

South Berwick Town Council January 22, 2013

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 6:30pm. Councilors present included Jean Demetracopoulos, David H. Webster, John C. Kareckas, and Russell H. Abell. Town Manager Perry Ellsworth was also in attendance.

Executive Session

On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to enter executive session at 6:31pm pursuant to 1MRSA §405.6C to discuss a lease assignment.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to end the executive session at 6:56pm.

The Town Clerk administered the oath of office to Councilor Elect Abell.

Approval of Minutes

1. Council 1-08-13: On a motion by Mr. Webster, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant – Jan 22, 2013

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant printed on January 17, 2013 in the amount of \$275,232.04. Mr. Kareckas questioned the difference in dates on the warrant and the agenda. Mr. Ellsworth explained the date shown on the warrant is simply the date it was printed.

Public Comment

1. No one in the audience wished to address Council.

Reports & Correspondence

1. Mr. Ellsworth made note of Representative Chellie **Pingree's** congratulatory note regarding the complimentary article about South Berwick in the Bloomberg Report.

2. Seacoast Energy Initiative Report: Chairman John Rudolph gave a brief update on the SEI revolving loan program. Mr. Rudolph stated that the program for low cost loans to improve home energy efficiency has been fully utilized by 38 homeowners in southern York County. There have been no late payments or defaults. The program has also increased regional cooperation. Mr. Rudolph and Stephen Kosacz (Vice-Chair) thanked South Berwick for its support and taking the lead after Kittery dropped out. Talks have just begun regarding the next phase of the program and how it will be administered.

Mr. Ellsworth thanked the SEI Committee, and especially Ann Goggin the program administrator for their efforts and commitment.

Town Manager's Report

-**Made note of the Governor's proposed budget and the significant losses to South Berwick and SAD 35** it would cause. Initial numbers show that we could lose \$400,000 in revenue sharing, \$72,000 in lost homestead exemption reimbursements, and minimally about \$1000 in tractor trailer excise tax. The school district could lose about \$140,000. Mr. Ellsworth read a draft letter to state level representatives and asked the Council for consensus to allow the Chair to sign the letter (after minor changes). The Council agreed to send the letter. The Council also agreed to authorize the Manager to set up a workshop with our state representatives/senator and area towns to discuss a course of action.

-**The Maine Municipal Legislative Policy Committee will be meeting next week and the Governor's** proposed budget will be the main topic for discussion.

-Informed the Council that his meeting with the downtown business owners regarding the upcoming state mill & fill project for Main and Portland Streets was quite successful. A preconstruction meeting will be held with the DOT next week.

-Will be meeting with Avesta in Portland on February 8th to discuss plans for the senior housing project on Young Street.

-Made note that he has hired a mediator to work with on the union contracts. They will be meeting next Tuesday.

Unfinished Business

1. No action taken.

New Business

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to approve the renewal of a liquor license for Relish Restaurant.

2. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to approve the renewal of a liquor license and special amusement permit for Spring Hill.

3. The Town Manager recommended that the Council declare the old Animal Control cruiser as junk. Repairs are cost prohibitive; however, some items such as lights and tires are salvageable.

On a motion by Mr. Kareckas it was unanimously voted to declare the vehicle without value and authorize the Town Manager to dispose of it properly in accordance with the Purchasing Policy (A150-7.C.5).

Council Member Comments

1. Mr. Kareckas:

-Commented that maintaining a minimum of 1 lane traffic during the upcoming mill & fill project on Main Street will be very important.

-Welcomed new Councilor Russ Abell to the Board. He offered to attend training with him as a refresher for himself.

-Made note that he had emailed the other Councilors and the Manager his comments on a summary of what items will be sent to the Planning Board.

2. Mrs. Demetracopoulos:

-Welcomed Mr. Abell to the Board.

-Requested that Department Heads report on the value of any grants received, identify volunteers & the services they performed and their value.

-Asked if the audit was ready for review. Mr. Ellsworth responded that it was not.

-Asked about the effect of the shorter polling hours at the recent election. The Clerk stated that the turnout was higher than expected at 7%, 367 voters. [Polls were open 2pm to 7pm]

-Thanked the Town Manager for his outreach to the business community.

-Commented that a Vaughan Fund workshop should be scheduled. An investment advisor and strategies need to be chosen.

3. Mr. Webster:

-Congratulated Mr. Abell on his election to the Council.

-Commented that the lack of snow has been good for the budget's bottom line.

-Commented that he hoped everyone would attend the Eastern Trail workshop next Tuesday.

4. Mr. Abell:

-Stated that it was a pleasure to be here; and he looked forward to being a part of conducting the **Town's business.**

5. Mr. MacPherson:

-Informed everyone that the new ice rink is up and running. [Next to the Red Youth Barn on Agamenticus Rd]

