



*Sevee & Maher Engineers, Inc.*  
*Waste Management and Hydrogeologic Consultants*

May 19, 2009

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Mr. Roberta Orsini  
Assistant Town Manager  
Town of South Berwick  
180 Main Street  
South Berwick, Maine 03908

Subject: Recommendations to Address Post Construction Requirements  
Stormwater Phase II Program

Dear Roberta:

As you requested, Sevee & Maher Engineers, Inc. (SME) is providing you with an Executive Summary of the Post Construction Requirements of your Stormwater Phase II General Permit for the Municipal Separate Storm Sewer System (MS4) for the May 26, 2009 Town Council meeting.

**EXECUTIVE SUMMARY:**

The Town of South Berwick became subject to the Maine Pollution Discharge Elimination System program in March 2003 because the Town operates a MS4 in an urbanized area as defined by the 2000 Census. The Maine Department of Environmental Protection (MEDEP) issues permits, administers and enforces this USEPA Clean Water Act permitting program in Maine. The MEDEP issued a single General Permit that requires all MS4s to comply with the same set of requirements. The General Permit requires that each permittee develop a 5-year plan to "reduce the discharge of pollutants from its regulated small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act". The first 5-year plan for the Town was developed and approved by the MEDEP in 2003, and now the Town is working under a new 5-year plan that is valid through 2013.

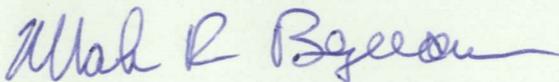
One of the items required in the General Permit is the development and implementation of town ordinances that address stormwater runoff from new development and redevelopment projects that disturb one or more acres of land. This requirement has led to the creation of the proposed Chapter 108 – Post-Construction Stormwater Management Ordinance. This chapter seeks to ensure that post-construction stormwater management plans are followed and stormwater management facilities are properly maintained.

SME, Town Staff, and MEDEP have been working together in the creation of this new chapter of the Ordinance. SME has assisted the Town by attending several Planning Board meetings and working closely with Town Staff to ensure the proposed Chapter complements existing ordinances in Chapter 121 – Subdivision of Land, and Chapter 140 - Zoning. The letter to Terry Oliver dated April 30, 2009 contains the most current set of recommended ordinance changes to Chapters 108, 121 and 141 of the Town's ordinances.

If you have any questions regarding this letter or its attachments, please contact me or Kristie Rabasca at 207-829-5016. We look forward to continue working with you in the future.

Very truly yours,

SEVEE & MAHER ENGINEERS, INC.



Mark R. Bergeron, P.E.  
Project Engineer

cc: Mr. Terry Oliver, Director of Public Works

**SOUTH BERWICK TOWN COUNCIL  
MAY 11, 2009**

Chairman Jean Demetracopoulos called the meeting to order at 6:30pm. Those present included Councilors Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance. David E. Webster arrived at 6:37pm.

**APPROVAL OF MINUTES**

1. Public Hearing (BR Zone) 4-27-09: On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to adopt the minutes as written.
2. Town Council 4-27-09: On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to adopt the minutes as written.

**SIGNING OF TREASURER'S WARRANT** – May 11, 2009

On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to sign the warrant.

**COUNCIL MEMBER COMMENTS**

1. Mr. MacPherson:

-Made note of the following – Hike Thru History Day is Friday, May 15th, Rescue Squad Open House is Saturday, May 16th, and The Senior Center Memorial Day Celebration is Wednesday, May 20th.

-Stated that he has received 3 calls from residents and all were positive.

2. Mrs. Kareckas:

-Asked the Chair to include a summary of the Council's contributions to keeping the budget down in her budget overview for town meeting.

3. Mrs. Demetracopoulos:

-Asked for an update of the Comcast build-out for a meeting in June or July.

-Congratulated Officers Dennis Gaffney and Phil Moore for the federal recognition they received for their work on domestic assault.

-Stated that census work has begun.

-Commented on the proposed fast food/take out business on Main Street. She suggested that it is time to look at business uses and the impact on traffic.

