

## **North Berwick Board of Selectmen Minutes July 20, 2021**

### **NORTH BERWICK BOARD OF SELECTMEN MINUTES JULY 20, 2021**

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

**Absent:** Chairman Galemmo

**Also Present:** Dwayne Morin, Matt LeConte, CEO

Vice Chairman Johnson, Sr. will be the Acting Chairman for tonight's meeting.

Acting Chairman Johnson, Sr. called the meeting to order at 6:30 pm.

- 1. Pledge of Allegiance**
- 2. Review and Approve Minutes of June 15, 2021**

Dwayne Morin stated that the only change he made was to correct a spelling error. The word was listed as Selectment but should be Selectmen.

Selectman Hall motioned to approve the minutes of July 20, 2021 as amended. Selectman Cowan seconded the motion. VOTE: 4-0

### **3. Public Input**

There was no public input at this time.

### **5. New Business:**

#### **A. Code Enforcement: Meet Matt LeConte**

Dwayne introduced the new Code Enforcement Officer, Matt LeConte to the Board. Acting Chairman Johnson, Sr. said that he has had people ask him how he thought Mr. LeConte will do. Acting Chairman has told them that he has heard good things about him, and he is sure that he will do fine. Mr. LeConte stated that when he meets with people, he gives them the respect that they deserve and look at their situation. If there is a gray area, then they review the code book and discuss the options. Mr. LeConte stated that he tells everyone that that he wants an inspection of everything that is done. Selectman Cowan said that she is all for being diligent. Mr. LeConte said that he has been busy organizing the office and he stated that everyone has been very helpful.

Mr. LeConte told the Board to reach out to him anytime if they have any issues or concerns.

#### **4. Unfinished Business:**

##### **A. COVID-19: Recovery Funding**

Dwayne stated that they are still waiting on recovery funding. He said that the Federal government has not released the money to the States yet. Selectman Hall asked if the County had decided what to do with their money. Dwayne said that there is no update as to what they are planning on doing with the money.

##### **B. Linscott Road Intersection: Discussion on Progress, Sign Land Transfer Deeds**

Dwayne stated that they are pretty much all done. They are waiting on a couple of things. They have one of the signs up, but they are missing a bracket for the other sign. It should be in by the end of August. The other thing that they are waiting on is the guardrail. He said that they have the guardrail, but it can't be put up until the last week of August. This guardrail will be going up against the old road. Acting Chairman Johnson, Sr. said that there has already been an accident. Dwayne said that a teen went to go around the corner, missed it and hit a telephone pole. He does not know how she did it because there are signs everywhere.

Dwayne stated that they did put the fence up this week. They still have 2 signs to put up once they get the bracket. Once they put the signs and the guardrail up, they are done with this project. He said that the State will be doing an inspection of the property sometime this week. Dwayne said that they are currently a little bit under budget for this project. He still needs the final engineering numbers which should be about \$30,000 and the guardrails are about \$10,000. Our budget was at \$425,000 and we are currently at about \$325,000.

Dwayne stated that he knows that they will have excess funds for roads. He just finished doing the estimates on the 2 roads that we need to pave, and the estimates are coming in lower than what his estimate was. If we do have additional funds, we can probably sneak in a couple extra roads. Dwayne stated that we spent \$325,000 for the Linscott project but we will be getting half of that back from the State. What we get back from the State will go back into roads except for the house money.

Dwayne stated that the Board will need to sign 2 deeds. The first deed is to the State of Maine deeding them the property that they are entitled to from our agreement. The second one is the deed for the Levy-Mascis and Healey property which allows us to transfer that property to them.

Selectman Hall motioned to approve to sign the deeds for the State of Maine and the Levy-Mascis & Healey land transfers. Selectman Cowan seconded the project. VOTE: 4-0

##### **C. Flat Iron Park: Improvements**

Dwayne stated that he met with RD Masonry Landscaping and he has provided Dwayne with an estimate of \$6,345.00. He is recommending that they remove all of the bricks that are there, redo the whole thing around it, put in a really good bed and put all of the memorial bricks back in place. He would then brick the rest of it and when we sell more memorial bricks, we could just

replace a brick with a memorial brick. He would also add cobblestone all around it, clean up all of the bushes and put mulch underneath it. Dwayne stated that by adding all of the bricks, they will know exactly how many bricks they can sell.

