

**North Berwick Board of Selectmen Minutes November 3, 2015**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
NOVEMBER 3, 2015**

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

**Also Present:** Dwayne Morin

Chairman Galemmo opened the meeting at 6:30 pm.

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of October 20, 2015**

Dwayne stated that he made a few changes. On Page 8, in the second paragraph, he made some changes in a couple of the sentences. The 4<sup>th</sup> and 5<sup>th</sup> sentence read, "He asked them if they were willing to monitor them and some of the parents said "no". He asked if they would be willing to clean them and they said "no.". It now reads, "He asked them if they were willing to monitor them and some of the parents said "yes" and some said "no". When asked if they would be willing to clean them, they all said "no".

Selectman Cowan motioned to approve the minutes of October 20, 2015 as amended. Selectman Folsom seconded the motion. VOTE: 5-0

**3. Public Input**

There was no public comment at this time.

**4. Unfinished Business:**

**A. Roads:** Update on Road Projects

Dwayne stated that they will be finishing all the paving on all of our roads tomorrow which includes the sidewalks and the Transfer Station. This completes all of our roads until next spring.

**B. Fire Department:** Update on Bonding Process for New Tanker, E-4 Inspection

Dwayne stated that they have closed on the Bond for the new tanker and he has reimbursed the Town according to the Reimbursement Resolution that the Board had signed. They are now just waiting for the tanker to be constructed.

**C. General Assistance:** Sign New GA Ordinance

Dwayne stated that they approved the new General Assistance Ordinance but they never signed the papers. He just needs the Selectman to sign the paperwork.

**D. Budget FY17:** Continue Discussions on Budget Items For FY17

Dwayne stated that he included a few items in the packets that have to do with the budget. He said that he included the memos that he will send out to the different committees and to the department heads. Also he included the initial Budget Request Forms that he sends out to all of the departments. He said that they would be going out next week and they were due back by December 31, 2015.

**E. Audit:** Update on Audit FY15

Dwayne stated that the audit had gone well. It lasted about 3 ½ days. He said that it usually lasts about 3 days because they usually come in before to do a pre-audit. They did not do that this year so they did the pre-audit on the first day they were here. There were no major issues. They had a few recommendations on how we can better the financial status of the town and our books. The auditor will bring the audit in January to review for the Board.

**F. Rescue:** Ambulance Purchase and Temporary Garage Location

Dwayne stated that Rescue did purchase the ambulance and it is their garage right now. They will be working on renovating that within the next few months. They did purchase a temporary shelter for their ATV and the trailer. They will put it behind the Rescue building.

**Reminders: Next Board of Selectmen's Meeting** – Nov. 17, 2015 – 6:30 pm Municipal Building

Dwayne stated that the Conservation and Agriculture Committee will be at the next meeting to meet with the Board.

**5. New Business:**

**A. Town Clerk: Write-In Candidate Ordinance**

Dwayne stated that last year, the State passed a law that said that all write in candidates for the State of Maine have to register to be a write-in candidate. They need to do this at least 14 days prior to any election. When they passed that law, they also allowed towns to do the same thing. He said that they need to make a decision. They can either pass an Ordinance that requires write-in candidates to state their intentions to the Town Clerk or if they want to just leave it as it is. Dwayne said that if somebody doesn't state their intentions, any vote for them does not count. He said that if they don't adopt an Ordinance, than every vote does count. Chairman Galemme asked if there was some reason that they would need to change it. Dwayne said that there was no specific reason. He just wanted to bring it before the Board so they were aware of the new law. He doesn't feel that they need to make a change. He stated that if it wasn't for write-ins, we wouldn't have a full Budget Committee. The Board all agreed to make no changes.

**B. Project Canopy Grant: Con Ag Commission Grant Suggestion**

The Con Ag Commission contacted Dwayne about a couple of things. First of all, they would like to know if they should seek to do a Project Canopy Grant. His first inclination was that it was a great idea but he thinks that they are a year or two short before doing it. He said that that way the Project Canopy works is that it allows you to plan for forestry type uses. He said that the Commission would like to do something similar to what Old Orchard Beach did a few years ago. They did a Planning Grant to create trails. The reason it got tied into the Project Canopy Grant is because they did some placards around the trails to identify certain things like type of tree. The Con Ag Commission would like to mirror that with the creation of trails within our community. The difference is that Old Orchard Beach had already designated parcels of land for that and we haven't. He knows that one of the parcels of land that they are looking at is the parcel of Maple Street and he thinks that there some differing opinions as to the use of that property. The initial reason that the town took that parcel was for future economic development and not for conservation land. He said that they could probably split it and figure out ways to make both uses work. However, until the town acts on which parcel we want to dedicate as forestry lands, he thinks that we are putting the cart before the horse. His concern is that they write a grant, it would get denied and it prevents us from getting another grant. Dwayne stated that he did contact the Vice Chairman of the Con Ag Commission to explain this and she agreed that maybe next year's grant cycle may be more appropriate. We also need to come up with 50% match. He would be concerned that we want to do a Planning Grant for this parcel of land but the Town might not want that to be forest.

Selectman Cowan asked when they would have conversations regarding the Town deciding what parcels of land would be forestry uses. Dwayne said that his would happen when the Con Ag Commission meets with them. He stated that they have parcels of land that the Town has taken and most of them have been identified for a specific use. For example, the canoe launch that we got from Pratt and & Whitney was for the canoe launch. We have a handful of parcels that were taken through tax acquired status or given the land but have not relegated a use to them. We just call them open space right now. The way that Project Canopy Grant works is that you have to designate a parcel of land for forestry use. His concern is that they would work through a grant process when the Board of Selectmen and the Con Ag Commission have not discussed that.

Also, the Town has not delegated the parcel to be forestry use only. Selectman Cowan asked what the process would be for doing this. Dwayne said that it would go to Town Meeting. He said that the Con Ag Commission will be discussing this with the Selectmen at the next meeting. They have put together a list of what should be considered forestry to be brought to Town Meeting.

Selectman Cowan asked if it was part of our Capital Improvement Plan to continue to identify parcels in the town that we may want to designate. Dwayne said that the Commission is just looking at parcels that we currently own. Selectman Cowan asked if they were looking at identifying other parcels. Dwayne said that looking at other parcels was part of the Con Ag Commission's task. He said that prior to this Commission existing, it had not been done in quite some time. Dwayne stated that for the most part when they acquire land, it is for a specific use. It is typically just tax acquired properties that we take. He said that most of the properties that they have taken, there has been a specific reason for it. There has been a handful of properties that they have not specified a reason for the use. For example, the Maple Street property was taken about 20 years ago through taxes and at the time, the Board's reason for taking it was for economic development for the town.

Dwayne pulled up the map on the computer of all of the town owned properties and went over them with the Board. He stated that the Con Ag Commission is looking at doing something with the Maple Street parcel which was originally obtained to have do some kind of industrial development. He said that there is some merit to that. He said that they own parcels all over the place and they are trying to create unfragmented connected lots. They are looking at working with Great Works Land Trust and the properties that they own to make some decent sized trails. Chairman Galemme asked how much interest there had been for an industrial park. Dwayne said that the whole idea was that they were just holding it as a piece of property. Selectman Cowan asked how many acres and Dwayne said that it was about 60 acres. Selectman Cowan asked what the valuation of this property was. Dwayne said that it was valued at \$121,900.

Dwayne stated that the grant is due on December 4<sup>th</sup> and there are still a lot of things to figure out beforehand. We still have to present it to the voters of the Town to see if they would want it. He stated that it is definitely something that they should work towards for next year. We could get up to \$8,000 and we would need to come up with \$8,000 to match it. Selectman Johnson, Jr. asked how far \$16,000 would get us for the project. Dwayne said that it would get us the plan and maybe a few little things. He said that the problem is that you cannot use the grant to build trails. It is only for forestry uses, so we would need to figure out how we want to tailor the use for the grant. He stated that Old Orchard Beach worked on theirs for years before applying for this grant. Chairman Galemme said that if they have the land and it is not being used, they should definitely find a use for it. He doesn't see a lot of light industry trying to get into North Berwick. Dwayne said that you can never tell. It doesn't have to be light industry. It could be commercial. He said that there is already some commercial working its way into that area like the Hannaford.

Dwayne stated that another thing that the Con Ag Commission wants to talk about is food sovereignty. On pages 72 to 75 in their packets, is a copy of a Local Food and Community Self-Governance Ordinance. He said that they will be presenting this or some version of this to the

Board at the next meeting. Dwayne stated that he has some concerns regarding this Ordinance. He said that there are also some areas that our attorney may be concerned about. Dwayne asked the Board to look at Section 6.1 of the Ordinance presented to them. It reads:

Section 6.1 State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or county.

Dwayne stated that people need to understand that even though we are a home rule State, we are only a home rule State in as much as the State and Federal government allow us to be. We can't tell them that just because they passed a law we are not going to recognize that. We are not allowed to do that.

Selectman Cowan asked where this Ordinance had come from. Dwayne stated that there is a group that is trying to get this passed in a majority of the communities. Selectman Cowan asked if it had been drafted by an attorney and Dwayne did not believe that any attorney had been involved. He stated that if you go online and look up Local Food Rules, there is a large organization involved. There is an organization called the Alliance for Democracy that is behind this. Dwayne said that the concern that he has is that he doesn't want to put anything before our voters that is illegal. He said that if we pass an Ordinance that says that and then the State or Federal government passes a law that we say is in violation of this, the Ordinance states that we need to fight that law. We do not have the resources to fight the State or Federal government.

