

**SOUTH BERWICK TOWN COUNCIL  
JUNE 29, 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. Board of Assessors 6-15-09: On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to adopt the minutes as written.
2. Town Council 6-15-09: On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.

**SIGNING OF TREASURER'S WARRANT** – June 29, 2009

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

**COUNCIL MEMBER COMMENTS**

1. Mrs. Demetracopoulos:

-Attended the recent EMA appreciation dinner. Commended Blain Cote for completing his Level 1 EMA Certification.

-Hasn't completed the letter regarding the saltwater fishing registry. Mr. Schempf stated that the letter may not be necessary because the legislation was tabled until the next session.

-Attended the Tri-Berwick meeting and stated that there was definite interest expressed for co-operation amongst towns. A regional transfer station was discussed.

-Stated that she may be late for the workshop with the HDC on July 14th.

-The Town has locked in its fuel oil price at \$2.04 per gallon.

-Thanked John and Karen Schempf for their active participation at the Strawberry Festival.

2. Mr. MacPherson:

-Stated that the Strawberry Festival was well attended. He added that that is what South Berwick is all about.

3. Mr. Burke:

-Expressed his thanks to all the volunteers for their hard work on the Festival.

4. Mr. Webster:

-Commended the Police Dept. for their "handling of a sticky situation" on Saturday with no disruption to the festival.

-Asked for a couple of agenda items: a) discuss rescue and the number of calls transferred to York Hospital vs. Wentworth-Douglass Hospital. b) discuss transfer station fees & revenues.

-Expressed his concerns that wrong information is being circulated regarding maintenance of the recreation fields. He stated that money was cut from the article at town meeting, but the decision to decrease the funds for field/facility maintenance was made by management.

5. Mrs. Kareckas:

-Invited Audrey Fortier to help put out the flags for July 4th. There are 110 flags; they go up about 5:30am and are taken down about 6:00pm.

**TOWN MANAGER'S REPORT**

-Stated that staff made the decision where to cut the budget as a result of the votes at town meeting. Resident comments and concerns were taken into consideration, especially regarding the recreation fields. He added that several comments were made including the implementation of user or rental fees.

-Stated that the Grant House is not owned by the Town.

-FEMA funds for the ice storm total \$111,000. We have received the federal funds, but not the state.

-The Great Works Regional Land Trust has agreed to report back to the Town in 30 days to clear up the Balancing Rock issue.

-Stated that since we have been posting the supporting agenda documents to the website the 1st week had 13 hits, 2nd week had 26 hits, and this week had 17 hits.

-Attended a vital economy session with the Chairman funded by Fairpoint Communications. He added that Fairpoint has collected significant data on a town/county/and state level for Maine, New Hampshire, and Vermont. It is a step toward working with other communities across borders. He also stated that it may provide an opportunity to join a new group, "divorce" ourselves from the Greater Portland Council of Governments, and move forward with economic planning. Also, southern York County towns are still struggling to find ways that the towns can work together to try to save money.

-Attended the new managers' workshop last week. He added that concerns were expressed regarding the November ballot question that would change the calculation of excise taxes. If the legislation passes South Berwick stands to lose between \$400,000 and \$500,000 in revenues.

-The traffic meeting went well. He encouraged everyone to look at the proposed maps.

-Stated that the Strawberry Festival was amazing. He was impressed with the level of organization. He added that he, his wife, and mother-in-law all enjoyed participating.

-Reported that he is still working on the list of Town owned properties. There are still a fair number that require more research.

## **PUBLIC COMMENT**

1. Pat Robinson, Brattle St, commended the manager and his wife for participating in the festival.

2. Norma Tutelian, Butler St, urged the Council to post the list of Town owned properties. She added that any that can be sold (for revenue purposes) should be. She asked who brought up the issue of the ACO taking home a vehicle. Mr. Schempf stated that it was brought forward by the Police Dept. and himself. Mrs. Tutelian added that a prior Council voted to not allow the ACO to take the vehicle home. Mrs. Tutelian went on to express her concerns with the lack of movement for increased industry in town. Mrs. Demetracopoulos stated that work is progressing by discussing TIF's, working with landowners in the Industrial zone, and the EDC is currently reviewing the results of the survey they had done.

3. Laura Leber, Black Swan Dr, encouraged the Council to include the school district in regional purchases.

4. Karen Webster, Tamarack Dr, asked the Manager if he had inventoried the town buildings for the existence of any AED's. He stated he had not.

5. Cliff Cleary, Spillane's Hill Rd, stated that with no set plan for the use of the recreation field/facility capital fund the money should be used toward the recreation programs.

6. Richard Clough, Academy St, asked if there would be a public hearing prior to making any traffic changes. Mr. Schempf stated that if Council action is required there would be public notice. Mr. Clough stated that he recommended at town meeting that a special town meeting be held to move the funds from the recreational fields/facilities capital account to the operating budget. Mr. Clough asked if the town has set up the state mandated tax relief fund as authorized in 30A MRSA §5721A. Mr. Clough also commented on setting the tax rate and the overlay in the new budget. He stated that according to 36MRSA §710, the overlay can not be used to increase the undesignated fund.

7. Audrey Fortier, Rodier Rd, thanked Councilor Kareckas for inviting her to help put out the flags on July 4th. She encouraged the posting of a sign-up list for volunteers.

8. Eric Pelchat, Front St, stated that he was glad the town locked-in its oil price. He then asked the Manager if he had looked into why the ACO wasn't allowed to take the vehicle home before recommending the change to allow it. Mr. Schempf responded "No".

9. Virginia Jennings, Earls Rd, expressed her thanks for the email list. She also stated that she was glad to hear that the Council voted to not support the saltwater fishing registry. Note was made that the legislation has been tabled.

10. Paul Steinhauer, Hill Dr, stated that he and others present at the town meeting of June 1st were under the impression that at tonight's meeting money would be moved from the recreation fields capital account to cover the \$15,000 cut in the operating budget. He added that some groups pay for additional mowing of the fields for their use.

11. Malcolm Kenney, Agamenticus Rd, asked for the 2009 revenues and expenses for the transfer station.

**NEW BUSINESS**

1A. The Council discussed the purchase of an excavator and backhoe. The PWD has researched numerous machines and have found the best deal through Caterpillar for a combined purchase of the excavator & backhoe. The purchase is eligible for a factory municipal discount of \$25,000 through August 1st.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was voted 4-1 (Mr. Webster opposed) to waive the formal bidding requirement for the purchase of a used excavator and backhoe.

1B. On a motion by Mr. MacPherson, seconded by Mr. Webster, it was unanimously voted to sign the construction overlimit permit for the Great Works Bridge replacement for the MDOT.

1C. The Council discussed the budget overages for 2008/09 requiring transfers. The transfers represent approximately 0.2% of the total budget. Combined with the \$60,000 for the overage in Highway, these transfers would be off-set by other department budgets that are under budget by about \$105,000.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to make the following transfers totaling \$21,000 from the undesignated fund:

<u>To acct #</u>	<u>Dept</u>	<u>Amount</u>	<u>Reason</u>
4170	Planning	\$6,500	Professional Services – mapping
4240	Dispatch	\$9,500	Overtime, Equip Repairs, Phone (PSAP fees)
4315	Public Facilities	\$2,500	Contracts
4325	Town Garage	\$1,000	Operating Supplies
4510	Social Services	\$1,500	General Assistance

1D. The Council discussed the necessity of making changes to the personnel policy in light of the budget adopted for the 2009/2010 fiscal year.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to adopted the changes to the Personnel Policy §31-72A & C: Hospital, Surgical & Major Medical Insurance, §31-77C: Retirement, §31-78.1D: Retirement Health Savings Plan, and §31-78.2: Longevity.

