

North Berwick Board of Selectmen Minutes April 7, 2015

NORTH BERWICK BOARD OF SELECTMEN MINUTES APRIL 7, 2015

Present: Chairman Danforth, Selectman Galemmo, Selectman Folsom, Selectman Drew, Selectman Cowan

Also Present: Dwayne Morin, Richard M. Easley, Linda G. Easley, Gretchen West, Carole Strynar, Stephen Peasley, Charles Barto, Shirley Barto, Dale C lock, Larry Litvinchyk, Allan Litvinchyk, Dave Willey, Sofie Larsen, Qiana Qualls, Matthew Qualls, Richard Braly, Claudy Boy, L. Santos, Dan Wick, Larry Wick

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

1. Pledge of Allegiance

2. Public Hearing – 6:35 pm – 2015 Referendum Questions

Vice Chairman Galemmo opened the Public Hearing at 6:35 pm. He started reading each question to be included on the Warrant.

Question #1: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Auto Repair Garage, Externally Illuminated Sign and Internally Illuminated Sign” be enacted?

Auto Repair Garage: An enclosed structure where minor automobile repair is conducted; not including storage of vehicles and not including body, fender, frame straightening and repair. Sale of parts specific to said repair is permitted. Total floor area shall not exceed 1500 s/f.

Externally Illuminated Sign: A sign illuminated by a separate light fixture that casts light directly on the face of the sign.

Internally Illuminated Sign: A sign illuminated directly or indirectly by a light fixture located within the sign structure. Internal illumination includes illumination designed to project light against the surface behind the sign lettering or graphic, commonly referred to as backlit channel lettering or halo lighting. This definition shall also include LED signs and neon signs.

Intent: To clarify the definition of Auto Repair Garage, Externally Illuminated Sign and Internally Illuminated Sign in the Zoning Ordinance.

Vice Chairman Galemмо asked the public if there was any comment on this question.

Gretchen West stated that it says it is to clarify the definition so she wanted to know what it was before. Dwayne Morin stated that there was no definition yet. Dwayne stated that last year they passed an Ordinance that says that we only allow externally illuminated sign but we did not define what that actually was. There was some questions that came about in the past year as to what was considered an internally lit sign vs an externally lit sign, especially when it came to LED signs. These definitions are to clarify this.

Richard Easley asked what the actual purpose for this amendment. He stated that they were totally different things – one for signs and one for auto repair garage. Vice Chairman Galemмо stated that it was to define what these things are in the other Ordinances. He stated that we talk about these things in other parts of the Ordinance and this just defines what they specifically mean.

Charles Barto stated that the 1500 s/f was not very big. He wondered if something like a Ford garage came in and had 2 or 3 bays, they would need more than 1500 s/f. Dwayne stated that there is another definition for a larger automobile repair already in the Ordinance. This one is for a smaller garage.

There were no other comments on Question #1 so Vice Chairman Galemмо moved on to the second question.

Question #2: Shall an ordinance entitled, “An Ordinance Amending Section 5.2.21.E.4 of the Zoning Ordinance to state the performance standards and requirements for the curbing within developments located in the Commercial Districts” be enacted?

Amend Article 5.2.21 Construction Standards for Commercial Use Buildings

Amend Article 5.2.21.E.4

Proposed to Read:

All curbing ~~associated with the development~~ that extends into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

All curbing within the development, not extending into the public way, shall be made of granite, monolithic or slip-form concrete. Bituminous curbing and pre-cast concrete curbing shall be prohibited.

Intent: The intent of these proposed changes are to allow for the use of granite, monolithic concrete or slip form concrete curb in developments located in the commercial districts (Commercial, Commercial II, Village Center, Village A, Village B Districts). Granite Curbing shall be required for curbing that extends into the public way.

Vice Chairman Galemme asked the public if there were any comments or questions on this question.

