

**SOUTH BERWICK TOWN COUNCIL
PUBLIC HEARING
PLANNED GROWTH ORDINANCE
MARCH 9, 2010**

Chairman David Burke opened the hearing at 6:30pm. Councilors present included Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. 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 Planned Growth Ordinance.

Code Enforcement Officer Joe Rousselle explained the ordinance is due for its three year review; and will expire on March 26, 2010 if no action is taken. Amendments include decreasing the number of growth permits issued annually from 44 to 36; 18 permits in a subdivision and 18 not in a subdivision. Three of which are set aside for affordable housing. He is recommending the change in numbers to comply with the State formula which is partially based on prior years.

Richard Clough, Academy St, asked if those in a subdivision with town water/sewer would be given a preference. Mr. Rousselle stated that they would because of the points system used. Mr. Clough also asked if we have ever reached the limit of 44. Mr. Rousselle stated that we have not; recent years have been averaging 20-25 permits.

Jean Demetracopoulos asked if the ordinance can be reviewed and possibly revised prior to the end of the three year period. Yes.

David Burke asked why it was recommended to reduce the number of permits. Mr. Rousselle explained that the change is recommended because of how the State formula works. Mr. Burke commented that it would appear that if more permits were available it might be more attractive for developers. Mr. Rousselle stated that since we have not been **issuing the maximum number of permits it hasn't been an issue.**

The hearing was closed at 6:37pm.

Attest:

Barbara Bennett, CCM

SOUTH BERWICK TOWN COUNCIL MARCH 9, 2010

The meeting was called to order without the Clerk present. The following was reported to the Clerk:

Chairman David Burke called the meeting to order at 5:30pm. 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.

EXECUTIVE SESSION

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 5:31pm, pursuant to 1MRSA § 405.6E, to hold a discussion with legal counsel.

On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to end the executive session at 6:03pm.

2. On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 6:03pm, pursuant to 1MRSA § 405.6E, to hold candidate interviews with prospective board applicants.

On a motion by Mr. Webster, seconded by Mr. MacPherson, it was unanimously voted to end the executive session at 6:25pm.

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to recess the Council meeting to accommodate a scheduled public hearing. The meeting reconvened at 6:38pm with the Clerk present.

APPROVAL OF MINUTES

1. Town Council 2-23-10: On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.

SIGNING OF TREASURER'S WARRANT – March 9, 2010

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

PUBLIC COMMENT

1. Audrey Fortier, Rodier Rd, made note that the light for the flag at the monument needs to be adjusted. Mrs. Fortier also asked about the article in the recent issue of the Quamphegan regarding the Conservation Commission. It was explained that the Conservation Commission was looking for additional volunteers for a committee to develop an open space plan, and that the open space plan is part of the Comprehensive Plan. The master vision committee for the Comprehensive plan has not yet been established.

2. David E. Webster, Tamarack Dr, questioned the transfer station hours and the change that **was proposed in the budget at last June's town meeting. Mr. Schempf** stated that the reduction was accomplished by reducing man hours instead of changing hours. Mr. Webster also made note that the lights at Powderhouse Hill have been left on at night. It was explained that someone may have been there working and that if the lights are turned on in the hut they all go on. **Mr. Webster also asked about the FEMA grant for Emery's Bridge Rd or Earls Rd. Mr. Schempf stated that we did not get the grant because the area didn't qualify to meet FEMA's threshold.**

3. Virginia Jennings, Earls Rd, stated that the ribbon cutting for the new orthodontist's office went very well. She added that the owner expressed his appreciation for the fact that it was easy to open up the business.

4. Richard Clough, Academy St, asked for the status of the Balancing Rock. Mr. Schempf stated that there has been no change.

5. Karen Webster, Tamarack Dr, asked if talks have taken place with York Hospital regarding the use of the ambulance service and questioned whether the ambulance service is mandated to use York Hospital or not. She added that if they are mandating that patients be taken to York rather than a closer hospital, they should have to help defray the cost. Mr. Schempf stated that discussions did take place. There is no mandate to take patients to York Hospital; it is up to the patient first, the physician second.

6. Eric Pelchat, Front St, asked if the Council would consider joining the school bid for fuel. They were able to get a better deal last year than the town.

TOWN MANAGER'S REPORT

-Budget: The Manager recommended that public input be allowed for the first 15 minutes of the budget workshops. Councilor responses:

Mrs. Demetracopoulos – Expressed her concern that allowing input at the workshops will make the public hearing less important and result in a lower turnout.

