

**South Berwick Town Council
Public Hearing
Zoning & Subdivision Ordinances
September 27, 2011**

Chairman David Burke opened the hearing at 6:30pm. Councilors present included Gerald W. MacPherson, Sr., Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry A. Ellsworth was also in attendance.

The purpose of the hearing was to receive public comment on the proposed amendments to sections 140-12 District Boundaries and 140-77 Site Plan Review of the Zoning Ordinance; and sections 121-27 Procedures, 121-28 Submissions, 121-31 Preliminary Plan Submissions, and 121-36 Final Plan Submissions of the Subdivision Ordinance.

Mrs. Demetracopoulos and Mr. Kareckas explained the proposed changes. The Zoning Ordinance boundaries on Academy Street and Agamenticus Road are being adjusted (to reflect that the line goes to the rear of the property), an administrative change in road **name from Knight's Pond Rd to Harvey Rd, and the addition of a new requirement for** submission of a project schedule under the site plan review process.

The Subdivision Ordinance changes are procedural in nature; requiring applicants to provide 10 copies of any sketch, preliminary, or final plan submitted.

Eric Pelchat, Front St, asked why the number of copies of plans being submitted is being changed. Mr. Kareckas stated that the increase from 5 to 10 copies more accurately reflects the number of copies needed for all parties to review.

Mr. Pelchat also questioned the need for a project schedule. It was explained that the schedule is partially a result of the project that took place on Academy Street. The schedule could provide the Code Enforcement Officer with a logical progression of the project to aide him in verifying that work is moving forward. Mr. Pelchat expressed his concern that this could create a problem if the project drags on. Comment was made that building permits do have expiration dates and the schedule is a tool (not cast in stone) to help the CEO track projects.

The hearing was closed at 6:47pm.

Attest:

Barbara Bennett, CCM

South Berwick Town Council September 27, 2011

The Manager reported the following to the Clerk:

Chairman David Burke called the meeting to order at 6:15pm. Councilors present included Gerald W. MacPherson, Sr., Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance.

Executive Session

1. On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to enter executive session at 6:16pm pursuant to 1MRSA §405.6A to conduct a candidate interview for the Recreation Committee.

On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to end the executive session at 6:28pm.

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

The meeting was reconvened at 6:48pm, with the Clerk present.

Approval of Minutes

1. Special Council 9-1-11: On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.

2. Public Hearing 9-13-11: On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to adopt the minutes after amending the last paragraph to reflect that Mr. Kareckas expressed his concern that there could be an error on question 19 of the application, and **to change the word "stated" to "suggested" in the last sentence.**

3. Town Council 9-13-11: On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes after amending the Council Comments by moving the **statement "The NH DOT should compensate the town for the use of the property" from Mr. Kareckas' comments to Mrs. Demetracopoulos' comments.**

Treasurer's Warrant – Sept 27, 2011

On a motion by Mr. MacPherson, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant in the amount of \$120,010.00. Mrs. Demetracopoulos asked the Manager if we were operating under absolutely necessary expenses only. Mr. Ellsworth responded that he has not made a mandate on spending, but is watching each budget and has been holding some discussions when necessary.

Public Comment

1. **Audrey Fortier, Rodier Rd, asked for clarification of "Phase 3" of the library project.** Mr. Ellsworth stated that there are 3 construction phases: phase 1 is to stabilize the current structure itself, phase 2 is the addition and its completion, and phase 3 is the completion of the rest of the **work to the present church as it stands. "There is no phase 3 in the offing at the moment".** Phase 3 as a future option would include an additional 5000 sq ft; it is probably 20 years or more away.

Reports & Correspondence

1. The Manager explained that the York County Budget Committee is seeking volunteers from elected officials to serve on the committee. Their caucus is being held on October 5th to elect committee members.

Town Manager's Report

- Informed the Council that he has signed a new contract with Power Options for electricity. He added that we should see a reduction of 10%-11% **over last year's** cost.
- Working with the Town of Kittery on recycling. Gary Boucher our transfer station attendant will be working for them 4 hours per week at a savings to our budget of about \$6,000.
- We will be utilizing extra (trained) transfer station help from Eliot to cover one of our employees that will be out on long-term disability.
- Attended a meeting with York Hospital regarding regionalization of ambulance services.
- Current cash price for oil is \$3.60. We have purchased oil at \$3.30. We only budgeted for \$3.20.
- The Clerk's Office will begin new hours on Monday, October 3rd.** The new hours will be Mon 9-4, Tue 9-4, Thu 9-6, and Fri 9-1, still closed on Wed.
- A new copier has been purchased for the Police Department to replace the 14 year old one. The Assistant Manager was able to negotiate a price of \$3500, we budgeted \$5000. The per copy fee is being re-negotiated.
- Reminded everyone of the workshop on Wednesday the 28th with the SAD Board.
- Work at the Library is progressing. Some issues have come up requiring some re-engineering, but things will be kept within the budget. There will be an open house on October 13th at 7:00pm.
- Vine Street Bridge: Looking at maintaining at least a foot/bicycle path.
- Commented **that the state can't conduct the traffic count this fall and plans on doing it in the spring.** We may do some of the count ourselves.
- There will be another discussion with the Public Works Union on Thursday. He will also be getting organized for meetings with the Professional Employees' Union.

