

**North Berwick Board of Selectmen Minutes September 20, 2016**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
SEPTEMBER 20, 2016**

**Present:** Chairman Galemmo, Selectman Hall, Selectman Johnson, Sr., Selectman Johnson, Jr., Selectman Cowan (in late at 7:20 pm)

**Also Present:** Dwayne Morin

Chairman Galemmo called the meeting to order at 6:33 pm.

**1. Pledge of Allegiance**

**3. Review and Approve Minutes of September 6, 2016**

Dwayne Morin stated that the only changes he had made to the minutes was to add “,” and “.00” to the all the numbers that were in them.

Selectman Johnson, Jr. motioned to approve the minutes as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

**4. Public Input**

There was no public input at this time.

**2. Public Hearing – General Assistance Ordinance Appendices – 6:35 pm**

Chairman Galemmo opened the meeting for the Public Hearing regarding General Assistance Ordinance Appendices. He read the notice into the minutes.

Notice of Public Hearing  
General Assistance Ordinance and Appendices  
Tuesday, September 20, 2016 6:35 P.M.

The North Berwick Board of Selectmen will be holding a Public Hearing on Tuesday, September 20, 2016 at 6:35 p.m. in the Municipal Building Room 212. The purpose of the Public Hearing is to seek input on the revised General Assistance Ordinance and Appendices proposed to replace the existing Ordinance and Appendices. The proposed Ordinance and Appendices were prepared pursuant to the Maine General Assistance Law (22 MRSA § 4305(4)).

The North Berwick Board of Selectmen encourages all interested residents to attend this Public Hearing.

Dwayne stated that there is no change in the Ordinance this year but there are some changes in the Appendices. The Appendices set forth the maximums that we can assist people through the General Assistance program. This year, they increased the overall maximums by about \$40 for each of the households. A one person house went from \$695.00 to \$734.00, 2 person went from \$796.00 to \$860.00, 3 person went from \$1,009.00 to \$1,065.00, 4 person went from \$1,370.00 to \$1,439.00 and a 5 person went from \$1,418.00 to \$1460.00. Another change is if people in a 1 person household have electrically heated hot water, it was increased from \$19.10 to \$20.00. Everything has stayed the same. Dwayne stated that the State comes up with all of these numbers and we have to adopt them. We could adopt different numbers but if we did, the amount that we get from the State would change.

Chairman Galemmo closed the Public Hearing at 6:38 pm.

Selectman Hall motioned to approve the new General Assistance schedule. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**5. Unfinished Business:**

**A. Public Works:** Update on Projects

Dwayne stated that Beech Ridge Road and Randall Road are done. They are working on Diamond Hill Road. They started the graveling and did about 750 feet. He stated that on the second half of the road, it looks like there is some pretty decent gravel. There are a few spots that they may have to dig out. Dwayne said that they should be done with the graveling by the middle of October and be all set for winter.

**B. Fire Substation:** Update

Dwayne has received three quotes for the repairs at the substation. He received one from Clifford Foster for \$3,750.00, one from Bronder Construction for \$4,500.00 and one from Cason Carpentry for \$5,520.00. He said that all of them gave a number to fill in the door, replace the door and then an estimate for the rot and repair because we will do that based on time and materials because we don't know what we will get into until we rip it apart. Clifford Foster's estimate for the rot repair was \$500.00 to \$700.00. Bronder Construction gave the estimate of \$4,500.00 but we would have to purchase the box set which is about \$600.00 which would bring the price up to about \$5,100.00. Cason Carpentry did not give a separate price for the rot work but said that it would be whatever time and material costs would be. Dwayne stated that the lowest bid was by Clifford Foster.

Chairman Galemmo asked Dwayne if he had an issues with Mr. Foster doing the work. Dwayne stated that he did not and that Mr. Foster did a lot of the small jobs for us.

