

**North Berwick Board of Selectmen's Minutes: March 20, 2007**

**NORTH BERWICK BOARD OF SELECTMEN MINUTES MARCH 20, 2007**

**Present:** Chairman MacDougall, Selectman Abbott, Selectman Whitten, Selectman Moulton, and Selectman Danforth.

**Also Present:** Dale Clock, Michael Johnson Jr., Michael Johnson Sr., Bob Glidden, Nancy E. Cook, Joe Marion, John Philbrick, Roger Littlefield, R. Todd Hoffman and Dwayne Morin.

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

**1. Review and Approve Minutes of March 6, 2007 (moved)**

Selectman Moulton moved to accept the Minutes of March 6 2007, Selectman Danforth seconded the motion. Vote, 3-0-1

Selectman Danforth arrived at 6:35 p.m.

**2. Public Hearing: 6:35 p.m. – Town Meeting Referendum Questions**

Chairman MacDougall opened the Public Hearing at 6:35 p.m.

Chairman MacDougall read into the record:

Legal Notice-Public Hearing-Tuesday, March 20, 2007 at 6:35 P.M. - Municipal Building Conference Room #212:

Referendum Questions for 2007 Annual Town Meeting

The Board of Selectmen will hold a Public Hearing on Tuesday, March 20, 2007 at 6:35 p.m. in the Municipal Building Conference Room #212 pursuant to 30-A MRSA 4352 (9) on the proposed Zoning Ordinance Amendment referendum questions proposed for 2007 Annual Town Meeting. The two referendum questions to be presented at the Annual Town Meeting are:

Question #1: Shall an ordinance entitled, "An Ordinance Amending Section 4.3 of the Zoning Ordinance to Allow Shipping Containers in the Commercial Zone for up to 30 days in a six-month period and to allow shipping containers in all districts for a maximum period of 24 months in connection with construction projects," be enacted?

Question #2: Shall an ordinance entitled, "An Ordinance Amending Section 4.3 of the Zoning Ordinance to require the depth of any yard abutting a street defined by the Town of North Berwick Street Design and Construction Standards Ordinance to conform to the front yard requirement of the district," be enacted?

The Board of Selectmen encourage all interest persons to attend the Public Hearing.

Dwayne explained that there are two questions proposed for the Town Meeting this year.

Question #1 by the Planning Board to Allow Shipping Containers in the Commercial Zone for up to 30 days in a six-month period and to allow shipping containers in all districts for a maximum period of 24 months as long as they have a valid construction permit.

The whole idea behind this is that we have been finding that when people are starting construction on their houses they would like to use a container for storage of tools or personal items while building. Contractors would like to have their tools or supplies they are using kept under cover so that they do not disappear over night. Containers are also used to store furniture instead of renting storage units. The Shipping Container itself would have to be part of the building permit process, they would have to locate it on the site, show where it is going to be. The Shipping Container could not be there any longer than 24 months, which is the maximum time of a building permit.

Bob Glidden asked if an Occupancy Permit is not received with the 24 month period, can an extension be received to keep the container longer the 24 months?

Dwayne answered that if a construction period goes longer than the 24 months, an extension can not be received and the shipping container must be removed from the site.

Question #2 Dwayne explained that when the Town of North Berwick Adopted the Street Design and Construction Standards Ordinance we found that there was conflict between the Zoning Ordinance and the Street Design and Construction Standards and it related to frontage required along a private road, when the Town created: The North Berwick Street Design and Construction Standards Ordinance. The term private road was eliminated so when you looked on the Zoning Ordinance there was no definition to go back to say what it applied to. What we have found that over time people have been using what was in the Ordinance to create frontage along a private

road that has a foot worth of depth. So what they do is they build a 50 foot right of way to get the required frontage, and create a front yard of one foot along that right of way, and then put a house at the end of the right of way. This is not the intention of the Zoning Ordinance. The intention was to have a front yard that is equal to the front setback. The largest being Farm and Forest which means they would have at least 300 feet long and 100 feet in depth along that right of way. This is how it is written for all streets with the exception of the private streets. This change will require all properties located on all roads to have the same standards.

Dwayne explained the ordinance in response to questions asked.

