

WARRANT
TOWN OF SOUTH BERWICK, MAINE
SPECIAL TOWN MEETING

State of Maine

County of York, ss.

TO: JOSEPH ROUSSELLE, a Resident of South Berwick in the County of York,
State of Maine.

GREETINGS: In the name of the Town of South Berwick, you are required to notify the inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Town Council Chambers in the Town Hall at 180 Main Street in said Town on Tuesday June 29, 2009 at 6:30 p.m., then and there to act on the following articles:

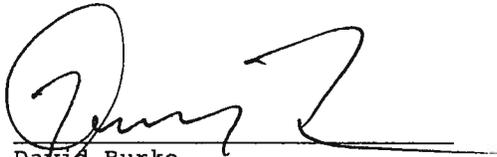
ARTICLE 1. To elect a moderator to preside at said meeting.

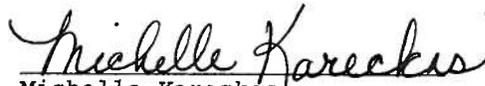
ARTICLE 2. To see what sum the Town will vote to appropriate and expend from the Undesignated General Fund Balance to cover the unexpected overdraft in the Administration budget for 2009/10.

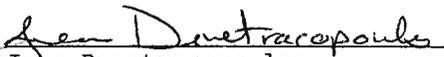
TOWN COUNCIL RECOMMENDS: \$20,000 from Undesignated General Fund.

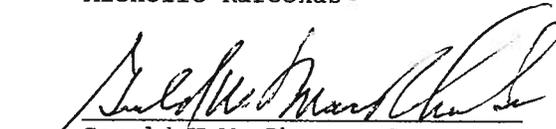
ARTICLE 3. To see if the Town will vote to adjourn the Special Town Meeting.

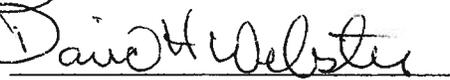
Given under our hands this 15th day of June 2010.


David Burke


Michelle Kareckas


Jean Demetracopoulos


Gerald W MacPherson Sr.


David H. Webster

2010 Legal Fees Overview

Reference	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Totals YTD
25 Academy Street						1,785.32	238.50	1,095.62				3,119.44
Rudolph/Golick ZBA		1,300.44	4,504.44	510.00	153.00	229.50	586.60	265.00	397.50	79.50		8,025.98
Dickson		204.00				1,616.80						1,820.80
CHP												0.00
Nadeau					349.72	149.44						499.16
Harrington		1,237.76		142.90								1,380.66
Roberge/St. Michael's ZBA					1,375.81			595.62	79.50		662.50	2,713.43
25 Witchtrot Road											689.00	689.00
Personnel/Arbitration	718.44	1,367.50	26.40			855.00						2,967.34
Manager/Council-General		205.52		868.32	166.51		89.62	159.00	53.00	266.59	160.32	1,968.88
Citizen Generated		76.50										76.50
Cemeteries	563.50											563.50
Charter Amendment	2,479.04	663.00										3,142.04
Comcast Default			1,867.24	361.93	803.77	763.96	132.10	663.46	218.92		439.15	5,250.53
Brownfields Grant								5,520.20	1,669.50	2,302.42		9,492.12
Library Grant Programmatic										2,095.48	1,695.00	3,790.48
TIFs								347.76	1,419.80	1,347.50		3,115.06
PW & Professional Union									1,106.96	1,772.76	459.00	3,338.72
Budget Bond										1,084.45	365.00	1,449.45
Library Cap. Building Bond										479.18	238.50	717.68
Planning Board/FOAA											265.00	265.00
Monthly Total	3,760.98	5,054.72	6,398.08	1,883.15	2,848.81	5,400.02	1,046.82	8,646.66	4,945.18	9,427.88	4,973.47	54,385.77
Legal Budget Remaining (Original Budget: \$35,000)	31,239.02	26,184.30	19,786.22	17,903.07	15,054.26	9,654.24	8,607.42	-39.24	-4,984.42	-14,412.30	-19,385.77	
Invoices received thru 6-21-2010 for Professional Services through 5-31-10												

**SOUTH BERWICK
BOARD OF ASSESSORS
JUNE 15, 2010**

Chairman David Burke called the meeting to order at 6:30pm. Councilors present included Michelle Kareckas, Jean Demetracopoulos, Gerald W. MacPherson, Sr., and David H. Webster. Assistant Town Manager Roberta Orsini and was also in attendance. Assessing Agent Craig Skelton was not in attendance.

Mr. Burke asked the Board for a motion on the County Assessors Return. On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the Assessors Return.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to adjourn the meeting at 6:32pm.

Attest:

Barbara Bennett, CCM
Town Clerk

SOUTH BERWICK TOWN COUNCIL JUNE 15, 2010

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.

EXECUTIVE SESSION

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to enter executive session at 5:30pm pursuant to 1MRSA §405.6A to discuss a personnel issue.

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

The Assistant Town Manager and Town Clerk were present for the remainder of the meeting.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to recess the meeting at 6:29pm to accommodate a scheduled Board of Assessor meeting.

The Council meeting reconvened at 6:32pm.

APPROVAL OF MINUTES

1. Town Council 5-25-10: On a motion by Mrs. Demetracopoulos, seconded by Mrs. Kareckas, it was unanimously voted to adopt the minutes as written.

