

North Berwick Board of Selectmen Minutes June 2, 2015

NORTH BERWICK BOARD OF SELECTMEN MINUTES JUNE 2, 2015

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

Also Present: Dwayne Morin

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

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of May 19, 2015**

Dwayne Morin stated that on Page 3 of the packet, under Code Enforcement Officer he changed the second sentence in the first paragraph. It read "Her hiring is contingent on the Board's confirming her.". He changed it to read "Her hiring is contingent on the Board's confirmation.". Also on Page 7 under Kerry Briggs, he rewrote one of the sentences to read, "Dwayne stated that this is the offer which was made by the Briggs.". He also changed the sentence following this one which read, "...because Mr. Evans didn't sell it with a title.". It was changed to read, "...because of the tax acquired nature of the property..".

Selectman Folsom motioned to approve the minutes of May 19, 2015 as amended. Selectman Cowan seconded the motion. VOTE: 4-0 Abstain: 1

- 3. Public Input**

No public input at this time.

4. Unfinished Business:

A. Canoe Launch: Update

Dwayne stated that there is not much to update regarding the canoe launch. They are still waiting for the ramps and the launch to come in.

B. Dispatch: Update on 14 Town Group, Police Server Issue

Dwayne stated that the 14 Town Group has met and we know have the final contracts so a motion would be needed to enter into an agreement with the towns of Acton, Lebanon, Limerick, Newfields, North Berwick and Shapleigh for the York County Emergency Communications Group.

Selectman Cowan motioned to approve the contracts to enter into an agreement for the York County Emergency Communications Group. Selectman Folsom seconded the motion. VOTE: 5-0

C. Selectmen: Goals for Ensuing Year

Selectman Cowan asked Dwayne what the status was for cleaning up the property at the end of Madison Street. Dwayne stated that there is a dumpster there now and they are cleaning up the property. Dwayne said that they sent them a letter stating that they needed to clean up. Selectman Cowan asked how long they had to get it done. Dwayne said that they told them that they had to start cleaning within 2 weeks of getting the letter. He said that they have been making progress within the last few days.

D. Roads: Update of Spring Road Projects

Dwayne stated that Beech Ridge Road is now paved and shouldered. They were going to start on Hartford, Linscott and Fox Farm Hill Road on Monday but they didn't get to it because of the rain. The goal is to have them paved by the end of June.

E. Kerry Briggs: Tax Acquired Property Sale

Dwayne said that at the last meeting, they had discussed selling a tax acquired piece of land to the Briggs for \$2,000. He has given them a deed to approve to accomplish this.

Selectman Folsom motioned to accept the deed release to the Briggs for the purchase of the tax acquired piece of land for \$2,000. Selectman Cowan seconded the motion. VOTE: 5-0

F. General Assistance: Revised Ordinance – Public Hearing June 16, 2015

Dwayne stated that they were supposed to have a Public Hearing tonight but he did not get the notice in the papers in time. They need to do it at least 10 days before and he was not able to do it for this week. We will have it at the next meeting.

Reminders: Next Board of Selectmen's Meeting – June 16, 2015 – 6:30 pm Municipal Building

5. New Business:

A. Parks and Recreation: Bloodborne Policy

Dwayne stated that they had discussed the bloodborne policy for Parks and Recreation at the last meeting. He stated that the Commission reviewed the policy last night and they were accepting of the policy. He is now recommending to the Board that they approve it.

Selectman Cowan motioned that they approve the new Bloodborne Pathogen Exposure Control Plan for the North Berwick Parks and Recreation. Selectman Folsom seconded the motion.
VOTE: 5-0

B. Roads: Paving Bids

Dwayne stated that we received our paving bids and he is not extremely happy with them. They came in higher than what he had anticipated. He stated that our current contractor, F.R. Carroll came in with a bid of almost \$20 higher than what we were paying this year. Pike Industries came in with a price of \$76 per ton on surface and \$91 on base. Libby Scott came in with a bid of \$73.74 for both base and surface so they have the lowest bid. He stated that this is still significantly higher than what we had anticipated. He said that we had estimated it to be about \$70 per ton. Last year, we paid \$65 and \$68 per ton. Selectman Cowan wondered why Libby Scott had the same price for both the surface and base prices. Dwayne stated that it is hard to judge it. He stated that if they don't want the job, than they bid high. He stated that F.R. Carroll did not want the bid so they bid high. He said that there is not enough tonnage this year to make it worth his while. This year we are only doing 2,600 tons and the past couple of years, we have done over 8,000 tons. For him to come from Limerick, it is not worth his while for only 2,600 tons. Chairman Galemme asked if Libby Scott was a good company. Dwayne said that they have done a lot of towns in the area. They have done South Berwick, Wells, York, Kittery and in Berwick. They are a local company and the owners live here in town. They are former Tilcon and F.R. Carroll employees and they decided to form their own company. Selectman Cowan asked how much we were above the budget. Dwayne stated that he had budgeted \$217,000, but he had a contingency of about \$6,500 so we are about \$1,000 off of what the cost is going to be. He said that he also keeps his tonnage numbers higher. He stated that his estimated pavement tons was 2,575 tons but he actually put the bid out for 2,920 tons. He did this purposely because he didn't want to run over budget in case something unexpected comes up. He stated that they will be doing roads in groups so if he sees that they are close to going over budget, we may have to cut or postpone a project.

