

North Berwick Board of Selectmen's Minutes: February 3, 2009

NORTH BERWICK BOARD OF SELECTMEN MINUTES FEBRUARY 3, 2009

Present: Chairman Danforth, Selectman Whitten, Selectman Drew and Selectman Folsom.

Absent: Selectman Bourbon

Also Present: Brent Tweed, Anita Johnson, Michael Johnson Sr., Michael Johnson Jr., Stephen C. Peasley, Richard Reynolds, Harland Roberts, Nancy Moulton, Jim Moulton, Pat Kearns, Chivette Kearns, Maureen Dileo, Will Deleo, Michael Deleo, Robert Kearns, Leo Harriman, Don Smith, Lincoln Harrison, Chris Kearns, Jenn Kearns, Dan Pelkey, Todd Hoffman, Lorinda Hilton 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 January 20, 2009 & January 27, 2009

Selectman Drew moved to accept the Minutes of January 20, 2009 and January 27, 2009 as written, Selectman Folsom seconded a motion. Vote, 4-0

3. Public Hearing: 6:35 p.m. Comprehensive Plan Update

Chairman Danforth opened the Public Hearing at 6:41 p.m. for the Comprehensive Plan update.

Dwayne explained to the public that the Comprehensive Plan Update started three years ago. The Board of Selectmen had appointed a Committee and then appointed members from each individual Board Committee within the Town of North Berwick to be on that Committee to give assistance. The last Comprehensive Plan that was approved was in 1992. The whole idea behind this update was not to go through a full Comprehensive planning process; but was really to update the policies goals and strategies that the Town has undertaken looking forward the next ten to twenty years. The Committee worked diligently for two and a half years, putting together the 300 or so page

document, a tremendous amount of work went into the redevelopment of the Comprehensive Plan Update. The Comprehensive Plan Update will come before the voters this coming April.

The Committee actually finished their work back in April of 2008 with the anticipation that we would be sent to the State for review. A Public Hearing was held mid summer to get comments on the draft plan there were six comments at the last Public Hearing. The Board went back and amended the draft that created the document that is before us. The Town submitted the proposed Plan to the State of Maine for the required consistency review pursuant to State of Maine Law. The State of Maine Planning Office then undertook a comprehensive review of the Town's Plan addressed the goals established by the State of Maine Legislature. The State Planning Office commended the Town on the proposed Comprehensive Plan in their letter to the Board of Selectmen and the Comprehensive Planning Committee.

The North Berwick's Comprehensive Plan was mention in the States Planning Office newsletter on December 5, 2008 in which the town was commended on how the proposed Comprehensive Plan was crafted. The Planning Office commended the Town on the citizen participation throughout the project, the vivid visioning statements for each chapter of the plan and great strategies to support green business as organic farming, farm-related business and low impact forestry and as well as home occupation and cottage industries.

The Plan is before us and it will be voted on by the citizens on April 4, 2009 at Town Meeting.

Chairman Danforth opened the Public Hearing to the public at 6:45 p.m.

Harland Roberts asked where we stood with the Sanitary District and available usage.

Dwayne answered that the Sanitary District is pretty much at capacity in terms of allotted capacity with little options that are financially feasible for expandability. The Comprehensive Plan takes that into consideration and actually asks the Sanitary District to address increase capacity. They have done some of that by doing some different changes at their plant that have created some additional capacity, but not a whole lot. The Sanitary District is currently operating at 50% capacity; primarily because Pratt & Whitney owns a significant amount of allotted capacity they do not utilize. The Town has been exploring with Pratt & Whitney what they would be willing to offer of their allotted capacity should development come into the Town. The Plan calls for the Sanitary District to try to look at additional and different methods to increase availability.

Don Smith commented that the Farm and Forest lots would increase from 4 acres to 6 acres.

Chairman Danforth replied that is a recommendation within the plan.

Nancy Moulton asked that if the Comprehensive Plan is approved as written does the 6 acres zoning in Farm and Forest go into effect automatically; or is it just then it would be a proposed at their suggestion and then it would be a proposed change.

Dwayne replied that what would happen is that it would have to be a whole other series of public hearing and a whole other series of votes for the Town to actually adopt that.

