

SOUTH BERWICK TOWN COUNCIL JULY 13, 2009

Chairman Jean Demetracopoulos called the meeting to order at 6:00pm. Those present included Councilors Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

EXECUTIVE SESSION

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to enter executive session at 6:02pm, pursuant to 1MRSA §405.6D, to discuss police union contract negotiations. The Council and Manager moved to the Manager's office. Councilor David E. Webster arrived during the executive session.

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to end the executive session at 6:30pm

APPROVAL OF MINUTES

1. Town Council 6-29-09: On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes after amending New Business 1A to include the following in the motion "for the purchase price of \$106,000 to be taken from the CIP account".

SIGNING OF TREASURER'S WARRANT – June 30, 2009 & July 13, 2009

June 30, 2009: On a motion by Mr. Burke, seconded by Mr. MacPherson, it was voted 4-0 to sign the warrant. Mr. Webster abstained stating he had not looked it at.

July 13, 2009: On a motion by Mr. Burke, seconded by Mr. MacPherson, it was voted 4-0 to sign the warrant. Mr. Webster abstained stating he had not looked it at.

COUNCIL MEMBER COMMENTS

1. Mr. Webster:

-Stated that for personal reasons he is resigning his position on the Council effective immediately. Mr. Webster then left the Council Chambers.

2. Mrs. Kareckas:

-Requested that Mr. Webster's resignation be placed on the next agenda.

3. Mr. Burke:

-Questioned whether someone should call Mr. Webster. Chairman Demetracopoulos stated that she would call him.

4. Mrs. Demetracopoulos:

-Stated that the Council has several meetings/workshops coming up – 7/14 Joint workshop with the HDC, 7/16 Open House at the young St property, 7/20 workshop to review goals, manager's review, and the transfer station.

TOWN MANAGER'S REPORT

-Gave a heads up regarding two upcoming agenda items: cemeteries and the connector between St. Michael's parking lot and Central School.

PUBLIC COMMENT

1. Eric Pelchat, Front St, questioned the Chair's ruling regarding the public's right to address the council after all agenda items have been discussed and prior to adjournment. Mr. Pelchat asked if the manager had researched why the ACO was not allowed to take a vehicle home prior to allowing the practice. Mr. Schempf stated he had not and won't.

Mr. Pelchat also commented on the discussion of Article 10 of the June 1st Town Meeting. Mrs. Demetracopoulos stated that she received calls discouraging the use of the reserve fund to cover operating expenses for the fields. She added that the council is responsible for the proper management of accounts and using the reserve in this case would be inappropriate. Mrs. Demetracopoulos added that after having met with the groups that use the fields, it was agreed that the town will continue to fertilize the fields and the groups will mow the fields.

Mr. Pelchat expressed his concerns with the Manager's proposed changes to the charter. He added that he did not feel the proper "homework" was being done.

2. Norma Tutelian, Butler St, asked for the status of the 'Gully' (Railroad Ave). Mrs. Demetracopoulos stated that a review of all town owned properties is in the queue.

3. Richard Clough, Academy St, asked if the town had set up tax relief fund required by Title 30, §572. Mr. Schempf stated that it is not required and we have three pages of legal opinion stating so. Mr. Clough also commented on the use of the overlay when setting the tax rate.

4. Pat Mitchem, Witchtrot Rd, on behalf of the Friend's of the Library, she was glad to see the library project moving forward. She also invited everyone to the open house on Thursday.

5. Suzanne Roberge, Berwick Rd, asked if the cemeteries are going to be discussed on the next agenda if committee members should be present. Mr. Schempf stated that he didn't know if they should be present, but he would keep that in mind and notify her if so.

UNFINISHED BUSINESS

1A. The Council discussed the disposition of the Fuel Assistance Fund. The First Parish Federated Church is willing to take over handling the funds; and they are very involved in the food pantry. On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to authorize the transfer of the remaining funds (\$14,265.37) in the fuel assistance account to the South Berwick Community Food Pantry.

NEW BUSINESS

1A. The Council discussed the next step in the Library project. Drawings will be needed to assist in the capital fundraising. Pat Mitchem stated that the Friends have been able to raise some money and may be able to contribute to the cost of the drawings. Tom Harmon explained that there is a four step process: feasibility study, schematic drawings, construction drawings, and then bidding & construction.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted 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.

Mr. Burke stated that he is happy to move forward, but yellow flags are up regarding spending. He added that he wanted to make sure that everyone is on the same page regarding the cost of the project. Mr. Burke added that the private sector is vital to the fundraising efforts.

1B. It was explained that creating a special revenue account for the community garden will allow for better tracking of the funds. Mimi Demers, Belle Marsh Rd, stated that it will also make it clear how much money is available for expenses.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to setup a special revenue account for the Community Garden and to move the funds collected this year to the new account.

On a motion by Mr. Burke, seconded by Mrs. Kareckas, to take up business out of order and return to the reports portion of the agenda.

REPORTS & CORRESPONDENCE

1. County Commissioner David Bowles gave the Council a brief update on current budget and jail issues for York County. He stated that the County will not be sending a supplemental tax assessment to the towns to cover their shortfall.

Commissioner Bowles stated that the new jail consolidation laws have been clarified and do not allow the use of jail revenues to be used for general county expenses. He added however, that administrative services and jail bond debt are paid by the county. Mr. MacPherson commented on the inequity of some towns using the county sheriff instead of funding their own police departments; and the fact that those towns aren't required to pay more for the use of that service.

NEW BUSINESS CONT'D

1C. On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to accept Rebecca Gray’s resignation from the Conservation Commission.

1D. The Council discussed the position of Assistant Town Manager. Concerns were expressed with regard to the potential for an aide to the Assistant and increased costs.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to confirm the appointment of Roberta Orsini as the Assistant Town Manager.

1E. Mr. Schempf explained that he has done a review of the Charter and proposes amending it. The sections being changed include Article II (Council) §5, Article III (Manager) §1(III), Article IV (Budget) §7, §8, §10A, Article VI §5, Article VII §2, and Article IV §4. The changes would bring the Charter up to date with current practices and laws.

The consensus of the Council was to (tentatively) schedule a workshop for Tuesday, July 21st with a second workshop on July 22nd if needed.

1F. Mr. Schempf explained that upon reviewing the boards and committees, reorganization is warranted. He recommended the following:

- Change judiciary boards to 5 members with 2 alternates (Planning, BOAR, & ZBA).
- Change all other boards to 5 members.
- Create three new committees (Sunset EDC & create Community Development Committee, Recycling Committee, and Recreation Committee).

-Mr. Burke stated that he would like to hear from the committees as to what they think they need. Ok with sunset for the EDC unless they feel there is more to do.

-Mr. MacPherson stated he was ok with the proposed size of the boards at 5 members. He added that establishing the other committees is worth a shot.

-Mrs. Kareckas stated that she liked making everything consistent. She commented on the timely submission of minutes and suggested using the draft minutes as a “holder” in the record until the adopted minutes are received. She also recommended the addition of a transportation committee.

-Mrs. Demetracopoulos stated that she liked the idea of making the judiciary boards 5 members with 2 alternates. She also made note that although the Comprehensive Plan had been adopted the Vision Committee was never established. She added that any new committees should receive clear direction from the Council.

The consensus of the Council was to authorize the Manager to move forward with the proposed changes.

ADJOURNMENT

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adjourn the meeting at 8:30pm.

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
JULY 20, 2009**

The following was reported to the Clerk by the Manager:

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

NEW BUSINESS

1. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to hold a joint public hearing with the Planning Board on Monday, July 27, 2009 to receive comment on the proposed Shoreland Zoning Ordinance.

ADJOURNMENT

On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to adjourn the meeting at 6:34pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00049798	160810 PORTLAND GLASS	07/27/2009	-345.00
00049924	133197 MAINEBIZ	07/27/2009	-42.95
00049965	133050 TREAS, STATE OF MAINE/IV-D	07/27/2009	20.97
00049966	132500 SECRETARY OF STATE M/V	07/27/2009	16,331.39
00049967	090151 UNITED STATES TREASURY	07/27/2009	450.58
00049968	133050 TREAS, STATE OF MAINE/IV-D	07/27/2009	31.07
00049969	132500 SECRETARY OF STATE M/V	07/27/2009	10,765.19
00049970	189999 REFUNDS	07/27/2009	200.00
00049971	189999 REFUNDS	07/27/2009	65.00
00049972	189999 REFUNDS	07/27/2009	85.00
00049973	189999 REFUNDS	07/27/2009	70.00
00049974	010335 AGGIES FARMSTAND	07/27/2009	60.30
00049975	010503 ALL STAR GRAPHICS	07/27/2009	150.88
00049976	010585 AMAZON	07/27/2009	64.72
00049977	011300 APPLE BOOKS	07/27/2009	113.35
00049978	021300 BERNSTEIN SHUR	07/27/2009	1,379.16
00049979	022250 BOWL-A-RAMA	07/27/2009	72.00
00049980	022300 BOWS AND BALLOONS BY BRINA	07/27/2009	150.00
00049981	022503 SHARON BRASSARD	07/27/2009	137.25
00049982	030500 CENTRAL MAINE POWER/CREDIT, COLL	07/27/2009	568.35
00049983	030510 CENTRAL MAINE POWER	07/27/2009	3,944.91
00049985	030725 CITIZENS BANK (CHG)	07/27/2009	476.00
00049986	030920 CLEAN-O-RAMA	07/27/2009	25.95
00049987	031245 ELIZABETH COLEMAN	07/27/2009	10.75
00049988	031430 COMCAST	07/27/2009	125.09
00049989	031520 COMPUCHILD	07/27/2009	294.00
00049990	032002 CTC/ONE COMMUNICATIONS	07/27/2009	1,112.56
00049991	040300 DEMCO	07/27/2009	65.95
00049992	050785 ELIMINATOR INC	07/27/2009	923.40
00049993	141000 FAIR POINT COMM	07/27/2009	128.84
00049994	060300 FAVORITE FOODS INC	07/27/2009	315.02
00049995	061380 KRISTINE FONTAINE	07/27/2009	8.97
00049996	010525 G&K SERVICES	07/27/2009	726.86
00049997	070200 P GAGNON & SON INC	07/27/2009	21.93
00049998	180478 RICHARD GENEST INC	07/27/2009	1,503.00
00049999	070390 TODD GOLDENBERG	07/27/2009	100.52
00050000	070600 GEORGE GORMAN	07/27/2009	69.34
00050001	071307 GULF/FLEET FUNDING	07/27/2009	890.20
00050002	073010 GUY'S SEPTIC SERVICE	07/27/2009	100.00
00050003	191330 HANNAFORD'S	07/27/2009	79.74
00050004	080248 HANSCOM'S TRUCK STOP INC	07/27/2009	636.74
00050005	081100 HOUSING PARTNERSHIP	07/27/2009	1,083.00
00050006	081305 HSE GOULD	07/27/2009	118.00
00050007	090120 INLAND FISHERIES & WILDLIFE	07/27/2009	304.00
00050008	100150 JANETOS MARKET	07/27/2009	142.62
00050009	100265 JYMACKAY DISPOSAL LLC	07/27/2009	174.00
00050010	140500 LABORATORY CORP/AMERICA HOLDIN	07/27/2009	60.10
00050011	120350 NORMAND LAUZE	07/27/2009	676.00
00050012	121525 MATTHEW LIZOTTE	07/27/2009	670.00
00050013	127000 CORRINE J MAHONY	07/27/2009	600.00
00050014	131661 MAINE ASSN/CONSERVATION	07/27/2009	175.00
00050015	133375 MAINE ENERGY RECOVERY CO.	07/27/2009	1,360.73
00050016	133195 MAINE TURNPIKE AUTHORITY	07/27/2009	117.18
00050017	133358 W.B.MASON	07/27/2009	221.07
00050018	134300 MAINE MUNICIPAL EMPLOYEES	07/27/2009	3,949.20
00050019	134601 EXXON/MOBIL	07/27/2009	781.70

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 1A
Agenda Item: SBPD Byrne Recovery Grant 2009	
Department Head Recommendation: Chief Dana P. Lajoie	
Approval to accept the Byrne/Recovery Grant 2009 New Subgrant # SB-01-09 Purchase of Tasers	
Town Manager's Recommendation	
There is no cash match required for this grant. This will allow the Town to purchase 3 additional units at no cost to the Town.	
Requested Action	
Motion to accept the Byrne/Recovery Grant in the amount of \$3,666.00 for the purchase of police equipment.	
Vote	

JUL 20 REC'D



STATE OF MAINE
 DEPARTMENT OF PUBLIC SAFETY
 104 STATE HOUSE STATION
 AUGUSTA, ME 04333



JOHN ELIAS BALDACCI
 GOVERNOR

ANNE H. JORDAN
 COMMISSIONER

July 10, 2009

Chris Burbank
 South Berwick Police Department
 180 Main Street
 South Berwick, ME 03908

Re: SBPD Byrne/Recovery Grant 09
New Subgrant Number: SB-01-09

Dear Lt. Burbank:

Congratulations on your recent successful application on a contract for services with the Maine Department of Public Safety. Your contract is included with this letter.

If you intend to accept the contract for the amount offered, please read it carefully and have **three copies signed by the person authorized to enter into contracts for your agency. Please return all of the signed copies to this office. (Photocopies are not acceptable—the Division of Purchases requires three copies with ORIGINAL signatures.)**

Please take notice that there are specific reporting requirements regarding these funds because they are American Reinvestment & Recovery Act (ARRA) funds. The Maine Dept. of Public Safety will be providing technical assistance on the reporting requirements once that information is provided.

Please ensure that your invoices are not dated until August 1, 2009. Please do not hesitate to call me at 626-3832 if you have any questions.

Thank you.

Sincerely,

Elizabeth Dauphinee, Grant Administrator



COPY

To: John Schempf – Town Manager

From: Lt. Chris Burbank

Date: June 17, 2009

REF: *Byrne Recovery / JAG Grant*

6/17/09
OK *[Signature]*

I would like to submit this grant application to the State of Maine seeking \$3,666 for equipment allowance. The goal would be to purchase three additional TASER units. There is no cash or in kind match with this grant – other than our requirement to maintain training and the cost of upkeep on the equipment.