2. Special Town Council 6-8-10: 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 – June 15, 2010

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

PUBLIC COMMENT

1. Norma Tutelian, Butler St, made several statements. She referenced a comment made by a councilor at a recent workshop in regard to the Chair allowing too much time for public comment; Mrs. Tutelian stated that the Council was elected to take questions. She also made note that a sign does need to be placed on the sidewalk announcing meetings. Mrs. Tutelian also stated that we are fortunate to have Roberta Orsini; the "town is in trouble".

2. David E. Webster, Tamarack Dr, commented that the Council just adopted minutes with times that do not make sense. Mrs. Kareckas stated that the vote can be reconsidered. Mr. Webster also asked if the Council has considered sending a letter to the DOT showing support **of Kittery's request to have the Memorial Bridge replaced with a vehicular bridge not a pedestrian bridge.**

3. Ruth Boston, Emery's Bridge Rd, raised her concerns on several issues:

-Status of the Balancing Rock. **No changes.**

-Commented that the traffic in the square is horrendous.

-Asked if there was a safety shut off for the trash compactor. **It is believed that there is, but will be checked.**

-Commented that the PAYT bags need drawstrings. **There was a manufacturer quality control issue with the drawstrings.**

-Asked how the Town Reports were distributed. **They are no longer mailed due to the cost.**

-Asked for responses to her email regarding the amount of money spent on the church property thus far.

4. Richard Clough, Academy St, asked if there had been any votes taken as a result of the executive sessions held today and on June 8th. Mr. Burke stated that there had not. Mr. Clough also asked if his complaint of May 25th had been forward **to the Town's Attorney. Mr. Burke** stated that it had not and the Council is reviewing the emails in question. Mr. Clough made reference to the section of the Personnel Policy requiring a timely response to complaints.

He commented that due to the seriousness of the issue the Council is not qualified to determine the legality; it is a matter for the Attorney.

5. Karen Webster, Tamarack Dr, asked if any action had been taken in regard to the banner at the ballfield advertising the 99 Restaurant. Mr. Burke stated that the Code Enforcement Officer has verified that the banner is not a violation of the ordinance. It can go up for 30 days, come down for one, and go up again. Mr. Burke further stated that the little league had spoken with the Town Manager about the banner.

6. Molly Colman, York Woods Rd, stated that she appreciated the leadership from the Council **and the Manager's office over the last year.**

7. David E. Webster, Tamarack Dr, stated that he was not aware of the Manager having the authority to waive ordinances. He added that the party in question should approach the Council for such a request. (Referencing the banner at the ballfield).

8. Bill Page, Wild Rose Ln, asked the Council to consider storing the bark mulch and loan at a different location than next to the Youth Center.

9. Patti Mitchem, Witchtrot Rd, Friend's of the Library, announced the Visionaries Campaign. **The Friend's hope to raise \$100,000 by the end of summer and will be applying for 3 grants in the fall.** Ms. Mitchem also spoke in favor of the proposed bond. She stated that the bond would help to lock in a lower interest rate, speed up construction & lower construction costs, and look better for grant applications.

10. Norma Tutelian, Butler St, asked if we have a Town Manager. She asked if not, why, and if so, how long do we have to pay him. Mr. Burke stated that we do have a Town Manager and we will be paying him through mid July.

11. David E, Webster, Tamarack Dr, stated that he is not speaking for or against a bond for the library, but asked the Council to consider the recent personnel cut and no employee wage increases in the budget when they look at spending.

12. Albert Roberge, Butler St, asked how much has been spent to date for the library. He commented that finances need to be looked at.

13. Bill Page, Wild Rose Ln, asked if the Manager intends to return. Mr. Burke stated that the Council is not saying at this time.

The Council briefly discussed the suggested letter to the DOT regarding the Memorial Bridge. Consensus was to discuss it on the next agenda.

REPORTS & CORRESPONDENCE

1. Randi Dubois letter regarding Great Hill Bridge: see discussion under new business. (A copy of her letter is attached).

TOWN MANAGER'S REPORT

-Assistant Manager Roberta Orsini asked the Council for direction in regard to the proposed bond for the library. She expressed her concerns with placing too many restrictions on the bond. Consensus of the Council was to hold a workshop on Monday, June 21st at 5:00pm followed by a special meeting at 7:00pm to take any necessary action.

UNFINISHED BUSINESS

1. Shoreland Zoning: Several members of the public voiced their opinions in regard to the proposed ordinance, they included John Kareckas of Parent St, David E. Webster of Tamarack Dr, Richard Clough of Academy St, and Audrey Fortier of Rodier Rd.

The Council discussed the drop dead date set by the state (9-1-10), which has been pushed back several times. Concerns regarding inconsistencies within the ordinance and with the current zoning ordinance were expressed by Mrs. Demetracopoulos. Mr. MacPherson stated that some changes need more explanation. Mr. Burke stated that the Planning Board has spent extensive time on the issue. Consensus was to hold a workshop to review the ordinance and invite the Planning Board to participate if they chose.

NEW BUSINESS

1. Special Town Meeting: A brief discussion regarding the amount of legal expenses incurred over the last year took place. Richard Clough of Academy St, Virginia Jennings of Earls Rd, and Albert Roberge of Butler St all expressed their concerns.

On a motion by Mrs. Kareckas, seconded by Mr. Webster, it was unanimously voted to sign the warrant calling for the special town meeting on June 29th.