Unfinished Business

1. The Council discussed the crossing-guard/traffic control issue. Mr. Burke stated that he was **disappointed in the SAD Board's decision to not help with the cost. Mr. Kareckas offered to go** through the budget to see if there are funds anywhere to cover the expense of traffic control.

Mr. Ellsworth commented that we will still cover the expenses for the Halloween and Christmas Parades.

Mr. MacPherson commented that whenever the SAD Board is asked to participate with the Town a wall goes up; and they are not amenable to helping. Mr. MacPherson also commented that the Town has helped with Hike-Thru-History every year, when it really is a school function and expense.

Mrs. Demetracopoulos expressed her frustration at the continued need to address budget issues. **"It is time to put budget issues to bed and move on".**

2. Comcast contract:

Mr. Burke asked for a motion to schedule an executive session to discuss the issue. Discussion ensued in regard **to the Council's ability to hold an executive session on the issue with or without** the attorney present (or on conference call).

Mrs. Demetracopoulos commented that Comcast has not been charging subscribers for the build-out (different from the regular franchise fee) and may at some time in the future. She added that she would be ok with not pursuing a suit if the rate payers are not charged the additional fee.

On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was voted 4-1 (Mr. Burke opposed) to schedule an executive session for October 11th at 5:30pm with the attorney via conference call provided he is available.

New Business

1. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to appoint Stacey Barlow to the Recreation Committee with a term to expire June 30, 2014.
2. On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to appoint Perry Ellsworth as the voting delegate for the Maine Municipal Association Annual Business meeting on October 6th.

Council Member Comments

1. Mr. Webster:
 - Commented that the Route 101 boat launch has been cleaned up.
 - Suggested that the parking situation on Vine Street be looked at again. It is a recreational area.
 - Thanked everyone involved with putting out the flags on holidays. He added that it is wonderful to have dedicated volunteers.
2. Mr. Burke:
 - Asked the other Councilors to review the Manager's performance evaluation and get any changes back to him.**
 - Commented that the additional roof work and well at the library is upwards of \$20,000. Mr. Ellsworth stated that there is a contingency fund, but it is now at the bare bones.
 - Commented that he is not in favor of funding the crossing guard positions, but we should have traffic control and he is willing to take the money from the undesignated fund.
3. Mrs. Demetracopoulos:
 - Commented that the front walk had been redone and looks great. Note was made that the labor was donated by Andy Patterson.
 - Commented that it may be time to put up signage at the transfer station regarding unattended children.
4. Mr. MacPherson:
 - Commented that he too saw that the Route 101 boat launch had been cleaned up.
 - Commented on the Vine Street Bridge. He stated that it is the historic link from South Berwick to Kittery & Portsmouth. The Bridge is a state bridge and the last time work was done it was done by the state. He added that he would like to see the bridge opened up to vehicle traffic.

Adjournment

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

Attested:

Barbara Bennett, CCM

**South Berwick Town Council
Special Meeting
October 4, 2011**

The Town Manager reported the following to the Clerk:

Chairman Burke called the meeting to order at 6:05pm. Those present included Councilors Jean Demetracopoulos, Gerald W. MacPherson, Sr., David H. Webster, and John C. Kareckas. Town Manager Perry A. Ellsworth was also in attendance.

NEW BUSINESS

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 6:06pm pursuant to 1MRSA §405.6D to discuss the Public Works Union.

