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HISTORIC DISTRICTS  
Chapter 84

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HISTORY: 3-13-1989 Adopted by the Town Council of South Berwick.  
Sections 84-1, 84-2, 84-4A, and 84-7 amended at time of adoption  
of code; see Ch.1, General Provisions, Article 1. Other amendments  
noted where applicable.  
11-22-1999 Section 84-7 & appendices A, A-1, B, B-1, C, & C1 amended.

General References: Building Construction - See Chapter 60.  
Zoning - See Chapter 140.  
Historic District Bylaws - See Chapter A145.

Article I  
General Provisions

84-1. Purpose.

This chapter is adopted in accordance with the Charter of the Town of South Berwick and pursuant to the legislative authority vested in the Town by virtue of 30-A M.R.S.A. Sections 3001 through 3007, 4301, and 4351 through 4359, and the acts amendatory thereto, for the purpose of preserving, protecting, and enhancing buildings and places or areas within the town which possess particular historical, cultural and economic welfare of the residents and visitors to the town. To achieve these purposes, it is intended that historic districts and related regulations shall be used:

- A. To prevent inappropriate alterations of buildings of historic or architectural value.
- B. To prevent the demolition or removal of designated sites or landmarks and significant historic structures within designated districts whenever a reasonable alternative exists or can be identified.
- C. To preserve the essential character of designated districts by protecting relationships of groups of buildings and structures and archeological sites.

84-2. Definitions.

As used in this chapter, the following words and terms shall have the following meanings:

**ALTERED** - Includes the words "rebuilt", "reconstructed", "rehabilitated", "restored", "repainted", and "demolished" or any other change to the exterior facade of a structure.

**BUILDING** - A combination of materials forming a shelter that may be used for persons, animals, or property.

**CODE ENFORCEMENT OFFICER** - A person appointed by the Town Manager to administer and enforce this chapter.

**COMMISSION** - The Commission acting as the Historic District Commission established in Section 84-3.

**CONFLICT OF INTEREST** - Direct or indirect pecuniary benefit to any person or member of the person's immediate family (i.e., grandfather, father, wife, son, grandson) or to his employer or the employer of any member of the person's immediate family, or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorizes and requires him to act. "Conflict of interest" shall also be defined in accordance to 30-A M.R.S.A. Section 2605, as amended.

**CONSTRUCTED** - Includes the words "built", "erected", "enlarged", "installed", "moved", "reconstructed", "rehabilitated", "restored", and "altered".

DEMOLITION - The razing of any structure or any exterior architectural feature, or the permanent removal of architectural trim elements.

DISTRICT - See "historic district".

ERECTED - See "constructed".

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EXTERIOR ARCHITECTURAL FEATURE - The architectural style and general arrangement of the exterior of a building or structure, including but not limited to the kind, roof color and texture of the building materials; the type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc.; and the location and treatment of any vehicular access or parking space.

HISTORIC (adjective) - Important in or contributes to history.

HISTORIC DISTRICT - A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objectives united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this chapter as appropriate for historic preservation. Such "historic districts" may also comprise individual elements separated geographically but linked by association.

HISTORIC LANDMARK - Any improvement, building or structure of unique historic architectural significance to the Town of South Berwick, relating to it's heritage, cultural, social, economic or political history or which exemplifies important events in local, state, or national history as may be designated in accordance with this chapter.

HISTORIC SITE - Any parcel of land of special significance in the history of the Town of South Berwick and it's inhabitants or upon which a historic event has occurred and which has been designated as such in accordance with this chapter.

HISTORY (noun) - A record of events, as of the life or development of a people, country, institution, etc.

IMPROVEMENT - Any place, structure, building, fixture, object, landscape, or topographical feature, which in whole or part constitutes an exterior betterment, adornment or enhancement or any real property.

LANDMARK - See "historic landmark".

MATERIAL - A substance or substances out of which a building or structure is constructed.

PERSON - Includes an individual, a corporate or unincorporated organization or association and the Town of South Berwick.

SITE - See "historic site".

STRUCTURE - A combination of materials other than a building, including but not limited to

walls, fences, walks, parking lots or driveways.

Article II  
Historic District Commission

84-3. Establishment; membership; terms; bylaws; expenditures.

A. An Historic District Commission, whose members shall be appointed by the Town Council, is hereby established.

B. The Commission shall consist of ~~five, (5)~~ members, who shall be residents of South Berwick. Appointments shall be made on the basis of demonstrated interest, ability, experience and desire to promote historic preservation in the town within the meaning of Section 84-1 of this chapter. As far as possible, the membership should include professionals in the disciplines of architecture, history, architectural history, planning archaeology, urban design or other related fields; a builder and at least two (2) owners of historic landmarks, sites or of property within the historic district.

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C. Three (3) members of the Commission shall be initially appointed to serve terms of three (3) years; ~~one shall be appointed to serve the term of two (2) years;~~ and the remaining members of the Commission shall be appointed to serve terms of one (1) year. All appointments thereafter made shall be for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy in an unexpired term, in which case the appointment shall be for the remainder of the unexpired term.

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D. Advisory members. The Town Council may appoint persons to serve in an advisory or consulting capacity on a temporary basis at the Council's pleasure.

E. The Commission shall elect a Chairman, Vice Chairman, and Secretary annually from among it's membership.

F. The Commission shall adopt bylaws or additional operating procedures consistent with the intent of this chapter and of the state enabling legislation and the Charter of the Town of South Berwick. Said bylaws shall be submitted to the Town Council for review.

G. The Commission may expend funds for the purposes of historic preservation in the Town of South Berwick, in accordance with the annual town budget. Such expenditures may include salaries or other compensation for clerical and technical assistance or consultants if approved in the town budget. The Commission may, with the approval of the Town Council, accept grants, donations or gifts of services and may hold or expend the same as approved by the Town Council.

84-4. Duties.

The Commission shall have the following duties which shall be exercised in accordance with the South Berwick Charter and applicable provisions of the Maine Revised Statutes Annotated.

A. Make recommendations to the Town Council for establishing historic districts, historic sites or historic landmarks, according to procedures listed in Sections 84-6 and 84-7 of this chapter.

B. Review all proposed additions, reconstruction, alteration, or construction of any property designated as a historic site or landmark or located within a designated historic district, and issue a certificate of appropriateness in accordance with the procedures outlined in Sections 84-8 and 84-9. Review all proposed demolitions or removals of any property located within the B1, B2, ~~and BR zone~~, districts and any designated historic district, and issue a certificate of appropriateness in accordance with the procedures outlined in sections 84-8 and 84-9. \*amended 8-14-2000

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C. Review all proposed National Register nominations for properties within the town's borders.

D. ~~Serve in an advisory role to local government officials regarding local historical and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation.~~

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E. Conduct or initiate a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.

F. Work to provide continuing education on historic preservation issues to local citizens.

### Article III Establishment of Districts

#### 84-5. Qualifications.

To be eligible for designation as an historic district, historic site or historic landmark, an area or property shall possess one (1) or more of the following characteristics:

A. Buildings, structures, or sites importantly associated with significant historic personages and/or historic events.

B. Buildings, structures, structural remains and sites which illustrate examples of historical architectural styles valuable for study of a period or method of construction or a single notable structure representing the work of a master builder, designer or architect.

