

North Berwick Board of Selectmen's Minutes: April 3, 2007

NORTH BERWICK BOARD OF SELECTMEN MINUTES APRIL 3, 2007

Present: Selectman Moulton, Selectman Whitten, Selectman Danforth, Selectman Folsom and Selectman Bourbon.

Also Present: Daniel Pelkey, Kristie Michaud, Richard Reynolds, Gretchen West, Beth Nason, Francis Hall, Wayne Hall, James Moore, Billy Staples and Dwayne Morin.

Selectman Moulton opened the Board of Selectmen Meeting at 6:30 p.m.

Selectman Moulton welcomed newly elected Selectman Elaine Folsom and Anthony Bourbon to the Board.

Election of Chair and Vice Chair were postponed until Selectman Danforth arrives.

4. Public Input: (moved)

Fire Chief James Moore updated the Board on the delivery of the new Utility Vehicle. He stated that the truck is scheduled for delivery next week and the Town will need to provide payment upon delivery.

Dwayne informed the Board that we have the funds in the bank. Jim will give Dwayne a call with the exact delivery date so the check can be processed.

Commitment FY07: Abatement (moved from New Business A.)

Assessing Agent Craig Skelton brought forth an abatement request from Richard Lovejoy for Map 13 Lot 22. When the Town performed the revaluation, this lot's acreage also included the acreage for Map 13 Lot 25-1 and 25-2. Through the reval process the lots were appropriately separated because the lots were not contiguous, however the acreage was not removed from map 13 lot 22 and the Town has been valuing the property with 5.5 acres when in fact there is .5 acres and the other five acres were divided among the other lots created. Even though the abatement period has expired, Craig is recommending the abatement because Mr. Lovejoy had discussed this with Rosann prior to her departure.

Selectman Whitten moved to grant an abatement to Richard Lovejoy Map 13 Lot 22 in the amount of \$1,126.82 reflecting a reduction in valuation of \$109,400.00 resulting in a new valuation of \$322,600.00. Selectman Folsom seconded the motion. Vote 3-0 in favor.

Parks and Rec: By-Law Amendments (moved from New Business B.)

The Parks and Recreation Commission presented to the Board the amended By-laws and Constitution that they had been preparing for the past year. The amendments reflect that the Town has a Town Manager and Parks and Recreation Director that did not exist when the original documents were completed. They also further explain the duties of the Parks and Recreation Commission and the Director

The Selectman reviewed the document and made a few suggestions as to changes:
Amend article 3 of the By-laws to state that the Board of Selectmen accept gifts and not Town Manager.

Amend Article V section 2 of the Constitution to specify that all special meetings shall be held in compliance with the Maine State law.

If was determined by the Board of Selectmen to table the approval of the amendments until the next meeting to allow the Board ample opportunity to review the documents.

Selectman Danforth arrived at 6:57 p.m.

3. Review and Approve Minutes of March 20, 2007

Dwayne indicated that there were a few amendments made to the minutes to clarify them as well as to fix typographic errors.

Selectman Whitten moved to accept the Minutes of March 20, 2007 as amended, Selectman Danforth seconded the motion. Vote, 3-0-2

2. Elect Chair and Vice Chair

Selectman Folsom nominated, and Selectman Whitten seconded a motion that Selectman Moulton serve as Chairman of the Board of Selectmen for the ensuing year. Vote 5-0 in favor.

Selectman Whitten nominated, and Selectman Folsom seconded a motion that Selectman Danforth serve as Vice Chairman of the Board of Selectmen for the ensuing year. Vote 5-0 in favor.

5. Unfinished Business

C. ZBA: Laurie Beane reapplication

The Board interviewed Laurie Beane for reappointment to the Zoning Board of Appeals. Laurie stated that she wished to continue as a Zoning Board of Appeals member and believes that she brings fairness to the Board.

Selectman Whitten moved to reappoint Laurie Beane to the ZBA for a three year term to expire on December 31, 2009. Selectman Folsom seconded the motion. Vote 5-0 in favor.