Sorry about the short notice but the grant is due early next week in Augusta.

This grant is through the State of Maine in association with federal stimulus money – we were contact directly by the ME Dept. of Public Safety encouraging us to apply.

Any questions please feel free to contact me.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 29, 2009	Item # NB 2A
Agenda Item: Approve connector road to Central School	
Town Manager's Recommendation	
<p>Terry Oliver has provided me with an estimate for the costs to build a connector road between the Young Street property and Central School (see attached). We have obtained approval for the project from Superintendent, the Business Manager and the Principal at Central School. I have placed a request to ask the SAD to contribute \$20,000 to the project.</p> <p>I attended the meeting of the SAD's Finance Committee on Friday July 24th. The committee will make its recommendation to the School Board at their next meeting which is scheduled for August 5th, during which I believe they will take up this request on their regular agenda. The Council may be asked to attend this meeting to describe the project to the full board.</p> <p>I am hopeful the School Board will approve this expenditure at their meeting on August 5th which will allow work to commence on August 6th to be completed prior to Sept 1st.</p>	
Requested Action	
<p>Motion to approve the construction of a connector road between Young Street and Central School. Work to be completed by the Public Works Department. Funding for the Town's portion to come from the Highway Budget and the Capital Account for Roads.</p>	
Vote	

Roberta Orsini

From: John B. Schempf
Sent: Monday, July 20, 2009 2:51 PM
To: rts@msad35.net
Cc: Roberta Orsini; Terry Oliver
Subject: FW: connector street to Central School

Randy,

I plan to go to Council on July 27 to get approval for this project in hopes of completion prior to the start of school. The labor and equipment we can eat, but if the school would contribute about \$20K we can find the remainder. Please call if you have questions.

If possible, could I have a response by Thurs, July 23?

Thanks,
John

From: Terry Oliver
Sent: Wednesday, July 15, 2009 8:53 AM
To: John B. Schempf
Subject: connector street to Central School

John,
The total cost of the project is \$61,805.00 with a breakdown as follows:

Labor	\$14,030.00 (from Highway budget)
Equipment	\$12,225.00 (from Highway budget)
Material	\$29,650.00 (\$20,000 from school) (\$2,100.00 from gravel stockpile, Highway Budget) (\$7,550.00 from Highway Capital budget)
Subcontract (paving)	\$5,900 (from Highway Capital budget)

Regards,
Terry

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 2B
Agenda Item: Forestry Services	
Department Head Recommendation: Terry Oliver	
The attached proposal to begin the process of managing the Town Forest comes from David Parker dba Parker Forestry Associates, LLC. The inventory portion of this proposal is listed for a fee of \$735.50 with the timber harvest services charged at 14% of the gross stumpage paid.	
Town Manager's Recommendation	
Mr. Parker is a local forester and this proposal appears to be reasonable. I recommend the Council authorize moving forward with the inventory and timber harvest of the Town Forest.	
Requested Action	
Motion to authorize the Town Manager to execute a contract with Parker Forestry Associates, LLC. The funds for the inventory to come from the proceeds of the timber harvest.	
Vote	

Parker Forestry Associates, LLC
David C. Parker, ACF
334 Maple Street
North Berwick, ME 03906
Phone 207-676-5838
parkr4st@maine.rr.com

April 14, 2009

Mr. Terry Oliver
Director of Public Works
Town of South Berwick, Maine
180 Main Street
South Berwick, ME 03908

Dear Mr. Oliver,

Please find enclosed a proposal to the Town of South Berwick for professional forestry services upon the South Berwick Town Forest woodlot on Knight's Pond Road. Per your request there are two items for your consideration, the first item is for an inventory of the commercial forest products on the woodlot and the second a proposal to conduct a timber harvest on behalf of the Town.

I have enclosed a copy of the certificate of insurance for the firm which offers coverage for general liability and errors & omissions coverage. The current policy is valid until July 1, 2009 and will be renewed prior to then effective July 1, 2009 .

Please call if you have any questions.

Sincerely yours,



David Parker, ACF

Proposal to provide a report of the inventory
of commercial forest products on the
South Berwick Town Forest

April 14, 2009

Parker Forestry Associates, LLC offers to provide to the Town of South Berwick, Maine the professional forestry services of an inventory of the commercial forest products on the South Berwick Town Forest woodlot on Knights Pond Road in South Berwick further identified by the Town as Map 12 – Lot 68 for the sum of \$ 735.50 (Seven-hundred thirty-five dollars and thirty-five cents) subject of the following conditions.

1. Commercial forest products are to be measured in trees greater than four inches in diameter breast height (4 ½ feet above the ground) and having at least sixteen feet of the length of the tree bole containing biomass chips, pulpwood, firewood, or sawlogs.
2. The acreage of the woodlot is believed to be 88.5 acres as listed by the town tax records. Preliminary map measurement demonstrates that the lot acreage may vary from this amount. The estimated acreage of the wooded area of the lot will be determined by measuring the length of the north-easterly side of the lot to determine if map scale is adequate to confirm the acreage of 88.5 acres. The final report will prominently list the acreage of the wooded portion of the woodlot as used for the purposes of the volume of forest products within the woodlot bounds. Unless the acreage is found to be grossly misrepresented by the town the acreage of the lot will purported to 88.5 acres for the purposed of calculations of forest product volumes.
3. The boundaries of the lot will be shown to Parker Forestry Associates, LLC personnel by a representative of the Town prior to commencement of the field work necessary to collect data from the woodlot.
4. The timber inventory report will provide an estimate that is within +/- 10% (Ten percent) of the actual volume of the forest products on the woodlot. The report will provide an estimate of the total volume of forest products and an estimate of the forest products that in the opinion of Parker Forestry Associates, LLC should and would be harvested using a timber harvesting operation to harvest those trees that should be removed from the woodlot according to the principles of correct forestry and other standards set by the client to leave a stand of trees properly thinned to grow high value forest products for future harvest.
5. The inventory and report will be completed within one month of time after a contract for services is signed by the Town and Parker Forestry Associates, LLC .

Proposal to stumpage sale on the
South Berwick Town Forest

Parker Forestry Associates, LLC offers to provide to the Town of South Berwick, Maine the professional forestry services of a stumpage sale of standing trees on the South Berwick Town Forest woodlot on Knights Pond Road in South Berwick further identified by the Town as Map 12 – Lot 68.

The services of stumpage sale management including:

- serving as the clients agent
- signing necessary forms and permits related to the harvest process
- representation of the client at meetings to obtain permits
- marking trees to be harvested according to the principles of correct forestry and other standards set by the client
- estimating the volume of forest products marked according the principles of merchandising trees that yields, in the opinion of the Contractor, the highest amount of stumpage money possible for the client
- negotiating the sale of the marked stumpage
- overseeing harvesting operation
- receiving payment of stumpage from the stumpage purchaser
- distributing to the client their portion due
- filing the harvest report as required by the Maine Forest Service

Fees for services are a percentage of the gross stumpage received from the sale of the stumpage. Stumpage is paid into a bank account serving as an escrow account title “Parker Forestry Associates, LLC – Client Account” from which disbursement is made to the client and Parker Forestry Associates, LLC. The percentage of the gross stumpage for the fee is 14 % (Fourteen percent).

A copy of the service contract is enclosed for review by the Town of South Berwick.

A Sketch of the South Berwick Town Forest Woodlot
 Knights Pond Road
 South Berwick, Maine
 Scale 1" = 1200'
 South Berwick Map 12 Lot 068



South Berwick Town Forest
 SBTFA Areas
 Shore Land Zone
 Boundary
 Map Base

Acreage is estimated at 92.6 acres by map scale. The town records list the acreage as 88.5 acres. The acreage needs to be verified prior to doing the cruise calculations to obtain the correct timber inventory

Drawn by Parker Forestry Associates, LLC
 For a Tree Growth Management Plan Update
 David C Parker, ACF
 Consulting Forester
 Maine LPF # 218

April 2009

This sketch is solely for the use of Parker Forestry Associates, LLC and David C Parker, ACF for presentation of a proposal for forestry services to the Town of South Berwick, Maine
 Use by all others prohibited

David C Parker

**INDEPENDENT CONTRACTOR AGREEMENT
For Timber Inventory Forestry Services**

This agreement is made as of _____ by and between

the Client: Town Of South Berwick, Maine
 180 Main Street
 South Berwick, ME 03908

and the Contractor: Parker Forestry Associates, LLC
 334 Maple Street
 North Berwick, ME 03906

This agreement is made for the purpose of establishing an independent contractor relationship and a binding contractual agreement between the parties identified above and excludes absolutely any employee-employer style relationship.

Contractor agrees to provide the "Services" defined below during such period as may be mutually agreed-upon by the parties or until the Services contracted for by Client are completed by Contractor (the "Service Period.") At all times during the Service Period, Contractor's Services shall be provided as an independent contractor to the Client, and not as an employee. The Client shall exercise no direction or control over the method by which Contractor provides Services to Client.

This agreement is subject to, and in consideration of the following conditions, promises and understandings of the Client and Contractor. This agreement supersedes all other agreements previously made between the parties relating to its subject matter. This is the entire agreement of the parties. There are no other understandings or agreements. This agreement may not be amended, modified or waived unless in a writing signed by both parties. This agreement shall be construed in accordance with and governed by the laws of the State of Maine.

The Client and Contractor do covenant and agree as follows: the client gives the contractor permission to enter upon the Client's premises and property to perform the Services as agreed upon within this contract.

SERVICES

Contractor agrees to provide the services of an inventory of the commercial forest products on the South Berwick Town Forest woodlot on Knights Pond Road in South Berwick further identified by the Town as Map 12 – Lot 68

SERVICE PERIOD

Beginning at the date of this contract for a period of one month.

COMPENSATION

Client agrees to pay the contractor the sum of \$ 735.50 (Seven-hundred thirty-five dollars and thirty-five cents) . Payable upon presentation of the timber inventory report with an invoice.

RESULTS AND METHODS

Client retains the exclusive right to specify the results, effects or finished product to be achieved by Contractor, and Contractor retains the exclusive right to determine the methods to be used to achieve said results, effects or finished products.

EQUIPMENT OR MATERIALS

Contractor agrees to supply all necessary tools, equipment and materials except the following which the Client may supply: The client agrees to issue a purchase order identifying the parcel of land to be worked on and the time period of the service to be rendered on the parcel for each parcel of the woodlot a service

is to be done. Each purchase order shall contain a map of the parcel of land to which the purchase order applies.

INGRESS AND EGRESS

Client give the Contractor permission for ingress and egress to and from the Client's property for the purpose of performing the services.

NON-EXCLUSIVE EMPLOYMENT

Client understands and agrees that Client does not have the exclusive use of Contractor and the Contractor is free to contract for similar services to other clients during the Service Period.

The Contractor is acting as a free agent and independent contractor, holding himself out to the General Public as an independent contractor for other work or contracts as he sees fit. Contractor may take advertisements offering his or her services to others, etc.

LENGTH OF CONTRACT

This contract shall remain in full force and effect during the Service Period.. This contract may be terminated by either party for any or no reason within three (3) days of the date of this contract; provided that such termination is in writing. After such three (3) day period, this contract may only be terminated, for a reason other than breach of the agreement, by mutual agreement of the parties and on the condition that the Contractor is compensated by Client for Services rendered by Contractor at a rate of payment satisfactory to the Contractor. Contractor shall be entitled to recover from Client Contractor's reasonable costs and attorney's fees (including paralegal fees) incurred by Contractor in enforcing this agreement. All suits concerning this agreement shall be brought in York County, Maine.

Contractor may start work or cease work at will as long as the contract is performed and accomplished satisfactorily and promptly. No supervision of the Contractor will be made by the Client in the details of the work to be performed after the initial period of introduction to the object of the contract described herein.

TAXES

Contractor agrees to accept full responsibility for any and all taxes that may be lawfully due from Contractor to any governmental unit and to hold the Client harmless from any liability from the non-payment of taxes due from Contractor to any governmental unit.

Contractor waives any and all claim from Client to any form of Workmen's Compensation Insurance coverage or compensation provided under federal, state or local compulsion or compulsory legislation which affects employees and employers, and agrees to carry and provide his or her own insurance for injury or sickness or retirement as may be desired.

In Witness thereof, the parties have executed this agreement at:
_____ on the day and year above.

Amendments : Attached to this document.

Client: _____
Town of South Berwick

Contractor: _____
Parker Forestry Associates, LLC
David Parker, ACF -- Member

**INDEPENDENT CONTRACTOR AGREEMENT
For Stumpage Sales Services**

This agreement is made as of _____, between:

the Client: Town of South Berwick, Maine
180 Main Street
South Berwick, ME 03908

and the Contractor: Parker Forestry Associates, LLC
David Parker, ACF - Member
Forest Resource Consultant
334 Maple Street
North Berwick, ME 03906

This agreement is made for the purpose of establishing an independent contractor relationship and a binding contractual agreement between the parties identified above and excludes absolutely any employee-employer style relationship.

Contractor agrees to provide the "Services" defined below during such period as may be mutually agreed-upon by the parties or until the Services contracted for by Client are completed by Contractor (the "Service Period.") At all times during the Service Period, Contractor's Services shall be provided as an independent contractor to the Client, and not as an employee. The Client shall exercise no direction or control over the method by which Contractor provides Services to Client.

This agreement is subject to, and in consideration of the following conditions, promises and understandings of the Client and Contractor. This agreement supersedes all other agreements previously made between the parties relating to its subject matter. This is the entire agreement of the parties. There are no other understandings or agreements. This agreement may not be amended, modified or waived unless in a writing signed by both parties. This agreement shall be construed in accordance with and governed by the laws of the State of Maine.

The Client and Contractor do covenant and agree as follows: the client gives the contractor permission to enter upon the Client's premises and property to perform the Services as agreed upon within this contract.

