

**South Berwick Town Council  
Public Hearing  
Budget FY 2014  
April 9, 2013**

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

The purpose of the hearing was to receive public comment on the proposed municipal budget for fiscal year 2014.

The Town Manager stated revenues are up by .76%. Collaboration & sharing staff with other towns has helped to reduce our budget. The use of the undesignated fund will keep the budget under the LD1 cap.

4110 Council: Up 107% (\$3,000). Added cost video podcasts of meetings.

4115 Town Manager: **Up 4% (\$4,884). Manager's salary increase.**

4118 Town Clerk: Down 1% (\$449). State will now pay for voting machine programming.

4120 Control Collection: Up 4% (\$8,027). Increased hours for administrative duties.

4125 Computer: 0% (-\$138).

4130 Administration: 0% (-400). Reduction in telephone costs. Discussion ensued regarding the funding of the Eastern Trail membership dues and the effect on the LD1 tax cap. Consensus of the Council was to split the available funds by funding the Mt. Agamenticus Coordinator at \$4250 and the Eastern Trail at \$1750.

Audrey Fortier, Rodier Rd, commented that some of the Council may not believe in LD1, but 50% of the residents do, as demonstrated at the last town meeting. She added that it is a slap in the face to fund a bike path when the Police Department has asked for added personnel and 2 highway workers are being laid off.

4150 Tax Assessment: Up 1% (\$1,401).

4160 Code Enforcement: Up 19% (\$8,274). Salary change due to Berwick contract and added 4 hours for administrative assistant.

4170 Planning: Down 5% (\$1,975). Code Officer salary split now 20% in this budget and 80% in Code budget.

4172 Historic District Commission: No change.

4175 Zoning Board of Appeals: No change.

4180 Town Hall: Down 4% (\$3,279). Electricity savings

4185 Community Center: Up 1% (\$691). Contracts up, telephone & electricity costs down.

4190 Employee Benefits: Minimal change overall (\$3450). Reduction in force by 2, health insurance cost up by 3.9% & deductibles funded at 70%.

4220 Fire Department: Up 3% (\$5,439). Upgrade to training DVDs to replace out dated VHS training tapes.

4227 Emergency Management Services: Up 2% (\$93).

4228 Emergency Rescue Services: Minimal change overall (\$360).

4229 Water Assessment/Fire Protection: No change.

4230 Police Department: Up 3% (\$18,335). Removed requested detective position. Mandatory upgrade of equipment \$3,500 (split with dispatch).

4231 Animal Control: Up 7% (\$434). Increase in animal shelter cost.

4240 Dispatch Center: Up 2% (\$7,046). Mandatory software upgrade.

4250 Street Lights: No change.

4310 Highway Department: Minimal change overall (-\$2,923). Reduction in force of 2, but 1 salary reinstated in case a re-hire is necessary.

4315 Public Facilities: Up 21% (\$7,350). Added mowing at library, curbside, and Agamenticus Fields.

4325 Town Garage: Down 1% (\$160).

4330 Transfer Station: Down 1% (\$2,460). Decrease in solid waste, state fee increase for wood & bulky waste disposal.

4335 Solid Waste Transportation: Up 10% (7,824). Part-time wage increase, replace truck clutch, and fuel costs.

4410 Recreation Department: Up 8% (\$5,050). Added part-time staff for summer events.

4450 Conservation Commission: Up 504% (3,000). Added for Mt. Agamenticus Coordinator subsidy.

4470 Library: Up 6% (\$6,680). Added 1 hour to part-time. Increased books to previous levels.

4510 Social Services: Up 35% (\$25,297). Increased general assistance and ½ of Assistant Town Manager salary & benefits.

4530 Social/Civic Service Contributions: Up 24% (2,023).

4728-4734 CIP Debt: Minimal change overall (-\$1,295).

