

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



**SOUTH BERWICK  
BOARD OF ASSESSORS  
JUNE 15, 2009**

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

The Board discussed proposed Supplemental #2, Tree Growth removal and penalty for Ronald Gillis, Trustee Pollux Trust. A current copy of a compliance certificate has not been provided as asked for. Letters have been sent in August 2008, January 2009, March 2009, and June 1, 2009.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to issue a supplemental tax bill to Ronald J. Gillis, Trustee Pollux Trust, in the amount of \$36,136.00.

The meeting adjourned at 6:34pm.

Attest:

Barbara Bennett, CCM  
Town Clerk

DRAFT

## **SOUTH BERWICK TOWN COUNCIL JUNE 15, 2009**

Chairman Jean Demetracopoulos called the meeting to order at 6:35pm. 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. Public Hearing – Post-Construction Stormwater Management 5-26-09: On a motion by Mr. Webster, seconded by Mr. Burke, it was unanimously voted to adopt the minutes as written.
2. Town Council 5-26-09: On a motion by Mrs. Kareckas, seconded by MacPherson, it was unanimously voted to adopt the minutes as written.

### **SIGNING OF TREASURER'S WARRANT** – June 15, 2009

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

### **COUNCIL MEMBER COMMENTS**

1. Mr. Burke:
  - Congratulated Jennifer Houghton (The Little Hat Co) and others involved for a great job on the inaugural Kid's Day.
2. Mr. Webster:
  - Congratulated everyone involved with organizing the Kid's Day.
3. Mrs. Kareckas:
  - Asked if a special revenue account for Stormwater Management had been established yet.
  - Received clarification that the Town is not paying anything for the Comcast build-out; the subscribers are paying the cost. The franchise fee received by the Town is not paid back to Comcast.
4. Mrs. Demetracopoulos:
  - Announced the following – Shoreland Zoning workshop with Planning on 6/16, on 6/17 the Chair & Manager will attend the county volunteer EMA recognition dinner, Traffic feasibility meeting on 6/23, and on 6/24 members of the Council will attend the Tri-Berwick meeting in Berwick.
  - SAD lunch postponed until June 24th.
  - New FEMA flood zone maps are now available in the Code Office.
  - A Comcast representative has tentatively agreed to attend a July meeting.
  - Asked if we have locked in a price for heating oil. *Not yet.*
  - Asked what the status is of the old cruiser and skid steer that the Town has replaced. *They will be disposed of after July 1st.*
  - Congratulated the organizers for a great Kid's Day celebration.
  - Announced the following board vacancies (as of July): 2 Conservation Commission, 1 EDC, 2 Library Advisory, 1 Planning Board Alternate, and 1 Zoning Board of Appeals.

### **TOWN MANAGER'S REPORT**

- Prior to town meeting attended the regular regionalization meeting.
- On June 4th, the York County managers met to discuss area issues, especially the need for state representatives to push harder to support York County.
- Kid's Day was a great event and well attended.
- On June 5th attended the Maine Downtown Conference. Impressed with energy & enthusiasm. A great resource.
- Met with Central School regarding the proposed traffic plans. The Principal and SAD Business Manager were eager to get started.
- Provided a breakdown of the cuts made at town meeting, based on resident comments: contracts for field maintenance have been cut by \$13,000, compensated absence reserve has been decreased by \$10,000, and \$5,000 was cut from each of the following capital reserve accounts: office equip, police equip, transfer station equip, and buildings. And the proposed

\$250,000 for roads was reduced to \$132,000.

## **PUBLIC COMMENT**

1. Richard Clough, Academy St, expressed his concerns that a couple of councilors voted in favor of the school budget at their meeting on June 2nd.
2. Audrey Fortier, Rodier Rd, recommended that the Town put up a sign-up sheet for volunteers to help with putting out the flags for holidays.
3. Karen Webster, Tamarack Dr, asked about defibrillators for municipal buildings. Mr. Schempf stated that we do not have any yet. Staff would need to be trained. She also recommended locking in the price of heating oil before prices rise too much. Mrs. Webster suggested that department heads develop a wish list for items that may be donated.
4. Ruth Boston, Emery's Bridge Rd, asked if anything will be done about horse droppings. She questioned the status of a by-pass and the Balancing Rock. She also recommended that the ball fields by Aggie Estates be used for festivals instead of downtown. Mrs. Boston asked if there will be a change to parents dropping kids off at Central School. (Using the lot on Young St instead of Main St)
5. Suzanne Roberge, Berwick Rd, as a member of the cemetery association, expressed her thanks for the contribution of manpower & equipment provided by the Town.

