

North Berwick Board of Selectmen's Minutes: October 21, 2014

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
OCTOBER 21, 2014**

Present: Charles Galemmo, Wendy Cowan, Elaine Folsom, Gregg Drew

Absent: Chairman Paul Danforth

Also Present: Dwayne Morin, Linda Santor, Linda Easley, David Cutter, Loring A. Robbins, Qiana Qualls, Matthew Qualls, Sofie Larsen, Jared Tuveson, Lorinda Hilton, Shirley Barto, M.J. O'Connor, Carol Duckworth, Mark Duckworth, Susan Denke, Paul Pelletier, Bob Beamis, Cortney Beamis, Gretchen West, Carole Strynar, Flint Hutchinson, Julie Fernee, Doris Seavey, Stella Roberts, Harland Roberts, Claudy Boy, Laura Shaw, Eric Cheney, Peter Kellman, Rebekah Yonan, Joan Shaw, Danny Shaw, Kristen Marchant, Phil T, Sandy Cannan, David Cannan, Donna Perkins, Kate Stanton Whalen, Victoria Bradburn

Vice Chairman Galemmo will be Acting Chairman for tonight.

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

1. Pledge of Allegiance

2. Public Hearing – 6:35 pm Amendment to Animal Control Ordinance

Vice Chairman Galemmo stated that he will read the notice and then have the Qualls, who initiated the change to explain why they are requesting it. He will then open up the meeting for the public to come forward one at a time and ask any questions or make any comments regarding the change.

Vice Chairman Galemmo read the Ordinance into the minutes as follows:

The North Berwick Board of Selectmen will be holding a Public Hearing on Tuesday, October 21, 2014 at 7:35 p.m. at the Community Center located at 264 Lebanon Road, North Berwick, Maine. The purpose of the Public Hearing is to seek input on the proposed amendment to the North Berwick Animal Control Ordinance.

The Proposed amendment is as follows:

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.

The North Berwick Board of Selectmen encourages all interested residents to attend this Public Hearing.

Vice Chairman Galemme asked the Qualls to come forward and speak about it.

Qiana Qualls stepped forward and stated that they had come before the Board of Selectmen at the September 9th meeting to request an update to the Animal Control Ordinance. She reviewed some of the issues that were brought up at that meeting for everyone here tonight. She stated that the reason that they want to have a rooster is because they provide reproductive services for them to maintain their flock without having to purchase chicks every year. They also protect the flock from predators. She said that they believe that this Ordinance was not intended to stop farmers from having livestock and poultry on their property. Since the time of this Ordinance creation, several changes have occurred in the agricultural world. There has been an increase food security. She stated that she is a Master Gardener with the Maine Cooperative Extension Service and she works mainly with the Maine Harvest for the Hunger. She goes to several local farms and gather produce and bring it to local food banks. She stated that they also grow food on their own farm and donate it to local food banks. She stated that there is also increased interests in the future growth of Maine Agricultural Sovereignty. There are several State initiatives that will allow Maine less dependence on interstate commercial produce which is a shared vision of Maine Farm Land Trust, Maine Department of Agriculture, University of Maine Cooperative Extension, MOFGA and several Conservation Trusts. She stated that the term that they are associating with this initiative is to have Maine known as the "Bread Basket of New England". She stated that since Maine has such a large land base and a huge potential for farming, they are hoping to provide 50% of Maine's food consumption as a goal of these initiatives.

She also stated that there is a movement for sustainable agriculture that would allow local farming to increase the number of farming families. Sustainable agriculture means trying to make a good living from the land, but leaving the land in a good or better condition than before. She stated that part of this is using animals to help maintain the quality of the soil of the land to grow more nutritious food. There is also a trend of young farmers and homesteaders settling in Maine. She stated that the local food movements that show increase in numbers of local Farmers Markets, including our own local Farmer's Market.

Mrs. Qualls stated that the Ordinance now is a farmer unfriendly Ordinance and she believes that their proposal can help North Berwick's future agricultural growth and economy.

Vice Chairman Galemmo asked if the public if anybody had any questions or comments.

