

North Berwick Board of Selectmen Minutes February 6, 2018

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
FEBRUARY 6, 2018**

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

Absent: Selectman Galemmo, Selectman Johnson, Sr.

Also Present: Dwayne Morin, Rebecca Reed, Mark Reed, Sarah Reed-Bragdon, Sue Austin, Heather LaFrance, Ron Robert

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

1. Pledge of Allegiance

2. Review and Approve Minutes of January 23, 2018

Selectman Cowan stated that on Page 2 under Tax Acquired Property there are a couple areas that just say “she”. Selectman Cowan said that it should be more specific and state “the current occupant” instead.

Selectman Cowan motioned to approve the minutes of January 23, 2018 as amended. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

3. Public Input

There was no public input at this time.

5. New Business:

A. Ryan House: Sue Austin Presentation to the Board

Sue Austin distributed some information to each of the Selectmen that describes the Ryan House Project. She introduced Heather LaFrance who is one of the members of the committee. She lives in North Berwick and is the Assistant Principal in Lebanon. Ron Robert is also present and he is also a member of the committee. Sue Austin stated that she had approached Dwayne back in December to let him know that they were looking into purchasing the Ryan home to be used for transitional housing for teenagers.

Ms. Austin stated that she is the McKinney –Vento/homeless liaison for our district and has been doing this for 17 years. McKinney-Vento is a federal law about education for our students that are homeless. It states that if a child becomes homeless in your school system, the ultimate goal is for them to maintain their educational home. With this law, they are able to help kids get health insurance through MaineCare, set them up for free or reduced lunch, get them supplies

and other things that they need for school and because they have connections with the Mary Hurd Academy and Thrift Store, they are able to provide clothes. The one thing they have not been able to provide is a safe place to be.

Ms. Austin stated that, the Friday before Thanksgiving, a young lady came into her office and said that she didn't have a place to stay that night. Unfortunately, she couldn't do anything to help the girl. She stated that, at any given time, there are probably 8-10 students in the High School that don't have a place to live, but it is not often that they come to ask for help. She stated that, with the help of Guidance and some teachers, they were able to find her a place to be for the evening and she is still there at this point. It is not a great situation for this student. She is in a place where she has been told that she needs to keep a low profile and have no issues. Ms. Austin stated that she is a 16 year old and no matter what, a 16 year old has some kind of drama in her life. This situation really struck Ms. Austin and several people and they realize that something needs to be done. She said that, the following Monday, she was driving through North Berwick and happened to take a look at the Ryan house. She happens to know Mike Ryan who is one of the children that currently is selling the property. She decided to text him and ask what the situation currently was with the house. She wanted to know if it had been sold yet. He texted her back and said that the sale had just fallen through so it was still available. She told him her idea about using the home for transitional housing for teenagers. He said he would check with his sisters and get back to her. He called her back in about a half hour and they agreed that they would like to try to make this work because they feel it would be a great way to honor their parents. She met with them and the realtor to discuss it and they agreed to take the house off of the market for the winter to try and give them some time to make it work.

Sue Austin stated that when they first started talking about it, they were thinking about it as a district perspective. The land next to the North Berwick Elementary School seemed like the perfect location. However, as they got more deeply involved with it, they realized that it would make more sense to start a separate private foundation that did not have ties to the district except for the spirit of partnership and not embedded in terms of finances. They want to be able to stand on their own. They don't want to be up and down based on how people are feeling in the towns in general because of the taxes. They really don't want to be a tax burden on the tax payers. They want it to be something that people will contribute to because they chose to and not because they had to. They formed a corporation. She got together with Paul Andrade and Campbell Badger, an attorney for the district who works for Drummond Woodsum. Mr. Badger felt that this is something that he could help with so they started the corporation. Drummond Woodsum has allowed Mr. Badger to do pro bono work for them to deal with all of the setting it up and IRA issues.

