dispatch:** Discussion on Dispatch Services

Dwayne informed the Board of Selectmen that Dispatch Services in Sanford and North Berwick are going very well.

**B. Ice Storm:** Tree Debris Clean Up

The Tree Debris Clean Up is almost complete with one brush pile left to be picked up.

Selectman Bourbon asked if the crew checked on the back roads for the tree hangers and what got pushed back.

Dwayne spoke that we are going to see more tree hanger come fall when the leaves are gone.

### **C. Roads: Update**

Base pavement has been completed on Canal Street and Mill Street.

The Town Crew will be working on placing the granite in the next to weeks along the parking area.

The shoulder along Mill Lane needs to be completed.

The sidewalk will be started in three weeks and the town will be doing the last sixty feet of that sidewalk.

Caleb Foundation is anticipating open their apartment rentals at the end of September or the beginning of October.

Saturday during the Mill Field Festival the Caleb Foundation will be doing guided tours of the renovation to the Old Woolen Mill.

### **D. Great Works Crematory: Sign Lease Approved at Special Town Meeting**

Dwayne explained that at the last Special Town Meeting that the Town Meeting approved the signing of the lease.

Prior to the signing of the lease there was a petition submitted to the Town. The petition was submitted to ask for a ballot on the ground lease. They submitted 175 signatures of those 147 were found to be valid which does not meet the criteria under State Law. The State Law requires 178 signatures for the petition to be valid.

Selectman Bourbon asked what invalidates some of the signatures that were collected.

Dwayne answered that some of the signatures were not from a registered voter in the Town of North Berwick or the Clerk could not recognize the name due to it not being printed.

The petition was sent to the Town Attorney for review.

Dwayne read into the record the Town Attorney recommended motion on petition.

Selectman Bourbon moved that the Board of Selectmen acknowledge the receipt of the petition dated July 22, 2009 and will place the petition on file. The petition received had insufficient signatures pursuant to 30-A MRSA section 2522 and 2528 and the Board will take no action on the petition, Selectman MacDougall seconded a motion. Vote, 4-0

Dwayne recommended to the Board that prior to the signing of the agreement that the Board had with Great Works Crematory that Great Works Crematory fund the Special Town Meeting and what is associated with the Special Town Meeting.

Dwayne recommended to the Board that prior to signing of the lease that the Board may sign the lease, but the lease will not be released until such time as the Town receives payment from Great Works Crematory for the cost of the Special Town Meeting.

Michael Johnson Jr. provided payment to the Town for the Special Town Meeting.

Selectman Drew moved to accept the Ground Lease Agreement for the Development of a Crematory at Hillside Cemetery dated August 2009 as final, Selectman Bourbon seconded a motion. Vote, 4-0

**Reminders:** Next Board of Selectmen's Meeting – August 18, 2009-6:30 p.m. Municipal Building

## **5. New Business:**

### **A. Newsletter:** Summer Newsletter

Dwayne provided the Board with a draft of the Newsletter that will be sent out to the citizens on August 7, 2009.

The Newsletter includes the Mill Field Festival scheduled events for Saturday August 15, 2009 and Sunday August 16, 2009.

### **B. Committee Appreciation:** Appoint Nancy Moulton to Committee

Selectman MacDougall moved to accept the appointment of Nancy Moulton to the committee, Selectman Bourbon seconded a motion. Vote, 4-0

### **C. Police:** Award Police Cruiser Bid

Selectman MacDougall moved to accept the bid we received from Quirk Chevrolet for \$21,300.00, Selectman Drew seconded a motion. Vote, 4-0

### **D. Planning Board:** Goldmark, LLC Letter to Board Re Gravel Excavation Bond

Dwayne explained that a letter was sent to the Board from Dana Goldberg and Mark O' Brien partners of Goldmark LLC.

In August 2008 Goldmark LLC received a Conditional Use Permit from the Planning Board for mineral extraction and as part of that Conditional Use Permit three Conditions were placed on the project. One of the Conditions was a performance guarantee for the reclamation of the gravel pit which is required under the Town's Zoning Ordinance. The Planning Board required \$150,000.00

performance guarantee that was recommended by the Town's consultants which the Town utilized during the process of approval. All agreements with the engineers and correspondences go through the Town Manager Office. The Town Manager also recommended what the Town's Consultants had recommended.

Goldmark LLC is appealing to the Board of Selectmen to reduce the amount. Goldmark LLC feels that the amount is excessive.