1E. The Council discussed the Deputy Tax Collector's request to write-off uncollectible taxes. Note was made that we can't collect beyond 3 years per state statute. On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to write-off the following taxes:

O0008R, Owner Unknown, Map 5, Lot 58, in the amount of \$254.03 for 2005/2006.  
O1920R, Owner Unknown, Map 2, Lot 62, in the amount of \$267.33 for 2005/2006.  
L5083P, Gary's Auto Detailing (Gary Lontine II), in the amount of \$21.28 for 2005/2006, \$14.76 for 2006/2007, \$18.69 for 2007/2008, and \$20.86 for 2008/2009.

1F. The Council discussed the disposition of the funds in the special revenue account established in September 2008 for fuel assistance. Those involved have not completed the task of forming a non-profit (under 501.C3) to accept the funds. The proposed recommendation is to turn the funds over to Our Ladies of the Angels Parish until the non-profit is finalized.

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was voted 3-2 (Mr. Burke & Mr. MacPherson opposed) to table the item until the next meeting. *[At that time we should know if the church is willing to handle the funds]*

1G. On a motion by Mr. Webster, seconded by Mrs. Kareckas, it was unanimously voted to accept Greg Hellyer's resignation from the Conservation Commission and to accept Thomas B. Johnsons' resignation from the Historic District Commission.

1H. On a motion by Mr. Burke, seconded by Mr. MacPherson, it was unanimously voted to re-appoint the following board/committee members until June 30, 2012:

Board of Assessment Review

Richard Currier  
Nora Irvine

Building Committee

Tom Harmon  
Fred Wildnauer

Conservation Commission

Patricia Robinson  
Dolores Leonard

Economic Development Committee

Clifford Cleary  
Anthony Lemmo

Historic District Commission

Richard Coughlin  
Mary Vaughn

Library Advisory Board

Sandy Agrafiotis

Planning Board

Cheryl Dionne  
Marian "Mimi" Demers

Zoning Board of Appeals

Fred Wildnauer

1I. The Council discussed the appointment of a subcommittee to review and present nominations to the full council for prospective board & committee members.

Richard Clough and Eric Pelchat both expressed their concerns with an interview process. Virginia Jennings and Molly Colman spoke in favor of the proposed process.

Mrs. Kareckas and Mr. MacPherson spoke in favor of the proposal. Mr. Burke stated that he would prefer a less formal process. Mr. Webster suggested that if councilors were aware of the applicants earlier in the process they could call the applicants and speak with them individually. Mrs. Demetracopoulos stated that the interview process might help with obtaining information about the applicant as well as inform the applicant about the time and level of commitment involved. She added that the chair of the board in question could be part of the subcommittee.

On a motion by Mr. Burke, seconded by Mr. Webster, it was voted 4-1 (Mrs. Kareckas opposed) to table the issue.

**ADJOURNMENT**

On a motion by Mr. Kareckas, seconded by Mr. Burke, it was unanimously voted to adjourn the meeting at 8:28pm.

Attest:

Barbara Bennett, CCM

Check Number	Account	Date Paid	Amount
00049826	209999 TAX REFUNDS	06/30/2009	342.94
00049827	209999 TAX REFUNDS	06/30/2009	96.16
00049828	161330 PRIZES	06/30/2009	100.00
00049829	161330 PRIZES	06/30/2009	100.00
00049830	161330 PRIZES	06/30/2009	50.00
00049831	161330 PRIZES	06/30/2009	50.00
00049832	161330 PRIZES	06/30/2009	25.00
00049833	161330 PRIZES	06/30/2009	25.00
00049834	010285 ADMIRAL FIRE & SAFETY INC	06/30/2009	181.45
00049835	010740 AMERIFLEX CLAIMS ACCOUNT	06/30/2009	1,980.40
00049836	011100 LOUISE ANDERSON	06/30/2009	8.80
00049837	021200 BERGERON PROTECTIVE CLOTHING	06/30/2009	939.06
00049838	022503 SHARON BRASSARD	06/30/2009	155.00
00049839	030530 CENTRAL TIRE CO INC	06/30/2009	125.74
00049840	030587 CHIMNEY SCRUBBER	06/30/2009	799.00
00049841	030725 CITIZENS BANK (CHG)	06/30/2009	193.05
00049842	031425 COLONIAL LIFE & ACCIDENT INS.	06/30/2009	1,464.84
00049843	031820 BLAIN COTE	06/30/2009	11.92
00049844	040500 VICTORIA DESILETS	06/30/2009	58.30
00049845	040520 DIGITAL INK PRINTING	06/30/2009	27.00
00049846	050815 EMPLOYEE HEALTH & BENEFITS	06/30/2009	531.73
00049847	060300 FAVORITE FOODS INC	06/30/2009	575.78
00049848	060750 FIRE TECH & SAFETY	06/30/2009	413.10
00049849	061203 FOGARTY'S RESTAURANT	06/30/2009	419.10
00049850	070340 AINEE J GIGANDET	06/30/2009	150.00
00049851	070600 GEORGE GORMAN	06/30/2009	274.53
00049852	071307 GULF/FLEET FUNDING	06/30/2009	77.30
00049853	080239 HANNAFORD'S PRINTING	06/30/2009	424.00
00049854	080248 HANSCOM'S TRUCK STOP INC	06/30/2009	2,970.75
00049855	080500 BEVERLY HASTY	06/30/2009	24.31
00049856	081250 HOSPICE OF YORK	06/30/2009	120.00
00049857	081055 FERN HOULIARES	06/30/2009	253.00
00049858	100003 J AND P CUSTOM APPAREL	06/30/2009	2,922.00
00049859	100150 JANETOS MARKET	06/30/2009	71.50
00049860	121300 LINCOLN PRESS	06/30/2009	46.00
00049861	124618 KATHERINE A MACDONALD	06/30/2009	246.94
00049862	127000 CORRIE J MAHONY	06/30/2009	1,400.00
00049863	133375 MAINE ENERGY RECOVERY CO.	06/30/2009	1,406.46
00049864	134300 MAINE MUNICIPAL EMPLOYEES	06/30/2009	299.52
00049865	140803 NEW ENGLAND BARRICADE CO	06/30/2009	274.34
00049866	141300 NO. BERWICK LUMBER & HARDWARE	06/30/2009	243.54
00049867	150755 PALMER SPRING COMPANY	06/30/2009	411.93
00049868	160235 KIMBERLY PERRY	06/30/2009	148.10
00049869	160900 PORTLAND NORTH TRUCK CENTER	06/30/2009	46.82
00049870	161265 PORTSMOUTH FORD	06/30/2009	249.30
00049871	163500 PUTNAM LUMBER CO	06/30/2009	932.00
00049872	180012 RADIO SHACK	06/30/2009	45.35
00049873	190527 ANDREW SCHACHAT	06/30/2009	275.00
00049874	191533 CRAIG SKELTON	06/30/2009	113.30
00049875	192400 SO BERWICK PETTY CASH ACCOUNT	06/30/2009	129.63
00049876	191950 SO BERWICK HOUSE OF PIZZA	06/30/2009	63.95
00049877	196200 SURCO/FLEET SERVICES	06/30/2009	170.95
00049878	133107 TREAS. STATE OF MAINE/DEP	06/30/2009	132.00
00049879	201300 TWO-WAY COMMUNICATION SERV INC	06/30/2009	1,000.40
00049880	210783 VALLEY NAT'L GASES - AGGT	06/30/2009	57.20
00049881	230300 WALMART COMMUNITY BRC	06/30/2009	337.85