Larry Litvinchuk asked for them to explain the need for this. Vice Chairman Galemme stated that right now the zoning is that all the curbing needs to be granite even if it is within your development. It was felt that this was really expensive to expect the businesses that come to town to do this so it was amended to state that the curbing that they put in that the town needs to maintain needs to be granite. However, if it is within their property line they can use the concrete curbing. Mr. Litvinchuk asked why they can't use bituminous curbing since it is on their property. Vice Chairman Galemme stated that the feeling was that bituminous is extremely soft and gets damaged easily by plows and doesn't look good. Mr. Litvinchuk asked if this was just for businesses. Dwayne stated that it was only for Commercial zone.

Vice Chairman Galemme went on to Question #3.

Question #3: Shall an ordinance entitled, "An Ordinance Amending Section 2.3 of the Zoning Ordinance to require stabilized construction entrances for logging operations" be enacted?

5.2.7 Timber Harvesting:

Add the following paragraph:

4. All logging operations conducted in the Town will be required to install a stabilized construction entrance designed pursuant to the Street Design and Construction Standards Ordinance for the duration of the logging operation.

Intent: To minimize the damage to public ways caused by logging operations by having a stabilized construction entrance install for logging operations.

Sofie Larsen asked if there was a way to differentiate between a really small logging operation and a large operation. Dwayne stated that there is the same impact on the road. He stated that we have had a lot of logging operations in town, both large and small and they cause the same problems. They track a lot of dirt and mud onto the public road and it causes safety issues. The idea of the stabilized entrances is to knock the mud off before the trucks go onto the main road.

Larry Litvinchuk asked if this was for town roads or state roads. Dwayne stated that we can only control town roads.

Vice Chairman Galemmo went on to Question #4.

Question #4: Shall an ordinance entitled, “An Ordinance Amending Section 2.3 of the Street Design and Construction Standards Ordinance to require stabilized construction entrances for construction sites and logging operations” be enacted?

Add the following to the Street Design and Construction Standards Ordinance

2.3 Construction hours and standards; inspections

Add the following paragraph:

D. A stabilized construction entrance shall be required for all construction sites and logging operations whenever vehicles are entering or leaving a construction site or logging operation from a public right-of-way and there is a risk of transporting mud or sediment onto the paved roads.

The Stabilized construction entrance shall be constructed as follows:

Width: shall be a minimum of 12 feet but not less than the full width of the points where ingress and egress occurs. At sites where traffic volume is high, the entrance should be wide enough for two vehicles to pass safely. Flare the entrance where it meets the existing road with a minimum 15 foot radius.

Length: shall be a minimum length of 50 feet or four (4) times the circumference of the largest construction vehicle tire whichever is greater, except on a single-residence lot where a 30 foot minimum shall apply.

Depth and Aggregate: the minimum depth of the aggregate shall be 8 inches in depth and composed of crushed aggregate greater than 2 inches but smaller than 4 inches (AASHTO #1 Aggregate).

Geo-textile Fabric: It is required that a non-woven geo-textile fabric be installed under the aggregate.

Drainage: Runoff from the entrance shall be drained to a sediment trap or sediment basin and the installation of a temporary culvert may be required depending on the ditching requirement of the street.

Maintenance: The entrance shall be maintained in a condition that prevents the tracking and flow of sediment onto the public right of way. All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains shall be removed immediately. When necessary, vehicle wheels should be cleaned to remove the sediment prior to entrance onto the public right-of-way.

Trapped sediment shall be removed from the site or stabilized onsite and prevented from entering storm drains, ditches or waterways. Disturbed soil area resulting from the removal shall be permanently stabilized. The entrance may be removed after final site stabilization is achieved.

Intent: To minimize the damage to public ways caused by construction sites and logging operations by having a stabilized construction entrance install for construction site and logging operations abutting a public way.

There were no comments from the public on this question.

Chairman Danforth joined the meeting at 6:40pm. He went on to read the next question.

Question #5: Shall an ordinance entitled, "An Ordinance Amending Section 1.1 of the Animal Control Ordinance to except livestock (including poultry) in the Farm and Forest Zones as a noise nuisance" be enacted?

