

North Berwick Board of Selectmen Minutes August 1, 2017

NORTH BERWICK BOARD OF SELECTMEN MINUTES AUGUST 1, 2017

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

Absent: Chairman Hall

Also Present: Dwayne Morin, Lynn Manley, Qiana Qualls, Anne Carlsson, Sofie Larsen

Vice Chairman Cowan will be the Acting Chairperson for tonight.

Acting Chairperson Cowan called the meeting to order at 6:30 pm.

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of July 5, 2017**

Selectman Johnson, Jr. motioned to approve the minutes of July 5, 2017. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

3. Public Input:

Annie Carlsson stepped forward and said that she lives at 81 Lower Main Street. She is a York County Master Gardener and volunteers at the Food Pantry in town. She is one of the people that requested that the Conservation and Agricultural Committee initiate a discussion regarding pollinators and pesticides. She is here to support them.

5. New Business:

B. Conservation/Agricultural Committee: Discussion on Pollinators and Pesticides

Dwayne Morin stated that the Conservation and Agricultural Committee wanted to speak to the Board about pollinators and pesticides. Sofie Larsen stated that there was a discussion on the town's Facebook page regarding this topic. She stated that the topic fell on pollinator health in our community. Local beekeepers, in recent years, have had trouble keeping their colonies alive. This is actually a nationwide problem. There are several reasons for this. Sofie stated that some of the discussion on the website was about what can be done about it. One of the things is that people are spraying insecticides and this is killing the bees. People asked if there was any way that we could ban this. The discussion then went to a recommendation to discuss this issue with the Conservation and Agricultural Committee. Sofie stated that the Committee did have a discussion about it and then they all went home to do some homework and sort out what the facts were regarding this issue.

Sofie went over what their findings were. They found that the honey bees are the bees with the largest flight range. They range 3 miles out from their honey bee hive. Some pollinators only forage 500 feet from their hive so they have only a 1,000 foot radius, which is very small. She stated that, as a farmer, she feels that honey bees are important to agriculture but they are not native to America. It is something that the settlers brought over. What is more important to our eco system as a whole, is our native pollinators. Last year, the Federal government placed several native pollinators on a threatened list because they are not finding homes and food any longer. They also found that bumble bees are really important. They actually work harder than honey bees. They come out when it is drizzly and they like the flowers that are face down. Honey bees only like to feed on flowers that are face up.

Sofie Larsen stated that the main problem is the habitat and food. If you can only fly out 500 feet from where you live, there is a problem if somebody sprays a third of your area. It narrows down where you can get food. She stated that where you have wide stretches of lawn, this is like a desert to them because they can't feed there. For bee health, habitat and food are the main concerns. She stated that 30% of them rest in wood and 70% of them rest in the ground. Undisturbed areas with rotting wood, fallen wood and undisturbed soil are really crucial for them. The other crucial items are flowers and weeds. People like a really manicured look so rather than let it go to lawn they let it go to weed. Weeds are actually year round sustainable food for pollinators where lawns are not. Trees are great food for pollinators but are only good in the spring and summer.

Sofie stated that the other thing after range, habitat loss and food loss, is of course pesticides. This is the point that people argue about because it is obvious to everybody that you need somewhere to live and somewhere to eat, but the question is, "Are insecticides killing insects?". Sofie stated that it is pretty well established that if it is an insecticide, it is really bad for anything with legs and wings. She stated that they have a fair amount of research that shows that not only insecticides but also some herbicides that are meant to kill weeds also are killing bees. She stated that some people also focus on genetically engineered crops being a problem with killing off the bees. She said that this is not actually the case. She said that the bees do not have a problem with the crops, but that it is the fact that it is a mono culture and there are no sustainable weeds with these crops. Once a crop is done blooming for a couple weeks out of the year, the bees have nothing more to eat so they starve to death. It is not the fact that they are using genetically engineered crops as much as they are growing only one thing with no weeds around.

Sofie Larsen stated that the emphasis on insecticides is because they can't really legislate that people grow weeds but they can try to eliminate the really bad pesticides. This is the #3 item on the list for bee deaths so let's deal with that one because we actually can. She stated that she knows that we can't ban insecticides because they are a legal substance in our country but we can ask people to do certain things instead. She stated that there are really good alternatives to pesticides. She said that a lot of people use pesticides to control grubs in their lawns. Instead of using pesticides that are chemicals, you can use little bugs that are nematodes, which burrow in and eat the grubs. You can use predator wasps against flying bugs. These things are low risk because when their food source is gone, they will move on to someplace else. When they run out

of food source, they are a natural occurring insect so they will die off and that is fine. She stated that there are really good alternatives on the market and they are fairly easy to come by.

