

North Berwick Board of Selectmen Minutes March 17, 2020

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
MARCH 17, 2020**

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

Also Present: Dwayne Morin

Chairman Cowan opened the meeting at 6:20 pm.

- 1. Pledge of Allegiance**
- 2. Public Hearing – 6:35 PM – Referendum Questions for Town Meeting – Postponed**
- 3. Review and Approve Minutes of March 3, 2020**

Selectman Johnson, Sr. stated that on in the first paragraph on Page 3, it was listed as Kennebunk but it should be Kennebunk Savings.

Selectman Galemmo motioned to approve the minutes of March 3, 2020 as amended. Selectman Hall seconded the motion. VOTE: 5-0

4. Public Input

There was no public input at this time.

5. Unfinished Business:

A. Linscott Road: Intersection Realignment Update – State Agreement

Dwayne stated that the latest agreement with the State is in their packet starting on page 11. He said that the first page is just the background that states everything that we want to do and what we want to accomplish. He said that everything is all set until we get to the actual agreement that there are a few issues. He spoke with the DOT today about a few things and their attorney was supposed to call him today but he never did.

Dwayne said that #8 of the agreement requires us to survey the property. He stated that we did survey the property where we are doing the road reconstruction. He has talked to Sebago Technics and they will complete the boundary survey for \$1,000. Dwayne stated that he has a few issues with #9 of the agreement. He said that we had asked for utility and grading easements over the property that we are going to deed to them but they did not include that in the agreement. He said that the State had said they would give the easements but now their attorney is stating that they will not. Chairman Cowan asked why they had changed their mind. Dwayne

said that he did not know and that none of the DOT personnel that he has been dealing with know either. This is why he wanted to speak to the attorney.

Dwayne said that they also have issues with #10 of the agreement. It talks about the filling of a dug well but there is no dug well. It is a drilled well and it will remain on town property so there is no need to have this part in the agreement. They had originally told us that we would be able to pump the septic tank and crush it in place. Now they want us to remove it which will add additional cost to the town. The person from DOT that he spoke to this afternoon said that this shouldn't be an issue and we should be able to crush it in place. Dwayne stated that he does have an email from the State stating that this would be okay. The person from the DOT believes that they will fix the language that crushing in place will be okay.

Dwayne stated that he has a big problem with #11 of the agreement. They are saying that it is standard boiler plates for all DOT projects. This part states that it allows the DOT to require that we perform environmental and geotechnical testing on the property. It would also be at their sole discretion where they could cancel this agreement and require us to pay them for the property that we are getting. Dwayne stated that he doesn't believe that they will remove this part of the agreement. He was told by DOT that it is standard on all of their agreements and that they never use it. Dwayne said that the problem that he has with it is that it gives the State sole discretion and the town would have no recourse. Dwayne said that this is not something that he has ever spoken to them about in the previous conversations. He said that there should be no reason for these requirements because it is a single family home currently. He said that he could probably see the environmental testing because we were going to burn the building down and they wanted to make sure that there was nothing like lead paint or ash. He then told them that we would tear it down instead of burning it so it takes that issue right out of the equation. Dwayne stated that, regarding the geotechnical testing, they are going to tell him that the property is wet which we already know.

Dwayne said that he is waiting to hear back from their attorney to discuss these issues. He said that, as a whole, they have agreed to everything in principle but there are some nitty gritty details that need to be reviewed.

Dwayne stated that because we had to cancel Town Meeting in April, we will not be able to complete this project in this calendar year. If we wait for June for Town Meeting, we can't order the house and it is a 150 day turnaround on it. This would bring us into November and there is no way that we can build the road in November. He said that they could probably get the house portion of the project done and then construct the intersection in the Spring of 2021. Chairman Cowan asked if he meant that they would just be able to tear down the house. Dwayne said that he meant that they could get the new house, move the tenant in and tear down the current home this year.

