

North Berwick Board of Selectmen's Minutes: March 26, 2013

NORTH BERWICK BOARD OF SELECTMEN MINUTES MARCH 26, 2013

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

Also Present: Janet Belmain, Geoff Alewa, Claudy Boy, Lynn Manley, Priscilla Leach, Tyler Sterling, Sally McLaren, Rick Stambaugh, Ralph Perkins, Donna Perkins, Ben Gumm, Rick Reynolds, Meredith Kleinschmidt, Charles Barto, Shirley Barto, Lorinda Hilton, Dale Hilton, Neil Rapoza, Laura Shaw, Danny Shaw, Wendy Cowan, Stan Cowan and Dwayne Morin.

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

1. Pledge of Allegiance

2. Public Hearing – Town Meeting Referendum Questions

Chairman Hart opened the Public Hearing on the Town Meeting Referendum Questions at 6:35 p.m.. Chairman Hart stated that the purpose of the Public Hearing is to explain the questions that will be voted upon and not a public hearing to debate whether this should be placed before the voters as the questions have already been placed on the ballot.

Chairman Hart turned the podium over to Dwayne Morin, Town Manager for the explanation of the questions. Dwayne stated that he will read through the questions.

Dwayne read through Questions #1 - Shall an ordinance entitled, "Ordinance amending the North Berwick Zoning Ordinance to expand areas in and near the "village" where commercial uses will be permitted; to change the name of the Limited Commercial Zone to the Commercial II Zone; to permit residential uses on all floors of buildings in commercial zones; to change certain setbacks in

commercial zones; to limit adult businesses and medical marijuana registered dispensaries to existing in permitted areas; to permit affordable housing in the Commercial Zones; and to make conforming changes to the Zoning Map,” be enacted?

Dwayne presented a copy of the current zoning Map and the proposed Zoning map and went through the changes to the map. Dwayne then read the current and proposed language to be changed as part of this question as it relates to Article 2.1 Zoning Districts, 4.1.12 Limited Commercial District, 4.3.k Notes to Table 4.3, Article 5.1.13.a. – Off Street Parking and Loading, Article 5.2.9 Residential Uses in Commercial Zones, Article 4.3.g. Note to Table 4.3, Article 5.2.18 Adult Businesses, Article 5.2.1 Medical Marijuana, and Article 5.2.16 Affordable Housing Standards (Village C and Commercial Districts). Dwayne also read the Statement of Intent for each of the proposed language changes. Dwayne then showed a side by side detailed comparison of the land uses that depicted the changes from the Village A zone to the Village Center Overlay District and the change from the Village A Zone to the Commercial II Zone.

Questions:

Rick Stambaugh asked for the Town Manager to show the overlay of the Shoreland Zoning on the proposed Zoning Map and what effect that has on the proposal. Dwayne showed the Zoning Map and stated that the Shoreland Zone in the Village area along the Great Works River and Negutaquit River is a 75’ Zone from the normal highwater mark. Nothing would be allowed to be built in this area unless allowed under shoreland zoning and typically would be water dependent uses such as boat houses.

Mr. Barto asked if the 20’ setback applies to Adult Businesses. Dwayne informed Mr. Barto that Adult Businesses as well as other “undesirable” land uses have additional regulations other than the normal regulations in each zone. In the Adult Businesses article, 5.2.18, it shows that Adult Businesses must be setback 500’ from a school, park, playground, church, public building, day care center or another Adult Business and 100’ measured in a straight line without regard to intervening structures or objects, to the nearest point of the main entrance to a residence.

Mr. Gumm stated that he read the Eye of North Berwick and would like to thank the Planning Board and all others for their thoughtful way of putting together the Zoning Change and that he was in favor of the proposal.

No further questions on this question, Dwayne proceeded to read Question #2 Shall an ordinance entitled, “Ordinance to prohibit Large Scale Box Stores Zoning Amendment,” be enacted? Dwayne read the proposed definition to be added to Article 3 if passed along with the Planning Board’s Statement of Intent.

Questions:

Mrs. Perkins asked if this zoning change is passed, will it result in a change for the acreage for residences. Dwayne replied that this zoning change does not change the acreage for the residences in other areas of the town and any change would have to go back before the voters.

No further questions on this question, Dwayne Read Question #3 Shall an ordinance entitled, "Town of North Berwick Conditional Use Application Procedure and Conditions Attached to a Conditional Use Zoning Amendment," be enacted? Dwayne stated that this question was a result of the Public Hearing process and a request by Mr. Stambaugh to add a condition that all commercial conditional use applications must have a public hearing as part of the Planning Board's review and allows the Planning Board to require a performance guarantee be established to ensure the compliance of any condition attached to the conditional use permit. Dwayne also read the Planning Board's Statement of Intent for the recommended change.

Questions:

Mrs. Perkins asked what are the reasons behind the zoning changes. Dwayne stated it is to allow for additional commercial opportunities, enhance the local tax base and increase the availability of local employment opportunities in the town. Mrs. Perkins stated then the reason is to grow the town. Dwayne stated yes.