4850 Contingency Funding: No change. This account represents the amount set aside to **cover payout of vacation and sick time when an employee leaves the Town's employ.**

4855 Capital Improvements: **Minimal change overall (\$2,000). Working toward Shorey's Bridge replacement with Eliot.**

Overall the municipal budget is up a total of 1.79%, \$107,579. As presented the total proposed budget is \$6,014,818.00. As proposed, the municipal tax rate would increase by \$.14/\$1000. Currently the projected school increase is about \$1.00/\$1000.

Paul Steinhauer, Hill Dr, asked what discussions have been taken place with the school district and Town of Eliot to manage budgets. Mr. MacPherson **stated that there haven't** been any. Mr. Ellsworth commented that the voters need to get out and gather information. He recommended that voters ask the school board the hard questions and request more transparency in its budget process.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to close the hearing at 7:52pm.

Attest:

Barbara Bennett, CCM

## **South Berwick Town Council April 9, 2013**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 7:57pm. Councilors present included Jean Demetracopoulos, David H. Webster, John C. Kareckas, and Russell H. Abell. Town Manager Perry Ellsworth was also in attendance.

### **Approval of Minutes**

1. Board of Assessors 3-26-13: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to adopt the minutes as written.
2. Council 3-26-13: On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to adopt the minutes as written.

### **Treasurer's Warrant – April 9, 2013**

On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to sign the warrant in the amount of \$690,589.60.

### **Public Comment**

No one in the audience wished to address Council.

### **Town Manager's Report**

- Made note that he had received an email from Mike Moynahan (Chair, Eliot Selectmen) suggesting that the 2 towns and school board resume their quarterly meetings. Mr. Ellsworth suggested including Kittery, Berwick, North Berwick and the School District.
- Recommended scheduling a Vaughan Fund workshop.
- Made note that the Board of Assessors need to do a Finding of Fact in regard to the denial (of abatement request #5). Consensus was to hold a meeting on Tuesday, April 16<sup>th</sup> at 6:30pm.
- Commented that road construction is going well. Pavement grinding and new sewer line work will begin next week.

### **Unfinished Business**

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to sign the easement with Great Works Regional Land Trust for access over the Town property at the Town Forest to the (former) Gallo property.
2. **The Council discussed the Manager's proposed charge to the Building Committee.**

On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to charge the Building Committee with reviewing and making recommendations in regard to the space needs for police and dispatch services. A copy of the charge is attached in the official minutes book.

### **New Business**

1. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the letter to Maine Housing pertaining to our ability to move forward with the senior housing project. A copy of the letter is attached in the official minutes book.
2. On a motion by Mr. Abell, seconded by Mr. Webster, it was unanimously voted to authorize the application for the Seat Belt Enforcement & Education Grant as written. The grant is for \$2,000 **and the Town's match is \$218.40.**
3. The Council discussed the amended Library Advisory Board By-Laws. LAB has amended the by-laws by changing the number of members from 7 to 5 (which also changes the quorum to 3).

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to consider amending Article VIII of the Administrative Code and hold a public hearing on Tuesday, April 23<sup>rd</sup> at 6:30pm.

4. On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to accept Smilie G. Rogers resignation from the Conservation Commission.

5. On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to appoint Jean Demetracopoulos and Perry Ellsworth to the Southern Maine Regional Planning Commission General Assembly.

### **Council Member Comments**

1. Mr. Abell:

-Made note of the recent performance at the High School. He commended the Performing Arts Director.

2. Mr. Kareckas:

-Made note of a performance he attended at the Middle School. He added that the arts offer many opportunities for kids.

-Thanked the Manager and staff for the work on the budget.

-Commented that it was nice to see that legal fees are very low compared to past years.

3. Mr. Webster:

-Made note that he was happy to attend the 50<sup>th</sup> Anniversary ceremony for the sinking of the Thresher.

4. Mrs. Demetracopoulos:

-Made note of the re-opening ceremony for Great Works Chiropractic on Saturday from 1pm-3pm.

