

Memorandum

To: Board of Assessors

From: Craig H. Skelton, Assessing Agent

Date: June 15, 2009

Re: Supplemental #2; Tree Growth removal and penalty Pollux Trust

Supplemental #2 in the amount of \$36,136.00 is for a penalty resulting from failure of the property owner to recertify property enrolled in the Tree Growth Program.

The property is known as map 1 lot 25 located on Route 236 and is owned by the Pollux Nominee Trust. On August 28, 2008 a reminder was sent to Ronald J. Gillis the trustee notifying that the property was due for compliance recertification. Enclosed with the letter was a copy of the "Tree Growth Application Schedule" and a copy of Property Tax Bulletin No. 19 published by the Maine Revenue Service on the topic of Maine Tree Growth Law.

Mr. Gillis called on September 3, 2008 in response to the August 28, 2008 letter asking where the property was located and was interested in knowing the penalty if removed. He gave no indication of his intentions. On September 4, 2008 a Tree Growth Penalty Calculation form was sent to Mr. Gillis indicating a penalty of \$28,908.80.

A second reminder was sent along with a Tree Growth Penalty Calculation form on January 22, 2009. The letter accompanying the penalty calculation included two check off selections by which the property owner could indicate whether they were in the process of updating the Tree Growth plan or that there was a change of use and the property owner could indicate their desire to remove the property from the program.

On March 30, 2009 I called and spoke with Mr. Gillis telling him that I needed notification of his intention to renew or remove the property from Tree Growth. A letter was sent that same day to follow up our conversation "giving 60 days notice" that the property would be removed from the program. I indicated during the phone conversation that the prior letter contained a check off box to indicate that the "use for the property" has changed and if returned he would avoid an additional penalty for "failure to notify" a change in use. The March 30, 2009 letter included a breakdown of a withdrawal penalty of \$28,908.80 and an additional penalty for "failure to report a change in use" of \$7,227.20 with a total penalty amount of \$36,136.00.

As of this date, the Assessor's Office has not received any documentation on recertification of this property in the Tree Growth Program, nor has there been any documentation received indicating a change of use. I recommend that you approve supplemental #2, a tree growth penalty in the amount of \$36,136.00.

SUPPLEMENTAL TAX WARRANT
36 M.R.S.A., Sections 713, 713-A, 713-B

County of YORK, ss. To John B. Schempf, Tax Collector of the municipality of SOUTH BERWICK, within said County of YORK.

GREETING:

Hereby are committed to you a true list of the assessments of estates of the persons hereinafter named. You are hereby directed to levy and collect of each of the several persons named in said lists his respective proportion, therein set down, of the sum of **thirty six thousand one hundred thirty six dollars** (\$ 36,136.00), it being the amount of said list; and all powers of the previous warrant for the collection of taxes issued by us to you and dated **8/11/2008** are extended thereto; and we do hereby certify that the list of assessments of estates of the persons named in said list is a supplemental assessment laid:

(a)* by virtue of Title 36, M.R.S.A., Section 713, as amended, and that the estates and assessments thereon as set forth in said list were invalid or void or were omitted from the original list committed unto you under our warrant dated **8/11/2008**.

(b) *by virtue of Title 36, M.R.S.A., Section 713-A, due to an erroneous foreclosure; or

(c) * by virtue of Title 36, M.R.S.A., Section 713-B, as a penalty imposed under Section 581 or Section 1112 of Title 36.

- *Strike the inapplicable provisions.*

Given under the hands this 15th day of June, 2009.

Assessor (s) of
South Berwick

Note: - Assessors. Give this to the Collector with the Supplementary Tax List.

SUPPLEMENTAL TAX CERTIFICATE
36 M.R.S.A., Sections 713, 713-A, 713-B

We, the undersigned, Assessors of the Municipality of SOUTH BERWICK, hereby certify that:

(a) * The foregoing list of estates and assessments thereon, recorded in page **RE 1 to 370 and PP 1 to 27** are supplemental to the aforesaid original invoice, valuation and list of assessments of said **11th day of August, 2008**.

(b) * the foregoing list of estates and assessments thereon are supplemental assessments due to an erroneous foreclosure and are made pursuant to Title 36, M.R.S.A., Section 713-A, as amended; or

(c) * the foregoing are laid as a penalty pursuant to Title 36, M.R.S.A., Section 713-B, as amended.

** Strike the inapplicable provisions.*

Given under our hands this 15th day of June, 2009.

Assessor (s) of
South Berwick

Note: - Assessors, paste this in your Valuation Book after the last item assessed in your Supplementary Assessment.

June 1, 2009

Ronald J. Gillis, Trustee Pollux Trust
40 Shawmut Rd, STE 200
Canton, MA 02021

RE: **Tree Growth Penalty** Parcel ID: 001-025

Via certified and regular mail

Dear Mr. Gillis:

Having been given 60 days notice of removal of the above referenced property from the Tree Growth Program for failure to file the sworn statement required under section 547-B and that timeframe having passed you are hereby notified that removal of the property and assessment of a penalty in the amount of \$36,136.00 will be presented to the South Berwick Board of Assessors on June 15, 2009 at 6:30PM.

Following approval of the tree growth penalty, a supplemental tax warrant will be forwarded to the Tax Collector.

Sincerely,

Craig H. Skelton, CMA
Assessing Agent

March 30, 2009

Ronald J. Gillis, Trustee Pollux Trust
40 Shawmut Rd, STE 200
Canton, MA 02021

RE: **Tree Growth Recertification; pending Tree Growth Penalty** Parcel ID: 001-025

Dear Mr. Gillis:

This letter is a follow up to the correspondence dated January 22, 2009 requesting notification of your intentions to renew or remove the above referenced property from the Tree Growth Program.

Under Tree Growth Law, you are being given 60 days notice that the above referenced parcel no longer qualifies for the Tree Growth Program. This parcel will be removed from the program and a penalty will be assessed. This removal is based on the failure to provide the sworn statement required under Title 36: section 574-B, subsection 1 which states "The landowner shall file a sworn statement with the municipal assessor... that a management plan has been prepared for the parcel. In the case of recertification, Part B. Category 2 must be completed by a licensed forester on the Tree Growth Application Schedule.

According to Bulletin #10 published by the Maine Revenue Services, an additional penalty of 25% shall be assessed if the owner(s) fail to report a change in use. Following is a breakdown of the penalties:

Withdrawal Penalty	\$	28,908.80	
Additional 25%	\$	<u>7,227.20</u>	(failure to report change in use)
Total Penalty	\$	36,136.00	

After 60 days, this penalty will be presented to the Board of Assessors for approval unless recertification requirements are met.

