

**North Berwick Board of Selectmen Minutes August 20, 2019**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
AUGUST 20, 2019**

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

**Absent:** Chairman Cowan

**Also Present:** Dwayne Morin

Vice Chairman Galemmo will be the Acting Chairman for tonight.

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

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of August 6, 2019**

Selectman Johnson, Jr. motioned to approve the minutes of August 6, 2019. Selectman Johnson, Sr. seconded. VOTE: 3-0 Abstain: 1

**3. Public Input**

There was no public input at this time.

**4. Unfinished Business:**

**A. Capital Projects: Updates**

Dwayne stated that the paving of the parking lots has been completed at both Fire Stations. It came in a little bit over budget but not too bad. The substation came in a little bit under budget and the Central Station came in a little over budget. In addition, Libby Scott donated 60 tons of pavement to the town for the Central Station. They had told us what they wanted us to do for prep but after it was done they decided that they needed to add more pavement. They were initially supposed to put down 2 inches of base pavement. However, when they looked and saw what was there for gravel, they decided that they needed to add more pavement. Since they did this on their own volition, they donated it to the town. This was at a cost of about \$4,500.00. Dwayne stated that they also paved more sidewalk than we had told them.

Dwayne said that they paved Valley Road and it came in under budget at about \$6,000.00 or \$7,000.00. He stated that they did have to pay more money for tree cutting so in the end it will balance itself out. If everything goes well, they will be starting Bauneg Beg Hill Road tomorrow and we still need to put the shoulders on Valley Road.

Dwayne stated that they did sign the contract with Affinity to begin the lighting project. He has sent some information to the Superintendent. They are having a School Board meeting on Thursday night and Dwayne will be making a presentation to them about the project. Selectman Hall said that now that we have signed the contract, can the school still join us. Dwayne said that they can because Affinity will hold it open until we sign our CMP contract. CMP has stated that they will have the contracts ready in 2 weeks. Affinity stated that they will have the lighting done by December.

Dwayne said that they are moving ahead with the new internet connection for the Town Office. He stated that our telephone contract doesn't expire until the end of September so they wanted us to buy 8 more lines. He convinced them to renegotiate our phone contract one month early. We have renewed our telephone contract for \$17.50 per line. This is the lowest price point that Fairpoint offers. Dwayne signed that contract today and it will give us 3 years at \$17.50 per line. It will take them about 2 months to get the internet service done.

Dwayne said that they finally got a design for the salt shed. At budget time, they had gotten a price from the company that had done Berwick and Eliot's sheds. They told us that we needed to put in an 8 inch concrete wall inside the existing concrete wall. Dwayne said that he brought it to our engineers and they did not agree. However, after they designed it they stated that we needed an 8 inch concrete wall inside of our 12 inch concrete wall. This is because the existing concrete is failing. They will rebar the walls together with 2 lines of rebar every 3 feet. Dwayne stated that the design of the building is not the greatest design. He said that the building is a concrete ring that is set on nothing, has no footing and is paved on the front and back sides. The roof structure sits on top of the wall. The wall supports the roof and supports the sand that we put in it. He stated that the problem is when they put the rebar in the concrete, they put it too close to the surface. On the inside of the building, the rebar was supposed to be a minimum of 2 inches from the edge of the concrete. They are finding that the rebar is less than an inch. This allowed the salt to seep into the concrete because they never treated the concrete. When the salt seeps in and hits a piece of rebar, it has caused the metal to expand and it is popping the concrete. Dwayne stated that a lot of the towns are having the same problem and they had all used the same company. Dwayne stated that the new plans show that they will have 2 rows of rebar. They will go in 5 inches into the existing wall. We will keep 4 inches of cover and coat it.

Dwayne said that he is not sure if they are going to have enough money to do it. The final design just came in today. They want us to go in and finish all of the spalls by breaking them all apart and cleaning them up. There are still about 5 or 6 spalls in there. Selectman Hall asked if we were going to hire someone to do this or if we were going to use our guys. Dwayne said that he would most probably use our guys to do this part but we will hire someone to do the rebar and concrete. He will look into pricing and check into when they can get it done.

**B. Hartford Lane: Gate Blocking Public Easement**

Dwayne stated that there was a letter in their packet for the Genest family along with all of the background information, State Law regulations and our Town regulations regarding public easements. He stated that only Municipal Officers can demand that the gate be removed so they would need to sign the letter. The letter reads:

It has come to the attention of the Town of North Berwick that you have installed a locked gate across the abandoned section of Hartford Lane. Pursuant to the MRSA 23 section of 3028, the North Berwick Board of Selectmen has deemed Hartford Lane as an Abandoned Road with a Public Easement, meaning the public has the right to utilize this road. As such, the installation of a gate prevents the public from using the public easement. In addition, the Town has a serious safety concern in that there is a dwelling located on the section of Hartford Lane that is gated and that dwelling cannot be accessed in case of an emergency due to the installation of the gate. Should there be an emergency such as medical, fire or police, the Town would not be able to access that dwelling or properties beyond the gate. The Board of Selectmen would like to settle this manner amicably and are in hopes that you will cooperate with the Board's request.