-Encouraged everyone to help at the Old Fields Burial Ground clean-up on April 20<sup>th</sup>.

-Encouraged attendance at the Community Chorus performance on Sunday the 14<sup>th</sup>.

5. Mr. MacPherson:

-Invited anyone helping with the cemetery clean-up to his house afterward for lunch.

### **Adjournment**

On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 8:43pm.

Attested:

Barbara Bennett, CCM

**DRAFT**

**TOWN OF SOUTH BERWICK  
BOARD OF ASSESSORS**

**DRAFT**

**April 16, 2013**

**Chairman Gerald W MacPherson called the meeting to order at 6:30 p.m... Assessors present included Jean Demetracopoulos, Davis H. Webster, and John C. Kareckas. Russell Abell was absent. Also present was Perry Ellsworth, Town Manager.**

- 1. Jack Kareckas presented his version of draft findings of fact. The BOA went through the listing line by line and discussed and or amended several of the lines**
- 2. On a motion by Jack Kareckas, second by Jean Demetracopoulos the BOA accepted the Findings of Fact as discussed. (vote 4-0)**
- 3. On a motion by David Webster, second by jack Kareckas, the BOA accepted the conclusions from the findings of fact. (vote 4-0)**
- 4. On a motion by jack Kareckas, second by Jean Demetracopoulos, the BOA moved to confirm the assessor reply to Stephen P. Harrington dated April 06, 2013. (vote 4-0)**
- 5. On a motion by David Webster, second by Jean Demetracopoulos, the BOA meeting adjourned at 7:31 p.m.**

