

North Berwick Board of Selectmen Minutes November 7, 2017

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
NOVEMBER 7, 2017**

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

Also Present: Dwayne Morin

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

1. Pledge of Allegiance

2. Review and Approve Minutes of October 17, 2017

Selectman Cowan stated that on Page 5, in the 4th sentence of the 1st paragraph under the section Other Business, it currently reads, "She stated that she was quite horrified...". It should read, "She stated that she was quite surprised...". Also on Page 6, in the 5th sentence of the 3rd paragraph, it currently reads, "Selectman Galemmo asked of the Selectmen could say that an escrow...". It should read, "Selectman Galemmo asked if the Selectmen could mandate that an escrow...".

Selectman Galemmo motioned to approve the minutes of October 17, 2017 as amended. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

3. Public Input

There was no public input at this time.

4. Unfinished Business:

A. Parks and Rec: Update on Trail Project

Dwayne showed the Selectmen the plaque that will be installed on the kiosk at the Community Center. They will do this sometime in December when the whole family can be present.

Dwayne stated they are pretty much done with the trail project.

B. Road Projects: Update on Projects for FY18

Dwayne stated that he had included in the Selectmen's packet a summation of what they spent and where we are for the completion of the road projects. He stated that by the end of the year, they will have about \$51,500 to bring forward. He stated that when they pave Church Street, they will also pave Burma Road so some of this money will go towards this. They will also use

some of it on Quarry Road. They are moving Quarry Road up but they will need to do a little more to it than they had anticipated. They will need to do some grinding on it. Chairman Hall asked how long Quarry Road was and Dwayne stated that it was about 2,400 feet.

C. Public Works: Garage Addition

Dwayne stated that it is going a little slow because of the wind storm that we had. He stated that today, they were working on winter sand and getting all the trucks ready. Next week, they will start on the garage.

D. FY2019: Preliminary Budget Discussions – CIP Plan

Dwayne stated that he wanted to talk to the Board about the CIP. He will be sending out letters to all of the department heads and agencies regarding budget requests. On Page 14 of the packet, there is a CIP detail for a 3 year span from 2018 to 2020. He stated that for this year, they are looking at the Bond payment for the Fire Truck #4, LED lighting at the central station and substation and pavement of aprons. They are putting away \$50,000 for the Fire Station addition. He stated that this year they will be replacing the servers at the Town Hall. Dwayne stated that when the power went out, our server would not go back up. It took a day to get it up again. We blew out a panel of our security panels. He stated that our furnace also did not work when the power came back up. They are also looking at a new Police Cruiser which will be another SUV. They are putting money away into reserve accounts for a Wheeler. There is the Loader payment and they are putting money away for the ambulance.

Dwayne stated that last year, Rescue had asked for a Plymovent system. He stated that if we are going to be building a fire station there, it probably doesn't make sense to add a Plymovent system now. He stated that, instead of building a stand-alone Fire Station, they are looking at putting in an addition to the rear of the Rescue Building. They would add a garage to the rear of the Rescue Building. They would then rehab the Rescue Building to include offices and sleeping quarters. This should save some money because they can utilize the existing building. Selectman Galemmo asked if the garages would still be drive-thru. Dwayne stated that they are still looking into all of that. Selectman Cowan stated that this was a whole different concept than what was originally proposed. She asked why the change in thinking. Dwayne stated that it was to save money. She asked if it was Dwayne's idea. Dwayne stated that it was the 2 Chiefs' idea. Selectman Johnson, Jr. asked how much land they had to the left of the building. Dwayne said that they have 114 acres. Dwayne stated that they are still in the needs assessments stage but they do think it might be better to put a 5 bay garage behind the Rescue building. Selectman Galemmo stated that they could still probably do the drive-thru concept with this set up. Selectman Johnson, Sr. stated that these are big doors and they would need to leave a lot of space open to be able to drive thru. Dwayne stated that they would not have to leave a lot of space on the back side. He stated that he doesn't believe that having a drive thru is a big issue for them. They do like the idea of utilizing the existing building and having space above the garage for future expansion. Dwayne stated that it allows more collaboration between Fire and Rescue. Selectman Galemmo asked if the Rescue building was in good shape and Dwayne stated that it was. Dwayne showed the Selectmen the property and where the addition could be located.

Dwayne stated that this is what they are basically looking at for equipment for CIP for the upcoming budget. They are really not buying anything new except for the cruiser. It is mostly just payments. Selectman Johnson, Jr. thought that they were not going to get a cruiser every year. He thought that they had a gap in between buying a new one. Dwayne stated that they will be buying a cruiser every year. It wasn't working out the other way. He said that they tried to do 3 cruisers in a 5 year period but we spent so much money on service. He said usually by year 3 the cruisers were in the shop a lot. He said that our first SUV hit the 3 year mark in July and the only thing that we have brought it in for is tires and oil changes. He said that the SUV's are bigger and built better.

