

North Berwick Board of Selectmen's Minutes: April 1, 2008

NORTH BERWICK BOARD OF SELECTMEN MINUTES APRIL 1, 2008

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

Also Present: Craig Skelton, Ryan McCabe, Stephen C. Peasley, James Moulton, Gregg H. Drew and Dwayne Morin.

Chairman Moulton opened the Board of Selectmen Meeting at 6:30 p.m.

The Town Manager and the Board of Selectmen presented Chairman Moulton with a cake on her last meeting as a Selectman thanking for her outstanding service to our community.

1. Pledge of Allegiance

2. Review and Approve Minutes of March 18, 2008

Selectman Danforth moved to accept the Minutes of March 18, 2008 as written, Selectman Folsom seconded the motion. Vote, 5-0

3. Public Input: No Public Input

4. Unfinished Business:

A. Fiscal Year 09: Town Meeting Discussion

Dwayne and the Board of Selectmen discussed preparations for Town Meeting.

B. Foreclosures: Foreclosure Update

Dwayne informed the Board that 3 of the 4 foreclosures have been redeemed; the fourth is being represented by Pine Tree Legal.

C. Employee Surveys: Survey Employees

The Employee Survey was to be placed in paycheck envelopes, but since a portion of the paychecks will not go out for a while, the Board decided to mail the survey to the employees.

D. Police: IMC Conversion Update

Dwayne updated the Board on the Police Departments ICM conversion.

Reminders: Next Board of Selectmen's Meeting-April 15, 2008-6:30 p.m. Municipal Building

5. New Business:

A. Maine Power Reliability: Proposes Legislation

Dwayne explained to the Board that all Municipalities received a proposal from Central Maine Power that they are proposing to the Legislature a new State Law and they want your option on one of the two proposals.

The first proposal would be that Central Maine Power be waived from all town zoning laws pertaining to set backs and height requirements.

Dwayne explained that the Planning Board accepted the second proposal: That Central Maine Power would work with the North Berwick Planning Board.

Dwayne asked the Board of Selectmen if they had any input before he sends a letter to MMA.

The Town Manager and the Board of Selectmen discussed the Maine Power Reliability Program. The Board of Selectmen agreed to accept Option B.

Selectman Whitten commented that her concern is the waiver of setbacks. The setback rule currently is the height of the pole.

Selectman Bourbon suggested a minimum setback of fifteen to twenty feet from the property line.

Dwayne will respond to MMA addressing the Boards concerns.

Maine Power Reliability Program
Draft Statutory Language

An Act to Clarify that Electrical Power Transmission and Distribution Lines and Structures are not Subject to the Dimensional and Use Prohibition of Municipal Land Use Ordinances

Option A:

Section 1. 30-A M.R.S.A. §4352 is amended as follows:

4-A. Electrical Power Transmission and Distribution Lines and Structure. Electrical power transmission and distribution lines and structure, including guy wires and anchors, are not subject to the dimensional standards or any use prohibitions contained in municipal land use ordinances. As used in this subsection, “dimensional standards” means and is limited to ordinance provisions relating to lot size, lot area, lot coverage, frontage, setback, and height requirements.

Option B:

Section 1. 30-A M.R.S.A. §4352 is amended as follows:

4-A. Electrical Power Transmission and Distribution Lines and Structures. Electrical power transmission and distribution lines and structures, including guy wires and anchors, within or adjacent to existing transmission or distribution corridors are not subject to the dimensional standards or any use prohibitions contained in municipal land use ordinances. As used in this subsection, “dimensional standards” means and is limited to ordinance provisions relating to lot size, lot area, lot coverage, frontage, setback, and height requirements.

Section. 2. 38 M.R.S.A. §439-A (4) is amended as follows:

Notwithstanding and provision in a local ordinance to the contrary, all new principal and accessory structures and substantial expansions of such structures within the shoreland zone as established by section 435 must meet the water setback requirements approved by the board, except functionally water-dependent uses no electric power transmission and distribution lines and structures, including guy wires and anchors. For purposes of this subsection, a substantial expansion of a building is an expansion that increases either the volume or floor area by 30% or more. This subsection is not intended to prohibit a less than substantial expansion of a legally existing nonconforming structure, as long as the expansion does not create further nonconformity with the water setback requirement.

