

North Berwick Board of Selectmen's Minutes: October 19, 2010

NORTH BERWICK BOARD OF SELECTMEN MINUTES OCTOBER 19 , 2010

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

Also Present: Craig Skelton, Kerry Briggs and Dwayne Morin.

Chairman Danforth opened the Board of Selectmen's Meeting at 6:35 p.m.

1. Pledge of Allegiance

2. Review and Approve Minutes of October 5, 2010

Selectman Drew moved to accept the October 5, 2010 as corrected, Selectman Folsom seconded a motion. Vote, 5-0

3. Public Hearing: 6:35 p.m. – November Referendum Elections

Selectman Folsom opened the Public Hearing at 6:35 p.m., Selectman MacDougall seconded a motion. Vote, 5-0

Dwayne explained to the Board that there are three questions on the referendum and by law we have to hold a Public Hearing 14 days before the vote.

Referendum Questions 1: To see if the Town will vote to approve the Municipal Officers' Order of Discontinuance of a section of Governor Goodwin Road (formally called Sanford Road), dated October 5, 2010 and filed with the Town Clerk.

Referendum Questions 2: To see if the Town will vote to authorize the Municipal Officers to deed the town's ownership rights of the discontinued section of Governor Road approved in Question 1 to the abutting owners of Governor Goodwin Road.

Referendum Questions 3: To see if the Town will vote to approve the ORDINANCE TO ESTABLISH A MORATORIUM ON THE LOCATION AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES AND SITES OF MARIJUANA CULTIVATION IN NORTH BERWICK as adopted by the Board of Selectmen on June 8, 2010

Selectman Folsom close the Public Hearing at 6:37 p.m., Selectman MacDougall seconded a motion. Vote, 5-0

4. Public Input: No Public Input

5. Unfinished Business:

A. Roads and Maine Community Foundation Grant: Update

The Town Crew has completed Oak Woods Road and Pike Industries will be paving the road.

The Town Crew has been repairing culvert.

The Town Crew will prepare the winter sand after the pavement has been completed on Oak Woods Road.

The Town received FEMA approval:

Roads: Maple Street, Oak Woods Road, Valley Road and Little River Road

Federal: \$12,711.80

State: \$2,542.36

Local: \$1,694.91

Total: \$16,949.06

The State has begun the Central York County Transportation Study and is looking at the State network in the Central Southern Maine area.

B. Planning Board: Nov. 10 Meeting With Board Regarding Mass Gathering Update

The Planning Board has set a date for Wednesday November 10, 2010 at 6:30 p.m. to meet with the Board of Selectmen to discuss the amendments to the Mass Gathering Permit.

C. Election Newsletter: Review Newsletter

The Newsletter will be sent out to the citizens on October 20, 2010.

D. Surplus Equipment: Award Bids on Surplus Equipment

Selectman Drew moved to award the bid for the Ford L800 Jr.'s Trucking to Landscaping and the Swenson Sander to Southern Main Equipment Sales, Selectman MacDougall seconded a motion. Vote, 5-0

Reminders: Next Board of Selectmen's Meeting – Nov. 9, 2010 - 6:30 pm Municipal building

6. New Business:

A. November Election: Sign Town Referendum Warrants

Selectman Folsom moved to sign the Warrant for November 2nd, 2010, Selectman MacDougall seconded a motion. Vote, 5-0

Selectman Drew moved to sign the Referendum Questions for the November Election 1, 2 and 3, Selectman MacDougall seconded a motion. Vote, 5-0

B. SAD 60: Sign Referendum Warrants for SAD 60 Ballot Issue

Selectmen MacDougall moved to sign the Referendum for the SAD 60 Ballot issue. Selectman Allaire seconded motion. Vote, 5-0

C. November Election: Ballot Clerk Elections

Selectman Drew moved to sign the Selectmen's notice for Ballot Clerks; Sharon Litvinchyk, Lorinda Hilton, Sharon Hilton, Susan Linscott, Cynthia Matthews Roy and Suwonneh Wood, Selectman MacDougall seconded a motion. Vote, 5-0

D. SAD 60: Request to Appoint Interim Member

Dwayne explained that he received a letter from the Superintendent of Schools and at the October 7th meeting, the MSAD #60 Board of Directors accepted the resignation of Cindy Roy as a school board member representing North Berwick. Pursuant to Title 20A MRS 1254, they are asking that the selectmen appoint an interim board member until the next municipal election.

