

**North Berwick Board of Selectmen Minutes July 5, 2017**

**NORTH BERIWCK BOARD OF SELECTMEN MINUTES JULY 5, 2017**

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

**Absent:** Chairman Galemmo, Chairman Cowan

**Also Present:** Dwayne Morin, Kevin Dyer

Chairman Hall opened the meeting to order at 6:30 pm.

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of June 6, 2017 and June 30, 2017**

Dwayne stated that he made a couple of changes to the June 6<sup>th</sup> minutes. On Page 7, he changed the last couple of sentences in the last paragraph under Other Business just to clear it up a little bit. It now reads, "Dwayne also spoke to the property owner, who is allowing this family friend to stay there, and explained the situation to her. He told her that if he exceeds the 90 days, the violation is on her property and therefore her responsibility to keep in compliance with the Zoning Ordinance." Also under the Budget Committee section, he also changed the name "Ron Merrill" to "Ron Morrell".

Selectman Johnson, Jr. motioned to approve the minutes of June 6, 2017 as amended and the minutes of June 30, 2017 as written. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0

**3. Public Input**

Kevin Dyer stepped forward and said that he lives on the north side of Route 9 and a part of Randall Road. He was here last November and has talked to Dwayne about lowering the speed limit on Randall Road. He said that it is a very heavily traveled dirt road. It is maintained by the town like it is a dead end dirt road but that is not what it is. Mr. Dyer presented photos to the Selectmen of tractor trailer trucks using the road. Dwayne told Mr. Dyer that the Board will be reviewing and possibly signing a letter to the DOT tonight to reduce the speed limit to 25 mph on that road. Mr. Dyer stated that he spoke with somebody at DOT and they had never received any request from the Town to reduce the speed. Dwayne reiterated again that the Board will be reviewing this tonight.

Mr. Dyer stated that this road is also not being maintained properly like the connecting road that is being maintained properly. He stated that there are 44 houses on Randall Road and he is the 45<sup>th</sup> home. He has driven around town to see other roads that have little or no houses. He stated that there are some areas that are some dead end roads that are paved beyond the last house. Dwayne stated that these are turn around areas. Dwayne also said that Mr. Dyer realized that it was a dirt road when he built his house there. Mr. Dyer stated that he was told by two of our

previous Code Enforcement Officers that it was going to be improved. Dwayne stated that he doesn't know why they would have said that because the CEO does not decide on which roads get paved.

Mr. Dyer stated that on the advice of neighbors and other people in the town, he contacted DOT himself. He stated that his grandkids have been hurt by trucks speeding down that road. He caught a person picking up rocks from the road and throwing them in his yard. When he asked the person what he was doing, the gentlemen stated that his car was damaged on this road because of the rocks. Mr. Dyer told him that he should be complaining to the town and not him. He stated that his wife refuses to bring any kids to their house now because she refers to the road as the "road from hell". Mr. Dyer stated that there are about 30 to 40 cars a day that go down that road because it is a connecting road. He stated that when he contacted the DOT, they told him to go see the Police Department. The Police told him that there is nothing they can really do about it because they can legally go 45 mph down that road. Mr. Dyer asked about the big trucks that go down there and spin their tires and the Police told him to give them a call if he sees that. Unfortunately, by the time the Police get there, that truck will be long gone.

Mr. Dyer also stated that the person from the DOT told him that they just need a letter from the Town and that it doesn't have to take 2 years to be approved. He stated that Tim Soucy from the DOT said that there had never been any request made by the town to reduce the speed. Mr. Dyer asked why this had not happened since he was here back in November. Dwayne stated that unfortunately the request went to the Police Department for review and it was kind of lost. Dwayne apologized to Mr. Dyer for this. Dwayne said that he spoke with Tim Soucy and it is on their docket to review. Dwayne stated that he has a letter for both Randall Road and Cider Mill Pond Road for the Board to sign. Dwayne read the letter into the minutes:

Dear Mr. Soucy:

The Town of North Berwick Board of Selectmen were approached by citizens requesting that the speed limit on the dirt section of Randall Road between Route 9 and Cider Mill Pond Road have a speed limit established. Currently there is no record of a speed limit designation on this section of road which would default the road to a 45 MPH speed limit.

The Board of Selectmen along with the North Berwick Chief of Police reviewed the speed limits and after careful consideration, the North Berwick Board of Selectmen would like to request the following speed limit change for consideration:

Establish Speed Limit on Randall Road from Node 7230 to Node 1617 as 25 MPH.