Linda Eastley stated that what they have proposed is fine but she said that she is not in Farm and Forest but does have a farm about a mile on the outskirts of town. She would like to know how that could be addressed.

Vice Chairman Galemmo stated that they would listen to any comments and discuss it after the public comment session was closed.

Dave Cutter stated that his family farms but they don't live on the north side of Governor Goodwin. He stated that they try to accommodate all of their neighbors but they find that as newer people move into town, they have less tolerance for farm animals and farming. They would also like to see some thought given to extending the areas for farming in North Berwick. He stated that the town has always been a rural community with the exception of the wool mill and they would like to be as self-sustainable as possible, which includes having some livestock. He stated that they take into account issues with nuisance lighting, odor and things like that. The birds they have enable them not to use pesticides and try to raise their crops and food pesticide free. He finds that the way the Animal Control Ordinance is written is quite offensive. He finds that the State is putting a great deal of emphasis on agriculture and local produce. He agrees that roosters are loud and crow at 4 in the morning. Vice Chairman Galemmo asked Mr. Cutter if he knew what zone that he lived in and he stated that it was Village A. Dwayne told Mr. Cutter that livestock in his zone requires a conditional use permit from the Planning Board. This is different from the Animal Control Ordinance.

Sofie Larsen stepped forward and stated that she is representing the North Berwick Farmers Market, which she manages. She stated that it is in the Farmers Market interest to offer local produce eggs and possibly meat. She asked how you can keep a flock of livestock in a sustainable way. She stated that she thinks that it is somewhere in the town goals to support agriculture in a sustainable way. She said that they do need males in order to have a flock of livestock just as humans need males to sustain the human population. She stated that if they can grow their own offspring, they can choose specimens that are well adapted to our climate. This is important because when you have a specimen that it adapted to the climate, you have better meat and tastier eggs and also have less disease. When you raise your own flock, you can produce rare or small breeds which are dying out. Large commercial hatcheries do not raise those kind of chicks because they are not big producers or don't grow fast enough. She also

stated that if you buy chicks from the big hatcheries you get roosters anyway. She also stated that she roosters can be noisy but she feels that they are not much louder than weed whackers, lawnmowers, motorcycles, chainsaws or guns that people use to target practice or hunt with. She stated that these noises can be turned on and off unlike noises created by a living organism. She stated that if you can't have a flock of livestock in Farm and Forest zone, where in town can you have it?

Mike O'Connor stated that after reading the minutes from the last meeting on this topic, it said that the Quall's were disqualified from the protections of the Maine Agriculture Protection Act because they are not a commercial farm. He stated that the Maine Agriculture Protection Act should not be protecting the guy with a 1,000 roosters and not protecting somebody with 1 rooster. He said that the idea of a commercial enterprise with a 1,000 roosters can be protected by Maine law from anybody complaining about them, but a person with 1 has police officers coming by their house.

Acting Chairman Galemmo stated that a farm has to make \$2,000 to be considered commercial per state law. It is not in the Board's control. Mr. O'Connor stated that the fact that a big operation is protected, but a private property owner is not protected is an issue.

Claudy Boy stated that at the other meeting, it was said that there would be two public meetings and she is wondering why. Vice Chairman Galemmo stated that it is State law. For the Board to make Ordinance changes, they have to have two public hearings to hear people's comments and concerns. After that, the Board discusses it and can make any changes that they see fit. It then goes on the ballot for the Town to vote on it.

Kate Whalen stepped forward and said that she is a fairly new resident of North Berwick. She owns an alpaca farm on Fox Farm Hill and she also has a rooster. She was wondering how an issue between two neighbors got to be something that the whole town is now involved in. She was wondering if there is any way that this can be resolved without going through all of this. Selectman Cowan stated that she would let the Quall's answer that if they felt comfortable doing so. Selectman Drew stated that this would solve the issue between these two neighbors but would not solve it for any other people in town. He said that this will make it legal and protect everyone.

Peter Kellman stated that it would be nice to take a more in-depth look at farming in North Berwick. He stated that we currently do not have the infrastructure that supports small farmers. He stated that with the economic problems that we have today, we may need to go back to small scale farming. He would like to see the Selectmen take a serious look at what the future is going to be and how we can be prepared in a positive way for that. He is glad that this has come up for people to discuss.