Dwayne stated that the other item he wanted to discuss was regarding the roads. In 2019, they will do ½ of Bauneg Beg Hill Road. They are not sure if they will do the front half or the back half. He said that the front half is the curb that needs some work and the back half is falling apart very rapidly. The back end is from Sanford to Hammond Road and the front end is Hammond Road to Oak Woods Road. Selectman Galemmo asked Dwayne if another bond in 2024 would be a wise thing to do and Dwayne said he thinks it would be. Dwayne stated that if the rates stay low, there is no question that they should get another bond. He feels that getting a bond was one of the best decisions that they made in regards to our road systems. He said that he drove all the roads that they paved during the bond and, with the exception of a little cracking, they are all in good shape. Dwayne stated that next year the State will be doing a lot of work in our town. They will be doing Route 4 from Sanford to South Berwick and they will be repaving Lebanon Road.

Dwayne stated that he just received the rates for our health insurance. The rates only went up 6% and he had budgeted for 12% for this coming year. The dental went up 3%. The vision went up 5% but that is employee paid not town paid.

E. Code Enforcement: Purchasing of a New Vehicle

Dwayne said that they found a truck for the Code Enforcement Officer. It was not as good of a deal as he had hoped for. He looked at quite a few trucks and test drove a couple of them. They ended up buying one at Village Motors in South Berwick. They had originally gone there to buy a specific truck but when they got there, they found that the truck had some problems. He said that they had 3 Silverado's on their site. They bought one that has 95,000 miles. He was hoping for something with less miles but the average miles for that year truck is actually 127,000. The underneath of the truck is in great shape and the bed was sprayed and has a plastic liner on it. It has cloth interior and is in great shape. We paid \$12,800 for it. It also came with a remote car starter. Dwayne feels that we will get quite a few years out of it. They will have the lettering added to it.

Reminders: Next Board of Selectmen's Meeting – Nov. 21, 2017 – 6:30 pm Municipal Building

5. New Business:

A. Commitment FY18: Abatements and Supplementals

Dwayne stated that he has 2 Abatements and 1 Supplemental Tax Certificate for the Board to review tonight. The first Abatement is for William Griffin for Map 22, Lot 35 for Account #579. Dwayne said that Craig went out to this property at the request of the landowner. He found that we have the house way over valued by about \$44,000. Craig said that it had deteriorated pretty badly.

Selectman Galemmo motioned to approve the Abatement in the amount of \$556.92 for Map ID #022-035 for Account #579. Selectman Cowan seconded the motion. VOTE: 5-0

Dwayne stated that the next one is actually an Abatement and a Supplement that will clean up the account. He stated that the property is located on Yaw Way off of Beech Ridge Road. He stated that the Marvin's own a house at the end of Yaw Way and his Dad used to have a place on Beech Ridge Road. His Dad has passed away. Last December, they carved off the lot but we didn't catch the deed. We need to carve off and create a separate lot so we will abate Account #1523 for \$2,298.24 and create a Supplemental Tax Account #2597 for the same exact amount of \$2,298.24. It is basically creating a separate lot and separate house.

Selectman Cowan motioned to approve the Abatement in the amount of \$2,298.24 for Map ID #005-027A for Account #1523 and approve the Supplemental Tax Certificate #2597 for \$2,298.24 to correct the assessment to include the building on the correct parcel. Selectman Galemmo seconded the motion. VOTE: 5-0

B. Zoning/Subdivision Changes: Review Potential Changes to Zoning and Subdivision Ordinances for Town Meeting

Dwayne stated that the Board had asked him to draft some changes to the Subdivision Ordinance to basically outlining an escrow account and mandating that the Planning Board utilize planning assistance for subdivisions within the town. Starting on Page 25 in their packet are the changes that he is proposing. It will affect 4 Articles in the Subdivision Ordinance.

Dwayne stated that one of the Selectmen has asked about what happened at the Planning Board's last meeting. He said that they did vote to increase the escrow amount on that project. The applicant has withdrawn their application. Dwayne stated that there were only 3 Planning Board members present at the meeting and there was 1 member that was not in favor of increasing the escrow account and voted as such.

The first one would be under Article 5 – Preapplication or what we call a sketch plan. Dwayne stated that he took what we have been doing in practice. Under 5.1 Procedures, he added 2 things:

- d. Establishment of contour interval.
- e. Establishment of Escrow Account.