**Respectfully Submitted,**

**Perry A. Ellsworth**



TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00030459	189999 REFUNDS	04/23/2013	-11.34
00032520	209999 TAX REFUNDS	04/23/2013	2,311.45
00032521	132500 SECRETARY OF STATE M/V	04/23/2013	14,037.55
00032522	090151 UNITED STATES TREASURY	04/23/2013	54.39
00032523	189999 REFUNDS	04/23/2013	11.34
00032524	010585 AMAZON	04/23/2013	142.28
00032525	011280 APCO INTERNATIONAL	04/23/2013	199.00
00032526	011422 KERA ASHLINE	04/23/2013	20.88
00032527	011475 ATLANTIC BROOM	04/23/2013	202.27
00032528	020225 BAKER & TAYLOR	04/23/2013	943.20
00032529	231320 GH BERLIN WINDWARD	04/23/2013	129.92
00032530	021300 BERNSTEIN SHUR	04/23/2013	1,119.50
00032531	022850 BUSINESS EQUIPMENT UNLIMITED	04/23/2013	248.50
00032532	021576 JANETTE BIRCH	04/23/2013	46.29
00032533	021668 BLOW BROS	04/23/2013	56.38
00032534	022240 GARY BOUCHER	04/23/2013	25.00
00032535	022640 BURKE'S TREE SERVICE	04/23/2013	1,450.00
00032536	030530 CENTRAL TIRE CO INC	04/23/2013	1,972.90
00032537	030920 CLEAN-O-RAMA	04/23/2013	395.85
00032538	031430 COMCAST	04/23/2013	102.00
00032539	031880 COMPUTER PROJECTS OF IL., INC.	04/23/2013	312.00
00032540	040800 DOUCETTE EXCAVATING	04/23/2013	495.00
00032541	050202 EASTERN FIRE EQUIPMENT	04/23/2013	266.09
00032542	050500 KAREN EGER	04/23/2013	120.26
00032543	050815 EMPLOYEE HEALTH & BENEFITS	04/23/2013	655.88
00032544	060100 HOWARD P FAIRFIELD INC	04/23/2013	328.23
00032545	141000 FAIRPOINT COMMUNICATIONS	04/23/2013	1,075.76
00032547	060260 FASTENAL COMPANY	04/23/2013	137.49
00032548	060300 FAVORITE FOODS INC	04/23/2013	717.14
00032549	060765 FISHER-JAMES CO INC	04/23/2013	21.90
00032550	010525 G&K SERVICES	04/23/2013	1,025.26
00032551	070200 P GAGNON & SON INC	04/23/2013	379.29
00032552	071180 GROUP DYNAMIC INC	04/23/2013	154.00
00032553	071307 GULF/FLEET FUNDING	04/23/2013	2.00
00032554	191330 HANNAFORD'S	04/23/2013	197.62
00032555	080248 HANSCOM'S TRUCK STOP INC	04/23/2013	11,481.57
00032556	080450 HARVARD PILGRIM HEALTH CARE	04/23/2013	26,544.98
00032557	090460 INTERSTATE BATTERY/MAINE	04/23/2013	104.95
00032558	090138 INVOICE CLOUD	04/23/2013	50.00
00032559	090580 IRVING OIL	04/23/2013	23.77
00032560	100150 JANETOS MARKET	04/23/2013	87.08
00032561	100400 JONES & BARTLETT LEARNING, LLC	04/23/2013	429.02
00032562	141367 KONE INC	04/23/2013	200.27
00032563	140500 LABORATORY CORP/AMERICA HOLDIN	04/23/2013	120.90
00032564	120510 LAWSON PRODUCTS INC.	04/23/2013	225.71
00032565	071170 MARTIN GRENIER	04/23/2013	36.99
00032566	132400 MAINE SAD #35	04/23/2013	184.24
00032567	133195 MAINE TURNPIKE AUTHORITY	04/23/2013	46.95
00032568	131500 MCFARLAND SPRING CORP.	04/23/2013	1,458.31
00032569	133795 MICK BODYWORKS	04/23/2013	113.12
00032570	134300 MAINE MUNICIPAL EMPLOYEES	04/23/2013	4,055.82
00032571	134601 EXXON/MOBIL	04/23/2013	484.36
00032572	200700 PIKE INDUSTRIES INC	04/23/2013	1,581.00
00032573	160320 PINE TREE WASTE INC	04/23/2013	1,020.84
00032574	160692 POLAND SPRING	04/23/2013	52.75
00032575	160900 PORTLAND NORTH TRUCK CENTER	04/23/2013	66.72



**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: April 23, 2013</b>	<b>Item # NB 1</b>
<b>Agenda Item: Adopt Fiscal Year 2014 Budget and Sign Warrant</b>	
<b>Town Manager's Recommendation</b>	
Town Meeting Warrant is presented here for your signatures.	
<b>Requested Action</b>	
Motion to adopt the Fiscal Year 2014 Budget and Sign the May 21, 2013 Warrant and order it posted.	
<b>Vote</b>	

TOWN OF SOUTH BERWICK  
WARRANT  
2013/2014

State of Maine

County of York, ss.

TO: Joseph Rousselle, a Resident of South Berwick in the County of York, State of Maine.

GREETINGS:

In the name of the Town of South Berwick, you are required to notify the inhabitants of said Town, qualified to vote in Town affairs, to assemble in the R.P.Gagnon Assembly Hall at the Town Hall on Main Street in said Town on Tuesday, the 21st day of May 2013, at 6:00 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. To elect a moderator to preside at said meeting. Election to take place at 6:30 p.m. Business session will be held immediately following.