Ms. Austin stated that their goal is to raise enough funds to purchase the house and develop the program that they need to do. She said that the plan is to be a small version of a group home where they would have house parents to take care of the kids. They would have some added help on the weekends so that the house parents could have some added support. They would be providing services to kids that are typical students. They are not talking about kids with significant mental health issues or significant behavioral health issues. The kids that attend Mary Hurd Academy are not students that they would consider for this program. They are just looking for kids that need that extra support.

Ms. Austin stated that they are on a deadline. They are trying to get as much of a down payment as they can by April 1st so they can get a loan through one of the local banks. If they aren't able to do this, they will alter the course and look for some support within the towns. She said that Berwick may have a place that they can utilize. She stated that she would like to have it in North Berwick. She feels that every town should be doing something like this and taking care of their own. She wants to keep it small and local. She has been approached by other towns to see if we would take their kids and she has turned them down. She stated that this home would be perfect also because of the legacy that the Ryan's have left in terms of the education piece and how strongly they feel about the program.

Selectman Cowan asked what other communities are doing to support this particular population and asked if they had reached out to other districts to see what programs were out there. Ms. Austin stated that there is not much. She said that they looked nationally and didn't find much. There is a home outside of St. Louis called Joe's Place that does something similar. The district bought their land and a non-profit is actually running the program itself. They only serve males and they are only there from Sunday night to Thursday night and students go home on the weekends. Ms. Austin said that other districts around here are currently doing what we are doing. They try to find connections within the community like finding friends of parents to help out. There are only 3 teen shelters in the State of Maine. One is Preble Street in Portland which is a very low barrier shelter. This means that they can come in drunk or high and they will accept you. Ms. Austin stated that this is not some place that she would like to send someone like the girl she mentioned earlier who does not have any of these issues and shouldn't be exposed to it. Another one is called New Beginnings and is in Lewiston which is a more structured shelter. The other one is in Bangor and is called The Shaw House.

Selectman Cowan asked if there had ever been an attempt to formalize a process for this particular population. She asked about how many kids were affected on a yearly basis. Ms. Austin stated that there is typically 8 to 10 of them. She stated that there used to be a more formalized setting because there were people at the State level that supported the transitions for kids that are homeless. These positions are no longer funded so these things fall back to the locals to take care of. She stated that they have been having a lot of talks about homelessness and talking to various agencies. They are finding that the teen homeless piece is starting to rise to the level of awareness for the first time.

Selectman Cowan stated that she would like to see them reach out to communities and really formalizing the process. She's not necessarily talking about coming up with a shelter but perhaps start it as a focus for community based discussion and inviting the community in which would help with the support for programming. They could see if there are resources within the community that would be willing and able to provide assistance especially since they are not dealing with a large population. She feels this would alleviate this burden of having to come up with a significant amount of money to fund this building for such a small population that will be served. Ms. Austin stated that a big part of this is the passion that she has for this issue. She feels that we need to take control and provide this support. They were also talking about running a parallel program at the same time to develop host families because this is not just an issue for teenagers. We have families that are homeless right now and families that are doubled up. The

stress that a doubled up situation puts on the host family as well as their own family is huge. Selectman Cowan feels that it is a great initiative. She is concerned at how this will play within the communities in terms the appearance of the school getting involved with the purchase. She feels there needs to be more education about how the school is not involved with it. She is also concerned about other communities wanting to send their kids. Ms. Austin said that she has no problems saying no to them.

Dwayne Morin stated that one of the concerns that he has is that it gives parents an easy out. If the parents and the child have a fight and the parents kick them out and tell them to just go to the Ryan House. He would like to know more about the makeup of the type of kids they will allow at the house. Ms. Austin stated that most of the kids that she deals with are kids whose family structure has broken badly such as addicted parents. The parents are not taking care of themselves so they are unable to take care of the kids. It would not be for just a place to go when you have a fight with your parents.