Selectman Johnson, Sr. motioned to accept the estimate from Clifford Foster for the amount of \$3,750.00 for door repair and an additional \$500.00 to \$700.00 for the rot repair. Selectman Hall seconded the motion. VOTE: 4-0

**C. Tax Rate FY17: Sign Commitment Papers**

Dwayne stated that they already had signed these before the meeting so they were all set.

**D. Public Works: Loader Financing**

Dwayne stated that CAT decided that before they approve the lease, we needed to get an attorney's opinion on the lease. He stated that on Page 14 of their packet, he had the motion that needed to be approved by the Selectmen to be able to move forward. Dwayne stated that at the last meeting they had agreed to borrow \$106,900.00 on a lease at 2.75% plus a \$300.00 dock fee to bring it to a total of \$107,100.00 for a 4 year lease with a dollar buyout. In order for our Attorney to give a bond counsel opinion, the motion has to be structured in this fashion. He said that everything stays the same as what they talked about last week, but the attorneys say that they need to do all of this paperwork. He said that he is driving to Portland tomorrow to get everything finalized and close on the lease.

Selectman Hall motioned to approve the following motion:

I move that the vote entitled, "Vote to Authorize Lease Purchase of a 926M Caterpillar Wheel Loader in the Principal Amount of \$106,900.00," be adopted in form presented to this meeting.

**VOTE TO AUTHORIZE LEASE PURCHASE OF A  
926M CATERPILLAR WHEEL LOADER IN PRINCIPAL AMOUNT OF \$106,900**

The Board of Selectmen of the Town of North Berwick hereby votes as follows:

That the Town Manager is authorized to accept the proposal of Caterpillar Financial Services Corporation, to provide tax-exempt lease purchase financing for a 926M Caterpillar Wheel Loader (the "Equipment") in the principal amount not to exceed \$106,900.00 at an interest rate not to exceed 2.75% for a term not to exceed for (4) years, and any prior such action is hereby ratified and confirmed;

That under and pursuant to the provisions of Title 30-A M.R.S. sections 5721, 5722 and 5728, all other applicable law, and authorization of the voters of the Town of North Berwick at a town meeting on April 2, 2016, the Town Manager is authorized to execute and deliver a Governmental Equipment Lease-Purchase Agreement No. 2914687 with Caterpillar Financial Services Corporation, or its nominee, in the name and on behalf of Town of North Berwick (the "Town") for the Equipment, with an aggregate purchase price not to exceed \$106,900.00, in such form and on such terms not inconsistent herewith as the Town Manager in consultation with the Town's legal counsel may approve (the "Lease");

That no part of the proceeds of the Lease shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Lease to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code");

That the Treasurer of the Town is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Lease, and to take all other lawful actions necessary to ensure the interest portion of the rental payments under and pursuant to the Lease will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof;

That the appropriate officials of the Town, including the Town Clerk and Treasurer, acting singly, are authorized to execute and deliver such other documents and certificates as may be required in connection with the Lease, and any such prior action by them is hereby ratified and confirmed; and

That an attested copy of this Vote be filed with the minutes of this meeting.

Dwayne stated that the first 2 paragraphs basically authorize him to enter into the agreement with Caterpillar Financial Group. The third paragraph is about the arbitrage bond. It basically states that we are not allowed to make money on their money. The next paragraph states that this is a tax exempt lease so that Caterpillar can take advantage of the tax exempt. We get a lower cost because they take away the taxes attached to the equipment.

Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**E. Budget FY18: Discussion on Budget for FY18**

Dwayne stated that he is just keeping this on the Agenda in case the Selectman have anything they want to bring up.

Dwayne stated that there are a few things that have come up that will affect the budget. They are going to have a large increase in Workers Compensation this year because they had a large claim. It will increase our mod rate from .79 to 1.22 and we will see this increase for 3 years.