SERVICES

Contractor agrees to provide the services of stumpage sale management including serving as the clients agent, signing necessary forms and permit related to the harvest process, marking trees to be harvested according to the principles of correct forestry and other standards set by the client as listed below, estimating the volume of forest products marked according to the principles of merchandising trees that yields, in the opinion of the Contractor, the highest amount of stumpage money possible for the client, negotiating the sale of the marked stumpage, overseeing harvesting operations, receiving payment of stumpage, distributing to the client their portion due, and filing the harvest report as required by the Maine Forest Service (the "Services").

COMPENSATION

Client agrees to pay the contractor 14% of gross stumpage paid by the purchaser of the stumpage. Contractor compensation will be retained by the contractor at the rate of 14% of the gross stumpage paid by the purchaser of the stumpage to Parker Forestry Associates Client Account. Client agrees to pay to the Contractor \$ 40.00 per acre of woodlot marked for harvest if the Client chooses to not sell the stumpage after the Contractor has marked the trees for harvest.

RESULTS AND METHODS

Client retains the exclusive right to specify the results, effects or finished product to be achieved by Contractor, and Contractor retains the exclusive right to determine the methods to be used to achieve said results, effects or finished products.

EQUIPMENT OR MATERIALS

Contractor agrees to supply all necessary tools, equipment and materials except the following which the Client may supply: Map of the property.

INGRESS AND EGRESS

Client give the Contractor permission for ingress and egress to and from the Client’s property for the purpose of performing the services.

NON-EXCLUSIVE EMPLOYMENT

Client understands and agrees that Client does not have the exclusive use of Contractor and the Contractor is free to contract for similar services to other clients during the Service Period.

The Contractor is acting as a free agent and independent contractor, holding himself out to the General Public as an independent contractor for other work or contracts as he sees fit. Contractor may take advertisements offering his or her services to others, etc.

LENGTH OF CONTRACT

This contract shall remain in full force and effect during the Service Period.. This contract may be terminated by either party for any or no reason within three (3) days of the date of this contract; provided that such termination is in writing. After such three (3) day period, this contract may only be terminated, for a reason other than breach of the agreement, by mutual agreement of the parties and on the condition that the Contractor is compensated by Client for Services rendered by Contractor at a rate of payment satisfactory to the Contractor. Contractor shall be entitled to recover from Client Contractor’s reasonable costs and attorney’s fees (including paralegal fees) incurred by Contractor in enforcing this agreement. All suits concerning this agreement shall be brought in York County, Maine.

Contractor may start work or cease work at will as long as the contract is performed and accomplished satisfactorily and promptly. No supervision of the Contractor will be made by the Client in the details of the work to be performed after the initial period of introduction to the object of the contract described herein.

TAXES

Contractor agrees to accept full responsibility for any and all taxes that may be lawfully due from Contractor to any governmental unit and to hold the Client harmless from any liability from the non-payment of taxes due from Contractor to any governmental unit.

Contractor waives any and all claim from Client to any form of Workmen's Compensation Insurance coverage or compensation provided under federal, state or local compulsion or compulsory legislation which affects employees and employers, and agrees to carry and provide his or her own insurance for injury or sickness or retirement as may be desired.

In Witness thereof, the parties have executed this agreement at: _____ on the day and year above.

Client: _____

Contractor: _____
Parker Forestry Associates, LLC
David Parker, ACF -- Member

Parker Forestry Associates, LLC
334 Maple Street North Berwick,
Maine 03906 207-676-5838

April 14, 2009

Resume of David C. Parker, ACF

Summary of my qualifications:

Employment:

Since 1977 I have been self-employed providing forestry services for a fee to the general public. 1982-83 & 91-93 I served as Fire Chief of North Berwick, Maine on a part time basis.

Education:

Noble High School 1972 with honors

University of Maine School of Forest Resources 1976 - B.S. Forest Management Numerous seminars in all aspects of forestry, forest appraisal, tree appraisal by arborist standards, forest taxation, business management, and fire fighting since 1976.

Professional accomplishment:

Maine Licensed Professional Forester # 218 (since 1976)

New Hampshire Professional Forester # 232 (since 1992)

Massachusetts Professional Forester # 325 (since 2001)

Certified Tree Farm® Inspector since 1985

Accepted as a member of Association of Consulting Foresters of America, Inc. - 1991 Served as President-elect 1999-2000, President 2000 - 2002 and Past President 2002 - 2004

Member in good standing of:

Association of Consulting Foresters of America, Inc

Maine Chapter of Association of Consulting Foresters of America, Inc (Chairman 1998/1999)

New Hampshire Timberland Owners Association

Maine Forest Products Council

Experience as an Expert Witness:

York County, Maine Superior Court various cases

Strafford County, New Hampshire various cases

References for Expert Witness Experience

Michael Traister, Esq Murray, Plumb
&Murray 75 Pearl Street Portland, ME
0404-5085

207-773-5651

Jens W Bergen, Esq.
57 Portland Road
Kennebunk, ME 04043
207-985-6789

References of experience with
general forest management

Mr. Michael Rogers, Superintendent
Kittery Water District
17 State Road
Kittery, ME 03904

207-439-1128

Mr & Mrs Eliot Whitely
PO Box 213
Grand Lake Stream, ME 04637

207-796-0888

Mr. John Koris
Pike Industries
58 Main Street
Westbrook, ME 04092

207-212-8558

Aaron K Baltes, Esq
Norman, Hanson & DeTroy. LLC
PO Box 4600
Portland, ME 04112

207-774-7000

Thomas Welch, Esq
Bergen & Parkinson, Inc.
62 Portland Road Kennebunk, ME
04043
207-985-7707

Mr. Robert Hanson
PO Box 1509
Ogunquit, ME 03907-1509

207-646-1736

Mr. Dennis Brennan, Forester
Maine Forest Service
2281 Alfred Road
Lyman, ME 04002

207-324-7000

Mr. & Mrs Norman Fortier
21 Rodier Road
South Berwick, ME 03908

207-384-8083

Mr. & Mrs. Harold Mynes
Emery's Bridge Road
South Berwick, ME 03908

2074-384-2451

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 3B
Agenda Item: Nomination Papers for vacated Council seat	
Department Head Recommendation: Town Clerk	
<p>According to the Charter, Article II §2, in the event that the vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy <u>may</u> be filled by a special election for the unexpired portion of the term.</p> <p>Mr. Webster's resignation falls within 6 months of the next election. I believe it is necessary for the Council to set the period for availability of nomination papers for the open seat. It would make sense to set the same dates for this seat as would be set for the regular seat.</p> <p>This will mean there will be two seats for Council on the November ballot. One seat for a 3 year term and one seat for a 2 year term.</p>	
Town Manager's Recommendation	
Agree and support Town Clerk's recommendation.	
Requested Action	
Motion to set the availability of nomination papers for the vacated council seat from Monday, August 10th to Friday, September 18th.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 29, 2009	Item # NB 4A
Agenda Item: Set Public Hearing Date for Charter Changes.	
Town Manager's Recommendation	
<p>We have sent suggested Charter amendments to the Town's Attorney for review. He has completed a cursory review and agrees the recommended changes accomplish the goals set forth to: clarify confusing sections, eliminate ambiguities, and clean up inconsistencies between the Charter, State Law and current practice. Attorney Vaniotis will present final language to be available 7 days prior to the public hearing in accordance with the requirements for posting the Public Hearing.</p> <p>The schedule for these amendments remains: Set Public Hearing date for August 10th at 6:30 pm. Adopt Charter Amendments as an Ordinance on August 24th to meet the 60 day requirement (69 days prior to November 3rd). Order ballots on 9/18 Hold referendum on 11/3</p>	
Requested Action	
Motion to set a public hearing on August 10, 2009 at 6:30 pm to receive comments on the proposed changes to the Town Charter.	
Vote	

CHARTER¹

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.~~ Remove man, leave as Chair.
- 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.

¹ 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.**~~ Remove Sec. 4 language.
 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.

Change Councilmen to Council members

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.

Change Councilmen to Council members.
 Change highlighted text to: "such compensation as may be voted".

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 town manager, subject to approval of the council.

Change 5 days to 7 days. Change councilmen to Council Members

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.

Remove 5 references to Chairman, leave Chair.

The last sentence shall be changed to read:

"At its first meeting the Council shall elect a Vice Chair who shall serve as necessary during the temporary absence or disability of the Chair and shall exercise the powers of the Chair."

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.

Change highlighted text to reflect current practice.

- 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.

Delete text which is inconsistent with the Charter.

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.

1st Sentence: remove "work program" and insert "proposed budget", also remove the word "program" on line 3.
3rd sentence: change "work program" to "functions and duties". Following the highlighted word concerned, insert "as stated in the position descriptions and the Administrative Code"

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.

Change highlighted text to: "Budget Warrant Article". Add language to clarify that such transfers under this section shall not require Town Meeting approval as referenced in Article VII Section 2.

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.

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]**

Change to "5 members and 2 alternates who shall be appointed by the Town Council for a term of three years, staggered terms having been established initially."
Add a final sentence to read: "Alternate members may attend all meetings and participate in proceeding sof the Board of Assessment Review, but may vote only when designated by the chairman to act for a member who is unable to act because of interest, physical incapacity, absence from the state or any other reason satisfactory to the Chairman."

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.

Remove man, leave as Chair.

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 established for state elections.

Replace the highlighted text with "Town Clerk"

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 for calling town meetings in accordance with the provisions of the statutes of the State of Maine. [Amended 7-1-1982]

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 this charter, shall continue in force until amended or repealed.

Remove section 4 below; it 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

Meeting Date: July 29, 2009	Item # NB 4B
Agenda Item: Cemetery Maintenance	
Town Manager's Recommendation	
<p>Attached you will find an email from Louise Hart dated 7/8/09. The Town staff has researched Ms. Hart's complaint and according to the Maine Statutes Chapter 13 Subsection 1101 the Town is responsible for the maintenance of Veterans graves found either in an ancient burial ground (established prior to 1880) or in a public burial ground. The first known burial in the Free Will Baptist Cemetery is 1813, clearly prior to 1880. At this time we are not aware of the exact establishment date of this cemetery.</p> <p>This brings the Town to a defining point regarding this issue. Based on our research the Town has made other arrangements with the VFW in years past to assist with the maintenance of Veterans graves but these arrangements do not appear to be inclusive of all Veterans graves in the 104 cemeteries found in South Berwick. We have polled the Managers in Maine and have attached comments made to us for how they satisfy this requirement.</p> <p>I believe we have two issues to resolve.</p> <ol style="list-style-type: none">1. The inventory of the Town's public and private burial grounds should perhaps be updated to include the establishment date and the number of Veterans Graves found in each. Given that the inventory already exists, I suggest the remainder of the work would make an excellent Eagle Scout project. Alternatively, the Council could choose to only recognize those Veterans graves which come to your attention.2. The Town Council needs to determine how it wishes to respond to this current complaint. I direct you to the notes from other Managers (attached), specifically the Town of Ellsworth takes an interesting approach. Perhaps the Council would like to work with the existing Cemetery Trustees in a similar fashion if the Trustees are so inclined. If not, perhaps another group would be willing to take on this task. <p>Please be aware, according to MMA we had 14 days from the 8th of July to respond, therefore with regard to Ms. Hart's great, great, grandfather's grave, time is of the essence.</p>	
Requested Action	
Council Wishes	

Subject: FW: South Berwick Cemetery

John,
Louise Hart has called the Counting House (Old Berwick Historical Society), and I have spoken with her at length on a number of occasions. Aware that Warren Spencer, like Ms. Hart, has ancestors buried in the Free Will Baptist Cemetery, and that he is a former member of the South Berwick Cemetery Association, I put her in touch with him this past spring, with his permission, to discuss ways they might collaborate.

But the topic of South Berwick cemeteries is a fairly large one and somewhat complex. Are you familiar with the background? I would be glad to fill you in. Let me know what time is convenient.

The Old Berwick Historical Society is most interested in working with the town and all parties involved to improve the care of local historic cemeteries. OBHS maintains records (cemetery stone inscriptions and locations) on all South Berwick graves in all five large municipal cemeteries, three of which are mowed by the South Berwick Cemetery Association, as well as on those in the town's numerous small grave plots. (The two main cemeteries, Free Will Baptist Cemetery mowed by the FWB Church, and Old Fields Burying Ground (Vine Street) by volunteers led by Bruce Whitney, were mowed by SBCA until about five years ago.) We have identified many veterans' graves and are seeking to improve our collaboration with the VFW. At town hall about two years ago, OBHS, the VFW and the SBCA collaborated on a public program to heighten awareness and bring solutions, but much more remains to be done.

Wendy

Wendy Pirsig, president
Old Berwick Historical Society/Counting House Museum

Wendy,
FYI. Is Warren Spencer one of yours? Could your group, if asked, assist in identifying and documenting the graves and the condition? Let's discuss sometime next week.
Thanks,
John

From an email dated 7/8/09

Dear Sir:

Following our brief telephonic discussion about the conditions in which I found the cemetery in South Berwick on Memorial Day, in addition to speaking with a representative of the local Historic Society and Cemetery Committee and on their reference, Warren Spencer, I contacted the Governor of Maine.

Governor Baldacci then requested that Earle Shettleworth, historian for the State of Maine, respond to me about the neglect and damage caused by vandalism at the South Berwick cemeteries. In his response, Mr. Shettleworth noted that Maine law (Sec. 1.13 MRSA sect; 1101) requires that towns maintain cemeteries which contain military veterans' graves, which most certainly the South Berwick cemetery does. The state law requires that "In any burying ground, as referenced in Title 30A, section 5723 or public burying ground in which any Revolutionary soldiers or sailors or veteran of the Armed Forces of the United States who served in any war is buried, the municipality in which said burying ground is located shall keep in good condition and repair, all graves, headstones, monuments or

7/22/2009

markers designating the burial place of said Revolutionary soldiers or sailors or soldiers or sailors who served in the United States Army, Navy or Marine Corps in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year."