Explanatory Statement

This Act provides that electric power transmission and distribution lines and structures, including poles, towers, and appurtenances such as guy wires and anchors are not subject to the dimensional standards or use prohibitions of a municipality’s land use ordinance, as that term is

defined in 30-A M.R.S.A. § 4301(8). The Act also clarifies that because electrical power transmission and distribution lines are needed to provide an essential service to multiple communities, because the transmission of electrical power requires linear transmission corridors that consist of multiple parcels of property, and because it is in the public interest to limit the amount of property to be acquired from private landowners for essential services, as well as to optimize utilization of existing transmission line corridors and limit potential environmental impacts, it is appropriate to clarify that electrical power transmission and distribution lines, structure, and appurtenance are not subject to municipal dimensional standards and use prohibitions. The Act will not exempt these lines, structures, and appurtenance from obtaining any other necessary approvals under a municipality's land use ordinance.

B. Town Manager: Employment Agreement

C. Commitment FY08: (moved) Supplementals

Craig Skelton (Town Assessor) discussed the Board Supplementals for FY08.

- Supplementals #9: \$3,116.80

Map 007, Lot 045 – Account #1072

Selectman Whitten moved to accept Supplemental #9, Map 007, Lot 045 – Account #1072 in the amount of \$3,116.80, Selectman Folsom seconded a motion. Vote, 5-0

- Supplementals #10: \$2,509.40

Map 007, Lot 049 – Account #1073

Selectman Whitten moved to accept Supplemental #10, Map 007, Lot 049 – Account #1073 in the amount of \$2,509.40, Selectman Folsom seconded a motion. Vote, 5-0

- Supplementals #11: \$2,500.00

Map 010, Lot 015 – Account #687

Selectman Whitten moved to accept Supplemental #11, Map 010, Lot 015 – Account #687 in the amount of \$2,500.00 and to invite Account #687 come in to discuss with the Board the additional penalty, Selectman Bourbon seconded a motion. Vote, 4-0-1

- Supplementals #12: \$21,450.00

Map 010, Lot 020 – Account #690

Selectman Whitten moved to accept Supplemental #12, Map 010, Lot 020 – Account #690 in the amount of \$21,450.00 and to invite Account #690 come in to discuss with the Board the additional penalty, Selectman Bourbon seconded a motion. Vote, 4-0-1

D. Ledgewood Properties: Consent Agreement for Subdivision Violation

Selectman Danforth moved to authorize the Town Manager and the Code Enforcer Officer to sign a consent agreement between North Berwick and Ledgewood Properties LLC, Selectman Folsom seconded a motion. Vote, 5-0

7. Other Business:

Selectman Whitten moved to approve; Lorrinda Hilton, Sharon Litvinchyk, Kathleen Pease and Susan Linscott as Ballot Clerks, Selectman Bourbon seconded a motion. Vote, 5-0

8. Executive Session - Personnel – MRSA 406 (6) (D)

Selectman Whitten moved to go into Executive session at 8:15 to 8:27 p.m., Selectman Danforth seconded a motion. Vote, 5-0

Selectman Whitten moved accept Dwayne Morin as Town Manager for a five-year term from July 2008 to June 2013, Selectman Bourbon seconded a motion. Vote, 5-0

9. Review and Approve Warrants and Correspondence:

Warrant: March 25, 2008 - \$33,106.04

Warrant: April 1, 2008 - \$8,308.64

Selectman Folsom moved to accept the Warrants of March 25, 2008 for \$33,106.04 and April 1, 2008 for \$8,308.64, Selectman Danforth seconded a motion. Vote, 5-0

10. Adjournment:

Selectman Whitten moved to adjourn at 8:30 p.m., Selectman Danforth seconded a motion. Vote, 5-0

Respectively Submitted:
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Nancy Moulton
Vice-Chairman: Paul Danforth

Selectman: Anne Whitten

Selectman: Anthony Bourbon

Selectman: Elaine Folsom