Dwayne said that we had to change over our phone systems to a new plan. We have 22 landlines that the Town pays for and our 10 year contract expires at the end of this month. Our cost per line was going to go from \$20.00 per line to \$65.00 per line with the current company. Dwayne looked into finding another plan. He found one that is a 3 year contract for \$17.50 per line with unlimited long distance within the US and Canada. He stated that we currently pay for long distance. He said it will probably be a savings of about \$300.00 to \$400.00 per month.

**Reminders: Next Board of Selectmen's Meeting** – October 4, 2016 – 6:30 pm Municipal Building

**6. New Business:**

**A. Commitment FY17: Abatements and Supplementals for Law, Hall and Mathews**

Dwayne stated that they had 2 Abatements and 3 Supplementals to review. He said that one of the Supplementals goes with the 2 Abatements. The 2 Abatements are with the Hall property. He stated that back in January of 2016, the Hall's put 2 pieces of property together. He said that if somebody comes to the Town and says that they want to get one tax bill for their 2 properties, the Town can do this. The Town can combine the tax bill but not combine the lots and the number stays the same. If somebody wants to combine the lots to lower their taxes, they have to physically deed it to create one property. In this case, they had very large lots and they decided that they would combine them. They did the deed in January but we didn't get the deed until 3 weeks ago. Now that we have the deed, an abatement is in order for those 2 properties and a Supplemental is in order to send out a correct tax bill. He stated that the first Abatement would be on Account #734 for the amount of \$2,761.92. The second Abatement would be for Account #736 for the amount of \$837.90. The Supplemental would be for Account #734 for the amount of \$2,779.56. This is would be for Stanley & Susan Hall at 167 Lebanon Road.

Selectman Hall motioned to approve Abatement #1 for Account #734 for the amount of \$2,761.92, Abatement #2 for Account #736 for the amount of \$837.90 and Supplemental #2 for Account #734 for the amount of \$2,779.56 for Stanley & Susan Hall at 167 Lebanon Road. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Dwayne stated that the next Supplemental was for Donald and Leilani Law from 61 Hammond Road. They have moved their primary residence to Georgia and they are taking advantage of the Homestead Exemption in Georgia. By law, you cannot take advantage of 2 Homestead Exemptions in the United States. Dwayne stated that the Georgia Homestead Exemption is better than the Maine one. The Law's do not want to be penalized.

Selectman Hall motioned to approve Supplemental #3 for Account #1977 for the amount of \$189.00 for Donald & Leilani Law at 61 Hammond Road. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Dwayne stated that the next Supplemental was for Nelson Mathews. He said that they just found out today that we have not been taxing. It is a piece of back land. Mr. Mathews brought in the deed and told us that we had not been taxing him properly. The property is located on Lebanon Road.

Selectman Hall motioned to approve Supplemental #4 for Account #2588 for the amount of \$78.12 for Nelson Mathews at 0 Lebanon Road. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

**B. Commitment FY17: Review and Sign Municipal Valuation Return**

Dwayne stated that every year we have to give the State a report showing what the value is for our community. This is how we determine our Revenue Sharing, our County tax and our education subsidies. Every year, Craig creates a Municipal Valuation Return and the Board of Selectmen need to approve it and sign it. Dwayne stated that starting on Page 54 of their packet is an accounting of what our town is worth in terms of value. Our taxable real estate is about \$501 million, taxable personal property is about \$73 million, and the total taxes that we will collect this year is about \$7.25 million.