Total Not Prepaid

23,562.34

Total Prepaid

789.10

Grand Total

24,351.44

06/30/2009

TOWN OF SO. BERWICK  
CHECK REGISTER

Page 2

Check Number	Account	Date Paid	Amount
--------------	---------	-----------	--------

WARRANT NUMBER \_\_\_\_\_ \$ 24,351.44 \*\* DATE 06/30/2009

\* \* \* 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 \_\_\_\_\_

Check Number	Account	Date Paid	Amount
00049882	133050 TREAS,STATE OF MAINE/IV-D	07/13/2009	70.00
00049883	132500 SECRETARY OF STATE M/V	07/13/2009	14,244.07
00049884	133050 TREAS,STATE OF MAINE/IV-D	07/13/2009	30.32
00049885	132500 SECRETARY OF STATE M/V	07/13/2009	9,991.00
00049886	189999 REFUNDS	07/13/2009	85.00
00049887	189999 REFUNDS	07/13/2009	25.00
00049888	010336 AGGREGATE RECYCLING CORP	07/13/2009	2,675.55
00049889	010740 AMERIFLEX CLAIMS ACCOUNT	07/13/2009	984.00
00049890	011100 LOUISE ANDERSON	07/13/2009	8.80
00049891	011250 TREASURER, STATE OF MAINE	07/13/2009	50.00
00049892	020225 BAKER & TAYLOR	07/13/2009	729.31
00049893	021668 BLOW BROS	07/13/2009	52.63
00049894	022250 BOWL-A-RAMA	07/13/2009	405.00
00049895	022503 SHARON BRASSARD	07/13/2009	26.40
00049896	030510 CENTRAL MAINE POWER	07/13/2009	3,048.63
00049897	030725 CITIZENS BANK (CHG)	07/13/2009	247.09
00049898	030920 CLEAN-O-RAMA	07/13/2009	158.28
00049899	031245 ELIZABETH COLEMAN	07/13/2009	21.88
00049900	031430 COMCAST	07/13/2009	95.00
00049901	031440 COMFORT INN	07/13/2009	70.00
00049902	032650 D & G ARCHERY PRO SHOP	07/13/2009	90.00
00049903	050205 EASTERN TRAIL MGMT DISTRICT	07/13/2009	2,600.00
00049904	050214 KEVIN EASTMAN	07/13/2009	3,530.00
00049905	061203 FOGARTY'S RESTAURANT	07/13/2009	30.00
00049906	061380 KRISTINE FONTAINE	07/13/2009	31.71
00049907	061500 FOSTER'S DAILY DEMOCRAT	07/13/2009	272.80
00049908	061525 FREIGHTLINER OF MAINE INC	07/13/2009	593.25
00049909	180478 RICHARD GENEST INC	07/13/2009	841.00
00049910	070302 MARC GERVAIS	07/13/2009	670.00
00049911	070390 TODD GOLDENBERG	07/13/2009	168.58
00049912	080239 HANNAFORD'S PRINTING	07/13/2009	85.00
00049913	191330 HANNAFORD'S	07/13/2009	619.16
00049914	080248 HANSCOM'S TRUCK STOP INC	07/13/2009	364.16
00049915	080998 HOME DEPOT	07/13/2009	35.82
00049916	081340 HUB INTERNATIONAL	07/13/2009	363.75
00049917	090124 INFORMATION MANAGEMENT CORP	07/13/2009	7,628.00
00049918	090120 INLAND FISHERIES & WILDLIFE	07/13/2009	351.00
00049919	100150 JANETOS MARKET	07/13/2009	105.84
00049920	100200 JEWETT/EASTMAN MEMORIAL COM	07/13/2009	239.00
00049921	120970 LIBBY SCOTT INC.	07/13/2009	3,225.56
00049922	127000 CORRINE J MAHONY	07/13/2009	600.00
00049923	132400 MAINE SAD #35	07/13/2009	513,819.94
00049924	133197 MAINEBIZ	07/13/2009	42.95
00049925	133375 MAINE ENERGY RECOVERY CO.	07/13/2009	1,485.99
00049926	130670 MAINE RESOURCE/RECOVERY	07/13/2009	726.00
00049927	133800 MICK CONSTRUCTION CORP	07/13/2009	15,000.00
00049928	134200 MAINE MUNICIPAL ASSO (INS)	07/13/2009	40,620.85
00049929	134601 EXXON/MOBIL	07/13/2009	16.42
00049930	133194 MAINE TOWN/CITY MGMT ASSN	07/13/2009	137.50
00049931	135950 MWDA	07/13/2009	30.00
00049932	140105 NAPA OF SOMERSWORTH	07/13/2009	64.19
00049933	140110 NAPA SIGNAL AUTO SUPPLY	07/13/2009	37.98
00049934	140600 NEPTUNE INC	07/13/2009	128.60
00049935	141140 TREASURER, STATE OF NH	07/13/2009	78.40
00049936	141215 MAMIE ANTHOINE NEY	07/13/2009	32.00
00049937	141367 NORTHEAST ELEVATOR SERVICES	07/13/2009	168.00

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00049938	141400 NORTHERN DATA SYSTEMS INC	07/13/2009	2,355.00
00049939	141426 NORTRAX/POWERPLAN	07/13/2009	1,112.05
00049940	150025 OAKWOODS LUMBER INC	07/13/2009	108.00
00049941	159980 PATRIOT PROPERTIES INC	07/13/2009	6,500.00
00049942	160400 PITNEY BOWES	07/13/2009	86.25
00049943	160900 PORTLAND NORTH TRUCK CENTER	07/13/2009	99.99
00049944	161265 PORTSMOUTH FORD	07/13/2009	72.83
00049945	210420 RESERVE ACCOUNT	07/13/2009	1,000.00
00049946	180477 RICE'S AUTOMOTIVE CENTER	07/13/2009	215.95
00049947	022749 STATE TREASURER	07/13/2009	777.67
00049948	190094 SANEL AUTO PARTS CO	07/13/2009	714.13
00049949	132525 SECRETARY OF STATE	07/13/2009	50.00
00049950	191320 SHERWIN-WILLIAMS	07/13/2009	247.92
00049951	192900 SO BERWICK WATER DISTRICT	07/13/2009	78,031.47
00049952	193410 SO MAINE REGIONAL PLANNING CM	07/13/2009	2,845.80
00049953	200000 NORMA TAATJES	07/13/2009	100.00
00049954	133114 TREAS/STATE OF MAINE	07/13/2009	15.00
00049955	133105 TREASURER OF STATE/C.WPNS	07/13/2009	100.00
00049956	133113 TREASURER OF STATE/ATV	07/13/2009	1,300.00
00049957	201236 TRI-CITY MASONRY	07/13/2009	169.50
00049958	201300 TWO-WAY COMMUNICATION SERV INC	07/13/2009	3,024.37
00049959	210553 UPSTART	07/13/2009	161.15
00049960	220250 VIRTUAL TOWN HALL	07/13/2009	5,050.00
00049961	230300 WALHART COMMUNITY BRC	07/13/2009	519.15
00049962	230500 WM RECYCLE AMERICA, LLC	07/13/2009	232.58
00049963	241255 XEROX CORPORATION	07/13/2009	177.55
00049964	240900 YORK COUNTY REGISTRY OF DEEDS	07/13/2009	39.00

Total Not Prepaid 708,511.38  
 Total Prepaid 24,445.39  
 Grand Total 732,956.77

**PUBLIC RECORD!**

WARRANT NUMBER \$ 732,956.77 DATE 07/09/2009

\* \* \* 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.

APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

TOWN MANAGER

TOWN COUNCIL:

-----  
 -----  
 -----  
 -----  
 -----

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

<b>Meeting Date: July 13, 2009</b>	<b>Item # UB 1A</b>
<b>Agenda Item: Fuel Fund</b>	
<b>Department Head Recommendation: Vicki Desilets</b>	
<p>The Food Pantry under the umbrella of the First Parish Federated Church has generously stepped forward to assist with the management of the fuel fund. The steps the Town would need to take with the diocese became very involved. This approach with the food pantry will be seamless. I recommend the Council authorize the transfer of the remaining fuel funds to the South Berwick Community Food Pantry.</p>	
<b>Town Manager's Recommendation</b>	
<p>This resolution is acceptable to all concerned. It provides the 501.c3 status required for donations to the funds and will move to the umbrella of the South Berwick group when that organization is finalized. I recommend this transfer of funds. The balance of funds remaining in account 0673 as of 6/30/09 is: \$14,265.37</p>	
<b>Requested Action</b>	
<p>Motion to authorize the transfer of the remaining funds in the fuel assistance account to the South Berwick Community Food Pantry.</p>	
<b>Vote</b>	



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

<b>Meeting Date: July 13, 2009</b>	<b>Item # NB 1A</b>
<b>Agenda Item: Charge Building Committee with next step in Library process.</b>	
<b>Department Head Recommendation: n/a</b>	
<p>The next step in the Library building process is to purchase drawings to assist in the capital fundraising of the project. The Building Committee has conferred with the architects who completed the feasibility study to determine an amount of money required for Design Development Drawings. \$50,000 was discussed as a good ballpark number and confirmed by another architect from South Berwick.</p>	
<b>Town Manager's Recommendation</b>	
<p>I request the Town Council charge the Building Committee with the next step in the process. I believe the Building Committee should confer to determine if the firm charged with the feasibility study should continue with this next step or if the committee wishes to re-examine the top contenders through their exhaustive search last year. Then the Building Committee will return to the Council with their recommendation for a firm to complete the Design Development Drawings and request the Council authorize a contract for those drawings, funds to come from the Library Capital Account. This fund will have a balance of \$49,400 after we meet all current obligations.</p>	
<b>Requested Action</b>	
<p>Motion to charge the Building Committee to return with their recommendation for a firm to complete the Design Development Drawings for the proposed Library in the former St. Michael's church building.</p>	
<b>Vote</b>	



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

<b>Meeting Date: July 13, 2009</b>	<b>Item # NB 1B</b>
<b>Agenda Item: Request for Special Revenue Account for the Community Garden</b>	
<b>Department Head Recommendation: n/a</b>	
<p>The current structure for the Community Garden has been in place since 2001. Each gardener pays a nominal fee of \$10/year to pay for water, manure, mulch, repairs, etc. The garden in its current location was built in part with a grant obtained by the Town from the Maine Coalition for Food Security. As part of that grant the Town agreed to offer free plots to those who could not afford to pay. This opportunity is still in place. The garden's popularity is growing and they would like to expand.</p>	
<b>Town Manager's Recommendation</b>	
<p>I have toured the space with Terry and Roberta and agree there is more room available for expansion. I recommend the Town Council setup a Special Revenue Account for the Garden so these funds can easily be tracked and when needs arise there are no questions as to how much is available for the garden. This account has two benefits, it will allow the garden coordinator to plan more effectively and this method of accounting is streamlined for the staff.</p>	
<b>Requested Action</b>	
<p>Motion to setup a Special Revenue account for the Community Garden and to move the funds collected this year to the new account.</p>	
<b>Vote</b>	

# Guidelines for South Berwick Community Garden

- The garden plots are raised beds, 4' x 10'. The fee for the use of the beds is ~~\$5~~<sup>\$10</sup> each and may be paid at the town hall. Funds will be used for garden purchases, i.e. tools, hay mulch, rototilling, manure.
- Plots are given on a first come, first serve basis. You have first dibs on a plot you've used the year before.
- All gardens in the community plots will be organic, with the exception that chemical fertilizers will be permitted. No chemical pesticides are permitted. Biological controls and organic pesticides are encouraged. Manure and compost are welcomed amendments.
- The use of mulch is encouraged for all plots. Mulch will cut down on water use, control weeds, and add organic matter as it decomposes. Straw mulch will be available for your use.
- Gardens must be planted by mid June, and must be tended throughout the season. Paths and perimeters must be kept weeded and clear. Gardens must be "put to bed" by October 31 {garden refuse out, stakes out or neatly piled}
- Use of the hose and water is a garden privilege. Please roll up the hose when you are finished.
- All plant refuse from the gardens should be placed in the compost heap. Please no rocks, sticks, plastic string, etc. Rocks can be tossed into the woods.
- The shed is to be kept locked. A few tools, including a wheelbarrow and a red wagon are available for your use. Space permitting, you may store your own tools there-however, be aware that they may be mishandled or misplaced. A bulletin board is located near the shed door for communications for and between gardeners.

~ Any questions or concerns please call me.

Happy Gardening!

Mimi Demers  
384-5258

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

<b>Meeting Date: July 13, 2009</b>	<b>Item # NB 1C</b>
<b>Agenda Item: Resignation from the Conservation Commission</b>	
<b>Department Head Recommendation: n/a</b>	
Rebecca Gray has resigned from the Conservation Commission.	
<b>Town Manager's Recommendation</b>	
This committee will be left with only three members. Four is required for a quorum.	
<b>Requested Action</b>	
Motion to accept Rebecca Gray's resignation from the Conservation Commission with thanks for her service to the Town.	
<b>Vote</b>	

CONSERVATION COMMISSION

4 OPEN SEATS

Patricia J. Robinson, Chairman, 2012

John Stirling, 2011

Dolores Leonard, 2012

**Open Position, 2010**

**Open Position, 2010**

**Open Position, 2011**

**Open Position, 2011**

TO: John Schempf  
FROM: Roberta Orsini  
DATE: July 7, 2009  
RE: Conservation Commission Membership

---

I spoke with Bill Livengood a staff attorney with MMA regarding the Conservation Commission and their ability to act with three members. As a 7 member board, especially one without bylaws, is does not have the ability to take any action or meet with only three members. It automatically has a quorum of 4. If members of the Conservation Commission wish to act as volunteers to pick up trash or participate in some other community service project they are acting as any other resident who does so. They have no authority to operate as a board in any way.

He referred me to title 30-A subsection 3261 which states the municipal officers may appoint at least 3 but not more than 7 conservation commissioners. He suggested the Council either amend the article which established this board with seven members or appoint more members.

## Administrative Code

### [ARTICLE XIV. Department of Parks and Conservation](#)

#### [§ 3-59. Establishment.](#)

**[Amended 4-14-1982; 8-26-1991]**

There shall be a Department of Parks and Conservation, consisting of seven members, the head of which shall be the Chairman, who shall be elected by its members, and an unlimited number of nonvoting associate members authorized by and in accordance with the Revised Statutes of Maine.

#### [§ 3-60. Duties.](#)

The Department of Parks and Conservation shall be responsible for the supervision and development of all public park and conservation programs in the Town of South Berwick.

#### [§ 3-61. Employment of parks and conservation personnel.](#)

The Department of Parks and Conservation shall be responsible, with the advice and consent of the Town Council, for the employment of such parks and conservation personnel as may be approved and appointed by the Town Manager. *Editor's Note: Former Art. XV, Rules and Rights of Employees, which immediately followed this section, was superseded by Ch. [31](#), Personnel Policies.*

## 30-A §3261. CONSERVATION COMMISSIONS

### 30-A §3261. CONSERVATION COMMISSIONS

Unless otherwise provided under their home rule authority, municipalities may establish conservation commissions as provided in this section. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Appointment of commissioners.** The municipal officers may appoint at least 3, but not more than 7, conservation commissioners. Members shall initially be appointed for terms of one, 2 and 3 years, such that the terms of approximately 1/3 of the members will expire each year. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.

