

North Berwick Board of Selectmen's Minutes: December 17, 2013

**NORTH BERWICK BOARD OF SELECTMEN MINUTES DECEMBER 17,
2013**

Present: Chairman Galemmo, Selectman Cowan, Selectman Drew

Absent: Selectman Danforth, Selectman Folsom

Also Present: Dwayne Morin, Linda Rose, Lorinda Hilton, Alan B. Craig, Mary L. Craig, Rebecca S. Dubay

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

1. Pledge of Allegiance

2. Review and Approve Minutes of November 19, 2013 and December 3, 2013

Selectman Drew motioned to accept the minutes of November 19, 2013 and December 3, 2013 as written. Selectman Cowan seconded the motion. VOTE: 3-0

3. Public Input

No public input at this time.

Chairman Galemmo stated that they would go to the New business for the Neighborhood Craft Fair because there were people her to talk about this.

5. New Business:

A. Neighborhood Craft Fair: Presentation by Craft Fair Committee

Lorinda Hilton, Linda Rose and Rebecca Dubay were here representing the Neighborhood Craft Fair. Lorinda Hilton stated that they have 6 members on their committee but not everyone could be there. She stated that they have a lot of help putting on their yearly craft fair. They put it on every year on the Saturday after Thanksgiving for six years. In those six years, they have raised a little under \$38,000 for the Food Pantry and Fuel Assistance for the Town. She stated that one of their star volunteers is Lincoln Harrison. He came up with the idea that they would meet the people at their car and help them bring their things in as well as help them take their things out. She stated that they have one lady that is in her 90's and comes to this craft fair because of this help. Lorinda presented a check to the Food Pantry for \$2,350.00 and one to the Town for \$2,350.00. The Board members gave them a round of applause for their efforts. They stated that it helps a lot of people out. Alan and Mary Craig were present to accept the check for the Food Pantry. Alan Craig stated that they had about 118 families and over 250 people that they are taking care of. He stated that it is five times larger than when it first started. He stated that they distribute about 2-3 tons of food out per month. He stated that they are in need of volunteers and would like to have some young people helping out. Selectman Cowan asked if they had contacted the principal at the High School about getting students to volunteer. Mary Craig stated that the problem is that they are looking for different hours than what they offer at the pantry. They need people on Mondays from 4-6. Selectman Drew stated that they should contact the Boy Scouts because they do a lot of community duties. Selectman Cowan asked where they were located and they said it was at the New Covenant Church on Maple Street. Linda Rose stated that for every dollar they are given they can buy \$8.00 worth of food.

4. Unfinished Business:

A. Canoe Launch: Update on Progress

Dwayne stated that Pratt Corporate Attorneys have sent the papers off to another Attorney in Cleveland. This attorney thinks it is in the best interest to resurvey the entire parcel of land even though it has been surveyed twice already and we have all the plans. He stated that as of last week, he thinks that he has convinced Pratt Corporate to forgo the surveying because this means we don't transfer anything until the spring. Dwayne stated that in the Mid-west, it is mandatory to do a survey whenever you transfer property. Dwayne told the attorneys that in Maine the survey is the exception and not the norm. Dwayne stated that our attorneys stated that their wanting to do a survey is just being overly cautious and not a good expenditure of money. Pratt Corporate attorneys stated that if the title company will accept the deed descriptions than they are fine with it. Dwayne stated that they sent the deed descriptions out last Friday so they are now waiting to hear what they think. Dwayne stated that they are moving forward but at a very slow pace. Selectman Cowan asked if it was at their expense and Dwayne said yes. Dwayne stated that the only thing he was concerned with was getting a call from Maine Community Foundation asking how we have spent the money. He is not as concerned about this grant but is concerned about any future grants from the Foundation. They have been a significant source of funding for us and he does not want to jeopardize that. He did state that they have decided not to

go for indemnity as they had mentioned before. They do however want it to state that it will only be a canoe launch.

