

North Berwick Board of Selectmen's Minutes: April 3, 2012

NORTH BERWICK BOARD OF SELECTMEN MINUTES APRIL 3, 2012

Present: Selectman Danforth, Selectman Drew, Selectman Galemmo and. Selectman Hart.

Absent: Chairman Folsom

Also Present: Michael Johnson Sr., Robert Versocki, Dale Clock, Pat Bedard, Sally Gumm, Ben Gumm, Amelia Small, Meredith Kleinschmidt, Lawrence Huntley, CEO and Dwayne Morin.

Selectman Danforth opened the Board of Selectmen's Meeting at 6:32 p.m.

1. Pledge of Allegiance

2. Welcome Newly Elected Selectman Danforth and Drew

The Board welcomed Newly Elected Selectman Paul Danforth and Selectman Gregg Drew.

3. Election of Chair and Vice Chair for Ensuing Year

Selectman Drew moved to nominate Larry Hart as Chairman, Selectman Danforth seconded a motion. Vote, 4-0

Selectman Danforth moved to nominate Charles Galemmo as Vice Chair, Gregg Drew seconded a motion, Vote, 4-0

4. Public Hearing: Dangerous Building 6:35 p.m.

Chairman Hart opened the Public Hearing at 6:35 p.m.

Chairman Hart read into the record:

Public Hearing
Tuesday, April 3, 2012
6:35 p.m.
Municipal Building Conference Room #212

Dangerous Building

The Board of Selectmen will hold a Public Hearing on April 3, 2012 at 6:35 p.m. in the Municipal Building Conference Room #212 pursuant to 17 MRSA 2851 regarding the property located at 12 Elm Street to determine if a building or structure located on the property is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or is otherwise dangerous to life or property.

The Board of Selectmen encourages all interested persons to attend this Public Hearing.

Dwayne explained that this all happen when a fire broke out last year at one of the storage buildings at the Trison, LLC property. The Code enforcement Officer wrote a letter to Trison, LLC to clean up the property by the end of January. They still have not cleaned up the property. After discussion with Legal Counsel, they recommended that we pursue a dangerous building order because we have had no contact with Trison, LLC. They have not returned phone calls or have they returned any letter messages.

Lawrence Huntley, CEO spoke: that I sent another letter on November 11, 2011 stating that they were running out of time and I need to hear from you on what you plan to do. The 90 days are going to expire in January of 2012. I did not hear anything back from them. We proceeded with all the required proceedings and that is why we are here today.

Selectman Drew asked if they signed for the certified letter.

Lawrence Huntley, CEO answered they did for the first one.

Dwayne provided a visual of the dangerous building and the property.

Selectman Drew asked who is responsible to remove the damaged boat and camper.

Dwayne answered the property owner.

Selectman Danforth asked the Dwayne if a 3rd of the building remains.

Dwayne answered about a 3rd of the building remains. There are 17 units; units 1 through 6 are intact; units 7 through 17 are completely gone.

One of the concerns that we have that there is the Elementary playground right behind the building and starting at the end of April, sports will begin in the field close to the dangerous building.

Chairman Hart opened the meeting to the Public at 6:40 p.m.

Pat Bedard representing Mr. Perkins the mortgage holder, I had conversations with Dwayne and he also provided me with a notice.

Pat Bedard spoke: that some of the things that are going on here and I have some documents and timelines here to present to everyone. The situation and what we have been facing in the past year and it is not a shock to me that you have not heard from the owner who is in Foreclosure. I did a timeline and the records were provided by Mr. Perkins.

1. Fire at 12 Elm Street about December 17, 2010
2. January 10, 2011-letter from Patrick S. Berdard sent out letter to parties involved notifying them that they were in violation of the term of Note and Mortgage.
3. March 10, 2011-Complaint for Foreclosure dated March 4, 2011 filed in Springvale District Court.
4. Mr. Perkins requested the Court order any tenants on the property to pay rent to his attorney so insurance could be placed on the buildings and payments on the taxes and sewer bill could be brought current
5. April 20, 2011-the parties involved agreed to make payment to Patrick Bedard to update current bills.
6. July 12, 2011-Mr. Perkins filed a motion requesting the Court enter a Judgment of Foreclosure.
7. January 18, 2012-The Springvale District Court enters a Judgment of Foreclosure.

Procedure going forward

I can advertise this for foreclosure sale 90 days after January 18, 2012, or on or about April 20, 2012. The sale can happen 30 to 45 days after the first ad, so I will have a sale probably the last week or two of May, 2012.

If another party buys this property, they will likely close by end of June, beginning of July, 2012.

If Mr. Perkins purchases the property then he would close sooner, but would have to sell a unit to someone first to have money in order to remove the damage property. This will likely take at least thirty days, possibly longer, and won't be completed until July/August, 2012.