## **UNFINISHED BUSINESS**

1A. Chapter 108 Post-Construction Stormwater Management: brief discussion regarding the addition of a grandfather clause – no action. Mrs. Kareckas made a motion to adopt Chapter 108 Post-Construction Stormwater Management Ordinance. Mr. MacPherson seconded.

Mr. Burke stated that he was not in favor of the new ordinance or the associated changes to the other ordinances. He explained that with no base line water quality tests, there is no way to know if it's working. He added that this is merely "feel good" legislation that increases the burden on development.

The motion to adopt Chapter 108 passed with a vote of 4-1 (Mr. Burke opposed).

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was voted 4-1 (Mr. Burke opposed) to adopt the amendments to Chapter 121, Subdivision of Land associated with Chapter 108.

On a motion by Mr. Webster, seconded by Mr. MacPherson, it was voted 4-1 (Mr. Burke opposed) to adopt the amendments to Chapter 140, Zoning associated with Chapter 108.

## **NEW BUSINESS**

1A. On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to sign the warrant calling the special town meeting on June 29th at 6:30pm.

1B. On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to authorize the Acting Police Chief to apply for the State of Maine ATV Enforcement Grant.

1C. On a motion by Mr. MacPherson, seconded by Mr. Webster, it was unanimously voted to approve the renewal of Pepperland Café's liquor license and special amusement permit.

1D. The Council discussed the pending legislation LD 1432, creation of a recreational saltwater fishing registry. The legislation would require the Town to accept registration materials for the saltwater registry without receiving any compensation.

Eric Pelchat, Front St, stated that he contacted the Senator sponsoring the bill and was told that the bill has been introduced to head-off a federal licensing program. The bill is in committee and the Senator plans on offering an amendment that would allow a \$1.00 fee for the clerks. (*Clerk fees are general revenue for the Town*) Mr. Pelchat stated that because the bill would not require fishermen to pay a fee, he is in favor of it.

After discussion, the general consensus of the Council was that more information from the

legislature would be helpful.

On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to send a letter to our representatives stating that South Berwick does not support the concept and we are vehemently against saltwater fishing licensing and any fees associated with it at this time.

The Manager received confirmation that the Council would like to be made aware of similar issues in the future.

1E. Personnel Policy §31-95A: The Manager explained that the request is to change the section by deleting the language stating the ACO is not an emergency responder. This would allow for the ACO to take the vehicle home. The vehicle sits too much and the ACO is often needed during off hours. Discussion ensued regarding the accountability of mileage, personal use, and the Town's insurance.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to amend the Personnel Policy, §31-95A, Use of Town Vehicles by deleting the last sentence that reads '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'.

**ADJOURNMENT**

On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to adjourn the meeting at 7:55pm.

Attest:

Barbara Bennett, CCM

DRAFT

Check Number	Account	Date Paid	Amount
00049723	133050 TREAS, STATE OF MAINE/IV-D	06/29/2009	70.00
00049724	132500 SECRETARY OF STATE M/V	06/29/2009	6,629.39
00049725	189999 REFUNDS	06/29/2009	10.00
00049726	133050 TREAS, STATE OF MAINE/IV-D	06/29/2009	70.00
00049727	189999 REFUNDS	06/29/2009	6.00
00049728	209999 TAX REFUNDS	06/29/2009	2,391.45
00049729	189999 REFUNDS	06/29/2009	175.00
00049730	132500 SECRETARY OF STATE M/V	06/29/2009	13,333.70
00049731	010300 AETHA	06/29/2009	14,322.00
00049732	010440 ALBERTSONS	06/29/2009	50.80
00049733	010740 AMERIFLEX CLAIMS ACCOUNT	06/29/2009	52.15
00049734	011100 LOUISE ANDERSON	06/29/2009	8.80
00049735	030420 AT&T MOBILITY	06/29/2009	72.63
00049736	020220 CATALINA BAKAS	06/29/2009	32.42
00049737	020225 BAKER & TAYLOR	06/29/2009	436.70
00049738	021200 BERGERON PROTECTIVE CLOTHING	06/29/2009	633.45
00049739	021300 BERNSTEIN SHUR	06/29/2009	2,065.06
00049740	021668 BLOW BROS	06/29/2009	52.15
00049741	022150 BOSTON CO.	06/29/2009	1,945.00
00049742	022300 BOWS AND BALLOONS BY BRINA	06/29/2009	49.98
00049743	022503 SHARON BRASSARD	06/29/2009	44.00
00049744	030530 CENTRAL TIRE CO INC	06/29/2009	75.00
00049745	030500 CENTRAL MAINE POWER/CREDIT, COLL	06/29/2009	287.74
00049746	030510 CENTRAL MAINE POWER	06/29/2009	3,634.56
00049747	030725 CITIZENS BANK (CHG)	06/29/2009	170.45
00049748	030800 CIVIL CONSULTANTS INC.	06/29/2009	2,135.00
00049749	030920 CLEAN-O-RAMA	06/29/2009	370.34
00049750	031430 COMCAST	06/29/2009	95.00
00049751	031440 COMFORT INN	06/29/2009	280.00
00049752	031981 THE CRITTER BARN INC	06/29/2009	57.00
00049753	032002 CTC/ONE COMMUNICATIONS	06/29/2009	1,109.05
00049756	040105 DAYTON SAND & GRAVEL	06/29/2009	573.60
00049757	041165 DOWN EAST MAGAZINE	06/29/2009	26.00
00049758	060790 JAMES FISK	06/29/2009	56.99
00049759	061500 FOSTER'S DAILY DEMOCRAT	06/29/2009	171.60
00049760	010525 G&K SERVICES	06/29/2009	863.23
00049761	070200 P GAGNON & SON INC	06/29/2009	540.00
00049762	070280 GENERAL CODE PUBLISHERS	06/29/2009	1,046.96
00049763	070600 GEORGE GORMAN	06/29/2009	58.41
00049764	071090 GREAT WORKS REGIONAL LND TRUST	06/29/2009	100.00
00049765	071050 GREAT FALLS CLEANERS	06/29/2009	140.00
00049766	191330 HANNAFORD'S	06/29/2009	52.11
00049767	080248 HANSCOM'S TRUCK STOP INC	06/29/2009	6,116.07
00049768	080518 HAYDEE'S PEST FREE MGMT	06/29/2009	45.00
00049769	080519 GREG HELLYER	06/29/2009	75.00
00049770	081350 HUBCAP HEAVEN	06/29/2009	65.00
00049771	090120 INLAND FISHERIES & WILDLIFE	06/29/2009	517.00
00049772	090525 IPROMOTEU	06/29/2009	255.43
00049773	100150 JANETOS MARKET	06/29/2009	196.55
00049774	081000 HOPE STORES, INC	06/29/2009	290.00
00049775	100380 JOHN DEERE LANDSCAPES	06/29/2009	354.18
00049776	100870 KENNEBUNK SAVINGS BANK	06/29/2009	20,000.00
00049777	120350 NORMAND LAUZE	06/29/2009	338.00
00049778	120510 LAWSON PRODUCTS INC.	06/29/2009	303.42
00049779	124618 KATHERINE A MACDONALD	06/29/2009	500.00
00049780	133375 MAINE ENERGY RECOVERY CO.	06/29/2009	4,149.13