**TOWN MANAGER'S REPORT**

-Commented that the Rescue Open House would be a good opportunity for residents to check out the operation and get questions answered.

-Commented on the good press received by the Police Dept. regarding the 'driving while impaired' presentation at the school.

-The engine brake noise issue has been discussed, and there are black & yellow warning signs available that can be used.

-Stated that he would like the Council to consider mailing a copy of the town meeting warrant to all property owners. *See new business 3A.*

**PUBLIC COMMENT**

1. John Appleby, Salmon Falls Nursery, asked the Council to reconsider the prohibition of business directional signs in South Berwick. Mr. Appleby stated that the lack of signage is "harmful to the business". The Council briefly discussed the history of the issue and the various options the ordinance could take. It was suggested to hold a joint workshop with the Planning Board. Consensus of the Council was to revisit the issue.

2. Cliff Cleary, Spillane's Hill, commended the Manager for suggesting mailing out the town meeting warrant.

3. Suzanne Roberge, Berwick Rd, expressed her frustration that the current Council would consider repealing the actions taken by the prior Council.

4. Bernard Mushorn, Portland St, stated that he spoke with MDOT in Scarborough about Main Street and was told that repairs would be made soon. Mr. Mushorn went on to comment that ticks are out in force, invited everyone to the Memorial Day celebration, and suggested that a sign directing people to Aggie Estates be placed at the end of Agamenticus Road.

5. Richard Clough, Academy St, asked when the town reports would be available. *May 20th.*

### **UNFINISHED BUSINESS**

#### 1. BR Zone:

Jean Harrington, Union St, stated that she did not believe the zoning change made in 2002 (B1 to R1) was legal. She added that the change is too restrictive to the existing businesses. Mrs. Demetracopoulos stated that the Planning Board is aware of the non-conformity and none of the business owners have expressed any complaints or concerns.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adopt the changes to the Zoning Ordinance, Chapter 140, incorporating the new Business Residential Zone.

### **NEW BUSINESS**

1A. On a motion by Mr. Burke, seconded by Mr. MacPherson, it was unanimously voted to change the May 25th meeting date to Tuesday, May 26th at 6:30pm.

1B. Moratorium on demolition in BR Zone: Mrs. Demetracopoulos explained that the moratorium is being suggested to give the Historic District Commission time to revamp the Historic District Ordinance. The moratorium would not prohibit demolition; it would delay it so that other options for a property could be explored. Discussion ensued regarding the necessity of an emergency moratorium on properties that haven't been 'safe' for 6 years. Mr. MacPherson suggested that the HDC be charged with presenting recommended ordinance changes; and he did not feel that any of the properties in the BR Zone were in any danger.

On a motion by Mr. Webster, seconded by Mr. MacPherson, it was unanimously voted to charge the Historic District Commission with presenting their suggested ordinance changes to the Council within 60 days.

1C. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to hold a public hearing on Tuesday, May 26th at 6:30pm to receive comment on the proposed Post-Construction Stormwater Management Ordinance which includes changes to the Zoning and Subdivision Ordinances.

2A. On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to appoint Robert Wickstrom as Warden and Robert Doyle, Aime Duclos, Elita Galvin, Geraldine Hilton, David Stansfield, E. Rachel Stevens, Priscilla Warren, and Barbara Wickstrom as Election Clerks for the upcoming referendum on June 9th.

3A. On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to add an item to the agenda regarding the mailing of the town meeting warrant. The cost of the mailing was discussed.

Mr. Webster made a motion to authorize the Manager to bulk mail the town meeting warrant to property owners. Mr. MacPherson seconded. Mrs. Kareckas made a motion to amend by including "the cost not to exceed \$700". Mr. MacPherson seconded the amendment. The amendment passed with a unanimous vote.

The original motion, as amended, passed unanimously.

### **ADJOURNMENT**

On a motion by Mr. Webster, seconded by Mr. Burke, it was unanimously voted to adjourn the meeting at 7:45pm.

