

North Berwick Board of Selectmen's Minutes: February 5, 2013

NORTH BERWICK BOARD OF SELECTMEN MINUTES FEBRUARY 5, 2013

Present: Chairman Hart, Selectman Galemmo, Selectman Danforth, Selectman Folsom and Selectman Drew.

Also Present: Brent Tweed, Chris Rosen, Susan Hall, Janet Hooke, Richard Hooke, Joe Dubay, Donna Rand, Ken Dutch, Peter Waterman, Robert Pelletier, John Steves, Mal Stephens, Jones Gallagher, Martha Gallagher, Rebecca Manning, Anne Plante, Ronald Felix, Martin Brooks, Jack Murray, Melody Morse, Rebecca Dubay, Steve Morse, Peter Schluntz, Lincoln Harrison, Todd Hoffman and Dwayne Morin.

Chairman Hart opened the Board of Selectmen's Meeting at 6:30 p.m.

1. Pledge of Allegiance

2. Review and Approve Minutes of January 22, 2013

Selectman Folsom moved to approve the minutes of January 2, 2013, Selectman Galemmo seconded a motion. Vote, 5-0 in Favor.

3. Public Input:

Brent Tweed requested the Board of Selectmen to approve sending the 2nd Amendment Preservation Ordinance to the voters of the Town of North Berwick. He stated that Senator Feinstein has introduced a bill that would ban assault weapons and this is a violation of the second Amendment. He stated that the "Principles of 1798" was passed to oppose Alien and Sedition Acts which made it illegal to criticize the government. He stated that it is not only legal for us to stand up against the infringement of our right to keep and bear arms but our duty.

Selectman Folsom handed out an email regarding the action of Officer Dan Pelkey on Rescue call last week. It was through Dan's actions that the Rescue members and the patient were protected, remained calm, and allowed for the necessary medical attention to be performed to assist the patient.

4. Unfinished Business:

A. FY14: Budget Discussions

Dwayne presented the Selectmen with the finished Budget Books and the first budget committee meeting was held on Monday February 4, 2013. Dwayne presented the Budget and overview to the Budget Committee and they acted upon the non-money articles in the warrant.

Dwayne also informed the Board of a spreadsheet error in the health insurance calculations that required an increase in the health insurance figures discussed at the last Board meeting. The end result was a total budget of \$3,782,081.00 instead of \$3,765,506.00 or a \$16,575.00 increase. It still represents a 3.36% decrease in the overall budget from last year. The budget books have been corrected to reflect the new figures and I have included the summary pages with your packet.

B. Planning Board: Commercial Zone Change

Dwayne informed the Board that the Planning Board will be meeting this Thursday to finalize their proposal on the commercial Zone Change to be presented at Town Meeting. A continuation of the Public Hearing will be on Thursday February 14, 2013 at the Community Center.

C. 2nd Amendment Ordinance: Attorney Opinion

Dwayne presented the Board a letter from the Town Attorney which stated that after reviewing the proposed ordinance and the state and federal laws, in his opinion the proposed ordinance is illegal and not enforceable by the town and would advise against bringing it to the Town meeting for two specific reasons:

- 1.) Maine State law preempts local regulation of firearms, and thus the town of North berwick does not have the authority to adopt the proposed ordinance and
- 2.) Local law cannot trump federal law or prevent the enforcement of federal law.

The town attorney also gave an opinion of the presentation of a petition to the Selectmen to place this ordinance before the people and he stated that in his opinion it would not be an "unreasonable refusal" if the Selectmen refused to place the petitioned ordinance on the warrant for the same reasons he states for the Selectmen not to bring it to the voters without a petition. See 30-A M.R.S. section 2521.

The Board members had an extended discussion with residents who were present and passionate about their second amendment rights. The Board informed the residents who were present that it would be unwise for the Board to not follow the Attorney's opinion. Many of the Board members are supporters of the second amendment but this is not the proper forum for this discussion. Selectman Drew informed the residents that if they were to present a resolution to be passed by the Selectman, that this may find favor with the Board.

It was moved by Selectman Galemme and seconded by Selectman Folsom to not place the 2nd Amendment Preservation Ordinance before the voters of the Town of North Berwick. Vote 5-0 in favor.

D. County Tax: Letter to Commissioner Cote

Dwayne was asked by the Board at the last Selectmen's meeting to prepare a letter to Commissioner Cote stated that the Town of North Berwick would like the County Commissioners to delay the implementation of the County fiscal year for this year pending the exercise of options to mitigate the increased fiscal impact that will be borne by all York County Communities especially in light of the looming potential for loss of revenue based on the Governor's proposed State Budget. The letter also states that if the Commissioners continue with the fiscal year change that the Town of North Berwick will select the five year payment option for the 6 month transitional budget to reduce the tax impact upon the taxpayers of North Berwick.

Dwayne read the letter into the record and the Board signed the letter to the County Commissioners.