2. On a motion by Mr. Webster, seconded by Mrs. Kareckas, it was unanimously voted to approve the renewal of The Links at Outlook liquor license and special amusement permit.

3. On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to **approve the renewal of Pepperland Café's liquor license and special amusement permit.**

4. The Council discussed the reconstruction of the Great Hill Bridge. Randi Dubois, Great Hill Rd, expressed her concerns regarding the scope of the project. John Kareckas of Parent St, Richard Clough of Academy St, Ed Dubois of Great Hill Rd, Norm & Audrey Fortier of Rodier Rd, and David E. Webster of Tamarack Dr all participated in the discussion. The appropriateness of the proposed bridge, posting a speed limit, recreational uses of the area, and private property encroachment were all discussed.

On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to authorize the Assistant Town Manager to send a letter to the MDOT requesting expedited traffic speed evaluation and a speed posting request of 25mph.

On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to reconsider the acceptance of the minutes of the special council meeting of June 8, 2010.

On a motion by Mrs. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to correct the minutes of the special meeting on June 8, 2010 **to read** "On a motion by Mr. Webster, seconded by Mr. MacPherson, it was unanimously voted to end the executive session **at 7:55pm**".

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:

-Commented that the Council does not have the authority to override or issue variances to ordinances. [Referring to a public comment made earlier in the meeting.]

2. Mr. Webster:

-Commented on the request from the Fire Chief regarding the sale of the old jeep. Mr. Webster **stated that he would like to see it handled by the Town Manager's office using a sealed bid process.** Mrs. Demetracopoulos mentioned that other vehicles or equipment could be sold. She also asked that all maintenance records be available for bidders to review.

-Received consensus for the Town to send a letter to the DOT expressing its appreciation for how well the project went for the Route 236 Bridge reconstruction.

3. Mr. Burke:

-Thanked Councilor Kareckas and the others involved for their continued efforts in getting the flags out on holidays.

-Thanked Jen Houghton, Cynthia Gagnon, and Kris Bisson for their efforts on making Kids Day a great success.

-Received a consensus authorizing the Chair to work with the Assistant Manager to move forward on hiring a Planning Board Assistant.

ADJOURNMENT

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

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
JUNE 21, 2010**

Chairman David Burke called the meeting to order at 7:00pm. Those present included Jean Demetracopoulos, Gerald W. MacPherson, Sr. and David H. Webster. Assistant Town Manager Roberta Orsini was also in attendance. Councilor Michelle Kareckas was not present.

NEW BUSINESS

1. The Council met to discuss and take any necessary action on the proposed bond for funding the library.

-Norma Tutelian, Butler St, asked what will happen if the bond is approved but the Friend's of the Library don't raise enough money. Mr. Burke stated that the bond would cover 75% of the cost. The Friends' fundraising would cover 'soft costs' such as the interior of the building, furniture, shelving, etc. Mrs. Tutelian also asked if the cost of running the new building has been considered. Mr. Burke stated that there is no need for additional staff; however increases in electricity, water, and sewer are expected.

-Eric Pelchat, Front St, cautioned the Council to be responsible in regard to bonding for the library. He added that once a bond is issued it never really goes away; the bond payment somehow becomes part of the total budget even after it is paid off, so taxes don't go down. He stated that we may want something done, but can we afford it. Mr. Pelchat also expressed his frustration at a comment made during the workshop that "It's a wonderful thing for everyone's taxes to be raised". If people donate, that's a choice; if taxes are raised, that's not a choice.

-Audrey Fortier, Rodier Rd, thanked the Council for asking the same questions (during the workshop) that many residents have been asking. She stated that she was offended that someone would say 'we should have this specific library, and you should have to pay for it whether you want to or not'. Mrs. Fortier also stated that we have to look at what we can afford. She added that there is more than one point of view regarding the library.

-Al Whitaker, Brookwood Dr, asked if there is less money would it mean the project stalls or just gets scaled back. Mr. Burke stated that the numbers have not changed, but his personal perspective in regard to supporting or not supporting the bond has changed. Mrs. Demetracopoulos stated that bonding allows the future users to share in the expense. She added that fundraising is leveraged by creating the need. Mrs. Demetracopoulos added that we should bond for the essentials.

-Molly Colman, York Woods Rd, stated that she is confident that the Friend's of the Library will raise whatever needs to be raised. She added that the project as a whole is a public and private partnership.

-Amy Bevan, Academy St, stated that the library would provide more opportunities for community groups to come together and meet. She added that it will add to the value of our community.

-Mrs. Demetracopoulos expressed her concern that if the bond is structured with an amount not to exceed and an interest rate not to exceed, rising interest rates could mean having to make downward adjustments. She suggested basing it on an annual payment amount. Mrs. Orsini explained that if too many caveats are placed on the bond we may not be able to bond for the amount of money we want. Mrs. Orsini stated that the focus should be on the amount of the bond and a maximum interest rate.

-Mr. Webster stated that Councilor Kareckas left her notes and he felt obligated to read them. They include bonding for an amount not to exceed \$1.5 million (payments & interest), for renovations and additions to structural, mechanical, and electrical. She is also willing to help raise funds through the Vaughan Fund and use the Day property as collateral.

-David H. Webster made a motion to pursue a \$1,650,000 bond for a term of 25 years with an interest rate not to exceed 4%. Mrs. Demetracopoulos seconded the motion.