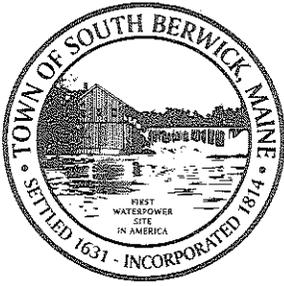
Attest:

Barbara Bennett, CCM

# TOWN COUNCIL

## *Agenda Information Sheet*

|   |  |
|---|--|
| <b>Meeting Date: May 26, 2009</b>   | <b>Agenda Item # UB</b><br><br><b>NB</b> |
| <b>Subject</b>  |  |
| Authorize FEMA Mitigation Grant Application for Emery's Bridge Road at White's Marsh.   |  |
| <b>Information</b>  |  |
| The application for White's Marsh is almost completed. This is a mitigation grant in the amount of \$570,000. The funds will be used to raise the road sufficiently to alleviate this area flooding in the future. The Town's match of up to \$142,500 will come from the Capital Improvements fund. If this grant is approved, this work will commence in summer and be completed by fall. The road plan for Emery's Bridge Road will be adjusted accordingly. |  |
| <b>Staff Comments/Recommendation</b>  |  |
| This is an excellent opportunity to mitigate this portion of Emery's Bridge Road which consistently floods during high rains. This area becomes more susceptible to a washout with every flood situation. We have been encouraged by MEMA to apply for these funds for this area. The Manager recommends authorizing this application.  |  |
| <b>Requested Action</b>   |  |
| Motion to authorize the Public Works Director to apply for a FEMA Mitigation Grant in the amount of \$500,000 for the purpose of reconstructing the area referred to as White's Marsh on Emery's Bridge Road. Match funds to come from the Capital Improvements account for roads.  |  |
| <b>Vote</b>   |  |
|   |  |



# *Town of South Berwick*

180 MAIN STREET  
SOUTH BERWICK, MAINE 03908-1535  
TEL. 207-384-3300  
FAX: 207-384-3303

May 26, 2009

To Whom It May Concern:

The Town of South Berwick's Department of Public Works is the applicant for a grant to add fill to Emery's Bridge Road and replace the White's Marsh Brook culvert to reduce the impacts from flooding. The Town is aware that there is a 25% grant match required, and is committed to providing the match from our General Fund and from contributions in labor related to administrating the grant.

The total grant application to the Maine Emergency Management Agency is \$570,000. The Town of South Berwick is prepared to match \$142,500 to meet the 25% requirement.

Further, if the Town receives the grant to do the work, the Town of South Berwick will complete the maintenance required on Emery's Bridge Road and the White's Marsh Brook culvert.

Sincerely,

Jean Demetracopoulos, Chairman  
South Berwick Town Council

# TOWN COUNCIL

## *Agenda Information Sheet*

|   |                                      |
|---|--------------------------------------|
| <b>Meeting Date: May 26, 2009</b>   | <b>Agenda Item # UB</b><br><b>NB</b> |
| <b>Subject</b>  |                                      |
| Council Rules   |                                      |
| <b>Information</b>  |                                      |
| During our Executive Session with Chris Vaniotis last week, the discussion turned to the Council Rules. It was suggested the Council may wish to review the Council Rules to determine if any changes are suggested at this time. We have attached a copy of the current rules for your review. |                                      |
| <b>Staff Comments/Recommendation</b>  |                                      |
| I would like to begin this discussion to determine what direction the Council wishes to take with regard to the rules.  |                                      |
| <b>Requested Action</b>   |                                      |
| Council Wishes.   |                                      |
| <b>Vote</b>   |                                      |
|   |                                      |

**§ 3-17 Rules of Council.****A.**

The Town Council will meet according to a schedule adopted by resolution from time to time.

[Amended 8-26-1991]

**B.**

Special meetings may be called by the Chairman and, in case of his absence, disability or refusal, may be called by three members of the Town Council. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least 24 hours before the time for holding said special meeting unless all members of the Council sign a waiver of said notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting. Nothing in this section shall authorize any meeting which would violate the Freedom of Access Law.