Mr. Barto asked if there was a specific opportunity within the town for the zoning change. Dwayne stated that all parcels within the zone would have the opportunity for commercial uses if the zoning change is approved. Mr. Barto asked if there was one specific parcel of land in the town. Dwayne stated that there is one proposal before the Planning Board, however, there has been interest in other parcels in the new zone such as the old Tilcon property behind the Hurd Manor. Mr. Barto stated then this zoning change is for special interests. It was stated that that would be a matter of opinion.

Ms. Manley stated that would it not be true that currently zoned residential properties would have the option of selling their property either as a residential or commercial property if this is approved. Dwayne stated that is true.

Mrs. Perkins asked if they could still sell as a residential property. Dwayne stated that part of the zoning change is to allow residential uses within the Commercial zones so they could still sell or use as a residential property.

Mr. Perkins asked if the conditions of the roads in the commercial zone have been reviewed. Chairman Hart stated that the roads in the Commercial II zone are state owned and maintained and the Town does not control these roads. Mr. Perkins asked who would be responsible for widening of the road if necessary. Selectman Folsom stated that the MDOT would be responsible as they are State highways.

Mrs. Perkins asked if the new commercial zone extended north on Route 4. Dwayne stated that it is proposed to extend north on Route 4 to just past the Congregational Church. Mrs. Perkins asked if there were plans for future expansion. Dwayne stated that this would have to come from the Planning Board as a future zone change.

Ms. Kleinschmidt asked if Hannaford comes to town, what will be the impact on the values of properties in the area. Chairman Hart stated that this would be hard to predict as some may see it desirous to live near a supermarket while other may not see it as desirous.

There being no further questions, Chairman Hart closed the Public Hearing at 7:25p.m. and thanked all those who attended the hearing and stated that they are invited to stay and watch the remainder of the Selectmen's meeting.

3. Review and Approve Minutes of March 5, 2013

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

4. Public Input:

No Public Input

5. Unfinished Business:

A. FY14: Budget Discussions

Dwayne presented the Board of Selectmen with the final warrant layout as discussed by the Board at the last meeting.

It was moved by Selectman Folsom to approve the warrant as presented for the Annual Town Meeting to be held on April 6, 2013. Selectman Galemme seconded the motion, Vote 5-0 in Favor.

B. Governor's Budget: Resolution in opposition to budget proposal

Dwayne explained that Selectman Galemme had requested that the Board of Selectmen sign a resolution in opposition to the Governor's proposed State Budget. Selectman Galemme and Town Manager Morin have drafted the following resolution for the Board's consideration:

Resolution adopted by the Selectmen of the Town of North Berwick

Whereas, the Governors unprecedented biennial budget proposal places towns in an untenable and uncertain position during their budget planning, and

Whereas, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short in funding local schools at the 55% level passed in referendum; would cut the states reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption and Circuit Breaker Program for anyone under the age of 65; would take \$8 million in truck excise tax revenue from towns; and would change BETE to exempt large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

Whereas, the loss of revenue to the Town of North Berwick is expected to be \$354,300.00 forcing an increase of \$274.50 in property taxes to the average taxpayer; and further that the loss of income to the school district is estimated to cost the average taxpayer an additional \$25; and resulting in a property tax increase to the citizens of North Berwick of approximately 10%, and

Whereas, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes, be it

RESOLVED, the Selectmen of the Town North Berwick calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this regressive tax shift.

Dwayne also presented the Board with his written testimony in opposition of the Governor's budget that he presented to the Taxation and Appropriation committees on Wednesday March 6, 2013 Public Hearing in Augusta.

It was moved by Selectman Galemmo to approve the resolution. The motion was seconded by Selectman Folsom, Vote 5-0 in favor.

C. Foreclosures

Dwayne stated that at the last Board meeting, two properties were foreclosed upon for lack of payment of property taxes. The Board requested Dwayne to contact the individuals to see if they would like to enter into a Land Purchase Installment contract to pay the taxes and fees on the property.

Dwayne informed the Board that Mr. Brian Kennedy has agreed to enter into a Land installment contract to buy back his property located at 110 Wells Street. Dwayne presented the Board with the contract document in which the back taxes of \$5,839.84 will be paid back in 17 payment of \$350.00 due on the 15th of each month. It was moved by Selectman Galemmo and seconded by Selectman Drew to enter into the Land Purchase Installment Contract with Mr. Brian Kennedy as presented. Vote 5-0 in favor.

Dwayne informed the Board that he has not yet heard from the second property owner, Lynn Day. He will try to contact Mr. Day to see if he is interested in retaining the property through a land purchase installment contract.

Reminders: Next Board of Selectmen's Meeting – April 2, 2013 - 6:30 p.m. Municipal Building

6. New Business:

A. Police – Labor Agreement

Dwayne presented the Board with the negotiated Contractual Labor Agreement between the Town of North Berwick and the North Berwick Police Benevolent Association. The terms of the agreement remain the same as last year's labor agreement and is for a period of one year. There are no increases in wages included in the contract other than the step increases.

