

**North Berwick Board of Selectmen Minutes February 18, 2020**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
FEBRUARY 18, 2020**

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

**Absent:** Chairman Cowan

**Also Present:** Dwayne Morin, Paul Healey

Vice Chairman Galemmo will be the Acting Chairman for tonight's meeting.

Acting Chairman Galemmo opened the meeting at 6:30 pm.

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of February 4, 2020**

Dwayne stated that he just corrected a word and it was not anything major.

Selectman Hall motioned to approve the minutes of February 4, 2020 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0 Abstain: 1

**3. Public Input**

There was no public input at this time.

**4. Unfinished Business:**

**A. Linscott Road: Intersection Realignment Update**

Dwayne stated that the State contacted us. He stated that, when we obtain the Weaver property, we were going to deed the intersection to the State, the roadbed and a section of the land that would be equal to the 11,500 sf of the parcel that they will deed to us that we can relocate the Weaver's daughter on. It has come to our understanding that we can't deed them the right of way. The Law prohibits the State from receiving right of way lands so we cannot deed it to them. We need to come up with another plan in order to make them whole. Dwayne asked them why they need to make them whole. They stated that, when they did the original Route 9 project, it was Federal funds that purchased the house and the property. In order for them to stay in compliance with Federal funding, they have to have like kind swaps in order to make it work. Dwayne stated that the best way to do this is for us to give them 11,500 sf of the Weaver property.

Originally, there was a few things that the DOT didn't want. They didn't want a foundation or a septic system. Unfortunately by giving them 11,500 sf of the Weaver property, we will be giving them half of the foundation and the septic system. The well would stay on our property. They have since changed their mind and they will now accept the foundation filled in and accept the septic system as long as we pump the tank and fill it in. In order for us to move forward with this, the Board would have to agree that, once we obtain the Weaver property, we would then deed them 11,500 sf of that property as compensation for the lot.

Selectman Johnson, Sr. asked where the end of the Newhall's property was and Dwayne showed it to him on the plan. Selectman Johnson, Sr. asked if they were going to get half of the road. Dwayne said that they would not because he is not proposing to discontinue the road. He will propose that they just don't utilize the road. They will dig it up and retain ownership and retain the rights. He said that they will not discontinue it but they will just not utilize it. Selectman Hall asked if it was going to be blocked off and Dwayne said that it would be. Dwayne stated that the DOT thought that we would hook into their guardrail and extend it. However, he doesn't want to have anything to do with the DOT and their guardrail system. We will put in a barrier back away from the road off of the right of way.

Dwayne stated that, if the Board agrees to do this, he has requested from the State to have the utility rights so we can put utilities across our property if we want to do so in the future. He also is requesting grading rights and the right to remove vegetation on the property if we ever need to do so. They have agreed to all 3 of these requests as of this afternoon. Selectman Hall asked if we were going to fill in the septic system before and Dwayne said that we were going to. Selectman Hall asked if any of this was going to change our cost and Dwayne said that it would not. He stated that we will lose a little bit of land but we would not have been utilizing the land for anything anyway other than possibly adding utilities in the future. Dwayne stated that we also need to cut quite a bit of the vegetation out to get site distance. DOT has allowed for us to do that.

Selectman Hall motioned that, pending Town Meeting approval, we swap with the State of Maine 11,500 sf of the Weaver property retaining utility rights, grading rights and right to remove vegetation. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Dwayne stated that, on Page 14 of their packet is the Articles for the Warrant. He had a discussion with the attorney to find out the best way to handle these Warrants. We were going to have 5 different Warrant Articles but they asked what would happen if some of them passed and some of them didn't. They decided to do it in 2 Warrant Articles. The first Article basically lists everything that has to do with the DOT and the Weaver purchase. It would authorize us to raise \$180,000 to fund the purchase of the Weaver property, convey the 11,500 sf to the State, purchase the land from the State, to purchase and install a modular home on Lot B and to convey Lot B and the modular home to the current owner of Lot A. It will all be done in 1 Article instead of 5 separate ones.

