

North Berwick Board of Selectmen Minutes May 18, 2021

NORTH BERWICK BOARD OF SELECTMEN MINUTES MAY 18, 2021

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

Also Present: Dwayne Morin, Stephen Peasley, Daniel D. Pelkey, Selena Roy, Patrick Roy

Chairman Cowan called the meeting to order at 6:30 pm.

1. Pledge of Allegiance

2. Review and Approve Minutes of May 4, 2021

Dwayne Morin stated that he made changes where the transcriber had left some question marks due to not understanding what was said on the tape. Selectman Johnson, Sr. stated that on page 5 in the 1st sentence of the 2nd full paragraph, it currently reads, "Dwayne stated that there is a significant in Special Education...". It should read, "Dwayne stated that there is a significant increase in Special Education...". Chairman Cowan stated that on page 3, the 3rd sentence in the 2nd paragraph currently reads, "They sprinkled the Hussey School...". She would like to have it better clarified. It will now read, "They put in a sprinkler system at the Hussey School...".

Selectman Galemmo motioned to approve the minutes of May 4, 2021 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

5. New Business:

A. Police: Award to Pat Roy, Canine Grant

Chief Stephen Peasley stepped forward and stated that there is a lot of negativity everywhere regarding Police Officers. A couple of years ago, they were discussing having an award system for some of the things that the officers are doing in the community. They wanted it to be an award system that they didn't take lightly. It needed to be something that truly rises to the level of the award. He stated that they currently have a situation that merits the giving of this award. He stated that it is the first one that they are giving out.

Chief Peasley stated that Officer Pat Roy worked a midnight shift this past winter and the following morning, when he saw the Chief and went over the previous night's happenings, he told him about an accident. He told the Chief that the person had broken a hip and that Rescue transported him to the hospital. A few hours later, Chief Peasley received a phone call from Mike Barker, the Rescue Chief. Mr. Barker asked him if he knew what Officer Roy had done the night before. He went on to tell the Chief that Officer Roy had pulled the guy away from the side of the car and the guy probably wouldn't have made it if he hadn't done that. The car had

burst into flames and the gentleman was injured in a way that he couldn't move. Chief Peasley spoke with Lieutenant Pelkey, and they felt that this incident fit the criteria for their Life Saving Medal. Chief Peasley read a statement into the minutes:

In the early morning hours of May 17, 2021, Officer Patrick Roy responded to Linscott Road in the Town of North Berwick for a report of a single vehicle car crash. It was reported to Sanford Regional dispatch that immediately upon impact the vehicle burst into flames. Officer Roy arrived on scene within a minute of the crash being reported and noticed a male lying on the ground next to the burning vehicle. Without hesitation, Officer Roy ran over to the subject, grabbed a hold of the man, and dragged him away from the vehicle as it became fully engulfed in flames. Without this meritorious action of Officer Roy, the involved subject would have suffered severe bodily injury or death. Officer Roy's rapid response time, quick decision making and willful disregard for his own personal safety assured the involved subject survive the incident with minor injuries. Officer Roy's action exemplifies the traits and characteristics of thousands of men and women that risk their lives every day on a daily basis in service of something greater than themselves. The idea of running towards danger is something that doesn't come naturally to everyone. It is an attribute that cannot be taught or learned. It is a choice one makes so that others may live. The bravery and dedication to duty displayed by Officer Roy goes to show that no matter the size of the agency or the population of the community, heroes do exist.

Chief Peasley called Officer Patrick Roy up to present him with his award. He was given the Life Saving Medal that he can display on his uniform. The Board congratulated Officer Roy for his efforts and they are proud to have him on board in our town.

Chief Peasley started to discuss our canine situation. He said that our current canine, Maverick has about 3 years left before he is going to need to retire. Their life span in regards to working is not all that long. He said that Lieutenant Pelkey has found a grant that is new to Maine. He said that Massachusetts and New Hampshire have taken advantage of this grant and it is now being extended out to Maine. The grant will fund the department to continue the canine program. Chief Peasley stated that they would like to continue with the canine program. They are looking to get a different dog this time such as a Lab. He stated that the 2 Shepherd's that they have had so far have been great. They are not aggressive, but they come across as aggressive because they bark. Chief Peasley doesn't feel that they need to have an aggressive type dog. What they really need is a drug sniffing dog and a Lab or other type dog would fit the need for that. They are not going to have a full patrol dog. Right now, a couple of times a month, Lieutenant Pelkey has to train with Maverick and part of that training is aggressive training.