Sincerely,

Craig H. Skelton, CMA
Assessing Agent

Enclosures

January 22, 2009

Ronald J. Gillis, Trustee Pollux Trust
40 Shawmut Rd, STE 200
Canton, MA 02021

RE: Second Notice; Tree Growth Recertification

Parcel ID: 001-025

Dear Tree Growth Property Owner:

This letter is to follow up the reminder sent dated August 28, 2008 notifying you of the requirement to submit an updated Tree Growth Application Schedule signed by you and your forester. The deadline for filing the application has now passed.

Classified forestland that no longer qualifies under Maine Tree Growth Tax Law must be withdrawn from the program and is subject to a withdrawal penalty. Enclosed is a copy of the estimated penalty to be issued on the above referenced property upon removal. Once removed from the program, a tax bill will be issued in the amount of the penalty and the property value will be adjusted for the upcoming tax year.

A copy of this letter is enclosed so that you may check off the appropriate box below, then sign, date and return the signed copy to Town Hall indicating your intention to recertify the classified forestland or to remove the property from the program.

Sincerely,

Craig H. Skelton, CMA
Assessing Agent

My application and/or updated Forest Management Plan is being prepared and will be forwarded to South Berwick Town Hall within 30 days.

Forester's name _____ Phone# _____

The use for the property has changed and I wish to remove the property from the Tree Growth Program. Please process the tree growth penalty.

Owner/agent _____ Date _____

TREE GROWTH PENALTY CALCULATION

Date of estimate:	1/22/2009
Map - Lot	001-025
Property Location:	319 ROUTE 236

Name:	THE POLLUX TRUST
Mailing Address:	40 SHAWMUT RD, STE 200 CANTON, MA 02021

Tree Growth Data

Current year	2009
Year Parcel Placed in Tree Growth	1982
Total years in program	27
Fair Market Value on Date of Withdrawal (acres withdrawn)	\$154,000 56
Tree Growth Value, April First Preceding Withdrawal	\$9,456
Value difference	\$144,544
Applicable Percentage (See Chart)	20%
Tree Growth Penalty (see Note:)	\$28,908.80

Percentage Adjustment	
10 years or less	30%
11 years	29%
12 years	28%
13 years	27%
14 years	26%
15 years	25%
16 years	24%
17 years	23%
18 years	22%
19 years	21%
20 years or more	20%

Tree Growth Removal Authorization:

We, the property owners have reviewed the tree growth penalty and request that the Board of Assessors remove the amount of land stated above from the Tree Growth Program.

signed _____

signed _____

dated _____

For more information regarding Maine Tree Growth Law consult Tax Bulletin No. 19 published by the Maine Revenue Service available at maine.gov or at Town Hall.

Note:

This estimate is good for 30 days from the date listed above. The calculation is dependant upon the date of removal and is subject to change. A mandatory removal can be substansially greater and may include an additional penalty of 25% for failure to notify the Assessor's of a change in use.

1 AC SITE >

Type	AC	2007 TG values	2007 value
S	0	415.00	0
M	16	236.00	3,776
H	40	142.00	5680
Tree Growth Val			9,456
AC	Adjmnt	2008 value	
0	1.00	95,000	0
56	0.50	5,500	154,000
0	1.00	800	0
0	1.00	500	0
56		Fair Market Val	154,000

August 28, 2008

Ronald J. Gillis, Trustee
40 Shawmut Road Suite 200
Canton, MA 02021

RE: Tree Growth Recertification

Dear: Tree Growth Property Owner:

Our records indicated that the Forest Management and Harvest Plan for your property will soon be due for compliance certification.

Compliance certification requires a 10-year periodic inspection by a Licensed Professional Forester. A Licensed Professional Forester must sign the enclosed Tree Growth Application Schedules and provide the date that the parcel was inspected to demonstrate the owner is in compliance with his/her plan or, the forester must submit other evidence that the owner is considered in compliance with their plan.

Enclosed you will find Property Tax Bulletin No. 19 published by Maine Revenue Services that outlines Tree Growth Law and includes directions to fill out the Tree Growth Application Schedule. A Tree Growth Penalty may be necessary for any land not remaining in the program.

Please return the enclosed Tree Growth Application Schedules and have your forester complete and sign the appropriate sections on the back of the form before the expiration of your current plan

If you have any questions, please feel free to contact me at (207) 384-3300 ext 110.

Sincerely,

Craig H. Skelton, CMA
Assessing Agent

Encl

**SOUTH BERWICK TOWN COUNCIL
PUBLIC HEARING
POST-CONSTRUCTION STORMWATER MANAGEMENT
MAY 26, 2009**

Chairman Jean Demetracopoulos opened the hearing at 6:30pm. Councilors present included Michelle Kareckas, David Burke, David E. Webster, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

The purpose of the hearing was to receive public comment on the proposed ordinance for Post-Construction Stormwater Management (Chapter 108) and associated amendments to the Zoning (Chapter 140) and Subdivision (121) ordinances.

The Chair read the following summary: 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 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. Sevee & Maher Engineers, town staff, and MEDEP have been working together in the creation of this new 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.

Mr. Schempf stated that the following additional language will need to be added prior to adoption: "Notwithstanding anything to the contrary in MRS 302, this ordinance applies to any application for site plan or subdivision review whether or not such application had become a pending preceding as defined in 1MRS 302 prior to the passage of this ordinance".

Mr. Burke received clarification that the ordinance will cover the entire town, but can be amended later. Terry Oliver, PWD, stated that the ordinance must cover, at minimum, the defined urban area.

Mrs. Kareckas asked if there are any pending applications that will be effected by the new ordinance. *Not at this time.*

Karen Webster, Tamarack Dr, asked for the associated costs. Mrs. Demetracopoulos and Mr. Oliver explained that the cost is passed on to the developer. Fees collected would be placed in a special revenue account to cover the costs of future inspections.

The hearing was closed at 6:38pm.

Attest:

Barbara Bennett, CCM
Town Clerk

**SOUTH BERWICK TOWN COUNCIL
MAY 26, 2009**

Chairman Jean Demetracopoulos called the meeting to order at 6:38pm. Those present included Councilors Michelle Kareckas, David Burke, David E. Webster, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

APPROVAL OF MINUTES

1. Town Council 5-18-09: On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.
2. Special Town Council 5-18-09: On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to adopt the minutes as written.