Vice Chairman Galemmo closed the hearing for public comment at 7:02 pm.

3. Review and Approve Minutes of October 7, 2014

Selectman Folsom motioned to approve the minutes of October 7, 2014. Selectman Cowan seconded the motion. VOTE: 4-0

4. Public Input

L. A. Robbins stepped forward and said that he heard that the Board was upset with him about putting a sign out by the Veteran's Park. He stated that he had talked to Dwayne about it and that Dwayne had told him that it had to be 8 feet back from the curb. He stated that he put his sign 12 feet back from the curb down by the Veterans Park. He thought that he was in the right by putting the sign there. Dwayne stated that this was not what he had told him. He told him that it had to be on the other side of the sidewalk and that the Board had voted that no signs were to go on the other side of the sidewalk on the Veterans Park. They had voted on this at the request of the Legion. Mr. Robbins stated that this is not what they had discussed. Mr. Robbins stated that they should have some kind of Ordinance that states that no signs can go on the Veterans Park. Vice Chairman Galemme stated that it was up to the discretion of the Board to decide where the signs can be allowed and they did vote to not allow any signs on the Veterans Park at the request of the American Legion. Vice Chairman Galemme stated that the entire triangle is considered the Veterans Park. Selectman Cowan stated that they are supporting the initiative of the Legion. She feels that any signage in that area is totally disrespectful. Mr. Robbins stated that he was not aware that the Legion had requested from the Board that no signs be allowed in that area. There was some further discussion between Dwayne and Mr. Robbins regarding the subject. Selectman Cowan asked if everyone understood now what the policy was and Mr. Robbins said he did.

5. Unfinished Business:

Vice Chairman Galemme asked if the Board wanted to discuss the Ordinance. Selectman Drew stated that he agreed with the Ordinance that is being presented but he does feel that they need to look at some of the concerns that were brought up. Vice Chairman Galemme stated that they could probably set up a sub-committee to look into it. Dwayne stated that this is really a Planning Board issue. He said that the Selectmen can ask the Planning Board to review it. He stated that he knows that the Planning Board has been discussing it and they want to make it more restrictive. He stated that there is agreement that Farm and Forest is where farming should be because that is where it is zoned for. He said that the Planning Board is also looking at livestock, horses and other animal issues within all of the zones. He stated that the Selectman can request that the Planning Board take a look at animals in other zones. Dwayne stated that there is only one zone that allows poultry and livestock in our Town and that is the Farm and Forest zone. However, you can get a conditional use permit to have livestock in the other zones. Dwayne stated that under our Ordinance, livestock which includes poultry is not allowed in the Village Center, need CEO permit for Village, Resource Protection, Shoreland zoning, Residential District, Commercial District and for Industrial Districts. Dwayne stated that because of the issues with the rooster situation, the Code Enforcement Officer is sending everything before Planning Board to review and approve. When it goes before the Planning

Board, a Public Hearing has to be held so the neighbors are all notified. Selectman Cowan said that it would be a good idea to have the public have a say in this matter.

Dwayne stated that it might be a good idea to have the Planning Board come in and meet with the Selectmen to discuss it. The Board agreed.

Selectman Cowan motioned to invite the Planning Board to meet with them at the last meeting in November or first meeting in December. Selectman Folsom seconded the motion. VOTE: 4-0

A. Canoe Launch: Update on Progress

Dwayne stated that the parking lot has been installed and the trees that needed to be removed were removed. Dwayne stated that it was a good thing that they were removed because they were rotted. Next week, they will be getting the granite block, which will be the foundation for the gangway, installed and they will finish the pathway back to the parking lot. Selectman Drew asked if they were going to leave the pathway the way it was. Dwayne stated that they are going to remove about 6 inches and put some stone dust down. It will be six feet wide. They are going to place some granite stones to prevent anyone from driving down in there. He also met with the dock people last week. They will order everything, the company will store it for the winter and then they will assemble it in the spring.

