

North Berwick Board of Selectmen Minutes November 19, 2019

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
NOVEMBER 19, 2019**

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

Also Present: Dwayne Morin, Julie Fernee, Rebecca Reed, Mark Reed, Bruce Hackett, Maurice Dolbec, Stan Cowan, Jeremiah Johnson, Gregg Drew

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

1. Pledge of Allegiance

2. Review and Approve Minutes of November 5, 2019

Dwayne stated that on page 5 under the Code Enforcement Officer section, the 7th sentence had the words, “Deputy Plummer” but it should read, “Deputy Plumbing Inspector”. Chairman Cowan stated that on page 3 under the Streetlight Project section, the 7th sentence currently reads, “There was also 2 streetlights...”. It should read, “There were also 2 streetlights...”. Also the 9th sentence in this paragraph currently reads, “This was being paid by a Pratt.”. It should read, “This was being paid by Pratt.”.

Selectman Galemmo motioned to approve the minutes of November 5, 2019 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

3. Public Input

There was no public input at this time.

5. New Business:

A. Budget Committee: Review Special Town Meeting Warrant Articles

Dwayne stated that they have been working on 2 projects. One of them they have been working on since about April and the other one has been since about July. In April, he started working with Verizon for a telecommunications lease for this building. The other one was working with Turning Point Energy for solar power.

Dwayne stated that they had 2 Articles to act on. The first one reads as follows:

Shall the Town authorize the Board of Selectmen to enter into a long term lease on municipally owned property Map 4 Lots 17-1, and 21 for the purposes of solar electricity generation on such terms as the Board deems to be in the Town’s interest?

Dwayne stated that, last year, the Legislature passed a solar power bill that will allow for what they call "Community Solar". Community Solar is basically a very large solar farm that people can buy into instead of putting solar panels on your own roof. If someone doesn't want to put them on their own roof but you still want to take advantage of solar power and solar credits, the State has authorized for developers to build up to 20 acres. Dwayne stated that if anyone has driven in New Hampshire or Vermont, they probably have seen these solar farms. It is a little different because it is not generating power for that individual. People actually buy into the solar farm. The Governor has also stated that her goal is that by the year 2023 she wants the State to be get at least 60% of our energy from renewable sources and be at about 80% by around the year 2030. This would be by sources such as solar and wind. It would be anything except fossil fuel.

The Community Solar Power Legislation starts in July of 2020 and it will be competitive. The goal to build 400 megawatt's worth of electricity through solar power throughout the entire State of Maine. They are not going to just allow anyone to go and build these. The companies will have to apply to the State of Maine and get permission to be a Community Solar Power Farm. In order for them to do that they actually have to have sites and have their DEP and town permits in hand. All of the solar companies have been scouring the State for locations for these Solar Power farms.

Dwayne stated that, in order for solar farms to be effective, they need to be near a transmission distribution center. North Berwick happens to have 2 of the largest in southern Maine. We have one that serves Pratt and we have one on Cabbage Hill. Both of them are large enough to be able to handle the input of the solar watts. He stated that in late Spring, mid-Summer, we had lots of companies coming to the Town to ask if we would lease them certain parcels of land. They had certain properties in mind but a lot of the ones that they had picked, we already had things on them like where the Community Center is or on Maple Street where we have our new trail system or have other purposes for them. One of the properties that he talked to Turning Point about was the old landfill which was closed sometime in the mid 1980's. It was then deemed to be an uncontrolled hazardous waste site. It was cleaned up by the Federal Government and the State of Maine. The Town purchased all of the land around it for liability reasons. The goal was to make sure that nobody was going to build houses on that property. We are not the only ones involved in the hazardous waste site. Allied Signal, which used to be where Pratt is and Hussey Manufacturing are also principal responsible parties. The concern was that if houses were to be built on the property behind the Transfer Station and their water got contaminated and people got sick or developed cancer, it would be a huge liability for the Town and the 2 companies. The Thompson family owned the property and the Town bought all 76 acres from them.

Turning Point is very interested in our property. Dwayne said that for the past few months, we have been negotiating the terms for a long term lease. Our Attorney said that we need to have a Special Town Meeting in order to sign anything to start the project. This is why we are holding a Special Town Meeting before the end of the year. The goal would be to build a 20 acre solar farm on that property. He stated that there are some streams and wetlands in the area that need to be maintained. We will allow them a certain amount of land that we know they can work with and they will have to decide how it would be set up. Jeremiah Johnson from the Budget

Committee asked how much of the property was on the landfill. Dwayne said it was very little and showed them where it was located on the map.