C. Structures, buildings and sites which contribute to the visual continuity of the historic district.

D. Those sites, buildings, structures or areas on or eligible for inclusion on the National Register of Historic Places.

#### 84-6. Effect on other regulations; applicability.

A. Uses permitted; no changes required. This chapter does not alter the existing land use

regulations in the South Berwick Zoning Ordinance, which continues to apply to the land and buildings located within the historic district. However, exterior alterations to the buildings and structures, including walls, fences, steps and paint color, and any new buildings or structures within the district shall require a certificate of appropriateness as described in Section 84-9.

B. Passage of this chapter shall not require any existing or future owner or renter of property to make any exterior changes to his building(s). The provisions of this chapter shall apply only to new exterior alterations proposed by the owner or renter of property with the exception for basic maintenance. The basic maintenance requirement as stated in Section 84-12B of this chapter shall apply to owners of structures, sites and landmarks within the historic district.

84-7. [Amended 11-22-1999] Designation of districts, sites, or landmarks; expansion of districts.

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Designation of historic districts, historic sites and historic landmarks may be accomplished by amending Subsection A of this section according to the procedure outlined in section 84-10F and in accordance with this section.

A. The following are designated as historic districts, historic sites and historic landmarks:

(1) Village Center Historic District. The location and boundaries of the South Berwick Village Center Historic District are shown on an Official Historic District Map, dated June 15, 1999, attached to this chapter as Appendix A and further identified on a list of included properties in accordance with the 1999 South Berwick Property Tax Maps, attached to this chapter as Appendix A-1.

(2) Liberty Street Historic District. The location and boundaries of the South Berwick Liberty Street Historic District are shown on an Official Historic District Map, dated June 15, 1999, attached to this chapter as Appendix B and further identified on a list of included properties in accordance with the 1999 South Berwick Property Tax Maps, attached to this chapter as Appendix B-1.

(3) Conway Railroad Turntable. The location and boundaries of the Conway Railroad Turntable site are shown on an Official Historic District Map attached to this chapter as Appendix C.

B. Designation of historic districts, historic sites and historic landmarks may be initiated as follows:

(1) By the Town Council, provided that a majority of the Council has voted.

(2) By the Planning Board, provided that a majority of the Board has voted.

(3) By the Historic District Commission, provided that a majority of the Commission has voted.

(4) By the written petition of a number of voters equal to at least ten percent (10%) of the registered voters of the town and following the provisions of the Town Charter,

Article VII, Section 2.

(5) By an application to the Historic District Commission by an individual who owns property which he or she considers to be an historic site or landmark.

C. Consent. Property may be designated an historic site or landmark only with the written consent of the property owner(s). A new or expanded historic district may be designated only with written consent of the majority of the property owners within the proposed district or expansion.

D. Recommendation. The Historic District Commission will formulate recommendations after researching proposed historic districts, landmarks, or sites to determine if the district, landmark or site meets the criteria in this chapter and if consent has been obtained in accordance with Subsection C. The Historic District Commission shall make written recommendations regarding designation to the Town Council. The Town Council shall also seek written recommendations from the Planning Board and Town Planner.

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E. Application. To initiate the designation of an historic district, landmark or site, a written application containing the information required by these following Subsections shall be completed and directed to the chair of the Historic District Commission. A copy shall also be filed with the Town Clerk.

(1) Designation and establishment of structures, buildings and sites. Applications for the designation of historic structures, buildings and sites shall include the following:

- (a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the structure or site, including consideration of scale, materials, workmanship and spatial qualities, as relevant;
- (b) A concise statement of how the building, structure or site meets the review criteria of Section 84-5 above; and
- (c) Interior and exterior photographs of the structure or a site map illustrating significant details described in this section.

(2) Designation of districts. Applications for the designation of historic districts shall include the following:

- (a) A concise statement of the remaining physical elements which make this area an historic district and a description of building types and architectural styles;
- (b) A concise statement of how the district meets the review criteria of Section 84-5;
- (c) A justification of the boundaries of the proposed district;
- (d) A definition of the types of structures that do not contribute to the

significance of the district and an estimate of the percentage of noncontributing structures; and,

(e) A map showing all structures in the district with the identification of contributing structures.

(3) Expansion of an existing district. Applications for the expansion of existing historic districts shall include the following:

(a) A concise statement of the physical elements that justify expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district and a description of building types and architectural styles and periods represented;

(b) A concise statement of how the expansion of an existing district meets the review criteria of Section 84-5;

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(c) A justification of the expanded boundaries of the district;

(d) A definition of the types of structures, buildings, and sites that do not contribute to the significance of the district and an estimate of the percentage of noncontributing ones in the historic district's proposed expansion area; and

(e) A map showing all structures in the proposed expansion area with the identification of contributing structures.

#### Article IV Certificates of Appropriateness

84-8. When required; majority vote; building permit.

A. A certificate of appropriateness issued by the Commission shall be required for any of the following:

(1) Any change in exterior appearance of any building, structure, site or landmark in the historic district by addition, reconstruction, or alteration.

(2) New construction of a principal or accessory building or structure visible from a public street where such building or structure will be located in an historic district. This also includes signs, walls and fences.

(3) Any demolitions or removals of buildings or structures in the historic district, or the B1, B2, BR, \*Added by amendment 8-14-2000

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(4) Any alteration to an archeological site.

B. A majority vote of at least three, (3) regular members of the Commission shall be required to

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issue a certificate of appropriateness.

C. In the historic district, B1, B2, or ~~BR~~ zoning districts, the Code Enforcement Officer shall not issue a building permit for any construction, alteration, demolition or removal until a certificate of appropriateness has been issued by the Historic District Commission. \*Amended 8-14-2000

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#### 84-9. Application procedure.

A. Applications for a certificate of appropriateness may be obtained from the Code Enforcement Officer. Completed applications shall be submitted to the Code Enforcement Officer, who shall promptly transmit them to the Commission for consideration. When the Commission acts on the application, it shall be returned to the Code Enforcement Officer.

B. The application shall state the location, use and the nature of the matter for which such certificate is sought and shall contain at least the following information or documentation unless any items are waived by the Commission.

(1) The applicant's name, address and interest in the property, such as owner or lessor. The application and all exhibits shall be dated at the time of submission to the Code Enforcement Officer.

(2) The owner's name and address, if different from the applicant's.

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(3) The address or location of the property.

(4) The present use and zoning classification of the property.

(5) A brief description of the construction, reconstruction, remodeling, alteration, maintenance, demolition or moving, requiring the issuance of a certificate of appropriateness.

(6) A drawing or drawings indicating the design, texture, color (example: shingles) and the location of any proposed alteration or new construction for which the certificate is required. As used herein, "drawings" shall mean plans and exterior elevations drawn to scale, with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the buildings, including materials and textures, including samples of any brick, shingles or siding proposed to be used. Drawings shall be clear and drawn to scale.

(7) Photographs (snapshots) of the buildings involved and of immediately adjacent buildings.

(8) A site plan indicating any proposed changes involving walls, walks, accessory buildings, signs and outdoor light fixtures, including all exterior equipment and appurtenances located on the roof, in the walls and on the ground.

(9) A description of the project which shall include a statement as to why the structure or building to be demolished does not contribute to the district, site or landmark.

84-10. Administrative procedure.

A. Notice to owner. Within fifteen (15) days after the filing of an application for a certificate of appropriateness, the Commission shall inform the following persons by mail of the application and meeting date: the applicant, owners of abutting property, the Old Berwick Historical Society and the Commission's consultants and professional advisors, if any. For purposes of this notice, the owners of property shall be considered to be those against whom taxes were assessed on the prior April 1. Failure of any person to receive notices shall not necessitate another hearing or invalidate any action by the Commission. The placement or replacement of business signs is exempt from this requirement.

