

**North Berwick Board of Selectmen Minutes April 17, 2018**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES APRIL 17, 2018**

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

**Also Present:** Dwayne Morin, Kevin Dyer, Scott Strynar, Art Kelly

Chairman Hall called the meeting to order at 6:32 pm.

**1. Pledge of Allegiance**

**2. Election of Officer for Ensuing Year**

Selectman Johnson, Jr. motioned for Jon Hall to be Chairman. Selectman Galemmo seconded the motion. VOTE: 5-0

Selectman Cowan motioned for Wendy Cowan to be Vice Chairman. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

**3. Appointment of Selectmen to Various Subcommittees for Ensuing Year**

Dwayne Morin stated that they need 2 members for the Fair Hearing Committee, 2 for the Labor Committee and 1 for the Rescue Committee. Selectman Cowan and Selectman Galemmo said they would stay on the Fair Hearing Committee. Chairman Hall and Selectman Johnson, Jr. said they would stay on the Labor Committee and Selectman Johnson, Sr. will stay on the Rescue Committee.

Selectman Galemmo motioned to have the Board maintain their current Committee appointments. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

**4. Review and Approve Minutes of April 3, 2018**

Selectman Galemmo motioned to approve the minutes of April 3, 2018 as written. Selectman Cowan seconded the motion. VOTE: 5-0

## 5. Public Input

Kevin Dyer stated that he was looking at the Town Report where it stated what road projects they will be working on. He would like the Board to consider doing Randall Road. He has been speaking to Dwayne about the issue and he said that Dwayne has been good enough to have salt put down on it. He stated that it is a heavily traveled road. He had a report showing daily traffic from 2003 which states that it has 500 to 1000 cars per day. He said that the road he lives on is a connector road off of Route 9 and is about 650 feet long. People swing off of Route 9 onto Randall Road and it does get heavily traveled because it is a connector road to Beech Ridge Road.

Mr. Dyer said that there is a huge amount of dust in the summer. He said that his grandkids need to wear a face mask. One of his grandsons has asthma and cannot go near that road in the summer time. Mr. Dyer stated that the road itself is pretty sound. There are no big rocks coming through from the winter. He would like to just have some consideration for them to pave it sometime in the future so that his quality of life there would be like everyone else. He is surprised that it hasn't been done at this point. Dwayne said that their current Capital Plan goes until 2023 so it wouldn't be done before then.

Mr. Dyer stated that there are still trucks that go on the road since they put up the signs but it has cut down on it quite a bit. He said that only about 10% of the people follow the 25 mph speed limit. He said that they can have up to 200 cars. He stated that his daughter put a camera out there and they actually counted them. He said that most days there isn't that much. There could be about 100 cars most of the time. He stated that the EPA recommends paving if there are 200 cars that travel a road.

Selectman Cowan asked what the issue was for paving this road. Dwayne stated that it is just not on the current plan that ends in 2023. At that time, they will review all of the roads again to determine which ones will be done in the next Capital Plan. Dwayne stated that this road is not just a matter of paving the road. He stated that they will need to rebuild it. He stated that what is currently on that road is not sufficient to hold pavement. If they put pavement down, in a couple of years, they would have to repave it again. It would cost about in the \$50,000 to \$75,000 range. Dwayne said that they calcium it as often as they can. Selectman Cowan asked if they could put a heavier rock base for now that would help. Dwayne said that it is not the base that is an issue. It has a gravel surface and gravel makes dust. Mr. Dyer asked why the surface wasn't good enough. He said that his brother works for the Army Corps of Engineer and was over at Christmas. He has done roads in the Philippines and Alaska and he said that it is a solid road. There are no big rocks coming through the road and that they shouldn't have any troubles paving it. Dwayne asked if he had done any test pouring on the road and Mr. Dyer said that he had not. Dwayne stated that the gravel that is on that road is not sufficient for paving. Mr. Dyer said that the road is pretty packed. Dwayne said that being packed doesn't mean anything. It is the quality of the gravel in that road. That road is basically just a farm path that has had gravel laid over it for years and years. Mr. Dyer stated that there are now 200 cars a day that travel it and something should have probably been done with it. It is not a road that is sufficient enough to carry the traffic. Dwayne said that if they went and just paved it, they would just be wasting their money.

