

**North Berwick Board of Selectmen Minutes August 18, 2020**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES  
AUGUST 18, 2020**

**Present:** Chairman Cowan, Selectman Johnson, Sr., Selectman Johnson, Jr.,  
Selectman Hall, Selectman Galemmo

**Also Present:** Dwayne Morin

Chairman Cowan opened the meeting at 6:30 pm.

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of August 4, 2020 and August 11, 2020**

Selectman Johnson, Sr. stated that in the first paragraph on page 3, the 4<sup>th</sup> sentence said Chairman Galemmo, but it should be Selectman Galemmo.

Selectman Galemmo motioned to approve the minutes of August 4, 2020 as amended and the minutes of August 11, 2020 as written. Selectman Johnson, Jr. seconded the motion.  
VOTE: 5-0

**3. Public Input**

There was no public input at this time.

**4. Unfinished Business:**

**A. COVID-19: Town Response to COVID-19**

Dwayne Morin stated that he had nothing to add regarding COVID-19. He is just keeping it on the agenda in case something new comes up.

**B. Linscott Road Intersection: Discussion on Progress**

Dwayne stated that, as of today, the town now owns 192 Wells Street. They signed the deed over to us today. The water line is being installed this week. He stated that Jimmy Guy has looked at the site and Aaron Fenderson is all set to do the foundation. They are ready to go as soon as Turnkey Homes gives them a date. Once they do then the others will do what they need to do to prep for the home. Dwayne did meet with someone from Turnkey and they told him that it will be an easy install and we should be able to get it earlier than the original date that was given to us. Dwayne state that they will stake out the house on Thursday.

Dwayne stated that they did have an issue with one of the neighbors. When we started cutting some trees, she became upset. She thought that her fence was a foot off of her line. He stated that they couldn't find one of the pins. He had an idea where the pin was, and he put a stake where he thought the pin was. However, he was off by about 2 inches. The neighbor insisted that he had cut some of her trees. He told her that the reason they were cutting brush at this time was so he could run a line. They cut enough brush and ran the string and cut 1 tree on her property. He did get her to agree for them to cut some trees on her property that overhung the property. She did ask them to keep a couple of trees, some of which are on our property. He was fine with that because it will be a good buffer.

Dwayne stated that the State is still doing their due diligence. He said that we did our own title search on the Weaver property, but the State wants to do their own. He said that our attorneys are confident that they will not find anything. The State did give us permission to go and do anything on the property while waiting for the deed to be transferred. Dwayne said that his goal is to have them in the new house and tear down the old one before Thanksgiving.

#### **C. Website: Discuss on Progress**

Dwayne stated that they started on the design of the website. They had a meeting last Wednesday. Hopefully by the end of this week or beginning of next week, they will have a preliminary front page design. They are working with graphic designers to develop the front-page design. All of the other pages will flow from this front page. He stated that the other people that will be working on this with him are Kristie Michaud, Chris Dudley, and Dan Pelkey.

Dwayne stated that they are also going to do a little mini contest. They are requesting that people send them pictures of North Berwick. We can then pick some pictures to add to the website. They have received about 30 of them so far. Dwayne said that adding content to the website is so much easier.

#### **D. Parks and Recreation**

Dwayne stated that today was the first mini camp and it went pretty well. There were no issues. He stated that they did not get enough signups to do the dual mini camps, so they have combined them into 1 that goes from 8:00 to 12:00. Dwayne stated that after the camp was done, the leaders were sitting and having lunch and they saw a motorcycle come tearing through the fields. They stopped him and asked what he was doing. The guy said that he did this every day. They told him that he couldn't do that, and he gave them a little bit of a hard time. They had the police come and to talk to him and told him not to do it again. Chairman Cowan asked if we had cameras in that area and Dwayne said that we did so they will monitor it to make sure he doesn't come back.

**E. Public Works:** Update on Construction Projects

Dwayne stated that they are done all of their projects except for paving. They will go out and prep the area this Thursday and Friday and paving will start on Monday. They said that they will have all of the paving done by next month. If there is extra money left after they complete the paving, they may be able to squeeze in another project.

