

## **NORTH BERWICK BOARD OF SELECTMEN MINUTES OCTOBER 4, 2022**

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

**Also Present:** Dwayne Morin

Chairman Galemmo opened the meeting at 6:30 pm.

### **1. PLEDGE OF ALLEGIANCE**

### **2. PUBLIC HEARING – General Assistance Appendices – 6:35 p.m.**

Chairman Galemmo read the details regarding the Public Hearing as follows:

#### **NOTICE OF PUBLIC HEARING GENERAL ASSISTANCE ORDINANCE AND APPENDICES October 4, 2022 6:35P.M.**

The North Berwick Board of Selectmen will be holding a Public Hearing on Tuesday, October 4, 2022 at 6:35 p.m. in the Municipal Building Room 212. The purpose of the Public Hearing is to seek input on the revised General Assistance Ordinance and Appendices proposed to replace the existing Ordinance and Appendices. The proposed Ordinance and Appendices were prepared pursuant to the Maine General Assistance Law (22 MRSA § 4305(4)).

The North Berwick Board of Selectmen encourages all interested residents to attend this Public Hearing.

There was no one from the public present at this public hearing. Chairman Galemmo closed the public hearing at 6:37 p.m.

### **3. REVIEW AND APPROVE MINUTES OF SEPTEMBER 20, 2022**

Selectman Cowan motioned to approve the minutes of September 20, 2022 as written. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

**4. PUBLIC INPUT      N/A**

**5. UNFINISHED BUSINESS:**

**A. COMMUNICATION TOWER:      Update on Project**

Dwayne indicated that regarding the Communications Tower, it has been ordered and we first were notified that the by the tower company that the tower will be delivered in January of 2023 but they called yesterday, and indicated it would be delivered at the end of November. We will store it at Public Works department until Southern Main Communications can build and erect the tower, probably in the Spring but still waiting on timeline. Dwayne stated that the final foundation design will be forth coming from the tower company so that we can get bids on the foundation installation. He also indicated he has completed a draft building design based on Southern Maine Communications input that he will be giving to shed companies to get pricing. Selectman Johnson, Sr. stated concern that it may take time for the shed to come in. Dwayne stated they were thinking around Spring anyway to erect it.

**B. ROAD PROJECTS: Update**

Dwayne stated that regarding Road Projects, Madison Street has been completed and it came in about \$11,500.00 over budget due to increase in paving costs. Luckily the Town still had a surplus from last year to cover the overrun. Dwayne stated there is about \$17,000.00 left in overage. Dwayne stated the next project will be Lower Main Street in the Spring.

Dwayne indicated that the Transfer Station entrance road was reclaimed and graded and the base course of pavement installed with the surface course that was supposed to be installed yesterday but Libby Scott had some trouble with their equipment and hopes to get it paved next Monday. They ended up being done around 3:30 due them being broke down at the entrance. Dwayne indicated that he did get some complaints via phone call and Selectman Hall indicated there were complaints on Facebook.

**C. LPC: Runoff Election Results**

Dwayne indicated he did win the election and he was elected to the LPC with the flip of a coin and will serve this coming year as the primary representative and the alternate in the second session next year. Dwayne stated that on the 3<sup>rd</sup> Thursday of every month, he will be in Augusta and that will start in December.

**D. BAUNEG BEG MOUNTAIN:      Update**

Dwayne indicated that we have final approval on the Land for Maine for Futures Fund. They granted \$181,700.00 and now have a laundry list of items we need to do in order to close on that funding. That is one of the funding sources. Dwayne stated they have consulted Great Works Land Trust but cannot get the contract done until January. They have the survey done and the

appraisals done but they do need to do an environmental assessment which may take some time to complete. The good news is that we have final approval on the LMF.

Selectman Cowan inquired if we would be using our attorney or their attorney. Dwayne stated that they will use their own for their preliminary items and then use their attorney for closing. In order to close on the LMF Grant, a contract has to be signed with the State of Maine and the attorneys that normally deal with the contracts will close.

**Reminders: Next Board of Selectman's Meeting – October 18, 2022 - 6:30 P.M.**

**6. NEW BUSINESS:**

**A. GENERAL ASSISTANCE: Approve New Appendices**

Dwayne indicated that regarding the Public Hearing, the Board will need to approve the use of the new appendices for the coming year. He stated there were significant changes this year. He stated that every single category changed with the exception of “Special Care” and the “Number of Gallons for Heating Fuel”. Dwayne stated that everything has gone up all across the board to keep pace with inflation.