Selectman Johnson, Jr. asked if he was going to pour any cement at all. Dwayne said that everything is going to be stone. He is going to dig down 12 inches, compact everything, then bring some ¾ inch clean stone and put in 1 inch of washed 3/8 clean stone on top of that. He will also do the curb line.

Acting Chairman Johnson, Sr. asked how they were going to pay for this. Dwayne stated that they have some significant money in the Parks and Rec budget. Since this is a park the money from this budget could be appropriated for this use.

Selectman Hall motioned to expend \$6,350.00 from the Parks and Recreation account for the Flat Iron Memorial Rehab project. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

**D. Verizon: Update on Cell Antennas**

Dwayne stated that he has met with Verizon and walked through the whole building. They now know where they can run all of the cables and the conduits. The plan now has to be drawn up by their engineers. They will need to go back before the Planning Board because their time is exhausted. They still say that they want to go ahead with the project.

**E. Commitment: Review Draft Commitment and Value Increases**

Dwayne stated that they have finalized all of the numbers for commitment because Craig is retiring at the end of next week. He said that they will not set the commitment until the 2<sup>nd</sup> meeting in August. He said that it looks like they can set the rate at \$11.30 which will give us a 3% overlay. The tax increase is about \$115.00 for the average taxpayer. Dwayne stated that the Town's budget decreased, the County budget went up \$1,800.00 and the School budget went up \$300,000.00. This is why there is an increase in taxation.

Dwayne stated that if the school would have financed what they need, we would not have had a tax increase. Selectman Cowan said that if they had followed the recommendations that Dwayne made to the School officials when they came before the Board, it would be interesting to see what the figures would have been like. She feels that more needs to be said about that and it needs to be pushed. Dwayne said that they will be pushing to put something before the voters in November. He is wondering how they will structure that package, especially in the climate that we are in now. The building climate is not very good right now because you will spend more and get less. He stated that their approvals are going to be based on engineer's estimates. Almost every project that he has heard of lately is coming in 25% to 30% higher than before.

Selectman Cowan stated that there is always some angst against the School Budget. Personally, she feels that investing in education is always a good thing, but they could mitigate the sting of it to the average taxpayer if they would just take a different tact in terms of how they finance. It is

not denying what they need to have done but it would be a little bit more palatable to the average person. If they did this, they may find more support and acceptance of what needed to be done.

Selectman Hall told Dwayne that he does not know if he completely understands his proposal. He asked if it was something that he could write up and explain. Dwayne stated that it is not always the same. They need to look at the project and figure out what the best way to fund it would be. Selectman Hall said that the School Board will more than likely try to do all the projects together. Dwayne thinks that they should probably try and scale that back a little bit. He said that they need to look at what is needed most, which he feels is the Lebanon School. He thinks that they are trying to do something within each town to try and be fair, but he doesn't believe they should do that. He subscribes to the fact that they should look at what they need as a District which right now is the Lebanon School. He said that he doesn't disagree with the North Berwick and Berwick projects, but these could maybe be done in another 2 years instead of all at once. Selectman Hall agreed and believes that people would be good with that.

Selectman Hall said that he is not opposed with approaching the School Board regarding this, but he would like to have Dwayne write up an explanation of the type of financing he spoke about at the meeting with the School officials. Dwayne said that he would like to see how they are going to approach it first and then he can write something up for Selectman Hall to present.

