

**North Berwick Board of Selectmen Minutes November 1, 2016**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
NOVEMBER 1, 2016**

**Present:** Chairman Galemmo, Selectman Hall, Selectman Johnson, Jr., Selectman Johnson, Sr., Selectman Cowan (In at 7:13 pm.)

**Also Present:** Dwayne Morin, Steven Shaw, Roger Frechette

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

**1. Pledge of Allegiance**

**3. Review and Approve Minutes of October 18, 2016 and October 25, 2016**

On the minutes of October 18<sup>th</sup>, Dwayne Morin stated that he had made a few changes. On Page 3, in the second paragraph, the second sentence currently reads, “Dwayne stated that they hadn’t really calculated it but he thought it would be about 3 miles.”. It should read, “Dwayne stated that they hadn’t really calculated it but the Great Works Land Trust representative thought it would be about 3 miles.”. Also on Page 3, in the third paragraph, the fourth sentence currently reads, “They would do trail development, some planting of the property, and put out placards along the trail.”. It should read, “They would do trail development, some planning of the property, and put out placards along the trail.”.

Also on Page 5, in the first full paragraph, the fifth sentence currently reads, “Dwayne said that they have a limit for our Wildlife Protection District which states what the poultry limits are.”. The word “Wildlife” should be “Wellhead”.

Selectman Johnson, Jr. motioned to approve the minutes of October 18, 2016 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

There were no corrections to be done on the minutes of October 25, 2016.

Selectman Hall motioned to approve the minutes of October 25, 2016 as written. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0 Abstain: 1

**4. Public Input**

There was no public input at this time.

**5. Unfinished Business:**

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

Dwayne stated that Diamond Hill is done for the year and it looks like we will be under budget. The guys are also working on a few other things around town and finishing up things before winter.

**2. Public Hearing – 6:35PM – Dangerous Building – 42 Nowell Street**

Chairman Galemmo opened the Public Hearing at 6:35 pm.

Chairman Galemmo read the Legal Notice regarding the Public Hearing into the minutes.

Legal Notice  
Town of North Berwick

PUBLIC Hearing  
Tuesday, November 1, 2016 6:35 P.M.  
Municipal Building Conference Room #212

**Dangerous Building**

The North Berwick Board of Selectmen will hold a public hearing on November 1, 2016 at 6:35 p.m. in the Municipal Building Conference Room #212 pursuant to 17 MRSA 2851 regarding the property located at 42 Nowell 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 or 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 stated that the property owner, Steven Shaw and the CEO, Roger Frechette were present to discuss the issue.

Mr. Frechette stated that he had received a complaint from a neighbor. They said that they had rats and they were trying to come into their house. The neighbor said that the rats were coming from the property at 42 Nowell Street. Mr. Frechette went to the property and upon his investigation, he did see that there were trash bags in the yard along with a bunch of other debris. He asked Mr. Shaw to clean up the trash and he agreed to do so. When asked how long he would need to clean it up, Mr. Shaw told him to give him a week. Mr. Frechette asked him to sign a piece of paper stating that it would be done in a week and Mr. Shaw did sign it. Mr. Frechette went back about a week and a half later to check on the trash and found that nothing had been done. On September 22<sup>nd</sup>, Mr. Frechette spoke with Mr. Shaw again about cleaning up the trash and gave him another 2 weeks to take care of it. Mr. Frechette went back in 2 weeks to

find that nothing had been done. When Mr. Frechette spoke with Mr. Shaw about it again, Mr. Shaw said to “Sue him” and that he would not clean it up because he had cancer and was a sick man.

Steve Shaw said that the scenario Mr. Frechette stated was not quite how it happened. Mr. Shaw said that the trash was gone when Mr. Frechette came back and all that was left was wood and steel. He said that he had paid someone to take the trash away and that they had come back today to take the steel as payment. He stated that he has had no problem with rats on his property. He said that there were 12 bags of trash there because his trash removal service had stopped doing business in North Berwick and he has to go to a new company. He said that all of the rubbish is gone. Everything that is left has monetary value. He stated that it is still a little messy but there is no garbage there especially anything that would attract rats. Mr. Shaw stated that in between the first and the second time that Mr. Frechette had gone to the property, all of the trash had been removed.