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

2. On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to recess to another time to be agreed upon later.

ADJOURNMENT

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 6:27pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00029136	209999 TAX REFUNDS	10/11/2011	15.00
00029137	189999 REFUNDS	10/11/2011	250.00
00029138	132500 SECRETARY OF STATE M/V	10/11/2011	9,136.55
00029139	189999 REFUNDS	10/11/2011	25.90
00029140	209999 TAX REFUNDS	10/11/2011	1,598.44
00029141	189999 REFUNDS	10/11/2011	7.00
00029142	133115 TREASURER,STATE OF ME/LIC	10/11/2011	9.90
00029143	090151 UNITED STATES TREASURY	10/11/2011	64.74
00029144	010335 AGGIES FARMSTAND	10/11/2011	131.29
00029145	010336 AGGREGATE RECYCLING CORP	10/11/2011	2,319.85
00029146	010475 ALERT-ALL CORPORATION	10/11/2011	992.90
00029147	011250 TREASURER,STATE OF MAINE	10/11/2011	10.00
00029148	020225 BAKER & TAYLOR	10/11/2011	27.90
00029149	021375 H T BERRY COMPANY INC	10/11/2011	198.35
00029150	022850 BUSINESS EQUIPMENT UNLIMITED	10/11/2011	8.27
00029151	021668 BLOW BROS	10/11/2011	55.93
00029152	021770 BNY MELLON	10/11/2011	140,296.19
00029153	022520 BREWSTER & SONS TRACTOR WORK	10/11/2011	1,728.00
00029154	022536 BROOKLINE MACHINE CO, INC	10/11/2011	89.51
00029155	022710 BROX INDUSTRIES INC	10/11/2011	409.37
00029156	030530 CENTRAL TIRE CO INC	10/11/2011	558.18
00029157	030510 CENTRAL MAINE POWER	10/11/2011	4,903.56
00029158	030725 CITIZENS BANK (CHG)	10/11/2011	145.00
00029159	031425 COLONIAL LIFE & ACCIDENT INS.	10/11/2011	1,608.62
00029160	031430 COMCAST	10/11/2011	99.95
00029161	031579 CONSTELLATION NEW ENERGY	10/11/2011	1,940.72
00029162	040300 DEMCO	10/11/2011	118.73
00029163	032710 D.J.'S MUNICIPAL SUPPLY	10/11/2011	70.88
00029164	041305 G MITCHELL DUGAN	10/11/2011	150.00
00029165	050214 KEVIN EASTMAN	10/11/2011	4,585.00
00029166	050785 ELIMINATOR INC	10/11/2011	574.40
00029167	050815 EMPLOYEE HEALTH & BENEFITS	10/11/2011	800.87
00029168	060260 FASTENAL COMPANY	10/11/2011	94.37
00029169	060300 FAVORITE FOODS INC	10/11/2011	409.85
00029170	060370 FEDERATED CHURCH	10/11/2011	40.00
00029171	061500 FOSTER'S DAILY DEMOCRAT	10/11/2011	112.70
00029172	070200 P GAGNON & SON INC	10/11/2011	643.17
00029173	180478 GENEST PRECAST	10/11/2011	146.00
00029174	070385 WIB GOINS	10/11/2011	78.75
00029175	070565 GORHAM LEASING GROUP	10/11/2011	96.56
00029176	071086 GREAT WORKS FAMILY PRACTICE	10/11/2011	126.50
00029177	071180 GROUP DYNAMIC INC	10/11/2011	165.00
00029178	191330 HANNAFORD'S	10/11/2011	691.91
00029179	080248 HANSCOM'S TRUCK STOP INC	10/11/2011	10,394.92
00029180	080500 BEVERLY HASTY	10/11/2011	72.32
00029181	080998 HOME DEPOT	10/11/2011	385.01
00029182	090120 INLAND FISHERIES & WILDLIFE	10/11/2011	212.25
00029183	100150 JANETOS MARKET	10/11/2011	163.74
00029184	100200 JEWETT/EASTMAN MEMORIAL COM	10/11/2011	263.00
00029185	100820 FRED KEEN	10/11/2011	75.00
00029186	120510 LAWSON PRODUCTS INC.	10/11/2011	14.94
00029187	120970 LIBBY SCOTT INC.	10/11/2011	5,858.85
00029188	133375 MAINE ENERGY RECOVERY CO.	10/11/2011	5,020.83
00029189	132400 MAINE SAD #35	10/11/2011	512,983.52
00029190	133925 MINUTEMAN TRUCKS INC	10/11/2011	177.61
00029191	134200 MAINE MUNICIPAL ASSO (INS)	10/11/2011	14,934.40

Check Number	Account	Date Paid	Amount
00029192	127000 CORRINE J MAHONY	10/11/2011	1,580.00
00029193	135110 MAINE RECREATION & PARK ASSO	10/11/2011	59.00
00029194	140105 NAPA OF SOMERSWORTH	10/11/2011	159.04
00029195	140531 NATIONAL PEN CORPORATION	10/11/2011	79.70
00029196	141394 NATIONAL TELEPHONE/TECH	10/11/2011	108.00
00029197	140250 NCTI	10/11/2011	350.00
00029198	141080 NEXTEL	10/11/2011	200.94
00029199	141300 NO.BERWICK LUMBER & HARDWARE	10/11/2011	3,071.29
00029200	150735 DICK PAGE	10/11/2011	50.00
00029201	159995 HL PATTEN CONSTRUCTION	10/11/2011	90.00
00029202	200700 PIKE INDUSTRIES INC	10/11/2011	1,984.32
00029203	160360 PIQUETTE & HOWARD ELECTRIC	10/11/2011	520.00
00029204	161265 PORTSMOUTH FORD	10/11/2011	454.22
00029205	180470 RICCI CONSTRUCTION INC	10/11/2011	285,321.46
00029206	190094 SANEL AUTO PARTS CO	10/11/2011	940.96
00029207	190540 SEACOAST FIRST AID & SAFETY	10/11/2011	71.24
00029208	132500 SECRETARY OF STATE M/V	10/11/2011	21,214.70
00029209	191327 SHOMETTE & ASSOCIATES	10/11/2011	295.00
00029210	191530 SIRCHIE FINGER PRINT LAB INC	10/11/2011	247.12
00029211	191533 CRAIG SKELTON	10/11/2011	176.49
00029212	192900 SO BERWICK WATER DISTRICT	10/11/2011	4,000.00
00029213	193605 SOUTHWORTH-MILTON, INC	10/11/2011	4,117.19
00029214	193636 BRIAN STANKOVICH	10/11/2011	75.00
00029215	193640 STAPLES	10/11/2011	80.96
00029216	194570 SWAN ISLAND PRESS	10/11/2011	840.00
00029217	200300 TAYLOR RENTAL	10/11/2011	16.00
00029218	200545 TERMINIX INTERNATIONAL	10/11/2011	68.00
00029219	201150 ANNMARIE TOWNSEND	10/11/2011	59.06
00029220	133125 TREAS, MAINE/ODRVS	10/11/2011	242.40
00029221	133105 TREASURER OF STATE/C.WPNS	10/11/2011	105.00
00029222	133113 TREASURER OF STATE/ATV	10/11/2011	609.00
00029223	201238 TRI-CITY TOOL CRIB	10/11/2011	28.26
00029224	201300 TWO-WAY COMMUNICATION SERV INC	10/11/2011	527.50
00029225	193670 US BANK CORPORATE TRUST	10/11/2011	161,789.92
00029226	230915 WHITED TRUCK CENTERS	10/11/2011	1,462.54
00029227	240900 YORK COUNTY REGISTRY OF DEEDS	10/11/2011	52.00
00029228	240450 TREASURER, YORK COUNTY	10/11/2011	361,581.23
00045977	189999 REFUNDS	10/11/2011	-9.90
Total Not Prepaid			1,567,612.21
Total Prepaid			11,097.63
Grand Total			1,578,709.84