**Reminders:** Next Board of Selectmen's Meeting – September 1, 2020 – 6:30 pm

**5. New Business:**

**A. Dangerous Building:** Update on Dangerous Building Process

Dwayne stated that, starting on page 12, is a copy of the complaint that was filed in court today. He stated that he only gave them the verbiage of the report because the actual report is 127 pages long which includes a lot of pictures. He stated that they will wait for the court to give us a court date. He stated that they did meet with Mr. Hanchett and his daughter Courtney to talk about what the Board had decided. They did ask for the Board to consider a couple of things. They would be willing to enter into a Consent Agreement prior to a Judge acting on it so the Judge would basically just bless the Consent Agreement. One of the things that they asked for was to be allowed 3 years to rebuild instead of 1 year because Mr. Hanchett thinks that the demolition costs will wipe him out financially and would not have the funds to complete it. Mr. Hanchett would also like to have the 3 years be transferrable so that if he decides to sell it, that person would still have the 3 years to build on that property.

Dwayne stated that we are going to bring the building down to the first deck. Mr. Hanchett's present goal is to rebuild on the site but most probably with a new structure. He will remove the first deck himself. Dwayne stated that our engineers said that it just had to come down to the first deck. The reason that he wants to keep the first deck there is because all of the water and sewer for the entire property runs through the basement of that house. If the first deck isn't there, it could cause some issues with his water and sewer. Dwayne stated that he doesn't think that this is an unreasonable request. One thing that Mr. Hanchett is requesting is a building envelope instead of just saying that he can just put it back on that site. A building envelope would just be basically where the house is. Right now, if he decided to build new, under our Zoning, he would have to be at least 50 feet back. Mr. Hanchett stated that he plans on building a substantially smaller house than what is currently there.

Chairman Cowan asked Dwayne what the appraised value of the house was. Dwayne stated that they do not have an appraised value only an assessed value. Selectman Glemmo stated that the house will be coming down right away, but Mr. Hanchett wants 3 years to start reconstruction. Dwayne said that was correct. Dwayne said that, once he gets the permit, he has 2 years to finish.

Chairman Cowan asked why we don't offer to purchase the property from him so that we could have control over a very important part of the town. This way we won't end up in this endless back and forth with this guy. She is very concerned about allowing him 3 years to just start plus

another 2 years to complete. She stated that they would be looking at up to 6 years with the eyesore. Dwayne stated that house, which is currently the eyesore will be gone. She said that she understands that the town is not into real estate, but she does know that other towns have the precedent of buying property if they know that it is in the best interest for the town to own. She feels that way about this property. She stated that there is one of the most iconic properties in town located right across the street from this location. She is concerned that the Hanchett property will continue to stay a mess. She stated that the majority of people that go through North Berwick see a beautifully restored inn on one side and then see the messy lot on the other. It really doesn't look good for the town. She wishes that the town had bought the property years ago when it was first on sale. Dwayne stated that the owner at that time would not sell it to the town. Dwayne stated that there are a few problems with doing that. First of all, the Board doesn't have the authority to do that. They would have to have a Town Meeting to have the residents decide. He stated that there is no way that they will be able to hold a Town Meeting before the Judge makes a decision.

Selectman Galemme stated that, if they bought it, then what would they do with it. We would have to maintain it. Chairman Cowan stated that they could then sell it. She said that there is good appraisal value especially after it gets cleaned up. Then they could have control over what goes in there. It would be great to find someone to do something with it that could benefit the town.

Dwayne stated that, right now we are dealing with a dangerous building. He said that they can go to court and he can tell them that the Board has decided to not work with him, and they are just going ahead. However, he spent 2 hours with Mr. Hanchett telling him that we were willing to work with him. Dwayne said that he can also tell him that we are not going to give him the 3 years. He would have to go by the Ordinance of the deadline of 1 year and he would have 18 months to pay us back for the cleanup. What Mr. Hanchett asked for is 3 years to start with a building envelope and 3 years to pay back the demolition costs instead of 18 months. Selectman Hall asked if there would be interest on what he needs to pay us back. Dwayne stated that it will be at an 8% interest rate.