SIGNING OF TREASURER'S WARRANT – May 26, 2009

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

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:
 - Stated that Hike Thru History day was fun and thanked those involved.
 - The Rescue open house, although lightly attended, was very informative.
 - Congratulated the VFW for the nice job they do for the Memorial Day celebration.
2. Mr. Burke:
 - Apologized to the Council, staff, and residents for his recent actions. He added that he is disappointed in himself.
 - Thanked the VFW for their Memorial Day service.
 - Congratulated the Town Clerk on obtaining her lifetime certification through the Maine Town and City Clerks' Association. Note was made that she is the only Clerk from South Berwick do to so.
3. Mrs. Kareckas:
 - Asked if the town meeting warrant had been mailed to residents yet. The warrant was delivered to the company that is mailing them on Friday, and should be in the mail in a couple of days.
4. Mr. Webster:
 - Thanked the VFW, Boy Scouts, and the Fire Department for all they do at celebrations like Memorial Day.

TOWN MANAGER'S REPORT

- Commented that Memorial Day is very special, especially since he comes from the birth place of Memorial Day in Pennsylvania.
- Congratulated the Clerk on obtaining her lifetime certification.
- Stated that the Town Report is available.
- Stated that Rescue is looking into a grant that would provide funding for defibrillators for the Town Hall.
- Stated that as a result of a couple of traffic study meetings a number of new ideas (experiments) will be implemented, initially on a temporary basis. Improvements to pedestrian safety and traffic flow were primary concerns.
- Business Directional Signs: Pre-existing signs are considered a pre-existing non-conforming use; and the signs for Salmon Falls Nursery are fine. The Planning Board has been asked if they would be willing to review the issue. Mr. Schempf added that there is no urgency for the review and the ordinance stands as is.
- Stated that the town meeting warrant should be in the mail soon. He added that the cost came to almost \$1200, \$500 more than the Council approved. \$700 would come from the administration budget, \$400 from postage, \$300 from contracts. Mr. Schempf and Mr. Burke have agreed to cover the cost of the overage themselves.

PUBLIC COMMENT

1. Malcolm Kenney, Agamenticus Rd, asked if the Council had discussed setting up a special revenue account for the transfer station. Mrs. Demetracopoulos stated that the Council had not discussed it. *Later in the meeting*, Mr. Kenney asked if there are any plans to consider it. Mr. Schempf stated that he has plans to consider it.

2. Eric Pelchat, Front St, thanked the Council for putting the agenda supporting documentation on the website. He added that it was very helpful. Mr. Schempf stated that it is still being tweaked.

3. Karen Webster, Tamarack Dr, thanked the Manager and staff for putting the documentation on the website. She added that she would like to see the entire packet on the website. [*The Council receives a weekly packet that contains various correspondence, board minutes, and information on current events*] Mr. Schempf stated that only the agenda and its supporting documentation are being posted to the web. The entire packet will not.

4. Audrey Fortier, Rodier Rd, questioned the availability of the town report. It was explained that the report was expected for May 20th but were just received and are now available.

5. Ruth Boston, Emery's Bridge Rd, asked for the status of the Balancing Rock and the development between Earls Rd and Belle Marsh Rd. *No response given to the Balancing Rock.* Mrs. Demetracopoulos stated that the proposed development off of Earls Road had been dropped; the property was sold to the Nature Conservancy.

6. Norma Tutelian, Butler St, congratulated the Clerk on achieving lifetime certification. Mrs. Tutelian asked for a total of legal fees for the current year. Mrs. Demetracopoulos stated they were \$25,363. Mrs. Tutelian also questioned the enforcement of parking at the Young Street property.

7. Richard Clough, Academy St, asked for updates on the Great Works Bridge construction and the Comcast build-out. The bridge project is going out to bid soon and work may start in July. At the last meeting the Chair asked if a Comcast representative could be scheduled for a June or July meeting. Mr. Schempf stated that it is doubtful anyone will attend. He added that until they miss their commitment we can't complain.

NEW BUSINESS

1A. Mrs. Demetracopoulos explained that FEMA Mitigation money is being applied for because of the concern with continual flooding and the effects on Emery's Bridge Road. Public audience members expressed their concerns with the required match. Mr. Schempf stated that almost all grants require some type of match and he misspoke when he used the phrase "free money" at the last meeting. Terry Oliver, PWD, added that matching funds could include town equipment use and labor.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to authorize the Public Works Director to apply for a FEMA Mitigation Grant in the amount of \$570,000 for the purpose of reconstructing the area referred to as White's Marsh on Emery's Bridge Road. Matching funds to come from the Capital Improvements account for roads.

1B. The Council discussed the Council Rules as listed in section 17 of the Administrative Code. Public concerns included accessibility to meetings and Council conduct and behavior. Council concerns included: cell phones in chambers, web posting, rules for boards/committees, how to address questions from the public during a meeting, increased posting of Council rules for the public, how to handle committee appointments, and improving the flow of the meeting in regard to public comment and the need to reduce redundancy.

1C. The Council discussed the necessity for instituting standardized rules for Town board and committees. The issues discussed included training for the Chairmen, standardization of by-laws and number of members, issuing clear and concise expectations, set procedures for posting agendas, taking and supplying minutes in a timely fashion, and Chairs reporting to the Council on a regular basis.

2A. Councilor Webster expressed his concern that the date the school board signed the warrant was missing. The Clerk stated that it was probably a clerical error and the date would be confirmed and completed.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to sign the warrant calling the SAD #35 Budget Validation Referendum on Tuesday, June 9th.

ADJOURNMENT

On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to adjourn the meeting at 8:07pm.