B. The South Berwick Code Enforcement Officer will promptly advise the Historic District Commission of all activities which he/she is or becomes aware of that come within the areas of responsibility assigned to the Commission by the chapter.

C. Hearing. At the request of the applicant or any other person receiving notice under Section 84-10A above or where the Commission deems it necessary, a public hearing or hearings on the application shall be conducted by the Commission. Written comments from interested persons shall be accepted in the event that a hearing is not held.

D. Action. The Commission shall determine whether the proposed construction, reconstruction, alteration, moving or demolition is appropriate or inappropriate within thirty (30) days of the public hearing or within forty-five (45) days of the receipt of the completed application, whichever comes first. If the Commission determines the proposal is appropriate, it shall immediately approve a certificate of appropriateness and return it to the Code Enforcement Officer for issuing of the necessary permits. If the Commission determines that a certificate of appropriateness should not be issued, it shall advise the applicant, in writing, through the Code Enforcement Officer, of any changes which would secure the approval of the Commission and withhold denial for thirty (30) days, in order that the applicant may adopt such proposed changes. The Code Enforcement Officer shall notify the applicant of the decision and furnish him a copy of the reasons and the recommendations, if any, as appearing in the records of the Commission.

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E. Appeals jurisdiction. The Zoning Board of Appeals established in accordance with Title 30-A M.R.S.A., Sections 2691 and 4353 may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Historic District Commission or from the Code Enforcement Officer in the administration of this chapter. [Amended 12-18-1989]

F. Amendment. An amendment to this chapter may be adopted by:

- (1) The Town Council following the provisions of the Town Charter, Article II, Section 3, VI, if the amendment is initiated by the Town Council, Planning Board or Historic District Commission or property owner as provided in Section 84-7B(1),
- (2), (3) and (5) as provided in this ordinance.

(2) A special town meeting following the provisions of the Town Charter, Article VIII, Section 2, if the amendment was initiated by a written petition in accordance with Section 84-7B(4) above.

(3) In either case, the Town Council shall hold a public hearing on the proposed amendment as required by Article VIII, Section 2, or by Article II, Section 11, of the Town Charter. The Planning Board and the Historic District Commission shall report it's recommendation regarding the proposed amendment at the public hearing.

#### 84-11. Standards of evaluation.

A. The standards and requirements contained in this section and in the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings, 1992, Revision, shall be used in review of applications for certificates of appropriateness and specifically as to procedures before demolition can take place. Design considerations and structural factors related to maintaining historic structures in good condition shall be the Commission's primary areas of focus. (A copy of the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings is available in the Town Clerk's office.)

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B. Visual compatibility factors. Within the Historic District, new construction and existing buildings and structures, including additions, which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related, generally in terms of the factors below. Although a new building may be different in it's shape or style, it's relative proportions should match those of it's neighbors.

(1) Height. The height of proposed buildings shall be compatible with adjacent buildings within twenty percent (20%) of the existing average height (see Figure 11-1). This section is an additional restriction on building heights to those of the South Berwick Zoning Ordinance.

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Figure 11-1

(2) Width. The width of proposed buildings shall be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street. If the site is large, the mass of the facade can be broken into a number of smaller bays (see Figure 11-2).

Figure 11-2

(3) Window proportions. The window proportions (height versus width) shall be visually compatible with those of other windows in the same building and in other adjacent historic buildings of the same period. In the case of large plate glass display windows on a ground floor, the large surface of glass can be divided into a number of smaller panes consistent with shop front windows of the historical period which the building represents or, in the case of new buildings, compatible with the window size of adjacent historic buildings, where appropriate. Also, the ratio of window area to solid wall shall be similar to those on surrounding facades. Rhythms which carry throughout the block should be incorporated into new facades. Window pane sizes and proportions should be contemporary with the building (see Figure 11-3).

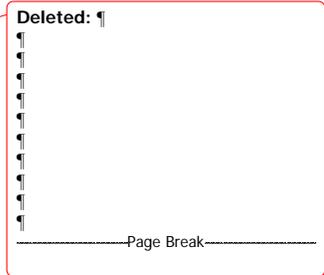


Figure 11-3

(4) Roof forms. The roof pitch employed on new buildings shall be similar to those found on adjacent buildings. If a gable-type roof, it's orientation to the street shall be the same as in neighboring buildings. Roofing materials shall be consistent with that of adjacent structures in color, type, material or a compatible substitute which is historically accurate.

(5) Directional expression or mood. Alterations shall respect the directional expression of the original building and new construction shall be related harmoniously to it's immediate neighbors. "Directional expression" refers to the basic vertical or horizontal design emphasis, while most colonial buildings of the late 1700's and early 1800's are nondirectional (see Figure 11-4).

Figure 11-4

(6) Materials and textures. New construction shall utilize materials and textures which are visually compatible with adjacent facades. If there is a predominant material in the immediate area, it shall be used. Many different materials on a single structure or closely related group of structures can lead to visual confusion and a chaotic appearance. Alterations and new buildings should not stand out against the others, if the harmony of a traditional New England village streetscape is to be maintained. Matching materials and strength and continuity to street facades. Alterations to an existing building shall simulate as closely as possible the color and texture of that building. This is especially important in brickwork. (So-called "used brick" shall generally be avoided if it includes any painted bricks.) Mortar color and thickness of joint shall match those of the original building.

(7) Details. All existing architectural details shall be maintained to the fullest extent practicable. When removal is unavoidable, replacement with similar features shall be encouraged. Although exact replication is often not possible or economically feasible, a simpler feature made of traditional materials can be appropriate. Poor or cheap imitations made of synthetic material shall be avoided, especially when not in scale or in the same architectural tradition. Details may include cornices; frames and moldings around windows, doors and building corners; lintels; arches; wrought iron work; chimneys, etc. Any substitutions must be approved by the Historic District Commission.

(8) Signs. In addition to the dimensional requirements for signs contained in the Zoning Ordinance, all new or replacement signs located within the historic district shall be made from wood or metal, and all new sign illumination shall be from shielded external sources directed onto the sign to avoid glare. Signs which are attached to or parallel with the facade shall be located only between the top of the ground floor windows and the bottom of the second floor windows to maintain an orderly appearance, adding strength to the appearance of the district as a whole.

(9) Demolition approval criteria. The criteria for approving proposals to demolish any building, historic site or landmark within the historic district or to demolish or remove any building within the B1, B2, or B~~R~~ zoning districts are that a sixty day public notice period be declared by the Historic District Commission immediately after receiving a demolition proposal from any property owner, at any regular or specially scheduled meeting of the Commission. At the end of this sixty day period, demolition criteria shall be deemed met, and the Commission shall then issue a certificate of appropriateness to demolish the building(s) or landmark(s) or to relocate the building(s) or landmark(s) if a willing buyer who is able to finance the costs of purchase and removal has been found. In addition to providing an opportunity for buildings or landmarks to be relocated rather than demolished, the sixty day period also allows time for the Commission to make a photographic survey of the building(s) interior and exterior or landmark(s)

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and to examine alternative ways to meet the owner's needs, (such as by replacing interior walls and floors or demolishing everything except the street-front facade). The owner or applicant for a demolition proposal shall be required to meet with the Commission to discuss any such alterations. \*Amended 8-14-2000

84-12. Maintenance.