E. Junkyards: Triangle Motor Junkyard

Dwayne stated that at the February 20, 2007 meeting the Board had given Triangle Motors until today to bring their junkyard into complete compliance with the State junkyard law. Dwayne gave a history of the process to inform Selectman Folsom and Selectman Bourbon.

Dwayne stated that Larry, Code Enforcement Officer, had inspected the junkyard today. As part of his inspection he randomly inspected twelve vehicles and of those, three still had fluids remaining in the vehicles. Larry stated in his written report to the Board that "Although there has been a major improvement of this yard, at this time, because of the remaining fluid, the site does not meet the new Auto Graveyard Law."

Mr. Hall was asked why the fluids had not been removed from all the vehicles and he stated that he had hired a company to remove all the fluids from the vehicles and that they had told him it was completed. He stated that he removed the fluids of one of the cars that Larry found and now only has two cars remaining of the 160 vehicles in the junkyard. The Board asked him if he thought that Larry had found the only three vehicles in his junkyard that still had fluids and he stated that although it seems implausible, that is what he believes.

Mr. Hall was told that even though he hired someone to remove all the fluids, the ultimate responsibility for the fluid removal is his and he should have gotten a letter from the company and he should have checked the vehicles himself.

Selectman Bourbon inquired as to how long has Mr. Hall known about the need to remove the fluids. Dwayne stated that the law was passed in 2005 that stated that all vehicles on-site prior to October 1, 2005 had until January 1, 2007 to have the fluids removed.

Selectman Danforth asked if the Town could fine Mr. Hall for not having the junkyard in compliance. Dwayne stated that typically the Town cannot impose fines for junkyard violations. A court would have to impose the fines and those fines are dictated by State Law. Dwayne stated that he would contact the Town attorney to see if the Town could impose a fine.

It was asked what would happen if the Board does not grant the permit. Dwayne explained that Mr. Hall could appeal the decision to court. Once all appeals had been exhausted, Mr. Hall would have 90 days to start removing the vehicles from the junkyard and 180 days to complete the removal of all vehicles. Since the junkyard is a non-conforming use in the Farm and Forest Zone, the use could not be renewed at a later date.

Selectman Whitten moved to table the Triangle Motors junkyard permit on Lebanon Road until the next Selectmen's meeting. Dwayne is to talk to the Town Attorney to determine the legal authority of the Board. If at that time fluids have been found in any vehicle the Board of Selectmen may use it's authority to not approve the junkyard and the 90 day clock shall start. Larry will be asked to check the junkyard for fluids during the week of April 20, 2007. Selectman Folsom seconded the motion. Vote 5-0 in favor.

2. Public Input:

Billy Staples addressed the Board and wished the Board of Selectmen well in the next year. He stated that he has no hard feelings toward the Board as it relates to this year's Town Meeting. He stated it was nothing personal toward the Board or the Town Manager. The Board of Selectmen stated that Billy had every right to state his concerns and feelings at Town Meeting and there are never any hard feelings for a citizen using that right.

Billy explained the when he stated that he was harassed at last year's Town Meeting it was before the Town Meeting and related to a problem at the Sewage plant. He felt that the people advocating for each position were too aggressive and that the Town of North Berwick does not need this type of activity.

The Board thanked Billy for coming to the Board meeting. Prior to his departure, Billy shook every Board members hand as well as the Town Manager and wished them well in the next year.

5. Unfinished Business:

A. Municipal Building: Update on Project

Dwayne updated the Board of Selectmen on the Municipal Building.

To date the Town has expended \$2,405,230.48. Dwayne outlined the remaining work to be completed on the project and the estimated cost associated with each item:

Brick Waterproofing	\$9,800.00
Painting	\$4,500.00
Floor Buffer	\$1,500.00
HVAC computer	\$2,000.00
Safe	\$1,500.00

Furnishings	\$3,000.00
Bushes for ramp	\$ 400.00

This will still leave a balance in the fund of approximately \$6,000.00. The Municipal Building Project Budget is still under budget.

B. Town Meeting FY08: General Discussions and results

Dwayne presented the Board with the minutes of the Town Meeting and a spreadsheet outlining the final results of the meeting.

