

**North Berwick Board of Selectmen's Minutes: September 3, 2013**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
SEPTEMBER 3, 2013**

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

**Also Present:** Dwayne Morin

Chairman Galemmo opened the Board of Selectmen's Meeting at 6:30 pm.

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of July 16, 2013 and August 20, 2013**

Selectman Cowan motioned to accept the July 16, 2013 minutes. Selectman Danforth seconded the motion. VOTE: 4-0 Abstain: 1

Selectman Folsom motioned to accept the August 20, 2013 minutes. Selectman Drew seconded the motion. VOTE: 3-0 Abstain: 2

**3. Public Input**

No public input at this time.

**4. Unfinished Business:**

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

Dwayne stated that they are waiting on F.R. Carroll to complete our road projects. They tentatively told us that it should be done the week of September 15<sup>th</sup>. He stated that they were going to start tearing down the water district building.

**B. Area Selectmen Meetings:** Revival of the Area Selectmen's Meetings

Dwayne stated that they had suggested for tomorrow, September 4<sup>th</sup>, but he told them that it would be too soon. He said that they are shooting for either the 11<sup>th</sup> or 18<sup>th</sup>, but he is still waiting to hear from Berwick.

**C. Canal Street Park:** Update on Skateboard Equipment

Dwayne stated that it is going to the Grand Jury tomorrow for the indictment of one individual.

**D. York County:** Budget Committee Request for Legal Funds

Dwayne stated that, at the last meeting, we had talked about the Budget Committee's request for funds to fight the censure of the County Commissioners. At that meeting, the Board had decided not to help fund their legal fees. He stated that the Board would be getting a request from the Budget Committee for reconsideration. Dwayne stated that there was some information that he was not aware of initially. Last week, he found out that the Budget Committee has attempted 6 times to meet with the Commissioners and the Commissioners will not respond to them. Selectman Cowan asked if this was documented anywhere. Dwayne stated that the Budget Committee is sending him the six emails that they sent to the Commissioners on six different occasions. Selectman Cowan asked if there had been any formal certified letter sent to the Commissioners and Dwayne responded that he did not know. He said that they did bring this information to South Berwick last week. South Berwick had initially voted to not fund, but after seeing the information, they are now going to contribute.

Dwayne stated that this changes things a little. It means that it is not two sides that are digging their heels in and not wanting to compromise, but it is just the one side. Selectman Cowan suggested that we should get some confirmation from the County Commissioners regarding the receipt of these emails. Dwayne also stated that the Budget Committee would like to come and meet with our Board and discuss the situation with them.

Chairman Galemme stated that if they did make a good effort to contact the Commissioners, than that is a big difference. Dwayne stated that when the Budget Committee did meet with the Commissioners, they had taken the Ethics policy that the Commissioners wanted them to sign and removed the one line that is the problem. They all signed disclosure forms to say that they would follow this one and presented this to the Commissioners but the Commissioners rejected it.

Chairman Galemme asked Dwayne why the Commissioners are doing this. Dwayne answered that the Budget Committee members believe it is for power over the budget. In the past, the Commissioners had presented to the legislature to do away with the Budget Committee but the legislature rebuffed it. The County Commissioners want to have

control over the budget without the say of a Budget Committee. Selectman Folsom asked what the laws were regarding this and Dwayne stated that the law states that Budget Committee makes the final decisions. Dwayne did state that our Commissioner is the only one that voted in the right.

Selectman Folsom asked how the other towns are feeling about this. Dwayne stated that about half of the towns have funded the effort so far. Selectman Cowan stated that she feels that they should send out a certified formal letter but Dwayne stated that it is now too late. There is now a court case filed so they are now going to have to go to mediation.

**E. Commitment FY14: Tax Bills Mailed FY14**

Dwayne stated that the tax bills have been sent out. Chairman Galemme asked if anyone had complained about the bills yet and Dwayne answered that nobody had.

