

North Berwick Board of Selectmen Minutes March 6, 2018

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

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

Also Present: Dwayne Morin, Rebecca Reed, Mark Reed, Pamela Parks, Tyler Nutter, Gregg Drew, Steve Connolly, Cathy Babcock, Chris Gilpatrick, Carole Brush, Laura Bragg, Paul A. Nadeau, Richard Harlow, Patrick McLaughlin, Sue Austin, Rebecca Beal, David Moore, Tom McCullen, Thomas R. Littlefield, Michael Wormwood, Andrea Goodwin

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

1. Pledge of Allegiance

2. Review and Approve Minutes of February 20, 2018

Selectman Cowan stated that a couple of the names of the people present should be changed. We should have Rep. Beth O'Connor instead of just Beth O'Connor. Also Rebecca Hopp should be Rebecca Hopper.

Selectman Cowan motioned to approve the minutes of February 20, 2018 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0 Abstain: 1

3. Public Input

Tyler Nutter thanked the Board of Selectmen for all the hard work they do. He appreciates it. He stated that he has not read the minutes from the last meeting, but the recent reports from the newspaper and online regarding our partners in the school district upset him greatly. He stated that he is a little confused by some of the public reporting and is not sure what is true and what isn't. Mr. Nutter stated that the school district puts out a new handbook every year that he doesn't find too hard to read. He said that the anger motivated him to contemplate our relationship with our neighbors and partners in the district. He stated that over the last half century education has changed quite a bit. While SAD 60 has been incredibly valuable to all 3 towns over the years, it may have outlived its lifespan. He encourages the Board to all keep an open mind about all possibilities going forward which could include not being part of SAD 60. He stated that our neighbors have made it pretty clear that they are interested in looking at other alternatives. He feels that it is in our best interest to keep all opportunities open and not just dismiss things.

Pamela Parks has lived here for about 2 ½ years and she is very proud to call this her home. She stated that the North Berwick Selectmen have handled this situation professionally. She is very sad at what the others did and how they did it. Ms. Parks stated that there is no problem with

questioning the formula and talking about it, but the way they went about it is wrong. She stated that she has never been so involved in town and school matters in her life but this has opened her eyes. She stated that they do put their trust in our Selectmen and our Town and that they are doing things that are in the best interest for us. She feels that this situation has just been nasty and appalling. She stated that she heard Chip's (Lebanon Chairman of the Board of Selectmen) apology at their last meeting. She said that at the previous meeting, all of the Selectmen agreed to what had been spoken about but nobody put a stop to it. She feels that Berwick went to the Lebanon meeting to grab them in as an ally which was a very sneaky move. Ms. Parks also stated that she was very disappointed in Maureen Finger commenting on the Ryan House Project. She is very proud that it will be in North Berwick. She did not appreciate them calling the kids "couch surfers" and just not wanting to go to school. Ms. Parks stated that she is proud of having this resource in our town and she plans on helping out on the project.

Chairman Hall closed the public input.

5. New Business:

A. Town of Lebanon: Town of Lebanon Board of Selectmen

Laura Bragg introduced Paul Nadeau and Richard "Chip" Harlow to the Board. She stated that she wanted to read a statement from the 3 of them and then they could answer any questions.

Dear North Berwick Board of Selectmen and Town Manager,

The Board of Selectmen for the Town of Lebanon would like to sincerely apologize for the unprofessional behavior and divisive nature of our meeting on January 25, 2018. While ignorance is no excuse, had we known about the proper procedures, we wouldn't have allowed the meeting to occur. Even without knowing the proper procedures, we missed several red flags that should have caused us to stop the meeting. On top of that our Chairman made an inexcusable and inappropriate remark and we are deeply sorry.

Selectman Cowan stated that she appreciates them attending this meeting. It goes a long way, in her book, and hopefully will help in smoothing over the troubled waters that currently exist. She thinks it is a very difficult thing to come into another town's meeting and do a public apology. She thanked them for coming and making that statement.

Selectman Galemmo agreed with Selectman Cowan. He stated that going forward, we do have an issue at hand. The Town of North Berwick has not taken an official vote on it, but we feel that we are paying our fair share right now. We pay about \$8,000 per student compared to \$5,500 for Berwick and \$5,800 for Lebanon. He said that 80% of the towns divide up the towns through straight valuations. The other 20% do half valuation and half pupil count. The thing that those 20% have in common and makes them different from the other 80% is that the 20% all have a town with a high valuation and a low student population. We are lucky to have Pratt in our town but we do pay a premium through the funding formula and the school taxes because of that. He stated that if we shifted the tax burden to all valuation, it would hurt a lot of seniors and working people. Our taxes would jump up very high and we would be a very bad spot. He

stated that, at Lebanon's meeting, either Representative O'Connor or Gerrish pointed out that the tax increase might have an impact on Pratt. Pratt's parent company treats all of their factories as if they were their own separate businesses. When the parent company gets a contract, they send it out to their factories to bid on. The one that gives the best bid gets the contract. Our Pratt has been very successful at this and because of this they have expanded lines and hiring more people. If we cut their margins by raising their tax revenue, this could put a crimp on their ability to win future contracts. This would hurt the jobs there. Selectman Galemmo stated that they have not talked to them so this is just pure speculation. However we do need to think about it and think about what the consequences of this situation would be.