TOWN OF SQ. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00049781	133195 MAINE TURNPIKE AUTHORITY	06/29/2009	61.43
00049782	130900 MARKS PRINTING HOUSE	06/29/2009	48.25
00049783	133358 W.B.MASON	06/29/2009	336.14
00049784	133381 MBW TRACTOR SALES	06/29/2009	900.00
00049785	134200 MAINE MUNICIPAL ASSO (INS)	06/29/2009	3,833.37
00049786	134601 EXXON/MOBIL	06/29/2009	301.36
00049787	134665 MONTROSE-SANFORD HYDRAULICS	06/29/2009	86.66
00049788	140380 NAT'L TACTICAL OFFICERS ASSN	06/29/2009	40.00
00049789	141394 NATIONAL TELEPHONE/TECH	06/29/2009	104.00
00049790	141080 NEXTEL	06/29/2009	503.55
00049791	141215 MAMIE ANTHOINE KEY	06/29/2009	128.21
00049792	141300 NO.BERWICK LUMBER & HARDWARE	06/29/2009	15.63
00049793	141365 NORTHEAST CREATIONS INC	06/29/2009	681.35
00049794	141367 NORTHEAST ELEVATOR SERVICES	06/29/2009	140.00
00049795	150282 ROBERTA ORSINI	06/29/2009	495.16
00049796	160235 KIMBERLY PERRY	06/29/2009	206.80
00049797	200700 PIKE INDUSTRIES INC	06/29/2009	105.83
00049798	160810 PORTLAND GLASS	06/29/2009	345.00
00049799	160900 PORTLAND NORTH TRUCK CENTER	06/29/2009	20.56
00049800	161265 PORTSMOUTH FORD	06/29/2009	39.92
00049801	180125 RANSON ENVIRONMENTAL INC	06/29/2009	170.00
00049802	180135 RAPID FORMS	06/29/2009	153.79
00049803	180429 WILLIAM REICHERT	06/29/2009	130.00
00049804	190085 SALMON FALLS GARDEN CENTER	06/29/2009	442.49
00049805	190528 JOHN SCHEMPF	06/29/2009	455.34
00049806	191060 SEXUAL ASSAULT SUPPORT SERVICE	06/29/2009	50.00
00049807	191500 MAURICE ROBERGE	06/29/2009	200.00
00049808	191513 JEFFREY A SIMPSON INC	06/29/2009	3,000.00
00049809	191900 SO BERWICK EMERGENCY RESCUE	06/29/2009	6,060.89
00049810	193410 SO MAINE REGIONAL PLANNING CM	06/29/2009	2,719.20
00049811	193622 SPRINGER ELECTRICAL SERV INC	06/29/2009	379.00
00049812	193640 STAPLES	06/29/2009	648.36
00049813	194300 SUNOCO	06/29/2009	312.18
00049814	200300 TAYLOR RENTAL	06/29/2009	48.00
00049815	201150 ANNMARIE TOWNSEND	06/29/2009	112.70
00049816	040495 TREAS, STATE OF ME/BIS	06/29/2009	85.01
00049817	133150 TREAS:STATE OF ME:SAFETY	06/29/2009	1,212.00
00049818	133113 TREASURER OF STATE/ATV	06/29/2009	2,342.50
00049819	201300 TWO-WAY COMMUNICATION SERV INC	06/29/2009	6,172.50
00049820	210380 UNITED PARCEL SERVICE	06/29/2009	10.48
00049821	230300 WALMART COMMUNITY BRC	06/29/2009	460.84
00049822	230915 WHITED TRUCK CENTERS	06/29/2009	138.83
00049823	231320 WINDWARD PETROLEUM	06/29/2009	158.82
00049824	230500 WM RECYCLE AMERICA, LLC	06/29/2009	341.01
00049825	240900 YORK COUNTY REGISTRY OF DEEDS	06/29/2009	78.00
Total Not Prepaid			99,088.12
Total Prepaid			22,685.54
Grand Total			121,773.66

06/24/2009

TOWN OF SO. BERWICK  
CHECK REGISTER

Page 7

Check Number	-----Account-----	Date Paid	Amount
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WARRANT NUMBER	\$ 121,773.66	DATE	06/24/2009
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\* \* \* 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:

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APPROVED \_\_\_\_\_  
 DATE \_\_\_\_\_  
 \_\_\_\_\_  
 TOWN MANAGER



**TOWN COUNCIL**  
**Agenda Information Sheet**

<b>Meeting Date: 6/29/09</b>	<b>Item # 1A</b>
<b>Agenda Item:</b> Waiver of formal bidding requirements to allow the purchase of used equipment.	
<b>Dept. Head Recommendation: Terry Oliver</b>	
As per the Highway Capital Equipment plan we are to purchase a used excavator (08/09) and a used backhoe (09/10). We have looked at over 100 used machines either on line, in trade magazines and advertisements, and have viewed in person the machines that have appeared to have the best value for the price requested. The best value within our budget that we have found is from Caterpillar for a combined purchase of the excavator and backhoe. The purchase is eligible for a factory municipal discount until August 1, 2009. This discount plus the dealer's price cooperation will save \$25,000 off the asking price. Matt Gray, Jay Redimarker and I have all looked at these machines and concur that it is the best value for the money.	
<b>Town Manager's Recommendation</b>	
The staff has done their due diligence in researching the best possible purchases with the funds available. I recommend the Town Council waive the formal bidding requirements of the Town's purchasing policy for these purchases.	
<b>Requested Action</b>	
Motion to waive the formal bidding requirements for the purchase of a used excavator and backhoe.	
<b>Vote</b>	

## **Purchasing Policy**

A-150-4

### **Purchase Limits**

**Purchase amount \$1,000 or less:**

**Purchase amount over \$1,000:**

**Purchase amount between \$2,500 & \$10,000:**

**Purchase amount over \$10,000:**

**No purchase order**

**Purchase order  
required**

**Informal bidding**

**Formal bidding**

A-150-5

### **Vendor Selection**

3. Formal bidding. Purchases and contracts of \$10,000 or more shall normally require the use of the following bid process:
  - F. The Town Council may waive the requirements for competitive bidding for purchases of \$10,000.00 or more in the case of a non-emergency purchase when the purchase is inappropriate for competitive bidding due to the nature of the item, time constraints or other factors.