Establish Speed Limit on Cider Mill Pond Road from Node 1618 to Node 7231 as 25 MPH.

The reasons for the speed limit request is:

- 1.) Both Cider Mill Pond Road and the section of Randall Road do not have established speed limit designations.

2.) Establish speed limits to make speed limits consistent within the surrounding area. Currently the speed limit on the paved section of Randall Road is established as 25 MPH and Beech Ridge Road is established at 35 MPH.

3.) The length of this section of Randall Road is 685 feet in length.

4.) The surface of the section of Randall Road is gravel.

5.) Cider Mill Pond Road is 2358 feet in length and dead ends at node 7231.

The Board of Selectmen would like to thank you for your consideration of the speed limit change request. Should you need additional information on the speed limit request, please feel free to contact Dwayne G. Morin, Town Manager at 676-3112 x 4.

Dwayne stated that if the Board of Selectmen approve of the letter, it will be signed this evening and will be sent to the DOT.

Mr. Dyer asked how many dirt roads are in the town that are connecting roads. Dwayne stated that there are 4 of them. Mr. Dyer asked if there was a heavy traffic flow on these roads. Dwayne said that there was and that one them had probably about ten times the traffic compared to Randall Road. Mr. Dyer asked if there were any plans to pave these dirt roads and bring them up to par. Dwayne stated that they are paving one of them this year. He stated that as time goes on, the plan is to pave the others as well. Dwayne said that his road is not currently on our CIP plan that ends in 2020. They will then create a new CIP plan and he does not know at this time which roads will be included.

Mr. Dyer stated that he doesn't know why big trucks use that road. Dwayne stated that one of the things that they could do is post Cider Mill Pond Road as "No Thru Trucks" as well as the section of Randall Road. Selectman Johnson, Sr. stated that it won't stop them but it should help cut down on the amount of trucks using it. Dwayne stated that if the Board approves to do this tonight they could have the signs up within a couple of weeks.

Selectman Johnson, Sr. motioned to send the letter to the DOT to reduce the speed limits on Cider Mill Pond Road and Randall Road. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

Selectman Johnson, Jr. motioned to put a "No Thru Trucks" sign at the intersection of Cider Mill Pond Road and Beech Ridge Road and one at the entrance of the dirt section of Randall Road. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0

#### **4. Unfinished Business:**

##### **A. Budget: SAD 60 Budget, County Budget**

Dwayne stated that the reason he put this on the Agenda was because the last time they met, they had talked about the County budget. They had the Budget Hearing and Dwayne was able to talk to the County Manager regarding the questions the Board had about the Rehab Center. Dwayne stated that they are planning on putting some criteria that will limit the Rehab Center to York County residents. They are still working on it right now but the County Manager anticipates that

the limitations will be a part of it. No one showed up to the County Budget Committee meetings so it was about a 5 minute meeting.

**B. Tax Acquired Property: Malcolm Hilton**

Dwayne stated that Mr. Hilton did supply him with a copy of his real estate contract. He stated that he still has not seen it on the listings yet.

**C. Parks and Rec: Update on Rebound Wall and Trail Project, Canoe Launch**

Dwayne stated that the rebound wall is done and the trail is done. They installed the fence today along the road. They hope to get the benches in this week after camp gets out. The graphic artist is working the schematic of the Community Center. She said that she was going to try and get something to him by today but he has still not received anything. They will be ordering the kiosk within the next week or so. It will be a flat kiosk with a box on the side for people to grab a trail map. Dwayne stated that Maritimes Northeast Pipeline contacted us. They pick a town every year to do a Community Day to do projects for that community. They have picked North Berwick this year. Dwayne has asked them to do the trail in the woods that was done years ago but has not been maintained. It is completely overgrown. They have agreed to do this and will work on it either the 2<sup>nd</sup> or 3<sup>rd</sup> week of August. One of the things that he has asked Maritimes Northeast Pipeline to build is a bog walk in one of the areas. They are going to give the Town a \$1000 grant to complete this project. Dwayne stated that we just need to buy everything first and then they will reimburse us. Dwayne will be meeting with Kristi tomorrow to walk the trail so they can see what needs to be bought. Dwayne is looking at getting some 6x6 pressure treated boards that they can lay down. He said that they do have some cedar board planks at the Community Center to use so they would only need to buy the 6x6 boards. He is estimating the length to be about 50 feet.