The commission may recommend to the municipal officers that associate members be appointed to assist the commission as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, 2 or 3 years.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Duties of commission.** The commission shall:

A. Keep records of its meetings and activities and make an annual report to the municipality; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Conduct research, in conjunction with the planning board, if any, into the local land areas; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Seek to coordinate the activities of conservation bodies organized for similar purposes; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

(1) Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under that plan. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Powers of commission.** The commission may:

A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all money appropriated for the improvement of those parks; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Acquire land in the municipality's name for any of the purposes set forth in this section with the approval of the municipal legislative body; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Receive gifts in the municipality's name for any of the commission's purposes and shall administer the gift for those purposes subject to the terms of the gift. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**4. Park commission under previous law.** This section does not require a municipality which has previously created a park commission under prior law to establish a conservation commission. Any such park commission previously created may continue to operate as originally established.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

#### SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 123rd Legislature, and is current through December 31, 2008, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

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

<b>Meeting Date: July 13, 2009</b>	<b>Item # NB 1D</b>
<b>Agenda Item: Confirm Assistant Town Manager appointment</b>	
<b>Department Head Recommendation: n/a</b>	
<b>Town Manager's Recommendation</b>	
I appointed Roberta Orsini as the Assistant Town Manager in February. I have held off on the confirmation of this appointment while we developed a job description. That has been completed and I request the Council confirm this appointment.	
<b>Requested Action</b>	
Confirm the appointment of Roberta Orsini as the Assistant Town Manager.	
<b>Vote</b>	



# TOWN COUNCIL

## *Agenda Information Sheet*

<b>Meeting Date: July 13, 2009</b>	<b>Item # NB 1E</b>
<b>Agenda Item: Proposed Charter Amendments</b>	
<b>Town Manager Recommendation: John Schempf</b>	
<p>I have begun a comprehensive review of the Charter, Code and Policies. This is the first of many recommendations to come regarding suggested changes. This week I am looking for Council direction on the attached proposed changes to the Charter.</p> <p>Charter, Article IX, Section 8 Charter Amendment</p> <p>1. Proposal of Amendment</p> <p>B. Amendments to the Town Charter may be framed by Ordinance of the Town Council containing the full text of the proposed amendment and effective upon adoption.</p> <p>2. Election</p> <p>Upon passage of an ordinance...the Town Council shall submit the proposed amendment to the voters of the Town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the Town at least 30 days prior to the date of the election. The election shall be held not less than 60 days and not more than 120 days after the adoption of the ordinance...</p> <p>The timeline, should the Council agree to the proposal of amending the Charter is as follows:</p> <p>7/27 Mtg. Finalize Language, set Public Hearing Date  8/10 Mtg. Hold Public Hearing  8/24 Mtg. Adopt Ordinance (69 days prior to November 3, 2009)  9/18 Ballots Ordered</p>	
<b>Requested Action</b>	
Council wishes	

# CHARTER<sup>1</sup>

## ARTICLE I Grant of Powers to the Town

- Sec. 1. Incorporation.
- Sec. 2. Powers and duties.

## ARTICLE II Town Council

- Sec. 1. Number, election, term.
- Sec. 2. Qualifications.
- Sec. 3. Enumeration of powers.
- Sec. 4. Compensation.
- Sec. 5. Induction of council into office.
- Sec. 6. Council to be judge of qualifications of its members.
- Sec. 7. Regular meetings.
- Sec. 8. Rules of procedure; journal.
- Sec. 9. Chairman.
- Sec. 10. Quorum.
- Sec. 11. Public hearings on ordinances.
- Sec. 12. Town clerk.
- Sec. 13. Independent annual audit.

## ARTICLE III Town Manager

- Sec. 1. Appointment; qualifications; powers and duties.
- Sec. 2. Removal.
- Sec. 3. Department heads.
- Sec. 4. Council not to interfere in appointments or removals.
- Sec. 5. Vacancy in office of town manager.

## ARTICLE IV Budget

- Sec. 1. Fiscal year.
- Sec. 2. Preparation and submission of the budget.

---

<sup>1</sup> Editor's Note: This title page, list of sections and history is added for reference purposes by the publisher and is not part of the Charter as adopted.

## SOUTH BERWICK CODE

- Sec. 3. Budget establishes appropriations.
- Sec. 4. Budget establishes amount to be raised by property tax; certification to town assessor.
- Sec. 5. Budget summary.
- Sec. 6. Expenditures and departmental revenue.
- Sec. 7. Work program; allotments.
- Sec. 8. Transfer of appropriations.
- Sec. 9. Interim expenditures.
- Sec. 10. Grants and gifts.
- Sec. 11. Administrative revenue accounts.

### ARTICLE V Tax Administration

- Sec. 1. Assessors.
- Sec. 2. Board of Assessment Review: appointments and vacancies.
- Sec. 3. Board of Assessment Review: powers and duties.

### ARTICLE VI Nominations and Elections

- Sec. 1. Municipal elections.
- Sec. 2. Nominations.
- Sec. 3. Conduct of municipal elections.
- Sec. 4. Voting places.
- Sec. 5. Election officials.

### ARTICLE VII The Town Meeting

- Sec. 1. Town meetings.
- Sec. 2. When action by town meetings required.
- Sec. 3. Town meeting—method of abolishing.

### ARTICLE VIII Initiative and Referendum

- Sec. 1. Petition for overrule of action of council.
- Sec. 2. Petition for enactment of ordinances.
- Sec. 3. Form of ballot.

ARTICLE IX  
General Provisions

- Sec. 1. **Summons before Town Council.**
- Sec. 2. **Oath of office.**
- Sec. 3. **Ordinances not inconsistent continue in force.**
- Sec. 4. **Removal of officers and employees.**
- Sec. 5. **Continuance of present administrative officers.**
- Sec. 6. **Expiration of term of present elected officials.**
- Sec. 7. **Existing contracts not invalidated, unless inconsistent.**
- Sec. 8. **Charter amendment.**
- Sec. 9. **Separability clause.**
- Sec. 10. **Short title.**
- Sec. 11. **Repealing clause.**

[HISTORY: Approved by the Governor 4-9-1969; adopted at referendum 11-4-1969. Amendments noted where applicable.]

ARTICLE I  
Grant of Powers to the Town

**Sec. 1. Incorporation.** The inhabitants of the Town of South Berwick shall continue to be a body politic and corporate by the name of the Town of South Berwick, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise, pertaining to or incumbent upon said town as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable bylaws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, not exceeding \$100 in any one case, to be recovered for such uses as said bylaws, regulations or ordinances shall provide.

**Sec. 2. Powers and duties.** The administration of all the fiscal, prudential and municipal affairs of said town, with the government thereof, except the general management, care, conduct and control of the schools of said town, and also except as otherwise provided by this charter, shall be and are vested in one body of 5 members, which shall constitute and be called the town council, all of whom shall be inhabitants of said town, and shall be sworn in the manner hereinafter prescribed.

The members of the town council shall be and constitute the municipal officers of the Town of South Berwick for all purposes required by statute and, except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of this State.

All other powers now or hereafter vested in the inhabitants of said town and all powers granted by this charter, except as herein otherwise provided, shall be vested in said town council.