It was moved by Selectman Galemmo and seconded by Selectmen Folsom to approve the Labor Contract between the Town of North Berwick and the North Berwick Police Benevolent Association. Vote 5-0 in favor.

B. Tax Commitment FY2014: Ratio Declaration and reimbursement application

Dwayne presented the Board with the preliminary State Valuation for the Town of North Berwick following the State Audit that was completed in February. It shows that the Town's overall State Valuation has decreased by \$2,350,000.00 to a total of \$577,050,000.00. The Town's ratio has been determined to be 105%.

Dwayne also presented the Ratio Declaration and reimbursement application prepared by Assessing Agent Craig Skelton declaring that the Town will select the certified ratio of 100% for the ensuing year and that the town has 1060 homestead exemptions totaling \$10,600,000. There have been 30 new applications this year.

It was moved by Selectman Galemmo and seconded by Selectman Folsom to approve the Ratio Declaration and reimbursement application. Vote 5-0 in favor.

C. Cemetery Trustees: Meeting with the Board of Trustee to discuss upcoming season

Dwayne informed the Board the Cemetery Trustees board will not be present for tonight's meeting for various personal reasons. The Cemetery Trustees have inquired with the Town Manager regarding the principal on the cemetery trust funds and this will be addressed through the Town Meeting article to replenish the reserves due to the new mowing contract. The Town Manager also stated that the Trustees will meet with Gilpatrick to try and keep mowing costs contained for the next year by mowing the private cemeteries on a monthly basis instead of weekly.

D. Insurance: Preliminary Bid Packet

Dwayne presented the Board with the preliminary bid packet for the town's property and casualty insurance to be placed out to bid. The 26 page bid packet details the town's insurance needs and requests bids for coverage from July 1, 2013 to June 30, 2014. Dwayne asked the Board what timeframe they wished to have the bids return. The Board stated that mid-May would allow ample time for the bid and for the Board to review and award the bid prior to the end of the fiscal year.

It was moved by Selectman Danforth and seconded by Selectman Galemme to bid out the Town's casualty and property insurance with a due date of May 15, 2013. Vote 5-0 in favor.

E. Mutual Aid Agreement: York County Mutual Aid agreement

York County EMA has been working with the York County Fire and Rescue services to develop a disaster mutual aid agreement for the entire county. After many months, the agreement has been created and is acceptable to all the parties involved. The Board would need to adopt the mutual aid agreement and then the Board, Town Manager, Fire Chief and Rescue Chief can enter into the agreement.

It was moved by Selectman Galemme and seconded by Selectmen Drew to approve the Disaster Mutual Aid agreement for York County. Vote 5-0 in favor.

F. Committee Appreciation Dinner: Letter of Thanks to Spring Hill

Dwayne presented the Board with a letter of thanks to Spring Hill for their hosting of the Committee Appreciation Dinner. Selectman Folsom, who arranged the dinner, requested that a letter of thanks be sent for the excellent job that Spring Hill performed for the Town.

The Letter reads as follows:

Dear Spring Hill:

The Town of North Berwick Board of Selectmen would like to extend our deepest thanks to you and your staff for providing an exquisite setting and dinner for the Town of North Berwick Committee Appreciation Dinner held on March 22, 2013. Your staff was great and the food was excellent and it all added to the overall success of the event. It was enjoyed by all who attended the dinner.

The Town of North Berwick again thanks you for your efforts in making the Committee Appreciation Dinner a success.

Sincerely,

North Berwick Board of Selectmen

It was moved by Selectman Galemmo and Seconded by Selectman Folsom to approve the letter as written. Vote 5-0 in Favor.

G. Forestry Legacy Program – Inclusion of North Berwick in program

Dwayne presented the Board with a letter from the State of Maine Department of Agriculture Conservation and Forestry which detailed the proposed expansion of the Maine Forestry Legacy Program into certain areas of York County including North Berwick. The Forest Legacy Program is a program created by Congress to protect important private forestlands from conversion to non-forest uses. This federally supported program funds up to 75% of the costs for acquisition of land or conservation easements from willing landowners.

The proposed additions are the results of a growing interest by various organization in te York County area working with willing landowners to support continued productive use of important forestlands and protection of important conservation values.

The comment period on the inclusion of the York County Towns ends on April 1, 2013.

7. Other Business:

No other business

8. Review and Approve Warrants and Correspondence:

Warrant: March 19, 2013 - \$ 490,952.92

Warrant: March 26, 2013 - \$ 6,469.16

Selectman Galemmo moved to accept the Warrant of March 19, 2013 for \$490,952.92 and Warrant of March 26, 2013 for \$6,469.16. Selectman Folsom seconded the motion. Vote, 5-0 in favor.

9. Adjournment:

Selectman Galemmo moved to adjourn at 8:05 p.m., Selectman Folsom 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