Adjournment

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:12pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00031836	134200 MAINE MUNICIPAL ASSO (INS)	02/12/2013	.00
00032036	132500 SECRETARY OF STATE M/V	02/12/2013	11,701.55
00032037	071500 GUNSTOCK GROUP SALES	02/12/2013	200.00
00032038	131700 MAINE CHIEFS OF POLICE ASSOC.	02/12/2013	50.00
00032039	189999 REFUNDS	02/12/2013	148.75
00032040	010336 AGGREGATE RECYCLING CORP	02/12/2013	1,302.33
00032041	010360 AIR CLEANING SPECIALISTS OF NE	02/12/2013	327.50
00032042	010490 ALGONQUIN PRODUCTS CO	02/12/2013	158.89
00032043	010500 ALL STATES ASPHALT INC	02/12/2013	3,451.00
00032044	010740 AMERIFLEX CLAIMS ACCOUNT	02/12/2013	840.00
00032045	011250 TREASURER, STATE OF MAINE	02/12/2013	420.00
00032046	020790 APPLIED INDUSTRIAL TECH	02/12/2013	160.02
00032047	011422 KERA ASHLINE	02/12/2013	82.26
00032048	020225 BAKER & TAYLOR	02/12/2013	199.96
00032049	020230 BANGOR PUBLIC LIBRARY	02/12/2013	650.00
00032050	020315 BARGAIN FUEL	02/12/2013	344.90
00032051	021200 BERGERON PROTECTIVE CLOTHING	02/12/2013	650.00
00032052	231320 GH BERLIN WINDWARD	02/12/2013	804.50
00032053	022850 BUSINESS EQUIPMENT UNLIMITED	02/12/2013	351.50
00032054	021576 JANETTE BIRCH	02/12/2013	116.67
00032055	021668 BLOW BROS	02/12/2013	36.25
00032056	022240 GARY BOUCHER	02/12/2013	42.55
00032057	022480 ANNE BRADDER	02/12/2013	912.00
00032058	022503 SHARON BRASSARD	02/12/2013	68.73
00032059	030530 CENTRAL TIRE CO INC	02/12/2013	751.54
00032060	030500 CENTRAL MAINE POWER/CREDIT, COLL	02/12/2013	314.65
00032061	030510 CENTRAL MAINE POWER	02/12/2013	6,311.59
00032063	030725 CITIZENS BANK (CHG)	02/12/2013	643.30
00032064	031425 COLONIAL LIFE & ACCIDENT INS.	02/12/2013	1,341.58
00032065	031430 COMCAST	02/12/2013	99.95
00032066	031579 CONSTELLATION NEW ENERGY	02/12/2013	818.27
00032067	031915 CRANMORE MOUNTAIN RESORT	02/12/2013	1,443.00
00032068	031995 RENDY CROSBY	02/12/2013	50.00
00032069	040300 DEMCO	02/12/2013	100.52
00032070	040530 DEDE DIONNE	02/12/2013	17.98
00032071	050815 EMPLOYEE HEALTH & BENEFITS	02/12/2013	823.07
00032072	141000 FAIRPOINT COMMUNICATIONS	02/12/2013	2,357.74
00032073	060300 FAVORITE FOODS INC	02/12/2013	522.75
00032074	060305 FBI NATIONAL ACADEMY ASSOC.	02/12/2013	85.00
00032075	060340 FEDCO TRUCK AND EQUIPMENT	02/12/2013	97.55
00032076	060763 FISHER AUTO PARTS	02/12/2013	8.19
00032077	061203 FOGARTY'S RESTAURANT	02/12/2013	80.00
00032078	061525 FRED PRYOR SEMINARS	02/12/2013	99.00
00032079	070200 P GAGNON & SON INC	02/12/2013	600.00
00032080	070210 GALL'S INC	02/12/2013	84.98
00032081	070370 GOGGIN COMPANY	02/12/2013	30,000.00
00032082	070530 GOOD GIRL GRAPHICS	02/12/2013	100.00
00032083	070565 GORHAM LEASING GROUP	02/12/2013	96.56
00032084	070600 GEORGE GORMAN	02/12/2013	139.56
00032085	071086 GREAT WORKS FAMILY PRACTICE	02/12/2013	110.00
00032086	071180 GROUP DYNAMIC INC	02/12/2013	154.00
00032087	071500 GUNSTOCK GROUP SALES	02/12/2013	750.00
00032088	191330 HANNAFORD'S	02/12/2013	510.45
00032089	080248 HANSCOM'S TRUCK STOP INC	02/12/2013	16,248.00
00032090	080450 HARVARD PILGRIM HEALTH CARE	02/12/2013	25,120.05
00032091	080650 HIGHSMITH	02/12/2013	55.00

Check Number	Account	Date Paid	Amount
00032092	080778 NORBERT HILTON	02/12/2013	40.00
00032093	022665 C.E. HOLMES CONSTRUCTION	02/12/2013	880.00
00032094	080998 HOME DEPOT	02/12/2013	729.17
00032095	087001 IAAO/MAINE CHAPTER	02/12/2013	35.00
00032096	090120 INLAND FISHERIES & WILDLIFE	02/12/2013	2,870.55
00032097	090375 INTERNATIONAL SALT	02/12/2013	20,164.20
00032098	089050 INDUSTRIAL PROTECTION SERVICES	02/12/2013	55,914.00
00032099	100150 JANETOS MARKET	02/12/2013	162.15
00032100	100175 JENKINS FUEL INC	02/12/2013	3,737.40
00032101	141367 KONE INC	02/12/2013	200.27
00032102	120240 LANG'S CORNER GARAGE INC	02/12/2013	158.10
00032103	120510 LAWSON PRODUCTS INC.	02/12/2013	197.16
00032104	120950 LHS ASSOCIATES INC	02/12/2013	170.00
00032105	121300 LINCOLN PRESS	02/12/2013	38.00
00032106	121400 JOHN LIPPINCOTT	02/12/2013	725.00
00032107	071170 MARTIN GRENIER	02/12/2013	1,048.98
00032108	125975 MAD SCIENCE OF MAINE	02/12/2013	2,760.00
00032109	132400 MAINE SAD #35	02/12/2013	548,800.67
00032110	133371 MARIN CONSULTING ASSOCIATES	02/12/2013	240.00
00032111	133376 LUKE MARTIN	02/12/2013	421.00
00032112	133358 W.B.MASON	02/12/2013	238.48
00032113	210783 MATHESON TRI-GAS INC	02/12/2013	140.25
00032114	133387 MC DONALDS	02/12/2013	48.15
00032115	131500 MCFARLAND SPRING CORP.	02/12/2013	957.99
00032116	133795 MICK BODYWORKS	02/12/2013	576.20
00032117	180117 RAELYNN MOORE	02/12/2013	26.24
00032118	127000 CORRINE J MAHONY	02/12/2013	1,880.00
00032119	140105 NAPA OF SOMERSWORTH	02/12/2013	420.26
00032120	140975 NEW ENGLAND WIPER INC	02/12/2013	86.00
00032121	140796 NEW ENGLAND ASSN/POLICECHIEFS	02/12/2013	60.00
00032122	141060 NEW PIG CORP	02/12/2013	377.67
00032123	141127 NH E-Z PASS	02/12/2013	3.50
00032124	133378 NORTON STREET NRLP	02/12/2013	1,020.00
00032125	160900 PORTLAND NORTH TRUCK CENTER	02/12/2013	131.00
00032126	180400 RED'S SHOE BARN INC	02/12/2013	83.69
00032127	190030 SALMON FALLS LANDSCAPING INC	02/12/2013	200.00
00032128	190094 SANEL AUTO PARTS CO	02/12/2013	1,231.24
00032129	190540 SEACOAST FIRST AID & SAFETY	02/12/2013	48.65
00032130	132500 SECRETARY OF STATE M/V	02/12/2013	31,371.23
00032131	191753 FOREST SMITH	02/12/2013	675.00
00032132	192900 SO BERWICK WATER DISTRICT	02/12/2013	315.29
00032133	192650 SO BERWICK SEWER DISTRICT	02/12/2013	1,016.00
00032134	193410 SO MAINE REGIONAL PLANNING CM	02/12/2013	1,509.60
00032135	193605 SOUTHWORTH-MILTON, INC	02/12/2013	198.66
00032136	193622 SPRINGER ELECTRICAL SERV INC	02/12/2013	908.93
00032137	193640 STAPLES	02/12/2013	379.24
00032138	194300 SUNOCO/FLEET SERVICES	02/12/2013	59.98
00032139	200300 TAYLOR RENTAL	02/12/2013	16.00
00032140	200660 THOMSON WEST	02/12/2013	654.50
00032141	201130 TOWN HALL STREAMS	02/12/2013	250.00
00032142	201150 ANNMARIE TOWNSEND	02/12/2013	119.95
00032143	133105 TREASURER OF STATE/C.WPNS	02/12/2013	305.00
00032144	133107 TREAS.STATE OF MAINE/DEP	02/12/2013	411.00
00032145	201300 TWO-WAY COMMUNICATION SERV INC	02/12/2013	715.24
00032146	210070 ULTRAMAX	02/12/2013	592.00



STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002
(207) 287-1300

MARK WESTWOOD EVES
SPEAKER OF THE HOUSE

January 30, 2013

Chairman Gerald W. MacPherson
South Berwick Town Council
180 Main St.
South Berwick, ME 03908-1535

Dear Chairman MacPherson,

Thank you for writing to me to express the Council's opposition to Gov. LePage's proposed biennial budget proposal. I agree with you that the proposed elimination of municipal revenue sharing and reductions in the homestead exemption will create undue hardships for our towns and as well as our taxpayers and I am hopeful that we will be able to find a solution which allows us to continue the municipal revenue sharing program in this biennial budget.

As I write this letter, the Appropriations Committee is preparing to take up the Governor's proposals. While I will share you concerns with them, I encourage you to write to them as well to express your concerns. The more the public weighs in on these proposed cuts the more pressure there will be to find a solution.

I understand how deeply the proposed cuts in the Governor's budget will be felt by families and individuals in all communities and towns. As we seek to make state government more efficient and cost effective we must make sure that the vital services that are so essential during these tough times stay intact, and that we are not simply shifting tax burdens from the state onto our local communities.

Again, thank you for writing to me and please feel free to contact me about any issues that are important to you or if you are having trouble with any state agencies. You can reach me at home at 793-2396, or in Augusta at 1-800-423-2900 or 287-1400.

Sincerely,

Mark W. Eves
Speaker of the House

*Thanks for your input. City
always helpful to hear from you.
Please feel free to share
with the rest of the Council.*

Town Council Consideration of Proposed Punkin Town Road and CMP Corridor Municipal Development and Tax Incremental Financing District

Motion to amend Town Council Order #2011-01, Dated February 22, 2011:

Page 1, **Section 2.** Is amended as follows:

“The Town Manager or other representative duly appointed by the South Berwick Town Council (Council) is hereby authorized...”

“...is authorized to negotiate and submit to the Council for approval such changes to the Development Program...”

Page 2, **Section 4.** Is amended to read:

“The Town Manager is hereby authorized and empowered, from time to time, to make such revisions to the Development Program for the District as the Town Council deems reasonably necessary or convenient in order to facilitate...”

Motion to amend Development Program received in the Town Council Packet of February 18, 2011 and reviewed at Public Hearing on February 22, 2011:

Page 2, **Section II., subsection A.** First Bullet Item is amended to read:

- “Economic and Community Development;”

Page 3, **Section II., subsection B.** The first paragraph last sentence on this page is amended to read:

“...The Business Parks hold clear potential for further economic and community development as long as the Town maintains its modernized infrastructure and related economic and community development offerings.”

Page 3, **Section II., subsection D.** The last paragraph on this page is amended to delete:

[“...The Town intends to vigorously market its streamlined ability to entertain applications for Credit Enhancement Agreements with persons that own or develop property within the areas demarcated as Business Parks in the District.”]

Page 4, **Section II., subsection D.** The first paragraph on this page is amended to read:

“...It will also underscore South Berwick’s growing reputation as a commercial hub and desirable place in which to locate a business; promote additional economic and community development in South Berwick...”

Town Council Consideration of Proposed Punkin Town Road and CMP Corridor Municipal Development and Tax Incremental Financing District

Page 5, Section II., subsection F. 2. This paragraph is amended to read:

“...with such developers. Credit Enhancement Agreements shall be negotiated by the Town Manager and approved by the South Berwick Town Council (Council) at the sole discretion of the Town and as such funds are available without incurring additional Town debt.”

Page 5, Section II., subsection F. 5. This paragraph is amended to read:

“The improvements made under the proposed Development Program shall meet or exceed all federal and state environmental regulations and shall comply with all applicable land use requirements for the Town of South Berwick.”

Page 5, Section II., subsection F. 6. This paragraph is amended to read:

“During the term of the District, the Town Manager of South Berwick shall be responsible for all administrative matters within the purview of the Town concerning the implementation and operation of the District. To fully inform the citizens of South Berwick or other interested parties, a Financial Summary, and copies of Supplemental Agreements and Changes to the Development Program over the past year shall be published annually as a part of the South Berwick Town Report.”

