

PUBLIC HEARING

THE SOUTH BERWICK MUNICIPAL OFFICERS WILL HOLD A PUBLIC HEARING ON TUESDAY, FEBRUARY 9, 2010 AT 6:30PM TOWN HALL, 180 MAIN ST., TO DETERMINE WHETHER COMCAST HAS CURED ITS DEFAULT IN FAILING TO BUILD-OUT CERTAIN LOCAL AREAS AS REQUIRED WITHIN ARTICLE 3 OF THE FRANCHISE AGREEMENT.

A COPY OF THE FRANCHISE AGREEMENT IS AVAILABLE FOR VIEWING IN THE TOWN CLERK'S OFFICE.

SOUTH BERWICK TOWN COUNCIL JANUARY 26, 2010

Chairman David Burke called the meeting to order at 6:36pm. Those present included Councilors Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. Town Manager John B. Schempf was also in attendance.

APPROVAL OF MINUTES

1. Town Council 1-12-10: On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes after amending them to show that Councilor Kareckas' statement under Council Comments should reflect that the State is looking into floodplain mapping grants not the school.

SIGNING OF TREASURER'S WARRANT – January 26, 2010

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

PUBLIC COMMENT

1. Eric Pelchat, Front St, asked for the status of the Day property market analysis. Mr. Burke stated that we do have it available in the Manager's office. Mr. Burke added that he was disappointed that the land and building value on the analysis only comes to about \$88,000. Mr. Pelchat asked about the location of the new AED. Mr. Schempf stated that it is at the Fire Station. Mr. Pelchat thanked the Council for the funding breakdown on the library. He commented that the spreadsheet is a little hard to follow and asked if there were some way to get something in a clearer format.

2. Richard Clough, Academy St, asked if a budget workshop schedule had been set. Not yet. Mr. Clough also commented that there are errors in the new 'business directory' that should be corrected.

3. Richard Young, Tamarack Dr, asked about a site walk taken by Mrs. Demetracopoulos and Jack Kareckas at the Day property. Mrs. Demetracopoulos stated that Jack had an old map of the area and they were able to find the property boundaries.

4. Ruth Boston, Emery's Bridge, asked for the status of the Balancing Rock. Mr. Schempf stated that the Land Trust is still working with property owners to resolve the boundary issue. He added that the Town has not disbursed any funds yet.

5. Suzanne Roberge, Berwick Rd, asked how the traffic control officer at Powderhouse was being paid. Mr. Schempf stated that the funds would come initially from the Police budget but would later be transferred from the special revenue account for Powderhouse. Ms. Roberge also asked if Powderhouse was a smoke free environment, because she has seen people there smoking. Ms. Roberge went on to comment on the discussion regarding the owner of 25 Academy Street. She stated that the Council and Planning Board need to be careful about making allegations in regard to how the house came down. Ms. Roberge also commented that Councilors need to be more open to listening to the public whether they like what is being said or not. Ms. Roberge commended Mr. Burke for his handling of the Vaughan Fund investments.

REPORTS & CORRESPONDENCE

1. Robin Kerr of the Mt. Agamenticus Coalition gave a brief overview of the Conservation Program. The Mt. Agamenticus region contains over 11,000 acres of conservation land. The Conservation Program works to improve trails and wildlife habitat, improve & standardize signage, and continued public education. Severe weather over the last year created a significant amount of remediation work on the trails. Ms. Kerr stated that there are over 30,000 visitors a year and the number is growing.

2. Elizabeth McKay of the US Census Bureau gave a brief overview of the census and its benefits. The census, among other things, determines how federal funds are distributed and how the seats are apportioned in the House of Representatives. Ms. McKay went on to say that there will be approximately 1500 jobs available in southern Maine. Training & testing are required, and if hired, the rate of pay is \$14.50/hr.