Dwayne stated that the 2<sup>nd</sup> Article will be the transfer to the Healey's to allow the town to deed a portion of the newly Weaver property to the Healey's to remedy the shared boundary line

between the 2 parcels. We would install about a 70 foot long fence on our property so that we can maintain both sides. It would also give them some privacy.

**B. Streetlight Project:**

Dwayne stated that there are 22 additional streetlight locations that they are looking at. He stated that the opportunity has arisen to obtain 13 mast arms from the Town of Randolph at the cost of \$50 apiece for a total of \$650. Dwayne stated that even if we decided to not add any additional streetlights, they should still purchase the mast arms because it is a great price. They usually go for about \$500 apiece brand new.

Selectman Hall motioned to spend \$650 to purchase 13 mast arms from the Town of Randolph. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Dwayne stated that he has been talking to CMP and have submitted our application to them for the additional streetlights. They came back and said that they need to know the types of lights that we will be adding. We submitted another application telling them that it is pretty much the same type of light that is being added all over the State of Maine. They told him that they would let us know within a certain amount of time of their decision. They do not give a specific time frame. Dwayne said that they have to go out and see all of the locations that we submitted.

**C. Budget FY21: Discuss Budget for FY21**

Dwayne stated that they have reviewed the General Government, TIF and Protection. This week they are doing Roads, Transfer Station and Police. Next week they will be doing Fire and Rescue.

**Reminders: Next Board of Selectmen's Meeting** – Mar. 3, 2020 – 6:30 pm Municipal Building

**Budget Committee** – February 19, 2020 – 6:30 pm Municipal Building

**Budget Committee** – February 26, 2020 – 6:30 pm Municipal Building

**5. New Business:**

**A. Abatements: Review Abatements for Old Personal Property Accounts**

Dwayne stated that they have been looking the old personal property accounts that are on our collection rolls that we will never be able to collect. He stated that this is a good year to clean them up because we set aside a lot of money for abatements because we thought we were going to get a lot of abatements when they did the reval. We actually received no requests. We have attempted to collect on all of these. Most of them are places that are out of business. There are some that are still active businesses that we are seeking payment from and have sent out many letters.

Selectman Hall motioned to abate Account #24 in the amount of \$4,790.75. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #16 in the amount of \$1,171.66. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #51 in the amount of \$28.55. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #59 in the amount of \$72.51. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #70 in the amount of \$139.30. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #151 in the amount of \$1,802.42. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #17 in the amount of \$1,593.31. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #95 in the amount of \$29.86. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #57 in the amount of \$.07. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #80 in the amount of \$1,896.91. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #22 in the amount of \$189.88. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #111 in the amount of \$645.98. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #78 in the amount of \$981.36. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #90 in the amount of \$23.23. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #138 in the amount of \$185.59. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #161 in the amount of \$81.33. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #198 in the amount of \$35.77. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #165 in the amount of \$84.33. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #203 in the amount of \$124.50. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #60 in the amount of \$136.95. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #233 in the amount of \$376.50. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #235 in the amount of \$2,179.86. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #234 in the amount of \$385.08. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to abate Account #7 in the amount of \$333.75. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Dwayne stated that he sent out 7 letters to accounts that are currently active. He sent one out to Dwight Littlefield Trucking. Even though it is closed he is still renting out his facility so we will attempt to collect. Mr. Littlefield did tell Dwayne that he would pay the taxes so we are sending a letter to collect his taxes of about \$1,100. Another one is for Dave's Garage owes us a significant amount of money. They owe almost \$8,500. Town Pizza is another one that owes us and they owe a total of almost \$6,300. Selectman Hall asked what the chances were that we would get paid for these. Dwayne said that as a viable entity we can actually file an UCC. Our attorneys tell us that once we get up into these kind of numbers, it makes sense to go after them legally. What would happen is that they would do what they call a Sherriff Share where a sheriff actually sits at the business and collects the money. He stated that they really don't want to do that. Another letter went to Another Look and they owe us about \$700. Sprint Nextel owes us about \$450 and JBJ Machine Company owes us about \$13,500.