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: February 12, 2013	Agenda Item NB # 1
Subject: Solid Waste Hauler License for Waste Management of NH	
Information:	
The Town has received a request to renew Waste Management of NH's Solid Waste Hauler License. Proper fees, \$400 have been received. No issues have been reported.	
Staff Comments/Recommendation:	
Recommend that a Solid Waste Hauler License be issued to expire January 31, 2014.	
Requested Action:	
Council wishes	
Vote:	

Town of South Berwick
Solid Waste Haulers License Application

Name of Hauler Waste Management
 Hauler's Address 90 Rahoster Neck Rd
Rahoster NH 03839
 Email address: JWelch@wm.com
 Telephone 603-330-2172

Vehicle Information:

Plate #	Make	Model	Color	VIN Number	Vehicle Weight
<u>7230AR</u>	<u>Mack</u>	<u>Refuse</u>	<u>Green</u>	<u>1M2K195C37MD34333</u>	<u>64,000</u>
<u>4398AR</u>	<u>Mack</u>	<u>Refuse</u>	<u>Green</u>	<u>1M2K195C13MD22157</u>	<u>64,000</u>
<u>AR7067</u>	<u>Mack</u>	<u>Recycle</u>	<u>Green</u>	<u>1M2AC07C32M006829</u>	<u>55,000</u>
<u>AR8217</u>	<u>Mack</u>	<u>Recycle</u>	<u>Green</u>	<u>1M2AC07C22M006725</u>	<u>55,000</u>
<u>7194AR</u>	<u>Mack</u>	<u>Refuse</u>	<u>Green</u>	<u>1M2K195CX7M034961</u>	<u>64,000</u>
<u>AR6983</u>	<u>Mack</u>	<u>Refuse</u>	<u>Green</u>	<u>1M2K195D1MOK08842</u>	<u>64,000</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

New licenses are \$250 plus \$50 per truck. Renewals are \$100 plus \$50 per truck.

Prepared by (please print) James Welch
 Signature: [Signature]

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 12, 2013	Item # NB 2
<p>Agenda Item: Release Deeds for Map 14 Lot 11, Map 32 Lot 68, Map 31 Lot 36</p> <p>– Three (3) Foreclosed Properties Redeemed during the Redemption period per the Town’s Tax-Acquired property policy.</p>	
<p>Department Head Recommendation: Beverly Hasty, Dept Tax Collector</p>	
<p>This document when signed releases any interest the Town obtained when the 2010/2011 tax liens matured December 10, 2012. The deeds will be recorded at the York County Registry of Deeds.</p>	
<p>Town Manager’s Recommendation</p>	
<p>Approve and sign release deeds.</p>	
<p>Requested Action</p>	
<p>Motion to approve a release deed for Map 14 Lot 11 and to sign same. Motion to approve a release deed for Map 32 Lot 68 and to sign same. Motion to approve a release deed for Map 31 Lot 36 and to sign same.</p>	
<p>Vote</p>	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 12, 2013	Item # NB 3
Agenda Item: Schedule Public Hearing for Planned Growth Ordinance (Chapter 102)	
Town Manager's Recommendation	
<p>The Town's Planned Growth Ordinance will sunset on April 1, 2013. Maine Statute requires the calculation for growth permits be updated every three years. We have completed the calculations and made the appropriate amendments to the chapter.</p>	
Requested Action	
<p>Motion to schedule a Public Hearing on the Planned Growth Ordinance on February 26, 2013 at 6:30 pm.</p>	
Vote	

Growth Ordinance Calculation
Ordinance Expires 4/1/13

Year	Single Family	Manufactured	Total/Year
2012	11	7	18
2011	6	1	7
2010	12	3	15
2009	12	3	15
2008	15	3	18
2007	10	6	16
2006	22	4	26
2005	24	7	31
2004	30	11	41
2003	21	14	35
Total			222

New calculation=mean over ten years X 1.05% 23.31
 Growth Permits/Year 23
 # of Affordable Housing Permits 2
 These permits are in addition to the Growth Permits

Total Growth Permits 26

Chapter 102. PLANNED GROWTH

[HISTORY: Adopted by the Town Council of the Town of South Berwick 2-9-2004.
Editor's Note: This ordinance superseded former Ch. 102, Planned Growth, adopted 6-1-1988, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Aquifer protection — See Ch. 56.

Building construction — See Ch. 60.

Numbering of buildings — See Ch. 61.

Floodplain management — See Ch. 77.

Historic districts — See Ch. 84.

Subdivision of land — See Ch. 121.

Zoning — See Ch. 140.

Planning Board Bylaws — See Ch. A148.

§ 102-1. Purpose.

The purposes of this chapter are in compliance with the Town of South Berwick's Comprehensive Plan and the State of Maine's Growth Management Act and are as follows:

- A. To provide for the local housing needs of South Berwick residents while accommodating growth at a rate that will ensure the safety and general welfare of the citizens of South Berwick.
- B. To provide for continued residential growth while also enabling the Town to provide for long-range natural resource protection and the future orderly growth of the Town.
- C. To provide for capital improvements in a manner which will tend to stabilize the rate of change in the tax rate.
- D. To avoid large-scale fluctuations in growth which could outstrip the Town's ability to provide adequate services.

E. To provide for growth at a rate compatible with the orderly expansion of community services, including but not limited to sewage treatment, schools, municipal services and roads.

F. To ensure fairness and equity in the distribution of building permits.

G. To exempt from the provisions of this chapter the repair, replacement reconstruction or alteration of any existing building or structure.

H. To maintain designated rural areas and promote infill development in designated growth areas.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
ANNUAL or ANNUALLY Referring to a period of one year from the effective date of this chapter or from an anniversary of the effective date.

CONVEY To seal, lease, rent, give, or allow occupancy of a dwelling unit.

DWELLING UNIT A building or portion thereof providing complete housekeeping facilities for one family and which contains independent areas for living, cooking sleeping, bathing and sanitary facilities. The term shall not be deemed to include a recreational vehicle.

GROWTH PERMIT APPLICATION An application designed to collect information about proposed residences, to be used as a basis for rating them for approval. Information includes but is not limited to length of ownership, location, size, soil conditions and relevant construction details. (See Appendix 1. Editor's Note: This appendix is on file in the office of the Town Clerk.)

MOBILE HOME A factory-fabricated structure designed as a dwelling unit, mounted on a permanent chassis, with or without wheels, whether or not placed on a foundation. Mobile homes may be either singlewide or doublewide units. This term shall not include travel trailers, motor homes, or recreational vehicles.

STANDBY The time period in which an applicant within a subdivision or multifamily dwelling unit must wait until he is eligible to draw additional growth permits.

§ 102-3. Conformity required; exceptions.

