

North Berwick Board of Selectmen's Minutes: February 19, 2013

NORTH BERWICK BOARD OF SELECTMEN MINUTES FEBRUARY 19, 2013

Present: Selectman Glemmo, Selectman Danforth, Selectman Folsom and Selectman Drew.

Also Present: Laurienne Missud Martin, Shirely Barto, Charles Barto, Rick Stambaugh, Lorinda Hilton, Brent Tweed, Martha Gallagher, Jones Gallagher, John St. Hilaire, Victoria Mackenzie, Evan Mackenzie, Tyler Sterling, Sofie Larsen and Dwayne Morin.

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

1. Pledge of Allegiance

2. Review and Approve Minutes of February 5, 2013

Selectman Drew moved to approve the minutes of January 2, 2013, Selectman Folsom seconded a motion. Vote, 4-0 in Favor.

3. Public Input:

Laurienne Missud Martin requested permission to place an article in the town's newsletter regarding the opposition's position to the Planning Board's proposed zoning change. Ms. Martin presented the Board with a draft of the article that was written along with a petition signed by a number of town residents. This request was supported by Rick Stambaugh, Charles Barto and Evan Mackenzie.

Dwayne stated that the newsletter was intended to present to the citizens of North Berwick what is occurring in the Town and all the articles have been written by town employees or edited by town employees. Since this has never been requested in the past and aside from the Zoning issue, the

Board would need to decide whether to allow for articles in the newsletter. Dwayne believes that this opens up a whole host of concerns, including but not limited to how large an article is, what is the content, etc.. Mr. Stambaugh asked whether this could be petitioned, and the Board responded that this is not a petitionable issue. It is a decision of the Board.

The Board stated that the newsletter is not an opinion newsletter, that is the function of newspapers like Fosters. If the group is opposed to the zoning change then they should encourage others to vote against it, write opinion letters to the editors of local newspapers and send out mailings stating their position. The Town newsletter is not that forum. It is reserved for information that the Selectmen wish to get to the residents to inform them of what is happening in the in the town. For items that are to be voted upon, the newsletter is a factual representation of what voters are being asked to vote upon and not an opinion based newsletter and the Board and Town Manager try to be both fair and balanced in this approach. All Board members presented stated that they could not support the request.

Mr. Barto requested permission to use the town's postage stamp to send out their information and the Board members denied this request as well.

4. Unfinished Business:

A. FY14: Budget Discussions

Dwayne stated that he is keeping this as a standing agenda item through Town Meeting in case the Board wished to discuss the budget process. The budget committee continues to review the proposed budget and recommendations. The committee should be complete with their deliberations on March 11, 2013.

B. Planning Board: Commercial Zone Change – Referendum Questions

Dwayne informed the Board that the Planning Board has approved a proposal to be placed before the voters on a commercial zone change. Dwayne presented the Board with the packet of the entire changes along with the proposed referendum questions which have been drafted by the Town Attorney. The Board reviewed the proposal and the proposed questions. It was moved by Selectman Drew and seconded by Selectman Folsom to place the referendum questions before the voters at the April 6, 2013 Annual Town Meeting referendum vote. Vote 4-0 in favor.

C. 2nd Amendment Ordinance: Resolution

Brent Tweed presented the Board with a proposed resolution on the 2nd Amendment protection amendment as follows which he would like to the Board to adopt:

2nd Amendment Preservation Resolution

A Resolution, which shall be known and may be cited as the "2nd Amendment Preservation Resolution."

WHEREAS, in the American system, sovereignty is defined as final authority, and the People, not government, are sovereign; and

WHEREAS, the people of the State of Maine are not united with the People of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

WHEREAS, all power not delegated by the people to government is retained; and

WHEREAS, the People of the several States comprising the United States of America created the federal government to be their agent for certain enumerated purposes only; and

WHEREAS, the 10th Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that which has been delegated by the people to the federal government in the Constitution of the United States, and also that which is necessary and proper to carry into execution those enumerated powers; with the rest being left to state governments or the people themselves; and

WHEREAS, the 2nd Amendment to the Constitution of the United States reads as follows, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed;" and

WHEREAS, Article 1 Section 16 of the Constitution of Maine reads as follows, "To keep and bear arms. Every citizen has a right to keep and bear arms and this right shall never be questioned;" and

WHEREAS, a bill has been introduced in the U.S. Senate by Senator Diane Feinstein titled the "Assault Weapons Ban of 2013" that bans the sale, transfer, manufacturing, and importation of certain semiautomatic firearms; and

WHEREAS, the "Assault Weapons Ban of 2013," if passed, would be in direct violation of the 2nd and 10th Amendments to the Constitution of the United States and Article 1 Section 16 of the Constitution of Maine; and

WHEREAS, when powers are assumed by the federal government which have not been delegated to it by the People or which violate the Constitution of the United States, a nullification of the act is the rightful remedy; that without this remedy, the People of this State would be under the dominion, absolute and unlimited, of whoever might exercise this right of judgment for them.