He then added the following:

5.4 Notification. Upon receipt of a Preapplication Sketch Plan, the Planning Board shall notify the Planning Consultant and Engineering Firm selected by the Board of Selectmen to assist in the review process and obtain an estimate of the cost of review for the escrow account.

5.5 Escrow Account. The Planning Board shall establish an escrow account to cover all administrative costs of the review of the subdivision. The escrow amount shall include, but not be limited to, the costs related to the per lot review costs defined in Article 6.2.b, 7.1.b and 8.1.b, the costs of public hearing advertising and abutter postal notification, the costs of all engineering review by the Town's engineering firm, the costs of all planning review by the Town's planning consultant plus 10%. (Should actual review costs exceed the estimated costs, continued review of the subdivision shall be tabled until additional escrow funds are received.). The escrow shall be placed in a bank selected by the Town of North Berwick for unrestricted use by the Municipal Officials, Code Enforcement Officer and Planning Board in order to adequately review the subdivision plans, and defray any other consultants fees incurred by the Town as a result of reviewing the submitted plans and overseeing the construction of the project. This requirement is separate from any performance guarantees required under Article 12. The Town shall prepare a financial statement depicting the costs incurred during the review of the subdivision and any funds remaining after the project is complete shall be returned to the applicant with any interest which may have accrued.

The next changes come in Article 6 – Minor Subdivisions. He eliminated a lot of parts that he now added to the Preapplication section. The first change is under 6.2 Procedure section b. It now reads:

b. Minor Subdivision review costs shall be \$80.00.

Under Article 7 – Preliminary Plan for Major Subdivision have the next change. Under 7.1 Procedure section b, it now reads:

b. Preliminary Plan review costs shall be \$50.00 per lot or dwelling unit.

The final changes are in Article 8 – Final Plan for Major Subdivision. Under 8.1 Procedure section b, it now reads:

b. Final Plan review costs shall be \$50.00 per lot or dwelling unit.

Selectman Cowan motioned to approve the changes to the Subdivision Ordinance and forward it to the Planning Board for their review. Selectman Johnson, Sr. seconded the motion.

VOTE: 5-0

Dwayne stated that the other issue that they will need to discuss with the Planning Board is regarding our growth management. He said that he had discussed at a previous meeting with the Selectmen the issue on how we do our growth management permits and primarily on the limits

on subdivision reviews. Currently, our growth management limits subdivision growth management permits to 6 in any one year. Dwayne stated that if they are looking at apartment buildings or something like the mobile home park that is all under one ownership, they can only do 6 in one year. This limits the growth that we have in our community. Dwayne stated that one of the ideas is to increase the number 6 to a higher number.

Another idea that Dwayne had was, that if on June 1st, there are some growth management permits available for the current year, then these permits would be up for grabs. For example, if we have 45 permits that we are allowed to give out and on June 1st we have only issued 30, if somebody was developing a subdivision and had originally received their 6 permits, they could come back on June 1st and get additional permits.

Dwayne said that he feels that they need to increase the 6 number. Right now, if somebody wanted to build apartments within our community you are limited to 6 apartments in one year. Selectman Cowan wonders if people in the town would actually feel that it is desirable to put up a bunch of apartment buildings. Dwayne said that it doesn't mean that they are putting in a lot of apartment buildings. He said that right now if they look at our housing stock, we have very few apartment buildings within the town. Selectman Cowan asked if that was such a bad thing and Dwayne believes that it is. He believes that you want a mixture because there are some people that cannot afford to own a home. Selectman Cowan stated that we also have to look at the impact on schools and other services in town. There has to be a balance. Dwayne said that this is why they keep the total number at 45. We never go over the 2.5% growth that our Ordinance states we need to have.

Chairman Hall stated that the apartment buildings that were done on Route 9 look very nice. However, if we increase the number, somebody could make a building with 12 apartments. Dwayne stated that depending on what the number would be increased to, this could happen. Selectman Galemmo stated that he would like for us to stay at 45 a year and state how many permits can be given for different buildings. For example, they could have 10 for an apartment building and also define where apartment buildings can be built. Dwayne stated that it is not just apartment buildings. He is thinking of the mobile home park that is for people 55 and older. It will have minimal impact on our schools.

Chairman Hall stated that we are setting ourselves up for really large buildings with a lot of people in them. Selectman Galemmo wants to avoid what is happening in neighboring towns where they will have a lot of Section 8 housing. Selectman Johnson, Jr. stated that you cannot turn these away. You need to accept them.