As you well know from our conversation, not only was the grass not cut or the graveyard kept in good condition, many of the gravestones, including that of my great great grandfather, Captain Samuel Wentworth, a veteran of the War of 1812, have been desecrated, broken and in some instances, smashed to dust. This is not only unacceptable; it is a violation of state law.

The state, unlike the Town of South Berwick, appears to understand that these are the people who not only built South Berwick and Maine, they risked or as in the case of my grand uncle, gave their lives for this country. As noted in our teleconference, my family has been defending New England since King Philip's War. Fortunately, for those of my ancestors whose graves are outside of South Berwick, their graves and thus their service, sacrifice and memorials have been preserved, respected and maintained. My hope is only that South Berwick will do the same.

Mr. Shettleworth advised that the Town be requested to end its violation of law and to meet its responsibilities under the law, including repair and restoration of the graves, headstones, monuments and markers. However, when I further spoke with Mr. Spencer, I learned that he and others have brought the matter before the Town, only to have the Town Council refuse to comply with the law. This demand for compliance with the law should then be considered a final attempt to resolve the matter by the Town's taking action to repair, restore and maintain its historic cemeteries. I am providing a copy of this communication to Mr. Spencer so that he may monitor the Town's actions and progress in the matter. Should the Town choose to again defy the law and no improvement take place, then, in accordance with Mr. Shettleworth's advice, I shall ask the Attorney General of the State of Maine act to enforce the law.

Yours very truly,

Louise Hart
Andover, MA 01810

Subject: FW: Cemeteries

Dear John,

Thank you again for letting the historical society know of the upcoming town council discussion on cemeteries. I am sorry we have a long-standing board meeting that I must attend. However, one of our board members, Mary Vaughn, plans to be at the town council. In addition to also serving on the South Berwick Historic District Commission, Mary has led cemetery tours and is familiar with the wide range of problems confronting our town. Two other members who have been documenting cemeteries and regularly lead visitors and citizens to hard-to-find old graves may also try to be at the meeting.

Please note the historical society's website offers some resources. Descriptive information can be found here <http://obhs.net/Cemeteries.htm>. A database <http://obhs.net/CemeteryDB.htm> documents the majority of graves in town, arranged by the primary name associated with each cemetery or burial plot; thus the Free Will Baptist Cemetery can be found here, with a list of all the documented graves. (In addition, last year some of our volunteers created a large chart of that cemetery, laying out the stone locations spatially. We have this in our museum.) With some small burial plots still being discovered every year, our documentation work is ongoing. We are fortunate to have volunteers who enjoy gathering this information for public use. (We are also in the process of upgrading our website to make this information even more accessible.)

Because we are often leading visitors and residents to cemeteries, maintenance issues are well known to the historical society. Unfortunately, with so many burial places, the maintenance issue goes far beyond damage at the Free Will Baptist Cemetery. When we spoke the other day, I mentioned three desirable management goals:

- One single entity should be charged with monitoring all South Berwick cemetery issues and advocating for cemeteries. (The South Berwick Cemetery Association's mission is too narrow.)
- A long-range plan should be developed to prioritize the many problems faced by all our cemeteries.
- The Town of South Berwick needs to have a formal role.

It would be worthwhile if the upcoming council discussion could place the present issue of that one cemetery within the context of moving toward those three goals. The Old Berwick Historical Society is interested in assisting any way we can.

Please feel free to share this letter with the council if you think it would be helpful.

Sincerely,
Wendy Pirsig, president
Old Berwick Historical Society

7/22/2009

13 §1101. MAINTENANCE AND REPAIRS; MUNICIPALITY

13 §1101. MAINTENANCE AND REPAIRS; MUNICIPALITY

In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United State of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year. [1999, c. 700, §1 (AMD).]

SECTION HISTORY

1977, c. 255, §1 (AMD). 1999, c. 700, §1 (AMD).

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30-A §5723. PUBLIC WORKS

30-A §5723. PUBLIC WORKS

A municipality may raise or appropriate money to: [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. Parks and construction projects. Provide for public buildings, ways, bridges, parks, parking places, sewers and drains;

[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. Dumps. Provide for public dumps either within or outside its boundaries;

[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. Cemeteries. Provide for public cemeteries; maintain private cemeteries established before 1880; care for graves of veterans and maintain fences around cemeteries in which veterans are buried;

[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. Flood control. Provide for projects which have been approved by the Governor for improving navigation or preventing property damage by erosion or flood;

[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) .]

5. Fuel yard. Provide a fuel yard for the purpose of selling fuel to its residents without financial profit to itself; 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) .]

6. Water or sewer districts. Provide financial assistance to a water or sewer district which is a quasi-municipal corporation, within or outside, or partly within or outside, the corporate limits of the municipality to the extent that the assisted district serves the municipality providing assistance.

[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).

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Cemeteries

This packet includes the following attachments:

[Title 13 M.R.S.A. §§ 1031-1386](#) ; 30-A M.R.S.A. §§ [2901](#) , [5653](#) , [5706](#) , and [5723](#)

["Cemeteries"](#) , *Maine Townsman*, "Legal Note," July 1992

["Old Cemeteries"](#) , *Maine Townsman*, "Legal Note," May 1999

["Perpetual Care Trust Funds"](#) , *Maine Townsman*, "Legal Note," June 1984

Sample [Perpetual Care Bond](#) , City of Portland

["Care of Cemeteries"](#) , *Maine Townsman*, May 2002

["Decoration and Maintenance of Veterans Gravesites"](#) , *Maine Townsman*, May 2002

Sample [Municipal Cemetery Quitclaim Deed](#)

Important issues and considerations include:

I. Duty to Maintain Veterans' Graves; Authority to Maintain Public Cemeteries

Municipalities have a statutory duty to maintain certain veterans' graves located in ancient burying grounds (private cemeteries established before 1880) and in public burying grounds ([13 M.R.S.A. § 1101](#)). In addition, although State law does not require a municipality to establish, own or operate a public cemetery, it does provide that municipalities may raise and appropriate funds to provide for public cemeteries, to care for veterans' graves and to maintain fences around cemeteries in which veterans are buried ([30-A M.R.S.A. § 5723](#)). Also, municipalities may (but are not required to) raise and appropriate funds to maintain ancient burying grounds generally—not just to maintain certain veterans' graves ([30-A M.R.S.A. § 5723](#)). This is explained in greater detail below. The right of individuals to perform maintenance, subject to the written approval of the municipality in which the cemetery or burying ground is located, is discussed in the Legal Note above, entitled "Old Cemeteries."

A. Veterans' Graves.

Maintenance Duties: In ancient burying grounds (private cemeteries established before 1880) and in public burying grounds in which any Revolutionary soldiers or sailors or wartime veterans of the United States' armed forces are buried, municipalities are required to maintain the graves of any Revolutionary soldiers or sailors or wartime veterans of the United States' armed forces buried in that cemetery ([13 M.R.S.A. § 1101](#)). In particular, § 1101 states that municipalities "shall keep in good condition and repair, all graves, headstones, monuments or markers designating the burial place of said revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed from May 1st to September 30th of each year." **A municipality is subject to a \$100 fine if without good reason it fails to perform its obligations under § 1101 and one of the municipal officers has at least 14 days' actual notice or knowledge of this failure.** The owner of an ancient burying ground must allow the municipality entrance to perform its maintenance duties or else he or she will acquire the municipality's duties. If the owner unreasonably denies access to the municipality, the owner can be held responsible for the

municipality's legal fees, costs and fines, if any.

Memorial Day / Veterans Day Duties: Municipalities also are required, at the direction of the municipal officers, to decorate the graves of veterans with an American flag and flag holder each year on the day that Memorial Day is observed. Further, each municipality is required, unless it will cause the municipality to incur additional expense, to ring any public bell within its possession and control at 11:00 a.m. on Veterans Day. In addition, the municipal officers shall request that any other bell within the municipality be rung voluntarily at the same time on Veterans Day "and shall take such steps as are necessary to properly coordinate public and volunteer events." [30-A M.R.S.A. § 2901](#) .

Note: The requirements of [13 M.R.S.A. § 1101](#) and [30-A M.R.S.A. § 2901](#) do not apply to veterans' graves located on a site owned by the U.S. government as of January 1, 2000.

B. Public Cemeteries. As noted above, a municipality may raise or appropriate money to provide for public cemeteries. [30-A M.R.S.A. § 5723](#) . A public cemetery or burying ground may be established in one of several ways:

Under [13 M.R.S.A. §§ 1301-1306](#) , any seven or more persons may form a nonprofit corporation to own, manage and protect land for purposes of a public cemetery.

Every cemetery established on or after July 24, 1937 is to be owned, maintained or operated by a municipality or other political subdivision of the State, a church, a religious society, or a cemetery association incorporated under [13 M.R.S.A. §§ 1071](#) or [1301](#) , and so is likely to be a "public cemetery." [13 M.R.S.A. §1303](#) .

Also, where all the owners of a private cemetery or burying ground agree, in a writing recorded by the town clerk, the municipality's legislative body may within one month of recording of the agreement vote to accept it as a public cemetery or burying ground. [13 M.R.S.A. § 1221](#) .

A municipality may contract with a cemetery association or historical association to create and maintain an inventory of cemeteries and burying grounds within the municipality ([13 M.R.S.A. § 1372](#)), and it may authorize any cemetery association or historical association to maintain any cemetery or burying ground owned, maintained or operated by the municipality ([13 M.R.S.A. § 1373](#)).

II. Acquisition of Cemetery Property

A. Eminent Domain Authority. On petition of ten persons, the municipal officers of any town can, with the consent of the next annual meeting, enlarge any public cemetery or burying ground or incorporated cemetery or burying ground by taking (and paying for) the land of adjacent owners. The municipal officers must believe that public necessity requires this taking. No enlargement or establishment of any cemetery or burying ground can cause its limits to be closer than 100 feet from any improved land used for recreational purposes or a dwelling, nor closer than 200 feet from a well which provides water for domestic purposes, where the owner protests the taking in a writing made to the municipal officers at the time of the hearing on the petition. See [13 M.R.S.A. §§ 1181-1184](#) .

B. Acquisition of Title to Abandoned Cemeteries. According to a 2005 law, municipalities may acquire title to cemeteries which have been "abandoned" (meaning, there have been no burials in the last 40 years and no maintenance done except by the municipality). A municipality must use due diligence to determine who may have an interest in the cemetery,

then notify those individuals directly and publish notice in a newspaper. If no one comes forward to dispute the acquisition within 15 days after the last notice is sent or published, then title to the cemetery passes to the municipality. See [30-A M.R.S.A. § 3107](#) .

III. Land Use Concerns

A. Location or Expansion of Public Cemetery. Both the municipality and the State Bureau of Health must approve the proposed location of a public cemetery ([13 M.R.S.A. § 1303](#)). No person, corporation or association shall establish, locate or enlarge any cemetery or burying ground such that its limits are closer than 100 feet from any improved land used for recreational purposes or a dwelling, or closer than 200 feet from a well which provides water for domestic purposes, where the owner makes written protest. See [13 M.R.S.A. § 1181](#) .

B. Setbacks from Burial Sites; Repair, Maintenance or Removal. Construction or excavation in the area of a known burial site or near a cemetery's boundaries must comply with any applicable land use ordinance. If there is no such ordinance, no one may conduct construction or excavation activities within 25 feet of a known burial site or of the boundaries of an established public or private cemetery, except when pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for construction of a public improvement, as approved by the municipal governing body or by the Commissioner of Transportation in the case of a State highway (see [13 M.R.S.A. § 1371-A](#) , which also sets out a process for construction or excavation that threatens an undocumented or unmarked burial site). Title [30-A M.R.S.A. § 3755-A](#) prohibits an automobile recycling business from dismantling or storing cars within 500 feet of a cemetery. Title [13 M.R.S.A. § 1371](#) allows the repair, maintenance or removal of a tomb, monument, gravestone, marker or other memorial with the authorization of the burial lot owner or descendant or the municipality. Municipal code enforcement officers have the same authority to enforce the cemetery and burial site setback laws as they do for other land use violations. PL 2007, ch. 406.

IV. Use of Proceeds from Sales of Lots; Trust Funds

A. Authorization to Sell. As with all other sales of municipally-owned property, it is advisable to ensure that the official(s) or body actually making the sale of the lots is authorized to do so either by a standing ordinance or by the municipality's legislative body (council or town meeting).

B. Use of Proceeds from Sales of Lots. Proceeds from the sales of cemetery lots "shall be applied solely to the management, superintendence, improvement and maintenance of the cemetery" and its avenues, paths and structures, for the purchase of additional cemetery land and for the establishment of a permanent care and improvement fund. The following provisions apply to cemeteries established on or after July 24, 1937:

Reduction of Indebtedness. Up to 50% of the receipts from the sale of lots may be used to reduce any fixed amount of indebtedness incurred to purchase additional land or for maintenance purposes. Moneys from the sale of a cemetery's personal property or surplus real estate first shall be used to liquidate any indebtedness, and any remaining amounts shall be placed in the permanent care and improvement fund. See [13 M.R.S.A. § 1305](#) .

Perpetual Care Fund. A cemetery entity shall establish a perpetual care fund by depositing in this fund at least 30% of the proceeds from the sale of cemetery lots; the income from this fund can be used only for cemetery maintenance. See [13 M.R.S.A. § 1306](#) .

C. Trust Funds.

Generally. Cemetery trust funds shall be invested in accordance with the municipal investment requirements of [30-A M.R.S.A. § 5706](#) . Unless prohibited by the instrument or order creating the trust, cemetery trust funds may be combined with other similar trust funds

solely for the purpose of investment in accordance with [30-A M.R.S.A. § 5653](#) ; thus the income from pooled investments must be allocated pro rata to the individual accounts. The annual income of a cemetery trust fund may be expended only in the performance of the requirements of the trust. See [13 M.R.S.A. § 1223](#) ; and "Perpetual Care Trust Funds," linked above.