Lieutenant Pelkey stepped forward to discuss the program further. He stated that it has been about 10 years that the canine program has been in existence. They started with Hoki and then transitioned to Maverick. He said that when Hoki got to a certain age, no one else was interested in the canine program so he got the next dog again. He worked 2 dogs for a period of time while they were in the transition period. Maverick is coming up on 6 years old and typically 10 years is the end of life for these dogs in the program. He still has a few years of working life with Maverick.

Lieutenant Pelkey stated that the grant that they located is from a group called the Stanton Foundation and they only fund activities related to law enforcement canine usage. They have strict parameters for it. You need to commit to the program for 4 years and they give you almost \$40,000 to purchase equipment, dog, and training of the officer. He stated that they have been lucky in the past because both Hoki and Maverick were donated to them. Typically, the cost for a dog is about \$10,000 just for the purchase of the dog. He stated that they are looking to shift the program. Right now, Maverick is what they call a dual-purpose dog. He is patrol and drug certified. When they originally started with Hoki and Maverick's initial certification dual purpose patrol and drug was the only certification available at the time. The State has now come up with a modified dual purpose which includes drugs, tracking but no aggression. All of the times that they have used the dogs for aggression, they dwarf the times that they have used them for drug work, tracking and other things.

Lieutenant Pelkey stated that they are looking for permission from the Board of Selectmen to apply for this grant. It is a noncompetitive grant, so he feels that they have a fairly good shot at getting it if they apply for it. They are looking to continue the program and transition the next officer. He stated that, with his promotion to Lieutenant, he does not get the chance to go out and work Maverick as much as he did before, but he is at an age where you can't train him with somebody else. This creates a unique opportunity to transition the program to somebody else who can carry it forward.

Selectman Galemme motioned to approve for the Police Department to apply for the grant to continue the canine program. Selectman Johnson, Jr. seconded the motion.

Chairman Cowan asked when this would take affect if they get the grant? Lieutenant Pelkey said that if they get the grant, they would be looking at next Spring to start training the new Officer with the dog. This will allow them time to locate a dog. If they do not get the grant and look to just continue doing the program, it would probably be another couple of years before they could consider it. Selectman Hall asked if they already had an Officer in mind to take on the next dog. Chief Peasley said that they have at least 2 that are very interested, and they possibly have more. Lieutenant Pelkey stated that it should be a fairly competitive process to find a new Canine Officer.

VOTE: 5-0

3. Public Input

There was no public input at this time.

4. Unfinished

Business:

A. COVID-19: Recovery Funding

Dwayne stated that they have received guidance on recovery funding, and it is not very specific. He said that MMA will be holding some informational meetings to give them some stance on how the money can be used and how it cannot be used. He stated that there are 4 categories that

you have to use the money for. You can use it to give additional funds to the employees who worked during COVID up to \$13.00 per hour per person as long as it doesn't exceed \$25,000.00 and it doesn't exceed the regional income level that the Feds have established. We are allowed to do infrastructure only with it pertaining to water, sewer, and broadband. We are allowed to replenish our lost revenues. There are 4 different dates that they select and look at how the revenue stream has decreased. If the revenue stream has decreased, it is basically going to be assumed that revenue should have increased 4.1% over that time frame. They then have to use these funds for whatever they should decide that they want to use it for. Dwayne said that he believes that will be about \$75,000.00 to \$100,000.00.

Selectman Johnson, Sr. asked if they could use the funds for work that is needed in the Water District. Dwayne stated that the problem is that our Water District is not town owned. He stated that the 4th thing they can do with the money is that they can give funds to nonprofit entities. These entities can then only use the funds the way the Federal Government allows them to use it.

