

North Berwick Board of Selectmen Minutes March 5, 2019

NORTH BERWICK BOARD OF SELECTMEN MINUTES MARCH 5, 2019

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

Absent: Selectman Johnson, Jr.

Also Present: Dwayne Morin, Tom Wright, Rebecca Reed, Mark Reed

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

1. Pledge of Allegiance

2. Review and Approve Minutes of February 19, 2019

Dwayne stated that he added a word in one section. Under Other Business, in the 3rd paragraph, the 7th sentence, it read, “Dwayne stated that at some point, hopefully in the distant future...”. It should read, “Dwayne stated that at some point, hopefully not in the distant future...”.

Selectman Cowan motioned to approve the minutes of February 19, 2019 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

3. Public Input

There was no public input at this time.

5. New Business:

A. Maple Street: Request from Property Owner

Tom Wright stated that he emailed Dwayne several weeks ago about reclassifying Maple Street. Dwayne explained to him what could be done and what couldn't be done. He recommended that Mr. Wright come to the Selectmen's meeting to discuss it. Mr. Wright stated that they have owned their property on Maple Street for 27 years. They are located on the sharp corner about halfway on Maple Street. They are concerned about the truck traffic on the road that has increased over the past several years. Mr. Wright said that he knows that it is a cut thru road. Kids use it to go to the High School or people use it to get to Somersworth. He said that this is fine and understandable. What they have a problem with are the large trucks, such as dump trucks, trailer trucks or logging trucks that use it as a cut thru road. He said that there are 2 excavation contractors that often use Maple Street to go to work sites. Mr. Wright doesn't feel that Maple Street warrants that kind of traffic. The end of the street closest to town is very narrow and has an exit onto Route 4. He stated that there are a families on either side of the road and doesn't feel that it is safe with a lot of trucks turning in and out of there and driving on that

road. Mr. Wright suggested to Dwayne that they reclassify the road so there would be weight limits on it. Dwayne had told Mr. Wright that they could probably post a sign that says No Thru Trucks. Mr. Wright stated that his goal is to have alternative routes for the trucks to use. He believes a road like Lebanon Road is better able handle the truck traffic where they can turn onto Governor Goodwin Road.

Selectman Cowan asked Mr. Wright if he had noticed an uptake on the amount of traffic. Mr. Wright said that it depends where the company's jobs are at and if they are hauling stuff to the job site or to their company. The companies have big trucks with long trailers on it. He said that it is troublesome when they go by his house at the curve but he feels bad for any young families that are by the downtown area. Selectman Cowan asked Dwayne if there were any other concerns expressed about this issue. Dwayne said that he had not heard any other concerns. Mr. Wright stated that the trucks are not usually speeding or doing anything illegal but he just feels there are better options within the town.

Dwayne said that Maple Street is a collector street so its purpose is for people to use it as a cut thru. He said that what is happening in regards to the traffic is what it is intended to do. Mr. Wright said that he understands about the regular traffic but his major objection is with the heavy vehicles. Dwayne stated that once you start singling out a class of vehicles, there are issues that can come up. He would not recommend that the Board do this because it would cause more problems than it would solve.

Chairman Hall asked if there was any clear signage on the corner where Mr. Wright lives. Mr. Wright doesn't think there is a sharp curve sign but Dwayne said that there was one on both sides of the road. Selectman Cowan asked what the speed limit was there. Dwayne said that he believes that it is 35 mph in that section. Selectman Cowan asked where the speed limits signs were located. Dwayne said that he believes that the speed limit changes around the middle then changes again. He said that he would have to go look to see exactly where they are because he is not exactly sure. Selectman Cowan said that in the past they had added the Slow signs on Main Street. She asked if this would be possible to do on Maple Street as well. Dwayne said that they could always increase signage but signage becomes like trees after a while because people become oblivious to them.

Chairman Hall asked if they could reduce the speed around the curve. Dwayne said they can put a warning speed but they cannot change the speed limit with the State's permission. Selectman Cowan recommends that they increase the signage and add some Children at Play signs. She stated that even though there may not be any children around that corner, it may give drivers some pause and they may slow down. Dwayne said that he doesn't think that there is a speeding issue on the road. He said that the issue is the trucks on the road. Dwayne said that truck traffic and heavy vehicle traffic is a common concern of most people that live on rural roads. Unfortunately if they were to cut traffic off all of the rural roads, we wouldn't be able to do anything within our community.

Selectman Cowan said that it may be a good idea to review the signage on that road. Dwayne said that they can look at it and see if there are ways that they can increase awareness through signage. Selectman Cowan asked what the requirements were regarding the weight limit signs.