B. Streetlight Project: Update

Dwayne stated that he filed a complaint against CMP. He said that we put our new streetlights in place by the 27th of December. We notified CMP in January to rectify our bill but they have yet to do so. Dwayne said that he received the first bill in January and they told him to pay it. He told them that if he paid the \$1,000 we would have a massive credit. CMP told him that they would have it fixed by the next bill so he paid it. Dwayne received the next bill and it was incorrect again. CMP told him that they didn't know when they would be able to fix his bill so Dwayne told them that he wasn't going to pay it. CMP told Dwayne that if he didn't pay the bill, he would get penalized. Dwayne wrote a very long email to the person that is in charge of streetlight billing. He received an email back saying to not pay the bill and they would get it fixed. Dwayne received a call last Friday from CMP and they said that they were going to fix the billing and go all the way back to the first streetlight that was installed. Dwayne said that we installed all the streetlights in 3 days so that is not exactly good news. CMP told him that they were going to fix all the bills but they couldn't do it until the May billing. Dwayne told them that would be fine but he still wasn't paying the current bill and he wants to see the spreadsheet on how they are determining the credits. The CMP person told him that they had gotten half of the bill right but Dwayne said that they hadn't because they are still billing us for sodium lights and for the power for sodium lights.

Dwayne stated that he received an email from the boss of the CMP person he had spoken with and he was told that he had to pay the bill. He called and spoke to the boss and said that he will not pay the bill and CMP will not charge them any interest. There is no reason that a town should have to wait 5 months to get a streetlight bill correct. By the time Dwayne's call with the boss was done, they agreed that we would not pay the bill. Dwayne also told the boss that he wanted to see the spreadsheet but was told that he didn't think they could provide that to him. Dwayne told him that if he was not provided the spreadsheet, he would go to the PUC. He said that everyone deserves to know what they are being billed for. They cannot just pull figures out of the air and expect people to accept them. Dwayne told the CMP boss that he did that when they gave us the bill to buy the streetlights but he is not doing that this time. Dwayne stated that CMP has now agreed to do this.

Dwayne stated that the good news that he had from CMP is that they will not charge us for the planning and preparing of any streetlight pole. The only cost will be that, once Affinity installs the streetlight, CMP will charge us for 1 hookup fee which is \$147.00 per light. Affinity is currently finalizing the costs for buying the mast arms through them and having them installed. He stated that it will probably be about \$13,000 to do all 22 lights. He stated that we have about \$20,000 to complete this project. He stated that since they want to have a Public Hearing before we start the project, then this will be delayed until we have the Public Hearing which will probably be in a June or July timeframe.

C. Budget FY1: Discuss Budget for FY21

Dwayne stated that the Budget Committee approved the budget.

D. Deerfield Estates: Request by Developer for Town to Accept Road

Dwayne stated that the only thing they are waiting for is the Bond on the road. Because the Town Meeting has been postponed, the timeframe is not as crucial but they did promise that they would have a Bond to him by the 20th of this month. He has spoken with the Bond Counsel at least 3 times so he knows that they are working on it.

E. Farmer's Market: Sign Farmer's Market Lease Agreement

Dwayne stated that there was a revised Lease Agreement for the Farmer's Market. The major change is that they are moving from the parking lot at the Municipal Building to the Mill Field. He is allowing the market vendors only to still use the restrooms in the building. The only other change is under the section for Restriction of Use. There are no vehicles allowed on the Mill Field. They are allowed to use the gazebo for musical entertainment and they cannot hold the market on August 13th due to the Mill Field Festival. He spoke with Mr. Kelley and he is in agreement with everything.

Selectman Galemmo motioned to approve the Lease Agreement for the Farmer's Market. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

F. Foreclosures FY18: Sign Payment Agreement – Houle

Dwayne stated that, at the last meeting, the Board agreed to enter into a contract with Oscar Houle which can be found on page 19 of their packet. Mr. Houde did come in the day after the meeting and paid the \$1,200 that the Board had required. The American Legion contacted Dwayne and said that they will be making a \$2,000 payment against his taxes which we should get this week. This brings his balance down to \$1,691.26. He has agreed to pay \$150.00 per month so it will be paid off in about 11 months.

Selectman Galemmo motioned to approve the Land Purchase Installment Contract for Mr. Houle. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

G. Police: Sign Labor Agreement Between Town and Association

Dwayne stated that the Labor Agreement between the Town and the Police Association was in their packet. This was negotiated back in the Fall. The thing that was holding us up from signing the agreement was because the Union had to meet with Maine PERS to change the retirement program. Each individual had to vote and we had to make sure that it was a unanimous vote in order for us to move forward with it. They were able to accomplish this about 2 weeks ago.