Dwayne brought up pictures of the property on the projector for the Selectmen to look at. Mr. Shaw showed the Board what was left. He still has a refrigerator, steel, tanks and a wheelchair ramp. There is also clean steel and it was removed today. He stated that most of the trash bags were filled with returnables. Dwayne asked Mr. Shaw what the garage looked like. Mr. Shaw said that there was only building materials and a tractor. Dwayne asked Mr. Shaw if they went to check it out tomorrow, if they would find no more trash there. Mr. Shaw said that they would not find any rubbish.

Dwayne stated that one of the other issues that some people had was the rubbish within the dwelling itself. Mr. Shaw stated that there was never any rubbish in the dwelling. It was all outside.

Selectman Hall asked Dwayne what their options were. Dwayne stated that they can determine to put an order on it to clean it up. He has included a draft order in the packet for them to review. The other option is to postpone any decisions until we have time to go and review the property to see if it has been cleaned up. Dwayne stated that he hopes that it is all set. He stated that our goal is not to let it get to this point but it is to make sure that it gets cleaned up. Mr. Shaw said that he still has some things to do like take care of the wood and steel. He said that he also has the wheel chair ramp made out of wood that is sitting in front of the garage. This will need to stay there until he is in a wheelchair again.

Selectman Johnson, Jr. asked Dwayne if they had received any more complaints about rats recently. Mr. Shaw stated that the problem was that his neighbors are family. He said that the property was left to him and both of the neighbors fought in court to try and get it. There have been problems ever since then. Dwayne stated that they did have complaints from other sources other than his neighbors. There were complaints regarding the rats from people down the street from him. Mr. Shaw said that he has not seen any rats and says that the only place there might be a problem with them is in the dumpsters. He said that the dumpsters are not on his property.

Dwayne asked Mr. Shaw if he had a time frame for when he could clean up the rest of the yard. Mr. Shaw stated that one of the problems is the cost associated with getting rid of these things at

the dump. He stated that he could have it all cleaned up in 6 weeks. Chairman Galemmo asked Mr. Frechette when the last time was that he had been out to the property. Mr. Frechette said that he went by yesterday and today but did not go onto the property. He did see that some of the stuff was gone. Selectman Hall asked Mr. Shaw if he had help, could he clean it up more quickly and Mr. Shaw said that he could. Selectman Hall asked him if his son would be willing to help. Mr. Shaw said that he is the only one that has helped out so far. Selectman Johnson, Jr. asked if any of the stuff could be burnt. Mr. Shaw said that anything that can be burned, he will burn. He wanted to wait until we got a little more rain to be able to obtain a permit. He hopes to do this on Thursday.

Selectman Hall read the draft Order to the public so that Mr. Shaw was aware of what it consisted of.

Whereas the Code Enforcement Officer inspected the premises and buildings, now or formerly owned by Steven Shaw, located at 42 Nowell Street on September 12, 2016 and determined the undisposed trash to be an immediate and serious threat to the public health, safety and welfare that warrants the immediate removal trash; and

Whereas, the Board of Selectmen held a meeting on November 1, 2016 at which they heard a report from the Code Enforcement Officer and others concerning conditions at 42 Nowell Street; and

Whereas, the Selectmen are generally familiar with the premises based upon their personal observations.

Now Therefore, in accordance with Title 17 M.R.S.A. § 2851, the Town of North Berwick Board of Selectmen determine that the property located at 42 Nowell Street is structurally unsafe, unstable, unsanitary, unsuitable or improper for the use of occupancy to which it is put, constitutes a hazard to health and safety because of inadequate maintenance and is otherwise dangerous to life or property that warrant the immediate removal of the trash from the property.

Be It Ordered That

1. The Town of North Berwick orders the immediate removal and cleanup of the trash in question within 30 days of this order.
2. If the trash removal and clean up has not been performed to the Town's satisfaction within 30 days of this order, the Town will proceed with the summary process afforded the Town under 17 M.R.S.A. § 2851 to have the trash immediately removed from the property; and
3. The Town be awarded expenses for the removal of the trash including but not limited to the costs of attorney fees, title searches, location reports, service of process, costs of removal of the trash, and all other costs incurred by the municipality which are reasonably related to the removal of the trash.

Selectman Hall stated that he would be willing to come and help out if that was okay with Mr. Shaw. Mr. Shaw said that would be fine.