Pat Bedard asked the Board of Selectmen for some time to take down the dangerous building.

Selectman Galemme asked that when the mortgage was made why wasn't there steps put in there to ensure there was insurance.

Pat Bedard answered that there was insurance at the beginning and when it was canceled there should have been a mechanism showing where the new insurance policy for this property is.

I don't know how we can clean up a building legally.

Dwayne explained that the Board of Selectmen, after the public hearing is closed, can deem the building a dangerous building under the statute and the Town orders it to be cleaned. The Board must give a 30 day notice for it to be cleaned up. After the 30 days the Town can walk in and clean it up. The one thing the Town could do is go to Mr. Perkins and ask him to clean it up the building up after 30 days and that gives Mr. Perkins the legal right to go in and clean up the dangerous building under a contract with the Town of North Berwick and that way the costs are reduced.

Chairman Hart opened the meeting to the Public at 7:09 p.m.

Sally Gumm spoke: that I am a property owner adjacent to the building and I am happy that there is an agreement that it needs to come down and regardless of our property I'm glad they thought of the children next door. The sooner the better as far as I'm concerned.

Ben Gumm spoke: This is an unfortunate situation for all parties. I would urge the Board to move forward to remove the building.

Chairman Hart closed the meeting to the Public at 7:10 p.m.

Dwayne read into the record:

ORDER OF THE MUNICIPAL OFFICERS
OF THE TOWN OF NORTH BERWICK, MAINE
CONCERNING 12 ELM STEET

Dated the 3rd day of April, 2012

Selectman Galemme moved to accept the Order of the Municipal Officers in regards to 12 Elm Street as written by Town Attorney and allow the Town Manager the authority to work with Mr. Perkins in the removal of the dangerous building, Selectman Drew seconded a motion. Vote, 4-0

5. Review and Approve Minutes of March 20, 2012

Selectman Galemme moved to approve the minutes of March 20, 2012, Selectman Danforth seconded a motion. Vote, 4-0

6. Public Input: No Public Input

7. Unfinished Business:

A. Town Meeting FY13: Discussion of Town Meeting

Michael Johnson Sr. will write a letter to the Water District Trustee Resign Board to decline the Water District position. Sid Canfield will be reelected to fill that position in two weeks.

With the approval of the Fire Works Ordinance a copy will be sent to the Fire Marshall and it is a 30 day process for review.

The Board of Selectmen signed thank you letters to the volunteers that helped at the Pancake Breakfast for Town Meeting.

Selectman Danforth commented that the Town Meeting went very well.

B. Dangerous Building: Update on Dangerous Building 12 Elm Street

Selectman Galemme moved to accept the Order of the Municipal Officers in regards to 12 Elm Street as written by Town Attorney and allow the Town Manager the authority to work with Mr. Perkins in the removal of the dangerous building, Selectman Drew seconded a motion. Vote, 4-0

Reminders: Next Board of Selectmen's Meeting – April 17, 2012 - 6:30 p.m. Municipal building

8. New Business:

A. Mowing: Discuss Mowing of Parks and Cemeteries

Selectman Galemme moved to go with Gilpatrick Property Services at his offered price for three years, Selectman Drew seconded a motion. Vote, 4-0

B. Commitment FY13: Review and Approve Ratio Declaration and Reimbursement App.

Selectman Galemme moved to approve the Ratio Declaration and Reimbursement Application, Selectman Danforth seconded a motion. Vote, 4-0

C. Bridges: Scour Critical Bridge Plan of Action

Dwayne explained that the Town has been notified by the MDOT that the Boyle Road Bridge in North Berwick is considered a Scour critical bridge and pursuant to federal law. The MDOT prepared a Scour critical action plan for the bridge.

The State informed Town Manager and Mike Dunn about the condition of the Boyle Bridge that the soil is washing away and has the potential to collapse.

D. Roads: Maine DOT Work Plan of Action

Selectman Galemme moved to approve Maine DOT work plan review as amended, Selectman Danforth seconded a motion. Vote, 4-0

9. Other Business:

10. Review and Approve Warrants and Correspondence:

Warrant: March 28, 2012 - \$7,567.08

Warrant: April 3 20, 2012 - \$11,706.55

Selectman Danforth moved to accept the Warrants of March 28, 2012 for \$7,567.08 and April 3, 2012 for \$11,706.55, Selectman Galemmo seconded a motion. Vote, 4-0

11. Adjournment:

Selectman Danforth moved to adjourn at 8:32 p.m., Selectman Galemmo seconded a motion. Vote, 4-0

Respectively Submitted:
Anita Merrow, Stenographer

Original to Town Clerk

Chairman: Larry Hart

Selectman: Charles Galemmo

Selectman: Paul Danforth

Selectman: Elaine Folsom

Selectman: Gregg Drew