Selectman Cowan asked the Lebanon Board members where they were at as a Board at this point. Richard Harlow stated that the Board was nowhere. The last that he has heard is that any legislation is not happening and as far as he understands, legislation is only the first step in getting something to the voters to approve. He stated that the door was not going to be open for a change this year. He stated that if the door isn't even going to be open, than this is a dead issue until 2019 at the earliest. Selectman Cowan asked if they were getting any feedback from their constituents in Lebanon regarding the issue. Mr. Harlow stated that there has been some vocal feedback which he is sure everyone is aware of because it has been on video. There has also been some private feedback which has been opposite of what was on video. He said that the feedback has been more about how this all got blown up and not about if the funding should be changed or not. Mr. Harlow stated that he is nervous right now because they are talking about the funding. He said that they just got blasted for talking to another town about the funding formula and here we are today, talking about it without Berwick representation being present. He does not believe that this is the forum. He thinks that there should be some formal process put in place. He has looked at what Kennebunk, Kennebunkport and Arundel do and they have a formal process that they have put in place. He has done all of his research after the 1/25 meeting and said that he should probably have done it before. He stated that maybe North Berwick is paying too much and should request to have it reviewed. He does not know what the right answer is.

Selectman Cowan asked Mr. Harlow if he had an awareness of how the costs broke down per pupil for each town. He said that he was a numbers guy and that you can make it work any way you want. If we want it based on pupils, North Berwick looks horrible because we have the lowest amount of pupils and pay the most. If you do it based on tax revenue, it is a different story. He believes that there should be an arbitrator, facilitator or someone that is neutral because we are all going to be invested in the outcome. He said that they are all going to be emotional about the outcome because they are all fighting for their towns. Selectman Cowan asked if he was aware that this was not the first time that the district has been through this process. Mr. Harlow said that he heard it had happened about 15-17 years ago. He said that he heard that, back then, there had been some private conversations that happened. He doesn't know who it was. He knows that Lebanon's people didn't support it but he doesn't know all of the particulars and who he should believe. Selectman Cowan said that she could refer him to Dwayne Morin, who has intimate knowledge of the whole process. She stated that if they are all interested in what transpired, he lived it. Mr. Harlow said that for history's sake that would be good. He believes that there should be some mechanism that if one of the towns has an issue, there should be a formal process that gets all 3 towns together in some neutral fashion with a

neutral arbitrator to figure it out. Selectman Cowan stated that they would never have been opposed to this at all. They have always tried to conduct themselves in a way that supports open and honest communication. She stated that the meeting that we will be having on the 19th or 27th will hopefully serve that purpose. It will allow everyone to bring forward all of the facts that currently exist and hopefully have the opportunity to do exactly what Mr. Harlow has discussed in terms of looking at the formula, how it is impacting the 3 towns and what happens going forward. Mr. Harlow asked if there was going to be a neutral facilitator or arbitrator for that meeting. Selectman Galemmo stated that it wouldn't be an arbitrator. An arbitrator listens to all of the sides and then tells them how it is going to be. It would be more of a mediator. Mr. Harlow said that the State has a list of facilitators and a lot of them are actually ex-Superintendents and he believes that the State will pay for that.

Chairman Hall stated that our town is very purposeful in how we do things. For a number of years now, we have had a limit on growth and neither Berwick nor Lebanon have that. He stated that, it is upsetting to him personally, that this has become an issue for Lebanon and for Berwick where there is a lot of growth happening. This is bringing a lot of students into our district. Chairman Hall thinks that our constituents have spoken pretty loudly and clearly about that. He personally thinks that the way the funding formula is currently done is a good balance and is something that we should continue with. He stated that he will certainly discuss that at the meeting that will hopefully happen on the 19th or 27th. Chairman Hall stated that picking a fight with us over this issue is really bringing some emotions from our constituents. He told the Lebanon Selectman that he hopes that they understand where a lot of our constituents are at right now. Selectman Johnson, Jr. stated that a lot of people are asking him if North Berwick can leave the district because they are so upset. Selectman Galemmo stated that if they went to all valuation there would be no penalty for Berwick or Lebanon having the uncontrolled growth that they have and North Berwick would have to pay the price for that. He stated that the school is in a tough spot right now because there are so many new children coming into the district. He is afraid that in 5 or 10 years, we will have a real crisis situation going on. Selectman Galemmo stated that if they need to look at how much tax revenue they are going to get from the median home. The average household in Maine has .82 children according to the 2000 census so the cost for their town to educate that child is greater than the tax revenue you are getting from the average home. We are in a situation where the cost of education is increasing at a higher slope than our valuation so there is a big gap in between. He stated that if we were to change the formula to all valuation, North Berwick is the one that has controlled our growth, have the large valuation and we are going to have to pay for Berwick and Lebanon's growth.

Selectman Galemmo stated that what we should be talking about among the 3 towns is how to control our growth. He said that we do want young families coming in but you need a mix of housing and growth so that you have a stable tax base. You are not going to get that by just allowing any amount of growth to happen. He stated that we are currently putting up changes to our Zoning Ordinances because we think we have been a little too restrictive. We are not changing the number of permits that we allow but we are changing how they are being acquired. We are not getting the mix of growth that we want. He feels that all 3 towns need to talk about this because it is creating a lot of stress on our school and in our communities. He finds it unfathomable that our other partner towns in our district do not recognize that more children in the school means more cost in the school. Selectman Cowan stated that we actually had

somebody at our last meeting that thought that if they had more kids in the system, they received a discount. Selectman Galemmo stated that the 3 towns should not be discussing how to change the funding formula but they should be discussing how to get things under control.