Dwayne stated that he had some concerns regarding the operations such as the age and gender of the kids. If they are dealing with only teenagers, then you can't have a 12 year old and an 18 year old. This could cause some significant issues. Ms. Austin said that the age level that they are looking at is 14 to 18 year olds and they do plan to have both boys and girls. They will address the gender issue like a family would. She said that, right now, if she has a kid that is spending the night on the couch at a friend's house, she doesn't know if there are other males and females in the home. Dwayne said that he was thinking along the lines that if they are a non-profit, the ownership is now on them. Ms. Austin said that there is liability insurance for them which is a good thing. She feels that there are proper procedures and structures that can be put into place to help alleviate some of these issues. She stated that Spence & Matthews is doing a workup of their insurances and they will take care of the premiums for the first year.

Chairman Hall asked if they were trying to raise a half million dollars in Phase 1. Sue Austin said that they are at least trying to get a down payment so they can get a mortgage. Chairman Hall asked what she thought their budget would be like in Phase 2. Ms. Austin stated that they put together a budget with the idea that it would be a 30 year mortgage and the budget would be about \$160,000 per year. This would include insurance premiums, salaries for the house parents and meals. Ron Robert stated that this is with the assumption that they would not have any grants at all. He stated that they were just on the phone with a bank in Boston and this is the type of things that they do. They look to give grants to pay down mortgages. Mr. Robert said that they have also had a lot of people within the community, such as contractors, that have offered to help.

Mr. Robert stated that he is retired but he is involved in this because he loves this district. He was here for a big part of his career. He can personally relate to how these kids feel from some personal experiences. He said that these kids don't just need a roof over their heads. They need a home where they can learn to cook and get some life skills. He stated that he would never attach himself to an organization that would bring any kind of discredit to this community. He also would never put his name on something unless it had a Board of Directors that he trusted. He stated that just because they are going to have 8 beds there doesn't mean they all have to be filled. There should only be kids from SAD 60 and nowhere else. He said that he knew that this

would be the type of community that would embrace it if it is run correctly. He said that there may be only 2 or 3 kids. He said that he looks at the people that he has affected in his life and said that those kids are now in school. They can have a tremendous impact on their communities. Whether you service 100 kids or 7, if you save a few kids it will have a huge ripple effect in our community.

Chairman Hall asked if the \$160,000 was part of Phase 2. Sue Austin said that it was part of Phase 3. Phase 2 is basically bringing it up to code and making whatever changes need to happen. She said that the good thing about the property is that it doesn't need a lot of changes. She said that they are going to have an inspection done next week. They will need a 2nd story egress and will probably change out the heating system. Ms. Austin stated that Phase 3 is getting the house up and running and starting the program.

Chairman Hall asked if they were already incorporated as a non-profit. Ms. Austin said that they are incorporated and it is currently in process with IRS for the non-profit. Chairman Hall asked if they needed to create bylaws and Ms. Austin said they did. Chairman Hall said that he is behind this idea but he feels that in order for the community to be comfortable with it, it needs to state in their bylaws that they are not going to use any school district tax payer money. He feels that this would be a big selling point. He also asked them how it would work if they used any school services. Ms. Austin said that they would need to develop some clear language around in-kind support between the two because there are things that they could provide to the district and that the district could supply to them. Mr. Robert stated that they also need to indicate in the bylaws that they will only take SAD 60 students and Ms. Austin said that it already had that in them.

Heather LaFrance said that she feels very strongly about this project. She feels that it is something that needs to be done for our community and would be very positive for it too. We need to take care of our own. She stated that if we can't provide our kids with the support they need to graduate, then we are setting them up to be a bigger drain on our system.

Dwayne asked if they had interactions with the foster care system. Ms. Austin stated that their goal is to have the least amount of ties with the State piece as possible because it is so complicated. Dwayne stated that he knows people that are in the foster care system and they are very passionate about helping kids. He thinks that they could possibly be used as resources.