A. Ordinary maintenance permitted. Nothing in this chapter shall be interpreted to prevent the ordinary maintenance or repair of any exterior feature of any structure, site or landmark in the district which does not involve a change in the design, material or appearance.

B. Essential maintenance required. Owners of buildings within the historic district shall not permit their properties to fall into a serious state of disrepair which may result in deterioration of any exterior architectural feature so as to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic district or the structure in question or which could lead to a claim that demolition is necessary for public safety. This basic maintenance requirement applies to exterior walls and other vertical supports, roof and other horizontal members, exterior chimneys and waterproofing of exterior walls, roofs and foundations, including broken windows and doors.

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ARTICLE V  
Administration

84-13. Conflict with other provisions.

This chapter shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this chapter imposes a higher and/or stricter standard, the provisions of this chapter shall prevail.

84-14. Violations and penalties; enforcement.

A. Violations. A person violating any provision of this chapter shall be guilty of a civil violation and shall be punished by a fine of not less than one hundred dollars (\$100). Each day that a violation continues shall be deemed a separate offense. All penalties collected hereto shall inure to the Town of South Berwick.

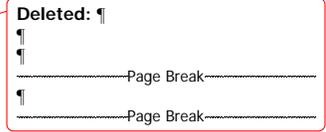
B. Additional remedies. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer finds that any provision of this chapter is being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this chapter to ensure compliance with or to prevent violation of it's provisions.

Appendix A-1

List of properties included in the South Berwick Village Center Historic District

Map and Lot designations refer to the 1999 South Berwick Assessors Maps

Map 28	Lot 5
Map 28	Lot 6
Map 28	Lot 7
Map 28	Lot 9
Map 28	Lot 10
Map 28	Lot 10A
Map 28	Lot 11
Map 28	Lot 12
Map 28	Lot 13
Map 28	Lot 14
Map 28	Lot 15
Map 28	Lot 78
Map 28	Lot 78A
Map 28	Lot 141
Map 28	Lot 142
Map 28	Lot 165
Map 28	Lot 166
Map 28	Lot 167
Map 28	Lot 168
Map 28	Lot 169



List of properties included in the Liberty Street Historic District

Map and Lot designations refer to the 1999 South Berwick Assessors Maps

Map 23	Lot 7A
Map 23	Lot 7B-1
Map 23	Lot 7B-2
Map 23	Lot 7B-3
Map 23	Lot 7B-4
Map 23	Lot 7B-5
Map 23	Lot 8
Map 23	Lot 9
Map 23	Lot 10
Map 25	Lot 1
Map 25	Lot 4
Map 25	Lot 30
Map 25	Lot 31
Map 25	Lot 44
Map 25	Lot 45
Map 25	Lot 46
Map 25	Lot 47
Map 25	Lot 48

Appendix C-1

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Property included in the Conway Railroad Turntable Historic District is described in the Lease Agreement by the Maine Department of Transportation and the Town of South Berwick, dated April 12, 1988. Designated as Parcel No. V4.1-1A and a portion of Parcel No. 4.1.1 as indicated on the boundary survey.



**SOUTH BERWICK  
BOARD OF ASSESSORS  
AUGUST 10, 2009**

Senior member Michelle Kareckas called the meeting to order at 6:04pm. Councilors present included David Burke and Gerald W. MacPherson, Sr. Town Manager John B. Schempf and Assessing Agent Craig Skelton were also in attendance. Jean Demetracopoulos arrived at approximately 6:10pm.

The Board discussed setting the tax rate and commitment. Value adjustments were made for deed changes, new construction, and alterations for an increase in value of \$902,867 over fiscal year 2009. The proposed rate of \$15.20 includes an increase of \$.11 for the town and \$.21 for the schools and county.

-Richard Clough, Academy St, stated that the rate should remain at \$14.90. This would still allow for an addition of \$194,000 to the undesignated fund if not used for abatements.

-Eric Pelchat, Front St, stated that the potential loss of excise tax revenues (with the upcoming November vote) may have a significant impact on the budget and taxes.

-Richard Young, Tamarack Dr, stated that jobs are harder to find and a tax increase can not be absorbed by many residents.

-Norma Tutelian, Butler St, stated that the tax rate does not need to be increased. She also expressed her displeasure at the starting time of the meeting; 6:00pm is too early.

-Mr. Burke stated that he is in favor of the Assessing Agent's recommendation. He added that there is the potential for numerous abatement requests. Mr. Burke also stated that he believes the undesignated fund should be around \$2 million.

-Mrs. Kareckas made a motion to set the tax rate at 15.20/1000 of valuation for fiscal year 2010. Mr. Macpherson seconded the motion.

-Mrs. Demetracopoulos stated that auditors recommend that our minimum undesignated fund be at least 1 month of expenses plus 10% of the commitment that would be \$1,980,000; or 3 months of expenditures which would be \$2,400,000. The undesignated fund has been depleted to an unhealthy point. And, we are required to make school payments of over \$500,000 per month.

-Mr. MacPherson stated that by putting a little more in the surplus now may soften the blow if the excise tax referendum is passed in November.

The original motion to set the fiscal year 2010 tax rate at \$15.20 per \$1000 of valuation passed unanimously.

The meeting adjourned at 6:17pm.

Attest:

Barbara Bennett, CCM  
Town Clerk



**SOUTH BERWICK TOWN COUNCIL  
PUBLIC HEARING  
CHARTER AMENDMENT ORDINANCE  
AUGUST 10, 2009**

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

The purpose of the hearing was to receive public comment on the proposed amendments to the Town Charter. Mrs. Demetracopoulos read the sections proposed for amendments. They include Article II §4, 5, and 9, Article III §2, Article IV §7 & 8, Article V §2, Article VI §5, and Article IX §4.

-Albert Roberge, Butler St, asked who suggested the changes. Mrs. Demetracopoulos stated that the Manager is recommending the changes, and legal counsel has reviewed them. (Later in the hearing) Mr. Roberge stated that there are also two quasi-municipal entities in town and they have functioned for over 40 years without a vice-chairman.

Richard Clough, Academy St:

-Stated that the Council adopted the Administrative Code and Robert's Rules at their November 2008 meeting. Therefore, proper parliamentary procedure and terminology should be followed. The changes regarding the terminology used for the Chairman may be legal but are unnecessary.

-Questioned changes being made to Art III §2, deleting the language that states the manager can be removed in accordance to the provisions of the Maine statutes. Mrs. Demetracopoulos stated that per the attorney the change is being made to reflect current practice.

-Questioned changes being made to Art IV §8. Expressed his concern that warrant articles will be lumped to include numerous departments together, making it difficult for voters to make cuts where they feel necessary.

-Questioned changes being made to Art IX §4. Mrs. Demetracopoulos stated that the change is proposed to clarify that the manager is the hiring/firing authority and not the council.

-Eric Pelchat, Front St, expressed his concerns with the proposed changes especially regarding the movement of money within a warrant article and the establishment of a vice-chair. Mr. Pelchat asked what happens if both the Chairman and Vice-Chairman are unavailable. Mr. Pelchat added that any legal opinion obtained should be in writing.

-Suzanne Roberge, Berwick Rd, stated that there should have been a charter commission established to review and make suggestions for change. Suggesting that some serious changes be made because of the recommendations of one person, holding one workshop, and then the public hearing is "a dangerous path for this council and this manager to head down". Ms. Roberge also questioned the cost of the 'changes' and whether it had been considered.