The Board of Selectmen will appoint a school board member from the applications submitted.

E. Commitment FY11: Abatements/Supplement and MVR Report

Supplemental #1
PP – Account #186

The Town Assessor explained to the Board that in March of each year I send out to all businesses a request that they provide a list of their personal property that they have in possession on April 1st. A request was sent to both Dunkin Donuts business location on Wells Street as well as the business mailing address.

The business failed to respond to the seasonal request for a list of equipment so on August 4, 2010 a second request was sent certified mail. I reviewed equipment value at Dunkin Donut stores located at nearby communities. The values of 7 local stores were divided by square foot

area of each store to arrive at a value per square foot. The resulting value per square foot was averaged before being applied to the area of the Wells Street Dunkin Donuts.

On September 29, 2010 a Supplemental Tax Notice was sent to Dunkin Donuts notifying the business owner that a value had been established on their behalf. I present to you supplemental #1 for FY2011 in the amount of \$1, 537.45 representing an estimated value of \$141,700 for Dunkin Donuts.

Selectman Drew moved approve Supplemental #1 FY11for Dunkin Donuts for \$1,537.45, Selectman MacDougall seconded a motion. Vote, 5-0

Supplemental #2
PP – Account #187

York County Federal Credit Union reported the value of an ATM located on the premises of Pratt & Whitney at 113 Wells Street after numbers had been finalized for FY2011 commitment. I present to you supplemental #2 for FY11 in the amount of \$760.59 representing a reported value of \$70,100 for York County Federal Credit Union.

Selectman Allaire moved to approve Supplemental #2 FY11 FOR York County Federal Credit Union for \$760.59, Selectman MacDougall seconded a motion. Vote, 5-0

Abatement #1 – FY10 & FY09
Account: 1201

The land area for the Gerhart property located at 3 Varney Road was incorrectly assessed as 7.25 acres.

Selectman Drew moved to allow his tax to be abated for three years, Selectman MacDougall seconded a motion. Vote, 5-0

Finally, I present to you the Municipal Valuation Return upon which reimbursements for programs such as the Homestead Exemption and Tree Growth program are based. The Municipal Valuation Return has been completed and requires the Board of Selectmen's signatures this evening before it can be forwarded to the Maine Revenue Service.

Selectman MacDougall moved to accept the 2010 Municipal Valuation Return form that is presented before us to be forwarded to the State of Maine, Selectman Drew seconded a motion. Vote, 5-0

F. Parks and Rec: Application for Membership

Brina Paquette is requesting to be a member of the Parks and Recreation Commission and she has submitted an application.

There is also a gentleman that is interested as well Beau Lambert and we are waiting for his application to be part of the Parks and Recreation Commission.

Dwayne recommended to the Board is that we have them attend the Board of Selectmen's meeting on November 9, 2010.

Selectman MacDougall moved to table the application for members for the Parks and Recreation; Brina Paquette and Beau Lambert to a meeting on Nov. 9, 2010, Selectman Allaire seconded a motion. Vote, 5-0

G. Parks and Recreation: Tobacco Free Recreation Resolution

Dwayne explained to the Board that there was a new law that went into effect July 1, 2010. It was an amendment to the 1985 Smoke Free Work Place Act and it really strengthen that there be no smoking within a playground, on beaches where there are children, and it allows town's to take greater stance in keeping our recreation facilities smoke free. The student council worked with Kristie and the Parks and Recreation Commission to draft a resolution for the Board of Selectmen to review and hopefully ultimately approve.