**Reminders: Next Board of Selectmen's Meeting** – September 17, 2013 – 6:30 pm  
Municipal Building

**5. New Business:**

**A. Liquor License: Johnson's Seafood and Steak**

Dwayne stated that Johnson's Seafood and Steak is applying for renewal of their liquor license for Class A Restaurant, which is allowed under North Berwick laws. Dwayne has spoken with both the Code Enforcement Officer and Police Chief and they stated that there have been zero complaints as it relates to Johnson's Seafood and Steak. He stated that a motion would be in order to grant a liquor license for the ensuing year.

Selectman Danforth motioned to grant the liquor license to Johnson's Seafood and Steak. Selectman Cowan seconded the motion.

Selectman Drew asked what the definition of "ordinary course of travel" was that is listed under question 19 of the application. Dwayne replied that it is the road.

VOTE: 5-0

**B. Enduro Race: Proposed Race in August 2014**

Dwayne stated that the Seacoast Trail Riders would be seeking permission for a national event. They thought that they were going to get around our Ordinance by saying that they are not going to be starting it and ending it in North Berwick. They will be starting it and ending it at the Knowlton School in Berwick. However, the majority of the race is in North Berwick. Dwayne stated that it is a national motocross race and it is very loud. The last time they had it there was about 600 riders. He stated that they emailed the Chief of Police and stated that they are not going to be in North Berwick so we are just going to do it. We emailed them back and said that they were not going to be doing it. The town changed the Ordinance because of them and the last race. Dwayne stated that he told them that it was not just a mass gathering permit but it was a mass gathering/special event permit. They will need to come in and obtain a special event permit and because of the number of riders probably being over 200, they will need to obtain our Board of Selectmen permit which would require a Public Hearing. They want to have permission by the end of this month in order to get on the national schedule and we told them that this would be highly unlikely. There is no way that we can hold the Public Hearing and make all the public notifications in time. Dwayne stated that in their letter, they stated that they would stay away from the residents that had complained the last time. However, in looking at their map of the route, it does go by a lot of the homes of the people that previously complained. Dwayne states that he has not heard back from them since the Chief sent them an email. He states that he doesn't believe that they will apply for the permit. Selectman Folsom asked what we would do if they didn't apply and Dwayne stated that we would stop them from coming through town.

**C. Fire Department: Permission to Operate an Emergency Light for Johnathan Briand**

Dwayne stated that we have a request from Johnathan Briand to operate an emergency red light in his personal vehicle. The Fire Chief is also requesting permission for Johnathan.

Selectman Folsom motioned to grant Johnathan Briand permission to operate an emergency red light in his personal vehicle. Selectman Danforth seconded in the motion.  
VOTE: 5-0

**D. Parks and Rec.: Non-Payment Policy**

Dwayne stated that we currently have a policy that states that if you are involved in any parks and rec activity, payment is required before the activity starts or you can't play. The problem that we are running into is the aftercare from our summer camp. We have nine individuals that have not paid for their aftercare from the last week of summer camp. The way that summer camp works is that you have to pay for the camp up front if you want your child to attend camp. If the parents want aftercare, then they have to pay at the end of each week or their child cannot come back to camp until it is paid. When summer camp ended some parents left without paying. We have sent letters to each of these families to let them know that they have an aftercare balance that is still outstanding. Someone asked Dwayne if we could say that a child cannot participate in any activity in North Berwick until this balance is paid. Dwayne stated that this is a Board decision because he cannot make policy. What happens is the children have signed up to play soccer and their fees for soccer have been paid so they are allowed to play even though they still have the outstanding aftercare balance. Dwayne states that it does not involve a lot of money. The biggest amount is about \$36.00. Selectman Drew suggested that for the last week of summer camp, payment be made up front, but Dwayne stated that is hard to do because the aftercare is done day to day. You don't always know at the beginning of the week if someone will be late or not picking up their child.