-Audrey Fortier, Rodier Rd, commented that most people don't know or understand what the transfer of appropriations means. She added that there has been a call for more transparency and this doesn't do it.

-Richard Young, Tamarack Dr, stated that instead of making the charter conform to current practices, the practices should be changed to follow the charter. Mr. MacPherson stated that in his past experiences funds have been moved even though it's not in the charter.

-Mrs. Demetracopoulos and Mr. MacPherson explained that the proposed language does not change how articles are written in the warrant. The practice of lumping various departments into a single warrant article has been the practice for many years.

The hearing was closed at 7:15pm.

Attest:

Barbara Bennett, CCM



**SOUTH BERWICK TOWN COUNCIL  
AUGUST 10, 2009**

Chairman Jean Demetracopoulos called the meeting to order at 7:16pm. Those present included Councilors Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

**APPROVAL OF MINUTES**

1. Town Council 7-27-09: On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.
2. Public Hearing (Shoreland Zoning) 7-27-09: On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to adopt the minutes as written.

**SIGNING OF TREASURER'S WARRANT** – July 13, 2009

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

**REPORTS & CORRESPONDENCE**

1. Comcast representative Bryan Christiansen gave the Council an update on the build-out project. Comcast currently serves 92% of South Berwick. The build-out project is still in the engineering phase and Comcast is still working with CMP and Fairpoint to obtain the necessary permits for using the poles. Mr. Christiansen stated that Comcast is aware that it won't meet the 1 year deadline; adding that they now anticipate completion in February 2010. Areas more accessible will be completed first; areas requiring underground work (& more permitting) will take longer.

Members of the Council expressed their displeasure at the lack of progress and lack of updates from Comcast. Mr. Christiansen agreed to provide a checklist for the project and regular updates. Mr. Christiansen's office address is Comcast, 54 Regional Dr. Concord, NH 03301.

**COUNCIL MEMBER COMMENTS**

1. Mrs. Kareckas:

- Asked that comments not be taken after the last agenda item.
- Confirmed that crisis leadership training is not required.
- Mentioned the Tax & Rent Refund program.
- Mentioned that TABOR is coming back.
- There is a petition circulating to repeal LD 1495. LD 1495 would tax extra services, delete the exemption for mortgage interest, and add or increase numerous other state taxes.
- Stated that she does not have a problem with the charter changes. The charter has been discussed for over a year.

2. Mr. MacPherson:

- Stated that anyone signing the petition should be sure they sign the petition for the correct town. (Village motors has the petition for both South Berwick & Eliot)
- Stated that his choice of words during the public hearing may not have been the most appropriate, when comparing the charter to a personal will. He apologized if it offended anyone. He added that he supports the charter amendments as written.

3. Mr. Burke:

- Stated that he is also collecting signatures on a petition to repeal LD 1495.
- Stated that he doesn't see that the proposed charter changes will substantially impact the way things are being done. He did express his concerns regarding the costs involved. He added that he is on the fence and could be swayed either way.

4. Mrs. Demetracopoulos:

- Stated that she is in favor of the charter changes.
- Attended the recent SAD Board meeting. She stated that it was evident that the SAD Board was not aware of the reconfiguration of the access routes to Central School. Due to the number of questions the Board had about the proposal, they were not ready to make any commitments. It was agreed to hold a joint workshop in the fall to review the project.

Mrs. Demetracopoulos suggested holding the workshop at the Town Hall in the morning so the SAD Board members could see the activity on Main Street.

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

-Mr. Schempf stated that the only thing worse than not having a policy is having one that is not followed. That was the reason for reviewing the charter. Mr. Schempf explained that he has had prior experience working on charter commissions. He also stated that there aren't any substantial changes.

-Listed board and committee openings: 2 alternates for the Board of Assessment Review, 2 seats for Conservation Commission, 1 seat on the Historic District Commission, 5 seats for the new Recreation Committee, and 2 seats for the Zoning Board of Appeals.

### **PUBLIC COMMENT**

1. Suzanne Roberge, Berwick Rd:

-Announced that nomination papers are now available for the 2 council seats & 1 school board seat on the November ballot.

-Asked if the Comprehensive Plan chapter on Fiscal Capacity had been completed. Mrs. Demetracopoulos stated that the goal was to have the Manager direct the Finance Director to have it ready prior to the audit.

-Asked about the Central School connector road as an agenda item. Mrs. Demetracopoulos stated that it would come back after the joint workshop.

-Commented that Councilor Burke should not have seconded a motion or voted to adopt the last minutes because he was not present at the meeting.

2. Laura Leber, SAD Board member:

-Stated that there were several reasons for turning down the request to help fund the connector road at Central School. They included the fact that the access road has nothing to do with education, Eliot voters have had no input, and would feel better if it could be budgeted for.

3. Virginia Jennings, Earls Rd:

-Commented that TABOR is coming back along with the excise tax referendum. She added that she is also passing the same petition to repeal LD 1495.

-Expressed her disappointment that our town taxes going up.

4. Cliff Cleary, Spillane's Hill Rd:

-Stated that starting the meeting at 6:00 makes it difficult for some people to attend.

-Commented that the road to Central School should be a budgeted item.

-Received confirmation that budgeted money not spent on roads last year was left in the roads capital improvement fund.

-Stated that dissolving the EDC was a bad thing to do. He asked where the money in the budget would go. Mrs. Demetracopoulos stated that it would revert to surplus.

5. Richard Young, Tamarack Dr, Stated that according to the Town's Purchasing Policy the Central School connector road project should have gone out to bid.

6. Richard Clough, Academy St:

-Stated that everyone should be concerned with the cost of the proposed charter changes. He added that a charter commission should be established and included in the next budget.

-Expressed his wish that the Assessors would reconsider their vote to increase the tax rate.

He stated that the increase was an atrocity since it was not needed and we are in a recession.

-He went on to comment on a legal opinion received by the Manager from Jeff Herman of the Maine Municipal Association regarding the overlay. Mr. Clough expressed his frustration with the Manager's statement (made at an earlier meeting) that he had a legal opinion when Mr. Herman's letter states "... I am not a lawyer and this is therefore not a legal opinion".

-Commented that the tax relief fund is for excess taxes collected during the fiscal year. Supplemental tax bills and tree growth removal penalties are examples.

7. Albert Roberge, Butler St, commented that the school district says it has no money, but they seem to carry more than \$500,000 over to the next year's budget.

8. Norma Tutelian, Butler St, asked what happens if people don't pay their taxes and the town goes bankrupt. Mr. Schempf stated that he has worked for a bankrupt town and you operate at a deficit, keep taxing, and hope people catch up. He added that South Berwick is not in danger; and this year our foreclosures are down.

9. Eric Pelchat, Front St expressed his disgust at the increase in the tax rate.

10. Audrey Fortier, Rodier Rd:

-Thanked the Council for its aggressive stand on Comcast.

-Stated that a much broader input is necessary for changing the charter.

-Received confirmation that the connector road for Central School could still happen at some time in the future.

-Asked which roads are or were scheduled to be paved. *Info not readily available at meeting.*

### **NEW BUSINESS**

1. On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to accept the Strawberry Festival grant for crosswalk signs in the amount of \$932.00.

2. On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to accept Cliff Cleary's resignation from the Economic Development Committee.

On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to accept Marian "Mimi" Demers' resignation from the Economic Development Committee.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to accept Brad Christo's resignation from the Planning Board.