Mr. Webster – It would be worth trying. Likes the transparency.

Mr. MacPherson – **Stated that he had no problem with the suggestion as long as it doesn't filter into the workshop.**

Mr. Burke – stated that his intent was to open it to the public.

Mr. Schempf went on to say that the proposed budget is \$500,000 more than last year's and still needs work. Major decisions need to be made in regard to using the undesignated fund and making cuts in departments or initiatives. If personnel and the CIP are taken out of the equation, the budget is only \$66,000 over last year. Personnel costs are up about \$194,000 and CIP is up about \$192,000. He also stated that he cannot recommend cutting the road budget by \$100,000, which would be the match for a grant because of the road conditions. He also stated that the Town, for several years, has not been following the Personnel Policy and it either needs to be adhered to or changed. He added that a recent employee survey showed that most employees would rather risk some staff cuts over things such as Cost-of-Living or step increases.

Mr. Schempf added that it may also be necessary to consider tax anticipation notes so the town can pay its expenses, especially to the school.

NEW BUSINESS

1A. On a motion by Mr. Webster, seconded by Mr. MacPherson, it was unanimously voted to hold a public hearing on Tuesday, March 23rd at 6:30pm to receive comment on the proposed amendments to the Traffic Ordinance dealing with weight limits.

1B. On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to hold a public hearing on Tuesday, March 23rd at 6:45pm to receive comment on the proposed implementation of **Tax Increment Financing Districts (TIF's)**.

1C. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to appoint Mark W. Lawrence to the Zoning Board of Appeals as an alternate with a term to expire June 30, 2012.

1D. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to appoint Jeff St. Pierre to the Energy Efficiency Advisory Committee with a term to expire June 30, 2010. The potential for conflict of interest was discussed.

1E. On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to adopt the amendments to the Planned Growth Ordinance as presented with the emergency preamble to be effective April 1, 2010. Mr. Burke expressed his concern with lowering the number of available permits.

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:

-Commented on the Wentworth Fund. The Fund is restricted by allowing withdrawals of interest only. Currently the principal balance is \$27,500, with \$6100 available for use. She recommended investing the interest in a higher paying vehicle or consider using some of it for the Fire Dept. CIP.

2. Mr. MacPherson:

-Stated that the ribbon cutting ceremony for the new orthodontist went very well. The building has been nicely renovated.

3. Mr. Webster:

-Referencing a Sentinel article regarding the Marshwood students that won the State of Maine **competition for "We the People"**, he stated that it was refreshing to see such a student interest in our Constitution and Bill of Rights.

-Referencing a Maine Townsman article, he commended George Gorman for his 40 year commitment to the Fire Department.

4. Mrs. Kareckas:

-Stated that the Fire & CIP budget is over expended.

-Commented that last week's storm proved to be a great example of how the people of South Berwick come together and help each other.

5. Mr. Burke:

-Thanked Blain Cote the Emergency Management Director and everyone involved for their help during the storm. He also thanked the other Councilors for making the time to speak with the Governor who visited the shelter during the storm.

-Announced that the Census requests are on their way. He encouraged everyone to fill them out.