Dwayne said that weight limits are only done when there is a structural deficiency within the road. There are no structural deficiencies in this road. He said that setting weight limits on roads with no structural deficiency would be a dangerous and slippery path for us to do. If we do it for one, we will receive many more requests to do the same on other roads. Truck traffic would then cease to exist within our community. Dwayne said that there is a lot more construction going on in town now so there are a lot more trucks on the road.

Dwayne said that the State is contemplating some new rules and regulations on how towns can limit truck traffic and heavy loads on roads. If it passes, it basically takes the authority away from the communities. It is being pushed by the construction and logging industries and they have a huge voice in Augusta. Dwayne said that even the State MDOT is concerned about this law because it would usurp some of their authority.

Dwayne said that they would definitely look at signage in the area. Selectman Cowan asked Mr. Wright if he understood what could be done. Mr. Wright said that he understood and he wasn't happy about it but he knows that the Selectmen are limited in what they can do.

4. Unfinished Business:

A. Budget: Budget FY20

Dwayne said that they should be finishing up with the Budget tomorrow. They have about 10 Articles left to go through which include Library, Parks and Rec, Transfer Station and a few other miscellaneous items. He stated that there have been a few changes here and there but nothing dramatic. Dwayne said that he has to go to print with the Town Report. The Board originally gave preliminary approval for a draft Warrant but he now needs final approval so he can submit it to the printers. It will go to the printers on Friday. Dwayne said that he has kept the Warrant the same way but there was one change that he did. On Page 12 of their packet is Article #20. In the past, on the Roads Capital, we broke it up with Roads Pavement and Roads Construction. We usually treat it as one pile of money and consider it as Roads Capital. That money usually stays stagnant and we bring it forth year after year. He just changed it to Roads Capital instead of breaking out the pavement and construction.

Selectman Galemmo motioned to approve the Draft Warrants. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Reminders: Next Board of Selectmen's Meeting – March 19, 2019 – 6:30 pm Municipal Building

Budget Committee – March 6, 2019 – 6:30 pm Municipal Building

Tri-Town Meeting – March 7, 2019 – 6:30 pm Noble High School – Dwayne stated that this meeting has been postponed.

5. New Business:

B. Eastern Trail: Discuss Contract for the Surveying of Trail Wells to Route 9

Dwayne stated that we still have not rejoined the Eastern Trail, however we do have an affirmative vote from the Budget Committee. The Wells/Kennebunk trail has just finished the surveying and design process. Sebago Technics, the firm that has been doing all of that work, made an offer to the Eastern Trail that they would go to Route 9 at the same cost that they contracted with Wells and Kennebunk. Dwayne said that it is a 3 year old contract so it would be at the 2016 rates. Eastern Trail contacted Dwayne and asked him if we would be interested. Dwayne told them that we have no money for that right now. They told him that they reached out to Pratt & Whitney and they are going to pay for a part of the cost. They asked Dwayne if the town would be willing to be the sponsor if they can get the funds to do it. Dwayne told them that he doesn't see why we wouldn't want to do that because we want to stay actively involved in the process. They drafted a Memorandum of Understanding that says that we would contract with Sebago Technics and they would fund it through us. Sebago Technics would do the work, we would get the product, get the bill and send it to Eastern Trail Alliance. They would utilize funds that they have raised through sponsorship to pay for it. Dwayne stated that the Alliance feels that this would be an easy section to survey and design. They would then go to Pratt to get a larger sponsorship to help build that section of trail. Selectman Johnson, Sr. asked if the section was the old rail bed. Dwayne said that it was and it runs right through Pratt's property.

Selectman Glemmo asked if there was going to be any cost for us at all. Dwayne said that the only cost there would be is for Dwayne's cost to administer the contract. Chairman Hall asked what the difference was between a Memorandum of Understanding and a Contract. Dwayne said that there will be 2 things. He told them that he would not enter into a contract directly with Sebago Technics because he does not have the funds to fund that contract. The Memorandum of Understanding basically sets forth the funding protocol. It is a contract between us and the Alliance that says that the only way that we are going to do this with Sebago Technics is if they give us the funds to do so. Dwayne said it will cost about \$6,000 to do that stretch of the trail. Selectman Cowan asked about what the time frame would be to complete this. Dwayne thinks that it will take about a year. He said that it took about 3 years to complete the section between Kennebunk and Wells. Our section is not as long and it is in pretty good shape.