**Reminders: Next Board of Selectmen's Meeting – August 3, 2021 – 6:30 pm**

**5. New Business:**

**B. Legion: Request to Utilize Parking Lot for Yard Sale Event**

Dwayne stated that the Legion will be holding a public family gathering. They will be doing a yard sale and selling sausage and pulled pork sandwiches. They are going to have an antique tractor show and family games in the Mill Field. They are also currently planning on having the Boy Scouts hold an ice cream social. They want to hold this on August 21, 2021. They are requesting permission to use the Town parking lot for their tractors. Dwayne said his only concern was to make sure that the Police Department can get to our building. Selectman Cowan asked if this would be doable. Dwayne said that when they had the Farmers Market in the parking lot, they did keep it open so that the Police could get through. Dwayne stated that he would also want to make sure that they clean up any leakage that may occur from the tractors.

Selectman Cowan motioned to allow the American Legion to utilize the parking lot conditioned by allowing the Police Department to have access egress to the building and that no damage is done by any of their vehicles on site. Selectman Hall seconded the motion. VOTE: 4-0

**C. Assessing: New Assessing Agent Hired – Verna Sharpe**

Dwayne stated that they have hired a new Assessor. Her name is Verna Sharpe. She lives in Wells and currently works for the City of Portsmouth. She does not currently have her Maine Assessors license, but she should have it by the end of August. The week that she starts working for us, she will be going to school and then take her Accessing License test. He is fully anticipating that she will pass. She is currently certified in New Hampshire, and she is also an instructor. She has 15 years of experience. She is currently the Deputy Assessor in Portsmouth. The likelihood of her moving up to the Head Assessor is unlikely. Dwayne said that she and her husband have built a house in Wells and would like to work in Maine. She starts in 2 weeks. Craig has agreed that, sometime in September, he will come back for a couple of days as a consultant. He will do this for a couple of months just to help out. Acting Chairman Johnson, Sr. asked how much we will be paying her. Dwayne said that it was a little bit less than what we were paying Craig. We are starting her at \$85,000 and will go to \$90,000 when she gets her Assessors license.

**D. Fire Department: Review of Pay Stipend**

Dwayne stated that the Board had asked him at the last meeting to show them how we do the point system for the Fire Department. Every quarter, they have \$7,250.00 that is up for grabs. He stated that we have 6 Officers that we stipend every month. Then there is the point system for the rest of the firemen. Every time they go to a call, go to a training, or attend a meeting, we have a program called I Am Responding. They log into the system, and it logs in their points. We can just put in which day, which week or anything like that and it will show who was there and who wasn't there as long as they are entering in their information appropriately. We take all the points and figure out what the number is. This last quarter was 580 points and they divide it by \$7,250.00 to get a \$12.50 point value. Dwayne said that it usually hovers around \$12.00 to \$14.00 per hour. They then put the point value into the spreadsheet, and it tells them what to write out for checks.

Dwayne stated that Brian, the Fire Chief, finished a study last year. He did it for the years 2017 and 2018. He was looking at what would happen if we didn't stipend our officers or use the point system but just take the money that we have raised and assign a per hour number to it and pay them for the actual hours. In deciding what they should use for salaries, they looked at the Town of Kittery's salaries. Brian went through and did a comparison to show Dwayne what the difference would be. For the 2 years he looked at it was pretty much about the same as what the budget had been.

Dwayne said that it would be a change to go from stipend to hourly wages. He said that the hourly rate for Firefighters is about \$15.40 per hour, Captain is at about \$16.64 per hour, Deputy is at about \$17.88, and the Chief is at about \$19.22 and the Lieutenant is at about \$15.88. They were all higher than minimum wage. This could fluctuate depending on the number of incidents, and what we do for training and meetings. Selectman Hall asked if the firefighters would prefer an hourly system over the point system. Dwayne said he did not know for sure. He said that older firefighters have always considered firefighting a hobby and a public service. They do not expect compensation. He thinks that some of the newer firefighters that come up expect

compensation. A good example of this scenario is our Rescue Squad. It used to be all volunteer but now they are 100% paid employees. Dwayne stated that the older people didn't want the money now. They want it later on when they retire. We set up a retirement program so that when they retire, they will get \$300 per month for the rest of their lives after 25 years of service. This is how they wanted it set up. If they are here for less time, then it brings the amount that they get monthly down. Most of the younger ones would rather get it now because they are not thinking about retirement. He said that they did take a vote on how they wanted it done and the majority of them voted for the retirement. He said that they have also been putting more money into the point system.