-Mr. Webster stated that we have been working on the library for over 10 years; it's time to let the taxpayers decide.

-Mr. MacPherson stated that he is ready to move forward. He later commented that whether the building was meant to be used as the library or not we would still have to pay to upgrade the property before any use.

-Mr. Burke stated that he believes the library is a valuable asset to the community. However, he stated that private funds must come in and he is not convinced yet that that will happen. Mr. Burke added that taxpayers are already in for about \$1,000,000. Mr. Burke asked Friend's of the Library Chair Patti Mitchem how much has been raised so far. Ms. Mitchem stated that nothing has been collected, but there have been pledges made. (No amount given)

The motion to pursue a \$1,650,000 bond for a term of 25 years with an interest rate not to exceed 4% passed unanimously.

ADJOURNMENT

On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to adjourn the meeting at 7:47pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00052025	140532 NCO FINANCIAL SYSTEMS INC	06/29/2010	17.47
00052026	087001 IAAO/MAINE CHAPTER	06/29/2010	35.00
00052027	132500 SECRETARY OF STATE M/V	06/29/2010	2,389.00
00052028	140532 NCO FINANCIAL SYSTEMS INC	06/29/2010	28.77
00052029	132525 SECRETARY OF STATE	06/29/2010	16,701.04
00052030	010525 G&K SERVICES	06/24/2010	885.94
00052031	010585 AMAZON	06/24/2010	179.58
00052032	011300 APPLE BOOKS	06/24/2010	1,431.62
00052033	011340 ARNCHEM INTERNATIONAL CORP	06/24/2010	99.95
00052034	011495 ATLANTIC RECYCLING EQUIP LLC	06/24/2010	166.00
00052035	020225 BAKER & TAYLOR	06/24/2010	73.07
00052036	021095 BARBARA BENNETT	06/24/2010	50.00
00052037	021300 BERNSTEIN SHUR	06/24/2010	4,539.12
00052038	021580 BIT O'GREEN LANDSCAPING LLC	06/24/2010	905.00
00052039	021668 BLOW BROS	06/24/2010	53.65
00052040	021800 BOB'S TROPHIES & AWARDS	06/24/2010	541.50
00052041	022300 BOWS AND BALLOONS BY BRINA	06/24/2010	115.00
00052042	022503 SHARON BRASSARD	06/24/2010	18.29
00052043	022850 BUSINESS EQUIPMENT UNLIMITED	06/24/2010	637.00
00052044	030010 C C POLARIS & COUNTRY CABINS	06/24/2010	338.42
00052045	030510 CENTRAL MAINE POWER	06/24/2010	1,858.31
00052046	030725 CITIZENS BANK (CHG)	06/24/2010	150.00
00052047	030920 CLEAN-O-RAMA	06/24/2010	371.22
00052048	031430 COMCAST	06/24/2010	95.00
00052049	031579 CONSTELLATION NEW ENERGY	06/24/2010	1,447.88
00052050	032002 ONE COMMUNICATIONS	06/24/2010	1,108.02
00052052	040105 DAYTON SAND & GRAVEL	06/24/2010	740.80
00052053	040500 VICTORIA DESILETS	06/24/2010	153.00
00052054	050785 ELIMINATOR INC	06/24/2010	464.00
00052055	070210 GALL'S INC	06/24/2010	627.62
00052056	070215 GAMMA SPORTS	06/24/2010	184.37
00052057	070385 WIB GOINS	06/24/2010	128.94
00052058	070600 GEORGE GORMAN	06/24/2010	61.87
00052059	071086 GREAT WORKS FAMILY PRACTICE	06/24/2010	50.00
00052060	080239 SUNRISE PRINTING	06/24/2010	79.00
00052061	080450 HARVARD PILGRIM HEALTH CARE	06/24/2010	21,241.42
00052062	080500 BEVERLY HASTY	06/24/2010	71.30
00052063	080518 HAYDEE'S PEST FREE MGMT	06/24/2010	45.00
00052064	081250 HOSPICE OF YORK	06/24/2010	60.00
00052065	090460 INTERSTATE BATTERY/MAINE	06/24/2010	393.80
00052066	090580 IRVING OIL	06/24/2010	39.12
00052067	100003 J AND P CUSTOM APPAREL	06/24/2010	2,900.00
00052068	100150 JANETOS MARKET	06/24/2010	113.44
00052069	100317 REBECCA JOHNSON	06/24/2010	53.10
00052070	120970 LIBBY SCOTT INC.	06/24/2010	4,104.24
00052071	122210 THE LUNCH BOX	06/24/2010	51.99
00052072	124618 KATHERINE A MACDONALD	06/24/2010	634.60
00052073	127000 CORRINE J MAHONY	06/24/2010	960.00
00052074	130670 MAINE RESOURCE/RECOVERY	06/24/2010	431.00
00052075	132320 MAINE STATE LIBRARY	06/24/2010	160.50
00052076	132500 SECRETARY OF STATE M/V	06/24/2010	10,723.25
00052077	133107 TREAS,STATE OF MAINE/DEP	06/24/2010	132.00
00052078	133113 TREASURER OF STATE/ATV	06/24/2010	1,615.00
00052079	133195 MAINE TURNPIKE AUTHORITY	06/24/2010	16.95
00052080	133225 MAINELY PRINTING	06/24/2010	91.50
00052081	133375 MAINE ENERGY RECOVERY CO.	06/24/2010	2,869.64