Sofie stated that their main plan is to work on outreach and try to educate the public. She said that if somebody is planning on spraying, they can probably talk to their neighbors first to let them know and make sure that what they will be using will be safe. Sofie stated that they would also like to work on an Ordinance that would state that people would need to inform the Town as well as their neighbors as to when they are planning to spray. If the neighbors have bees, they can shut the beehive so the bees don't go foraging that day. They are also hoping to ask people to use IPM, which is Integrated Pest Management practices. This is just what the EPA says is the best practices for spraying. For instance, don't spray on something that is flowering because flowers attract pollinators. Also it is best to spray at dawn or at dusk when the bees are not very active so the bees will not interface with the freshly sprayed pesticides. Also you shouldn't spray on a very windy day because this will drift over into another area that was not meant to be sprayed. She stated that this is in line with what other towns are doing. She stated that there are lots of products that contain these really toxic substances. Many of the products are used for flea and tick control on dogs and cats. She stated that this is obviously not an area that you are going to target because honey bees don't really forage on dog and cat tick collars. They would also not worry about cockroach, ant and fly bait because these are not things that pollinators forage on. They would like to focus on tree, shrub, rose and lawn insecticides.

Selectman Galemme stated that the idea of outreach is a very good idea. He stated that it just seems like common consideration to let your neighbors know when you are going to spray. He did wonder if an Ordinance would be necessary for this. He thinks that they should try the outreach first. He asked Sofie if she was thinking of having people get a spray permit. She stated that commercial applicators in any capacity have to get a permit to use this stuff and they know what they are doing because it is part of their business model. She is just referring to the home gardeners and would just like them to tell their neighbors.

Acting Chairperson Cowan stated that she feels that this is a hot topic issue today. She would like to see some type of brochure or flyer like Dwayne did for the new recycling process go out to everyone. It could have a concise summary of the important information that they have gathered along with some suggestions. They could also offer the resources of the Conservation and Agricultural Committee to obtain further information and suggestions on alternatives to using pesticides. This would be more of a proactive and positive way to approach the public. Acting Chairperson Cowan stated that she likes the idea of a local group being available for people to contact for information.

Selectman Johnson, Jr. asked Dwayne if there was a link on the Town website for the Committee. Dwayne stated that they did not have one. He stated that they have a page for the Committee that we can put information on but it is not through Facebook. It is through our own Town website. Selectmen Johnson, Jr. stated that he would like to see something on both. Selectman Johnson, Jr. stated that they could probably obtain a free table at the Mill Field Festival so they could reach out to people there.

Dwayne asked Sofie what the Committee was thinking about in regards to an Ordinance. He stated that, typically, an Ordinance means that you need to do something and if you don't do it then there is a negative effect. His concern is what happens when somebody doesn't tell their neighbor that they are spraying. Lynne Manley stated that they could impose a fine. Dwayne stated that the issue they would have is that the Town does not have enough staff to be able to enforce this. He stated that some of the bigger towns and cities like Portland, South Portland, Cape Elizabeth and Scarborough have all put in anti-pesticides Ordinances. However, the City of Portland has 15 Code Enforcement Officers and the City of South Portland has 10 of them. We have 1. Dwayne stated that when you put an Ordinance on the books, you want to be able to enforce it.

Acting Chairperson Cowan stated that if the Committee had a table at the Mill Field Festival, they could also do a survey to get an idea as to how much of an interest there is with this issue and wanting to pursue it further. It would be better to get people's suggestions and cooperation and handle it in a positive way instead of adding a law that people will probably look at negatively. Sofie stated that they were not looking to have the Ordinance to forbid something because you cannot really forbid an allowed substance. Their main focus was to have people tell their neighbors.

Selectman Galemme stated that as they are educating people, the residents could sign up to have a pollinator friendly lawn or garden. They could have a sign with a little bee symbol on it to put out on their lawn to show that they are part of a town initiative to try and help the pollinator health.

Sofie wanted to address the anonymous letter from a citizen that was sent to the Town. She stated that when it is submitted anonymously, we don't even know if it is a citizen of our town and it also makes it hard to have a conversation about it with them.