ADJOURNMENT

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 7:38pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00051377	190530 WAYNE SCHOFF	03/23/2010	210.57
00051463	132500 SECRETARY OF STATE M/V	03/23/2010	8,879.75
00051464	209999 TAX REFUNDS	03/23/2010	1,208.40
00051465	189999 REFUNDS	03/23/2010	200.00
00051466	132500 SECRETARY OF STATE M/V	03/23/2010	16,122.73
00051467	189999 REFUNDS	03/23/2010	41.00
00051468	189999 REFUNDS	03/23/2010	41.00
00051469	189999 REFUNDS	03/23/2010	37.00
00051470	010336 AGGREGATE RECYCLING CORP	03/23/2010	1,435.30
00051471	011495 ATLANTIC RECYCLING EQUIP LLC	03/23/2010	58.00
00051472	020220 CATALINA BAKAS	03/23/2010	21.13
00051473	020225 BAKER & TAYLOR	03/23/2010	509.12
00051474	021300 BERNSTEIN SHUR	03/23/2010	8,117.18
00051475	022850 BUSINESS EQUIPMENT UNLIMITED	03/23/2010	1,111.41
00051476	022241 MONA BOULANGER	03/23/2010	572.00
00051477	022300 BOWS AND BALLOONS BY BRINA	03/23/2010	378.07
00051478	022590 WAYNE BRULOTTE	03/23/2010	563.00
00051479	030510 CENTRAL MAINE POWER	03/23/2010	3,639.65
00051480	030900 SANDRA CLARK	03/23/2010	200.00
00051481	030920 CLEAN-O-RAMA	03/23/2010	140.82
00051482	030924 CLEAN HARBORS ENV SERVICES	03/23/2010	1,603.62
00051483	031430 COMCAST	03/23/2010	95.00
00051484	031998 CRT PROCESSING/UNIV RECYCLING	03/23/2010	510.40
00051485	032002 ONE COMMUNICATIONS	03/23/2010	1,119.67
00051487	040105 DAYTON SAND & GRAVEL	03/23/2010	1,626.40
00051488	040500 VICTORIA DESILETS	03/23/2010	50.00
00051489	060100 HOWARD P FAIRFIELD INC	03/23/2010	550.90
00051490	060300 FAVORITE FOODS INC	03/23/2010	76.55
00051491	010525 G&K SERVICES	03/23/2010	766.60
00051492	070274 GC/AAA FENCE COMPANY	03/23/2010	150.00
00051493	070280 GENERAL CODE PUBLISHERS	03/23/2010	1,195.00
00051494	071050 GREAT FALLS CLEANERS	03/23/2010	269.70
00051495	071500 GUNSTOCK GROUP SALES	03/23/2010	666.00
00051496	191330 HANNAFORD'S	03/23/2010	702.57
00051497	080248 HANSCOM'S TRUCK STOP INC	03/23/2010	807.93
00051498	081305 HSE GOULD	03/23/2010	52.71
00051499	087001 IAAO/MAINE CHAPTER	03/23/2010	35.00
00051500	090450 INTERSTATE ALL BATTERY CENTER	03/23/2010	147.63
00051501	090580 IRVING OIL	03/23/2010	87.53
00051502	100150 JANETOS MARKET	03/23/2010	129.29
00051503	100815 EARL KEEN	03/23/2010	75.00
00051504	141367 KONE INC	03/23/2010	175.50
00051505	140500 LABORATORY CORP/AMERICA HOLDIN	03/23/2010	60.10
00051506	120560 LEAVITT & BOUCHER EQUIP	03/23/2010	25.50
00051507	125975 MAD SCIENCE OF MAINE	03/23/2010	960.00
00051508	127000 CORRINE J MAHONY	03/23/2010	840.00
00051509	133375 MAINE ENERGY RECOVERY CO.	03/23/2010	2,962.97
00051510	133195 MAINE TURNPIKE AUTHORITY	03/23/2010	7.95
00051511	133358 W.B.MASON	03/23/2010	857.60
00051512	134300 MAINE MUNICIPAL EMPLOYEES	03/23/2010	4,064.86
00051513	134665 MONTROSE-SANFORD HYDRAULICS	03/23/2010	165.50
00051514	134754 MORIN STEEL INC	03/23/2010	118.00
00051515	140105 NAPA OF SOMERSWORTH	03/23/2010	515.06
00051516	140600 NEPTUNE INC	03/23/2010	1,338.95
00051517	141300 NO.BERWICK LUMBER & HARDWARE	03/23/2010	186.95
00051518	141384 NORTHEAST PAGING/UCOM	03/23/2010	24.89

