

North Berwick Board of Selectmen's Minutes: March 17, 2009

NORTH BERWICK BOARD OF SELECTMEN MINUTES MARCH 17, 2009

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

Also Present: Bruce Hanson, Erin B. Hanson, Kim Parker, Carol A. Lohrmann, Stacy Bradburn, Todd Hoffman, Harland Roberts, Barry Abbott, Ann Stevenson, Ryan McCabe, Mike Ryan, Beth Sweet, Stephen C. Peasley, Kristie Michaud, Nikki Michaud, Glenn Thompson, Fred Perkins and Dwayne Morin.

Chairman Danforth opened the Board of Selectmen's Meeting at 6:34 p.m.

1. Pledge of Allegiance

2. Review and Approve Minutes of March 3, 2009

Selectman Whitten moved to accept the Minutes of March 3, 2009, Selectman Drew seconded a motion. Vote, 5-0

3. Public Hearing: 6:35 p.m. Town Meeting Referendum Questions

Chairman Danforth opened the public hearing at 6:35 p.m.

Dwayne explained the five referendum questions to the attending public.

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 19, 2008?

Dwayne explained the history of the planning of this 10-year Comprehensive Plan.

No questions from the attending public.

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?

Dwayne explained that this ordinance would clarify that when a subdivision with fifteen or more dwelling units needs to have at least one road connected to a North Berwick road, and if the other road connects to another town other than North Berwick then that road shall have a hammerhead turn around at the town line large enough for a school bus and a plow truck.

No question from the attending public.

3. Shall an ordinance entitled, “An Ordinance Amending Section 3.3 of the Zoning Ordinance to define Livestock and Animal Breeding and Care,” be enacted?

Dwayne explained that this ordinance is to provide a definition of the two terms, which are currently undefined in the Zoning Ordinance.

No question from the attending public.

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

Dwayne explained that the Town voted in the State of Maine Mandatory Shoreland Zoning Law at the last Town Meeting. The amended Resource Protection Districts Map coincides with this law.

No question from the attending public.

5. Shall an ordinance entitled, “An Ordinance amending the Curfew Ordinance of the Town of North Berwick,” be enacted?

Dwayne explained that the town has seen an increase of vandalizing, which has cost the town, businesses, and homeowner’s money in the past. A curfew has been on the books, this ordinance will comply with existing state law.

Questions from the public:

Will this law be seasonal? Dwayne explained that this is not a seasonal law. It appears that most of the vandalism is in the winter months.

Are parents responsible for damages? Yes, if prosecuted and the town wins then the town will receive restitution.

Chairman Danforth closed the Public Hearing at 6:58

4. Public Input: No Public Input

5. Unfinished Business:

A. Budget FY10: Review of Budget Committee Recommendations

No discussion

B. Budget FY10: (moved) Discussion with Library Trustees Regarding Library Budget

At the last Board of Selectmen's meeting the Board voted 4-1-0 to flat fund the Library's budget, though the Library requested a \$10,881.00 increase over last years request. The argument, made by Selectman Bourbon, was that the Board of Selectman and the Town Manager requested the Library to come to the Board of Selectmen to explain the increase. The Trustees did not respond to this request.

The Library's budget was on the agenda at the Budget Committee Meeting following the Board of Selectmen's meeting. At that meeting the Trustees were informed that the Board of Selectmen had flat funded their budget, and they were informed that the Selectmen had requested that the trustees go to the March 17th Board of Selectmen's meeting.

The Trustees attended the meeting and explained that they were not aware of the Board of Selectmen's request to be at previous meetings. The only meeting they were aware of was the Budget Committee meeting. If they were aware they would have attended.

Selectman Whitten asked the Selectmen to reconsider the previous vote to flat fund the Library and to grant their request for the increase. Since she voted against the vote to flat fund the request she cannot make the motion to reconsider.

Selectman Bourbon stated that the previous vote got the attention of the Trustees and they came before the Board of Selectmen to justify their request.

Selectman Bourbon moved to reinstate \$10,863.00 and to be paid \$4,863.00 out of taxation and \$6,000.00 through undesignated surplus, and asks the Library to take a hard look at that Library, and use the \$6,000.00 this year, and to look at things that absolutely need to be taken care of, which will get us through a year. We have mended the fence of communication, and we will have opportunity as we approach next year, and as things come up to discuss, and see if we want to take care of that through taxation only, and bring them back to their requested fund, Selectman Folsom seconded a motion. Vote, 5-0

C. Town Meeting: Sign Warrant for Town Meeting, Referendum Warrants

The Board signed the Warrant for Town Meeting Referendum Warrants.