Dwayne asked Mr. Shaw if the cost of getting rid of the rubbish was an issue with having it cleaned up. Mr. Shaw said that part of it was the cost. Selectman Hall asked what items that he had left to get rid of that would cost money at the Transfer Station. Mr. Shaw said that he had a dishwasher, mattress and air conditioner. He said that he really didn't want to throw away the steel. He would like to hold on to it until the price of steel goes up again. Selectman Hall asked Mr. Frechette what he had seen that was still outside when he went by the property the last couple of days. Mr. Frechette said that there were propane tanks and some sort of fence. Mr. Shaw said that he still uses the propane tanks and he will be putting up the fence. He just recently bought the fencing which was from a dog kennel so he could use it as a gate to keep his dog in. Selectman Hall asked if there was any space inside the garage to put some of these things. Mr. Shaw said that there was but he doesn't really want to put anything in there. He said that the problem is that once it is inside, it will be forgotten. He stated that if he can't get rid of it within the six weeks, he will dump it.

Selectman Johnson, Jr. asked Mr. Shaw if he could get the items to the Transfer Station if the Board agreed to let him dump them at no cost. Mr. Shaw said that he would get the items there one way or another. Selectman Johnson, Jr. asked Dwayne about how much money these items would cost. Dwayne said that it should be no more than \$60.00.

Selectman Hall stated that he would be willing to come over on Saturday, November 12<sup>th</sup> at noon and help Mr. Shaw's son with removing the items. Mr. Shaw said that this would work for him. Selectman Hall asked Mr. Shaw if he would have a problem with the CEO coming back after the 12<sup>th</sup> to see if everything has been removed. Mr. Frechette said he would go by on the 14<sup>th</sup>.

Chairman Galemmo closed the Public Hearing at 6:58 pm.

## **6. New Business:**

### **A. Code Enforcement: Dangerous Building – 42 Nowell Street**

Dwayne stated that if it is the Board's goal to allow Mr. Shaw to dump the items at the Transfer Station, they will need to include that in the motion. Dwayne told Mr. Shaw that he would need his license plate so he can let the manager at the Transfer Station know not to charge him. Dwayne stated that they should do 2 motions – one for the order and one for the disposal costs.

Selectman Johnson, Sr. motioned to accept the order for Mr. Shaw to clean up the property at 42 Nowell Street within 45 days. Selectman Hall seconded the motion. VOTE: 4-0

Selectman Johnson, Jr. motioned to cover the costs up to \$100.00 for Mr. Shaw to dispose of the appliances and mattress at the Transfer Station. Selectman Hall seconded the motion.  
VOTE: 4-0

## **5. Unfinished Business:**

### **B. Budget FY18: Discussion on Budget for FY18**

Dwayne stated that all of the budget requests went out to all of the department heads, agencies and committees that are involved in the process. They need to return them by December 31<sup>st</sup>.

Dwayne stated that our road CIP goes out to 2023. We did this when we got our bond. We did this so we know what we are going to be doing for the next 10 years. He stated that our vehicle and fixed asset CIP ends this year so they will move into another 5 and 10 year plan. What they do is for the 5 year, they do a pre-concrete plan and we do a 10 year outlook. When they get through the first 5 years, they make the next 5 years look more concrete. This stabilizes our capital over the course of the 5 years. He stated that in the next 5 years we are looking at getting 2 large plow trucks. We also have some miscellaneous things to look at. He stated that our sidewalk plow is about 20 years old. Also our grader is a 1976 model. We don't use it often but when we used it this year, it broke down more than we had it running. When they were using it for Diamond Hill Road, they had to do something to it just about every day.

The Fire Department has some engines that are getting near to the end of their lives. He said that they are looking to extend some of the lives on them. We currently have 2 loans out and we don't want to have too many more out. Dwayne stated that next year, we are supposed to start putting money aside to start planning the new Fire Station.

Dwayne said that they also need to look at paving the parking lot for this building. It was supposed to be done a few years ago but we pushed it off. He stated that with Aroma Joe's building next door, it may be an opportune time to look into paving it. He stated that most of the crackups are at the entrance and are more on the Aroma Joe property.

Dwayne said that there is not much to do at the Community Center. There are a few small things but nothing that would hit CIP. CIP is for \$10,000 and higher. We are also in pretty good shape for the Transfer Station but he will find out more when he meets with Richard.