Jeremiah Johnson asked if there was any liability to the town if something happens such as their infrastructure settling. Would we be responsible for any repairs? Dwayne said that we would not be responsible. Dwayne stated that in order for them to build they need to go through our Planning Board for approval and also go through DEP. Dwayne stated that the good thing about this is that this land is basically unusable so this will give us a use as well as revenue. The lease is basically a 25 year lease with three 5 year extensions. We negotiated a \$950 per acre lease which will generate \$1.5 million revenue for the town for all of these years. We do not have to pay anything to develop it. They pay for all development costs. Mr. Johnson asked if they were a reputable company. Dwayne stated that they were. Mr. Johnson asked what happens at the end life of the solar panels. Are we responsible for removal? Dwayne said that we do not and it is all part of our negotiations. If a panel no longer works after 12 years, they will be responsible for replacing it and disposing of the old one. Dwayne said that we will make them bond it. Mr. Johnson asked if the land would be as they found it when they remove them all. Dwayne stated that it would be except for the trees that were cut down to put up the panels. Mr. Johnson asked if the public would still have access to the 20 acres. Dwayne stated that we do not currently allow public access anyway.

Gregg Drew from the Budget Committee asked if they were going to have the solar panels go all the way back to the Rod & Gun Club. Dwayne stated that he did not think they would. Dwayne stated that the lease agreement is about 22 pages long. He said that we are very fortunate because the person that actually wrote the State Law for Community Solar is our Attorney. Dwayne said that we had started out at a lower number than \$950 per acre but our Attorney said that we can get better so we negotiated a better term and a better deal. Dwayne stated that it is \$950 per acre per year with an increase of 2% each year. Gregg Drew asked if they would be paying the taxes on the land. Dwayne said there are not taxes on the land. They will pay personal property taxes on the solar panels. Last year, the State of Maine set a price that we can charge for solar panels so it is set in State Law.

Gregg Drew asked if any of the electricity would be turned into North Berwick electricity. Dwayne stated that it would all be North Berwick electricity. He said that solar generates electricity just like a hydroelectric dam or a power generation plant. This is placed on a grid and that electricity is then sold. With solar power, it works as solar credits. The company will have a large solar field and they will go to people and find out who wants to buy into the project. Companies and individuals will be able to buy into the project. Gregg Drew asked if Central Maine Power would be able to buy into it too. Dwayne said that they do not buy electricity. They just distribute and transmit. The company will sell to the people and the businesses as if they would have put solar panels on their own homes or buildings. You will use the power and the credits will reduce the electricity bill.

Jeremiah Johnson asked who can buy into it and how they buy into it. Dwayne said that there is a State Law on how Community Solar works. It is not something that the town will get involved in. Mr. Johnson asked if it will be available to the private citizens in town. Dwayne stated that there will be potential for people to buy in. Selectman Hall stated that it will probably be offered

to big businesses first. Dwayne agreed because this is where they would be able to sell most of their credits. It will be up to the company that installs the panels. Jeremiah Johnson asked what the benefit was to the citizens other than the installation. Dwayne said that it will be \$1.5 million in revenue on property that we currently generate nothing for because it is unusable for most things.

Rebecca Reed asked how the electricity get from the panels to the transfer stations. Dwayne said that they tie in to the current electrical lines. Gregg Drew asked if they were going to have a building as well as the panels on the property. Dwayne said that was highly unlikely. Mr. Drew asked if it was going to be fenced in and Dwayne said that it would be. Bruce Hackett asked if we had any control as to what part of the property would be made available for the 20 acres. Dwayne said that they would to a certain extent. Mr. Hackett stated that he is all for solar power. He said that he lives across the street from the Town Garage and he listens to people at the Rod & Gun shooting 7 days a week. His concern is if they go all the way back and cut the trees, it would be even louder. Dwayne said that it is a Resource Protection zone so nothing will happen along 250 feet of the river. Dwayne said that they would definitely be cutting trees but he is not sure how much. They need to cut down enough to allow the panels to be energized by the sun.

Selectman Hall stated that it is a good thing for the town because it is allowing us to use the land for something. Dwayne stated that the signing of the lease does not guarantee that something will actually be built there. It is a competitive process for the company to go through. He stated that we would sign the lease for two 1 year options where they will pay us \$4,000.00 per year to keep it under option. This will allow them to be in the program and see if it is a property that they can develop. If they do develop, than that is when the lease would kick in. He said that we did not list Turning Point in the Warrant Article. This was done purposely because if Turning Point fails to develop the property, we still want to have the ability to talk to another company about it.