[Amended 8-26-1991]

**C.**

A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

[Amended 8-26-1991]

**D.**

The Town Council shall act only by ordinance, order or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title.

**E.**

All bylaws passed by the Town Council shall be termed "ordinances," and the enacting style shall be: "Be it ordained by the Town Council of the Town of South Berwick, Maine, in Town Council assembled."

**F.**

In all votes of command, the form of expression shall be "ordered," and, of opinions, principles, facts or purposes, the form shall be "resolved."

**G.**

Every ordinance, order or resolve shall have a first reading unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

**H.**

The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of three members of the Town Council.

**I.**

No ordinance shall take effect and be in full force until 30 days from and after it shall have been enacted as required by Article II, Section 11, of the Charter.

**J.**

Orders or resolves shall take effect immediately upon passage.

**K.**

No ordinance, order or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk on or before 12:00 noon of the business day next prior to the day of the Town Council meeting.

[Amended 8-26-1991]

**L.**

The Chairman shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

**M.**

The Chairman shall preserve decorum and order, may speak to points of order in preference to other members and shall

decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

N.

The Chairman shall declare all votes, but if any member doubts a vote, the Chairman shall cause a recount of the members voting in the affirmative and in the negative without debate.

O.

When a vote is passed, it shall be in order for any member who voted in the majority or in the negative on a tie vote, to move a reconsideration thereof at the same or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered.

P.

Upon the motion for the previous question being made and seconded, the Chairman shall put the question in the following form: "Shall the main question be suspended until the motion for the previous question shall be decided?" After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question.

Q.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible to amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal is made from the chair or not.

R.

When a member is about to speak, he shall respectfully address the Chairman, confine himself to the question under debate and avoid personalities.

S.

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

T.

Every member present when a question is put shall give his vote unless the Council, for special reasons, shall excuse him. Application to be so excused must be made before the Council is divided or before the calling of the yeas and nays and decided without debate.

U.

Every motion shall be reduced to writing if the Chairman shall so direct.

V.

Any member may require the division of a question when the sense will admit it.

W.

A motion for referral to a committee or administrative officers, until it is decided, shall preclude all amendments of the main question.

X.

All questions relating to priority of business to be acted upon shall be decided without delay.

Y.

The rules shall not be dispensed with or suspended unless four of the members of the Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Z.

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedure:

(1)

Persons wishing to address the Council on an item which appears on the agenda shall wait until the Chairman announces consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item, and any person desiring to further address the Council on such item must wait to do so until all items on the agenda have been completed.

(2)

Any person wishing to address the Council shall signify his desire by raising his or her hand, and, when recognized by the Chairman, such person shall thereupon request permission to address the Council, giving his or her name and address, then designating the subject matter on which he or she desires to address the Council.

(3).

Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

AA.

At the commencement of the municipal year following Council election or as soon thereafter as possible, the Town Council shall choose a Chairman and appoint all officials or members of committees within their Charter responsibility.

[Amended 8-26-1991]

BB.

The Chairman of the Council shall be an ex-officio member of every standing committee.

CC.

The Chairman of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.

# TOWN COUNCIL

## *Agenda Information Sheet*

|  |  |
|--|--|
| <b>Meeting Date: May 26, 2009</b>  | <b>Agenda Item # UB</b><br><br><b>NB</b> |
| <b>Subject</b>   |  |
| Board and Committee Rules  |  |
| <b>Information</b>   |  |
| I would like to setup a consistent set of procedures for all Council appointed Boards and Committees to follow. Prior to my embarking on this review I would like to discuss this with the Council to be sure I have your interests in mind when I draft these procedures.   |  |
| <b>Staff Comments/Recommendation</b>   |  |
| I am told in the past several years Boards and Committees have operated with myriad approaches. Some have forwarded draft and accepted minutes, some only accepted minutes. Some committees have not taken any minutes. At times meetings have been held without proper posting. Communication with the Council has varied.<br><br>I would like to provide clear direction for every Board of the Town. i.e., minutes, meeting place, spending authority, etc. |  |
| <b>Requested Action</b>  |  |
| Council Discussion.  |  |
| <b>Vote</b>  |  |
|  |  |