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00052082	133925 MINUTEMAN TRUCKS INC	06/24/2010	24.74
00052083	133930 CHARLES MITCHELL	06/24/2010	670.00
00052084	134300 MAINE MUNICIPAL EMPLOYEES	06/24/2010	3,922.98
00052085	134400 MAINE MUNICIPAL ASSOCIATION	06/24/2010	41.50
00052086	134601 EXXON/MOBIL	06/24/2010	340.89
00052087	134665 MONTROSE-SANFORD HYDRAULICS	06/24/2010	52.92
00052088	140600 NEPTUNE INC	06/24/2010	172.40
00052089	140792 NATIONWIDE RECOVERY SYSTEMS	06/24/2010	35.12
00052090	140950 NEW ENGLAND STATE POLICE	06/24/2010	140.00
00052091	141080 NEXTEL	06/24/2010	18.75
00052092	141215 MAMIE ANTHOINE NEY	06/24/2010	157.71
00052093	141300 NO.BERWICK LUMBER & HARDWARE	06/24/2010	158.79
00052094	150035 MIKE O'BYRNE	06/24/2010	150.00
00052095	160250 PHILBRICKS SPORTS CENTER	06/24/2010	809.70
00052096	160400 PITNEY BOWES	06/24/2010	138.00
00052097	163495 PURCHASE ADVANTAGE	06/24/2010	93.65
00052098	180135 DELUXE FOR BUSINESS	06/24/2010	116.94
00052099	180185 RCP LLC	06/24/2010	387.50
00052100	180429 WILLIAM REICHERT	06/24/2010	35.00
00052101	180477 RICE'S AUTOMOTIVE CENTER	06/24/2010	215.95
00052102	181050 DENNIS ROBILLARD	06/24/2010	600.00
00052103	190030 SACO BOUND OUTDOORS	06/24/2010	135.00
00052104	190532 RACHEL ZOLL SCHUMACHER	06/24/2010	250.00
00052105	191330 HANNAFORD'S	06/24/2010	18.70
00052106	191533 CRAIG SKELTON	06/24/2010	190.50
00052107	191900 SO BERWICK EMERGENCY RESCUE	06/24/2010	5,716.47
00052108	193635 HEATHER STANLEY	06/24/2010	46.60
00052109	193640 STAPLES	06/24/2010	78.97
00052110	200545 TERMINIX INTERNATIONAL	06/24/2010	68.00
00052111	200680 TIGER DIRECT	06/24/2010	176.92
00052112	200700 PIKE INDUSTRIES INC	06/24/2010	461.86
00052113	201238 TRI-CITY TOOL CRIB	06/24/2010	13.44
00052114	201300 TWO-WAY COMMUNICATION SERV INC	06/24/2010	16,556.86
00052115	210542 UNIVERSITY PRODUCTS, INC	06/24/2010	57.65
00052116	220280 VISITING NURSE SERVICE	06/24/2010	1,200.00
00052117	230300 WALMART COMMUNITY BRC	06/24/2010	265.98
00052118	230629 WEEKLY SENTINEL	06/24/2010	60.00
00052119	240900 YORK COUNTY REGISTRY OF DEEDS	06/24/2010	97.81
00052120	241102 YORK HOSPITAL	06/24/2010	250.00
Total Not Prepaid			98,189.32
Total Prepaid			19,171.28
Grand Total			117,360.60

June 23, 2010

The South Berwick Town Council
180 Main Street
South Berwick, Me 03908

Re: Kittery Bridges

Greetings,

Motor vehicle traffic capability on the Veteran's Memorial and Sarah Mildred Long bridges over the Piscataqua between Kittery and Portsmouth, NH, must be seen as a local, state, and national issue. As an unenrolled independent candidate for Maine House District 151, I am making an outright non-partisan plea, seeking your support to retain these aortic arteries that fuel the heart of Maine's economy.

Volumes of detail have been publicized since Maine's 2008 commitment to a \$55M refurbishment of Memorial was withdrawn. A \$2M At \$4M and growing) NH-Maine study now delayed until fall, after considering 27 options, has three apparent top solutions, all maintaining motor vehicle capability on both bridges.

Now MDOT, despite the original Maine promise to abide the study recommendations, has self-generated its own well-after-the-start solution that would change Memorial to pedestrian/bicycle only to be paid for by Kittery and Portsmouth, with a "hybrid" replacement for Long, in total contradiction to that study. Surely a penny-wise pound-foolish approach that all evidence suggests would destroy the historical character of our community for no good reason; damage the local economy immeasurably and likely irrevocably; and, deconstruct our seacoast area tourism industry unequivocally.

MDOT, seems also to be non-supporting a second round TIGER grant application due by July 15, invited by Congressional support and clearly supported by the USDOT (the first was one of 166 downselects out of 1,456; not one of the final 51 awards), that stands to be lost, unconscionably without action. There is no hope of a jackpot if the bet is never placed.

Best value must not be simply the lowest sticker price, but that which would bring the greatest return. Because cardiac surgeons do not substitute lesser components and expect fully functional arterials, I can only see any of the latest leading study alternatives as a best approach.

This question needs to be taken from single-focus bureaucrats and put into the hands of pragmatic visionaries. Those who see an economically realistic whole much greater than DOT's one small part, to sustain a future we all need.

November 2nd is too late for action. Please give your solidest support to this vital issue now, because it is the best and rightest thing to do. Sincere thanks in advance for your efforts.