NOW THEREFORE, BE IT RESOLVED BY THE NORTH BERWICK BOARD OF SELECTMEN:

RESOLVED, that this Resolution shall serve as a Notice and Demand to the federal government to cease and desist any and all activities, acts, laws, orders, rules or regulations regarding firearms in violation of the 2nd and 10th Amendments to the Constitution of the United States and Article 1 Section 16 of the Constitution of Maine; and, it be further

RESOLVED, that the North Berwick Board of Selectmen urges the members of the Maine Legislature who represent North Berwick to support LR 1973 [An Act To Prohibit Enforcement of Federal Laws Regarding Firearms That Are in Violation of the United States Constitution]; and, it be further

RESOLVED, that a copy of this resolution be transmitted to the members of the Maine Legislature who represent North Berwick, and to each member of this State's Congressional delegation.

Dwayne stated that this resolution is different than the original ordinance that was presented as well as the original resolution that was sent out in an email a few weeks back. This specifically addresses a bill by Senator Feinstein as well as a specific piece of legislation before the Maine Legislature that has been introduced by Rep. Libby of Waterboro. Dwayne also stated that he Board has a copy of email from Ben Gumm which states:

To the Select Board,

I am writing to let you know that I support the second amendment to the United States Constitution. However, I am opposed to the current resolution regarding the second amendment that is currently before your board. Protecting the constitution is not a local issue. It is a federal issue that should be dealt with on the federal level. Passing this resolution would have no tangible, enforceable impact on the town of North Berwick. It is simply "window dressing." Passing this resolution will only expose the select board to legal challenges, but it would also invite additional resolutions regarding other federal issues such as immigration, birth control, gay rights and terrorism.

Your board has plenty to do keeping the roads in good shape, the community safe and taxes low. Don't allow small community pressure groups to distract the real work of your board.

Ben Gumm
2 Elm Street

Vice Chairman Galemme expressed is opposition to this resolution. Selectman Drew stated that he could not support this resolution due to the specific mention of the Senator Feinstein bill in the Whereas section of the resolution.

After much discussion it was moved by Paul Danforth to approve the resolution as presented. There was no second and the motion failed.

It was then moved by Selectman Drew and seconded by Selectman Danforth to approve the resolution as presented with the removal of the following language in the resolution:

WHEREAS, a bill has been introduced in the U.S. Senate by Senator Diane Feinstein titled the "Assault Weapons Ban of 2013" that bans the sale, transfer, manufacturing, and importation of certain semiautomatic firearms; and

WHEREAS, the "Assault Weapons Ban of 2013," if passed, would be in direct violation of the 2nd and 10th Amendments to the Constitution of the United States and Article 1 Section 16 of the Constitution of Maine;

Vote 2-2. Motion fails for lack of a majority in favor.

D. County Tax: Letter to Commissioner Cote

Dwayne informed the Board that he was contact by County Commissioner Michael Cote and he informed the Town that the County Commissioners has voted to move forward with the Fiscal Year change this year and the Town of North Berwick will opt to finance the 6 month transitional budget over the course of the next five years.

E. Bruce Abbott Park: Rules Amendment proposal Review

At the last few meetings, The board has reviewed a proposed change to 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 send the draft proposal to the Rod and Gun Club and the Bauneg Beg Lake Association for their review and comments.

Dwayne has heard back from both entities and they do not have any objection to the proposal. The Road and Gun club suggested a change in the rules to clarify that permits purchased for the Bruce Abbott Park would be valid for one full year and the Bauneg Beg Lake Association suggested a minor typographical error be corrected in the proposal. The only concern that the Lake Association had was in regard to trash. Dwayne stated that he has revised the proposal to include the Rod and Gun Club's suggestion as well as fixing the typographical error.

The proposed change would be as follows (new language in bold and removed language struckout):

Rule # 3 - Non residents with valid sticker. ***Non-resident stickers shall be valid for one (1) year.***

Rule #12 - 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 Item #9 - ***The Town will plow the entrance and parking area between January 1 and March 15 for winter access.***

It was moved by Selectman Folsom and seconded by Selectman Drew to present the following article to the voters of North Berwick:

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.

Vote 4-0 in favor.