TOWN MANAGER'S REPORT

- The Town Hall will be closed on Tuesday and Wednesday, February 9th and 10th for installation of the new computer server.
- The Town has been awarded a \$200,000 (Brownfield) grant toward remediation issues at the Young Street property. There are a couple of minor issues that need to be worked through prior to August in order for the Town to receive the funds.
- Attended the County budget meeting. The County is proposing a 10% increase in the assessment to the towns. This would equate to an additional \$35,000 from South Berwick.
- Will be attending the York County Advocacy group meeting in Augusta with legislatures on Thursday.
- Made note of a budget concern regarding significant increases in health insurance costs and required contribution increases to the Maine Public Employees Retirement System.
- Has received a letter from the owner of 25 Academy Street stating that he agrees to no occupancies will be allowed until the front of the building is reconstructed to look like what was there before.
- Things have been going well at Powderhouse. The office receives a weekly update.
- Met with the administrative staff of Eliot and Kittery to discuss the possibility of sharing positions and/or services.
- Logging has begun at the Town Forest.
- Made note of the public hearing on February 9th for the Comcast default.

UNFINISHED BUSINESS

1A. The Council discussed upcoming workshops and a tentative schedule. Upcoming workshops will include a review of Town properties, the Youth Center, the Day property, and Powderhouse Hill. Mr. Burke suggested holding a workshop with the Planning Board on February 23rd at 5:00pm. Budget workshops will be scheduled for Tuesdays & Wednesdays as needed.

NEW BUSINESS

1A. Blain Cote, Emergency Management Director, gave a brief overview of the importance of complying with NIMS. He noted that the Town must be NIMS compliant to be eligible for FEMA money. Mr. Cote also stated that training is required and ongoing.

On a motion by Mrs. Demetracopoulos, seconded by Mrs. Kareckas, it was unanimously voted to adopt the National Incident Management System.

1B. The Council discussed the Solid Waste Ordinance; specifically the administration and hauler licensing. Mr. Schempf recommended that the Council consider ordinance changes making the Manager the administrator of the ordinance rather than the municipal officers. Mrs. Demetracopoulos stated that the ordinance did not need to be amended because the Council is authorized to adopt reasonable rules to enforce the ordinance, including the ability to designate the Manager to administer it. She added that it may be easier to administer if we offered multi-year licensing.

Mr. Schempf stated that the ordinance, in regard to hauler licenses, has not been enforced. Known haulers have been contacted with no response. Currently the only licensed hauler in South Berwick is Jayco.

On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to direct the Manager to direct staff to develop a revision to the ordinance for consideration.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to delegate the administration of the Solid Waste Ordinance to the Town Manager.

1C. On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to renew the Solid Waste Hauler License for Jayco. The new license will expire January 31, 2011.

COUNCIL MEMBER COMMENTS

1. Mr. Webster:

-Asked about the trucks parking at the 'gully' on Railroad Ave. Mr. Schempf stated that it is public parking and the trucks are not in violation of any ordinance.

-Asked if the Town has received anything from Comcast since January 8th. No.

2. Mrs. Demetracopoulos:

-Asked if the Town would be getting a copy of the letter Comcast agreed to send out to the residents affected by the build-out. She asked if it were possible to have the Assistant Manager send an email out to those on her list reminding them of the public hearing on February 9th.

3. Mr. Burke:

-Stated that per Helene Cass, SAD Chair, the District is prohibited by law from including the tax rate impact on their warrant articles. Mr. Burke added that Ms. Cass also stated that the District is planning to ask the teachers' union to renegotiate salaries.

4. Mrs. Kareckas:

-Stated that \$15,000 to purchase Powderhouse Hill came from the Vaughan Fund (in response to a comment by Cliff Cleary at a recent meeting).

-In response to comments made by Suzanne Roberge earlier in the meeting, Mrs. Kareckas stated that the public audience is listened to; however, public comments can be repetitive and lengthy and sometimes cause disruption to the meeting.

EXECUTIVE SESSION

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to enter executive session at 8:25pm pursuant to 1MRSA §405.6D to review the draft police union contract.

The following was reported to the Clerk by the Manager:

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to end the executive session at 9:44pm.

ADJOURNMENT

On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to adjourn the meeting at 9:44pm.

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
FEBRUARY 2, 2010**

The Manager reported the following to the Clerk:

Chairman David Burke called the meeting to order at 6:00pm. Those present included Councilors Michelle Kareckas, Gerald W. MacPherson, Sr., and David H. Webster. Town Manager John B. Schempf was also in attendance. Jean Demetracopoulos was not present.