Today, if a person builds a home at the end of a 200 foot right of way road and the needed road frontage on a road is 200 feet, it is possible to add 1 foot to the edge of the 200 foot right of way that is connected to the acreage that the house will be built on that would be considered a legal 200 foot frontage.

This ordinance would not allow for this to happen. The road would have to be extended another 200 feet so that the acreage that the house is being built on actually has the 200 foot frontage in front of the parcel.

Chairman MacDougall closed the Public Hearing at 6:47 p.m.

### **3. Public Input: (moved)**

Roger Littlefield asked if Transfer Station Employees may possibly attend Town Meeting.

Discussion was made on the subject. Selectman Whitten asked if the Transfer Station could be closed on Voting Day or at least closed at 11 a.m. Dwayne stated that it may be a little late to allow the Transfer Station to be closed this year but that next year would allow enough time to send out notices to residences.

Selectman Whitten moved to close Transfer Station at 11:00 a.m. beginning in 2008, Selectman Moulton seconded a motion. Vote, 4-0

### **3. Unfinished Business:**

#### **A. Municipal Building: Update on Project**

Dwayne updated the Board of Selectmen on the Municipal Building.

A safe and a floor cleaner still need to be purchased.

There are issues heating the third floor that the contractor is looking into fixing.

Dwayne recommended that the Town Crew dig the trench so the electrician can place a light on the Flag Pole.

Selectman Moulton moved to have light placed on the Flag Pole, Selectman Danforth seconded a motion. Vote, 4-0

Dwayne received an estimate to place Shamrock Inkberry plants along the handicap ramp. The cost to put the plants in the ground is expensive so the Selectmen and Dwayne volunteered to place the plants.

The Municipal Building Project Budget is still under budget.

Selectman Abbott arrived at 8:30.p.m.

#### **B. Town Meeting FY08: Sign Warrants and General Discussion**

Dwayne asked the Selectman if there was anything that was needed for Town Meeting. The Board requested name tags for the Board of Selectman and the Budget Committee. Also there is a need for more people to get microphones to the audience who wish to speak during Town Meeting.

#### **C. ZBA: Laurie Beane Reapplication**

The application was tabled because Laurie Beane did not attend the meeting with her application.

**Reminders:** Next Board of Selectman's Meeting-April 3, 2007-6:30 p.m. Municipal Building  
**Town Meeting – March 31, 2007 – 1:30 p.m. Noble High School**

### **5. New Business:**

#### **A. Cemetery Trustees: Discussion on Historic Cemeteries**

Dwayne explains that this request had been made by the Cemetery Trustees.

Bob Glidden stated that the Cemetery Trustees would like the Historical Society to provide them with a written list of the cemeteries that they maintain. The reason is that the Cemetery Trustees feel that other cemeteries are not being maintained at all and it's probably because cemetery has not been located or identified. It would help the Cemetery Trustees to organize and to decide what they are going to do with cemeteries that are not being maintained at all.

John Philbrick commented that each year the Historical Society finds more cemeteries. Given the budget and manpower of the Historical Society, it is impossible to maintain all cemeteries in the Town. Mr. Philbrick stated that it is the Historical Societies job to attend to a majority of them each year but not all.

Selectman Whitten stated that it would be helpful if there was a complete list of known cemeteries available for the Town, the Historical Society and the Cemetery Trustees.

The Historical Society will get together a list of cemeteries that they attend to, and forward it to the Cemetery Trustees.

Selectman Whitten commented that there is a list of Cemeteries on the Town's website that was create by Mr. Ryan.

Dwayne explained that there are four groups of cemeteries:

1. Main Cemeteries: maintained by the Cemetery Trustees.
2. Private Cemeteries: somebody gave money to the Town to maintain and that falls under responsibility of the Cemetery Trustees.
3. Veteran's Cemeteries: maintained by the Board of Selectmen – (by contract or adoption)
4. Historical Cemeteries: maintained by the Historical Society.

#### **B. Foreclosures: FY05 Foreclosure Properties**

Dwayne explained that in order to redeem property from foreclosure all taxes through the currant fiscal year must be paid. The Town will put together a Deed, and then the Tax Payer ~~have~~ has a choice to either have the Town record that Deed or they can record it. The Board of Selectmen has the authority, under our tax acquired property ordinance, to prohibit the taxpayer from redeeming their property.