Sofie stated that the Committee also wanted to talk about food sovereignty. She stated that the Town passed a resolution a couple of years ago to support food sovereignty. She said that this June, Maine passed food sovereignty laws to allow cities and towns to regulate their own local food production regardless of State and Federal rules. She stated that there are only 2 states in the union that have these laws on the books. If the town or city says that people can do that, then it would be legal for neighbors to sell their produce to each other. So if somebody has goats and she would like some of their milk, it is now not illegal for them to get money for it. She stated that in the other State with this law, it says that the consumer has to be informed that they are foregoing Federal and State inspections. She stated that it is up to the town if they want this to happen and they are recommending that it should be allowed.

Selectman Johnson, Jr. stated that the farmer should probably have some kind of waiver for people to sign that states that the product is not inspected so the farmer would not be liable. Sofie stated that the State does not require a waiver. She said that as a producer of honey, she cannot sell it in a store. She can only sell it on a one on one basis to individual consumers directly on the farm. She said that they could just put up a sign stating that the things that they are purchasing are not inspected. Selectman Galemme stated that he would probably also put a label on the goods that stated this as well. Dwayne stated that now that the State has passed the

law, then the Town can now pass an Ordinance that says that we allow for farmers to be able to sell their produce and goods to other people.

Acting Chairperson Cowan asked Dwayne what the process would be now. Dwayne stated that they would need to write up an Ordinance and have it ready for the next Town Meeting for the residents to vote on.

Dwayne had something to share while the Committee was present. He stated that one of the things that they were looking at with the Maple Street project was better access to Maple Street. He stated that he has been in contact with the Fogg family. Dwayne showed the Selectmen on the projector where the land is located. He stated that back in 1989, there was a proposal for a subdivision behind their property and they were going to have swap one part of land for another. They now want this fulfilled. It is basically giving up about a half an acre of land and they will give us access onto Maple Street. By doing this, it will give us 50 foot access for a road and parking lot. Dwayne stated that in order for us to do this, it will need Town Meeting ratification because the property is owned by the Town. He stated that the lawyer said that she would not have a problem with transferring deeds with the understanding that, until ratification at the Town Meeting, full title doesn't transfer. He stated that they could wait until April Town Meeting or they could have it as a November Ballot.

Selectman Galemмо motioned to pursue the land swap with the Fogg family to be added to the November ballot. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Sofie Larsen asked what she needed to do to get the free table at the Mill Field Festival. Dwayne stated that he would let Kristi know.

4. Unfinished Business:

A. Budget: SAD 60 Budget, County Budget

Dwayne stated that the County Budget had been approved and it went up about \$13,000 for us which is what we had anticipated. He stated that he included the Assessor's return for the County Budget in their packet on Page 12.

Selectman Galemмо motioned to approve for the Board to sign the Assessor's return for the County budget and that payment is due by the last day of October. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Dwayne stated that, at the last meeting, it was asked how much more will the school get from the State Budget. They will be getting back about \$705,000 of additional funding. Dwayne said that he spoke with the Superintendent and he has earmarked it already so there will not be any money coming back to the town.

Selectman Galemмо asked what affect this would have on our tax rate. Dwayne stated that we would be able to hold it because Pratt's numbers came in higher than they thought they would.

We also had the last value of CMP's Energy Transmission Lines hit us this year which was an additional \$3 million in value. We also had 28 new houses this year.

B. Tax Acquired Property: Malcolm Hilton

Dwayne stated that the Board had said a couple of meetings ago that they wanted to review the Malcolm Hilton property at the first meeting in August. He stated that the property is listed at a price of \$150,000. Selectman Johnson, Sr. asked Dwayne what we have the property valued at for taxation. Dwayne said that we have it at \$170,000. Dwayne stated that a new roof and second floor needed to be done. He said that he was told it would cost about \$50,000 to \$60,000 to fix it up. The Selectmen stated that they would review it again sometime in September.

C. Parks and Rec: Update on Rebound Wall and Trail Project, Canoe Launch

Dwayne stated that the Rebound Wall and Trail Project are pretty much all done. He stated that quite a few people have been using the trail. Dwayne stated that on August 24th, Maritime Northeast will work on the trail in the woods project. He said that he walked the trail with them last Friday and they are going to fix it up. He said that we will need to spend some money. We have a bog walk right now that is in terrible shape so we will rebuild it. This will cost about \$1,700 but Maritime Northeast will give us \$1,000 towards the cost of that project. They will clear out a 6 foot wide trail all the way through, fix the 4 bridges and redo the bog walk.