ARTICLE 2. To see if the Town will authorize the Town Council to dispose of tax acquired property in any manner in which the Town Council deems to be in the best interests of the Town.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 3. To see if the Town will vote to authorize the Tax Collector to charge and collect interest at a rate of seven (7) percent per annum on all unpaid taxes not paid by the due dates, with one-half of the taxes due on September 30, 2013 and one-half due on March 31, 2014.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 4. To see if the Town will vote to authorize the Tax Collector to accept prepayment of taxes not yet due or assessed. Any excess paid in over the amount finally assessed shall be repaid at zero (0) percent interest.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 5. To see if the Town will vote to authorize the Tax Collector to continue an eight (8) month payment plan known as the "Tax Club", with interest waived for all members of the Club making regular payments in accordance with the rules and regulations governing said Club.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 6. To see if the Town will vote to set the rate of interest paid on overpayment of taxes due to abatement at three (3) percent per annum as per MRSA36/506A.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 7. To see if the Town will vote to appropriate from undesignated fund the payment of property tax abatements (and applicable interest) granted during this fiscal year.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 8. To see if the Town will vote to authorize the deposit of all proceeds from Timber Harvesting of Town owned land into a non-lapsing designated account and to expend those funds to pay any costs associated with the timber harvesting and to fund contributions to Eastern Trail, Conservation and any other environmental programs.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 9. To see if the Town will vote to authorize the deposit of all proceeds from the Sale of Town owned land into a non-lapsing designated account and to expend those funds to pay any costs associated with the sale, reimburse the undesignated (general) fund for any tax appropriation of contributions to Eastern Trail, Conservation Coordinator, and any other environmental/recreational programs, and to fund additional expenses for them.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 10. To see if the Town will vote to raise and appropriate the following amounts for Police Services:

pages	Police Department	\$ 735,227
W-	Animal Control	6,584
to	Dispatch Center	327,802
W-	Total	\$1,069,613

TOWN COUNCIL RECOMMENDS:  
Raise and appropriate from general taxation  
and other revenue sources \$1,069,613

ARTICLE 11. To see if the Town will vote to raise and appropriate the following amounts for Emergency Services:

pages	Fire Department	\$ 165,388
W-	Emergency Management Services	5,732
to	Water Assessment/Fire Protection	299,735
W-	Total	\$ 470,855

TOWN COUNCIL RECOMMENDS:  
Raise and appropriate from general taxation  
and other revenue sources \$ 470,855

ARTICLE 12. To see if the Town will vote to raise and appropriate the following amounts for Public Works:

pages	Town Hall	\$ 75,024
W-	Community Center	72,478
to	Highway	703,021
W-	Public Facilities	41,900
and	Town Garage	14,720
W-	Transfer Station	284,180
through	Solid Waste Transportation	86,422
W-	Total	\$ 1,277,745

TOWN COUNCIL RECOMMENDS:  
Raise and appropriate from general taxation  
and other revenue sources \$ 1,277,745

ARTICLE 13. To see if the Town will vote to appropriate from Undesignated Fund Balance and Department of Transportation Highway Block Grant funds and raise and appropriate from general taxation and other revenue sources the following amounts for Capital Improvements – Roads:

page	Roads	\$ 600,000
W-	Total	\$ 600,000

TOWN COUNCIL RECOMMENDS:

Appropriate from DOT Highway Block Grant and	\$ 74,436
Appropriate from Undesignated Fund Transfer and	280,000
Raise and appropriate from general taxation and other revenue sources	\$ 245,564

ARTICLE 14. To see if the Town will vote to raise and appropriate the following amounts for General Government:

pages	Town Council	\$ 5,800
W-	Town Manager	123,922
through	Control/Collection	200,176
W-	Computer	40,279
and	Administration	146,350
W-	Tax Assessment	96,845
and	Employee Benefits	789,450
W-	Street Lights	43,000
and	Compensated Absence Reserve	30,000
W-	Total	\$ 1,475,822

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 1,475,822
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ARTICLE 15. To see if the Town will vote to raise and appropriate the following amounts for Debt Service:

page	Community Center Debt	\$ 79,067
W-	Young Street Debt	54,434
	2010 CIP Debt	54,007
	Library Construction Debt	146,625
	Total	\$ 334,133

