

**North Berwick Board of Selectmen Minutes March 20, 2018**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
MARCH 20, 2018**

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

**Also Present:** Dwayne Morin, Rebecca Reed, Mark Reed, Gregg Drew

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

**1. Pledge of Allegiance**

**3. Review and Approve Minutes of March 6, 2018**

Selectman Cowan motioned to approve the minutes of March 6, 2018. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0 Abstain: 1

**4. Public Input**

Gregg Drew wanted to commend the Board for a wonderful job and a great presentation at the meeting last night. He said that it made some people aware and thinks that even the Berwick representatives saw things a little differently. He believes that they had their minds made up until some fingers started pointing at them.

**2. Public Hearing – 6:35PM – Referendum Questions for Town Meeting**

Chairman Hall read the Legal Notice into the minutes:

Town of North Berwick Public Hearing  
Tuesday, March 20, 2018 6:35 P.M.  
Municipal Building Conference Room #212

Referendum Questions for 2018 Annual Town Meeting

The North Berwick Board of Selectmen will hold a Public Hearing on Tuesday, March 20, 2018 at 6:35 p.m. in the Municipal Building Conference Room #212 pursuant to 30-A MRSA 4352 (9) on the proposed Zoning Ordinance and Subdivision Ordinance amendment referendum questions proposed for the 2018 Annual Town Meeting. The three referendum questions to be presented at the Annual Town Meeting are:

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

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?

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

Copies of the proposed amendment language can be viewed in the Town Clerk’s Office during regular scheduled hours or on the Town’s website: [townofnorthberwick.org](http://townofnorthberwick.org).

The Board of Selectmen encourages all interested persons to attend the Public Hearing.

Dwayne reviewed the questions. For Question #1, it amends our kennel definition from 3 dogs to 5 dogs to coincide with the State of Maine definition.

Question #2 is for the Growth Management Ordinance. We are breaking subdivisions in rural residential areas and growth areas. In the rural residential areas, it would maintain the way it currently is with no more than 6 Growth Management Permits being issued for dwelling units in a single subdivision. In addition, any apartment in any of the zones are subject to the 6 permit limitation as well. Within the designated growth areas, no more than 12 Growth Permits or no more than 60% of the total number of lots within a single subdivision, whichever is greater, can be issued for dwelling units. These growth areas are Village A, Village B, Village Center, Village C Overlay, Residential I and Residential II Districts. Subdivision permits are allowed to be 55% of our existing growth permit number which is currently 45. This would allow for 25 to be used for subdivisions and 20 to be utilized for single lots that are not in a subdivision. If there are more single lots than there are subdivision lots, the single lots can steal from the number of subdivision lots but the subdivisions cannot steal from the single lots.

Question #3 is a Subdivision Ordinance change. This came about because of a subdivision review that happened last summer where we didn’t establish a proper escrow amount. We have now listed exactly how to determine the escrow accounts when somebody comes to the Planning Board for a review. It also requires that the Town Engineer and Town Planner be involved in the review of subdivisions. This required a lot of changes because it was required to change things from the Sketch Plan all the way to the Final Plan. The previous way that was used to establish an escrow account was 2% of the total project which is not realistic. This now establishes a cost for cost of advertising, cost of publication, engineering costs, planning costs and anything else that will be needed to complete the project. This money is set aside in an escrow account. If it ends up not being enough, the project will stop until they re-up their escrow account. Dwayne stated that they typically establish a large enough escrow account to cover the costs. He stated that since he has been here, they have always given money back to the developers.

Gregg Drew asked if the application fee was going to remain the same. Dwayne said that it would stay the same. The only difference is in how the escrow account is created.

Chairman Hall closed the Public Hearing at 6:42 pm.

**5. Unfinished Business:**

**A. Tax Acquired Property: Malcolm Hilton, Foreclosures FY16**

Dwayne stated that Mr. Hilton's sons were able to go in to the property last Thursday. They were very unhappy because most of the things that they were looking to obtain no longer existed in the confines of the building. He stated that the items that they were looking for had no monetary value such as pictures and things from when they were kids and they were gone. They spent around 3 hours going through the stuff.