Chairman Hall said that if they do pave the road in the future, speed will become a big issue. Mr. Dyer said that it is an issue right now because nobody follows the speed limit. Chairman Hall said that more people would definitely speed with the paving. Selectman Glemmo said that he is surprised that anybody uses that road especially because of the sharp curve at the bottom. Selectman Johnson, Sr. said that they use it is a short cut.

Mr. Dyer stated that he doesn't want the road to be forgotten and would just like some consideration for it in the future. Dwayne said that they have not forgotten about that road. They have put more time into that dirt road than any other dirt road in the town. Mr. Dyer said that he didn't think there were too many dirt roads left in town. Dwayne stated that there still quite a bit of dirt roads. Selectman Johnson, Jr. said that most of the other dirt roads have more than just one house on it.

Dwayne stated that it is not on the current plan but it doesn't mean that it won't be in the future plan. When the next plan ends, they will reevaluate all of our road systems and see if it is one that they can do. He said that the Board will make the distinction on what roads will be done or not done. Selectman Cowan told Mr. Dyer that it will be revisited again and it has not been forgotten.

Chairman Hall stated that there are roads in the past that the Town have abandoned. He asked Dwayne if it would make sense for us to abandon this road. Dwayne said that it wouldn't stop anything. Selectman Glemmo said that if they did that, then nothing would happen. Dwayne said that it would be next to impossible to abandon that road and if we did abandon it, we would not do anything to it for 30 years. Also because it is a connector road, it would be hard to abandon it. Dwayne stated that it is a Town road and they continue to maintain it as best as they can. He did say that they have done traffic counts and there is not 200 cars a day that travel it. He said that they put up their traffic board there last year to see what kind of speeds were there. Mr. Dyer said that he actually counted them and it was 200 cars. Dwayne said that one day may have that but overall it is not that much on a daily basis. Mr. Dyer said that it is probably an average of 100 cars per day.

Chairman Hall told Mr. Dyer that when they look at the next plan they will look into adding it then. Selectman Glemmo stated that if they are putting a lot of work into it now, then it may be worth doing it sooner. Dwayne said that the cost that they are putting into it is nowhere near the cost of building it. He stated that they go over and grade it and put calcium down. Mr. Dyer said they come out just about every month and when they come, they don't put it all the way down the road. They put near the end of the road by Route 9. Dwayne said that they had started doing that but when Mr. Dyer had complained about it, they started going all the way down the road every time they do it. Mr. Dyer said that the dust on that road when cars coming tearing down is unbelievable. Dwayne stated that he understands his concern. Mr. Dyer said that it is a quality of life issue for him. Dwayne did stated that it was a dirt road when he built on it.

Chairman Hall told Mr. Dyer that the best thing they can tell him right now is that they will continue to put the calcium down and in 2022, they will look at whether it is a road that can be paved or not. He doesn't think that there is anything more that they can do right now. Dwayne

stated that if the Board wants to move it up, they can move one of the roads already on the plan off of it. They could also add more money to the budget but there is not a lot of money to be had right now. Chairman Hall asked what roads they currently have going in the plan. Dwayne said that, this year, they will be putting the surface on Diamond Hill Road. They will also be doing Quarry Road, which they had moved up. They will also do Eastern Avenue and the first phase of Bauneg Beg Hill Road. Chairman Hall asked what the cost to pave Quarry Road will be. Dwayne said they will spend about \$80,000 on it. Selectman Cowan said that she would like it to be a high priority the next time that they look at the road projects. Dwayne said that the Board can alter the plan if they want to. However the last 3 years of the plan, they are doing sections of road. This year they are starting Bauneg Beg Hill Road and that is a 2 year project. The following year, they start Valley Road and Governor Goodwin Road and those are 3 year projects. The following year, they start Ford Quint Road which is another 3 year project. We do this because they are long roads and we don't have the funds to do the roads at one time.

Chairman Hall stated that they will continue to do what they are doing and if Mr. Dyer has any other thoughts, he should bring them to Dwayne. In 2022, when we start to work on the next 10 year plan, we will try and make that road a priority.