Dwayne stated that they should get about half of the money next month which is about \$235,000.00. They will get the second half a year from now. He stated that a lot of towns are taking a wait and see attitude to see what other towns are going to do. Dwayne stated that he wants to see where they will allow the towns to go and what they can spend it on. Chairman Cowan said that this would allow for the potential offset to the increase to taxpayers in terms of what they are anticipating for the increase in water. Selectman Johnson, Jr. asked if they could use it on roads. Dwayne said they could not. They can only use it on water, sewer, and broadband.

Dwayne said that he would like for them to definitely do something for the employees who worked through the pandemic. The Board agreed with this. Dwayne said that there is a troubling part about the whole thing regarding \$13.00 per hour per person up to \$25,000 total per person. The caveat is that the new salary cannot supersede regional standards. He said that almost all of our employees are paid at regional standards. It has been asked of the Federal Government to clarify this part more clearly. He said that this was added at the end. It is not part of the Bill, but it is in the guidance. They have sent it off to the Senators to review.

Dwayne stated that there will be some easing of restrictions beginning on May 24th. He would like to know the Board's thoughts on easing restrictions within the Town Hall setting and within other settings that we are in control of. Chairman Cowan stated that it depends on how comfortable the employees in the office are. She asked what their feelings were, and Dwayne said that he had not discussed it with them yet. He wanted to discuss with the Board first. Chairman Cowan said that she would like to know how they feel about it and take their feelings into consideration when they make a decision as a Board.

Selectman Galemme asked what the changes will be on May 24th. Dwayne stated that there are no more restrictions on occupancy standards anymore. We were previously limited based on the square size, but this will no longer be a limitation inside the buildings. He stated that the CDC has said that vaccinated people do not have to wear masks any longer. They left it to the discretion of the States and the State of Maine has not adopted that yet. This announcement was made on the same day that the Governor made her announcement about lifting restrictions, so

they haven't looked at that part yet. The other thing they need to consider is if the Governor does lift the mask restrictions for vaccinated people, does the Town become the mask police. Dwayne stated that he does not want to do that.

Dwayne stated that regarding changes for their meetings, they can go back to putting the chairs back to the way they were and putting an audience back in. Chairman Cowan believes that it is still a little early for her especially if there were going to be a lot of people in the room. Selectman Hall asked how often do they have children in the building? Dwayne said that it is very rare. Selectman Hall said that he would be okay with easing restrictions except for kids that are under 12 years of age. Selectman Galemme asked if all of the employees downstairs were vaccinated. Dwayne said that they were. Selectman Galemme asked how many people they were currently allowing into the lobby. Dwayne said that they allow 2 into the front office and 2 in his office. Under the old rules, they can allow 5 but they only kept 2 stations open during this time. Chairman Cowan asked if they were going to maintain the plexiglass? Dwayne said that they could definitely do that, and he doesn't foresee taking the plexiglass down at any time soon. Chairman Cowan said she may feel more comfortable to open up the room later in the year.

Dwayne will discuss it with the staff to see how they feel, and they can make a decision at the 6/1/21 meeting.

B. Linscott Road Intersection: Discussion on Progress

Dwayne said that they have had a few little setbacks that he believes they have addressed. They will have the engineers come out a few more times to make sure that we are doing everything according to the plan. As they start getting into the existing road, things will get a little tricky. Once they put the curve gravel in, they can't have people go over that curve gravel. We may have to start bringing them across the existing gravel. The under drain will be put in tomorrow. They have about 80% of the gravel installed. They still have to do some fine grading to make sure that they have all of the correct curves and correct elevations. They have put enough gravel there so that they can massage the material to make it work.

C. Budget FY22: Final Warrant, Governor's Revenue Sharing Proposal

Dwayne stated that the Final Warrant is ready for their signatures so the Board will need to sign them.

Dwayne said that they need to appoint some Ballot Clerks for the upcoming election. They would like approval for Susan Caler, Joanne Foster, and Linda Pederson to be the Ballot Clerks.

