

North Berwick Board of Selectmen's Minutes: February 24, 2009

NORTH BERWICK BOARD OF SELECTMEN MINUTES FEBRUARY 24, 2009

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

Also Present: Richard Belmain, Janet Belmain and Dwayne Morin.

Chairman Danforth opened the Board of Selectmen's Meeting at 6:41 p.m.

1. Pledge of Allegiance

2. Review and Approve Minutes of February 3, 2009

Selectman Drew moved to accept the Minutes of February 3, 2009, Selectman Folsom seconded a motion. Vote, 4-0-1

3. Public Input: No Public Input

4. Unfinished Business:

A. Roads: Ice Storm – FEMA Declaration

Dwayne has met with FEMA and the town's ice storm preliminary costs to date equals approximately \$92,200.00. FEMA will pay 75% of that total cost. The state is anticipated to pay 15% of the total cost and the town will be responsible for 10% of the total cost. The town will receive approximately \$69,000.00 reimbursement from FEMA, which is called part one.

This reimbursement will go back into winter highway. The part two phase will take place in the spring when FEMA will travel through the town and evaluate the wood and debris cleanup. Dwayne discussed with FEMA that the town would like to do a cleanup similar to the storm a few years ago. The town would be divided into three areas and hire contractors to clean the road sides. FEMA would need to approve the wood and debris cleanup plan for the town of North Berwick prior to beginning the clean-up.

Dwayne provided the Board with a progress report summary spreadsheet of expenditures for the 2008 ice storm.

B. Maine Labor: Transfer Station Inspection

Dwayne received a letter on February 5, 2009 from the Bureau of Labor Standards and they have reduced that the Town of North Berwick's Transfer Station violations to \$0.00

C. Town Meeting: Referendum Questions

The Town of North Berwick Referendum Questions-Annual Town Meeting-April 4, 2009.
(Attorney Approved)

Question #1: Shall the Town of North Berwick adopt the 2008 Comprehensive Plan Update prepared pursuant to the State of Maine Growth Management Law and dated August 18, 2008?

Question #2: Shall an ordinance entitled, "An Ordinance amending Section 2.7(E) of the North Berwick Street Design & Construction Ordinance to clarify the street connection requirements for a subdivision with fifteen or more dwelling units," be enacted?

Town of North Berwick Street Design & Construction Standards Ordinance

Amendment proposed to change Article 2.7(E)

Currently Reads:

Any subdivision containing fifteen dwelling units or more shall have at least two North Berwick street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street serving fifteen dwelling units or more shall have at least two North Berwick street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

Proposed amended language:

Any subdivision containing fifteen dwelling units or more shall have at least two street connections with existing public (Town accepted or State Routes) streets or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. At a minimum,

one of the street connections must be within the geographic boundaries of North Berwick, a hammerhead turn around shall be provided within the geographic boundaries for road maintenance and school bus turn around. The hammerhead turn around requirement may be waived by the Road Commissioner if an alternate turn around for traffic movement is available.

Intent:

To clarify the connection requirements to tow streets should the subdivision contain fifteen or more dwelling unites. This amendment would require at least one of the connections be geographically within the Town of North Berwick. The second connection does not have to meet that requirement. It also provides the ability for the Town to have the developer provide for a road maintenance and school bust turn around within the geographic limits if North

Question #3: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Livestock and Animal Breeding and Care,” be enacted?

Proposed Definition Additions:

Livestock--- Domesticated animals, reared in an agricultural setting for sustenance or labor. This term shall include poultry.

Animal breeding and care---The keeping and raising of animals including but not limited to fowl, for any non-commercial use. This term shall not include Household pets.

Question #4: Shall the Town of North Berwick adopt the amended Resource Protection District Map dated April 2009 and developed pursuant to the State of Maine Mandatory Shoreland Zoning Law?

Question #5: Shall an ordinance entitled”An Ordinance amending the Curfew Ordinance of the Town of North Berwick” be enacted?

Currently Reads:

Chapter 10

Section 1 Curfew:

No person or persons of 17 years of age or under shall be on or remain on the streets or ways of North Berwick after 9:15 p.m. unless accompanied by a parent or guardian. Violators shall, upon conviction, be subject to a fine of not less than \$25.00. York County Court System shall have jurisdiction of all offenses hereunder, subject to exception and appeal as provided by law.

Proposed to read**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.

Town Attorney recommended that the District Attorney review the Curfew Ordinance.

