

North Berwick Board of Selectmen's Minutes: May 6, 2008

NORTH BERWICK BOARD OF SELECTMEN MINUTES MAY 6, 2008

Present: Chairman Danforth, Selectman Bourbon, Selectman Folsom and Selectman Drew.

Also Present: Rip Patten (Crede Associates), Gordon Fuller (Maine DEP), Jason Claffey (Foster's), Larry Ladrie, Tammi Ladrie, Craig Skelton, Paul Schumacher, Meredith Norris, Kathryn Harrison, Gregg Norris, Jim Moore (Fire Chief), Brian Gosselin (Dep. Chief), Dale Pillsbury, Wilbur Butland, Oscar C. Stone, Tom McLaughlin, Della Maher, Dennis Maher and Dwayne Morin

Absent: Selectman Whitten

Chairman Danforth opened the Board of Selectmen Meeting at 6:30 p.m.

1. Pledge of Allegiance

2. Review and Approve Minutes of April 14, 2008 and April 15, 2008

Selectman Folsom moved to accept the Minutes of April 14, 2008, Selectman Bourbon seconded the motion. Vote, 4-0

Selectman Drew moved to accept the Minutes of April 15, 2008 as corrected, Selectman Bourbon seconded the motion. Vote, 4-0

2. Public Hearing: Caleb Foundation Brownfield Program

Chairman Danforth Opened the Public Hearing at 6:35, Caleb Foundation, Brownfield Program.

Paul Schumacher, Director of the Southern Maine Planning Commission, addressed the Board stating that the Brownfield Program executive committee authorized a two hundred thousand dollar grant from the EPA fund to the Caleb Foundation to help with the clean up of the site.

Rip Patten of Credere Associates, environmental engineers from Portland Maine, specializing in redevelopment of Brownfield Program sites. Mr. Patten presented the Board with the approach the Caleb Foundation will take to move forward with the project. Mr. Patten stated that the comment period ends May 19 and they hope to start the project the next day.

Estimated time of renovations is twelve months.

Mr. Patten asked for questions:

The Board asked question pertaining to the hazardous materials surrounding the building. Mr. Pattern answered the questions and stated that Caleb is responsible for the hazardous data.

Chairman Danforth closed the Caleb Foundation, Brownfield Program at 6:50 p.m.

3. Public Input: No Public Input

4. Unfinished Business:

A. Butland Property: Continued Discussion on Heath Issues

Dwayne stated that at the April 14th meeting the Board met to review the conditions of the Butland Property. At that time the Board granted a three-week window for Mr. Butland to come up with a plan to clean up the property and pay fees and taxes to satisfy the Board of Selectmen.

The Board review correspondence pertaining to the Butland Property.

Mr. Butland made a written request to the Board of Selectman asking them to sell him back his property at 57 Pleasant Street. He further requested the Town to remove the condemnation order for the dwelling. Upon receiving a letter stating the Town will sell Mr. Butland the property, Mr. Butland states that he will be in to pay all back taxes, and he will clean up the property. He will probate the estate of his mother, and then sell the property. At the time of the sale he will pay back the sewage fees and lien cost of water fee.

Dwayne explained to the Board and the Public the conversation he had with Bonnie Gould about the process of the probate of Hazel Butland and that the Board would have to redeem the property to the Heirs of Hazel Butland.

Dwayne also explained that the law allows the Board to give Mr. Butland a 30-day window to redeem the property. If the property is not redeemed within 30 days the Town could then sell the

property. This is how our ordinance reads, which solves the tax issue, but not the clean up issue or the code violations.

There was discussion from the public and the Board as to the hazardous waste inside the building, how it would be disposed of, and who would take liability for all decisions.

Dwayne informed the Board that there are decisions here to be made. The Board could allow the property to be redeemed. This would start the 30-day clock as it relates to taxes.

The Health Officer notified Mr. Butland that he had 10 days to clean up his property. Those 10 days has long since passed. That letter states that if the 10 days pass the Town has the right to assess the property and clean the property. This is done by Title 17 action; the Board would sign an order saying that the town would collect all fees by a tax lien.

If the Board allows Mr. Butland to clean up the property the concerns to the Towns Attorney and Dwayne is the liability the town would have knowing that there is know substances that could cause problems to somebody.

Selectman Drew made a motion to allow Wilber Butland to contract with a reputable company to remove any hazardous material from the home at 57 Pleasant Street, along with an insurance contract. Selectman Bourbon seconded the motion. Vote, 4-0

Selectman Bourbon made a motion to allow Wilber Butland to redeem the property at 57 Pleasant Street, Conditioned upon the payment of all back taxes, all taxes to date, and all fees the town has paid as it relates to clean up, back sewer fees, and legal fees. Selectman Drew seconded the motion. Vote, 4-0

The 30 calendar day period to redeem the property has begun as of today, May 6, 2008.

