

North Berwick Board of Selectmen Minutes September 21, 2021

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
SEPTEMBER 21, 2021**

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

Also Present: Dwayne Morin, Trish Lara

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

1. Pledge of Allegiance

2. Review and Approve Minutes of September 7, 2021

Dwayne stated that on page 3 in the section of COVID-19, the 1st sentence currently states that he is looking to do “online personal property tax payments”. It should just be “online property tax payments”. Selectman Johnson, Sr. stated that on page 7, the 2nd sentence in the 3rd paragraph currently reads, “...ask them what they would to have.”. It should read, “...ask them what they would like to have.”.

Selectman Cowan motioned to approve the minutes of September 7, 2021 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

3. Public Input

There was not public input at this time.

4. Unfinished Business:

A. COVID-19: ARPA Funding

Dwayne stated that, at the last meeting, he gave the Selectmen a list of all the possible categories that ARPA Funding can be used for. The Selectmen had asked Dwayne to reach out to the Water District and the Sanitary District to see about projects that they are looking to do. He stated that the Water District is putting together a list of projects that they would like us to consider assisting them on. Dwayne stated that he has been trying to reach someone from the Sanitary District but has not heard back from them yet. Selectman Johnson, Jr. asked if we would just take the money and give it to them. Dwayne said that, under the ARPA rules, we can actually give them a grant to do the project. He said that we would have to administer the grant and give justification to show why we did it to submit for the ARPA funding to show how funds were spent. Dwayne said that we are still waiting for our first payment. He said that we were approved for the first payment a couple days after the last Selectmen’s meeting.

The payment will be for about \$250,000. He said that he has had some inquiries from some of the Department heads asking if we were going to consider premium pay. He said that he has told them that there are some tight parameters on who can get it and how much we can do. He is still researching to see if there are some ways that will allow us to do some of that. He said that the 150% marker is going to be the determining thing. Dwayne also mentioned that he had sensed from the Board in previous meetings that they did not want to pick and choose who would get it and wanted it to be more universal for all employees. He said that all of the departments are going to say that they are worthy of getting the pay. He respects that because it means that they are doing their due diligence and looking out for their employees.

Dwayne said that he did find out that they had missed something when they did the hazard pay for one of the past elections. He said that we had paid the hazard pay to our Ballot Clerks and our employees the hazard pay but he neglected to pay hazard pay to 2 Police Officers who were stationed at the polls that day. Dwayne would like permission to extend the hazard pay of \$300.00 to the 2 Police Officers.

Selectman Cowan motioned to extend the hazard payment to the 2 Police Officers that were on duty at the election. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Dwayne stated that President Biden has passed an edict that all employers that employ more than 100 employees must require the employees to either get a vaccination or subject themselves to weekly testing. Originally President Biden had stated that it was for all private employees, but it has now been extended to all public employees as well. The definition of an employee which is determined by OSHA means anybody that works for the town. It includes volunteers, all elected officials and all Board and Committee members. He said that they are waiting for that Law to be finalized. It is expected to be finalized sometime in October with a 75 day implementation period. Dwayne said that he has been told that the testing will be the employee's responsibility and not the employers. He said that insurance companies are going to stop paying for the testing if it is related to the mandate. Dwayne stated that there is some discussion that they will not accept rapid test results. They would be required to do weekly testing at a hospital lab. Dwayne said that this is some of the discussions that he has heard about it but none of it is final yet.

Dwayne stated that it will be an administrative burden from his perspective because he is the one that will be dealing with it. Selectman Cowan asked if he knew how many people are currently unvaccinated. Dwayne said that he knows the employees. Selectman Cowan asked how many employees we have for the town. Dwayne said that there were 110 and he believes that there are about 75 that are vaccinated. He said that he doesn't know the vaccine status of volunteers and Board and Committee members. This will be hard to access. Dwayne said that he knows that we have a population of employees that are not vaccinated and have no intention of getting vaccinated. He said that OSHA will be releasing the guidance sometime in October.

B. Town Signs: Discussion on Replacing Entrance Signs

Dwayne stated that all of the signs will be installed by the end of the week. They have put one of them up on Wells Street as you are coming into town from Wells. They are shorter than the old ones. They are just 7 feet, and the others were 10 feet.

C. Downtown: Continued Discussion

Dwayne stated that it has been very quiet in the downtown area. There have been no other issues.