Selectman Hall asked what the retirement budget was. Dwayne said that the retirement budget is at \$31,000.00 this year. Selectman Hall asked if they just pay a certain percentage depending on how many people are on the force. Dwayne said that it is based on an annuity that changes on a yearly basis. He said that they are putting about as much into the retirement as they are into the point system. Selectman Cowan asked where the money came from. Dwayne said it was from taxation.

Dwayne said that, looking toward the future, he anticipates that they will be moving away from a strictly volunteer firefighting department and moving towards another model. There are several variations that they could do. One of the things that he and the Fire Chief have talked about is maybe having the Rescue Squad and Fire Department in a joint capacity which would give us more flexibility still using a per diem model. Dwayne said that if they build the new Fire Station, it will help to move towards a per diem model using both departments.

Dwayne stated that he will talk to the Chief and schedule to have him come to a meeting to discuss these options.

## **6. Other Business – Executive Session – Legal**

Dwayne said that one of the North Berwick signs was stolen off of Route 4. They actually used a hacksaw to cut off instead of unbolting it. He said that it might be time to look at some new signs. Selectman Cowan would like to have them more updated and easier to see. The others are way too dark. Selectman Hall thinks that the less words the better. Dwayne said that the rule that the State has to put up these signs is that they need to have the name of the town and the date that they were established. Dwayne asked the Board to think about what they would like to see and then he can look into it.

Dwayne said that Summer Camp is going well. It has had a few issues but nothing too severe. The biggest issue was that parents were mad because we were having them continue to wear masks, especially on the really hot days that we had. Dwayne told them that the mandate was changed shortly after that. The State has now removed the guidelines so now they do not have to wear masks while outside.

Dwayne said that the water pump went at the Community Center, and they have gotten that fixed. They have had some garbage issues. People are stealing the garbage bags out of the garbage cans and then stuffing the garbage cans with trash. One of them was filled with dirty diapers.

Dwayne said that soccer registration is low. They have 15 signed up as of today. If they don't get more registrations, there will be no season because we can't run a soccer program with that amount of players. He said we usually have about 125 kids sign up. The only difference is that they have not had any in person signings.

Dwayne stated that one of our police cruisers was involved in an accident and it had some pretty significant damage. It is being fixed now and we should get it back by the end of this week. Selectman Cowan asked how it happened. Dwayne said that someone was speeding through town and the officer turned on the lights and did a U turn. The lady behind him ran right into him. Her insurance company is fighting and saying that it was not her fault.

Dwayne stated that there will be a meeting of the Zoning Board of Appeals. The Planning Board denied somebody an in-law apartment and Dwayne feels that they made the right decision, but the applicant is appealing the decision. Typically, he would have our attorney be present at the ZBA meeting, but the Planning Board had asked for some clarification on some questions. She provided written opinion to them so she doesn't feel that she can represent the ZBA because it would possibly be a conflict should it go further into the court system. This includes all lawyers within the same law firm, so he is trying to find another attorney to help the ZBA. If we can't find one than she will need to ask the applicant at the meeting whether he objects to her representing the ZBA. She would not be giving them an opinion. She would only be assisting them through the process.

Selectman Cowan asked what the basis was for the denial. Dwayne said that before the applicant bought the property, they called Roger and asked him if they could put in an in-law apartment. Roger said they could. At the time, they were talking about putting it in the back barn. When they actually applied for the permit, everything changed. They were going to build a mini house on the property and not have it attached to the barn or the house. Under our Ordinance, there are 7 criteria that they have to meet and 3 of them are very specific. It has to be secondary in nature. It has to be either in the home or in an accessory building. It cannot change the character of that property. It has to look like a single-family house. Dwayne stated that, under our Ordinance, you can put 2 homes on your property, but you have to have double of everything including road frontage and acreage. They do not have this for this property.

