

North Berwick Board of Selectmen Minutes April 3, 2018

NORTH BERWICK BOARD OF SELECTMEN MINUTES APRIL 3, 2018

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

Also Present: Dwayne Morin, Rebecca Reed, Mark Reed, Charlie Desmond

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

1. Pledge of Allegiance

2. Review and Approve Minutes of March 19, 2018 and March 20, 2018

Selectman Galemmo motioned to approve the minutes of March 19, 2018 and the minutes of March 20, 2018 as written. Selectman Johnson, Sr. seconded the minutes. VOTE: 5-0

3. Public Input

There was no public input at this time.

4. Unfinished Business:

A. Tax Acquired Property: Malcolm Hilton, Foreclosures FY16

Dwayne stated that on Page 30, there is an ad for the sale of the property on Morrells Mill Road. If the Board approves, he will send it out for advertising. Dwayne stated that they finished cleaning the property today. He stated that they found more stuff on the outside that caused them to use a little bit more precaution. They found needles around the building. On the inside, they cleaned up all of the junk but the carpets are pretty much shot and it is still quite dirty. Selectman Cowan asked if he had had any inquiries or interest in the property. Dwayne said that they haven't put it out to bid yet but he has had some people ask about it. He stated that he is putting out for the bids to come back by April 30, 2018. The Board can then take action at the first meeting in May. Dwayne did state in the ad that the building on the property is included As Is with No express warranty as to Occupancy or Structural Integrity. Selectman Johnson, Jr. asked about the liens from the banks. Dwayne said that it is up to whoever buys the property to deal with the banks. We do not have to disclose that. We state that we are only releasing it as a Quit Claim Deed.

Chairman Hall asked if there had been anymore break-ins on the property. Dwayne said that somebody had broken in this weekend but he didn't know how far they got. He went over to check the building yesterday and one of the windows had been kicked in. He said that when the cleaning crew cleaned, they opened all of the windows and one of the basement windows that

they thought they had secured was kicked in. Dwayne said that they are now all secured. They did catch one person inside the building and are being charged with trespassing.

Regarding the Donnell property, Dwayne stated that they sent both letters out as registered and first class and they both came back opened but rejected. He contacted the Post Office and they said that the address was incorrect. He has reissued the letters to the new address given to him last week. The clock will start once he receives the letter back. He is not sure if they will receive the letter back or not but they have made every effort to get a hold of the property owner.

B. MSAD 60: School Funding Formula

Dwayne stated that he just left it as an open item but hopefully this will be the last time. He stated that he did send the Selectmen the emails that came from Lebanon last week. The Town of Lebanon is unhappy at this particular juncture. Selectman Cowan asked if they were upset over the \$2 million hit and Dwayne said that they were. Chairman Hall asked if this had been a mistake and Dwayne said that it had not been a mistake. Dwayne said that the original spreadsheets that Berwick had produced showed a \$2 million shift to Lebanon. Chairman Hall said that he tried to speak with Steve Connolly about it and he said that there might have been a mistake with the attorney and what they had pulled. Dwayne said that he did speak with the Chairman from the Town of Lebanon. Dwayne stated that in Lebanon's inquiry, they hinted at the fact that somebody knew and nobody defended them or stood up for them. Dwayne wanted them to know that we had no knowledge of that letter. The Chairman did call him and say that he was not accusing North Berwick of anything but right now, he doesn't know who they can trust. Dwayne told him that we have not been untruthful.

Selectman Johnson, Sr. asked what the \$2 million issue was. Dwayne said that in the original spreadsheet that the Town of Berwick put together, it showed a shift to the Town of Lebanon. Dwayne thinks that it is all because they didn't understand the formula. Later on it became a shift to North Berwick. Selectman Galemmo said that he spoke with Becky about it, who is on the School Board, she said that when all of this came up originally it was almost like it was in passing. They thought that it was all set. They knew there had been a meeting, the formula was explained and that was it. Dwayne stated that this is what he told the Chairman from Lebanon. He said that they had misunderstood the formula, they were told how the formula worked and then Steve never heard anything back from them until January. Selectman Cowan said that the only thing she is concerned about is that they don't pursue this any further.

Chairman Hall asked if they wanted to make a statement at the Town Meeting regarding the issue. Dwayne said that there is nothing on the Warrants for Town Meeting that deal with the school funding. Selectman Galemmo said that some kind of statement saying that they had a meeting and there is no changes being done at this time. Selectman Cowan asked Dwayne if he had heard any remarks or comments regarding the issue. Dwayne said that people have come into his office to ask about the situation and he has explained it to them. He said that nobody came to him and tell him that they were disappointed.