PRESS RELEASE
For Immediate Release

Municipal officials are pleased to announce that the **Town of South Berwick** has received a **\$8,779** dividend check from the Maine Municipal Association as a result of its good loss experience and loss prevention programs.

The Maine Municipal Association offers three self-funded pools for municipal and quasi-public entities in Maine: the Workers Compensation Fund formed in 1978, the Property & Casualty Pool formed in 1987 and the Unemployment Compensation Fund formed in 1978.

The programs are overseen by governing boards of elected and appointed municipal officials. Each year the boards review the programs' loss experience to determine if dividends may be paid. Patricia Kablitz, Director of Risk Management Services for MMA, said more than 75 percent of program participants receive dividends each year for their good risk management practices and loss experience.

This year the Workers Compensation Fund has distributed almost **\$600,000** in dividends to participants and the Property and Casualty Pool has paid dividends of nearly **\$500,000**, for total payments of over \$1 million provided directly to MMA members.

Since 1997, the three programs have returned close to **\$14 million** in dividends to participating members. For more information about any of the MMA Risk Management Services programs, including online training programs and other services, check the offerings on their website at www.memun.org and click on the Risk Management Services link, or call 1-800-590-5583.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 11, 2011	Item # UB 1
Agenda Item: Zoning & Subdivision Ordinance Amendments	
Town Manager's Recommendation	
<p>Recommend the Zoning and Subdivision Ordinances be amended as proposed. Public Hearing held September 27, 2011.</p>	
Requested Action	
<p>Motion to amend the following sections of the Zoning Ordinance as presented: Section 140-12 District Boundaries and 140-77 Site Plan Review.</p> <p>Motion to amend the following sections of the Subdivision Ordinance as presented: Section 121-27 Procedures, 121-28 Submissions, 121-31 Preliminary Plan Submissions and 121-36 Final Plan Submissions.</p>	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: October 11, 2011	Agenda Item NB 1
Subject: Council meeting of November 8, 2011	
Information:	
<p>The State and Municipal Elections will be held on Tuesday, November 8th. The Registrar of Voters will be finalizing absentee voter lists and printing the voting list the evening of November 7th and is required to be present at the polls the entire time the polls are open on Election Day. The polls will be open from 7:00am to 8:00pm.</p> <p>In order to meet our scheduled obligations, Treasurer's Warrants will be cut as scheduled on November 8th and 22nd.</p>	
Staff Comments/Recommendation:	
<p>Reschedule or cancel the November 8th meeting. Charter Article II §5 requires newly elected Councilors to be sworn into office at the next meeting after the election, but within 7 days.</p> <p>The Manager recommends rescheduling the November 8th meeting to November 15th.</p> <p>The Treasurer's Warrant for November 8th will be available for the Council's review on Friday November 4th. This warrant will be ratified at the Meeting on November 15th.</p>	
Requested Action:	
Vote:	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: October 11, 2011	Agenda Item # NB 2
Subject: Warrant for Municipal Election on November 8 th	
Information:	
Staff Comments/Recommendation:	
Requested Action:	
Motion to sign warrant.	
Vote:	

**TOWN OF SOUTH BERWICK
MUNICIPAL ELECTION WARRANT
NOVEMBER 8, 2011**

State of Maine

County of York, ss.

To: Joseph Rousselle, resident of South Berwick, County of York, State of Maine,

Greetings:

In the name of the Town of South Berwick, you are hereby required to notify the inhabitants of said Town, qualified to vote in Town affairs to assemble at the R. P. Gagnon Assembly Hall, Town Hall, 180 Main Street, South Berwick, on Tuesday, the 8th day of November 2011 at 7:00 o'clock in the forenoon, then and there, to act on the following articles:

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

ARTICLE 2: To elect two Town Council members, each for a three-year term, and one member of the Board of Directors of School Administrative District #35 for a three-year term.

The polls for voting on Article 2 by secret ballot will be opened at 7am and will be closed at 8pm. Absentee ballots will be processed at the polls on Election Day at 8am, 9am, 10am, 11am, 2pm, 3pm, 4pm, and 8pm as necessary.

The Registrar of Voters will hold office hours while the polls are open to correct any errors on the voting list or change a name or address, and to accept new enrollments. A person not registered, as a voter may not vote in any election.

Given under our hands this 11th day of October 2011.