EXECUTIVE SESSION

1. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 6:01pm pursuant to 1MRSA §405.6D to review the police union contract.

On a motion by Mr. Webster, seconded by Mrs. Kareckas, it was unanimously voted to end the executive session at 6:55pm.

ADJOURNMENT

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to adjourn the meeting at 6:55pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00051198	132500 SECRETARY OF STATE M/V	02/09/2010	6,177.15
00051199	133050 TREAS,STATE OF MAINE/IV-D	02/09/2010	25.00
00051200	132500 SECRETARY OF STATE M/V	02/09/2010	7,647.30
00051201	133050 TREAS,STATE OF MAINE/IV-D	02/09/2010	25.00
00051202	010285 ADMIRAL FIRE & SAFETY INC	02/09/2010	188.52
00051203	010300 AETNA	02/09/2010	150.00
00051204	010325 AFFORDABLE OIL	02/09/2010	259.90
00051205	010585 AMAZON	02/09/2010	151.94
00051206	010740 AMERIFLEX CLAIMS ACCOUNT	02/09/2010	948.00
00051207	011250 TREASURER,STATE OF MAINE	02/09/2010	546.00
00051208	020220 CATALINA BAKAS	02/09/2010	65.51
00051209	020225 BAKER & TAYLOR	02/09/2010	1,045.98
00051210	020900 BEAUREGARD EQUIPMENT INC	02/09/2010	302.25
00051211	021200 BERGERON PROTECTIVE CLOTHING	02/09/2010	637.09
00051212	021668 BLOW BROS	02/09/2010	53.38
00051213	022240 GARY BOUCHER	02/09/2010	45.00
00051214	022242 BOUND TREE MED LLC	02/09/2010	236.02
00051215	022503 SHARON BRASSARD	02/09/2010	90.55
00051216	030120 STEPHEN CAMANDA	02/09/2010	725.00
00051217	030530 CENTRAL TIRE CO INC	02/09/2010	122.50
00051218	030510 CENTRAL MAINE POWER	02/09/2010	4,718.95
00051219	030552 CHASE & HAMLYN INC.	02/09/2010	350.00
00051220	193300 CITIZENS BANK	02/09/2010	20.00
00051221	030725 CITIZENS BANK (CHG)	02/09/2010	280.00
00051222	031425 COLONIAL LIFE & ACCIDENT INS.	02/09/2010	1,750.13
00051223	031430 COMCAST	02/09/2010	95.00
00051224	031570 CONSOLIDATED ELECTRICAL	02/09/2010	144.60
00051225	032030 CUMMINS NORTHEAST INC	02/09/2010	499.00
00051226	033900 W.S.DARLEY & CO	02/09/2010	119.79
00051227	040300 DEMCO	02/09/2010	53.20
00051228	040800 DOUCETTE EXCAVATING	02/09/2010	660.00
00051229	050200 EASTERN BEARINGS INC	02/09/2010	194.50
00051230	050815 EMPLOYEE HEALTH & BENEFITS	02/09/2010	579.12
00051231	060260 FASTENAL COMPANY	02/09/2010	106.08
00051232	060300 FAVORITE FOODS INC	02/09/2010	414.22
00051233	060750 FIRE TECH & SAFETY	02/09/2010	179.95
00051234	061500 FOSTER'S DAILY DEMOCRAT	02/09/2010	40.25
00051235	061535 FRIENDS OF THE SO BER SR CNTR	02/09/2010	157.25
00051236	070200 P GAGNON & SON INC	02/09/2010	3,755.08
00051237	070270 GAYLORD BROTHERS	02/09/2010	131.01
00051238	070800 W.W.GRAINGER INC.	02/09/2010	291.88
00051239	071086 GREAT WORKS FAMILY PRACTICE	02/09/2010	50.00
00051240	080248 HANSCOM'S TRUCK STOP INC	02/09/2010	10,393.13
00051241	080650 HIGHSMITH	02/09/2010	70.69
00051242	022665 C.E. HOLMES CONSTRUCTION	02/09/2010	1,300.00
00051243	080998 HOME DEPOT	02/09/2010	267.55
00051244	090120 INLAND FISHERIES & WILDLIFE	02/09/2010	226.00
00051245	090460 INTERSTATE BATTERY/MAINE	02/09/2010	299.85
00051246	090580 IRVING OIL	02/09/2010	22.94
00051247	100185 JENSEN BAIRD GARDNER & HENRY	02/09/2010	896.06
00051248	100200 JEWETT/EASTMAN MEMORIAL COM	02/09/2010	239.00
00051249	100475 JORDAN EQUIPMENT CO	02/09/2010	88.59
00051250	120510 LAWSON PRODUCTS INC.	02/09/2010	949.89
00051251	121100 LIBRARY JOURNAL	02/09/2010	98.99
00051252	127000 CORRINE J MAHONY	02/09/2010	580.00
00051253	132400 MAINE SAD #35	02/09/2010	513,819.94