Selectman Galemmo asked Dwayne what the average number of permits issued per year was. Dwayne said that this year we are at permit 11, last year was 29, the year before that was 25 and the year before that was 15. Selectman Cowan stated that years ago, they had a line outside for people to obtain building permits. Dwayne stated that this was a fallacy. He said that everyone thought that but it wasn't true. He said that there has never been a year where somebody has not gotten a permit. He said that the first year in 2002, they had a line but had a lottery. At the end of the lottery, we still had permits left. Dwayne said that we have only hit our number one time since our growth permit has been put in place. Selectman Galemmo said that if there were 16

permits left and somebody that had already received 6 comes in for the 16 then they now have 22 permits in one year. Dwayne stated that they can establish limits on this as well.

Selectman Cowan is very concerned with changing the nature of the town. If we have all of these big apartment buildings, where will they go? Dwayne clarified that, at this time, they don't have anybody coming to them to build big apartment buildings. Selectman Galemmo doesn't believe the issue would be apartment buildings. Chairman Hall said that he doesn't want to see apartment buildings that have more than 6 apartments in them and would like to see them built within a couple of years if more than one building is built. He feels that this is reasonable growth. Dwayne asked Chairman Hall if, even though we have a 45 limit, he would rather not see 45 built. Chairman Hall stated that he would rather not give out the max. Dwayne stated that if they do that, our tax rate will start rising and it will rise very rapidly. Selectman Cowan asked what he was basing this on. Dwayne said that the only thing that has stopped our taxes from increasing was Pratt doing the 5 year capital project. That ends this year. When that ends, that is \$29 million a year that goes away. He stated that \$29 million is more than 45 houses a year.

Dwayne stated that our costs are increasing mostly due to the High School. If the school only increased their budget by 1% per year, that adds millions of dollars to our budget. If you have the same number of people and that budget continues to grow, the only thing that happens is people's tax bill will grow. You want an infusion of new value and new money in order to keep that down. We have pegged our growth at 2.2% and this is rock bottom. Most towns peg their growth at 3-5 percent. The reason that this growth was done is that it takes away the worry of large complexes coming in and tons of kids being added to the school. Even if 45 houses had kids in them it still is negligible if you look at the impact on our school budget.

Selectman Galemmo stated that he does not believe that the issue is apartment buildings. What is different is that a developer currently looks at it and says they can get 6 units. If we change it, than the developer can apply for 6 but knows that we usually have 10 or 15 left over so they will design a 60 row home development, design it in 3 phases and build and sell it in no time. He believes that this will change the nature of the town. Dwayne stated that there is not a property in this town that could do that kind of development. In order to do that, they would need to be in the downtown area and there is no property that size available. Selectman Galemmo said that they could put in a road, do a big loop and have 60 free standing single family homes. Dwayne asked what would be the problem with that. He asked what would be the difference between building all of the houses in one spot or if they are all over the town. Selectman Galemmo stated that it would be turning the town into a suburban sprawl. Dwayne stated that our Comprehensive Plan says that this is what we intend. Selectman Galemmo stated that our Comprehensive Plan says that we are intending to keep the rural nature of the town. Dwayne said that this is only in the Farm and Forest. Everything downtown is scheduled for suburban growth. Dwayne stated that regardless of where they are built, we can only let the town grow by 45 homes per year so why does it make a difference as to where it is developed. Selectman Cowan stated that the average person coming in and building a single family home is not the issue because we are probably not going to have 45 of those in 1 year. A developer has the means to build far more units because they have the financing and construction behind them. Dwayne said that they would still not reach 45 houses.

Selectman Galemmo said that the reality is we will never reach 45 unless we make these changes. Dwayne stated again that if they do not get growth within our community, he guarantees that the taxes will go up and they will go up significantly. There is no way that once Pratt stops their capital campaign and if we don't get new valuation in the town, the taxes will go up potentially dollars at a time.

Chairman Hall stated that he has no problems with growth but if they are going to change it, he wants some language regarding the size of buildings. If it is an existing building like the mill, than use the space but no new apartment complexes.

The Board continued to discuss various ways that they could change the growth permit ordinance.

C. Private Road: Request for Private Road Name For White Pine Way (Off Maple St.)

Dwayne stated that, off of Maple Street, there is a new road that has been built and they would like to call it White Pine Way.

Selectman Galemmo motioned to approve the private road to be called White Pine Way. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

D. Tax Acquired Property: Malcolm Hilton

Dwayne stated that Mr. Hilton had passed away on Saturday. This leaves the town in the unenviable position that we have about \$38,000 in liens on the house that we actually own. The Board needs to decide what they want to do about it. On Page 34 of the packet is a letter from our attorney that explains the process to go through in order to sell it, which is what our Ordinance says we have to do.