David Burke, Chair

David H. Webster

Jean Demetracopoulos

John C. Kareckas

Gerald W. MacPherson, Sr.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 11, 2011	Item # NB 3
Agenda Item: Accept Library Equipment Grant	
Town Manager's Recommendation	
The Library was granted several pieces of equipment as outlined in the attachments.	
Requested Action	
Motion to accept the Maine Library Equipment Grant valued at \$3,381.53.	
Vote	



Paul R. LePage
GOVERNOR

MAINE STATE LIBRARY
LMA BUILDING
64 STATE HOUSE STATION
AUGUSTA, MAINE
04333



Linda H. Lord
STATE LIBRARIAN

Memorandum of Agreement between the Maine State Library and South Berwick Public Library

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I. Purpose:

The purpose of this agreement is to ensure that the grant sub-recipient library undersigned below participating in the Maine State Library's Maine Public Library Information Commons Project understand the agreement and reporting responsibilities for the grant. This project is funded by a Broadband Technology Opportunity Program (BTOP) Public Computer Center grant; a part of the American Recovery and Reinvestment Act (ARRA).

II. Grant Period:

This grant encompasses a two year reporting cycle period of July 1, 2011 to June 30, 2013.

III. Award Amount:

Each grant sub-recipient library is receiving a combination of equipment that may include: desktops, laptops, video conferencing units, as well as training, software, and online training resources. The various equipment and its corresponding values differs depending on the actual units that were requested and accepted by said grant sub-recipient library.

IV. Conditions of Award:

Each grant sub-recipient library agrees to accept delivery of and care for all grant equipment for the duration of the grant. Hardware warranties and software agreements vary depending on the date of delivery, type of equipment and may extend beyond the period of this grant.

V. Acceptance of this Agreement:

- The grant sub-recipient library staff member(s) will participate in organization and technology training activities to support the grant. There is requirement for each library to participate in a minimum of 4 hours of staff training via some method so your library is able to fully participate in the grant.
- The grant sub-recipient library will report all patron and staff project training activities and Internet usage that occur within the grant period. The online report will consist of dates, names of training/courses, length of training, and number of participants. The Maine State Library will provide guidance to libraries to simplify the reporting requirements.
- The grant sub-recipient library will ensure that hardware and software is made available for public access in the Public Computer Center library sub-recipient location.

VII. Termination of this Agreement:

The grant sub-recipient library's failure to submit reporting data on Internet usage and training will terminate this agreement and necessitate the return of the desktops, laptops and/or video conferencing equipment.



Paul R. LePage
GOVERNOR

MAINE STATE LIBRARY
LMA BUILDING
64 STATE HOUSE STATION
AUGUSTA, MAINE
04333



Linda H. Lord
STATE LIBRARIAN

VIII. Amendments and/or changes:

This Memorandum of Agreement may be amended and/or changed only by written agreement of the Maine State Library and the undersigned grant sub-recipient library.

Inventory of Equipment and Software Delivered:

South Berwick Public Library DUNS: 169179363
37 Portland Street Mamie Anthoine Ney mmaney@south-berwick.lib.me.us
South Berwick, ME 03908

Total BTOP grant funds expended for South Berwick Public Library is \$ 3,381.53

Device	Serial number	Unit Cost	Warranty Cost	Office License Cost	Anti-Virus Cost	Totals
Laptop 1	SLR2F9D4	\$734.74	\$162.11	\$266.75	\$19.29	\$1,182.89
Laptop 2	SLR2F9D8	\$734.74	\$162.11	\$266.75	\$19.29	\$1,182.89
						\$2,365.78
Device	Serial number	Unit Cost (warranty included)	Office License Cost	Anti-Virus Cost	Webcam Cost	Totals
Desktop 1	SS1N8985	712.09	266.75	19.29	17.62	\$1,015.75
						\$1,015.75
						\$3,381.53

Maine State Library

Date

Mamie Anthoine Ney 9-21-11

Grant Sub-recipient Library Director Date

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 11, 2011	Item # NB 5
Agenda Item: Discuss Firework Legislation	
Town Manager's Recommendation	
<p>Effective January 1, 2012 the sale and possession of Consumer Fireworks will be legal in the State of Maine. In this packet you will find a copy of the legislation, an information piece from the State Fire Marshall and descriptions of legal fireworks included in this law.</p> <p>This information is presented to encourage discussion to determine whether the Council wishes to prohibit or restrict the sale and/or possession of fireworks in the Town of South Berwick.</p>	
Requested Action	
Council wishes.	
Vote	

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Legalize the Sale, Possession and Use of Fireworks

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 8 MRSA §221-A, sub-§1-A is enacted to read:

1-A. Consumer fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Sec. 2. 8 MRSA §221-A, sub-§3-A is enacted to read:

3-A. Fire safety official. "Fire safety official" means a state or municipal official who has authority to enforce life and fire safety laws, statutes, ordinances, rules or regulations.

Sec. 3. 8 MRSA §221-A, sub-§4, as amended by PL 2011, c. 202, §1, is further amended to read:

4. Fireworks. "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound; or
- E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Sec. 4. 8 MRSA §223, sub-§1, as amended by PL 2003, c. 452, Pt. C, §3 and affected by Pt. X, §2, is further amended to read:

1. Sale of fireworks prohibited. AExcept for the sale of consumer fireworks under section 223#A, a person may not sell, possess with the intent to sell or offer for sale fireworks.