4. Unfinished Business:

A. Tax Acquired Property: Malcolm Hilton

Dwayne stated that the FEP is scheduled to expire on Monday, the 12th so right now they are just in a holding pattern. Selectman Cowan asked if there had been any communication with the current tenant and Dwayne said there had not been any.

B. Spirit of America: Request to Pick a Spirit of America Recipient for North Berwick

Dwayne stated that they had up to the next meeting to make a decision about if they want to nominate somebody.

C. Referendum Questions: Review Referendum Questions for FY19 Town Meeting

Dwayne stated that the Planning Board held their Public Hearing 2 weeks ago and they voted unanimously to approve all 3 of the questions. He stated that our attorney has finished all of the legal stuff. He is ordering the ballots tomorrow. The first question is to change the kennel definition, the second is to change the Growth Management permit and the third one is regarding the Subdivision Ordinance and the escrow accounts.

Reminders: Next Board of Selectmen's Meeting – Feb. 20, 2018 – 6:30 pm Municipal Building

Budget Committee – Feb. 7, 2018 – 6:30 pm Municipal Building

Budget Committee – Feb. 14, 2018 – 6:30 pm Municipal Building

5. New Business:

B. Planning Board: Resignation of Barry Chase

Dwayne stated that Barry Chase submitted his resignation as a member of the Planning Board so the Selectmen have to accept it. They also need to move David Ballard up to a full member.

Selectman Cowan motioned to accept the resignation of Barry Chase from the Planning Board and to move David Ballard up to a full voting member. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

C. MSAD 60: School Funding Formula

Dwayne stated that last Wednesday, our Town Clerk was looking for something on the Berwick website. She asked Dwayne if he knew that Berwick and Lebanon were meeting to discuss the school cost sharing formula. She gave him a copy of their minutes. He called the Berwick Town Manager to ask him about it. He told Dwayne that it was a public meeting. Dwayne asked why they were not invited so they could discuss the cost sharing issue. The Berwick Manager said that when he had enough information, he would let Dwayne know.

Dwayne said that at this point the Berwick and Lebanon Board of Selectmen have met and they are meeting this evening with their School Board representatives. Selectman Cowan asked who initiated the meeting and Dwayne said that it was Berwick. He was told that it is being driven by their new Finance Director who believes that the Town of Berwick is paying \$1 million too much to the school. The original discussion was that they believed that Berwick was paying \$1 million too much and Lebanon was paying \$1 million too little. Over the last couple of months, it has switched to North Berwick paying \$1 million too little. From what Dwayne has been able to ascertain, they want the school funding formula to be based on State Form 279. The State

form determines what the district gets for State subsidy. In that form, it breaks down the 3 towns and shows what each town's subsidy is. As a district, we have agreed to share our costs per pupil and per valuation basis. Basically all that the Form 279 does is that the district gets so many amount of dollars and we take that revenue and divide it by pupils and valuation according to the Sinclair Act of 1968. This Act is what established our school funding formula. The other towns don't want it decided like that. Selectman Cowan stated that this was something that was voted on by the townspeople.

Dwayne stated that if they decide that they want to change the funding formula and it is a straight vote of the district, we will be outvoted. He stated that there is a process that they will need to go through that will take about a year or so. The law is set up where 2 towns can gang up on 1 town. They tried to get that changed 17 years ago and the Legislature did not agree. Dwayne said that the last time this happened, it was an all-out war. The Governor at the time called all 3 town representatives to the Blaine House and he tried to mediate. The Town of Lebanon ended up getting thrown out of Blaine House. There was a lot of name calling and mudslinging. Dwayne stated that, at that time, if the school funding was going to change, North Berwick was going to vote to pull out of the district. At that time, we were paying twice as much per pupil.