There are a few things that they need to look at. The first thing is that there is still somebody living in the house. His girlfriend is still there and she has no legal claim to the house. Dwayne stated that we have a legal obligation to go through a certain process for eviction. He wants to be sensitive to the fact that her boyfriend just died. He stated that evicting somebody in the winter time is a lot harder than any other time of year. Selectman Johnson, Sr. stated that she should probably have known what the situation was with our agreement and Mr. Hilton. Dwayne stated that he had never spoken to her so he is unsure of what she knows. If they wait until spring to evict, than that is added costs to the town and there are already significant liens on the property. Dwayne stated that they do not want to be insensitive but he believes the Board will have to do something. Selectman Cowan stated that they could probably put this individual in contact with some services if she requires them for support.

Dwayne stated that the attorney said that we can serve her with an eviction notice. She doesn't have to leave but we will go to court and the court will find for us. They would wait a week and serve her with a writ to vacate the property. She would have 48 hours and if she doesn't vacate, we can actually vacate her. Selectman Cowan would like us to at least have a conversation with

her to find out what her plans are instead of just having a knock on the door or letter in the mail. Dwayne stated that, in the past, he had gone over to the house, knocked on the door but they did not answer it even though they were in the house. He thinks that this may be a difficult eviction. Dwayne stated that he did put insurance on the property in case something would happen.

Selectman Galemmo asked Dwayne if he would be okay with proceeding with the eviction process, but trying to reach out to her first.

Selectman Galemmo motioned to proceed with a Notice to Quit and Surrender concurrent with an attempt to contact her.

Dwayne stated that the attorney said that the eviction hearings are on November 20th, December 4th and December 18th. The attorney said they could probably shoot for the December 4th hearing. Dwayne stated that he also found out that Mr. Hilton had 2 sons. They do not have a legal claim because the house isn't in their dad's name. He will allow some time after the funeral before approaching her.

Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

E. Board Membership: Norman Clough – ZBA

Dwayne received an application from Norman Clough to become a ZBA member. He recommends that they invite him to a meeting to meet the Board.

Selectman Johnson, Sr. motioned to have Norman Clough attend the next meeting to meet with the Board. Selectman Cowan seconded the motion. VOTE: 5-0

6. Other Business:

Dwayne stated that they had spoken about tentatively holding a public hearing on December 5th to get some idea about what the town wants to do regarding recreational marijuana. Dwayne called Chris Dudley to see if she had the voting results yet. Dwayne stated that his concern is that with the Governor's veto, the things that he has heard coming out of Augusta is that they will use the next 60 days before they go back into session to try and come to some sort of compromise. He doesn't believe this will happen. He believes that they will have an emergency piece of legislation at the beginning of the session that will say that they are extending the moratorium beyond February 15th.

Chris came in to review the voting results. She said that they had 1,312 voters. The moratorium passed with 671 Yes and 627 No. She stated that a lot of people had questions about what a moratorium was. Some people thought it was a total ban. Question #2 regarding the land swap passed 1,096 Yes to 193 No. She stated that Question #1 regarding the casinos was 295 Yes and 1,021 No. Question #2 was 717 Yes and 592 No. The bond issue was 955 Yes to 342 No. The question regarding the constitutional amendment was 823 Yes to 432 No.

Dwayne asked if the Board still wanted to hold a public hearing in December or do they want to hold off. He believes that the State will have to extend their moratorium because he doesn't think that they will allow the voter legislation to go into effect. He believes that they will propose it to be extended for one more year to February of 2019. If they do that, than our moratorium will be for nothing. The problem is that we don't even know what to talk about because we don't know what they will allow the town to do. Dwayne said that they can see if people want to ban everything or just certain things like social clubs, smoke shops, retail shops or growing. Selectman Galemmo stated that they can talk about it in broader terms. They can ask the town how they feel about these things and if they do want them, then what kind of restrictions they would want to see happen. Chairman Hall stated that they could do it later after the holidays.

The Board decide to not have the Public Hearing in December but have it sometime in January.

7. Review and Approve Warrants and Correspondence:

Warrant:	October 24, 2017	- \$ 33,791.73
Warrant:	October 31, 2017	- \$ 0.00
Warrant:	November 7, 2017	- \$ 105,305.74

Selectman Cowan motioned to approve the Warrant of October 24, 2017 for the amount of \$33,791.73 and the Warrant of November 7, 2017 for the amount of \$105,305.74. Selectman Galemmo seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 9:15 pm. Selectman Cowan 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.