Sec. 5. 8 MRSA §223-A is enacted to read:

§ 223-A. Sale of consumer fireworks

1. Sale of consumer fireworks. A person may not sell consumer fireworks unless that person is 21 years of age or older and possesses:

- A. A federal permit to sell fireworks under 18 United States Code, Section 843;
- B. A license under subsection 3; and
- C. A municipal permit if required under subsection 2.

2. Municipalities. The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to the initiation of its permitting program for the sale of consumer fireworks. A municipal permit may not be issued unless:

- A. The applicant is 21 years of age or older;
- B. The applicant applies for a permit under this subsection on a form prescribed by the commissioner;
- C. The applicant possesses the federal permit required under subsection 1, paragraph A;
- D. The applicant complies with the provisions of subsection 4; and
- E. The application is approved by the municipality's police chief, fire chief and code enforcement officer if those positions exist.

A municipality may require a reasonable fee for a permit issued under this subsection. A person holding a permit issued by a municipality under this subsection may not sell consumer fireworks unless the person satisfies all the requirements of subsection 1.

3. State license. The commissioner may issue a license to sell consumer fireworks to an applicant who:

- A. Is 21 years of age or older;
- B. Possesses the permits required under subsection 1, paragraphs A and C;
- C. Complies with the provisions of subsection 4; and
- D. Has not been convicted of an offense or violated a state, federal or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to the application.

The commissioner shall charge a fee of \$5,000 for the initial license issued to an applicant and \$1,500 for each annual license renewal. The term of a license is one year. A separate license is required for each location at which an applicant seeks to sell consumer fireworks. Fees collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

4. Storage and handling. A person authorized to sell consumer fireworks under subsection 1 may store and sell the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

- A. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances.
- B. The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed.
- C. Cigarettes, tobacco products or lighters or other flame-producing devices may not be permitted in the building.
- D. A person under 21 years of age may not be admitted to the building unless accompanied by a parent or guardian.
- E. Notwithstanding paragraph D, a person at least 18 years of age may handle and sell consumer fireworks if the person is under the direct supervision of a person 21 years of age or older.

5. Insurance. A person authorized to sell consumer fireworks under subsection 1 shall at all times maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000 to cover the losses, damages or injuries that might ensue to persons or property as a result of the person selling consumer fireworks.

6. Advertising. A person may not advertise the sale of consumer fireworks in a way that is misleading about the conditions under which consumer fireworks may be purchased or used or about the requirements of this section. An advertisement for the sale of consumer fireworks must contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.

7. Civil liability. A person who violates the provisions of this section is liable in a civil action for damages for bodily injury or property damage resulting from violation, and the defenses under Title 14, section 156 or a defense based on assumption of risk may not be used by the person.

8. Restrictions on use of consumer fireworks. The use of consumer fireworks is governed by this subsection.

A. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

(1) July 4th;

(2) December 31st; and

(3) The weekends immediately before and after July 4th and December 31st.

B. A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property.

A person who violates this subsection commits a civil violation for which a fine of not less than \$50 and not more than \$500, plus court costs, may be adjudged for any one offense.

9. Enforcement against licensees. The commissioner, a state law enforcement officer, a municipal law enforcement officer, a code enforcement officer or a fire safety official may petition the Superior Court or District Court to seize or remove at the expense of a licensee consumer fireworks sold, offered for sale, stored, possessed or used in violation of this section. The commissioner may immediately suspend a license granted under subsection 3 for a violation of this section. A person whose license is suspended under this subsection must receive a hearing within 10 days of the suspension under Title 5, chapter 375, subchapter 4. A person whose license is suspended under this subsection may not receive a license under subsection 3 for a period of at least one year from the date of suspension.

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines describing the safe and proper use of consumer fireworks. The guidelines must also include the following statements in a conspicuous location: "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE." Such guidelines must be published or approved by the commissioner prior to distribution.

11. Prohibited acts. This subsection governs prohibited acts.

A. A person may not sell consumer fireworks within the State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

B. A person licensed to sell consumer fireworks under this chapter may not sell consumer fireworks to a person under 21 years of age or who appears to be under the influence of alcohol or drugs.

C. Except as specifically allowed under subsection 4, paragraph E, a person may not knowingly:

(1) Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or

(2) Allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks.

D. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks.

It is an affirmative defense to prosecution for a violation of paragraph B or C that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser.

12. Violations. The following penalties apply to violations of subsection 11.

A. A person who violates subsection 11, paragraph A, B or C commits a Class D crime. If the violation involves furnishing consumer fireworks to a minor, a fine of not less than \$500 must be imposed in addition to any term of imprisonment the court may impose. If a person violates subsection 11, paragraph A, B or C after having been convicted of violating the same paragraph one or more times within the previous 6#year period, a fine of not less than \$1,000 must be imposed in addition to any term of imprisonment the court may impose.

B. A person who violates subsection 11, paragraph D commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be imposed. If the person has been previously convicted of violating subsection 11, paragraph D one or more times, a fine of not less than \$300 and not more than \$600 must be imposed.

Fines collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

13. Annual report to the Legislature. Beginning in 2013, the Office of the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a written report regarding the sale and use of consumer fireworks in this State. The report must, at a minimum, include information on the issuance and oversight of licenses to sell consumer fireworks, reported consumer fireworks-related injuries, reported consumer fireworks-related fires or other property damage and municipal restrictions or prohibitions on the sale or use of consumer fireworks. The report must be submitted not later than March 1st each year.