All new dwelling units, including new mobile homes, within South Berwick, whether permanent or seasonal, shall conform to the provisions of this chapter. No new dwelling unit, which fails to meet the requirements of this chapter, shall be constructed or placed within the Town of South Berwick. This chapter does not apply to any principal nonresidential uses, including hotels, motels, inns, lodging homes, commercial, office, institutional, or industrial uses. This chapter does not apply to a dwelling unit built on a lot to replace an existing dwelling unit that will subsequently be removed from the site. However, this chapter does apply to new accessory dwelling units attached to any principal nonresidential use, which shall conform to the requirements of this chapter.

§ 102-4. Maximum number of permits annually.

[Amended 1-8-2007; 3-9-2010]

The maximum total number of growth permits to be issued annually shall be ~~2636~~, with a maximum number of 1348 within a subdivision and a maximum number of 1348 not within a subdivision. These numbers shall be subject to the review procedure set forth in § 102-11. ~~Three~~ Two of the permits are set aside for affordable housing, as defined by the Rules of the Maine Executive Department, State Planning Office, Chapter 100.

§ 102-5. Exemptions.

[Amended 1-8-2007; 3-9-2010]

The provisions of this chapter shall not apply to valid, unexpired building permits issued prior to April 1, 20130.

§ 102-6. Application procedure.

A. Applications for growth permits must be completed by the lot owner of record. Each growth permit application must be accompanied by a complete application for a building permit, demonstrating that the applicant has met all the requirements for issuance of a building permit under all other applicable ordinances, laws, rules, and regulations.

B. Applications shall be on forms provided by the Town of South Berwick (Appendix 1 Editor's Note: This appendix is on file in the office of the Town Clerk.). The Code Enforcement Officer may request additional information and shall have the authority to require that the application be revised or supplemented in order to meet state or local requirements.

C. Growth permit applications may be submitted to the Code Enforcement Officer during regular business hours, beginning with the morning after the effective date of this chapter.

§ 102-7. Issuance procedure.

The Code Enforcement Officer shall review all applications for completeness and accuracy; and, if found to be in order, he shall complete his entries, including the date and time of receipt.

A. Applications received by the Code Enforcement Officer by 5:00 p.m. on the last Monday of the month shall be rated in accordance with the point system outlined in Subsection G. The three highest rated applications for dwellings proposed to be built shall be identified and approved for a growth permit on the first Monday of the following month.

[Amended 3-9-2010]

B. Applications received between regular business hours on the first Monday of the month and regular business hours on the last Monday of the month shall be rated as in Subsection A above.

C. The Code Enforcement Officer shall rate and approve permit applications. A maximum of three permit applications shall be approved per month.

[Amended 3-9-2010]

D. In the event that fewer than ~~three~~two applications are received in the first month, or cumulative totals do not reach an average of ~~two~~three per month, applications may be approved up to the ~~two~~three per month cumulative total (carried over) until the end of one year after the effective date of this chapter, or after the most recent anniversary date of this chapter, providing the cumulative total does not exceed ~~36~~26 total permits in each year.

[Amended 1-8-2007; 3-9-2010]

E. Applications for multifamily dwelling units shall be rated and approved in the same manner as single-family dwelling units in accordance with § 102-7G; and for the purposes of this chapter, they shall be classified as dwelling units proposed to be built within a subdivision.

F. Multifamily dwelling units require a separate growth permit application for each dwelling unit. Rating and approval shall be consistent with the system used for single-family dwelling units.

G. The point system for ranking growth permit applications shall be as follows:

(1) Soil suitability: one point shall be given if the depth to seasonal water table, to bedrock, to a restricting layer, or to any other limiting factor on original soil, documented on the HHE 200 form, is greater than 20 inches, and another one point shall be given if a second reserve septic leach field area on original soil is greater than 20 inches to any limiting factor documented on the HHE 200 form (this applies to single-family and duplex houses).

(2) On Town sewer: one point.

(3) On Town water: one point.

(4) On a road meeting Town standards, according to the South Berwick Subdivision Ordinance, Editor's Note: See Ch. 121, Subdivision of Land. or on a Town road: two points.

(5) Months since complete application received, for each full month: two points.

(6) Bonus point when in standby for each full month: one point.

NOTE: Any person submitting false information on an application shall void such application and not be eligible to apply for a growth permit application for a period of one year.

H. Growth permits which are not approved shall be automatically re-ranked and reconsidered during the following month(s).

I. After six growth permits for dwelling units have been issued in a subdivision through the provisions of this chapter, a standby period of three months shall elapse before growth permits may be issued again in that particular subdivision. Those growth permit applications in standby shall earn one bonus point per month in addition to the longevity point [see § 102-7G(5)] until claimed. Subdivision or nonsubdivision growth permit applications may be left voluntarily in standby and shall continue to earn points in like manner.

§ 102-8. Growth permit application to include building permit application; expiration.

Each growth permit application must be accompanied with a complete building permit application. The building permit application will not be effective until a growth permit has been granted. It shall be the responsibility of the applicant to convert the approved growth permit to a building permit, including the payment of all fees. Any growth permit not converted to a building permit within 90 days of approval will expire. The applicant must then reapply for a growth permit. The expiry of the building permit shall be in conformity with the South Berwick Zoning Ordinance. Editor's Note: See Ch. 140, Zoning.

§ 102-9. Title.

This chapter shall be known as the "Planned Growth Ordinance of South Berwick" and will be referred to herein as the "chapter."

§ 102-10. Authority.

This chapter is adopted pursuant to the home rule powers as provided for in Article VIII-A of the Maine Constitution and to 30-A M.R.S.A. § 3001 through § 3007, and also to the South Berwick Town Charter, Article II, Section 3, and Article VIII, Section 2.

§ 102-11. Periodic review.

[Amended 1-8-2007]

The operation and administration of this chapter shall be subject to review by the South Berwick Town Council on a yearly basis to ensure that the distribution of permits is occurring in a fair and equitable manner, and also to review the maximum growth rate and the Town's responsibility in planning, developing and implementing those municipal systems to accommodate growth in an orderly fashion so as to maintain the public health, safety and welfare, in accordance with the Town's Comprehensive Plan.

§ 102-12. Nontransferability; exception.

Growth permit applications shall be site-specific and shall be valid for construction only on the lot specified on the application. However, said applications shall be transferable to new owners of the lot should the property be conveyed.

§ 102-13. Conflict with other provisions.

This chapter shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit, or provision of law. Where this chapter imposes a greater restriction upon the use of land, buildings or structures, the provisions of this chapter shall prevail.