## **B. Deerfield Estates:**

Dwayne stated that they missed the deadline of December 31<sup>st</sup> to have a Warrant Article on the Warrant. However, the Board decides what goes on the Warrant. They are requesting that the Board place an Article for the Annual Town Meeting this year for the Town to accept Deerfield Estates Road. Dwayne stated that there are certain criteria that they need to submit to us to get it on the Warrant. They have submitted a good portion of it but they still have some things that they still need to give to us. They have given us a draft deed, however there needs to be some additions to the deed. We are taking over the road but we are not taking over the drainage. The

drainage will be the responsibility of the Association. He has spoken to their Attorney and told them that there needs to be language that states that we are taking over the road but the drainage will be maintained by the Association. He stated that they know that they need to make sure that the deed reflects that. They have given us a copy of the description of the property that they will be deeding to the town, which is part of the requirement. They have given us a sample of the Bond that they need to put up. They need to put up a 5% Surety Bond for the cost of the road for 1 year. Dwayne stated that he doesn't like the language of this bond and he has spoken to the bonding company. The concern that he has is that this bond states, "The surety may, if it shall so elect, cancel this bond by giving, thirty (30) days written notice". Dwayne said that they could buy the bond in April and in May, cancel the bond and we would be out of luck. He told them that we need a 100% guarantee that the bond will be in place for 1 year. We will not accept anything other than that. He told them that the only thing that we would accept, which we do with letters of credit, is that if they are going to allow Mr. Berube to cancel the bond, we would require 150 day notice. We would also need the language changed to allow the Town, that if the person decides to cancel the bond, the town can draw the entire amount down before the 150 day expires. The bonding company is currently working on this.

Selectman Hall asked when the Warrant went to print. Dwayne said that it goes in March. Selectman Hall asked Dwayne if he felt that they could get us all of the information needed before the time for the Warrant to go to print. Dwayne said that the bond should be done by the end of the week. They need to supply us with the mylars of the road. We have a mylar of the overall subdivision but part of the acceptance under our Ordinance is that they need to give us an actual mylar of the actual road. We have paper copies but still need the mylars. They were working with the engineer to supply those to us. The engineer needs to write a letter stating that the road was constructed in accordance with the plans.

Dwayne stated that the last thing that they need to talk about is that, as part of the plans, Mr. Berube was supposed to put in some lights at either entrance of the roads. They were supposed to be decorative streetlights. In hindsight, Dwayne is glad that he didn't do it because those streetlights would become the responsibility of the town and we really don't want decorative streetlights. Dwayne said that he would recommend to the Board that, if they do decide to put this through to the voters, they have Mr. Berube be responsible for the cost of installing those 2 streetlights and it should be put in escrow prior to the vote.

Selectman Johnson, Jr. stated that it might make more sense to include it on the Fall ballot so they don't rush it. Selectman Hall said that he feels bad for the residents because they have been wanting this to happen for quite some time now. Dwayne said that they have been talking about this for about 5 years now. He said that an April or November vote really doesn't make any difference. There is still ample opportunity to add it to the April meeting. As long as they provide all of the stuff that we need. If they don't then we pull the plug and don't add it.