Selectman Hall motioned that the Board approve the new General Assistance Appendices. Selectman Cowan seconded the Motion. VOTE: 5-0

**B. SURPLUS EQUIPMENT: Award of Bids for the Surplus Equipment**

Dwayne stated regarding the Surplus Equipment, two bids were received for the 2013 police cruiser. Marc Jean did bid \$1,500.00 and Robert Kearns bid \$767.00. Dwayne stated that the Board should award the bid to Marc Jean. Dwayne indicated that he wanted to be transparent with the Board and indicated that Marc Jean is the Haitian student who has been living with he and his family. Dayne indicated Marc submitted the bid and then the Town Clerk, Chris Dudley, opened the bids and certify the results so that there was complete transparency in the process.

Dwayne indicated that there were no bids received for the firetruck.

Selectman Hall motioned that the Board accept the bid of \$1,500.00 from Marc Jean for the 2013 police cruiser. Selectman Cowan seconded the motion. VOTE: 5-0

### **C. CIP: Review Draft Capital Plan for FY24-28**

Dwayne stated that regarding CIP, he has been working on the next 5 years CIP plan with the department heads and would like to review with the Board to discuss. Dwayne stated they are trying to keep it somewhere in the \$850,000.00 mark. He believes they are doing a good job with keeping it there. He did state they are estimates and those estimates may change year to year. One of the bigger things is that they have been doing \$400,000.00 a year for paving projects and they are now proposing to bump that to \$400,000 - \$500,000. He also stated that they are still working on the Road plan for the next 10 years that should be completed by November. There are about \$12 Million Dollars worth of projects for the next ten years. The list has been created and there will be some projects that will go beyond the ten years. Dwayne stated the Town has enough this year to do the bid package and hopefully we will see a little break. Selectman Johnson, Sr. asked how much it was to do the bid package and Dwayne indicated it was about \$300,000.00. Chairman Galemme indicated that he had recently read an article that in about a year, because of the cost of increased rates from the Feds, the housing market was going to drop and if that happens, then our construction costs should go down. Selectman Hall stated that could be revisited in January.

Dwayne stated that they did create a list of roads that they are looking at for the coming year and they have not been ranked yet. He has it at about 11 ½ years to do the projects. He stated some of the roads are Bauneg Beg, Morrells Mills Road, Brewer Road, last section Valley Road, Governor Goodwin Road, last section of Madison Street, Partridge Lane, Madison Court, Potter Court, Linscott Hill Road off Fox Farm Hill Road, Lower Main Street, Dillingham Road, Randall Road, Little River Road, Pheasant Hill Drive, Sand Pond Road, the bridge on Sand Pond Road which will have to be a joint effort with Sanford, Chadbourne Lane, Varney Road, Sunset, Card Mill, Cider Mill, Prospect, Abbott, Estes Hill. Abbott and Estes Hill will be expensive since they are dirt and those may have to put off toward the future. Estes Hill Bridge is another bridge project from Dillingham Road. They have had requests to pave Meetinghouse Road which will be an expensive project. Selectman Hall inquired if that Road will have to be blasted and Dwayne indicated it would.

Selectman Johnson, Sr. inquired if he could put up a sign that stated "Tractor Crossing". Dwayne stated that the Town could put one up if he in fact did cross the road with the tractor.

Selectman Hall motioned that a sign be erected after Meetinghouse Road. Selectman Cowan seconded the motion. VOTE: 5-0

Dwayne stated next year they will be looking at firetruck repayment, fire station addition, bond payment, police cruiser, sidewalks which are pretty much on a yearly basis. They are looking at a mowing machine for the Public Works Department. This year they had a hard time with the sickle bar mower and those cannot be bought anymore. We do our own roadside mowing, and we have 60 miles of road.

Dwayne also stated that the Town Hall roof needs to be completed. We originally did ¼ of it a few years ago. Dwayne stated he was holding off because he was hoping that Verizon was going to use the roof for a tower but that does not look like it is going to happen. Dwayne stated he has not heard from them, and they have no more permits as they have expired. Selectman Hall asked if we were out money due to it not going forward and if we could bill them for that. Dwayne indicated that we had to pay for lawyer fees and all of his time and effort that went into the project but could not bill them for that.