ARTICLE II  
**Town Council**

**Sec. 1. Number, election, term.** The town council shall be composed of 5 members, each of whom shall be elected by the registered voters of the entire town. Each member shall be elected for a term of 3 years and until his successor is elected and qualified, except that, at the first election after the adoption of this charter, the 2 members-elect receiving the most votes shall serve 3 years, the 2 members-elect receiving the next highest number of votes shall serve 2 years, and the one member-elect receiving the next highest number of votes shall serve for one year. In the case of an equal number of votes, the relative position of the members-elect shall be determined by lot.

**Sec. 2. Qualifications.** Councilmen shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. In case of a vacancy caused by death, resignation, removal from town or removal from office as hereinafter provided, of any member of the town council more than 6 months prior to the next regular municipal election, the vacancy shall be filled by a special election for the unexpired portion of the term. In the event such vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy may be filled by a special election for the unexpired portion of the term. Such election shall be called and held and nominations made as in regular municipal elections.

Any member of the town council who shall be convicted of a felony or a misdemeanor involving moral turpitude while in office shall, after due notice of no less than 14 days and hearing before the town council and the production of the records of such conviction, forfeit his office.

**Sec. 3. Enumeration of powers.** Without limitation of the foregoing, the council shall have the power to:

- I. Appoint and remove the town manager and the town attorney, all of whom shall serve at the will of the appointing power. **[Amended 11-3-1992]**
- II. The council shall serve as overseer of the poor. **[Amended 11-3-1992]**
- III. Provide for an annual audit.
- IV. Appoint the planning board and the board of zoning appeals and the board of assessment review. **[Amended 11-9-1994]**
- V. By ordinance create, change and abolish offices, departments and agencies, other than those offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.

- VI. Make, alter and repeal ordinances, including the power to enact ordinances providing for the grant of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations not inconsistent with law and upon payment by the licensee of such fees as the town council may establish in such ordinance.
- VII. Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs.
- VIII. Recommend the annual budget to the town meeting.
- IX. Adopt and modify maps of the town.
- X. The council shall constitute the board of assessors and shall act as the division of assessment. [Added 11-9-1994]

**Sec. 4. Compensation.** Councilmen shall receive \$10 for each council meeting upon attendance not to exceed in the aggregate \$200 per year in full for their services. Such compensation may be changed by vote on an article contained in the warrant for said purpose at the annual town meeting. The town council by order shall fix the salaries of officials appointed by the town council, including the salary of the town manager for his services as such and for all other services rendered by him. Salaries of the appointees of the town manager shall be fixed by the

The election is more than 5 days prior to the first meeting, this is recommended for a change.

**Sec. 5. Induction of council into office.** The town council shall meet at the usual place for holding meetings within 5 days following the regular town election, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

**Sec. 6. Council to be judge of qualifications of its members.** The council shall be the judge of the election and qualifications of its members and for such purpose shall have the power to subpoena witnesses and require production of records, but the decision of the council in any such cases shall be subject to review by the courts.

**Sec. 7. Regular meetings.** The town council shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings.

**Sec. 8. Rules of procedure; journal.** The council shall determine its own rules and order of business. It shall keep a record of its proceedings, including all votes, and the record shall be open to public inspection.

**Sec. 9. Chairman.** At its first meeting, or as soon thereafter as practicable, the council shall elect, by majority vote of the entire council, one of its members as chairman for the ensuing year and the council may fill, for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, but he shall have no regular administrative duties. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. In the temporary absence or disability of the chairman, the town council may elect a chairman pro tempore, from among its members, and he shall exercise the powers of chairman during the temporary absence or disability of the chairman.

**Sec. 10. Quorum.** A majority of the town council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

**Sec. 11. Public hearings on ordinances.** At least one public hearing, notice of which shall be given at least 7 days in advance by publication in a newspaper having circulation in said town, shall be held by the council before an ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. Any such ordinance shall not be effective until 30 days after such passage.

The town council may, by vote of 4 of its members, pass emergency ordinances to take effect at the time indicated therein. Such emergency ordinances shall contain a section in which the emergency is set forth and defined. The declaration of such emergency by the town council shall be conclusive.

**Sec. 12. Town clerk.** In addition to the statutory duties required of the town clerk, whose place of business shall be the town office, the town clerk shall act as clerk of the council and shall keep a public record of all proceedings of the council, including all votes. The Town of South Berwick shall provide for a salary to be paid to the clerk as full compensation, in which case all fees accrue to said town.

**Sec. 13. Independent annual audit.** Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private certified accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council, the town meeting and the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the town government.

ARTICLE III  
**Town Manager**

**Sec. 1. Appointment; qualifications; powers and duties.** The town manager shall be chosen by the town council solely on the basis of his character and his executive and administrative qualifications, and may or may not be a resident of the Town of South Berwick or of the State of Maine at the time of his appointment. In addition to his duties as town manager, he shall be road commissioner, tax collector, town treasurer and agent for the overseers of the poor. No councilman shall receive appointment to the office of town manager during the term for which he shall have been elected nor within one year after the expiration of his term, nor shall any member of the town council act in that capacity. The town manager shall give bond for the faithful discharge of his duties to the Town of South Berwick in such sum as the town council shall determine and direct, and with surety or sureties to be approved by the town council. The premium on his bond shall be paid by the town. He shall be the administrative head of the town and shall be responsible to the town council for the administration of all departments assigned to him.

His powers and duties shall be as follows:

- I. Appoint, prescribe the duties of, and, when necessary for the good of the service, remove all officers and employees of the town appointed by him. Such action shall be subject to review by the council.

Suggest amending this to reflect current practice of publishing the Town Report promptly following the public hearing on the budget.

- III. Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the town for the preceding year, and cause such annual report to be published and made available to the public as promptly as possible after the close of the fiscal year.
- IV. Attend the meetings of the council, except when his removal is being considered, and keep the council advised of the financial condition and future needs of the town and make such recommendations as may seem to him desirable.
- V. See that all laws and ordinances governing the town are faithfully administered.
- VI. Act as purchasing agent for all departments of the town with the advice of the individual department heads and utilizing cooperative purchasing arrangements where feasible.
- VII. Perform such duties as may otherwise be prescribed by this charter or required of him by the council, not inconsistent with this charter.
- VIII. Prepare an administrative code, submit it to the council and be responsible for its administration after adoption.

**Sec. 2. Removal.** The town manager may be removed for cause by the council in accordance with the provisions of the statutes of the State of Maine relating to the removal of a town manager.

**Sec. 3. Department heads.** All statutory officers and department heads, other than those listed in Article II, section 3, subsection I, shall be appointed by the town manager, subject to confirmation by the town council, and the same shall be subject to removal for just cause.

**Sec. 4. Council not to interfere in appointments or removals.** Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any of his subordinates.

**Sec. 5. Vacancy in office of town manager.** During any vacancy in the office of town manager, and during the absence or disability of the town manager, the town council shall designate a properly qualified person to perform the duties of manager and fix his compensation. While so acting, he shall have the same powers and duties as those given to and imposed on the town manager. Before entering his duties, he shall give bond to the Town of South Berwick in a sum and with surety or sureties to be approved by the town council. The premium on said bond is to be paid by the town.

#### ARTICLE IV Budget

**Sec. 1. Fiscal year.** The fiscal year of the town government shall begin the first day of July and shall end on the 30th day of June of each calendar year, or such other fiscal year as the council may from time to time, by ordinance, determine. The fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

**Sec. 2. Preparation and submission of the budget.** The town manager shall at least 90 days prior to the beginning of each budget year, submit to the council a budget and an explanatory budget message. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the manager. This budget shall contain:

- I. Exact statement of the financial condition of the town.
- II. An itemized statement of appropriations recommended for current expenses, and for permanent improvements, with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.

- III. An itemized statement of estimated revenue from all sources, other than taxation, and a statement of taxes required, comparative figures from current and next preceding year.
- IV. Such other information as may be required by the town council.