3. On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to hold a public hearing on Monday, August 24, 2009 at 6:30pm to receive comment on the proposed amendments to the Historic District Ordinance.

### **ADJOURNMENT**

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to adjourn the meeting at 8:17pm.

Attest:

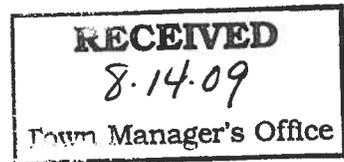
Barbara Bennett, CCM



TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00050153	133050 TREAS,STATE OF MAINE/IV-D	08/24/2009	31.07
00050154	132500 SECRETARY OF STATE M/V	08/24/2009	15,308.05
00050155	133050 TREAS,STATE OF MAINE/IV-D	08/24/2009	27.15
00050156	132500 SECRETARY OF STATE M/V	08/24/2009	6,577.99
00050157	189999 REFUNDS	08/24/2009	200.00
00050158	010300 AETNA	08/24/2009	150.00
00050159	010301 AETNA	08/24/2009	14,946.00
00050160	020790 APPLIED INDUSTRIAL TECH	08/24/2009	5.96
00050161	021095 BARBARA BENNETT	08/24/2009	9.99
00050162	193300 CITIZENS BANK	08/24/2009	20.00
00050163	030725 CITIZENS BANK (CHG)	08/24/2009	160.95
00050164	030920 CLEAN-O-RAMA	08/24/2009	204.79
00050165	031430 COMCAST	08/24/2009	95.00
00050166	031520 COMPUCHILD	08/24/2009	88.00
00050167	031850 COUNSELING SERVICES INC	08/24/2009	261.00
00050168	032002 CTC/ONE COMMUNICATIONS	08/24/2009	1,154.70
00050171	040105 DAYTON SAND & GRAVEL	08/24/2009	1,075.20
00050172	040130 BOB DEARBORN	08/24/2009	100.00
00050173	050202 EASTERN FIRE EQUIPMENT	08/24/2009	115.37
00050174	141000 FAIR POINT COMM	08/24/2009	129.33
00050175	061500 FOSTER'S DAILY DEMOCRAT	08/24/2009	241.50
00050176	010525 G&K SERVICES	08/24/2009	831.36
00050177	071307 GULF/FLEET FUNDING	08/24/2009	1,124.27
00050178	080175 DONALD R HALL INC	08/24/2009	47.00
00050179	080248 HANSCOM'S TRUCK STOP INC	08/24/2009	3,892.09
00050180	022665 C.E. HOLMES CONSTRUCTION	08/24/2009	480.00
00050181	090580 IRVING OIL	08/24/2009	34.29
00050182	100150 JANETOS MARKET	08/24/2009	142.88
00050183	100380 JOHN DEERE LANDSCAPES	08/24/2009	598.64
00050184	100870 KENNEBUNK SAVINGS BANK	08/24/2009	11,170.66
00050185	120350 NORMAND LAUZE	08/24/2009	338.00
00050186	120970 LIBBY SCOTT INC.	08/24/2009	25,523.13
00050187	127000 CORRINE J MAHONY	08/24/2009	875.00
00050188	131660 MAINE ASSN/ASSESSORS	08/24/2009	195.00
00050189	132400 MAINE SAD #35	08/24/2009	1,632.99
00050190	133375 MAINE ENERGY RECOVERY CO.	08/24/2009	2,892.45
00050191	133195 MAINE TURNPIKE AUTHORITY	08/24/2009	63.26
00050192	133358 W.B.MASON	08/24/2009	93.59
00050193	133377 MBOIA	08/24/2009	35.00
00050194	133815 MILLENNIUM GRANITE	08/24/2009	11,250.00
00050195	134300 MAINE MUNICIPAL EMPLOYEES	08/24/2009	4,552.87
00050196	134601 EXXON/MOBIL	08/24/2009	479.49
00050197	141394 NATIONAL TELEPHONE/TECH	08/24/2009	194.80
00050198	140600 NEPTUNE INC	08/24/2009	1,460.65
00050199	140975 NEW ENGLAND WIPER INC	08/24/2009	192.00
00050200	140805 NEW ENGLAND BASIN CLEANERS	08/24/2009	5,400.00
00050201	141080 NEXTEL	08/24/2009	166.76
00050202	141300 NO.BERWICK LUMBER & HARDWARE	08/24/2009	163.31
00050203	141384 NORTHEAST PAGING/UCOM	08/24/2009	24.16
00050204	141400 NORTHERN DATA SYSTEMS INC	08/24/2009	504.07
00050205	141426 NORTRAX/POWERPLAN	08/24/2009	3,116.17
00050206	150282 ROBERTA ORSINI	08/24/2009	74.91
00050207	150788 PARK PRINTERS	08/24/2009	219.00
00050208	160245 TOWN OF PETERBOROUGH	08/24/2009	105.00
00050209	200700 PIKE INDUSTRIES INC	08/24/2009	640.18
00050210	160692 POLAND SPRING	08/24/2009	96.82





## Memorandum

**To:** South Berwick Town Council  
**CC:** South Berwick Town Manager *RA*  
**From:** South Berwick Building Committee  
**Date:** 8/14/2009  
**Re:** PROPOSED SCOPE OF SERVICES  
**Att:** Scope of Services and Fee  
Programming, Community Involvement and Schematic Design  
Renovating St. Michaels Church into the New South Berwick Public Library

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1. The South Berwick Building Committee met on Wednesday, August 13, 2009, in the Library to discuss a draft Scope of Services provided by JCJ Architecture. Via a conference call with Barbara Joslin of JCJ, we suggested some changes to the content. She agreed with the changes and submitted the attached proposal.
2. The Committee forwards this proposal for your review and with a unanimous recommendation for the Council to approve and enter into a contract with JCJ to commence work described in the Scope of Services.
3. The Committee is available to meet with the Council, if necessary, to discuss the proposal.

*David G Stansfield*  
*for*

Building Committee:  
Tom Harmon, Chair  
Brad Christo  
Fred Wildnauer  
Mark Gagnon  
Dave Stansfield

Librarian:  
Maime Ney

**SCOPE OF SERVICES AND FEE** (revised August 13, 2009)  
**PROGRAMMING, COMMUNITY INVOLVMENT AND SCHEMATIC DESIGN**  
**RENOVATING ST. MICHAELS CHURCH INTO THE NEW SOUTH BERWICK PUBLIC LIBRARY**

The purpose of this phase of the work will be to take the information compiled during the feasibility study phase and develop it into a schematic design that will have enough detail and documentation to provide the Town of South Berwick with a CSI formatted cost estimate for the work. The approved concept to be developed further during this work was described as "option b" during the feasibility study, and is comprised of using the main floor of the church for library space, along with a phased plan for a future one story addition, size to be determined, for library use. The basement will not be used as occupied library space. The following scope of work and timeline will be followed:

**1. REVIEW BUILDING PROGRAM AND LIBRARY NEEDS:** **Fee: \$4,425**  
*(Start September 2009 – 4 to 6 weeks work)*

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- A. Meet with South Berwick Public Library Staff/Building Committee to discuss and review previous work completed during the feasibility phase, along with the existing library building program, long range plan and any other work library has done in conjunction with anticipated growth.
- B. Meet with Library Director, Library Staff, and if possible, a group of library users to discuss current and future space needs. Conversation to allow free range of thought. Document meeting results.
- C. JCI to facilitate a public information workshop session held to solicit and understand public needs and thoughts on the program. Notes, photographs from the session to be taken and used to supplement and create a simplified building "program" in chart format based upon previously completed Program, with any changes from above meetings and discussions.
- D. Document all furnishings, types of shelving, and equipment that decisions are based upon. Provide this information as part of Building Program. This will verify that the Interior Design phase incorporates all necessary components to meet the program.