Perpetual Care Fund. A perpetual care fund is a specific type of trust fund that is established to provide for the maintenance and care in perpetuity of the lot or lots which the donor owns or is interested in at the time of the donor's payment. Any person owning or interested in a lot or lots in a city or town's public burying ground may pay a sum to the treasurer for perpetual care of the lot or lots ([13 M.R.S.A. § 1261](#)). A city or town may pass an ordinance to establish a perpetual care fund, and may hold and invest payments made by persons under § 1261 ([13 M.R.S.A. § 1262](#)). The ordinance should authorize the municipal officers to accept money paid for perpetual care. This money is to be deposited with the treasurer, entered upon the treasurer's books and invested. Where persons enter into perpetual care agreements during their lifetime, municipalities must enter into written trust agreements to memorialize the payments and the parties' responsibilities. See [13 M.R.S.A. §§ 1261-1264](#) discussion in "Perpetual Care Trust Funds," and Sample Perpetual Care Bond.

Conveyance of Lot to Municipality. Title [13 M.R.S.A. § 1263](#) appears to authorize the creation of a municipal obligation to preserve and care for a cemetery lot through agreements, trusts or covenants that may accompany a person's conveyance of a burial lot back to the municipality.

Use of Unoccupied Interment Spaces. Under [13 M.R.S.A. §§ 1381-1386](#) , if a cemetery lot or portion of a lot has been unused for interment for 75 consecutive years, and the lot's record owner has failed to provide for its perpetual care and maintenance for that period, then the entity that owns, maintains and operates the cemetery may use up to one-half of the unoccupied lots. However, this statute applies only to cemeteries that are one-half acre in area or larger. See "Old Cemeteries," linked above, for a discussion of this topic.

IV. Miscellaneous

Maine Old Cemeteries Association. If you are interested in old cemeteries or need technical assistance in the proper restoration of headstones, monuments or old cemeteries or in the researching of burial records, you may want to contact the Maine Old Cemeteries Association. See "Cemeteries," linked above, for more information on this topic.

Criminal Trespass. Under [17-A M.R.S.A. § 402\(1\)\(E\)](#) , a person commits criminal trespass if that person enters or remains in a cemetery between 1/2 hour after sunset and 1/2 hour before sunrise the following day, unless visitors are permitted at those times by a municipal ordinance or by a posting in a private cemetery. Violation of this statute is a Class E crime punishable by a fine of up to \$1,000, up to one year's imprisonment or both. Such offenses should be reported to police.

Desecration or Defacement of Graves. A person who intentionally desecrates (mars, defaces, damages, or otherwise physically mistreats "in a way that will outrage the sensibilities of an ordinary person likely to observe or discover the actions") any public monument or structure, any place of worship or burial, or any private structure not owned by that person commits the crime of desecration and defacement. Desecration is a Class D crime punishable by a fine of up to \$2,000, one to three years' imprisonment or both. [17-A M.R.S.A. § 507](#) . Such offenses should be reported to police.

Interference with Cemetery. A person who intentionally or knowingly destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone, marker or other structure placed or designed as a memorial for the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead commits the crime of interference with cemetery. However, this does not include any person who performs an act as authorized under [13 M.R.S.A. § 1371](#) (authorized repair, maintenance or removal of a tomb, monument, gravestone, marker or other memorial), or who meets the requirements governing eminent domain as established by state or federal law. This is a Class D crime punishable by a fine of up to \$2,000, one to three years' imprisonment or both. Such offenses should be reported to police.

Possession or Sale of Gravestones. Any person who possesses, sells, attempts to sell, offers for sale, transfers or disposes of any tomb, monument, gravestone, marker or other structure placed or designed as a memorial for the dead, or any portion or fragment of any such memorial, knowing or having reasonable cause to know that it has been illegally removed from a cemetery or burial ground commits a Class C crime, punishable by a fine of up to \$5,000, three to five years' imprisonment or both. In addition, any person who commits this crime also is liable to the following for triple damages to be recovered in a civil action: (1) the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located; (2) a cemetery association authorized to bring suit and recover damages by the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located; or (3) a historical society authorized to bring suit and recover damages by the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located. [17-A M.R.S.A. § 507-B](#) . Such offenses should be reported to police.

Sale of Lots. The sale of burial lots or plots or of crypts in a mausoleum or of niches in a columbarium for purposes of speculation or as a financial investment and the conveyance of the same as security for a debt is a class E crime, punishable by a fine of \$100 to \$500, up to 6 months' imprisonment or both. [13 M.R.S.A. §§ 1035](#) and [1304](#) . Such offenses should be reported to police.

Private and Family Cemeteries. Persons may designate up to 1/2 acre of their property for use as a private burying ground. A written description of the property, witnessed by two disinterested witnesses, shall be recorded in the appropriate county registry of deeds or by the municipal clerk. This property is exempt from attachment and execution, cannot be sold or divided without the consent of all of the owners of the property and shall be fenced or otherwise marked and occupied as a burying ground. [13 M.R.S.A. § 1141](#) . A family burying ground may be established in the same manner, except that the area appropriated to this use cannot be greater than 1/4 acre.

Community mausoleum, community crematory, or other community structure. "Community mausoleum" means any aboveground structure designed for entombment of human remains of the general public, as opposed to the entombment of the remains of family members in a privately owned, family mausoleum of no more than 6 crypts ([13 M.R.S.A. § 1101-A\(3\)](#)). A "columbarium" is a structure or room in a mausoleum or other building containing niches or recesses for disposition of cremated human remains ([13 M.R.S.A. § 1101-A\(2\)](#)). A community mausoleum, community crematory or other community structure that holds or contains dead human bodies may only be erected in a cemetery that is at least 20 acres in size and has been in existence and used for burial for at least two years preceding the erection of the structure. [13 M.R.S.A. § 1341\(1\)](#) .

Date of last revision: 11/07

The statutes referenced here may have been amended during the last legislative session, and we will update them when the text becomes available.

CEMETERY MAINTENANCE RESPONSES FROM OTHER MAINE TOWN MANAGERS

Ellsworth:

Ellsworth encouraged a new citizens committee to take care of their cemeteries. The Veterans graves were inventoried and the percentage of veterans in the cemetery was determined. The Town pays an equal percentage of costs based upon the receipt of invoices. In addition the local funeral director works with the committee.

Northport:

We had about 300 headstones that were toppled in our 5 cemeteries. Without any perpetual care fees coming in, the town was faced with a potentially costly dilemma. We have started to solve the problem by enlisting the help of Inmate Work Crews from the Waldo County Sheriff's Office. To date, they have fixed 116 headstones at virtually no cost to the town.

Presque Isle:

We had two private abandoned cemeteries (that we know of) that have Veterans covered under the statute. Both were noticed about 10 years ago.

In one case we made arrangements with the landowner for a single burial site where the public works department cleared the trees and brush away. The headstone lays flat on the ground so there is no maintenance to it. The landowner now mows the site at no cost.

The second one was taken on as an Eagle Scout project. The scout cleared the cemetery and now the public works department maintains it. It has about 12 graves and 4 are Veterans. Some headstones need periodic maintenance which the City pays for.

In both cases, we took the position that all Veterans' graves should always be maintained, even if the City has to do it.

You might want to include your Veteran organizations to see if they have any ideas.

Turner:

I have gathered listings of all veterans buried in the 18 cemeteries here. The town provides ground maintenance, fence repair, stone repair, stone cleaning and a flag for the veterans buried within for those cemeteries that do not have an association to care for them. If there is an association, I provide an annual \$3.00 fee per veterans' grave.

The budget for this work is currently \$12,000.

Turner (con't)

The Board of Selectmen has shown an interest in what could be considered an abandoned cemetery and have taken responsibility for their care.

We have one cemetery that is referred to as the Chase family cemetery and family members live on the homestead and want to continue the care of their relatives for as long as possible. When they can no longer do that, they will ask the town to care for it. I have convinced them that this summer the stones will be repaired and cleaned through town funding. But they will continue to do the mowing and fence repair.

The Maine Old Cemetery Association may have volunteers willing to do inventory to some of the Town's cemeteries for you.

Berwick:

Several years ago the local American Legion conducted a review of all the cemeteries in Berwick to determine where veterans were buried. Once identified the town took steps with town personnel to maintain those graves only where veterans were buried, if a local individual or group refused to do so.

We had one local small cemetery where the previous owner maintained the site, when the property was sold the new owner refused to maintain and wanted the town to maintain the entire cemetery because a veteran was buried in the cemetery. Our position was to only maintain the burial site of the veteran which we did. In the end the property owner maintained the rest.

South Berwick Cemetery Data Base

as of 09/01/2008

1 NB	<u>Abbott 1</u> (Stephen)	North Berwick, Maine, Southeast side, Stub Marsh Road on edge of road, rock and concrete walls with metal gate. GPS N43° 21.758', W 070° 49.364', 599 Ft above sea level.
1	<u>Adams 1</u> (John)	South Berwick, Maine. Southwest side, Hooper Sands Road in field, near gravel pit, about 100 feet from road, nearly opposite burial of Civil War Veteran, without inscription.
2	<u>Allen 1</u> (Jeremiah)	South Berwick, Maine. South side, Emery's Bridge Road , in field across road from residence of Rev. R W Charbonneau. GPS N43° 16.106', W 070° 41.894', 219 Ft above sea level.
3	<u>Allen 2</u> (John)	South Berwick, Maine. South side, Ogunquit Road , on Knoll next to road, between Richard Allen residence and Allen residence next west to it. GPS N43° 16.694', W 070° 41.940', 230 Ft above sea level.
4	<u>Allen 3</u> (Orin)	South Berwick, Maine. North side, Hooper Sands Road , at edge of gravel pit, near the John Mick residence.
5	<u>Austin 1</u> (Andrew)	South Berwick, Maine. Northeast corner, intersection of Hooper Sands Road with Gray Road , next to road.
6	<u>Bedell 1</u> (Silas)	South Berwick, Maine. Southwest side, Ogunquit Road , near the Richard Allen residence, and next to road. GPS N43° 16.496', W 070° 41.560', 190 Ft above sea level.
7	<u>Bedell 2</u> (John)	South Berwick, Maine. North side, Ogunquit Road , to rear of the residence of Mrs. John Reeves, on lane leading northeast from her driveway, next to wall; also to the rear of the residence of H Linwood Reeves. Cemetery is just across the town line in Wells, but entrance is from South Berwick.
8	<u>Blaisdell 1</u> (Joshua)	South Berwick, Maine. Northwest side, Emery's Bridge Road , opposite Eben Blaisdell plot and a few hundred feet closer to South Berwick Village, next to brook GPS N43° 15.592', W 070° 43.035', 312 Ft above sea level.
9	<u>Blaisdell 2</u> (Eben)	South Berwick, Maine. Southwest side, Emery's Bridge Road , next to residence of Mrs. Raymond Morgridge, on lawn. GPS N43° 15.544', W 070° 42.944', 151 Ft above sea level.

10	<u>Blaisdell 3</u> (James)	South Berwick, Maine. East side, Ogunquit Road , opposite intersection with Tatnic Road, and next to residence of Arthur Allen. GPS N43° 16.353', W 070° 41.301', 280 Ft above sea level.
11	<u>Blaisdell</u> (Samuel)/ <u>Kenyon</u>	South Berwick, Maine. East side, Ogunquit Road , next to stone wall, and near residence of Hallas E Kenyon. There are three adjoining plots. GPS N43° 16.232', W 070° 41.082', 309 Ft above sea level.
12	Boston 1 (Oliver)	South Berwick, Maine. West side, Earl Road , in field beyond Boston residence.
13	<u>Boyd 1</u> (Rev David)	South Berwick, Maine. Northeast side, North Berwick to Ogunquit Road just before reaching the North Berwick line, next to road. This Boyd plot is between the old Boyd house and the Minuitti house. GPS N43° 17.775', W 070° 42.960', 195 Ft above sea level.
2 NB	<u>Brackett 1</u> (Ebenezer)	North Berwick, Maine. Northeast side, Beech Ridge Road , on knoll at edge of road. GPS N43° 23.038', W 070° 49.557', 599 Ft above sea level.
14	Bradley 1 (James)	South Berwick, Maine. West side, Emery's Bridge Road , between Blaisdell plots below and Old Joy Farm, the Maurice Blouin residence, next to road.
15	<u>Brown 1</u> (John)	South Berwick, Maine. East side, Emery's Bridge Road , next to road, at intersection with Earl Road. GPS N43° 14.469', W 070° 44.515', 153 Ft above sea level.
16	Butler 1 (Charles)	South Berwick, Maine. About 1/4 mile to rear of the residence of Mrs Annie E Wilkinson, northwest side, Emery's Bridge Road.
17	<u>Cheney 1</u> (Hosea)	South Berwick, Maine. West side, York Woods Road , Route 91, at edge of field next to residence of Ora L Clark. GPS N43° 12.468', W 070° 46.989', 389 Ft above sea level.
18	Cheney 2 (Asa)	South Berwick, Maine. Northeast side, Ogunquit Road , on knoll about 300 feet to rear of the Lloyd Hathaway residence.
19	Church 1 (G W)	South Berwick, Maine. South side, Knight's Pond Road , a few hundred feet up a discontinued road, next to a camp, opposite and a little beyond the Edgar Hussey residence.
1 B	<u>Clark 1</u> (Ebenezer Tebbets)	Berwick, Maine, Southwest side of Railraod tracks near the end of Blackberry Hill Road , across Route 4 from the Links at Outlook. GPS N43° 15.077', W 070° 47.869', 163 Ft above sea level.