Currently reads:

1.1 Animals creating a nuisance by noise: Anyone owning, possessing or harboring any animal which barks, howls or make other sounds common to its species, continuously for 20 minutes or intermittently for one hour or more shall be deemed to constitute a nuisance.

EXCEPTIONS: dogs barking at trespassers or threatening trespasser on private property which dog is situated; or any legitimate cause for provocation.

Proposed to Read:

1.1 Animals creating a nuisance by noise: Anyone owning, possessing or harboring any animal which barks, howls or make other sounds common to its species, continuously for 20 minutes or intermittently for one hour or more shall be deemed to constitute a nuisance.

EXCEPTIONS:

a. Dogs Barking at trespasser or threatening trespasser on private property which dog is situated; or any legitimate cause for provocation.

b. Livestock (including poultry) as permitted in the Farm and Forest Zoning District as designated and defined in the North Berwick Zoning Ordinance.

Intent: To except livestock (including poultry) from the noise nuisance provision of the Animal Control Ordinance provided the permitted animals are located in the Farm and Forest Zoning District.

The country has seen a significant increase in agricultural interests since the time of the Animal Control Ordinance was created in 1988. Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently can be the subjects of nuisance complaints. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investments in farm improvements, to the detriment of adjacent agricultural uses and the economic viability of the town's agricultural industry as a whole.

If a person chooses to live near or in an agricultural area, that person should be prepared to accept such inconveniences as a normal and necessary aspect of living in a town with a strong rural character and a healthy agriculture sector.

The state enacted the Maine Agriculture Protection Act in 2007 to protect farm, farm operation or agricultural composting operation from being considered a public or private nuisance. North Berwick's Ordinance needs to be aligned with the agricultural direction of the State of Maine.

Allan Litvinchyk asked why this was all brought about. Chairman Danforth stated that there were some alleged disturbances because of a rooster crowing and that is what brought this up.

Chairman Danforth closed the Public Hearing at 6:52 pm.

3. Review and Approve Minutes of March 17, 2015:

Selectman Cowan said that on Page 5, in the 5th paragraph, the seconded sentence was incorrect. The second sentence reads "He stated that we had put in a \$15,000 place holder but it will be changed to \$15,000". It should read, "He stated that we had put in a \$15,000 place holder but it will be changed to \$5,000."

Selectman Galemme motioned to approve the minutes of March 17, 2015 as amended. Selectman Cowan seconded the motion. VOTE: 5-0

4. Public Input

There is no public input at this time.

6. New Business:

A. Farmers Market: Enter into Lease for 2015

Sofie Larsen stepped forward and gave each of the Board members a letter. The letter discusses the 2014 season and what to expect from the 2015 season. She stated that 2014 was a mixed bag season. The music fell through. Martin England had a hard time booking musicians for them. She stated that the money is fund raised and they can only pay \$50 and apparently this is too far for them to travel for \$50. She stated that they had trouble getting music and the customers definitely noticed it. She stated that the attendance was overall a little bit down compared to the previous year. She spoke to the vendors about it and they didn't really mind because their sales were still up there. She stated that she has been putting a lot of thought into why they are having fewer customers and she believes it is because every town around us has a farmers market of their own now. She stated that they double the value of their dollars for the SNAP participants by using donations from local businesses such as Pratt & Whitney. This is a great incentive for them to get fresh fruit and vegetables. She stated that despite the incentive, our SNAP attendance was a little lower. She has been talking to other SNAP coordinators about that and part of it is that benefits are now a little harder to get. She also mentioned that every year, the

participants forget about us during the winter months and she needs to market it again in the spring. One of the coordinators stated that a lot of them are not the same because most of them only have their benefits for a designated period of time which is usually 9 months. If people had them at the beginning of last year, those people will not have them anymore. The coordinator also told Sofie that our market was also the example of how to do it right.