Sec. 6. 8 MRSA §236, as enacted by PL 1999, c. 671, §12, is repealed and the following enacted in its place:

§ 236. Adoption of rules

1. Routine technical rules. The commissioner may adopt rules concerning the sale, use, storage, transportation and display of consumer fireworks, fireworks and special effect pyrotechnics and to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2#A.

2. Major substantive rules. After December 31, 2013, the commissioner may adopt rules governing the reporting of consumer fireworks-related injuries by health care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2#A.

Sec. 7. Method for reporting data regarding consumer fireworks-related injuries. The Office of the State Fire Marshal shall work with the statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks as defined in the Maine Revised Statutes, Title 8, section 221#A. This data may not include personally identifying information on persons treated, but may include information on the age of the person treated, the type and severity of the injury and, if known, the type of consumer firework involved in the injury.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Fire Marshal - Office of 0327

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Consumer Fireworks in Maine

The 125th Maine Legislature has enacted Public Law, Chapter 416 "An Act to Legalize the Sale, Possession and Use of Fireworks." If you are interested in obtaining a license to sell consumer fireworks in Maine please take a moment to consider *some of the basic* requirements listed below.

- This law becomes effective January 1, 2012. Accordingly, no inspections shall be conducted and no licenses issued until that time.
- You must be 21 years of age or older to obtain a license to sell fireworks in Maine.
- You must have a federal permit to sell fireworks under Title 18 United States Code, Section 843.
- You may also need a local permit to sell in any given town. (Check to see if the sale of consumer fireworks is allowed in the town where you plan to operate. Some towns may not allow the sale of these devices nor their use).
- You can only sell consumer fireworks in a permanent, fixed, stand-alone building dedicated solely to the sale of consumer fireworks.

These are just some of the requirements you need to consider before developing your business plan. For more information on licensing fees, building, storage and handling requirements in addition to prohibited acts, insurance, liability and other restrictions please take a moment to view the links to the documents below. The Fire Marshal's Office is currently developing the licensing process all applicants will use in addition to the rules all are to follow in order to comply with the law. See [contact information](#) below for more information.

Since the sale of consumer fireworks in Maine is new to all of us, we ask that you be patient while we carefully plan and implement all aspects of the law and subsequent rules and regulations. The Fire Marshal's Office wants this to work for Maine. We'd like to see new businesses and jobs created as a result of this law but most importantly however, we want to do this as safely as possible. We do not want to see an increase in fireworks related fires or injuries and we are relying on those who sell these products to make sure the purchasing public is aware of the inherent dangers and proper procedures for use. We also hope the public will listen to licensed sales staff and exercise considerable caution when using consumer fireworks.

- [Maine's Consumer Fireworks Law](#)
- [National Fire Protection Association, Code 1124](#)
- [2001 American Pyrotechnics Association Standard 87-1, 2001 edition](#)
- [U.S. Consumer Products Safety Commission Summary of Consumer Fireworks Regulations](#)

Individuals or businesses seeking a Maine State License to operate a consumer fireworks retail sale operation should contact:

Richard E. Taylor, Senior Research and Planning Analyst
 Office of the State Fire Marshal
 52 State House Station
 Augusta, ME 04333
 207-626-3873
Richard.e.Taylor@maine.gov

10/3/2011

Central Maine Pyrotechnics Maine Municipal Association Convention Wednesday, October 5, 2011

Today's demonstration will show you what is presently legal and what types of consumer fireworks will be legal effective January 1, 2012 under Public Law, Chapter 416, LD 83. This is just a sampling of the products that are available for sale in the United States. Consumer Fireworks also known as 1.4g or Class C are different than Professional Display fireworks classified as 1.3g or Class B fireworks.

I. Legal Consumer Fireworks under the Current Law in effect today.

- Sparklers
- Morning Glories

II. Not Legal under current or new law

- Parachutes
- Missiles
- Rockets
- Spinners

III. Legal Items under New Law effective January 1, 2012 under Public Law, Chapter 416, LD 83.

A. ROMAN CANDLES

- 1) ½" diameter (5 shots & 10 shots)
- 2) ¾" diameter (5 shots & 10 shots)
- 3) 1" diameter (5 shots & 10 shots)

B. NOVELTIES:

- 1) Snappers/Champagne Poppers: Throw item at ground to snap and pop
- 2) Pistol Poppers: Pull trigger on item and inside confetti shoots out
- 3) Smoke Balls: Emits colored smoke
- 4) Snake Pellets: Pellets that grow into snake when lit.
- 5) Cars/Tanks/Military Vehicles: Moves on the ground & emits flames/sparks.