Dwayne stated that there were a few issues that were brought up at Town Meeting that the Board should address:

Policy regarding the loading of trucks with Winter Sand.

A complaint was made that the Town Public Works employees had been loading sand into contractor vehicles during winter storms. Dwayne recommended that due to liability reasons the Town should not load any trucks that we do not own or rent.

Selectman Danforth made the motion that it shall be the policy of the Town of North Berwick not to load any truck not owned or rented by the Town of North Berwick due to liability reasons. Selectman Folsom seconded the motion. Vote 5-0 in favor.

Bid Out Excavation.

It was recommended at Town Meeting that excavation be bid out. Selectman Danforth reiterated the point he made at Town Meeting that the cost per hour should not be the determining factor. Paying a lesser hourly rate to an excavator that takes twice as long is not cost effective to the Town.

Dwayne recommended that we determine the estimated number of hours needed for excavator rental for ensuing year. Request a price sheet from contractors on the rental fee for the excavator and operator. Contractors must submit qualifications and references. Board to review the results and decide on the selected firm(s).

Chairman Moulton also stated that it was recommended that the Town look into purchasing an excavator. Selectman Bourbon inquired as to what the estimated capital cost would be. Dwayne stated that he would estimate an excavator in the \$200,000.00 range and that we would also need a flat bed trailer at an estimated cost of \$25,000.00. Selectman Danforth concurred with the estimates and also stated that the maintenance on the machine is very costly. Chairman Moulton stated that we should perform due diligence and review the recommendation.

Budget Committee Membership:

The committee is one person short. Pursuant to State Law (MRSA 30-A 2602), the Board of Selectmen can appoint someone to fill the term.

Dwayne recommended that the Board appoint someone from the field of write-in candidates. Two former selectmen were write in candidates and they would certainly have the expertise to fill the role of Budget Committee member. After further discussion the Board selected three individuals from the write-in candidates and asked Dwayne to contact them to see if they would be interested. The Board selected Roger Littlefield, Jay MacDougall and Barry Abbott.

Display Flags: The vote made at Town Meeting was to put out on working day before and take down working day after. Even though the vote was not a legal motion since one can not attach conditions to a monetary article, the intention of Town Meeting was to have this occur. Dwayne prepared a schedule for the Board to review:

Town Manager Recommendation:

Memorial Day – May 28	Out - May 24	Down – May 29
Flag Day – June 14	Out – June 13	Down – June 18
4 th of July - July 4	Out – July 3	Down - July 5
Mill Field Festival – August 17-19	Out - August 16	Down – August 20
Labor Day – September 3	Out – August 30	Down – September 4
Veteran’s Day – November 11	Out – November 9	Down – November 12

It was moved by Selectman Danforth and seconded by Selectman Whitten to follow the schedule as presented. Vote 5-0 in favor

D. Bureau of Labor: Appeal of Penalties

Dwayne stated that he would be traveling to Augusta on Wednesday, April 4, 2007 to appeal the \$10,500.00 penalties assessed to the Town by the Bureau of Labor for safety violations from the November audit. Dwayne stated that the Town has expended nearly \$10,000.00 in remedying the violations and is requesting the State to allow the imposed penalties to be applied to the cost to remedy the violations.

Dwayne will notify the Board of the results of the appeal process.

F. Photocopier: BEU Purchase and Gorham Savings Lease

Dwayne explained to the Board that our current photocopier lease expires in June and a new copier is needed as the current copier has been having problems. The Town solicited bids from various vendors and selected two vendors to demo their machines. The two companies were BEU and Seacoast Business Machines. After trying the machines, the staff recommended the BEU machines.

Review of the bid proposal shows that the BEU proposal was the least costly to the town and will include a Konica BizHub 500 for the Town Office, a Konica 7030 for the Parks and Recreation, a Konica 7030 for the Fire Department and a Kyocera Color Printer for the Town Manager's office at a \$1.00 buyout 60 month lease cost of \$198.00 per month. The lease will be held by Gorham Savings Bank. In addition, BEU will give the Town 50,000 free copies and then the copy rate will be \$0.007 per copy. Currently the Town was paying \$212.00 per month for our existing lease and \$0.0125 per copy.