Dwayne contacted Mr. Goldberg stating that he understands his concerns, unfortunately the Board of Selectmen do not have the authority to over ride a Planning Board Approval.

Goldmark LLC could have objected during the Planning Board procedure which he did object and then actually accepted the \$150,000.00 performance guarantee as part of the Conditional Use Permit.

Goldmark LLC could have also appealed within the 45 day time frame to the Zoning Board of Appeal for a reduction in value.

Selectman Bourbon asked if the \$150,000.00 is a retainer.

Dwayne answered that basically how the \$150,000.00 works is that there is 25 acres that Goldmark LLC will be excavating. The Engineers estimated that it will cost \$6,000.00 an acre to reclaim.

Goldmark LLC proposes that the Selectmen consider reducing the performance guarantee to \$36,000.00. This will provide an amount equal to two (2) times the cost of reclamation of the allowed 3 acre open area limit (3 acres x \$6,000.00 x 2 = \$36,000.00).

One of the recommendations during the Planning Board review was to phase the project. If Goldmark LLC wanted to phase a project, at the end of each phase Goldmark LLC would come back to the Board and get another price. Goldmark LLC would then put up another bond. Goldmark LLC did not want to do this they wanted to permit the whole project. To permit the whole project they were required to put the bond up for the whole project.

Dwayne will prepare a letter for the Board of Selectmen's August 18, 2009 meeting in regards to Goldmark LLC request.

#### **E. Fuel Fund:** Review Fuel Fund Requirements

Tabled until next meeting

**F. Commitment FY10: Tax Commitment Preview**

Dwayne discussed with the Board of Selectmen Tax Commitment FY10.

The Town's goal is to hold the tax rate at 10.90 and have an overlay of \$158,000.00.

The Town Assessor is finalizing the evaluations for North Berwick.

**6. Other Business:**

Dwayne discussed with the Board that Mark Green from Sanford is a candidate for Vice-President for the Maine Municipal Association and the Board may vote for Mark Green this evening.

Selectman Drew moved to use this voting ballot this year to vote for Mark Green, Selectman MacDougall seconded a motion. Vote, 3-0-1

Selectman Drew moved to vote for the proposed MMA Nominating Committee Mark Green as Vice-President and choose the three candidates for Director, Selectman MacDougall seconded a motion. Vote, 4-0

Selectman Bourbon asked about the protocol of trash pick up in the community.

Dwayne will set a schedule with Mike Dunn.

Selectman Bourbon inquired about two dead trees in the Mill Field.

Dwayne will be receiving a report from Dave Parker.

Selectman Bourbon asked about the curfew ordinance.

Dwayne answered that the Police Departments have confiscated bicycles and skate boards and will hold them for 2 weeks.

Selectman Bourbon spoke so that is an active part of patrol that the town is looking to enforce that these young citizens should be at home or should have supervision after curfew.

Selectman Drew asked about the lighting on the dam.

Selectman Bourbon noticed that there are no lights on the flag at the Fire Station.

Dwayne will contact the Fire Chief.

Dwayne informed the Board that Pratt & Whitney will need to put in a sidewalk that is handicap accessible before the State will give permission for the Town to place a walkway.

Shirley Corbin and Cole Corbin attended the Board of Selectmen's meeting. Cole Corbin will write an essay on some of the highlighted discussions at the Board meeting to acquire his Boy Scout badge.

#### **7. Executive Session – 1 MRSA 405(6)(A) Personnel**

Selectman MacDougall moved to go into Executive Session - 1 MRSA 405(6)(A) Personnel at 7:58 p.m., Selectman Drew seconded a motion. Vote, 4-0

#### **8. Review and Approve Warrants and Correspondence:**

Warrant: July 14, 2009 - \$411,430.44

Warrant: July 28, 2009 - \$33,195.57

Warrant: August 4, 2009 - \$17,201.09

Selectman MacDougall moved to accept the Warrants of July 14, 2009 for \$411,430.44, July 28, 2009 for \$33,195.57, and August 4, 2009 for \$17,201.09, Selectman Drew seconded a motion. Vote, 4-0

#### **9. Adjournment:**

Selectman Bourbon moved to adjourn at 8:15 p.m., Selectman Drew seconded a motion. Vote, 4-0

Respectively Submitted:  
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Elaine Folsom

Selectman: Paul Danforth

Selectman: Anthony Bourbon

Selectman: Gregg Drew

Selectman: Jay MacDougall