Dwayne told them that he was not going to send it to the Planning Board because they are building a separate house and they can't do that. Their contractor came up with the idea to attach a shed to the mini house. Dwayne said that this would not work either. The contractor insisted on being sent to the Planning Board for consideration. Dwayne told them that he would do so, but the Planning Board would deny it because it doesn't meet all of the criteria needed per our Ordinance. Dwayne stated that if the Planning Board asks for his opinion on something he will offer it freely because that is his job. The Planning Board did ask for his opinion and he listed the reasons why it did not meet the Ordinance. The Planning Board did not approve it. The

family thinks that it is all against them, but Dwayne said that he has never spoken to the family. He has only talked to their contractor who only builds mini houses. In their appeal, they said that the Town Manager swayed the Planning Board. Dwayne said that it is his job to give the Planning Board an opinion.

Dwayne did finally speak to the landowner, and he was really upset. He told Dwayne that the Planning Board was very rude and disrespectful, and they didn't work with his proposal. Dwayne told him that the Planning Board doesn't work with their proposal. They will look at it and either approve or deny it. It is the staff that would work with the applicant prior to getting to the Planning Board. Dwayne said that he gave his contractor multiple ideas of how to do it, but the contractor told him that the owner did not want to do it any other way. Dwayne said that he told the contractor on 4 separate occasions that it was going to be denied and why it was going to be denied. He told the applicant that it is nothing against him, but he has to follow the Ordinance. We treat everyone the same way.

Their argument to the ZBA is that it will cost too much money to put in barn. They don't want their parent to walk up and down stairs. Dwayne told him that our Ordinance does not take into consideration that if it would cost the applicant \$100,000, we would ignore the Ordinance. Those are not considerations that we have to take into account. There are 7 criteria and they have to meet all 7 of them. Dwayne said that if they make an exception for this applicant, they would have to do the same for others. He said that the town needs to look at it globally and not one property at a time.

Dwayne said that he believes that the ZBA will uphold the Planning Board's decision.

Selectman Johnson, Jr. asked about the issue with kids in the downtown area. He said that the Police are at Canal Street Park almost every day. Dwayne said that they are there every day. He said that it is a big issue right now. They have no respect for anything or anyone and are very destructive. The Police talk to them every day. Selectman Cowan asked if they were from out of town. Dwayne did not know. Selectman Cowan said that she would be very interested in knowing if they were or not. Dwayne said he can try and find out.

Selectman Hall asked if we can hold the kid until a parent comes to pick them up. Dwayne does not believe that we have the authority to do that unless they are caught doing something wrong. Unfortunately, we never catch them in the act. Selectman Cowan would like to know if we have some recourse because they are disrupting our town environment. Dwayne said that he needs to meet with the Chief and the Lieutenant to discuss the matter further.



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

Warrant:	June 22, 2021	- \$	0.00
Warrant:	June 29, 2021	- \$	0.00
Warrant:	July 6, 2021	- \$	69,383.21
Warrant:	July 13, 2021	- \$	74,805.85
Warrant:	July 20, 2021	- \$	688,312.23

Selectman Hall motioned to approve the Warrant of July 6, 2021 for the amount of \$69,383.21, the Warrant of July 13, 2021 for the amount of \$74,805.85 and the Warrant of July 20, 2021 for the amount of \$688,312.23. Selectman Cowan seconded the motion. VOTE: 4-0

**8. Executive Session and Adjournment:**

Selectman Cowan motioned to go into Executive Session at 9:09 pm and come out at 9:24 pm. Selectman Hall seconded the motion. VOTE: 4-0

Selectman Cowan motioned to adjourn the meeting at 9:24 pm. Selectman Hall seconded the motion. VOTE: 4-0

Respectively Submitted,  
Susan Niehoff, Stenographer

Original to Town Clerk

Selectman: Wendy Cowan

Selectman: Jonathan Hall

Selectman: Michael Johnson, Jr.

Chairman: Charles Galemmo

Selectman: Michael Johnson, Sr.