Selectman motioned to approve the Memorandum and Understanding. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

C. Tax Acquired Property: Review Tax Acquired Property List

Dwayne stated that they had 2 pieces of property that we acquired through the tax acquired property process. If taxes are not paid within 3 years then the town acquires these properties. These 2 properties were not paid for the 2017 taxes. The Board will need to make some decisions and decide if we want to keep the property, allow the property owners to redeem the property or sell the property. Selectman Cowan asked Dwayne what his contact had been with the property owner. Dwayne stated that Michael Johnson, Sr. represents the Johnson Heirs and there are about 27 of them total. Selectman Johnson, Sr. stated that there are 6 in his family and

they are having trouble with 3 or 4 other parcels. They are having problems trying to sell because they can't get everyone to sign off on it. Nobody can agree. Selectman Johnson, Sr. stated that the Grover's have about 20 heirs and they do not even know all of them. He said that in order to settle this, it would cost thousands of dollars with attorney fees to try to settle it and they still might not be able to agree. Selectman Johnson, Sr. said that their attorney suggested that they just let the property go.

Selectman Galemmo asked what size the properties were. Dwayne showed them on the computer where the properties were located. One of the properties is 25 acres and the other one is almost 19 acres. Dwayne said that one of the properties has no access to it. It is a land locked parcel of land. The other one has significant road frontage on Ford Quint Road, however, the back of the property is very wet. Selectman Cowan asked if there were any right of ways. Selectman Johnson, Sr. said that there is only Tweed Lane. Dwayne said that because Tweed Lane is a private road, only 2 houses are allowed. There are already 2 houses on it.

Dwayne said that his recommendation is that they send the properties to the Conservation Committee so they can take a look at it and see if it is worth it for the town to hold on to it. He said that this is what they had decided to do whenever the Town takes over property. Dwayne stated that if the Conservation Committee is not interested in it, the Board will have to decide if they want to put it out for sale.

Selectman Cowan motioned that they allow the Conservation and Agricultural Committee to review the properties. Selectman Galemmo seconded the motion. VOTE: 3-0 Abstain: 1

D. MDOT: Route 9 Paving Project

Dwayne said that whenever the State does a paving project within our community, they want us to sign off on heavy loads in certain areas. It usually doesn't affect us because they do most of their paving in the summer time and we don't have load limits then. The only section on the part that they are paving would be the back road to the Pike pit. We had previously omitted that before because of the condition of the road. If they decide that they are going to use that road, we can have them bond that road. That way, if they do any damage to it, they would be responsible for the repairs. Dwayne stated that the Board needs to vote on allowing them to waive the heavy load limits with the exception of Wilmer Chase Road. If the State decides to use this road then they will need to post a bond.

Selectman Galemmo motioned that they waive the heavy load limits on the roads with the exception that a bond will be needed if they use Wilmer Chase Road. Selectman Cowan 2nd the motion. VOTE: 4-0

E. Electric Rates: Review Contract for Electricity Rates

Dwayne stated that he signed a 4 year contract for electricity at a rate of .0756 per kw. He said that the company that they use to price the rates out, Maine Power Options, couldn't get a better price. The best they could get was \$0.079 per kw. The guy at that company told Dwayne that he should take the deal. Dwayne said that he is usually concerned about signing a long term contract because the last time we got burned because the prices dropped. The Maine Power Options stated that there are no signs that the rates will be decreasing any time soon.

F. Linscott Road: Review Letter to MDOT for Safety Assessment

Dwayne stated that they have been looking at Linscott Road to see what they can do at the intersection of Linscott Road and Route 9. He talked to the local Region 1 engineer to see what his ideas were and find out what any of his concerns were. Dwayne told him that he thinks it would be a good candidate for signalization. The engineer was not as enthusiastic about that idea. Dwayne told the engineer that it is our priority to review this intersection and we will seek whatever we can to do something at this intersection. The engineer recommended that we do a safety assessment of the intersection itself. They will look at different things like realignment, raising grades, signalization and other things. Dwayne stated that, regarding signalization, there is a Federal rule that lays out a process on how to signalize an intersection. There are 8 things that you have to meet to qualify for lights to be added. The goal of the State is to keep traffic moving and when you add signalization, you stop the flow of traffic. Dwayne said that one of the things that they look at is the accident data and fatalities. Dwayne told the engineer that he understands about the flow of traffic but they need to understand that it is coming into our village area. They will slow traffic down anyway in coming into our village area. We want to just be safer.

In 2014, we went to the State and we wanted all of the speed limits coming into town changed. At that time, we requested that the 35 mph be lowered to 30 mph and to be moved east of Linscott Road. The State denied us. However, they did do one thing. They actually lowered it the way that we asked them to do it. They did it from 55 to 45 to 30 and kept the signs at about the same place. The only thing they did was change the 35 to a 30. Unfortunately the 30 mph sign is about 200 feet east of Portland Street. This is counterproductive because when people are leaving town, it turns to 40 and people speed up. Dwayne said it should be 30 mph on the back side so that when you are leaving town you are picking up speed.