Pursuant to MRSA 23 section 3028(3), the Board of Selectmen are hereby notifying you to remove the gate that has been installed on Hartford Lane. Should you fail to remove the gate by September 6, 2019, the Town of North Berwick will remove the gate in compliance with State Law.

Enclosed with this letter is the Town of North Berwick Abandoned Roads list approved by the Board of Selectmen on December 2, 1997 determining that Hartford Lane is abandoned with a Public Easement. Pursuant to MRSA 23 section 328(2), this determination is binding on all persons unless otherwise determined by a court. Also enclosed with this letter is a copy of the Maine Statute regarding abandoned roads and the municipal officers authority to determine the status of a road and to have obstructions that block a public easement removed.

Should you wish to discuss this with the Board of Selectmen, the Board meets on the first and third Tuesday of the month and would welcome discussing this issue and the concerns that the gate is creating. You may also discuss this with the Town Manager, Dwayne Morin, to place you on the agenda for discussion.

Dwayne stated that they just have to sign the letter.

**Reminders: Next Board of Selectmen's Meeting** – September 3, 2019 – 6:30 pm Municipal Building

**5. New Business:**

**A. Commitment:** Establish Tax Rate and Set Commitment for FY2020

Dwayne stated that it is time for them to set the tax rate. Starting on page 17 of their packet is the information that shows all of the valuation of the town as well as the final results from the Annual Town Meeting. On page 22 and 23 is our Tax Calculation Form. It shows what the town can establish for a tax rate. Based on the numbers that we have, the mil rate can be established between \$11.95 and \$12.54. We usually try to do at least a 2.5% to 3% for an overlay. Dwayne stated that his concern is that because we did some valuation adjustments, we will probably see some abatement requests. This means that we need to have sufficient funds to be able to handle them. His recommendation would be that we establish the rate at \$12.35. He stated that the overlay helps build our operating capital and undesignated surplus. He stated that we used to try and keep \$100,000.00 in overlay because the school budget used to be about the same every year. The amount of money that we have in the bank that carries us through for the year so we don't borrow any money has been decreasing. This is why they now try to have a higher overlay.

Selectman Hall motioned to set the mil rate for the upcoming fiscal year at \$12.35. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

**B. Public Works:** Review Revised Quote for Purchase of Wheeler for Public Works

Dwayne stated that they had some good news regarding the Wheeler but this was quickly followed by some bad news. The good news is that we have been looking since April for a new Wheeler. We had budgeted \$200,000.00 that was based on a quote of \$190,000.00 from last December. Since that time, they have not been able to find a Wheeler under \$210,000.00. Last week, he got a call from Freightliner. They said that they spoke with HP Fairfield and they can build us a truck for \$203,313.00. It will start being built on September 3<sup>rd</sup>. They will hold this offer open to us until tomorrow to decide if we want it. The unfortunate part is that it is scheduled to be built as a red truck but they will paint it green which is why it was a little bit more money. The other thing is that it is an automatic because this is all that Western Star and Freightliner are building. Dwayne said that it is a little over our budget but it is within an acceptable framework and we could probably make that work.

Dwayne said that he received a call this morning and got some bad news. It is not set for a September 3<sup>rd</sup> build anymore. It is now set for a December 3<sup>rd</sup> build which means that we would take the delivery in March. Dwayne said that Freightliner and Western Star have experienced enormous growth. They are receiving 60,000 truck orders per month. This has caused them to have a tremendous backlog and there are no trucks on the lots. The good thing is that the price for the truck that would be built in December would go down to \$199,313.00 for us. Selectman Johnson, Sr. asked if they would be all set for the year with the old truck and Dwayne said that they would be.

Selectman Hall asked what the benefits and consequences were between an automatic and a standard. Dwayne said that about 90% of the trucks that the manufacturers are selling are

automatic. He stated that they have done some interviews for new employees recently and have found out a couple of things. If someone took their Class B or Class A license with an automatic transmission, you are not allowed to drive a manual. If you pass it with a manual than you can drive anything. However, the overwhelming number of trucks that people use to pass their license are automatic so this means that they can't hire any of these people to drive a manual. We have no automatic trucks in our fleet at this time.

Selectman Hall motioned to allow Dwayne Morin to sign a contract to secure the truck. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

**C. Linscott Road:** Review Letter Regarding Possible Intersection Realignment

Dwayne stated that he had drafted a letter to the Weaver's for the Board's approval inquiring if they would like to sell their property. He did send a copy to Chairman Cowan for her to review and make any changes. She made no changes to it and stated that it looked good. Dwayne read the letter into the minutes:

The Town of North Berwick has been working in conjunction with the Maine DOT in reviewing the intersection of Linscott Road and Route 9 in an effort to make the intersection safer. As you may know, the sight distance looking toward North Berwick village is severely restricted due to the alignment of Route 9 and more specifically the bridge over the railroad tracks. This unsafe sight distance has caused multiple accidents over the past few years leading the Town and Maine DOT to start reviewing what can be done to improve the safety of the intersection. Many ideas are being considered and one of the proposals is to move the location of the Linscott Road intersection to provide more sight distance when looking to the west.