Chairman Cowan would like him to have 3 years to complete everything which is what our Ordinance states. Selectman Galemme stated that maybe they could give him 2 years to pull the permit. That way they are just extending it by 1 year. He also stated that he doesn't have an issue with giving him more time to pay back the costs. Selectman Hall stated that the gentleman is in a really bad situation and he would like to help him out. As long as the dangerous building is gone, he is okay with the other stuff. He said that if Mr. Hanchett wanted to sell it and the town agreed as a town to buy it, we are still going to sell it to somebody else, so they are still looking at the same time frame. Chairman Cowan stated that the point that she was making is that they would have control on who they would sell to and what they could do with the property. Dwayne said that if the town owns the property and they decide to sell it, they can't tell the person what they can put there as long as they follow the Ordinance. Chairman Cowan stated that they could decide who to sell it to but Dwayne said that if they put something up for sale and someone meets the criteria to purchase it, you have to sell it to them.

Selectman Galemmo feels that they should give him 2 years to pull the permit and 3 years to pay us back. Dwayne said that he is concerned about the 3 years to pay back. He has no problem with the 3 years as long as our liens remain intact. The way that it works now, is once the building is down and we have figured out all of the costs, the Board will assess a special tax on him. He has 30 days to pay that tax. If he doesn't pay within the 30 days, then it goes to lien and matures in 18 months. In 18 months when the loan matures, the town then owns the property unless the Board says they are going to extend that. Typically, the only way we can extend that is by the Board accepting a payment arrangement. He wants to make sure that if Mr. Hanchett cannot pay the bill, then the town has the means to take the property to satisfy our costs. Dwayne stated the attorney said that they need to make sure that the Judge will allow us to go beyond our Zoning Ordinance and beyond the lien promises. Once the Judge blesses something, that becomes law so we want to make sure that everything will be covered.

Selectman Hall stated that he read that the owner would like to abate his taxes for this year. Dwayne feels that this would be appropriate. The taxes are assessed April 1<sup>st</sup> but truly the taxes are for the period of July 1 through June 30. The building burnt on July 25<sup>th</sup> and since we will be removing it, he believes it is only fair that we abate a portion of the taxes for that building. He still has 2 other buildings on that property. Dwayne has asked Craig to separate the costs out.

The Board agreed to give him 2 years to pull the permit, give him a building envelope based on the existing building and 2 years to complete it. They will also allow a 3-year payment plan as long as our attorney can ensure that the liens remain in place during the time frame. It will be at an 8% interest rate which is what the going rate is and we can't get around this figure. We will also abate the house portion of the taxes only for this year. The permit would also be transferrable.

Dwayne stated that he talked to Jimmy Guy about taking it down. Jimmy said that it would probably take about a week to take down. Dwayne said that it costs \$1,200 per day for the excavator. Jimmy told him that he would probably have to bring extra guys in as they take it down because they would need laborers. Selectman Galemmo stated that they would probably have to block off the road around there and Dwayne agreed. Dwayne said that they were already at about \$10,000 in legal fees. He stated that he has been talking to Roger about hauling off of the building. Dwayne think that they may need upwards of 50 containers. Roger thinks it will be about 30 containers because when you look at the side of the building, the heavy stuff is gone. It is basically just the timbers of the building and the beams are so old that they basically don't weigh anything.

Selectman Hall asked what the time frame will be for the house to be taken down. Dwayne stated that they filed today and the law states that they need to have a hearing within 10 days. The attorney was not sure if they would adhere to the 10 days due to COVID-19. If Mr. Hanchett does not show up to court, then we get what we ask for. If they show up and they present a case, then the Judge will need to make the decision. It usually takes about 2 weeks. Dwayne said that we are still a month off before we even get to a place where we can do anything. After that, it will be a matter of when Jimmy will be available to do the work. We are probably looking at the latter part of September at the earliest.

**B. Assessing:** Establish Mil Rate and Set Commitment for FY21

Dwayne stated that, starting on page 30 in their packet, is our assessment review. This is an audit summary. We have about \$629,000 of billable Real Estate and when you throw in our Personal Property, it comes out to a total of about \$646,000 of billable value. On page 33 it shows a list of the possible tax rates. Our Allowable Tax Rates are anywhere between \$11.50 to \$12.00 for our tax rate. Dwayne said that he would not go on the low end of the amount. He stated that we have been trying to keep about a 3% overlay. This would put us at either \$11.85 or \$11.90 for a new tax rate. He thinks that it should be at the \$11.90 rate because it gives us a healthy overlay. He is concerned about future years especially not knowing what will happen with COVID-19. If the economy begins to fail a little bit, it will affect all of our other revenue sources. We already know that we will take a hit on our interest. We budgeted \$85,000 in interest but we will probably only take in about \$20,000 this year.