B. Parks and Rec. Commission: Lincoln Harrison Application (Postponed to 5/20/08)

Reminders: Next Board of Selectmen's Meeting-May 20, 2008-6:30 p.m. Municipal Building

5. New Business:

A. Commitment FY08: Abatement and Supplemental Tax Bills

Account #93

Supplemental #13-\$8,402.10

Selectman Drew moved to approve the Supplemental of \$8,402.10, Selectman Bourbon seconded a motion. Vote, 4-0

Account #107

Abatement request: \$13,450.24

Gregory and Meredith Norris came before the Board stating that they believed their penalty for tree growth removal should be abated. The Norris' state that when they received the letter notifying them of their penalty for not notifying the assessor before selling the partial of land they were surprised at the amount. The Norris's also stated that they believed that when their realtor came in to see the assessor and asked the question, "What would the penalty be if this land were to be taken out of tree growth", should have been accepted by the assessor as the request to take the land out of tree growth. The Norris' also stated that they knew the request needed to be made by the owners, but it was unclear as to what that meant.

Much discussion was had between the Norris', their realtor, the assessor and the Board.

Selectman Drew made a motion to table the request until the next meeting when Selectman Whitten can be present. Selectman Bourbon seconded that motion. Vote 3-1

B. Commitment FY09: Ratio Declaration and Reimbursement Application

Certify the Ratio Declaration and Homestead Reimbursement application need to be signed by the Board of Selectman. Dwayne stated that we are certifying our ratio for 100%.

Selectman Drew made a motion to accept the Ratio Declaration and Homestead Reimbursement at 100%, Selectman Folsom seconded the motion. Vote, 4-0

C. Mill Field: Request for Additional Plaques on Benches

Parks and Rec. proposed to place a plaque to the volunteers to the town on the stone in front of the Community Center. Dwayne showed the Board a photo where the plaque had been placed.

D. Fire Department: (moved) F-1 Taken out of Service

Fire Chief James Moore would like to take 1969 Forestry One truck off line. The truck is having carburetor problems and it continues to lose brake fluid. Deputy Chief Brian Gosselin took the truck to a fire and the truck would not start. When the truck finally did start it stalled 3 times. The last time it was towed, the department was told it needed a lot of work.

The Chief would like to have the Selectmen approve the department to go out and get a quote for a new Forestry vehicle to be placed on the warrant next year. The fire department would look into a Crewman cab, which would be sufficient. The Board gave the fire department permission to explore a new forestry truck.

Chief Moore has not been out to see the old fire truck because he has not received permission from Lynn Day. Selectman Folsom would like to have this look into because she has received information that the truck has been sold.

The Board allowed people to place a second plaque on the benches in the Mill Field, but no more than two. The plaque would need to be purchased by the individual and be in the same manner as the original plaques.

In the budget for next year is to replace four trees in the Mill Field. Dwayne received a call from the company and they would like to replace the trees this spring. The problem is the money does not come in until July 1, 2008. The Board would have to vote to allow Dwayne to run that account into the red. Then reimburse it in July.

Selectman Drew made a motion to allow Dwayne to run the account into the red to have the trees planted this spring and reimburse it July 1, 2008, Selectman Folsom seconded the motion.

Vote, 4-0

E. Transfer Station: Update

The town has made an agreement with Stan Rice to take our recyclables. They will come to the transfer station, pick up our bottles and pay us. We will try this company out and see how it works out.

F. MSAD60: Budget Ballot Clerks

Selectman Drew moved to accept Lorinda Hilton and Sharon Litvinchyk for Ballot Clerks for SAD#60, Selectman Folsom seconded a motion. Vote, 4-0

G. Police Department: (moved) Sign Contractual Labor Agreement for FY09-10

NBPDA Contractual Agreement for year 2009-2010

Selectman Drew would like to see Section D article number 10 looked at in the next contract. It gives the full time officer first refusal for over time. Our full time officers received 43,000.00 in overtime last year. Selectman Bourbon stated that was because we were not fully staffed. It has to be an advertised shift, such as vacations.

Selectman Bourbon made a motion to accept the negotiated contract for the Police Department for year 2009-2010, Selectman Folsom seconded the motion. Vote, 4-0

8. Other Business:

The Town received a letter notifying Janet Belmain official retirement.

Dwayne will look into hiring two part time people to help cover all shifts, especially the lunch hour. Dwayne will have a meeting with Janet and the staff to receive recommendations as to what they think may work for a replacement.

9. Review and Approve Warrants and Correspondence:

Warrant: April 22, 2008 - \$10,165.71

Warrant: April 29, 2008 - \$32,236.64

Warrant: May 6, 2008 - \$30,591.75

Selectman Whitten moved to accept the Warrants of April 22, 2008, April 29, 2008 and May 6, 2008, Selectman Folsom seconded a motion. Vote, 5-0

10. Adjournment:

Selectman Drew moved to adjourn at 9:45 p.m., Selectman Folsom seconded a motion.
Vote, 4-0

Respectively Submitted:
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Vice Chairman: Anne Whitten

Selectman: Anthony Bourbon

Selectman: Elaine Folsom

Selectman: Gregg Drew