Julie Fernee asked what will happen to the land that is underneath the panels. She wondered if grass will grow there. Dwayne said that it will not grow grass underneath. He said that there is currently no grass there anyway. Ms. Fernee said that she was just wondering about possible wildlife underneath. Dwayne said that there may be things like snakes and mice. Maurice Dolbec said that he saw them when he went to Vermont and he said that there was plenty of grass underneath those. Dwayne said that it depends on what they put up. If they are fixed panels, there will not be much growth underneath.

Dwayne said that our goal is to generate revenue on unusable land and it is clean electricity. He said that the lease states that the Town will have the option to purchase some of the solar credits. Chairman Cowan said that not all towns will be able to have the opportunity for this kind of project. Dwayne said that this will not be the only site in North Berwick. There are companies looking at putting some on private individual sites.

Chairman Cowan stated that they would need to have a vote from the Budget Committee for this Article.

Rebecca Reed motioned to enter into a long term lease on the municipally owned property Map 4 Lots 17-1 and 21 for the purposes of solar electricity generation on such terms as the Board deems to be in the Town's interest. Maurice Dolbec seconded the motion.

VOTE: 6-0 Abstain: 1

Dwayne stated that the next article to act on reads as follows:

Shall the Town authorize the Board of Selectmen to enter into a long term lease with a telecommunications service provider for use of a portion of the Municipal Building (Town Hall) on such terms as the Board deems to be in the Town's interest?

Dwayne stated that they started talking to Verizon around March of this year. Verizon is making a big push in the State of Maine to increase their cellular coverage. They are looking to build 8 cell sites throughout the State. In North Berwick, they don't want to build a tower. They want to utilize existing buildings if at all possible. They talked to people at the church, at the mill and other areas. One of the ones they spoke to was us. Dwayne said that since the school moved out of this building, he has been looking for ways to capture more revenue in this building. This is very difficult for several reasons. When we renovated this building, we borrowed Federal funds. Under the guidelines of tax exempt bonds, which is what we borrowed, we cannot allow a profit making business to exist within our building. We are limited to 5% to lease. We have 9,000 sf in this building so 5% is about 950 sf. This limits us as to what we can do.

Leasing to Verizon would give us substantial revenue. Dwayne stated that this Article does not specify Verizon so that if it doesn't work with them, we would have the ability to speak with someone else. He stated that we would lease them 150 sf which is one room on the third floor. They will put their antennas on our unused chimney. There would be 2 antennas on each corner for a total of 6. He said that they are working with Verizon to have them make the antennas as unobtrusive as possible. They can actually color them the same color as the brick so people wouldn't even know that they are there.

Jeremiah Johnson stated that he has some concerns with this. He has RF concerns as well as 5G concerns. He asked how much wattage that the intended to put out. Dwayne said that he didn't know. Mr. Johnson asked if they would know before signing a contract. Dwayne said that we will know if it interferes with anything in the building. Mr. Johnson stated that he has safety concerns because there is a lot we don't know about RF and there is a lot we don't know about going 5G. He said that the more wattage, the bigger the radio frequency and the more power means that there are more safety concerns. He said that the State of Maine still has "May cause cancer" on every cell phone you buy. His concern is that we are going to put this on the Town Hall. He supports better cell service. He asked how this will benefit the town other than money. He said that he sees the profit but we don't know the risk. Dwayne said that you will find many scientists and they will all tell you something different when it comes to cell phone risks. He said that we already have 3 towers in town and they are in the middle of residential neighborhoods. Mr. Johnson said that just because they are there doesn't mean that they are safe. He stated that all of the providers are trying to go to 5G and we don't know the inherent risks are of 5G. Dwayne said that these towers would not be 5G. Mr. Johnson stated that they will eventually want to grow their infrastructure so they can go to 5G.

Selectman Hall stated that this is purely a financial benefit to the town. Mr. Johnson asked at what cost to people in the town. Julie Fernee said that a lot of things in life are carcinogenic. Mr. Johnson stated that he would just like for the Board to consider tabling it for now. He would like them to do more research on it. He said that we will just be getting \$1,500.00 per month. He doesn't feel that it is worth it. Dwayne said that what they are paying us is actually more than what they will pay people to put a tower up. Dwayne believes that there is little risk.

Dwayne stated that Verizon will have multiple insurance plans to cover any kind of damage. Their agreement is about 45 pages long. Our Attorney has reviewed it completely and has covered everything. Mr. Johnson reiterated that he would like it tabled so they can do more research. Selectman Galemme looked up the National Institute of Health website on his phone. They list many studies from all over the world and they all said that there was no correlation between cell phones and illness. Selectman Hall said that the school moving out of the building has hurt us financially and we don't have a lot of options to recoup the loss.