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: June 29, 2009</b>	<b>Item # 1B</b>
<b>Agenda Item: Authorize Construction Overlimit Permit</b>	
<b>Department Head Recommendation: Terry Oliver</b>	
MDOT requires this agreement be executed prior to the commencement of work on all projects. We have spoken with the engineers and they do not believe at this time there will be a need to move a large piece of equipment which will require an overlimit permit. This is a blanket authorization and is required with every DOT project.	
<b>Town Manager's Recommendation</b>	
This is a routine request. We do not anticipate any concerns with this project as access will be on state owned roads.	
<b>Requested Action</b>	
Motion to sign the construction overlimit permit for the Great Works Bridge replacement.	
<b>Vote</b>	



STATE OF MAINE  
 DEPARTMENT OF TRANSPORTATION  
 16 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333-0016

RECEIVED  
 6-11-09  
 Town Manager's Office

JOHN ELIAS BALDACCI  
 GOVERNOR

DAVID A. COLE  
 COMMISSIONER

John B. Schempf, Town Manager  
 Town of South Berwick  
 180 Main St.  
 South Berwick, ME 03908-1535

Subject: Great Works Bridge Replacement  
 Project No: 015609.00  
 Town of South Berwick

Dear Mr. Schempf:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

Scott Bickford  
 Contracts & Specifications Engineer  
 Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: Mr. Scott Bickford, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project No. 015609.00  
Location: Great Works Bridge, Route 236

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of South Berwick** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF SOUTH BERWICK**  
By the Municipal Officials

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\_\_\_\_\_  
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**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

A Construction Area located in the **Town of South Berwick** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in the town of South Berwick, York County on route 236. Bridge No. 5610 is located approximately 2.5 miles north of the town line.
- (b) (route 236) over Great Works river, beginning at station 586+50.00 and ending at station 592+00.00 plus approaches.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

- A. Must be procured from the municipal officers for a construction area within that municipality;*
  - B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*
    - (1) Withholding by the agency contracting the work of final payment under contract; or*
    - (2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*
- The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*
- C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*
  - D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the **Town of South Berwick** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: June 29, 2009</b>	<b>Item # 1C</b>
<b>Agenda Item: Budget Transfers</b>	
<b>Department Head Recommendation: Fern Houliares</b>	
<p>Based upon Treasurer Warrants through June 29<sup>th</sup>, 5 Departments will require a total transfer of \$21,000 from the Undesignated Fund to cover estimated expenditures through June 30. The attached memo lists the dollar breakdown and explanation.</p> <p>These transfers represent approximately 0.2% of the total 2008/09 budget of \$5,143,299.00.</p>	
<b>Town Manager's Recommendation</b>	
<p>I am very pleased with the Department Head's management of their budgets. Considering that their input to the budget process began approximately 18 months ago, before Manager, Council and public changes and without weather and energy cost information, these are excellent results.</p>	
<b>Requested Action</b>	
Motion to approve budget transfers as presented.	
<b>Vote</b>	

Date: June 25, 2009  
To: John  
From: Fern  
Re: Department Overruns

Based upon the Treasurer warrants through June 29 and payroll through June 20, individual departments will need council transfers for overexpenditures. The actual departments and amounts will not be determined until final adjustments are made by the auditors and myself. The following are the best estimates as of this date:

4170: Planning	\$ 6,500	Professional Services (Mapping)
4240: Dispatch	\$ 9,500	Overtime, Equipment Repair, Telephone (PSAP fees)
4315: Public Facilities	\$ 2,500	Contracts
4325: Town Garage	\$ 1,000	Operating Supplies
4510: Social Services	\$ 1,500	General Assistance
Total	\$21,000	

Combined with the pending \$60,000 overage for the Special Town Meeting for Highway, the overages total \$81,000 or approximately .7% of the total 2008/09 municipal budget. These overages will be offset by "savings" within other departments totaling approximately \$105,000.

Please include these Council transfers as an agenda item for the June 29th meeting.

If you have any other questions, please let me know.

**TOWN COUNCIL**  
**Agenda Information Sheet**

<b>Meeting Date: June 29, 2009</b>	<b>Item #    1D</b>
<b>Agenda Item: Proposed Changes to the Personnel Policy</b>	
<b>Department Head Recommendation: Beverly Hasty</b>	
<p>To comply with the personnel benefit changes per 2009/10 Budget, the attached amendments to the Personnel Policy are needed. These amendments will adjust the percentage of the employee's contribution toward medical insurance, create a new classification of employee for downsizing, clarify the language to allow the donation of longevity to the Retirement Health Savings plan and amend the requirements for earning longevity.</p> <p>In addition, Maine State Retirement no longer limits their enrollment period. An adjustment has been made to Section 31-77.C to reflect their current status.</p>	
<b>Town Manager's Recommendation</b>	
<p>These changes are required to meet the intent of the Fiscal Year 2010 budget and bring this Article up to date with Maine State Retirement.</p>	
<b>Requested Action</b>	
<p>Motion to amend the Personnel Policy to reflect changes requested through budget to Chapter XXVIII Benefits, Sections 31-72.A &amp; C, Section 31-77.C and Sections 31-78.1.D and 31-78.2</p>	
<b>Vote</b>	