Chairman Hall stated that, personally from his perspective, he wants the district to stay together. He wants to educate our students in a partnership with Berwick and Lebanon. He stated that Lebanon needs either remodeling in their schools or a new school and he thinks that they will want North Berwick as a partner to get some of this stuff to happen. He hopes that this is not just a dead issue this year because it can't get into the legislative session. What he would really like to hear from Lebanon is that this is not an issue they are going to push in future years. He said that it would be in our best interest to start the procedure to leave now if we don't get the response that we need regarding staying at the 50/50 pupil and valuation formula. This would certainly hurt all 3 towns, but it will probably hurt North Berwick less. Chairman Hall stated that if this is something that they need to do to protect our taxpayers, then we will do that. He hopes that we will have Lebanon's support going forward.

Mr. Harlow stated that the Town of Lebanon did have a Growth Ordinance and it expired. From what he heard, they never actually hit the limit. He stated that they do not have a Charter or a Comprehensive Plan so they don't really have any zoning other than Shoreland Zoning. Lebanon is a little bit behind from other towns and that is the way the people have chosen. Mr. Harlow stated that they do not have a Town Manager so they are at a disadvantage to the other 2 towns in the district. That is one of the reasons that he took the meeting. He trusted the Town Manager. He stated that if Dwayne had asked him to have the same meeting, he would have had it. Mr. Harlow stated that they have never pushed this issue. They just opened their door to a neighboring community. He stated that he will not pursue any avenue that is not done in the proper forum. In his mind, a proper forum is some form of all 3 towns with a neutral mediator. Without that or without some kind of committee, then he is not in favor of anything. He will not go into it alone or with just either Berwick or North Berwick. The fair way to have all 3 involved with a neutral party.

Mr. Harlow stated that he does not necessarily know what is right or what is wrong regarding the formula but it does need to work for everybody. Selectman Cowan thinks that the formula that we have in place has actually worked pretty well. We are not the only district that uses this current formula. Mr. Harlow stated that Lebanon is pretty much in the middle. They will not get the biggest benefit or the biggest loss from this. He said that Berwick may see the biggest impact on the positive side and North Berwick could see the biggest impact on the negative side. Lebanon may see a marginal impact one way or the other depending on what was going to happen. Selectman Cowan stated that they could see a big loss in terms of their current elementary school. They are going to be quickly at a point where they are going to replace that building which will be very costly. Mr. Harlow agreed that there are bigger issues at play. They didn't know the proper way to go about it and talking here tonight about the funding formula is not the proper way. He doesn't think that talking to the School Board members is the proper way. He thinks that a separate committee that is appointed by each town that sits with a neutral arbitrator is the proper way. He stated that whether that happens this year, next year or some other time, he believes that the school needs to set the process up. If that never happens, then we won't be discussing the issue any more.

Mr. Harlow stated that, as far as growth, they are trying to do a Comprehensive Plan. It is something they have seen from their surveys with the residents. Whether they can get the Comprehensive Plan done that then allows them to work on growth remains to be seen. He stated that there is a group in the town that is trying to do that. There seems to be a number of residents that want to maintain the rural aspect of the town and curtail some of the growth. Until they can put the proper pieces in play, they can't really do anything. He stated that one of the issues is that they don't want to spend the money to do it so the Selectmen are trying to do it themselves. They are asking for \$8,000 to bring in Southern Maine Planning to do the last section of their Comprehensive Plan. Selectman Cowan stated that the only thing she would caution him on is the prospect of losing North Berwick from the district. This is not a road that North Berwick ever wanted to go down and we didn't initiate this. However, she stated that the last time they went through this process, there are a significant number of residents in this town that remember it and who would probably fully support our withdrawal from the district. She stated that this was not an avenue that any of them want to pursue, but they have to pay attention to what the townspeople are telling them. She stated that they need to look at the big picture. It does come down to the numbers but there are other issues that need to come into the discussion.

Chairman Hall stated that there is one district that is very similar to ours as far as funding formulas and that is Massabesic. They have about 7 towns and he believes that it works when they have large districts with various populations coming from various towns. He hopes that the Lebanon Selectmen will take that into consideration. Chairman Hall stated that in their meeting, it was stated that a very small part of the State is funded the way that we are funded and he doesn't believe that this is true. He believes that there are a lot of rural districts that are funded exactly the way that we are funded. He hopes that they can sit and talk as 3 towns. He said that he is not sure about the committee idea and if it is the best thing but they can discuss that at the meeting on the 19th or 27th. He also stated that he appreciates the Lebanon Selectmen coming to the meeting tonight. Selectman Galemmo agreed and said that he appreciates that they will not go forward with it unless it is done in the proper forum.

Mr. Harlow stated that he tries to not put blame on anybody else. He said that they were not the only ones that knew about the meeting with Berwick. Their representative knew about it and one of the Berwick Selectmen that berated his Board knew about the meeting. He has the minutes from Berwick that clearly states they were meeting with Lebanon and there were no objections. There is a lot of blame to go around but he thinks that they are past that. Selectman Cowan agreed and said that it is not constructive.