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00051254	133375 MAINE ENERGY RECOVERY CO.	02/09/2010	4,012.85
00051255	132320 MAINE STATE LIBRARY	02/09/2010	55.00
00051256	133376 LUKE MARTIN	02/09/2010	125.50
00051257	133818 MILLENNIUM ROADS LLC	02/09/2010	2,482.43
00051258	133925 MINUTEMAN TRUCKS INC	02/09/2010	85.76
00051259	134400 MAINE MUNICIPAL ASSOCIATION	02/09/2010	41.50
00051260	134601 EXXON/MOBIL	02/09/2010	94.64
00051261	134665 MONTROSE-SANFORD HYDRAULICS	02/09/2010	209.41
00051262	134900 MORTON SALT	02/09/2010	26,637.19
00051263	140105 NAPA OF SOMERSWORTH	02/09/2010	96.43
00051264	140350 NATIONAL GEOGRAPHIC SOCIETY	02/09/2010	34.00
00051265	141080 NEXTEL	02/09/2010	76.00
00051266	141300 NO.BERWICK LUMBER & HARDWARE	02/09/2010	292.85
00051268	141426 NORTRAX/POWERPLAN	02/09/2010	2,212.22
00051269	150280 ORIENTAL TRADING CO	02/09/2010	222.60
00051270	150740 BILL PAGE	02/09/2010	175.93
00051271	160900 PORTLAND NORTH TRUCK CENTER	02/09/2010	443.30
00051272	161015 PORTLAND STREET SERVICE CENTER	02/09/2010	139.87
00051273	161265 PORTSMOUTH FORD	02/09/2010	433.04
00051274	168500 QUALITY FIRE PROTECTION	02/09/2010	293.00
00051275	180185 RCP LLC	02/09/2010	387.50
00051276	210420 RESERVE ACCOUNT	02/09/2010	1,000.00
00051277	181375 RONALD D HATHORNE	02/09/2010	757.79
00051278	190094 SANEL AUTO PARTS CO	02/09/2010	919.45
00051279	190528 JOHN SCHEMPF	02/09/2010	203.20
00051280	191320 SHERWIN-WILLIAMS	02/09/2010	97.45
00051281	191950 SO BERWICK HOUSE OF PIZZA	02/09/2010	63.75
00051282	192650 SO BERWICK SEWER DISTRICT	02/09/2010	1,348.56
00051283	193410 SO MAINE REGIONAL PLANNING CM	02/09/2010	278.00
00051284	193605 SOUTHWORTH-MILTON, INC	02/09/2010	167.24
00051285	193622 SPRINGER ELECTRICAL SERV INC	02/09/2010	1,458.13
00051286	193640 STAPLES	02/09/2010	568.43
00051287	200545 TERMINIX INTERNATIONAL	02/09/2010	68.00
00051288	200875 TMDE CALIBRATION LAB INC	02/09/2010	375.00
00051289	201150 ANNMARIE TOWNSEND	02/09/2010	51.75
00051290	132850 TREAS.STATE OF ME-LPI	02/09/2010	267.00
00051291	133105 TREASURER OF STATE/C.WPNS	02/09/2010	205.00
00051292	133113 TREASURER OF STATE/ATV	02/09/2010	1,275.00
00051293	133107 TREAS,STATE OF MAINE/DEP	02/09/2010	40.00
00051294	210595 URBAN TREE SERVICE	02/09/2010	1,800.00
00051295	193670 US BANK CORPORATE TRUST	02/09/2010	1,837.50
00051296	210500 UNITED STATES POST OFFICE	02/09/2010	220.00
00051297	230300 WALMART COMMUNITY BRC	02/09/2010	432.56
00051298	230555 F.W.WEBB COMPANY	02/09/2010	25.25
00051299	230915 WHITED TRUCK CENTERS	02/09/2010	263.52
00051300	241255 XEROX CORPORATION	02/09/2010	55.01
00051301	240900 YORK COUNTY REGISTRY OF DEEDS	02/09/2010	13.00
Total Not Prepaid			601,751.89
Total Prepaid			13,874.45
Grand Total			615,626.34