Selectman Cowan asked Dwayne if he had tried to discuss the history of all of this with the Berwick Town Manager. Dwayne said that he tried to explain the history behind it but he wouldn't listen. Dwayne stated that if they add \$1 million to our budget, it would be cheaper for us to tuition our kids out to another district. Selectman Johnson, Jr. stated that some of the people that he has spoken to about it have said to go ahead and do just that. This would push our cost to about \$6.5 million. We have 625 kids in the district which means we would be paying about \$10,000 per student and they would be paying less than \$4,000. Dwayne stated that if we do pull out of the district, it does have other issues that would arise. Selectman Cowan stated that the Berwick Town Manager is still wet behind the ears and he doesn't know the history and she feels that he needs to have the history. She would like Dwayne to draft a letter giving them a synopsis of what transpired last time and the potential impact on the communities. Dwayne stated that one of the issues they will have is that the High School is in our town. If we leave the district, assets are divided and it is usually assets that are within our community go with that community. Chairman Hall said that we would have to pay off the mortgage. Dwayne said that, right now, our debt level will be a little over \$2 million at the end of this year. The last time they talked about leaving the district, our share was going to be \$17 million.

Dwayne said what bothered him was that they do not want to include us in the discussions. He told the Berwick Manager that, as partners, we are supposed to be cooperating with each other and not conspiring against each other. Dwayne said that a comment was made to the Superintendent that this was getting blown out of proportion. Dwayne told the Berwick Manager that if he was the odd man out, he wouldn't think that. He stated that if they are discussing this without our involvement, it is clearly because they want money to shift from them to us. Dwayne stated that he did have a conversation with one of the Berwick Board of Selectmen. The Selectmen just happened to call him right after Dwayne had found out about all of this and he got an ear full from Dwayne. The Berwick Selectman did not know that we had not been invited to these meetings.

Chairman Hall asked if the million dollars was added on to our budget, what affect would that have on our mil rate. Dwayne stated that it would add at least \$5.00. Chairman Hall asked how the district would dissolve and what kind of a vote takes place for that to happen. Dwayne said that there is a whole process and he has included it in their packet for their review. Chairman Hall asked if just one town can vote to leave the district and Dwayne said yes. Chairman Hall asked if we tuition our students, what affect would that have on our mil rate. Dwayne said that there are multiple layers and we would need to hire consultants to put it all together. He stated the Elementary tuition is a lot less than High School tuition. The State has set High School tuition at whatever the district is or a maximum level which is currently \$10,000. Noble currently charges \$9,600 per child. The Elementary tuition is about \$6,000. When you blend those rates, it is \$7,800 which is what we are paying right now per kid.

Chairman Hall said that we needed to research whether or not we would get the High School if we leave the district. If we do, he feels that this will change the other towns' minds about going through with this because they can't house all of their students. Dwayne said that the Superintendent has already told the Town Manager this. Chairman Hall asked if the School Board had discussed this with the towns at all. Dwayne said that they had not. The Berwick Town Manager and Finance Director met with Steve about 6 months ago. Steve told Dwayne that they came in and said that the school was calculating the school funding formula incorrectly. Steve told them they were calculating it exactly as it was stated in the Sinclair Act. He told them that if they wanted to change it, they would have to change the Sinclair Act. Steve told Dwayne that he thought that it was done. He had no idea they were still discussing it.

Selectman Cowan stated that we need to get everyone involved some information and she is also willing to try and set up a meeting with them to discuss this. She feels this needs to be done before we start talking about things like leaving the district. Dwayne stated that he can draft a letter for the Board to send out. He can also invite them all to a meeting. He doesn't know if they would attend but they could at least make the offer. Selectman Cowan asked if Steve could get involved in settling this. Dwayne said that he has to be independent and neutral. Chairman Hall said that we could have a meeting with the Berwick and Lebanon Board of Selectmen and Town Managers and the Berwick, Lebanon and North Berwick School Board members. Selectman Cowan agreed and said that Steve could be the facilitator for the meeting.