## **ARTICLE XVIII Benefits**

### **§ 31-72. Hospital, surgical and major medical insurance.**

- A. The Town participates in a group health insurance program. Full-time employees are eligible to participate in the health insurance program. Coverage becomes effective the month following date of hire. Effective July 1, 2004, the Town's contribution rate will be as follows: employee, ~~400%~~ **85%**; dependent, ~~80%~~ **85%**. The ~~20%~~ **15%** cost to the employee for dependent coverage shall be made through weekly payroll deductions. **[Amended 6-28-2004]**  
**[Amended 1-7-2009]**
- B. The Town will offer regular scheduled part-time employees, who work 30 hours or more a week on a year-round basis, the health insurance plan offered to full-time employees, at the employee's expense. The monthly premium must be paid by the 15th day of the month preceding the month to be covered. If payment is not received by that date, insurance coverage will be terminated. **[Amended 1-7-2009]**
- C. **The Town will offer health insurance coverage to employees who have been down-sized from full-time employees to regular scheduled part-time hours less than 40 but more than 20 hours. The amount of the employee paid premium will be pro-rated based on the number of hours worked.**

**For example: at 20 hours a week the employee would pay 50% of the premium, at 30 hours a week the employee would pay 25% of the premium.**

#### **§ 31-72.1. Alternative medical health insurance benefit.**

- A. Any full-time employee who elects not to enroll or chooses to withdraw from the health insurance program is entitled to receive a monthly allotment, the amount to be determined by the Town Manager each July and to be implemented in the first paycheck in August.
- B. Employees choosing this benefit will receive life insurance, and disability insurance, and be entitled to the optional dental coverage.

#### **§ 31-73. Income protection.**

The Town participates in the Maine Municipal Employees Health Trust. The Town pays 100% of the cost of the income protection premium at the appropriate level of coverage for all eligible full-time employees requesting coverage.

#### **§ 31-74. Life insurance.**

The Town participates in a group life insurance program and pays 100% of the premium for term life insurance in an amount equal to the annual wage or salary, rounded to the nearest \$1,000, of the employee for all eligible full-time employees requesting coverage.

#### **§ 31-75. Workers' compensation.**

Employees are eligible for benefits under the Workers' Compensation Act for a personal injury or compensable illness arising out of and in the course of employment. (See § 31-53.)

### **§ 31-76. Social security.**

In addition to the Maine State Retirement System, the Town participates jointly with employees in social security payments. Benefits provided include a retirement feature, survivor's benefits, payment if death occurs before retirement, disability insurance, and Medicare coverage.

### **§ 31-77. Retirement.**

- A. All employees are eligible to contribute to Maine State Retirement System and/or a 457 retirement fund in which the Town is a member. Contributions are made by the employee through payroll deduction in accordance with the rates established by the retirement program.
- B. The Town will match contributions towards a 457 plan for full-time employees only. The contribution amount as of September 4, 2005, is equal up to 6.5%. If a full-time employee is enrolled in both MSRS and a 457 retirement fund, the Town will contribute to Maine State Retirement and/or the 457 Plan. In no case shall the Town's total contribution exceed 6.5%.  
**[Amended 8-8-2005]**
- C. An employee can elect to enroll in a 457 plan **or in the Maine State Retirement System** anytime during the calendar year. ~~Enrollment in the Maine State Retirement System must take place during the first 30 days of employment or annually on the employee's anniversary date of hire.~~

### **§ 31-78. Unemployment compensation.**

The Town provides unemployment compensation benefits to employees who are laid off while in good standing with the Town.