The CIP is mostly equipment and vehicle replacement costs. Dwayne said that we know we are going to replace a police cruiser every year. Selectman Johnson, Jr. asked if we will be paying off anything soon like the loans for the loader and backhoe. Dwayne stated that within the next 5 years they will all be paid off. Dwayne stated that another thing was that our Equipment Fund has a pretty good amount in it so we may be able to pay for the new equipment rather than get a new loan. He said that the fund currently has about \$175,000 in it and we probably add about another \$50,000 to it this year because our excise tax collections are doing very well. All unspent excise tax goes into the Equipment Fund. We use this to defray costs on some projects.

Dwayne stated that the goal is to maintain our capital and know what we are looking at in terms of the budget. He stated that our Capital on a yearly basis has been running at about \$700,000. He does not see this changing dramatically. It may get near \$800,000 but a lot depends on the price of vehicles in the next 5 years.

Dwayne stated that there were a few departments that he will be reviewing in regards to salaries. Several of our employees are being paid at a much lower salary than any of the neighboring towns.

### **C. Conservation Commission: Discussion on Commission Zoning Change**

Dwayne said that he wasn't sure if the Selectman wanted to discuss the proposal regarding chickens that the Conservation Commission had brought to their attention. Dwayne said that he did send the information to the Planning Board so the Selectmen can discuss it with them at their December 8<sup>th</sup> meeting. Dwayne stated that he had not had a chance to review the proposed Ordinance thoroughly. He said that the Conservation Commission's proposal was very detailed and he thinks that it can be scaled back. Dwayne stated that one of the things that was discussed was in regards to the chickens being in a hen house. He said that it was mentioned at that meeting that we may not want to dictate that they need a hen house. Dwayne said that he did have someone come into his office and said that they did not have a problem with having chickens. However, they do want to make sure that they are somehow controlled because the free range chickens have a habit of running into other people's neighborhoods and running into the roads. This causes traffic issues. Chairman Galemmo said that he feels that they should be in some sort of pen.

Dwayne stated that another issue that they will discuss with the Planning Board is in regards to Category 3 surveys. We have had a few issues over the past few weeks or so that has caused us to take a look at them. He said that they are looking to put more teeth in the Category 3 survey. They met with a surveyor today to try and find a balance that gets the survey done but doesn't have a big hindrance on the contractors. Selectman Johnson, Sr. asked if they would get the permit, have a site plan that shows where everything is going to be, put the footings in, get it all dug and then have to wait for a surveyor to come out to survey the line. Dwayne said he was correct. Selectman Johnson, Sr. said that this would hold the contractors up but Dwayne said that it wouldn't if it was done right. He stated that Category 3 surveys are not full surveys. Usually the surveyor will have been there before and laid out the lot. When they put the footings in, the surveyor just comes back out and quickly looks at them to verify.

Dwayne said that in the past few weeks, they have had one house that had to be demolished and one garage that had to be moved because they put them in the wrong place. The whole idea behind the Category 3 survey is to make sure that the people are putting it in the right place. He stated that they have been talking about doing what some towns in New Hampshire and the town of Wells are doing. They give them a foundation permit and once they got the foundation inspected, they can continue to build the house. Selectman Johnson, Jr. asked if the surveyors usually pin off the foundation. Dwayne said that they didn't and that is the problem. He said that most people are not pinning the foundation. They dig it and then call the surveyor to come and inspect it.

Dwayne said that he wants to also be cognizant of the cost. Selectman Cowan asked what the cost would be. Dwayne asked the surveyor today how much he would charge for a Category 3 survey and was told \$200. He said that if they get it pinned it would be about \$300 to \$400. Selectman Johnson, Sr. stated that if they get the footings in, dig the hole and find out that it is so

many feet short, they have to start all over which is a lot more expensive. Dwayne stated that the person that had to demolish his foundation cost him \$8,000. Dwayne stated that they are getting more building activity so we may see more of these issues.