B. Budget FY15: Discussions on Budget for FY15

Dwayne met with the library yesterday and spoke with them about the parking lot as well as their budget. He stated that they are moving forward with the parking lot. He is meeting with engineers on Thursday to find out what it will cost to design it. He spoke with the State and they will allow for the Town to put the Town's storm water into the State's storm water system but there are very rigid requirements. He stated that you cannot send them more water than what we are sending them now. The first step is finding out how much the engineering study is going to cost and he knows it is not going to be cheap. He told the Library Trustees that if they were only going to gain 5 spaces and spend \$50,000, it would not be a good expenditure of money and they agreed.

He also discussed their budget with them. They told Dwayne that they had basically built a needs budget and there is room for some cuts. He stated that the Librarian produced a needs budget based on what the staff wanted. Selectman Cowan asked if they had provided an itemized list of the things that they are asking for in the budget. Dwayne stated that they had not but he has asked them for one. He stated that in the past there has been some issues between the Selectman and the Library. The Library Trustees when he started were very "You do your thing and we'll do our thing. We ask you for money and don't ask us about it." When the new Librarian came aboard, we get ten times more information than before. Dwayne explained to them that in this day and age you need to show justification for the things that you ask for. You cannot just give a number and expect to get it. He explained that they need to break down each of the numbers. They need to make copies of any contracts to show the amounts that they are obligated to pay. He also told them that before they sign any contracts, they should check with the Town to see if they can get a better deal. They can probably get better prices if they combine certain contracts with the Town. The Librarian did state that they have one of the highest Library budgets in the area except maybe York. Dwayne stated that when you look at the Town's Police budget, we are dead last in the area. Selectman Cowan stated that it would be nice if the Trustees could view Dwayne as a resource. Dwayne stated that he did tell them to use him as a resource and he has had quite a few emails from them today asking various questions. The Librarian stated that there should probably be a Selectman on their Board. It would not be as a voting member but it would be beneficial for a different perspective. Dwayne thinks that it would be a good idea.

Dwayne stated that they are very close on their negotiation with Sanford. He stated that our increase is not going to be as much on the dispatch side. Originally, he thought that it was going to be about \$10,000 but it looks like it will only be about \$3,000. He stated that they have restructured all of the contracts to bring their costs down. They are going to keep a per capita cost because the formulas didn't work. The County is going to see the big increase. Dwayne stated that we will pay more in County taxes, but that is spread out a lot more.

Dwayne stated that when they went to decorate the gazebo, they found lots of damage to it. The kids have been kicking all of the ballisters and taking knives and digging and gouging all the

wood. There will be some significant cost that will be incurred to fix this. Selectman Cowan asked if they could use pressure treated wood. Dwayne stated that they had done it out of cedar before. He stated that he has asked someone to give him a price for plastic decking to redo all the decking and for repairing and repainting the rest. This would be more cost up front but the maintenance would be a lot better and kids would not be able to damage it as easily.

He said that we also need to start replacing the wood on the benches. He said that they are not necessarily rotted but they are very punkie. He would also like to replace this with plastic. He said that he is in contact with a wholesaler that will cut all the plastic to size. Selectman Drew asked if they would drill the holes also and Dwayne said they would not. He said that next year there will be 400 kids that are coming to southern Maine to do a building missions tour. They mainly work with the elderly doing handicap ramps or doing roofing. They have contacted Dwayne because they do not have enough projects right now and Pratt is also very involved with this. Dwayne thought maybe they could buy all the benches and then have the kids build them for us and put them in place. He is checking to see if Pratt would also be willing to donate money toward the purchase of the benches as well. Dwayne stated that to replace the benches with plastic will cost about \$13,000 just for the material. Selectman Drew asked how much money they had in account for this and Dwayne stated that they had none.