Selectman Hall said that he is not concerned about any security risks. With the Police Department being in the building, we have a pretty strong firewall. Dwayne said that their system will not be tied to our system at all. He said that if they interfere with our facilities then they can't do it. Chairman Cowan stated that this was one of the concerns that the Board as well. They want to maintain a degree of separation.

Gregg Drew asked about the lease time frame. Dwayne stated that it is a 5 year initial term with 4 additional 5 year terms. Selectman Hall said that it takes up a very small amount of space. It is a chimney that we don't use that they will have access to for their wiring and antennas. He stated that it will be fairly comparable to the revenue that we lost. Jeremiah Johnson asked if we will know what their reach is and what the wattage will be prior to when they put it up. Dwayne said they will need to supply that information when they go through the Planning Board.

Rebecca Reed motioned to enter into a long term lease with a telecommunications service provider for use of a portion of the Municipal Building (Town Hall) on such terms as the Board deems to be in the Town's interest. Maurice Dolbec seconded the motion.

VOTE: 5-1 Abstain: 1

Dwayne stated that the Town Meeting will be on December 3rd.

4. Unfinished Business:

A. Linscott Road: Intersection Realignment

Dwayne said that the surveying is completed. He met with the engineer today and we should have preliminary plans to look at within 2 weeks. It looks like pretty easy construction. They are still working with the property owner on various ideas. The appraisal should be done by the end of this month.

B. Streetlight Project: Update

Dwayne said that we now possess our streetlights and they are sitting in the garage. Chairman Cowan asked what the final total was for the number of streetlights. Dwayne said that there were 182 lights.

C. Recycling: Request to Join the NRC Recycling Reform Project

Dwayne stated that, at the last meeting, the Board decided to sign a Recycling Reform Resolution.

Selectman Galemmo motioned to sign the Resolution for Recycling Reform for Maine. Selectman Hall seconded the motion. VOTE: 4-1

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

Labor Negotiations – Request to Join the Recycling Reform Project

5. New Business:

B. Special Town Meeting: Review and Approve Warrant

Dwayne stated that after the meeting, he will go downstairs and complete the Warrants with the results of tonight's meeting so they can sign them.

C. Surplus Equipment: Review bids for One-Ton

Dwayne stated that they received a bid from Larry Wick for \$8,102.00.

Selectman Galemmo motioned to approve the bid from Larry Wick for \$8,102.00 for the One-Ton truck. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

D. Newsletter: Review Newsletter

Dwayne stated that the Newsletter will be mailed out tomorrow. It outlines the Special Town Meeting and updates on the other Town Meetings that we had during the course of the year.

E. Maple Street Forest: Update on Bridge Crossings

Dwayne said that, in the Budget, we put money in to build 2 bridge crossings along the trail. He went out with Mike to see how they would build them. After taking a look at it, it looks like it would be better to culvert the streams. If we build a bridge it will be a structure that we will need to maintain. We would need to put railings on it and it could be subject to vandalism. We will put a 20 foot culvert in and cover it with dirt. We can complete it in about a day and a half. It will cost significantly less to do the culverts because we actually have some spare culverts that we can use. Dwayne said that when it is all said and done, it will actually be better because we will be able to control the water coming out. This will help to keep the water on the Town

property instead of on the neighbors. He stated that the plastic culverts will last forever. He met with the Chairman of the Conservation Commission and he thought it was a better idea as well.

Selectman Hall motioned that we replace the bridges with culverts on the Maple Street trail. Selectman Galemmo seconded the motion. VOTE: 5-0

F. Eastern Trail: Appoint Representative and Alternate

Dwayne contacted the Reed's to see if they would be interested to be the representative on the Eastern Trail project. Mark Reed will be the primary representative and Rebecca Reed will be the alternate.

Selectman Hall motioned to approve Mark Reed to be the representative to the Eastern Trail and Rebecca Reed to be the alternate. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

G. Boston Post Cane: Award to New Recipient

Dwayne stated that Mary Steeves passed away so they need to pass the cane on to the next oldest person in town. Her name is Catherine Davis and she is 97 years old. Dwayne stated that they should contact her to make sure that she wants it. Dwayne will reach out to her.

7. Review and Approve Warrants and Correspondence

Warrant:	November 12, 2019	- \$	0.00
Warrant:	November 19, 2019	- \$	638,300.69

Selectman Galemmo motioned to approve the Warrant of November 19, 2019 for the amount of \$638,300.69. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Selectman Galemmo motioned to approve the Warrants for the Special Town Meeting. Selectman Hall seconded the motion. VOTE: 5-0

6. Other Business – Executive Session - Legal

Selectman Galemmo motioned to go into Executive Session at 8:05 pm and get out at 9:00 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 9:01 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

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.