Dwayne stated the Community Center roof also needs to be addressed and that will be a pretty easy fix. It is a metal roof and some of the screws have come up and no culvert pipe was installed and water leaks. He stated that he allotted \$20,000.00 for that, which probably is too much but he wanted to cover that fix by installing a culvert pipe.

Dwayne indicated they will need to start budgeting for an ambulance next year. In year 2025, again fire station, a replacement of utilities, police cruiser, road bonds and then continue with the ambulance in FY25.

Selectman Hall inquired, since we are talking about ambulances, that he had heard from a concerned citizen that the North Berwick Rescue had to recently go to Biddeford Hospital and stopped to pay the tolls and wondered if that was necessary or if they are required to do that or do they have EZ-Passes. Dwayne indicated that Mike Barker was supposed to be working on getting one. Selectman Hall asked if it was a Maine law that an ambulance has to stop to pay the toll. Dwayne stated there is a law that they have to do that even in an emergency. Dwayne stated that in the past, our rescue will drive through the tolls and then the Town gets fined. Selectman Cowan suggested that rule or law should be changed and proposed to one of the legislators that ambulances be exempt. Dwayne stated that the Maine Turnpike is a private entity. Dwayne stated that it may be tried but probably already has. Dwayne stated he would double-check with Mike and check the past fines that they have received. Selectman Cowan stated that we should also talk to the Rescue Chief about not going to Sanford since it is not actually a hospital. Selectman Hall stated that a conversation should be had sooner than later regarding EZ-passes for the ambulances. Dwayne stated he would follow up on that.

Dwayne stated in FY27 they will continue with the fire items, police cruiser, a new regular plow truck and then in FY28 another plow truck. Dwayne stated we are in pretty good shape regarding CIP overall.

#### **D. LD 2003: Review and How to Comply**

Dwayne indicated that regarding LD 2003, he has completed an initial review of LD2003 and what the Town will need to do to comply with the law as currently written prior to July 1, 2023. He stated that the State has not yet issued any guidance on the laws, but he wanted to at least be prepared based on the language so that we can bring to the Planning Board for their review. He stated he knows that there will be amendments proposed in the coming session and that may have an impact on what is needed to comply with the legislation.

Dwayne stated that one of the big changes that is floating out there is that some people are going to be opposed. The LD2003 only applies to towns over 10,000 people and he stated that the towns over 10,000 people do not think that is fair. Nonetheless, LD2003 is law, and we have to adopt changes to our ordinances prior to July 1, 2023, and if we do not, we will jeopardize our entire zoning ordinance. Selectman Hall indicated that he believes we do not have to make any decisions until June in the event things change. Dwayne stated actually we do because our town meeting is in April and our public hearing session is in January, so we actually have to do something before. Dwayne stated the Planning Board will have to hold a public hearing sometime in January and we have until December to do something, and the Board will have to draft some language for that.

Dwayne stated the State of Maine summarizes LD 2003 at: [https://www.maine.gov/decd/sites/maine.gov/decd/files/inline-files/DECD\\_LD%202003\\_digital.pdf](https://www.maine.gov/decd/sites/maine.gov/decd/files/inline-files/DECD_LD%202003_digital.pdf). He indicated that there are essentially three separate sections to the law.

Dwayne stated regarding Affordable Housing, we have to provide affordable housing in our town and they have to be in designated growth areas and anywhere that provides public water and public sewer. In our case, it is Village A, Village B, Village Center, Commercial, Commercial 2 and Residential 1. They are designated growth areas, and they provide public water and sewer. So the only spots where they cannot go is Residential 2 and Farm and Forest. Dwayne stated we must allow for affordable housing 2 and ½ times your density. He gave an example of Village A, you will have to have 8,000 square feet for a house if it meets the affordable housing definition. If it is a rental unit such as an apartment, it has to be 80% of median income without spending more than 30% of your monthly income. Dwayne stated we currently have three affordable housing zones in our town currently and ours is 28% of the monthly income. The state gives us what the rates are and publish them on a yearly basis. Dwayne stated that LD 2003 overrides anything you have ever thought about your zone as the state has basically said to the towns that they do not know what they are doing, and they are going to force it done. Dwayne stated that he does not see this as being a big driver in North Berwick. He stated that there are three zones right now that allow for more density, but one of the requirements is the deed restriction is for 30 years to stay affordable, which does not appeal to a lot of developers. Dwayne stated we will have to change the ordinance, but it will not really affect this town. Dwayne's biggest concern is that they should have given standards instead of being the one-size-fits-all law.