C. FOUNTAINS

- 1) Cuckoo – emits shower of sparks
- 2) The Blizzard – emits shower of sparks & shoots flaming balls
- 3) Paparazzi- emits shower of sparks
- 4) Cobra - emits shower of sparks
- 5) Python - emits shower of sparks
- 6) Boa - emits shower of sparks
- 7) Viper - emits shower of sparks
- 8) Quiet Storm – 200 gram - emits shower of sparks
- 9) Rift Zone – 200 gram – emits shower of sparks
- 10) Vista La Viva – 200 gram - emits shower of sparks
- 11) Diamond Fountain - emits shower of sparks
- 12) Pinkalicious –emits pink and purple beads in neon
- 13) Rolling Stone – emits shower of sparks
- 14) Mega banger/Noisy Niagara – Emits shower of noisy silver flower with color beads, crackling chrysanthemums, gold popcorn with crackles
- 15) The Red White Blue – Emits red, white and blue sparkles
- 16) Blue Moon – Multicolor Color stars
- 17) Break the Silence – Multicolor stars and whistlers (very loud)

D) 200 GRAM CAKES

- 1) Saturn Missile – shoots whistle in air (25 shots)
- 2) Shark Bait – shoots flaming balls & reports (9 shots)
- 3) Happy Boomer – shoots flaming balls with report (36 shots)
- 4) Color Pearl – shoots flaming balls (48 shots)
- 5) Dances Wild –shoots blue trail to red palm whistling with time rain (12 shots)
- 6) Blue Angel – mine blowing blue mines with blue time rain (20 shots)
- 7) Bright Nights – red tail to peach with silver glitter (16 shots)
- 8) Full Auto – Mine effect with color pearls (200 shots)
- 9) Bad Influence – Silver strobing mines to multi color stars (9 shots)
- 10) Cocktail – crackling, silver, spinning tails (10 shots)
- 11) Crackling Mine – Red & Green, purple & Silver strobes (16 shots)
- 12) What da do – Flaming color balls (15 shots)
- 13) High Maintenance – Flaming Color Balls (16 shots)
- 14) Anger Management – Fan cake color balls (49 shots)
- 15) Studio 54 – Fan cake –double layer effect crackling mines with comets (54 shots)

E) FIRECRACKERS

- 1) 1 ½" Mighty Cracker
- 2) 3" Jumbo M-500
- 3) Firecracker rolls –commonly called bricks – 500 – 16,000 in a roll.

F) SINGLE SHOT AERIAL SHELLS 2"

- 1) Brocade silver to green
- 2) Golden willow with crackle
- 3) Red to Crackle
- 4) Multicolor peony with crackle
- 5) Red Dahlia

G) RELOADABLE

- 1) Artillery 12 pack 1 ¾" diameter – shoots flaming balls with report
- 2) Assorted Artillery shells – shoots flaming balls with assorted color
- 3) Sir Lancelot 1 ¾" – shoots color shells with crackle
- 4) Neon Xshells – shoots shells of various colors
- 5) RWB Xshells – shoots flaming red, white & blue balls
- 6) Exterminator – 24 shots of various patterns

H) 500 Gram Cakes (½ " diameter)

- 1) Master of Our Enemies – Red, Blue Brocades with crackling, fan style (172 shots)
- 2) This is our Country – Red/blue tails, blue/green/silver breaks, crackling red bouquets (179 shots)

I) 500 GRAM CAKES (¾" diameter)

- 1) Brothers Blond Joke– shoots flaming color balls straight up (36 shots)
- 2) Black OPS – Yellow, purple, green, blue, lemon fan cake (100 shots)

J) 500 GRAM CAKES (1" Diameter)

- 1) Grave Digger – shoots color flaming balls straight up (30 shots)
- 2) Sexual Seduction - fan style – silver whirlwinds with blue mines (25 shots)
- 3) Flags of Our Fathers, fan style - Red, white, blue glitter with chrysanthemum (30 shots)
- 4) The Haunting -straight up, crackling bouquet to blue and silver (49 shots)
- 5) Wild Tiger-- crackling flower, red glitter, lemon, blue & green dahlia (45 shots)
- 6) Purple Kamue – purple, straight up (30 shots)
- 7) Dragon Fury – Assorted, (36 shots)

K) 500 GRAM CAKES (1 ½ "diameter)

- 1) Betrayal – Purple, silver, green glitter (33 shots)

L) 500 GRAM CAKES (1 ¾" diameter)

- 1) Sexy Rider-- Red wave, green glitter, blue, red, silver, peony straight up (9 shots)
- 2) Fallen Angel – Silver, Red, green, gold, fan style, (12 shots)

M) 500 GRAM CAKES (2" diameter)

- 1) International- straight up, round peonies of lemon, purple, orange (12 shots)
- 2) Power – Assorted Color Peonies (12 shots)
- 3) Black Diamond – red, white, blue, fired 2 at a time in "V" formation (12 shots)

N) 500 GRAM CAKES (3" diameter)

- 1) Cruel Mistress – Assorted, straight up (9 shots)
- 2) Battle Cry – (9 shots)
- 3) Go Big or Go Home –fan style (9 shots)
- 4) The Big Florescent (9 shots)
- 5) Rock On (9 shot)

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: October 11, 2011	Item # NB 6
Agenda Item: Truck purchase	
Town Manager's Recommendation	
<p>As previously discussed, we have researched options to fill the void created with the blown engine on the F550 Plow Truck. Ford no longer makes that sized truck. We have found the best price possible with the trade of the (03) F550 and the (91) L8000.</p> <p>In accordance with the purchasing policy, request authorization to purchase the truck and winter setup with trade ins as described.</p>	
Requested Action	
<p>Motion to purchase one Dodge 5500 Chassis with a Cummins Engine including winter setup and trade in allowance from H. P. Fairfield in the amount of \$87,500.00.</p>	
Vote	