Chairman Danforth closed the Public Hearing for the Comprehensive Plan at 7:00 p.m.

4. Public Input: No Public Input

5. Unfinished Business:

A. Budget FY2010: Update on Budget Committee Deliberations

Dwayne discussed with the Board that he met with the Budget Committee on February 2, 2009 to discuss the budget for this coming year.

The Town is participating in the Maine Power Options Fuel Oil Bid that the Town has done in years past. The Town received three bids for this past year and the low bid came from Webber Energy Commercial Bid with a rack plus 19 ½ cents.

The Town was able to secure the ability to dispose of paper and cardboard at no cost from the Transfer Station to North Bellerica in Massachusetts.

The Budget Committee will continue deliberations. The Budget Committee Meetings next week are Monday February 9, 2009 and Wednesday February 11, 2009.

B. Curfew Ordinance: Continued Discussion on Curfew Ordinance

Dwayne explained that most Curfew Ordinances are similar across the State. Chief Peasley drafted a Curfew Ordinance using features from other Town's Curfew Ordinances that he obtained and put together a proposed Curfew Ordinance for the Town of North Berwick to replace the existing Curfew Ordinance.

Don Smith asked what problem the Curfew Ordinance intends to solve.

Chairman Danforth answered that there has been vandalism downtown by kids congregating in different areas which ended up being costly to the Town in damages. The Board is looking into broadening the Curfew Ordinance that brings it into some level of conformity with what other Town's are doing.

Dwayne explained that the last time the Curfew was updated was in 1980 and since then a lot of laws and prosecutions have changed since that time. The idea was to bring it up to more modern standard.

Brent Tweed asked what the current curfew is.

Dwayne answered that the current curfew is 9:15 p.m. and no one under the age of 17 is allowed to be out after 9:15 p.m... The revised curfew would have specific guidelines that would be followed.

Chief Peasley explained the proposed draft Curfew Ordinance for the Town of North Berwick.

Chapter 10

CURFEW ORDINANCE OF THE TOWN OF NORTH BERWICK

Section 10.1 Definitions

The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, unless the context of their usage clearly indicates another meaning.

Curfew Hours – Shall be between the hours of 10:00pm and 6:00am the following day.

Emergency- An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but is not limited to fire, natural disaster, vehicular accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Guardian- The person / persons or public or private agency that either pursuant to a court order or voluntary placement by the minor's parent is the guardian of the minor.

Minor- Any person under age of 18.

Parent- The natural mother or father or stepmother or stepfather of a minor.

Public Place- Any place to which the public or a substantial group of the public has access and includes, but is not limited to, sidewalks, streets, highways, common areas of schools, businesses, parking lots and public parks/fields.

Remain- Means to linger, stay or fail to leave when requested to do so by a police officer or any other person who has control of the premises.

Section 10.2 Offenses

- A. Minors commit a civil violation if they remain in any public place during the curfew hours.
- B. Parents or guardians of a minor commit a civil violation if they knowingly permit or by insufficient control allow the minor to remain in any public place during the curfew hours.

Section 10.3 Defenses

It is a defense to prosecution under section 10.2 of this ordinance that the minor was:

- A. Accompanied by the minor's parent, guardian or spouse.

- B. On an errand at the direction of the minor's parent or guardian, without any detour or delay.
- C. In a motor vehicle involved in inter or intrastate travel.
- D. Engaged in employment activity or going to or coming from employment activity without detour or stop.
- E. Involved in an emergency.
- F. The minor was on the sidewalk in front of where or she resides.
- G. Attending an official school or religious activity.
- H. Attending a recreational activity supervised by adults.

Section 10.4 Enforcement

Upon determining that a violation of the Town of North Berwick's curfew ordinance has occurred the officer shall take the following action against the minor or parent/guardian or both:

- A. First offense a documented warning shall be issued to all violators and the officer shall explain the town's curfew ordinance to them.
- B. Second and subsequent offenses the officer may issue a civil summons to the violators.

Section 10.5 Penalties

A person who violates this ordinance and is issued a civil summons will pay a fine of \$25.00 for the first summons and \$100 for all subsequent charges. The police department may waive the fine in lieu of community service providing there is some community service available.