Dwayne stated that as soon as the snow is gone, the cleaning will get done. He stated that there is a lot of garbage around the house so until the snow is gone, there is not much that they can do. The cleanup crew would rather go in and do both inside and outside at the same time instead of doing one and then having to come back at some other point to do the other.

Dwayne asked the Board if they wanted to establish a sales price at this time. As of the foreclosure date, the Town is owed \$45,183.74 which includes the cleaning costs. Selectman Cowan asked what the property was appraised at. Dwayne said that the lot is appraised at about \$65,000. He stated that adding the house does not make it worth too much more because he feels the house is a detriment to the property. He would recommend that the Board set the starting bid at \$45,500. He also recommends that with all bids, we include that we require a 10% bid bond which makes the bids a little bit more secure. When the applicants give their bid, they would give the 10% as a certified cashier's check. We hold on to the checks until we close the bids and then give the bid bonds back to all of the unsuccessful bidders.

Selectman Galemмо motioned to set the starting bid for the Hilton property at \$45,500 with a 10% bid bond. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

Dwayne stated that 2 of the properties that the Board had allowed for the owners to redeem have come forward and redeemed their property. There are 2 deeds that the Board need to sign. One of them is for Andrea Williams and the other one is for Alton Rollingsford. Selectman Cowan asked if we had heard back from Gordon Donnell. Dwayne said that they just received the certified mail letter back today. The Post Office said that the address that we sent it to was vacant, however, the letter was opened up and retaped. He had sent the letter out both as a certified mail and also as first class mail. He said that the clock for the 30 days starts today because he received the certified mail letter back today.

Chairman Hall asked about the agreement they had entered into with Mr. Wormwood. Dwayne said that he signed the agreement and gave the down payment the day after our last meeting. They have set up a payment arrangement for him. He should be able to clean it up before the end of the year and then we can put him on the Tax Club.

**B. MSAD 60: School Funding Formula**

Dwayne said that he just left it as an open Agenda item because he did not know what last night was going to bring. He said that he is happy with the outcome of last night's meeting, but he thinks that we still need to keep our guard up. He said that it was School Board members, especially the ones from Lebanon and Berwick that explained to them that the School Board does not budget by town. They budget as a community and this is how we share our cost.

**C. Budget FY19: Discussion on Final Budget Committee Recommendations**

Dwayne stated that the next meeting is on April 3<sup>rd</sup> and we can discuss at that time what the Board wants to see at Town Meeting. Selectman Cowan stated that in the past they have usually had tablecloths on the table but last year they had nothing. She thinks that it looked terrible. She would like to make sure that they are covered this year. Dwayne said that he will check into it. Selectman Cowan stated that the tables were also set up differently. She said that they are usually all at one long table but last year they had separate tables and were spaced far apart. She would prefer to have the long table.

Chairman Hall asked if Tim Kezar will be the moderator. Dwayne said that he would be and he will be meeting with him this week to go over everything. Chairman Hall asked if they were all set with the Spirit of America recipients. Dwayne said that they did approve of the Board's selection for the award.

**Reminders: Next Board of Selectmen's Meeting** – April 3, 2018 – 6:30 pm Municipal Building

**6. New Business:**

**A. Town Meeting FY19: Sign Warrants and Appoint Ballot Clerks**

Dwayne stated that the Board needs to sign the 3 Warrants for the Referendum questions and need to vote to sign the official Warrant for the Town Meeting.

Selectman Galemмо motioned to approve the Warrants for Town Meeting. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Gregg Drew wanted to say a few words on behalf of the Budget Committee. He said that they had several people on it for the first time and they all got involved. He said that they missed one meeting because of bad weather so they had to pump it up a little bit at the following meetings. He said that the things that they discussed, the Selectman had already discussed. It is a good feeling to know that everybody is catching on to that. He said that it was a good year.

Dwayne stated that the Board needs to approve the Ballot Clerks. He is recommending Cynthia Roy, Susan Caler, Kathleen Pease and Susan Ouellette.