Sofie stated that they have a few challenges for this season. One of the big ones is that our cupcake lady is leaving us. She stated that she was very popular. We have also lost Chick Farms from Wells who supplied the organic poultry. She said that there was a death in the family and they are completely restructuring their business. They are actively looking for more vendors. We are also losing Martin England because he is focusing his energy on the bandstand concert series. This means that we are also losing the funding for the music. Dwayne did state that the bandstand series will be coordinated with the farmers market. Selectman Cowan asked if there was any way to reach out to the High School musicians to see if they would be interested. Sofie stated that she has talked with the steering committee for the market about this and they have mixed feelings about this. She stated that sometimes students are aspiring talent but sometimes they are just aspiring. Dwayne stated that one thing that they have found in using high school students is that you really have to vet them. Selectman Cowan stated that they should talk to the woman that runs the music program to get names. Sofie said that one of the issues that they have as well is that Martin used to let them use his equipment. She stated that they have contacted their Jazz Band to see if they would be interested. She stated that if they can't have music every week, they are trying to at least have music with their events.

Sofie also stated that Abby, our SNAP Coordinator who has been with us for a long time and was a business student at UNH has found a new job so she will be leaving us. She did find a Social Studies Grad student that has a lot of experience with reaching out. She happens to be her sister in law. She was going to volunteer in Dover but when she found out that Sofie needed someone here, she volunteered. She has a lot of experience reaching out to that kind of population and she has a lot of contacts in the distribution office.

Sofie stated that they will continue their events this year and the first one will be Free Flowers for Mother's Day. She stated that they also have a new website. She stated that the website used to be northberwickfarmersmarket.org but it was registered by someone else who was volunteering her time for Rebekah and that registration has expired. Sofie was not allowed to renew it because she was not the original owner. She stated that someone else has co-opted it so if you go to that website now, it is a tractor sale site. The new website is northberwickfarmersmarket.com. The first market is on May 1st.

She stated that they do have a vendor that will be making tortilla chips at the market and they will sell salsa and other condiments there. Sofie did have a question about this. She stated that they have been able to use the electricity from the building in the past for the musicians. She stated that one of the vendors would like to use electricity and was wondering if they could use the electricity from the building. Dwayne stated that they have only allowed it for the market but not for the vendors. Dwayne asked what the vendor wanted to use it for and she stated that she believes it is for his fryer for the tortillas. Dwayne stated that he should really use gas instead. Selectman Galemme stated that it would be a big electricity draw and he should probably make

them somewhere else and bring them with him. Selectman Drew also mentioned that if we let one vendor use it, more would probably want to do so as well.

Selectman Cowan motioned to approve the lease for the Farmers Market for 2015. Selectman Galemme seconded the motion. VOTE: 5-0

C. Police: Canine Unit

Dwayne stated that in their packet on page 51, there is a letter from Chief Stephen Peasley that discusses an opportunity for the department to get a replacement K-9 dog at no cost to the town. He stated that we are 4 years into our K-9 program now. The service life of the dog does not run its entire life time. Instead of one dog leaving and us trying to get another one to go through the entire training, we could have a transition period where both dogs would be in service simultaneously for a short period of time before Hoki retired. Chief Peasley stated that when they got Hoki, he was donated. He originally had a \$5,000 price tag and was ordered by another department but their funding fell through. He was a little over 3 years old when we got him which is a little old for a K-9 unit. We usually like to have them at about a year old but he was free and we were just starting the program so we jumped at it. Chief Peasley stated that he has been a good dog. He stated that being a little older was probably better because he is really good with the kids. When he goes to work, he knows what he is doing. Chief Peasley stated that they have had a rise in heroin and a couple of weekends ago, Hoki did four successful drug sniffs for us. There were 2 in North Berwick and 2 in Berwick. He stated that we have been helping Berwick because their drug problem is our drug problem. He stated that they need to look into the future and it takes time to train a new unit. He stated that Hoki is 7 now and they are thinking that it would be another 2 years before another dog could be fully trained. He stated that they have located a dog from California that the people are willing to donate. He is 12 months old right now and he is housebroken. They have watched videos of him and they find that he looks a little like Hoki. Selectman Cowan asked if Dan would be keeping this one as well and Chief Peasley stated that he would be. Chief Peasley stated that the owner of this dog has family in New Hampshire and he is coming out to visit them soon so they could bring the dog as well.