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00051519	141420 NORTHERN SAFETY CO INC	03/23/2010	149.14
00051520	200700 PIKE INDUSTRIES INC	03/23/2010	1,855.49
00051521	160400 PITNEY BOWES	03/23/2010	138.00
00051522	160692 POLAND SPRING	03/23/2010	126.97
00051523	161015 PORTLAND STREET SERVICE CENTER	03/23/2010	56.25
00051524	161265 PORTSMOUTH FORD	03/23/2010	505.31
00051525	150715 PPL/SMLD	03/23/2010	25.00
00051526	180125 RANSOM ENVIRONMENTAL INC	03/23/2010	807.50
00051527	180185 RCP LLC	03/23/2010	387.50
00051528	180409 JAY REDIMARKER	03/23/2010	79.99
00051529	190094 SANEL AUTO PARTS CO	03/23/2010	1,832.06
00051530	190500 SCANNER MASTER	03/23/2010	160.87
00051531	191320 SHERWIN-WILLIAMS	03/23/2010	77.55
00051532	191900 SO BERWICK EMERGENCY RESCUE	03/23/2010	6,557.14
00051533	193605 SOUTHWORTH-MILTON, INC	03/23/2010	294.77
00051534	193622 SPRINGER ELECTRICAL SERV INC	03/23/2010	476.43
00051535	210400 UNITED STATES POSTAL SERVICE	03/23/2010	1,247.60
00051536	193638 MONA STANKOVICH	03/23/2010	224.99
00051537	194225 SULLIVAN TIRE INC	03/23/2010	659.22
00051538	180250 SYSCO:NORTHERN NEW ENGLAND	03/23/2010	482.00
00051539	201300 TWO-WAY COMMUNICATION SERV INC	03/23/2010	1,295.50
00051540	210783 VALLEY NAT'L GASES - AG&T	03/23/2010	358.19
00051541	211500 VERIZON WIRELESS	03/23/2010	567.29
00051542	230600 DAVID WEBSTER	03/23/2010	50.00
00051543	230915 WHITED TRUCK CENTERS	03/23/2010	292.29
Total Not Prepaid			58,474.06
Total Prepaid			26,740.45
Grand Total			85,214.51

WARRANT NUMBER _____ \$ 85,214.51 DATE 03/18/2010

* * * TREASURER'S WARRANT * * *

THIS IS TO CERTIFY THAT THERE IS DUE AND CHARGEABLE TO THE APPROPRIATIONS LISTED
ABOVE THE SUM SET AGAINST EACH NAME AND YOU ARE DIRECTED TO PAY UNTO THE PARTIES
NAMED IN THIS SCHEDULE.

TOWN COUNCIL:

Piscataqua Tidal Rivers Project

South Berwick Town Council

March 23, 2010

This is a request to the Council by the Great Works Regional Land Trust for a letter of support to include in its application for funding to the Coastal and Estuarine Land Conservation Program (CELCP) run by the National Oceanic and Atmospheric Administration (NOAA) due on March 26th.

Every year CELCP offers an opportunity to apply for funding to protect estuarine (tidal) resources which are critical habitats for fish, migrating birds, recreation, historic sites, and community character. This project proposes to protect three properties along the shoreline of the Piscataqua and Salmon Falls Rivers. Two of the parcels in South Berwick are just north of the Rt 101 bridge. The third is close to the land trust's Simone Savage Wildlife Preserve in Eliot adjacent to the Indian Rivers Campground.



Maçlaras shore front. Eliot.

If successful the project will conserve 30 acres and protect 1,761 feet of shoreline, providing public access, protecting water quality, and preserving historical (Native American and early European settlement) sites. The Great Works Regional Land Trust believes this project will complement the existing natural areas (boat launch, Vaughn Woods, Hamilton House, Counting House Park) on the Maine side along with the 13 protected shorefront properties on the New Hampshire side within 2.5 miles of the project area.



Richardson shorefront, South Berwick, from Route 101 bridge

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: March 23, 2010	Item # NB 1
Agenda Item: Letter of Support	
Town Manager's Recommendation	
The Land Trust is requesting the Town Council sign a letter of support for their application for funding to the Coastal and Estuarine Land Conservation Program as described.	
Requested Action	
Council wishes.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: March 23, 2010	Item # NB 2
Agenda Item: Set Public Hearing for Fiscal Year 2011 Budget	
Town Manager's Recommendation	
<p>In order to make Town Reports available to our residents 2 weeks prior to Town Meeting the Public Hearing on the Council's budget needs to be held on April 13th. This allows for additional workshops if necessary and for the Council to sign the warrant for Town Meeting at the April 27th meeting.</p>	
Requested Action	
Motion to schedule the public hearing for the Fiscal Year 2011 budget on April 13 th at 6:30 pm.	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: March 23, 2010	Agenda Item: NB 3
Subject: Solid Waste Hauler License for Troiano Waste Services Inc.	
Information:	
This would be a new license. The proper fees have been remitted (\$350).	
Staff Comments/Recommendation:	
Recommend approval.	
Requested Action:	
Motion to approve Troiano's Solid Waste Hauler License.	
Vote:	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: March 23, 2010	Agenda Item: NB 4
Subject: Solid Waste Hauler License for BBI Waste Industries.	
Information:	
This would be a new license. The proper fees have been remitted (\$350).	
Staff Comments/Recommendation:	
Recommend approval.	
Requested Action:	
Motion to approve BBI Waste Industries Solid Waste Hauler License.	
Vote:	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: March 23, 2010	Agenda Item: NB 5
Subject: Alewife Harvesting	
Information:	
<p>Each year the Council must take action on the harvesting of Alewives. In the absence of an ordinance, the Council has always voted to close the waters within South Berwick to harvesting for conservation purposes.</p>	
Staff Comments/Recommendation:	
Requested Action:	
<p>Motion and vote to close all waters within South Berwick to Alewife harvesting for the 2010 season for conservation purposes.</p>	
Vote:	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: March 23, 2010	Item # NB 6
Agenda Item: Appointments to Seacoast Energy Initiative (SEI) Steering Committee	
Energy Committee Recommendation:	
<p>The Energy Committee met on March 11th to discuss the request for steering committee members. The committee reached consensus to request the appointment of John Rudolph to the SEI Steering Committee and to appoint George Muller as the alternate.</p>	
Town Manager's Recommendation	
<p>I support the committee's recommendation.</p> <p>Historically South Berwick appoints members for three year terms. I suggest these appointments follow the same procedure with expiration in June to coincide with other appointments.</p>	
Requested Action	
<p>Motion to appoint John Rudolph as the Town's representative to the Seacoast Energy Initiative Steering Committee, term to expire June 30, 2013.</p> <p>Motion to appoint George Muller as the Town's alternate representative to the Seacoast Energy Initiative Steering Committee, term to expire June 30, 2013.</p>	
Vote	