#### **§ 31-78.1. Retirement Health Savings Plan. [Added 12-11-2006] [Amended 6-25-2007]**

The Town participates in a Retirement Health Savings Plan (RHS). The Plan is an employer-sponsored health benefit savings vehicle that allows full-time non-union employees to accumulate assets to pay for medical and dental expenses on a tax-free basis upon retirement, age 55 or at termination of service. The outline of the plan is as follows:

- A. Employees hired before Jan 1, 2007 may elect the initial one-time medical leave (sick leave) buy out of 50% of hours over 400 and the remaining 50% forfeited. The buy out hours will be contributed to RHS at the employee's present rate of pay.
- B. Employees hired Jan 1, 2007 and after will have a maximum accrual of 400 medical leave hours.
- C. On December 31 of each year, employees shall contribute a percentage of their unused annual medical leave accrual as follows:
  - 1. Employees with 100 to 400 medical leave hours shall contribute 25% of the value of their unused annual accrual. The remaining 75% will accumulate until 400 hours is obtained.
  - 2. Employees with more than 400 medical leave hours shall contribute 50% of the value of their unused annual accrual. The remaining 50% will be forfeited.

- a. Medical leave used during the calendar year is first drawn from the current calendar year's accrual. Additional leave is drawn from the prior accumulation.
  - b. Any medical leave hours forfeited in this plan cannot be donated to the Sick Leave Bank.
- D. **Employees shall contribute their** annual longevity bonus ~~paid on anniversary date of hire as outlined in Section 31-78.2 .~~ **[ Added 6-25-2007]**

**31-78.2 Longevity. [ Added 6-25-2007]**

All full-time non-union employees having completed 10 years of continuous full-time service **and having been at the last step in their pay grade for one full year** will be paid an annual longevity bonus on their anniversary of date of hire. The payment shall be deposited into the employee's Retirement Health Savings Plan as follows:

Completion of 10 years: \$ 500

Completion of 15 years: \$ 750

Completion of 20 years: \$1,000





**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: June 29, 2009</b>	<b>Item # 1F</b>
<b>Agenda Item: Fuel Fund</b>	
<b>Department Head Recommendation: Vicki Desilets</b>	
<p>The volunteers who organized the fund raisers for the fuel fund this past winter have been working with a group to create an organization to be an umbrella 501.c3 for all non-profits in South Berwick. This group has not completed this task. The fuel funds are set to revert to the Charitable Contributions account on July 1, 2010. I have been working with Father Skehan from Our Ladies of the Angels to determine if the Catholic Diocese would be willing to hold the funds until the 501.c3 is organized. We believe this will be possible, but the person who will make the final determination is on vacation until July 6<sup>th</sup>.</p>	
<b>Town Manager's Recommendation</b>	
<p>In light of the hard work being done by all concerned to move these funds to a local non-profit, I would ask the Council for a motion to disburse the balance of the fuel fund to Our Lady of the Angels. The church to hold the funds until the non-profit is finalized. Should this not occur, we will return to the Council to discuss this item further.</p>	
<b>Requested Action</b>	
<p>Motion to transfer the balance in the fuel fund as of June 30, 2009 to Our Ladies of the Angels parish.</p>	
<b>Vote</b>	

## Special Revenue Account for Fuel Assistance

**9-8-08**

### **NEW BUSINESS**

5. On a motion by Mr. Burke, seconded by Mr. Gagne, it was unanimously voted to table action on a special revenue account for fuel assistance until the full board is present at the next meeting.

**9-22-08**

### **UNFINISHED BUSINESS**

1. Special Revenue Account for fuel assistance:

-Ralph Stevens, Old South Rd, stated that the federal government requires us to burn more ethanol which causes us to use more gas. He suggested that the Council write a letter to Congress to remove the mandate.

-The Council discussed the necessity for such an account. Mrs. Orsini and Mrs. Kareckas both stated that it would make for better accounting. Ms. Roberge stated that the group wanting to raise funds should establish a non-profit and handle it themselves. Mrs. Demetracopoulos added that someone she knows is interested, but feels the town would be more aware of people in need.

Mrs. Kareckas made a motion to establish a special revenue account for fuel assistance to be reviewed annually. Mr. Burke seconded. Motion failed 2-3 (Mr. Burke, Mr. Gagne, & Ms. Roberge opposed).

On a motion by Mr. Burke, seconded by Ms. Roberge, it was voted 4-1 (Mr. Gagne opposed) to establish a special revenue account for fuel assistance that will terminate at the end of the fiscal year with any remaining funds to revert to the charitable donations account earmarked for fuel.