Chief Peasley stated that the plan is for the dog to attend the Maine State Police K-9 Patrol School in March 2016 which is for tracking and article searches. Dan would actually come to work with two dogs. Hoki would take care of the drug work and the new dog would do any tracking and article searching. He stated that they would put the new dog through drug school for training. He would then be fully trained and they could slowly phase out Hoki who would be about 9-10 years old at this point. Selectman Drew asked if Dan would keep him after he retires. Chief Peasley stated that he would retire him and keep him as a pet. Chief Peasley also stated that when you have the younger dog with the older dog, he learns a lot about how he is supposed to act.

Dwayne stated that everything that we have in place right now for Hoki such as vet care and food care, Dan has gotten them to extend it to the new dog. The cost to the town has been very minimal. Chairman Danforth asked if the dog had a name. Chief Peasley stated that his name was Maverick.

Selectman Folsom motioned to approve the obtaining of the new dog Maverick. Selectman Cowan seconded the motion. VOTE: 5-0

5. Unfinished Business:

A. Budget FY16: Continuing Discussions on Budget – Review Recommendations

Dwayne stated that there is not much to talk about regarding the Budget. It is done and we are just waiting for Town Meeting. Dwayne stated that if the Board had anything that they would need for the Town Meeting to let him know. They did get Tim Kezar to be the moderator.

B. Dispatch: Discuss the 14 Town Communication Group Issues

Dwayne stated that they did have a meeting with the 14 Town Group which is now 6 towns. He stated that Waterboro was really running the group and a lot of things were never taken care of. The group did go ahead and finalize a few things that need to be done. They actually entered into an agreement with all of the towns. He stated that they did it seven years ago but most towns didn't sign it. All of the towns now agreed that they need to have something in writing stating everything that is expected of them. One of the examples is that they need to specify what happens when a town decides to leave. For example, the Town of Hollis has told the group that they are leaving but they still want to use our frequency. The group told Hollis that if they leave the group, they leave the frequency. They don't get the benefit of using the frequency and not pay for it. Sanford Communications told them that if they want to go on their own frequency, their bill to Sanford Communications will go from \$17,000 per year to \$250,000 per year because they would have to buy a spot on the terminal. Dwayne stated that he thinks that Hollis will come back to the group. Sanford Regional Communications is going to be a member to our contract. If the contract says that they can't use our frequency when they leave the group than by law they are not allowed to use that frequency. Dwayne stated that we have a great system. We have 8 towers and 8 different frequencies and we have a huge network. He stated that there is some down sides this year. He stated that the people that we sign our leases with wanted to raise our costs but they haven't done so in 12 years. They stated that they are basically losing money with the group. They have been paying him \$125 per month for the repeaters. He wanted to get \$175 per month but they have agreed to \$150 per month. He is willing to do this for four years and we will renegotiate after that.

Dwayne stated that they took two repeaters away. He stated that we had kept two repeaters on Ossippee Mountain after we left State of Maine. He stated that he was not for it but he was outvoted. He said that they wanted to keep it just in case Sanford went down, the State could then dispatch for us. At the meeting, I asked everyone if they had ever tested it and the answer was no. Dwayne told them that we don't even know if it works and we are paying \$3,000 per year to have the repeaters up there. They decided that they should get rid of it. Sanford Regional Communications has agreed to only charge us for the first quarter of this year. He stated that there are some good things happening. They are trying to get some organization. They have agreed to at least 2 meetings per year as a minimum. He stated that he will end up being the Chairman of the group because he is the only Manager. The others are all Fire Chiefs