With warmest regard and fond wish for the brightest future we all may build,

GARY BEERS

54 Lewis Road, Kittery

e-mail: beers.for.151@gmail.com cell: (207) 451-0747

SENT TO:

Senator Olympia Snowe	Dean P. Scontras
Senator Susan Collins	Jason J. Levesque
Representative Michael Michaud	Paul R. LePage
Representative Chellie Pingree	Eliot Cutler
Gov. John E. Baldacci	Shawn Moody
Senator Elizabeth H. Mitchell	Kevin Scott
Senator Peter B. Bowman	Michael L. Estes
Senator Richard A. Nass	Richard J. Burns
Representative Hannah M. Pingree	Ronald F. Collins
Representative Dawn Hill	Roberta B. Beavers
Representative Walter A. Wheeler, Sr.	Ellen M. Lemire
Representative Windol C. Weaver	Michael F. Score
Representative Sarah Lewin	Bradley S. Moulton
Representative Kathleen D. Chase	Phyllis Giordano
Representative Mark Eves	

MUNICIPAL OFFICERS / TOWN MANAGERS-ADMINISTRATORS:

KITTERY: Judy Spiller, George Dow, Jeff Thomson, Frank Dennett, Jeff Pelletier, Jeff Brake / Jon Carter

YORK: Michael Estes, Edward Little, Catherine Goodwin, Tracy Jackson-McCarty, Mary Andrews / Robert G. Yandow

OGUNQUIT: Graham Simonds, Michael Score, Phillip Cavaretta, Donald Tramuto, Jackie Bevins / Thomas Fortier

WELLS: Richard Clark, Karl Ekstedt, Christopher Chase, Robert Foley, Jim Spiller / Jane E. Duncan

SOUTH BERWICK: David Burke, Gerald MacPherson, Michelle Kareckas, David Webster, Jean Demetracopoulos / John B. Schempf

ELIOT: Elizabeth O'Donoghue, Michael Moynahan, Roberta Place, Roland Fernald, Orland McPherson / Dan Blanchette

YORK CHAMBER OF COMMERCE: Cathy Goodwin

CAMPAIGN VOLUNTEERS (51)

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Item # NB 1
Agenda Item: Affirm slate of Municipal Officials	
Assistant Town Manager's Recommendation	
This is an annual housekeeping item.	
Requested Action	
Motion to affirm the slate of Municipal Officials as presented for f/y 2011.	
Vote	

**Municipal Officials
Fiscal Year 2011**

John B. Schempf	Town Manager, Tax Collector, Treasurer, Road Commissioner
Roberta L. Orsini	Assistant Town Manager
Barbara Bennett, CCM	Town Clerk, Registrar of Voters, Motor Vehicle Agent, IF&W Agent
Beverly J. Hasty	Deputy Tax Collector
Fern R. Houliares	Deputy Treasurer
Craig Skelton	Assessing Agent
Vacant	Public Works Director
Joe Rousselle	Code Enforcement Officer, Plumbing Inspector, Health Officer
Jim Webster	Alternate CEO & LPI
Dana P. Lajoie	Police Chief, Constable
George E. Gorman	Fire Chief, Fire Warden
Blain Cote	Emergency Management Director
Adam Hollick	Deputy Emergency Management Director
Mark Leach	Deputy Emergency Management Director
Mary-Margaret Ney	Library Director
Sharon R. Brassard	Recreation Director
Victoria J. Desilets	Social Services Director
Karen Muscarello	Animal Control Officer

Affirmed this 29th day of June, 2010:

David Burke

Gerald W. MacPherson, Sr.

Michelle Kareckas

David H. Webster

Jean Demetracopoulos

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Item # NB 2
Agenda Item: Appointment to the Energy Efficiency Advisory Committee (EEAC)	
Assistant Town Manager's Recommendation	
Tonight you have before you an application from John Branagan for an open seat on the EEAC. It was suggested by the members of this committee to appoint this member to one of the three year terms.	
Requested Action	
Motion to appoint John Branagan to the Energy Efficiency Advisory Committee with a term to expire June 2013.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Agenda Item # NB 3
Subject	
Board & Committee Appointments.	
Information	
The current list of board members that have terms expiring is attached. Board members were sent a letter in May asking if they wished to be re-appointed or not. They were given a respond by date of June 18 th . Some members have asked not to be re-appointed as indicated on the attached list.	
Staff Comments/Recommendation	
The Council may want to consider setting staggered term expirations for the Energy Committee if re-appointed. 2 seats until June 2013, 2 seats until June 2012, 1 seat until June 2011.	
Requested Action	
Re-appoint board members to June 30, 2013.	
Vote	

RE-APPOINTMENT LIST

The following is a list of board and committee members that have terms expiring on June 30, 2010. If re-appointed, three year terms would end June 30, 2013.