Dwayne stated the next section is Residential Housing. Dwayne indicated that the problem with this section is that is going to be extremely confusing. First, if you have a piece of land with no housing on it as of July 1, 2023, and if the property is in a designated growth area or has public water and sewer and there is no comprehensive plan (which does not apply to us), you can put up to four dwelling units on that property, however you still have to meet all the minimum lot sizes, setbacks, etc. Second, if you currently have a house on a lot, you will be able to put two additional units on that property, one within, one detached or one attached or one of each. Again, meeting all the setbacks, lot size, densities, etc. Chairman Hall inquired about road frontage and Dwayne stated they specifically stated "lot size, set back and density" and nothing about road frontage which concerns him. He indicated that the state law does not state that, instead stating dimensional requirements. Dwayne is thinking that road frontage is going to have to be met but

during rule making, they could eliminate road frontage which would be the big significant change and change our comprehensive plans. Otherwise, this will not affect us tremendously but some confusion.

Dwayne indicated the last section deals with ADU's. We call them in-law apartments in North Berwick and the Planning Board has already been talking about changing the in-law apartment standards anyways so this will not be a big change as we were already headed in that direction. Basically, any house can have an ADU and only one ADU allowed on the lot. Selectman Hall inquired about a non-confirming lot, and Dwayne stated there can still be an ADU and ADU's do not require density but the setbacks still have all be met. Under the new ADU law, the ADU can either be within, attached or detached and it makes no difference. The ADU does not have to be rented, does not have to be for in-laws but can be for anyone. Dwayne indicated this will allow for small apartments within the Town.

#### **E. COMMITMENT FY23**

Dwayne stated that every year we have to do the MVR to get us our state money and our assessor, Verna, finished her report today. Dwayne stated we were certified at 89% which is based on pre-increases that we did this year. Verna stated we went from 89% to 96% and the State will allow us 100% which is good with a 9 quality rating.

Selectman Cowan motioned that we approve and sign the MVR proposed. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

#### **7. OTHER BUSINESS:**

Selectman Hall stated he had a 3<sup>rd</sup> grade teacher reach out and they were curious if the Town has any ordinances on littering and if not, is that something we can do. Dwayne stated the town does not have any ordinances on littering and stated an ordinance could always be put into place. Dwayne did state there are state laws on littering and there are fines associated with littering. Selectman Hall asked if we are responsible for keeping trash out of the 50-foot road right of way or do we as a town clean that up. Dwayne stated that we as a town have used volunteers in the past to do that and it is usually on Earth Day. Selectman Hall also asked if the State does anything about litter on state roads. Dwayne stated that from time to time. Selectman Hall stated the 3<sup>rd</sup> grade class would like to send letters regarding litter and was wondering who to address them. Dwayne stated that he would do some research on that.

Dwayne stated that we will need to go into Executive Session for a legal matter.

Selectman Hall motioned to come out of executive session at 8:28 p.m. Selectman Cowan seconded the motion. VOTE: 5-0

Selectman Hall motioned that our Code Enforcement and Legal Representatives have the ability on behalf of the Town of North Berwick to pursue to an 80K proceeding against Green Truck, LLC and/or Mr. Houle if necessary. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

**8. REVIEW AND APPROVE WARRANTS AND CORRESPONDENCE:**

Warrant:	September 27, 2022	- \$ 10,495.11
Warrant:	October 4, 2022	- \$110,579.89

Selectman Hall motioned to approve the Warrant of September 27 2022 for the amount of \$ 10,495.11 and the Warrant of October 4, 2022 for the amount of \$110,579.89. Selectman Cowan seconded the motion. VOTE: 5-0

**9. Adjournment:**

Selectman Johnson, Sr. motioned to adjourn the meeting at 8:38 pm. Selectman Hall seconded the motion. VOTE: 5-0

Respectively Submitted,  
Jennifer Berard, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Jonathan Hall

Selectman: Michael Johnson, Jr.

Selectman: Wendy Cowan

Selectman: Michael Johnson, Sr.