Attest:

Barbara Bennett, CCM

DRAFT

Check Number	Account	Date Paid	Amount
00049121	071275 ANGELA GUILLETTE	06/15/2009	-60.00
00049590	133050 TREAS, STATE OF MAINE/IV-D	06/15/2009	60.58
00049591	132500 SECRETARY OF STATE M/V	06/15/2009	12,885.16
00049592	230480 WASHINGTON STATE SUPPORT REG	06/15/2009	27.80
00049593	132500 SECRETARY OF STATE M/V	06/15/2009	18,003.07
00049594	133050 TREAS, STATE OF MAINE/IV-D	06/15/2009	70.00
00049595	189999 REFUNDS	06/15/2009	5.00
00049596	189999 REFUNDS	06/15/2009	63.00
00049597	133050 TREAS, STATE OF MAINE/IV-D	06/15/2009	70.00
00049598	189999 REFUNDS	06/15/2009	200.00
00049599	240900 YORK COUNTY REGISTRY OF DEEDS	06/15/2009	1,365.00
00049600	132500 SECRETARY OF STATE M/V	06/15/2009	17,433.15
00049601	010185 ABBY CHIC LLC	06/15/2009	7.35
00049602	010285 ADMIRAL FIRE & SAFETY INC	06/15/2009	418.90
00049603	010300 AETNA	06/15/2009	14,172.00
00049604	010336 AGGREGATE RECYCLING CORP	06/15/2009	3,464.56
00049605	010585 AMAZON	06/15/2009	41.92
00049606	010740 AMERIFLEX CLAIMS ACCOUNT	06/15/2009	1,980.40
00049607	011250 TREASURER, STATE OF MAINE	06/15/2009	69.00
00049608	011300 APPLE BOOKS	06/15/2009	537.76
00049609	030420 AT&T MOBILITY	06/15/2009	68.82
00049610	011475 ATLANTIC BROOM	06/15/2009	330.00
00049611	020225 BAKER & TAYLOR	06/15/2009	256.09
00049612	020900 BEAUREGARD EQUIPMENT INC	06/15/2009	1,283.01
00049613	021095 BARBARA BENNETT	06/15/2009	143.21
00049614	021097 BERNARD BENNETT	06/15/2009	28.15
00049615	021200 BERGERON PROTECTIVE CLOTHING	06/15/2009	839.06
00049616	022850 BUSINESS EQUIPMENT UNLIMITED	06/15/2009	964.03
00049617	021800 BOB'S TROPHIES & AWARDS	06/15/2009	7.05
00049618	022150 BOSTON CO.	06/15/2009	2,700.00
00049619	022503 SHARON BRASSARD	06/15/2009	10.27
00049620	022700 BROWN'S RIVER BINDERY INC	06/15/2009	1,020.00
00049621	022710 BROX INDUSTRIES INC	06/15/2009	248.00
00049622	030530 CENTRAL TIRE CO INC	06/15/2009	182.89
00049623	030500 CENTRAL MAINE POWER/CREDIT, COLL	06/15/2009	291.00
00049624	030510 CENTRAL MAINE POWER	06/15/2009	4,879.47
00049625	193300 CITIZENS BANK	06/15/2009	35.00
00049626	030725 CITIZENS BANK (CHG)	06/15/2009	889.29
00049627	030920 CLEAN-O-RAMA	06/15/2009	522.40
00049628	031096 COCHECO VALLEY HUMANE SOCIETY	06/15/2009	1,287.25
00049629	031425 COLONIAL LIFE & ACCIDENT INS.	06/15/2009	1,464.84
00049630	031430 COMCAST	06/15/2009	95.00
00049631	031470 COMMUNITY INVESTMENTS	06/15/2009	1,800.00
00049632	031570 CONSOLIDATED ELECTRICAL	06/15/2009	119.56
00049633	031875 COYNE TEXTILE SERVICES	06/15/2009	162.76
00049634	031998 CRT PROCESSING	06/15/2009	453.31
00049635	040105 DAYTON SAND & GRAVEL	06/15/2009	605.60
00049636	040130 BOB DEARBORN	06/15/2009	100.00
00049637	040445 JEAN DEMETRACOPOULOS	06/15/2009	46.79
00049638	040500 VICTORIA DESILETS	06/15/2009	39.96
00049639	040520 DIGITAL INK PRINTING	06/15/2009	524.49
00049640	040580 TRAVIS DOIRON	06/15/2009	420.00
00049641	050798 ELIOT SMALL ENGINE REPAIR INC	06/15/2009	22.98
00049642	050815 EMPLOYEE HEALTH & BENEFITS	06/15/2009	557.33
00049643	141000 FAIR POINT COMM	06/15/2009	128.84
00049644	060300 FAVORITE FOODS INC	06/15/2009	337.01

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00049645	061500 FOSTER'S DAILY DEMOCRAT	06/15/2009	240.34
00049646	070210 GALL'S INC	06/15/2009	606.93
00049647	070270 GAYLORD BROTHERS	06/15/2009	236.45
00049648	070800 W.W.GRAINGER INC.	06/15/2009	58.86
00049649	071000 MATTHEW GRAY	06/15/2009	69.67
00049650	071086 GREAT WORKS FAMILY PRACTICE	06/15/2009	99.00
00049651	071307 GULF/FLEET FUNDING	06/15/2009	1,003.71
00049652	080239 HANNAFORD'S PRINTING	06/15/2009	420.00
00049653	191330 HANNAFORD'S	06/15/2009	543.66
00049654	080242 M L HANNAY ASSOCIATES	06/15/2009	800.00
00049655	080248 HANSCOM'S TRUCK STOP INC	06/15/2009	7,630.96
00049656	080500 BEVERLY HASTY	06/15/2009	149.19
00049657	081150 TOM HOWARTH	06/15/2009	900.00
00049658	090120 INLAND FISHERIES & WILDLIFE	06/15/2009	451.00
00049659	090450 INTERSTATE ALL BATTERY CENTER	06/15/2009	121.95
00049660	100150 JANETOS MARKET	06/15/2009	231.80
00049661	100162 JCJ ARCHITECTURE	06/15/2009	2,700.00
00049662	100200 JEWETT/EASTMAN MEMORIAL COM	06/15/2009	239.00
00049663	100380 JOHN DEERE LANDSCAPES	06/15/2009	441.90
00049664	110475 KITCHEN TECH LLC	06/15/2009	210.00
00049665	110520 KJE AUTOMOTIVE MACHINE INC	06/15/2009	60.00
00049666	120350 NORMAND LAUZE	06/15/2009	338.00
00049667	120527 LAW ENFORCEMENT SUPPLY INC	06/15/2009	49.51
00049668	120510 LAWSON PRODUCTS INC.	06/15/2009	118.91
00049669	127000 CORRINE J MAHONY	06/15/2009	1,400.00
00049670	132400 MAINE SAD #35	06/15/2009	502,851.16
00049671	132990 MAINE PEOPLE'S RESOURCE CENTER	06/15/2009	21.50
00049672	133375 MAINE ENERGY RECOVERY CO.	06/15/2009	2,415.25
00049673	133195 MAINE TURNPIKE AUTHORITY	06/15/2009	200.00
00049674	133358 W.B.MASON	06/15/2009	307.85
00049675	133381 MBW TRACTOR SALES	06/15/2009	230.00
00049676	134300 MAINE MUNICIPAL EMPLOYEES	06/15/2009	203.26
00049677	134400 MAINE MUNICIPAL ASSOCIATION	06/15/2009	30.00
00049678	134754 MORIN STEEL INC	06/15/2009	22.00
00049679	135130 MTCCA/HMA	06/15/2009	50.00
00049680	140106 NAPA OF SOMERSWORTH	06/15/2009	437.06
00049681	141080 NEXTEL	06/15/2009	527.26
00049682	141127 NH E-Z PASS	06/15/2009	116.00
00049683	141300 NO.BERWICK LUMBER & HARDWARE	06/15/2009	174.67
00049684	141367 NORTHEAST ELEVATOR SERVICES	06/15/2009	588.00
00049685	141384 NORTHEAST PAGING/UCOM	06/15/2009	7.73
00049686	150280 ORIENTAL TRADING CO	06/15/2009	169.93
00049687	160230 PERMA-LINE CORP	06/15/2009	216.54
00049688	160692 POLAND SPRING	06/15/2009	131.76
00049689	160900 PORTLAND NORTH TRUCK CENTER	06/15/2009	600.69
00049690	161265 PORTSMOUTH FORD	06/15/2009	101.76
00049691	180100 RALPH PILL LIGHTING	06/15/2009	39.43
00049692	180477 RICE'S AUTOMOTIVE CENTER	06/15/2009	221.95
00049693	180980 ROBERGE RENTALS LLC	06/15/2009	550.00
00049694	190030 SACO BOUND OUTDOORS	06/15/2009	100.00
00049695	190094 SANEL AUTO PARTS CO	06/15/2009	487.26
00049696	190532 RACHEL ZOLL SCHUMACHER	06/15/2009	190.00
00049697	191020 SEVEE & MAHER ENG INC	06/15/2009	7,115.75
00049698	191320 SHERWIN-WILLIAMS	06/15/2009	52.96
00049699	191500 MAURICE ROBERGE	06/15/2009	685.00

