

**North Berwick Board of Selectmen's Minutes: June 8, 2010**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES JUNE 8, 2010**

**Present:** Chairman Danforth, Selectman Folsom, Selectman MacDougall, Selectman Drew and Selectman Allaire.

**Also Present:** M. Jane Barnum, Steve Barnum, Richard Anderson, Richard Lovejoy, Anne Whitten, Wayne Whitten, Bruce Jordan, Sheila Jordan and Dwayne Morin.

Chairman Danforth opened the Board of Selectmen's Meeting at 6:32 p.m.

The Board of Selectmen addressed a thank you letter to Janet Hooke:

The Town of North Berwick Board of Selectmen would like to extend our deepest thanks to you for the Armed Forces Day Celebration that was held on May 16, 2010. The ceremony was a success thanks to your efforts. Veterans should be proud to know that they have Janet Hooke working as an advocate on their behalf in the Town of North Berwick. Your efforts to have the Route 9 Bridge named in honor of the North Berwick Veterans and to have the Town of North Berwick become a Silver Star Community are commendable.

Selectman Drew moved forward a thank you letter to Janet Hooke, Selectman Allaire seconded a motion. Vote, 5-0

**1. Pledge of Allegiance**

**2. Review and Approve Minutes of May 18, 2010**

Selectman MacDougall moved to accept the minutes of May 18, 2010 as presented, Selectman Folsom seconded a motion. Vote, 5-0

**3. Public Hearing: - PAYT - Bulky Waste - 6:35 p.m.**

Chairman Danforth opened the Public Hearing at 6:35 p.m.

## AMENDMENT TO BULKY WASTE FEE SCHEDULE

The proposed amendment to the Pay As You Throw Regulations is pursuant to Article 8.2. The proposed amendment to Article 5, the Bulky Waste Fee Schedule, is as followed:

<u>Items</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Sheetrock (sheet)	\$2.00	\$3.00
Misc. Items (Extra Small Items)	\$5.00	\$3.00
Over 20# gas tank	\$20.00	\$10.00

All other fees remain unchanged. Copy of the proposed fee schedule is available in the Town Clerk's Office or on the Town's website [www.townofnorthberwick.org](http://www.townofnorthberwick.org)

Chairman Danforth closed the Public Hearing at 6:41 p.m.

Selectman Drew moved to accept the new amendment for the new proposed fee on the three items listed, Selectman MacDougall seconded a motion. Vote 5-0

**4. Public Input:** Chairman Danforth combined Public Input with - C. Code Enforcement.

### **5. Unfinished Business:**

#### **A. Roads and Maine Community Foundation Grant: Update**

Dwayne explained to the Board that the new Flat Iron Park Light Pole will be made of steel with a cast iron base and will still appear old fashion. On June 9, 2010 the Town will order the Flat Iron Park Light Pole and light fixture.

Pike Industries will start pavement on Fox Farm Hill Road on June 14, 2010.

Portland Street base pavement will be placed at the end of June.

The Town Crew is estimating all culverts should be completed June 11, 2010.

When the Town Crew has completed Portland Street they will start construction on Main Street.

The Town is estimating Main Street base pavement to be completed by July 30, 2010.

#### **B. Energy Grant Public: Update**

Dave Cutter is attending the Efficiency Maine Meetings.

**C. Rendell Property:** Update on Repair Progress

The Rendell's will need to enter into an easement agreement with the Town before repairs on the Rendell property can commence.

**D. Medical Marijuana Act:** Planning Board Vote

Dwayne recommended to the Board to adopt the: Ordinance to Establish a Moratorium of the Location and Operation of Medical Marijuana Dispensaries and Sites of Marijuana Cultivation in North Berwick that the Town Attorney has drafted and to be voted on at the November 2, 2010 election.

Selectman Drew moved to accept the recommendation, Selectman Folsom seconded a motion. Vote, 5-0

**E. Personnel:** Policy – Ten Print Requirement, Personnel Policy Amendment

Dwayne recommended the Board adopt the two changes to the Personnel Policy to become effective July 1, 2010.

Pre-Employment Article III – 3.2 Selection: requires Ten Print for all new hire for the Town of North Berwick as well as all volunteers for the Fire and Rescue Department.

Benefits Article VI – 6.18 Vision Insurance: the cost of this voluntary benefit shall be paid by the individual employee.

