

North Berwick Board of Selectmen Minutes August 6, 2019

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
AUGUST 6, 2019**

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

Absent: Selectman Hall

Also Present: Dwayne Morin

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

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of July 23, 2019**

Selectman Galemmo motioned to approve the minutes of July 23, 2019. Selectman Johnson, Jr. seconded the meeting. VOTE: 4-0

3. Public Input

There was no public input at this time.

4. Unfinished Business:

A. Assessing: Review Assessor Proposal for Valuation Increase

Dwayne stated that the numbers are not changing since the last time they reviewed them. He will have the final paperwork at the 8/20/19 meeting.

B. Special Town Meeting: Discussion About Special Town Meeting Results

Dwayne stated that on page 17 of the Selectmen's packet is the proposed contract from Affinity. They are proposing that they will get the work done by the end of this year. The need to sign the contract and send them a check for half of the contracted amount which is about \$36,240.00. Dwayne also included his email conversations with the Superintendent of Schools. Dwayne sent an email after the Town Meeting stating that the town did approve the streetlights but he didn't hear anything back. Dwayne sent another email yesterday to let him know that the Selectmen would be discussing the contract. He received an email back today. The Superintendent stated that it was difficult in making the move at this time because they have a small CIP of under \$200,000.00 which means they don't have the money for it. Dwayne stated that he thinks that out of a \$36 million budget, they should be able to come up with \$11,000.00. Chairman Cowan asked what the time frame was if SAD 60 decided to join in. Dwayne said that it was as soon as

they sign the contract with CMP and not the one with Affinity. Once we sign the contract with Affinity, they will start the process of getting our contracts with CMP to sign so we can pay them off. Once this is done, the school loses their ability to join in. However, Affinity said that if we sign our contract, they will hold it open a little bit. They can't hold it too long because we have to get our work done. Dwayne said that the Superintendent will be bringing it to the School Board on 8/22/19. Dwayne asked if he would want someone from the Board to be present to discuss it and he has not heard back from him.

Dwayne stated that he needs a motion that would allow him to sign the contract.

Selectman Galemмо motioned to allow Dwayne Morin to sign the contract with Affinity. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Dwayne stated the other item that was discussed at the Special Town Meeting was the Linscott Road intersection. He met with the DOT the day after the Town Meeting. He said that he felt positive going into the meeting but he was not so positive after the meeting. They had many discussions about the intersection and one of the things that Dwayne mentioned was regarding the speed limit being changed. Their comment to him was that they had done a speed study and that the speed limit should have actually gone up. Dwayne asked them why and they told him that they set the speed limit based on how fast people drive. They set out lines and whatever 85% of the public are driving at, this is what the speed limit will be. Dwayne stated that there are other criteria that they are supposed to review such as driveways and if it is in a built up area.

Dwayne said that in speaking with the engineers, he got the impression that they would not do anything. Any suggestion he made was knocked down. Jennifer Brickett, Transportation Planning Department employee, from Augusta was willing to start looking at some ideas. Dwayne said that he was really upset. He told them that if they base speed limits only on what drivers are doing, they would never change the speed limit. Dwayne asked how he can get the speed limit lowered. The local engineer said that he needs to get the police out there and start writing tickets. Dwayne said that if someone is just doing 5 miles over the speed limit, As the MDOT determine that the average speed of travel was 45mph, we will never give them a speeding ticket. Even though the police give out the tickets, it is the DA that prosecutes and the DA and judge will not stand for a 5 mile over speeding ticket. If we flooded the court with 5 mile over tickets in that zone, we would be given a stern talking to by the DA and the judge.

One of the engineers stated that one of our problems is that we are in a rural area. Dwayne stated that they are not taking into consideration the fact that there are 5 driveways in that area. On one side of the street, there is Carpe Diem and on the other side of the street, there is one of the largest plants in New England with 2 entrances. There is Portland Street and a hidden driveway of a residential house, Linscott Road and the Eastern Trail will be built right there. This does not exactly signify that this area is rural. The engineers said that if they change the speed limits, they will cause all kinds of accidents. Dwayne said that if people are coming through town and you have them just speed up about a 1000 feet further, you will have no accidents. Every other entrance that comes into our town breaks down 55, 45 and 30 except for this one. Dwayne told them that he is just asking them to move the sign 1000 feet. Dwayne also told them that if they cleared the right of way of all of the trees, it would probably help. He told them that these are

not the end all solutions but they are ideas that will help. Chairman Cowan asked what the big deal is to the State anyway. Dwayne said that they have no money.