A Public Hearing will be held on the Referendum Questions on March 17, 2009.

D. Budget FY10: Review of Budget Committee Recommendations

Dwayne provided the Board of Selectmen with a spreadsheet of the Budget Committee recommendations to review thus far, as well as all the Budget Committee Minutes.

The Board of Selectmen will sign the draft warrant on March 3, 2009.

Reminders: Next Board of Selectmen's Meeting-March 3, 2009-6:30 p.m. Municipal Building
Budget Committee Meeting – March 2, 2009 – 6:30 p.m. Municipal Building

5. New Business:

A. Town Report: Award Bid Town Report

The Town received three bids for the town report printing: Lincoln Press, Bangor Letter Shop and Select Print Solutions. Select Print Solutions was the lowest bidder.

Selectman Whitten moved to go with Select Print Solution for a bid of \$5,044.00, Selectman Bourbon seconded a motion. Vote, 5-0

B. Electrical Cost: Review Proposal from Glacial Energy

Dwayne discussed that he has been looking at ways to save money on the town's electrical cost.

Dwayne provided Glacial Energy with copies of all electrical bills. Glacial Energy did an analysis to see if they could save the Town money. Glacial Energy stated that they could save the Town approximately \$8,000.00 next year.

Selectman Drew moved to go with Glacial Energy, Selectman Bourbon seconded a motion. Vote, 5-0

C. Health Insurance: Review of Insurance Options

Dwayne discussed with the Board that he has reviewed a proposal from TD Bank. Dwayne has met with a representative and is waiting for quote on their insurance plan.

Selectman Bourbon asked if there were any issues with the current policy.

Dwayne replied that it is more of a cost savings ideas and he is not sure what the insurance will cover or if will be beneficial for the Town of North Berwick.

Janet Belmain discussed that she has a spreadsheet handouts for each of the Board members. The first part of the handout is my opinion of what MMA has done for the town, how it takes care of its people and how if we have any problems we call them and they get in touch with Anthem and they solve the problem and get back to us. They have been very good for me in my transition from being an employee to a retiree.

Dwayne has not received any information to date on the optional insurance plan cost or coverage.

D. Planning Board: Dennis Hartigan Resignation

Selectman Drew moved to accept Dennis Hartigan resignation, Selectman Folsom seconded a motion. Vote, 5-0

E. Police Department: Appointment of Keith Page as Reserve Officer

Chief Peasley recommended Keith Page as a reserve officer for the Town of North Berwick.

Selectman Whitten moved to accept the recommendation of Keith Page as a Reserve Officer for the Police Department, Selectman Folsom seconded a motion. Vote, 5-0

6. Other Business:

Selectman Bourbon inquired about the Dog Ordinance in the Town of North Berwick.

Dwayne explained that in regard to the Dog Ordinance that a resident would call the Police Department with a complaint. The Police Department will look into the resident's complaint regarding a dog being a nuisance.

Dwayne discussed with the Board that Allan Gray has given the town a quote on the Mill Field Gazebo. There are lights and electrical wiring issues at the Highway Garage that needs to be looked into.

The Census Bureau will be using the meeting room at the Municipal Building during the week of April 13th through April 17th to do census training.

Selectman Whitten spoke with John Couture at the Noble High School about the pancake breakfast and he said that everything was all set.

The Board had discussed at the last meeting is that anyone who is running for office need to be out in the public during voting hours and not in the kitchen.

Chef John Couture needs someone to come in and have lesson on how to clean the grill. Selectman Drew volunteered to meet with Mr. Couture

Selectman Folsom spoke that the Town Garage roof needs to be insulated.

Review and Approve Warrants and Correspondence:

Warrant: February 10, 2009 - \$8,928.02

Warrant: February 17, 2009 - \$424,208.91

Warrant: February 24, 2009 - \$29,483.14

Selectman Folsom moved to accept the Warrants of February 10, 2009 for \$8,928.02, February 17, 2009 for \$424,208.91 and February 24, 2009 for \$29,483.14, Selectman Whitten seconded a motion. Vote, 5-0

9. Adjournment:

Selectman Whitten moved to adjourn at 9:00 p.m., Selectman Folsom seconded a motion. Vote, 5-0

Respectively Submitted:
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Selectman: Anne Whitten

Selectman: Anthony Bourbon

Selectman: Elaine Folsom

Selectman: Gregg Drew