20	<u>Cooper 1</u> (John)	South Berwick, Maine. Southeast side, Witchtrot Road , just north of its intersection with the York Woods Road, Route 91. GPS N43° 12.830', W 070° 47.017', 170 Ft above sea level.
21	<u>Cooper 2</u> (Ivory)	South Berwick, Maine. Northwest side, Witchtrot Road , about ¼ mile to the rear of the residence of Albra Boston. GPS N43° 13.833', W 070° 45.917', 173 Ft above sea level.
22	Dennett 1 (Ebenezer)	South Berwick, Maine. South side, Old South Berwick Road , about ½ mile from Route 4 to rear of the residence of George E Tuttle.
23	<u>Emery 1</u> (Joseph)	South Berwick, Maine. North side, Flynn's Lane , Next to brook. GPS N43° 11.377', W 070° 48.641', 53 Ft above sea level.
24	<u>Emery 2</u> (Joseph)	South Berwick, Maine. East side, Emery's Bridge Road , opposite Emery's Bridge Meeting House (est. 1834), and near Sargent residence, property of Emery heirs. GPS N43° 14.743', W 070° 43.636', 100 Ft above sea level.
25	<u>Emery 3</u> (Rufus)	South Berwick, Maine. Southeast side, Emery's Bridge Road , next to wall, about 300 feet from road, second field southwest of Sargent residence. GPS N43° 14.691', W 070° 43.756', 109 Ft above sea level.
26	<u>Fall 1</u> (Wilson)	South Berwick, Maine. East side, Route 4 , near Outlook Farm, residence of Ralph M Battis. The house is in Berwick, the cemetery in South Berwick. GPS N43° 14.580', W 070° 47.954', 200 Ft above sea level.
27	Foss 1	South Berwick, Maine. Southeast side, Emery's Bridge Road , on old road, near the Ferrin residence.
28	<u>Free Will Baptist Church</u>	South Berwick Village , Maine, at church. GPS N43° 14.206', W 070° 48.605', 129 Ft above sea level.
3 NB	<u>Friends 1 Cemetery</u>	North Berwick, Maine. West side, Route 4 . GPS N43° 17.377', W 070° 44.695', 224 Ft above sea level.
29	<u>Goodwin 1</u> (Moses)	South Berwick, Maine. North side of lane leading east from Old Fields Road , next to road, and on property of T A Clark. Fence bears inscription: Goodwin, 1890. GPS N43° 11.908', W 070° 48.239', 110 Ft above sea level.
30	<u>Goodwin 2</u> (Silas)	South Berwick, Maine. Northwest side, Witchtrot Road , next to residence of Delmar Boston. GPS N43° 13.277', W 070° 46.181', 196 Ft above sea level.
31	<u>Goodwin 3</u> (Bradford)	South Berwick, Maine. North side, Witchtrot Road , just to the rear of the residence of Robert L Howarth. GPS N43°

		13.768', W 070° 45.685', 159 Ft above sea level.
32	<u>Goodwin 4</u> (Samuel)	South Berwick, Maine. Northwest side, Witchtrot Road , in back field, on property of Harvey P Goodwin. GPS N43° 13.681', W 070° 45.886', 156 Ft above sea level.
33	Goodwin 5 (Granville)	South Berwick, Maine. West side, Emery's Bridge Road , next to Ray B Bickford, Jr's residence, and on Sargent property, Spring Brook Farm.
34	<u>Goodwin 6</u> (Silas)	South Berwick, Maine. North side, Knight's Pond Road , opposite and a little beyond Spring Hill Farm, next to road, at end of lane leading to F B and H B Nowell residence. GPS N43° 15.155', W 070° 45.775', 149 Ft above sea level.
35	Goodwin 7 (Taylor)	South Berwick, Maine. West side, Old Fields Road , near riverbank to the rear of the residence of Mrs. Mason W Brown. Burial plot of Taylor Goodwin family, 16 th – 17 th century, noted on map in Vanetta Warren's supplement to the Warren genealogy.
36	<u>Goodwin/Cooper1</u>	South Berwick, Maine. Northwest side, Witchtrot Road , in back field, on property of Harvey P Goodwin. GPS N43° 13.703', W 070° 45.885', 174 Ft above sea level.
37	<u>Goodwin/Cooper2</u>	South Berwick, Maine. Northwest side, Witchtrot Road , in back field, on property of Harvey P Goodwin. GPS N43° 13.704', W 070° 45.887', 156 Ft above sea level.
38	<u>Goodwin</u> (Alpheus)/ <u>Hamilton</u>	South Berwick, Maine. On bank, South side of lane leading west from Old Fields Road to Hamilton House . GPS N43° 12.882', W 070° 48.273', 153 Ft above sea level.
39	<u>Grant 1</u> (Peter)	South Berwick, Maine. West side, Old Fields Road , near river bank to the rear of the residence of Ruth Lord Brown, Mrs. Mason W Brown. Burial plot of Grants, probably 17 th century, lying near Gilliland Lane, noted in Vanetta Warren's supplement of the Warren genealogy. GPS N43° 11.987', W 070° 48.515', ? Ft above sea level.
4 NB	<u>Grant 2</u> (Benjamin)	North Berwick, Maine. South side of Old Route Four at the intersection with Wentworth Road. GPS N43° 16.042', W 070° 46.819', 229 Ft above sea level.
40	<u>Grant 3</u>	South Berwick, Maine. West side, York Woods Road , Route 91, behind the residence of Rachel Mendola. GPS N43° 12.610', W 070° 47.202', 166 Ft above sea level.
41	<u>Gray 1</u> (William)	South Berwick, Maine. Northeast side, Ogunquit Road , on knoll opposite entrance to Thurrell Road , and next to Welch plot. GPS N43° 17.159', W 070° 42.500', 250 Ft above sea level.

42	<u>Gray 2</u> (George)	South Berwick, Maine. Southwest side, Rodier Road , near brook, next to road. GPS N43° 15.795', W 070° 43.430', 146 Ft above sea level.
43	Great Hill (Peter Hayes)	South Berwick, Maine. North side, Great Hill Road , at edge of field near crest of hill, and to the rear of the Emerson Johnson property.
5 NB	<u>Hall 1</u> (Brackett)	North Berwick, Maine. East side, Route 4. GPS N43° 16.408', W 070° 45.520', 240 Ft above sea level.
44	Hamilton 1 (Simeon)	South Berwick, Maine. West side, Thurrell Road , on knoll to rear of the next residence south of the Hamilton residence, just before reaching the Ogunquit Road.
45	<u>Hanscom 1</u> (Lyman)	South Berwick, Maine. North side, Bennett Lot Road , opposite on Hanscom residence, in field before reaching Daniel Allen residence. GPS N43° 15.544', W 070° 42.435', 344 Ft above sea level.
46	<u>Hanscom 2</u> (Jotham)	South Berwick, Maine. North side, Bennett Lot Road , in field to rear of residence of Daniel Allen. GPS N43° 15.613', W 070° 42.383', 197 Ft above sea level.
47	Harvey 1 (William)	South Berwick, Maine. North side, Great Hill Road , to rear of the Emerson Johnson residence.
48	<u>Hasty 1</u> (George)	South Berwick, Maine. South side, Emery's Bridge Road , in growth of trees, nearly opposite the Warren School House, about 200 feet from the road. GPS N43° 14.432', W 070° 44.618', 111 Ft above sea level.
49	Hasty 2 (Joseph)	South Berwick, Maine. West side, York Road , in field near former Hasty residence.
50	<u>Hooper 1</u> (William)	South Berwick, Maine. East side, Emery's Bridge Road , opposite residence of Ray B Bickford, Jr, on bank, next to road. GPS N43° 14.816', W 070° 43.345', 210 Ft above sea level.
51	<u>Hubbard/Emery/Simpson</u>	South Berwick, Maine. West side, Old Fields Road , near road, and on property of William D Stevenson. A group of several burial plots. GPS N43° 11.614', W 070° 48.706', 155 Ft above sea level.
52	<u>Jellison 1</u> (Aaron)	South Berwick, Maine. Northwest side, Emery's Bridge Road , next to house owned by Mrs. Ellsworth E Clark and Fred and Chase Boston. GPS N43° 14.676', W 070° 43.890', 106 Ft above sea level.
53	Jellison 2 (Columbus)	South Berwick, Maine. West side Harry Kimball Road , about 1/8 mile beyond residence of Lawless Grant, in field at edge of woods.

54	Joy 1 (Simeon)	South Berwick, Maine. On northwesterly side of road from Tatnic House to Great Hill . On land belonging to the heirs of Asa Joy.
55	Joy 2 (Hannah)	South Berwick, Maine. West side, Emery's Bridge Road , next to the Warren School House, residence of Robert W Tapley.
56	<u>Joy 3</u> (Alvah)	South Berwick, Maine. South side, Emery's Bridge Road , on knoll in growth of trees near bend of road, just before reaching Maurice Blouin residence. GPS N43° 15.827', W 070° 42.787', 250 Ft above sea level.
57	Joy 4 (Ivory)	South Berwick, Maine. West side, Emery's Bridge Road , in woods to the rear of the field opposite old Joy Farm, house erected 1743, residence of Maurice Blouin.
58	Joy 5 (James)	South Berwick, Maine. North side, Emery's Bridge Road, on Agamenticus Road , to the rear of the residence of the Rev. Roger W Charbonneau.
59	<u>Kimball 1</u> (Nathan)	South Berwick, Maine. East side, Harry Kimball Road , in field next to first house on road after leaving the Ogunquit Road. GPS N43° 15.458', W 070° 40.510', 301 Ft above sea level.
60	Kimball 2 (Samuel)	South Berwick, Maine. West side, Harry Kimball Road , in field opposite Lawless Grant studio.
61	<u>Knight 1</u> (Benjamin)	South Berwick, Maine. North side, Knight's Pond Road , opposite Elizabeth K Stover residence. GPS N43° 15.336', W 070° 45.459', 127 Ft above sea level.
62	Knight 2 (Ivory)	South Berwick, Maine. North side, Knight's Pond Road , near Edgar G Hussey residence.
63	Knight 3 (Bernard)	South Berwick, Maine. South side, Knight's Pond Road , on lane leading south, a few hundred yards northwest of Knight-Warren cellar, to rear of the K E Warren residence.
64	Libbey 1 (Isaac)	South Berwick, Maine. West side, Old Fields Road , at edge of field and of ravine, to rear of smaller house on property of William D Stevenson, several hundred feet behind house.
65	<u>Littlefield 1</u> (Edward)	South Berwick, Maine. North side, Tatnic Road (Emery's Bridge Road) , next to Warrington residence, and next to road. GPS N43° 16.057', W 070° 42.211', 302 Ft above sea level.
66	<u>Littlefield 2</u> (Daniel)	South Berwick, Maine. On North side of closed road leading east from Thurrell Road up Brown Hill , about a mile from Thurrell Road, near top of the hill, a little before reaching the Littlefield cellar. GPS N43° 16.529', W 070°

		42.693', 143 Ft above sea level.
67	<u>Lord 1</u> (Edmund)	South Berwick, Maine. South side, Lord's Lane , to the rear of the residence of Miss Helen Lord. GPS N43° 11.469', W 070° 48.074', 105 Ft above sea level.
68	<u>Lord 2</u> (Capt Simeon)	South Berwick, Maine. East side, Old Fields Road , next to road, and opposite residence of Mrs. Olga Metrick. GPS N43° 12.072', W 070° 48.237', 231 Ft above sea level.
69	<u>Lord 3</u> (J Albert)	South Berwick, Maine. Northwest side, Old Fields Road , near residence of Mrs. Mason W Brown. GPS N43° 12.094', W 070° 48.273', 141 Ft above sea level.
70	Lord 4 (Simeon)	South Berwick, Maine. South side, Fife's Lane , next to road, a little west of Herbert Colgate residence. Stone is overturned and broken.
71	<u>Lord 5</u>	South Berwick, Maine. Northwest side, Old Fields Road , near residence of Mrs. Mason W Brown. GPS N43° 12.065', W 070° 48.251', 272 Ft above sea level.
72	<u>Lord 6</u> (Nathan)	South Berwick, Maine. Southeast side, Witchtrot Road , on both sides of driveway. GPS N43° 13.763', W 070° 45.546', 174 Ft above sea level.
73	Marr 1 (Oliver)	South Berwick, Maine. West side, Earl Road , in field, near next residence beyond the house of Prof Herbert and Gladys Hasty Carroll.
74	<u>Moulton 1</u> (Alexander)	South Berwick, Maine. South side, Bennett Lot Road , in field across the road from Mr Merchant. GPS N43° 15.714', W 070° 41.396', 214 Ft above sea level.
75	Nason 1 (Joshua)	South Berwick, Maine. East side, Old Fields Road , in second field back, but also directly to the rear of the Herbert N Colgate residence on Fife's Lane.
76	Neal 1 (Edmund)	South Berwick, Maine. At intersection of Emery's Bridge Road with York Road , at edge of field, next to stone wall that runs diagonally southeast from the intersection; also northeast and opposite side of wall from Sargent residence.
77	Neal 2 (Andrew)	South Berwick, Maine. West side, York Road, on Neal's Hill , shortly after leaving Emery's Bridge Road.
78	Norman 1 (John)	South Berwick, Maine. North side of the road to Agamenticus Mountain , west of the cellar, which is bisected by the York line.
79	<u>Nowell 1</u> (Oliver)	South Berwick, Maine. East side, Witchtrot Road , on bank in turn of road, intersection of dirt road, running southeast, with Witchtrot Road, at Windswept, the residence of Philip C Lawrence. GPS N43° 14.208', W 070°

