

North Berwick Board of Selectmen Minutes May 2, 2017

NORTH BERWICK BOARD OF SELECTMEN MINUTES MAY 2, 2017

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

Also Present: Dwayne Morin

Chairman Hall opened the meeting at 6:30 pm.

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of April 25, 2017**

Selectman Galemmo motioned to approve the minutes of April 25, 2017. Selectman Cowan seconded the motion. VOTE: 5-0

- 3. Public Input**

There was no public input at this time.

- 4. Unfinished Business:**

- A. Budget: SAD 60 Budget Implications**

Dwayne Morin stated that on Page 6 in their packet, he put a notice as to what the potential tax rate implications would be if SAD #60 Budget was approved. He met with the Superintendent last week, and he told Dwayne that the school budget was complete. He stated that the budget was a 4.04% increase in taxes to the 3 towns for a total of \$707,717.00. North Berwick's share is 1/3 of this so it will be \$232,604.00. Also the Adult Ed share went up a little bit for a total of \$646.00 for our share. This would be a total increase for North Berwick of \$233,250.00 which would result in a \$0.35 increase in the tax rate. Dwayne stated that if the taxable values come in high enough we would be able to offset some of that cost. We would have about \$100,000.00 in additional tax. Dwayne stated that the increase in the tax rate would be between \$0.15 to \$0.35. Selectman Cowan asked him what that would come to for an increase for the average tax payer. Dwayne stated that for an increase of \$0.35 in the tax rate the tax payer would have an increase of about \$90.00 and for \$0.15 it would be \$37.50.

Dwayne stated that the school offices will be moving out of this building by the end of September.

Reminders: Next Board of Selectmen's Meeting – May 16, 2017 – 6:30 pm Municipal Building

New Business:

A. Appreciation: Certificate of Appreciation for Fundraising for Fire Victims

Dwayne stated that he created the Certificates of Appreciation for the Board of Selectmen to sign for each of the children that help to raise money for the fire victims from Randall Road. He also will be giving them some coins that were done for the 150 year celebration back in 1981.

B. ZBA: Member Applications

Dwayne stated that after Town Meeting, they were updating their lists of members on each of the committees. They noticed that there were two ZBA members whose terms expired at the end of December. The two members are Louis Thibodeau and Gregg Drew. He has spoken to both of them and they have submitted applications to be able to continue on the ZBA for another 3 years. Dwayne stated that their new expiration dates will be 12/30/19.

Selectman Galemmo motioned to approve Louis Thibodeau and Gregg Drew's application to be ZBA committee members. Selectman Cowan seconded the motion. VOTE: 5-0

C. Motor Vehicle: Request for a Reimbursement for Overpaid Excise Tax

Dwayne stated that there was a gentleman that came in last Thursday night to reregister his motorcycle. He realized that we charged him excise tax for a 2016 Harley Davidson but it is actually a 2007 Harley Davidson. He overpaid his excise tax by \$185.78 and is asking for a refund. Dwayne told the gentleman that since it was from last year's fiscal year, the Board of Selectmen needed to decide whether or not to do the refund.

Selectman Johnson, Jr. motioned to approve the refund to repay the customer for the overpaid excise tax in the amount of \$185.78. Selectman Galemmo seconded the motion. VOTE: 5-0

D. Memorial Day: Local Parade and South Maine Veterans Cemetery Ceremony

Dwayne just wanted to remind the Selectmen about the town parade that will be held on 5/29/17. It starts at 9:00 so they would need to be here at about 8:45.

Dwayne stated that he received an email from the Southern Maine Veterans Memorial Cemetery Association. They are inviting the Selectmen to their ceremony which will be on 5/29/17 at 1:00 pm.

6. Other Business:

Dwayne stated that they have been after the developer of Deerfield Estates to pave the development for the past 8 years. The developer has contracted with the town to pave it on June 1st. The developer asked Dwayne to release his permit but Dwayne will not do that until he has finished the paving. Dwayne did tell him that if the developer gave the town the money and we held the money, he would release the permit. The developer is supposed to come in next week with a check for the cost of the paving. He has sold a house so he needs to get it done as soon as he can.