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: February 9, 2010	Agenda Item NB 1A
Subject: Solid Waste Hauler License for Oceanside Rubbish	
Information:	
Oceanside's license expired January 31, 2010. The have requested renewal, completed the application (attached), and have remitted the proper fees.	
Staff Comments/Recommendation:	
Recommend approval.	
Requested Action:	
Motion to renew Oceanside's Solid Waste Hauler License.	
Vote:	

Town of South Berwick
Solid Waste Haulers License Application

Name of Hauler _____

Hauler's Address _____
OCEANSIDE RUBBISH, INC.
P.O. BOX 39
WELLS, ME 04090

Email address: _____

Telephone (207) 646-3230 _____

Vehicle Information:

Plate #	Make	Model	Color	VIN Number	Vehicle Weight
<u>955 860</u>	<u>International</u>	<u>7400</u>	<u>white</u>	<u>1HTWGAAT15J146593</u>	<u>33,560</u>
<u>955 388</u>	<u>Chevy</u>	<u>3500</u>	<u>green</u>	<u>1GCHK34K1SE219033</u>	<u>9,000</u>
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Prepared by (please print) _____

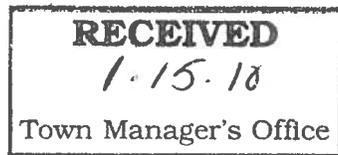
Signature: _____

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 9, 2010	Item # NB 1B
Agenda Item: Police Union Contract	
Town Manager's Recommendation	
In accordance with the Council's wishes, I have negotiated a new Union Agreement with the South Berwick Police Patrol Officers, Sergeants and Dispatchers. It is before you today for adoption.	
Requested Action	
Motion to approve and sign the Police Union Agreement effective July 1, 2009 through June 30, 2012.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 9, 2010	Item # NB 1C
Agenda Item: New MOU	
Department Head Recommendation: Dana Lajoie	
Approval of New Southern Maine Special Response Team Memorandum of Understanding.	
Town Manager's Recommendation	
The Police Department has previously participated with local police agencies with verbal mutual aid agreements. This year the Southern Maine Special Response Team has requested a formal MOU be approved by the legislative body. These arrangements are vital during emergency situations. I encourage the Council to support this MOU.	
Requested Action	
Motion to authorize the Police Chief to sign the MOU with the Southern Maine Special Response Team.	
Vote	



To: John Schempf, Town Manager
From: Chief Dana P. Lajoie 
Date: January 14, 2010
Subject: Southern Maine Required Response Team

I am requesting that we put before the South Berwick Town Council a request to enter into an MOU as required under 20-A MRSA§2674. This law requires Maine Law Enforcement agencies to gain the support of their local Board prior to signing a Mutual Aid Contract.

The listed Town's have met over the past year and organized and trained Officers for support and participation within the Regional team.

The South Berwick Police department has assigned one Officer to participate in this specialty field. Mutual Aid response to other Communities is a necessary component to Public Safety. If you should have any questions, please feel free to inquire.