§ 102-14. Sunset provision.

This chapter shall automatically terminate on the third anniversary of its effective date, unless specifically extended by a vote of the South Berwick Town Council, following the procedures outlined in the South Berwick Town Charter Article II, Section 11.

§ 102-15. Amendment procedure.

Any amendment to this chapter must follow the procedures outlined in Article II, Section 11, of the South Berwick Town Charter.

§ 102-16. Appeals.

An appeal may be taken from any decision of the Code Enforcement Officer to the Board of Appeals in accordance with Article VI of the South Berwick Zoning Ordinance Editor's Note: See Ch. 140, Zoning. and from the Board of Appeals to the Superior Court as provided by Maine Revised Statutes Annotated.

§ 102-17. Prohibited acts.

A. It shall be a violation of this chapter for any person, firm, or corporation to build or place a dwelling unit within the Town, without first having obtained a growth permit from the Code Enforcement Officer, unless such construction or placement constitutes an exception under this chapter.

B. If a dwelling has been constructed or placed without a growth permit, it shall also be a violation for any person, firm, or corporation to convey such dwelling.

§ 102-18. Enforcement; violations and penalties.

A. Any person, firm, or corporation owning or controlling any dwelling units being constructed in violation of this chapter commits a civil violation and, upon being found liable, shall be subject to fines and penalties as set forth in 30-A M.R.S.A. § 4452. Each day the violation continues after notice from the Code Enforcement Officer shall be a separate violation.

B. If a dwelling unit has been built in violation of this chapter and is occupied, the builder commits a civil violation, and upon being found liable, shall be subject to fines and penalties as set forth in 30-A M.R.S.A. § 4452. Each day the violation continues after notice from the Code Enforcement Officer shall be a separate violation.

§ 102-19. Applicability.

Notwithstanding the provisions of 1 M.R.S.A. § 302, this chapter shall apply to actions and proceedings, including, without limitation, applications for building permits, applications for subdivision approval, applications for conditional use permits, applications for shoreland zoning permits, and applications for variances, pending on the effective date of this chapter.

§ 102-20. Effective date.

[Added 2-26-13]

March 26, 2013

|
[Added 3-9-2010]

Due to the fact that the existing Planned Growth Ordinance is due to expire on March 26, 2010, and in order to remain consistent with the dates in this chapter, the updated Planned Growth Ordinance shall take effect on April 1, 2010.

C. In addition to the permits established pursuant to paragraph B, the ordinance sets the number of building or development permits for affordable housing at no less than 10% of the number of permits set in the ordinance pursuant to paragraph B; and [2005, c. 597, §3 (NEW); 2005, c. 597, §4 (AFF).]

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years. [2007, c. 77, §2 (AMD).]

[2007, c. 77, §2 (AMD); 2007, c. 155, §1 (AMD); 2007, c. 466, Pt. B, §20,21 (AFF) .]

SECTION HISTORY

2001, c. 591, §1 (NEW). 2003, c. 127, §1 (RPR). 2005, c. 597, §3 (AMD). 2005, c. 597, §4 (AFF). 2007, c. 77, §§1, 2 (AMD). 2007, c. 155, §1 (AMD). 2007, c. 466, Pt. B, §20,21 (AFF).

Data for this page extracted on 10/16/2012 08:32:33.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

The Need for Careful Planning

Growth caps are generally used to limit the number of residential building permits issued in a community on a monthly or annual basis. However, without careful planning, growth caps can have unintended negative effects including sprawling development patterns, a lack of affordable housing, and insufficient municipal funds for future growth. In such cases, the end result may be exclusionary and inappropriate.

State of Maine Perspective

Maine experienced little population growth but significant population shifts in the final decade of the 20th century. The state's overall population grew by only 3.8% from 1990 to 2000, but population increased in some coastal counties by rates approaching 14%. This shifting population was accompanied by an even larger growth in land consumption and an increased demand for housing, which in turn put pressure on municipal budgets, natural resources and community character. In response, many suburbanizing towns began implementing residential growth caps, or rate of growth ordinances, to inhibit the rate of growth and reduce the burdens on municipal services and infrastructure.

Current state law (Maine Revised Statutes Title 30-A, Chapter 187, § 4360) allows municipalities to establish three different types of growth caps:

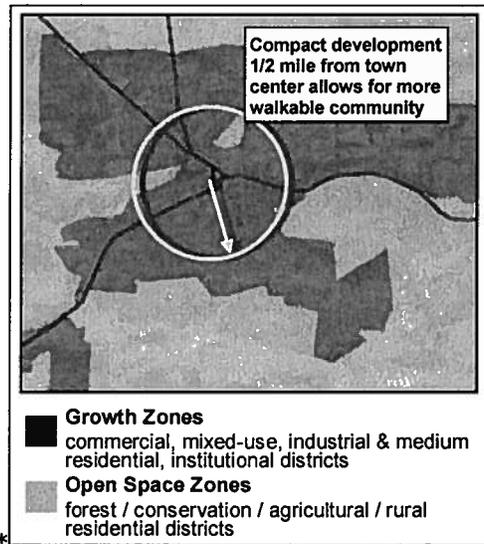
- **Temporary caps** are adopted to limit development while towns establish adequate regulatory and fiscal capacity to accommodate future growth.
- **Differential caps** apply only in locally-designated rural areas, and serve as a growth management tool to direct most development towards designated growth areas.
- **Permanent caps** apply to entire towns on an ongoing basis.

State law also requires towns with growth caps to review and update their ordinances at least every 3 years to determine whether the caps are still necessary and how they might be adjusted to meet current conditions. Rate of growth ordinances are required to be consistent with comprehensive plans that are consistent with the Growth Management statutes.

As of Jan. 1, 2003, no rate of growth ordinance is valid unless it is pursuant to a consistent comprehensive plan.

Current Attitudes Towards Growth Caps

Most proponents of smart growth support the use of **temporary caps** with sunset clauses while towns address future growth through additional planning, investment, or regulation. Inclusion of a sunset clause in rate-of-growth ordinances allows the temporary cap to expire once a town has gotten its regulatory and fiscal house in order. **Differential growth caps** can also be useful tools for managing and directing growth in communities, particularly towards locally-designated growth areas and away from designated rural areas. **Permanent growth caps** are generally discouraged by smart growth advocates because they often are used as a surrogate for comprehensive planning, carefully considered land-use ordinances, and adequate capital programming.