Dwayne laid out a few things in a letter to the MDOT that needs to come from the Board of Selectmen. He did ask them what the time frame would be to get a response from them. The engineer told him that they have created a new safety assessment committee because of the complaints they received from the towns about the length of time it was taking for responses. He said that the preliminary review could be done within 3 months. Dwayne did tell him that we are not going to let this go. No matter what they find, we want something to happen at that intersection.

Dwayne said that he lays out 4 different reasons on why we want them to look at it. The first thing is that the bridge that spans the railroad tracks limits the sight distance when looking to the west toward the North Berwick Village. There are three problems regarding the site distance. One of the issues is the change in elevation from the bottom of the approach to the top of the bridge. It is a significant raise in elevation so when you are parked at Linscott Road, you cannot see traffic on the back side of that elevation. The guardrails also present a visual obstacle. The last issue is regarding the vegetation alongside the bridge. He said that they did do some clearing a couple of years ago but it should really be cleared annually. They should clear the full width of the right of way.

The second reason they want it looked at is regarding the speed limit. We asked for a speed limit change back in 2014 and it was denied. The speed limit should be change and the 30 mph sign should be on the east side of Linscott Road and not on the west side.

Dwayne said that the third reason he would like it considered is regarding the industrial and commercial end. He met with Hussey Seating to ask them if could use them in the letter and they said that he could. He stated in the letter that Hussey Manufacturing is currently looking at a large expansion which would mean that they would relocate all of their traffic to the Linscott Road. If they did do this, they would have to go to the State permitting process and this may trigger a light. Dwayne mentioned that even if Hussey decides not to do that, the town has a significant Industrial Zone there that we would like to see developed. The intersection would need to be looked at to make that area more desirable.

Dwayne said that the final reason for consideration is traffic safety. He had Chief Peasley conduct an accident review of the intersection. Dwayne said that the State shows only 1 accident happening at that intersection in the last 3 years. He said that the way we tally accidents and report them to the State does not allow for us to indicate the intersection names. We assign a number to that intersection. When we do it this way, it only showed the one accident. Chief Peasley reviewed it in a different way. He looked at the zones from 177 Wells Street to 190 Wells Street and there have been 43 accidents in the past 4 years. This way it shows the section as it approaches that intersection. Dwayne said that most of these accidents have been fender benders with little personal injury. However, it is a large amount in that small area.

Dwayne stated that this is what he has included in the letter for the Board to sign. He is also including a copy of the 2014 letter that we sent as well as their response. He will also send a map that shows our Industrial Zone, land adjacent to that intersection. Also he will send the letter from Chief Peasley showing the accident reports.

Selectman Johnson, Sr. motioned to sign and send the letter to the MDOT in regards to the Linscott Road intersection. Selectman Cowan seconded the motion. VOTE: 4-0

G. Newsletter: Review Newsletter for Annual Town Meeting

Dwayne said that this was probably one of the hardest newsletters that he has put together. He said that he needs to wait for the Budget Committee to be all done so he can finish the Budget summation. Selectman Cowan had a few corrections to make on the newsletter. In the Town Manager Column section, in the last paragraph in the first column, she would not put the word “INCREASE” in all caps. There were a few other grammatical errors that they changed.

6. Other Business:

Selectman Cowan asked if any part of Randall Road was in the Farm and Forest Zone. Dwayne said there was not. Selectman Cowan she asked if it was all Residential II or partly Residential I. Dwayne showed her on the map where each zone was located. Selectman Cowan asked what the requirements were regarding Animal Husbandry in Residential II versus the Residential I zones. Dwayne said that they have Livestock and Non-Livestock. Livestock is considered cattle, horses, etc. Residential I and Residential II have the same exact requirements. It is a Conditional Use review. The total number of animals that is allowed is based on acreage. Dwayne reviewed the guidelines listed in our Ordinance.

Dwayne stated that the next meeting will be a Public Hearing for the Referendum questions.

7. Review and Approve Warrants and Correspondence

Warrant:	February 26, 2019	- \$	0.00
Warrant:	March 5, 2019	- \$	91,204.87

Selectman Galemmo motioned to approve the Warrant of March 5, 2019 for the amount of \$91,204.87. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

6. Other Business – Executive Session – Personnel

Selectman Galemmo motioned to go into Executive Session at 8:10 pm and come out of Executive Session at 8:25 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

8. Adjournment:

Selectman Glemmo motioned to adjourn the meeting at 8:25 pm. Selectman Johnson, Sr. 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 Glemmo

Selectman: Michael Johnson, Sr.