**Southern Maine Special Response Team
Memorandum of Understanding**

This Memorandum of Understanding (MOU) is entered into by the York County Sheriff's Office, Sanford Police Department, Kennebunk Police Department, York Police Department, Kittery Police Department, Wells Police Department, South Berwick Police Department, and the Kennebunkport Police Department (hereinafter referred to as "Participating Agencies"). The purpose of this MOU is to memorialize the cooperative interaction, training and joint deployment of the Participating Agencies' authorized members and the Southern Maine Special Response Team (hereinafter referred to as the "Team").

Mutual Aid

This agreement shall be considered to be a mutual aid agreement pursuant to 30-A MRSA §2674.

Term of MOU

This MOU will be effective from the date of signing by all Participating Agencies and is to remain in effect until a Participating Agency notifies the other agencies in writing of its intent to withdraw from the Team.

Team Mission

The mission of the Team is the protection and preservation of life and property by utilizing a group of personnel who have received specialized training in tactical response to high-risk incidents. Tactical decisions that are made in these situations shall be guided by the premise that preservation of life is paramount and extends to all persons: victims, hostages, suspects and officers alike.

Team Activation

A call for service that falls within the responsible Participating Agency's guidelines and/or the Standard Operating Procedure for a Team deployment is required for a Team activation. Any exception to this requirement must be made at the designated Team commander level or above.

Requests for activation shall be communicated to the designated command officer for each Participating Agency. It shall be the responsibility of the each Participating Agency to notify its Team personnel/authorized members of the activation.

Team Command

With regard to command of Team activations and call-outs, incident command and tactical command shall be separate and will follow the Participating Agency's Standard Operating Procedure for incident command.

In the event of Team activation, the Chief of Police or Sheriff for the Participating Agency having jurisdiction over the incident location will retain incident command,

while tactical command will be the responsibility of the Team's designated Team commander.

Vehicles and Equipment

It is understood that the Team will share all available equipment, vehicles, materials and resources made available by the Participating Agencies.

All call-outs and activations shall require documentation consistent with Maine state law and Participating Agency Standard Operating Procedure.

Reports and Documentation

It will be the responsibility of the Team to complete an after-action report and to provide a copy to the Chief of Police or Sheriff for each Participating Agency. Any Chief of Police or Sheriff of a Participating Agency may request that the Team complete a report that documents the Team's personnel's positions, assignments and actions during a particular operation.

Worker's Compensation

Each individual Participating Agency agrees to assume any and all Worker's Compensation liability for their employees assigned as members of the SMSRT

Indemnification

Each individual Participating Agency shall defend, indemnify and hold harmless each of the other Team Participating Agencies, and its officers, agents and employees from claims, lawsuits, and liabilities which result from an error, act, or omission of the indemnifying Participating Agency, or its officers, agents, and employees. This obligation to indemnify shall not waive any defense, immunity, or limitation of liability which may be available to the indemnifying Participating Agency and its officers, agents, or employees under the Maine Tort Claims Act pursuant to the provisions of 14 M.R.S.A. § 8101, et seq., or any other privileges or immunities as may be provided by law.

Sheriff Maurice Ouellette, York County Sheriff's Office

Date

Chief Thomas P. Connolly Jr., Sanford Police Department

Date

Chief Robert F. MacKenzie, Kennebunk Police Department

Date

Chief Doug Bracy, York Police Department

Date

Chief Ed Strong, Kittery Police Department

Date

Chief Jo-Ann Putnam, Wells Police Department

Date

Chief Dana Lajoie, South Berwick Police Department

Date

Chief Joseph Bruni, Kennebunkport Police Department

Date

30-A §2674. AID TO OTHER LAW ENFORCEMENT AGENCIES

30-A §2674. AID TO OTHER LAW ENFORCEMENT AGENCIES

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide police officers to assist the requesting municipality. The municipal officers may authorize the chief of police or other designee to provide police officers to assist other municipalities when so requested by a properly authorized chief of police or other designee of the requesting municipality. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

The authorizations of the municipal officers must be accompanied by an agreement between the requesting municipality and the responding municipality that specifies which municipality is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the police officers of the responding municipality in the course of assisting the requesting municipality. [2001, c. 65, §1 (AMD).]