Dwayne stated that he talked to the company about the plastic sign for the Canoe Launch. He said that he has still not received a quote from the company. He spoke with the company today and was told that he should have a quote for tomorrow. Dwayne stated that they are looking at it as a custom sign so they may have to consider other options. He also spoke with Pratt and Whitney about putting a directional sign underneath their Pratt and Whitney sign on the west parking lot. They have a metal frame and we will just drill a hole in their metal frame and hang a sign that says Elroy Day Canoe Park with an arrow. It will be a two sided sign so it can be seen in either direction.

Dwayne stated that he was contacted by Maine Community Foundation to get an update on the project. They also told him that there is additional grant funding available. They wanted to know if we had any other projects that we would like to do. He stated that they have \$33,000. Dwayne stated that we usually give them a list of projects that we would like to have done. An example of what they are looking for is something like with the Great Works Land Trust. They are looking to obtain the third peak of the mountain and would like to construct some walking trails and parking lots to go with that. He stated that GWLT will be looking at various ways to try and fund this. Some of the funds from the grant could probably be used for this project.

Selectman Cowan stated that perhaps this organization would look for grant funding for the property on the corner. Dwayne stated that they usually are looking at open space and their primary source of revenue is Land for Maine's Future. She stated that she was not talking about GWLT but was talking about Maine Community Foundation. Dwayne stated that they only deal with their own cash. The money that is available is because a philanthropist from our town established the fund before he passed away. We are allowed to use the interest that is gained on that account. It needs to be used for town beautification projects. We need to give them a list by the end of the year.

B. Roads: Update on Road Projects

Dwayne stated that they have pretty much received all of the costs for the Beech Ridge Road project. He stated that when they add in the forced labor, it looks like they will be about \$20,500 over the budget. He stated that there are a few options that they can do.

1. We pay ourselves so it is actually not a cash outlay for the project currently. He stated that when we build roads, we would pay ourselves and put that money in the equipment fund for future purchases. So we can say that we are not going to pay ourselves on the project. We have done this in the past.
2. He stated that they still have three roads to do, Fox Farm Hill Road, Linscott and Hartford. They can take money from these projects, but the only project that would cover that cost would be the Hartford one which is the one that we really need to do.
3. We redo our Capital Improvement plans for subsequent years and we take \$20,000 that we were going to spend next year and put it towards this year's budget. Dwayne stated that he feels that this is the better option.

Dwayne told them that he has included a copy of what the roads are for next year. Right now, the roads that are scheduled to be worked on are Lower Main Street, Buffum Road, putting first section of money away for Diamond Hill Road and Gould's Bridge Road. Diamond Hill Road is the dirt road that is going to take a number of years to get the money that is necessary to do that road. He stated that they could shift the money into future years for that project.

Dwayne stated that the decisions do not have to be made now. Selectman Cowan stated that she likes option #3 because she does not really want to take away from the roads that are already scheduled for this year. Dwayne stated that he just needs to know before budget time.

C. Holiday Flags: Review Proposal

Dwayne stated that the Parks and Rec did not favor the proposal. They did not feel that it was necessary for the town to spend that kind of money for holiday flags. They felt that the money could be better spent on other things. Dwayne stated that what they didn't understand is that it is money that we have been carrying forward for years and years. It doesn't affect operations costs or other proposals. He stated that he was not at the meeting and Kristie tried to explain it to them. He doesn't feel that they understood where the money was coming from. They also thought that these were just a one year flag. Dwayne felt that it might be a good idea to get together with the Parks & Rec committee to discuss it.

Dwayne stated that the Board had asked about the lettering on the flags and the company told him they will put whatever lettering they want on it. Dwayne said that another thing that the Parks and Rec committee was wondering about is why they were buying additional flag poles. Why couldn't we just remove the American flags off of flag poles and put these holiday flags on those. Dwayne stated that removing the flags and replacing them would be a lot of work. It ends

up being cheaper for us to buy \$10 flag poles. Dwayne stated that he spoke with the Chairman and the Chairman stated that they did not know all of these things.