Selectman Galemme motioned to approve Susan Caler, Joanne Foster, and Linda Pederson to be the Ballot Clerks for the upcoming election. Selectman Johnson, Sr. seconded the motion.
VOTE: 5-0

Dwayne stated that they also need to sign the School Referendum vote. This does not say that the Board agrees with budget. It is just saying that it is going forward for the voters to vote on.

Dwayne stated that we will see some additional Revenue Sharing from the Governor's Budget if it passes through the Legislature. We are currently getting 2.75%. The proposal is to bump it up retroactive to 4.5% to this past January and going to 5% next year. He budgeted \$147,000 for Revenue Sharing. At the 4.5% we will get about \$250,000 and at 5% we will get over \$300,000.

Dwayne stated that the Governor is also proposing to put an additional \$157 million into schools. He does not know how it will be spread out throughout the State. The money is not expected to be seen this year but will be in the following year's budget. Dwayne said that his concern was that they didn't use it as extra cash because that is what they have done in previous years. Chairman Cowan stated that she hopes that they are rethinking their funding and that they utilize the process that Dwayne had laid out for them.

D. Land Trust: Update on Bauneg Beg Mountain Project

Dwayne said that the applications for the Land and Water Conservation Fund are due by May 28th. He said that it is ready to go. He does need the Chairman Cowan's signature on the MOU. It has been approved already by the Board, but they hadn't signed it because the GWRLT hadn't approved it yet. They have now approved and signed it, so it is now ready for Chairman Cowan to sign. Dwayne said that they probably won't hear anything back for about a year.

E. Elroy Day Canoe Launch: Review Sign for Canoe Launch

Dwayne said that Billy was able to get the green sign with the white lettering. They have now been put up. Chairman Cowan asked if it has improved in the area since the signs were put up. Dwayne has not heard anything. Chairman Cowan asked him to reach out to the Brezak's to see if they have seen a reduction in undesirable activity in that area. Dwayne said that he will do that.

Dwayne stated that there has been an increase of young adults in the downtown area. They range in age from about 5 to 15 years of age. Selectman Johnson, Sr. said that someone had commented about an incident that happened to a child and they wondered if there were cameras in that area. Dwayne said that there are some cameras on the gazebo. Selectman Johnson, Jr. asked where the footage was sent to. Dwayne stated that they were sent to him. He said that they are located in the attic space of the gazebo, and you can only see what happens on the gazebo itself.

Dwayne said that he has tasked the Chief of Police to buy 4 game cameras so we can put them in various locations. It will only record onto that camera but if something happens, they'll be able to pull the video off of the camera. Chairman Cowan said that one of the parking lots in Ogunquit uses a camera system from a company called Digital Sky. He has a camera in the parking lot, and it swivels. It can record but you can also watch it in real time. Dwayne said that the gentleman must have a Wi-Fi signal that he can get to. Unfortunately, we do not have a Wi-Fi system in the areas that need the surveillance. Chairman Cowan asked if this was something that was doable for the town. Dwayne said it was not because there are not buildings in that area to create a Wi-Fi signal.

Dwayne said that they added game cameras a couple of years ago to with a few houses that some people wanted the Police to look at. Unfortunately, the last time they put them out, someone stole the cameras. He asked the Chief to figure out a way to put them out there even if they have to put them a little higher. Dwayne said that his biggest concern is with some of the graffiti that has been happening at the Canal Street Park. There have been some racial epithets that have been spray painted there and he would like to try and get control on some of that.

Reminders: **Next Board of Selectmen's Meeting** – June 1, 2021 – 6:30 pm
 Budget Referendum Zoom Meeting – May 25, 2021 – 6:35 pm

5. New Business:

B. GWRLT: Negutaquit Conservation Area Request

Dwayne stated that they had raised 2 sections of money. The first part section of money was for our Maple Street Park. We were going to put some bridges over some areas off of Nowell Street, but we ended up building culverts, so we didn't spend all of the money. At the same time we helped fund the bridge project that goes over the Negutaquit River, so it allows for all of the trails to connect.