Dwayne stated that another thing that some people have talked to him about is doing something about the maintenance of certain houses. If the house is looking decrepit, why can't the Town do anything about it? The only thing that we can do about it is if a building is structurally unsound or has a lot of trash and rubbish around. He stated that there is a part of the Building Code that we could adopt that is called the Property Maintenance Code. Some people might have a problem with this kind of Ordinance because it can be a sensitive issue. Selectman Cowan asked if there was any variances to the Code such as specifying which zones it would be applied to. Dwayne stated that most of the time it is a blanket Ordinance to cover all areas. He stated that when they had BOCA, it was part of BOCA and we could do more things with it. When the Maine Building Code came into place, they decided to adopt the International Building Code. There is a supplement to the International Building Code called the International Property Management Code that is 30 pages long. All but 4 pages of it are already in the International Building Code and Life Safety Code. The one section that is not included is regarding property being unsightly, is the siding following off the building and other things like that. Dwayne stated that some people feel this might be a little "Big Brotherish" and don't agree with this process. Selectman Cowan asked if they could make it specific to zones in the town. Dwayne said that they could probably amend it. Selectman Cowan stated that in the downtown area or well trafficked parts of town, it may be beneficial to have this Ordinance. She doesn't want it to be for things like making sure that people's lawns are mowed. She feels that we should require a certain standard for building maintenance.

Dwayne stated that he would provide the Board with a copy of the Property Maintenance Code for them to review.

**Reminders: Next Board of Selectmen's Meeting** – Nov. 15, 2016 – 6:30 pm Municipal Building

**6. New Business:**

**B. Audit: Update on Audit**

Dwayne stated that they finished the audit last week. The auditor was here for about 3 days. They found a few little things that will sound worse than what they actually are. Dwayne said that last year's audit, we had been paying sales tax. Dwayne informed all of the employees to make sure that we don't pay sales tax. We did this in October when the audit happened and we found that between August and October we had some sales tax. It was less than \$5.00. He said that the Police Department needed something at night so they ran out and got it right away.

Another thing that the auditor told him is that when we buy food, we cannot just submit the credit card receipt. We now have to show the breakdown of the food or an itemized statement. Our total food budget last year was under \$100.00. The main thing is to make sure that no alcohol is bought.

The auditor does have some concerns about how our Rescue bills are paid. Our contract with Rescue states that they are a separate entity but we pay their bills so they don't have to go out and hire someone to pay their bills. We comingle the bills because that is the only way that we can do it in our system. We cannot run 2 warrants in our system but we are trying to find out if we can run two of them. Dwayne stated that he needs to attach bills to all of the statements. Rescue gave him a statement to pay with no bill attached. Dwayne said that he just pays their statements and doesn't question what they are for. The auditor said that he would ding him on it. The auditor also said that per our agreement with Rescue, they are supposed to have an audit. Dwayne spoke with Rescue and they will have one done.

Dwayne stated that on the whole, it was a good audit. Our Undesignated is still at about \$2.7 million. He stated that we were supposed to drop about \$200,000 but we actually gained \$30,000. We will go over the audit at a January meeting.

**C. Paving:** Proposal from Libby Scott for FY18 Paving

Dwayne stated that Libby Scott has made a proposal for our pavement for next year. They decreased the price of pavement by \$3.00 per ton. They have increased a few things. They increased Hand placed pavement by \$5.00 per ton. They increased the Tack coat by \$.10 per gallon and they have increased their Grading crew by \$100.00 per day. All of this was to accommodate his increase in salaries. Libby Scott gets their asphalt from Pike and when he went to Pike, he was able to get this offer for us. Selectman Cowan asked how these increases will impact our bottom line. Dwayne said that we don't usually use their grading crew so this will not be an issue. We do use Tack but \$.10 per gallon increase will not be significant for us. On a typical paving job, you are talking about adding hundreds of dollars and not thousands. He stated that our impact with the three areas of increase are miniscule in the grand scheme of things. Dwayne said that the \$3.00 per ton decrease will way offset these increases.

Selectman Cowan motioned to approve the proposal for paving from Libby Scott, Inc. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

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

Selectman Johnson, Jr. motioned to go into Executive Session at 9:01 pm. Selectman Hall seconded the motion. VOTE: 5-0

Selectman Cowan motioned to come out of Executive Session at 9:04 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Selectman Hall motioned to accept the Tax Abatement for Case #2016-1 for FY15 and FY16 for the amount of \$4,075.41. Selectman Cowan seconded the motion. VOTE: 5-0

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

Warrant: October 25, 2016 - \$ 54,671.93  
Warrant: November 1, 2016 - \$ 38,352.98

Selectman Hall motioned to approve the Warrant of October 25, 2016 for the amount of \$54,671.93 and the Warrant of November 1, 2016 for the amount of \$38,352.98. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

**9. Adjournment**

Selectman Hall motioned to adjourn the meeting at 9:10 pm. Selectman Johnson, Jr. seconded 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.