Dwayne stated that about 8 years ago, we went to what is called super pavement which is basically a metric kind of pavement. One of the results of this is that it makes pavement more brittle so pavement has not been standing up as well as the "old-fashioned pavement" that was used before. Libby Scott actually bid with adding more asphalt to the pavement which will

actually make it more flexible. Dwayne stated that there are 2 types of super pavement. There is regular super pavement and there is modified super pavement which adds more liquid and gives it a little bit more flexibility.

Dwayne stated that he believes the bids will be even higher next year because we have less pavement in the bid. We will be doing Diamond Hill Road which is basically gravel. He said that they are keeping an eye on doing seal coat instead of a shim and overlay. It is a rubber seal coat that you put over the roads. He stated that a lot of towns are starting to use it. He said that just to do a foot of road of pavement, it costs about \$25 per foot. They can do a rubber seal coat for about \$10 per foot and it gives the same life. Selectman Johnson asked if you can fill a hole with it. Dwayne said that you couldn't. You would fix the surface pavement. He said that if the pavement is really cracked up, it would not be good to do, but if it was pavement that would be suitable for a shim and overlay, they could use the seal coat. He said that they spray a ¼ to ½ inch of rubber, then put stone in it and then roll it. He said that they have not done a lot of the roads around here. They will be doing 3 roads in Eliot and 2 roads in York this spring, which will be the first ones in Southern Maine. They have done some in Scarborough and quite a bit up north. He said that they use an oil with a rubber emulsion and they have perfected it. When they first came out with this, it wouldn't stand up and it was a really rough ride. Dwayne said that they will go watch them do the roads in Eliot and York so they can see what they do and how it works out. He said that you can go with the rubber or the non-rubber. He said that the one with the rubber gives it a better look and a smoother ride. He said that the non-rubber is basically what they used to do when we did seal coat. He said that if this became a viable option that this would extend their dollars quite a bit. Instead of paying approximately \$70,000 to do a mile of road, it would probably cost about \$30,000. Selectman Johnson asked if there would be any speed limit changes on these roads. Dwayne stated that it would not. The whole idea of this is to extend the life and get more roads covered. He said that you do it once and then after that you just pave over it. He said that the thing that ruins the roads is water and ice. He said that when they spray the rubber in, the rubber spreads and fills the cracks so the water can't penetrate those cracks. Selectman Folsom wondered how they hold up with the plows. Dwayne said that they have been using this in Central Maine for a couple of years now and they have stood up to the plows. He stated that he is looking at the towns that have been using it. When you see towns like Jay and Livermore Falls that is one thing. When you see other towns like Yarmouth, Falmouth, South Portland, Scarborough, Kittery, Eliot and York using it, they are not just putting anything on the roads. When you see higher end towns using the product, it gives it more credence. People would not put up with it if it wasn't any good. Dwayne said that the down side is that the closest company that does it is out of Massachusetts so they require you to do a lot at one time. You have to guarantee them \$100,000 worth of work. He said that it is really not a lot when you think about it because we are spending \$230,000 now on pavement. Selectman Cowan asked if this was going to be used on Diamond Hill Road. Dwayne said that this road is all gravel so probably not. He said that they have long stretches of other roads such as Valley Road, Ford Quint Road, Randall Road and Buffum Road. Selectman Cowan asked if this is something that they could also use if somebody asked for them to do their driveway. Dwayne said that it is not something that you would want for a driveway. He also stated that most pavers that are doing paving for the town will not do driveways.