Reminders: Next Board of Selectmen's Meeting – April 17, 2018 – 6:30 pm Municipal Building

Town Meeting – April 7, 2018 at Noble High School – Business meeting starts at 1:30 pm

5. New Business:

A. Town Meeting FY19: Discussion

Dwayne stated that most, if not all of the children will be present to accept the Spirit of America awards. He has made some nice plaques for them. He also spoke with Dale Hilton to see if he will be present at the meeting. Mr. Hilton said that it will depend on how he feels. If he thinks that he can handle it, he will be there. Dwayne said that he will make sure that the tables get set up the way the Selectmen meeting.

B. Planning Board: Scott Strynar Application

Dwayne said that on Page 40 of their packet was an application from Scott Strynar to become a member of the Planning Board. He said that Mr. Strynar had been on the Planning Board from 2006 to 2008. He had to get done with it because of his job. He was a Landscape Architect and worked in Portland so he had to leave the Board at that time. Dwayne said that we do have one spot open on the Planning Board at this time. He asked the Board if they wanted Mr. Strynar to come in and meet with them. The Board agreed to this.

C. Marine Shales: Discuss Payment Demand

Dwayne stated that this goes back to the hazardous waste site that was at our Town Dump. It was found that we hazardous waste substance that had been deposited there by Hussey Seating and Allied Signal. It was 55 gallon drums and 5 gallon pails of hydrocarbons. The Town was tipped off that these were in our dump and we did some investigating and found some of these barrels. The DEP came in and designated our site as an uncontrolled hazardous waste site. The DEP stepped in and did the cleanup. The DEP hired consultants and contractors and they dug up all of the barrels that they could find. They repackaged them and properly disposed of them. Some of that material went to a place called Marine Shale Processors in Louisiana. They were a company in Louisiana that claimed that they could take hazardous waste material and turn it into a glassy tar material to use to pave roads. For years and years, Marine Shale operated out of Louisiana and then it was determined that the site that they were on has now become a Superfund site because the hazardous waste contaminated the ground.

Dwayne stated that there is a number that is called PRP (Principal Responsible Parties), which at last count is around 45. These are major corporations such as 3M and Clean Harbors from around the country. They are the PRP's that are initially responsible and have put up the monies to start the clean up because a lot of it was their product that was brought there. They have started the cleanup and started the initial administrative stuff on the cleanup. Now they have to start the real cleanup for the property which will cost millions of dollars. They are going after anybody and everybody who disposed of products at Marine Shales. It is basically a settlement agreement where people agree to pay so many dollars and they won't hold them responsible for a

certain section. It doesn't give you full immunity but it gives you immunity from the first round of cleanup.

Dwayne said that in 1987, the State of Maine stepped in to clean up our hazardous waste site and removed many barrels of material and cleaned up the site properly. Some of the material went down to Marine Shale and some went to other places around the country. He said that about 20 tons made its way to Marine Shale. This was under the administration of the DEP. They were the ones that did the cleanup and sent it to Marine Shale. It was not the Town of North Berwick. However, when it went down there, they wrote that it was from the Town of North Berwick. This is what is on the records back in 1988 with the Louisiana DEP which is actually called Louisiana DEQ because they are known as Department of Environmental Quality. Selectman Cowan asked if we knew the DEP was going to do this. Dwayne said that they had no idea because it was being handled by the DEP.

Dwayne stated that back in 2013, Marine Shale contacted us and said that they would like to offer us a settlement which was \$18,500 at the time. Our attorney recommended against it. He said that he actually contacted Marine Shale and the PRP Group and told them that they had a mistake. It is not Town of North Berwick waste. It came out of the Town of North Berwick but it was a Superfund site. The cleanup was done by DEP and they are the ones that transported it to Marine Shales. If they had any issues, they should contact Maine DEP. Dwayne said that we have not heard anything else for 5 years. He just received another letter last week and the demand is now \$19,500. This time the letter came from Webster Law Firm out of Amherst, NY. Dwayne sent it to our attorney and they are again recommending that we don't enter into a settlement. We are going to send them a letter letting them know that the waste came from the Town of North Berwick but we did not dispose of it. It came from an uncontrolled hazardous waste site in our community which was recovered and directed by Maine DEP to go to Marine Shale. Dwayne has also contacted the Maine DEP so they know that this has happened. Dwayne stated that even if we were responsible, the most that we would be responsible for is one fourth. Both he and the attorney feel that the responsibility falls with the DEP because we did not have a say as to where the waste was going to be disposed. At the very least, if it had to be split, it should be between the 3 PRP's and DEP which would limit our liability to about \$4,000.

Selectman Galemmo motioned to concur with the plan of action to send a letter. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

6. Other Business:

No other business at this time.

7. Review and Approve Warrants and Correspondence:

Warrant:	March 27, 2018	- \$	0.00
Warrant:	April 3, 2018	- \$	78,852.59

Selectman Galemmo motioned to approve the Warrant of April 3, 2018 for the amount of \$78,852.59. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Cowan motioned to adjourn the meeting at 7:06 pm. Selectman Johnson, Jr. 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.