Mr. Harlow stated that he feels that there should just be a process in place. He doesn't know what the process is or if there is even one in place. Selectman Cowan asked Dwayne to talk about the process. Dwayne stated that there is really no given process. There is a process in the law as it relates to Section 1301 of the Statute. However, as a district, we don't fall under Section 1301. We actually fall under a whole other section because we have a Private and Special Law. There really is no defined process other than for SAD's that fall under Section 1301, which 80% of the districts fall under. He stated that 20% of us fall under a different Statute because we have a Private and Special Law. Any process that is developed is a process that we would all have to mutually agree on.

Selectman Cowan also said that they should feel free to give Dwayne a call because he is a great resource. He lived through this 17 years ago before most of us were involved. She told the Lebanon Selectmen that anytime they are approached by someone from another town with some information, feel free to reach out to any of the North Berwick Selectmen or Dwayne and they would happily have a conversation. Chairman Hall stated that they need to make decisions that are in the best interest for the students of all 3 towns. He said that a divorce will hurt everybody and it is not something that they want to see. Chairman Hall said that he doesn't think they will see North Berwick budge on this formula issue. He said they can talk about it and have a subcommittee, but personally, he feels that it is very fair.

Chairman Hall opened the meeting to any public comments.

Gregg Drew stated that he has lived in North Berwick 30 years. He came to town to work for Pratt & Whitney. He was on the Board when the decision was made that we needed to change the funding formula. He said that there was a lot of people that didn't get much sleep for a long time. He stated that they can ask Eleanor Murphy who went through it as well. She was originally opposed to it but eventually changed her mind. Mr. Drew stated that they went to Augusta and Mr. Millette was the arbitrator. He stated that the last comments from the Governor at the meeting were, "What are you people doing? Are you people out of your minds?" as he looked at the Berwick and Lebanon representatives. Mr. Drew stated that this special formula was worked out by Dwayne and accepted by the towns for a purpose. It was to keep the towns together because it could have fallen apart. Mr. Drew stated that he was on the Board for 13 years and worked with Dwayne all those years and he is really upset because no one went to Dwayne for information. Regarding Pratt & Whitney, if it wasn't for North Berwick giving them a TIFF, they wouldn't be here. He knew the General Manager at that time and the General Office at United Technologies said that they would not continue to be up here if it was going to continue the way it was with the taxes going up so we gave them a TIFF. He asked Dwayne how much that cost us. Dwayne estimated it cost us about \$3 million. Mr. Drew stated that because of this they decided to stay here. He stated that Hussey was almost out of business several years ago. They needed money to buy the automated welding equipment to keep their business going. We gave them a TIFF so they would stay here. Mr. Drew asked Dwayne how much that cost us. Dwayne estimated it cost us about \$5 million. Mr. Drew said that we know what we are doing in North Berwick.

Pamela Parks stated that she is hearing that Lebanon is not going to pursue it unless there is a formal way. She said that she is hearing that they will pursue it. They are not saying that they are not interested. She said that this is disconcerting to her because she doesn't want them to come back in 3 or 4 years after they have started building a new school and say that they want to review it. She asked the Lebanon Selectmen exactly where they stand instead of dancing around the question. Mr. Harlow stated that he doesn't think that it would be fair for him or any of the Board to say that they don't want to look at the issue. He understands that North Berwick want to keep the formula the way it is and if he was in our shoes, he would want the same thing. He also feels that if there is a town in the district that is unhappy for whatever reason, for us to shut them down after 15 years and tell them that they can't look at that is not the right way to do it. He feels there should be a process where they all get together instead of 1 town being unhappy.

They may be wrong but they should still go through the process and look at everything so they can be fair. Selectman Cowan stated that she does not object to him wanting more information so she understands that he can't really give a guarantee. Ms. Parks stated that she was just looking for a little more clarity. She said that if they would have sat down with everyone at the beginning, they would have all gotten their answers and information. Selectman Cowan stated that she believes that this is what they are acknowledging now. She is now focusing on the upcoming meeting. Hopefully at that point, we are going to be able to establish what the facts are and how each town contributes and is impacted. This way everyone can come away from that meeting with the information that they need. We can also establish at that point, a formal process so that if any town going forward has a question, there will be a process in place for that.

Selectman Galemmo stated that his biggest problem with this is that all that he has heard from Berwick is that they don't understand how it works but it isn't fair. He has yet to have anyone clearly articulate what is unfair and how somebody is being cheated. The only thing he has heard is that they want a new fire station and they can get North Berwick to pay for it. Laura Bragg said that that was a conversation that he has to have with Berwick. Selectman Galemmo said that he was going to their meeting tonight to discuss it. Chairman Hall said that the numbers that were being thrown around at that meeting would almost double our mil rate and that is not going to happen. Selectman Galemmo stated that there was not going to be a bill to go through the Legislature repealing our Special Law and raise the taxes on the 2nd largest employer in the State just so another town can build a fire station.

Selectman Cowan said that it is important to recognize that, here we are in this meeting, and our 2 towns are speaking and there is a town that is conspicuously absent in this discussion, which speaks volumes to her. She said that they will all be speaking at the meeting on the 19th and hopefully we will be able to hear from that other side to find out what their issues are and why they feel they are being penalized in this district. She thinks that they are going to find that they are really not.

The Board thanked the Lebanon Selectmen for attending the meeting. They really appreciated it.

Selectman Galemmo left the meeting at 7:17 pm.