In order to decide whether this is a viable option, the Board of Selectmen are contacting you as the abutting property owner to see if you would consider selling your property located at 192 Wells Street to the Town of North Berwick to assist in the realignment of the intersection. If you were not willing to sell your property, the Town and MDOT will look at other options. If you were willing, the Town would pay fair market value for the property and possibly more depending on appraisals and discussions with you. For informational purposes, currently the Town has your property valued at \$179,500.00 for assessment purposes, which is near fair market value.

The Board of Selectmen would like to discuss this in further detail with you so that the Town can determine whether to continue to look at a possible realignment or look at other options to improve safety at the intersection. Please feel free to contact Dwayne Morin, Town Manager, at 207-676-3353 x 4 to discuss the project and set up a meeting with the Board.

The Board of Selectmen would like to thank you for taking the time to consider the proposal and look forward to discussing this project in more depth with you.

Selectman Hall motioned to send the letter to Janet and Dwight Weaver. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**D. Liquor License: Review Catering Liquor License for Banks Wedding**

Dwayne stated that the Law states that if you hire a caterer and the caterer meets the conditions of our town, they are allowed to cater an event and sell alcohol at the event with approval from the Town. However, the Town cannot deny approval. They only have to give us 24 hours' notice. Dwayne stated that the Board usually doesn't see these requests but he wanted to get some clarification from them.

This application is for the Banks wedding that will be held on High Street at Willow Brook Farm. They are having Pirates Patio & Galley cater the event and they are a Class A restaurant. He contacted the State to make sure that they were Class A and they said that they were. There is nothing that we can use to deny it unless the Board had something dramatic that would not allow it.

Dwayne said that he would like to get some clarification on how to handle these. Usually he gets these requests about 24 hours before they happen. He has been signing them but he tells the people that they need to notify us with more notice. However, people point out that it states that they only have to give 24 hours' notice. Dwayne wants to know if they should continue to handle it where Dwayne just signs off on it or does the Board want to review them. Selectman Hall stated that he has no problem with Dwayne processing them and just bringing them before the Board if there is an issue with it. Acting Chairman Galemmo agreed. Dwayne said that he has always felt uncomfortable with this. He has told the State that they should change the Law because 24 hours' notice to a town is not long enough.

Acting Chairman Galemmo stated that these caterers are a Class A restaurant. He asked what happens if they are just a catering operation. Dwayne said that he did have this clarified by the State. He said that our voters have voted on the liquor license questions. There are 9 of them and the voters decided what we were going to allow in our town. Because we don't allow bars or other industries to serve liquor within our town, they can't serve alcohol in our town even though they are a catering operation. The only ones that can be approved in our town is if they are classified as Class A. Dwayne said that most caterers that have catered in our town carry a Class A license.

Selectman Hall motioned to accept the application for Pirates Patio & Galley to cater the Banks wedding and be allowed to serve alcohol. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to allow the Town Manager's office to have the authority to act on the Board's behalf to sign permits unless it is something he disagrees with, which he will then bring before the Board. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**E. Planning Board: Annette Hume Resignation**

Dwayne stated that he received an email this morning that was also sent to all of the Planning Board members. Annette Hume has tendered her resignation from the Planning Board. He stated that there is a previous Planning Board member that has expressed some interest so he will have him fill out an application.

Selectman Hall motioned to accept the resignation of Annette Hume. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

**6. Other Business:**

Dwayne said that he received the salt bid yesterday and it will be \$56.16 a ton this year. This is a \$1.31 increase. Last year it was \$54.85. Selectman Johnson, Sr. asked if it was from the same company as before. Dwayne said that it was and they use Morton Salt. He said that in previous years it has been between Morton and Eastern but we have used Morton for the last 3 years. Eastern was about \$3.70 higher than Morton.

Selectman Hall asked when the tax bills would be going out. Dwayne stated that he wants the tax bills to go out by September 3rd.

Selectman Johnson, Sr. said that he saw Glen Thompson a few months ago and he mentioned that Mr. Dyer has moved. He was the gentleman that came in to complain about trucks throwing rocks when they went by his house. Mr. Thompson asked if they could take down the truck sign now. Dwayne said that they put it out there to stop the rocks but also to keep the traffic down. Dwayne feels that it is better that the trucks don't go down that road because it is a dirt road. It is better for them to go up to Beech Ridge and take the paved road. The trucks also tear up the road more. Since we no longer have the trucks on the road, we haven't had to grade it as much. We used to have potholes all of the time.

Selectman Hall asked how we were going to notify the public about the value adjustment. Dwayne said that they will just get the tax bill. Selectman Hall asked about adding a letter with the tax bill explaining the adjustment. Dwayne said that he would not recommend that. He said that most people are not even going to notice a difference. Dwayne said that he will mention it in the Newsletter that he sends out in the Fall.

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

Warrant:	August 13, 2019	- \$	0.00
Warrant:	August 20, 2019	- \$	757,027.78

Selectman Hall motioned to approve the Warrant of August 20, 2019 for the amount of \$757,027.78. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

**8. Adjournment:**

Selectman Hall motioned to adjourn the meeting at 7:50 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, Sr.