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00049700	191950 SO BERWICK HOUSE OF PIZZA	06/15/2009	68.35
00049701	192900 SO BERWICK WATER DISTRICT	06/15/2009	195.91
00049702	191875 TOWN OF SOUTH BERWICK	06/15/2009	300.00
00049703	192650 SO BERWICK SEWER DISTRICT	06/15/2009	71.16
00049704	193410 SO MAINE REGIONAL PLANNING CM	06/15/2009	5,205.35
00049705	193605 SOUTHWORTH-MILTON, INC	06/15/2009	491.14
00049706	193640 STAPLES	06/15/2009	102.51
00049707	180250 SYSCO:NORTHERN NEW ENGLAND	06/15/2009	1,090.75
00049708	200100 TARASON ENTERPRISES INC	06/15/2009	688.00
00049709	200545 TERMINIX INTERNATIONAL	06/15/2009	160.00
00049710	040495 TREAS, STATE OF ME/BIS	06/15/2009	85.01
00049711	133105 TREASURER OF STATE/C.WPNS	06/15/2009	55.00
00049712	133113 TREASURER OF STATE/ATV	06/15/2009	1,774.00
00049713	133115 TREASURER, STATE OF ME/LIC	06/15/2009	100.00
00049714	201300 TWO-WAY COMMUNICATION SERV INC	06/15/2009	1,198.65
00049715	090151 UNITED STATES TREASURY	06/15/2009	10.14
00049716	210500 UNITED STATES POST OFFICE	06/15/2009	220.00
00049717	210750 VACUUM VILLAGE	06/15/2009	105.45
00049718	230300 WALMART COMMUNITY BRC	06/15/2009	252.26
00049719	241255 XEROX CORPORATION	06/15/2009	55.01
00049720	238000 XPRESS OF MAINE	06/15/2009	2,970.00
00049721	241109 YORK POLICE DEPARTMENT	06/15/2009	7,427.99
00049722	240900 YORK COUNTY REGISTRY OF DEEDS	06/15/2009	88.66
Total Not Prepaid			604,236.30
Total Prepaid			50,122.76
Grand Total			654,359.06

WARRANT NUMBER _____ \$ 654,359.06 DATE 06/10/2009

* * * TREASURER'S WARRANT * * *

THIS IS TO CERTIFY THAT THERE IS DUE AND CHARGEABLE TO THE APPROPRIATIONS LISTED ABOVE THE SUM SET AGAINST EACH NAME AND YOU ARE DIRECTED TO PAY UNTO THE PARTIES NAMED IN THIS SCHEDULE.

PUBLIC RECORD

TOWN COUNCIL:

APPROVED _____

DATE _____

TOWN MANAGER

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: 6-15-09	Agenda Item # UB 1A NB
Subject	
Adopt Post Construction Stormwater Management Ordinance and associated Zoning and Subdivision Amendments.	
Information	
<p>To comply with the USEPA Clean Water Act a Post Construction Stormwater Management Ordinance has been drafted. This new Ordinance requires changes to both Zoning and Subdivision Ordinances for consistency.</p> <p>The Planning Board and the Council have each held a public hearing on all three Ordinances. Both Public Hearings were posted in accordance with Maine Statutes. The minutes from the Council's Public Hearing are included in this Agenda for adoption.</p>	
Staff Comments/Recommendation	
<p>Town Staff and the Planning Board unanimously recommend adoption of the new Ordinance Chapter 108: Post Construction Stormwater Management. Also recommended are the adoption of the amendments to Chapter 121: Subdivision of Land and Chapter 140: Zoning to bring these chapters into compliance with the new regulations found in Chapter 108.</p> <p>As is the case with all Ordinance amendments, these changes will become effective 30 days from their adoption. The recommended fee schedule (to be set by the Town Council) will be placed on a future agenda.</p>	
Requested Action	
<p>Motion to adopt Chapter 108: Post Construction Stormwater Management. Motion to adopt the amendments to Chapter 121: Subdivision of Land. Motion to adopt the amendments to Chapter 140: Zoning.</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 15, 2009	Agenda Item # UB NB 1A
Subject	
Sign warrant for Special Town Meeting on June 29, 2009	
Information	
A Special Town meeting is required to fund the budget overrun in the Highway Department. The overage is due to Winter costs (approx \$43,500), Repair/Maintenance of Equipment (approx \$30,000) and Storm Water Management (approx \$10,000). These overages are offset by savings within the department (payroll, fuel).	
Staff Comments/Recommendation	
Although savings in other departmental budgets will offset this expenditure, audit procedures require town meeting approval for individual budgets exceeding \$10,000.	
Requested Action	
Sign warrant for Special Town meeting on June 29, 2009.	
Vote	

WARRANT
TOWN OF SOUTH BERWICK, MAINE
SPECIAL TOWN MEETING

State of Maine

County of York, ss.