The proposed budget prepared by the manager shall be reviewed by the town council which shall approve the budget with or without amendments. The complete town budget as approved by the town council shall be published and the town council shall fix the time and place for holding a public hearing for the budget, and shall give public notice of such hearing. The council shall then review the budget and recommend it, with or without change, to the annual town meeting.

**Sec. 3. Budget establishes appropriations.** From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

**Sec. 4. Budget establishes amount to be raised by property tax; certification to town assessor.** From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the manager and filed by him with the town assessors, whose duty it shall be to levy such taxes for the corresponding tax year.

**Sec. 5. Budget summary.** At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property taxes, and shall be itemized also by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

**Sec. 6. Expenditures and departmental revenue.** The budget for all departments shall include all proposed expenditures; and the town meeting shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the council.

Suggest deleting the section below, this is not needed and not followed.

**Sec. 7. Work program; allotments.** Before the beginning of the budget year, the head of each office, department or agency shall submit to the town manager a work program for the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Suggest clarifying language to more accurately reflect the intent of this section.

**Sec. 8. Transfer of appropriations.** At the request of the manager and within the last 3 months of the budget year, the council may, by resolution, transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within a department.

**Sec. 9. Interim expenditures.** In a period between the beginning of the fiscal year and the appropriation of funds, the council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year when made, in amounts sufficient to cover the necessary expenses of the various departments.

Suggest increasing the amount to \$25,000 to account for inflation.

**Sec. 10-A. Grants.** Notwithstanding the provisions of Article VII, Sections 1 and 2, or the other provisions of this Article IV, the Council may apply for any federal, state, county, regional, or private grants. Expenditures from any federal, state, county, regional, or private grants must be authorized by the Town Council. Any such grant which requires the Town to expend \$10,000 or more in matching funds shall require approval at a Town Meeting pursuant to Article VII, Section 2. [Added 11-5-1996; amended 11-8-2005]

**Sec. 10-B. Gifts.** The Town Council may accept any gifts in the name of the Town of South Berwick. Any expenditures of or from such gifts must be approved by the Town Council. [Added 11-5-1996; amended 11-8-2005]

**Sec. 11. Non-Tax Revenue Accounts.** Notwithstanding the provisions of Article VII, Sections 1 and 2, or the other provisions of this Article IV, the Council may establish administrative or special accounts to be used for specific programs which generate revenues from user fees, donations, or similar sources. The Council may allow such revenues to be entered into such accounts and may approve expenditures from such accounts to operate the programs for which the accounts were established. Any expenditures from such accounts must be approved by the Town Council. [Added 11-5-1996; amended 11-8-2005]

ARTICLE V  
Tax Administration  
[Amended 11-3-1992; 11-9-1994]

**Sec. 1. Assessors.** The members of the town council shall be the assessors and shall exercise the same powers and the subject to the same duties and liabilities as assessors under the laws of the State.

**Sec. 2. Board of Assessment Review: appointments and vacancies.** There shall be a board of assessment review to consist of 5 members who shall be appointed by the town council for a term of 3 years, except that of those first appointed, two shall be for a term of 3 years, two shall be for a term of 2 years and one shall be for a term of 1 year. Compensation, if any, to such members shall be determined by the town council. Vacancies in the membership of such board shall be filled by appointment by the town council for the unexpired term. Upon the effective date of this section, the terms of the office of all the then current members of the board of assessment review shall terminate, and new appointments shall be made in accordance with this section. Members of the town council shall not serve on the board of assessment review.

**Sec. 3. Board of Assessment Review: powers and duties.** The Board of Assessment Review shall:

- I. Hear appeals from the decisions of the assessors regarding applications for abatements to property taxes and make determinations with respect to assessments in accordance with the general laws of the State of Maine. Three members of the board shall constitute a quorum for the purpose of hearing and voting upon a matter presented to the board. An appeal can be granted only by a majority vote of those members present and voting.
- II. In carrying out its functions, have the power to administer oaths, take testimony, and hold hearings as may be required.
- III. Have the power to adopt, subject to the approval of the town council, rules and regulations for the transaction of its business.
- IV. Annually choose a chairman, a vice chairman and a secretary from its membership. The secretary shall keep a complete, accurate record of all votes taken at the next meeting of the board.

#### ARTICLE VI Nominations and Elections

**Sec. 1. Municipal elections.** The regular election for the choice of members of the town council and board of school directors shall be held on the Tuesday following the first Monday in November of each year. [Amended 7-1-1982]

**Sec. 2. Nominations.** Any qualified voter of the town may be nominated for the council or board of school directors in accordance with the statutes of the State of Maine.

**Sec. 3. Conduct of municipal elections.** The provisions of the statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of the election officers and all other particulars relative to preparation for conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

**Sec. 4. Voting places.** The voting places for municipal elections shall be those which have been

Suggest removal, this is not required by state law and ignored if the situation dictates.

**Sec. 5. Election officials.** The town council shall, 10 days before any election, appoint a warden and clerk, in addition to the regular ballot clerks, for each voting place.

ARTICLE VII  
**The Town Meeting**

**Sec. 1. Town meetings.** Town meeting for the consideration of the budget and the transaction of other town business as may come before a town meeting shall be held at least 14 days prior to the beginning of each fiscal year. Town meetings shall be called by the council in a manner provided

Adjust the dollar amount to \$25,000 to adjust for inflation. Remove text prohibiting an increased appropriation at Town Meeting to allow citizens to have a larger voice at Town Meeting.

**Sec. 2. When action by town meetings required.** The annual budget, any appropriation of \$10,000 or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, shall become effective only after it has been adopted at a town meeting by the vote of a majority of those voting at such meeting. ~~The town meeting shall not increase the amount of any appropriation above the amount recommended by the council nor make any appropriation not recommended by the council and shall not increase the amount of any bond issue above the amount recommended by the council.~~ [Amended 11-3-1992; 11-5-1996]

**Sec. 3. Town meeting – method of abolishing.** At any time after the adoption of this charter, not less than 10% of the registered voters of the town may petition, over their personal signatures, for a special town meeting to vote upon the question of submitting to a referendum vote on the ballot at a special town election the proposition of abolishing the town meeting. The council shall call a public hearing to be held within 30 days from the date of the filing such petition with the town clerk, and shall within 14 days after said public hearing call a special town meeting for the purpose of submitting to a referendum vote the question of abolishing the town meeting in the Town of South Berwick. If at such special election a majority of the voters of the town voting on the question shall vote for the abolition of the town meeting of the Town of South Berwick, the powers heretofore vested in the town meeting shall be conferred upon and exercised by the town council. Notwithstanding any of the provisions of this section, the council shall not call any special town meeting within 30 days of the date of the annual town meeting.

ARTICLE VIII  
**Initiative and Referendum**

**Sec. 1. Petition for overrule of action of council.** All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

If, within 10 days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than 10% of the registered voters of the Town of South Berwick is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, call a special town meeting for the purpose of submitting to a referendum vote the question of adopting such ordinance, resolution or vote. Pending action by

the town meeting, the referred ordinance, resolution or vote shall be suspended from going into operation until it has received a vote of the majority of the voters on said question.

**Sec. 2. Petition for enactment of ordinances.** Subject to the provisions of section 1, not less than 10% of the registered voters of the town may at any time petition, over their personal signatures, for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall within 30 days after said public hearing call a special town meeting for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call of said town meeting, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he shall not materially change its meaning and effect.

**Sec. 3. Form of ballot.** The form of the ballot for the proposed ordinance, resolution, vote or charter amendment shall be substantially as follows:

“Shall the proposed ordinance (resolution, vote or charter amendment), a copy of which is printed herein or attached hereto, be adopted?”