## **6. Unfinished Business:**

### **D. Planning Board: Scott Strynar Application**

Chairman Hall asked Scott Strynar why he would like to be on the Planning Board. Mr. Strynar stated that he used to be on the Planning Board back in 2006 to 2008. He is a registered Landscape Architect and has been working in Portland for the past 15 years. As of April 1<sup>st</sup>, he has started his own office out of his home here in town. He stated that commuting back and forth to Portland and trying to make the meetings was difficult so he couldn't do it anymore. Now that he has control of his schedule, he is able to get involved again. He stated that with his profession, he has to go before Boards all over the State so he knows how it works. He said that he loves working for himself now. He said that today, he drove around to different nurseries looking at plants with his daughter so it was a good day.

Chairman Hall asked what his philosophy was regarding development. Mr. Strynar stated that, as far as the Planning Board, he wants to make sure that people follow our Ordinance. There are rules and he wants to make sure that people are not trying to skirt around them. He said that he used to work for a company where the principal people were pretty good at working around ordinances. He wants to make sure that things are done right. As he drives around the State, he sees things and can't believe that they were allowed to build something in a certain way. He does not have a general philosophy on development. He feels that if people own their property, they have a right to develop it as long as they follow the rules. Chairman Hall asked if he was on the Planning Board when they were creating the Comprehensive Plan. Dwayne said that it was around the time that they were finalizing the Comprehensive Plan.

Mr. Strynar said that he lives on Meehan Lane in the Brackett's Farm subdivision and one of the things that he was involved in when he was on the Board was when CMP came by to elevate all of the power lines across the way. He was not an advocate of that. He wanted CMP to float

some balloons so that they could have the power lines down low so they could keep the view open and clear. He was the only one to vote NO on the project. He thinks that he is now older and has more experience and would probably make more of a stink on an issue like that.

Selectman Cowan asked if there were any Ordinances in Town or was there anything that he had seen done recently that he would find questionable. Mr. Strynar said that he thinks that our town is quite nice. He has traveled up to Deere Isle and Stonington and on a lot of back roads. He has seen some funny things. He thinks that we do a good job here in North Berwick. He has been here for 15 years. He likes what has happened in the town and how things have changed. He is glad that he is setting up his office in town and hopes to be staying here a lot longer.

Selectman Cowan asked him if there were any changes that he would like to see happen in town. He said that back in the day, there was a big desire to get more businesses in the downtown area. He would like to get some small businesses downtown. He has not reviewed the Plan and how they can make the downtown more urban and pedestrian friendly. He said that, in his neighborhood, there are no street lights and is pitch black when the sun goes down. In the downtown area, it is pretty well lit so seeing some more pedestrian friendly applications would be a good thing. He loves what the town has done with the Farmers Market and the events that they have on the Mill Field.

Selectman Galemмо motioned to approve the application for Scott Strynar to be on the Planning Board as an alternate position. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

## **7. New Business:**

### **A. Farmers Market: Review Schedule and Sign Lease for 2018**

Art Kelly stated that they will be opening the Farmers Market on Fridays from May 18<sup>th</sup> through October 19<sup>th</sup> from 3:00 to 6:00. He said that they have additional youth and energy on the vendor side of things. One of them is conducting a training on Saturday morning on Marketing with Instagram. Selectman Cowan asked how many vendors they will have this year. Mr. Kelly said that when they get into August and September they will have about 15 of them. They had around 12 last year. Selectman Johnson, Jr. asked if they were incorporated yet. Mr. Kelly said that they were not. They are partnering up with the Food Pantry for the Food Stamp program. There were some issues with the Food Stamp program in the past because in order to do the Food Stamps somebody has to put in a Tax ID number. Individuals have been doing it so if they received any kind of refund or rebate, they were getting a 1099 for their taxes. They are partnering with the Food Pantry which is a 501c3. There will be more activity in terms of getting stuff to the Food Pantry.

Chairman Hall asked what kind of vendors they will have. Mr. Kelly said they have more produce vendors than they use to have. He said that Kelsey Bilodeau will be working with Carl Tabor. He has raised vegetables but he has not always harvested and sold them. She will work on that end with him. Mighty Oak Farm was there last year and had their own pasteurized chicken and pork. There a new farm with us this year called Orange Circle Farm from Berwick.

They will have a lot of different produce. There is a vendor that does goat milk products like soap and lotions.