Chairman Hall stated that there is no way that we can have a \$5.00 mil rate increase. He stated that there is no way our town would accept that. Dwayne stated that we can't be paying \$12,000 per kid to educate our kids. We would be paying about 3 times more than the other towns in our district and we have the least amount of kids. Another thing to think about is that North Berwick has a Growth Permit so we limit the growth of our town. The other 2 towns don't. Dwayne stated that he just found out that the Town of Berwick, in the next year, will add 400 new house lots in their town. They have a 70 lot subdivision that is going in off Old Pine Hill Road. They have a 90 unit workforce housing going in where the old mill used to be and there is a 400 lot subdivision being proposed across from the old water tower. This will be adding a lot of kids to the school system.

D. Code Enforcement: Adoption of 2015 Building Code

Dwayne said that the State has passed the new Maine Uniform Building Code which is actually the 2015 IRC code with amendments. This will go into effect on 4/23/18. Selectman Cowan asked how that impacts us. Dwayne said there are not a lot of changes. One of the changes is that they now allow tiny homes. The biggest change is blower door tests for insulation. This is now mandatory if the Code Enforcement Officer doesn't think that you have done a good job. Some towns are making it mandatory. It is very expensive and there are only a few companies that do it.

E. Transfer Station: Recycling Cost Increase

Dwayne stated that most of our country's recycling goes to China. China has cut off the United States so we can no longer send our recycling to them. We had been getting rid of all of our recyclables for free and our contract will allow this to happen until March. Oceanside was seeking an extension to this contract for another 3 years but they were just notified on Monday that they were not going to extend it. EcoMaine is charging \$80 per ton to get rid of recyclables. Chairman Hall asked how much it cost to get rid of the regular trash. Dwayne said it was \$71 per ton.

Dwayne stated that they need to discuss what we are going to do. Do we want to still continue to recycle? Dwayne stated that it is not just about the money but there are also social aspects, carbon footprints and other stuff to consider. Chairman Hall stated that if we pay \$81 per ton for recyclables, does it actually get recycled. Dwayne stated that some of it will but most of it will not. Selectman Cowan asked about how many tons we recycle. Dwayne said that last year, we recycled about 250 tons of material. This would be \$20,000 added to our budget.

Dwayne stated that there are a few things that they need to look at. Do they ride it out? We do have about \$205,000 in reserves in our Pay As You Throw Program. As of today, we are about \$20,000 ahead this year on expenses vs expenditures. Dwayne will be meeting with Oceanside. They are willing to take our recyclables, pulling out the cardboard and the metal and then just sending everything else out. Another option is to suspend recycling for a while. Chairman Hall said that he would like to ride it out this year and bring it up at Town Meeting to see what people think. Selectman Cowan agreed to ride it out for the year. Dwayne is hoping that it is just temporary.

Dwayne stated that he made a few changes to the budget from what the Selectmen originally saw. He will need to increase the Transfer Station budget so we can have a recycling buffer in there. He is a little concerned with his numbers for heating oil. He said that they are starting to come down now. He is budgeting for \$2.25-\$2.50 per gallon and right now it is \$2.79 per gallon.

6. Other Business:

Dwayne stated that, a year ago, the Selectmen had signed a deed. There was an old tax lien from 1940 that was never released so we did a deed and they closed on their house. They are now selling the other half of the property and that Title Attorney doesn't like our deed. He drafted up a new deed that has a current description of the property. The Selectmen just need to sign the new deed.

Selectman Cowan motioned to approve the new deed. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

7. Review and Approve Warrants and Correspondence:

Warrant:	January 30, 2018	- \$ 22,572.64
Warrant:	February 6, 2018	- \$ 54,964.20

Selectman Johnson, Jr. motioned to approve the Warrant of January 30, 2018 for the amount of \$22,572.64 and the Warrant of February 6, 2018 for the amount of \$54,964.20. Selectman Cowan seconded the motion. VOTE: 3-0

8. Adjournment:

Selectman Cowan motioned to adjourn the meeting at 9:08 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Glemmo

Selectman: Michael Johnson, Sr.