Dwayne stated that he has been working with a graphic designer and they have the concept down for the map. They hope to have the maps printed by the end of August and the kiosk is ordered. Dwayne stated that Pratt has put up the Canoe Launch sign.

D. Road Projects: Update on Projects for FY18

Dwayne stated that they are working on Diamond Hill Road. He said that they should be ready for paving within the next couple of weeks. He has talked to Libby Scott and they should be ready to pave by the middle to end of August. They will then move on to Buffum Road where they mostly need to clean up ditches.

E. Transfer Station: Single Stream Recycling Update

Dwayne stated that Single Stream Recycling started today. They moved a container next to the cardboard container so that all big cardboard will go in loose into the big container and everything else will go into the old paper cardboard container. The reason that they did this is because the big cardboard was getting jammed and was causing some problems. Dwayne said that he got a call from the Transfer Station today saying that they were bored. Their workload decreased tremendously because they don't sort anymore. He stated that they will keep 3 people on Saturday but will probably eventually go down to 2 people.

Selectman Galemme asked if they had received the recycling totes yet. Dwayne said that they were supposed to get them on Friday but they didn't come in. Then they were supposed to be in on Monday but again they didn't come in. Dwayne called the company on Tuesday morning to

find out where they were and he was told that they should be there in about an hour but they still don't have them. Dwayne stated that the company Orbis is a very huge company. The problem is the trucking company. He said that the totes actually went on the truck on 7/25 in Ontario, Canada.

F. Speed Limits: Randall Road and Cider Mill Pond Road Update

Dwayne stated that the speed limits request for Randall Road and Cider Mill Pond Road have been submitted to the State. We did put up the "No Thru Trucks" sign. Dwayne stated that the resident had come back in again to complain about the dust. He said that they did put some calcium down that should stop about 80% of the dust. This should last about 4 weeks.

G. Public Works: Garage Addition Quotes

Dwayne stated that our garage bids are due in on Thursday. He has had a couple of companies express some interest and they are going to give him some bids. Dwayne said that, depending on what happens with the bids, we may just do it ourselves. He said that he already knows what it would cost to put a foundation in and to put the block up. We could do the roof because it is just 5 trusses, put 2x4 across the trusses, and put sheet metal roofing on it. We would hire somebody to do the electricity.

Reminders: Next Board of Selectmen's Meeting – August 15, 2017 – 6:30 pm Municipal Building

5. New Business:

A. Growth Permits: Establish Growth Permit Limit Pursuant to Zoning Article 6.3.4

Dwayne stated that, at the last meeting, the Board discussed the Growth Permit cap. It was decided to wait until this meeting so that Acting Chairperson Cowan and Selectman Galemmo could have a say in it. Dwayne stated that every 2 years the Board is supposed to revisit the growth permit number. He said that they use a formula which is 2.2% of our dwelling units. Dwayne looked to see when the last time that the Selectmen voted on it was back in 2005. We should have done it 5 other times but it hasn't been an issue. Dwayne stated that 2.2% is a very manageable growth. Dwayne stated that we do want growth because if we do not have growth, our tax rate is going to explode. He said that our current growth permit number is 39 and with the 2.2% increase it would bring it to 45. Selectman Galemmo asked where we were at now with permits. Dwayne said that last year we had 28 and he thinks that we will be on track this year to be near 40.

Selectman Galemmo asked about the mobile home park and if that was going to be one permit or individual permits. Dwayne said that they are individual permits and they can only get 6 per year. Selectman Johnson, Jr. asked how the talks for that park were going and Dwayne said that the talks are done. Dwayne said that they would like to see our Ordinance change so they could get more than 6 per year. Selectman Johnson, Jr. said that they probably want 50 permits at once but Dwayne stated that they actually did not want to do that. Dwayne stated that, under our

Ordinance right now, our growth permits state that if you have a subdivision approved by the Planning Board, you are only allowed 6 per year. In their case, they have a 39 lot subdivision for their trailer park so it will take 7 years to build it out. Dwayne said that something that they haven't seen here in North Berwick is large scale developments. The reason is that no one wants to put out the capital and have to wait so many years to recoup it. Dwayne stated that, his own personal opinion is, that we need to revisit this and allow for more than 6 at a time. Right now, under our Ordinance, no building in the town of North Berwick will be allowed to have more than 6 apartments in them because we can't issue a permit for more than 6 a year.