Chris Mende contacted Dwayne and said the bridge is all done and the costs for the bridge are all set but there are some bog walks that they need to create to finish off a good connection between the 2 facilities. It will cost about \$3,900.00 to do this. Mr. Mende asked Dwayne if the Town had any funding available. Dwayne told him that we didn't spend about \$625 of the bridge money but that we also have some money available from the original project. We have about \$3,400.00 in that account. Mr. Mende would like permission to utilize those funds to help build the bog walks.

Selectman Galemme motioned to allow the use of the \$3,400.00 to complete the connection of the 2 trail systems. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

6. Other Business – Executive Session – Legal

Selectman Hall said that, at the last meeting he stated that he had heard from a number of constituents in town that have been feeling increased discrimination as a minority living in town. He had said that he was going to try and put something together as a resolution for the Board to act on. He said that if the Board approved it tonight, he would like to have Dwayne sign it as well as the Selectman because he is really the one that is in charge of enforcing some of these matters. He read what he had drafted into the minutes:

Town Selectboard of North Berwick, Maine

A Proclamation ins Support of Inclusion, Social Justice, and Non-Discrimination in the Town of North Berwick

Whereas May is Asian American and Pacific Islander Heritage Month; and

Whereas there have been multiple recent mass shootings that have specifically targeted Asian Americans; and

Whereas we have seen a significant spike in hate crimes against Asian Americans across the United States of America; and

Whereas the residents of North Berwick welcome and embrace people from all races, creeds, and orientations and are stronger as a community because we are stronger as a society when we enthusiastically do so; and

Whereas all the Municipal Departments of the Town of North Berwick will uphold and advance the goals of social justice and that all members of the community have the right to live peacefully, raise their families, and seek economic and academic opportunities free of discrimination;

Now Therefore

The North Berwick Town Selectmen, on behalf of the Town of North Berwick, Maine, do hereby resolve:

All North Berwick Residents, visitors, and guests, regardless of race, color, ethnicity, gender, or gender identity are entitled to be treated with compassion, dedication, and equality in the pursuit of a peaceful life; and

In the strongest terms possible, hatred and bigotry, overt and subtle, will not be tolerated by the Town of North Berwick or its officials or employees in any form; and

The Town of North Berwick commits to ensure its employees are trained in both implicit and explicit bias against any population and to ensure that the ideals of fairness and equality and be upheld.

Signed by the Town of North Berwick, Maine Selectmen and Town Manager May 18th, 2021.

Dwayne stated that the only issue that he has with this is in regard to the training part. Unfortunately, there is not a whole lot of training that goes into this issue. He said that he just paid for our police to do some racial and ethnicity training which is online training. However, in terms of other department training, there is really not a lot of training available for that. Selectman Hall asked if after the Police were trained, would they be willing to hold a session with different groups of employees. Dwayne said that he could ask them to see if that would be an option. Selectman Hall said that the Proclamation is not saying that something has to be done. It just means that we will permit, when possible, to allow for the training. Dwayne said that the word “ensure” is basically saying all employees need to do some sort of training and that will not always be possible.

Chairman Cowan stated that she had a few corrections to make. In the 5th statement, it currently reads, “Whereas all the Municipal Departments of the Town of North Berwick will uphold and

advance...". She would like the word "will" to be omitted. She stated that it is a given that we uphold and advance. If you put the word "will" there, it sounds like we are potentially not doing it now and she does not want to give that impression. Also in the Now Therefore section, the first statement currently reads, "All North Berwick Residents, visitors, and guests, regardless of race, color ethnicity, gender or gender identity are entitled to be treated with compassion, dedication, and equality in the pursuit of a peaceful life;". She stated that she is not sure what he means by the word dedication in that statement. Selectman Hall said that as people come into the town to seek services, there should be a quality of services available. He said that he has no problem removing it if they want. It is more about making a statement that our employees are dedicated to serving the community and people's needs. Chairman Cowan said that they could take off the "dedication" and just leave it with making the statement that everyone is entitled to be treated with compassion and equality. She said that there is nothing there that indicates that we are not.