Dwayne stated that he is working on the electricity budget right now. The contract ends in December. They just got preliminary pricing and it was very scary. They are going to take a wait and see attitude. He said that the standard offer right now is 6.8 cents per kilowatt and our bid came in at 8.8. He stated that we were paying 7.1 because we had signed a three year contract. He stated that they are waiting to see what the standard offer will be. It was supposed to be released in October but they have not released it yet. Dwayne stated that electricity is based on natural gas prices and natural gas prices have climbed so that's why all the bids are coming in very high. Dwayne stated that they will pay the standard rate offer for now until they decide what they are going to do.

C. Boston Post Cane: Award Cane to Harold "Mundy" Grant

Dwayne stated that he and Chairman Galemme went over to Harold Grant's house to present him the Boston Post Cane. Dwayne showed the Board some pictures of the presentation which included members of the family, Chairman Galemme and Nancy Guptill of the Historical Society. Selectman Cowan asked if there would be something in the Foster's paper regarding this. Dwayne stated that he is almost done writing the article to submit to them for print.

D. Zoning Ordinance: Discussion on Proposed Changes to Send to Planning Board

Dwayne stated that Chairman Galemme attended the Planning Board meeting to discuss the proposed changes with them. Dwayne stated that the Planning Board agreed with the Board to put a change forward but they wanted to change a few things. Dwayne stated that the paperwork could be found on page 26 of their packet and all the changes were underlined. Dwayne stated that most of the changes they did were minor. On the siding colors the Selectman had said neutrals or pastels should be used but the Planning Board stated that they New England colors

will be approved by the Planning Board. On B they added some human-scaled appearances while remaining a unified design composition. They want recess to be no less than 12 inches.

He stated that the biggest change that they did is under C where they now allow the windows along 80% of the store front instead of 60%. The display windows shall be rectangular or square but they did not talk about orientation so basically the windows could be like a V instead of up and down. They also added that rooflines be gambrel and hip. Chairman Galemmo stated that they also rejected the sign ordinance. Selectman Cowan asked why. Chairman Galemmo said that one person felt that the interior lit signs could be less bright than exterior lit. Another person said that we are not Freeport, we are North Berwick. Another person stated that they did not feel that they should tell Subway how to display their logo.

Dwayne stated that the Board of Selectman sent the proposal to the Planning Board. The Planning Board recommended changes to the commercial standards. The Board of Selectman now has to accept the changes, not accept the changes or present other changes. Regarding the sign ordinance, even though the Planning Board voted against it, the Selectman can still say they want it to go to the voters.

Chairman Galemmo stated that regarding the storefronts being at 80%, the Planning Board's argument was that the buildings up the road in the commercial block were probably more than 60%. Selectman Cowan stated that if it was a small building than this would not be a big issue, but on a larger building, 80% on the façade is significant, particularly with regard to the lighting inside the building. Dwayne stated that by saying not more than 80%, this allows the Planning Board to work with the developer.

Chairman Galemmo stated that in D.3, they took out the "Bright or primary colors are prohibited." He said the sentence states "Roof colors shall include neutral shades such as earth tones, greys and black." He said that if someone came up with a bright primary color, it only states that they shall include. It doesn't state that they can't be a primary color. Dwayne stated that he would read that as it being prohibited because it states "shall include" and shall is definitive. Selectman Cowan stated that if it states "shall include" than you can have a bright red roof and you throw in a little touch of grey. Dwayne asked if the Board wanted to change the sentence. Selectman Cowan stated that it should read "shall be" and not "shall include". Dwayne stated that they can change that.

Chairman Galemmo asked Selectman Cowan if she felt strongly about the 60% on the windows. Selectman Cowan stated that if they are going to go 80% than they should restrict that to the size of the building itself. She said that the 60% shall prevail on buildings over a certain size. Chairman Galemmo stated that for buildings with a frontage of 100 feet or less it would be 80% and over 100 feet would be 60%.