Reminders: Next Board of Selectmen's Meeting – February 19, 2013 - 6:30 p.m. Municipal Building
 Budget Committee – Monday February 11, 2013 – 6:30 pm Municipal Building

5. New Business:

A. SAD 60 Outreach

The SAD 60 Community Outreach Coordinator, Rebecca Manning, was present to introduce herself to the Board. Rebecca is in charge of the school's effort to provide authentic support for the area through community service or service learning. She stated that she is meeting with community stakeholders to discuss and explore the needs that our community has and how the students can address them through mentorships and volunteer community service hours. Rebecca stated that she has been working with Kristie, Parks and Recreation Director, in finding opportunities for Noble students to earn community service hours and find volunteer opportunities. She wanted to introduce herself to the Board of Selectmen and asked that if the Town had other opportunities to keep in contact with her so that she can assist in fulfilling the needs of the Community.

B. Bruce Abbott Park: Rules Amendment proposal Review

At the last few meetings, Selectman Drew had requested the Board to review the possibility of amending the Rules and maintenance responsibilities of Bruce Abbot Park to allow for winter time access from January 1 to March 15 to allow for access to the lake for wintertime sports opportunities such as ice fishing. At the last meeting the Board asked Dwayne to draft the proposal.

Dwayne stated the he has drafted a proposed amendment to the Bruce Abbott Park Regulations as the Board discussed at the last meeting. After reviewing the original vote, any amendment will require a 2/3 majority to amend the rules and maintenance obligations of the Town. The vote will also have to be a town meeting article and not a referendum question pursuant to the original vote. The language change that has been drafted is as follows:

Rule number 12 to state: Dates open from April 1 to October 31: ~~closed in the winter, not plowed~~ the park shall also be opened from January 1 to March 15 to allow for access to the Lake for winter sports such as ice fishing. All access for winter activity on the lake shall be carry-on/carry-off and permanent ice shacks are prohibited from the using the park to gain access.

Maintenance Rule 9 to state: The Town will plow the entrance and parking area between January 1 and March 15 for winter access.

The proposed warrant article to authorize the rule and maintenance change would read as follows:

Article : Shall the Town vote to amend the regulations for the Bruce Abbott Memorial Park (Bauneg Beg Pond Park) adopted on April 28, 2001 to allow wintertime access between January 1 and March 15.

Note: Pursuant to the regulations adopted by the Town Meeting on April 28, 2001, the amendment must receive 2/3 vote to be approved.

Dwayne suggested that the Board send this proposal to the Bauneg Beg Lake Association for their comment and review and they were an integral part of the original planning process. Selectman Drew stated that we should also send the proposal to the Rod and Gun Club for their review as well.

The Board agreed with these suggestions and directed Dwayne to send the proposal to both the Lake Association and the Rod and Gun Club and put this issue on the next Board meeting agenda for the Board's action on the proposal.

C. Fire Department: Permission to operate a Red Light – Nick Charleston

Fire Chief Gosselin is recommending that the Board approve permission for Nick Charleston to operate a red light in his personal vehicle pursuant to the rules and regulations established by the town. It was moved by Selectman Folsom and Seconded by Selectman Galemme to approve the recommendation of the Fire Chief and grant permission to Nick Charleston to operation a red light in his personal vehicle Vote 5-0 in favor.

6. Other Business:

Selectman Folsom asked th Board if they still wanted to hold a pancake breakfast the morning of Town Meeting. It was decided by the Board to not hold the pancake breakfast as attendance over the last few years has been wanning and the town has been losing money on the breakfast. Instead the Board decided to utilize the canteen area to sell coffee and donuts. The town will also have a food collection area for the donations of canned goods for the Food Pantry and the 68 hour program that provides food to school children on the weekends.

Selectman Folsom will look to get donations of Coffee from Carpe Diem and Donuts from Dunkin Donuts and possibly Congdon's Donuts in Wells.

Executive Session: 1 MRSA 405(6)(E)

Selectman Danforth moved to go into Executive Session at 7:26 p.m., Selectman Galemmo seconded a motion. Vote, 5-0 in favor.

Selectman Galemmo moved to exit into Executive Session at 8:15 p.m., Selectman Danforth seconded a motion. Vote, 5-0 in favor.

7. Review and Approve Warrants and Correspondence:

Warrant: January 29, 2013 - \$10,221.70

Warrant: February 5, 2013 - \$53,342.07

Selectman Galemmo moved to accept the Warrant of January 29, 2013 for \$10,221.70 and February 5, 2013 for \$53,342.07. Selectman Danforth seconded the motion. Vote, 5-0 in favor.

8. Adjournment:

Selectman Galemmo moved to adjourn at 8:16 p.m., Selectman Danforth seconded the motion. Vote, 5-0 in favor.

Respectively Submitted:
Dwayne Morin, Town Manager

Original to Town Clerk

Chairman: Larry Hart

Selectman: Charles Galemmo

Selectman: Paul Danforth

Selectman: Elaine Folsom

Selectman: Gregg Drew