Selectman Folsom motioned to accept the bid from Libby Scott Inc. for paving. Selectman Johnson seconded the motion. VOTE: 5-0

C. Mill Field: Bench Plaques

Dwayne said that the benches are now completed. Gregg Drew took all of the plaques off and tried to clean them the best that he could. Dwayne said that before they were cleaned, you could hardly read them and are still very hard to read after being cleaned. He said that the problem is that we used the brass material and they were etched with black, but the black is now all gone. Dwayne said that it has been 15 years since they were put on. He said that they have looked at several ideas. The best way to go is stainless steel with laser etching and they last forever. The prices for these were \$16 per plate. We have 70 plates so it would be \$2,000. He went to Bob's Trophy in Rollinsford to see if they had any ideas. Their idea was an aluminum black plate with laser lettering for \$2.50 apiece. They are also UV coated and he said that it is not actually etched. It is actually a laser material that is embedded on the plate. Selectman Cowan asked if there was any kind of warranty. Dwayne said that there was none. Selectman Cowan asked what they were going to do with the old plaques. Dwayne said that he did not know. Selectman Cowan wondered if any of the families of the ones on the plaques would like to have them. Dwayne said that they are really unreadable. Selectman Cowan said that maybe some of the families may want them for sentimental reasons. Dwayne said that he has no contact information, but he could put something in the next newsletter letting people know that they can have them if they want them. Gregg Drew said that he would put them all on if we wanted him to.

Selectman Cowan motioned to accept the bench plaques for the Mill Field benches. Selectman Folsom seconded the motion. VOTE: 5-0

D. Personnel Policy: Proposed Changes for FY16

Dwayne said that there were a few personnel policies that they need to look at and they can be found in their packet starting on Page 62. The first one is under 6.1 Eligibility for benefits. Dwayne stated that when the CEO position went from a full time position to a part time position, we had added that the CEO would still receive benefits. Now that the Code Enforcement Officer is back to full time, this should be eliminated from our personnel policy. We would eliminate Section 6.1.b because it is no longer relevant.

There are 2 changes under 6.2 Vacation section. The first one is 6.2.f which came about because of the new CEO hiring. It is called New Hires with Practical Experience. Dwayne stated that currently if we hire somebody without a contract, they have to work a year before they get vacation. If we hire somebody that is really experienced and they say that they want to have some vacation time, we would have to do a contractual agreement. The new addition reads as follows:

For purposes of hiring in, the Board of Selectmen may amend the years of service based upon bona fide years of service on a full-time basis. The new hire, for purposes of vacation, may be granted up to 120 hours of annual vacation. The new hire shall be entitled to more than 120

hours once the employee achieves the required years employed by the Town as outlined in 6.2.a of personnel policy. (Proposed 7-1-15)

The next change is a request from the employees. The new addition of 6.2.g reads as follows:

Part-time employees who work a regular schedule and have been employed for more than 2 years shall receive 1 week vacation consistent with the average hours worked (i.e., an employee averaging twenty (20) hours per week would get vacation for twenty (20) hours. (Proposed 7-1-15)

Dwayne stated that we have a lot of part time employees that work a regular work week. They have a specific schedule such as 2 or 3 days a week. If they want to go anywhere, they have to take time off without pay. These employees are 3 at the Transfer Station, 2 in the Front Office and 1 in the Police Department. They would like the Board to approve this.

Dwayne said that the last change is in regards to part-timers who work on a recognized holiday. For example, on Memorial Day, we have one office worker who is scheduled to work on Mondays. Because the office was closed on Memorial Day, she could not work and did not get paid for it. They would like to be able to get paid for these holidays if it is on one of their regularly scheduled days to work. Selectman Cowan asked if other towns did this and Dwayne said that just about every other town pays for holidays for their part time employees.

Dwayne said that if the Board agrees with these changes, we have to send a memo to all of the employees and give them a 14 day comment period. Once the 14 day comment period is done, we would hold put it on the Agenda for the Board to act on it.

Selectman Hall motioned to move forward with the proposed changes. Selectman Folsom seconded the motion. VOTE: 5-0

E. Hannaford: Request for Community Project Funding

Dwayne said that Mark Gagne, the new Manager at the new Hannaford store called him and stated that Hannaford had given him some money to use for community projects in North Berwick and he would like ideas on how the money could be spent. They have \$9,000 and they like to invest in things that are tangible like parks. Dwayne told them that the only work going on with parks this year is being funded by impact fee money. Because of our time frame, we actually need to spend the impact fee money or else we have to give it back. The only thing we are doing this year is the horse shoe pits.