Dwayne stated that he wasn't sure about the display windows statement. It is not an issue if the window is square, but a rectangular window can be displayed at an angle. He stated that you could keep it as rectangular or square but add that it will be vertical in orientation.

Chairman Galemmo stated that the Planning Board agreed that the trash dumpsters should be enclosed and hidden, but other ground level equipment shall be screened from the public way.

Dwayne stated that he did not agree with the statement regarding the granite curbing. He said that it should be all curbing shall be granite. The Selectmen agreed. Chairman Galemmo stated that they should change this back to the original language.

Dwayne stated that he will send this back to the Planning Board stating that the Selectman have reviewed their recommendations, however this is what they want to go to the voters.

Dwayne asked the Selectmen if they wanted to also put forward to the voters the ordinance regarding the externally lit signs and they said yes.

Dwayne stated he met with the Planning Board about a month ago about a proposal that he and Larry Huntley had put forward. At the time that he met with them, the Board had agreed to do it but last Thursday they agreed to not to do it. This is a concern. Dwayne stated that right now people are being treated differently under our Ordinance. He said that if you create a lot, you have to have public road frontage but if you have an existing lot, you don't have to have to have access to a public road. He said that if somebody goes and builds on back Beech Ridge Road, which is nothing but a mud swamp and not have public road access. This means that if their house caught on fire or an ambulance or police were required, we could not get to them. The proposal stated that anyone that gets a building permit has to build a road of some minimal criteria that allows people to get to their house. He said that some of the Planning Board members felt that if someone had a back lot and had to build a road to have access to it, then the other lot owners could take advantage of that. Dwayne stated that unfortunately, this is the only way to do it. Selectman Cowan stated that it just makes sense to require this since the Town is expected to provide services to these lots. Dwayne stated that some of the Planning Board members felt that the Town should build it but Dwayne told them that it is not the Town's responsibility. Since the Planning Board rejected it, Dwayne and Larry Huntley would like the Board of Selectman to present it to the Planning Board because it can't be rejected. They can vote against it but at least it will go to the voters for them to decide.

Selectman Cowan motioned to send back to the Planning Board the Construction Standards for Commercial Use Buildings with the accepted Planning Board changes and the amendments made by the Selectman this evening. Selectman Drew seconded the motion. VOTE: 3-0

Selectman Cowan motioned to send back to the Planning Board the sign recommendation of the Selectman for town meeting. Selectman Drew seconded the motion. VOTE: 3-0

Selectman Cowan motioned to send to the Road Access for Lots with Building Permits that was approved tonight for town meeting. Selectman Drew seconded the motion. VOTE: 3-0

Dwayne stated that these will go back to the Planning Board for their Public Hearing.

Reminders: Next Board of Selectmen's Meeting – Jan. 7, 2014 – 6:30 pm Municipal Building
Labor Negotiations – January 6, 2014 – 6:00 pm Municipal Building

5. New Business:

B. Redistricting: New Redistricting for North Berwick House Representative

Dwayne stated that the Town is now split in terms of our House of Representatives. Our Senate is still under one district. Mark Eves will be representing District 6 which will include some of South Berwick and Joshua Plante will be representing District 5. Dwayne showed the new map to the Selectman. This was done to spread out the population.

C. Town Report: Cover and Dedication

Dwayne stated that this is the time of year when they discuss the cover of the Town Report and the dedication for the Town Report. Dwayne recommends that they use the DA Hurd Library expansion as the cover. Regarding the dedication, he stated that, in the past, they have dedicated it to people that have passed as well as to people that are still alive. In reviewing the list of the people that have passed away this past year, there was not really anyone that stood out as being someone that had been really involved with the Town in some capacity. He is actually recommending that we dedicate it to Harold "Mundy" Grant who was just awarded the Boston Post Cane award. Dwayne stated that he has written a dedication already but he wants his son to review it and make any suggestions.