According to the SPO, towns must address several issues in their comprehensive plans before implementing any kind of growth cap. These issues include:

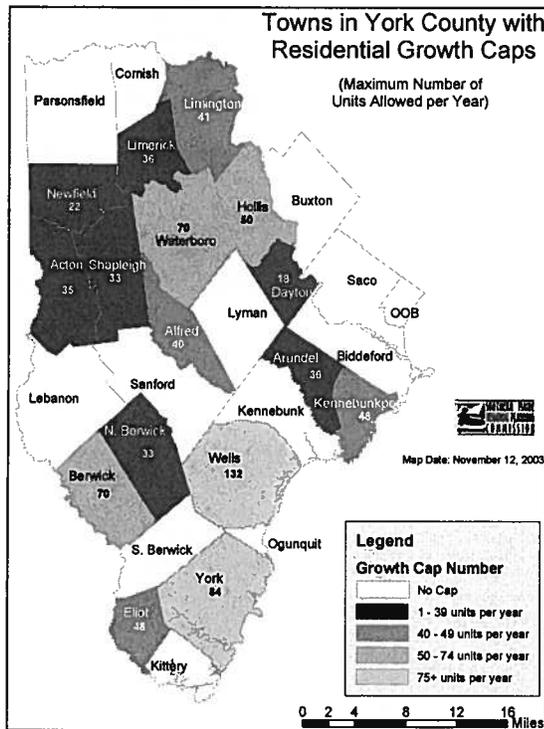
- Existing or projected capacity problems for municipal facilities and services;
- The linkage between growth caps and allocation of existing and future capacity of municipal facilities and services;
- Allowable growth based on town's historic growth rate and a reasonable share of future growth in the surrounding region;

- The impact of growth cap on housing affordability; and
- The impact of growth cap on neighboring communities.

In addition, prior to adopting a growth cap, towns must set forth a strategy for developing a capital investment plan which would increase the capacity of their municipal facilities and services.

Case Study: Growth Caps in York County

Between 1990 and 2000, York County's population grew by 13.5%, the highest growth rate in the State. Over half of the towns in York County - most of them outside of the more heavily developed service centers such as Biddeford, Sanford and Kittery - currently have some form of growth cap in place.



The growth caps appear to be having an unexpected county-wide effect: a "smart growth" development pattern wherein outlying communities function as designated rural areas while service center communities, such as Sanford, continue to grow.

In fact, however, the growth that is allowed in the outlying towns is of the sprawling type that slowly replaces rather than protects rural lands. There is no attempt to direct it to parts of town where it can be best absorbed. It has a secondary effect of pushing

development not just toward the service centers, but to the next furthest town out. And by limiting the supply of housing it has the effect, intended or not, of excluding households of modest means - both by prohibiting certain forms of housing, like apartments, that could not be built within the cap's limits, and by pushing prices to unaffordable levels.

Montgomery County Maryland has refined the use of growth caps to include provisions for "capacity metering," which establish regional growth caps on the basis of infrastructure investment as measured by the percent of programmed planned infrastructure. These measurements account for school crowding, transportation and market indicators, as well as development and demographic trends and forecasts.

Maryland-National Capital Park & Planning Commission (www.mnccppc.org/development/agp/policy/item7_071703.pdf)

Making Growth Caps 'Smart'

Three elements help growth caps achieve the goals of Smart Growth while allowing a rural town to slow the overall rate of growth. These are:

1. Using differential caps that reduce building permits issued in rural areas while allowing higher levels of permits in growth areas. In this way, caps direct growth, not just control the overall amount of growth.
2. Designing caps that are strongly tied to comprehensive planning efforts by the Town including open space planning, identification of sensitive natural resources, fiscal impact analysis, build-out analysis, fair housing distribution on a regional basis, capital improvement programs and other elements.
3. Allowing exemptions from caps (i.e., allowing additional permits) for projects that meet broader community goals such as affordable housing, multifamily housing, and elder/assisted living housing.

ADDITIONAL RESOURCES

- State Planning Office link -- Land Use Planning Resources page
- Vermont Forum on Sprawl

RELATED TOPICS

- Designated Growth Areas
- Urban Growth Boundaries
- Fiscal Impact Analysis
- Comprehensive Plans
- Open Space Planning
- Build-out Analysis

*Graphic on page 1 courtesy of Vermont Forum on Sprawl

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: February 12, 2013	Item # NB 4
Agenda Item: Equipment Purchase	
Town Manager's Recommendation	
Purchase tanker from Fouts through tax exempt leasing.	
Requested Action	
Motion to purchase tanker from Fouts through tax exempt leasing.	
Vote	

Elberta, AL *This is what the tanker looks like*



See more details about the 3,000 Gallon Tanker
[Back to All Recent Deliveries](#)

© Fouts Bros Fire Equipment 2009. All rights reserved. Fouts Bros.™, the stylized "Z", and CJ Series are Trademarks of Fouts Bros., Inc.
2158 Atlanta Road, Smyrna, Georgia 30080 USA 866-447-7522