TO: JOSEPH ROUSSELLE, a Resident of South Berwick in the County of York,
State of Maine.

GREETINGS: In the name of the Town of South Berwick, you are required to notify the inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Town Council Chambers in the Town Hall at 180 Main Street in said Town on Monday June 29, 2009 at 6:30 p.m., then and there to act on the following articles:

ARTICLE 1. To elect a moderator to preside at said meeting.

ARTICLE 2. To see what sum the Town will vote to appropriate and expend from the Undesignated General Fund Balance to cover the unexpected overdraft in the Highway budget for 2008/09.

TOWN COUNCIL RECOMMENDS: \$60,000 from Undesignated General Fund.

ARTICLE 3. To see if the Town will vote to adjourn the Special Town Meeting.

Given under our hands this 15th day of June 2009.

Jean Demetracopoulos

Michelle Kareckas

David Burke

Gerald W MacPherson Sr.

David E Webster

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: June 15, 2009	Agenda Item # UB NB 1B
Subject	
Authorize grant application for ATV enforcement	
Information	
This grant is applied for annually with great success. It enables the Department to increase their ATV patrols. The match is made with in-kind services i.e., use of the vehicle and budgeted staff time.	
Staff Comments/Recommendation	
We recommend support of this grant application to continue our successful efforts with ATV enforcement issues and related enforcement issues which arise while on these patrols.	
Requested Action	
Motion to authorize the grant application to the State of Maine for ATV enforcement in South Berwick.	
Vote	

To: John Schempf – Town Manager

From: Lt. Chris Burbank

Date: June 4, 2009

REF: *ATV Grant*

Attached is a copy of an ATV grant I would like to apply for. We have applied and been awarded this grant for the past couple of years and it allows the Police Department to conduct off road patrols which likely would not happen with out.

Any questions please feel free to contact me.

STATE OF MAINE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BUREAU OF WARDEN SERVICE

ALL TERRAIN VEHICLE ENFORCEMENT GRANT APPLICATION

APPLICANT INFORMATION

1. Applicant's Name / Agency	South Berwick Police Department
2. Federal Tax Identification Number (Application is invalid without Tax ID)	016000372
3. Project Representative / Project Contact Person	Christopher S. Burbank
4. Name of Person Authorized to sign an Agreement/Contract	Christopher S. Burbank
5. Address	180 Main Street South Berwick, ME 03908
6. Telephone Numbers	207-384-2254
7. E-mail Address	soberwickpd@psouth.net
8. Name of Financial Contact	Fern Houliares
9. Telephone Number of Financial Contact	207-384-3300
10. Address (Payments will be sent to this address)	180 Main Street South Berwick, ME 03908

PROJECT INFORMATION

11. Grant Categories – Project Type	General ATV Enforcement <input checked="" type="checkbox"/> Multi-jurisdiction Enforcement <input type="checkbox"/> Training & Equipment <input type="checkbox"/>
12. Name of Project (Do not use the project type as the name)	ATV Fall 2009
13. Amount of Grant Funds Request	\$ 4,560.00
14. Amount of Available Match	\$ 1,140.00
15. Total Project Cost	\$ 5,700.00
16. If you receive grant funding do you have authorization in place to receive and expend awarded grant funds?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

17. Project Term Dates:

(When will the project begin and when will it be completed?)

August 2nd through November 28, 2009

18. Project Description:(Please attach a separate sheet if necessary)

See Attached

(Please do a brief description of your project, include main project elements. This will be used to compile the scope of work)

19. City/Town South Berwick
(Town Closest to site)

State Legislative District and Representative
146-Mark Eves, 148-Sarah Lewin

20. Please list names of groups or individuals that are in support of this project. Please include their telephone numbers and email addresses.

Town Council

Citizens of South Berwick

Joseph Bondi-landowner of wooded area
which surrounds Warren Pond 337-2898

David Ramsdell-owner of numerous pits
& Bennett Road 363-3300

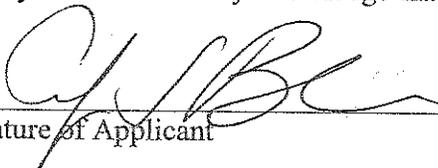
Please use an additional sheet of paper to list more supporters. Attach letters and/or articles in support of this proposal.

**ATV Project Funding & Budget
Worksheet**

21.

Item	Grant Request	Match	Total Project Cost
Cash			
Cash on Hand	*****		
Cash Donations	*****		
Volunteer Labor	*****		
User Fees	*****		
Law Enforcement			
Vehicle Cost		\$1,140.00	
Labor Costs	\$4,560.00		
Equipment Costs			
Other Costs			
Sub-Totals	*\$4,560.00	*\$1,140.00	*\$5,700.00
Grant Funds Requested	*\$4,560.00		
Match Funds	*\$1,140.00		
Total Project Costs	*\$5,700.00		
(You may attach an additional paper if you have items you wish to cost that are not listed on this form)			

I certify to the best of my knowledge that all information listed on this application is accurate.



Signature of Applicant

6/4/08
Date

Please mail completed applications to:

William F. Allen
Grant Coordinator
8 Federal Street
Augusta, ME 04330

For more information, please contact Bill Allen:

Email: bill.allen@maine.gov
Phone: (207) 287.4080

PROJECT DESCRIPTION:
ATV FALL 2009

Over the past couple of years the All Terrain Vehicle Enforcement grant has provided the South Berwick Police Department with the opportunity to proactively engage in off road enforcement. Our enforcement efforts focus on ATV safety, registration and trespass issues and the additional problems which are exasperated by such violations. During our various patrols officers have also come to investigate littering complaints, firearms violations and located previously unknown underage drinking 'party spots.'

The South Berwick Police Department has worked in conjunction with local bordering police departments (such as York, North Berwick and Berwick Police) exchanging relevant information gathered during such patrols. We also work hand in hand with the Maine Game Warden (Michael Joy) assigned to this district. During each grant period we receive countless positive comments and feedback from landowners, ATV operators, and others who are out (legally) enjoying nature. There is little doubt in our minds that during our periods of grant sponsored patrols we gain a dramatic increase in 'voluntary compliance.'