The Healthy Maine Partnerships will provide signage for North Berwick at no cost.

Selectman Allaire moved to promote the North Berwick Parks and Recreation as a non-smoking facilities and any properties there of, Selectman Drew seconded a motion. Vote, 5-0

H. Personnel Policy: Amend Policy to Comply with Workplace Smoking Act

Dwayne explained that there was a change in the Work Place Smoking Act in 1985 that went into effect in July 2010. The Healthy Maine Partners sent out to all the towns. One of the big changes is the law says that we need to make sure our Personnel Policy reflect the new law.

The Town of North Berwick:

CURRENT POLICY READS AS FOLLOWS:

ARTICLE XII – SMOKE FREE WORKPLACE

12.1 Smoke free workplace: Pursuant to Title 22 section 1578 – A, no person may smoke tobacco in any area of a publicly owned building. Employees who smoke may do so outside and away from entrance of the publicly owned building. Violation of this section may result in disciplinary action pursuant to section 5.5 of this policy.

There are three Smoke-Free sample policies to choose from:

This Smoke-Free Workplace Policy is rated as GOOD:

No smoking inside buildings, but allows for smoking outside 20 feet away from building.

This Smoke-Free Workplace Policy is rated as BETTER:

It says our facility, the property is smoke-free: the Town Office, Transfer Station, Highway Department and Fire and Rescue Department. If they want to smoke they would have to leave the premise.

This Smoke-Free Workplace Policy is rated as BEST:

It says our facility, the property is smoke-free: the Town Office, Transfer Station, Highway Department and Fire and Rescue Department. If they want to smoke they would have to leave the premise.

The workplace will provide education on the impact of tobacco use with the purpose of raising awareness of the effects of tobacco use.

Dwayne recommended the Smoke-Free Workplace Policy rated as BETTER. It is important that we have smoke-free properties in addition to just smoke-free buildings.

Due to Personnel Policy change the town needs to give employees a 15 day comp period. If this is what the Board requests a memo will be sent out to employees on October 20, 2010.

Selectman Folsom moved that the Smoke-Free Workplace Policy is rated BETTER and that is the one that we adopt to replace the old Article 12, Selectman MacDougall seconded a motion. Vote, 5-0

I. Mass Gathering and Parade Permit: Parks and Rec. Halloween Event

Selectman Folsom moved to grant the Mass Gathering Permit and Parade Permit for the Parks and Recreation Halloween Event, Selectman Drew seconded a motion. Vote, 5-0

7. Other Business:

Dwayne explained that the Bauneg Beg Association was concerned over the 3 foot culvert that use to exist along side of the dam. They wrote a letter to the Commissioner of MaineDOT. The MaineDOT responded to their inquiry and had a professional explain that it really didn't have any barring on the structure or on the water.

Dwayne received a letter from the Southern Maine Agency on Aging with information that they will be stopping one day meal. SMAA will continue to provide Meals on Wheels up to five days per week.

The Auditing will be completed on October 20, 2010. The Auditor will provide a report to the Board in January 2011.

Dwayne met with the Town of Lebanon Board of Selectmen. And they are in the process of going through a Town Manager form of government change. They are talking to different Town Managers around to find out what Town Managers do for a living.

Dwayne provided the Lebanon Board of Selectmen a tour of the North Berwick Town Office.

8. Review and Approve Warrants and Correspondence:

Warrant: October 12, 2010 - \$8,368.40

Warrant: October 19, 2010 - \$566,997.07

Selectman Folsom moved to accept the Warrants of October 12, 2010 in the amount of \$8,368.40 and October 19, 2010 in the amount of \$566,997.07, Selectman Drew seconded a motion.

Vote, 5-0

9. Adjournment:

Selectman Folsom moved to adjourn at 8:27 p.m., Selectman MacDougall 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: Arthur Allaire