The report then moves on to our exemptions. Regarding our Homestead Exemption, we have 1,068 Homestead Exemptions for a value of about \$16 million. This gives us a total assessed value of about \$258 million. We had 37 applications in our BETE program and we approved 34 for about \$126 million. We have 1 TIF with a value of \$1.7 million. Last year, we collected \$787,000 in motor vehicle excise tax and \$5,000 in watercraft excise taxes. We have one Electrical Generation property which is at Pratt & Whitney and is worth \$14.2 million and is exempt from taxation. We have 71 parcels in the Tree Growth Program for a value of about \$1.4 million. Our Farm Land has 7 parcels for a value of about \$71,000 and our Open Space has 4 parcels for a value of \$80,000. We have nothing under the Working Waterfront section. Under the Exempt Property, the Public Property which is a State of Maine property is valued at about \$239,000. We have \$39.7 million in other municipal property which is basically the school buildings in our community. We have benevolent and charitable institutions for about \$4.4 million worth which includes the Legion and Mason property. There are values for fraternal organizations and aqueducts. We also have Pollution control facilities valued at \$1.6 million which is the treatment plant at Pratt & Whitney and is exempt from taxation. We have 7 Revocable Living Trusts valued at \$42,000, 1 paraplegic veteran valued at \$50,000, other veterans and their widows enlisted as Maine residents valued at \$570,000 and other veterans or their widows enlisted as non-Maine residents valued at \$330,000. Total value of all exempt property in town is about \$52.3 million.

The next section states how we keep our records, maintain our tax maps, how many parcels and the total taxable land acreage which is 23,432. It also states who did the last evaluation and what the cost was, who our current assessor is, what our fiscal year is, what our current interest rate is, and if our records are computerized.

Dwayne said that they have to submit this by November 1<sup>st</sup> of every year. He stated that on Page 62 is a listing of the buildings from last year. We had 11 new one family buildings, 1 five Family Plus home and 1 Mobile Home. We also added the Hannaford store. We also need to show them how we figured out our BETE exemption.

Selectman Cowan motioned to approve the Municipal Valuation Form. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

**C. November Election: Liquor Petition**

Dwayne stated that Hannaford and Allard's had been gathering signatures on the petition to sell liquor. They started sometime in May to collect signatures and they had 511 of them. After we verified the signatures to make sure they were North Berwick residents and were registered voters, they had 340 valid signatures. They needed 334 so they just made it. Dwayne stated that the sample ballot is included in the packet and will have 2 questions. Dwayne read them into the minutes:

Shall this municipality authorize the State to permit the operation of agency liquor stores on days other than Sunday?

The second one is:

Shall this municipality authorize the State to permit the operation of agency liquor stores on Sunday?

Dwayne said that both could be approved, both could be denied or they could approve it to be sold on every day other than Sunday or on Sundays only. Dwayne stated that the State is very specific about the questions that need to be asked by the municipalities.

Selectman Hall motioned to accept the petition for the liquor referendum to place the 2 questions prepared by the Town Clerk on the referendum ballot for the November 8, 2016 election. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

**D. Fire Department: Accept Revised Bloodborne Policy**

Dwayne stated that every 3 years, our insurance reviews the policies for one department. This year was for the Fire Department. The Chief didn't have a copy of the Bloodborne Pathogen that we approved back in 2008. We adopted Bloodborne Pathogens for every single department in our town. There were a couple of mistakes in the one for the Fire Department. The only change that was made from the 2008 version to the present one is on Page 73. At the bottom of the page, where it lists the positions that perform these tasks, we originally just had Fire Fighter. We have added Fire Officer and Chief Officer. Dwayne said that even though they are all Fire Fighters, they do not necessarily have to be Fire Fighters to be a Fire Officer or Chief Officer. They also made the same changes on Page 84 under Appendix B. Other than that our Bloodborne Pathogens are all the same.