Selectman Hall motioned to have the Board of Selectmen add a Warrant at Town Meeting to take over the Deerfield Estates Road as long as the Town Manager deems that everything has been done correctly and has been submitted by March 2, 2020. Selectman Johnson, Sr. seconded the motion. VOTE 4-0

### C. **Municipal Building:** Heating System Controls

Dwayne stated that a couple of weeks ago, he spent his Sunday here in the building due to the heating system. The way it works is that we have a steam furnace, an air handler and what is called an air makeup system. Every room has what is called a VAV box which opens up a damper, lets the air flow through and closes the damper when the air does not need to flow through. This is all computerized. There is a main controller called the head controller that is located downstairs. This is computerized so Dwayne can view it on his computer. Up until we had this malfunction, he has been able to make adjustments from his computer while he is home. He gets a text that says we have no heat in the building and he can run tests through the computer to see what is going on. Sometimes he can just kickstart the system on the computer.

Last Sunday, he got a call that there was no heat so he got on the computer and tried to kickstart it. He waited about an hour to see if the heat would come back on but nothing was happening. He got a call from the Police Department saying that there was no heat in the building and the alarms were all going off. He asked them if they could hear the furnace. They told him that they could hear it going on and off. He came down to check it out. He said that on weekends, they don't run the system unless it is very cold. If the temperature drops to a certain point in the building which is 55 degrees, then no matter what the computer says, the heat kicks on. There is a heat coil that the steam passes through and we blow air over the steam coil. The whole idea is to protect the steam coil at all costs. This is how the computer is set up. Whenever something fails, it should always fail with the steam valve 100% open because we don't want it to get frozen. A few years ago we had a situation where the back end was freezing because we suck in air from outside. It wasn't working properly and we fixed it and we added the Freeze stat. This says that if the back end of the system gets too cold, it shuts the system down. When it shuts the system down it is supposed to open the valve 100% to protect the coil. He hit the button on the Freeze stat and nothing happened. He tried to kickstart it with his computer but nothing happened. He went downstairs to the touchpad and was looking at things. When he looked at the weekly schedule he noticed that this was not the schedule that he had set in the computer. He found out that his computer is not talking with head controller anymore because the head end is failing.

Dwayne said that the head end is no longer working properly. He said that when they built the building they chose KMC. He found out that the KMC system that we have in place is no longer supported by KMC. The other thing that he found out is that it is a proprietary system so all of the controls throughout the building will not talk to a new head controller. In order to fix the head end, which is the main controller and is what is failing, we have to replace every control in this building. We have 22 controllers. We have a main controller, 3 slave controllers and 25 VAV valves that we need to replace. When he first spoke with Specialty Services on that Sunday morning when they were trying to get the temperature up, they thought it might cost about \$25,000 to replace these but they weren't sure. When he had gone back to office he notified Dwayne and told him that it would be \$38,659. Because we have 25 VAV boxes we can't use the smaller controller. We have to buy the larger controller because it is done by segments.

Dwayne asked if they could change some of these things. He said that they are not using the 3<sup>rd</sup> floor so maybe they can save there. They told Dwayne that he would at least need to put in the slave controller because we need to be able to recycle the air. They did say that we could eliminate the VAV boxes. There are 8 VAV boxes on the 3<sup>rd</sup> floor that we can eliminate. Selectman Hall asked what the warranty was for these. Dwayne said that it was only for a year.

Selectman Hall motioned to allow the Town Manager to enter into a contract with Specialty Services Corporation for \$31,123.00 to be taken from the Emergency Fund. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**6. Other Business – Executive Session – Poverty Abatement**

Selectman Johnson, Jr. motioned to go into Executive Session at 7:30 pm. Selectman Hall seconded the motion. VOTE: 4-0

Selectman Hall motioned to come out of Executive Session at 8:01 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Selectman Hall motioned to table the property abatement until the March 3<sup>rd</sup> Board of Selectmen meeting. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Dwayne brought up a picture of what the proposed Fire Station would look like.

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

Warrant:	February 11, 2020	- \$	0.00
Warrant:	February 28, 2020	- \$	617,370.42

Selectman Hall motioned to approve the Warrant of February 28, 2020 for the amount of \$617,370.42. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**9. Adjournment:**

Selectman Hall motioned to adjourn the meeting at 8:17 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 Glemmo

Selectman: Michael Johnson, Sr.