TOWN COUNCIL

*Agenda Information Sheet*

|   |                               |
|---|-------------------------------|
| <b>Meeting Date:</b> May 26, 2009                                     | <b>Agenda Item #</b> UB<br>NB |
| <b>Subject:</b> 2009 Warrant for SAD #35 Budget Validation Referendum |                               |
|   |                               |
| <b>Information:</b>   |                               |
|   |                               |
| <b>Staff Comments/Recommendation:</b>                                 |                               |
|   |                               |
| <b>Requested Action:</b>  |                               |
| Motion to sign warrant.   |                               |
| <b>Vote:</b>  |                               |
|   |                               |

**WARRANT AND NOTICE OF ELECTION CALLING  
SCHOOL ADMINISTRATIVE DISTRICT NO.35  
BUDGET VALIDATION REFERENDUM  
(20-A M.R.S.A. §1305-B and §§1352 - 1353)**

TO: Randy Stewart, a resident of Maine School Administrative District No. 35 composed of the Towns of Eliot and South Berwick, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within the Maine School Administrative District No. 35, namely, the Towns of Eliot and South Berwick, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective municipal officers, who shall post the following warrant and notice of election:

**TOWN OF SOUTH BERWICK  
DISTRICT BUDGET VALIDATION REFERENDUM  
WARRANT AND NOTICE OF ELECTION**

York ss.

State of Maine

TO: Barbara Bennett, Town Clerk of South Berwick: you are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

**TO THE VOTERS OF THE TOWN OF SOUTH BERWICK:**

You are hereby notified that a District budget validation referendum election will be held at the South Berwick Town Hall, 180 Main Street in the Town of South Berwick on Tuesday, June 9, 2009 for the purpose of determining the following referendum question:

**Question 1: Shall the Maine School Administrative District No. 35 budget for the 2009 – 2010 school year that was adopted at the District Budget Meeting on June 2, 2009 be approved?**

The polls must be opened at 7:00 A.M. and closed at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, May \_\_, 2009 at South Berwick, Maine.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A majority of the Board of Directors of Maine School Administrative District No. 35

A true copy of the Warrant and Notice of Election, Attest: \_\_\_\_\_

Jeffrey Bearden, Resident  
Maine School Administrative  
District No. 35

Counter signed this \_\_\_\_\_ day of May 2009 at South Berwick, Maine

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A majority of the municipal officers of the Town of South Berwick, Maine.

A true copy of the Warrant and Notice of Election, Attest: \_\_\_\_\_

Barbara Bennett  
Town Clerk  
Town of South Berwick

RETURN

York County, ss.

State of Maine

TO: The Directors of School Administrative District No. 35  
\_\_\_\_\_, 2009

Pursuant to the within warrant and notice of election, directed to me, I have served in hand upon the municipal clerk of the Town of South Berwick, an attested copy of this warrant and notice of election, directing the municipal officers of said Town to call a District referendum at said time and place and for the purposes therein stated.

\_\_\_\_\_  
Randy Stewart  
Resident of School Administrative  
District No. 35

RETURN

York County, ss.

State of Maine

TO: The municipal officers of the Town of South Berwick

I certify that I have notified the voters of the Town of South Berwick of the time and place of the District referendum by posting an attested copy of the within warrant and notice of election as follows:

| DATE  | TIME  | LOCATION OF POSTING |
|-------|-------|---------------------|
| _____ | _____ | _____               |
| _____ | _____ | _____               |
| _____ | _____ | _____               |
| _____ | _____ | _____               |

being public and conspicuous places in said town and being at least seven days next prior to election day.

Dated at the Town of South Berwick: \_\_\_\_\_, 2009

\_\_\_\_\_  
Barbara Bennett  
Town Clerk  
Town of South Berwick