B. Eastern Trail: Representative of the Eastern Trail to Discuss Membership

Carole Brush, the Executive Director from Eastern Trail asked for an audience before the Board of Selectmen to discuss the Eastern Trail project. She stated that it is a 65 mile long greenway that starts in Kittery and goes to Bug Light. It is part of the 3,000 mile greenway that goes from Calais to Key West. Both of these greenways are about 33% off road now with the goal being 100% off road. She showed the Board a map of the trail. Starting from the North to the South, she stated that there is 6 miles between Bug Light to Wainwright Fields in South Portland. There is a 1.6 mile gap that is close to being funded. It is a very expensive piece of real estate with a bridge that is bigger than the turnpike bridge and there is another bridge over the river. The DOT, Federal, State and communities have all been very supportive of this. Once this is completed, you will be able to go 16 miles south down to Thornton Academy in Saco. There is another gap here over the Saco River and it would require an easement from PanAm. The next

section picks up at Southern Maine Health Care in Biddeford and goes off road for a little over 6 miles over the turnpike and stops at Route 37 in Kennebunk. From there to the end of the railroad corridor, it goes 19 miles down to South Berwick. This is the piece that they are working on now. Currently the towns of Kennebunk and Wells have applied for State funding last year. They had their town engineer put in some time and they also contributed some money so they were able to survey 7 of the 11 miles. Right now, they are applying for funding to complete the survey for the balance of 4 miles there as well as for wetlands permitting and final design for it. This takes us to the North Berwick border. They would love to go south through North Berwick and go down to South Berwick. The progress that they have made on that whole section, in addition to working through the survey piece, is that Unitil is still the corridor owner for the off road piece all the way down through South Berwick. They have now given them a final letter of commitment saying that they will give a Co-Location Agreement for that easement that would allow them to go through there.

Ms. Brush stated that the DOT, a while back, they had a much stronger stance that said it was there way or no way. She said that if it was there money, this was very true. They have relaxed in the sense that, if there is a piece that can be built without using State or Federal funding they would approve it. A good example of this is the piece behind Pratt & Whitney that is pretty flat and did not need a lot of money so they were still able to connect to a piece that was Federal and State funded. They are willing to work with them. Ms. Brush stated that the plans for trails have increase and the money for trails have decreased. Everybody is trying to find a more creative way to approach it.

Ms. Brush stated that they are moving heavily into outreach. There is only herself and 2 part time people but they are doing a lot more outreach. They have a lot of events going on and they are all listed on their website. They are trying to get more active with the towns that do not have a trail to see if there is a way that they can have more presence in their town while they work on getting an off road trail. They are also doing surveys that will help the funding to continue the off road trail. It's called an Economic Impact Study. The last one was done by John Andrews, who founded the trail, in 2014. It is dated at this point, so one of their Trustees has taken this upon himself to redo. He has put in an off road section survey and counters. In just 3 months, they counted and the actual count was over 100,000 people are using 16 miles of trail. This is just phenomenal because their estimate from the prior year was 90,000 over the whole year.

Ms. Brush stated that North Berwick used to be a member of the Eastern Trail Management District several years ago and they would like to have us back. She welcomes the Board to attend any of the Eastern Trail District meetings. They are on the 2nd Wednesday of the month at Kennebunk Town Hall from 8:30 to 10:30 and the next one is on the 14th. They have reduced the dues from \$5,000 to \$3,500 and she knows this is still a stretch. She stated that Pratt & Whitney had expressed some interest last year about putting some money aside for North Berwick if we decide to go forward with it.

Dwayne stated that one of the issues that they had that made us leave the district was how the funding was established. He stated that most of us are supportive of the trail but the concern has always been how the funding was garnished. The last time that they met with somebody from the Eastern Trail, they were very frank that they were looking for the towns to pay for the

sections of the trail through their community. He stated that, for us, that causes some concern budget wise. We have about 3.3 miles in North Berwick and there is at least 1 bridge that needs to be constructed. One of our biggest concerns is that Unitil's Co-Location Agreement usually calls for 4 feet of cover over their gas line. Dwayne stated that along the current Unitil easement in North Berwick, there is less than 1 foot over the gas line. This would be pretty heavy construction costs. The other big concern is that our Sanitary District has the right currently with their Co-Location Agreement with Unitil, to actually gate that off. Primarily because we have some pretty giant lagoons up there and they don't want to come in on Monday morning and see people swimming in the lagoons. Dwayne stated that these are the issues that they have always had and no one has ever addressed them. They have just said that the towns need to come up with the money. Last time they even told us that we would have to come up with a parking lot as well. This added more concern for us because if they expected the town's tax dollars to pay for it. He stated that Wells and Kennebunk have larger town staff including engineers but we don't have that. Dwayne stated that there is favor for the trail itself. The concern is how it gets funded through North Berwick. He said that our on road section is pretty easy because they are already built. Pratt has offered to help on the section near them because it is beneficial to their employees. Anything south of the end of Eastern Avenue is a concern for us. There is the river crossing and when it hits Gould's Bridge Road and Blue Heron Lane, the trail looks great but it is not conducive to a trail crossing. Our road is quite elevated and is about 6 feet above current easement right now.

Dwayne asked Ms. Brush if they have looked at how other towns are funding and how they are looking to accomplish that. Ms. Brush stated that they have addressed it in part and some of it they are learning as they go. What she found is that for the South Portland Close the Gap section, to come up with that amount of money, they had to reach out to individuals. There are over 500 individuals that have donated to it in the last year and a half. This was the first time that they have actually gone out to the public and they see this as the funding for the future. They have started talking to Pratt & Whitney and hoping to talk to Hussey Seating to let them know that this is not only a town resource. It is also a regional resource. The funding arm would be through Eastern Trail reaching out to the public. They have started this in Wells and Kennebunk.