6. Other Business – Executive Session – Personnel

Dwayne stated that he received a letter from the York County Community Action Corporation and he has included it in the packets. York County Community Action Corporation will no longer provide transportation for MaineCare members because the contractors are not paying them enough to make it work. The letter states that the State of Maine signed a contract with these contractors so it is up to them to fulfill these contracts. YCCAC will not be doing it anymore.

Dwayne stated that he will be getting a hold of Mark Eves. He said that the State slipped something into an Appropriations Budget last year that we weren't aware of and that affects us greatly. When Millinocket and East Millinocket lost the mills, there is a thing called Sudden and Severe Impact. If you sudden and severe impact, then the State recalculates your valuation and your new valuation becomes what you get the benefit of. It is usually a three year lag but it now becomes immediate. The law reads that when the State Treasurer determines it, the money gets sent to those towns. Last year, the Governor held on to those funds for Millinocket. They gave East Millinocket their money because the Governor had wanted something from both towns and East Millinocket decided to do what the Governor wanted but Millinocket did not. The Governor had wanted the Towns to help close the landfills but Millinocket said no because it was the State's responsibility. Millinocket ended up having to sue the State to get their money. The Governor put into the bill, that in order to get Sudden and Severe Impact now, there is a process to follow. At the same time, they added enhanced BETE to that same process. BETE is

Business Equipment Tax Exemption reimbursement. When they took the Town's ability away from taxing personal property, the State said that they would give the towns a percentage of that. They start at 100% down to 50% because the constitution says that when the State passes something that effects the Town, they have to reimburse them 50% of their loss. Because there was 60 towns that were going to have huge losses, they created the enhanced BETE, which states that if you have more than 5% of your property value is personal property, then you get a different calculation. In our case, we stop at about 60%. What they are doing now is if you want to take advantage of the enhanced BETE, you must do a certain process. There are two ways that you can do it. One is that you can get your assessor to get certified in the enhanced BETE process. The problem is that one of the prongs of getting them approved is that you can't do it. When you determine the value of a piece of property there are three ways you can do it. There is the income approach, replacement approach and the fair market value approach. You do all three of these to determine the value. What they have done for the enhanced BETE is state that in order for our assessor to become certified they have to be able to do that with personal property. The problem is that you don't use the income approach on personal property, especially on a situation like Pratt & Whitney where they make no income. Pratt & Whitney on a whole makes money but local Pratt & Whitney does not. The corporate Pratt & Whitney would need to break down how much money this plant makes and that is not going to happen.

He stated that the other thing that we could do instead of getting our Assessor certified is to hire a third party appraiser every year to do our enhanced BETE. That would cost more money than what we would actually get from the enhanced BETE. Dwayne stated that there was a work group put together to review this and they are sending their recommendation back to the legislature to get rid of it. It is called Part O of the Appropriations Bill. Part O needs to go away. If it does not go away, we would have to either get Craig certified or we have to hire a third party appraiser. The problem is that all the big appraisers in the State had a meeting and asked the State what they wanted and the State said that they didn't know. The appraisers said that if someone comes to hire them, they don't know what to do because the State does not know what they want. Dwayne stated that he will be lobbying Mark to make sure this goes away. He stated that the State also need the find the \$40 million dollars for revenue sharing.

Dwayne stated that there would be no Executive Session tonight.

7. Review and Approve Warrants and Correspondence

Warrant: December 10, 2013	- \$ 25,673.62
Warrant: December 17, 2013	- \$ 520,292.02

Selectman Drew motioned to accept the Warrant for December 10, 2013 for the amount of \$25,673.62 and the Warrant for December 17, 2013 for the amount of \$502,440.15. Selectman Cowan seconded the motion. VOTE: 3-0

8. Adjournment:

Selectman Drew motioned to adjourn the meeting at 8:00 pm. Selectman Cowan seconded the motion. VOTE: 3-0

Respectively submitted:
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Elaine Folsom

Selectman: Paul Danforth

Selectman: Gregg Drew

Selectman: Wendy Cowan