Roberta Orsini

From: John B. Schempf
Sent: Tuesday, March 02, 2010 2:58 PM
To: D. Burke; D. Webster; G. MacPherson; Jean D.; M. Kareckas
Cc: Roberta Orsini
Subject: FW: Appointments to Regional Energy Efficiency Steering Committee
Attachments: "AVG certification".txt

From: Paul Schumacher [mailto:pschumacher@smrpc.org]
Sent: Tuesday, March 02, 2010 2:46 PM
To: Jon Carter; Dan Blanchette (dblanchette@eliotme.org); John B. Schempf; Dwayne Morin (nbtm@gwi.net); 'townmanager@townofogunquit.org'; Robert Yandow (ryandow@yorkmaine.org)
Subject: Appointments to Regional Energy Efficiency Steering Committee

Hi,

Last night, at the first meeting of the Seacoast Energy Initiative (SEI) project since the receipt of the 500k grant from Efficiency Maine the members in attendance felt that the number one priority to get the project rolling was for each town to formally appoint one representative and one alternate each per town to the SEI Steering Committee. The group also felt that the reps should be first recommended by Energy Committees from the members of the towns Energy Committee (Dwayne in North Berwick I guess you'll have to do it your own way) and then appointed to the Steering Committee by the Selectman/Council.

The Steering Committee and their reps will be responsible for a number of things but primarily approving loans for energy efficiency projects, (with the help of the Biddeford/Saco Area EDC) working with the SEI Coordinator (who will be hired by the Steering Committee), to help applicants with loans and other programs funded by other organizations (such as the new incentive programs of Efficiency Maine), work with YCCC on the training initiative and market the program to towns and residents in the region. There are likely other tasks as well.

We would like to have all appointments made by April 1.

If you have any questions please give me a call.

Thanks.

Paul Schumacher
Executive Director
SMRPC
21 Bradeen St., Suite 304
Springvale, Me. 04083
207.324.2952
www.smrpc.org

3/2/2010

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: March 23, 2010	Item # NB 7
Agenda Item: Resignation from Community Development Committee	
Town Manager's Recommendation	
Attached you will find Paul Schumacher's resignation from the Community Development committee.	
Requested Action	
Motion to accept Paul Schumacher's resignation with regret and thanks for his service to the community.	
Vote	

Roberta Orsini

From: Paul Schumacher [pschumacher@smrpc.org]

Sent: Monday, March 15, 2010 3:49 PM

To: John B. Schempf; Roberta Orsini

March 15, 2010

Dear Council Members,

I am writing this to inform you I must unfortunately resign from the Community Development Committee. It came to me a little late, but I now realize that with my own schedule of night meetings in other cities and towns and thus not a lot of time to spend with my family that I cannot devote the time necessary to be a productive member of the Committee.

I appreciated the brief time I had with the Committee and wish them and the town well in their future efforts to support the downtown and promote the positive characteristics of the our wonderful community.

Thanks to you all for appointing me, and to the Committee and its Chair for their continued efforts.

Sincerely,

Paul Schumacher

3/16/2010