Dwayne stated that Pratt & Whitney had the sign for the Canoe Launch. They will be putting it up for us.

**D. Road Projects: Update on Projects for FY18**

Dwayne stated that the big projects that they have been working on is Diamond Hill Road. They have been trying to find pricing for someone to do the tree cutting. They have received 2 estimates for the tree cutting. One is from Oakwoods Lumber at an estimate of \$21,800.00. Abbott Hill came in at \$12,000.00, however we did add 3 big trees since they gave us that estimate so he came back and said that he would do it by the day. He would do it for \$1200 per day and not to exceed \$16,000.00. Dwayne said that they have removed some of the ribbons on some of the trees so the project stays at 10 days. Dwayne is recommending that they award the quote to Abbott Hill Tree Service.

Selectman Johnson, Jr. motioned to grant the contract for tree cutting to Abbott Hill Tree Service. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0

**E. Transfer Station: Single Stream Recycling Discussion**

Dwayne stated that they are moving forward with the Single Stream Recycling. The brochures are done and will be going this week to all residents. They will be ordering 400 of the 18 gallon totes at a cost of \$8.50 each. They are hoping to have them in the first week of August.

Dwayne stated that they are still working on the returnables. When they originally spoke with CLYNK, they had said that they would pick our stuff up for free but that has changed. They will actually charge \$75 per truck for every time they come in. We are looking at other options.

**F. Speed Limits: Letter to DOT for Randall Road and Cider Mill Pond Road**

This was already taken care of under Public Input.

**Reminders: Next Board of Selectmen's Meeting** – August 1, 2017 – 6:30 pm Municipal Building

**5. New Business:**

**A. Vacations: Request by Mike Dunn to Bring Forth Vacation From FY17**

Dwayne stated that under Town policy, he is allowed to bring 1 week of vacation forward but they need to get permission from the Board if they want to bring forward a 2<sup>nd</sup> week. Mike Dunn's request didn't come in until the day after the last Board meeting. Dwayne had stated at the last meeting that he would be recommending that it be allowed but he didn't have the official letter yet. Dwayne is now recommending that they allow Mike Dunn to carry forward 38.5 hours of vacation time.

Selectman Johnson, Sr. motioned to allow Mike Dunn to carry over 38.5 hours of vacation from last year. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**B. Public Works: Garage Addition Quotes**

Dwayne stated that he is a little frustrated. He stated that they sent out 15 packets to local contractors and he received only 1 quote back. He stated that the one quote wasn't even a full quote and it is also about \$20,000 more than what they had budgeted. Dwayne is recommending that they reject all quotes and put it back out to bid. He only sent it out to local contractors because he has been accused in the past of not including local contractors. He recommends that we send it back out and send it area wide. He will put an ad in Fosters, in the Portland Press Herald and put it on our website it so people can grab it from there. He stated that the bids need to be submitted by August 3<sup>rd</sup>.

Selectman Johnson, Sr. motioned to reject all bids and send out the bidding again area wide. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**C. County: Request for Resolution Regarding New Court House and Additional Costs**

Dwayne stated that back when they were talking about building a new court house, there were two locations being looked at. The Judicial Branch decided to build it in Biddeford. One thing that they didn't do in their plans was include a place for the DA to be located in the building. It doesn't make a whole lot of sense for us to have a unified court system without the DA being in the courthouse because he has all of the paperwork. There was a bill before the Legislature this past year to require the Judicial system to supply the DA with space within the courthouse. The bill was killed because the Judicial system said that they would do that. They have offered the County 10,000 sf at \$100,000 per year. The County needs 15,000 sf. They think they could do it with 12,000 sf if they kept all of their records in Alfred which defeats the purpose.

Dwayne stated that the other concern is that because of these increased costs, the County is figuring that their costs will go up by about \$500,000 per year. This would be due to increased transportation down to Biddeford and increased presence within the courthouse. The Judicial system is stating that the County's figures are not realistic. One of the things that they point to is that from the holding area, they will have a secure elevator to bring them up to the court room. The Sheriff is saying that he will need to put a Deputy in the elevator when they send the prisoners up. The Judicial system is saying that they wouldn't need to do that. They would just put the prisoner in the elevator and send them up. The Sheriff asked what would happen if the prisoner bangs his head against the wall or something. The Sheriff would be responsible for that.