Chairman Cowan that feels that the next statement may need to be tweaked because it comes across a little negatively to her. When you use terminology such as "In the strongest terms possible" and then "will not be tolerated" comes off a little harsh. She stated that everything prior to that is written in a very positive way but when you get to this part it sounds like we are threatening in a way. She would like to find a different way to put it without sounding so negative. She said that it is important to find some way to say that we don't tolerate people being discriminated against or any overt expressions of hatred and bigotry in a more positive way. Selectman Hall said that the "hatred and bigotry, overt and subtle" part is very important to him. He feels that if, as Town leaders, they can make a statement like this, then they can start to have discussions as a town and a community about what overt and subtle hatred and bigotry is. Chairman Cowan stated that the word "bigotry" is pretty clear but when you talk about hatred, perhaps it needs to be a little more targeted such as hatred against other populations. She said that we can't stop people from hating so there is no way to be able to enforce that. However, if you are talking about expressions of hatred against other populations or something like that, she feels that you can't really target or enforce a feeling, but you can deal with the expression of that feeling. She said that we are all entitled to feel how we feel but we are not entitled to act on those feelings any way we want to. Dwayne stated that, instead of putting "In the strongest terms possible", he can put it as "Acts of hatred and bigotry, overt and subtle, will not be tolerated by the Town of North Berwick or its officials or employees in any form". Selectman Hall agreed to do that.

Selectman Hall went back to the enforcement of training issue mentioned earlier. Dwayne said that he is just not sure how he could guarantee that training will be available for all employees. Chairman Cowan stated that they could put it as the following, "The Town of North Berwick commits to ensure that the ideals of fairness and equality will be upheld by its employees and representatives."

Selectman Hall asked Dwayne if he would be okay with signing the Proclamation along with the Selectman. Dwayne said he had no problem with that. Selectman Hall asked if they could vote on the amended version and sign it at the June 1st meeting.

Selectman Galemmo motioned to approve the Proclamation as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Selectman Johnson, Sr. said that he was talking with someone from the Legion today. He wondered if the Legion triangle was their responsibility or the town's responsibility. Dwayne asked for what kind of issue. Selectman Johnson, Sr. said that one of the members pulled a branch from one of the trees and it was full of ants and ready to fall down. Dwayne said that no one made him aware of it. He asked what tree it was and Selectman Johnson, Sr. said that it was the first one right on the corner. Dwayne said that he will have someone from Abbott come over and take a look at the trees. Dwayne said that the Legion takes care of the flags and flowers and if it is tree work, we usually coordinate that with our people.

Selectman Johnson, Sr. said that people on Facebook are saying that the Selectmen have decided again to cancel the Mill Field Festival. He told them that the Mill Field Committee came to the Selectmen and said that they wouldn't be able to put it together because it would be too difficult under the circumstances. The Selectmen had no other choice but to cancel it if the Committee was not going to put it together. Selectman Johnson, Sr. said that it shouldn't have been put out on Facebook that way because it looked like the Selectmen were the ones that cancelled without any just cause. Selectman Johnson, Jr. said that it was the Rec Department that stated that the Selectmen had cancelled it. Dwayne said that he would address that with Kristie. Selectman Johnson, Sr. said that the Board had also voted that they might do something in the Fall depending on how things were.

7. Review and Approve Warrants and Correspondence

Warrant:	May 11, 2021	- \$ 20,715.66
Warrant;	May 18, 2021	- \$ 616,991.31

Selectman Galemmo motioned to approve the Warrant of May 11, 2021 for the amount of \$20,715.66 and the Warrant of May 18, 2021 for the amount of \$616,991.31. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

6. Other Business – Executive Session

Selectman Galemmo motioned to go into Executive Session at 8:05 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

Selectman Galemmo motioned to come out of Executive Session at 8:35 pm.

Selectman Galemmo motioned to instruct our attorneys to do an 80K Proceeding against the property at 48 Pleasant Street, North Berwick owned by Mr. Covey. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Glemmo motioned to adjourn the meeting at 8:35 pm. Selectman Johnson, Jr. 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 Glemmo

Selectman: Michael Johnson, Sr.