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the police chief of any municipality or the chief's designee may request assistance from or provide assistance to another municipality or law enforcement agency whether or not an agreement between the 2 municipalities or parties exists. Each police department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies. [2001, c. 65, §1 (AMD).]

The police officers of the responding municipality or law enforcement agency have the same authority as police officers within the limits of the requesting municipality, except as to the service of civil process and, when assisting other municipalities, have the same privileges and immunities as when acting within their own jurisdiction. [2001, c. 65, §1 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2, C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8, 10 (AMD). 1999, c. 654, §1 (AMD). 2001, c. 65, §1 (AMD).

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TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 9, 2010	Item # NB 1D
Agenda Item: Resignation from the EEAC	
Town Manager's Recommendation	
Anne Stephenson has resigned from the EEAC effective following the February 11 th meeting date. Anne will no longer be a resident of South Berwick and therefore is unable to serve on this committee.	
Requested Action	
Motion to accept Anne Stephenson's resignation from the EEAC effective February 12 th with regret and thanks for her service to the Town.	
Vote	

2 Railroad Avenue
Apt. 509
South Berwick, ME 03908

February 3, 2010

Chair
South Berwick Town Council
180 Main Street
South Berwick, ME 03908

Dear Mr. Burke,

It is with regret that I leave my post on the South Berwick Energy Efficiency Advisory Committee (SBEEAC). My work takes me north in Maine and I am relocating to Portland at the end of February. The SBEEAC meeting on February 11, 2010 will be my last.

I have enjoyed my time in South Berwick, in no small part to the community activists and committed volunteers like those on the Energy Committee. There are countless people in town who work to make South Berwick a community, and not just a town, and I was glad to make a small contribution to that group effort. Because my professional work relates to the charge of the energy committee, I hope that I can be an advisor as they move forward in their work to save money and energy.

I gave notice to the committee chair, John Rudolph, at our last meeting. He and I have begun to share the vacancy with town residents with an interest in efficiency; I hope that you and John will be receiving applications from possible replacements soon.

Thank you to you and your colleagues for allowing me to serve on the energy committee – it's been a wonderful experience. I regret leaving just as all of the exciting efficiency projects have begun!

Sincerely yours,

A handwritten signature in brown ink on a yellow background. The signature is stylized and appears to read 'AS' followed by a long horizontal stroke.

Annie Stephenson

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 9, 2010	Item # NB 1E
Agenda Item: Addendum to the Fiscal Capacity Chapter of Comp Plan	
Town Manager's Recommendation	
Fern has drafted an addendum to outline the effect LD1 has placed on South Berwick's budget process. It is presented here for your review. If this is acceptable we request the Council adopt the Fiscal Capacity Chapter with this addendum.	
Requested Action	
Motion to adopt the Fiscal Capacity Chapter of the Comprehensive Plan to include the addendum.	
Vote	

Fiscal Capacity Addendum

Effective July 1, 2005 municipal spending is now limited by a new State Law – LD1. The goal of LD1 focuses attention on the year-to-year growth of the property tax commitment that relates only to municipal spending. (The school and county assessments are not included, as well as any TIF payments and overlay.) Increases are allowed in the property tax commitment but any increases are tied to a State growth factor (Total Personal Income) and the Town's individual property growth (assessment). The local legislative body (Town meeting) can authorize overriding the limit by either exceeding the limit (one time only) or increasing the limit (ongoing).

The assumption that the cost of providing municipal services increases in proportion to the rate additional property is created within the Town is the law's basis for the Town portion of the LD1 formula. New value does not include any inflation based valuation increases or revaluations.

The implementation of LD1 has had a definite affect upon the Town's budgeting process. Projected revenues are no longer estimated at a conservative/low level. Initially, transfers from the Undesignated Fund were used to offset increases; the resulting depleted Fund balance, however, has created cash flow issues and currently is not used to supplement the budget. The cost of providing services has increased more rapidly than allowable LD1 increases and overrides to the formula have been presented to voters at Town meeting.

With limited growth within the Town, services and programs will have to be prioritized in order for the property tax commitment to remain within LD1 limits.