and some Selectmen from other towns. Dwayne stated that he doesn't mind because it is good for somebody to be around on a daily basis. He stated that somebody from Southern Maine Communications called him to discuss negotiating the budget. He said that in years past, he had nobody that he could talk to. Also, Southern Maine Regional Planning Commission has been paying the bills and they are very uncomfortable with it because there is nobody authorizing it. At the last meeting, Dwayne agreed to authorize the bills. He stated that it will not really take a long time and it will help him to make sure that they keep their costs down. He stated that Southern Maine Regional will charge us \$165 per month to do all of our billing and pay all the bills. It works out to be 3 hours a month for them to do all of our bookkeeping. Dwayne stated that they are going to have another meeting in May and they will have all of the agreements solidified.

Reminders: Next Board of Selectmen's Meeting – April 21, 2015 – 6:30 pm Municipal Building

6. New Business:

B. Town Meeting: Sign Referendum and Warrant

Selectman Drew motioned to approve the Warrant for the Town Meeting. Selectman Folsom seconded the motion. VOTE: 5-0

Selectman Drew motioned to sign the Warrant for the Town Meeting. Selectman Folsom seconded the motion. VOTE: 5-0

D. SAD #60: School Budget Warrant

Dwayne stated that the School Board has finalized their school budget. It is a \$38 million budget which is an increase to the three towns of \$622,500. North Berwick's increase will be just a little under \$200,000. Selectman Cowan asked where that puts us and Dwayne stated that it will be an increase in the tax rate. It looks like it might be an increase to \$.15 for the mil rate which would be about \$30 increase in taxes. Berwick is an increase of \$262,675, Lebanon is \$162,227 and we are \$197,596. You then have to add in Adult Education which brings us up to \$200,000, Lebanon up to \$165,000 and Berwick up to about \$265,000. He stated that we did see a slight up take in student population for North Berwick of 3 students. He stated that our value had decreased from about last year by about \$1 million. He stated that our share rate this year is 29.13% and last year we were at about 29.23%. He stated that the school budget will increase our tax rate and it is just a question of how much. Dwayne stated that he thought that it was going to be worse because the school lost half a million dollars from the State. He states that they have cut back quite a bit and are dipping into their surplus. Dwayne stated that the good thing is that County tax is going to remain flat.

Selectman Galemme motioned to sign the Warrant for the School Budget. Selectman Folsom seconded the motion. VOTE: 5-0

7. Other Business:

Dwayne stated that there was a letter from the Governor on Page 57 of their packet. He wanted it published in the Town Report but we received it too late.

Dwayne stated that the County Budget Committee Caucus will be on April 15th. He stated that because they redistricted the whole county, there are very little Budget Committee members left. The towns of Acton, Berwick, Cornish, Lebanon, Limerick, Limington, Newfield, North Berwick, Parsonsfield and South Berwick have to get 2 elected positions. It will be at the Alfred Town Hall on April 15th at 6:30 pm.

Dwayne stated that the Legion has asked the Selectmen to walk in the parade on Memorial Day on May 25th.

8. Review and Approve Warrants and Correspondence:

Warrant:	March 24, 2015	- \$ 0.00
Warrant:	March 31, 2015	- \$ 51,862.83
Warrant:	April 7, 2015	- \$ 22,010.75

Selectman Cowan motioned to approve the Warrant of March 31, 2015 for the amount of \$51,862.83 and the Warrant of April 7, 2015 for the amount of \$22,010.75. Selectman Folsom seconded the motion. VOTE: 5-0

E. Selectmen: Farewell to Selectman Danforth and Drew

Dwayne brought in some pie and ice cream for everyone to have to celebrate Selectman Danforth and Selectman Drew's last meeting.

9. Adjournment:

Selectman Cowan motioned to adjourn the meeting at 8:08 pm. Selectman Folsom seconded the motion. VOTE: 5-0

Respectively submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Selectman: Charles Galemmo

Selectman: Elaine Folsom

Selectman: Gregg Drew

Selectman: Wendy Cowan