		45.289', 183 Ft above sea level.
80	Nowell 2 (Abraham)	South Berwick, Maine. South side, York Road , on knoll near cellar of Nowell residence.
81	Nowell 3 (Charles)	South Berwick, Maine. North side of the road to Agamenticus Mountain , next to the Marr Lot.
82	Old Fields A - Go Go - Na Na - Y	South Berwick, Maine. East side, Vine Street , north of Brattle Street . GPS N43° 13.011', W 070° 48.550', 39 Ft above sea level.
83	<u>Ovaska 1</u> (Toivo)	South Berwick, Maine. South side, Ogunquit Road , on Knoll next to road, between Richard Allen residence and Allen residence next west to it. Beside the John Allen Cemetery. GPS N43° 16.694', W 070° 41.945', 231 Ft above sea level.
2 B	<u>Plaisted 1</u>	Berwick, Maine. Northeast side of Route 236 , on the east side of Carriage Runn , near the Berwick, South Berwick line. GPS N43° 14.514', W 070° 49.054', 188 Ft above sea level.
84	Pleasant Hill A - Da Da - Ha Ha - Mi Mi - Si Si - Y	South Berwick, Maine. West side, Wadleigh Lane , at Great Works near South Berwick Village. GPS N43° 13.418', W 070° 47.942', 64 Ft above sea level.
85	Portland Street A - C C - Da Da - Fo Fo - Ha Ha - Jo Jo - Mo Mo - Pl Pl - Sm Sm - Wh Wh - Y	South Berwick, Maine. Northwest side of Agamenticus Road , near South Berwick Village. GPS N43° 14.296', W 070° 47.945', 190 Ft above sea level.
86	Sargent 1 (Jethro)	South Berwick, Maine. South side, Bennett Lot Road , on next place east of Emily Thompson place, behind cellar hole in field.
87	Shorey 1 (Charles)	South Berwick, Maine. East side, Old Fields Road , in field at first house south of residence of Raymond E Shorey.
88	<u>Shorey 2</u> (Meshach)	South Berwick, Maine. East side, Old Fields Road , at intersection with Shorey's Road, and near residence of Raymond E Shorey. GPS N43° 11.181', W 070° 48.362',

		127 Ft above sea level.
89	Shorey 3 (Simeon)	South Berwick, Maine. Northwest side, Wichtrot Road , opposite Ray Folsom residence in field.
90	<u>Shorey 4</u> (Joseph)	South Berwick, Maine. Southwest side, Emery's Bridge Road , behind house in bend of road, just west of the intersection with Wichtrot Road. GPS N43° 14.371', W 070° 45.484', 158 Ft above sea level.
91	<u>Spencer 1</u> (J T)	South Berwick, Maine. At present ending of Earl Road , near the Theodore Beavens residence. GPS N43° 13.640', W 070° 44.524', 194 Ft above sea level.
92	<u>Spring Hill 1</u> (Thomas Deering)	South Berwick, Maine. At present Spring Hill Inn on Pond Road . GPS N43° 15.248', W 070° 46.178', 192 Ft above sea level.
93	Thompson 1 (Col Bartholomew)	South Berwick, Maine. South side, Old Pond Road , Stones badly broken in and around cellar of Col Bartholomew Thompson's residence.
94	<u>Thurell 1</u> (John)	South Berwick, Maine. East side, Thurrell Road , next to Thurrell residence. GPS N43° 16.749', W 070° 43.203', 160 Ft above sea level.
95	Trafton Memorial	South Berwick, Maine. North side, Emery's Bridge Road , in pine grove just before intersection with Earl Road. GPS N43° 14.483', W 070° 44.542', 213 Ft above sea level.
96	<u>Wadleigh 1</u> (William)	South Berwick, Maine. East side, Wadleigh Lane at Leon H Planche property, just as lane turns on meeting Academy grounds. GPS N43° 13.678', W 070° 48.007', 261 Ft above sea level.
97	<u>Wadleigh 2</u> (Ebenezer)	South Berwick, Maine. Southeast side, Wichtrot Road , on knoll in sloping field to the rear of the residence of Spero Carabelas. GPS N43° 13.218', W 070° 46.128', 248 Ft above sea level.
3 B	<u>Wallingford 1</u>	Berwick, Maine. Northeast side of Route 236, on the west side of Carriage Runn , near the Berwick, South Berwick line. GPS N43° 14.522', W 070° 49.065', 183 Ft above sea level.
98	Warren 1 (Charles)	South Berwick, Maine. West side, Old Fields Road , a few hundred feet to the rear of the Robert D MacAulay residence at end of lane leading west from Old Fields Road. The old Warren plot in Vaughan's Woods is directly behind this property, but on the river.
99	<u>Warren 2</u> (Moses)	South Berwick, Maine. Northwest side, Tatnic Road (Emery's Bridge Road) , to rear of residence of Joseph W

		Turnbull in field. GPS N43° 15.958', W 070° 42.483', 202 Ft above sea level.
100	Warren 3 (J)	South Berwick, Maine. West side Old Fields Road, in Vaughan's Woods , just above Cow Cove.
101	<u>Warren4</u>	South Berwick, Maine. East side, Earl Road , On mound, across from residence beyond the house of Prof Herbert and Gladys Hasty Carroll. GPS N43° 14.409', W 070° 44.481', 232 Ft above sea level.
102	<u>Welch 1 (Wesley)</u>	South Berwick, Maine. Northeast side, Ogunquit Road, on knoll, opposite entrance to Thurrell Road. GPS N43° 17.159', W 070° 42.500', 250 Ft above sea level.
103	Wentworth 1 (Samuel)	South Berwick, Maine. East side, Old Pond Road , in pasture.
104	Woodlawn <u>A - Bi</u> <u>Bi - Br</u> <u>Br - Co</u> <u>Co - Dr</u> <u>Dr - Fo</u> <u>Fo - Ha</u> <u>Ha - Ho</u> <u>Ho - Ke</u> <u>Ke - Li</u> <u>Li - Mo</u> <u>Mo - Pe</u> <u>Pe - Ri</u> <u>Ri - So</u> <u>So - Th</u> <u>Th - We</u> <u>We - Z</u>	South Berwick, Maine. South side, Agamenticus Road. GPS N43° 11.614', W 070° 48.706', 155 Ft above sea level.

[Back to South Berwick Cemetery Page](#)
[Old Berwick Historical Society Homepage](#)
[Revolutionary Soldiers of Berwick](#)

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 4C
Agenda Item: MMA Election for Vice President and Executive Committee	
Town Manager's Recommendation	
<p>Attached is the ballot for the 2009 MMA election for Vice President and three members to the executive committee. A letter from Mark Green was received this week and is attached.</p> <p>The Council is given this opportunity to decide who they wish to represent them in the Vice President position and also cast ballots for the executive committee. This ballot is due back to MMA by August 14th at noon.</p>	
Requested Action	
Motion to complete the ballot for MMA Vice President and Executive Committee Members.	
Vote	



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

RECEIVED

7.10.09

Town Manager's Office

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Galen Larrabee, MMA President (Chair of Selectmen, Town of Knox)

DATE: July 7, 2009

SUBJECT: Annual Election for MMA Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballot – 12:00 noon on Friday, August 14, 2009

Each year member municipalities have an opportunity to vote on the election of MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee is appointed to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President. The MMA Nominating Committee completed its task to put forth a Proposed Slate of Nominees for 2010. This information was mailed to member municipalities along with information on the petition process as established in the MMA Bylaws. *It is now time for each member municipality to cast its vote.*

Enclosed you will find the Voting Ballot which includes the Slate of Nominees to serve on the MMA Executive Committee as proposed by the MMA Nominating Committee, as well as a municipal official nominated by petition. A brief biographical sketch on each nominee listed on the Voting Ballot is enclosed for your reference.

The Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association **by 12:00 noon on Friday, August 14, 2009**. We have enclosed a self-addressed self-stamped envelope for your convenience. The Voting Ballots will be counted and the election results confirmed under my direction as President of the Association.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 14, 2009, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held Wednesday, October 7, 2009, at 11:30 a.m., at the Augusta Civic Center. Newly elected Executive Committee members will be introduced at the MMA Annual Business Meeting and formally assume their positions on January 1, 2010.

If you have any questions on this information or the election process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.

**MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2010**

MMA VICE PRESIDENT (1-Year Term)

MARK GREEN

- Town Manager, Town of Sanford (2004 – present)
- Town Manager, Town of York (1992 – 2004)
- Assistant City Manager, City of Portland (1989 – 1992)
- Town Manager, Town of Windham (1983 – 1989)
- Town Manager, Town of Buckfield (1981 – 1983)
- Member, Maine Municipal Association Executive Committee (2007 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (2007 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2007 – present)
- Member, MMA Strategic & Finance Committee (current); Chair (2009 – present)
- Member, MMA Building Project Committee (2007 – 2008)
- Member, MMA Legislative Policy Committee (late 80's/early 90's)
- Ad Hoc Committee to review law regarding SAD dissolution (2004)
- President, Maine Town & City Management Association (2002 – 2003)
- Member, Maine Town & City Management Association (1981 – present)
- Big Brothers & Big Sisters (current)
- Maine Service Center Coalition, Alternate to Board of Directors (present)
- Leadership Maine Delta Class
- MA Muskie Institute (2003)
- BA, University of Maine (1981)

STEPHAN BUNKER

- Selectman, Town of Farmington (1991-95, 1999 – present); Chair of Selectmen (2008 – present)
- Member, Municipal Budget Committee (10+ years; Chairman 5 years)
- Member, Maine Municipal Association Executive Committee (2007 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (2007 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2007 – present)
- Member, MMA Strategic & Finance Committee (2007 – 2008)
- Member, MMA Building Project Committee (2007 – 2008)
- Member, Franklin County Budget Committee (2005 – present)
- Current Operations Manager & Dispatcher Trainer, Maine Emergency Services Communication Bureau E9-1-1 & former Director (1995 – present)
- Firefighter & Rescue Member, Farmington Fire-Rescue Department (1978 – present)
- President, Franklin County Firefighters Association. (2009)
- Gov's appointee, Maine Fire Protection Services Commission (2005 – present)
- Appointee, SMCC-Fire Training & Education program – Advisory Committee (2007 – present)
- Association of Public-Safety Communications Officials (APCO) International , *Trainer of the Year* (2009)
- Member, SAD 9/SAD 58 School Consolidation Study Planning Committee
- Founding member, Law Enforcement Officers Memorial Committee, Maine Chiefs of Police Association (1987 – present)
- Member and former National President (National Association of State Uniform Crime Reporting Programs (1986 – 1995)

STEPHAN BUNKER (continued)

- Adjunct Instructor, Maine Fire Service Training & Education, Southern Maine Community College System (1983 – present)
- Commissioned Officer, LCDR, United States Coast Guard Reserves, Marine Safety & Environmental Protection (June 1974 – July 1998; Honorably Retired)
- Supervisor, Uniform Crime Reporting program, Maine State Police (1986 – 1995)
- Total Quality Management Coordinator, Maine Department of Public Safety; Facilitator for Departmental and Bureau of State Policy Quality Councils (1993 – 1996)
- Acting Director, State Bureau of Identification, Maine State Police (1987 – 1988)
- Executive Director, Maine Sheriffs Association (1980 – 1982)
- Military Police – Sergeant, K-9 Handler/Trainer US Army (1968 – 1970)
- William Twarog Memorial- State Government Manager of the Year (1994)
- Masters in Adult Education, University of Maine, Orono (1977)
- Bachelors of Science in Criminal Justice, minor in Sociology, University of Southern Maine (1974)
- Associate Degree, Law Enforcement Technology, Southern Maine Voc-Tech Institute (1972)

MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)

MATTHEW ARNETT

- Town Councilor, Town of Hampden (August 2005 – present)
- Mayor, Town of Hampden (January 2009 – present)
- Chair, Charter and Ordinance Committee
- Chair, Public Works and Solid Waste
- Chair, Communications Committee
- Member, Public Safety, Town Services, Planning and Economic Development, Comprehensive Planning
- SAD 22 Budget Committee
- SAD 22 Re-use of Hampden Academy Committee
- Member, Executive Committee, Penobscot Down East Cable Consortium
- Member, Executive Committee, Penobscot Valley Council of Governments
- Member, Board of Directors, Bangor Area Homeless Shelter
- Trustee and Co-chair of Capital Funds Drive for the Hampden Congregational Church
- Trustee and member for the Technology Committee of All Souls Church in Bangor
- Co-President of Saturday Nighters, a dinner-dance club in the Bangor area
- Retired Engineer, Protestant Minister, and College Professor
- Human Resources Management, Northeastern University
- Human Resource Manager, Analog Devices in Norwood, Massachusetts
- BS in Engineering, Purdue University
- B.Div. from University of Chicago
- Ph.D. in Business Administration, University of Cincinnati

JOYCE MAKER

- City Councilor, City of Calais (November 1999 – present)
- Rotary Club (2000 – 2005); President (2002 – 2003)
- Finance Authority of Maine, Board of Directors (Governor Appointed) (2002 – present); Chair (2006 – 2008)
- St. Anne's Episcopal Church (1979 – present); Vestry (2001 – 2006); Diocese Council (2006 – present)
- Calais Regional Hospital Trustee (April 2009 – present)
- Calais LNG Liaison Committee (May 2008 – present)
- Ombudsman Volunteer (October 2008 – present)
- NADA Board of Directors

JOYCE MAKER (continued)

- Calais Building Committee (Calais Schools) (May 2000)
- Calais School Committee (1980-1991); Chair (five years)
- Maine State School Board Association, Board of Directors
- Past Member of the following organizations: Calais PTA, Drug & Alcohol Team for Union 106, Beta Sigma Phi Sorority, Band Boosters, Calais Athletic Boosters and Eastern Star
- Retired as Financial Aid Director, Washington County Community College (1997 – 2008)
- Financial Aid Director/Registrar, Washington County Technical College (1992 – 1997)
- Registrar, Washington County Technical College (1989 – 1992)
- Clerk Typist, Washington County Technical College (1972 – 1989)
- Maine Association of Student Financial Aid Administrators Board of Directors (1998-2004); President, (2002-2003)
- Eastern Association of Student Financial Administrators
- National Student Financial Aid Administrators

PETER NIELSEN

- Town Manager, Town of Oakland (2008 – present)
- Town Manager, Town of Wilton (2002 – 2008)
- Town Manger, Town of Wayne (1996 – 2002)
- Town Manager, Town of Clinton (1990 – 1994)
- Councilor, Town of Winthrop (1985 – 1990)
- Member, Windham Zoning Board of Appeals (1975 – 1978)
- Member, Maine Municipal Association Executive Committee (2009 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (2009 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2009 – present)
- Member, MMA Legislative Policy Committee (2004 – 2008; 1998 – 2000; 1992 – 1994)
- Member, MMA Legislative Policy Committee – Subcommittee for Natural Resources
- Member, MMA Legislative Policy Committee – Subcommittee for State & Local Government
- Member, MMA Legislative Policy Committee – Ad Hoc Committee on Forestry Initiatives
- Member, Wayne Cemetery Committee (1998 – 2002)
- 26 years as seasonal boat and car storage and service business
- Helen Hicks Healy Award, Wayne Maine (2000)
- Barry Blunt Award, University of Maine at Orono (2001)
- BA, Political Sciences, University of Maine at Orono (1974)
- MPA, University of Maine at Orono (2001)

RECEIVED
7.20.09
Town Manager's Office

Mark Green
16 Mill St
Springvale, Maine 04083

July 16, 2009

Dear *Councilors,*

I was recently nominated by a five member nominating committee composed of municipal officials from across the State to be the next Vice President and then President of MMA. The purpose of this letter is to encourage you to complete the MMA ballot and to tell you a little about myself.