Selectman Hall motioned to accept the new Contract between the Police Association and the Town of North Berwick. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

Reminders: Next Board of Selectmen's Meeting – April 7, 2020 – 6:30 pm Municipal Building

Town Meeting – April 4, 2020 Noble High School – Postponed

6. New Business:

A. Town Meeting: Sign Final Warrant, Ballot Clerks – Postpone

Dwayne stated that because the Board never signed the Warrant, there is no election. It would have been hard to figure out how to only allow a certain amount of people to go into the area to vote. The High School did confirm with him that we would not be able to use the school at this time for any elections or Town Meetings so we would have had to figure out where to hold everything. Then he remembered that they hadn't signed the Warrant yet. He checked with the attorney today and they confirmed that because the Warrant hadn't been signed yet we were all set. He said the only issue would be if we had anyone request or fill out an absentee ballot. No one has requested one and no one has filled one out. Because no one has voted and because, technically there is no election until they sign the Warrant, we don't have to cancel. All we have to do is postpone.

Dwayne stated that they are going to have to reprint the ballots. Selectman Johnson, Jr. asked if he would have to reprint the Town Report but Dwayne said it is still valid. He stated that we may have some staff time that will allow us to put stickers on the Town Report. He said that the Newsletter was about to go to the Post Office but they have gone back to the printers. He stated that he will write a one page colored insert to add to the current newsletter and then we will stuff them ourselves. The newsletter information is still valid. It is just the dates that are invalid. Dwayne asked the Board if they want to hold off sending the newsletter until we know when we will have Town Meeting or do we want to send it now. His concern with sending it now is that people are not going to remember it.

Selectman Hall motioned to postpone the Town Meeting with a future date to be determined by the Board of Selectmen. Selectman Galemмо seconded the motion. VOTE: 5-0

Dwayne stated that he has contacted our vehicle salesman because we usually order vehicles the Monday after Town Meeting. Chief Peasley spoke with the vendor for the SUV and they are going to try and hold one for him. Mike will get a hold of Fairfield and have them hold the sidewalk machine for us.

Selectman Galemмо asked Dwayne if there was another vote scheduled for June. Dwayne said that there is a primary scheduled in June. He stated that our attorney said that some towns are considering turning Town Meeting into a Referendum vote. This would require us holding a Public Hearing prior to April 9th to have the Referendum on June 9th because you have to hold the Public Hearing 2 months before because the absentee ballots have to be available 45 days prior to the election. Another thing that is going on is some towns have asked the Governor to suspend all elections because some towns have already signed their Warrants and don't know what they are going to do. The Governor has been hesitant to mandate the towns to do that but the towns want her to. The other piece of emergency legislation being presented to the Legislature and the Governor is if towns are not able to hold their Budget Meetings prior to the beginning of their fiscal year that we revert back to last year's Budget. For us, that wouldn't be too bad because our budget is just about the same as last year with the exception of Linscott

Road. Calendar year towns actually have this as law. They usually hold their Town Meetings in March and they are allowed to spend up to 1/3 of the previous year's budget in their first 3 months. Fiscal year towns do not have that.

B. Website: Discussion Regarding Updating Website

Dwayne stated that he has met with 2 website developers. He said this will also be put on hold until Town Meeting. He stated that both of the developers are very good and he was quite impressed with what we will be able to do. He first met with Revise who are out of Michigan. They are the 2nd largest creators of municipal websites. South Berwick, Eliot, and Lebanon are some of the towns that use them. There are about 70 towns that use them in the State of Maine. Their cost came in at \$4,300 per year for a 5 year contract or at total of \$23,500. If we prepay the 5th year, they revamp the website for us at no cost. Dwayne said that, from a user end, their website is very user friendly. Revise limits us to 4 people to amend the website.