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 334,133
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ARTICLE 16. To see if the Town will vote to raise and appropriate the following amount for the Records Department:

page	Town Clerk	\$ 64,939
W-	Total	\$ 64,939

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 64,939
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ARTICLE 17. To see if the Town will vote to raise and appropriate the following amounts for Code Enforcement and Health Departments:

page	Code Enforcement	\$ 52,255
W-	Planning	39,224
to	Historic District Commission	250
W-	Zoning Board of Appeals	160
	Total	\$ 91,889

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 91,889
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ARTICLE 18. To see if the Town will vote to raise and appropriate the following amounts for Public Welfare:

page	Social Services	\$ 97,202
W-	Social/Civic Contributions	10,523
and	Emergency/Rescue Services	82,608
W-	Total	\$ 190,333

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 190,333
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ARTICLE 19. To see if the Town will vote to raise and appropriate the following amounts for Recreation/Parks and Conservation:

page	Recreation	\$ 68,943
W-	Conservation Commission	4,845
to	Total	\$ 73,788
W-		

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 73,788
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ARTICLE 20. To see if the Town will vote to raise and appropriate the following amount for the Library.

page	Library	\$ 112,701
W-	Total	\$ 112,701

TOWN COUNCIL RECOMMENDS:

Raise and appropriate from general taxation and other revenue sources	\$ 112,701
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ARTICLE 21. To see if the Town will vote to appropriate from Undesignated Fund Balance and raise and appropriate the following amounts for Capital Improvements – Reserves:

page	Highway Equipment	\$ 100,000
W-	Office Equipment	16,000
to	Fire Equipment	80,000
W-	Police Equipment	35,000
	Transfer Station	10,000
	Municipal Facilities	12,000
	Total	\$ 253,000

TOWN COUNCIL RECOMMENDS:

Appropriate from Undesignated Fund Balance	\$ 120,000
and	
Raise and appropriate from general taxation and other revenue sources	\$ 133,000

ARTICLE 22. To see if the Town will vote to appropriate \$50,000 from Undesignated Fund Balance for reconstruction (in conjunction with the Town of Eliot) of Shorey's Bridge.

TOWN COUNCIL RECOMMENDS:

Appropriate from Undesignated Fund Balance	\$ 50,000
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ARTICLE 23. To see if the Town will vote to apply the following amounts from Excise Taxes, Non-Tax General Fund Revenues, Revenue Sharing, BETE Reimbursement and Homestead Exemption Reimbursement to use toward the 2014/2015 Budget Appropriations, thereby decreasing the amount to be raised by taxation.

TOWN COUNCIL RECOMMENDS THE FOLLOWING APPLICATIONS:

pages	Excise Taxes	\$ 1,005,500
W-	Non-Tax General Fund Revenues	740,827
to	State Revenue Sharing	400,000
W-	State Revenue Sharing Residual	179,472
	Homestead Exemption Reimbursement	137,000
	BETE Reimbursement	12,500
	Total	\$ 2,475,299

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 24. To see if the Town will vote to increase the property tax levy limit of \$ 3,066,014 established for the Town of South Berwick by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than that property tax levy limit.

TOWN COUNCIL RECOMMENDS: Adoption

ARTICLE 25. To see if the Town will vote to adjourn the Town Meeting.

Given under our hands in the Town of South Berwick, this 23rd day of April 2013 A.D.

\_\_\_\_\_  
Gerald W. MacPherson Sr.

\_\_\_\_\_  
Jean Demetracopoulos

\_\_\_\_\_  
David H. Webster

\_\_\_\_\_  
John Kareckas

\_\_\_\_\_  
Russell Abell



**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: April 23, 2013</b>	<b>Item # NB 2</b>
<b>Agenda Item: Accept Seat Belt Grant</b>	
<b>Town Manager's Recommendation</b>	
The Seat Belt Grant was approved by the State on April 8, 2013. Per our grant policy, Council acceptance is required before the Police Department can implement.	
<b>Requested Action</b>	
Motion to accept the 2013 CIOT Seat Belt Campaign Grant.	
<b>Vote</b>	