Dwayne stated that the County Administrator has stated that the talks are not going very well. The idea of charging the County \$100,000 for space is ridiculous because they are building the space anyway and will be paying the mortgage regardless if the County is there or not. The taxpayers of the State of Maine are paying the mortgage regardless. The DA should be in the courthouse. If they are not located in the building and are there for a case but are missing some file, they will have to send a Deputy back to Alfred to get the file instead of just going to the office in the building. The whole idea of the new courthouse was to make the Judicial system more effective and be a better process. Having the DA 17 miles away from the courthouse is not a good thing.

When the York County Budget Committee was reviewing the overall budget, these discussions started to happen and the Budget Committee was furious. The Judicial system is basically saying that the County just has to raise the money. The Budget Committee is asking all of the Towns to sign a Resolution which reads as follows:

Whereas, the Judicial Branch of the Government of the State of Maine determined that it is advantageous to have a combined courthouse in York County; and

Whereas, the Maine State Legislature agreed and introduced a \$90 million bond with \$65 million designated for a combined courthouse in York County and the Governor signed that legislation into law; and

Whereas, the Legislature also introduced legislation that was signed into law by the Governor that created the Site Selection Commission to decide the location of a new combined courthouse; and

Whereas, the Site Selection Commission selected the City of Biddeford as the location for the proposed, combined courthouse; and

Whereas, the Site Selection Commission did not discuss any possible, financial impacts on the County; and

Whereas, the Site Selection Commission devoted little thought or discussion to the absolutely vital need to locate the York County Government office of the York County District Attorney in the new, combined courthouse; and

Whereas, the County of York estimates that the added, minimum, estimated costs to the County will surpass \$500,000.00 annually, and

Whereas, these costs will be borne completely by property tax payers in the 29 municipalities in York County; and

Whereas, not having the District Attorney of York County located within the combined courthouse will be a very significant disservice to the 200,000 citizens of the County and create the very large inefficiencies the \$65 million combined courthouse is supposed to erase; and

Whereas, the absence of the District Attorney in the combined courthouse will have a very significant negative impact and effect on the operations and efficiencies of the Maine State Police, the York County Sheriff and the 15 municipal police departments in York County; and

Whereas, our North Berwick Selectboard finds it totally unacceptable that the decision of one level of Government, the State Judicial Branch, will have a negative impact on two other levels of Government, the County of York and 29 cities and towns of the County; and

Whereas, we have carefully reviewed letters to Chief Justice Leigh Saufley from the York County Commissioners and the York County Budget Committee, who are our elected representatives, and agree with their concerns.

Therefore, be it resolved, by the Selectboard of North Berwick that we formally request the Chief Justice of the Maine Supreme Judicial Court, the Honorable Leigh Saufley and her colleagues seek meaningful dialogue with the County and associated stakeholders, identifying and discussing, jointly and agreeing on reasonable action to mitigate these impacts to York County by default to North Berwick. We further believe that the active participation by the Chief Justice in these negotiations is critical to successful resolution of any and all known impacts.

Chairman Hall stated that this was a fight between the State and the County. Dwayne said that it was but we fund 90% of the County.

Selectman Johnson, Jr. motioned to sign the Resolution regarding the Economic Impacts of the Combined Courthouse in York County. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0

**D. Growth Permits:** Establish Growth Permit Limit Pursuant to Zoning Article 6.3.4

Dwayne stated that something that they have not done for a while is to look at growth permits. Our goal is to review it every 3 years. He stated that our Ordinance actually states that the Board of Selectmen will establish the Growth Permit rate for July 1st to June 30<sup>th</sup> and biannually thereafter and file it with the Town Clerk. It is to be the number of dwelling units within the Town multiplied by 2.2%. We have 2,067 dwelling units so the number comes out to 45.474. This means that we should have a Growth Permit limitation of 45 houses. It is currently 39. We haven't done it for a few years so that is why it has increased. Selectman Johnson, Jr. asked when the last time that we built 39 houses and Dwayne said that it was probably about 15 years ago. This year we were at about 28 or 29.

He stated that this coming year, we will have added ones because the mobile home park was approved by the Planning Board so they can get 6 permits at one time. The Planning Board will be having discussions regarding those that are under one ownership and possibly not limiting them. Dwayne stated that the 6 was originally set for individual lot sales. Dwayne stated that some of the staff have discussed possibly changing this number to 15. Dwayne stated that one of the options is also to do away with the Growth Ordinance. The tough part with that is that our Comprehensive Plan says that that is what we are supposed to grow at, but we can certainly tweak it. He stated that we haven't hit the cap in a while. Selectman Johnson, Jr. asked if we could just leave it at 39 instead of raising it to 45. Dwayne stated that under our Ordinance, we have to increase it by 2.2%. Chairman Hall stated that if it is part of the Ordinance, why do they have to vote on it? Dwayne stated that the Board has to certify the number.