Selectman Cowan motioned to extend the lease for the Farmers Market for this season. Selectman Galemmo seconded the motion. VOTE: 5-0

## **6. Unfinished Business:**

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

Dwayne stated that the property was out for bid. They have had a few people express some interest in the property. The bids are due back by April 30<sup>th</sup> so they will be in before our next meeting on May 1<sup>st</sup>. If we do not get any bids, we will need to decide how else we want to go about doing it. The Legislature is looking to pass a law regarding how we have to go about handling foreclosed properties. At the time of lien, we have to do the lien notices. We will need to send letters to each person that has a lien explaining to them that they have the ability to get an abatement and to put them in contact with the Consumer Bureau with the State so they can try to figure out how they can pay their taxes off. If we get to foreclosure and have to sell the property, we have to hire a Real Estate Broker and put the property out at market value. If we sell the property, 75% of the profit goes back to the homeowner, the town keeps whatever costs we incurred plus all fees and broker fees and 25% of the profit. The homeowner gets to walk away with 75% of the profit. Dwayne said that the original bill said that you could not pay your taxes up to half the value of your property. If your property is worth \$300,000, you could not pay your taxes up to when you have a total of \$150,000 owed to the town. The Legislature realized that this would cripple the towns. Dwayne said that they definitely made the law a little better. Selectman Cowan stated that we are selling the property for the homeowner. Governor LePage is claiming that towns have been taking properties from elderly people because of what happened to a couple in Northern Maine. Dwayne stated that everything is based on a fallacy and lies. The Legislature is supposed to act on it before the end of the week. It will become much more cumbersome on municipalities to collect our taxes. Dwayne believes that it will pass.

Selectman Galemmo asked if the profit was after the taxes were paid. Dwayne explained the process. He said that if we foreclose on a property and they owe \$10,000 in taxes, we have to give them the right to redeem. If they don't redeem the property and we need to sell the property, we need to hire a Real Estate Broker and have a market analysis done of the property. If the property comes back and says that it is worth \$200,000, we have to put it on the market for \$200,000 and keep it on the market for 6 months. After 6 months goes by and it has not sold, then the town can sell it in the way that they see fit. If the property is sold for \$200,000, the town would get their \$10,000 plus any fees that we would have incurred or interest that has incurred on that property. The Real Estate Broker would get their cut so if it is 10% they would get \$20,000. So if the town's fees were \$5,000 that would make it a total of \$15,000 to the town and \$20,000 for the Real Estate Broker for a total of \$35,000. This leaves \$165,000 so the town would get 25% of that for our troubles and the rest of that would go to the homeowner. Selectman Cowan stated that this is an incentive for people to walk away from paying their taxes because you are getting the town to sell your property for you. Dwayne said that this new

process only applies if you are getting a Homestead Exemption from the State. There are other criteria to qualify. Dwayne said that it is really aimed at the elderly.

Selectman Galemmo stated that we have never kicked an elderly person out of the house. Dwayne said that they do everything to make sure that they stay in their property. We sign agreements or stretch out their payment times. Dwayne said that the State sent out a survey to all of the Town Managers and one of the questions asked how many times that we had taken a home from someone. He said that in his 30 years doing this, he has never done that. Across the board for all Town Managers, the average was 0, but there were some that had 1. We are more often abating the taxes or setting up payment schedules.

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

Dwayne stated that he had forwarded them all of the emails that he had received from the Chairman of the Board of Selectmen in Lebanon and the responses that were received from other people. He stated that it doesn't really involve us but he wanted to keep the Board in the loop. He said that it goes back to the same thing. Any discussions on school funding formula should involve all 3 towns. Selectman Cowan said that she liked the response from Dustin Price.

Selectman Galemmo stated that the School Board passed the budget. He asked Dwayne if he had heard anything about what the numbers. Dwayne stated that he had not heard anything yet. He will email Steve after the meeting to find out what the numbers are. Selectman Cowan asked when Steve typically shares the information with Dwayne. Dwayne said that he has to ask for it. It is not automatically shared. Selectman Cowan asked why they can't finalize a process to have the towns notified with the numbers. Dwayne said that he has been trying for years. Selectman Cowan said that there is an obligation on the part of the schools that once they determine what the budget is, they should share that information with the towns. Dwayne said that it has been an issue with all of the Superintendents. Selectman Cowan wishes that she would have known that when the Superintendent met with them at previous meetings so they could have addressed that with him. Dwayne said that he could ask Steve to come before the Board to present the budget.