**2. GRANT AND FUNDING ASSISTANCE:** **Fee: \$1,000**  
*(Start September 2009 – concurrent with above work)*

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- A. Compile a list of possible private grants and foundations that may provide financial support to the SBPL.
- B. Research and assist in procuring any available funding through historic preservation grants, sustainable energy/ green incentives, or federal stimulus grants. This to include research on all grant sources as identified on the web site <http://www.maine.gov/msl/libs/grants/index.shtml#foundations>.

**3. CONCEPT DESIGN DEVELOPMENT:**

**Fee: \$ 10,850**

*(Start early November 2009 – 4 to 6 weeks)*

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- A. Develop minimum of three (3) building layout options using the first floor of St Michael's Church (basement to be used for mechanical and building service space only), and potential solutions for the addition.
- B. Review of value of incorporating sustainable design systems and elements with attention to specific areas one option may be more viable than another in regards to payback, funding sources for sustainability with a comparison of life cycle and overall costs. Information to be presented to Committee in format that will allow comparison between types of sustainable features.
- C. Site plans with utility locations as known, parking, driveways indicated.
- D. Develop options for mechanical systems, lighting. Plumbing with general idea of cost impact between options.
- E. JCI and Engineers to meet with Building Committee and library staff to review above information. Presented with necessary accompanying drawings and information to be able to understand each concept. If there are budget impacts from scheme to scheme, these to be presented with each option for discussion.
- F. Committee to recommend / vote on option for JCI Team to move forward in developing.

**4. Schematic Design Drawings, Specifications, Cost Estimate: *(Start January 2010 – 6 to 8 weeks work)***

**Fee: \$33,725**

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- A. Library Floor Plans. These to indicate graphically:
  - Shelving that will support the findings from first phase of work (see Section 1 above).
  - Library furnishings (tables, seating, carrels, etc.) including identification of any reuse of existing furnishings.
  - Special furnishings including custom millwork items (shelving end panels, circulation, reference, and graphics)
  - Ideas and thoughts for integration of signage, graphics and public art into design concept.
  - Integration of mechanical systems, technology components including wireless, RFID, book sorting systems, high density shelving or similar.
- B. Elevations of church and addition as required indicating new work to exterior, with adequate detail to understand design concept.
- C. Develop mechanical, plumbing, electrical, technology and site utilities with enough detail to elicit reasonable schematic phase cost information.

Integrate as necessary any information into architectural drawings.

- D. Schedule / Timeline.
- E. Cost Estimate (construction costs): JCJ to work with professional cost estimator to develop a comprehensive project budget, separated into CSI format specification sections.
- F. Budget – soft costs (library): work with library staff to create an interim budget including operational and overhead costs, integrate this into overall project budget as necessary.
- G. Budget – soft costs: JCJ to work with member of the Building Committee to develop all known soft costs for project. (furnishings, technology, professional fees, bonding, legal fees, etc)
- H. Meet with Building Committee / library staff to review schematic drawings and information above.
- I. If necessary, refine solution to meet needs as determined during meeting. Meet with Library/ Town to present revised solution.
- J. Public information meeting. Invite public to meeting to present solution. Invite comments and document results.

**5. SUPPORTING INFORMATION / SERVICES:**

**Fee – Included in above**

- 
- A. Watercolor rendering of either exterior or interior view of schematic design.
  - B. All drawings from above to be provided at large scale (30 x 42 boards or similar) and mounted on foam core.
  - C. Two sets of presentation boards provided to Town for display at library and town hall for continued community support.
  - D. Assist Building Committee / Library in the development of an informational brochure or mailing for fundraising and obtaining community support.
  - E. Work with Building Committee / Library in preparing one cohesive powerpoint presentation for community workshops, public meetings and referendum approval process.

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**TOTAL FEE: \$ 50,000**

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

<b>Meeting Date: August 24, 2009</b>	<b>Item # UB 1A</b>
<b>Agenda Item: Adopt Charter Amendment Ordinance</b>	
<b>Town Manager's Recommendation</b>	
In order to place the Charter Amendments on the Ballot for the General Election in November, the Ordinance must first be adopted by the Town Council. A public hearing was held on 8/10/09 and posted it in accordance with our Charter requirements.	
<b>Requested Action</b>	
Motion to adopt the Charter Amendment Ordinance.	
<b>Vote</b>	



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

<b>Meeting Date: August 24, 2009</b>	<b>Item # UB 1B</b>
<b>Agenda Item: Order Charter Amendment Referendum</b>	
<b>Town Manager's Recommendation</b>	
<p>Attached are the questions as recommended by the Chris Vaniotis and me. These questions need to be placed in order by the Council. Following your action, staff will create one document for the election, order the ballot and advertise the question.</p> <p>The questions have been placed in this packet in no particular order.</p>	
<b>Requested Action</b>	
<p>Be it hereby Ordered, that the following questions shall be placed on the ballot for the November 3, 2009 municipal election. (Please read the questions aloud and in order.)</p>	
<b>Vote</b>	

Be it hereby Ordered, that the following questions shall be placed on the ballot for the November 3, 2009 municipal election:

Question \_\_\_\_ “Shall the proposed Charter amendment shown below be adopted?”

**Throughout the Charter**

The word “chairman” is replaced with the word “chair” and the word “councilmen” is replaced with the words “council members.”

**EXPLANATION**

This amendment would substitute gender-neutral language for certain terms in the Charter.

Question \_\_\_\_ “Shall the proposed Charter amendment shown below be adopted?”

Language in underscored type is added and language in strikeover type is deleted in the following section of the Charter:

**Article II, Sec. 9.**

**Sec. 9. Chair.** 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 chair for the ensuing year and the council may fill, for an unexpired term, any vacancy in the office of chair that may occur. The chair 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. 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 during such times.

- Deleted: man
- Deleted: man
- Deleted: man
- Deleted: man

- Deleted: In the temporary absence or disability of the chairman,
- Deleted: town
- Deleted: may
- Deleted: man pro tempore, from among its members, and he
- Deleted: exercise the powers of chairman
- Deleted: man

**EXPLANATION**

This amendment would create the position of vice chair of the council, who would carry out the duties of the chair in the chair’s absence.

Question \_\_\_\_ “Shall the proposed Charter amendment shown below be adopted?”

Language in underscored type is added and language in strikeover type is deleted in the following section of the Charter:

**Article IV, Sec. 8.**

**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 budget warrant ~~article, and such transfer shall not require town meeting approval under Article VII, section 2.~~

Deleted: department

**EXPLANATION**

This amendment would clarify the authority of the council to transfer appropriations during the last three months of the budget year.

Question \_\_\_\_ “Shall the proposed Charter amendments shown below be adopted?”

Language in underscored type is added and language in strikeover type is deleted in the following sections of the Charter:

**Article II, Sec. 4.**

**Sec. 4. Compensation.** Council members shall receive such compensation as may be voted by 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.

Deleted: Councilmen

Deleted: \$10 for each council meeting upon attendance not to exceed in the aggregate \$200 per year in full for their services.