Ms. Brush said that they would always say that it would cost about \$500,000 per mile which includes bridges, cover over gas line and other things. If we can reduce that overall by seeing things like the section by Pratt & Whitney is not going to cost \$500,000. It will cost less and doesn't have to be built to standard. She stated that they have also received grants from the Davis Conservation Foundation, Quimby Family Foundation and Morton Kelly. She stated that she has been more successful with her grants than anything else with the trail.

Ms. Brush stated that she doesn't see Unitil dropping their 4 feet of cover. Dwayne said that this causes some great concern. He stated that Unitil kind of co-locate on Eastern Avenue. Where Eastern Avenue stops and basically turns into dirt is where the Sanitary District is located. He stated that if we had to build that road up 3 feet, it could have tremendous impact on the Sanitary District. It actually goes through a significant amount of wetlands. Our road budget for the year is \$400,000 so to expect us to pay even \$250,000 per mile is a lot. We don't have the funding resource to do it. Selectman Cowan said that, philosophically, she is very much on board with

the trail project. However, for our town of our size we cannot make a financial commitment of that size. She stated that if there was some other mechanism to make it happen, she would fully support it. Ms. Brush stated that they did try to do a Go Fund Me page but it didn't work out as well as they had hoped. She said that through this however, they have received a lot more support from the DOT Commissioner and they have put in more funding. They now put in over \$2 million of the \$4 million which is a huge commitment for them. Ms. Brush stated that for Federal and State funding, there is a requirement that there is a 20% match. She stated that even Scarborough and South Portland couldn't come up with a 20% match of \$3 million. She said that the only way that she sees the trail being built in any of the communities is through grants, public outreach and fundraising events. She stated that there is the Eastern Trail Management District that represents the municipalities up and down the trail and then there is the Alliance that have really become the fundraising arm. Their Board gets more involved with the fundraising. The funds from all the events go towards projects.

Ms. Brush stated that she realizes that funding is an issue but she would like to have more conversations like this so they can figure out how we can make it work. She is very willing to go out and raise funds. She asked Dwayne if it would be worth it to have more of a sit down workshop and seriously look at the options. Dwayne said that might be a good idea. He said that they have missed the budget cycle for this year for discussion on joining the Eastern Trail again. He said that if they start now it will get us into looking into it for next year.

4. Unfinished Business:

A. Tax Acquired Property: Malcolm Hilton

Dwayne stated that our 14 days ended on Monday and it is now time for us to make some decisions. They were able to get inside and secure the property. There is a lot of rubbish both inside and outside of the building. He has received some quotes on getting it cleaned up. It will cost about \$2,200 to clean it up. He stated that one of the discussions that he has had among staff is whether we clean it up or sell it as is. After seeing the property, he thinks that it is our responsibility, before the vermin start coming, to clean it up. He stated that there is a tremendous amount of garbage and the odor is quite offensive. The cleaning company figure that they can get in there within 10 days and it will take about 3 days to clean it up. Selectman Cowan asked if the sons were able to have access to the property yet to get what they wanted. Dwayne said that he had not contacted them yet but before we have any cleanup done, we would let them go in.

Selectman Johnson, Sr. asked if there was a lot of rot. Dwayne said that they didn't do much research because the interior odor is quite offensive but it is not very good. When they walked on the second floor and went in one of the bedrooms, they actually felt the floor move. This was on one section of the property where there was water damage. He stated that you can see the water damage run from the second floor all the way down to the first floor. There are a lot of water stains and black mold everywhere. He stated that the second bedroom on the road side, they didn't even walk into because there was a king size mattress there that was so waterlogged that they were concerned with the stability of the floors. Dwayne stated that they need to decide if the town removes the building from the foundation or do we want to sell it as is with the understanding that whoever buys it knows that there are significant issues with it. Selectman

Cowan said that she doesn't want any liability coming back on us from whoever purchases the property. Dwayne stated that they would need to make it clear when they put it out to bid as to what the issues are. Selectman Johnson, Sr. also wondered if they should spend the \$2,200 to clean it all up and then demo it. If you go in with an excavator, you are just going to crush the whole thing anyway. Dwayne state that these are the kind of decisions that they have to make.

Dwayne showed the Board pictures of the property on the computer. They had to take pictures to secure the property. Selectman Cowan asked if there was any water in the basement. Dwayne said that the basement was quite dry and the foundation is in good shape. The heating system has been removed from the property. Dwayne thinks that they at least need to do some exterior clean up especially for the neighbor's sake.

Dwayne stated that on Page 23 of their packet is a breakdown of how much money they currently have into the property. The amount is currently \$45,183.74 and it includes the cleanup costs. Selectman Johnson, Sr. asked what the value of the property was and Dwayne said that just the lot itself was about \$65,000. It has septic, well and foundation.

Selectman Cowan motioned to approve the bid to have the property cleaned. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

B. MSAD 60: School Funding Formula

Dwayne met with our attorney today. He stated that these discussion need to be in Executive Session due to legal strategy.