Board of Assessment Review

David Stansfield
John Stirling
Brian Kunkel, Alt

Historic District Commission

B. Daniel Boyle
Virginia Jennings

Building Committee

David Stansfield
Brad Christo

Library Advisory Board

Tim Benoit
Peter Howell

Conservation Commission

Maya Bogh **NO**

Planning Board

Richard Clough
John Stirling
Terrence Parker, Alt

Energy Efficiency Advisory Committee

John Rudolph	request term to 2011
Roberta Beavers	NO
Molly Colman	NO
George Muller	suggest term to 2012
Jeff St. Pierre	suggest term to 2013

Recreation Committee

Tracy LaPointe

So ME Pine Tree Zone Steering Committee

Cliff Cleary
Mike Lassel, Alt

Zoning Board of Appeals

Francis Jillson
Smilie Rogers

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Item # NB 4
Agenda Item: MMA Legislative Policy Committee (LPC) Ballot	
Assistant Town Manager's Recommendation	
Attached you will find the official ballot for the LPC.	
Requested Action	
Motion to cast vote(s) for LPC representation.	
Vote	

OFFICIAL BALLOT – District 1

Maine Municipal Association's Legislative Policy Committee
July 1, 2010 – June 30, 2012

VOTE FOR TWO:

David Burke, Councilor, Town of South Berwick

_____ (name) _____ (position) _____ (municipality)  write in)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____

 **BY SELECTMEN/COUNCILORS:**

_____ signature

_____ print name

Return by 5:00 p.m., July 20, 2010, to:

Laura Veilleux, Maine Municipal Association
60 Community Drive, Augusta, ME 04330
Fax: 624-0129

(over)

LPC Senate District 1

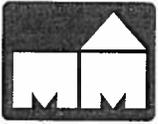
Eliot
Kittery

Ogunquit
South Berwick

York

Candidate Profile:

David Burke has served on the South Berwick Council since 2007. Prior to that he served on the Planning Board in South Berwick from 1998-2007; on the Zoning Board of Appeals in York from 1995-1997 and on the Conservation Commission in York from 1990-1995. He would like to serve on the LPC so that he may have input on legislative issues directly affecting municipal and private sector day-to-day operations.



Maine Municipal Association

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

RECEIVED

6-14-10

Town Manager's Office

Memorandum

To: Key Municipal Officials of MMA's Member Municipalities
From: John Sylvester, President, Maine Municipal Association
Date: June 8, 2010
Re: Ballots for Election to MMA'S Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2010-2012 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the Committee. The election ballot is enclosed. The ballot must be completed by the Board of Selectmen or Town or City Council of your municipality.

Number of votes

Most municipalities are asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. *You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.*

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Feel free, also, to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name you write in. The write-in candidate need not be from your municipality, but must be an elected or appointed official from a municipality in your Senate/LPC district. *Check to be sure the write-in candidate is willing to serve if elected!* Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote, if you know of someone who is willing to serve.

Deadline for returning ballot

Return ballot by 5:00 p.m. on **July 20, 2010** to:

State and Federal Relations Dept.
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Your participation is important - Thank You!

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Item # NB 5
Agenda Item: Council Transfer	
Department Head Recommendation: Fern Houliares	
<p>Three departments will require a total transfer of \$16,400 from the Undesignated Fund to cover estimated expenditures through June 30. The attached memo lists the dollar breakdown and explanation.</p>	
Assistant Town Manager's Recommendation	
<p>These transfers represent approximately .3% of the total 09/10 municipal budget of \$5,140, 887. I recommend the Town Council approve these transfers.</p>	
Requested Action	
<p>Motion to transfer the following amounts from the undesignated fund to the accounts listed below to cover department overruns. 4220: Fire, \$6,000 for vehicle repair 4410: Recreation, \$500 for camp subsidy 4510: Social Services, \$9,900 for General Assistance Grants</p>	
Vote	

Date: June 8, 2010
To: John
Roberta
From: Fern 
Re: Department Overruns

With the completion of the May treasurer warrants, estimates can be given for individual department overruns. At this time, Council transfers will be necessary for the following departments:

4220: Fire	\$ 6,000	Vehicle repair
4410: Recreation	\$ 500	Camp Subsidy
4510: Social Services	\$ 9,900	General Assistance Grants
Total	\$16,400	

Although General Assistance is one of the "allowable" overages, Council should still acknowledge the expenditures by appropriating the additional money.

At this time, I believe Administration will require a Special Town meeting. Overages exist in Professional Services (legal fees) and in Contracts (printing of Code book updates). Per the direction of Chris Vaniotis, the full \$8,000 legal fee transfer approved by the Council in April is being used to offset the current budget year. Pending expenditures (excluding legal fees for May and June) would cause an over expenditure of approximately \$9,800. The legal bills for May should be received shortly and should be used to estimate a more definite amount.

Ideally, the Special Town meeting should be held on June 29. The warrant for that meeting would have to be signed by the Council at their meeting of June 15. The transfers for amounts less than \$10,000 can be done at either meeting.

If you have any other questions, please let me know.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Item # NB 6
Agenda Item: Memorial Bridge	
Assistant Town Manager's Recommendation	
As requested, this item has been added to the agenda for discussion. A copy of the PowerPoint from the Maine-NH Connections Study Public Information Meeting is included in your packet and has been posted to the Town's website. It can be accessed from the News and Announcements section.	
Requested Action	
Council wishes.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: June 29, 2010	Item # NB 7
Agenda Item: Complaint	
Assistant Town Manager's Recommendation	
<p>In last week's informational packet the Town Council received copies of emails delivered to the Town by Mr. Clough.</p> <p>Included in this packet is the response from MMA Legal regarding the validity of the Planning Board's by-laws.</p>	
Requested Action	
Council wishes.	
Vote	

Roberta Orsini

From: Legal Services Department [Legal@memun.org]
Sent: Monday, June 21, 2010 2:17 PM
To: Roberta Orsini
Subject: RE: South Berwick-Planning Board Bylaw

Roberta,

I reviewed the board's bylaws in light of your questions. I think there are two separate principles raised by your questions. First, there is the issue of when a "public proceeding" occurs under the Maine Freedom of Access Act. Second, there is the issue of when rules against ex parte contacts should apply to board members.