Dwayne said that he has had a few ideas and he wanted to run them by the Board. One of the ideas is for the Fire Department and is a result of a fire that happened on Bauneg Beg Pond about 2 weeks ago. Currently we use UHF channels to transmit and dispatch off of and are local TAC channels are UHF channels. Currently Berwick, South Berwick, Rollinsford and other southern towns work on VHF channels. The northern towns like Sanford, Wells, Kennebunk and Lebanon also work on UHF channels so when they come to our town, we can hear them. When we try to talk to Berwick, South Berwick and Rollinsford we can't hear them. They do make a

piece of equipment that allows 2 radios in it and will actually cross those radios to allow them to talk together. It costs \$4,000. Dwayne said that it may be something that Hannaford would contribute to because Berwick, South Berwick and Rollinsford would be some of the towns that we would call if anything happened at the store. Selectman Johnson asked if they wanted to put something up that showed that they were the ones that had paid for it. Dwayne said they did not need to have anything up.

Another item that they may want to contribute to is the fireworks for the Mill Field Festival. Dwayne said that they are planning on doing fireworks again this year but they are having a hard time getting money to do that. It costs \$2,000 to run the fireworks show. We could then put a sign saying that the fireworks were donated by Hannaford and put it in the program.

Another idea was to maybe contribute for new seasonal flags like they discussed at a previous meeting.

Dwayne said that he would let them know about some of these ideas and see if they would be interested in any of them.

F. Hannaford: Request to Perform Nighttime Construction

Dwayne said that part of the Hannaford construction project is that they need to install water lines. He pulled up a copy of the plan on the computer for the Board to look at. He pointed out where the sidewalks were going to be installed. They also have to install a new water line. Currently there is a 6 inch water line that runs up Route 9. This is not enough for their fire protection so they need to have a 12 inch water line. They need to hook into the 12 inch line that runs down Route 4. The big problem with doing this is that the 12 inch water line runs along the yellow line of Route 4 at 10 feet below the ground. If they do this during the day, this would mean that Route 4 would be one lane and Route 9 would be one lane and this would cause massive traffic problems. Hannaford has asked if they could perform night time construction. They originally asked for 3 days but agreed to just 1 day. They would hook into the main 12 inch water line and get 2 lengths of pipe out to Route 9 so that way Route 4 continues to be 2 lanes of traffic. They are going to encounter many things with this. Not only do they have to dig down, but there are also some massive power lines there. There are also telephone and cable lines there are very thick and sit about 15 feet above the road surface. Because they have to dig 10 feet deep, they have to stack 2 trench boxes on top of each other to get to the water line. They will be putting on a 12 inch tapping sleeve and a drill unit on there. They let the drill unit drill a hole into the water pipe which will take about 2 hours. Because it is a state road, they have to back fill it 10 feet in 1 foot lifts. They have to bring in 1 foot of gravel, roll it and pack it, and repeat this. Just to tap that line and get 2 lengths of pipe out is going to take about 14 hours. If they did this during the day, 14 hours of one single lane of traffic on Route 4 and Route 9 would create major traffic issues. They would like to start at 7:00 in the evening until 7:00 in the morning. He has talked to them about allowing them one night to do this. They would then cross Route 9 by doing it one lane at a time. They will be doing widening of the road and not put in the sidewalk so it would allow for two lanes of traffic on Route 9. They are only going to do lane closures at 150 feet at a time to try and keep traffic issues to a minimum.

Dwayne stated that our Ordinance is pretty clear and says that night time construction is not allowed. We have allowed it in the past for the certain emergency situations. When the Water District crossed the railroad tracks, we said that they couldn't do it during the day. He said that he spoke with the Police Chief about it and he said that they should allow them to do it at night. Dwayne said that a few years ago when a truck hit the traffic lights and snapped the two poles. We were down to 1 lane for 4 hours and we had traffic backed up to South Berwick, backed up to Sanford and backed up to Wells for 3 hours. This project would be for 14 hours.