I grew up in Harpswell, attended high school in Topsham, and college in Presque Isle, Orono and Portland. For the past twenty-eight years I have worked in local government. The first community I worked in was Buckfield where I served for three years. It was there that I first learned to love and appreciate local government and the people that serve as elected officials, volunteers and employees. After leaving Buckfield I worked for the communities of Windham, Portland, York and Sanford where I now serve as Town Manager. Each of these communities has their own culture, problems and attributes. From each I have learned to be a better manager and hope that I have also made contributions that have made each of these communities' better places to live, work and play.

I have served on the MMA Executive Board now for a little more than two years. I have also served on the Strategic and Finance Committee for most of that time, most recently as Chairman. I have been a "customer" of MMA's for all of my twenty-eight years in municipal government and have been a member of several MMA committees and affiliate groups including serving as president of the Maine Town and City Manager's Association. Since becoming a member of the Executive Committee I have learned a great deal about MMA. This time has enhanced my respect and appreciation for the organization and has left me wanting to be even more involved.

As MMA Vice-President and then President I plan to focus my efforts on improving the Association's relationship with the Governor and Legislature. As "creatures of the State" we derive our power, authority and effectiveness from the laws passed by our State Government. As noted by the Brookings Institution report "Charting Maine's Future" we have proven that local government is the most effective and efficient way to deliver services to our citizens. Now we need to convince our State leaders that this is indeed the case and find more ways for local and State Government to work together.

The last item I want to mention in this letter is my love for the entire State of Maine. Although each of our communities is unique in its own way I firmly believe that we are stronger through our membership in the Maine Municipal Association. I plan to continue working to keep the Association strong and united.

I need and would appreciate your vote for me as MMA's next Vice-President. Ballots have been delivered to your town office and must be voted upon and returned to MMA by August 14th. Please feel free to call me at 207-324-9172 if you have any questions or if you would like to share with me your ideas for the future of MMA and Maine's municipalities. I welcome your ideas.

Sincerely,



Mark Green

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 29, 2009	Item # NB 5A
Agenda Item: Appoint Alternate to the Planning Board	
Town Manager's Recommendation	
<p>We have received two applications to the Planning Board. The openings were advertised on the Town's website and in a public notice in Foster's Daily Democrat on July 12th.</p> <p>You have held interviews and the Planning Board awaits your decision.</p>	
Requested Action	
<p>Motion to appoint an alternate member to the Planning Board with a term to expire June 30, 2012.</p>	



RECEIVED
6-20-08
Town Manager's Office

**TOWN OF SOUTH BERWICK
BOARD/COMMITTEE APPLICATION**

Committee desired: PLANNING BOARD

PERSONAL INFORMATION

Name: JOEL C. MOUTON Date: 6/19/08

Address: 424 EMERY'S BRIDGE ROAD
SO. BERWICK, ME 03908

Telephone: (home) _____ (work) _____ (cell) _____

BUSINESS/EDUCATIONAL BACKGROUND
(You may attach a resume if you prefer, please be specific)

SEE ATTACHED

MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE.
(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
<u>SAFE ROUTES TO SCHOOL Comm.</u>	<u>3/07</u>	<u>N/A</u>
_____	_____	_____

PLEASE LIST TWO OR THREE NEW IDEAS YOU WOULD LIKE THIS COMMITTEE TO CONSIDER.

ROADWAY USE AND DEVELOPMENT
TRAFFIC CONTROL

PLEASE INDICATE ANY SPECIAL QUALIFICATIONS OR EXPERIENCE THAT YOU THINK MAY BE HELPFUL TO THIS COMMITTEE.

SEE ATTACHED

COMMITMENT LEVEL

Are you available to commit to this committee for a minimum of three years? Yes

Number of hours you are able to commit to this committee/board per week: 10-15

Applicant's signature



received
6-27-08⁵⁵

TOWN OF SOUTH BERWICK
BOARD/COMMITTEE APPLICATION

Committee desired: Planning

PERSONAL INFORMATION

Name: KATHY CRAFTS Date: 6/24/08
Address: 94 Emerys Bridge Road email: _____
South Berwick ME
Telephone: (home) _____ (work) _____ (cell) _____

BUSINESS/EDUCATIONAL BACKGROUND

(You may attach a resume if you prefer, please be specific)

BA '74 BARNARD COLLEGE COLUMBIA UNIVERSITY NY NY
MBA '81 COLUMBIA UNIVERSITY
20 years ADVERTISING/MARKETING EXEC FOR
INVESTMENT BANKS IN NYC
PRE-B-school - three years experience litigation paralegal

MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE
(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
<u>348 Owners Corp - Board member</u>	<u>1987</u>	<u>Annually re-elected</u>
<u>Chairman of Board -</u> <u>348 Owners Corp</u>	<u>1991-2002</u>	<u>Annually re-election</u>

PLEASE LIST TWO OR THREE NEW IDEAS YOU WOULD LIKE THIS COMMITTEE TO CONSIDER.

Please see attached

PLEASE INDICATE ANY SPECIAL QUALIFICATIONS OR EXPERIENCE THAT YOU THINK MAY BE HELPFUL TO THIS COMMITTEE.

A combination of financial expertise, real estate management, litigation experience + marketing knowledge.

COMMITMENT LEVEL

Are you available to commit to this committee for a minimum of three years?

yes

Number of hours you are able to commit to this committee/board per week:

10-15

Applicant's signature

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 5B
Agenda Item: Membership changes to existing Boards/Committees	
Town Manager's Recommendation	
<p>I have suggested amending the membership of the following boards/committees: Officially, these changes are accomplished by amending the Administrative Code, the Zoning Ordinance and the Charter.</p> <p>Board of Assessment Review-change to 5 members with 2 alternates (Charter) Zoning Board of Appeals-change to 5 members with 2 alternates (Zoning Ordinance) Planning Board-no change (Consistent with Code)</p> <p>Building Committee-no change (not established as part of the Charter or Code) Conservation Commission-reduce to 5 members (Code) Historic District Commission-no change-(already in process with HD Ordinance review) Library Advisory Board-reduce to 5 members (Code)</p> <p>The change to the BOAR requires an amendment to the Charter and is included in the changes presented elsewhere in this packet.</p>	
Requested Action	
Motion to amend committee membership as listed.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 5C
Agenda Item: Sunset EDC, Create CDC	
Town Manager's Recommendation	
<p>I recommend the Council sunset the EDC and create a Community Development Committee. This approach is more in keeping with the projects the existing committee wishes to pursue.</p> <p>The EDC currently has 6 members; four from the community at large, one Planning Board representative and one Water District Representative. I have had conversations with a few of the current members and I believe the membership will resolve itself as this change is made.</p> <p>I suggest a new charge for this committee be developed by the Council for future work projects.</p>	
Requested Action	
<p>Motion to sunset the Economic Development Committee effective September 1, 2009. Motion to create a Community Development Committee with 5 members with a charge to be developed.</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 5D
Agenda Item: Reestablish a Recreation Committee	
Town Manager's Recommendation	
<p>As was pointed out during Town Meeting, we currently have no Capital Facilities Plan for the Recreation Capital Account. This is a plan which should encompass existing and planned recreation facilities in the community (see former plan, attached).</p> <p>I recommend the Recreation Committee be reestablished. In addition to creating a new Recreation Facilities Capital Plan this committee will be a valuable resource to the Recreation Department. The Administrative Code will need to be updated to reflect a new membership of 5 and the duties changed to reflect current practices. I suggest the Recreation Director act as staff support to the committee, much like the Librarian serves with the LAB. This committee will meet on a regular basis and update the facilities plan annually.</p> <p>The Administrative Code changes will be completed and returned to the Council to set a Public Hearing date.</p>	
Requested Action	
<p>Motion to establish a Recreation Committee with 5 voting members with a charge to create a long term (10 year min.) Recreation Facilities Capital Plan for the Town and to assist the Recreation Director to facilitate the overall growth and health of the recreation program.</p>	
Vote	

TOWN OF SOUTH BERWICK RECREATION FACILITIES PLAN

	2003/04	2004/05	2005/06	2006/07	2007/08	
PROJECTS:						
WILLOW DRIVE	Finish Multi-Use Field (25K)	Develop Barn Restrooms and Refreshment Stand (25K)	Pave and Landscape Parking Area at Barn (25K)	Build Jogging Track at LL Fields (25K)	Start Playground (25K)	
TODDLER PLAYGROUND	Finish Playground (5K)					
POWDERHOUSE HILL	Purchase Motor for Rope Tow (5K)					
CROSS COUNTRY SKI NETWORK & TRAILS	Select Trails; Develop Map (500)	Develop Trails (2K)	Build Warmup Hut (3K)	Develop Parking at Town Forest (5K)		
COUNTING HOUSE PARK	Phase II: Park Construction (5K)					
OTHER LOCATIONS	Build Recreation Storage Shed (15K); Develop Chick's Brook Park (5K)	Finish Chick's Brook Park (5K)			Upgrade Boat Launch; New Fence (10K)	
TOTAL EXPENDITURES	60500	32000	28000	30000	35000	25000
REVENUE SOURCES:						
Town Budget Appropriation	15000	20000	30000	30000	30000	30000
Vaughan Fund	0	5000	5000	5000	5000	5000
Donations from:						
Soccer League	2500					
Little League	2500					
Babe Ruth	undetermined					
Softball	undetermined					
Basketball League	undetermined					
TOTAL REVENUE	20000	25000	35000	35000	35000	35000
CURRENT BALANCE: \$85000						
APPROX. CARRYFORWARD	44500	37500	44500	49500	49500	59500

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: July 27, 2009	Item # NB 5E
Agenda Item: Establish a Master Planning /Comprehensive Plan Vision Committee	
Town Manager's Recommendation	
<p>Attached please find a letter from Brad Christo recommending the Town establish a Comprehensive Plan Vision Committee. I believe we can incorporate the ideal of the Comprehensive Plan Update Committee with the current goals of the Library plan. A new Master Plan/Comprehensive Plan Vision Committee could be charged with many tasks, the first of which would be to determine the full and best use of the Young Street property. This is suggested as developers for the entire site may be easier to locate than a developer for the Library facility alone. For the longer term this committee could also review the current ordinances and make recommendations to the Planning Board and Town Council for consistency with the Comp Plan.</p> <p>I suggest a large committee, perhaps 12 plus members with a strong Chairman, selected by the Town Council to insure subcommittees are charged with attainable goals and reports back to the Council are consistent and scheduled monthly.</p> <p>At this time I request the Council not set the exact number of members but rather wait until an application period has passed. Optimistically, a large group of qualified members would be better rather than limiting this board from the beginning. Perhaps an open application period of three weeks can be announced, closing date for initial applications will be August 18, 2009.</p>	
Requested Action	
Motion to establish a Master Plan Vision Committee.	
Vote	

July 10, 2009

Mr. John Schempf
Town Manager
South Berwick, ME 03908

RE: COMPREHENSIVE PLAN VISION COMMITTEE

Dear John,

Thank you for taking time to meet with me Thursday morning. Our conversation was candid and brief, due to time constraints and the subjects we touched upon. We both understand some matters need not be aired further, especially issues around planning, as no immediate positive resolve seems apparent. As stated, enough said, but I would like to pursue an opportunity.

I understand you are presently contemplating how you may move forward with a select group of motivated individuals towards integrating the pressing needs and vision of this town. The 2008 Comprehensive Plan (CP) is our broad stroked master plan. This is the legitimate mechanism, both in terms of the depth of community involvement in its development and the basis it exerts in Maine Statute Law, for forming the Comprehensive Plan Vision Committee (CPVC).

Originally I wrote the CPVC as a preamble to the Land Use Section of the CP. The desire was to insert a clear directive to enable a selected committee the means to work on strategies to implement the most pressing goals either cited in the CP or those arising in the future. The Steering Committee members for the CP, who were the chairs of the sub-committees, decided to move the CPVC to the front of the CP document. It is located immediately following the Executive Summary.

The Implementation Matrix for the CPVC is located between the end of the Fiscal Capacity Narrative Text and the beginning of the Goal and Strategy Section which commences with Housing. It states, "CPVC- Comprehensive Plan Vision Committee: Reviewing agency for all priorities and implementation strategies." As you see, the Matrix is our codification for identifying priorities within strategies to realize goals within the CP. Also, please refer to Goal 14 of the Land Use Section, which has explicit strategies for developing the CPVC. It is the engine to help drive the policies and visions to the top for the responsible parties to eventually review and take action upon.

The Council and Planning Board, in particular, have difficulty in setting aside time, due to their existing work, to proactively engage the CP. This is a long standing fact. Often voiced while developing the CP was, to paraphrase: make the CP a living document and not some remnant of well intended, hard worked, community based thinking for a COMPREHENSIVE PLAN sitting on a shelf collecting dust. Let us dust of the CP and bring the CPVC to light, as envisioned, to become the research and design core for moving forward with the CP. Any initiatives you are working on presently have some connection to the CP. Here is the mechanism. The CPVC can draw upon its own expertise, and other individuals, organizations, forums, institutions...let the imagination roll, to complete its work and kindle community development.

Consider the CPVC an integrated multi-disciplinary approach tool. And hopefully you will agree it has merit, substance, and a positive place in town government. Not a bad point of departure.

Respectively,



Brad Christo