Dwayne stated that we want to continue to have growth, not large growth, but some growth. Acting Chairperson Cowan stated that they do want growth but they need to be careful about the kind of growth. Dwayne stated that one of the things that we are extremely negative in in this Town is that we do not have enough apartments and rentals. Acting Chairperson Cowan asked if this was really an issue because we have Wells, Sanford and other towns around that have rentals. Dwayne stated that you want to have some work force housing. When you have jobs available, you want to keep them in your town. Work force housing is usually rentals. He said that he is talking about having nice rentals like the apartments on Route 9 that Bodwell built. Selectman Galemmo said that you also want to be careful about getting a lot of Section 8 housing that would put a lot of stress on services. Dwayne said that he does not want to open up the flood gates but when looking at something like the mobile home park that will be for 55 and older, it will not really cost us anything. It will give us taxes. We may have a slight increase in ambulance, fire and police when it is all built but as far as impact to the town, it will be very minimal. Dwayne said that they may want to increase the 6 to whatever number they want to increase it to. They could then say that in the last quarter of the year, if there are still growth permits available, then a development like this can come and get them. This would allow them to build their project out faster.

Acting Chairperson Cowan stated that we have the ambiance of a small town and when you look at the Comprehensive Plan, there is interest in keeping the feel of the small town. The type of growth is important. She said that single family housing is a lot different from having 10, 12 or 14 unit apartment buildings. She doesn't think that people would be as thrilled about that type of growth. Selectman Galemmo asked if they could have different types of permits and Dwayne said that they could.

Selectman Johnson, Jr. motioned to increase the growth permit cap to 45. Selectman Galemmo seconded the motion. VOTE: 4-0

C. Hussey Seating: Fall Meeting with Company Executives

Dwayne stated that the Board used to meet with Hussey Seating and Pratt at least once a year but they haven't done that in a while. Hussey Seating sent through a change in management and they would like to meet with the Board. They have given us a few dates to consider. They are 9/19, 9/22 or 9/28. The Board agreed to meet on Friday, 9/22 for a luncheon.

D. November Election: Possible Town Questions on Ballot

Dwayne stated that there are couple of things that they may want to consider for the November election. One of the items to put before the voters is the Fogg property swap that they discussed earlier.

Dwayne stated that the big concern that he has is regarding the recreational marijuana. The State is going to make recreational marijuana legal in February and we will not have anything on the books. He said that it may be to our advantage to have a Moratorium in place that would give the Planning Board until Town Meeting to put some regulations in place. Dwayne stated that we need to make a decision as to whether they want to be a dry town or if we want to allow it. Acting Chairperson Cowan asked if this is something that goes to the Town to vote on and Dwayne said that it did. Selectman Galemmo said that he is in favor of putting the 180 day ban on the ballot because we don't know what the regulations are going to be. He would like to have some well publicized Selectmen's meetings at the Community Center so we can find out what the public really wants. It passed by a very large margin in our town and he wants to find out if people are okay with having a retail place or not. Dwayne said that one of the things that the State is looking at doing is, for those towns that opt to have facilities within their town, the State is proposing to have a 15% tax on marijuana where 5% of that tax would be divided up among the towns with the facilities.

Dwayne stated that if the Moratorium is something that the Board wants to pursue, he would recommend that they send it to the Planning Board to let them know what they would like to do. The Selectmen agreed to do that.

6. Other Business:

Dwayne stated that Nancy Guptill's grandson and his Troop would like to go to the Oak Woods Meeting House. Next to that house is the foundation where an old house used to be. They would like to clean it up and put a plaque there that states that this is where the parsonage was. They want to do this as an Eagle Scout project. They would like to do it on 9/16 and they would be camping out there as well. They just were looking to get permission from the Town to do this.

Selectman Galemmo motioned to allow the Boy Scout Troop to do some cleanup work besides the Oak Woods Meeting House. Selectman Johnson, Jr. seconded the motion. VOTE: 4+0

7. Review and Approve Warrants and Correspondence

Warrant:	July 11, 2017	- \$ 602,640.32
Warrant:	July 18, 2017	- \$ 53,152.55
Warrant:	July 25, 2017	- \$ 0.00
Warrant:	August 1, 2017	- \$ 134,271.49

Selectman Galemmo motioned to approve the Warrant of July 11, 2017 for the amount of \$602,640.32, the Warrant of July 18, 2017 for the amount of \$53,152.55 and the Warrant of August 1, 2017 for the amount of \$134,271.49. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 8:45 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

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.