FOR THE ORDINANCE

AGAINST THE ORDINANCE

The voter shall write a cross or check mark in the appropriate box.

ARTICLE IX  
**General Provisions**

**Sec. 1. Summons before town council.** The clerks of the Supreme Judicial and Superior Courts may issue a summons for witnesses to attend and produce books, documents and papers at any meeting of the town council for the Town of South Berwick at which a hearing is had on any matter regarding any alleged dereliction of duty by town officers or employees. On complaint of failure to obey summons filed with any Justice of the Superior Court, said justice, if he finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or both.

**Sec. 2. Oath of office.** Every officer of the town shall, before entering upon the duties of his office take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

“I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the charter and ordinances of the Town of South Berwick and statutes of the State of Maine, and will faithfully discharge the duties of the office of \_\_\_\_\_.”

**Sec. 3. Ordinances not inconsistent continue in force.** All ordinances of the Town of South Berwick in force at the time when this charter takes effect, not inconsistent with the provisions of Delete, this section is incorrect and not necessary.

**Sec. 4. Removal of officers and employees.** With the exception of the town manager, whose removal is provided for in accordance with the statutes of the State of Maine, any statutory officer, department head or employee may be removed by the appropriate appointing body or officer at any time.

**Sec. 5. Continuance of present administrative officers.** All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office.

**Sec. 6. Expiration of term of present elected officials.** The terms of office of those elected officials of the town holding office on the effective day of these amendments shall expire at the regular municipal election held in the month of November prior to the current date of expiration of their current term; provided, however, that said officials shall remain in office until their successors are elected and qualified. [Amended 7-1-1982]

**Sec. 7. Existing contracts not invalidated, unless inconsistent.** All rights, actions, proceedings, prosecutions and contracts of the town or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Sec. 8. Charter amendment.**

1. Proposal of amendment. Amendments to this charter may be framed and proposed:
  - A. In the manner provided by law, or
  - B. By ordinance of the town council containing the full text of the proposed amendment and effective upon adoption, or

- C. By the registered voters of the town, or
- D. By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the Town of South Berwick shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VIII for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by registered voters of the town equal in number to at least 20% of the combined vote cast in the last preceding gubernatorial election.

2. Election. Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a charter commission, proposing an amendment pursuant to subsection I, the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the town at least 30 days prior to the date of election. The election shall be held not less than 60 days and not more than 120 days after the adoption of the ordinance or the final determination of sufficiency of the petition or report proposing the amendment. The form of the ballot shall be as specified in Article VIII, section 3.

**Sec. 9. Separability clause.** If any portion of this Act shall be held to be invalid such decision shall not affect the validity of the remaining portions thereof.

**Sec. 10. Short title.** This charter shall be known and may be cited as the “Council-Manager Charter of the Town of South Berwick.” The clerk shall cause it to be printed and made available to the public promptly.

**Sec. 11. Repealing clause.** All Acts and parts of Acts of the private and special laws of Maine relating to the Town of South Berwick, inconsistent with the provisions of this charter, are repealed.

**Referendum; effective date; certificate to Secretary of State.** This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of South Berwick at any special town meeting or state-wide election held before January 2, 1970, and warrants shall be issued for such town meeting in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in said town, there to cast their ballots on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: “Shall ‘An Act to Grant a Charter to the Town of South Berwick’, passed by the 104th Legislature, be accepted?” The voters shall indicate by a cross or

check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Act shall take effect immediately following the first election held under the provisions of this charter at the annual meeting in March, 1970.

The result of the vote shall be declared by the municipal officers of the Town of South Berwick and due certificate thereof shall be filed by the town clerk with the Secretary of State.



# TOWN COUNCIL

## *Agenda Information Sheet*

<b>Meeting Date: July 13, 2009</b>	<b>Item # NB 1F</b>
<b>Agenda Item: Discuss Committee policies and procedures</b>	
<b>Town Manager's Recommendation</b>	
<p>In reviewing the varied Boards and committees in South Berwick I can see the need for reorganization. As we continue to develop rules and regulations for the boards to follow it appears this is the proper time to discuss the makeup of the boards. I recommend making the following changes as we move forward.</p> <p><u>Change the judicial boards to 5 members with 2 alternates:</u>          Planning Board-already setup in this manner          Board of Assessment Review-add 2 alternates          Zoning Board of Appeals – adjust the two open seats to alternate positions</p> <p><u>Change all other boards to 5 member boards:</u>          Building Committee-currently 5          Conservation Commission-change from 7 to 5          Historic District commission-currently 5          Library Advisory Board-change from 7 to 5</p> <p><u>Create three new committees:</u>          Sunset the EDC and create a Community Development Committee          Create a Recycling Committee          Create a Recreation Committee</p> <p>Additionally, I plan to provide each board with a boilerplate set of bylaws which can be tailored to fit the individual needs of the boards.</p>	
<b>Requested Action</b>	
Council wishes	
<b>Vote</b>	

Further explanation on each board:

The ZBA currently has two open seats; this suggestion will not alter any of its current members.

This will add two new alternate seats to the BOAR.

The Conservation Commission has had difficulty filling all 7 of its seats for many years. This will give them a quorum with 3 and hopefully be easier to fill.

The Library Advisory board also has two open seats. This will not affect any of its members.

The EDC has been struggling with its charge for quite some time. This will allow them to work on the community related projects the members appear to be drawn to.

A new recycling committee can work with staff to assist with education of our citizenry and research cutting edge technologies.

Reestablishing a Recreation Committee will give the Town the opportunity to create a new facilities plan which has been missing since the fiscal year 2006 budget was approved. Additionally, it will infuse new excitement to the Recreation Department.

# Official Boards & Committees of the Town of South Berwick

## Posting & Record Keeping

Regularly scheduled meetings are entered into the website and are posted at Town Hall. This satisfies the Maine Statute requirement for notice.

- Changes to meeting days/time need to be sent via email to the Town Manager's office for an update to the website. Staff in the Manager's office will: 1) notify the Town Clerk and 2) post to the Bulletin Board at Town Hall.
- Agendas shall be developed using the template attached.
- Agendas must be forwarded electronically to the Town Manager's office a minimum of 24 hours prior to the meeting. These agendas will be posted to the bulletin board and website by staff. If this deadline is missed, the Chairman (or designee) is responsible to physically post the Agenda to the Bulletin Board and to copy the Town Clerk and Town Manager's office.
- It is the responsibility of the Board/Committee Chairman to insure the membership receives a copy of the agenda prior to the meeting.
- Minutes of the previous meeting shall be forwarded by the Board Secretary to each member electronically prior to the next meeting for review.
- Those members without email shall make arrangements to obtain the information in a timely manner, but it shall not become the responsibility of the Board's Chairman or Secretary to forward agendas and minutes via us mail.
- Accepted minutes shall be emailed to the Town Manager's office for distribution to the Town Council.
- Original minutes, signed by the minute taker, shall be forwarded within one week of their acceptance to the Town Clerk for archival purposes.

**AGENDA  
NAME OF BOARD  
DATE – LOCATION  
TIME OF MEETING**

**PLEDGE TO OUR FLAG:** "Please rise as you are able and pledge allegiance to our nation's flag"

**ROLL CALL/CALL TO ORDER**

**APPROVAL OF THE FOLLOWING MINUTES**

**REPORTS & CORRESPONDENCE**

**BOARD MEMBER COMMENTS**

**PUBLIC COMMENT** To comment on items not on the agenda or to reserve time to speak on an agenda item

**UNFINISHED BUSINESS**

Itemized

**NEW BUSINESS**

Itemized

**OTHER**

**ADJOURN**