Selectman Danforth moved to selected BEU as our Photocopier vendor and to enter into a \$1.00 buyout 60 month lease from Gorham Savings with bi-annual payments. Selectman Whitten seconded the motion. Vote 5-0 in favor

Reminders: Next Board of Selectman's Meeting-April 24, 2007-6:30 p.m. Municipal Building.

6. New Business:

C. Planning Board: Applications for membership

Dwayne stated that the Town had received two applications for Planning Board membership. The Town currently has two vacant alternate positions on the Board. The Two applicants were Barry Chase of Oak Woods Road and Mark Cahoon of Elm Street.

The Board requested Dwayne to invite the applicants to the April 24th meeting so that they can interview them.

D. Goals: Discuss Goals for FY2008

Dwayne stated that every year after Town Meeting, the Board discussed goals that they wish to see accomplished in the ensuing year. Dwayne requested that the Board think about what goals they would like to accomplish and the Board can discuss them at the next few meetings.

E. Police: Sign Appointment Papers for reserve Officers

Dwayne stated that the Police Department currently has two reserve officer vacancies with another vacancy expected in May after the resignation of Officer Gerry Gay. The Police Lieutenant interviewed applicants and recommended to Dwayne to hire Raymond Benedict and Daniel Pelkey as Reserve Officers. Dwayne approved the hiring of the two officers after complete background checks. Dwayne is requesting the Board sign the appointment papers for the two officers so that they are covered by the Town's liability policy.

Selectman Folsom moved to sign the appointment papers of Raymond Benedict and Daniel Pelkey. Seconded by Selectman Whitten. Vote 5-0 in favor.

F. Selectmen Meeting: Discuss Selectmen meetings schedule for 2007

Dwayne presented the Board with a proposed Selectmen Meeting schedule for the next fiscal year. A few of the meetings that typically fall on the first or third Tuesdays are being

recommended to be moved to accommodate the vacation schedule of the Town Manager for the months of April and June. The July schedule is recommended to be changed due to the Fourth of July and the Town Manager's vacation schedule.

The schedule presented also included the election schedule, flag display schedule, and special event schedule for the ensuing year.

Selectman Whitten moved to adopt the revised schedule with the ability to change it later should the Board decide that it is appropriate. Selectman Danforth seconded the motion. Vote 5-0 in favor.

G. Referendum Petition: Sanitary District Petition

Dwayne informed the Board that a petition had been submitted to the Town Clerk's office today that stated that "We the undersigned registered voters of North Berwick, Maine and the Sanitary District, pursuant to 38 MRSA Sec. 1201(10), petition to have the vote of the trustees regarding the issuance of \$362,100 of General Obligation Bonds for the purpose of funding the maintenance project known as, "Aerated Lagoon Sludge Removal and Aeration Diffuser Replacement," referenced to the referendum."

If the petition has been signed by 5% of the registered voters in the Town, a referendum election would need to held at the expense of the Sanitary District. Janet Belmain, Town Clerk will certify the number of signatures and whether a referendum election shall be held.

Dwayne will inform the Board as to the results.

7. Other Business –

8. Review and Approve Warrants and Correspondence:

Warrant: March 27, 2007 - \$29,331.88

Warrant: April 3, 2007 - \$ 31,502.55

Selectman Whitten moved to accept the Warrants for: March 27, 2007. Selectman Danforth seconded a motion. Vote, 3-0-2

Selectman Whitten moved to accept the Warrants for: April 3, 2007. Selectman Danforth seconded a motion. Vote, 5-0

9. Adjournment:

Selectman Whitten moved to adjourn at 10:30 p.m., Selectman Danforth seconded a motion.
Vote, 5-0

Respectively Submitted:
Dwayne G. Morin, Town Manager

Original to Town Clerk

Chairman: Nancy Moulton

Vice-Chairman: Paul Danforth

Selectman: Anne Whitten

Selectman: Elaine Folsom

Selectman: Anthony Bourbon