Selectman Galemмо motioned to set the tax rate at \$11.90. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

**C. Public Works:** Review Quote on New Sidewalk Tractor

Dwayne stated that when they did the original quote for the sidewalk tractor during budget time, it came in at \$145,000. Our new revised quote is \$129,777. They told Dwayne that the price went down because of COVID-19. Dwayne said that this leaves us with about \$15,000 of extra spending money. He said that we can just bank it, but Mike was wondering if the Board would allow them to look at some other attachments. They would like to look into getting a flail mower, which is basically a mower arm that you can drive down the road with instead of using the sickle bar, which would be much easier. Chairman Cowan would like to know what the cost would be.

The Board agreed to have them look into the purchase of additional attachments that could be purchased with the extra money.

Selectman Galemмо motioned to purchase the sidewalk tractor, ribbon blower and a sander at \$129,777. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

**D. Personnel Policy:** Change in Paid Time Off Due to New State Law

Dwayne stated that they have been looking at the new laws that are coming out and one of them is the Paid Time Off law. Under our current Personnel Policy, you have to work for the Town of North Berwick for 1 year before you get any vacation. The new Law that will go into effect on January 1, 2021, states that if you work for an employer for 120 days and that employer has more than 10 employees, that employer must give you 1 hour for every 40 hours that you work for up to a maximum of 40 hours per year. All of our employees that have been here for a year are fine because we offer more than 40 hours of paid time off. However, the employees that are in their first year, we would need to change our Personnel Policy to grant them that 1 hour for every 40 hours that they work.

The second part of this is that this law will need to apply to all part time employees as well. Our current part time employee policy states that if you are a scheduled part time employee, after 2 years you get 1 week equal to the amount of hours that you worked. If you worked 20 hours per week, you would get 20 hours off after 2 years. This will not be legal under the new law starting in January. We need to change it to 1 hour for every 40 hours worked.

He has drafted a preliminary change to the Personnel Policy. Under section 6.2.a Vacation they would add the following line:

120 days        1 hour for every 40 hours worked to maximum 40 hours

The one for part time employees is under 6.2.g and would read:

In accordance with MRS Title 26 subsection 637 all employees who have been employed for 120 days shall receive 1 hour of vacation for every 40 hours worked up to a maximum of 40 hours per year. (Effective January 1, 2021)

Also, for part time employees that would like to cash it in instead of taking the hours for vacation, under Section 6.2.e, they added the following sentence:

This provision may be waived by the Town Manager for part-time employees.

Dwayne stated that he looked at what our liability would have been for last year and it would have been about \$2,500 for everyone. The biggest impact where we don't think about is our Fire Department. They will now earn vacation time. Even the Planning Board members that work over 40 hours could earn 6 hours. Dwayne said that he doesn't want to send it out to the employees until October. He said that one area that this will affect them is with the Rescue Department. They work significant hours on a per diem basis. It looks like the outside liability for us will be about \$4,800.

## **6. Other Business:**

Dwayne said that they are really busy this summer. He said that it is probably one of the busiest summers that he has had since he has been here. He said that the CEO is issuing a lot of permits for a lot of additions to properties such as decks, sheds, etc. He said that we will exceed our permit budget for this year.

Dwayne stated that he also needs to have the Board waive the building permit fees on the house being built for the Weavers in connection with the Linscott Road project.

Selectman Hall motioned to waive all permits for the new Weaver home with exception of the plumbing permit. Selectman Galemмо seconded the motion. VOTE: 5-0

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

Warrant:	August 11, 2020	- \$ 36,863.33
Warrant:	August 18, 2020	- \$ 622,076.16

Selectman Galemmo motioned to approve the Warrant of August 11, 2020 for the amount of \$36,863.33 and the Warrant of August 18, 2020 for the amount of \$622,076.16. Selectman Hall seconded the motion. VOTE: 5-0

**8. Adjournment:**

Selectman Galemmo motioned to adjourn the meeting at 8:05 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Wendy Cowan

Selectman: Jonathan Hall

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.