Chairman Hall asked if this was something that they could vote on at the next meeting on August 1<sup>st</sup>. Dwayne said that they could do that. Chairman Hall would rather have the full Board present to vote on it.

Selectman Johnson, Sr. motioned to table the certification of the Growth Permit number until the next meeting on August 1, 2017. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

**6. Other Business:**

Regarding the State Budget, Chairman Hall stated that he heard that it is an all-time high in education spending. Dwayne stated that it is actually an historic high increase in education. Dwayne stated that they added \$165 million to it. Chairman Hall asked if this meant that our school would be getting extra money from the State and Dwayne said that they would.

Dwayne stated that on Page 25 of the packet, there is a list of some of the impacts on municipalities. The Governor wanted to freeze Revenue Sharing at 2% forever but that didn't happen. In 2020, Revenue Sharing is supposed to go back to 5% but he is sure that this will not

happen. He thinks that it will go up but he doesn't think that it will get to 5% because this would mean that the State would need to find someplace else to cut and they are usually not too good at cutting.

Dwayne stated that they did not touch General Assistance, TANF, SNAP or SSI which the Governor wanted. They also did not cut the BETR program and this is a big one for us. If they would have converted BETR to BETE, that would have been a 40% loss for us in our Personal Property. The Governor was going to have the towns do two-way telecommunications but they decided not to do that. They also did not include an increase in the lodging tax.

Dwayne stated that on Page 26 is the list of things that did happen in the State Budget that will have an impact on us. The first thing is that effective April 1, 2017, the Homestead Exemption went from \$15,000 to \$20,000. That law also said that they were supposed to reimburse the towns at 62.5% but they did not do that. They retroactively reduced it back to 50% for this year and next year it will go to 62.5%. For us, that is a loss of \$40,000 which is \$.05 on our tax rate. They also repealed a 3% surcharge.

Dwayne stated that they added \$162 million in GPA. It required that 50% of that had to go to tax relief except for the first year. If schools voted to utilize any extra money from the State, which we did, then the tax relief is out the window and the schools get to keep it all. Dwayne stated that he does not know what the final numbers will be but they are going to get more than what they originally thought that they would and none of it will come back to the towns. Dwayne stated that they redefined 55% so that it looks like they are actually funding 55% now. They took about \$130 million in unfunded liabilities from the Retirement system and added it to the education budget so they got close to 55%.

Regarding School Administration, they amended the formula. It was supposed to be 50% of the costs Administration was supposed to be paid for by the towns and 50% by the State. They changed this. It will now be based on a per pupil basis. They will figure out the number of kids state-wide and divvy it up by pupils for the first 2 years. In FY21 this is supposed to be changed again. He stated that it was voted on this year but he is sure that by FY21 this will all change again.

Dwayne stated that they put in a study for conservation lands to see how this is impacting the tax rates. They basically want conservation lands to be taxed. They also allowed for the jails to increase their assessment from 3% to 4% or there will be 1 limit. They will be doing a restructuring of funding for jail operations. The last things are for the 2 funds that they have put aside.

Dwayne said that our immediate affect that they know of will be the \$40,000 loss in the Homestead Exemption.

Dwayne stated that he believes that with all of that they will be able to hold the tax rate. He stated that on Page 20 of their packet are the numbers that show why we will be able to keep the rate at \$12.60. We gained \$610,000 in Real Estate Valuation and lost \$1 million in Personal Property Valuation. He stated that the big thing was that we went up \$21 million in our BETE

valuation. Leaving the tax rate at \$12.60 would still give us an overlay of \$248,000.00. This will also give us some room next year.

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

Warrant:	June 27, 2017	- \$ 83,744.49
Warrant:	July 5, 2017	- \$ 66,605.61

Selectman Johnson, Jr. motioned to approve the Warrant of June 27, 2017 for the amount of \$83,744.49 and the Warrant of July 5, 2017 for the amount of \$66,605.61. Selectman Johnson, Sr. seconded the motion. VOTE: 3-0

**8. Adjournment:**

Selectman Johnson, Sr. motioned to adjourn the meeting at 9:31 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 3-0

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.