Selectman Moulton moved to allow Nancy and Peter Cook - account 2115, 1965 and 1849 to pay the property tax within 10 days and redeem their property, Selectman Whitten seconded a motion. Vote, 4-0

Selectman Whitten moved to allow Household Finance Corporation to pay property tax and redeem the property of Todd and Wendy Marsh: account number 1982, within 10 days, Selectman Danforth seconded a motion. Vote, 4-0

#### **C. Regional Industrial Park: Update on Working Group**

Dwayne explained to the Board that Working Group for the Regional Industrial Park has been meeting and we will be creating a packet for all the Selectmen and Town Councils of the Towns involved.

We have been meeting with an attorney who helped create First Park in Sidney, Maine. We have a Grant to help pay for his services. There are two agreements the Town's are going to look at: One is a piece of Legislation that will create a Regional Organization. Similar to the turnpike, it creates another level of government that will just handle an Industrial Park. A question that is still on going is whether to create an Industrial Park, a Business Park or a combination. These are things that we are leaving open ended. We haven't created a name but are leaning towards the name Gateway Industrial Park or Gateway Business Park.

We are looking at allowing all the York County Communities to join if they wish. There are six Town's: Berwick, North Berwick, South Berwick, Elliot, Kittery and Wells in active discussions. By joining in they may see some benefit at very little cost. But more importantly we can create jobs in Southern Maine.

We will then have to create a Inter-Local Agreement. So that when people ask a question we have the answers.

**D. Police:** Police Chief Ad Response, New Cruiser

The Ad for Police Chief ended March 15, 2007.

The Town received 16 Resumes for the Police Chief position.

Selectman Whitten and Selectman Danforth will review resumes for the new Police Chief.

The new Cruiser arrived in March 20, 2007 and within two weeks the Police Cruiser will be on the road.

The Fire Truck should arrive this week.

**E. Road Name: (moved)** Juniper Hill Lane

Map 18 Lot 20 is in the process of constructing a private road. It has gone through the Planning Board for approval. It now needs to be named as a private road. They are recommending Juniper Hill Lane

Selectman Moulton moved allow them to name the road Juniper Hill Lane, Selectman Whitten seconded a motion. Vote, 3-0

**F. Town Clerk: (moved)** Appoint Assistant

Dwayne explained that Janet Belmain recommended Marianne Benedict and Katie Jacque's as assistant Town Clerk.

Selectman Whitten moved to appoint assistant Town Clerk to Marianne Benedict and Katie Jacque's, Selectman Moulton seconded a motion. Vote, 3-0

**G. Library:** Waive Building Permit Fee

The Library Trustees are looking to start the preliminary work to do the roof on the Library.

Dwayne explained to the Board that the Library is a Town building and that he would seek a vote from Board to waive the building permit.

Selectman Abbott moved to waive Building Permit Fee, Selectman Moulton seconded a motion. Vote, 5-0

**6. Other Business:**

The Brookings Institute is holding a meeting in Sanford, Maine on March 27, 2007 at 7:00 p.m. All of York County is invited.

Dwayne explained to the Board that the North Berwick letter head was changed due mainly to the fact that the old letter head showed a listing of Town Office telephone numbers. Now one number, 207-676-3353, will get you to all office telephones. So there is no need for all the numbers to be listed on the letter head.

Dwayne updated the Board on the activity during the past year at the Transfer Station/Recycling Center. The Raw Recycling Rate: 43.92%

Dwayne has a hearing with the Bureau of Labor on April 4, 2007 at 11:00 a.m. to see if the State will drop the violations penalties.

#### **7. Review and Approve Warrants and Correspondence:**

Warrant: March 13, 2007 - \$7,516.85

Warrant: March 20, 2007 - \$ 409,168.92

Selectman Moulton moved to accept the Warrants for: March 13, 2007, and March 20, 2007, Selectman Abbott seconded a motion. Vote, 5-0

#### **8. Adjournment:**

Selectman Moulton moved to adjourn at 9:12 p.m., Selectman Whitten seconded a motion. Vote, 5-0

Respectively Submitted:  
Anita Lambert, Stenographer

Original to Town Clerk

Chairman: Jay MacDougall

Vice-Chairman: Nancy Moulton

Selectman: Barry Abbott

Selectman: Anne Whitten

Selectman: Paul Danforth