Dwayne said that they also discussed signalization. One of the engineers said that the problem with putting a signal at that intersection is that there is no room for a third lane because of the bridge. We would have to spend a million dollars on the bridge in order to put in a turning lane. The engineers said that the best thing to do with this intersection is to move it down further. We could then add a third lane before it got to the bridge if we put in a signal. Chairman Cowan asked how far up they would need to go. Dwayne pulled up a picture of what the area looked like. There is a house currently located where the road would have to go. Dwayne said that they could approach the family and ask them if they have any interest in selling their property. We would not take it but we could go to them and explain what we are trying to do with the intersection and see if they would be willing to sell the property. Dwayne said that the owners just purchased it a few years ago from a foreclosure sale. Dwayne said that if they were to do anything permanent with that intersection, this would be the best option.

Selectman Galemmo said that the thing that prompted all of this intersection change was Hussey. He asked where they stood in all of this. Dwayne said that they are on hold until we figure it out. Selectman Johnson, Jr. stated that they had bought some property in Sanford and Dwayne said that they are moving some of their equipment there. Chairman Cowan stated that she would hate to have us go through all of these changes only to have them back out. Selectman Galemmo said that if they decide to ask the property owners about selling, we need to tell them that we will not take their property if they say “no” to being purchased.

Dwayne stated that, regardless of what Hussey does, there is still 40 acres of industrial land that is sitting there. He asked if they ever wanted it to be developed. If they ever want it to be developed, they will have to do something with that intersection. If the goal of the town is to not ever develop that 40 acres of land, then we should change it back to Residential. Selectman Galemmo asked if the State would pay any part of what needs to be done to make it a safer intersection. Dwayne said that if everything is done on a local road, they will not help. Dwayne said that if a traffic light was added, the State would be involved in the work on the bridge and the extra lane. However, he said that the State will not expand the bridge. He said that it will be up to us and Hussey to do the work. The State will take care of anything that is on their State road only. Selectman Galemmo asked what it would cost to move the intersection without including the cost of the property. Dwayne said that it would not cost much. It is building a 250 foot road and the driveway is already there.

Dwayne suggested that they go into Executive Session to discuss some issues.

Selectman Galemmo motioned to go into Executive Session for legal matters at 7:03 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

The Board came out of Executive Session at 7:39 pm.

Selectman Galemmo motioned to allow Dwayne to approach the homeowners of the Weaver residence about the possibility of purchasing their property. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

C. Capital Projects: Updates

Dwayne said that the Police cruiser is up and running as well as our fiber data line. They have started to do some paving. The sidewalk between Burma and Lynn Street is all done. The Central Station parking lot was finished today. Tomorrow they will be doing the sidewalks from Canal Street down to the bank. He wanted to get these done before the Mill Field Festival. They will then go do the Sub Station on Morrells Mills Road. On the 15th of August, they will start paving Valley Road. Next week they will move up to Bauneg Beg Hill Road and work on what needs to be done there so that by mid-September, they can be paving that area. They are holding off on Dennett Road because he is not sure if we will have enough money to do it. Our pavement cost came in higher than he thought it was going to come in. At the very worst on Dennett Road, they will end up replacing the culverts and patch it in. They may have to wait until next year to surface it.

Dwayne stated that our one ton truck is currently being constructed and it looks like we will get it back sooner than they were supposed to. They put the body on it today so they are looking at about 2 to 3 weeks. They are still looking for a wheeler. They are also still working with the engineers on the salt and sand shed. They were supposed to send him something this week so we can look at it.

Reminders: Next Board of Selectmen's Meeting – August 20, 2019 – 6:30 pm Municipal Building

5. New Business:

A. Hartford Lane: Gate Blocking Public Easement

Dwayne said that they received a complaint that somebody was building up on Hartford Lane. The Code Enforcement Officer went up to investigate the complaint. When he went out there he came up to a gate located by the Genest property. Dwayne pulled up the property on the computer and showed the Board where the town road ends. He showed them the part of the road that has been discontinued. He stated that it still has a public easement on it. He also showed them where there was a house located up on the hill. This has been built for some time now. He showed them where the gate was located.

Dwayne stated that, under the Law, a road with a public easement cannot be blocked off. His concern is that if there was something that happened on the house up the hill like a fire, we would not be able to get there to help. Chairman Cowan asked who put up the gate. Dwayne said that Mr. Genest did. She asked if he owned that part of the property. Dwayne showed them the property that Mr. Genest owned and said that he also owns half of the road. However, even though he owns part of the road, when the road was discontinued there was still a public easement. This means that the public still has access to pass on this road. Selectman Johnson,

Jr. asked how the people that own the house got up to it. Dwayne said that Mr. Genest gave them a key to the gate. Mr. Genest said that he would also give the town a key but Dwayne said that that would not really be appropriate. Chairman Cowan asked if he was aware that there was a public easement. Dwayne said that he is aware but he said that his attorney told him he could put a gate up because he owns both sides of the road. Dwayne told him that he might want to talk to his attorney again because under the State Law it says, "If the municipal offices have determined under subsection 2 that the way is a town way or public easement and a court has not ordered otherwise, the municipality or an abutter on the way, acting with the written permission of the municipal offices, may remove any gates, bars or other obstructions in the way.". Dwayne said that his concern is that it is a safety issue.