The other company is Civic Plus. They are the largest creator of municipal websites in the country. They have over 200 towns in the State of Maine and have the majority of York County. We can do either a one-time cost of \$9,500 or they will spread it out over 3 years at \$4,500. In Year 4 it becomes just the cost of holding our website on their website at a cost of \$2,000 per year. Also if we pay them an additional \$1,500 in Year 4 making it a total of \$3,500 they will revamp our website as well. In addition, for \$1,500, they would take the Police website, revamp it and include it in our website and not charge any more for hosting. Civic Plus allows 4 primary users that can contact Customer Service, however they allow an unlimited number of editors. On this one, Dwayne would be able to select how people can edit. We would also be able to put things up on the website with deadline dates.

Dwayne said that both of them allow for emergency alerts. Civic Plus is pretty robust. If we put an alert on our website, people could set up to receive these alerts automatically. Chairman Cowan asked if they had provided any mockups for them to review. Dwayne said that they do everything custom so whatever we want, they will do.

Dwayne said that he only heard one negative thing about Civic Plus. He stated that Revise created their own software for their website development so when you call Customer Service you get someone directly associated with Revise. Civic Plus bought out about 20 different companies to make up Civic Plus so when you call Customer Service you might be bounced around depending on what you need. They would send you to whatever company deals with that part of the program that you need help with. Dwayne said that he plans on calling on some of the other towns to find out what their experience has been.

C. **Corona Virus:** Update of Town Precautions, Easter Egg Hunt

Dwayne stated that he has been trying to move through and stay open as long as we can. However, after the scare that they had yesterday with one of our employees being quarantined, he decided to shut down the building for 2 weeks. He said that most of the towns in York County will be closed starting tomorrow. He has had lots of meetings with the Department heads over the past day and the big question is that if we close to the public, how are we going to serve them? The staff has come up with some good ideas on how we can best do this.

Dwayne stated that they have been sanitizing things several times a day. He is running out of supplies. He was supposed to get a delivery today but is has been backordered. He said that we have a unit where we can make a solution which is not as harsh as the Clorox wipes because it is natural. They are trying to keep distances between the people, have the employees wash their hands frequently and wiping things like the pens, counters and anything else they use frequently.

Dwayne stated that they put together a note with what the plans are during this time and is on page 66. It includes the following:

Public Safety – No one will be able to access the Rescue Building, Fire Station and Police Station. If they have a non-emergency they can call the non-emergency lines and if they have an emergency they should call 911. The Police will respond to emergencies but not to a lot of non-emergency calls. This is for the safety of our first responders. He stated that the good thing is that first responders have priority for COVID testing because they are priority number one. When this all started, Mike Barker took the lead and we got on the CDC distribution list. Today, we were supposed to receive the first shipment of PPE supplies. He said that we were ahead of the game for this. A lot of other towns are scrambling to get onto that list.

Transfer Station – The Transfer Station will remain open for normal hours. The personnel will practice social distancing of at least 6 feet. They will not help people with unloading their trash. The free house will be closed to all materials. Everything will have to go into the Demo container. We removed the air conditioner out of the Transfer Station today and installed a pass thru window that will be used for payments for Demo and bags. They will not be picking any recyclables.

Public Works – They will continue to work but there will be no public access to the Town Garage. If someone has road concerns or questions, they can call the Town Garage or the Town Manager.

Recreation – All recreation programs and the Community Center are closed until the end of March. Summer Camp signups have been moved from April 1st to April 15th, however it will be re-evaluated later. They have already cancelled the Easter Egg Hunt. Almost all of the groups that had reserved the Center have already cancelled.

Code Enforcement – Those wishing to get building permits or have questions regarding projects should call the Code Enforcement Officer. We will process as much as possible by phone, email, drop box and snail mail.

Assessing – Anyone that needs assessing information should go to the town website. Any other inquiries they can call and we will process via phone, email, drop box and snail mail. Also a reminder that the Assessor is only here on Tuesdays and Wednesdays.

General Assistance – If someone needs General Assistance, they can call and we can do their application over the phone.