As you know, the Maine Freedom of Access Act requires that the public have advance notice of, and be able to attend, any "public proceeding." 1 MRSA § 406. Whenever a quorum of the planning board meets to discuss planning board business, a "public proceeding" occurs. 1 MRSA § 402(2). When you mentioned that board members felt that the bylaws allowed them to discuss proposed ordinance revisions and similar policy matters, I was not sure if you meant that the board felt free to discuss these matters with citizens or privately with each other. (I will deal with discussions between a board member and other citizens below.) If a quorum of the board does meet (in person, via phone, email, etc.) to discuss the substance of planning board business, this would be considered a public proceeding under the Freedom of Access Act and should only be conducted at a public planning board meeting. If the planning board is considering recommending revisions to ordinances, I would consider discussions about proposed ordinance language to be "public business." Thus, I would strongly recommend that board members discuss such issues amongst themselves only at a public planning board meeting.

The rule against ex parte contacts is a separate principle related to fairness and bias. Generally an ex parte contact would involve a board member speaking with or gathering information from non-board members outside of board meetings. Applicants for land use approvals are entitled to a fair and unbiased process pursuant to the Due Process clauses of the Maine and U.S. Constitutions. Bias on the part of any of the decision-makers prevents the board's ultimate decision from being supported by impartial criteria and calls into question the fairness of the entire process. When the board is reviewing a land use application, all planning board members need to be impartial and need to make their decision for or against an application based on the record provided by the parties to the proceeding. In addition, all board members need to have basically the same information for their decision-making, and for fairness, the applicant and other parties need to have the information as well in order to comment upon or dispute it. If board members do their own independent investigations or interviews, this could impact the fairness of the board's review process. Ex parte contacts and personal, financial or familial bias all can potentially be raised by an applicant, a butter or other interested party to challenge a board decision. I have attached links to MMA's *Planning Board Manual* concerning bias (ch.2 pages 8-12 http://www.memun.org/members/plan/plan_manual/cpt/ch2.pdf) and ex parte contacts (same link at page 20).

On the other hand, if the planning board is merely discussing a policy issue or proposed ordinance amendments, there is not the same need to be impartial and to gather information as a board. Thus, independent legwork of a board member would not present the same fairness issues. In fact, when considering ordinance language or revisions, it might be beneficial to have input from a diverse set of interest groups. Thus, I do not see a legal issue with a planning board member speaking to citizens or interested parties to gather input on proposed ordinance changes. As mentioned above, as long as a quorum of the board is not involved in speaking with each other outside of board meetings, there would not be a "public proceeding" that would violate the Freedom of

Access Law. One would presume that a board member would share any information he/she gathered with the other board members at their next public meeting.

The language that is contained in the board's bylaws appears to accurately outline the law regarding such contacts. I do think the provision could be even broader and prohibit members from gathering information related to an application from "non-interested" parties as well. This provision was not intended to deal with the Freedom of Access law's requirements, nor should it. If the board wants to deal with contacts between each other outside of meetings, it could do so in another part of the bylaws. However, I do not think this would be legally necessary as the board members are all subject to the Freedom of Access law anyway. In short, I do not think the existing language violates the law.

I hope I have cleared up any confusion. Please let me know if you have any questions.

We have more information on the Freedom of Access law in an Information Packet on the subject:

<http://www.memun.org/members/infopks/Legal/RIGHTTOKNOW.HTM>. As mentioned above, we also have a good discussion of ex parte contacts and bias in the *Planning Board Manual*.

Susanne F. Pilgrim, Staff Attorney

Legal Services Department

Maine Municipal Association

60 Community Drive, Augusta, ME 04330

Phone: 207-623-8428

1-800-452-8786 (in state)

FAX: 207-624-0187

legal@memun.org

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Roberta Orsini [mailto:rorsini@sbmaine.us]

Sent: Wednesday, June 16, 2010 4:51 PM

To: Legal Services Department

Subject: South Berwick-Planning Board Bylaw

Dear Sue,

I have attached South Berwick's Planning Board Bylaws for review. Specifically, the question we have relates to ex parte communications (§ A148-3. Meetings, organization and rules. Item P. Ex parte (outside) communications. Page 7). We have been served a complaint by a Planning Board member who is concerned the Planning Board's adopted bylaws violate state law. The Bylaws allow members the ability to discuss board business outside the regular meeting as the business relates to ordinance review. The Planning Board recently affirmed their position that ex parte communications will only be in play with regard to pending applications. Is it possible to advise if the current Planning Board Bylaws are consistent with State Law as it applies to the FOAA?

Thank you,
Roberta

Roberta L. Orsini
Assistant Town Manager
Town of South Berwick

6/24/2010

207.384.3300 x 113

207.384.3303 - fax

www.southberwickmaine.org

Warning: The information contained in this message may be confidential and protected from disclosure under applicable law. These materials are intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by replying to this message and then deleting it from your computer. All e-mail sent to this address will be received by the Town of South Berwick's e-mail system and is subject to archiving and review by someone other than the intended recipient such as technical support and/or management personnel.