Dwayne said that the people that own the house on the hill use it like a camp. They live in Michigan but they do live there on occasion when they come visit. Selectman Johnson, Jr. asked if the road was passable. Dwayne said that it was. Selectman Johnson, Jr. asked if they could build more houses up there. Dwayne said that they could. Selectman Galemme asked why Mr. Genest had put up the gate. Dwayne said it was to keep the ATV's out but because it is a public easement, the ATV's are allowed to use it. Dwayne said that the other end of Hartford Lane has a gate on it. This gate was something that the Board of Selectmen dealt with many years ago. He said that he disagreed with them but the Selectmen did it anyway. The people put up a gate and the Selectmen at the time refused to have them remove it. However, there were no houses that were being accessed by that road and right now, you couldn't drive on that road if you tried because it is completely grown out. Chairman Cowan asked how long Mr. Genest has lived at this address. Dwayne said he has been there for over 10 years.

Dwayne is recommending that the Board write him a letter stating that he has to remove the gate. It is within the Municipal Officers powers because Municipal Officers have already determined that it does have a public easement. Dwayne said that he has given the Board the vote that the Selectmen took back on December 2, 1997 that states that Hartford Lane has a public easement. A judge has not offered anything to the contrary and somebody has put a gate across that public easement which does not allow us to get up there. Selectman Johnson, Sr. stated that there are several other properties some of which do not have houses on it and the town needs access to these if there is an emergency.

Selectman Galemme motioned to have Dwayne write Mr. Genest a letter stating that he needs to remove the gate. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

B. Internet: Discussion on Switching Internet Service for Town Office

Dwayne said that he has been looking into how he can get better internet for this building. We currently have Spectrum. He has spoken with them to see what they can offer us. We are currently at 100/5 which is 100 down and 5 up. They can offer us 400 down and 20 up or they can offer us a gig down and 40 up for about the same price that Consolidated would give us. The unfortunate part is that it is not dedicated to us. Consolidated would give us a dedicated line.

When he spoke with our IT people, he told them that most of our stuff is downloaded. They told him that our entire server is uploaded continuously and takes up a lot of space. Also, because we

are running our own email server, it is constantly uploading, downloading, uploading, etc. This is what it slows down. We only have 5 for an upload speed but we should have more. They recommend that 150 megabyte with Consolidated. Dwayne said that his dilemma is that we only budgeted \$140.00 per month for internet service and this one would cost \$255.00 per month. This would be an extra \$1,400.00 per year. He stated that we have money left over from our server project. There is about \$4,000.00 sitting in the server account that we haven't spent. This would cover this year's cost and we could budget for the following years through the budget process. Dwayne said that it would be better if they went with the 200/200 but we would have to come up with \$1,900.00 for this year.

Selectman Johnson, Jr. asked how much time do the employees end up wasting because of this issue. Dwayne said that our biggest problem is that about noon time our internet basically dies. The way Spectrum works is that 200 accounts are on 1 what they call a hub. When all of those people get on the internet everything slows down to a crawl. A lot of our stuff is done through the internet. Selectman Galemмо stated that if it is just a difference of about \$500.00, he thinks that they should go with the 200/200. Chairman Cowan agreed.

Selectman Galemмо motioned to approve to get the Consolidated 200/200 plan for the internet service. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Dwayne stated that they will also create a public internet so when you are in the office you will be able to logon to it.

C. Private Road: Request to Name Private Road Off of Randall Road Wick Lane

Dwayne stated that there is a property at the end of Randall Road. Larry Wick has improved the road and created a private road. Selectman Galemмо asked if there was any issue with naming this road. Dwayne said there wasn't and that Larry Wick owns the road. Originally 150 feet of the road was created for Scott Morse. There was only 1 house so it was basically a driveway. Mr. Wick will be selling the property in the back as a building lot. He continued the road another 150 feet to get his required frontage. The road needs to be named because there will be 2 properties on the road. He would like to name it Wick Lane. We have nothing in town with that name and the Board has to approve private road names.

Selectman Galemмо motioned to approve to name the road Wick Lane. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

6. Other Business:

There was no other business at this time.

7. Review and Approve Warrants and Correspondence:

Warrant: July 30, 2019 - \$ 0.00
Warrant: August 6, 2019 - \$ 104,169.14

Selectman Galemmo motioned to approve the Warrant of August 6, 2019 for the amount of \$104,169.14. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 8:04 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Wendy Cowan

Selectman: Jonathan Hall

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson