

**North Berwick Board of Selectmen's Minutes: July 8, 2014**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES JULY 8, 2014**

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

**Also Present:** Dwayne Morin

Chairman Danforth will be late so Vice Chairman Galemmo started the meeting.

Vice Chairman Galemmo called the meeting to order at 6:34 pm.

**1. Pledge of Allegiance**

**2. Review of Approve Minutes of June 17, 2014 and June 3, 2014**

Dwayne Morin stated that there were a couple of corrections on the June 3<sup>rd</sup> minutes. On Page 3, in the second paragraph under Roads, the sentence that reads, "He still getting pricing on paving." Should read, "He is still getting pricing on paving.". Also on Page 3 in the first paragraph under Personnel Policy, the first sentence reads, "Dwayne stated that he had included in the personnel policy was included in ...". It should read, "Dwayne stated that he had included in the personnel policy that is included in...".

Selectman Drew motioned to accept the minutes from June 3, 2014 as amended. Selectman Cowan seconded the motion. VOTE: 3-0

Dwayne stated that on Page 13 of the June 17<sup>th</sup> minutes, he found one error. In the first paragraph, the sentence that reads, "Dwayne stated that they can find the unit online at a lower cost and they company..." should read "Dwayne stated that they can find the unit online at a lower cost and the company...".

Selectman Cowan stated that on Page 10, under the Goals section, the first and second sentence did not make any sense. She felt it should be one sentence. It now reads, "Dwayne stated that in looking at the CIP plan in reference to the roads, he said that he is looking...". Also on Page 12, under the General Assistance section, there were a couple of errors. In the first sentence the word than needs to be changed to then. The same thing needs to be done in the seventh sentence. Also the last sentence in this section that reads, "Dwayne sated that in order for the State to tell the Towns to not do it, it is actually the Attorney General that would need..." should read, "Dwayne stated that in order for the State to tell the Towns to not do it, it is actually the Attorney General who would need...". Also on Page 13 in the third paragraph, the second sentence reads, "Wendy seconded the motion.". It should read, "Selectman Cowan seconded the motion."

Selectman Folsom motioned to accept the minutes of June 17, 2014 as amended. Selectman Drew seconded the motion. VOTE: 3-0 Abstain: 1

### **3. Public Input**

There is no public input at this time.

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

#### **A. Canoe Launch: Update on Progress**

Dwayne Morin stated that we now own the property. He stated that Selectman Drew will start taking down the fence when he has time. He also stated that once the guys are done on Beech Ridge Road, they will go there and work on the parking lot and trail. They will probably just wait until next year to put in the dock.

#### **B. Roads: Update on Road Projects**

Dwayne stated that they are done with about 90-95 percent of the trees. They should be done with it today. Dwayne stated that they will probably have to do more tree cutting later. Now that they have cut down a lot of trees, they are finding other trees that were behind the ones that they cut that are dead and need to be removed. They also need to do some trimming of some overhanging trees. This will add some additional cost. He said that the road has been ground and as of today, they have only one more cross culvert to install. He stated that when it was reclaimed, it ground up very nicely so we will not need as much gravel as estimated. Dwayne stated that Mike said he would like to be done by the end of the month but it may go until the middle of August.

Selectman Drew asked if they had any other road projects to do. Dwayne stated that they still have Hartford Lane to do. There is also Fox Farm Hill Road and Linscott Road which they were planning to do in the spring.

Selectman Folsom stated that Beech Ridge Road looks great. It is really nice to see all of the stone walls again. Dwayne stated that he was very happy with the work that the tree cutters had

done. Selectman Drew asked if we had used somebody new. Dwayne stated that Abbott Hill Tree performed the tree cutting but they hired someone from up north to do the shearing.

Selectman Cowan asked how many cross culverts they ended up installing and Dwayne said they did eight. Selectman Drew asked if it was crushed gravel that they would be putting down. Dwayne stated that it was crushed gravel. He stated that Pike takes ledge and crushes it to State specs for a  $\frac{3}{4}$  inch crushed gravel.

Dwayne stated that what was going to slow them down now is the driveway culverts. They are ripping out a lot of them because they are so old. They are replacing the metal culverts with plastic. Dwayne stated that the way the driveway culverts work is that the property owner pays for the first one and then the Town forever maintains it.

#### **C. Goals: Begin Discussion on Goals for Ensuing Year**

Dwayne stated that he has been on vacation so he has not come up with anything.

Selectman Cowan would like to look at possible land parcels that could eventually be purchased that could be beneficial to the Town. She stated that the property at the corner at the light is a real eyesore and it bothers her every time she goes by it. It is located in such a visible part of the town. She would like to see something more aesthetically pleasing for the town. She is also worried about it being a fire hazard. Dwayne stated that the big problem with this space is the accessibility and getting in and out of there. It might be nice to have some sort of historical monument there. Dwayne stated that the current owner, Mr. McDermitt wants a significant amount of money for the property. He stated that there would also be a significant amount of demolition cost. Selectman Galemme stated that there is also the lot on Route 4 as you are headed out to the Transfer Station that would be nice to purchase as well. Selectman Cowan asked how many acres it was and Dwayne stated that it was .36 acres.

Dwayne stated that they do have quite a bit of land in town. He said that they may want to look at what they have and see if it would be worth timber harvesting them. He stated that the biggest plot of land that they have is by Maple Street and it has already been harvested. There are a couple of properties on Stub Marsh that are about 10 acres or so. Selectman Galemme stated that if they could harvest some of the timber and set up a fund that could be used to purchase some of these other properties in the future. Selectman Cowan stated that maybe there are also grants that could be obtained to help with purchasing some of the properties.

#### **D. Personnel Policy: Proposed Updates and Amendments**

Dwayne stated that they put out four changes to the Personnel Policy and the 15 day comment period is now expired so the Board can now act on implementing the changes. Dwayne stated that the first one is related to the Code Enforcement Office. He stated that he did change it a little because he wanted to make sure that it covered everything that it should. The policy change reads as follows:

6.1.b The Code Enforcement Office is only open for twenty-four (24) hours a week plus Planning Board and ZBA duties. Those employees who work the CEO schedule shall be considered fulltime for the purposes benefits except health and dental insurance. Vacation will be consistent with average hours worked and 5 days of vacation shall equal twenty-four (24) hours and holiday shall only be paid if it falls on a regular work day. (Amended July 1, 2014)

The second change is in regards to our health insurance buy-out. It will now read like the one that the police department policy. It reads as follows:

Health Insurance Buy-out: Employees shall have the option of not participating in the Health Insurance coverage and will be compensated in two equal \$500.00 installments in July and January provided that the employee submits proof that they have health insurance coverage equal to or better than the town's provided coverage. Employees who opt back in to the Health Insurance coverage during the same fiscal year for any reason shall have to reimburse the Town for buy-out paid to date on a prorated basis. (Amended Effective July 1, 2014)

The third change is an addition under the Vacation section. It reads:

6.2.e) Employees shall have the choice of being reimbursed for up to 40 hours of unused vacation on an annual basis. This reimbursement will be made in accordance with the employee's base rate of pay and can be requested at any time during the fiscal year as long as the employee has a minimum of 40 hours in their vacation bank. (Amended July 1, 2014)

The final change is the policy for the Family Medical Leave Act. Dwayne stated that we are eliminating all of the detailed language that is currently there and replacing it with the following:

6.12 Family Medical Leave: The Town of North Berwick adheres to the Maine Family and Medical Leave Act (FMLA) as stated in Title 26 MRSA subsection 845 et seq. (Amended Effective July 1, 2014).

Selectman Folsom motioned to accept the four changes to the Personnel Policy as written. Selectman Cowan seconded it. VOTE 4-0

**E. Traffic Ordinance:** Update on Request from Wilbur Chase Resident to Limit Truck Traffic on Road and Police Request for Parking Ticket Fee Increase

Dwayne stated that at the last meeting one of the residents, Mr. Shortill, had requested that there be speed limit changes on Route 9 and that Wilmer Chase Road have weight limit restrictions. Dwayne stated that he has spoken with Jon Carter from Wells to see if they would be interested in looking at limiting truck traffic on their side of Wilmer Chase Road. He brought it to his Counsel and they took it up last night at their meeting. They have decided to post Boyd Road with a limit of 10 tons and Sunset Ridge (Wells end of Wilmer Chase Road) to 3 tons which is basically a pickup truck. They have already put the signs up. Dwayne said that we now have to decide if we will follow suit with them and limit to 3 tons or if we want to do something different. Dwayne recommends that we also establish the 3 ton limit so it is consistent with Wells. Dwayne stated that the one concern that he has with this is that one of the residents on

this road has a tractor trailer truck. The Board agreed that this was his livelihood so it wouldn't pertain to him.

Selectman Cowan motioned to follow the initiative that Wells has done with limiting the weight limit to 3 tons on Wilmer Chase Road. Selectman Folsom seconded the motion. VOTE: 4-0

Dwayne stated that he has also spoken to Chief Peasley in regards to changing the speed limit on Route 9. The Chief is currently reviewing accident reports and traffic data for the past 3 years. He will have a recommendation for the Board at the next meeting. Selectman Galemмо asked if this change would be in both directions. Dwayne stated that Mr. Shortill had requested that when you get to the town line, traffic would be reduced to 40 mph and then reduced to 30 mph at the train trestle and remain at 30 mph all the way to the traffic light. Dwayne stated that he did not think that the State would reduce it to 40 mph on that stretch of road. He thinks they may lower to 45 but not 40. He stated that even though there are more houses in the area, they are pretty fairly dispersed.

Chairman Danforth arrived at the meeting at 7:12 pm.

Dwayne stated that they forgot to talk about the parking ticket increase at the last meeting. He states that we charge \$10 for parking tickets and the Police Department would like to increase it to \$25. Dwayne stated that for them to chase a \$10 fee, it is of no value. It costs more to take somebody to civil court to collect that \$10. Selectman Cowan asked about how many parking tickets they give out. Dwayne stated that they do quite a bit especially in the winter time and also at the High School when people park in the fire lanes. Dwayne states that \$10 is not enough of a deterrent for people to not park where they are not supposed to.

Selectman Folsom motioned to increase the price for parking tickets to \$25. Selectman Galemмо seconded the motion. VOTE: 5-0

**F. Municipal Building: Air Conditioning Unit**

Dwayne stated that the A/C has been fixed. He said that not only was the compressor shot but it was also short cycling itself because the computer wasn't set correctly. It was set so that when the temperature outside hit 65 it would go off. It would do this so often that the contact block melted so this had to be replaced. They have now set it to 50.

**Reminders: Next Board of Selectmen's Meeting – July 22, 2014 – 6:30 pm Municipal Building**

**5. New Business:**

**A. Bauneg Beg Mountain: Opportunity to Purchase First Hill**

Dwayne stated that he was contacted by the Land Trust before he went on vacation. He said that they had been contacted by Glen Thompson about the possibility of the Land Trust obtaining the top of the mountain. He said that they are not giving it as a donation. They do want fair market

value for the property. Dwayne met with the Land Trust today and they want to gauge what the Town's interest would be. Dwayne told them that they would definitely be interested in preserving the top of the mountain. He told them that the Town also has a second interest in the top of the mountain. He told them that they are interested in putting a communications tower up on top of the hill. He told them that they don't want to do it now but would like to have the opportunity to do it should the need arise at a later time. He told them that they are just looking to put up mono poles that are not any taller than the trees with wisp antennas that would extend above the trees. He told them that they would not even need a road to get up there. Foot paths would work just fine. He said that they are looking at solar power to run the repeaters instead of running electricity up there. It would have no visual impact. The representatives from the Land Trust stated that they understand that there may come a time for the Town to consider this. They do appreciate the fact that it would be a tower that would be minimally visual. They have no problem with there being a tower up there as long as it was for the Town only. Dwayne stated that the way it would work is that the Land Trust would purchase the land and the Town would have an easement to put a tower in. Selectman Cowan asked if this would take care of the situation in case we lose our dispatch services. Dwayne said that it would help because we could put something up there. Dwayne said that two towns have already left the dispatch services leaving nine towns still in the loop. If the other nine towns decide to leave, then we would have a problem because they would take away our frequencies. We could then tell them to go ahead and leave and we will put a tower up there that would provide the services for our town. We would have to go through the FCC because we would have to move licenses. Right now, two of our licenses are for the water tower and two of them are for the fire station. We would have to have one of the licenses moved from the water tower to Bauneg Beg Hill. Dwayne stated that it was in its infancy right now, but he wanted to let the Board know that there was some talks going on. The Land Trust is taking the lead in this and they will be talking to the property owners. We also want to confirm sure that the Thompson's actually own the top of the mountain. The sketch plan that they presented shows that they do but it says very clearly that it is a sketch plan and not a certified boundary survey. The Land Trust will also be talking to all of the abutting land owners because there is two pieces of land between what they own for Hill No 1 and Hill No 2. They would like to see if they can get easements to connect the two pieces. Selectman Cowan stated that it would be nice to add more recreational uses for the Town to use.

**B. General Assistance: Changes in Appendices and Immigrant Issue**

Dwayne stated that the Board needs to set up a Public Hearing for General Assistance in order to accept new changes in the Appendices. He stated that there is only one change and it is an increase in the overall maximum benefit. Dwayne stated that they will not be able to hold the Public Hearing until the first meeting in August because of the timing but it would be retroactive to July 1<sup>st</sup>. They Board stated that this would be fine.

Dwayne stated that he received a letter from Governor LePage which states that if the Town give assistance to illegal aliens, they will take away all General Assistance. Dwayne stated that MMA is caught up in this because the towns look to them for guidance. MMA is going to file a suit against the Governor/State of Maine seeking clarification from the courts. The Attorney General's office is saying one thing and the Governor's office is saying another. Portland has stated that they will probably join in the lawsuit with MMA. Dwayne stated that MMA is not

seeking to push for one decision over another, but only for clarification because the towns are caught in the middle.

**C. Liquor License:** Johnson Seafood and Steak License.

Dwayne stated that every year the Board has to act on their liquor license. He stated that they are the only establishment in Town that can serve alcohol within our community. They meet all of their requirements and there has never been any issues or incidents as a result of alcohol being served. Dwayne recommends that they approve the liquor license.

Selectman Cowan motioned to approve the liquor license for Johnson Seafood and Steak. Selectman Galemмо seconded the motion. VOTE: 5-0

**6. Other Business:**

Dwayne stated that he received an email from Greg Daigneault from Buffum Road in regards to the Veteran's Memorial sign. He feels that they should add something to the empty space. He thinks that it might be nice to have the different emblems from each of the military services on the back as well as maybe some suitable slogan. Dwayne stated that this would cost money and there is none for this at this time. He stated that he could see what kind of cost it would be to do anything. Selectman Drew stated that they may be able to get the emblems for free from the military. Selectman Cowan stated that it would be nice to get some pricing so they could get an idea as to what it would entail. Selectman Drew stated that the veterans could try and raise money for it at the Mill Field Festival. Dwayne stated that he wasn't even sure if this is something that the vets would want to have done. He will check with them first before pursuing it further.

Dwayne stated that there has been some incidents with signs placed by the Veteran's Triangle. He said that the Sign Ordinance allows for sandwich board signs to be placed next to the roadway but they need to be placed a minimum of 8 feet from the white line or the back side of the sidewalk. There have been a lot of signs being placed at the Veteran's Triangle but are being put in front of the sidewalk. Dwayne sent Larry out to remove the signs. There was one for the Fire Department and one for the American Red Cross. He moved them to the back side of the sidewalk. The next day, someone had moved them back to the front. They found out that it was Legion members that was moving them because they did not want anything on the Veteran's Memorial. The Legion would like the Town to address this issue. Dwayne asked the Board if they want to not allow any signs by the Veteran's Triangle. Selectman Cowan stated that she doesn't like to see all those signs in front of it. She stated that it almost seems disrespectful.

Selectman Drew asked how it will be made known to the public. He stated that they should probably mention it in the next newsletter. Until then, it would have to be on a case by case basis. Larry would take the signs down and notify the people that had put it there to come pick up their signs and tell them about the policy.

Selectman Galemмо motioned to approve a new policy stating that no signs be allowed on the Veteran's Triangle. Selectman Cowan seconded the motion. VOTE: 5-0

Dwayne stated that there is an issue right now with the Maine DOT is in regards to the Hurd Manor because the sidewalk is part of the property. When he first came here, he was told by the Board at the time that the Hurd Manor property extended down to the granite curbing. Mr. Brooks told him that he sued the State of Maine and they didn't take any more of his property. He said they tried to take it but they couldn't do it because it is on the historic register. Dwayne stated that when the Gumm's purchased the property, they made a policy that they weren't going to allow any signs in front of their property. This year, some political people put some signs up and Ben Gumm took them down. The political people contacted DOT and DOT contacted Dwayne asking him what he thought the State owned. He told them that he was told and said that he had a plan which showed this. However, the plan that Dwayne has is from 1972 and is a preliminary plan. The DOT representative stated that there was an updated plan which shows that the State actually owns five feet from the granite curbing because that is where the State road signs are. Dwayne stated that the Gumm's have been pretty good in the past about allowing some political signs to go up as long as he was asked first and they were put up a week before and taken down soon after. Dwayne stated that the political people are really pushing to put up signs there because it is such a visible area. Dwayne said that he is looking into it because Mr. Brooks states that he sued the State. Dwayne found there were some plans filed in the Registry of Deeds in 1980. He needs to try and get a copy of these plans.

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

Warrant: June 30, 2014	- \$ 669.40
Warrant: July 1, 2014	- \$ 72,327.11
Warrant: July 8, 2014	- \$ 0.00

Selectman Galemme motioned to accept the Warrant of June 30, 2014 for the amount of \$669.40 and the Warrant of July 1, 2014 for the amount of \$72,327.11. Selectman Cowan seconded the motion. VOTE: 5-0



**8. Adjournment:**

Selectman Drew motioned to adjourn the meeting at 8:00 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