Selectman Johnson, Jr. motioned to approve the revised Bloodborne Pathogen Exposure Control Plan for the North Berwick Fire Department. Selectman Cowan seconded the motion. VOTE: 5-0

## **7. Other Business – Executive Session – Poverty Abatement**

Dwayne stated that on Page 97 of their packets is a copy of the letter that Maine DOT sent out regarding political signs. We just changed our whole Sign Ordinance. Unfortunately, in between the time that we approved our Ordinance and this November, they changed the State law as it relates to the political signs. He stated that it doesn't have an effect on us because under State law we are allowed to be more restrictive than the State and we are more restrictive. Dwayne said that this past weekend, some of the candidates went and put their signs out on private property. In the letter that the State sent to all of the candidates, it says, "May be erected on private property outside the right-of-way limits of public ways (this includes ditches) at any time prior to the primary or general election, limited in size to a maximum of 50 square feet.". Dwayne stated that what they failed to mention is that all candidates should check with their local towns to see if they have more restrictive sign ordinances. Our placement on private property is limited to 6 weeks prior to the election. The issue we have now is that some of the signs have started to be put up within the community. Per our Ordinance, the earliest that they could be put up would be next Tuesday. Dwayne said that they will probably not make them take them down at this point. He will send a letter to all of the candidates informing them, that by law, they should not have them up. Dwayne said that he has spoken with Maine DOT and he is sure that this will be changed next year because the candidates are very unhappy.

Selectman Cowan said that they also state that there is a requirement to have contact information be on a political sign. Dwayne said that most of the candidates are putting stickers on the back of the signs. All of the candidates know that they have to do this.

Dwayne stated that he has received a lot of phone calls from residents asking why the signs are already up. He contacted the candidates that had put signs up and he was told that they were legal per the State rules. Dwayne sent the DOT letter to our attorney for them to review and it is her opinion that our Sign Ordinance is legal and we can enforce it. The question is do we enforce it for 4 days. Dwayne said that if the Board wants him to enforce it and have all the signs removed until Tuesday, he will do that.

Dwayne would like to send letters to all of the candidates and let them know that even though the State has sent out this letter with their rules on putting out signs on private property, the Town of North Berwick does not allow you to do that. He said that he spoke with the lady at the State and she told him that if any of the candidates have a problem with it, they can call her and she will tell them the exact same thing. The Board all approved this.

Dwayne stated that they also had an invitation from the Food Pantry for their Open House at Mary Hurd Academy. It will be on Wednesday, September 21<sup>st</sup> from 3-6.

Betty Moore stepped forward to discuss an issue that she had. She said that it was brought to her attention from a family member saying that they had found her granddaughter's soccer schedule and the team rosters on the Town of North Berwick's website. She would like to request that this be taken off of that page. She said that due to issues like custody problems within families and visitation issues, these names should not be publicly there. We ask our schools to get written consent to publish photographs of kids. She thinks that it is a really bad choice to have it on there. She said that she speaks for her family because they are going through some of these issues. She does not feel that it is a good idea to have that kind of information on a public page.

Dwayne stated that it was the request of the soccer players parents to have it put on there last year. He said that it is all public information. They do not put up any addresses. They only put up the name and the team that they are on. The schedules were put up because the parents wanted them up. He said that it is common practice and other towns do it as well. Dwayne said that they can offer to parents that have legal issues, to request that their child's name not be put on the roster online. He said that it can't happen this year because they have already started the season. Chairman Galemmo stated that they can have a spot on the registration form where the parents can check off if they don't want the name on the website. Betty Moore said that this would be a great solution.

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

Warrant:	September 13, 2016	- \$	0.00
Warrant:	September 20, 2016	- \$	838,994.95

Selectman Hall motioned to approve the Warrant of September 20, 2016 for the amount of \$838,994.95. Selectman Cowan seconded the motion. VOTE: 5-0

## **9. Adjournment**

Selectman Cowan motioned to go into Executive Session at 7:53 pm and adjourn after the session is over. Selectman Hall seconded the motion. VOTE: 5-0

Selectmen Cowan moved to come out of executive session at 8:20 pm. Selectmen Johnson, Jr. seconded the motion. Vote 5-0.

Selectmen Hall moved to adjourn at 8:30 pm with Selectmen Johnson, Sr. seconding the motion. Vote 5-0.

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Jonathan Hall

Selectman: Michael Johnson, Sr.