Selectman Drew motioned to change the sports and summer camp policy to state that all fees have to be paid up before a child can participate in any other activity. Selectman Cowan seconded the motion. VOTE: 5-0

**E. Town Office: Acceptance of Credit Cards and Debit Cards**

Dwayne stated that he would like to explore the possibility of accepting debit and credit cards in the Town Office. He states that most towns are now offering this service. He said that the only reason he has not presented this to the Board sooner is that he does not feel that people should be paying their property taxes with their credit cards. The other problem is the reconciliation of the funds. It will put an increased workload on our staff. Selectman Danforth asked if the Town had to pay an increase fee and Dwayne said that they did not. The State passed a law a few years ago that allows towns to accept debit and credit cards and pass that fee off to the consumer. Dwayne has sent out an email to all the towns in the State of Maine to find out what service each of them use. He said that the fee is about 2.45% with a \$3.00 minimum charge. He states that our bank reconciliation would now become a lot more cumbersome because we have not received the funds. He stated that the biggest problem we have every month reconciling our bank account is because of Rapid Renewal. This is where people pay for their car registrations online. The State does not release their funds for days and when they do release the funds, they group the funds. So if four people register their cars on four separate days, the Town might get the payment on the same date from the State of Maine as a lump sum. We have no idea who the payments are from so we have to sit there and try and figure out whom this money came from. About 6 months ago, TRIO finally wrote a program to fix it so now when it comes combined, we can hit a button and it breaks it

down. This makes it a little bit easier, but now we have the problem with boats because boats do not go through the same process as Rapid Renewal. It goes through Inland Fisheries and Wildlife through Moses and we never know when they will send them.

Dwayne found out that all of the service providers put the money into the accounts daily and it goes in itemized so we can reconcile it easily. He stated that it would still be more work for the staff because now we would be reconciling cash, checks and credit cards.

Dwayne stated that there are about 5 or 6 service companies available in the State of Maine. He said the best ones that he has seen so far is Municipay which is a national company and MainePayPort, which is through InformME, which is a division of the State but they are separate. He has heard good things about both of them and they both charge 2.45% with the \$3.00 minimum charge. He would like to try to have this in place by January 1, 2014. He stated that he spoke with Kennebunk Savings Bank and they have no interest in doing it.

Selectman Cowan asked if we would also be taking payments over the phone. Dwayne stated that they would not.

Selectman Cowan motioned to allow Dwayne to move forward in allowing the Town to accept credit card and debit card payments. Selectman Folsom seconded the motion. VOTE: 5-0

## **6. Other Business:**

Dwayne stated that at the last meeting, we had our General Assistance Public Hearing but the Board never approved the General Assistance Ordinances. A motion will be needed to accept Appendices A and Appendices B-E of the General Assistance Ordinance for the ensuing year. Selectman Folsom motioned to approve Appendices A and Appendices B-E of the General Assistance Ordinance. Selectman Cowan seconded the motion. VOTE: 5-0

Chairman Galemme asked Dwayne if the Town had an Ordinance that would prevent a convicted sex offender from becoming a School Board representative. Dwayne stated that we could not have one. He said that the election laws are handled by the Secretary of State of Maine and not by local ordinances. Selectman Drew and Dwayne stated that you could make it known that the person running is a sex offender. Dwayne stated that if they are allowed to run for election pursuant to the State of Maine election laws there is nothing the Town could do about it. Selectman Cowan suggested that maybe the Board could draft a letter to the State asking for someone to initiate legislation. Chairman Galemme suggested that Ron Collins might be a good person to speak to regarding this matter. Dwayne stated that he would make some inquiries.

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

Warrant:	August 27, 2013	- \$ 13,605.64
Warrant:	September 3, 2013	- \$ 41,960.28

Selectman Danforth motioned to accept the Warrant of August 27, 2013 for the amount of \$13,605.64 and the Warrant of September 3, 2013 for the amount of \$41,960.28.

Selectman Folsom seconded the motion. VOTE: 5-0

**8. Adjournment:**

Selectman Folsom motioned to adjourn the meeting at 7:30 pm. Selectman Cowan seconded the motion. VOTE: 5-0

Respectively submitted:  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Paul Danforth

Selectman: Elaine Folsom

Selectman: Gregg Drew

Selectman: Wendy Cowan