Chairman Galemme asked what they were trying to accomplish. Dwayne stated that he is not sure and will let the Commission speak when they attend the next meeting. They have just sent him the information and have asked him to look at it. Selectman Johnson, Jr. said that the only thing that he has really heard is that people don't want to be stopped from growing their own food. Dwayne said that they want to create an environment that allows local farms to prosper. They don't want to have any regulations that hinder local farming and the growing of local food. Dwayne feels that we need to review our own Ordinance and own rules and regulations. Dwayne stated that one of the impetuses of this Ordinance comes from something that happened last year. There was a farmer around the Unity area that was selling unpasteurized milk. The State came in and told him that he couldn't sell unpasteurized milk because the law says that you cannot sell it. He said that you can consume it and give it to your friends to drink but you cannot sell it. They want to pass an Ordinance that the State and Federal government can't come in and tell local farmers what they can do. Unfortunately, he doesn't feel that Towns have the right under our own rule to fight the State. He stated that, as citizens, they can do that but the Town should not be using resources to fight this. Chairman Galemme stated that the Federal government was looking at passing a new food safety law that makes it easy for big Agriculture businesses to follow but not for small farmers. Dwayne stated that farming corporations are making it very hard for small growers. Dwayne stated that he feels the goal is laudable but he doesn't feel that that this Ordinance is the way to do that.

Selectman Cowan asked if the Con Ag Commission can take a look at our Ordinance and see where changes can be made. Dwayne said that the Board can definitely direct their path. Dwayne said that if they did decide to move forward with this Ordinance, he would want our

attorney to review and make any comments. He stated that right now there are 16 towns that have passed this Ordinance and they are all very small towns. Chairman Galemmo asked if the State's Right to Farm Law offered a lot of protection. Dwayne said that it did. Selectman Hall stated that if you buy land in Farm and Forest there is a certain expectation that people may be farming next door to you. He feels that they should protect that so he would not want to add any regulations there. Dwayne said that they also want to expand it to other areas that are not Farm and Forest. He said that there are farms in the town that are not in Farm and Forest and we do have regulations on those. He stated that if somebody moves into the Residential District, you expect that you will have a residential neighborhood. Chairman Galemmo stated that if there are areas in town that are Residential but the Commission feels it should be in the Farm and Forest District, then they should propose reclassifying that area. Selectman Cowan stated that there are areas of town that are in Residential II but would be better if it was Farm and Forest. She thinks that this is a direction that the Commission should move in instead of doing this Ordinance. Dwayne said that the problem with that is that we have a Comprehensive Plan that has passed in town that says how our land uses are going to be within this community. The Comprehensive Plan is our legal backing document to our Zoning Ordinance. If our Zoning Ordinance is in conflict with our Comprehensive Plan, our Zoning Ordinance is invalid so we need to be very careful about this.

Chairman Galemmo stated that he would like to find practical ways of promoting farming in the town in ways beside regulations as well. If there are challenges, what are some of the things that the town could help sponsor to assist in those challenges. Maybe they could have a food distribution center for the farmers to go to so they can sell their products. He thinks that the biggest problem that local farmers have is a distribution network. They have farmers markets or going door to door to restaurants so it would be nice to have a central place instead.

#### **C. Transfer Station: Waste Management Bulky Waste Contract Renewal**

Dwayne stated that our contract for our bulky waste is up on December 31<sup>st</sup>. Dwayne said that they have multiple contracts on how we get rid of our wastes. One of them is for bulky waste stream and demolition debris. We used to send it down to ARC in Eliot but they increased the price on us to \$88 per ton so we looked elsewhere. We had two other competing bids. One of them was Pine Tree Waste in Westbrook at \$71.50 per ton last year and Turnkey came in at \$68 per ton. This year, Turnkey came in at \$69, Westbrook is at \$72.50 per ton and ARC is at \$89 per ton. So it is still cheaper to stay with Turnkey.

Selectman Folsom motioned to enter into a contract with Turnkey for \$69 per ton. Selectman Cowan seconded the motion. VOTE: 5-0

#### **6. Other Business:**

Dwayne said that the Howler went well. It was also the last day of soccer so it was a busy weekend. Selectman Cowan stated that she was very impressed with all of the events that were scheduled at the Howler.

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

Warrant:	October 27, 2015	- \$	0.00
Warrant:	November 3, 2015	- \$	51,353.10

Selectman Hall motioned to approve the Warrant of November 3, 2015 for the amount of \$51,353.10. Selectman Folsom seconded the motion. VOTE: 5-0

**8. Adjournment:**

Selectman Folsom motioned to adjourn the meeting at 7:45 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