**C. Marine Shales: Discuss Payment Demand**

Dwayne stated that on Page 11 of their packet is a letter that was sent to Webster Law Firm, the attorney for Marine Shales, outlining our position. It states that the materials that were taken out of an uncontrolled hazardous waste site was directed to Marine Shales by the DEP. Any discussions regarding recoupment costs should be with the Maine DEP. He said that the Maine DEP was sent a copy of this letter and Dwayne has spoken to them about it as well.

**E. Town Meeting FY19: Discussion**

Dwayne asked the Board if they had anything they wanted to discuss regarding the Town Meeting. Selectman Cowan asked how many people were there because she didn't think there were too many. Dwayne stated that there were 61 registered voters there. Last year we had 65 people. Selectman Galemmo said people tell him they are pretty happy with how things are going so that is why a lot of them don't bother going to Town Meeting.

Chairman Hall asked who had won for the Budget Committee. Dwayne said that they were Stan Cowan, Gregg Drew, Bruce Hackett and Jeremiah Johnson.

Dwayne said that he is looking at the roads and said that they have not finalized the road program for 2023. In 2020, they will be finishing Bauneg Beg Hill Road, first section of Valley Road and the first section of Ford Quint Road. In 2021, they will do the second section of Ford Quint Road and the second section of Valley Road. In 2022, they will do the third section of Valley Road and the third section of Ford Quint Road. In 2023, which is the last year, we have not put anything for roads in there so if the Selectmen want to add Randall Road to it, they can do so. He said that they had kept this year open in case the 3 sections of Valley and Ford Quint Roads were going to cost more than they planned. Selectman Johnson, Sr. said that the only problem is that it is only one house and it seems like spending \$70,000 to pave that road is a lot of money. He said that if they went to the Town to get their approval, he doesn't think it would pass. Selectman Galembo stated that it will definitely have cars speeding more than they are now. Dwayne said that they will put up the speed board so they can get the number of cars that are using the road and how fast they are going.

**Reminders: Next Board of Selectmen's Meeting** – May 1, 2018 – 6:30 pm Municipal Building

**7. New Business:**

**B. Recreational Marijuana: Moratorium Extension**

Dwayne stated that they need to hold a Public Hearing for the May 1<sup>st</sup> meeting. This is 75 days from when the moratorium was originally passed. A moratorium is good for 180 days so we need to vote on it prior to the 180 days ending. If they don't they need to start over again. In order for the Board to extend it, they need to hold a Public Hearing. After they close the Public Hearing, the Board will vote to extend the moratorium for another 180 days. Dwayne is recommending that they do extend it because the State still has not figured out what they are doing. We need to protect the town. The current legislation that is in there is an opt in for the towns so until we say yes, no one can do anything. Governor LePage's big issue with it is that he wants to do away with the Medical Marijuana Law and just have a Marijuana Law that covers both Medical and Recreational Marijuana. The tax rate on Medical Marijuana is only 8% and on Recreational Marijuana it is 20% so he believes that the people that want to get it will move over to the Medical side and the State will lose money. Dwayne stated that extending the Moratorium will get us to November and hopefully the State will come up with something before then.

**8. Other Business:**

Chairman Hall asked about the article on the jail operations that is in the Legislative Bulletin that Dwayne included in their packet. Dwayne said that York County is actually making out well this year. We are actually getting \$300,000 more. We did get our estimated levy from the County and we are actually going to go down because we don't have to make the extra payment this year. Our actual County tax went up \$15,000 but because we were spending \$35,000 on top of it, we are actually going down \$20,000. He believes that some of the extra money is because of the drug rehab center that they are creating in partnership with the State and everybody else. This way it is not coming from the taxpayers.

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

Warrant:	April 10, 2018	- \$	0.00
Warrant:	April 17, 2018	- \$	598,590.88

Selectman Galemme motioned to approve the Warrant of April 17, 2018 for the amount of \$598,590.88. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

**10. Adjournment:**

Selectman Galemmo motioned to adjourn the meeting at 8:33 pm. Selectman Cowan seconded the motion. VOTE: 5-0

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.