C. Budget FY19: Discussion on Budget Committee Recommendations

Dwayne stated that starting on Page 53 of their packet is a copy of the draft Warrant. He said that he has to go to print with the Town Report on Thursday but he thinks that he may have to cancel his Wednesday night Budget Committee meeting due to the storm. He will send in the Town Report but send the Warrant in next week. He has structured the Warrant just like it has been in the past. He stated that, for the most part, the Budget Committee has followed along with the recommendations that the Board of Selectmen have made. They have made some increases primarily because our heating oil number was transferred over incorrectly. This accounted for a little bit of cost of about \$5,000. We added the recycle buffer due to the recent revelations that we are going to have to pay for our recyclables. They added \$15,000 for this recycling buffer. This will come out of Pay As You Throw program so it won't come out of taxation. Dwayne stated that the only thing that they have voted down is the Committee Appreciation Dinner. It was a 3-7-2 vote. Dwayne asked the Board if they still wanted to keep this item on the Warrant or do they want to eliminate it.

Selectman Johnson, Sr. motioned to remove the Committee Appreciation Dinner from the Warrant. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Dwayne asked if they wanted to make any changes to the format of the Warrant. Selectman Cowan said that in the past they have indicated how the Selectman had voted on each item.

Dwayne said that they have done that on Referendums and not Warrants. Only the Budget Committee makes recommendations on the Warrants because the Selectman actually put forth the Warrant. Chairman Hall asked if it was being done this year for the Referendum questions they are proposing. Dwayne said that he had not. He stated that both the Selectmen and Planning Boards were in agreement on all of the questions this year. Chairman Hall said that there was some disagreement among the Selectmen on the Referendum regarding the Growth Ordinance. Dwayne stated that they will be holding a Public Hearing on the Referendum questions at the next meeting and they can make those decisions at that time. He stated that his newsletter will be going to print before the next meeting so they may want to actually discuss it tonight.

Chairman Hall asked what our numbers were going to look like. Dwayne said that when all is said and done it looks like it will be an increase of 3.64% from last year's budget.

Selectman Cowan motioned to approve the Warrant as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Dwayne stated that the Budget is pretty much in good shape. The Budget Committee still needs to review the Library, Transfer Station and Parks & Recreation.

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

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

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

5. New Business:

C. Tax Acquired Property: Review Tax Acquired Property List for FY16

Dwayne stated that on Page 77 of their packet, it lists our tax acquired property concerns. There are 4 properties that the Board needs to act upon tonight. The Board has a few different options. They can vote to retain the property. They can allow the property owner to redeem the property. The redemption is a 30 day redemption. After the 30 day redemption, if it is not redeemed, then the town sells the property at auction. They can also opt to enter into a payment arrangement with the redeemed property owner. The final option is that they can vote to do nothing and table it until the next meeting. Selectman Cowan asked if he has been approached from any of the owners. Dwayne stated that, of the 4 that are on the list, he has been approached by 3 of them. Chairman Hall asked which one had not contacted him. Dwayne stated that Gordon Donnell is the only one that he did not hear from.

Selectman Cowan asked what the property owners have proposed to do with the property. Mechanics Savings Bank, which is for Alton Rollingsford, and they would like to redeem the property. Dwayne said that redemption of property requires them to pay all taxes up and to and including the current date and not just the foreclosed taxes that are due. The total amount owed on this property as of today is \$3301.95 plus a \$50 deed fee.

Selectman Cowan motioned to allow the property owner for Account #1283 to redeem the property with all taxes, fees and interest paid up to date of redemption within the next 30 days. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

The next property is for Andrea Williams. Dwayne said they were going to be here but he told them they didn't have to. She is blind and he wanted to make it easier on her. She approached Dwayne and stated that she wants to redeem the property. They owe us \$5,533.36 as of today.

Selectman Johnson, Sr. motioned to allow the property owner for Account #1498 to redeem the property with all taxes, fees and interest paid up to date of redemption within the next 30 days. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

The next property is for Michael Wormwood and he is present today. He would like to set up a payment arrangement plan. Dwayne stated that on Page 92 of their packet, there is a copy of the Land Purchase Installment Contract. They have offered to make a down payment of \$1,165 and then make monthly payments of \$450 until all the property taxes are up and current. He will then join the Tax Club to make it easier for him to pay his taxes. The amount due as of today is \$4,951.93. Andrea Goodwin, who is a relative of Mr. Wormwood's, stated that the insurance payment is due tomorrow and she was wondering if they could just pay an extra \$200 on the first \$450 payment for a total of \$650 on the first monthly payment. Dwayne said they could just change the down payment instead to \$900.

Selectman Cowan motioned to accept the payment for Account #1580 of a down payment of \$900 followed by monthly payments of \$450 until account is up and current. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

The final account to review is #1144 for Gordon Donnell. Dwayne stated that he has not had any contact with him or with the person that holds his mortgage which is Fred Perkins. This is the little property on Route 4 that has an RV and a camper out back that is broken down. Chairman Hall asked if there was anyone living there now and Dwayne said that there was not. Dwayne stated that he believes that they did pick up the letters he sent. He stated that we do not want to take people's property. The week before everything is due, we will call the owner if we have the phone number. If we have an email address, we will email them. Otherwise, we send them a non-certified letter and we have not heard anything. Dwayne stated that if it is the Board's decision to redeem the property, we will send a letter stating that he has 30 days to redeem the property. If he doesn't redeem it within the 30 days, then the town puts it to public auction. Chairman Hall asked what the land was valued at. Dwayne said that it was valued at \$13,200 and it is a quarter acre. The amount that is owed on it as of today is \$1,236.63. Selectman Johnson, Sr. asked if it was a buildable lot. Dwayne said that it would be buildable but they would need a variance. There is also a septic system on the property.