Without such grant assistance it would be fair to say the South Berwick Police Department would not be able to provide the personnel hours and resource allocation which is so desperately needed in these areas.

Thank you in advance for your time and consideration of this matter.

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: June 15, 2009	Agenda Item # UB NB
Subject: Pepperland Café liquor license & special amusement permit	
Information: Attached is the liquor license application.	
Staff Comments/Recommendation: Lt. Burbank's recommendation is attached to the back of this sheet.	
Requested Action: Motion to approve the renewal of Pepperland Café's liquor license & special amusement permit.	
Vote:	

Barbara Bennett

From: Chris Burbank [cburbank@sbmaine.us]
Sent: Wednesday, June 10, 2009 7:35 AM
To: Barbara Bennett
Subject: RE: Pepperland cafe

No concerns – we have not had any problems or calls for service to P.C. in regards to liquor.

Chris

From: Barbara Bennett [mailto:bbennett@sbmaine.us]
Sent: Tuesday, June 09, 2009 7:00 PM
To: Chris Burbank
Subject: Pepperland cafe

Chris,
The Council will be taking action on Pepperland's liquor license & special amusement permit on the 15th. Are there any issues they should be aware?

Thanks,
Barbara Bennett, CCM
Town Clerk
180 Main Street
South Berwick, ME 03908
bbennett@sbmaine.us
207.384.3300
207.384.3303 fax

**Department of Public Safety
Division**

Liquor Licensing & Inspection



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES 6/20/09

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Pepperland Cafe LLC</u> DOB: _____			2. Business Name (D/B/A) <u>Pepperland Cafe</u>		
DOB: _____					
DOB: _____			Location (Street Address) <u>279 Main Street</u>		
Address <u>279 Main Street</u>			City/Town <u>South Berwick</u>		State <u>ME</u>
			Zip Code <u>03908</u>		
			Mailing Address <u>279 Main Street</u>		
City/Town <u>South Berwick</u>		State <u>ME</u>	City/Town <u>South Berwick</u>		State <u>ME</u>
Zip Code <u>03908</u>		City/Town <u>South Berwick</u>		Zip Code <u>03908</u>	
Telephone Number <u>207.384.5535</u>		Fax Number <u>207.384.5535</u>		Business Telephone Number <u>207.384.5535</u>	
Federal I.D. #		Fax Number <u>207.384.5535</u>		Seller Certificate #	

3. If premises are a hotel, indicate number of rooms available for transient guests: n/a
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire, if YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____ Business hours: _____
9. Business records are located at: 279 Main Street South Berwick ME
10. Is/are applicants(s) citizens of the United States? YES NO

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: 6-15-09	Agenda Item # UB NB 1D
Subject	
Obtain direction on LD 1432; creation of a recreational saltwater fishing registry.	
Information	
This bill has been brought to our attention by MMA. In the past our services as agents for the state have been compensated with a small fee. This bill does not provide for any compensation to the municipalities.	
Staff Comments/Recommendation	
In situations of this nature, it is the role of the elected municipal officials to determine if they wish to contact our legislators. We have brought this to your attention as we believe this is a beginning of a trend that will continue.	
Requested Action	
Council wishes.	
Vote	

John B. Schempf

From: Barbara Bennett
Sent: Friday, June 05, 2009 11:38 AM
To: John B. Schempf; Roberta Orsini; Fern Houliares
Subject: FW: Action Alert re: creation of a registry of "recreational saltwater" fishing registry

FYI, in case you are not on the list to receive this.....

I believe if the Town is not going to get anything for this, we should fight it. We cannot continue to do the State's work for no \$\$\$. Storage of the documentation is also a problem with our vault getting beyond capacity.

Barbara Bennett, CCM
Town Clerk
180 Main Street
South Berwick, ME 03908
bbennett@sbmaine.us
207.384.3300
207.384.3303 fax

From: KeyMunicipalOfficials-owner@imail.memun.org [mailto:KeyMunicipalOfficials-owner@imail.memun.org] **On Behalf Of** Geoff Herman
Sent: Thursday, June 04, 2009 3:17 PM
To: 'keymunicipalofficials@imail.memun.org'
Cc: Geoff Herman; Jeff Austin; Kate Dufour; Laura Veilleux
Subject: Action Alert re: creation of a registry of "recreational saltwater" fishing registry

To: Key municipal officials
Municipal clerks

Fr: Geoff Herman

Re: LD 1432, a bill regarding the creation of a registry of "recreational saltwater" fishing registry

Date: June 4, 2009

This bill would obligate all Mainers who choose to engage in recreational fishing in Maine's saltwater to first register with the state.

Proponents of the bill indicate that the registry is needed to head-off a federal licensing program.

All municipalities that currently process other state hunting and fishing licenses are obligated to accept registration materials for the saltwater registry. This is technically not a municipal mandate because the law views the municipal worker (generally the clerk) as a "state volunteer" while engaging in the process of issuing state licenses.

That being said, the law has always allowed municipalities to charge a small "agent fee" \$1 or \$2

6/10/2009

to help offset the costs of processing state licenses.

LD 1432 deviates from this well-established practice by specifically prohibiting municipalities from charging any fee for this service.

Municipal officials concerned with this legislation are urged to contact their Representatives and Senators immediately.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create a Saltwater Recreational Fishing Registry

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6312 is enacted to read:

§ 6312. Saltwater recreational fishing

A person may not engage in saltwater recreational fishing or land or possess fish taken from salt water without registering pursuant to section 12514. The commissioner may designate the methods of fishing or the saltwater areas for which registration is required under this section. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §12514 is enacted to read:

§ 12514. Saltwater recreational fishing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

- A. "Person with a disability" means a person who is physically or mentally incapacitated as determined by the commissioner;
- B. "Disabled veteran" means a veteran of the Armed Forces of the United States who has a service-connected disability as determined by the United States Department of Veterans Affairs; and
- C. "Registry" means the registry for persons engaged in saltwater recreational fishing under subsection 2.

2. Saltwater recreational fishing registry. The commissioner shall administer and maintain a registry of persons who engage in saltwater recreational fishing under section 6312. A person who engages in saltwater recreational fishing or lands or possesses fish taken from salt water in the State must register annually with the commissioner pursuant to this section.

3. Registry procedures. A person may register pursuant to subsection 2 through an agent under section 12501 or a publicly accessible online electronic system used to purchase fishing licenses operated by the department. A person purchasing a fishing license under section 12501 must be asked if the person intends to fish in salt water for that calendar year. If the person answers in the affirmative, the person must be informed of the requirements under this section.