Dwayne stated that there is a gentleman that lives on Route 9. He was given permission to build his house in front of the Littlefield Cemetery with the condition that he provide the town unobstructed access to it. When he built his house he put his septic system where the old historic access was. Last year, they had worked out a location for the new easement. The gentleman has come back to see Dwayne and he is asking to relocate it. Dwayne is not in favor of his relocation. Dwayne showed the Selectmen the property on the projector. The new location that he wants to grant access to is in front of his well. Dwayne's concern is that it is a 90° turn by that well and there is no way that we can get a hearse or truck in there. He stated that he went down this morning with his car and he got it stuck there. He told the property owner that he is concerned about the town's liability if anything happens to that well while they are using the access. Also, if they hit the well, it will destroy a truck.

Chairman Hall asked why he couldn't put a straight shot on the opposite side of the property. Dwayne said that this would require a lot of work and he would need to get State permits. Dwayne told the property owner that he would be in favor of going to the State and getting the necessary permits. However the problem is that there is a pretty big ditch there and a catch basin that collects all of the water. He would have to fill it in and raise the catch basin and Dwayne doesn't think that he wants to spend that kind of money.

Dwayne stated that it is about 15 feet from his well to the property line but it slopes backward into the ditch. Selectman Cowan asked if there was enough room between his house and the one next to him. Dwayne said that there was about 55 feet there. Selectman Galemme asked why the owner wanted to move the access. Dwayne said that the access that he gave us goes through his driveway and if he had cars parked there when someone wanted to go to the cemetery, he would have to move them. Dwayne told him that when he built the house, he knew that he needed to give unobstructed access to the cemetery. The owner stated that he would let them keep the access if the town allowed him to gate it. Dwayne told him that he couldn't do that because that would be obstructing the access.

Selectman Johnson, Jr. stated that the family needed to have access to the cemetery as well. Dwayne said that the family is suing the property owner because they want to continue using the historic access. Unfortunately he has a septic system that is a 3 foot mound of dirt at the end of it. You can't drive over it. The septic tank is right in the middle of where they used to drive so they need to drive over a septic tank and a septic field. Selectman Johnson, Sr. asked if he had to put the septic tank there because of his well. Dwayne said that he had to put it there because of his neighbor's well. Selectman Johnson, Sr. commented that he didn't have a choice. Dwayne said

that he could have gotten a variance to not have it that far, but his septic designer didn't design it that way. The septic designer designed it to meet the 100 foot clearance from all the other wells.

Selectman Cowan asked Dwayne if the owner had conversations with the family regarding the access. Dwayne said that there were conversations with the family but the family thinks that he put the septic system there deliberately. Dwayne stated that the septic system was actually designed before this owner bought the property. It was designed for the previous owner by Tom Harmon of Civil Consultants. The judge will have decide it now.

Selectman Johnson, Jr. asked if they would be able to get a vault truck down to the cemetery. Dwayne said there is no way that they will get a truck, a truck with a trailer with our mowers on it or a hearse around the well without doing damage to the vehicle and/or the well. Selectman Cowan asked if they still did burials in that cemetery and Dwayne said that it is still an active cemetery. All of the Littlefield's are planning on being buried there and are planning on expanding it. Dwayne told the owner that he can't put the Town in liability.

Selectman Galemmo asked about how much it would cost if the owner obtained the permits and did the access on the other side. Dwayne said that one of the problems is that the State doesn't give permits out very easily because it is considered another road access. Dwayne thinks that he could talk to the State to see if they would be willing to grant the permits because it is not a permanent access.

7. Review and Approve Warrants and Correspondence:

Warrant: May 2, 2017 - \$ 55,484.68

Selectman Galemmo motioned to approve the Warrant of May 2, 2017 for the amount of \$55,484.68. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Dwayne stated that they will need to go into Executive Session.

Selectman Cowan motioned to go into Executive Session at 7:20 pm and come back out at 7:30 pm and adjourn the meeting at 7:31 pm. Selectman Galemmo seconded the motion. VOTE: 5-0

Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.