Selectman Folsom moved to place on the Referendum: The Curfew Ordinance of the Town of North Berwick as written, Selectman Drew seconded a motion. Vote, 4-0

Reminders: Next Board of Selectmen's Meeting-February 24, 2009-6:30 p.m. Municipal Building
 Budget Committee Meeting – February 9, 2009 – 6:30 p.m. Municipal Building
 Budget Committee Meeting – February 11, 2009 – 6:30 p.m. Municipal Building
 Budget Committee Meeting – February 23, 2009 – 6:30 p.m. Municipal Building

5. New Business:

A. Budget Committee: Interview of Brent Tweed for Vacancy

Selectman Whitten asked what brought you to want to be on the Budget Committee.

Brent Tweed replied that I would like to participate and give back to the community.

Selectman Folsom moved to accept Brent Tweed to fill Harland Roberts's vacancy on the Budget Committee, Selectman Whitten seconded a motion. Vote, 4-0

B. Police Department: IMC Conversion Update

Chief Stephen Peasley explained that in July, 2008 the Police Department switched over from Vision Mobile to IMC. The training to convert to IMC was a lengthy process. The Police Department had hired a computer technician to help with conversion process. Chief Peasley asked Sergeant Kearns to take on the IMC Software project. This IMC Software project was a huge project. Sergeant Kearns has worked on the IMC software project on his own personal time. The Police Department saved money by not having to call in a computer technician all the time. When there is a problem with the IMC it goes to Sergeant Kearns. Since Sergeant Kearns took over the project things have been running very smooth and has kept the Police Department updated on changes. IMC has been a great investment for the Department; our records have never been so accurate or accessible.

Chairman Danforth presented Sergeant Kearns with a plaque of gratitude on behalf of the Board of Selectmen for his outstanding efforts in regards to the IMC computer conversion for the police department. In appreciation the Town of North Berwick and the Board of Selectmen wish to recognize Sgt Robert Kearns for the many volunteered hours he spent working with the computer and training the staff.

C. Planning Board: Resignation of Scott Strynar

Selectman Drew moved to accept the resignation of Scott Strynar, Selectman Folsom seconded a motion. Vote, 4-0

6. Other Business:

Selectman Whitten spoke with the Board about this years Town Meeting Pancake Breakfast, stating that she will need to ask the Board for help as her health will not allow her to continue organizing the breakfast as she has done in the past. Chairman Danforth stated that the Board would do what it can to see that the breakfast takes place. Selectman Whitten also noted that Chairman Danforth and Jay McDougall have always been in the kitchen helping during elections. She stated that the Board agreed that anyone who is running for office need to be out in the public during voting hours and not in the kitchen.

Selectman Whitten will place the Town Meeting breakfast on the Town of North Berwick's Web site.

Dwayne will provide space in the Town of North Berwick's Newsletter for the Farmers Market survey of interest from citizens.

7. Executive Session: Personnel 1 MRSA 405(6)(a)

Selectman Whitten moved to go into Executive Session Personnel 1 MRSA 405(6)(a) from 7:40 p.m. to 8:07 p.m., Selectman Folsom seconded a motion. Vote, 4-0

Selectman Whitten moved to come out of Executive Session at 8:07 p.m., Selectman Folsom seconded a motion. Vote, 4-0

Selectman Drew moved to uphold the Town Manager's decision in regards to a personnel complaint and to provide the complainant a notice of this decision in accordance with Town Policy, Selectman Folsom seconded a motion. Vote, 4-0

8. Review and Approve Warrants and Correspondence:

Warrant: January 27, 2009 - \$4,711.72

Warrant: February 3, 2009 - \$34,915.05

Selectman Folsom moved to accept the Warrants of January 27, 2009 for \$4,711.72, and February 3, 2009 for \$34, 915.05, Selectman Whitten seconded a motion. Vote, 4-0

9. Adjournment:

Selectman Whitten moved to adjourn at 8:10 p.m., Selectman Folsom seconded a motion. Vote, 4-0

Respectively Submitted:
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Selectman: Anne Whitten

Selectman: Anthony Bourbon

Selectman: Elaine Folsom

Selectman: Gregg Drew