D. Town Meeting: Appoint Ballot Clerks – Sharon Litvinchyk, Lorinda Hilton, Kathy Pease and Louise Coffin

Selectman Whitten moved to appoint Sharon Litvinchyk, Lorinda Hilton, Kathy Pease and Louise Coffin as Ballot Clerk, Selectman Folsom seconded the motion. Vote, 5-0

The Board signed the Ballot Clerk Appointment papers.

Reminders: Next Board of Selectmen's Meeting-April 7, 2009-6:30 p.m. Municipal Building
Town Meeting – April 4, 2009 – 1:30 p.m. Noble High School

6. New Business:

A. FY07 Tax Commitment: Foreclosed Property List

Dwayne explained there are two foreclosures to bring before the Board, account 1143 and account 995.

The owners of account 995 have not responded to notices from the Town of North Berwick.

The owner of account 1143 notified the town that he would like to come before the Board to redeem his property.

Michael Ryan requested that the Board of Selectmen allow him to redeem his property. Dwayne explained to the Board that the Code Enforcement Officer has requested that Mr. Ryan clean up his property where a fire broke out. He further explained that if the Board allowed Mr. Ryan to redeem his property and Mr. Ryan does not clean up his property then the town will incur financial bills for attorney fee to force Mr. Ryan to clean his property.

Selectman Bourbon stated that he has known Mr. Ryan all of his life and believes that Mr. Ryan's word is good and offered that the Board redeem Mr. Ryan's property and asked Mr. Ryan if he would sign an agreement stating that if he did not clean up his property in the time allotted by the Code Enforcer that he would pay for all attorney and court cost incurred by the Town should they have to legally go after Mr. Ryan to clean up his property.

Selectman Drew moved not to retain property, Selectman Folsom seconded a motion.
Vote, 4-0-1

Selectman Drew moved to direct the Code Enforcement Officer and to enter into a consent agreement with Mike Ryan for the clean up of the property to occur no later than April 15, 2009; if it does not occur before April 15, 2009 then Mike Ryan is subject to all legal fees associated with the Town to reclaim the property, Selectman Bourbon seconded a motion. Vote, 4-0-1

Selectman Drew requested that Dwayne send out the police to the property of account 995 to serve notice to the owners before the Town takes any action on the property.

Selectman Drew moved to table Porper property, Selectman Folsom seconded a motion.
Vote, 5-0

B. Dispatch: Discussion on Dispatch Services

Dwayne explained that the Dispatch issue has come up again.

The town's contract with DPS expires June 30, 2009. North Berwick must inform DPS by May 1, 2009 whether it will renew its contract with DPS.

DPS-Gray will increase its rates for the new contract. North Berwick's rates will increase by \$.02. The other 10 towns that contract with DPS went up from \$1.04 to \$6.34. Because of this increase the some of the other 10 towns, who all agreed to contract with DPS- Grey, are looking into changing to Sanford's dispatch. This would not be cost effective for the Town of North Berwick.

Dwayne and the Chief of Police will be going to informational hearings with the other 10 towns to see where this will all go.

C. Police Department: Cruiser Accident

One of the police cruisers was involved in an accident. While traveling south on Route 4 the officer was passed by a speeding vehicle heading North on Route 4. The officer pulled a U Turn clipping the bumper of another vehicle. Dwayne will inform the Board on the outcome of the accident report.

D. General Assistance: Adoption of New Food Maximums

The Board was asked to vote to accept the new Food Supplement amounts that go into effect on April 1, 2009. The change is because of the Stimulus Bill signed by President Obama on February 17, 2009.

Selectman Whitten moved to accept the New Foods Maximums, Selectman Folsom seconded a motion. Vote, 5-0

E. Mill Field: Electrical Repair

Gray and Osgood gave Dwayne a proposal to replace electrical service and branch wiring to meet NEC Code on the Gazebo at the Mill Field for the total of \$2,900.00, which does not include the enclosure that will house the new electrical system.

Selectman Drew moved accept the bid from Allan Gray to replace the electrical service and branch wiring NEC code but not to exceed \$3,500.00 , Selectman Folsom seconded a motion.
Vote, 5-0

7. Other Business:**8. Review and Approve Warrants and Correspondence:**

Warrant: March 10, 2009 - \$13,295.76

Warrant: March 17, 2009 - \$433,588.25

Selectman Whitten moved to accept the Warrants of March 10, 2009 for \$13,295.76 and March 17, 2009 for \$433,588.25, Selectman Folsom seconded a motion. Vote, 5-0

9. Adjournment:

Selectman Whitten moved to adjourn at 10:45 p.m., Selectman Bourbon seconded a motion. Vote, 5-0

Respectively Submitted:
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Paul Danforth

Selectman: Anthony Bourbon

Selectman: Elaine Folsom

Selectman: Gregg Drew

Selectman: Jay MacDougall