**STATE OF MAINE**  
Department of Public Safety  
Bureau of Highway Safety  
164 State House Station  
Augusta, Maine  
04333-0164

PAUL R. LEPAGE  
GOVERNOR

JOHN E. MORRIS  
COMMISSIONER

04/08/2013

Chief Dana P. Lajoie  
South Berwick Police Department  
180 Main Street  
South Berwick, Me 03908

Dear Chief Dana P. Lajoie:

Attached is the material your organization will need to administer your recently approved subgrant number OP13-050 for the 2013 CIOT Seat Belt Campaign project. Please review this material carefully and comply with the instructions. It is especially important that you sign and return all of the contracts to the Bureau of Highway Safety. We will send the contracts to the State Bureau of Purchases for review. The subgrant is not approved until the State Bureau of Purchases has signed the contracts. Failure to comply with grant instructions may result in delays in the cash reimbursement process and could cause the subgrant to be terminated.

As a reminder, you can not incur costs after September 30, 2013. By federal statute, the Bureau of Highway Safety can not reimburse you for costs incurred after that date. We also ask that you establish a file to maintain separate and complete records related to this project. Your accounting system must allow you to maintain separate accountability for funds received and disbursed against this project.

Please contact Johannah Oberg for assistance. We look forward to working with you to attain the highway safety benefits resulting from this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren V. Stewart".

Lauren V. Stewart, Director  
Bureau of Highway Safety

attachment(s)

cc: Jeffrey Upton, Project Director

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OFFICES LOCATED AT: 45 COMMERCE DRIVE, SUITE 1, AUGUSTA, ME

(207)626-3840 (Voice)

(207)624-4478 (TDD)

(207)287-3042 (FAX)

PRINTED ON RECYCLED PAPER

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: April 23, 2013</b>	<b>Item # NB 3</b>
<b>Agenda Item: Open Space Plan</b>	
<b>Town Manager's Recommendation</b>	
<p>Southern Maine Regional Planning and the Town's Open Space Committee have completed their work on the Conservation/Open Space Plan. It is submitted for your approval. This is an advisory document and as such does not require a public hearing.</p>	
<b>Requested Action</b>	
<p>Motion to accept the Conservation/Open Space Plan dated December, 2012 with thanks to SMRPC and the committee for their work on the project.</p>	
<b>Vote</b>	



**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: April 23, 2013</b>	<b>Item# NB 4</b>
<b>Agenda Item: Set Public Hearing for Zoning Ordinance Amendment</b>	
<b>Town Manager's Recommendation</b>	
The Planning Board has reviewed the attached amendment and forwards it to the Council to set a joint Public Hearing.	
<b>Requested Action</b>	
Motion to schedule a Joint Public Hearing on May 14, 2013 at 6:30 p.m. to hear comments on an amendment to regulate Outdoor Sales of Food and Merchandise.	
<b>Vote</b>	

**An Ordinance to Amend  
Chapters 140-Zoning  
of the South Berwick Town Code  
To Regulate Outdoor Sales of Food and Merchandise**

*Note: The symbol of “\* \* \* \* \*” indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underlines indicate proposed language to add, and ~~strikeouts~~ indicate proposed removals of language.*

\* \* \* \* \*

Article II. Construction of Language; Definitions

\* \* \* \* \*

§ 140-9. Definitions.

In this chapter, the following terms shall have the following meanings:

\* \* \* \* \*

RESTAURANT

An establishment, located in an enclosed building, which may provide additional outdoor seating, where meals are prepared on the premises and served to the public for consumption on the premises; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not encouraged by the design of the physical facilities, by advertising or by the servicing or packaging procedures to take out food or beverages for consumption ~~outside the~~ off of the premises ~~enclosed building~~.