Selectman Folsom moved to accept Article III and Article VI and changes, Selectman Drew seconded as motion. Vote, 5-0

**Reminders: Next Board of Selectmen's Meeting** - June 22, 2010 - 6:30 p.m. Municipal Building

**6. New Business:**

**A. Rescue:** Purchase of ATV and Accessories and Gifting to the Town of North Berwick

Selectman Folsom moved to accept the gift from the Rescue Squad of the ATV with trailer, Selectman MacDougall seconded a motion. Vote, 5-0

**B. Rescue:** Appointment of Joshua Gagnon as EMT

Selectman Folsom moved to appoint Joshua Gagnon as EMT, Selectman Drew seconded a motion. Vote, 5-0

**C. Code Enforcement: (moved) Shoreland Zoning Violation – Whitten**

June 3, 2010

Anne & Wayne Whitten

REF: ZONING VIOLATION: Clearing of Vegetation within the Shoreland Zone, (Map 13, Lot 43)

On June 2, 2010 Mike Morse (Maine DEP) and I met with Wayne at 121 West First Street, North Berwick Maine in regards to complaints concerning removal of trees and vegetation within the Shoreland Zone. During the walk of the property, it was determined that the vegetation had been removed in violation of the North Berwick Zoning Ordinance Shoreland District Standards, Article 5.2.17n in an area approximately 2500 sq. ft. near a “swim area”.

The DEP recommendation to remedy this violation, which the Town of North Berwick will be enforcing, is as followed:

The 2500 sq. ft. area to be replanted with native plants every 2 feet on center, and the 1000 sq. ft. area to be replanted with native plants every 3 feet on center. In addition, the 1000 sq. ft. area will have three native saplings planted 8-10 feet apart near the middle of this area.

There was discussion concerning the time period to accomplish this request and September 15, 2010 was agreed upon as the completion date.

Mike Morse, Maine DEP, was asked about a possible monetary penalty for the violation and a \$0.00 - \$1,000.00 sum was recommended, with the North Berwick Board of Selectmen determining the final amount.

Please be aware, this is an open violation which must be corrected by the September 15, 2010 completion. Failure to complete the required plantings may result in further monetary penalties.

Sincerely, Lawrence Huntley, CEO

June 8, 2010

Selectmen

Town of North Berwick, Maine

Selectmen,

On June 3, 2010, I sent Wayne & Anne Whitten a Notice of Violation concerning the cutting of vegetation in the Shoreland Zone along Bauneg Lake at their property on West 1<sup>st</sup> Street (Map 13, Lot 43). The letter stated conditions for replanting of vegetation which had been cut by the Whitten's in violation of the Shoreland Zoning Standards of the Town's Zoning Ordinance (Article 5.2.17n)

On Monday June 7, 2010, Mr. Whitten visited my office to inform me of his completion of the requested replanting and I scheduled an appointment to visit the site on Tuesday June 8, 2010 to inspect the plantings for compliance.

On June 8, 2010, I inspected the site for compliance with the replanting requirements and found that Mr. Whitten had planted blueberry plants as well as saplings as were required. There were a few areas in which the plantings were sparse and I have requested additional plantings in those areas. This was agreed to by Mr. Whitten and a follow up visit is planned following the additional plantings.

Throughout the process, Mr. Whitten has been cooperative with my office in remedying the violation found on his property.

Sincerely, Lawrence Huntley, CEO

Selectman Drew moved there be no levied penalty, Selectman MacDougall seconded a motion. Vote, 5-0

Jane Barnum asked that photos regarding this issue be submitted before the Board of Selectmen and be placed on record.

## **7. Other Business:**

Selectman Drew moved to approve two request of vacation time to be brought forward, Selectman Folsom seconded a motion. Vote, 5-0

## **8. Review and Approve Warrants and Correspondence:**

Warrant: May 25, 2010 - \$35,425.02

Warrant: June 1, 2010 - \$11,817.43

Selectman Folsom moved to accept the Warrants of May 11, 2010 in the amount of \$35,425.02 and June 1, 2010 in the amount of \$11,817.43, Selectman MacDougall seconded a motion. Vote, 5-0

**9. Adjournment:**

Selectman Drew moved to adjourn at 8:43 p.m., Selectman Folsom seconded a motion.  
Vote, 5-0

Respectively Submitted:  
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Selectman: Elaine Folsom

Selectman: Jay MacDougall

Selectman: Gregg Drew

Selectman: Authur Allaire