Town Office – The town office will be closed to public traffic as of Wednesday, March 18th but staff will be working and people can call the Town Office and we will do our best to provide services. Unless you have a brand new car or have just moved to our town there is no reason to come to the Town Office to register your car. Everything can be done online. For those that need it and can't take care of it online, they are putting a drop box outside. They are set an easy up outside of the Town Hall that will have a bulletin board with the numbers for people to call. There will be a table set up with an inbox and an outbox. There will be a bunch of clipboards with a list of everything that they need to attach to register their vehicles. They will leave the information in the inbox, go back to their cars and call the office. We will then go out and get the information, process it, call them to let them know what the cost will be and go back out and leave the clipboard in the outbox. They will then get the clipboard, sign the paperwork, leave the money and then we will pick it up. Chairman Cowan asked who was going to be picking up the clipboards. Dwayne said that it would be our staff and that they will be wearing gloves. We also won't be able to accept credit cards during this time. We will accept checks. We aren't sure if we will accept cash yet. If we do accept cash, we will have envelopes. They will have to put the money in the envelope, seal the envelope and then we will pick it up. We will do the same for people that need building permits. They can leave it in the inbox, contact the CEO and he will go out and get it. We have 7 days to issue all of our permits and we will be utilizing these days.

Board of Selectmen – We have cancelled Town Meeting and will look to reschedule at a later date. The Board will not meet again until April 7th.

Boards and Committees - All Board and Committee meetings are canceled until April 7, 2020.

Dwayne said that the other option would be to close everything up but he is trying to allow for some services to still be offered to service the community. Chairman Cowan stated that this is a good workaround and is better than shutting down completely.

Selectman Galemmo motioned to approve the plan and authorize the Town Manager that if circumstances should change between now and April 7th, he can use his best judgement and shut things down completely if necessary. Selectman Hall seconded the motion. VOTE: 5-0

Dwayne stated that if anything should change, he would send them an email to get a poll vote from them.

D. Police Department: Vote on Changing Police MPERS From 1N to 3N per Agreement.

Dwayne stated that because we have signed the Labor Contract and one of the changes in the contract is regarding the Maine PERS retirement program. The Board needs to vote to change the MPERS from 1N to 3N. On page 68 of their packet is the motion that they need to vote on.

Selectman Hall motioned we vote to change its plan for its police officers who work at least 16 hours per week effective July 1, 2020, for all service the police officers have with the Town. This all service plan change does not result in any additional liability to the Town.

The Town certifies that all current police officers have had the opportunity to speak with a representative from Maine Public Employees Retirement System about what the change means for them and have made a one-time, irrevocable election to accept the all service plan change.

The Town agrees to:

- a) Provide Special Plan 3N to its police officers who work at least 16 hours per week for all service rendered with the Town. All service of its current police officers that was under Special Plan 1N with the Town will become Special Plan 3N service.
- b) Continue to provide Regular Plan AN to all other employees who work at least 16 hours per week.
- c) To authorize the Town Manager to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System.

Selectman Galemmo seconded the motion. VOTE: 5-0

7. Other Business:

Dwayne stated that the custodian will be out for at least 2 weeks so Dwayne has been cleaning the building. Having less public in the building will definitely be helpful. He would like to propose that if he continues to do this he would like to bank his hours for future vacation.

Selectman Galemmo motioned to allow Dwayne Morin to bank the hours that he is doing for cleaning the building to go towards future vacation days. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

Dwayne stated that for the employees that do not feel comfortable being at work or become infected with the virus, he would like to propose that they use administrative leave time and not let it affect their vacation time or sick time. Chairman Cowan asked what the extent of that time would be. Dwayne stated that it is defined by what the Board determines to be appropriate. His concern is that we have a couple of employees that have immune deficiency issues and there is some trepidation about staying home and losing pay. He doesn't want that being the deciding factor in them taking care of their health. He thinks that by closing the building to the public, this will help to alleviate some of their fears. Chairman Cowan asked if he was looking at it being an open-ended amount of time. Dwayne stated that he hopes that it is for a short period of time. Dwayne stated that none of the employees in question have come to ask him about it. He said he has heard some of the conversations.

Selectman Galemmo motioned to allow Dwayne Morin to assign Administrative Leave as seen fit to address any absences due to the virus. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Review and Approve Warrants and Correspondence:

Warrant:	March 10, 2020	- \$	0.00
Warrant:	March 17, 2020	- \$	634,315.65

Selectman Galemmo motioned to approve the Warrant of March 17, 2020 for the amount of \$634,315.65. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

9. Adjournment:

Selectman Glemmo motioned to adjourn the meeting at 7:37 pm. Selectman Hall 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 Glemmo

Selectman: Michael Johnson, Sr.