RESTAURANT, TAKE-OUT/FAST-FOOD

An establishment, located in an enclosed building, which may provide additional outdoor seating, where food is prepared on the premises and where the normal operation of the business is described substantially by the following factors:

- A. The establishment offers both "eat-in" and "take-out" service.
- B. Customers place their orders at a counter or window (including drive-up windows) rather than at a table served by a waiter or waitress.
- C. The predominant method of delivery is that customers pick up their own orders at a counter or window and then either carry the orders to a table or seating area within the restaurant or take the orders out of the restaurant for consumption outside of the building (table service by the

establishment's staff during limited hours or occasional delivery of food items to a customer table or seating area will not be deemed to be the predominant method of delivery).

D. The manner in which the food is prepared, presented and packaged is essentially the same whether the customer chooses "eat-in" or "take-out."

## RETAIL BUSINESS

A business establishment operating from an enclosed building on the premises, engaged in the sale, rental or lease of goods or services to the consumer for personal use or household consumption and not for resale.

\* \* \* \* \*

### Article VA. Performance Standards for Specific Uses

\* \* \* \* \*

#### § 140-58. Restaurants and take-out restaurants

A. The application for a permit shall state the maximum seating capacity of the restaurant, including outdoor seating, if any is proposed. Any expansion or enlargement over the stated capacity shall require a new permit.

B. Any restaurant located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface wastewater disposal is probed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal Rules.

C. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, berms or any combination, forming a visual barrier not less than six feet in height.

D. Rest room facilities for the patrons shall be provided on the premises

E. Restaurants and take-out restaurants shall operate from an enclosed building on the premises.

*[Note: Insert the following after section 140-58:]*

#### § 140-58A Outdoor Sales of Food or Merchandise

A. Restaurants, Take Out/Fast Food Restaurants, and Retail Businesses, as defined by this Chapter, shall operate and sell food or merchandise only from an enclosed building located on the premises. The building in or from which said items of food or merchandise are sold, shall be

so constructed as to be permanently attached to the land on which it is located and not of a movable or portable nature.

B. The use of vacant lots, streets, sidewalks, public properties and parks for sales and displays of food or merchandise shall be prohibited.

C. Exceptions. The following types of outdoor sales of food and merchandise shall be exempted from the provisions of Subsections A and B above:

1. Outside seating at approved restaurants or take out/fast food restaurants on private property so long as such seating complies with all other codes, ordinances and laws.
2. Outdoor sales of merchandise from displays located outside of a building, on the premises of an approved retail business.
3. Sales of food and merchandise at special events or festivals authorized by the Town Council of South Berwick.
4. Outdoor vending machines accessory to a commercial use.
5. Seasonal sale of produce including but not limited to eggs, beef, poultry, and any product(s) made from such, and grown locally, plants and other agricultural related products

\* \* \* \* \*

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: April 23, 2013</b>	<b>Item # NB 5</b>
<b>Agenda Item: Amendment to Administrative Code</b>	
<b>Town Manager's Recommendation</b>	
<p>The Administrative Code has been amended to reflect five members on the Library Advisory Board. This amendment is presented at the Council's request and to set a public hearing.</p>	
<b>Requested Action</b>	
<p>Motion to set a public hearing to hear comments on the proposed amendment to the Administrative Code (Article XIII, §3-56). Suggest: May 28<sup>th</sup> at 6:30 pm.</p>	
<b>Vote</b>	

## Article XIII

### § 3-56 Establishment.

There shall be a Library Advisory Board as established by the Town Council for the general supervision and general administration of the Town Library. ~~FiveSeven~~ members shall be appointed by the Town Council.

### § 3-57 Terms of members.

Each member of the Board shall be appointed for a term of three years, except that the first Board shall consist of three members appointed for three years, two members for two years and two members for one year.

### § 3-58 Employment of library personnel.

The Library Advisory Board shall be responsible with the advice and consent of the Town Council for the employing of such library personnel as may be approved and appointed by the Town Manager.