Balance in the Fuel Account as of June 1, 2009: \$14,265.37

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: June 29, 2009</b>	<b>Item # 1G</b>
<b>Agenda Item: Accept committee resignations</b>	
<b>Department Head Recommendation: n/a</b>	
We have received the following mid-term resignations:  Greg Hellyer from the Conservation Commission. Tom Johnson from the HDC	
<b>Town Manager's Recommendation</b>	
Accept resignations and advertise openings.	
<b>Requested Action</b>	
Motion to accept the resignations of Greg Hellyer and Tom Johnson with our thanks for their service to the Town.	
<b>Vote</b>	



# TOWN COUNCIL

## Agenda Information Sheet

<b>Meeting Date: June 29, 2009</b>	<b>Item # 1H</b>		
<b>Agenda Item: Board &amp; Committee Re-Appointments</b>			
<b>Department Head Recommendation:</b>			
<p>The following is a list of board and committee members that have terms expiring on June 30, 2009. If re-appointed, terms would end June 30, 2012.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <u>Board of Assessment Review</u>  Richard Currier  Nora Irvine   <u>Building Committee</u>  Thomas Harmon  Fred Wildnauer   <u>Conservation Commission</u>  Patricia Robinson  Dolores Leonard   <u>Economic Development Committee</u>  Clifford Cleary  Anthony Lemmo  <i>Katherine Wolfe</i>      <i>No</i> </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <u>Historic District Commission</u>  Richard Coughlin  Mary Vaughn   <u>Library Advisory Board</u>  Sandy Agrafiotis  <i>Angela Walters</i>      <i>No</i>   <u>Planning Board</u>  Cheryl Dionne  Marian "Mimi" Demers  <i>Bruce Whitney, Alt</i>      <i>No</i>   <u>Zoning Board of Appeals</u>  Fred Wildnauer  <i>Sandra Tucker</i>      <i>No</i> </td> </tr> </table> <p><i>*Italics indicate that the person does not wish to be re-appointed.</i></p>		<u>Board of Assessment Review</u> Richard Currier Nora Irvine  <u>Building Committee</u> Thomas Harmon Fred Wildnauer  <u>Conservation Commission</u> Patricia Robinson Dolores Leonard  <u>Economic Development Committee</u> Clifford Cleary Anthony Lemmo <i>Katherine Wolfe</i> <i>No</i>	<u>Historic District Commission</u> Richard Coughlin Mary Vaughn  <u>Library Advisory Board</u> Sandy Agrafiotis <i>Angela Walters</i> <i>No</i>  <u>Planning Board</u> Cheryl Dionne Marian "Mimi" Demers <i>Bruce Whitney, Alt</i> <i>No</i>  <u>Zoning Board of Appeals</u> Fred Wildnauer <i>Sandra Tucker</i> <i>No</i>
<u>Board of Assessment Review</u> Richard Currier Nora Irvine  <u>Building Committee</u> Thomas Harmon Fred Wildnauer  <u>Conservation Commission</u> Patricia Robinson Dolores Leonard  <u>Economic Development Committee</u> Clifford Cleary Anthony Lemmo <i>Katherine Wolfe</i> <i>No</i>	<u>Historic District Commission</u> Richard Coughlin Mary Vaughn  <u>Library Advisory Board</u> Sandy Agrafiotis <i>Angela Walters</i> <i>No</i>  <u>Planning Board</u> Cheryl Dionne Marian "Mimi" Demers <i>Bruce Whitney, Alt</i> <i>No</i>  <u>Zoning Board of Appeals</u> Fred Wildnauer <i>Sandra Tucker</i> <i>No</i>		
<b>Town Manager's Recommendation</b>			
Please reappoint those members who wish to continue. In addition to the website and bulletin board at Town Hall, I have asked staff to place an advertisement in Fosters. This will be done in the least expensive way possible.			
<b>Requested Action</b>			
Motion to reappoint the members outlined above with terms to end June 30, 2012.			
<b>Vote</b>			



**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: June 29, 2009</b>	<b>Item # 11</b>
<b>Agenda Item: Establish subcommittee for board appointments</b>	
<b>Department Head Recommendation:</b>	
In order to provide a consistent and thoughtful approach to Board appointments the Council Chairman has requested we discuss the establishment of an Appointments Subcommittee.	
<b>Town Manager's Recommendation</b>	
I believe this would be an excellent way to meet with interested applicants for boards and committees. The ultimate goal of placing the best person for each open position on a board will be more easily accommodated in a more private setting.	
<b>Requested Action</b>	
See attached sheet	
<b>Vote</b>	

If Council wishes, additional action might be as follows:

- a. Motion to establish two (2) member interview committee
- b. Accept nominations
- c. Vote to appoint members
- d. Approve charge/by-laws

Suggested Charge:

Interview subcommittee will conduct private interview with all applicants for Council appointed committees, rank order the candidates, and report to the Council prior to Council making any appointments. Perform other interviews as requested by the Council.

Suggested Bylaw items:

1. Subcommittee member term will be for one year commencing 1 July of each year.
2. Meeting quorum will be set at two (2) members.
3. Additional items as needed and approved by the Council.