**TANK TRUCK: \$200,000 COST;
\$50,000 DOWN; FINANCE \$150,000**

	5 YEARS		7 YEARS		10 YEARS		MISC
	RATE	ANNUAL PAYMENT	RATE	ANNUAL PAYMENT	RATE	ANNUAL PAYMENT	
KENNEBUNK SAVINGS	5.25%	34,176	5.56%	25,872	5.75%	19,764	UCC/TITLE FEE; 2/1/13 COMMITMENT, 5/16/13 CLOSING
COMMUNITY LEASING	2.95%	32,706	3.13%	24,194	3.49%	18,027	RATE GUARANTEED TO 2/17/13
BAYSTONE FINANCIAL (CITIZENS BANK)	2.79%	32,557	2.99%	24,067	3.27%	17,828	RATE GUARANTEED TO 1/29/13
TAX EXEMPT LEASING	2.49%	32,278	2.59%	23,705	2.79%	17,397	TITLE FEE; VALID UNTIL 2/28/13
GORHAM LEASING	2.87%	32,632	3.32%	24,367	4.31%	18,780	OPINION OF BOND COUNSEL; RATE GUARANTEED UNTIL 2/15/13
PEOPLE'S UNITED BANK	1.93%	31,785	2.44%	23,602	3.07%	17,687	TITLE; LEGAL COUNSEL
1/24/2013							
	Interest	Total	Interest	Total	Interest	Total	
KENNEBUNK SAVINGS	\$20,880	\$170,880.00	\$31,104	\$181,104	\$47,640	\$197,640	
COMMUNITY LEASING	\$13,530	\$163,530.00	\$19,358	\$169,358	\$30,270	\$180,270	
BAYSTONE FINANCIAL (CITIZENS BANK)	\$12,785	\$162,785.00	\$18,469	\$168,469	\$28,280	\$178,280	
TAX EXEMPT LEASING	\$11,390	\$161,390.00	\$15,935	\$165,935	\$23,970	\$173,970	
GORHAM LEASING	\$13,160	\$163,160.00	\$20,569	\$170,569	\$37,800	\$187,800	
PEOPLE'S UNITED BANK	\$8,925	\$158,925.00	\$15,214	\$165,214	\$26,870	\$176,870	

Loan Calculator

Enter Values	
Loan Amount	\$ 150,000.00
Annual Interest Rate	2.59 %
Loan Period in Years	7
Number of Payments Per Year	1
Start Date of Loan	3/1/2014
Optional Extra Payments	

Loan Summary	
Scheduled Payment	\$ 23,705.31
Scheduled Number of Payments	7
Actual Number of Payments	7
Total Early Payments	\$ -
Total Interest	\$ 15,937.15

Lender Name:

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance
1	3/1/2015	\$ 150,000.00	\$ 23,705.31	\$ -	\$ 23,705.31	\$ 19,820.31	\$ 3,885.00	\$ 130,179.69
2	3/1/2016	130,179.69	23,705.31	-	23,705.31	20,333.65	3,371.65	109,846.04
3	3/1/2017	109,846.04	23,705.31	-	23,705.31	20,860.29	2,845.01	88,985.75
4	3/1/2018	88,985.75	23,705.31	-	23,705.31	21,400.58	2,304.73	67,585.17
5	3/1/2019	67,585.17	23,705.31	-	23,705.31	21,954.85	1,750.46	45,630.32
6	3/1/2020	45,630.32	23,705.31	-	23,705.31	22,523.48	1,181.83	23,106.84
7	3/1/2021	23,106.84	23,705.31	-	23,106.84	22,508.37	598.47	0.00

Loan Calculator

Enter Values	
Loan Amount	\$ 250,000.00
Annual Interest Rate	5.00 %
Loan Period in Years	7
Number of Payments Per Year	1
Start Date of Loan	8/1/2015
Optional Extra Payments	

Loan Summary	
Scheduled Payment	\$ 43,204.95
Scheduled Number of Payments	7
Actual Number of Payments	7
Total Early Payments	\$ -
Total Interest	\$ 52,434.68

Lender Name: # 2 Engine Replacement

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance
1	8/1/2016	\$ 250,000.00	\$ 43,204.95	\$ -	\$ 43,204.95	\$ 30,704.95	\$ 12,500.00	\$ 219,295.05
2	8/1/2017	219,295.05	43,204.95	-	43,204.95	32,240.20	10,964.75	187,054.84
3	8/1/2018	187,054.84	43,204.95	-	43,204.95	33,852.21	9,352.74	153,202.63
4	8/1/2019	153,202.63	43,204.95	-	43,204.95	35,544.82	7,660.13	117,657.81
5	8/1/2020	117,657.81	43,204.95	-	43,204.95	37,322.06	5,882.89	80,335.74
6	8/1/2021	80,335.74	43,204.95	-	43,204.95	39,188.17	4,016.79	41,147.58
7	8/1/2022	41,147.58	43,204.95	-	41,147.58	39,090.20	2,057.38	0.00

	2012-2013	2013-2014	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 ²
FIRE DEPARTMENT	80,000	80,000	80,000	80,000	90,000	90,000	90,000	90,000	90,000	90,000
Current Bal: \$54,430 Equipment	Drying Rack \$7,200	Replace Engine 2 Lease/Pur. (7 years) \$200K Down	Y1 Pmt. \$40K	Y2 Pmt. \$40K	Y3 Pmt. \$40K	Y4 Pmt. \$40K	Y5 Pmt. \$40K	Y6 Pmt. \$40K	Replace Tank 1 \$250K Y7 Pmt. \$40K	
Approx. Carryfwd	127,230	7,230	47,230	87,230	137,230	187,230	237,230	287,230	87,230	177,230

CAPITAL PLAN PRESENT FOR 2012-2013

Ten Year Capital Plan

	2012--2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	2022-2023
FIRE DEPARTMENT		\$80,000	\$80,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$45,000	\$45,000
CURRENT BALANCE \$180,803 2012-2013	PURCHASE TANKER \$204,000 \$54,000 DOWN PAYMENT 7 YEAR FINANCE AT 2.59%	FIRST Payment on Tanker \$23,705 Order Engine 2 Replacement for August 2014	Purchase Engine 2 Replacement \$450,000 with \$200,000- Down - 5.0% Interest 7 years Sell Old Engine 2 \$20,000 #2 Tanker payment \$23705	#3 Tanker Payment \$23,705 #1 Engine Payment \$43,205 (\$66,910)	#4 Tanker Payment \$23,705 #2 Engine Payment \$43,205 (\$66,910)	#5 Tanker Payment \$23,705 #3 Engine Payment \$43,205 (\$66,910)	#6 Tanker Payment \$23,705 #4 Engine Payment \$43,205 (\$66,910)	#7 Tanker Payment \$23,705 #5 Engine Payment \$43,205 (\$66,910) LAST PAYMENT ON TANKER	#6 Engine Payment \$43,205	#7 Engine Payment \$43,205 LAST PAYMENT ON ENGINE
CARRY FORWARD	\$126,803	\$183,098	\$59,393	\$57,483	\$55,573	\$53,663	\$51,753	\$49,843	\$51,638	\$53,433

Tanker Bids

Tanker Interest \$15,937
 Engine Replacement \$52,435
 \$68,372

Fouts \$204,410
 Spartan \$222,200
 US Tankers \$259,200

Delivery Late March