Dwayne said that he also contacted State DOT and they told him that if they want to work at night, they can give them permission because they are State roads, so we don't have control over it. Dwayne said that his main concern is for the neighbors and the noise they would be hearing. They would also have a lot of lights as well as the flashing light from the police cruisers on the whole time. They would like to do this on Monday, June 15th. Dwayne said that this might change tomorrow because we were also contacted by Pan Am Railroad. They would like permission to shut down Route 4 for 2 days. The Federal Rail Authority has lowered the speed of the railroad tracks and the tracks need some improvements. They need to work on the tracks on Route 4 and on Lower Main Street. He told them that they would need to ask DOT for permission, but he said that he would have a problem with closing down that road. He told them that they could work with them on Lower Main Street but they couldn't really shut that down for 2 days either. It would be fire and rescue issues because the only way to get to people on the other side of those tracks is over those tracks. Hussey Seating also has trucks coming in and out for deliveries and shipments. He told them that they could do all of the prep work and then they could have a day to complete the rest. When Dwayne talked to the State today, he asked them what was going on with this issue. The MDOT said that he had just spoken to the Railroad Authority about it. They gave them permission for the 15th which is also the date that he gave Hannaford to do their work. The MDOT said that he is meeting tomorrow regarding all of these issues. They will not let Hannaford perform theirs on the 15th and they will not allow the Railroad to close the road completely.

Dwayne said that we don't have any say regarding the night time work. The State will give them the permit. He said that whether they do the work during the day or at night, there will be some unhappy people. He said that there are about 6 homes and they are going to be mad but we could also make about 30,000 cars very mad. He said that we could allow them the 1 night to get out of Route 4 and get into Route 9. The light towers need to be short. They need to have quiet generators. They need to put up sign boards at least 1 week before to notify everyone that will be driving on the road. Letters need to go to all surrounding neighbors to let them know that this will happen and apologize for the inconvenience.

Chairman Galembo asked how long they would be cutting up on Route 9 and Dwayne said that it would be about 2 weeks. The work on Route 9 is really not much. They need to add the sidewalks, cut the pavement, put the water line in and then pave it. They are also widening the road in some places up to 6 feet.

Selectman Cowan said that she is concerned about the night construction going against our Ordinance. We need to make sure that this is an emergency situation and that we are not setting a precedent for other companies in the future. Selectman Cowan asked what they needed to do

in terms of making sure that we manage this tightly as far as our oversight and responsibility. Dwayne said that the Board has to act on it and there has to be a legitimate reason. Chairman Galemmo said that they would need to do a motion that states that doing this is in the public's best interest and list some of the reasons why such as traffic snarls. Chairman Galemmo stated that they also need to specify that it is for one night, they will have low light and a quiet generator and do everything they can to minimize the impact on the residents.

Dwayne stated that he would include the following in the motion:

1. Short lights
2. Generators need to be quiet
3. Sign boards put up 1 week in advance from both directions on Route 4 and Route 9 notifying traffic that this is happening
4. Either a letter or face to face notification at least a week ahead of time to all of the homes in that area explaining that this is going to happen and making them aware.

Selectman Johnson asked how far up and down on each road would they need to go to notify the neighbors. Chairman Galemmo said they should do about 100 yards on each road and the Board agreed.

5. They will need to take an ad out in the Sentinel including the dates and times of the closures. The times will be from 7 pm to 7 pm the following day.
6. They need to get the 2 lengths of water main in before they close it up.
7. This is deemed to be an emergency situation.

Selectman Cowan motioned to approve night construction for Hannaford with the above mentioned conditions. Selectman Folsom seconded the motion. VOTE: 5-0

6. Other Business:

Chairman Galemmo stated that it would be good if for next Memorial Day, we also honored non-Christian veterans. Dwayne stated that it is the American Legion that handles everything for the Memorial Day activities. Selectman Cowan said that she feels that we need to provide more guidelines so that the person that is speaking knows that the prayer is not a sermon. Chairman Galemmo said that he has been to Arlington Cemetery and other veteran cemeteries and has seen a lot of Star of David's there. He didn't feel that the line where he said, "the greatest Christian nation on Earth" was appropriate. Selectman Hall agreed with him. He stated that we have all faiths fighting in our military. Selectman Hall asked if it would be possible to write a letter to the American Legion from the Board of Selectmen about it. Selectman Folsom said that it might be better if one of the selectmen just talked to the Commander. Selectman Cowan agreed and said that a letter might come across a little harsh.

No other business at this time.

7. Review and Approve Warrants and Correspondence:

Warrant:	May 26, 2015	- \$ 23,450.88
Warrant:	June 2, 2015	- \$ 45,122.65

Selectman Folsom motioned to accept the Warrant of May 26, 2015 for the amount of \$23,450.88 and the Warrant of June 2, 201 for the amount of \$45,122.65. Selectman Cowan seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Folsom motioned to adjourn the meeting at 8:23 pm. Selectman Cowan seconded the motion. VOTE: 5-0

Respectively submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Wendy Cowan

Selectman: Elaine Folsom

Selectman: Michael Johnson, Jr.

Selectman: Jonathan Hall