Selectman Hall stated that he got permission from the Principal to survey the whole 7th grade. He asked the Selectman what kind of questions they wanted him to ask on the survey. Dwayne asked if they should do it as a multiple choice or can they leave it blank and have the students complete it. Selectman Hall thinks that if they just leave blanks, they will not get as many people to respond. Dwayne's concern is that if we give them a list, then we are pigeonholing ourselves instead of letting them tell us exactly what they want. Selectman Cowan said that we also need to have some sense of what town they live in. Selectman Johnson, Jr. agreed and said that they do not have to provide their name but can indicate what town they live in. Dwayne stated that instead of multiple choice, they can probably put some suggestions within the question, so they have some sort of idea what we are asking of them. The Selectman also mentioned that they should ask if the student would go to a facility or event that is supervised by an adult. The Board has decided on the following:

1. What town do you live in?
2. Would you be interested in participating in adult supervised activities during the summer?
3. What kind of activities/facilities would you be interested in? For example, a teen center or skateboard park.

D. Liquor Laws: Continued Discussion

Dwayne stated that, at the last meeting, they had discussed the questions that would be presented to our voters at the Town Meeting in April as well as Drinking Establishment Performance Standards. On page 15 of their packet is what he has put together to send to the Planning Board if approved. The Liquor License Questions are:

Question #1: "Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sundays?"

Question #2: "Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays?"

Dwayne stated that he looked at a few other towns in southern Maine to see what they had for Drinking Establishment Standards. He also took our Medical Marijuana Standards and put them together to come up with some draft ideas. This is what he came up with:

5.2.23 Drinking Establishment Standards

1. Ownership: An operator of a Drinking Establishment who does not own his or her property and who wants to operate a Drinking Establishment shall obtain written permission from the property owner.

2. Security and oversight requirements:

a. Alarm systems – Drinking Establishment shall have door and window intrusion alarms with audible and police notification components.

b. Exterior security lighting – Drinking Establishment shall have spotlights with motion sensors covering the full perimeter of the facility.

c. Video surveillance – Drinking Establishment shall have recorded video surveillance covering the entire exterior. The recorded video surveillance shall operate 24 hours a day, seven days a week. Records of surveillance shall be kept for a minimum of 30 days.

d. Locks – Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

3. Compliance with health and safety codes: The structure where a Drinking Establishment is opened shall meet all applicable requirements of the Town's building, electrical, fire, and other health safety and technical codes. The structure where a Drinking Establishment is operated shall be constructed of building materials approved by the Code Enforcement Department and Fire Chief, or their designees.

4. Setbacks from Sensitive Uses: No Drinking Establishment shall be allowed within 1000 feet of any existing public or private school or child-care provider or 300 feet from a park, playground, and/or church, with the distance between the properties calculated by direct measurement in a straight line between the nearest property lines of the land used for public or private school, child-care provider, park, playground and/or church to the nearest property line in which the Drinking Establishment is located. Applicants for public or private schools, child-care providers, parks, playgrounds, and/or churches which are proposed within setback of an existing Drinking Establishment shall be required to sign a form, which may be obtained from the Code Enforcement Department, which indicates that they are aware that an existing Drinking Establishment is located within the setback of their proposed site.

Dwayne stated that the next 2 standards were taken from what some of the other towns have in place.

5. No new drinking establishment shall be located in a building, structure, or area of land which is closer than 400 feet, measured in a straight line without regard to intervening structures or objects, to any other building, structure, or land which is:

a. Occupied by a drinking establishment; or

b. Occupied by any establishment which serves alcoholic beverages for consumption on the premises.

6. No drinking establishment shall be located in a building, structure, or area of land which is closer than 100 feet from the boundary of a residential zoning district.

The Board stated that it looks good so Dwayne will forward it to the Planning Board for them to review.

Reminders: Next Board of Selectmen's Meeting – October 5, 2021- 6:30 pm

5. New Business:

A. November Election: Sign Referendum Questions, Ballot Clerks

Dwayne stated that the Board needs to sign the Referendum Questions for the School District and also appoint our Ballot Clerks for the upcoming election. Dwayne stated that, in regard to the Referendum Questions, it doesn't mean that the Board agrees with it. It just says that they are putting it before the voters.

Dwayne said that the Town Clerk is recommending Susan Caler, Debra Bodwell, Nancy Guptill, Joanne Foster, and Linda Pedersen.

Selectman Hall motioned to approve Susan Caler, Debra Bodwell, Nancy Guptill, Joanne Foster, and Linda Pedersen as Ballot Clerks for the upcoming election. Selectman Cowan seconded the motion. VOTE: 5-0

Selectman Hall motioned to approve the MSAD 60 Referendum Questions for the November ballot. Selectman Cowan seconded the motion. VOTE: 5-0

B. Maine PERS: Update on Rulemaking, Approve Plan Update

Dwayne stated that, at the last meeting, they had discussed the potential change in the Maine PERS for PLD's. It will allow employees that are part of a PLD to have up to 5 years to join the Maine State Retirement System instead of 30 days and for a 1 time election for the employees that have been employed for longer than 5 years. Dwayne said that they did pass the rule at their September 9th meeting, so the Board needs to update their policy. He stated that on page 23 of their packet is a vote to adopt the provisions of 5 M.R.S. § 18252-C.