Selectman Cowan motioned to approve Cynthia Roy, Susan Caler, Kathleen Pease and Susan Ouellette to be Ballot Clerks for the Town Meeting. Selectman Galemmo seconded the motion. VOTE: 5-0

Selectman Galemmo asked Dwayne what he thinks the Town budget's impact will be on taxation. Dwayne said that he thinks it will be about \$.05 but a lot will depend on what the School Budget comes in at. If our values come in higher than what he estimated or at last year's numbers, our Town budget will have zero impact on the tax rate. If it stays where he conservatively estimated it will be a \$.05 increase which is about a \$15 increase for the average taxpayer per year.

Dwayne stated that the final Budget Committee recommendations came in at a 3.53% increase over last year's budget.

**B. Newsletter:** Review Newsletter

Dwayne stated that the Newsletter will be delivered to him tomorrow. Dwayne said that he had asked the Board what they wanted to add in the extra space in the Newsletter and they had mentioned either the School Funding Formula or about the bees. It ended up being about the bees.

**C. Commitment FY18:** Supplemental Assessment for Acct 450

Dwayne stated that there is one Supplemental Assessment that they need to consider. It is for a Tree Growth Assessment for David and Lynne Peterson. He stated that we send out notifications to the property owners and we always send out more than what is mandated by the State. In this case, we sent out 6 letters to get them to respond. What they needed to do was update their Tree Growth Plan and they have not done that. He said that they have even sent out letters to tell them to pull it out of Tree Growth and put it through another program. We have heard nothing from them at all. The requirement from the State Tree Growth Law is that because they have not updated it, they are assessed a \$500 fine. Dwayne said that they will then go another round and if nothing is done, there is another \$500 fine. They then go through another round and if nothing is done, it is an automatic withdrawal and we have to assess them the fine for the withdrawal. Selectman Johnson, Sr. asked how often they have to update the plan. Dwayne said it is every 10 years.

Selectman Cowan motioned to approve the Supplemental Tax to assess Acct. #450 for David and Lynne Peterson a fine of \$500 pursuant to the State Tree Growth Law. Selectman Galemmo seconded the motion. VOTE: 5-0

**D. Paving: Discuss Bidding Out of Paving**

Dwayne needs to know from the Board if they want him to bid out the paving for this year. He did receive a quote from Libby Scott. The price was a good price. He said that his concern is that we have some leftover projects from last year that we are going to be completing this year. Libby Scott will honor last year's prices for those projects if we sign up with them for next year. Selectman Johnson, Sr. asked if the price was going to go up for next year's projects. Dwayne said that it was and he knew that it was going to go up anyway. The price of asphalt last year was about \$421 per ton and, as of today, it is at \$509 per ton. Dwayne said the hope is that the cost of asphalt will drop as summer comes along. Selectman Cowan asked if they would adjust their price. Dwayne said that they put in an escalator so that if it goes below \$450 we get credit. If it goes above \$450 we need to pay. He stated that almost everyone that he has talked to is getting an escalator this year because asphalt has been fluctuating so much. Dwayne said that there are only 3 companies to take bids from. They are Pike Industries, FR Carroll and Libby Scott. For the past couple of years, Pike and Carroll have been significantly higher. Dwayne said that we are doing a good amount of paving this year. We will be doing about 3,500 tons of paving. Selectman Galemmo said that if they are going to get a deal on what's left over, it might be a good idea to stay with Libby Scott. Dwayne said that they have 3 projects that are leftover. They are Church Avenue and Burma Road, our parking lot and a sidewalk near the bank.

Selectman Galemmo motioned to stay with Libby Scott for our paving. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Dwayne said that their bid price went up by \$3.00 per ton and that brings us back to our 2005 paving numbers.

**7. Other Business:**

Dwayne said that he gave the Selectmen a spreadsheet that shows all of the Budget Committee recommendations. For the most part, they were all unanimous.

**8. Review and Approve Warrants and Correspondence:**

Warrant:	March 13, 2018	- \$	0.00
Warrant:	March 20, 2018	- \$	557,406.40

Selectman Galemmo motioned to approve the Warrant of March 20, 2018 for the amount of \$557,406.40. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

**9. Adjournment:**

Selectman Cowan motioned to adjourn the meeting at 7:25 pm. Selectman Galemmo seconded the motion. VOTE: 5-0

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.