Chairman Hall stated that if nobody is answering the letters, he would be interested in taking it so they could get rid of the camper at some point. Dwayne said that when we put it out to bid, we put a prerequisite stating that the campers need to be removed. He stated that the Board could actually state that we will remove the camper and then bid out the property.

Selectman Johnson, Sr. motion to start the redemption process for Account #1144. Selectman Cowan seconded the motion. VOTE: 4-0

D. MDOT: Route 4 Paving Project

Dwayne stated that the State will be paving Route 4 this coming year. The State has a process that allows their contractor to drive on any road to allow them to get to the project, even roads that might be under a weight restriction. It basically states that we agree to give a permit to whoever is the contractor to drive over those roads. This allows us to establish a bond so it doesn't just allow them to destroy our roads. For this project, the only road that might come into question is Morrells Mills Road. Dwayne stated that it is part of the State process but he doesn't see it as having any negative effect on us. Selectman Cowan asked what part of Route 4 they were going to be doing. Dwayne said they are doing from South Berwick through Alfred. Chairman Hall asked who set the bond price. Dwayne said that we set it using State parameters. It will cover anything that may happen.

Selectman Cowan motioned to sign the agreement with DOT for the Route 4 paving project. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

E. Southern Maine Agency on Aging: Meals on Wheels Day

Dwayne stated that every year, Southern Maine Agency on Aging which runs Meals on Wheels in Southern Maine, offers the Selectmen the ability to go and join them to deliver the meals. If interested, they would like you to RSVP by March 12th. Chairman Hall asked about how many people they deliver to. Dwayne said that they served 185 people last year. It is usually one meal a day for a couple days a week. The value of the service for 185 people was \$53,835. Out of the 185, 103 residents received Agency resources, 15 received guidance classes, 1 received respite care, 67 received Medicare and insurance counseling and 18 received Meals on Wheels. Chairman Hall asked how they get funded. Dwayne said that all of the Meals on Wheels is Federal funded and State funded. We also give them \$3,300 per year to help out. They are actually currently serving 29 residents with Meals on Wheels.

6. Other Business:

Dwayne stated that Boston's property was bought and they are going to make it into a duplex. This is the house by Johnson's Restaurant. Dwayne said that the owner is from South Berwick and he is going to do a complete renovation on the property. Dwayne stated that this gentlemen does this for a living. He buys properties, renovates them and then sells them.

Dwayne stated that if they wanted to discuss the Referendum questions, this would be a good time to do so.

Question #1: Shall an ordinance entitled, "An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Kennels" be enacted?

Dwayne said that the whole idea behind his question is to have our kennel definition be more compliant with the State. We currently require 3 dogs but the State says 5. It will just make it a lot easier for us to have it as 5.

Question #2: Shall an ordinance entitled, “An Ordinance Amending Section 6.3.9 of the Zoning Ordinance to state specific limitations on Growth Management Permits” be enacted?

Dwayne stated that it allows for Growth Permits in non-rural residential areas or growth areas to be 12 or 60% for the first time and no more than 12 on a yearly basis. However this total is capped at 25 per year and it can be eaten into. If there are individual building permits can eat into that number but that number can’t eat into the individual building permit number of 20. It also limits apartment building to no more than 6.

Question #3: Shall an ordinance entitled, “An Ordinance Amending Section 5.1, 5.4, 5.5, 5.6, 6.2, 7.1, and 8.1 of the Subdivision Ordinance to fully describe the establishment of the Escrow Account and how to determine the escrow cost.” be enacted?

This was set up to establish an escrow account, tells exactly how the escrow is created and the process by what it is created by.

Chairman Hall asked about adding how the Board had voted on each question to the report. Dwayne stated that they could put it in the newsletter but you can’t put it on the ballot. Selectman Cowan said that the only question that she cares about putting what the vote was is Question #2. She asked if they have to indicate on each question what the vote was or can they just do it on one of them. Dwayne said that he could do whatever they wanted. Selectman Cowan stated that she would prefer that their vote would be acknowledged only on Question #2 to make it stand out in the crowd a little bit.

Selectman Cowan motioned that they indicate the vote of the Selectmen on Question #2. Selectman Johnson, Sr. seconded the vote.

Dwayne stated that he can just put that the Board voted 5-0, 5-0 and 3-1-1 on the questions. He could also put a note stating that the Board voted unanimously on Question #1 and #3 and voted 3-1-1 on Question #2. The Planning Board voted unanimously. Selectman Cowan said that would be fine.

VOTE: 4-0

7. Review and Approve Warrants and Correspondence:

Warrant:	February 28, 2018	- \$ 16,742.60
Warrant:	March 6, 2018	- \$ 61,525.04

Selectman Johnson, Jr. motioned to approve the Warrant of February 28, 2018 for the amount of \$16,742.60 and the Warrant of March 6, 2018 for the amount of \$61,525.04. Selectman Cowan seconded the motion. VOTE: 4-0

8. Adjournment:

Selectman Cowan motioned to go into Executive Session at 9:12 pm and come out of Executive Session at 9:42 pm. They will then sign the Land Purchase Installment Agreement. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Selectman Cowan motioned to adjourn the meeting at 9:43 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.