Selectman Cowan motioned that The Town of North Berwick agrees to the following:

1) To adopt the provisions of 5 M.R.S. §18252-C as enacted by PL 2021, Chapter 286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS ("eligible employees") and to comply with the following requirements:

a. To offer by November 1, 2021 the opportunity to join MainePERS prospectively to all its eligible employees who have been employed for 5 years or more, to advise these employees that this will be their only opportunity to join and to provide MainePERS with documentation of each eligible employee's election; and

b. Beginning in 2022, to annually offer eligible employees who have been employed for less than 5 years, and in 2022 eligible employees who had reached 5 years of employment between November 1, 2021 and November 1, 2022, the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision; and

c. To withhold employee contributions for employees who join under this provision after all taxes have been withheld, and to remit them to MainePERS as after-tax contributions.

2) To authorize Dwayne G. Morin, Town Manager to sign the Amended Agreement between the Employer and the Maine Public Employees Retirement System.

Selectman Hall seconded the motion. VOTE: 5-0

6. Other Business;

Dwayne stated that, on page 24 of their packet, is a flyer that will be put on the website to see if we can get some interest for the Memorial Bricks now that the work has been completed at the Flat Iron Park. The price will be \$37.00 per brick. There are 325 more bricks left to sell. Selectman Cowan asked if they had acknowledged the landscaper for his efforts. Dwayne said that he will put it on the website.

Selectman Cowan said that she heard about an incident that happened after a School Board Meeting. The meeting dealt with the masking guidelines, and she heard that things have been very contentious at School Board meetings. She was not sure if the incident involved a teacher or someone that was there to speak about the mask requirements, but she was apparently followed out to her car by a number of parents, and they intimidated her. Dwayne stated that it was a School Board member. Selectman Cowan said that she is very troubled about this kind of activity. Dwayne said that, since that time, they have had Police presence at the School Board meetings. The School has asked Dwayne if they can have Police presence at the School Board meetings until such time that the topic has been exhausted. Dwayne stated that the School Board member involved is from North Berwick and has said that she may resign from her position. Chairman Glemmo believes that she has been talked out of doing that. Selectman Cowan said that this is technically located on North Berwick property, so she has even more of an interest because it happened to our own School Board member and in our town property. She wants to make it clear that this is not acceptable to be happening during School Board meetings and it should never happen again.

Dwayne stated that Verizon is back. They are going to the Planning Board this Thursday night to re-up their Conditional Use Permit. He did receive their plans and he sent them back today with some changes. They are about 98% of the way to what they agreed to. He stated that there are a few things that he needs them to provide clarification on just to make sure that everything they talked about is represented in their plan.

Selectman Hall asked if there was a contentious issue here and someone was threatened, can the Board file a restraining order that prevents from coming to any meetings. Dwayne said that he doesn't know if they can do it as a Board. He said that if someone disrupts a public meeting, there is a definitive process by which they must follow before they can be charged. If a person gets out of control, the Chairman would tell them that they are disrupting a public meeting and they need to stop and if they don't, the Police would be notified if they continue. Once they do it again, then the Chairman would ask them to leave the public meeting and the building. If they refuse to do that then the Police will be called. Once the Police show up, they will be escorted out of the building. Dwayne said that it has happened in the past and they had to arrest someone because they refused to leave the meeting. Selectman Hall said that, if an individual that is on a Board is threatened, do they have the right to press charges. Dwayne said that they can seek to press charges.

Dwayne stated that being in the public service, the threshold is higher than normal people. No elected official should have to face that. The official is doing their best and what they think is the right thing to do. There may be disagreements. He said that our society has gotten to the point where 2 people can't have different opinions. If they have different opinions, they have to hate each other. It is very unfortunate that society has evolved like that.

7. Review and Approve Warrants and Correspondence:

Warrant:	September 14, 2021	- \$ 23,227.52
Warrant:	September 21, 2021	- \$ 614,749.08

Selectman Hall motioned to approve the Warrant of September 14, 2021 for the amount of \$23,227.52 and the Warrant of September 21, 2021 for the amount of \$614,749.08. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Hall motioned to go into Executive Session at 7:36 pm and come back out at 8:00 pm. Selectman Cowan seconded the motion. VOTE: 5-0

Selectman Hall motioned to adjourn the meeting at 8:00 pm. Selectman Cowan 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.