Selectman Cowan motioned to invite the Parks & Rec to attend the November 4th meeting to discuss this issue. Selectman Folsom seconded the motion. VOTE: 4-0

Reminders: Next Board of Selectmen's Meeting – November 4, 2014 – 6:30 pm at the Municipal Building

6. New Business:

A. Audit: Update on FY14 Audit

Dwayne stated that they are in the process of the yearly audit. He stated that is going very well so far. They will be done tomorrow. We will get the report in January.

B. Hannaford: Update on Hannaford Project

Dwayne stated that Hannaford has submitted some additional plans to the Planning Board. They are going before the Planning Board this Thursday night for the first discussion. He stated that it is basically a scaled back project. It is now a 20,000 square foot building with a scaled back parking lot. Vice Chairman Galemme stated that the new plans have to meet our new zoning Ordinance requirements. Dwayne stated that they would have to do that. He stated that the original design is pretty good, but there are a few things that they will need to address. The roof line is one of the issues that the Planning Board will need to address. Dwayne stated that they are proposing a Phase 1 20,000 sf store and a Phase 2 to be done sometime in the future to add up to the 36,000 sf store. Vice Chairman Galemme asked if they will have to come back before the Planning Board when they want to expand. Dwayne stated that they would have to as long as the Planning Board has it listed as a condition.

Dwayne stated that they are looking to build their building through the course of the winter. They will be doing minimal site work due to the frost.

C. Electricity: Discuss Pending Electricity Rate Increase

Dwayne stated that we are all in for an increase in the electric rate in February. They have released what the standard rate for the coming year. The standard offer for this year is .068 per kilowatt and that is going to .1444 per kilowatt. It is a 46% increase. Selectman Cowan asked if they had ever considered other sources such as solar power. Dwayne stated that the problem with that is the capital cost. He stated that they actually did an analysis for solar panels about 3 or 4 years ago. The capital costs are in the hundreds of thousands of dollars. He said that the payback was almost 20 years. Dwayne stated that where people get most savings is in tax credits. We don't pay taxes so we cannot get the tax credit.

Dwayne stated that they always bid out and our contract expires with our current provider in November. He is bidding out now to see what we can get for pricing. The consultant that we

hire, Atlantic Entergy, have done very good by us with the last several contracts that they have worked on. They have come in lower than the standard offer every time. He said that if they have to go to standard offer, we are looking at a \$30,000 hit to the 2015 budget. He stated that they have done a lot of things to decrease the costs. They have switched all of the lights in the Community Center to LED lights. We have also changed to either fluorescent or LED lights in all the other buildings as well. They have installed the fans to the Highway department to reduce the heating costs as well as electricity costs. The street lights is the most expensive expense and until Central Maine Power allows them to have LED lights, there is nothing they can do it.

D. Elections: Ballot Clerks for November 4 Election

The Board needs to approve Ballot Clerks for the upcoming election. Chris is recommending Sharon Litvynchyk, Claudy Boy and Susan Caler for the Democrats, Lorinda Hilton, Cindy Matthews and Caroline Littlefield for the Republicans and Rachel Baron for the Unenrolled.

Selectman Drew motioned to accept Sharon Litvynchyk, Lorinda Hilton, Susan Caler, Cindy Matthews, Caroline Littlefield and Rachel Baron to be the Ballot clerks for the November 4th election. Selectman Cowan seconded the motion. VOTE: 4-0

7. Other Business:

Selectman Drew stated that if they ever put plaques on benches again, could they use stainless steel instead of brass. He stated that it is taking a long time to clean them.

Selectman Drew stated that he did get an email from someone to volunteer.

8. Review and Approve Warrants and Correspondence:

Warrant:	October 14, 2014	- \$ 24,743.05
Warrant:	October 21, 2014	- \$ 890,375.03

Selectman Folsom motioned to accept the Warrant of October 14, 2014 for the amount \$24,743.05 and the Warrant of October 21, 2014 for the amount of \$890,375.03. Selectman Cowan seconded the motion. VOTE: 4-0

9. Adjournment:

Selectman Drew motioned to adjourn the meeting at 8:32 pm. Selectman Cowan seconded the motion. VOTE: 4-0

Respectively submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Selectman: Charles Galemmo

Selectman: Elaine Folsom

Selectman: Gregg Drew

Selectman: Wendy Cowan