Deleted: changed by

Deleted: on

**Article II, Sec. 5.**

**Sec. 5. Induction of council into office.** The town council shall meet at the usual place for holding meetings within 7 days following the regular town election, and at said meeting council members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Deleted: 5

Deleted: councilmen

**Article III, Sec. 2.**

**Sec. 2. Removal.** The town manager may be removed for cause by the council.

Deleted: in accordance with the provisions of the statutes of the State of Maine relating to the removal of a town manager

**Article IV, Sec. 7.**

**Sec. 7. Proposed budget; allotments.** Before the beginning of the budget year, the head of each office, department or agency shall submit to the town manager a proposed budget for the year, which 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 functions and duties of the office, department or agency concerned as described in the Administrative Code and the job descriptions of the employees within the office, department or agency, 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.

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**Article V, Sec. 2.**

**Sec. 2. Board of Assessment Review: appointments and vacancies.** There shall be a board of assessment review to consist of 5 members and 2 alternates who shall be appointed by the town council for a term of 3 years, staggered terms of the members having been established initially. 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. Members of the town council shall not serve on the board of assessment review. Alternates may attend all meetings and participate in proceedings of the board of assessment review, but may vote only when designated by the chair of the board to act for a member who is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chair.

**Deleted:** 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

**Deleted:** 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.

**Article VI, Sec. 5.**

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

**Deleted:** council

**Article IX, Sec. 4.**

~~[Deleted November 3, 2009.]~~

**Deleted: 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.

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**EXPLANATION**

These amendments would address process and procedure, and would update and clarify various provisions, making the language consistent with settled practices and current State law.



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

<b>Meeting Date: August 24, 2009</b>	<b>Item #    UB 1D</b>
<b>Agenda Item: Architectural Services Agreement</b>	
<b>Town Manager's Recommendation</b>	
<p>The Building Committee has unanimously recommended the Town Council move forward with the next steps in the Library process with JCJ Architects. Accordingly, this has been placed on the agenda for action, pending your agreement with the Building Committee's report.</p> <p>Funding for this project is available through the Library Capital Account (0864). Pending final end of year transfers, this account balance is estimated at \$52,625. The Town has committed to another \$3,200 to Community Investments for stimulus assistance, leaving a shortfall of \$575 which we suggest come from the Professional Services line in the Administration Budget (4130-2020).</p>	
<b>Requested Action</b>	
<p>Authorize the Manager to enter into a contract for services with JCJ Architecture. This contract shall not exceed \$50,000 and shall conform to the scope of services dated August 13, 2009.</p>	
<b>Vote</b>	



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

<b>Meeting Date: August 24, 2009</b>	<b>Item #    UB 1D</b>
<b>Agenda Item: Regional Efficiency Grant</b>	
Discussion of Regional Efficiency Grant effort.	
<b>Requested Action</b>	
Authorize the Manager to enter into discussion with other Managers for the consolidation of services, job sharing or other tax saving measures.	
<b>Vote</b>	



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

<b>Meeting Date: August 24, 2009</b>	<b>Item # UB 1E</b>
<b>Agenda Item: Comcast</b>	
Discuss Comcast report.	
<b>Requested Action</b>	
Council wishes	
<b>Vote</b>	



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

<b>Meeting Date: August 24, 2009</b>	<b>Item # NB 1A</b>
<b>Agenda Item: Accept 2009 ATV Enforcement Grant</b>	
<b>Department Head Recommendation: Chief Dana P. Lajoie</b>	
Approval to accept the ATV Enforcement Grant 2009.	
<b>Town Manager's Recommendation</b>	
I recommend the Council accept this grant in the amount of \$1,500 for ATV enforcement. There is no cash match for this grant.	
<b>Requested Action</b>	
Motion to accept the 2009 ATV enforcement Grant in the amount of \$1,500.00.	
<b>Vote</b>	



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES AND WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0041

ROLAND D. MARTIN  
COMMISSIONER

August 13, 2009

Christopher S. Burbank  
South Berwick P.D.  
180 Main St.  
South Berwick, ME 03908

Dear Christopher,

On August 13, 2009, the ATV Enforcement Grant Committee met in Augusta to review the grant applications that had been received prior to July 31, 2009. Forty-four applications were reviewed by the Committee with your application/s being among them.

It is my pleasure to inform you that your grant application has been approved by the ATV Enforcement Grant Committee in the amount of up to \$1,500.00 to fund **ATV law enforcement details in the South Berwick area.** This amount may be smaller than the amount that you had requested due to the fact that we had over \$206,000.00 in requests with only \$60,000.00 available to be awarded by the Committee.

The grant will expire on December 1, 2009. **Please plan on having the Reimbursement Request and Final Report (enclosed) completed and returned to my office no later than December 15, 2009.** Upon receiving your Reimbursement Request and Final Report, the funds expended up to \$1,500.00 will be forwarded to the involved agency/agencies.

Note: Equipment may be purchased with grant funds **only** if a grant **for equipment** has been approved by the Committee.

If you should have any questions, please contact me at 287-4080.

Sincerely,

William F. Allen  
ATV Grant Administrator  
Maine Warden Service



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### **2008 Fall ATV Grant**

With the closing of yet another year, we believe the ATV Grant money received to be a true asset. South Berwick Police patrolled outline areas of South Berwick for a total of 69.5 hours by use of ATV and a 4x4 Truck. We continue to realize less ATV activity but continue to be proactive with the assistance of State funding.

There were a total of 68 Contacts with the majority being positive with no issues or concerns. These contacts would not occur without the use of Grant funding.

The Grant amount total of \$3,560 was used, with fewer overall contacts. This period of 2008 we totaled 68 positive contacts in the areas patrolled. I continue to stress these contacts would not occur without the received funding.

It should be noted that all ATV's were properly registered.

### **2008 Fall ATV Patrol Grant**

4x4 Off-road trucks checked	19
Personal contacts-hiking	1
ATV's stopped and checked	6
Illegal Dumping	1
Criminal Trespass	15
Shooting	10
Hunting	5
Pipeline workers	11
Total people contacted	68

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

<b>Meeting Date: August 24, 2009</b>	<b>Item # NB 2A</b>
<b>Agenda Item: Appoint Planning Board Member</b>	
<b>Town Manager's Recommendation</b>	
<p>The Planning Board has one open seat. Bill Straub, a current alternate to the board has expressed his interest in moving to this position. Mr. Straub is currently the most senior alternate having served the board since October of 2008. I recommend the Council appoint Bill Straub to the open seat on the Planning Board.</p>	
<b>Requested Action</b>	
Motion to appoint Bill Straub with a term to expire in 2011.	
<b>Vote</b>	



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

<b>Meeting Date: August 24, 2009</b>	<b>Item # NB 2B</b>
<b>Agenda Item: Day Property</b>	
<b>Department Head Recommendation: Terry Oliver</b>	
<p>I have obtained an estimate for the removal of asbestos from the Day Property. This is the first step which needs to be taken to dispose of the home on the property. The cost would be approximately \$3,000. That would include state notification 5 days prior to removal, containment at the site, and disposal.</p> <p>Please advise how the Council wishes to proceed.</p>	
<b>Town Manager's Recommendation</b>	
<p>I requested Terry determine the approximate cost to remove the asbestos from this property. I would like to discuss the plans for the site to determine the proper course of action.</p>	
<b>Requested Action</b>	
Council discussion.	
<b>Vote</b>	