Reminders: Next Board of Selectmen's Meeting – March 5, 2013 - 6:30 p.m. Municipal Building
 Budget Committee – Wednesday February 20, 2013 – 6:30 pm Municipal Building
 Budget Committee – Monday February 25, 2013 – 6:30 pm Municipal Building
 Budget Committee – Monday March 4, 2013 – 6:30 pm Municipal Building

5. New Business:

A. Farmer's Market

The new market manager, Sofie Larson presented the Board with the 2012 Farmer's Market report and an overview of the 2013 Farmer's Market. Sofie stated that the 4th season, 2012, was successful. Though vendors report slower growth in sales than in previous years, most did report a small increase in sales over the previous year. For obvious reasons it is hard to give a lot of comparative analysis - but Sofie stated that according to the "Get Real Get Maine" website, there are 10 farmers markets in York County, of which only 6 accept SNAP. We are proud to be one of those six, and in 2012 we served over 70 SNAP recipients from our local area as well as from the Seacoast area in NH, who bought over \$7,000 worth of fresh bread, vegetables, fruit, cheese, meat, and other produce. This customer group is encouraged by the Market Match Incentive, which doubles the value of their benefits. The Market Match Incentive is sponsored by customer donations, local businesses (mainly Pratt & Whitney, Kennebunk Savings Bank, and Hussey Seating), and the Maine Farmland Trust. Amy Carrington in the Maine Farmland Trust says we place very highly within our state in terms of how many SNAP recipients we attract to our market, especially given the high rate of loyally returning recipients we serve. In 2013, the Market intends to continue soliciting funds for the Market Match, and to grow our relationship with SNAP recipients as a customer group. Sofie is currently working with Maine Farmland Trust to ensure funds for an operator for the SNAP booth for 2013.

While most of the vendors are very satisfied with our market, all obviously would like the customer base at large to continue to grow, and many would like to see the market develop a stronger relationship with the community in this area. To this end, the Market has planned a number of small events they would like to host, ranging in scale and ambition from the very simple to the more complex. Sofie presented a list of planned events - though, as it is early in the season, the plans may still change but they currently include events for Mother Day, ask a farmer day, herbal day, a pie festival day, tomato festival day, fiber and flower day, fall festival day and a costume contest day.

The 2013 season will run from 5/3 to 10/25, rain or shine, at the Town Hall Parking Lot. Sofie hopes the Board members will join us at some point this season to experience the amazing selection of locally produced tasty and fresh food - or perhaps some of our planned events!

Sofie requested an extension of the Lease between the Town and the Farmer's Market for the 2013 season. It was moved by Selectman Drew and Seconded by Selectman Folsom to approve the extension of the lease agreement between the Town and the Farmer's Market. Vote 4-0 in favor.

B. Rescue: Presentation To Mike Barker – Certified Emergency Manager – Maine

Dwayne informed the Board that Mike Barker, Rescue Chief, has recently completed the Maine Certified Emergency Manager training and was scheduled to receive his certificate at tonight's meeting, but due to unforeseeable causes, Mike is not able to be here this evening. We will see about having the presentation at a future date.

C. Fire Department: Permission to operate a Red Light – Lucas Rogers

Fire Chief Gosselin is recommending that the Board approve permission for Lucas Rogers 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 Danforth to approve the recommendation of the Fire Chief and grant permission to Lucas Rogers to operation a red light in his personal vehicle. Vote 4-0 in favor.

6. Other Business:

Selectman Drew gave the Board an update on the North Berwick Rescue squad Board of Directors meeting that he attended. Gregg stated that the Board is currently reviewing the Length of Service Award program for the squad which allows a squad member to receive a retirement stipend based on the number of years they volunteer on the squad. The Rescue Squad has also entered into a new contract with Comstar for the billing of services. The Squad has negotiated a bundled rate for those collections. The Board of Directors is also reviewing the mileage payment program for the volunteer squad members and looking at provided opportunities for EMT to further there paramedic training with the Squad paying for the training in exchange for a guaranteed time of service in lieu of reimbursing the squad for these costs estimated around \$8,000.00 for the training.

Greg also stated that he would like the Board to consider a stipend for the Board member appointed to the Rescue Squad Board in the future. This appointment will require the Selectman to attend an addition 12 meetings a year in addition to the Selectmen meetings. The other Board members will take under advisement and review at a later time.

Gregg stated that Bridget Dumont is again willing to sing the National Anthem prior to the start of the Annual Town Meeting in April.

Dwayne informed the Board that Lincoln Press has quoted the Town Report Printing at the same level as last year. The reports will go to print in March and be available by March 29.

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

Selectman Folsom moved to go into Executive Session at 8:00 p.m., Selectman Drew seconded a motion. Vote, 4-0 in favor.

Selectman Danforth moved to exit into Executive Session at 8:05 p.m., Selectman Drew seconded a motion. Vote, 4-0 in favor.

7. Review and Approve Warrants and Correspondence:

Warrant: February 12, 2013 - \$ 35,817.35

Warrant: February 19, 2013 - \$486,227.48

Selectman Drew moved to accept the Warrant of February 12, 2013 for \$35,817.35 and February 19, 2013 for \$486,227.48. Selectman Danforth seconded the motion. Vote, 4-0 in favor.

8. Adjournment:

Selectman Danforth moved to adjourn at 8:06 p.m., Selectman Folsom seconded the motion. Vote, 4-0 in favor.

Respectively Submitted:
Dwayne Morin, Town Manager

Original to Town Clerk

Chairman: Larry Hart

Selectman: Charles Galemme

Selectman: Paul Danforth

Selectman: Elaine Folsom

Selectman: Gregg Drew