4. Registry information. The registry must contain the following information for each person registered:

- A. Name;
- B. Address;
- C. Date of birth; and
- D. Telephone number.

5. Exemptions. The following persons are exempted from this section:

- A. A person under 16 years of age;
- B. A passenger on board a vessel captained by an individual who possesses a current guide license for tidewater fishing issued under section 12853 or a customer on board a vessel licensed to carry passengers for hire for recreational fishing;
- C. A member of the United States Armed Forces on active military duty while on leave or furlough;
- D. A person with a disability;
- E. A disabled veteran; or
- F. A person who is registered or licensed to engage in saltwater recreational fishing in another jurisdiction if the registration or licensing requirements of that jurisdiction meet the requirements of 50 Code of Federal Regulations, Sections 600.1415 and 600.1416 (2009).

6. Report. The commissioner shall report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration.

7. Enforcement. Until September 30, 2011, a person who violates this section must be issued an informational brochure developed by the commissioner to educate and inform the person on the requirements of this section. Beginning October 1, 2011, a person who violates this section commits a civil violation for which a fine of not less than \$100 may be adjudged.

8. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. Commissioner to execute memorandum of agreement. By January 1, 2010, the Commissioner of Inland Fisheries and Wildlife shall initiate negotiations for and execute a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration pursuant to the provisions of 50 Code of Federal Regulations, Section 600.1415 (2009).

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Deappropriates funds from the recreational fishing program to fund the saltwater recreational fishing registry under the Department of Inland Fisheries and Wildlife.

GENERAL FUND	2009-10	2010-11
All Other	(\$12,000)	(\$12,000)
<hr/>		
GENERAL FUND TOTAL	(\$12,000)	(\$12,000)
MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
<hr/>		
GENERAL FUND	(\$12,000)	(\$12,000)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Saltwater Recreational Fishing Registry

Initiative: Appropriates funds to create and administer the saltwater recreational fishing registry.

GENERAL FUND	2009-10	2010-11
All Other	\$12,000	\$12,000
<hr/>		
GENERAL FUND TOTAL	\$12,000	\$12,000
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
<hr/>		
GENERAL FUND	\$12,000	\$12,000
SECTION TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
<hr/>		
SECTION TOTAL - ALL FUNDS	\$0	\$0

SUMMARY

This bill creates the saltwater recreational fishing registry to register persons engaged in saltwater recreational fishing to be administered by the Department of Inland Fisheries and Wildlife through the department's existing program to issue fishing licenses. The bill directs the Commissioner of Inland Fisheries and Wildlife to negotiate a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration to exempt the State from a federal registry if the State submits data from the saltwater recreational fishing registry created by this bill. This bill deappropriates \$12,000 from the Department of Marine Resources recreational fishing program to fund the saltwater recreational fishing registry.

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: June 15, 2009	Agenda Item # UB NB 1E
Subject	
Proposed changes to the Personnel Policy	
Information	
ARTICLE XXVIII Use of Town Vehicles § 31-95.A contains a clause that the ACO is not required to respond to emergency calls.	
Staff Comments/Recommendation	
Upon review with the Acting Police Chief I suggest we amend Article XXVIII to remove the sentence regarding the ACO. This position does respond to emergency calls and as such I prefer the ACO take the vehicle home to avoid delays in calls for service.	
Requested Action	
Motion to adopt the amendment to the Personnel Policy: Section XXVIII section 31.95.A	
Vote	

ARTICLE XXVIII Use of Town Vehicles [Added 5-22-2006]

§ 31-95. Personal use of Town vehicles by Town employees.

The Town recognizes that certain employees are required to be "on call" during off-duty hours. This policy is intended to assure that these employees are able to have the vehicles at their disposal necessary to fulfill the duties of their positions while at the same time ensuring only those uses authorized by the Town are permitted. Except as stated in this policy, the use of Town vehicles while off duty is strictly prohibited.

- A. Fire/EMS and law enforcement. Employees whose positions require that they be available during off-duty hours to respond to emergency calls may, with the prior approval of the Town Manager and the Police or Fire Chief, use the Town's marked emergency response vehicles while "on call" during off-duty hours. Marked emergency response vehicles used during off-duty hours shall be used exclusively within the Town's municipal boundaries, except that those employees who live outside the Town's municipal boundaries may also use such vehicles to travel to and from the employee's home and de minimis personal use but for no other use outside the Town's municipal boundaries. ~~For the purposes of this policy, the Town's Animal Control Officer (ACO) is not considered to be a position which is required to respond to emergency calls.~~
- B. Chief of Police. Due to the unique nature of the twenty-four-hour supervisory responsibility of the Police Chief, it is understood that the Town of South Berwick will continue to honor the past agreement between the Town and the present Chief of Police. As a result, the Police Chief is permitted to utilize the Town vehicle to monitor and supervise the continuous police operation, thereby allowing the Chief to utilize the Town vehicle for incidental personal use.
- C. Code Enforcement Officer. The Code Enforcement Officer is authorized to take home a Town vehicle to allow him/her during off-duty hours to respond to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles and de minimis personal use will be treated as personal use and taxed as a taxable fringe benefit. Under IRS "Commuting Only Rule," a three-dollar per-day noncash taxable fringe benefit amount will be included in the employee's gross income, quarterly, based on the number of workdays for the quarter. Any other personal use of the Town's vehicles during off-duty hours is strictly prohibited.
- D. Other pool vehicles. Except as stated in this policy, Town employees shall not be permitted to use the Town's marked or unmarked vehicles for any other purpose while off-duty.
- E. Smoking. Smoking is not permitted in any Town-owned vehicle.

South Berwick Town Council

Goals Workshop Agenda

June 15, 2009 following the regular Town Council meeting

Town Council Chambers

Purpose of meeting: to generate consensus around a short term and long term vision for the Town for the manager to create a work plan around. (Council goals should not be a list of managerial tasks.)

Format: Where this workshop begins at the end of a regular council meeting, this first workshop will focus on Councilor & Manager goals and concerns. Staff will collate findings for prioritization at a second meeting.

Individual councilor ideas of what/where the Town should in 2 years and 5 years

Identify areas of mutual agreement

Discuss areas of councilor concerns (short term issues may result in specific tasks independent of collective vision)

Manager's input of areas he sees need attention

Prioritizing goals and elements of work plan